

COUNCIL MINUTES

February 3, 2000

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 February 3, 2000 at 7:50 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
Joan Baier
Wayne Balmer
Denise Bleyle
Jamie Brennan
Mike Brennan
Karen Calacci
Jack Caroline
Tony Collins
Dennis Compton
Mark Coon
Linda Crocker
Bob DeLeon
Luigi Digirolamo
Jo Ferguson
G. T. Fowler
Mike Hutchinson
Barbara Jones
Wayne Korinek
Ron Krosting
Karen Kurtz
Rich Lorig
Tom Mattingly
Frank Mizner
Keith Nath
Ruth Anne Norris

STAFF PRESENT (CONT.)

Joe Padilla
Ellen Pence
Bill Petrie
David Plumb
Bryan Raines
Tom Remes
Becky Richardson
Regan Robbins
Sharon Seekins
Jenny Sheppard
Jan Strauss
Ed Tato
Lois Underdah
Judy Wessel
Mindy White
Paul Wilson
Others

OTHERS PRESENT

Betty Beard
Teresa Brice-Heames
Barrett Marson
Ralph Pew
Others

1. Review items on the agenda for the February 7, 2000 Regular Council meeting.

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

3. Consider the following liquor license applications:

*a. HARPAL S. GREWAL, INDIVIDUAL – 99 Cents Plus Discount.

In response to a question from Councilmember Pomeroy relative to the fact that a church is located in close proximity to this store, Tax & Licensing staff member Judy Wessel advised that the church was built after the store was established and therefore the business is eligible to apply for the license.

Mayor Brown requested that staff provide additional information relative to this agenda item prior to the Monday, February 7, 2000 Regular Council Meeting.

Councilmember Davidson commented on the fact that the store is located near Keno Junior High School. Councilmember Davidson stated the opinion that this business is located in an area that is currently in transition and indicated that at this time he does not support approval of the license, particularly in view of the store's close proximity to the school.

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

4. Consider the following contracts:

*j. Sixty vehicles for various City departments.

Councilmember Pomeroy requested that this item be removed from the consent agenda in order to remain consistent with his philosophy that contract amounts over \$1 million should not be approved as part of the consent agenda.

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

5. Introduction of the following ordinances and setting February 22, 2000 as the date of the public hearing on this ordinance:

b. Z99-99 The 4000 and 4100 block of East McDowell Road.

Councilmember Jaffa indicated he had a potential conflict of interest in connection with the matter currently under discussion which he wanted reflected in the minutes of the meeting and because of such conflict, he would refrain from discussing and/or participating in any manner in connection with same.

d. Pertaining to the regulation of recovery homes and group homes for the handicapped.

City Attorney Neal Beets provided the Council with a brief overview of this agenda item and discussed the most recent draft of the proposed ordinance relative to this issue. Mr. Beets expressed the opinion that the proposed ordinance covers every issue the City can legally cover and added that a tough balance exists between the rights of the handicapped and residents' rights.

6. Consider the following resolutions:

Councilmember Jaffa referred to agenda items *a, *b and *c and stated that all three of these items support applications for funding for affordable housing. Councilmember Jaffa advised that he has an overall concern regarding the City's overall affordable housing efforts and stated the

opinion that the City must look beyond single family structures when considering this issue. Councilmember Jaffa added that density levels must also be discussed but indicated that he has no problem moving forward on these three issues at the current time.

Councilmember Davidson requested that he be provided a copy of the City's annual review of affordable housing in Mesa and Mr. Balmer indicated his intention to provide Councilmember Davidson with a copy of this report.

- *e. Authorizing the City Manager to enter into an Intergovernmental Agreement with the Pima County Sheriff's Department for the funding of overtime for a Mesa police officer assigned to the High Intensity Drug Trafficking Area – Maricopa County Clandestine Lab Task Force.
- *f. Authorizing the City Manager to execute an Intergovernmental Agreement with the Arizona Governor's Office of Highway Safety providing for funds to pay overtime to officers for enforcing youth alcohol laws.

In response to a request for input on the above two agenda items from Councilmember Pomeroy, Police Chief Jan Strauss and Lieutenant Luigi Digirolamo presented a brief overview and spoke in support of both agenda items.

