

# COUNCIL MINUTES

November 18, 1996

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on November 18, 1996 at 5:00 p.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Pat Gilbert  
John Giles  
Dennis Kavanaugh  
Wayne Pomeroy  
Jim Stapley

## COUNCIL ABSENT

Joan Payne

## STAFF PRESENT

C.K. Luster  
Pauline Backer  
Wayne Balmer  
Cindy Barris  
Neal Beets  
Rick Clore  
Fred Conway  
Gerry Gerber  
Bill Haney  
Joe Holmwood  
Mike Hutchinson  
Janice Jackson  
Lars Jarvie  
Barbara Jones  
Les Jones  
Harry Kent  
Wayne Korinek  
Ron Krosting  
Larry Lines  
Rich Lorig

## STAFF PRESENT (CONT.)

Sandy Mason  
John Oliver  
Ellen Pence  
Bryan Raines  
Sharon Seekins  
Jenny Sheppard  
Debbie Vickman

## OTHERS PRESENT

Ken Basham  
Bill Brando  
Luule Brando  
Leland Fairbanks  
Chris Moeser  
Donald Morris  
Dan Nowicki  
Mary Lou St. Cyr  
Others

Mayor Brown excused Councilmember Payne from the meeting.

1. Consider a recommendation to enter into a contract for a program and financial feasibility study for the proposed performing and visual arts center.

Assistant City Manager Mike Hutchinson provided background information concerning the development of a Request for Proposal (RFP) for a program and financial feasibility study for an arts and entertainment center. Mr. Hutchinson stated that proposals have been received and that a selection committee has met with the qualifying candidates.

Arts Administrator Gerry Gerber advised Council that the selection committee has recommended the Wolf Organization of Cambridge, Massachusetts, as the consultant to provide

the City with a study, which would include: 1) a market survey to determine the attending preference; 2) interviewing a portion of the local user groups; 3) interviewing business leaders in the community; 4) determining public interest and if there is a niche for a facility in Mesa; and 5) financial feasibility. Ms. Gerber anticipates that the study may take approximately 150 days to complete and said that a full report will be provided to the Council in early May 1997.

Discussion ensued relative to the consultant's ability to determine community needs, likes, and dislikes; financial expertise of the consultant; availability of history and past reports; methods the consultant may use to gather information; and the availability of the Mesa Arts Center (MAC) facility.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that the City enter into a contract with the Wolf Organization for a program and financial feasibility study for a proposed arts and entertainment center.

Mayor Brown declared the motion carried unanimously by those present.

2. Acknowledge receipt of minutes of meetings of various boards and committees.

a. Design Review Board meeting held November 6, 1996.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, to acknowledge receipt of the minutes of the Design Review Board meeting.

Mayor Brown declared the motion carried unanimously by those present.

3. Hear reports on meetings and/or conferences attended.

There were no reports on meeting and/or conferences attended at this time.

4. Scheduling of meetings and general information.

City Manager Charles Luster stated that the meeting schedule is as follows:

Tuesday, November 19, 1996, 7:00 p.m. - Smoking Forum (Palo Verde Room, Community Conference Center)

Wednesday, November 20, 1996, 7:30 a.m. - Council Portrait (Riverview Park)

Friday, November 22, 1996, 7:00 a.m. - Utility Committee Meeting

Friday, November 22, 1996, 7:30 a.m. - Study Session

Mr. Luster advised that an auction will be held at the East Mesa Service Center on Saturday, November 16, 1996, at 8:00 a.m. and that the Police Academy Graduation will be held at Red Mountain High School on Friday, November 22, 1996, at 6:00 p.m.

5. Review items on the agenda for the November 18, 1996 Regular Council Meeting.

All of the agenda items were reviewed among the Council and staff, with no formal action taken. There was particular discussion with regard to the following agenda items:

4. Consider the following contracts:

- \*d. Property and liability insurance coverage for the City to be effective from November 22, 1996 through November 21, 1997 as requested by the Risk Management section of the City Attorney's Office.

At the request of Vice Mayor Gilbert, City Attorney Neal Beets provided a brief overview of the current status of the City's property and liability insurance coverage and stated the possibility of becoming self-insured in the future.

5. Introduce/reintroduce the following ordinances and setting December 2, 1996 as the date for the public hearing on these ordinances.

- \*c. Pertaining to traffic safety; amending Title 10, Chapter 3 by adding a new Section 19(I); prohibiting soliciting and distributing by pedestrians from roadways and traffic medians as recommended by the Police Committee.

