

COUNCIL MINUTES

July 13, 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 July 13, 2000 at 7:30 a.m.

COUNCIL PRESENT

Mayor Keno Hawker
Jim Davidson
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Joe Padilla (Acting)

1. Discuss and consider authorizing staff to proceed with administrative approval of a revised site plan, with additional consideration by the Design Review Board, for Red Mountain Plaza located on the northwest corner of Power and McKellips.

Planning Director Frank Mizner provided the Council with a brief overview of this agenda item. Mr. Mizner explained that in 1986, the site was approved for commercial development with a five-year zoning time limit and that a Smitty's store was originally slated as the proposed anchor. Mr. Mizner advised that in 1991, the time limit was deleted and the site plan was subsequently amended. Mr. Mizner added that a Taco Bell is currently operational on the site and a McDonald's is under construction.

Mr. Mizner stated that the applicant is requesting administrative approval of a revised site plan to accommodate a new Home Depot with a garden center in lieu of the previously approved Smitty's store. Mr. Mizner noted that pursuant to the Mesa City Code, the Planning Director has the legal authority to administratively approve dimensional changes and other technical criteria with regard to site plans and he has done so in this case. Mr. Mizner said that the Design Review Board will provide additional consideration and also a forum for area residents to voice their concerns.

Stephen Earl, 3101 North Central Avenue, Phoenix, an attorney representing the applicant, explained that area residents met with representatives of Home Depot and it was the consensus of all the parties that the substitution of Home Depot as the major anchor tenant, in addition to the implementation of site improvements, is an amenable proposal. Mr. Earl added that Home Depot is interested in purchasing the property due to the fact that the necessary zoning and site plan approval is currently in place.

Mr. Earl referred to overhead graphics of the site plan and outlined some of the proposed enhancements including the reduction of the overall site development; the enlargement of landscape buffers; the installation of sound walls located at loading docks; PAD site deletions; the elimination of the northernmost driveway onto Delman Drive and the creation of two pedestrian walkways.

Discussion ensued relative to the fact that Home Depot currently has not obtained tenants for the proposed site and the fact that there is a proliferation of drive-through restaurants located at the corner of Power Road and McKellips Road.

Councilmember Pomeroy expressed appreciation to the applicant for the improved landscaping enhancements.

In response to a question from Councilmember Pomeroy, Mr. Earl indicated that the preference of Home Depot is to locate tenants that are similar to those currently situated in the company's other power centers such as retail clothing, electronics and flooring companies.

In response to a question from Councilmember Whalen, Mr. Earl clarified that as a result of meeting with the area residents, the design plans were revised. Mr. Earl added that the residents have not yet been provided an opportunity to review the revised proposal.

Councilmember Kavanaugh expressed the opinion that although the proposed site plan is an improvement over the original plan, he has concerns relative to the "administrative approval" process. Councilmember Kavanaugh stated that as a result of substantial changes in the area, it may be appropriate for staff to periodically review old site plans. Councilmember Kavanaugh added that he would support additional public participation and input through the Planning and Zoning Board and also through the Council.

Councilmember Jaffa questioned the reasonableness of imposing such strict standards on the applicant relative to this proposed site. Councilmember Jaffa spoke in support of the landscape improvements and pedestrian walkways, but requested that the applicant consider the addition of mixed-use tenants. Councilmember Jaffa also expressed concerns relative to the current traffic patterns at the intersection of Power Road and McKellips Road. Councilmember Jaffa concurred with the opinion of Councilmember Kavanaugh relative to the importance of additional public participation.

Councilmember Walters spoke in appreciation of the applicant's efforts to address the concerns of the area residents with regard to enhanced landscaping buffers, sound walls and also the Council's concerns relative to drive-through restaurants. Councilmember Walters spoke in support of staff's recommendation.

Mayor Hawker concurred with the opinions expressed by Councilmember Walters and directed the applicant to provide the area residents with an opportunity to review the revised site plan prior to the receipt of "administrative approval."