7. Consider the following ordinances:

- *b. Amending Section 11-14-3 of the Mesa Zoning Ordinance regarding Design Guidelines for Signs.

City Manager Charles Luster advised that this item has been deleted.

- *9. Consider utilizing the services of a consultant to assist in the development of a comprehensive customer information system to be approved as recommended by the Finance Committee.

Councilmember Davidson indicated that he had a potential conflict of interest in connection with the matter currently under discussion which he wanted reflected in the minutes of the meeting and because of such conflict, he would refrain from discussing and/or participating in any manner in connection with same.

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

10. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:

- a. Z99-103 – The 2200 block of South Country Club Drive.

In response to a question from Councilmember Pomeroy, Community Development Manager Wayne Balmer advised that the case had been continued to allow the applicant additional time to address outstanding escrow issues. Mr. Balmer reported that all of the issues have been resolved.

- *b. Z99-117 – South of the southeast corner of Mountain and Williams Field Roads.

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter currently under discussion which he wanted reflected in the minutes of the meeting and because of such conflict, he would refrain from discussing and/or participating in any manner in connection with same.

Mayor Brown advised that this item would be removed from the consent agenda.

- d. Z99-119 – The southeast corner of McKellips and Greenfield Roads.

Discussion ensued among the members of the Council relative to the proposed stipulations, landscaping, the fact that the applicant has appeared before the Design Review Board and the plan is in compliance with their requirements, the addition of a "citrus area," density levels in the surrounding area, traffic arterials and projected volumes, and a request from Councilmember Hawker that a traffic count study be initiated in the near future in an effort to define anticipated impacts.

Councilmember Davidson requested that staff provide an update on the Triple Five project, located at Baseline and Val Vista, at a future Council meeting.

2. Discuss and consider approval of process for the Mesa Day Labor Task Force and consider approving membership to the Task Force.

Neighborhood and Community Assistance Director Tanya Collins and Human Services Coordinator Karen Kurtz addressed the Council relative to this agenda item.

Ms. Collins discussed previous action initiated by the Council in December 1999 which resulted in the creation of the Mesa Day Labor Task Force to address the day labor situation in Mesa. Ms. Collins advised that in response to Council direction to develop a process and recommend proposed membership for the Task Force, staff has prepared recommendations for Council consideration and action.

Ms. Collins stated that the process recommended by staff to be followed by the Mesa Day Labor Task Force parallels the procedures that were successfully followed in both 1995 and 1996 by the Citizen Task Force on Homelessness. Ms. Collins also stated that the major goal of the Task Force will be to develop a long-term, sustainable solution to the day labor issue.

Ms. Collins discussed the proposed membership recommendations and noted that staff has expended great effort to ensure that the membership represents a broad cross section of the community, including all impacted and interested citizens.

Mayor Brown thanked Ms. Collins and Ms. Kurtz for their efforts in this area.

Councilmember Kavanaugh stated the opinion that the process that was previously followed by the Citizen Task Force on Homelessness was excellent and greatly assisted the Council in rendering decisions on difficult issues. Councilmember Kavanaugh commented that he strongly supports staff's recommendations relative to this issue.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the recommendations of staff be approved.

Councilmember Davidson concurred with Councilmember Kavanaugh's remarks and recommended that Dr. Carlos Vallejo be considered as a possible member of the proposed Task Force. Councilmember Davidson suggested that Dr. Vallejo serve as a resource and adjunct advisor rather than a voting member.

Ms. Collins and Ms. Kurtz indicated their intention to contact Dr. Vallejo.

Vice Mayor Giles also commended staff on their efforts and recommended that Mr. Walter McIver also serve as a member of the Task Force and requested that Councilmember Kavanaugh amend his motion to include the additional two names.

Councilmember Kavanaugh stated that he will amend his motion to include the two additional names recommended by the Council. Councilmember Pomeroy seconded the amendment to the motion.

Councilmember Hawker expressed the opinion that the City should communicate their position and efforts relative to this issue to the Governor and network with border communities in an effort to address this matter.

Ms. Collins advised that staff will contact the Governor's office and provide the Council with updates relative to this issue.

Carried unanimously.

