

**CITY OF MESA
MINUTES OF THE DOWNTOWN DEVELOPMENT COMMITTEE
MEETING**

DATE: November 21, 2002 **TIME:** 7:30 a.m.

MEMBERS PRESENT

Dave Wier, Chair
Art Jordan, Vice-Chair
Theresa Carmichael
Vince DiBella
Robert Fletcher
Wayne Pomeroy
Mark Reeb
Chuck Riekena
Terry Smith

STAFF PRESENT

Shelly Allen
Katrina Bradshaw
Tony Felice
Gerry Gerber
Amy Morales

OTHERS PRESENT

John Giles
Patricia Cosand
Dan Coury
Cathy Worcester
Dr. William Magers
Doug Erenberg

MEMBERS ABSENT

1. Call to Order

The November 21, 2002 meeting of the Downtown Development Committee was called to order at 7:32 a.m. in the City Council Chambers located at 57 E. First Street by Chair Wier.

2. Items from Citizens Present

There were no items from citizens present.

3. Approval of Minutes of October 17, 2002 Study Session

It was moved by Terry Smith, seconded by Vince DiBella to approve the minutes.

Vote: 9 in favor; 0 opposed

Approval of Minutes of October 17, 2002 Regular Meeting

It was moved by Wayne Pomeroy, seconded by Chuck Riekena to approve the minutes.

Vote: 9 in favor; 0 opposed

4. Discuss and consider the responses to the Request for Proposals for the Mitten House, located at 238 W. 2nd Street. (Item number 6 on agenda.)

Staff Contact: Tony Felice, Redevelopment Planner, (480) 644-3965
e-mail address: tony_felice@cityofmesa.org

Chair Wier explained that items 6 and 7 on the agenda will be considered first since some of the presenters have other meetings that they must attend this morning.

Mr. Felice explained that the Mitten and Pomeroy houses were acquired as part of the acquisition process for the new Mesa Arts Center. He gave some background information on the Mitten house and its significance as a historic home in Mesa. Mr. Felice explained that the City issued a Request for Proposals in order to ensure that the highest and best land uses were associated with the houses and that the City could control their timely rehabilitation.

Mr. Felice explained that the City received two responses to the Request for Proposals for the Mitten House. One was received from John Giles, a local attorney, who plans to use the property as a secondary office and lease a portion of the space to other attorneys. Mr. Felice pointed out that Mr. Giles is one of the few attorneys who represents misdemeanor clients, and being across the street from the police station and the Mesa Municipal Court would be a benefit for him. The second proposal was received by the Mesa Violin Studios who would like to acquire both the Mitten House and Pomeroy House to use as studios for the practice of fine arts. Mr. Felice said the instructors are in attendance today and introduced Patricia Cosand, Cathy Worcester, and Dr. Magers.

Mr. Felice explained that the Downtown Development Committee is being asked to consider the proposals and make a recommendation to the City Council regarding which of the two applicants to enter into a 60 or 90-day exclusive negotiation period. Mr. Felice stressed that the proposals are not being approved as a part of this consideration. The details of the proposals, including the development plans, will have to be reviewed and approved at a later date before the purchase agreement is signed.

Chair Wier asked that each applicant come forward one at a time and give their presentation before the board.

Both developers came forward and gave a presentation before the Board. Mr. Giles gave his presentation first, followed by Cathy Worcester, representing the Mesa Violin Studios.

Mr. DiBella asked what the Historic Preservation Committee recommended at their meeting last week regarding this issue.

Mr. Felice said they recommended that the Mesa Violin Studios be awarded the exclusive negotiation period for the Pomeroy House and that John Giles be awarded the exclusive negotiation period for the Mitten House.

Mrs. Smith asked if that recommendation was based on a zoning issue, since the Mesa Violin Studios would need a zone change if they were to occupy the Mitten House.

Mr. Felice said it was largely due to the zoning issue. He added that the Museum Cultural Advisory Board forwarded a recommendation that the Mesa Violin Studios be awarded the Pomeroy House and failed to make a motion on the Mitten House.

Mr. Reeb asked for the most recent appraisal from the Real Estate Office on these two homes.

Mr. Felice said the appraisal for the Mitten House was \$83,000 (as is) and the appraisal for the Pomeroy House was \$86,000 (as is).

Mr. Reeb said he did not see a staff member from the Real Estate Office in attendance today but wondered about the costs for the relocation of these structures.

Mr. Felice did not have the exact figures but verified that the total costs for acquisition and relocation were substantial.

