

COUNCIL MINUTES

August 6, 1998

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 6, 1998 at 7:30 a.m.

COUNCIL PRESENT

Mayor Wayne Brown
Jim Davidson
John Giles
Keno Hawker
Bill Jaffa
Dennis Kavanaugh
*Pat Pomeroy (Telephone)

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Anthony Araza
Pauline Backer
Wayne Balmer
Cindy Barris
Neal Beets
Denise Bleyle
John Gendron
Mike Hutchinson
Barbara Jones
Harry Kent
Karl Kohlhoff
Ron Krosting
Karen Kurtz
Greg Marek
Jeff Martin
Frank Mizner

STAFF PRESENT (CONT.)

Keith Nath
Ellen Pence
Andrea Rasizer
Tom Remes
Ross Renner
Gordon Sheffield
Jenny Sheppard
Doug Tessendorf
Mindy White
Paul Wilson

OTHERS PRESENT

Doug Bennett
Louis Stradling
Willie Wong
Others

(*Mayor Brown announced that Councilmember Pomeroy will participate in discussion and voting on agenda items by use of telephone conferencing.)

1. Consider a report on the widening of Mesa Drive-University Drive intersection and the streets leading to and from the intersection.

Public Works Manager Harry Kent provided an overview of the proposed improvements to the Mesa Drive/University Drive intersection and the streets leading to and from the intersection. Mr. Kent stated that the intersection is to be widened from four lanes (two in each direction) to six lanes (three in each direction) with dual left-turn lanes.

Mr. Kent advised that improvements to Mesa Drive are included in the City's 5-Year Capital Improvement Plan (CIP) for the year 2000 but that efforts to coordinate with the Mesa Verde project will accelerate the northern portion of the plan by two years. Mr. Kent stated that it is staff's recommendation to construct the entire project at one time rather than merely installing improvements now along frontage involving the Mesa Verde project.

In response to a question from Mayor Brown, Mr. Kent indicated that the proposal involves widening the road to six lanes but that no freeway interchange is currently planned. Councilmember Hawker noted the acquisition of right-of-way for exit/entrance ramps in the event such property is needed in the future.

Mr. Kent reported that the design contract for the improvement project has been initiated but said that in the event Mesa Verde does not proceed as anticipated, staff can acquire right-of-way as it becomes available but likely will not actively pursue such acquisition.

In response to a question from Councilmember Hawker, City Manager Charles Luster stated that it is staff's preference to improve the intersection of Mesa Drive and Main Street as a component of the Main Street project rather than this proposal.

Mr. Kent outlined anticipated time frames for the improvement project. Mr. Kent commented that staff plans to review the proposal with adjacent property owners but in an effort to meet the proposed schedule, staff does not intend to hold additional meetings and/or revise the preferred alignment. Mr. Kent expressed concern relative to the completion date of March 2000, noting that eminent domain proceedings need to be initiated no later than November 1998 but that the deadline for the development agreement (commencement of project) is not scheduled until October 2, 1998. Mr. Kent spoke concerning the potential impact of simultaneous street projects, such as the Main Street streetscape improvements.

Community Development Manager Wayne Balmer reported that a delay to July or August 2000 would be acceptable to Interactive Leisure Resources (ILR), developer of the Mesa Verde project.

Discussion ensued concerning the possibility of obtaining recommendations from the Traffic Safety Committee, the feasibility of completing the project with a four-month extension, the importance of public input, anticipated eminent domain proceedings, and the inclusion of the University Drive portion within the 1998/99 CIP.

Councilmember Hawker said that he does not object to proceeding with the project two years prior to the CIP (particularly given the anticipated improvements to the Mesa Drive/Main Street intersection as part of the Main Street project) but stated support for obtaining public input and subsequently modifying the proposed alignment where possible (if requested). Mr. Kent indicated that several months will be required to obtain input, which will necessitate that the project design be placed on hold.

Councilmembers Jaffa and Pomeroy spoke regarding the importance of public input. Councilmember Pomeroy encouraged minimal disruption to businesses.