3. Discuss and consider proposed development of the Mesa Highlands project (approximately 760 acres of State Trust land in northeast Mesa).

Councilmember Jaffa noted that this proposal involves 760 acres located in the center of the Desert Uplands Area. Councilmember Jaffa advised that the proposal involves the possible auction of this land by the State in the near future and the designation of zoning which does not mirror the City of Mesa's adopted policies and guidelines that have been in place since the last General Plan update.

Councilmember Jaffa stated that the General Plan as it is currently written in many ways supports the proposed land use but added that the last General Plan adopted was based on an approved case for this area in the 1980's. Councilmember Jaffa noted that the zoning does not coincide with the current zoning guidelines for that area.

Councilmember Jaffa discussed the Council's intention in the near future to implement an additional General Plan amendment which will specifically address the Desert Uplands Area. Councilmember Jaffa stated the opinion that in order to ensure proper protection for this area, the Council should initiate a Planning & Zoning case while concurrently pursuing negotiations with the State. Councilmember Jaffa noted that in the past, the City has bestowed economic benefits on the purchasers of parcels of property based on the General Plan and the zoning that was in place at that time. Councilmember Jaffa cautioned that unless the City simultaneously initiates a

Planning & Zoning case, the land may be sold based on zoning that is not in line with current policy directives from the Council.

Mayor Brown commented that this item has been under consideration for a long period of time and stated the opinion that the State is anxious to sell this trust land under the current zoning designation. Mayor Brown concurred with Councilmember Jaffa's remarks relative to this issue and reported that the City has attempted to reach the Land Commissioner and invite him to attend this meeting to address this matter.

Community Development Manager Wayne Balmer advised that staff contacted the Land Commissioner but his schedule did not accommodate his attendance at this meeting.

In response to a question from Mayor Brown relative to efforts that may be initiated by the City of Mesa to protect this pristine parcel of the Desert Uplands area, Mr. Balmer referred to a copy of a conceptual Master Plan for the area that was developed for the Mesa Highlands project in 1987. Mr. Balmer said that the General Plan was completed in 1988 and this conceptual plan was incorporated into the General Plan at that time. Mr. Balmer noted that the 1996 plan, which is utilized at the current time, incorporated this conceptual plan as far as the overall density of the project that was originally proposed (1.87 units per acre). Mr. Balmer said that the Council has been provided with copies of a letter containing the conditions that were adopted by the City and forwarded to the State Land Department in 1987.

Mr. Balmer explained that the State Land Department does not actually plan the projects themselves and reported that they locate planning "permittees," who are people interested in bidding on the property. Mr. Balmer added that the "permittees" get involved with the projects themselves, perform the work, and provide the Department with a plan which is then kept on file. Mr. Balmer reported that the State decided not to sell the property at that time based on a number of unresolved issues including freeway construction, the CAP Canal and storm drainage.

Mr. Balmer confirmed that the State Land Department intends to sell the property this summer and said that of the 26 conditions of approval that staff has discussed with the State regarding this parcel, 11 issues relate directly to the preservation of the desert environment. Mr. Balmer reiterated that the approved density is a maximum conceptual density level and subject to future Council review and approval of every use and subdivision plat that is approved for that area.

Mr. Balmer informed the Council that the State is reluctant to spend additional money on the planning of this property and added that the State is aware of the City's concerns and has been requested to forward to all potential bidders the Council's concerns regarding the project including design, enhancement of the current desert character, density levels and other relevant issues.

Discussion ensued relative to the fact that the Core of Engineers' 404 Program, which effects storm drainage, will have the effect of requiring a total redesign of the golf course; the fact that the golf course; was designed to serve as a central core with housing developed all along the course, staff's opinion that a new project design will be forthcoming in the future; and the State's goal of ensuring the receipt of the maximum amount of revenue possible from the sale of the property.

Mr. Balmer commented on the State's concerns regarding any revision to the zoning or development plan at this time which may negatively impact bidding interest on the property. Mr.

Balmer recommended that he and staff from the City Manager and City Attorney's Offices meet with the State to reiterate our concerns and emphasize the importance of passing on to all potential bidders the City's concerns and the steps that will have to be followed by the owners in order to receive project approval from the Council. Mr. Balmer added that, in accordance with Councilmember Jaffa's recommendation, the Council should direct staff to initiate a Planning and Zoning case which will essentially rescind the previous Development Master Plan.

