

COUNCIL MINUTES

December 9, 1999

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 December 9, 1999 at 7:45 a.m.

COUNCIL PRESENT

Mayor Wayne Brown
Jim Davidson
John Giles
Keno Hawker
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Kevin Adam
Don Ayers
Wayne Balmer
Neal Beets
Denise Bleyle
Jamie Brennan
Mike Brennan
Mark Coon
Linda Crocker
Gil Damiani
Bob DeLeon
Jack Friedline
John Gendron
Joe Holmwood
Mike Hutchinson
Barbara Jones
Kari Kent
Ron Krosting
Dorinda Larsen
Jeff Martin
Frank Mizner
Keith Nath
Ellen Pence
David Plumb
Bryan Raines
Tom Remes
Becky Richardson

STAFF PRESENT (CONT.)

Sharon Seekins
Jenny Sheppard
Jan Strauss
Larry Tally
Doug Tessendorf
Lois Underdah
Bill Way
Jaime Werner
Kim West
Mindy White
Paul Wilson
Larry Woolf
Others

OTHERS PRESENT

Eric Jackson
Pat Langdon
Carol McCormick
Jason Morris
Mark Reeb
C. K. Sato
Beverly Selvage
Robbie Sherwood
Dave Wier
Marilyn Wennerstrom
Others

1. Presentation to Fire Chief Dennis Compton for his appointment to the Order of Life Safety Servants as a Knight Bachelor.

City Manager Charles Luster announced that Fire Chief Dennis Compton has recently been appointed to the Order of Life Safety Servants as a Knight Bachelor and noted that this distinguished appointment honors both Chief Compton and the City of Mesa.

Mr. Luster informed the Council that Chief Compton is one of only 94 people who have received this award and noted that the appointment recognizes members of the Fire Service who have made a significant impact in the fire-safety area. Mr. Luster advised that the award is sponsored by the Residential Fire Safety Institute and is in recognition of Chief Compton's efforts to bring forward a fire sprinkler ordinance for new residences in the City of Mesa.

Mr. Luster presented Chief Compton with a lapel pin and ribbon and congratulated him on his appointment. Mayor Brown and the members of the Council also congratulated Chief Compton.

1.1 Hear a presentation on the City's Y2K preparedness.

Assistants to the City Manager Ellen Pence and Bryan Raines addressed the Council relative to this agenda item. Ms. Pence discussed staff's intent (between now and the first of the new year) to enhance and "celebrate safety" and noted that staff will disseminate information to the citizens on Mesa's continuing efforts to provide quality, uninterrupted services.

Mr. Raines commented that staff has been preparing for Y2K since 1996 and discussed the extensive efforts that have been expended, including the purchase and installation of a new 9-1-1 System. Mr. Raines provided a brief overview of Y2K preparedness and introduced Commander Mike Kalember, who discussed the Police Department's overall goals and plans to meet Y2K challenges that may arise.

Assistant Fire Chief John Geir also addressed the Council and provided a brief overview of the Fire Department's plan of action for Y2K. Chief Geir informed the Council that FEMA will be opening its operations center and emphasized that extensive effort has been expended to anticipate the requirements of the Y2K event.

Assistant Utilities Manager Bill Haney briefly highlighted the measures undertaken by the Utility Department in preparation for the onset of the new millennium.

Assistant Information Services Direction Bill Thompson presented an overview of his department's efforts to meet the challenges of Y2K and noted that the staff has been preparing for this event for the past several years.

In response to a question from Councilmember Davidson, City Attorney Neal Beets advised that discharging firearms within City limits, other than in self-defense, constitutes criminal activity.

Councilmember Davidson emphasized the importance of ensuring the safety of all residents and urged the members of the audience to refrain from discharging firearms within City limits.

Mayor Brown thanked the various members of staff for their presentation. Mayor Brown stressed the importance of utilizing a "common sense approach" in regard to the upcoming celebration and wished the members of the audience a safe and happy New Year.

2. Discuss and consider a request by the Tynan Group (representing AT&T to install a communication tower at Hohokam Park as recommended by the Parks and Recreation Board).

Mayor Brown stated that this item has been removed from the agenda.

3. Discuss and consider the park site at the southwest corner of North Quail and East Des Moines Street be named Valencia Park as recommended by the Parks and Recreation Board.

Parks & Recreation Director Joe Holmwood provided the Council with a brief overview of the proposed park site located at the southwest corner of North Quail and East Des Moines Street and discussed staff's recommendation that the site be named Valencia Park, as recommended by the Parks & Recreation Board.

