

## GENERAL DEVELOPMENT COMMITTEE MINUTES

December 7, 2006

The General Development Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on December 7, 2006 at 8:00 a.m.

### COMMITTEE PRESENT

Tom Rawles, Chairman  
Claudia Walters  
Mike Whalen

### COUNCIL PRESENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner

### 1. Hear a presentation and discuss the Zoning Code update.

Zoning/Civil Hearing Administrator Gordon Sheffield introduced Leslie Gould, Director of Planning Services for the consulting firm of Dyett & Bhatia, who was prepared to address the Committee relative to this agenda item.

Mr. Sheffield referred to a PowerPoint presentation and provided a short synopsis of the Zoning Ordinance update project. (The presentation is available for review in the City Clerk's Office.) He reported that the major goals of the project include aligning the Mesa Zoning Ordinance with the objectives of the Mesa 2025 General Plan, modernizing Development Review processes, updating the Zoning Land Use District, Design Guidelines and Development Standards, enabling the use of Neighborhood and Sub-area Plans, reflecting the changing nature of Mesa from high growth and "greenfield" development to stable growth and infill development, recognizing the diversity of development interests, and confirming continued compliance with applicable Federal, State and local laws.

Mr. Sheffield further commented that the updated Code must be orderly, easily understandable, concise, visual through the use of tables, charts and pictures, must address in a "positive manner" how issues may be resolved, and ensure SPACE (simplicity, predictability, accountability, consistency and efficiency). Mr. Sheffield also briefly summarized the activities that have occurred to date regarding the Zoning Code update process.

Ms. Gould discussed the various components of the project schedule and stated that the goal is to complete the Zoning Code update by the end of 2007. She also referenced a document entitled "Code User Interviews Summary Report," copies of which were distributed to the Committeemembers, that highlighted responses from a wide range of individuals who regularly use Mesa's Zoning Ordinance (i.e., builders, lawyers, neighborhood groups, manufactured home and RV park representatives). Ms. Gould, in addition, displayed a series of photographs depicting examples of recent development in the community including commercial, residential multi-family, special uses, single family and street design.

Ms. Gould informed the Committee that a community workshop is scheduled for this evening at Mesa Centennial Hall. She said that City staff would meet with the attendees in small groups to solicit input with regard to the current Code and priorities for the new Code.

Committeemember Walters expressed appreciation to Mr. Sheffield and Ms. Gould for the presentation. She stated that in her opinion, it was important for the Committee to be given the opportunity to provide feedback partway through the update process.

In response to a question from Committeemember Walters, City Attorney Debbie Spinner explained that in the next four to six weeks, staff would make a presentation to the Council in Executive Session with regard to whether the passage of Proposition 207 would have any impact on the new Zoning Code. She explained that currently there are no definitive answers regarding the issue, but assured the Committee that outside counsel is researching the matter.

The Committeemembers offered various suggestions regarding the updated Code including, but not limited to, the following:

Committeemember Walters:

- Regarding infill projects, she would like to see greater flexibility in zoning regulations that would allow, for example, an individual to develop a bypassed acre lot into a single-family residence.
- It is important to address what kind of flexibility is available relative to design review.
- Would like to see input with regard to certain design standards that are not appropriate for the community.
- Stated that if an issue were not mentioned in the Zoning Code, she would support staff working with an applicant to address the matter in a positive manner. (i.e., How to address permissive uses that have not yet been considered.)
- Building height requirements should be reviewed.
- Would like the City to have the ability to allow mixed use zoning (live/work environment) in more areas of the community than just downtown Mesa.
- Supports an urban core (not employment core), which includes housing and businesses, in the area of Williams Gateway Airport.

Committeemember Whalen:

- Is hopeful that when City funds become available, additional staffing will improve customer service.
- Supports an improved Design Review Board process.
- Urged more diverse community input relative to the Zoning Code update process.

Chairman Rawles:

- Encouraged greater community involvement during the interim of the Zoning Ordinance update process and not just at the beginning and the end of the schedule.
- Stressed that the Zoning Code should not "dictate" the manner in which citizens wish to live.
- Urged that the design review process be "significantly tweaked" if it is going to continue.

