

# COUNCIL MINUTES

January 16, 1998

The City Council of the City of Mesa met in a Study Session in the Palo Verde Room 1 of the Centennial Conference Center, 201 N. Center Street, on January 16, 1998 at 7:34 a.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Pat Gilbert  
John Giles  
Dennis Kavanaugh  
Joan Payne  
Wayne Pomeroy  
Claudia Walters

## COUNCIL ABSENT

None

## STAFF PRESENT

C.K. Luster  
Pauline Backer  
Wayne Balmer  
Neal Beets  
Dennis Compton  
Jack Friedline  
John Gendron  
Bill Haney  
Barbara Jones  
Greg Jones  
Harry Kent  
Karen Kille  
Wayne Korinek  
Ron Krosting  
Dorinda Larsen  
Larry Lines  
Rich Lorig  
Jeff Martin  
Tom Mattingly  
Frank Mizner  
Ruth Anne Norris

## STAFF PRESENT (CONT.)

Bryan Raines  
Andrea Rasizer  
Tom Remes  
Becky Richardson  
Regan Robbins  
Sharon Seekins  
Doug Tessendorf  
Debbie Vickman  
Mike Whalen  
Mindy White  
Paul Wilson  
Jim Wright  
Others

## OTHERS PRESENT

Bev Hart  
Paul Yuresko  
Others

### 1. Review items on the agenda for the January 20, 1998 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 liquor license applications.

#### d. GEORGE S. VUDRAG, AGENT

New restaurant license for Score's Sports Bar & Grill, 1159 East Main Street. This is an existing business, no previous liquor licenses at this location.

In response to a question from Vice Mayor Gilbert, Tax and Licensing Administrator Larry Lines explained that Item 4d was not placed on the consent agenda because the applicant has failed to furnish the required fees and paperwork.

7. Consider the following resolutions.

- \*a. Authorizing the City Manager to execute an agreement between the City of Phoenix and the City of Mesa for operating and capital assistance under the Federal Transit Administration project AZ-90-045.
- \*b. Authorizing the City Manager to execute an agreement between the State of Arizona Department of Transportation and the City of Mesa for the AzTech Intelligent Transportation System project.

Mayor Brown stated that agenda items 7a and 7b would be removed from the consent agenda to allow for staff presentations.

8. Consider the following ordinances.

- \*b. Amending sections 11-1-6, 11-5-3, and 11-8-4 pertaining to the definition and permitted locations of recovery homes and supervised living facilities as recommended by the Planning and Zoning Board and the Downtown Development Committee.

Councilmember Giles noted recent citizen inquiries he has received relative to potential discrimination and litigation of the proposed ordinance.

In response to Councilmember Giles, City Attorney Neal Beets informed the Council that facilities that provide assistance to disabled individuals would qualify under federal regulations if the facility chose to claim a disabled status. Mr. Beets advised that research regarding whether crime increases or decreases when a halfway house is located in a neighborhood is inconclusive. Mr. Beets stated that an increase in police activity does not indicate that individuals living at the halfway house are the offenders but they may be the victims.

Councilmember Kavanaugh concurred with Councilmember Giles relative to the concerns over the scope of the ordinance and requested that agenda item 8b be removed from the consent agenda.

In response to a question from Councilmember Walters, Mr. Beets explained that existing halfway house facilities would be grandfathered under the proposed ordinance. Mr. Beets noted that halfway house operators are required to obtain an annual license.

10. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances.

- \*a. **Z97-78** 3129 East McKellips Road. Rezone from R1-43 (Conceptual C-2) to C-2 (1± acre). This case involves development of a restaurant. William R. Lewis, owner; Dennis Serrine, applicant. **CONTINUED FROM THE OCTOBER 20, 1997 AND DECEMBER 15, 1997 REGULAR COUNCIL MEETINGS. THE APPLICANT HAS REQUESTED THIS CASE BE WITHDRAWN.**

Community Development Manager Wayne Balmer stated that a letter was received from the applicant requesting that the case be withdrawn.