Councilmember Whalen concurred with Mayor Hawker's remarks.

Vice Mayor Davidson commented that although he appreciates the efforts of Home Depot to enhance the proposed site, he would prefer to see developers incorporate sit-down restaurants in this locale. Vice Mayor Davidson remarked that he would not support staff's recommendation.

Mayor Hawker stated that regarding direction to staff relative to this issue, in addition to himself, Councilmembers Walters, Whalen and Pomeroy are in favor of administrative approval, with the stipulation that the area residents are given an opportunity to review the revised plan and added that Vice Mayor Davidson and Councilmembers Kavanaugh and Jaffa support a public participation process.

Councilmember Jaffa concurred with Vice Mayor Davidson's comments and said that the inclusion of sit-down restaurants would be a substantial addition to the community and to the project.

Mayor Hawker thanked staff and Mr. Earl for their presentation.

2. Discuss and consider expansion of Mesa Channel 11.

City Manager Mike Hutchinson and Assistant to the City Manager Ellen Pence addressed the Council relative to this agenda item. Mr. Hutchinson advised that additional funding in the current budget has been earmarked for Mesa Channel 11, which will enable the expansion of City-wide programming. Mr. Hutchinson stated that staff is seeking input from the Council with regard to the proposed expansion plan.

Ms. Pence outlined examples of current programming which include the Council Study Sessions and Regular Council Meetings, Public Service Announcements and the Maricopa County Board of Supervisors' Meetings. Ms. Pence noted that citizens can now access Mesa Channel 11's programming schedule via the City of Mesa's web site. Ms. Pence also acknowledged Video Production Coordinator Glenn Stephens for his efforts.

Ms. Pence detailed the proposed programming which would include: "A Conversation with the Mayor," "Monthly Interview with a Councilmember," which would focus on a Councilmember's specific area of interest, "Council Minutes," a review of the City Council's decisions during the Regular Council Meeting, and the production of more Public Service Announcements and programs.

In response to a question from Mayor Hawker, Ms. Pence advised that \$35,000 will be utilized to compensate freelance video personnel to assist in programming production.

Councilmembers Walters, Pomeroy and Kavanaugh spoke in support of staff's recommendation. Councilmember Kavanaugh encouraged the various boards and committees to convene their meetings in the Council Chambers which would enable the proceedings to be televised for the benefit of the citizen audience.

Councilmember Jaffa indicated "guarded" approval for staff's recommendation and expressed concerns that the Council and Mayor interviews may provide a forum for delivering political statements rather than the intended purpose. Councilmember Jaffa added that he was not provided an opportunity to offer his input relative to the proposed programming and requested that staff provide alternative options for consideration.

Mayor Hawker stated that he supports staff's recommendation.

In response to a question from Councilmember Whalen, Ms. Pence clarified that there are no direct costs associated with rebroadcasting programs.

Mayor Hawker advised that the Council is in support of staff's recommendation relative to this issue and expressed appreciation to Ms. Pence for her input.

3. Discuss and consider a recommendation from the Police Committee regarding juvenile case enforcement in the Municipal Court.

Presiding City Magistrate Walter Switzer provided an update relative to this agenda item. Judge Switzer indicated that on June 30, 2000, correspondence was transmitted to Maurice Portley, Presiding Judge of the Maricopa County Juvenile Court, relative to the fact that the Municipal Court would no longer adjudicate criminal juvenile cases, but would retain jurisdiction over minor criminal matters. Judge Switzer stated that subsequently, the Police Committee made a recommendation that the Council approve a motion that the Municipal Court transfer all such cases to the Maricopa County Juvenile Court. Judge Switzer added that if the Council concurs with the recommendation, he has drafted a letter which he will forward to Judge Portley.

