

COUNCIL MINUTES

October 18, 2001

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 October 18, 2001 at 7:30 a.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Barbara Jones

1. Review items on the agenda for the October 22, 2001 Regular Council Meeting.

All of the items on the agenda were reviewed among Council and staff with no formal action taken. There was specific discussion relative to the following items:

Mayor Hawker declared a potential conflict of interest on agenda items 4e (2000/2001 Crack Sealing Project West), 4f (2000/2001 Crack Sealing Project East) and 4g (Greenfield Road Improvements, McDowell Road to Red Mountain Freeway).

Mayor Hawker stated that item 7b would be removed from the consent agenda.

2. Deleted.

3. Discuss and consider issues associated with membership and governance issues of the Maricopa Association of Governments (MAG) and the Regional Public Transit Authority (RPTA).

Mayor Hawker referred to materials provided to the Councilmembers regarding numerous regional governance issues under consideration by the Maricopa Association of Governments (MAG). He noted that a MAG subcommittee was assigned to consider governance issues and an advisory committee was also asked to provide input from the public sector, the State legislature and the business community.

Mayor Hawker commented on the numerous issues being considered, including: 1) possibly restructuring MAG to include the Regional Public Transportation Authority (RPTA); 2) expansion of the region to include Apache Junction and other neighboring areas of Pinal County; 3) membership and voting issues including the possibility of including representatives of the business community; 4) a proposed executive committee and the responsibilities of the MAG body at large vs. the proposed executive committee. Mayor Hawker said that one of the issues being considered is the fact that small communities have the same vote as large communities.

Councilmember Walters stated the opinion that Apache Junction should be a voting member of MAG.

Discussion ensued regarding the logic associated with including Apache Junction as a voting member of MAG; numerous issues surrounding membership expansion; the possibility of MAG utilizing a weighted voting system; the Governor's task force regarding transportation; and the possibility of joint communities participating in a coordinated transportation routes system.

Vice Mayor Davidson expressed concerns relative to non-elected officials making decisions that are typically made by elected officials, expanded regional governance authority and impairing the ability of poorer communities to provide adequate transportation infrastructure.

Councilmember Jaffa concurred with Councilmember Walters' comments regarding the fact that Apache Junction should be a voting member of MAG and with Vice Mayor Davidson's comments regarding non-elected officials making decisions and expanded regional governance authority over local authority. He also stated concerns regarding adding additional layers of government.

Mayor Hawker commented on the advantages associated with receiving input from the business community and the issue of raising voter awareness regarding the role MAG plays throughout the Phoenix metropolitan area as a whole. He also commented on the relationship between the issues being considered by MAG and the proposed extension of the ½ cent sales tax for freeways.

Councilmember Pomeroy voiced concerns regarding increasing the MAG membership and noted that increased membership of governing bodies often results in an impaired ability to operate.

Mayor Hawker stated that he would keep the Council apprised of developments in this matter.

4. Discuss and consider items related to the proposed updated General Plan.

Planning Director Frank Mizner addressed the Council and referred to the latest version of the General Plan, dated October 15, 2001, that was provided to Councilmembers. Mr. Mizner reported that this is the second version of the plan; that there will be additional versions prepared prior to the commencement of the public comment period; and that the plan would be available on the City's web site beginning October 19, 2001.

a. Proposed land use map.

Mr. Mizner referred to the *Land Use Plan* map dated October 11, 2001 (See Attachment) on display in the Council Chambers and said that there are five additional land use areas that require Council consideration.

Area 1

Mr. Mizner reported that Area 1 is located near the northeast corner of Alma School Road and McLellan and that although the area is within the City's planning area, it is outside of the City's corporate limits, in Maricopa County. Mr. Mizner explained that a developer has expressed interest in developing an apartment complex on the parcel and recent neighborhood meetings conducted by the developer reflected neighborhood opposition to the proposed development.

Mr. Mizner further explained that when the developer first approached the City with the proposal to develop an apartment complex in this area, the developer was mistakenly informed by Mr. Mizner that the area is designated High Density Residential (HDR), when in fact, it is designated Medium Density Residential (MDR). Mr. Mizner noted that there is existing commercial development on the northeast corner of Alma School and McLellan which is designated Neighborhood Commercial (NC).

