CITY OF MESA
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OFFICE OF CITY CLERK

BUILDING CODE ADOPTION PUBLIC FORUM

June 5, 2003

The Building Code Adoption Public Forum of the City of Mesa met at the Public Safety Training Facility's Auditorium, 3260 N. 40th Street, Mesa, Arizona, on June 5, 2003 at 7:00 p.m.

COMMITTEE PRESENT	COMMITTEE ABSENT	STAFF PRESENT
Bob Deleon	None	Linda Crocker
James Frater		Others
Jack Friedline		
Jim Frye		
Orion Goff		
David Harding		
Steve Hether		
Jim Huling		
Hal Key		
Kari Kent		
Jenny Sheppard		

1. Welcome.

Special Assistant to the City Manager Jenny Sheppard welcomed the members of the audience to the Building Code Adoption Forum and noted that there were two items on the agenda this evening. She commented on the formation and composition of a Staff Committee that was formed in response to a request from the City Manager back in late 2002 and noted that the members have worked on evaluating the process and developing recommendations relative to this important issue. She noted that the process is approximately half completed and said that the next step will be to bring the issue before the members of the City's General Development Committee, hopefully in July. She encouraged the members of the audience to continue visiting the City's website for updated information on this matter and said that following a review and recommendations by the members of the General Development Committee, the building codes will then be forwarded to the full City Council for consideration and adoption.

Ms. Sheppard briefly explained the process that would be followed during the course of the meeting and encouraged the members of the audience to fill out comment forms, located in the back of the meeting room, and submit them in order to provide input during the meeting. Ms. Sheppard introduced Development Project Administrator Orion Goff to the members of the audience and stated that Mr. Goff

would provide a brief overview of the code adoption process and following his remarks, members of the audience would be invited to present their remarks.

2. Overview of the Code Adoption Process.

Mr. Goff thanked the members of the audience for their attendance at the Forum and their interest in finding out more information about the City's current operations as well as providing input to improve the overall process. He noted that all of the input and suggestions obtained through the course of this meeting would be researched by staff and included as an attachment to a report that will be submitted to the members of the City Council. He emphasized the important role each and every member of the audience will play in the process and encouraged them to provide input and recommendations.

Mr. Goff reiterated that in response to direction from the City Manager, Mike Hutchinson, a Committee was formed to look at both codes and develop recommendations. He outlined the composition of the Committee and thanked them for their extensive efforts to date. He said that early on in the process, the members recognized the importance of ensuring that the codes meet or exceed community accepted life safety needs; contain an adequate training component for both staff and the members of the public, including certifications and support for interpretation when necessary, and developing clear, concise and enforceable language. He discussed the Committee's efforts to "benchmark" those discussions against the current codes, namely the 1994 UBC and the 1994 UPC and noted the Committee's goal of developing codes that would result in the least amount of impact on staff as well as the development community. Mr. Goff also commented on the fact that the Committee recognized the importance of adopting codes that would be acceptable to everyone involved, part of a "family of codes," that could be integrated and coordinated in an effort to limit the number of conflicts that occur on a day-to-day basis in the building code area.

Discussion ensued relative to staff's desire to include the 1994 Abatement of Dangerous Buildings Code, as well as a component for performance based codes and special inspections. He explained that since the City of Mesa did not have a residential code per se, the Committee wanted to compare the residential code provisions against the 1994 UBC, including allowable height areas; types of constructions; means of egress; hazardous materials; structural codes; uses in occupancy and fire protection systems; the fact that once those areas were identified, technical staff from both the Fire and Building Safety Departments were assigned to these areas; the fact that the Committee also looked at fiscal impacts in terms of the amount of training/certifications that would be required for each of the technical codes and the required time necessary to achieve same, and the time that external customers would have to expend in order to bring their staff "up to speed."

Mr. Goff reiterated that the comments that are obtained as a result of this public meeting, as well as all of the input that has been forwarded to the City's website, will be researched, considered and included as part of the report forwarded on to the Mesa City Council. He also commented on the fact that the Council will hold additional meetings that will be open to the public in order to obtain as much public input as possible and encouraged those present to attend those meetings as well and to "get the word out" regarding this important issue. He noted that anyone interested should plan on attending both the General Development Committee and City Council meetings that will be held in July and August and again urged them to check the City's website for meeting dates, times and updated information. He stated the opinion that the City Council will consider and decide upon this matter in August and said that staff's goal is to have the new code adopted and implemented by the Spring of 2004.

Mr. Goff indicated that speakers will now be provided an opportunity to present their remarks and outlined the process that would be followed. He encouraged anyone who had not yet completed a speaker request form to do so at this time and added that even if they didn't want to speak, they could indicate either support or opposition to the matter and submit written comments.

