



# COUNCIL MINUTES

September 12, 2002

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 September 12, 2002 at 7:30 a.m.

## COUNCIL PRESENT

Mayor Keno Hawker  
Dennis Kavanaugh  
Rex Griswold  
Kyle Jones  
Janie Thom  
Claudia Walters  
Mike Whalen

## COUNCIL ABSENT

None

## OFFICERS PRESENT

Mike Hutchinson  
Debbie Spinner  
Barbara Jones

### 1. Hear a status report, discuss and consider an amendment of the Desert Uplands Development Standards.

Development Services Manager Jack Friedline and Principal Planner Dorothy Chimel addressed the Council relative to this agenda item.

Ms. Chimel provided a brief historical overview of the Desert Uplands Development Standards. She explained that in 1999, the City Council adopted two ordinances to regulate commercial and residential development in the Desert Uplands area, and that since that time, there have been a number of projects built in the area. Ms. Chimel commented that the City Council has expressed dissatisfaction relative to the current development standards for the Desert Uplands area and directed staff to update and supplement such standards; that Planning staff has undergone a lengthy process to solicit input from various City departments, the Spook Hill Neighborhood Action Association (SHNAA), and the development community, in an effort to address the current standards; that staff recognizes a significant portion of the Desert Uplands area is located in Maricopa County or already developed and zoned, and that the proposed Development Standards amendment would only apply to the area within the City's jurisdiction or those areas requesting Mesa utility service.

Ms. Chimel briefly summarized the proposed amendment including, but not limited to, a reduction in public right-of-way widths (except in R1-6 and R1-9 densities) and pavement sections; the inclusion of landscape medians; the deletion of the requirement for colored concrete for curbs and sidewalks; the re-vegetation of disturbed areas through the use of plants salvaged from the specific site; protective fencing during construction required for washes and

undisturbed open spaces; the requirement to post a \$5,000/acre cash bond to ensure non-disturbance of required open space areas; the maintenance of natural drainage patterns; minimizing the use of perimeter walls, and an increase to 53 feet in the right-of-way width for local public streets in the Desert Uplands area.

Ms. Chimel stated that pending Council approval of the amendment, the document will be distributed to the development community and presented to the Development Forum to garner additional input/suggestions. She added that given Council direction, staff could revise the recommendations to accommodate Council suggestions and present the final draft ordinance amending Section 9-6-5 at a future Council meeting.

Ms. Chimel further commented that the SHNAA has recommended that substantial changes be made to the approved plant list to include only plants native to the immediate area and the Upper Sonoran Desert region. She also stated that Mr. Bill Puffer, President of the SHNAA, has requested that the Council form an advisory committee that would be charged with considering the changes to the currently approved plant list following Council adoption of the amendment.

Councilmember Thom stated the opinion that the City of Mesa should not be in the business of micromanaging every aspect of a property owner's home site, and that such enforcement should be left to the developers, the individual homeowners or homeowners' associations. She also questioned the necessity of an approved plant list.

In response to Councilmember Thom's concerns, Councilmember Griswold commented that in an effort to preserve the unique character of Mesa's Upper Sonoran Desert area, it is imperative that the developers and the area's residents adhere to the Desert Uplands Development Standards. He also expressed appreciation to Mr. Puffer, Former Councilmember Bill Jaffa and staff for their efforts and hard work relative to this issue.

In response to a question from Councilmember Walters regarding whether the County Board of Supervisors would be opposed to extending the Desert Upland Development Standards to include County residents who desire to be annexed into the City in the future, Mr. Puffer commented that although the issue has been raised in the past with little response from the County, the Council may wish to encourage the County to adopt same or similar guidelines.

It was moved by Councilmember Walters, seconded by Councilmember Griswold, that the draft amendment of the Desert Uplands Development Standards, be approved.

Councilmember Jones cautioned against preparing an approved plant list that is too restrictive and spoke in support of including vegetation unique to the Upper Sonoran Desert area.

Mayor Hawker requested that staff provide additional information relative to entitled water rights and the number of acres of land in the Desert Uplands area that will require City services or wells.

In response to a question from Mayor Hawker, Senior Planner Jo Ferguson clarified that the current ordinance is part of the City's Subdivision Regulations. She explained that the City does ask for voluntary compliance from individuals developing unsubdivided properties and that voluntary compliance is requested in the unincorporated areas of the Desert Uplands where utility service is unavailable. Ms. Ferguson noted that individuals who live in an area that is not

in a subdivision, but is within the City, are strongly encouraged to comply with the standards, but are not required to do so.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Kavanaugh-Walters-Whalen  
NAYS - Thom

Mayor Hawker declared the motion carried by majority vote.

Mayor Hawker thanked staff for the presentation.

