

COUNCIL MINUTES

January 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 January 13, 2000 at 7:30 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
Kevin Adam
Wayne Balmer
Neal Beets
Denise Bleyle
Jamie Brennen
Dennis Compton
Linda Crocker
Stacey Damp
Bob DeLeon
Jo Ferguson
Jack Friedline
Bill Haney
Joe Holmwood
Mike Hutchinson
Janice Jackson
Barbara Jones
Kari Kent
Wayne Korinek
Jeff Martin
Tom Mattingly
Frank Mizner
Patrick Murphy
Keith Nath

STAFF PRESENT (CONT.)

Joe Padilla
David Plumb
Bryan Raines
Ross Renner
Becky Richardson
Jenny Sheppard
Jan Strauss
Kim West
Bob White
Paul Wilson
Larry Woolf
Jim Wright
Christine Zielonka
Others

OTHERS PRESENT

Barrett Marson
Others

Mayor Brown acknowledged the recent passing of former City Attorney LaMar Shelley.

1. Review items on the agenda for the January 18, 1999 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:

6. Consider the following resolutions:

- a. Approving Williams Gateway Airport Authority entering into a lease purchase agreement for certain improvements and equipment for use at Williams Gateway Airport.

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted reported in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

Mayor Brown stated that agenda item 6a will remain off the consent agenda.

- c. Authorizing the City Manager to execute an Intergovernmental Agreement between the Maricopa County Department of Transportation and the City of Mesa for roadway improvements to Ellsworth Road from Germann Road to ½ mile north of Elliot Road.

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted reported in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

Mayor Brown stated that agenda item 6c will remain off the consent agenda.

8. Consider accepting a proposed contract from PricewaterhouseCoopers (PwC) to conduct a market analysis and a financial feasibility analysis for the Mesa Community and Conference Center and the Mesa Amphitheatre.

Councilmember Jaffa expressed concerns relative to seeking the services of an independent consulting firm with regard to this agenda item and recommended that staff hire a full-time employee to carry out this responsibility.

Mayor Brown, at the request of Councilmember Jaffa, stated that agenda item 8a will be removed from the consent agenda.

Councilmember Davidson recommended that the City consider the enlistment of assistance from the Greater Phoenix Economic Council (GPEC) to implement a market analysis relative to the proposed contract.

Assistant City Manager Mike Hutchinson advised that staff has proposed the formation of a steering committee to conduct analysis on this agenda item and added that GPEC will be invited to participate in that process.

Councilmember Pomeroy concurred with the recommendation of staff and expressed the opinion that it is imperative that the City garner data from financial experts relative to this issue.

Mayor Brown, Vice Mayor Giles and Councilmember Hawker concurred with the opinion of Councilmember Pomeroy.

Mayor Brown expressed appreciation to staff for their presentation.

2. Discuss and consider an update report on the proposed Downtown Aquatic facility.

Parks, Recreation and Cultural Director Joe Holmwood and City Engineer Keith Nath provided the Council with a brief overview of the above-agenda item.

Mr. Holmwood reported that in 1998, a Downtown Aquatic Facility Planning Committee, Chaired by Councilmember Hawker, was appointed to provide input and direction to staff and to the project's architect. Mr. Holmwood stated that the City has retained the services of BPLW, a local architectural and engineering firm, and Rowley, International, an aquatic specialist. Mr. Holmwood added that staff has completed and presented the project "Architectural Design Program" to the Committee and that development of the schematic design plans are scheduled to commence.

City Engineer Keith Nath advised that staff has sought assistance from the construction management firm of 3D/International to oversee the project and to conduct value engineering sessions at various phases of the project including schematic design, design development and construction-document development. Mr. Nath said that anticipated completion of the schematic design plans will occur in approximately one year; that construction will commence in May or June of 2001, and that a final completion date is tentatively slated for September of 2002.

Mr. Holmwood noted that the Parks and Recreation Board unanimously support and recommend Council's approval for proceeding with the project. Mr. Holmwood clarified that the proposed site is located at the southeast corner of First Avenue and Macdonald Street.

Councilmember Kavanaugh spoke in support of the proposed project and congratulated staff and the Downtown Aquatic Facility Planning Committee for their efforts in this regard.

Councilmember Jaffa concurred with the remarks of Councilmember Kavanaugh. Councilmember Jaffa expressed the opinion that prior to the upcoming General Election, it is imperative that the voters gain an awareness of the importance of this project and demonstrate their support with respect to the revenue streams that have been created to fund such a facility.

