

COUNCIL MINUTES

September 23, 1999

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 23, 1999 at 7:30 a.m.

COUNCIL PRESENT

Mayor Wayne Brown*
Jim Davidson
John Giles
Keno Hawker
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Whidul Alam
Shelley Allen
Wayne Balmer
Neal Beets
Denise Bleyle
Dennis Compton
Linda Crocker
Bob DeLeon
Jack Friedline
John Geier
Penny Griffin
Mike Hutchinson
Barbara Jones
Wayne Korinek
Ron Krosting
Dorinda Larsen
Greg Marek
Jeff Martin
Tom Mattingly
Frank Mizner
Keith Nath
Joe Padilla
Ellen Pence
Bryan Raines
Andrea Rasizer

STAFF PRESENT (CONT.)

Tom Remes
Becky Richardson
Kathleen Savagian
Jenny Sheppard
Jan Strauss
Lois Underdah
Jeff Welker
Kim West
Mindy White
Jim Wright
Others

OTHERS PRESENT

Harry Coyle
Andrew Greese
Cliff Harris
Barrett Marson
Carol McCormack
John McNamara
James Repace
Robbie Sherwood
Mary Vanis
Tom Verploegen
Celeste Werner
Others

*Mayor Brown participated in the entire meeting by use of teleconferencing equipment.

Vice Mayor Giles excused Councilmember Jaffa from the beginning of the meeting. Councilmember Jaffa joined the meeting at 7:37 a.m.

(Items on the agenda were discussed out of order but for purposes of clarity will remain as listed on the agenda.)

0.1.1. Consider a request for financial assistance to the Red Cross for the storm emergency in the area of 80th Street and Baseline, in Mesa.

Dr. Mary Vanis, Chairperson of the Board of Directors of the Mesa United Way, informed the Council that the Board met on Tuesday, September 21, 1999 and approved providing financial assistance to the Mesa United Way in the amount of \$20,000. Dr. Vanis introduced Ms. Carol McCormack, newly appointed President/Chief Professional Officer of the Mesa United Way to the Council.

Ms. McCormack explained that this has been an exceptional year for emergency-related disasters and stated that the Mesa United Way's financial reserves, which were previously allocated for use in expenses associated with Red Cross emergencies, have been depleted. Ms. McCormack commended the Mesa United Way Board for donating funds for this disaster and introduced representatives from the Red Cross to the Council.

Harry Coyle, Red Cross Disaster Operations Manager and Andrew Greese, Red Cross Boardmember, provided the Council with a brief update on the Red Cross' storm relief efforts.

In response to a question from Vice Mayor Giles, Mr. Coyle stated that the Red Cross estimates that it will cost approximately \$75,000 to provide aid to the victims of the storm which destroyed 16 homes and damaged more than 600 homes and structures. Mr. Coyle expressed appreciation to City agencies, such as the Mesa Fire and Police Departments, for their efforts and commended City staff for their excellent performance in carrying out their duties.

Vice Mayor Giles explained that recent disasters on the east coast, specifically in Florida and the Carolinas, coupled with a number of international disasters, have virtually depleted the Red Cross' funds. Vice Mayor Giles requested that the Council consider matching the United Way's contribution of \$20,000 and also encouraged the members of the television audience to donate to this worthy cause.

Mr. Coyle expressed appreciation for the assistance that has been extended to the Red Cross and provided addresses and telephone numbers for citizens who wish to contribute to the fund.

Councilmember Kavanaugh commented that he personally witnessed the partnership between the Red Cross and the City of Mesa and commended the Red Cross for their efforts.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the City contribute \$20,000 in matching funds to the Red Cross to assist in covering the costs associated with Mesa's recent storm emergency.

Councilmember Pomeroy spoke in support of the efforts expended by the Red Cross to assist the citizens of Mesa and amended the motion to increase the City's contribution to \$30,000.

Mayor Brown also expressed appreciation to the Red Cross and recommended that the donation be increased to \$35,000, \$5,000 of which will be deducted from the Mayor's salary over the next five months.

Vice Mayor Giles reminded the Council and audience that a funding gap remains and encouraged the citizens of Mesa to contribute to this cause.

City Manager Charles Luster informed the Council that this year City of Mesa employees have pledged \$250,000 to the United Way Campaign.

Vice Mayor Giles complimented Public Information Officer Andrea Rasizer, Management Assistant Denise Bleyle and other staff members on their efforts to ensure the success of Mesa's United Way Campaign.