Mr. Reeb said the costs of acquiring the properties to either be demolished or removed offsite were expenses associated with the Mesa Arts Center project. Therefore, costs associated with this project include: relocation of the structures, acquisition of the properties to which the structures would be moved, and additional costs associated with that. Mr. Felice confirmed that Mr. Reeb's comments were correct.

Mr. Pomeroy asked Mr. Giles if he plans to have an office of his own in the Mitten House.

Mr. Giles said he plans to maintain his primary office at the current location on the corner of University and Drew Street but also plans to have a second office in the Mitten House and lease the rest of the space to other attorneys.

Mr. Pomeroy made the observation that Mr. Giles did an excellent job of remodeling his current office at University and Drew Street and maintains a very attractive building at that location. He also stated that both of the respondents are excellent candidates for this type of project and both would take good care of the buildings. He felt this was a win-win situation because the Mitten House is the ideal location for an attorney's office, being right across the street from the Municipal Court, and the Mesa Violin Studios has responded to the Request for Proposals for the Pomeroy house so the City could award a house to each candidate. Mr. Pomeroy pointed out that the Mesa Violin Studios provided a more extensive landscape plan than did Mr. Giles and asked Mr. Giles if he plans to provide more landscaping.

Mr. Giles said he also noticed a difference in the proposals regarding landscaping and said he was very impressed with the landscaping that was submitted by the Mesa Violin Studios. As a result, this prompted him to provide some additional drawings and artwork to show an improved landscape plan for the Mitten House which he would install if he was selected as the exclusive developer. Mr. Giles added that he is prepared to spend the additional funds on this improved landscape plan.

It was moved by Wayne Pomeroy, seconded by Vince DiBella, to recommend that the City enter into a 60-day exclusive negotiation period with John Giles for the Mitten House, located at 238 W. 2nd Street.

Mr. Reeb said he is also impressed with both applicants and the uses that they have proposed, which are appropriate and welcomed in the community. He said he is supportive of the motion made by Mr. Pomeroy, however, he is not comfortable with the economics surrounding these properties, specifically with giving the properties for free. Mr. Reeb said he felt there should be some financial consideration paid for the properties given that the City has appraisals for each of the homes in excess of \$80,000. Mr. Reeb said he has had personal experience with purchasing and rehabilitating several historic properties in downtown Mesa and knows that it is economically viable. As a result, he felt there should be some economic consideration paid for these structures.

Mr. Jordan said he had some similar concerns but he felt that these issues could be further explored through the exclusive negotiating process, and it is not an issue that will necessarily be settled today. He indicated that the vote of this Board is to make a recommendation on whom to award the houses and all of the issues surrounding the project can be further discussed through the terms of the development agreement.

Mr. Felice assured the Board that these comments will be forwarded to the General Development Committee who will be considering the matter on November 26th.

Mr. Jordan asked if the Downtown Development Committee will be voting on the actual proposals that have been submitted or if the vote is only to award the exclusive negotiating opportunity to a developer, and the City has the opportunity to negotiate what is in the best interest of the citizens. Mr. Felice said Mr. Jordan's comment was correct.

Mr. Jordan said he also felt this was a win-win situation and was very excited about the opportunity for Mesa Violin Studios to locate in downtown Mesa and compliment the Arts and Cultural district. Mr. Jordan asked if the Mesa Violin Studios was satisfied with the selection that the motion represents.

Ms. Worcester said they would be delighted to occupy either house. She said ideally they would like to occupy both houses, because they could provide more opportunities for lessons and instruction. She stated that if they only obtain one

house, there would only be room for the three of them, and they would not be able to allow other instructors to utilize the space for their lessons.

Mr. Jordan asked if there could be some clarification regarding the desires of the Mesa Violin Studios. He did not realize they would actually like to obtain both homes.

Mr. Felice said that staff called the Mesa Violin Studios after receiving two proposals from them, one for each house, to see if they planned to occupy both houses if they were selected. Staff was able to clarify that they were actually interested in obtaining both houses.

Chair Wier asked the Mesa Violin Studios if they would continue to look for another studio in the downtown area if they were only able to obtain the Pomeroy House.

Ms. Worcester said that if they were only able to obtain the Pomeroy House they would not consider expanding to another studio. She explained that many of their colleagues were excited about the opportunity to occupy a studio in either one of the homes, which prompted the Mesa Violin Studios to try and acquire both homes because they felt they would have success in leasing to other music instructors.

Mr. Riekema asked if the Mesa Violin Studios would have the financial capability to rehabilitate and occupy both homes.