Committeemember Whalen inquired whether Mesa is unique regarding the number of mobile home parks that exist in the community. He also questioned whether there are models available that would assist City residents who live in aging mobile home parks to move, for example, to modular homes, but still remain at the same location.

Ms. Gould clarified that Mesa does, in fact, have a greater concentration of mobile home parks than any other community she has dealt with on a professional basis. She stated that her office would research Committeemember Whalen's request and provide a range of options for Council consideration.

Committeemember Walters commented that she would prefer to see "permissive" as opposed to "mandatory" language included in the updated Zoning Code. She said that would allow an individual to "do something different zoning-wise" than what is currently allowed in a particular zoning category.

Chairman Rawles stated that the Council recently received an e-mail from a member of the Planning & Zoning Board in reference to a zoning case that is scheduled for adoption at the December 18, 2006 Regular Council meeting. He noted that the message stated, in part, "Please remember it is a privilege to build projects in Mesa." Chairman Rawles disagreed with the comment and said he hoped that such an attitude "does not permeate" into the updated Zoning Ordinance.

Chairman Rawles thanked everyone for the update.

2. Hear a presentation, discuss and provide direction on the application and approval process for the painting of City property.

Lead Neighborhood Outreach Coordinator Mike Renshaw introduced Dave Richins, Executive Director of the West Mesa Community Development Corporation (CDC), who was prepared to address the Committee relative to this agenda item.

Mr. Renshaw reported that approximately six months ago, Mr. Richins approached City staff inquiring whether Mesa had a set of policies and procedures in place that would allow volunteer groups to paint mural designs on City property. He explained that in this case, Mr. Richins' group wished to paint a mural on the City-owned bridge that spans the Tempe canal on Southern Avenue. Mr. Renshaw advised that in researching the matter, staff learned that Mesa has not implemented a formal application process that would allow individuals/groups to paint or otherwise decorate City property. He stated that staff is seeking direction from the Committee regarding the possible establishment of a review and approval process that would allow these types of community groups to paint murals or other artwork on City property such as canal bridges, walls and well sites.

Mr. Renshaw referred to a series of photographs depicting the City-owned bridge and also examples of templates that have been designed with regard to the specific site.

Discussion ensued relative to the fact that no Valley cities have implemented provisions that would allow volunteer groups to paint city property; that Philadelphia has created a volunteer-based public Mural Arts Program, which permits residents to design/paint wall murals in public places; that the program only provides an approval process for the painting of private property in public places; and that such a program enhances community pride, provides a sense of place within a neighborhood and reduces the incidence of graffiti and certain kinds of blight.

Mr. Renshaw spoke regarding staff's proposal for a simple application process to be created. His comments included, but were not limited to, the following; that the process would be coordinated through the Neighborhood Services Department; that a completed application package would consist of a design sketch using the colors that would be used in the actual project and a written explanation of the design theme; that each individual volunteer would complete a Waiver of Liability Form, agreeing that the volunteer does not work for the City, the project was not initiated by the City, and the volunteer waives any potential claims against the City; and that at least one neighborhood meeting would be held in the area of the proposed mural design in order to solicit input regarding the design.

Mr. Renshaw further commented that direct advertising and certain design themes (i.e., racial, political and religious statements) would be prohibited. He explained that staff also recommends that the number of mural painting projects be limited to no more than five per year during the trial period. He noted that the limitation would allow staff to work directly with the applicant to facilitate the process of painting the mural (i.e., set and removal of street barricades for those projects that would require single lane street closures and the monitoring of work being performed in City right-of-ways) and added that such facilitation could be accomplished using existing staff resources.

Mr. Renshaw highlighted two approval process options:

- 1.) **Staff Review Process.** The review team would include the Councilmember from the district in which the mural would be placed, the City Manager or his designee, the Neighborhood Services Volunteer Coordinator and the Neighborhood Outreach Coordinator who is assigned to the Council district in which the project would be placed.
- 2.) **City Council Review Process.** The applicant would submit the initial application packet to Neighborhood Services for review to ensure that all of the documentation is included. The packet would then be forwarded to the City Council for consideration at a Regular Council meeting.