Councilmember Hawker cautioned the United Way and the Red Cross not to rely on City funds to meet shortfalls in the event of future disasters. Councilmember Hawker stated that he would support matching the \$20,000 United Way contribution for a one-time disaster relief effort to assist the Red Cross.

Councilmember Davidson spoke in support of increasing the City's contribution to \$30,000 and stated the opinion that the citizens of Mesa would approve of this expenditure. Councilmember Davidson commended Mayor Brown for his contribution to the Red Cross.

Councilmember Jaffa concurred with Councilmember Davidson concerning this matter and commented that this expenditure represents an appropriate use of City funds

It was moved by Councilmember Pomeroy, seconded by Councilmember Davidson, that the motion be amended to reflect that the City of Mesa will provide support to the Red Cross in the amount of \$35,000, \$5,000 of which will be personally donated by the Mayor over the next five months.

Upon tabulation of votes, it showed:

AYES – Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy

NAYS – Hawker

Vice Mayor Giles declared the motion carried by majority vote.

At the request of Vice Mayor Giles, members of the United Way and staff from the City of Mesa distributed donation checks to the American Red Cross representatives.

Vice Mayor Giles expressed appreciation to the Red Cross and the United Way for their presentation.

1. Hear and consider a report by BRW on the Downtown Concept Plan.

Redevelopment Director Greg Marek advised that Celeste Werner and John McNamara, representatives from BRW, will highlight a presentation on the final draft of the Downtown Concept Plan. Mr. Marek stated that the plan will serve as a work program for the Redevelopment office and provide a vision for the City of Mesa's downtown area.

Mr. McNamara presented the final draft of the Downtown Concept Plan to the Council. Mr. McNamara stated that the intent of the plan is threefold: 1) to document the consensus plan for moving ahead with downtown development and revitalization; 2) to serve as a downtown marketing development tool for various City organizations; and 3) to serve as a checklist for evaluating various development proposals.

Councilmember Davidson expressed appreciation to the Mayor for his direction in proceeding with the development of the Downtown Concept Plan. Councilmember Davidson stated the opinion that the Plan will identify the Town Center as a destination of economic development, cultural activity and family entertainment.

It was moved by Councilmember Davidson, seconded by Councilmember Kavanaugh, that the Downtown Concept Plan prepared by BRW be accepted as presented.

Carried unanimously.

Councilmember Jaffa stressed the importance of mid-and-high rise residential development in the downtown area. Councilmember Jaffa also commented that although he would support the development of a light rail system similar to the expansive system he toured last year in Canada, he will not support the proposed "trolley" system.

Mr. McNamara stated that BRW has specifically addressed mid-to-upper density housing as the preferred concept of density in the downtown area. Mr. McNamara further stated that in terms of the implementation of light rail transit throughout the metropolitan area, BRW will support any of the technologies that are currently under discussion.

Discussion ensued among the Council relative to the proposed Downtown Concept Plan brochure and staff indicated their intention to present additional alternatives to Council at a future meeting.

Mr. Marek explained that a final concept plan for the Arts and Entertainment Center has not yet been developed and said that a formal submittal will be presented to the Design Review Board in February 2000.

In response to questions from Council, Mr. Marek clarified that the document under discussion is the final draft of the Downtown Concept Plan, which will be presented to the Council in October. Mr. Marek requested that Council provide input and direction relative to the Plan.

Mr. Balmer stated that a revised proposal will be presented to the Council in October following additional discussion with members of the Downtown Development Committee.

2. Review and discuss the Residential Development Guidelines.

Community Development Manager Wayne Balmer and Planning Director Frank Mizner addressed the Council regarding this agenda item and requested that Council consider whether staff should revise or retain the current design standards for residential development.

Mr. Mizner referred to materials distributed to the Council which included a staff report dated September 23, 1999, a comparison study of the City of Mesa's Residential Development Guidelines and those adopted by Chandler and Gilbert, a list of subdivisions that have been approved since the guidelines were adopted in 1998 and a current copy of the Residential Development Guidelines.

Mr. Mizner stated that staff recommends that the Residential Development Guidelines be amended and updated to include policy direction from Council and the 21 suggestions developed by staff. Mr. Mizner further stated that the policy direction provided by Council will be utilized as an update to the Residential Development Guidelines addressing issues such as limitations on the development of two-story homes adjacent to freeways, improved designs for perimeter walls, and open space and spacing between homes.

