

COUNCIL MINUTES

July 26, 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 July 26, 2001 at 7:30 a.m.

COUNCIL PRESENT

Mayor Keno Hawker
Bill Jaffa
Dennis Kavanaugh
Claudia Walters
Mike Whalen

COUNCIL ABSENT

Jim Davidson
Pat Pomeroy

OFFICERS PRESENT

Mike Hutchinson

Mayor Hawker excused Vice Mayor Davidson and Councilmember Pomeroy from the meeting.

1. Hear a presentation on Planning and Zoning 101.

Mayor Hawker acknowledged the presence of Planning and Zoning Board members Marty Whalen and Alan Parker in the audience.

Planning Director Frank Mizner addressed the Council and commented on the importance of planning with respect to development and redevelopment within the City of Mesa. He stated that Mesa is currently in the process of updating its General Plan which was adopted in 1996. Mr. Mizner discussed State law mandates and enabling legislation that pertain to municipal planning. He commented on Growing Smarter legislation and outlined the resultant impacts to the City including increased measures to enforce the General Plan and new elements of the General Plan addressing water resources, infill and development costs. Mr. Mizner also commented on Growing Smarter requirements regarding zoning and General Plan coordination, the public participation process, and major vs. minor General Plan amendments and discussed the various means of implementing the City's General Plan including capital improvement projects, policies, zoning and annexation.

Mr. Mizner provided a brief history of zoning in the United States and said that the purpose behind zoning is to ensure that land uses are compatible, have an orderly pattern and are consistent with planning. He reported that local zoning authority is granted through State law.

Mr. Mizner defined and commented on the various aspects of zoning including site plan approval, time limits, conceptual zoning, conditional use permits, design review, site plan modification, special use permits, council use permits, citizen participation and rezoning. He noted that staff follows specific procedures in conjunction with each aspect of zoning.

Mr. Mizner provided an overview of the City's development process and commented on the emphasis placed on public notification and citizen participation throughout the process.

In response to a question from Councilmember Walters regarding the "taking" of land by a municipality (the zoning or rezoning of property allegedly rendering it unusable), Mr. Mizner explained that rulings from recent court cases have forced a higher degree of accountability on the part of local governments with respect to rezoning. He reported that Growing Smarter mandates include stringent requirements for the rezoning of land to be used as public parks. He noted that he is unaware of any claims against Mesa pertaining to a "takings" issue.

In response to a question from Councilmember Walters regarding the potential dilemma associated with infill projects that conform to infill policy but do not conform to specific site zoning, Mr. Mizner stated that during the next few months, staff will address infill policy with the goal of aligning infill policy, land use designation under the General Plan and specific site zoning into one cohesive document.

In response to a concern voiced by Councilmember Walters regarding the public's perception that the City can control specific users of business premises, Mr. Mizner explained that the City cannot discriminate between retail users or other users that fall within the category of use designated for the site.

Discussion ensued regarding the Super Wal-Mart issue in Chandler; the possibility of adding check cashing establishments to the list of businesses requiring a Council Use Permit; the role and limitations of the Design Review Board, and the fact that churches in Mesa (including business uses on the same site as the church and related to the Church) are not subject to zoning or Design Review Board approval.

In response to a question from Councilmember Kavanaugh regarding the possibility of incorporating the citizen participation guidelines into an ordinance, Mr. Mizner stated that with Council direction, staff would present recommendations to the Council at a future meeting regarding the citizen participation program together with a proposed draft ordinance.

Discussion ensued regarding the possibility of rezoning vacant parcels of land in older areas of the City to add conditions for compliance with current codes and Design Review Board approval.

Discussion ensued regarding the issue of "big box" retail. Mr. Mizner reported that staff will provide a presentation to the Council during the August 6th Council Study Session regarding this issue including the options available to the Council and the manner in which other local municipalities are addressing the issue.

In response to questions from Mayor Hawker regarding the City's options and obligations with respect to County annexations, Mr. Mizner reported that although the City cannot increase the intensity of existing zoning when County land is annexed, the City may decrease the intensity of the zoning.