3. Public Comments.

Ms. Sheppard advised that a number of faxes had also been forwarded to the City and noted that the comments contained in the faxes as well as any e-mail messages and verbal comments received, will also be forwarded on to the members of the Council.

Imad Eldurubi, Chairman of the Arizona Building Officials' (AZBO) Association, 1012 S. Cholla Court, Chandler, AZ 85248, stated that AZBO was created in the early 1990's primarily to promote the education of code and construction personnel and to promote uniformity among Arizona jurisdictions. He said that the Association has been working especially hard over the last few years to develop standardized code amendments that can be voluntarily adopted by the various cities, towns and counties. He noted that AZBO formed the Code Development Committee in 1996, and each year it has proven to be more and more effective in providing a comprehensive compilation and completion of code amendments. He said that the Committee was charged with keeping amendments to the bare minimum and each proposed amendment had to be thoroughly analyzed and justified. He added that input was received from design professionals, builders, industry representatives and code officials and said that after extensive meetings were held, final documents were produced.

Mr. Eldurubi referred to copies of the documents he had in his possession that reflected the latest two amendments. He noted that the Maricopa Association of Governments (MAG) Building Code Committee adopted the AZBO amendments in September of 2001 as well as updated amendments in September of 2002. He added that last year the Regional Plan Review Program (RPRP) was created and used the amendments word for word. He explained that the RPRP was also created to promote uniformity among six west valley jurisdictions but reported that the participants now also include Cave Creek and the Town of Gilbert. He said that Carefree, Queen Creek, and Maricopa County have also expressed strong interest in joining the program. He reported that meetings of the RPRP are held every month and interesting, in-depth input is received from all interested parties. He also commented on the fact that "formal interpretations" can be generated by this group in order to achieve uniformity and noted that merely adopting a code does not ensure that the code reflects any measure of uniformity.

Mr. Eldurubi stated that AZBO ha been working very hard to promote uniformity by encouraging Arizona jurisdictions to adopt the latest version of the International Building Codes and expressed the opinion that the codes represent a "true family of documents" that are written to work hand-in-hand with each other. He noted that the codes are developed by the International Code Council, a 50,000-member association dedicated to building safety and noted that the collective membership of that organization reflects more than 190 years of collective experience in developing building codes that save lives. He emphasized that the International Building Codes should be "embraced" rather than "feared" and urged the Committee to recommend to the Council that they be adopted.

Sara Yerkes, Vice President for Public Policies for the International Code Council (ICC), said that she works out of ICC headquarters based in Falls Church Virginia (5203 Leesburg Pike, Suite 600). She commended the staff of the City of Mesa for their support for the adoption of the International Building

Code and the International Residential Code. She announced that her organization has a new Chief Executive Officer, James Lee Witt, the former Director of the Federal Emergency Management Agency, and said that ICC is very fortunate to have someone of that caliber as part of their group.

She concurred with the comments made by the previous speaker and said that the codes represent a complete set of coordinated, comprehensive and compatible up-to-date building and fire-safety codes. She noted that the codes are being widely adopted and are currently being used in 46 different states, including the District of Columbia and Puerto Rico. She added that the Department of Defense references the codes for all military construction and has adopted the International Plumbing Code, the International Mechanical Code and it's unified facilities criteria, which establishes the criteria for all military construction. She encouraged the members of the Committee and City staff to visit their website at www.iccsafe.org to obtain updated information and code charts.

Ms. Yerkes announced that on May 27, 2003, the Mayor of New York stated that he was accepting the recommendation of his Mayoral Commission to adopt the International Building Codes for the City of New York. She stated the opinion that most of the people present at the meeting were already aware of the fact that ICC's success in helping Federal, State and local agencies protect the public is based on a proven system of code development that incorporates the expertise and opinions of every stakeholder. She added that the ICC code development process solicits and reviews input from all individuals and parties and the final determination of code provisions is left in the hands of highly respected, knowledgeable public safety officials who have no vested financial interests and can therefore legitimately represent the public interest.

John Henry, Senior Staff Engineer with the International Code Council (ICC) stated that he works out of the Los Angeles Regional Office at 712 Bancroft Road, #505, Walnut Creek, California. He provided a brief overview of his extensive background and experience and said that based on his expertise, if he was to develop criteria to determine which codes should be used for the City of Mesa, he would focus on a number of areas. He said that the most important is how much effort would be involved in transitioning from the existing codes that are being used, the 1994 Uniform Building Code, to the new International Building Code. He added that other important points to consider are adaptability and the effort that would be required to adapt the regulations to the code and code compatibility and their ability to interact with each other. He also discussed the importance of considering the history of the Model Code Organization and noted that although the ICC was founded in 1994, it consists of three model code organizations dating back to 1915. Mr. Henry commented on the code adoptions as well and noted that the I-Code Core family consists of the International Building Code, the International Energy Conservation Code, the International Fire Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code.