Councilmember Hawker expressed approval for the Aquatic facility and indicated that the proposed site will offer the necessary amenities to attract national and international swimming competitions and also to accommodate the needs of the community. Councilmember Hawker recommended that staff prepare a comparative analysis relative to the Aquatic Center and the Mesa Arts and Entertainment Center to determine the type of revenue to be derived from both facilities, including operational and maintenance costs.

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

Carried unanimously.

3. Discuss and consider the Design Review Board's jurisdiction on churches and schools.

Community Development Manager Wayne Balmer addressed the Council relative to this agenda item and provided an overview of the January 4, 2000 memo (See Attachment). Mr. Balmer stated that the role and scope of the Design Review Board has evolved in recent years and said that staff is requesting input from the Council on whether churches and schools should be placed under the purview of the Design Review Board.

Mr. Balmer discussed three alternative options presented to the Council for their consideration: 1) to not amend the current regulations; 2) amend Section 11-18-8(D) of the Zoning Ordinance to require mandatory Design Review Board review for all churches and schools (not exempted); 3) amend the Zoning Ordinance to require that only churches exceeding a specified building size or land area be subject to Design Review Board review.

Mr. Balmer commented that with regard to “mega churches,” staff has concerns regarding increased traffic volume, increased activity schedules and operational schedules for such facilities. Mr. Balmer noted that in response to those concerns, discussions have ensued relative to requiring these facilities to appear before the Design Review Board. Mr. Balmer also commented on charter schools and said that these facilities often locate on smaller sites in existing residential areas, which can also affect the dynamics of the surrounding neighborhoods.

In response to a question from Councilmember Hawker relative to the determination of appropriate church and school sites, Mr. Balmer clarified that currently the facilities are allowed in any zoning district, but emphasized that commercial and industrial areas may not be appropriate locations for these facilities.

Councilmember Hawker expressed reluctance regarding the regulation of church designs and encouraged staff to pursue legal advice on this matter and to provide the Council with additional input.

Councilmember Kavanaugh discussed proposed church locations and said that it is the intent of the Design Review process to determine whether a structure has a positive or negative effect on a neighborhood and also to gain input from the residents to create more compatible structures within particular areas. Councilmember Kavanaugh noted that he is in favor of Alternative 2.

Vice Mayor Giles concurred with the opinions of Councilmember Kavanaugh. Vice Mayor Giles noted he would support Alternative 2, but requested additional discussion relative to eliminating schools with an enrollment of less than 2,000 from the list of those to appear before the Design Review Board.

Councilmember Pomeroy expressed concerns regarding the intrusion of City government into school districts and churches and requested additional input from staff and the Council concerning this issue.

In response to a question from Councilmember Pomeroy, Mr. Balmer clarified that trade and vocational schools are exempted from Design Review Board review due to the fact the facilities are generally located in commercial or industrial areas rather than residential neighborhoods.

Councilmember Jaffa spoke in support of Alternative 2 and offered a motion that the Council direct staff to proceed with drafting ordinances concerning Design Review Board review on churches and schools. (Motion died for lack of a second and additional discussion ensued.)

Councilmember Davidson noted he supports Alternative 1, but said he will yield to the momentum of the Council and support Alternative 2.

In response to a question from Councilmember Davidson, Mr. Balmer reported that upon approval by the Council of the proposed ordinance, all permits submitted after the effective date of the ordinance would be required to go before the Design Review Board.

Discussion ensued relative to the importance of clear, concise language in the ordinance, staff’s intention to pursue this issue and gather additional information for the Council to consider and Council’s direction that a

representative of Mesa Public Schools be invited to attend the next meeting where this item will be discussed and provide input on this issue.

Mr. Balmer indicated that staff will move forward on this issue and present recommendations at a future meeting.

Mayor Brown expressed appreciation to Mr. Balmer for his presentation.

4. Presentation, discussion, and Council direction respecting the proposed ordinance relating to group homes for the handicapped and halfway houses. (See Regular agenda Item 7c).

City Attorney Neal Beets referred to graphics displayed in the Council Chambers and provided an overview of this agenda item. Mr. Beets stated that as a result of federal legislation which prevented municipalities from the discrimination of individuals with disabilities or handicaps, the Council adopted regulations which caused the City's ban of any further recovery homes, halfway houses in the Mesa Town Center area; established the distance separation between recovery homes of 1,200 feet; established a licensure requirement which compelled the operators of halfway houses and recovery homes to obtain a City of Mesa license, and also required a Council use permit. Mr. Beets added that as a result of pending litigation with respect to those four issues, staff has reviewed existing regulations relative to halfway houses and recovery homes and recommended that adjustments are necessary. Mr. Beets noted that staff has integrated said revisions within the City Code and that the Downtown Development Committee (DDC) approved it by a 6 to 1 vote and also received a unanimous recommendation from the Mesa Planning and Zoning Board.