Mayor Brown noted that a letter has been received from the State Land Department indicating their concerns that the City would entertain any thought of changing the zoning particularly in view of the fact that a party has expressed strong interest in bidding on the parcel. Mayor Brown stated the opinion that the State Land Department's proposal for this property is the exact opposite of what the Governor's Growing Smarter Program advocates.

Councilmember Kavanaugh commented that following the November election many changes may occur relative to the utilization of State Trust lands and their preservation. Councilmember Kavanaugh said that he concurs with the importance of communicating the City's concerns regarding this parcel and added that he also agrees with Councilmember Jaffa's suggestion that a new zoning case should be initiated.

Vice Mayor Giles concurred with Mayor Brown and Councilmember Kavanaugh's remarks and said that the proper utilization of this land is much more important and has more far reaching long-term effects than obtaining the highest dollar for the parcel. Vice Mayor Giles also agreed that an additional zoning case should be initiated as recommended by Councilmember Jaffa.

Councilmember Pomeroy also stated support for the Mayor's remarks and requested that staff define this area on the map for the benefit of the viewing audience. (Mr. Balmer complied with Councilmember Pomeroy's request and presented a brief explanation of the parcel's location.)

Councilmember Hawker questioned the appropriateness of initiating a new ordinance to rescind the zoning and requested an explanation relative to this process.

City Attorney Neal Beets advised that the City is authorized under State law to initiate zoning cases and has done so on various occasions such as when property is annexed into the City from the County. Mr. Beets stated that although the property owners' desires are a consideration, legally the City does not need permission of the owners to rezone property. Mr. Beets added that had the owners pursued the zoning that was in place in 1987, obtained permits and started development, then they would have had a vested interest in the zoning and it could not be changed.

Councilmember Hawker questioned whether it would be more advantageous, if the 1.87 units is a targeted density goal, to initiate a new zoning case or forward a letter to the State advising them that since 1987 the City has changed its density levels in this area to under one acre.

Mr. Beets stated that when the golf course land is taken into consideration and counted as part of the parcel's area, the density level is much higher but he added that in his opinion both administrative and zoning approaches should be pursued by the City.

Councilmember Davidson suggested that rather than "hard zone" the property at this time, the City should proceed with their negotiations with the State based on the premise that the land is linked with a County park to the north and to the east, Usury Mountain, and stated the opinion

that members of the Board of Supervisors may be willing to testify that the parcel is a crucial piece of open-space.

Mr. Balmer explained that the City granted conceptual approval of the Master Plan Concept and said that each individual user will be required to come before the Council to receive "hard zoning" once development plans have been completed. Mr. Balmer added that Councilmember Jaffa is recommending that the Council implement a measure as simple as rescinding the earlier ordinance and requiring new planning "permittees" to come forward with a new concept to develop an entirely new design for this property.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that staff be directed to initiate a new zoning case to rescind the conceptual zoning that is currently in place on this 760-acre parcel of land.

Carried unanimously.

4. Hear and discuss a report showing financial forecasts for Williams Gateway Airport.

Mayor Brown advised that this item will be discussed at a future Council meeting.

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

- a. Crime Prevention Advisory Board meeting held January 5, 2000.
- b. Judicial Advisory Board meeting held January 5, 2000.
- c. Transportation Advisory Board meeting held December 21, 1999 and January 19, 2000.

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

Carried unanimously.

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

Mayor Brown advised that there were no reports on meetings and/or conferences attended.

8. Scheduling of meetings and general information.

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

Monday, February 7, 2000, 5:45 p.m. – City Council Regular meeting

Thursday, February 10, 2000, 7:30 a.m. – City Council Study Session

Tuesday, February 15, 2000, 4:00 p.m. – Police Committee

Wednesday, February 16, 2000, TBA – Interviews for City Manager position

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

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

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

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

11. Adjournment.

Without objection, the Study Session adjourned at 9:31 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 3rd day of February, 2000. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2000

BARBARA JONES, CITY CLERK