

**Annual**  
COMMITTEE REPORT

*LEGISLATIVE  
GOVERNMENTAL MALL  
COMMISSION*

**December 1995**

*Legislative Governmental Mall Commission*  
**EXECUTIVE SUMMARY**

The Legislative Governmental Mall Commission was established by Laws 1985, Chapter 23 to provide a mechanism for the orderly and beneficial development of the governmental mall area while promoting the interest and welfare of this state. Subsequently, Laws 1995, Chapter 70 modified the boundaries of the governmental mall area, revised the membership of the Commission and outlined the procedures for establishing monuments and memorials within the boundaries of Wesley Bolin Plaza and the governmental mall. Boundary modifications were made with the intent of keeping the federal, City of Phoenix and Maricopa governmental complexes outside of the Mall area. The new boundaries of the Governmental Mall include:

- a western boundary of Nineteenth Avenue, previously Twenty-third Avenue;
- a northern boundary of all lots abutting Van Buren Street, previously Fillmore Street;
- an eastern boundary of Seventh Avenue, previously Central Avenue; and
- a southern boundary of the Harrison Street Alignment, previously Lincoln Street.

Commission meetings were held in July, September, October, November and December of 1995 to discuss and take action on building and improvement requests for sites located within mall boundaries. The following topics were addressed, and the action taken is noted.

- Construction of a metal structure on Lot #1 at Madison Street and Eleventh Avenue was approved, subject to further approval by the City of Phoenix and issuance of a building permit and installation of landscaping;
- Construction of a Health Services Laboratory at Monroe Street and Eighteenth Avenue was discussed;
- The Desert Storm Memorial design change was approved;
- A Capitol Mall demonstration project drawing was approved;
- The Grace Court School on Adams Street between Seventh and Ninth Avenues was discussed;
- The concept of a Capitol Mall Overlay District was considered;
- Renovation plans for the St. Vincent de Paul dining facility located at Madison Street and Ninth Avenue were discussed;
- A Department of Environmental Quality relocation survey was considered and correspondence was sent;
- Relocation of the Liberty Bell replica was discussed; and
- Relocation of the Department of Building and Fire Safety was discussed and correspondence was sent.

In future meetings, the Commission plans to review the *Governmental Mall - Urban Design Plan* and solicit input from Commission members to determine which sections of the design plan need to be updated.

This report is submitted in compliance with reporting requirements prescribed by Arizona Revised Statutes § 41-1362.

# LEGISLATIVE GOVERNMENTAL MALL COMMISSION

## Appointments

1995-1998

### **Governor's Appointments:**

- Thomas Knapp - 331-1800 (architecture experience)
- Susanne Rothwell - 493-1302 (discretionary)

### **Speaker of the House Appointments:**

- Representative Tom Smith - 542-5051 (designee)
- Polly Rosenbaum - leave msg. with Sandy 542-5848 (member of the public)

### **President of the Senate Appointments:**

- Senator David Petersen - 542-4481 (designee)
- John Clements - 840-4300 (member of the public)

### **Director of the Department of Administration (or designee):**

- Kent Bosworth - 542-0697 (designee)

### **Chairman of the Historical Advisory Commission (or designee):**

- LeRoy Brady - 255-7357 (designee)

### **Chairman of the Maricopa County Board of Supervisors Appointments:**

- Jill Herberg-Kusy - 506-6150 (county planning experience)
- Frank Dubasik - 256-6777 (discretionary)

### **Mayor of Phoenix Appointments:**

- David Richert - 262-6364 (urban planning experience)
- Barry Starr, Chairman - 254-7477 (discretionary)

**FILED**

**Jane Dee Hull  
Secretary of State**

State of Arizona  
House of Representatives  
Forty-second Legislature  
First Regular Session  
1995

CHAPTER 70

HOUSE BILL 2057

AN ACT

CHANGING THE DESIGNATION OF TITLE 41, CHAPTER 8, ARTICLE 4, ARIZONA REVISED STATUTES, TO "LEGISLATIVE GOVERNMENTAL MALL"; AMENDING SECTIONS 41-1361 AND 41-1362, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 8, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1363; RELATING TO THE GOVERNMENTAL MALL.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Heading change

The article heading of title 41, chapter 8, article 4, Arizona Revised Statutes, is changed from "LEGISLATIVE GOVERNMENTAL MALL COMMISSION" to "LEGISLATIVE GOVERNMENTAL MALL".