Ms. Worcester said Dr. Majors' lending institution has provided him a letter stating that they have increased his line of credit to \$100,000. She also had a letter of credit from her lending institution in the amount of \$15,000 and that amount has increased by another \$25,000. Therefore, the Mesa Violin Studios feels very confident that they could occupy and make improvements to both homes.

Mr. Riekema agreed with Mr. Reeb that it would be ideal if the City could be paid for the homes, unfortunately Mr. Riekema did not feel that would be a realistic request since the Request for Proposals was already issued and the two applicants who responded have not indicated that they are willing to spend the additional money to buy the homes. Mr. Riekema felt that since the City did not receive a response to this Request for Proposals from an applicant who had stated that they were prepared to buy the homes, then in his mind, the market doesn't merit that request. Mr. Riekema added that once these two projects have proven to be successful, there is a possibility further down the line, maybe two to three years from now, that respondents to a similar type of project would be willing to do some bidding on the properties. Again, Mr. Riekema stated that he would like the City to get more money for the homes, but since none of the respondents have indicated that they would do that, the result seems to indicate that the market doesn't warrant that.

Mr. Riekema wanted to be sure that once the applicant enters into a Redevelopment Agreement with the City, the applicant will have to come back

with the development plans for design review, and therefore, by approving the stated motion, it does not approve the current existing proposal.

Mr. Felice told Mr. Riekema he was correct. He also wanted to clarify that if the Mesa Violin Studios were to occupy the Mitten House, either the property would have to be rezoned to TCB-1, or the City would have to amend the Zoning Ordinance to add fine art instruction to the list of acceptable uses that could be granted by a Special Use Permit in a Level I historic structure. He added that the Pomeroy House is currently zoned TCB-1.

Vote: 7 in favor; (Dave Wier, Theresa Carmichael, Vince DiBella, Robert Fletcher, Wayne Pomeroy, Mark Reeb, Chuck Riekema)
2 opposed (Terry Smith, Art Jordan)

5. Discuss and consider the responses to the Request for Proposals for the Pomeroy House, located at 213 N. Morris Street. (Item number 7 on agenda.)

Staff Contact: Tony Felice, Redevelopment Planner, (480) 644-3965
e-mail address: tony_felice@cityofmesa.org

Mr. Felice said most of the information for this agenda item was stated previously with the discussion on the Mitten House. He proceeded to provide some background information on the home and its significance as a historic home in Mesa. Mr. Felice said there was only one response to this Request for Proposals, which came from the Mesa Violin Studios. He stated that the property is zoned TCB-1 and fine art instruction is a permitted use in the TCB-1 zoning district.

It was moved by Wayne Pomeroy, seconded by Terry Smith, to recommend that the City enter into a 60-day exclusive negotiation period with the Mesa Violin Studios for the Pomeroy House, located at 213 N. Morris Street.

Vote: 9 in favor; 0 opposed

Mrs. Smith requested that there be an item added to next months Downtown Development Committee agenda to discuss possible revisions to the Zoning Ordinance for permitted uses granted through a Special Use Permit in a Level I historic structure.

6. Discuss and consider Rezoning Case No. CZ02-002TC from TCB-1 to TCB-2 for Mesa Cold Storage, located at 420 W. Dana Avenue. (Item number 4 on the agenda.)

Staff Contact: Shelly Allen, Redevelopment Specialist, (480) 644-2773
e-mail address: shelly_allen@cityofmesa.org

Mr. Reeb declared a conflict of interest and abstained from discussion and voting on this agenda item.

Ms. Allen explained that back in 1997 Mesa Cold Storage approached the City of Mesa to participate in a redevelopment project for Site 18. At that time, Mesa Cold Storage did an addition to their cold storage warehouse and almost doubled their space. As part of the Redevelopment Agreement, the City gave Mesa cold Storage authorization to temporarily use the site at 420 W. Dana Avenue to park their small refrigerator trucks as well as their semi trucks. Mesa Cold Storage has been using that site for parking ever since.

Ms. Allen explained that the Downtown Development Committee is now being asked to consider the rezoning of the property from TCB-1 to TCB-2 in order to allow a parking lot as a primary use in conjunction with a Special Use Permit. Ms. Allen explained that the Downtown Development Committee will consider the rezoning first, and then take a second vote on the Variance and Special Use Permit case.

Ms. Allen gave some background information about the property and talked about the surrounding zoning and land uses. She also displayed the site plan and called out areas on the site plan, which would have landscaping and a new block wall. She also pointed out that there is an easement on the east property line that is used by the business located on the north side of the property.

Chair Wier asked if the site plan shows an ingress/egress to the property on the north side.

