

# COUNCIL MINUTES

January 20, 2005

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 January 20, 2005 at 7:30 a.m.

## COUNCIL PRESENT

Mayor Keno Hawker  
Rex Griswold  
Kyle Jones  
Tom Rawles  
Janie Thom  
Claudia Walters  
Mike Whalen

## COUNCIL ABSENT

None

## OFFICERS PRESENT

Mike Hutchinson  
Debbie Spinner  
Barbara Jones

### 1. Discuss and consider the 2005 Major General Plan Amendment Process.

Planning Director John Wesley advised that modifications proposed for the Major General Plan Amendment Process are outlined in the Council Report, which has an attachment titled, "Draft General Plan Major Amendment Process Guide" (a copy is available for review in the City Clerk's Office). He highlighted the following changes:

- Require a minimum of two neighborhood meetings to be held prior to filing a formal application, and at least one meeting after the first submittal and prior to the final submittal.
- Provide more time between the first and second Planning and Zoning (P&Z) hearings to allow the applicant to make adjustments based on comments made at the first P&Z hearing. A date will be established and published as the deadline for final revisions in order to eliminate last minute changes prior to newspaper publication of the public notice.
- Require the applicant to post a general information sign on the property early in the process in order to inform the public of the proposed amendment. Any revisions to the amendment requires that the sign be updated. Newspaper publication of the public notice will also occur between the first and second P&Z meetings.

Discussion ensued relative to the fact that a "Schedule of Dates for 2005" is included in the guide document; that no change has been made to the requirement that a Major Plan Amendment can occur only once during the calendar year; that the guide lists the level of changes that can be made to the application at various points in the process; and that

neighboring communities have different definitions of major and minor, and he added that the processes are also slightly different.

Senior Planner Wahid Alam stated that neighboring communities also have some commonalities with Mesa, such as the fact that most restrict the number of Major General Plan Amendments to one per year. He noted that the different requirements of other communities reflect the amount of vacant land available for development. Mr. Alam advised that most communities prohibit changes after the amendment has been published in the newspaper. He added that the proposed amendment process changes reflect staff's recommendation to include the best processes of other communities.

Vice Mayor Walters expressed the opinion that requiring two neighborhood meetings will streamline the process significantly.

It was moved by Vice Mayor Walters, seconded by Councilmember Griswold, that staff be directed to move forward with the General Plan Amendment process as presented.

Mayor Hawker asked whether staff had considered a major plan amendment process for land that has not yet been annexed into the City. He noted that an amendment process would provide an additional review opportunity for the City.

Mr. Wesley advised that staff did not approach the process with that consideration in mind, but he stated that staff could investigate the subject further.

Mayor Hawker said he was not sure what actions the County requires, but he noted that the applicant could agree to certain City requests and then decide to remain in the County.

Ms. Spinner advised that she was unaware of any City action that could legally bind an applicant prior to annexation into the City. She noted that a significant change proposed late in next year's process could result in a situation similar to that which occurred this year. She added that the Council could refuse to annex property if the applicant fails to comply with a pre-annexation commitment to submit a Minor General Plan Amendment.

Additional discussion ensued relative to the fact that the first public notification occurs at the time the petitions are released; that there is no requirement to notify property owners outside of the proposed annexation boundary; that an annexation that requires only a Minor General Plan Amendment can be accomplished at any time during the year; that changes within residential categories are considered to be Minor Plan Amendments; that the City would receive a substantial number of annexation requests when the Williams Gateway Freeway alignment is determined; that a Council resolution could be utilized to approve a land use amendment after the freeway alignment is determined; and that the City could serve as the applicant.

Mr. Wesley stated that staff is planning to complete a sub-area plan for the Williams Gateway Airport (WGA) area when the freeway alignment has been finalized. He noted that the City Attorney's Office would be consulted to determine whether approval of the sub-area plan is sufficient or whether a Major Amendment would also be required.

Mayor Hawker expressed the opinion that the City should be consistent in approaching these issues, but he added that annexed and non-annexed areas could be considered differently due

to the fact the Council could deny an annexation that includes a land use designation that the Council determines to be inappropriate for the City.

Councilmember Griswold complimented Mr. Wesley for his efforts to streamline the zoning process, and he expressed the opinion that the process is moving in the right direction.

Councilmember Thom suggested that the Council consider requiring annexation at the time of or prior to the adoption of a Major General Plan Amendment.

Vice Mayor Walters expressed the opinion that requiring annexation at or prior to the adoption of a Major Amendment would shift the balance of power from the citizen to the City, and she also stated the opinion that access to City utilities was sufficient incentive to encourage annexation into the City.