Mr. Mizner discussed staff's intention to present the revised Guidelines to the Planning & Zoning Board for consideration in November and said that this issue would be brought back to the Council for possible action in December.

Mr. Mizner responded to questions from Councilmember Davidson pertaining to the fire sprinkler ordinance and whether this issue would affect the Residential Development Guidelines. Mr. Mizner stated the opinion

that there was no connection between the fire sprinkler ordinance and the Residential Development Guidelines. Mr. Mizner commented that the fire sprinkler ordinance would affect engineering standards and would have cost and engineering implications.

Councilmember Davidson questioned whether zoning issues relative to transitioning manufacturing, industrial, occupational and office space was addressed in the Guidelines. Mr. Mizner stated that staff will address those items and standards pertaining to the perimeter walls, landscaping and appropriate design in the Residential Development Guidelines and policy documents to be used for future cases.

Mr. Mizner responded to questions from Councilmember Davidson pertaining to affordable housing and stated that the homebuilding industry maintains that the Residential Development Guidelines will increase the cost of housing. Mr. Mizner added that when the City adds items such as wider lots and improved perimeter walls, the City passes on the costs associated with the improvements.

Councilmember Davidson recommended that the Residential Development Guidelines address the concept of affordable housing as promulgated by HUD across all income levels, the possibility of reducing impact fees in older neighborhoods, the percentage of living space facing out onto the street (front-porching), and the effect of impact fees on the five or six issues contained in the Residential Development Guidelines, such as sustainable neighborhoods, alternative designs and traffic-calming methods.

Mr. Mizner stated that staff will expand the Residential Development Guideline updates to encourage developers to use various options without dictating the design. Mr. Mizner added that staff will discuss impact fees with the consultant team, and address transitioning between commercial, industrial and residential areas in the Residential Development Guidelines.

Councilmember Jaffa concurred with Councilmember Davidson's comments regarding the issue of transitioning from commercial, industrial and residential areas and stated the opinion that residential as well as commercial and industrial users share the burden of providing adequate buffer zones. Councilmember Jaffa expressed concern that the City may be subject to legal challenges should the City reduce impact fees and/or not remain uniform in its standard impact fees.

Councilmember Jaffa recommended that the Residential Development Guidelines provide more information for discussion on combining the use of shrubbery with block, provide less restriction in the Desert Upland areas specifying a certain type of home or roof element, provide more alternatives and less restrictions on large lots, and provide more styles in garage scape appearances to avoid "cookie-cutter" types of development.

Councilmember Kavanaugh recommended that the Council consider adopting the Residential Development Guidelines as an ordinance rather than a resolution. Councilmember Kavanaugh said he is looking forward to discussing this issue with the industry and members of the community, the Planning and Zoning Board and homeowners. Councilmember Kavanaugh stated the opinion that the Guidelines are appropriate and thanked staff for bringing this issue to the attention of the Council.

Councilmember Hawker requested that this item be reviewed by the General Development Committee in more detail before forwarding the matter to the Planning and Zoning Board. Councilmember Hawker suggested that as new subdivisions come on-line the developers be made aware of the maintenance requirements rather than later on in the process.

Mr. Balmer concurred with Councilmember Hawker's comment that this matter should be presented to the General Development Committee before consideration by the Planning and Zoning Board.

Vice Mayor Giles stated that he concurs with Councilmember Davidson's comments relative to reducing impact fees in older neighborhoods if the legal implications that Councilmember Jaffa raised were successfully addressed.

Vice Mayor Giles directed staff to schedule a meeting with the General Development Committee to review the proposed Guidelines.

3. Hear a status report on Desert Uplands area developments.

Community Development Manager Wayne Balmer, Planning Director Frank Mizner and Planner Wahid Alam updated the Council on the Desert Uplands area developments and requested that the Council provide direction regarding several issues relating to this area.

Mr. Mizner referred to a memorandum dated September 17, 1999 that was distributed to Council prior to the Study Session which contained the following questions: 1) should the City continue the policy of transferring density, or allowing "credit" for such natural features as hills, washes, and rock out-croppings in calculating project density?; 2) should the City establish a minimum lot size (e.g. 35,000 sq. ft)?; and 3) is the City Council in agreement with staff's position on cases as documented in the County referral process?