Discussion ensued regarding the City's obligation to provide water service to areas previously served by water companies taken over by the City and the County's historical philosophy regarding residential zoning adjacent to airports.

Councilmember Jaffa stressed the importance of updating the residential and Desert Uplands guidelines, establishing "big box" retail guidelines and working with neighboring cities to achieve compatible land uses adjacent to Mesa's borders. He voiced concerns regarding requirements associated with Growing Smarter legislation; the question of voluntary compliance with development guidelines; the possibility of utilizing community boards in the future, and the crossover of rezoning cases vs. General Plan amendments.

Mr. Mizner said that updated design guidelines would be presented to the Council for consideration within a few weeks and that the numerous issues related to Growing Smarter would be addressed in conjunction with the General Plan update. Mr. Mizner informed the Council that the distinction between implementing major vs. minor General Plan amendments is that a major amendment requires a four-fifths (4/5) majority vote of the Council and a minor amendment requires a simple majority.

Discussion ensued regarding staff's efforts to communicate the City's land use goals and concerns to the Maricopa County Planning Commission.

Councilmember Whalen voiced concerns regarding the impacts sustained by existing retailers when a competitive "big box" retailer opens for business within the same general area.

Discussion ensued regarding the history surrounding the existing Super Wal-Mart referendum action, the status of the action and the Council's options when considering zoning cases impacted by competitive "big box" retail competition.

In response to a question from Councilmember Whalen regarding Design Review Board decisions, Mr. Mizner advised that any citizen, including an applicant, is entitled to appeal a Design Review Board decision via the Council within 30 days of the decision.

Mayor Hawker and Councilmembers voiced appreciation to Mr. Mizner for the presentation.

2. Discuss and consider format for future budget documents.

Mayor Hawker reported on his attendance at the Maricopa Association of Government (MAG) and City of Glendale budget meetings and referred to corresponding budget documents provided to Councilmembers. He spoke in favor of reducing the repetitive departmental budget presentations and modifying the City's annual budget documents to incorporate additional descriptive background information.

Councilmember Kavanaugh voiced the opinion that the model budget documents from MAG and Glendale are easy to understand with respect to expenditures authorized by the Council and the roles and missions of the various departments. Councilmember Kavanaugh stated support for continuance of the City's *Summary Budget Information* document and for modifying the *Detail Budget Plan* to create a document that is user-friendly.

Councilmembers Jaffa, Walters and Whalen spoke in support of modifying the City's budget documents to provide a more user-friendly format. Councilmember Walters stated a preference for the Glendale model.

Deputy City Manager Debbi Dollar reported that staff would continue their efforts to improve and streamline the budget process and incorporate the Council's priorities into the process. She noted that modifications would be phased in over the next budget process with regular updates provided to the Council.

Mayor Hawker stated support for continued efforts with respect to long-range budget forecasting and suggested that long-term financial discussions and departmental presentations be alternated on an annual basis during budget sessions.

City Manager Mike Hutchinson said that future budget sessions would be streamlined. He reported that staff is in the process of producing three post-budget adoption documents for distribution to the public, which will include an executive summary, a detailed summary and a 5-year CIP plan. He noted that these documents will include additional narrative and performance measures.

3. Hear a status report on Sky Harbor flight path issues.

Assistant Development Services Manager Jeff Martin addressed the Council and reported that the Federal Aviation Administration (FAA) granted the City's request for a 45-day extension of the public comment period to the Northwest 2000 plan (the FAA's proposal to change aircraft flight routes in the northern portion of the Sky Harbor Airport service area). Mr. Martin also reported that in addition to retaining a consultant in this matter, the City also retained J.E. Murdock III, a lawyer with the firm of Shaw Pittman in Washington D.C. Mr. Martin commented on Mr. Murdock's experience in this area and noted that he is a former Chief Counsel of the FAA.

Mr. Martin reported on the July 25th meeting with the FAA and noted that Mr. Murdock participated in the meeting. Mr. Martin said that in addition to holding public meetings in Mesa, efforts would be made to collaborate with other East Valley communities impacted by Northwest 2000 to develop a consensual plan for submission to the FAA.