Mr. Henry also reported that as of May 9, 2003, the I-Code adoption summaries included the following:

- The IBC is in use (adopted) in 43 states
- The IECC is in use in 28 states
- The IFC is in use in 31 states
- The IMC is in use in 42 states
- The IPC is in use in 33 states

Mr. Henry discussed the issue of transition and stated the opinion that transition would be virtually seamless as far as effort, support and services are concerned and added that he believes there would be less of a "learning curve" involved in adopting the IBC as opposed to the NFPA Code.

Mr. Henry encouraged the members of the Committee to visit their website at http://www.iccsafe.org.government/adoptions.htm for a complete and up to date listing of ICC Code adoptions and thanked them for their anticipated support.

Tracy Finley, representing Shea Homes, 8800 N. Gainey Center Drive, Suite 360, Scottsdale, 85258, stated that he is present this evening to speak in 100% support of the adoption of the "I" Code. He added that the "I" Code has been adopted and implemented in various cities throughout the valley and noted that the implementation/transition process has been extremely "smooth" and uncomplicated. He expressed the opinion that adoption of the "I" Code will result in a "faster, better and cheaper" process and stressed the importance of joining with other cities, towns and counties in an effort to achieve uniformity and consistency. He extended an invitation to the City of Mesa staff and Council to contact him if they require any additional information and noted that he is an active member of the Residential Subcommittee through the City of Phoenix Development Advisory Board for the review of the NFPA 5000. He indicated his willingness to share the Board's findings with them and to respond to any additional questions they might have.

Ken Ireland, representing the Phoenix chapter of B.O.M.A., located at 4745 North 7th Street, Suite 400, noted that the company owns five buildings and works for a development group called Ensemble Real Estate Services. He said that B.O.M.A. represents 500 members throughout the valley and approximately 18,000 members nationwide and the organization's unanimous position is one of support for the adoption of the "I" Codes. He agreed that minimal transition and effort would be required to move from the 1994 UBCs to the new "I" Code and stressed the importance of achieving consistency on a city-to-city, county-to-county and state-to-state basis. He encouraged staff to contact him if he can be of any assistance and thanked the City of Mesa for their anticipated support.

Suzanne Gilstrap, representing the Arizona Multi-Housing Association (AMA), 2302 North 3rd Street, Phoenix, stated that the AMA is the statewide association for the rental housing industry and represents approximately 200,000 units statewide. She added that the AMA, along with its parent organization the National Apartment Association and the National Multi-Housing Council, strongly support the adoption of the International Building Codes. She discussed the organization's extensive efforts to date to promote the adoption and implementation of the codes. She noted that the City of Mesa is the first City to initiate such a comprehensive review process of both codes and commended staff and City Manager Mike Hutchinson on their pro-activeness in this important area. She emphasized the importance of achieving code consistency and thanked everyone for their ongoing anticipated support.

Will Rogers, Facilities Manager for TRW, 11202 East Germann Road, Queen Creek, AZ, 85242, commented on the fact that as part of his job responsibilities he has visited the City of Mesa and been issued literally hundreds of permits valued at hundreds of thousands of dollars in permit fees and has established a strong working relationship with many members of City staff. He thanked the members of the Committee for their efforts to initiate an in-depth analysis of the "I" Codes and said that speaking on behalf of TRW, he would like to state for the record his company's strong support for the adoption of the codes. He explained that TRW has been heavily involved in the code development area for the last five years and has witnessed the benefits that have been realized in areas that have adopted the "I" Codes.

Mr. Rogers added that TRW has also been actively involved over the last two years in the creation of the NFPA, a new building code published in 2002, and said that TRW has concerns with them in their current state. He stated the opinion that portions of the code are conflicting or uncorrelated construction of fire protection requirements and noted that NFPA has acknowledged certain weaknesses and is working to correct the problems. He said that TRW believes that the process will take a number of years to correct and is actively involved in efforts to resolve identified conflicts. He reported that almost without exception, building and fire officials have historically enforced their adopted correlated model building and fire codes when conflicts such as the ones associated with the NFPA standards have surfaced.

Mr. Rogers commented that as a building owner/representative of a building owner, one of the NFPA standards would require performance design, which, in TRW's opinion, would create buildings that are fire proof, earthquake proof, and disaster proof, but would be so expensive to build that companies could not afford to build them in accordance with the NFPA standards as they are currently written. He added that TRW believes that the building and fire codes contain the core requirements for building construction relative to fire protection and life safety and added that other codes are appendages to this central set of requirements. Mr. Rogers reiterated TRW's strong support for the adoption of the "I" Codes.

