

# COUNCIL MINUTES

August 2, 2001

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 August 2, 2001 at 7:30 a.m.

## COUNCIL PRESENT

Jim Davidson  
Bill Jaffa  
Dennis Kavanaugh  
Claudia Walters  
Mike Whalen

## COUNCIL ABSENT

Mayor Keno Hawker  
Pat Pomeroy

## OFFICERS PRESENT

Mike Hutchinson

(Items on the agenda were discussed out of order but for purposes of clarity will remain as listed on the agenda.)

Vice Mayor Davidson excused Mayor Hawker and Councilmember Pomeroy from the meeting.

### 1. Review items on the agenda for the August 6, 2001 Regular Council Meeting.

All of the items on the agenda were reviewed among Council and staff with no formal action taken. There was specific discussion relative to the following items:

Vice Mayor Davidson declared a potential conflict of interest on agenda item 7k (Granting an Underground Power Easement to Salt River Project at Fire Station 216 at McDowell Road and 80<sup>th</sup> Street) and said he would refrain from discussion/participation in this item.

Vice Mayor Davidson stated that agenda items 7j and 8b will be removed from the consent agenda.

Vice Mayor Davidson stated that agenda items 10a, 13e and 13f will be added to the consent agenda.

City Manager Mike Hutchinson stated that an additional item will be added to the agenda which will provide the Council with numerous development alternatives regarding the Indoor Aquatic Center.

Vice Mayor Davidson requested that staff provide the Council with an overview regarding development requirements associated with water retention in industrial parks, during a future Study Session.

2. Discuss and consider ongoing City efforts relative to large scale retail development, or big box retail.

Planning Director Frank Mizner addressed the Council and said that the purpose of this agenda item is to update the Council regarding the efforts of staff and appointed boards to address concerns relative to big box retail development and to seek Council's direction with respect to further action.

Mr. Mizner stated that municipalities have not historically regulated the scale of retail development. He said that the scale of various new retail stores has dramatically increased over the last few years resulting in concerns voiced by citizens in surrounding neighborhoods relative to traffic, property values, crime and compatibility. Mr. Mizner referred to numerous newspaper articles provided to the Councilmembers and commented on various methods used by other Valley communities to address problems associated with big box retail.

Mr. Mizner said that there are three general ways to address big box retail development, through: 1) design guidelines; 2) the City's General Plan; and 3) Council and/or Special Use Permits. He reported that the Design Review Board and the Planning and Zoning Board have worked diligently over the last year updating the City's design guidelines and said that the new guidelines will be presented to the Council during a September Study Session. He advised that the technical subcommittee determined that all retail development, including big box retail, be uniformly addressed through updated guidelines. He noted that the issues addressed by the updated guidelines include noise impacts, outdoor lighting, pedestrian circulation, trash enclosures, building materials, building design and buffers along arterial streets.

Mr. Mizner said that the location and designation of big box retail is a significant element of the General Plan update process. Mr. Mizner reported that staff will update the Council regarding Vision 2025 during a September Study Session. He stated that it is staff's recommendation that future rezoning requests be carefully reviewed for compliance with the General Plan and compatibility with current and anticipated area land uses.

Mr. Mizner commented on the advantages and disadvantages of regulating big box retail through Council or Special Use Permits. He advised that with implementation of a Council Use Permit, new retail development above certain size criteria would be subject to additional Council approval, and perhaps locational and separation criteria. He added that all existing large-scale retail would be classified non-conforming and subject to a Council Use Permit with any expansion. Mr. Mizner noted that a draft ordinance requiring a Council Use Permit for retail development in excess of 100,000 sq. ft. was previously drafted by Deputy City Attorney Joe Padilla at the request of Councilmember Kavanaugh. Mr. Mizner requested that the Council provide policy direction concerning further action in this matter.

Councilmember Jaffa indicated support for moving forward with the possibility of implementing a Council Use Permit or Special Use Permit with respect to big box retail and stressed the importance of soliciting community input during the process. Councilmember Jaffa voiced concerns relative to reuse, freeway proximity, intrusion into neighborhoods, overall design, setbacks and buffers.

Councilmember Kavanaugh voiced support for exploring the use permit process for big box retail and stated a preference for the Council Use Permit over the Special Use Permit. He

stated the opinion that the development community understands that regulation of big box retail is the current trend and that future development in Mesa will not be unduly impacted by requiring Council Use Permits for big box retail.

Councilmember Walters stated support for moving forward with evaluation of the Council Use Permit Process and stated the opinion that the Special Use Permit process offers less opportunity for citizen input. She stressed the importance of carefully crafting criteria to guide the Council Use Permit process.

Councilmember Whalen stated that although he is fully supportive of addressing the issue of big box retail through Design Guidelines and General Plan updates, he is concerned that the Council Use Permit process may limit retail development in the City and impact sales tax revenue.