City Manager Charles Luster indicated that staff will arrange to obtain public input as directed by Council.

1.1 Further discussion and consideration concerning group homes in residential areas.

Community Development Manager Wayne Balmer requested clarification from Council pertaining to the review process for group homes, particularly those involving residents who have been adjudicated for crimes. Mr. Balmer noted that when applications are received by the State, the City (as the zoning authority) is asked to complete a "Request for Zoning Authority Clearance" form indicating whether requests for group homes are in compliance with zoning regulations, and if not, what requirements will need to be met before zoning clearance can be obtained.

Mr. Balmer advised that in response to recent Council discussion regarding group homes, staff has initiated a process whereby applicants are requested to provide additional information in writing pertaining to proposed

programs. Mr. Balmer reported that concern has been expressed by various service providers that presenting such information increases response time and unduly delays the application process. Mr. Balmer indicated that turnaround times could be accelerated if such information were provided initially at the time of application.

Mr. Balmer stated that the additional information typically requested includes:

1. Have any of the residents been adjudicated for crimes? If so, what is the general nature of the crimes?
2. If the residents are considered handicapped, please specify the type of handicap(s) (e.g., developmentally disabled, mental illness, etc.). By whom has this handicap been diagnosed?
3. Does the facility require a behavioral health license from the Arizona Department of Health Services?
4. What is the specific name of the DES license being applied for (e.g., group care agency, foster home, etc.)?
5. What is the average length of stay of the residents?
6. What types of services are provided at the facility?

In response to a question from Councilmember Kavanaugh, Mr. Balmer said that Question #2 is included to determine the general type of facility and is not intended to invade the medical privacy of individuals.

Vice Mayor Giles commented that the six questions should be applied uniformly and not arbitrarily. Mr. Balmer noted that the six questions would be asked of all applicants but that further information and/or clarification may be necessary at times, depending on the responses provided.

In response to a question from Vice Mayor Giles concerning the ability to consider criminal history as a criterion, City Attorney Neal Beets stated that current regulations allow the City to determine if clientele might pose a threat to the community or a neighborhood.

Vice Mayor Giles questioned the process should an application meet general zoning requirements but conflict with the City's group home requirements. Mr. Balmer said that staff likely would not reject an application but would attempt to determine a more appropriate location.

In response to a question from Vice Mayor Giles regarding the ability to legally reject an application, Mr. Beets stated that staff could initially attempt to work with the Department of Economic Security (DES) to address the concerns of both the City and the applicant (e.g., consider another site), but if a solution is not feasible, advise when a request does not comply with City regulations. Mr. Beets stated that it would be the responsibility of the applicant to commence actions necessary to obtain the City's approval.

Vice Mayor Giles recommended that the City's ordinance be reviewed to specifically address violent criminal history.

Councilmember Pomeroy indicated support for the six questions currently posed by staff.

Councilmember Davidson expressed concern that permits may be delayed, particularly for those applicants caring for children removed from homes. Councilmember Davidson suggested that a memo be distributed requesting that written information be provided at the outset with any application.

Mr. Balmer stated that staff can prepare a memo but that many individuals prefer not to supply information with the application. Mr. Balmer noted that staff has asked the State to verify some data.

Councilmember Davidson reiterated his concern that the application process may be delayed and indicated a willingness to contact current applicants if necessary.

Councilmember Jaffa expressed concern that the State format does not conform to the City's process. Councilmember Jaffa spoke regarding the importance of obtaining information relevant to individuals adjudicated of crimes but noted the burden placed on applicants to respond to questions and stated concern that accurate information may not be provided. Councilmember Jaffa questioned the ability to revoke a permit should it be determined that incorrect data has been presented. Councilmember Jaffa stated support for a responsive review process, particularly for situations involving children removed from homes, but cautioned against hurried action based on potentially incorrect information.