Sec. 2. Section 41-1361, Arizona Revised Statutes, is amended to read: 41-1361. Legislative governmental mall commission; members; terms; compensation

A. A legislative governmental mall commission is established consisting of:

1. Two members appointed by the governor ONE OF WHOM SHALL HAVE EXPERIENCE IN LAND PLANNING OR ARCHITECTURE.

2. The president of the senate or his designee AS AN ADVISORY MEMBER.

3. The speaker of the house of representatives or his designee AS AN ADVISORY MEMBER.

~~4. The chairman of the Maricopa county board of supervisors or his designee.~~

~~5. The mayor of the city of Phoenix or his designee.~~

~~6. The representative in Congress from congressional district 2 or his designee.~~

~~7. A member of the public selected by the other eight members of the commission.~~

~~8. A member selected by the speaker of the house of representatives and the president of the senate who is a real estate developer.~~

4. ONE MEMBER OF THE PUBLIC APPOINTED BY THE PRESIDENT OF THE SENATE.

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1           5. ONE MEMBER OF THE PUBLIC APPOINTED BY THE SPEAKER OF THE HOUSE OF  
2 REPRESENTATIVES.

3           6. THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION OR THE DIRECTOR'S  
4 DESIGNEE.

5           7. THE CHAIRMAN OF THE HISTORICAL ADVISORY COMMISSION ESTABLISHED BY  
6 SECTION 41-1352 OR THE CHAIRMAN'S DESIGNEE.

7           8. TWO MEMBERS APPOINTED BY THE CHAIRMAN OF THE MARICOPA COUNTY BOARD  
8 OF SUPERVISORS. ONE OF THESE MEMBERS SHALL HAVE EXPERIENCE IN COUNTY  
9 PLANNING.

10          9. TWO MEMBERS APPOINTED BY THE MAYOR OF THE CITY OF PHOENIX. ONE OF  
11 THESE MEMBERS SHALL HAVE EXPERIENCE IN URBAN PLANNING.

12          B. ~~The term of office of the member of the public and the member who~~  
13 ~~is a real estate developer~~ PUBLIC MEMBERS is three years.

14          C. Members of the commission are not eligible to receive compensation  
15 but are eligible for reimbursement of expenses pursuant to title 38, chapter  
16 4, article 2.

17          Sec. 3. Section 41-1362, Arizona Revised Statutes, is amended to read:  
18 41-1362. Powers and duties; governmental mall description; duty  
19 of city of Phoenix; general plan application;  
20 definition

21          A. The commission may:

22           1. Accept gifts or grants of monies or other property from any person,  
23 including the United States or any agencies, departments or officers of the  
24 state.

25           2. Appoint and employ officers and employees as it deems necessary.

26           3. Prescribe rules as necessary to carry out the provisions of this  
27 article.

28          B. The commission shall:

29           1. ELECT A CHAIRMAN FROM AMONG ITS MEMBERS.

30           ~~2.~~ 2. Develop and maintain AND AMEND AS NECESSARY a comprehensive  
31 long-range general plan for the development of the governmental mall  
32 comprised of the area described in subsection C of this section.

33           ~~3.~~ 3. Encourage public agencies as defined in section 11-951 to enter  
34 into intergovernmental agreements or contracts pursuant to title 11, chapter  
35 7, article 3 as necessary to implement the general plan for the development  
36 of the governmental mall.

37           ~~4.~~ 4. Review and approve or disapprove in writing requests for  
38 permission to develop structures or sites or award construction contracts for  
39 new buildings or improvements within the governmental mall. ~~as provided in~~  
40 ~~section 34-225. The commission may review but shall not approve or~~  
41 ~~disapprove requests for permission submitted by the state or a political~~  
42 ~~subdivision of this state in which the state or political subdivision has a~~  
43 ~~contractual interest.~~ THE COMMISSION SHALL REVIEW REQUESTS SUBMITTED BY THE  
44 STATE OR A POLITICAL SUBDIVISION OF THIS STATE IN WHICH THE STATE OR  
45 POLITICAL SUBDIVISION HAS A CONTRACTUAL INTEREST TO ENSURE CONSISTENCY WITH  
46 THE APPROVED GENERAL PLAN.

1 5. REVIEW ALL PLANNING ACTIVITIES WITHIN GOVERNMENTAL MALL BOUNDARIES.

2 6. PUBLISH AN ANNUAL REPORT ON THE ISSUES BROUGHT BEFORE THE COMMITTEE  
3 AND ITS RECOMMENDATIONS.