Discussion ensued regarding the planned redevelopment of Mesa's former Montgomery Ward store.

Vice Mayor Davidson stated that he is supportive of the measures to address big box retail in the updated Design Guidelines and the General Plan update process. He said that although he has concerns regarding the political aspect of the Council Use Permit process, he is open to further recommendations from staff with respect to use permits. He voiced opposition to big box retail development in residential areas.

Mr. Mizner stated that staff would develop various options based on the Council's direction and present their recommendations at a future meeting.

3. Hear from representatives of Mesa Community College regarding the opening of the Mesa Community College at Red Mountain.

Dr. Larry Christiansen, President of Mesa Community College (MCC), addressed the Council and said that the new MCC at the Red Mountain campus will open in August and classes will begin on August 18, 2001. Dr. Christiansen provided a brief historical background regarding development of the campus.

Dr. Christiansen reported that 600 classes would be initially offered at the Red Mountain campus, which will allow students to complete various degree requirements. He noted that in addition to providing a comprehensive offering of classes, extra-curricular offerings would also be available including sports and music programs.

Dr. Christiansen advised that guided tours and self-tours of the campus would be offered on August 15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup>. He noted that the City of Mesa will be honored on August 15<sup>th</sup>, that Maricopa County will be honored on August 16<sup>th</sup> and that August 17<sup>th</sup> will be Community Day. He also noted that the Red Mountain Advisory Committee will be honored during a program on August 17<sup>th</sup> at 2:30 p.m.

Dr. Christiansen referred to photographs and a video displayed in the Council Chambers, which depicted the Red Mountain campus and discussed the "one college, two campuses" concept associated with development of MCC at Red Mountain. Dr. Christiansen commented on the advantages associated with the "one college, two campuses" concept including expanded

instructional programs, accreditation and cost savings. He stated that taxpayers will save approximately \$4 million a year in operating costs as a result of this concept.

Dr. Christiansen reported that approximately 22,000 students are expected at the Dobson/Southern campus this fall, 4,000 to 5,000 students are expected at the Red Mountain campus and approximately 4,000 students will be enrolled in Internet classes.

Councilmember Kavanaugh commended Dr. Christiansen and everyone involved with development of the Red Mountain campus. He stated the opinion that the campus is accessible to those of all ages and abilities and reflects the changing demographics of higher education, that it is a life-long experience.

Vice Mayor Davidson concurred with Councilmember Kavanaugh's remarks and stated that MCC is a model institution with respect to life-long education.

Discussion ensued regarding the shortage of nurses and teachers, the classes offered at the MCC campuses in the areas of nursing and education and MCC's close working relationship with Arizona State University (ASU) with respect to transferable programs and credits.

Dr. Christiansen reported that MCC transfers more students to ASU than the other nine Maricopa County community colleges combined and that students who matriculate at MCC have a higher graduation rate and a higher grade point average than students who originally matriculate at ASU.

Discussion ensued regarding public transportation that will serve the Red Mountain campus and the shuttle service that will be offered by MCC between the campuses.

Vice Mayor Davidson voiced appreciation to Dr. Christiansen for the update and stated the opinion that MCC enhances the quality of life in Mesa.

4. Hear and discuss the final recommended plan for the redistricting of City Council districts.

Council District Commission Chairman Pat Langdon addressed the Council and reported that the Commission reached unanimous approval of a Final Recommended Plan for the redistricting of Mesa. Mr. Langdon said that the recommendation of the Commission reflects 10 public hearings, innumerable contacts with citizens and very lengthy study on the part of National Demographics Corporation (NDC) and the Commission. Chairman Langdon noted that the compromises made by the Commission in reaching a final recommendation were in consideration of the best interests of the City.

Interim City Attorney Joe Padilla referred to the Legal Opinion dated July 31, 2001 provided to the Councilmembers and stated that two questions were presented regarding eligibility to run for District Councilmember: 1) *Under the Mesa City Charter, what are the district residence requirements for a City Council candidate?* and 2) *If Council district boundaries change as a result of redistricting and a person whose residence was previously in District A is placed in District B, in which district can the person run for Council?*

Mr. Padilla reported that it is the opinion of the City Attorney's office that under current Federal and State law and under the equal protection clause of the U.S. Constitution, a potential

candidate has the ability to choose to be a candidate in either District A or District B. He added that if the candidate chooses to run in District A, the candidate must relocate within the new boundaries of District A prior to the effective date of the boundaries.

Mr. Padilla commented on the previous opinion issued by the City Attorney's office in 1999 regarding this issue and said that the current opinion reverses the 1999 opinion based on new law that has been developed since that time.