Mr. Renshaw commented that staff further recommended that the applicant or the volunteering agency agree to repair the painted mural surface if it becomes damaged or the surface degraded. He stated that if the repainting of the damaged surface is not accomplished within ten days, the City reserves the right to restore the surface to its original condition, either through repainting the surface or otherwise returning the surface to its pre-existing condition.

Mr. Richins stated that the reason behind his request for permission to paint the bridge was to empower citizens to create "street level beautification" and a sense of identity and neighborhood pride.

In response to a question from Chairman Rawles, Deputy Transportation Director Lenny Hulme clarified that the Tempe canal bridge, which is the dividing point between Mesa and Tempe, is owned and maintained by Mesa, per a mutual agreement between both communities.

Chairman Rawles noted that the bridge could be viewed as an entryway to Mesa from the west and to Tempe from the east. He questioned whether it would be appropriate for the City to implement steps that would allow Tempe citizens to participate in the painting process as well because the bridge also represents the gateway to their community.

Committeemember Whalen expressed support for Option 1.

In response to a question from Committeemember Walters, Assistant City Attorney II Christine Bailey Stutz explained that staff has not specifically addressed/researched the issue of a limited public forum. She said, however, that staff initially recommended prohibiting mural designs that incorporate racial, religious or political statements. Ms. Stutz also commented that the process is in the preliminary stages in terms of determining whether the Committee or the Council would, in fact, support moving forward with this item.

Committeemember Walters expressed concern that the City could potentially be put into the position of accepting a mural design (i.e., message) that is not acceptable and said she would like to ensure that such a situation does not occur. She also questioned why staff is only addressing the issue of murals and not simply the painting of a City-owned structure. Committeemember Walters suggested that by painting a structure, the appearance of a neighborhood could be enhanced and her concerns regarding the "message issue" eliminated.

Mr. Renshaw clarified that during his discussions with Mr. Richins, the possibilities of either painting the bridge a solid color or with a mural were addressed.

Committeemember Walters commented that although she is not opposed to this item, she would prefer not to move this matter forward to the full Council until such time as the limited public forum issue has been addressed. She noted that staff could probably develop paint standards that would be acceptable to her, but stated that once a message is included on a mural, the City must then address free speech issues.

City Attorney Debbie Spinner stated that her office would research the public forum issue in an effort to address Committeemember Walters' concerns.

Chairman Rawles expressed opposition to this item for a series of reasons. His comments included, but were not limited to, the following: he would be concerned with what is or is not "a political message;" that the process would create division in the community as opposed to unity; and that using public monies to create art on public structures that are jointly owned by all taxpayers creates the potential for divisiveness.

Mr. Richins respectfully disagreed with Chairman Rawles' comments. He stated that in his opinion, his request to paint a mural on a City structure would bring "a little color" to Mesa and encourage neighborhood groups to unify as a community.

Committeemember Whalen expressed support for staff researching the limited public forum issue.

Chairman Rawles directed that staff research the limited public forum issue and bring back the matter to the Committee for further discussion at a future time.

(Chairman Rawles excused Committeemember Whalen from the meeting at 9:03 a.m.)

3. Hear a presentation, discuss and provide direction on a lead based paint stabilization contract for Escobedo Housing complex.

Chairman Rawles stated that the Committee was provided a report which indicates that a public bid process occurred and a required lead based paint stabilization contract would be presented to the City Council for approval at the December 18, 2006 Regular Council Meeting.

Acting Community Revitalization and Housing Director Kathleen Kelly introduced Housing Supervisor Chris DeCaluwe, Development Services Department Director Christine Zielonka and Environmental Programs Administrator Scott Bouchie, who were present to address the Committee.

Ms. Kelly displayed a PowerPoint presentation and offered a brief statistical analysis of the Escobedo Housing Complex, including tenant demographics, the number of housing units, and the median income of the residents. (The presentation is available for review in the City Clerk's Office.) She reported that several years ago, former Housing Services Director Ruth Anne Norris began to consider various options with regard to the future of the Escobedo Housing Complex, including its demolition, redeveloping the site, selling the property, or retaining its current status with the City maintaining operations.

