

GENERAL & ECONOMIC DEVELOPMENT COMMITTEE MINUTES

November 19, 2007

The General and Economic Development Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on November 19, 2007 at 4:14 p.m.

COMMITTEE PRESENT

Tom Rawles, Chairman
Claudia Walters
Kyle Jones

COMMITTEE ABSENT

None

STAFF PRESENT

Debra Dollar
Debbie Spinner

1. Items from citizens present.

There were no items from citizens present.

2. Hear a presentation, discuss and make recommendations on proposed revisions to the Mesa Fire and Building Codes.

Chairman Rawles noted that this item was carried over from the November 5th Committee meeting in order to consider any comments received through November 19th, the end of the public comment period.

In response to a question from Chairman Rawles, Assistant Fire Chief Brady Leffler reported that no public comments have been received regarding this proposal.

Fire Protection Engineer Hal Key explained that although higher fire protection requirements were implemented for warehouse and shell buildings, the owner or developer could design to a lower standard if a legal restriction were placed on the title to the property.

In response to a question from Chairman Rawles, Mr. Key stated that in order to remove the deed restriction, the sprinkler system capacity would have to be redesigned to a higher standard to reflect the requirements for the building's occupancy.

Discussion ensued relative to the fact that the property owner would place the deed restriction on the building; and that the deed restriction would only apply to the building and not the property.

Chairman Rawles advised that once a deed restriction is placed on a property, the restriction exists forever.

Committeemember Walters suggested that the deed restriction could be worded to indicate that the restriction is in place until the fire protection system is upgraded to meet the Code.

Chairman Rawles concurred that the wording suggested by Committee Walters would resolve the issue, and he added that without including that wording, the deed restriction would continue to apply to the building. He noted that staff has changed the proposed ordinance to reflect the fact that the emergency exit doors cannot automatically be reset, but must be reset manually.

Building Safety Director Terry Williams advised that he has not received any feedback during the public comment period.

Chairman Rawles advised that he would not support this agenda item because he believes that the increased fire suppression requirement for shell buildings is a landlord/tenant issue rather than a public safety issue.

It was moved by Committeemember Walters, seconded by Committeemember Jones, to recommend to the Council that staff's recommendation be approved with the added stipulation that deed restrictions be worded to indicate that the restriction is in place until the fire protection system is upgraded to meet the Code requirements.

Committeemember Jones stated that the increased sprinkler system requirement is much easier and less costly to install during the construction phase than attempting to retrofit a building at a later date.

Chairman Rawles called for the vote.

Upon tabulation of votes, it showed:

AYES – Jones-Walters
NAYS – Rawles

Chairman Rawles declared the motion carried by a majority vote.

3. Hear a presentation, discuss and make recommendations on proposed revisions to the Mesa Administrative Code and Building Safety Schedule of Fees and Charges.

Chairman Rawles advised that this item was carried over from the November 5th Committee meeting in order to consider any feedback received during the public comment period ending on November 19th.

In response to questions from Chairman Rawles, Mr. Williams advised that no additional public input was received during the comment period. He advised that the provision in this agenda item regarding the increased fire suppression requirement for shell buildings is identical to the provision proposed in the Mesa Fire and Building Codes under agenda item #2.

Chairman Rawles stated that for that reason, he would vote not to recommend this proposal to the Council. He added that he could recommend approval of all of the other revisions proposed by staff.

Committeemember Jones referred to the fee schedule for "super expedited" cases and stated that he hoped an expedited process would become normal rather than the exception.

Development Services Director Christine Zielonka advised that the “super expedited” process was added at the request of a developer. She explained that upon receipt of a request for the “super expedited” process, the fees are negotiated with the developer.

Mr. Williams stated that a request was received to incorporate a “Leadership in Energy and Environmental Design” (LEEDS) certification incentive (see Attachment 1) in the Administrative Code. He said that only projects that have paid the premium for expedited or super expedited services would be eligible for a refund upon obtaining LEEDS certification from the U.S. Green Building Council. Mr. Williams added that LEEDS certification often lags two years following construction.