Ms. Allen said it does not. She said there is currently a chain link fence along the north property line and the applicant will be installing a solid block wall.

Mr. Jordan asked where there is through access.

Ms. Allen said it is provided by the easement on the east side of the property that allows access to the business that is located behind this property.

Ms. Allen continued her report by discussing the improvements that the applicant, Dan Cory, is proposing. She pointed out that a variance was granted in 1997 as part of the redevelopment project for Site 18 to reduce the required landscaping. The applicant has now agreed to provide a four-foot landscape strip along Dana Avenue and will exceed the number of trees and shrubs that are required by the Zoning Ordinance. Ms. Allen said staff approves of the proposed landscaping plan and feels that it will enhance the area.

Ms. Allen went on to explain that there is a need for a variance to reduce the required landscaping from 20 feet to 4 feet. This is because of recent revisions to the Site Design Guidelines in the Zoning Ordinance, which are geared more towards suburban planning. She explained that the Redevelopment Office is working on drafting its own set of design guidelines for the Downtown Redevelopment Area, which will be more suited to urban standards. As a

result, Ms. Allen explained that until the Redevelopment Office completes its own set of guidelines, the applicants in the Redevelopment Area will need to apply for variances in order to reduce the required landscaping from 20 feet.

Ms. Allen explained that the variance will also eliminate the interior parking lot landscaping requirement and the reason for that is because the applicant needs to be able to maneuver large trucks on and off that property. Maneuverability would be very limited if interior landscaping was installed.

Ms. Allen explained that staff approves of the Special Use Permit to allow a parking lot as a primary use subject to the following stipulations:

1. The landscape area shall be maintained at all times, free of weeds and debris and in the same condition as when final approval is received.
2. The Special Use Permit is granted for a period of one year and renewed each year only upon inspection of the property and upon review of the approved conditions.
3. The property owner and employees of Mesa Cold Storage obey and adhere to the "No Truck Traffic" signs placed on Dana Avenue west of the property.
4. Compliance with the site plan submitted, dated October 25, 2002.

Mr. Riekema asked if only the employees are allowed to park in the parking lot.

Ms. Allen said yes. She added that Dan Cory has a contract with Shamrock Farms and those trucks utilize this parking lot as well and will be expected to adhere to the same guidelines stated in the stipulations.

Mr. Riekema asked that stipulation number three be revised to state "property owner, employees, contractors, and anyone who operates a vehicle in the parking lot."

Ms. Allen said she would add that revision to the stipulation to make it clearer.

Mrs. Smith asked what would happen if the landscaping is not maintained and the applicant violates the stipulations for the Special Use Permit. What action does the City take to remove the Special Use Permit and terminate the use of this parking lot.

Ms. Allen explained that the rezoning request is granted subject to compliance with the site plan, and therefore, if the landscaping is not maintained and the stipulations of the Special Use Permit are violated, then the zoning reverts back to the original TCB-1 zoning in which a parking lot is not a permitted use. As a result, a Code Compliance Officer would have to fine the owner for the illegal use.

Mr. DiBella asked what exists on the west property line adjacent to the residential property.

Ms. Allen said it was a solid block wall with a little bit of rod iron.

Mr. Jordan said he was not opposed to the parking lot as a primary use but his concern was in the details provided on the plans. Mr. Jordan felt that it was important to have a landscape plan that the property owner and the City could be proud of, that it is well maintained, and that the rod iron fences and masonry walls are urban in context and well maintained. He explained that he was uncomfortable with architectural descriptions that are vague and incomplete and would prefer to see the vagueness replaced with more exactness. Mr. Jordan added that he would like to take away the flexibility of having a duly wall, which is 4" wide block with pilasters, and would like it to turn into a permanent masonry wall. He also asked about the possibility, in exchange for the elimination of rear yard and side yard landscaping, that the applicant find two locations in the rear corners of the property where two trees, possibly a Shoestring Acacia which is a more linear tree, can be planted to provide a little more greenery without affecting the maneuverability of the trucks. Mr. Jordan also requested that the final landscape plan have an irrigation plan complementing it and should be reviewed by staff prior to granting the building permit.

Mrs. Smith asked how the applicant and staff came up with the landscaping width of four feet on the south (front) side of the property.

Ms. Allen said it matches the landscape width on the south side of Dana where Mesa Cold Storage's building is located. In addition, staff negotiated with the applicant to compromise with his request to have as much room on site as possible to allow for maneuverability of the trucks.