Mr. Bouchie provided a short synopsis of the history of residential lead based paint (LBP). He explained that lead was used as an additive to make paint more durable until 1978 when the Consumer Products Safety Commission (CPSC) banned its residential use. He noted that in 1999, Housing and Urban Development (HUD) passed the Lead Safe Housing Rule, which regulates LBP in housing that receives Federal assistance. Mr. Bouchie also stated that children under the age of 6 are the most at risk for lead exposure, and added that the primary lead exposure routes include chipping and peeling LBP, lead contaminated dust and lead contaminated residential soil.

Mr. Bouchie further indicated that when his office was contacted by Housing Services regarding various options for Escobedo, staff learned that with the sale of the housing complex, Mesa would be required, per the Environmental Protection Agency (EPA) Lead Disclosure Rule, to disclose any known LBP or LBP hazards and also allow potential buyers to conduct their own LBP inspection. He also noted that per Escobedo's current operating status, Mesa is required to implement control measures to ensure that the buildings comply with HUD's environmental regulations.

Discussion ensued relative to the fact that in September 2006, an environmental consultant conducted a LBP inspection and modified lead hazard screen at the Escobedo Housing Complex; that 45 of the 101 units were inspected; that the sampling results revealed that all of the buildings contain some form of LBP; that the interior painted surfaces were in good condition, but 34 of the 45 buildings had exterior paint in fair or poor condition; and that the deteriorated exterior paint and bare soil in one area of the complex were considered a LBP hazard and must be abated or stabilized within 90 days of notification.

Mr. Bouchie further spoke relative to the paint stabilization project that would commence in January 2007 and the scope of work involved in the process. He explained that an oversight consultant would monitor the project and provide written clearance that the work is completed in accordance with the standards established in the contract. He also noted that an LBP Management Plan would be established to provide annual monitoring of the paint condition.

Mr. Bouchie concluded his presentation by stating that it is staff's recommendation that a contract in the amount of \$100,000 be entered into with KNK Diversified, Inc. to perform the required paint stabilization. He indicated that the cost for an environmental consultant to conduct the interior wipe sampling and to ensure compliance with all applicable control regulations would be \$17,843. Mr. Bouchie added that the City would use Community Development Block Grant (CDBG) funds to pay for the entire project.

Committeemember Walters expressed disappointment that the future of the Escobedo Housing Complex was not resolved prior to this time so that the City could utilize the proposed CDBG funds for a project that would have a more lasting impact on the community.

City Manager Christopher Brady commented that even if the Council had previously decided to sell or demolish the complex, it has always been his understanding that the City would be required to complete the LBP stabilization. He explained that from past experience in dealing with similar projects, the cost of the paint stabilization is generally passed on to the developer and said that most buyers typically expect the local community to perform such work and certify that it has been completed.

In response to a question from Committeemember Walters, Ms. Zielonka explained that the primary issue of concern is that children continue to reside in the housing complex. She stated that the only way the City would not be required to complete the paint stabilization process would be if there were no occupants in the buildings and the complex was demolished.

Committeemember Walters acknowledged the importance of the children not being exposed to lead based paint, but reiterated that it is unfortunate the Council did not make a determination earlier with regard to the fate of the facility and avoid the current situation.

Mr. Brady commented that if the City sold the property, it would include the current tenants. He explained that the relocation of those individuals would become the responsibility of the future developer. Mr. Brady also spoke regarding staff's hesitancy to not accept additional tenants because they do contribute to the upkeep and maintenance of the property and therefore lessen the City's economic burden to pay those costs.

Chairman Rawles expressed frustration that the Council has not been "kept up to speed" with regard to the Escobedo Housing Complex. He commented that if his fellow Councilmembers were apprised of the issues just articulated by Mr. Brady, they might have been able to reach a decision that would not have necessitated the proposed \$100,000 expenditure.

In response to Chairman Rawles' comment, Ms. Zielonka advised that the City would have been required to undertake the paint stabilization project as far back as 1999, which is the year that the Lead Hazard Act went into effect.

Chairman Rawles requested that staff research whether the use of CDBG funds for the required paint abatement would commit the City to retaining the housing complex buildings for a certain number of years because the monies are derived from the Federal government.

Ms. Kelly advised that she would research the matter and respond to the Council prior to the December 18<sup>th</sup> Regular Council meeting.