Responding to a question from Chairman Rawles, Mr. Williams advised that the Administrative Code revisions are not being introduced at tonight’s Regular meeting. He noted that the fee schedule changes would be presented to the Audit and Finance Committee and introduced at the December 3rd Council meeting.

Further discussion ensued relative to the fact that the LEEDS certification incentive applies only to expedited processes; that the incentive does not apply to the regular filing fees; and that the City would be incurring a cost to provide the incentive.

Committeemember Walters noted that some of the administrative changes include eliminating the requirement for some permits that were determined to be unnecessary. She requested that staff provide additional information regarding references to the installation of water heaters at grade.

Further discussion ensued relative to the fact the premium for an expedited process could be 100 percent of the building permit fee; that the building permit fee for a \$1 million project would be approximately \$10,000 and that the expedited fee would be an additional \$10,000; and that the calculation of the expedited fee is based on staff overtime or contracting with outside sources to provide that level of service.

Ms. Spinner advised that the Committee could consider the entire package in one motion or address each item in separate motions.

Chairman Rawles stated that although he has concerns regarding the proposed incentive, he would like to move the proposal forward to the Council for introduction.

It was moved by Committeemember Jones, seconded by Committeemember Walters, to recommend to the Council that staff’s proposal for revisions to the Mesa Administrative Code and the Building Safety Schedule of Fees and Charges, including the LEEDS certification incentive, be approved.

Upon tabulation of votes, it showed:

AYES – Jones-Walters
NAYS – Rawles

Chairman Rawles declared the motion carried by a majority vote.

Chairman Rawles thanked staff for the presentation.

4. Hear a presentation, discuss and make recommendations on proposed revisions to Mesa City Code Title 5, Chapter 3, Park and Swap Operations.

Financial Services Operations Director Jenny Sheppard introduced Business License and Revenue Collections Administrator Tim Meyer, Assistant City Attorney Jack Shafer and representatives from the Police Department, Detective Richard Milburn and Lieutenant Tony Filler. She advised that the revision proposes to add open-air markets to the Code under Park and Swap Operations. Ms. Sheppard reported that presently vendors participating in the downtown farmers' markets are required to obtain a Peddlers License, which requires fingerprints, a background check and an annual fee of \$100. She stated that these requirements are onerous for the small "Mom and Pop" vendors, and she explained that the revision would require only the operator of the open-air market to obtain the Peddlers License.

In response to a question from Chairman Rawles, Ms. Sheppard advised that the proposed revision would be applicable Citywide. She added that each vendor would still be required to obtain an individual Transaction Privilege (Sales) Tax License.

Committeemember Walters recalled that the original requirement for the Peddlers License was to ensure that open-air markets did not operate similar to pawn shops.

Responding to a question from Chairman Rawles, Ms. Sheppard advised that the intent of the Peddlers License requirement was to protect consumers by ensuring that the merchandise was not obtained illegally.

Chairman Rawles expressed concern that eliminating the requirement for a Peddlers License for these vendors would not serve the best interest of the community and that ensuring that the operators are reputable does not provide assurance that the vendors are reputable.

Discussion ensued relative to the fact that the operator would be held accountable; that vendors selling at a swap meet more than four times in a calendar year would be required to obtain a Second Hand Dealer's License; and that the swap meet owner or operator would be required to retain records on the vendor's merchandise sales and space rentals for a minimum of twelve months rather than faxing this information to the Police Chief on a daily basis.

Chairman Rawles said that he has many questions regarding the issues addressed in agenda items 4 and 5.

In response to a question from Committeemember Walters regarding the definition of a canvasser, Ms. Sheppard clarified that the term relates only to a person selling merchandise.

Chairman Rawles stated, and Committeemember Walters and Jones concurred, that agenda items 4 and 5 should be brought back to the Committee for consideration at a future meeting.

5. Hear a presentation, discuss and make recommendations on proposed revisions to Mesa City Code Title 5, Chapter 8, Peddlers, Solicitors and Transient.

(Staff was directed to bring this agenda item back to the Committee at a future meeting.)

6. Adjournment.

Without objection, the General Development Committee meeting adjourned at 4:49 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the meeting of the General & Economic Development Committee of the City of Mesa, Arizona, held on the 19th day of November 2007. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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Attachment (1)