Mr. Mizner provided background information on the issue of density transfers and requested Council input on Item No. 1 listed above. Mr. Mizner stated that staff recommends that the City continue the current policy of calculating project density based on the gross acreage of the property.

Councilmember Jaffa commented that Council's policy on this issue does not preserve this area or the desert and questioned the practice of providing credits to buyers for unusable land. Councilmember Jaffa pointed out that the buyer, through the buying and selling process, already receives a discount for unusable land. Councilmember Hawker expressed concern regarding power line easements that are being utilized as open space retention areas and stated that the General Plan should clarify actual lot size within the measure of dwellings units per acre after all the amenities, roads and open spaces have been removed.

Councilmember Davidson questioned whether the City could place a legal ban on the use of utility easement right-of-ways in calculating open space. Mr. Mizner stated that a ban could be implemented but noted that the City would probably not see additional projects involving power lines due to the fact that most of the areas are developed.

Mr. Balmer requested that Council provide policy direction regarding density transfers on power line right-of-ways.

In response to a question from Councilmember Pomeroy, Mr. Balmer informed the Council that the policy on transferring density and/or allowing credit for natural features was developed by previous Councils and evolved over time. Mr. Mizner stated that the City provides credit for natural features based on the fact that the features are an asset to the community and a trade-off between the economic impact of those developments and the density calculations.

Vice Mayor Giles questioned whether Council wanted to make a motion to amend City policy on this issue and stated that hearing no motion, he would move to the next agenda item.

(Vice Mayor Giles excused Councilmember Kavanaugh from the meeting at 9:30 a.m.)

Vice Mayor Giles advised that due to time constraints, this agenda item will be continued to the next Council meeting to allow sufficient time for discussion.

Councilmember Hawker requested that discussion be expanded to include the legal requirements of a municipality in terms of providing water and sewer service to annexed areas.

4. Hear and consider a recommendation from the City's Transportation Planning Task Force.

Vice Mayor Giles stated that this item will be referred to the Transportation Committee for review and recommendations.

5. Hear from Mr. James Repace regarding air quality in areas adjacent to permitted smoking rooms. (Such as restaurant areas adjacent to smoking permitted bars).

Dr. Cliff Harris, the originator of the smoking initiative which resulted in the adoption of the current smoking ordinance, introduced Mr. James Repace, an expert on secondhand tobacco smoke to the Council.

Mr. Repace provided the audience with background information on this issue and stated the opinion that secondhand smoke cannot be controlled by ventilation.

In response to a request from Vice Mayor Giles, Mr. Repace provided input concerning the ineffectiveness of nonphysical barriers in restaurants in controlling tobacco smoke as opposed to actual physical barriers. Mr. Repace informed the Council that the methods proposed for controlling smoke such as dilution ventilation and natural ventilation are ineffective.

Mr. Repace noted that restaurant workers are exposed to tremendous risks of heart disease and lung cancer and stated that buildings may become permanently contaminated by tobacco tars deposited on wall and ceiling surfaces.

Vice Mayor Giles expressed appreciation to Mr. Repace for his presentation.

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

Vice Mayor Giles stated that there were no reports on meetings and/or conferences attended to report on at this time.

7. Scheduling of meetings and general information.

City Manager Charles Luster advised that the meeting schedule is as follows:

Thursday, September 30, 1999, 7:30 a.m. - Study Session

Thursday, September 30, 1999, Transportation Committee Meeting - Immediately following the Study Session

Thursday, September 30, 1999, 5:00 p.m. - Police Committee Meeting

Wednesday, October 6, 1999, 5:45 p.m. - Regular Council Meeting

Vice Mayor Giles informed the Council that Dr. Harris, spokesperson for the Arizona Community Foundation, had advised the Council that the organization is donating \$10,000 to the Red Cross. Vice Mayor Giles commended the Arizona Community Foundation for their generosity and encouraged the public to contribute to this cause.

8. Prescheduled public opinion appearances. (Maximum of three speakers for three minutes per speaker).

There were no items from citizens present at this time.

9. Items from citizens present. (Maximum of three speakers for three minutes per speaker).

David Johnson, a citizen of Mesa, declined to speak at this time and indicated his intention to reserve his remarks until a future meeting.

10. Adjournment.

Without objection, the Study Session adjourned at 9:38 a.m.

WAYNE BROWN, 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 23rd day of September, 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

BARBARA JONES, CITY CLERK