In response to a question from Committeemember Walters, Ms. Zielonka clarified that from a public health perspective, it is important to protect all children from LBP exposure, regardless of whether their families receive Section 8 housing or not.

Chairman Rawles thanked staff for the update.

Mr. Brady commented that staff would bring back various options regarding the Escobedo Housing Complex for Council discussion and consideration at a future Study Session.

4. Hear a presentation on opportunities to promote and encourage sustainable development through "Green Building" practices.

Deputy Building Safety Director Steve Hether provided a brief overview of the benefits of integrating "sustainable" or "green building" practices in the City of Mesa. He reported that the term refers to creating/renovating a structure that is energy and water efficient, environmentally friendly, and healthful for its occupants. Mr. Hether explained that in determining whether to construct a "green building," architects and engineers consider a variety of long-term quantifiable and subjective benefits including, but not limited to, utility costs, productivity enhancements for clients, and government policy incentives. He added that there is limited evidence throughout the construction industry demonstrating the benefits of "green buildings," however, a growing trend indicates that there is a return on investment and that such construction practices are worthy of further investigation.

Mr. Hether briefly reviewed examples of various municipalities and private sector corporations that have incorporated "green building" practices. He noted that "green building" elements can be included in existing buildings that are remodeled and stated that the "payback period" for incorporating such elements can range from ten months up to 8.5 years.

Discussion ensued relative to the fact that the U.S. Green Building Council established a rating system for "Green Building" designs; that in 2004, there were 50 buildings in Arizona registered with the Council; that the system used to rate buildings is known as the LEED (Leadership in Energy and Environmental Design) System; that the LEED System includes four rating levels (Certified, Silver, Gold and Platinum); and that the rating systems are offered for commercial, educational, healthcare and institutional construction projects.

Mr. Hether further spoke regarding Scottsdale's "Green Program," which is a voluntary and consumer driven program for residential and commercial projects. He indicated that Scottsdale rates the projects in six environmental impact areas including site use, energy, indoor air quality, building materials, solid waste, and water conservation. Mr. Hether also reviewed various incentives associated with the "Green Program" such as an expedited plan review, development process assistance, and promotional packages. He added that the City of Scottsdale has also adopted a Scottsdale City Buildings Resolution indicating: "All new, occupied city buildings shall be designed, contracted and built to achieve the LEED Gold certification level." He also said that when the payback is anticipated to be more than five years, staff is directed to recommend to the Council which level of LEED certification is appropriate for that particular project.

Further discussion ensued relative to Mesa's "green" activities including Desert Uplands preservation, the replacement of lighting at the Mesa City Plaza remodel, ongoing energy conservation programs, recycling programs, and indoor air quality practices for all City buildings.

Mr. Hether concluded his presentation by stating that staff proposes to research Scottsdale's "Green Program," as well as other "green building" programs throughout the country. He said that subsequent to that time, staff would make recommendations to the Committee relative to a participation level by the City in this regard.

Committeemember Walters commented that she requested this item be brought forward to the Committee when she learned how difficult it was for an individual to develop in accordance with "green" standards per the City's current Zoning Code. She stated that she is not seeking mandatory standards, but rather permissive standards similar, perhaps, to those implemented by the City of Scottsdale.

In response to a question from Committeemember Walters, Zoning/Civil Hearing Administrator Gordon Sheffield explained that the new Zoning Code update would hopefully include incentives for utilizing the LEED System such as density bonuses.

Committeemember Walters expressed support for moving the concept forward in terms of the Zoning Code update.

Chairman Rawles concurred with Committeemember Walters' comments and urged staff to come back to the Committee with proposals to implement a "green building" certification process for City buildings that is similar to Scottsdale's.

Building Safety Director Terry Williams clarified that staff intends to spend the next six months researching "green building" practices and would present the Committee with a series of recommendations in that regard. He added that staff may also come back to the Committee sooner rather than later to discuss the new Municipal Court building, which could possibly be Mesa's first LEED-certified structure.

Chairman Rawles thanked staff for the presentation.

5. Adjournment.

Without objection, the General Development Committee meeting adjourned at 9:45 a.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the meeting of the General Development Committee of the City of Mesa, Arizona, held on the 7<sup>th</sup> day of December 2006. 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