

# COUNCIL MINUTES

September 16, 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 September 16, 1999 at 7:30 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  
Joan Baier  
Wayne Balmer  
Neal Beets  
Dennis Bleyle  
Candace Cannistraro  
Dennis Compton  
Linda Crocker  
Bob DeLeon  
Jerry Dillahey  
Jack Friedline  
John Geier  
Carl Geis  
Penny Griffin  
Pat Harmon  
Mike Hutchinson  
Barbara Jones  
Karen Kille  
Wayne Korinek  
Dorinda Larsen  
Rich Lorig  
Greg Marek  
Jeff Martin  
Sandy Mason  
Frank Mizner

## STAFF PRESENT (CONT.)

Dick Mulligan  
Keith Nath  
Joe Padilla  
Ellen Pence  
Bryan Raines  
Regan Robbins  
Jenny Sheppard  
Jan Strauss  
Kim West  
Mindy White  
Paul Wilson  
Others

## OTHERS PRESENT

Dick Bradford  
Mike Elliott  
Myra Jefferson  
Barrett Marson  
Ken Olson  
Jack Sellers  
Robbie Sherwood  
Gary Smith  
Colleen Thomas  
Rick Weddle  
Others

Mayor Brown excused Councilmember Jaffa from the beginning of the meeting. Councilmember Jaffa joined the meeting at 7:38 a.m.

### 1. Review items on the agenda for the September 21, 1999 Regular Council Meeting.

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

7. Consider the following resolution:

- \*d. Establishing a Redevelopment Project Area as Site 24, bounded by Main Street on the south, Country Club Drive on the east, Pepper Place to the north, and the Vineyard Street alignment on the west.

In response to a request for additional information from Mayor Brown regarding this agenda item, Community Development Manager Wayne Balmer advised that this item was currently being discussed at the Downtown Development Committee's regularly scheduled meeting in the upper level Council Chambers. Mr. Balmer emphasized the fact that the proposal designates the above listed location as a redevelopment site and said that a specific user has not yet been identified.

Mayor Brown commented on the fact that this location is viewed as an "entrance" into Mesa and questioned the appropriateness of designating a hardware store at that location. Mr. Balmer explained that the project will actually include three to four additional businesses.

In response to a request from Councilmember Hawker, Mayor Brown stated that this item will be removed from the consent agenda.

8. Consider the following ordinances:

- \*a. **A98-5** Annexing the property on the south side of East McDowell Road from North Waterbury Road east to North 90<sup>th</sup> Street.

In response to a question from Councilmember Jaffa, City Attorney Neal Beets stated the opinion that Councilmember Jaffa should declare potential conflicts of interest on items 8\*a, 8\*b and 8\*c.

Mayor Brown stated that items 8\*a, 8\*b and 8\*c will be removed from the consent agenda.

- \*b. Pertaining to the subdivision regulations; amending Title 9, Chapter 6, Section 5 of the Mesa City Code expanding the boundaries of the Desert Uplands area, establishing native plant preservation standards; and providing penalties for the violation thereof.

In response to a question from Vice Mayor Giles, Mr. Balmer stated that the adoption of the expansion and modifications to the Desert Uplands requirements and native plant ordinance does not represent a General Plan modification. Mr. Balmer emphasized that this ordinance would not affect density or land use issues. Mr. Beets responded to questions from Councilmember Hawker pertaining to the adoption of the proposed ordinance, and the effects of development on the Desert Uplands area. Mr. Beets stated the opinion that the ordinance is appropriate as written and added that the Council should review each situation on a case-by-case basis.

In response to a question from Councilmember Davidson, Mr. Balmer informed the Council that the residential design guidelines for this site will be presented to the Council for their consideration at the next Study Session. Mr. Balmer stated that with Council's approval this case would be presented to the Planning and Zoning Committee as part of the normal process.

Mayor Brown stated that this item will be removed from the consent agenda.

- \*c. Amending Title 4, Building Regulations; adopting a new Chapter 11 Grading Permits: Desert Uplands area; and providing penalties for the violation thereof.

Mayor Brown stated that this item will be removed from the consent agenda.

- 10. Amending the Disposition and Development Agreement for Site 16 (Hogue Printing, Inc.).