Vice Mayor Gilbert expressed concern relative to selective enforcement but stated that he will vote in favor of introduction of the ordinance.

Councilmember Kavanaugh commented regarding the issue as it relates to First Amendment rights.

- \*d. Pertaining to recreational activities; amending Title 6, Chapter 10 by adding a new Section 3(H); regulating participation in archery in City parks and retention basin areas as recommended by the Police Committee.

Mr. Beets indicated that he has revised the ordinance, which will require that an individual obtain a permit from the Director of the Parks, Recreation and Cultural Department to practice or participate in archery at either a park or retention basin.

7. Consider the following resolutions:

- \*a. Authorizing the City Manager to execute documents to acquire property at 421 West 10th Street on behalf of Mesa ARC.

Vice Mayor Gilbert advised that he is a member of the Board of Directors for Mesa ARC but said that he does not participate in Block Grant discussions. Vice Mayor Gilbert stated that he does not have a legal conflict relative to this case.

- \*7.1. Consider authorizing an additional traffic motorcycle squad for the Police Department as recommended by the Police Committee.

In response to a question from Vice Mayor Gilbert, Police Chief Lars Jarvie noted that an additional traffic motor squad was submitted as a request for the 1996-1997 budget but stated that at the time, other priorities took precedence. Vice Mayor Gilbert encouraged the Police Department to review their current budget to determine if any monies are available to assist in funding the additional squad.

- 8. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:
  - a. **Z96-64** The southwest corner of Brown Road and Greenfield Road. Rezone from AG to R1-15 (17± acres). This involves a proposed 28-lot single-residence subdivision. US Development, owner; Ralph Pew, applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST.**

Community Development Manager Wayne Balmer stated that staff has received additional signatures in opposition to the case, requiring a 3/4 vote. Mr. Balmer noted that the applicant has agreed to several landscaping and irrigation conditions but has requested a continuance of the case until the December 2, 1996 Regular Council Meeting to enable him to speak to the homeowners regarding the changes.

- b. **Z96-86** The northwest corner of Guadalupe Road and Ellsworth Road. Rezone from AG-DMP to R1-6-PAD and C-2 (75± acres). This case involves a residential subdivision containing 203± lots and a future commercial tract. PHS Mortgage, Inc., owner; Ryland Homes, applicant. **THE APPLICANT HAS REQUESTED THAT THIS CASE BE WITHDRAWN.**

Mr. Luster suggested that this item be placed on the consent agenda as a request to withdraw the case.

- e. **Z96-90** The southeast corner of North Pasadena Avenue and East Leland Street. Rezone from R1-43 to R1-9 (3.69 acres). This case involves the development of a 12-lot subdivision. Allied Concrete & Material, owner; D & M Engineering, applicant. **A 3/4 VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST.**

Mr. Balmer informed the Council that the item is a continuation of the Lehi Shadows case approved earlier this year. Mr. Balmer stated that staff has received petitions in opposition to the case and that a 3/4 vote may be required. Mr. Balmer reported that neighbors have expressed concern that the new development may change the character of the area.

- h. **Z96-93** 2424 East Southern Avenue. Site Plan Modification (1.8 acres). This case involves the expansion of an approved dental building. Dr. Franklin Little, DDS, owner; Dr. Scott LeSueur, DDS, applicant. **THE APPLICANT HAS REQUESTED THAT THIS CASE BE WITHDRAWN.**

Vice Mayor Gilbert suggested that this item be placed on the consent agenda as a request to withdraw the case.

6. Prescheduled public opinion appearances (Prescheduled appearances will begin at 5:30 p.m.; there will be a maximum of three speakers for five minutes per speaker).

- a. Hear from Kirby Allan regarding "Mesa's Political Brutality."

Mr. Allan was not present to speak at this time.

- b. Hear from Bill Brandofino regarding "the new changes in the agenda."

Bill Brandofino, 61 South Macdonald, indicated his displeasure regarding the removal of the prescheduled public opinion appearances from the Regular Council Meeting agenda.

- c. Hear from Luule Brandofino regarding "the new changes in the agenda."

Luule Brandofino, 61 South Macdonald, noted concerns pertaining to new changes to the agenda. Ms. Brandofino commented that the Council is not providing the public appropriate opportunity to voice their opinions.

7. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Giles, that the Study Session adjourn at 5:45 p.m.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

Council Study Session  
November 18, 1996  
Page 6

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 18th day of November, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of December 1996

BARBARA JONES, CITY CLERK