Mr. Beets clarified that the proposed ordinance would not alter supervised living facilities or regulate facilities currently licensed by the State of Arizona; however, it would enforce facilities that are not licensed by the state or the federal government.

Mr. Beets said that it is the recommendation of staff that the proposed ordinance require Mesa licensure and inspection of the facilities and also require a distance separation of 1,200 feet; however, the ordinance would repeal the Council use permit and the ban on facilities in the Mesa Town Center. Mr. Beets remarked that adoption of the ordinance would halt the ongoing litigation and would also represent good public policy. Mr. Beets added that if these changes were enacted, staff would approach existing entities and suspend or revoke their current licenses if the facilities failed to meet licensing standards.

Councilmember Davidson expressed appreciation to Mr. Beets for his concise and thoughtful presentation.

Discussion ensued relative to the license revocation and suspension process; the fact that federal law dictates that in accordance with the Zoning Code, the City cannot limit housing opportunities for disabled individuals.

Councilmember Davidson spoke in support of staff's recommendation.

Vice Mayor Giles concurred with Councilmember Davidson and expressed the opinion that the additional licensure requirements will permit the City to maintain its ability to provide maximum legal protection to citizens against dangerous individuals.

Councilmember Kavanaugh expressed appreciation to Mr. Beets for his presentation and indicated that he is in support of the proposed ordinance.

(Councilmember Kavanaugh was excused from the meeting at 9:07 a.m.)

Discussion ensued relative to drug and alcohol testing as part of the licensing requirement; the fact that upon approval of the ordinance, the Council would develop the language regarding the licensure requirements and administer such requirements; the fact that if an operator's license is denied, suspended or revoked and an appeal is requested, the Council would decide that issue; the fact that staff would provide the Council with a report relative to the status of the applications; the fact that staff would draft a license application which would solicit input relative to the applicant's felony convictions within a specific duration of time, and the fact that the burden would be placed on the operator of such facilities to remain in compliance with the licensure requirements.

It was moved by Councilmember Hawker, seconded by Vice Mayor Giles, that this issue be continued to the February 7, 2000 City Council Study Session to allow staff additional time to draft a revised ordinance for Council consideration.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Hawker-Jaffa-Pomeroy
ABSENT - Kavanaugh

Mayor Brown declared the motion carried unanimously by those present.

Mayor Brown thanked Mr. Beets for his presentation.

5. Hear and discuss an update for the 2000 legislative session and give direction to staff.

Government Relations Assistant Kevin Adam and Assistant to the City Manager Jeff Martin presented the Council with an overview of the upcoming legislative session with an emphasis on issues which may impact the City (See Attachment). Mr. Martin discussed various proposed legislative issues including the preemption of local sales tax authority and the retention of state-shared revenues. Mr. Adam provided a brief synopsis relative to electric deregulation; highway project advancement notes; growth management; airport protection; group home regulation; workforce development programs; massage therapist oversight; air quality; prime contracting; income tax repeal initiative, and abolishment of the Vehicle License Tax Initiative.

Mayor Brown thanked staff for their presentation.

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

a. Board of Adjustment meeting held December 7, 1999.

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

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Pomeroy
NAYS - None
ABSENT - Hawker-Kavanaugh

Mayor Brown declared the motion carried unanimously by those present.

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

Vice Mayor Giles indicated that he and Councilmember Pomeroy attended a meeting with the residents of Lehi regarding modifications of the 202 overpass from Stapley Drive to Horne.

Mayor Brown instructed Assistant City Manager Mike Hutchinson to contact residents in the area and schedule a meeting to discuss this important issue.

8. Scheduling of meetings and general information.

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

Tuesday, January 18, 2000, 5:45 p.m. – Regular Council Meeting

Thursday, January 20, 2000, 7:30 a.m. – Study Session

Thursday, January 20, 2000 – Finance Committee Meeting (Immediately following the Study Session.)

Thursday, February 10, 2000, 4:00 p.m. – Police Committee Meeting. (A public hearing relative to massage parlor regulations)

Mayor Brown requested that staff present options to the Council relative to the sculptures located in the Mesa Town Center and to the possibility of extending the amount of time holiday decorations are displayed.

9. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Study Session adjourned at 9:54 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 13th day of January, 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