Vincent Territo, A.I.A., an architect who resides at 2502 West Lompoc in Mesa, stated that he is the Director of Operations for a 60-man firm based in Phoenix, and Chairman of the Maricopa County Building Advisory Board. He informed the members of the Committee and the audience that he strongly supports the adoption of the "I" Codes and said that he had e-mailed the Mayor and Council to informed them of this fact. He thanked them for acknowledging his correspondence. He noted that the ICC and their predecessors have been writing building codes for the last 75 years and have been doing an excellent job in this area. He added that the NFPA has also been writing codes for probably the same amount of time but not building codes, rather electric codes, sprinkler codes and hundreds of other types of codes. He expressed the opinion that the NFPA had done a disservice to the building community by "splitting off" and writing their own code and said that as a professional involved in this field, he is now required to keep two sets of documents in his office because of the City of Phoenix. He noted that the City of Phoenix has spent months working on this code and estimated that it will probably be well over a year by the time the City actually adopts the code. He cautioned the City of Mesa not to spend this amount of time and money on a code adoption process and noted that the issue is one of life safety rather than politics or product marketing. He strongly urged the Council to support staff's recommendation and adopt the International Building Codes.

Rus Brock, representing the Homebuilders' Association of Central Arizona, 3200 East Camelback, Suite 18, Phoenix, commended staff on their extensive efforts to compare the two sets of codes. He stated the opinion that the criteria they selected is very meaningful in terms of evaluating the aspects beyond the "raw code language" to include such things as staff acceptance, potential impacts on certification for employees, and ease of transition. He also expressed concerns regarding the "path" the City of Phoenix has chosen to take and again complimented the City of Mesa.

Mr. Brock reported that the Homebuilders' Association is comprised of over 600 members in the Central Arizona Chapter alone, represents 150 builders and 450 or more trade contractors. He emphasized the importance to the industry of the "transferability" or the "portability" of their plans from one municipality to another. He noted costs associated with reworking plans to build them in city to city and spoke in strong support of uniformity and consistency. He noted that most of the other valley cities have

adopted the "I" Codes and added that this fact will greatly benefit the entire industry. He also commented on the fact that keeping housing affordable is a formidable challenge, whether it's plan review fees, impact fees, the cost of materials and/or labor and added that trying to hold the bottom end price line represents an extremely difficult challenge. He urged the Council and City staff to pursue without delay the adoption of the "I" Codes.

Dennis Correll, representing the Metro Phoenix Plumbing, Heating and Cooling Contractors' Association, said that his organization is the oldest trade organization in the United States and was founded in 1883. He said that he is present this evening to speak in support of the NFPA Codes and wanted to remind everyone that the State Plumbing Code is the UPC Code, that they have been training people in this state for many, many years based on the UPC Codes and that they are still doing so today. He reported that on an average they train 20 to 30 people every 8 weeks on the Uniform Plumbing Code. He said that he noticed that an in-depth review and comparison of the two codes has not been completed locally and recommended that this be done. He added that he would also like to remind everyone that the UPC Codes are "consensus codes" and that means that anyone, homeowners, plumbers or building officials, have input into the development of those codes. He emphasized that this is not the case with the International Building Codes.

Ms. Sheppard stated that they have heard from all of the individuals who submitted requests to speak and asked if there was anyone else present who would like to provide input at this time.

Charlie Orey, 2345 W. Monte, representing the Arizona Propane Gas Association, said he is present to speak in support of the NFPA Codes as well. He agreed with the previous speaker's comment relative to the fact that NFPA Codes are "consensus codes" and added that the codes do not discriminate against anyone who wants to participate in the process. He added the opinion that the Codes represent "balanced code writing." Mr. Orey said that he is a member of the National Propane Gas Association Technical and Standards Committee and assisted in the development of the NFPA 58R Code as well as Gas Code 54. He added that his Association would strongly recommend that the City of Mesa utilize the NFPA Code as the building code for the City of Mesa.

Mike Hicks, 5132 E. Sweetwater, stated that he is a licensed plumbing contractor in the City of Phoenix and has been following the Uniform Plumbing Code for at least the past 30 years. He added that although he is not that familiar with the International Building Code, he is very familiar with plumbers and people who work in that field and spoke in strong support of continuing to follow the UPC to be followed and supporting the workers who earn their living in this field.

There being no additional speakers wishing to present remarks at this time, Ms. Sheppard thanked everyone for their attendance and for their insight, input and recommendations. She reiterated that staff will make final revisions to their recommendations and present them to the General Development Committee at their meeting in July. She estimated that the Council will consider this issue in late July or August of this year and encouraged the members of the audience to continue to attend the meetings and to forward their suggestions, comments and recommendations to staff. Se noted that all of the comments will be included as part of the final report considered by the members of the City Council. Ms. Sheppard again thanked everyone for their attendance.

4. Adjournment.

Without objection, the meeting of the Building Code Adoption Public Forum adjourned at 8:03 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Building Coed Adoption Public Forum meeting of the City of Mesa, Arizona, held on the 5th day of June 2003. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

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