In response to a request from Vice Mayor Giles, Mayor Brown stated that this item will be placed on the consent agenda.

- 11. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinance:
  - a. Z99-55 The southwest corner of McKellips Road and 48<sup>th</sup> Street. Requesting a Council Use Permit (33+/- acres). This case involves the development of a Super Wal-Mart. Mary Habeeb, owner; Rod Jarvis, applicant. Continued from the August 2 Council Meeting.

Mr. Balmer responded to questions from Mayor Brown pertaining to the fact that an official update on Wal-Mart's position was not available at this time. Mr. Balmer indicated that discussions with Wal-Mart have indicated Wal-Mart's intention to explore other options. Mr. Balmer stated that additional information concerning Wal-Mart's position on this case would be provided to Council prior to the September 21, 1999 Regular Council Meeting.

Mayor Brown requested that Mr. Balmer contact the applicant and inform him that the Council is awaiting an immediate response relative to their intentions at this time.

Councilmember Jaffa concurred with Mayor Brown's comments.

- 12. Consider the following subdivision plat:
  - \*a. "MAP OF DEDICATION OF RAY ROAD & SOSSAMAN ROAD PHASE I" – The 8600 block of East Ray Road and the 5200 – 5800 blocks of South Sossaman Road (both sides) William Gateway Airport Authority, developer; Agra infrastructure, Inc., engineer.

Mr. Balmer advised that this item would not be included on the agenda of the Tuesday, September 21, 1999 Regular Council Meeting but will be reintroduced at a later date as part of a larger plat of land encompassing the entire length of the street.

- 2. Discuss and consider adoption of the 1997 edition of the Uniform Fire Code (UFC) to include the Uniform Fire Code Standards with the 1998 and 1999 UFC Supplements and nine major amendments.

Fire Chief Dennis Compton, Assistant Fire Chief Bob DeLeon and Management Assistant II Dorinda Larsen addressed the Council relative to this agenda item. Chief Compton stated the opinion that staff's proposal to require automatic fire sprinklers in all new residential and commercial structures has the potential of becoming the most significant event in fire safety ever undertaken by the City of Mesa.

Chief DeLeon provided the audience with a brief overview of the 1997 Uniform Fire Code (UFC) and a presentation video on the subject of sprinkler systems recently featured on *Good Morning America*. Chief DeLeon discussed the major amendments proposed by staff, specifically the automatic fire sprinkler requirements.

Chief Compton advised the Council that staff is recommending approval of the resolution and ordinance adopting the 1997 Uniform Fire Code and six amendments. Chief Compton added that the originally proposed 800MHz amendment has been withdrawn and will be considered at a later date.

Councilmember Kavanaugh stated support for the Fire Department's recommendations and commented that automatic fire sprinkler systems are affordable and effective. Councilmember Kavanaugh commented that this proposal provides Mesa with a unique opportunity to become a leader among larger cities in terms of public health and safety.

Discussion ensued relative to information on the current requirements regarding sprinkler systems, the fact that the proposed amendments address new construction and not existing homes, the fact that the effective date for the proposed implementation of the automatic sprinkler systems would be May 1, 2000 and costs associated with the automatic sprinkler system.

Vice Mayor Giles noted that the proposal states that sprinklers would be required for all adult care homes containing non-ambulatory residents. Vice Mayor Giles stated that a large portion of the senior population relies heavily on adult care homes and that those facilities which serve ambulatory patients face financial hardship when patients become non-ambulatory. Chief Compton advised that existing adult care homes providing care for ambulatory patients who become non-ambulatory will be grandfathered and will not be subject to this requirement.

Councilmember Jaffa stated the opinion that the cost of the sprinkler systems is nominal when compared to the major issues of health, welfare and public safety. Chief Compton responded to questions from Councilmember Jaffa pertaining to definitions of manufactured homes and standards applied to construction materials.

Councilmember Hawker commended the Fire Department on their efforts to present the issue to the Council for consideration. Councilmember Hawker stated that he would support a proposal to require homebuilders to offer new homebuyers the option of installing automatic fire sprinklers in their homes but spoke in strong opposition to mandating the systems. Councilmember Hawker stressed the importance of protecting private property rights.

Councilmember Davidson indicated support for staff's recommendations and stated the opinion that new technology should be implemented within the community as advancements occur rather than on a retroactive basis.