Mayor Hawker stressed the importance of scheduling the public meetings as soon as possible, adequately publicizing the meetings, and educating the public with respect to technical aspects of the issue and the value of submitting substantive, technical comments to the FAA. Mayor Hawker voiced support for pursuing a joint meeting with officials from the Salt River Pima Indian Community and Scottsdale. Mayor Hawker reported that the July 25th meeting included discussions regarding the future role of Williams Gateway Airport as a reliever airport to Sky Harbor Airport and the possibility of reducing the amount of restricted military airspace in the Phoenix area to provide additional airspace for commercial flights.

Councilmember Walters commented on her participation in the July 25th meeting with the FAA and strongly encouraged the scheduling of a joint meeting with the Cities of Phoenix and Tempe to discuss the ramifications and inequity associated with the 4DME (agreement between Phoenix and Tempe that all flights accessing the east side of Sky Harbor Airport traverse a four-

mile long, one-mile wide gate along the Salt River) that was negotiated without input from the City of Mesa.

Councilmember Kavanaugh stated support for the retention of consultants and attorneys in this matter to assist the City regarding Northwest 2000 and also to prepare the City to respond to the future FAA study which will address changes to flight paths in the southern portion of the Sky Harbor Airport service area.

Councilmember Jaffa concurred with Councilmember Kavanaugh's remarks. He also voiced concerns regarding the Northwest 2000 report and the lack of consideration given to the environmentally sensitive areas of northeast Mesa, the role of Williams Gateway Airport as a reliever airport to Sky Harbor Airport, and future impacts associated with the planned fourth runway at Sky Harbor Airport.

Councilmember Whalen concurred with the stated concerns and also voiced concerns regarding the potential impacts to Mesa resulting from the current negotiations between Tempe, Phoenix and the FAA in connection with the stadium site near Sky Harbor Airport.

Discussion ensued regarding the number and location of public meetings, various methods of publicizing the meetings, and the importance of educating the public regarding technical comments.

Mayor Hawker directed staff to include a presentation regarding the public meetings during the Council meeting on August 6th.

4. Appointments to boards and committees.

Mayor Hawker recommended the following appointments to Boards and Committees:

BOARD OF ADJUSTMENT

Nicholas R. Bischoff - Appointment to fill vacancy of Carl Perez for term ending June 30, 2004.

ECONOMIC DEVELOPMENT ADVISORY BOARD

Patricia K. Schroeder - Appointment for term ending June 30, 2004.

MUSEUM AND CULTURAL ADVISORY BOARD

Robert G. Bradford - Appointment to fill vacancy of Bob Blatz for term ending June 30, 2003.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Jaffa, that the Council concur with the Mayor's recommendations and the appointments be confirmed.

Mayor Hawker declared the motion carried unanimously by those present.

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

- a. Design Review Board Meeting held July 11, 2001.
- b. General Development Committee Meeting held July 16, 2001.
- c. Police Committee Meeting held July 2, 2001.

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

Mayor Hawker declared the motion carried unanimously by those present.

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

Councilmember Whalen reported on his recent attendance at the National Competitive Cities Conference in Atlanta. He stated that the conference focused on business attraction and retention and noted that useful topics included the reuse of public facilities and the promotion of Pacific Rim trade.

Councilmember Walters discussed her attendance at the July 25th meeting with the FAA and voiced appreciation to Senators John McCain and Jon Kyl, and Representatives J.D. Hayworth and Jeff Flake for their assistance to Mesa in this matter.

Councilmember Walters also commented on a meeting she attended during June in Charlotte, North Carolina that was sponsored by the Council on Urban Economic Development.

7. Scheduling of meetings and general information.

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

Thursday, August 2, 2001, 7:30 a.m. – Study Session

Monday, August 6, 2001, TBA – Study Session

Monday, August 6, 2001, 5:45 p.m. – Regular Council Meeting

Mayor Hawker stated that he would not be present at the Study Session on August 2, 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 9:25 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 26th day of July 2001. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

pjt