

COUNCIL MINUTES

April 3, 1997

The City Council of the City of Mesa met in a Policy Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on April 3, 1997 at 4:15 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Jim Stapley

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Pauline Backer
Cindy Barris
Neal Beets
John Branch
Dan Brewer
Jerry Brouwer
Fred Conway
John Gendron
Mike Hutchinson
Harry Kent
Jeff Martin
Tom Mattingly
Frank Mizner
John Oliver
Ellen Pence
Darrel Pichoff
Bryan Raines
Tom Remes
Becky Richardson
Dan Sanchez
Mindy White
Christine Zielonka

OTHERS PRESENT

Ken Driggs
Debra Duvall
Chris Moeser
David Molina
Dan Nowicki
Matt Ortega
Vern Payne
Jerry Petrie
Art Thomason

1. Hear, a status report on the draft residential development guidelines and draft citrus development.

Planning Director Frank Mizner stated that the draft residential development guidelines and citrus area policy were developed by staff and the Planning and Zoning Board during the last several months in response to concerns expressed relative to the quality of development within the City. Mr. Mizner advised that several public hearings were held concerning the documents but that on March 20, 1997 the Planning and Zoning Board, by majority vote, tabled the two items.

Mr. Mizner indicated that members of the Board believed that the development of the two drafts was an appropriate endeavor to document concerns and policies but expressed concern regarding specificity, suggested target densities/lot size limitations, effects on housing affordability, and private property rights. Mr. Mizner stated that in reference to the citrus area policy, the majority of the Board believed that the current case-by-case review process in conjunction with the adopted General Plan was sufficient. Mr. Mizner noted that Board members voting against the motions for tabling were concerned about the lack of regulatory tools and the message that a tabling would send.

Mr. Mizner added that at their March 20, 1997 meeting, the Planning and Zoning Board subsequently recommended approval of three significant residential rezoning cases located in southeast Mesa.

Mr. Mizner referred to a map illustrating citrus areas within the City and commented that most of the sites are presently developed or pending development in the near future.

Debra Duvall, Chairman of the Planning and Zoning Board, outlined the Board's initial concerns regarding the lack of project diversity within the City and subsequent request of staff to determine methods utilized by surrounding communities to incorporate diversity and design guidelines. Ms. Duvall spoke concerning the development of the draft residential development guidelines and citrus area policy, the extensive public input process, and the resulting action of the Board. Ms. Duvall commented that the documents provide a general framework for development and that tabling adoption allows developers an opportunity to voluntarily implement design improvements. Ms. Duvall noted that further action can be taken in the future if necessary.

Mayor Brown expressed appreciation to Ms. Duvall and the Planning and Zoning Board for their efforts. Mayor Brown indicated agreement with the decision of the Board to table the two documents.

Councilmember Giles noted the lack of unanimous votes on each issue and questioned the appropriateness of requesting further consideration by the Planning and Zoning Board.

Councilmember Stapley stated the opinion that the Planning and Zoning Board has adequately addressed individual zoning cases, particularly relative to citrus retention, and concurred with the decision of the Board to table the matter. Councilmember Stapley commented that additional action can be taken if necessary in the future. Councilmember Stapley expressed the opinion that Council should not direct the Planning and Zoning Board to further review the issues at this time.

Vice Mayor Gilbert commented that the citrus area policy may presently be irrelevant given the extent of existing/pending development in the citrus area. Vice Mayor Gilbert expressed concern that difficulties may be encountered if the residential development guidelines are not adopted by the Planning and Zoning Board and Council. Vice Mayor Gilbert questioned the manner in which the guidelines can be utilized as a tool for applicants and staff.

Ms. Duvall stated that the information contained in the guidelines can be used by staff to outline general expectations relative to diversity, amenities, etc. when discussing proposals with

developers. Ms. Duvall indicated that the guidelines additionally provide the Planning and Zoning Board a basis for consistency in reviewing cases.