Mr. Mizner said that in light of the fact that the area is actually designated MDR and there was public opposition to the apartment complex, staff will advise the developer that an apartment project is not envisioned by the City for this area.

In response to a question from Mayor Hawker regarding the necessity of making any land use plan modifications, Mr. Mizner said that staff would slightly reduce the area designated CC at the northeast corner of Alma School and McLellan on the map to conform to the actual proportion of the commercial development at the site, and that no other modifications are necessary.

Area 2

Mr. Mizner reported that Area 2 is located at the southeast corner of McKellips and Greenfield; that the area was rezoned to C-2 in 1999 for the proposed Walmart Superstore, which is the subject of a citizen referendum action on the March 2002 Primary Election ballot; that the Joint Master Planning Committee (JMPC) designated the area Community Commercial (CC); and that Councilmembers have indicated an interest in changing the land use designation.

Councilmember Jaffa voiced concerns regarding protecting areas around Falcon Field Airport for future industrial types of development. He spoke in favor of designating the area Business Park (BP) or Mixed Use/Employment (MU/E), in the event the election issue fails and Walmart is precluded from developing the proposed Supercenter.

In response to a question from Councilmember Jaffa, Interim City Attorney Joe Padilla stated that although changing the land use designation on its own would not impact the election, enactment of the proposed big box ordinance in conjunction with changing the land use designation could impact the election.

Mr. Mizner stated that in its present proposed form, the big box ordinance precludes large retail stores within BP areas.

Discussion ensued regarding the inconsistencies associated with changing the land use designation for this site, the approved zoning for this site and enactment of the proposed big box ordinance.

Councilmember Kavanaugh voiced the opinion that the land use designation for Area 2 should reflect the long-term development goals of the City and be consistent with the surrounding area. He added that Council consensus regarding the big box ordinance has yet to occur.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Jaffa, that Area 2 be designated Business Park.

Councilmember Davidson concurred with Councilmember Kavanaugh's comments and voiced support for the motion.

Mayor Hawker and Councilmember Pomeroy spoke against changing the land use designation at this time in light of the upcoming election and stated opposition to the motion.

Discussion ensued regarding the potential impacts to the Walmart election issue in connection with enactment of the big box ordinance and changing the land use designation for this site; and the possibility of the City initiating a General Plan amendment to designate the area BP in the event the election issue fails.

Mayor Hawker and Councilmember Walters voiced support for changing the land use designation to BP in the event the Walmart election issue fails.

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Kavanaugh
NAYS - Hawker-Pomeroy-Walters-Whalen

Mayor Hawker declared that the motion failed and said that the land use designation for Area 2 would remain Community Commercial.

Area 3

Mr. Mizner reported that Area 3 is the Queens Park residential subdivision, which is located south of Williams Gateway Airport on the north side of Germann Road between Hawes Road and Ellsworth Road; that it is an existing subdivision of approximately 40 homes; that the area was platted and zoned in the County prior to annexation in 1990; that the City attempted but failed to purchase the property at an auction prior to development; that there are a few vacant lots in the subdivision; and that the JMPC designated the area Low Density Residential (LDR). Mr. Mizner noted that the area surrounding the subdivision is designated Light Industrial (LI).

Discussion ensued regarding the fact that the area is currently zoned for residential use, the possibility of changing the land use designation to LI, various development scenarios for the remaining vacant lots under the LI designation, the possibility that deed restrictions may limit the

land use to residential, and the fact that the value of the land would be considered expensive for industrial development.

Councilmember Walters stated concerns regarding the possibility of negatively impacting residents within the area if the land use designation is changed to LI.

It was moved by Councilmember Whalen, seconded by Councilmember Walters, that Area 3 remain Low Density Residential as designated by the JMPC.

Upon tabulation of votes, it showed:

AYES - Hawker-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - Davidson-Jaffa

Mayor Hawker declared the motion carried by majority vote.