Ms. Allen continued with her report and stated that staff recommends that the rezoning be approved subject to the following stipulation:

1. Compliance with the site plan submitted, dated October 25, 2002.

She stated that if for some reason this stipulation is not adhered to, then the zoning would revert back to TCB-1. In addition, staff recommends approval of the variance subject to the following stipulations:

1. The landscape area shall be maintained at all times, free of weeds and debris and in the same condition as when final approval is received.
2. The landscape area shall maintain the approved number of trees and shrubs.
3. Compliance with the site plan submitted, dated October 25, 2002.

Ms. Allen told Mr. Jordan that his comments regarding the landscaping were correct and the applicant will have to hire a registered landscape architect, draw the plans, design the landscape irrigation, and get it approved through the Building Department. She said the Redevelopment staff will receive a copy of those plans and will tie them in with the plans dated October 25, 2002 to verify their compliance.

Mr. Coury, came forward and wanted to clarify a few points regarding the landscaping. He explained that several years ago when the building was built on the south side of Dana Avenue he landscaped the back of that building with about four feet of landscaping and told the Board that the maintenance is just as immaculate as any of the fancier commercial buildings. In fact, he said, it is even prettier than the landscaping in the front of the building. As a result, he stated that he is standing by his maintenance based on the reputation that he has already acquired. In addition, Mr. Coury said the reason he did not propose a more expensive block wall with decorative features on the north side is because it will be hidden behind 40' trailers. Mr. Coury added that he has not received any complaints from residents on that street regarding the trucks even though they were sometimes driving down Dana Avenue. Mr. Coury said he has told all of his drivers that this is absolutely forbidden and they are to use Country Club Drive only. Mr. Coury also wanted to point out that he was able to win the contract with Foremost, a subsidiary of Shamrock Farms, and has brought them to Mesa from Phoenix. He said much of this parking lot is being used for those trucks.

Mr. Jordan observed that there is another parking lot on the adjacent property to the north. He asked what that parking lot was used for.

Mr. Coury said it is an old parking lot for a roofing company. They access their parking lot using the easement from Dana Avenue.

Mr. Jordan asked what will be on the other side of Mr. Coury's masonry wall once it is built.

Ms. Allen said it is an asphalted parking lot. She did not know how much or how often the parking lot was being used.

Mr. Coury said that the existing chain link fence along the property line belongs to the adjacent business and it will probably remain standing even though he is putting up a block wall.

It was moved by Art Jordan, seconded by Vince DiBella to approve Rezoning Case No. CZ02-002TC from TCB-1 to TCB-2 for Mesa Cold Storage, located at 420 W. Dana Avenue subject to the following stipulations:

- 1. Compliance with the site plan submitted, dated October 25, 2002**
- 2. Provide a landscape architectural plan that includes two additional trees on interior corner locations of the property to be reviewed by staff.**
- 3. The property owner shall attempt to negotiate with the adjacent property owner to eliminate the chain link fence and build one masonry wall with the possibility of a shared cost provision between the two owners. In addition, the masonry wall shall be of 8" CMU and the color to be disclosed and reviewed by staff.**

Mr. Riekema asked for an amendment to stipulation number three that any and all persons operating a truck or trailer stored at the lot must adhere to the "No Truck Traffic" signs.

Ms. Allen said that stipulation is attached to the Special Use Permit and should be included in the motion for that agenda item.

**Vote: 8 in favor;
1 abstained (Mark Reeb)**

- 7. Discuss and consider Special Use Permit and Variance Case No. ZA02-077TC to allow a parking lot as a primary use and request a reduction in the required landscape area for Mesa Cold Storage, located at 420 W. Dana Avenue. (Item number 5 on the agenda.)**

**Staff Contact: Shelly Allen, Redevelopment Specialist, (480) 644-2773
e-mail address: shelly_allen@cityofmesa.org**

Mr. Reeb declared a conflict of interest and abstained from discussion and voting on this agenda item.

See agenda item number 6 for the staff report and discussion.

It was moved by Art Jordan, seconded by Chuck Riekema to approve Special Use Permit and Variance Case No. ZA02-077TC to allow a parking lot as a primary use and request a reduction in the required landscape area for Mesa Cold Storage, located at 420 W. Dana Avenue subject to the following stipulations:

- 1. The landscape area shall be maintained at all times, free of weeds and debris and in the same condition as when final approval is received.**
- 2. The Special Use Permit is granted for a period of one year and renewed each year only upon inspection of the property and upon review of the approved conditions.**
- 3. The property owner, employees, and any and all persons who owns or operates a truck or trailer stored at the lot of Mesa Cold Storage obey and adhere to the "No Truck Traffic" signs placed on Dana Avenue west of the property.**
- 4. The landscape area shall maintain the approved number of trees and shrubs.**
- 5. Compliance with the site plan submitted, dated October 25, 2002.**
- 6. Provide a landscape architectural plan that includes two additional trees on interior corner locations of the property to be reviewed by staff.**
- 7. The property owner shall attempt to negotiate with the adjacent property owner to eliminate the chain link fence and build one masonry wall with the possibility of a shared cost provision**

between the two owners. In addition, the masonry wall shall be of 8" CMU and the color to be disclosed and reviewed by staff.