Mr. Mizner advised that developers are now generally aware of design elements to be incorporated within projects in order to obtain approval from the Planning and Zoning Board. Mr. Mizner commented that anticipation of the adoption of the draft guidelines may have accelerated various proposed developments but noted that minimal land is currently available for development within the City's citrus area, and if the development guidelines are not retroactive, a minimal number of large parcels are available for residential development.

Vice Mayor Gilbert reiterated his concerns, particularly relative to southeast Mesa, should the residential development guidelines not be enacted but indicated a willingness to accept the decision of the Planning and Zoning Board at this time.

Councilmember Stapley noted the importance of personal property rights.

Councilmember Kavanaugh indicated appreciation for the efforts of the Planning and Zoning Board but expressed concern should the guidelines not be adopted. Councilmember Kavanaugh stated that a number of compelling reasons precipitated the adoption of development guidelines in surrounding communities and prompted Planning and Zoning Boardmembers to initially consider such regulations for Mesa. Councilmember Kavanaugh commented that enacting the guidelines will provide predictability and an expectation of the types of projects that will be approved by the City. Councilmember Kavanaugh reported that various developers have proposed projects in Mesa in an effort to avoid regulations adopted by surrounding communities.

Councilmember Pomeroy said that he initially supported adoption of the two documents but given the success of the process to date, currently favors consideration by the Planning and Zoning Board on a case-by-case basis. Councilmember Pomeroy noted that further action can be taken in the future if determined necessary.

Councilmember Giles stated the opinion that the issues should be determined by Council, even if the decision is to table the items. Councilmember Giles commented that the residential development guidelines have merit and expressed concern should Mesa be the only community in the area without such guidelines.

In response to a question from Councilmember Payne, Mr. Mizner spoke concerning objectives and policies pertaining to citrus that are included in the City's General Plan. Mr. Mizner advised that the draft citrus area policy is more specific than the General Plan.

Councilmember Payne commented that adequate opportunity should be provided to assess the effectiveness of the General Plan. Councilmember Payne commended the Planning and Zoning Board for their efforts and indicated support for the decision to table the residential development guidelines and citrus area policy. Councilmember Payne said that she does not favor the documents and that the interests of property owners should be taken into consideration. Councilmember Payne expressed the opinion that the Planning and Zoning Boardmembers have fulfilled their responsibility relative to this matter.

Mayor Brown stated that it is the consensus of Council to accept the decision of the Planning and Zoning Board.

Mayor Brown thanked staff and the Planning and Zoning Board for their work. Mayor Brown encouraged developers within the City to present quality projects.

Ms. Duvall thanked the Council for their comments.

2. Review a proposed ordinance concerning building and zoning regulations pertaining to public school.

Assistant City Manager Mike Hutchinson advised that staff has met with representatives from Mesa Public Schools (MPS) and developed an ordinance designed to streamline practices regulating public school construction and charter school districts with a student population exceeding 1,000.

Public Works Manager Harry Kent provided background information concerning the proposed ordinance, noting current City constraints relative to manpower and staff time. Mr. Kent reported that the Building Inspections Division has administered various building, fire, and zoning codes relating to public schools for many years at great financial cost without remuneration. Mr. Kent stated that under the proposed ordinance, MPS will be asked to continue to comply with laws and codes but will be self-regulated.

Council and staff spoke concerning charter schools, fees, and liability. City Attorney Neal Beets commented that the proposed ordinance clarifies that responsibility rests with the governing board of MPS rather than the City. City Manager Charles Luster indicated that staff is continuing to review the proposed figure relating to charter school student population.

Following additional brief discussion, Mayor Brown stated that it is the consensus of Council to proceed with the proposed ordinance.

3. Hear a presentation from representatives of the City of Mesa Electric Department concerning electric competition and restructuring in the electric utility industry.

Electric Utility Manager Jerry Brouwer introduced Assistant Electric Utility Manager Darrel Pichoff and Power Operations Director John Branch. Mr. Brouwer expressed appreciation for the opportunity to appear before the Council.