Area 4 (General Motors)

Mr. Mizner provided an overview regarding Council consideration of land use designations for the General Motors (GM) area and referred to two sketch/maps entitled *Council Action 10/11/01* and *Council Option 10/18/01*. He explained that the 10/11/01 map represents the land uses for the GM area approved by the Council at the October 11, 2001 Study Session. He further explained that subsequent to that meeting, staff was directed to prepare an additional land use map based upon input from Mayor Hawker and Councilmember Jaffa (10/18/01), which incorporates several changes including moving the Office area at the southeast corner of Warner and Ellsworth to the northeast corner of Ray and Ellsworth and extending the MU/E south of Warner Road into the area previously occupied by Office.

Discussion ensued regarding the 15% open space area depicted on the 10/18/01 map, including the fact that the area is intended to illustrate a ratio only and not the location of where the open space would be, which could be anywhere within the MDR classification; the fact that the open space designation is in compliance with Growing Smarter mandates since GM has committed to the 15% open space area within MDR; and the possibility of incorporating open space area in the WGA flight path corridor within the MU/E area.

Discussion ensued regarding the no-build areas at the ends of the airport runways; the fact that the area at the intersection of Pecos and Ellsworth is not considered a high noise area; the fact that the 10/18/01 map reduces the amount of CC along Ellsworth and increases the amount of MU/E; and the sustained ability to create an urban village concept in the Ray/Ellsworth area in conjunction with the 10/18/01 plan.

Councilmember Kavanaugh voiced support for the changes reflected in the 10/18/01 plan and stated the opinion that the reconfiguration makes sense in view of the anticipated traffic patterns from the airport into the area.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Whalen, that the General Motors land use map entitled *Council Option-10/18/01*, be approved.

Councilmember Jaffa voiced opposition to the motion and stated that although he supports moving the Office area from Warner and Ellsworth to Ray and Ellsworth, he is opposed to the extensive amount of MDR contained in the 10/18/01 plan. He stated the opinion that residential development would precede industrial development and make it difficult to attract appropriate industrial development to the area. He further stated that he would support future General Plan amendments to allow residential uses subsequent to industrial development in the area.

Vice Mayor Davidson concurred with the comments of Councilmember Jaffa, voiced opposition to the motion and said that he remains supportive of Option 1 (submitted by staff during the October 4, 2001 Study Session).

Mayor Hawker voiced support for the motion and stated the opinion that the 10/18/01 plan contains a significant amount of employment land uses. He also stated that the residential uses are appropriately placed to minimize aircraft noise and the plan contains the maximum amount of residential use that he would support.

Discussion ensued regarding major vs. minor plan amendments, the extension of MU/E south of Warner Road, and the advantages associated with the property being developed by a single developer vs. numerous developers.

Councilmember Walters stated tentative support for the motion and voiced concerns regarding the reduced amount of CC contained in the plan.

Councilmember Whalen said that although he supports the motion, he concurs with the concerns voiced by Councilmember Jaffa regarding residential development occurring prior to industrial development. He also voiced a preference for lower density residential development in the area designated MDR.

In response to a question from Councilmember Jaffa, Mayor Hawker stated that he supports the 10/18/01 plan because it meets the City's long-term jobs vs. housing ratio and provides for aircraft ingress/egress at WGA with minimal aircraft noise to the residential areas.

Discussion ensued regarding the types of aircraft projected to use the airport in the future and the anticipated altitudes of aircraft over the residential areas.

Upon tabulation of votes, it showed:

AYES - Hawker-Kavanaugh-Pomeroy-Walters-Whalen
NAYS - Davidson-Jaffa

Mayor Hawker declared the motion carried by majority vote.

Area 5

Mr. Mizner reported that Area 5 is located immediately east of the existing retail development in the Superstition Springs area at the southwest corner of Sossaman and Southern; that the area is designated BP; and that subsequent to Council adoption of the new definition of BP at the October 4, 2001 Study Session, the owner of this area submitted a lengthy letter to the City setting forth objections to the elimination of the residential development component for this area.

Mr. Mizner commented on the possibility of reinstating the prior BP definition, which includes a 25% residential component, and noted that reinstatement of the previous definition would impact numerous other parcels. Mr. Mizner also commented on the possibility of designating the area Mixed Use/Residential (MU/R), which would meet the applicant's needs by allowing office, light manufacturing, retail and 30% residential uses.

It was moved by Councilmember Pomeroy, seconded by Councilmember Walters, that Area 5 be designated Mixed Use/Residential.