**Vote: 8 in favor;
1 abstained (Mark Reeb)**

8. Discuss and consider Special Use Permit Case No. ZA02-075TC, for a Comprehensive Sign Plan at 259 S. Hibbert Street.

**Staff Contact: Amy Morales, Redevelopment Associate, (480) 644-3356
e-mail address: amy_morales@cityofmesa.org**

Ms. Morales said that the Special Use Permit is to approve a Comprehensive Sign Plan at 259 S. Hibbert Street in order to allow a banner type mural. She explained that the banner is 432 square feet and will be located on the south side of the building.

Ms. Morales said that by adding this banner, the sign area will be in excess of that allowed by the existing sign code without the approval of a Special Use Permit. She added that the Sign Ordinance has a provision to allow a Comprehensive Sign Plan as a way to approve special signage such as this banner.

Ms. Morales explained that the owner of the property, Doug Erenberg, would like to install a banner on the building that portrays what it looked like in approximately 1988. Mr. Erenberg believes that by locating this banner on the building, it will beautify the downtown, add interest to the building, and help instill civic pride.

Ms. Morales explained that the banner will be printed on a vinyl type material and installed using grommets on the banner and secured to eyebolts on the building. She said the banner will be slightly visible from Broadway Road when traveling east and west bound, however, it will only be visible when traveling northbound on Hibbert or Pomeroy.

Ms. Morales said staff believes that the comprehensive Sign Plan is consistent with the goals and objectives of the City's Sign Ordinance. Staff recommends that this Comprehensive Sign Plan be approved based on the finding that it incorporates special design features such as logos, emblems, murals, or statuary that are integrated with the building architecture. In addition, staff recommends approval based on the following stipulation:

1. That the banner be maintained in the same condition as originally approved.

It was moved by Wayne Pomeroy, seconded by Art Jordan, to approve Special Use Permit Case No. ZA02-075TC, for a Comprehensive Sign Plan at 259 S. Hibbert Street subject to the following stipulation:

1. That the banner be maintained in the same condition as originally approved.

Mrs. Smith asked for further clarification on what prompted Mr. Erenberg to request this banner.

Mr. Erenberg, property owner, said this banner is a form of history and of public art. He explained that he has built some buildings in the Los Angeles area and is required by ordinance to incorporate public art into his buildings. He explained that he would also like to contribute something like that to his building in Mesa.

Mrs. Smith asked if the banners of this kind that are located in L.A. always show an earlier picture of the building.

Mr. Erenberg said not necessarily. The picture could be anything. He said in the West Hollywood area it is very popular for buildings to display banners with movie advertisements.

Mrs. Smith asked how long the banner will look in its original condition.

Mr. Erenberg said according to the manufacturer the banner should last about three years. He said he plans to move the banner to the inside of the building once he takes it down from the outside wall.

Mr. Jordan asked if the surface of the banner is ribbed or smooth. He suggested that if the banner were smooth, Mr. Erenberg could incorporate technology that is used on the sides of tractor-trailers which allows the vinyl graphics to be applied directly to the surface.

Mr. Erenberg said that technique is not heavy weight because the graphics are actually glued to the surface. He explained that he is installing a vinyl banner which is suspended with grommets so it is more heavyweight than what Mr. Jordan was suggesting.

Mr. Jordan said the only concern he had with the banner was the wind flap. He explained that if there is an inch and a half of separation off the wall then the banner will ripple quite a bit. He explained that a lot of banners he has seen have holes cut into it to prevent the banner from looking like a sail.

Mr. Erenberg said he doesn't have a lot of experience with these types of banners but the manufacturer recommended that grommets be placed every two feet, which makes the banner very secure.

Mrs. Smith asked if the banner will reflect a lot of light and make the summer sun look shiny.

Mr. Erenberg said he didn't know.

Vote: 9 in favor; 0 opposed

9. Discuss and consider a resolution to form an Arts and Cultural District in downtown Mesa.

Staff Contact: Tony Felice, Redevelopment Planner, (480) 644-9365
e-mail address: tony_felice@cityofmesa.org

Mr. Pomeroy declared a conflict of interest and abstained from discussion and voting on this agenda item.