Mr. Pichoff advised that the City of Mesa has operated its own electric utility since 1917. Mr. Pichoff briefly outlined the development of the City's Electric Utility Division and presented data pertaining to Mesa's service area and capacity/demand.

Mr. Branch presented information concerning the changing environment of the electric utility industry and the impacts of various legislative measures. Mr. Branch spoke regarding existing operations, retail wheeling, deregulation, and future opportunities. Mr. Branch expressed pride in the manner in which the City has administered its electric utility.

Vice Mayor Gilbert and Councilmember Giles posed a series of questions relating to the effects of deregulation and options available to maintain/strengthen the City's position within the market. Vice Mayor Gilbert and Councilmember Giles requested that staff provide responses at a future date. Mayor Brown suggested that a meeting of the Utility Committee be scheduled to discuss the questions.

Mr. Hutchinson stated that staff will soon be proposing utility rate adjustments in preparation for changes within the industry. Mr. Hutchinson extended an invitation to Council to visit the City's Electric Utility Division facilities.

Mayor Brown thanked Mr. Brouwer, Mr. Pichoff, and Mr. Branch for the presentation.

4. Discuss and consider a resolution addressing particulate pollution and EPA-mandated control plans (three alternative resolutions).

Mr. Beets advised that the Maricopa County urban area has recently been reclassified from moderate to serious nonattainment for particulate pollution, resulting in a requirement that two plans (24-hour and annual) demonstrating attainment with federal standards be submitted to the U. S. Environmental Protection Agency (EPA). Mr. Beets stated that the City has been working with Valley communities to address the matter and that staff has developed three alternative resolutions for Council consideration confirming the City's resolve to attempt to reduce particulate pollution.

Environmental Coordinator Christine Zielonka utilized overhead slides and presented statistical data relating to particulate pollution. Ms. Zielonka noted that earthmoving activities and windblown dust from construction sites represent primary sources of violations. Ms. Zielonka spoke concerning Maricopa County Rule 310 (Open Fugitive Dust), which provides a regulatory framework to control dust-generating activities, but indicated that there has been minimal support from Maricopa County to adequately fund an enforcement program.

Ms. Zielonka outlined the three resolutions proposed for Council consideration. Ms. Zielonka indicated that Option 1 incorporates an improved public education plan and relies upon Maricopa County to enforce Rule 310. Ms. Zielonka stated that Option 2 includes Option 1 and additionally establishes endorsement by the Council of an increased level of enforcement of Rule 310 by Maricopa County. Ms. Zielonka said that Option 3 incorporates the improved public education plan and also directs staff to develop a local ordinance equivalent to Rule 310, with the City assigned responsibility for enforcement.

Ms. Zielonka delineated the existing requirements of Maricopa County Rule 310 and outlined various dust-control measures for construction sites. Ms. Zielonka identified potential actions available to the City.

Mr. Beets commented that Mesa alone cannot resolve all particulate pollution issues but can serve as a model to surrounding communities. Mr. Beets said that staff recommends adoption of Option 3.

Councilmember Kavanaugh indicated support for Option 3.

Vice Mayor Gilbert expressed the opinion that citizens support actions to address air quality problems. Vice Mayor Gilbert spoke in favor of pursuing Option 3.

Councilmember Payne stated opposition to the recommendation and the imposition of increased regulations. Councilmember Payne expressed the opinion that enforcement by the City would be inappropriate but indicated a willingness to support Option 2.

Councilmembers Giles, Pomeroy, and Stapley stated support for Option 3.

Mayor Brown indicated agreement with pursuing Option 3. Mayor Brown thanked Mr. Beets and Ms. Zielonka for the information.

5. Consider amendments to the Mesa City Code changing the fine and probation structures for various business enterprises convicted of a misdemeanor in Mesa City Court.

Mr. Beets outlined a proposal to amend the City Code to allow City Court judges to place enterprise defendants on probation and to increase the maximum misdemeanor fine for enterprises from \$2,500 to \$20,000. Mr. Beets stated that the proposed changes will bring the City Code into line with the State Criminal Code and federal sentencing laws. Mr. Beets commented that the objective of the amendment is compliance rather than punishment.