In response to a question from Vice Mayor Davidson regarding the requirement that the potential candidate relocate within the new boundaries of District A, Mr. Padilla clarified that the City Charter requires that district Councilmembers reside in the districts they were elected to represent.

In response to questions from Councilmember Whalen regarding the effective date of the plan and Justice Department approval of the plan, Mr. Padilla advised that if the Council adopts the Final Recommended Plan on August 6, 2001, the effective date of the plan would be September 5, 2001. He noted that State law requires a 30-day delay of the effective date. He also explained that regardless of whether the Justice Department approves the plan or returns the plan for modifications, the effective date remains the same.

Councilmember Walters voiced support for the current legal opinion and said that it offers a broader opportunity for citizens to run for District Councilmember than the previous opinion.

Councilmember Kavanaugh stated concurrence with Mr. Padilla's analysis of the eligibility issues.

In response to a question from Councilmember Kavanaugh regarding the effective date of the new district boundary lines with respect to sitting District Councilmembers, Mr. Padilla confirmed that the previously described effective date also applies to the sitting District Councilmembers and their respective districts.

Discussion ensued regarding the fact that pursuant to the City Charter, the next redistricting of Mesa will occur in 2011, in response to the 2010 census.

Dr. Florence Adams of NDC provided an historical synopsis of the redistricting process to date and said that the Final Recommended Plan reflects the Commission's criteria and the input of citizens. Dr. Adams reviewed the map and the summary statistics for the Final Recommended Plan. She reported that although the Recommended Plan was generally supported, modifications were made to the plan to address concerns raised regarding: a) the division of an historic neighborhood between Districts 1 and 4; b) the lack of community between the western and eastern portions of District 1; c) the need to respect the Williams Gateway Airport influence area by keeping it intact within one district, and d) the desirability of raising the negative deviation in District 6 and having negative deviations in both Districts 5 and 6. Dr. Adams stated that the Final Recommended Plan addresses the above-mentioned concerns while keeping District 4 above the benchmark for maintaining Hispanic population percentages.

Dr. Adams advised that the Final Recommended Plan incorporates the following modifications: a) moves the Evergreen Historic District entirely into District 4; b) moves the boundary line between District 1 and 5 to Lindsay Road and Val Vista Drive instead of Greenfield Road; c)

sets the boundary line between Districts 5 and 6 east of Power Road at Main Street, and d) provides negative deviations in Districts 5 and 6 (the main growth areas), while providing significant positive deviations in Districts 1, 2 and 3 (the non-growth areas). Dr. Adams stated that the Hispanic population of District 4 is 47.84 percent and the voting age Hispanic population is 43.67 percent, slightly exceeding the benchmarks of 47.64 percent and 43.66 percent respectively.

Dr. Adams spoke about the issue of disadvantaged voters (citizens ineligible to vote for District Councilmembers in the 2000 and 2002 elections) and reported that approximately 17,000 voters will be disadvantaged in conjunction with the Final Recommended Plan. She noted that approximately the same number of voters would be disadvantaged in conjunction with Alternative 2.

Dr. Adams stated the opinion that the City will be faced with significant boundary changes in 10 years due to projected population increases within the City, predominantly in Districts 5 and 6. She noted that a citizen suggested that the City consider increasing the number of Councilmembers.

Councilmember Kavanaugh commended Dr. Adams and Chairman Langdon for their efforts throughout the redistricting process. He stated the opinion that the Final Recommended Plan is a worthy plan that is sensitive to the needs of neighborhoods and meets the established goals and criteria of the Commission.

Chairman Langdon advised that the technical support provided by NDC throughout the process was commendable. He also voiced appreciation to Special Assistant to the City Manager Jenny Sheppard and the City Clerk's office for the support provided to the Commission.

Discussion ensued regarding a street labeling modification that was made to the Final Recommended Plan map subsequent to the August 1, 2001 Council District Commission meeting.

Vice Mayor Davidson commended Dr. Adams, Dr. Alan Heslop and Chairman Langdon for their excellent work and service to the City.

Councilmember Walters commented on Chairman Langdon's historical service to the City and voiced appreciation to him for his numerous civic contributions.

City Manager Mike Hutchinson advised that the Council will consider formal adoption of the Final Recommended Plan during the August 6, 2001 Council meeting.

5. Hear a status report on Sky Harbor flight path issues.

Assistant to the City Manager Jeff Martin and Assistant to the City Manager Ellen Pence addressed the Council relative to this agenda item. Mr. Martin said that pursuant to direction from Council in this matter, staff worked with Federal Aviation Administration (FAA) officials to schedule public workshops in Mesa regarding anticipated impacts associated with the proposed Northwest 2000 plan (the FAA's proposal to change aircraft flight routes in the northern portion of the Sky Harbor Airport service area). Mr. Martin reported that two public workshops have been scheduled in Mesa and that pursuant to the FAA's request, a third workshop will be

conducted by the Salt River Pima Indian Community. He further reported that each workshop will be comprised of two meetings, the first meeting will be hosted by the FAA and the second meeting, which will immediately follow the first meeting in an adjacent meeting room, will be hosted by the City of Mesa or the Salt River Pima Indian Community. Mr. Martin explained that FAA requested that the format of the workshops be consistent with the workshops held in Scottsdale.