Mr. Felice explained that downtowns that are successful in this country are so because they have defined their niche, they have formalized their image, they have promoted their image, and they foster sustainability. With the construction of the \$92 million dollar Mesa Arts Center and the award winning museums, such as the Southwest Museum and the Arizona Museum for Youth, Mesa would like to define its niche as providing the full spectrum of the arts. Mr. Felice explained that this resolution is the first step in celebrating that image.

Mr. Felice explained that the Arts and Cultural District is nothing more than an area that is labeled as such. He said that, although creating a resolution may not be a necessity, it helps formalize Mesa's image and helps cultural businesses like the Arizona Bronze Foundry, who are considering Mesa as their home, to see Mesa's commitment to this image.

Mr. Felice said the Americans for the Arts just released their economic impact figures for the city of Mesa for fiscal year 2000-2001. They only measured eight of Mesa's arts organizations but they estimated an \$18 million dollar impact from just those eight arts organizations. They also found that they sustain 606 full time jobs for people that bring home \$13 million dollars in household income. Mr. Felice said that staff believes that by formalizing this image of the Arts and Cultural District, then the City can capture an even higher economic impact. He added that unlike other types of organizations, arts establishments seem to generate a lot of adjacent spending.

Mr. Felice explained that staff would like to forward the Downtown Development Committee's recommendation to the General Development Committee and to City Council regarding this resolution. He explained that a resolution has no legal authority. He compared it to the resolution to adopt May as Mesa's Historic Preservation Month.

Mr. Felice explained that under Gerry Gerber's direction, staff has put together a team of representatives from the community to create an arts and cultural district. Terry Smith is one of the participants on that team. In addition, Gerri Green, Development Officer with the Southwest Museum, has partnered with the Redevelopment staff, not only on this project, but also on a team that is creating an incubator space in the Irving School. As a result, the Redevelopment Office is really partnering with the Arts and Cultural Division to help move a lot of these types of projects forward.

Mr. Reeb asked for clarification on what sections 2, 3, and 4 mean in the resolution.

Mr. Felice stated that the first part of the resolution is nothing more than a declaration of the goals and mission of the Arts and Cultural District. Section 1 defines the boundaries of the district, Section 2 sets in motion that the City Council foster sustainability by developing an arts incubator program, and Section 3 encourages what was laid out in the Town Center Concept Plan as far as artist live-work space and opportunities for arts related organizations in the downtown area. Mr. Felice went on to explain that this resolution formalizes Mesa's charge to do what it can to protect its investment in the future. This includes that the City use its campuses for arts related purposes and continue to use the Irving School for arts related purposes. He said the resolution has no legal teeth whatsoever. If it is adopted by City Council, they are saying that this is important and these are things that the City should pursue.

Gerry Gerber, Arts and Cultural Director, came forward and said part of their role in the Arts and Cultural Division is to work to support the health of Mesa's local arts organizations. She explained that they are precious resources as well as economic development resources, and they need homes and various kinds of support. The resolution establishes an intent as a priority to do what the City can, without costing taxpayers additional dollars, to ensure their health and viability.

Mr. Riekema said he was concerned with the wording in section 2 of the resolution which states that the City of Mesa foster sustainability by proposing the use of City-owned property for the arts. His interpretation of that statement means that preference must be given to those projects that involve the arts, even if they are not the most economically beneficial to the City. As an example, Mr. Riekema said the Board was able to evaluate each proposal for the Mitten house and weigh them equally in making a determination. This may have been more difficult to do if the resolution was already in effect.

Mr. Felice said the City of Mesa has several plans that it has adopted in the downtown area such as the Redevelopment Plan, the Town Center Concept Plan, and the Historic Preservation Plan. He said that when the language of the resolution was crafted, staff did not intend that this should take precedence over any other discussion. He said the challenge that Boards such as this one face at every meeting is to examine each project based on its own merits, to take into consideration things like the Arts and Cultural District, the Town Center Concept Plan, and the Economic Development Plan, and make the best decisions based on the recommendations provided in these documents. He added that much of what is written in these documents are nothing more than recommendations or guidelines.

Mr. Reeb said, he too, is concerned with the proposed resolution. He felt that the City of Mesa has already made tremendous progress to support arts related projects such as the Southwest Museum, Arizona Museum for Youth, the

expanding sculptures program, and the new Mesa Arts Center. He said he felt that there is a lot more awareness, not only among City staff, but among the Advisory Boards and community as well. However, after reviewing this legal document, and especially one that is so vaguely written, it is his experience that the City of Mesa will define it in whatever way it chooses depending on whatever purpose they have. He said he liked what Chuck Riekema had to say about considering proposals based on their own merits and therefore he would not be in favor of approving the proposed resolution.