2. Discuss and consider policy guidelines for ownership of Federally funded properties leased to nonprofit agencies.

Community Revitalization Director Kit Kelly addressed the Council relative to this agenda item. She reported that since 1975, Mesa has acquired, constructed and/or rehabilitated 27 properties using Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) funding. Ms. Kelly advised that at the request of Prehab of Arizona and the MARC Center, the City was asked to evaluate the feasibility of transferring properties to the nonprofit agencies that have occupied and improved the facilities over the years. She also acknowledged the presence of Mike Hughes, a representative of Prehab of Arizona, Randy Gray, Executive Director of the MARC Center, and MARC Center Boardmember Mark Tompert for their attendance at this morning's Study Session.

Ms. Kelly commented that it is staff's recommendation that the City allow the transfer of CDGB funded properties that have been leased for 15 years or more, except in the situation where the property is being used as a public facility or where significant additional investment with Federal dollars by the City has occurred for expansion or renovation within the past 15 years. She explained that in speaking with Mr. Hughes, she has learned that Prehab has often experienced difficulty in obtaining funding from various foundations due to the fact that the agency does not hold title to the facility's property. Ms. Kelly also informed the Council that some nonprofit housing providers have also approached the City requesting that they be allowed ownership of residential rental properties acquired with Federal HOME funds.

Ms. Kelly concluded her remarks by noting that through the revision of the Policy Guidelines to allow qualified nonprofit agencies ownership of residential properties, Mesa would have a comparable policy with other Valley communities.

Vice Mayor Kavanaugh voiced support for staff's recommendations and noted that he is familiar with the challenges that local nonprofit agencies encounter in securing funds from organizations when they do not retain title to the property that they occupy.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Whalen, that a revision to City policies for properties acquired with Federal funds, which would allow nonprofit lessees to receive ownership of sites under specified conditions, be approved.

Discussion ensued relative to the fact that Federal CDBG regulations permit the properties to be transferred provided the City enforces guarantees that the site continue to be used for an

eligible purpose for a minimum of five years after the transfer is complete; the fact that the CDBG programs provide services to low and moderate income individuals, and also implement various neighborhood improvements (streetlights, park improvements and housing rehabilitation).

In response to concerns expressed by Mayor Hawker, Randy Gray, Executive Director of the MARC Center, clarified that if a nonprofit agency in Mesa was given the opportunity to hold title to its properties, it would enhance the ability of the agency to obtain funding and to establish a more secure financial base.

In response to a series of questions from Mayor Hawker, City Attorney Debbie Spinner clarified that the Federal funding guidelines permit Mesa to acquire properties, to lease the properties to nonprofit organizations for \$1 per year, and also provide the City with the discretion to transfer title of the property to the nonprofit agency provided that the City enforces guarantees that the site continue to be used for an eligible purpose for a minimum of five years after the transfer is complete. She added that it is the recommendation of staff that the City address each parcel on an individual basis, and that specific provisions be included in each agreement that would ensure that the property continues to be used for public benefit and is not converted into a private asset.

Councilmember Walters expressed support for staff's recommendation due to the significant monetary investments that the nonprofit agencies incur to upgrade their facilities. She requested that staff conduct additional research to ensure that CDBG funds are used exclusively for the purchase of the City's nonprofit facilities. Councilmember Walters also suggested that the City be given the right of first refusal to purchase a property back if the nonprofit agency elects to sell the property in the future.

Mayor Hawker voiced concerns relative to the fact that a nonprofit agency could potentially remain in the facility for five years to meet Federal regulations, elect to sell the facility, and relocate to another area. He stated that he would like some type of assurances that such a scenario could not take place.

Further discussion ensued regarding various stipulations that could be incorporated into the City/nonprofit agency agreements such as the length of time the City's restrictions can remain in place, and obtaining assurances that the nonprofit agency will remain at the facility beyond the five-year time limit after receiving title to the property.

Vice Mayor Kavanaugh stated that cities that receive CDBG funds can immediately transfer title to nonprofit agencies, and he commented that staff's proposal is far more conservative than other Valley communities. He also cautioned the Council regarding the extent of City control that is imposed after a property has been transferred to a nonprofit agency.

Councilmember Thom voiced support for staff's recommendation.

Mayor Hawker voiced opposition to the motion and stated that he would prefer that staff compile a more comprehensive set of guidelines which include a City buy-back provision.

In response to a question from Councilmember Walters, Ms. Spinner reiterated that the concerns expressed by Mayor Hawker would be addressed by the Council on a case-by-case

basis when the individual properties come before the Council for consideration. She added that if it is the direction of Council, staff will expand the scope of the guidelines and bring the issue back to the Council at a future time.

Mayor Hawker stated that he would prefer that the Council address this matter at a future Study Session.

Councilmember Griswold expressed support for the motion.

Councilmember Whalen said that his preference would be to delay Council action on this issue until staff provides the requested clarification to ensure a unanimous vote on this matter. He stressed that it is imperative that the entire Council acknowledges Mesa's nonprofit agencies for the outstanding work that they perform which benefits the entire community.

Vice Mayor Kavanaugh withdrew his motion and Councilmember Whalen withdrew his second to the motion.