Discussion ensued relative to the fact that the Parks, Recreation and Cultural Division has adopted administrative regulations to guide the name of parks and outlined the criteria that is in place, the fact that no significant site characteristics exist upon which to base an appropriate name, the fact that remaining citrus trees constitute the most unique characteristic of the property and other options that were considered by staff.

It was moved by Councilmember Davidson, seconded by Councilmember Pomeroy, that the park site located at the southwest corner of North Quail and East Des Moines Street be named Valencia Park, as recommended by the Parks and Recreation Board.

Carried unanimously.

4. Hear a presentation on the "Policy Guidelines for Use of CDBG/HOME Funding".

Community Development Manager Wayne Balmer noted the extensive range of uses which are allowed under the CDBG/HOME Funding Program and said that it has been staff's policy to solicit input and direction from the Council on an annual basis relative to proposed funding and policy guidelines.

Mr. Balmer informed the Council that interest has recently been expressed relative to undertaking economic development activities and utilizing the City's CDBG Program for funding. Mr. Balmer noted that job creation for low and moderate income people is an eligible funding activity and said that a number of other Arizona communities have utilized the funding for this purpose. Mr. Balmer commented that the Council may wish to consider adding language to the Policy Guidelines to include economic development activities as an option for funding. (See Attachment.)

Community Development Administrator Kit Savagian addressed the Council and briefly highlighted the funding process that occurs on an annual basis. Ms. Savagian also commented on the increased amount of interest in utilizing CDBG funding for economic development activities and requested that the Council consider the proposed policy revision. Ms. Savagian also discussed staff's recommendation that the Policy Guidelines be amended to include funding for facade and other limited improvements to correct Code violations as necessary for properties that are considered "slum and blight" or are located in an area so designated. Ms. Savagian requested Council input and direction relative to this issue.

Mayor Brown commented on the fact that current funding requests far exceed the amount of available funding and questioned the appropriateness of expanding competition for the funds.

Councilmember Kavanaugh commended Mr. Balmer and Ms. Savagian on their recommended changes to the Policy Guidelines and expressed the opinion that the revisions are appropriate and consistent. Councilmember Kavanaugh commented that the addition of the two funding areas will only have the effect of allowing applicants to submit applications and does not guarantee that funding will be made available for any particular entity. Councilmember Kavanaugh stressed the importance of maintaining broad flexibility in utilizing the funds for permitted uses. Councilmember Kavanaugh added the opinion that sufficient safeguards are in place to evaluate the competition proposals that are received in all of the various subject areas that may be involved in this process.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that staff's recommendation Option No. 3 (to change the Policy Guidelines to include economic development activities as an option for funding) be approved.

Councilmember Davidson noted that the City receives minimal guidance from regional agencies in areas of economic development activity.

Vice Mayor Giles concurred with Mayor Brown's comments and said that he was hesitant to increase the already excessive amount of funding applicants.

Councilmember Jaffa indicated support for staff's recommended revisions. Councilmember Jaffa commented on low/moderate income level definitions and indicated that he does not support the current definitions. Councilmember Jaffa commented that a focus exists on single-family home development and stated the opinion that funding should not be utilized for this type of construction. Councilmember Jaffa added that multi-family housing, such as apartment complexes, would be more appropriate.

In response to a question from Vice Mayor Giles, Mr. Beets stated the opinion that Vice Mayor Giles' association with the United Way organization does not constitute a conflict of interest regarding this particular issue.

Councilmember Pomeroy concurred with Mayor Brown and Vice Mayor Giles and said that competition for the funding should not be increased.

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh
NAYS - Brown-Giles-Hawker-Pomeroy

Mayor Brown declared the motion failed.

5. Hear a status report on Adobe Estates – Rezoning Case Z98-52.

Planning Director Frank Mizner provided the Council with a brief overview of this agenda item. Mr. Mizner stated that this residential rezoning case was initially approved by the City Council on October 19, 1998 and that due to a substantial degree of neighborhood interest, the applicant agreed to reduce the number of lots from 154 to 123. Mr. Mizner added that the property was subsequently sold to the Brown Family Communities and that the final subdivision plat has been approved but not recorded.

Mr. Mizner added that in October of 1999, the new developer began “grubbing” the site, which involved the clearing of the property, removing unwanted vegetation as well as saving vegetation to be retained, but noted that the activity did not involve mass grading of the natural contour of the land. Mr. Mizner further indicated that the neighbors in the area became extremely concerned relative to the fact that the natural desert had not been adequately retained and as a result, the natural wash was obliterated.

Mr. Mizner commented that the developer believe appropriate City procedures have been followed, that the original desert vegetation was not healthy or attractive, that the storm water retention areas must be provided, that the developer is not subject to the Native Plant Preservation Ordinance and grading permit requirements because the zoning approval predated those ordinances and because technically the site has not been graded and that the landscaping/re-vegetation plan will preserve the natural character of the wash and the desert landscaping.