Vice Mayor Davidson stated that although the compromise of designating the area MU/E has merit, he is opposed to the motion based upon his ongoing opposition to removing the residential element from BP.

Councilmember Kavanaugh concurred with Vice Mayor Davidson's comments and stated opposition to the motion.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Pomeroy-Walters-Whalen
NAYS - Davidson-Kavanaugh

Mayor Hawker declared the motion carried by majority vote.

b. General Plan elements.

Mr. Mizner referred to the newest version of the General Plan and said that the Council has expressed interest in reviewing the elements of the General Plan from a policy standpoint. He commented on the wide variety of elements the City is required to address pursuant to Growing Smarter mandates and said that the Plan consists of 12 elements/chapters.

Mr. Mizner referred to a list of policy issues prepared by staff and said that the list represents a number of the major issues raised by the Joint Master Planning Committee (JMPC) and the General Plan Sub-committee.

Discussion ensued regarding the extensive number of policy issues and the most appropriate manner in which to address each issue.

Mr. Mizner reported that there are several upcoming meetings of the JMPC and the General Plan Sub-committee and that the purpose of the meetings is to discuss the 12 elements of the General Plan. He noted that the Council will be provided a summary of those discussions at the November 5, 2001 Study Session.

Councilmember Pomeroy voiced opposition to conducting in-depth Council policy discussions prior to the committees' discussions and stated the opinion that the Council's opinions regarding policy issues will unduly influence the discussions of the committees. He noted that the underlying research involved in the numerous issues represents a significant task.

Mayor Hawker expressed the opinion that it would be appropriate for the Council to provide input prior to the Committees' discussions and that staff's ability to concurrently consider the

input of the Council and the Committees will escalate the process of revising the Plan to reflect input received.

Discussion ensued regarding the possibility of each Councilmember providing input to staff on an individual basis.

Councilmember Jaffa stressed the importance of Council participation in policy discussions and voiced concerns regarding numerous policy issues including the definitions of major and minor plan amendments.

Councilmember Kavanaugh commended staff on the quality of the newest version of the General Plan and concurred with Councilmember Pomeroy's comments regarding the importance of soliciting committee input prior to consideration of policy issues.

Councilmember Davidson concurred with Councilmember Kavanaugh's comments.

Councilmember Whalen agreed that Councilmembers should have an opportunity to provide individual input to staff and noted that Councilmembers also have the option of attending committee meetings and providing input.

Councilmember Walters voiced support for postponing in-depth Council consideration of policy issues until the committees have provided input. She also stated concerns regarding formatting issues involving statements in the plan that incorrectly set forth the City's role or jurisdiction.

Mayor Hawker suggested that each Councilmember prioritize approximately five policy issues for broad discussion during the October 22, 2001 Study Session.

5. Acknowledge receipt of minutes of boards and committees.

- a. Design Review Board meeting October 3, 2001.

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

Carried unanimously.

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

Mayor Hawker commented on his attendance at a recent meeting regarding Northwest 2000. He noted that although there is still a dispute between Fountain Hills and the Fort McDowell Indian Community regarding flight paths over their communities, acceptance and implementation of the Community Consensus Alternative by the FAA appears favorable.

Councilmembers Kavanaugh and Jaffa commented on the success of the recent Neighborhood Conference and commended staff for their efforts regarding this event.

Discussion ensued regarding the upcoming Greater Phoenix Economic Council (GPEC) annual dinner and the Arizona Department of Transportation (ADOT) meetings to be hosted by the City.

7. Scheduling of meetings and general information.

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

Monday, October 22, 2001, 9:00 a.m. – General Development Committee

Monday, October 22, 2001, 3:00 p.m. – Study Session

Monday, October 22, 2001, Special and Executive Sessions immediately following Study Session.

Monday, October 22, 2001, 5:45 p.m. – Regular Council Meeting

Thursday, October 25, 2001, 7:30 a.m. – Study Session (CANCELLED)

Mr. Hutchinson noted that the dedication ceremony for Quail Run Park will take place on Saturday, October 20, 2001 at 9:30; that GAIN activities are also planned for October 20, 2001; and the City will receive Clean Air Awards on October 23, 2001.

8. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the Study Session adjourned at 9:40 a.m.

KENO HAWKER, 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 18th day of October 2001. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

Attachment
pjt