Ms. Pence referred to a sample invitation to attend the hearings provided to the Councilmembers and stated that the invitation will be mailed to all residents and businesses in north Mesa from University Drive to the northern border of the City. Ms. Pence reported that the workshops would be held on Tuesday August 21<sup>st</sup> at 6:00 p.m. in the Superstition Ballroom at the Centennial Center, and on Wednesday, August 22<sup>nd</sup> at 6:00 p.m. in the Multi-purpose Room of the Red Mountain Multi-Generational Center. She noted that although the workshop in the Salt River Pima Indian Community has been scheduled for August 23, 2001, the location of the workshop has not been determined. Ms. Pence commented on the various methods that will be used to publicize the workshops including Channel 11, the City's website, news releases and display ads in the newspapers.

In response to questions from Councilmember Whalen, Mr. Martin advised that top-level FAA officials are expected to participate in the workshops including Gus Nezer and Gerald Pennington and that all three proposed alternative plans will be discussed.

Mr. Martin stated that staff is in the process of scheduling a meeting with Scottsdale and FAA officials within the next week to discuss the possibility of developing a compromise between Alternatives 2 and 3 with the goal of proposing a consensus alternative to the FAA.

Discussion ensued regarding the format of the split meetings, the manner in which FAA representatives will respond to public questions, the facility accommodations and the capacity of the meeting rooms.

Vice Mayor Davidson stressed the fact that the public meetings are intended to address the concerns of residents affected by Northwest 2000 and not intended to address the concerns of residents regarding the future of Williams Gateway Airport.

Councilmember Jaffa voiced concerns regarding the Northwest 2000 report, the lack of consideration given to the environmentally sensitive areas of northeast Mesa, and the role of Williams Gateway Airport as a reliever airport to Sky Harbor Airport. He urged staff to continue their efforts to address these issues with the FAA.

Vice Mayor Davidson thanked Mr. Martin and Ms. Pence for the update.

#### 6. Appointments to boards and committees.

On behalf of Mayor Hawker, Vice Mayor Davidson recommended the following appointments to Boards and Committees:

#### ECONOMIC DEVELOPMENT ADVISORY BOARD

Michael S. Garcia – Appointment for term ending June 30, 2004.

GREATER PHOENIX ECONOMIC COUNCIL

Gary Smith – Reappointment to the Board of Directors and to the Executive Committee for one year commencing September 12, 2001.

Jack Sellers – Reappointment to the Board of Directors for one year commencing September 12, 2001.

Don Evans – Appointment to the Board of Directors for one year commencing September 12, 2001.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Walters, that the Council concur with the Mayor's recommendations and the appointments be confirmed.

Vice Mayor Davidson declared the motion carried unanimously by those present.

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

- a. Historic Preservation Committee meeting held July 12, 2001.
- b. Parks and Recreation Board meeting held July 12, 2001.

It was moved by Councilmember Jaffa, seconded by Councilmember Kavanaugh, that receipt of the above-listed minutes be acknowledged.

Vice Mayor Davidson declared the motion carried unanimously by those present.

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

Councilmember Jaffa commented on issues that were discussed during a recent Friends of the Tonto National Forest Committee meeting. He reported that Art Wirtz of the National Forest Service voiced concerns regarding the FAA's proposed flight path changes and lack of communication with officials of the National Forest Service in this regard. Councilmember Jaffa reported that the issues of flood control and accessibility to the Tonto National Forest were also discussed.

Vice Mayor Davidson that he also attended the Friends of the Tonto National Forest Committee meeting and that the issue of inappropriate shooting and use of explosives in the Tonto National Forest was also discussed during that meeting.

9. Scheduling of meetings and general information.

City Manager Mike Hutchinson stated that the meeting schedule is as follows:

Monday, August 6, 2001, TBA – Study Session

Monday, August 6, 2001, 5:45 p.m. – Regular Council Meeting

Monday, August 27, 2001, TBA – Study Session

Monday, August 27, 2001, 5:45 p.m. – Regular Council Meeting

Thursday, August 30, 2001, TBA – Study Session

10. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the Study Session adjourned at 9:30 a.m.

---

KENO HAWKER, 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 2<sup>nd</sup> day of August 2001. I further certify that the meeting was duly called and held and that a quorum was present.

---

BARBARA JONES, CITY CLERK

pjt