Mayor Brown thanked Chief Compton and his staff for their presentation.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Jaffa, that this item be placed on the agenda of the September 21, 1999 Regular Council Meeting for consideration.

Carried unanimously.

3. Hear and consider a presentation by the Economic Development Advisory Board regarding funding for the Greater Phoenix Economic Council (GPEC).

Community Development Manager Wayne Balmer provided background information on this agenda item and stated that this issue involves the extension of a service contract between the City of Mesa and the Greater Phoenix Economic Council (GPEC). Mr. Balmer informed the Council that the Economic Development Advisory Board (EDAB) was requested to review the effectiveness of GPEC last June and advised that EDAB members are present to discuss their findings.

EDAB Chairman Gary Smith stated that the Board's recommendation is that the Council enter into an additional one-year contract with GPEC. Mr. Smith advised the Council that EDAB recommended that GPEC provide the City with a status of its performance at the beginning of the budget cycle before the City considers entering into any additional contractual agreements.

Economic Development Director Dick Mulligan discussed the services provided by GPEC and commented that despite the lack of actual relocations in the City of Mesa, benefits are being received in terms of value and return on investment. Mr. Mulligan briefly highlighted the contents of materials distributed to the Council, which included: 1) a summary of the economic impact model, 2) an editorial marketing campaign, and 3) a regional labor market analysis.

Mr. Mulligan also discussed marketing benefits, costs associated with efforts to duplicate the services provided by GPEC, and the overall benefits of Mesa's participation with GPEC. Mr. Mulligan added that he supports granting a one-year contract extension and said that staff would closely monitor the efforts of GPEC and the benefits received by the City of Mesa prior to the next request for a contract extension.

Councilmember Jaffa stated the opinion that monies should be expended for the implementation of infrastructure to attract industry rather than expending additional monies on the preparation of additional consultant's reports.

Councilmember Kavanaugh commended Mr. Mulligan on his analysis of this issue and stated support for EDAB's recommendations to the Council.

In response to a question from Councilmember Pomeroy, Mr. Mulligan commented that Mesa is in a very competitive region for attracting businesses. Mr. Mulligan added that improvements in infrastructure and buildings over the past year will enhance the likelihood of attracting businesses to Mesa in the future.

Councilmember Davidson requested that EDAB provide leadership in demonstrating a more definitive direction toward balancing retail and industrial property and stressed the importance of consistency and continuity.

Vice Mayor Giles indicated his reluctance to support this agenda item and discussed GPEC's lack of tangible success.

Mayor Brown commented on the importance of remaining in the mainstream of economic development issues by moving forward with the GPEC organization.

Councilmember Jaffa stated support for entering into a contract for an additional year but reiterated his concerns regarding GPEC. Councilmember Jaffa commented on the duplication of effort that exists among other organizations promoting business in Mesa.

Mayor Brown thanked Mr. Mulligan and Mr. Smith for their presentation.

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

- a. Adjustment Board meeting held August 31, 1999.
- b. Library Advisory Board meeting held September 7, 1999.

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

Carried unanimously.

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

Councilmember Kavanaugh reported on his attendance at a League of Arizona Cities and Towns meeting on September 6, 1999 in Tucson and noted that issues surrounding the internet and taxation laws were discussed.

Mayor Brown provided a brief update on the September 15, 1999 Council City Manager Search Committee meeting. Mayor Brown noted that the Committee meets again on October 6, 1999 to review the consultants' proposals.

6. Scheduling of meetings and general information.

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

Tuesday, September 21, 1999, 5:45 p.m. – Regular Council Meeting

Thursday, September 23, 1999, 7:30 a.m. – Study Session

Friday, September 24, 1999, 8:00 a.m. – Training Program on Weapons of Mass Destruction

Wednesday, September 29, 1999, 4:00 p.m. – Police Committee Meeting

Wednesday, October 6, 1999 (Prior to Study Session) – Council City Manager Search Committee Meeting

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

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

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

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

9. Adjournment.

Without objection, the Study Session adjourned at 9:15 a.m.

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WAYNE BROWN, MAYOR

ATTEST:

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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 16<sup>th</sup> day of September, 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 1999

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BARBARA JONES, CITY CLERK