Mayor Hawker requested that staff conduct further research on the matter and bring the issue back to the Council for consideration at a future time.

Mayor Hawker thanked everyone for the presentation.

3. Hear a report on the Master Library Facilities Plan.

Library Director Patsy Hansel, Library Administrator Molly Rice and consultant Ron Dubberly of Dubberly Associates, addressed the Council relative to this agenda item.

Mr. Dubberly displayed graphics in the Council Chambers and provided a brief overview of the Master Library Facilities Plan. (A copy of the Plan is available in the City Clerk's Office.) He reported that the Plan, which includes recommended facilities and general sizes, locations, service programs and capital cost estimates, is designed to meet the needs of Mesa residents through the year 2020.

Mr. Dubberly explained that in comparison with similarly populated cities, Mesa falls short in terms of the amount of space that it provides for public library services; that with the expansion of the East Mesa Regional Library in 2003, the City will have approximately 166,000 square feet, or about 0.4 square feet of library space per capita, and that national guidelines recommend that over 388,000 square feet of library space should currently be available to Mesa residents.

Mr. Dubberly noted that by 2020, Mesa will need seven public library facility projects which will provide a total of approximately 482,000 square feet of space. He explained that the recommended public library facility projects are the Main Library, which will require expansion to 225,000 square feet from the existing 101,000 square feet; the Dobson Ranch Area Library, which will require expansion to 30,000 square feet; the East Area Library (in the vicinity of Crismon Road and Main Street/Apache Trail or University); the East Mesa Regional Library (as expanded in 2003); the North Central Area Library (McKellips Road and Lindsay Road); the Northeast Area Library (McDowell Road between Recker Road and Ridgecrest Drive); the Southeast Area Library (Ellsworth Road between Baseline Road and Guadalupe Road), and the

South Central Area Library (Val Vista Drive and Southern Avenue). Ms. Dubberly said that the total cost for all seven capital projects is estimated between \$86,684,475 and \$98,787,250, but that it does not include the cost of site acquisition or operations.

In response to a series of questions from Councilmember Thom, Ms. Hansel stated that through her research, she has determined that approximately 70% of the individuals who use the Dobson Ranch Branch Library are Mesa residents; that the City of Mesa is reimbursed by Maricopa County through a reciprocal borrowing agreement for the use of City libraries by citizens from other communities; that this year, the City will receive approximately \$220,000 in direct reimbursement through the County, and that if out-of-state residents or County island residents were assessed fees to use Mesa libraries, the City would not be able to participate in the reciprocal borrowing agreement.

Councilmember Walters commented that although she acknowledges that Mesa needs more public libraries to service its citizens, she questioned the consultant's prioritization of the future library projects and, in fact, whether all of the facilities are necessary. She also stated that in addition to building the libraries, which will be funded with bond money, it is also imperative that the City has the appropriate funding to purchase books, supplies and to staff the facilities as well.

Ms. Hansel concurred with Councilmember Walters' comments that it may not be necessary to construct all seven public library facility projects as recommended by Dubberly Associates. She explained that the North Central Area Library and the Southeast Area Library are necessary facilities due to the increased population growth in those two areas of the City, but added that the existing Maricopa County Southeast Regional Library already serves Mesa residents who reside in the southern section of the community and therefore may eliminate the need for the South Central Library.

Discussion ensued relative to the effect of freeways that are built in close proximity to public libraries; cost estimates for the proposed construction projects, excluding funding for operations; the criteria utilized by the consultant to formulate the Master Library Facilities Plan, and the expansion of the Main Library.

Mayor Hawker stated that he would prefer three public library branches strategically located throughout the City as opposed to constructing multiple facilities. He also noted that even if the City has available funds through the issuance of bonds and the collection of impact fees to construct the library projects, he could not support such projects until such time as the City has sufficient monies for operating costs and the purchase of books and equipment.

City Manager Mike Hutchinson advised that staff will bring this issue back to the Council in the near future to seek direction relative to the acquisition of various sites for proposed public library branch locations.

Mayor Hawker thanked everyone for the presentation.

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

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

5. Scheduling of meetings and general information.

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

Friday, September 13, 2002, 8:00 a.m. – Special Council Meeting

Friday, September 13, 2002, 8:30 a.m. – Fire Briefing & Tour

Thursday, September 19, 2002, 7:30 a.m. – Study Session

Thursday, September 19, 2002, TBA – Council Planning Session

Monday, September 23, 2002, TBA – Study Session

Monday, September 23, 2002, 5:45 p.m. – Regular Council Meeting

Tuesday, September 24, 2002, 8:00 a.m. – General Services Department Briefing and Tour

Thursday, September 28, 2002, 7:30 a.m. – Study Session

6. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

7. Items from citizens present.

There were no items from citizens present.

8. Adjournment.

Without objection, the Study Session adjourned at 9:15 a.m.

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KENO HAWKER, MAYOR

ATTEST:

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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 12<sup>th</sup> day of September 2002. 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

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