- b. **Z97-80** The southeast corner of Stapley Drive and the Superstition Freeway. Rezone from AG to M-1 with a Council Use Permit (37± acres). This case involves development of a movie theater complex with pad buildings. Globe Corporation, owner; Vestar Development Company, applicant. **CONTINUED FROM THE NOVEMBER 17, 1997 AND DECEMBER 15, 1997 REGULAR COUNCIL MEETINGS.**

In response to a question from Vice Mayor Gilbert, Mr. Balmer explained that a memo was received from Economic Development Director David Spaur expressing concern relative to the potential loss of a premium industrial property if the proposed movie theater complex were to be approved. Mr. Balmer advised that the City currently does not have an inventory of available facilities to attract large employers.

Vice Mayor Gilbert requested information from Mr. Spaur regarding whether inquiries have been received from individuals relative to utilizing the property under M-1 zoning.

In response to a question from Councilmember Giles, Mr. Balmer stated that one of the conditions for approval is that access will be provided to Baseline Road.

- c. **Z97-87** 1616 East Broadway. Requesting a Council Use Permit. This case involves a social service facility. Roman Catholic Diocese, owner; Christ the King Catholic Church, applicant.

Mr. Balmer reported that a revised plan deleting the evening meal program has been received and indicated that staff concurs with the proposed changes.

- d. **Z97-100** 747 East Southern Avenue. Site Plan Modification (2.5± acres). This case involves a proposal to modify previous stipulated land uses, to allow automotive repair. LCJ Properties, owner; Kelly Mulleneaux, applicant.

Mr. Balmer stated that a petition in protest has been received and that a 3/4 vote will be required. Mr. Balmer explained that the proposed site is a former Salt River Project property and noted that the neighbors are concerned relative to the proposed use of the facility and the close proximity to the neighborhood. Mr. Balmer indicated that Council may wish to consider returning the case to the Planning and Zoning Board.

- f. **Z97-104** The 6000 block of East Brown Road (north side). Site Plan Modification (3± acres). This case involves the development of a strip

commercial center. Aaron Associates, Leland Sycamore, owner; Design Management, Kenneth O'Keefe, applicant.

Mr. Balmer advised that a letter from the applicant has been received requesting that the case be referred back to the Planning and Zoning Board.

Mayor Brown stated that agenda item 10f will be placed on the consent agenda for the purpose of referring the case back to the Planning and Zoning Board.

11. Consider the following subdivision plat.

- \*a. "TARA VISTA" - The 6200 & 6300 blocks of East Hermosa Vista Drive (north side) 18 R1-6 single-residence lots (6.60 acres). Ron C. France, developer; AGRA Infrastructure, Inc., engineer.

Mr. Balmer informed Council that individuals living north of the proposed subdivision may be present at the Regular Council Meeting to speak in protest of agenda item 11a relative to the size of the proposed lots. Mr. Balmer explained that the applicant has received approval on the preliminary plat.

2. Review and consider possible changes to the pool fence regulations.

Community Development Manager Wayne Balmer informed Council that staff has received numerous calls from citizens regarding concerns pertaining to the existing pool fence ordinance. Mr. Balmer advised that the suggested amendments were developed by staff to assist in alleviating concerns. Mr. Balmer noted that the amendments would: 1) transfer the regulation from Zoning Ordinance to Building Regulations, 2) exclude windows from the required secondary barrier provisions, and 3) exempt existing subdivision boundary and golf course view fences. Mr. Balmer noted three additional areas of concern that Council may consider adding to the proposed amended ordinance at a later date. Mr. Balmer requested that Council consider adopting the proposed amendments to the ordinance.

Zoning Administrator John Gendron informed Council of concerns expressed by citizens regarding the existing pool fence ordinance and noted the importance of the revisions. Mr. Gendron suggested that Council consider adding the option of the utilization of self-closing doors to the revised ordinance.