In response to Mayor Hawker's concern that the Council would not be permitted to make substantial changes after the public hearing at the Council Meeting, Ms. Spinner expressed the opinion that the State Statutes intended that individuals who are impacted by the Council's decision should have an opportunity to appear before the Council to state their views. She noted that the Council does have the ability to make non-substantial changes. Ms. Spinner confirmed that a Council decision to initiate a substantial change would require that the amendment be considered in the following year.

Mr. Wesley advised that the parameters of a non-substantial change are listed in the Council Report, and he noted that each case would be reviewed separately.

Further discussion ensued relative to the fact that the City is required to review the General Plan every ten years; that staff has considered the ten-year review in their approach to the subject Major General Plan Amendment Process changes; that the process to change the use of a large parcel of land, such as the area surrounding Williams Gateway Airport, would require neighborhood meetings, development of a new map for the entire City, and Council approval followed by consideration by the citizens of Mesa; that many changes can be implemented by initiating a Minor Plan Amendment; and that the City's next ten-year review of the General Plan would occur in 2012.

Councilmember Whalen noted that the recent case considered by the Council included testimony regarding future plans and no testimony on the Major Plan Amendment. He suggested that testimony in future cases be limited to the content of the application. Councilmember Whalen expressed concern that the Council was setting a precedent by approving the Major Plan Amendment based on the applicant's pledge to file a future Minor Plan Amendment, and he also expressed concern regarding the possibility that the City would be required to initiate the Minor Plan Amendment if the applicant failed to perform.

Additional discussion ensued relative to the fact that the \$5,000 fee appeared to be inadequate to cover the City's cost to process these types of applications; that the City's fee is comparable to the fee charged by other Valley communities; and that the fee charged by the City of Phoenix increases according to the acreage of the project.

Responding to a question from Councilmember Thom, Mr. Wesley explained that the State Statutes clearly stipulate that the Council must hold the first hearing within the same calendar

year in which the application is filed. He added that the proposed process is designed to complete all of the required steps in the proper timeframe.

Mr. Hutchinson advised that this meeting agenda does not include consideration of a fee change. He suggested that the Council provide direction to staff relative to the amount of the proposed fee, and he added that the topic would be included on a future agenda.

In response to Councilmember Rawles' request that the fee cost recovery amount be identified, Mr. Hutchinson advised that staff would prepare an analysis of the City's costs to process major cases.

Mayor Hawker called for the vote.

Carried unanimously.

2. Discuss and consider the Finance Committee's recommendation to utilize a "Beginning of the Billing Period" methodology for future adjustments to utility rates.

Assistant Financial Services Manager Jenny Sheppard advised that alternative billing practices are listed in the Council Report. She noted that the City's current methodology for rate adjustments is similar to that utilized by other Valley communities. Ms. Sheppard explained that the second alternative, "Mid-Period Billing Rule or Proration," is a more complicated process and that no Valley cities utilize this method. She added that the third alternative, "Beginning of the Billing Period Rule," is the process that the Finance Committee requested that staff address. Ms. Sheppard explained that new rates are charged for billing cycles beginning on or after the effective date of the new rate. She reported that the new customer information system enables this billing process.

Customer Service Administrator Ken Langford advised that changing the billing methodology would delay implementation of other customer information system projects. He estimated that testing of the "billing period rule" methodology would require two individuals working for one month to ensure that the system is properly configured in order to avoid any negative consequences. He added that other projects currently being addressed would be delayed.

Councilmember Rawles reviewed the actions of the Finance Committee regarding this subject, and he advised that the Committee recommended Council adoption of the "Beginning of the Billing Period Rule."

It was moved by Councilmember Rawles, seconded by Councilmember Thom, that the "Beginning of the Billing Period Rule" methodology be approved for future rate increases only.

Discussion ensued relative to the fact that the "billing period rule" was a more appropriate method; that the City of Chandler utilizes the same billing method presently utilized by Mesa, except for the fact that 60 days notice of a rate increase is provided; and that the subject of a rebate to utility customers will be addressed by the Finance Committee in February.

Mayor Hawker called for the vote.

Carried unanimously.

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

Councilmember Whalen: Meeting with Community Bridges.

Councilmember Griswold: Meeting with the Tour de Phoenix Bicycle Committee.

4. Scheduling of meetings and general information.

City Manager Mike Hutchinson stated that the meeting schedule is as follows:

Thursday, January 27, 2005, 7:30 a.m. – Study Session

Thursday, February 3, 2005, 7:30 a.m. – Study Session

Thursday, February 3, 2005, 9:30 a.m. – Utility Committee

Monday, February 7, 2005, TBA – Study Session

Monday, February 7, 2005, 5:45 p.m. – Regular Council Meeting

5. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

6. Items from citizens present.

There were no items from citizens present.

7. Adjournment.

Without objection, the Study Session adjourned at 8:25 a.m.

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KENO HAWKER, 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 20<sup>th</sup> day of January 2005. 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