Mr. Balmer advised that staff is currently reviewing an application involving children removed from hazardous situations and has requested additional information pertaining to vehicular activity at the proposed site and whether residents have been adjudicated of crimes. Mr. Balmer stated that it is not staff's intent to hinder the application process but to obtain complete and correct data.

Councilmember Hawker stated support for the six questions presented by staff and additionally suggested that staff inquire relative to neighborhood support (similar to general zoning cases) and work with DES to possibly include the six questions on the State form in order to obtain information at the outset.

Mayor Brown concurred with Councilmember Hawker and spoke in favor of continuing to pursue responses to the six questions. Mayor Brown encouraged efforts to ensure that the process is not unduly hindered in situations involving foster children but noted the expectation of citizens in addressing the issue of group homes.

Councilmember Pomeroy indicated agreement with Mayor Brown.

2. Appointments to boards and committees.

Mayor Brown recommended the following appointments to the Downtown Aquatics Facility Planning Committee:

Lynda Bailey
Representative Jeff Groscost
Councilmember Hawker
Joe Holmwood
Bill Passey
Pam Patience
Mark Taylor
Claudia Walters
Jim Zaharis

It was moved by Councilmember Hawker, seconded by Vice Mayor Giles, that the Council concur with the Mayor's recommendation and the appointments be confirmed.

Carried unanimously.

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

- a. Economic Development Advisory Board meetings held June 25 and July 23, 1998.
- b. Historic Preservation Committee meeting held July 9, 1998.
- c. Mesa Economic Growth Association Board meeting held July 23, 1998.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, to acknowledge the receipt of the above-listed minutes.

Carried unanimously.

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

Councilmember Hawker spoke briefly concerning a Vision 2025 meeting held recently in Phoenix. Councilmember Hawker expressed concern relative to the lack of an action plan and the likely request for additional staffing and funding from Mesa.

Mayor Brown asked that Councilmember Hawker submit a written report to be forwarded to the Maricopa Association of Governments (MAG).

5. Scheduling of meetings and general information.

Mr. Luster stated that the meeting schedule is as follows:

Monday, August 17, 1998, 5:45 p.m. - Special Council Meeting (preceded by a Study Session)

Monday, August 31, 1998, 5:45 p.m. - Regular Council Meeting

(At 8:15 a.m., Councilmember Pomeroy was excused for the remainder of the meeting.)

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

- a. Hear from Louis Stradling regarding fluoridation.

Louis Stradling, 417 South Pasadena, requested emergency action from Council to forestall fluoridation in Mesa. Mr. Stradling noted Council's direction on May 21, 1998 to fluoridate Mesa's water, with a 90-day estimate for implementation, and stated that action is necessary at this time to prevent Phoenix and Mesa from installing equipment.

Mr. Stradling spoke concerning what he believes are health hazards of fluoride, noting that the City's water presently contains more than half the recommended .7 ppm and that fluoride is available in items such as bottled water and toothpaste. Mr. Stradling expressed the opinion that fluoridation violates freedom of choice and the intent of the Federal Safe Drinking Water Act. Mr. Stradling encouraged Council action to alleviate an initiative campaign and requested that Council submit to voters at the next election a proposal to amend the City Charter to prohibit fluoridation.

Mr. Stradling noted various states and cities that have recently rejected fluoridation. Mr. Stradling indicated that he has studied the issue of fluoridation for approximately 40 years and has substantial material available for examination. Mr. Stradling distributed additional written information for Council review.

Mr. Stradling expressed appreciation for the opportunity to speak and encouraged Council to contact him should they have questions.

Mayor Brown stated that while Council cannot take action at the meeting this date, the issue could possibly be scheduled for discussion at a future meeting. Mayor Brown suggested that consideration be given to reviewing this item as well as additional Charter amendments for inclusion on an election ballot.

Mayor Brown thanked Mr. Stradling for his comments.

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

There were no items from citizens present at this time.

8. Adjournment.

Without objection, the Study Session adjourned at 8:21 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 6th day of August 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1998

BARBARA JONES, CITY CLERK