Vice Mayor Gilbert indicated support for the proposed changes and noted that the option to utilize self-closing doors may prove to be sufficient for households without children or homes occupied by senior citizens.

Councilmember Giles concurred with Vice Mayor Gilbert regarding the proposed changes to the pool fence ordinance but stated opposition to the utilization of self-closing doors as an option.

Councilmember Walters indicated support for the proposed changes and stated the opinion that all households without children and homes occupied by senior citizens should also be required to adhere to the ordinance. Councilmember Walters requested that staff review the results from neighboring communities that currently authorize the utilization of self-closing doors.

3. Discuss and consider a policy concerning half-streets.

Community Development Manager Wayne Balmer commented that Council stated concern at previous meetings regarding half-streets and requested that this issue be addressed.

Planing Director Frank Mizner reviewed a memo dated January 9, 1998 regarding half-streets and stated that few alternatives are available to eliminate the development of half-streets.

Mayor Brown stressed the difficult situations that have occurred relative to half-streets. Mayor Brown suggested that developers work with adjacent property owners to construct full-streets.

Vice Mayor Gilbert stated that half-streets create hazardous conditions when located near a school. Vice Mayor Gilbert expressed the opinion that safety zones would assist in providing an area for children to walk.

Mr. Balmer briefly highlighted options developed by staff that may eliminate half-streets. Mr. Balmer suggested that three of the options may be combined in order to develop the optimum solution.

Councilmember Giles concurred with Vice Mayor Gilbert regarding the hazards of a half-street located in close proximity to a school. Councilmember Giles expressed the opinion that the City should consider funding the development of a half-street into a full-street when the half-street is located near an existing residence.

Councilmember Pomeroy suggested that development fees be utilized to construct a full-street and noted that the funds may be returned over time.

Mayor Brown thanked Mr. Balmer and Mr. Mizner for the report.

4. Review and consider a proposed ordinance adjusting salaries for Mayor and Councilmembers. This ordinance would not change the salaries for the current Mayor and Councilmembers.

Councilmember Pomeroy expressed the opinion that the proposed increase in compensation for the Mayor and Councilmembers may be considered excessive and stated that public service rather than monetary gain should be the prime concern. Councilmember Pomeroy indicated support for an increase that would be comparable to the City of Scottsdale.

Vice Mayor Gilbert stressed the importance of balancing the interest of the community and the fairness to the City when compensating the Mayor and Councilmembers. Vice Mayor Gilbert stated support for the recommended increase but noted that Council should reward the service people provide.

Councilmember Pomeroy stressed that less than the proposed compensation would not deter individuals from running for office but would attract individuals that want to serve the community.

Councilmember Walters expressed support for the recommended proposed salaries. Councilmember Walters discussed the heavy demands that are placed on individuals and their families and stated the opinion that the City would continue to attract individuals who want to serve the community.

Councilmember Kavanaugh stated that the Council has not received an increase in compensation for 14 years and noted that an increase is warranted.

(Councilmember Kavanaugh left the meeting at 8:40 a.m.)

Councilmember Payne noted the importance of an increase in compensation but questioned whether such an increase should require approval by the voters.

Mayor Brown stated support for the recommended increase relative to the length of time before another increase would be considered. Mayor Brown suggested that a lower initial compensation with annual automatic cost of living increases be considered.

Councilmember Pomeroy concurred with Mayor Brown regarding an ordinance that would provide a small increase with annual automatic cost of living increases.

Mayor Brown requested that staff research to determine whether an increase in compensation for Council was placed before voters for approval in neighboring communities.

4.1. Review an agreement with Grossfeld/Severns, Inc., for a ballot measure(s) feasibility study.

Mayor Brown informed Council that Councilmember Kavanaugh has expressed support for Item 4.1.