Mayor Brown spoke in strong opposition of the actions of the developer and the manner in which the wash was destroyed.

Dawn Nehls, a resident in the area, stated the opinion that the local residents were dismayed by the destruction of the wash and the trees and that the developer should be required to adhere to the initial plan approved by the Council. Ms. Nehls also emphasized the fact that it was the understanding of the neighborhood that if any modifications were to be implemented, the City Council would revisit the matter. Ms. Nehls added that it should also be incumbent upon the developer to more effectively monitor the dust control in the area.

Sean Lake, an attorney representing Brown Family Communities, informed the Council that the developer initiated steps in accordance with approved guidelines despite the fact that the property at that time was not part of the Native Plant Preservation Ordinance. Mr. Lake added that the developer hold meetings with the neighbors to obtain necessary input and commented that the developer has not increased density levels or decreased the amount of open space.

In response to a question from Councilmember Pomeroy, Mr. Mizner stated that the Council has the option of proceeding with the applicant's proposal which involves the recordation of the final plat with the current 123 lots; grading of the site, including the retention areas; re-vegetation with primarily native plants including the wash corridor and compliance with all other zoning conditions, or initialing a zoning case to delete approximately 15 to 20 lots to relocate the necessary retention areas and requiring the developer to restore approximately six acres to a "natural and undisturbed" state.

Councilmember Jaffa expressed concern relative to what has transpired and stated the opinion that the only viable alternative is for the developer to re-vegetate the site in order to restore the natural desert.

Discussion ensued relative to the fact that the location of the retention basis had not been addressed by the Council and the fact it would be impossible to restore the natural desert.

Councilmember Jaffa urged the developer to work with the neighbors in an effort to address concerns.

Councilmember Davidson concurred with Mayor Brown's remarks and said that he had assumed that the "undisturbed and untouched" definition constituted a chain link fence protecting that area.

Mayor Brown recommended that the developer and the neighbors work together to reach an acceptable compromise to address their concerns and added the opinion that building permits should not be issued until the matter is resolved.

Councilmember Hawker concurred with Mayor Brown's comments.

6. Hear from representatives of the Maricopa County Elections Department regarding a proposed redistricting plan for the County Board of Supervisors.

Director of Elections for Maricopa County Karen Osborne provided Council with a brief synopsis of the agenda item and referred to maps which illustrated the proposed redistricting areas in Maricopa County.

Mayor Brown thanked Ms. Osborne for her presentation.

7. Consider proposals for commemorating the life of George Washington.

Louis Stradling, a representative of the Mesa Constitution Celebration Committee, presented to the Council a brief overview of the agenda item and requested that the City of Mesa participate in this celebration to commemorate the life of George Washington.

Mayor Brown indicated the Council's intention to participate in this historical event and to prepare a proclamation relative to this issue.

Mayor Brown thanked Mr. Stradling for his presentation.

8. Acknowledge receipt of minutes of various boards and committees.

- a. Police Committee meeting held November 15, 1999.
- b. Utility Committee meeting held November 15, 1999.
- c. Downtown Development Committee meeting held November 18, 1999.
- d. Museum Advisory Board meeting held November 29, 1999.
- e. Transportation Committee meeting held November 23, 1999.
- f. Ad Hoc Committee on Ethics meeting held November 17, 1999.

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

Carried unanimously.

9. Scheduling of meetings and general information.

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

Thursday, December 16, 1999, 7:30 a.m. – Council Study Session

Monday, December 20, 1999, 5:45 p.m. – Regular Council Meeting

Mayor Brown discussed his recent attendance at a Maricopa Association of Governments meeting.

Councilmember Davidson commented on his attendance at a recent Valley Forward meeting and requested that staff contact that organization and invite them to give a presentation to the Council on the services they provide to communities, including quality of life and environmental issues.

Mayor Brown requested that Mr. Luster pursue Councilmember Davidson's request.

10. Prescheduled public opinion appearances. (Maximum of three speakers for three minutes per speaker).

- a. Hear from Karl Millsaps regarding day laborer job centers.

Mr. Millsaps expressed concerns regarding the growing number of day laborers which congregate on City streets and urged the Council to initiate steps to correct this increasing problem.

11. Items from citizens present. (Maximum of three speakers for three minutes per speaker).

Mayor Brown advised that there were no items from citizens present.

12. Adjournment.

Without objection, the Study Session adjourned at 8:57 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 the 9th day of December 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

BARBARA JONES, CITY CLERK