Discussion ensued concerning the definition of "enterprise" and potential impacts of the proposed City Code revision. Mr. Beets noted that the revision will affect future criminal citations.

Councilmember Payne stated that she is not supportive of a measure that could have an adverse effect relative to the City's smoking regulations.

Vice Mayor Gilbert expressed the opinion that the proposal is appropriate and would serve as a tool to recoup City/citizen costs.

In response to a question from Mayor Brown concerning possible exemptions for small businesses, Mr. Beets noted the discretion utilized by judges in assessing fines and determining ability to pay.

Councilmember Kavanaugh concurred with the recommendation to include probation but expressed concern regarding the proposed increase in fine. Councilmember Kavanaugh suggested additional input from organizations such as the Chamber of Commerce.

In response to a question from Councilmember Stapley, Mr. Beets said that the proposed Code amendment is not designed for any particular violator. Mr. Beets stated the opinion that the changes would be utilized appropriately.

Councilmembers Pomeroy and Giles spoke in favor of the proposal.

Mayor Brown recommended further study pertaining to the issue. Mayor Brown requested that consideration be given to providing protection for small businesses. Mayor Brown suggested that the matter be presented for additional discussion at a future date.

6. Hear a proposal on new entry signs at city limits.

Executive Assistant Ellen Pence spoke concerning the proposed design and installation of new "Welcome to Mesa" signs at various entry points to the City. Ms. Pence stated that the new signs are designed to improve the sense of community and promote a more uniform and consistent image.

Ms. Pence displayed pictures of signs installed in surrounding communities and those currently in place throughout Mesa.

Ms. Pence referred to computer-generated photographs and advised that two types of new signs are presently being considered for the City: a metal sign with the City logo and motto that would replace existing metal signs and a larger masonry-constructed design with a planter containing low-water-use landscaping.

Brief discussion ensued concerning lettering, lighting, and costs. Members of the Council spoke in favor of the proposal but suggested that it may be more appropriate to eliminate the motto from the metal signs. Councilmember Giles encouraged the use of masonry signs.

Councilmember Payne noted the efforts of staff but expressed the opinion that funds could be more appropriately utilized for other projects.

Mayor Brown stated that it is the consensus of the Council to proceed with the planning and implementation of the new signs. Mayor Brown thanked Ms. Pence and staff for their work.

Ms. Pence expressed appreciation to personnel assisting in the development of the project.

7. Hear a report on the February 5, 1997. Transit Community Forum sponsored by the City and the Mesa Chamber of Commerce.

Ken Driggs, Executive Director, Regional Public Transportation Authority (RPTA), introduced his new assistant, Matt Ortega.

(Councilmember Payne was excused at 6:23 p.m. for the remainder of the meeting.)

Mr. Driggs provided an overview of the City of Mesa Community Transit Forum held on February 5, 1997. Mr. Driggs noted problems and obstacles of the existing transit system identified by participants and possible solutions for improving public transit.

Discussion ensued regarding demographics of the forum participants, anticipated costs to improve public transit, and potential ballot measures for either dedicated transit funding as a sole issue or funding for transit and other "quality of life" items.

Mr. Driggs commented that based on the forum, it appears that the City has support for considering a ballot measure to fund transit as a stand-alone issue. Mr. Driggs stated that additional research is recommended, however, to more accurately determine the extent of the support for a dedicated local transit tax.

Mayor Brown thanked Mr. Driggs and Mr. Ortega for the report.

8. Scheduling of meetings and general information.

City Manager Charles Luster stated that the next Study Session will be held on Friday, April 4, 1997.

9. Adjournment.

Without objection, the Policy Session adjourned at 6:32 p.m.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITYCLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Policy Session of the City Council of Mesa, Arizona, held on the 3rd day of April 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 29th day of April 1997

BARBARA JONES, CITY CLERK