Mayor Brown advised of the importance of obtaining a consultant for guidance and assistance in preparing a ballot measure for expanded services within the City of Mesa/changes in the sales tax and determining the optimum time for the measure to be presented for voter consideration.

In response to questions from Councilmember Payne, City Manager Charles Luster advised Council of the approximate cost to employ a consultant.

Vice Mayor Gilbert noted the importance of proceeding as quickly and efficiently as possible and expressed support for retaining Grossfeld/Severns, Inc.

Mayor Brown spoke concerning research methods to be utilized and anticipated expenses.

Councilmember Giles stated support for contracting with Grossfeld/Severns, Inc. to provide a feasibility study.

Councilmember Payne expressed opposition to the utilization of a consultant to conduct the study.

In response to a question from Councilmember Payne, Mr. Luster explained that a large number of consultants could be utilized by the City but stated that staff recommends the utilization of Grossfeld/Severns, Inc. for this project.

Councilmember Pomeroy indicated support for retaining a consultant to provide a feasibility study.

4.2. Discuss and consider placing a Notice of Intention on the January 20, 1998 Regular Council Meeting agenda.

Assistant to the City Manager Bryan Raines requested that Council place a Notice of Intention to consider revising water and wastewater development fees, and adopting development fees for park facilities, library facilities, arterial streets, cultural facilities, police facilities and fire facilities on the January 20, 1998 Regular Council Meeting agenda. Mr. Raines stated that placing the Notice of Intention on the agenda will satisfy the State's 30-day notice requirement and provide Council the ability to proceed with the process and hold a public hearing after February 17, 1998.

Mayor Brown indicated support for a Notice of Intention that will provide the Council the ability to vote on impact fees.

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

a. Library Advisory Board meeting held January 6, 1998

It was moved by Councilmember Giles, seconded by Vice Mayor Gilbert, that receipt of the above listed minutes be acknowledged.

Carried unanimously.

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

Mayor Brown advised that there were no reports on meetings and/or conferences attended.

7. Scheduling of meetings and general information.

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

Tuesday, January 20, 1998, 5:45 p.m. - Regular Council Meeting

Wednesday, January 21, 1998, 4:00 p.m. - Candidate Orientation

Friday, January 23, 1998, 7:30 a.m. - Study Session

Friday, January 23, 1998 - Utility Committee (immediately following the Study Session)

Tuesday, January 27, 1998, 7:30 a.m. - Breakfast with the Dobson Ranch Board of Directors

Friday, January 30, 1998, 7:30 a.m. - Council Study Session

Friday, January 30, 1998, - Police Committee (immediately following the Study Session)

Assistant Police Chief Michael Whalen invited Councilmembers and their spouses to attend a Police Department awards banquet to be held on Thursday, January 22, 1998 at 6:30 p.m. in the Palo Verde Room of the Centennial Conference Center.

8. Prescheduled public opinion appearances (maximum of three speakers for five minutes per speaker).

Mayor Brown advised that there were no prescheduled public opinion appearances.

9. Items from citizens present (maximum of three speakers for five minutes per speaker).

Paul Yuresko, 2433 North 64th Street, requested that Council reconsider Zoning Case Z97-96. Mr. Yuresko informed Council that he recently circulated a petition throughout the neighborhood and received only one objection to the rezoning of the property and the development of the homes.

Community Development Manager Wayne Balmer explained that if Council were to reconsider Zoning Case Z97-96, a 3/4 vote would be required relative to the one neighbor that has expressed an objection to the project.

City Attorney Neal Beets informed Council that two weeks have elapsed since the denial of Zoning Case Z97-96 and therefore the applicant would be required to submit a new application for review by the the Planning and Zoning Board.

10. Adjournment.

Without objection, the Study Session adjourned at 9:04 a.m.

---

WAYNE BROWN, MAYOR

ATTEST:

---

BARBARA JONES, CITY CLERK

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 16th day of January 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 1998

---

BARBARA JONES, CITY CLERK