Chair Wier said that staff has stated that the resolution has no legal teeth, but Mr. Riekema and Mr. Reeb are concerned that by passing this resolution, the City will somehow become handcuffed. He asked for clarification of the resolutions legality.

Mr. Riekema said he did not wish to imply that the City would become handcuffed, but by approving this resolution, the City has written into the law one element that now has to be considered. He felt unsure with how much weight the resolution has to be given. For example, Mr. Riekema said, until now, he has not had to consider that the City has a long-term goal of sustaining the arts on City-owned property. It is not an element that currently goes into his decision making process. After passing this resolution though, it would now have to be given that consideration.

Chair Wier again asked for clarification. Staff has stated that this resolution has no legal teeth, but certain Board members feel that it does.

Mr. Felice said that if this were to become a law, it would have to be written as an ordinance. In order to illustrate the point, Mr. Felice gave a hypothetical example of a resolution that establishes a non-smoking day in the city of Mesa. If a person were to smoke on that day, they could not be given fine.

Mrs. Smith added that, although many exciting things are happening now in the City to encourage the arts, there are still programs out there such as the Southwest Shakespeare Company, which has to practice at the library because there is no inexpensive place for them to go. There are other ethnic art organizations have no space to practice and perform because they cannot afford office space. As a result of this resolution, perhaps the City can come to the aid of these programs, especially since they add an interesting dimension to the City's culture. Mrs. Smith added that when she read this resolution, her interpretation is that it acknowledges that the City will give a nod to the arts programs and consciously make an effort to support the arts, but it would in no way become a chain to the staff members or advisory boards.

Ms. Gerber said she would like to provide one example of a resolution versus an ordinance. Most cities have a public art program established by ordinance. The City of Mesa only has a resolution. This resolution states that 1% of the capital improvement program will be dedicated to the public art program, however, the public arts budget was reduced to \$200,000 dollars last year which doesn't even begin to represent 1% of the capital improvement projects

that the City sustains and this is because this resolution does not have the teeth of law.

Mr. Felice suggested that the motion include a recommendation to the General Development Committee requesting verification from the City Attorney's Office that the resolution carries no legal authority whatsoever. He said that was not the intent when creating the resolution.

It was moved by Chuck Riekema, seconded by Terry Smith, to recommend approval of a resolution to form an Arts and Cultural District in downtown Mesa with the following stipulation:

- 1. Strike the following words from Section 2 of the document: "and leverage long-term stability by proposing the use of city-owned property for the arts."**

Mr. Jordan asked if expanding the Arts and Cultural boundaries in the future would be a difficult and complicated process. For instance, changing the boundaries of the Redevelopment Area has to be considered by City Council.

Mr. Felice said any changes to the boundaries would have to be brought before the Downtown Development Committee and to City Council for approval.

Ms. Allen said the process would be a lot easier, however, than it would to expand the Redevelopment Area boundaries.

Mr. Felice added that another benefit of approving this resolution is that it will open some additional grant-funding opportunities for arts programs if we have a formalized Arts and Cultural District.

**Vote: 7 in favor;
1 opposed (Mark Reeb);
1 abstained (Wayne Pomeroy)**

10. Director's Report

Ms. Allen gave the report in Mr. Marek's absence.

Site 21 - Craig Prouty, with Lexington Capital, withdrew his proposal for the Bank One building.

Infill Properties and the Rehabilitation Code – Staff is working on drafting two separate documents, one for the infill development process and the other for the rehabilitation of existing buildings. Ms. Allen explained that many people are confusing the two issues. The Rehabilitation Code is to address building code issues for existing buildings, and Infill Properties is to specifically address zoning issues for vacant parcels.

11. Report from Mesa Town Center, Tom Verploegen – Executive Director

There was no report from Mesa Town Center Corporation.

12. Board Member Comments

Chair Wier said there is an event this Saturday night for the Sculptures in the Streets program to unveil some of the new sculptures before they are placed in the downtown area. It will be located at the Mesa Town Center Corporation from 5:00 to 7:00 p.m.

13. Adjournment

With there being no further business, this meeting of the Downtown Development Committee was adjourned at 9:10 a.m.

Respectfully Submitted,

Mr. Gregory J. Marek, Director of Redevelopment
Minutes prepared by Katrina Bradshaw

K:\Redev\Ddc\DDC2002\Nov MIN.doc