Councilmember Kavanaugh, who serves as Chairman of the Police Committee, concurred with the remarks of Judge Switzer and explained that although the Municipal Court would no longer handle juvenile criminal cases, it would retain jurisdiction over juvenile civil cases. Councilmember Kavanaugh expressed the opinion that this matter may be revisited by the State legislature in the future based on the number of other communities transferring jurisdiction to the Maricopa County Juvenile Court.

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

Mayor Hawker and Councilmember Pomeroy concurred with the opinions of Councilmember Kavanaugh. Councilmember Pomeroy added that it is imperative that juvenile offenders be held accountable for their actions.

Vice Mayor Davidson and Councilmember Whalen spoke in support of the motion.

Councilmember Jaffa stated that he is in support of staff's recommendation and also directed staff to obtain a legal opinion from Arizona Attorney General Janet Napolitano relative to what the City's options might be with regard to this issue.

Carried unanimously.

4. Appointments to boards and committees.

Mayor Hawker recommended the following appointments to Boards and Committees:

FRIENDS OF THE TONTO NATIONAL FOREST

Vice Mayor Jim Davidson
Councilmember Bill Jaffa
Carol Owens
Bill Puffer
Jeff Blandford

Larry Landry
Sandy Bahr
Joan C. Herzog
Doug Nick
Kimberly Wold
Larry Pike
Maria Baier

It was moved by Councilmember Pomeroy, seconded by Councilmember Whalen, that the Council concur with the Mayor's recommendations and the appointments be confirmed.

Councilmember Jaffa recommended that Carol Spangler and Rick Palmer be considered as potential appointees.

Mayor Hawker advised that the list of appointments constitutes a core group and added that if there are proposed modifications to the list of proposed appointees, the Councilmembers may entertain such suggestions.

Carried unanimously.

JOINT MASTER PLANNING COMMITTEE, VISION 2025

Mayor Hawker indicated that the appointments to the Joint Master Planning Committee, Vision 2025 will be delayed in an effort to provide greater diversity to the composition of the Committee.

Discussion ensued relative to directing staff to provide the Council with a description of the Committee's objectives and proposed time commitments, the fact that Councilmembers may submit names for committee appointments, the fact that the Council should be notified in advance when appointments to specific committees are scheduled, and the fact that potential Committeemembers should be requested to submit resumes outlining their level of experience and expertise.

In response to a question from Mayor Hawker relative to additional criteria the Council should consider with regard to committee and board appointments, Councilmember Kavanaugh suggested that staff submit packets in a timely manner to enable the Council to become familiarized with potential appointees in advance of voting on their appointments. Mayor Hawker concurred with Councilmember Kavanaugh's opinion and suggested the creation of a form which would include a description of the committee's duties and the required time commitments. Mayor Hawker also recommended that the Council be provided advanced notification, which would afford them the opportunity to recommend individuals to serve on the committee.

Councilmember Walters emphasized the fact that citizens who serve on committees and boards perform a great service for the City of Mesa. Councilmember Walters discussed the importance of forming committees comprised of members who possess diversified opinions and viewpoints.

Discussion ensued relative to the exploration of methods by which greater diversity can be achieved on the citizen committees and boards and the fact that this issue will be explored further at the upcoming Council retreat.

Mayor Hawker indicated that it is imperative that the Council provide the necessary input which will result in the appointment of productive citizen boards.

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

There were no reports on meetings and/or conferences attended at this time.

6. Scheduling of meetings and general information.

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

Thursday, July 20, 2000, 7:30 a.m. - Study Session Cancelled

Monday, July 24, 2000, 4:00 p.m. - Study Session

Monday, July 24, 2000, 5:45 p.m. - Regular Council Meeting

Tuesday, July 25, 2000, 2:00 p.m. - General Development Meeting

Thursday, July 27, 2000, 7:30 a.m. - Study Session

Vice Mayor Davidson stated he would be absent from the July 27th Study Session.

Councilmember Kavanaugh stated he would be absent from the July 24th meetings and the July 27th meeting.

7. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the Study Session adjourned at 8:52 a.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

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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 13th day of July, 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