4 C. The governmental mall is comprised of the area with a western  
5 boundary of ~~Twenty-third~~ NINETEENTH avenue, a northern boundary of west  
6 ~~Fifth~~ ALL LOTS ABUTTING VAN BUREN street ~~extended due west from Nineteenth~~  
7 ~~avenue to the western boundary up to and including Grand avenue and west~~  
8 ~~Taylor street extended due west from Ninth avenue to Grand avenue and due~~  
9 ~~east from Seventh avenue to the eastern boundary, an eastern boundary of~~  
10 ~~Central~~ SEVENTH avenue and a southern boundary of west Lincoln street THE  
11 HARRISON STREET ALIGNMENT extended due west between Fifth avenue and Seventh  
12 avenue. ~~The area between Twentieth avenue and Twenty-third avenue shall be~~  
13 ~~planned for the expansion, rehabilitation and construction of residential~~  
14 ~~dwelling units.~~

15 D. The city of Phoenix annually shall inform the commission of new  
16 major development projects and new major infrastructure improvements  
17 including but not limited to parks, streets and street-scaping within the  
18 downtown area redevelopment plan as defined pursuant to section 36-1471.

19 E. If the general plan of the city, county or state agency for land  
20 development does not conform with the general plan developed by the  
21 commission for the development of the governmental mall, the general plan  
22 developed by the commission for the development of the governmental mall  
23 applies and shall be enforced.

24 F. FOR THE PURPOSES OF THIS SECTION, "ADVISORY MEMBER" MEANS A MEMBER  
25 WHO GIVES ADVICE TO THE OTHER MEMBERS OF THE LEGISLATIVE GOVERNMENTAL MALL  
26 COMMISSION AT MEETINGS OF THE COMMISSION BUT WHO IS NOT ELIGIBLE TO VOTE, IS  
27 NOT A MEMBER FOR PURPOSES OF DETERMINING WHETHER A QUORUM IS PRESENT, AND  
28 IS NOT ELIGIBLE TO RECEIVE ANY COMPENSATION OR REIMBURSEMENT OF EXPENSES BY  
29 THE COMMISSION.

30 Sec. 4. Title 41, chapter 8, article 4, Arizona Revised Statutes, is  
31 amended by adding section 41-1363, to read:

32 41-1363. Monuments and memorials within governmental mall:  
33 legislative authorization; approval; procedure

34 A. NOTWITHSTANDING SECTION 34-225 OR ANY OTHER LAW, A MONUMENT OR  
35 MEMORIAL IN RECOGNITION OF OR HONORING A PERSON, GROUP, ENTITY OR EVENT SHALL  
36 BE LOCATED IN THE GOVERNMENTAL MALL ONLY IF A PRIOR LEGISLATIVE ACT  
37 AUTHORIZES THE MONUMENT OR MEMORIAL.

38 B. AFTER LEGISLATIVE AUTHORIZATION, A MONUMENT OR MEMORIAL MAY BE  
39 ESTABLISHED BY THE FOLLOWING PROCEDURES:

40 1. THE PROPONENTS SHALL SUBMIT A CONCEPT TO THE DEPARTMENT OF  
41 ADMINISTRATION FOR THE DESIGN, DIMENSIONS AND LOCATION OF THE MONUMENT OR  
42 MEMORIAL.

43 2. THE DEPARTMENT OF ADMINISTRATION SHALL REVIEW THE CONCEPT AND  
44 DETERMINE THE MOST APPROPRIATE LOCATION THAT HIGHLIGHTS THE MONUMENT OR  
45 MEMORIAL AND PRESERVES THE INTEGRITY OF THE GOVERNMENTAL MALL.

1           3. THE DEPARTMENT OF ADMINISTRATION SHALL SUBMIT ITS REVIEW AND  
2 RECOMMENDATIONS TO THE LEGISLATIVE GOVERNMENTAL MALL COMMISSION INCLUDING  
3 RECOMMENDATIONS REGARDING ITS ABILITY TO MAINTAIN THE MONUMENT OR MEMORIAL.

4           4. AFTER RECOMMENDATIONS FROM THE HISTORICAL ADVISORY COMMISSION  
5 REGARDING THE HISTORICAL INTEGRITY OF THE MONUMENT OR MEMORIAL AND AFTER ANY  
6 NECESSARY NEGOTIATIONS WITH THE PROPONENTS, THE LEGISLATIVE GOVERNMENTAL MALL  
7 COMMISSION, IN CONSULTATION WITH THE DEPARTMENT OF ADMINISTRATION, SHALL  
8 APPROVE THE FINAL DESIGN, DIMENSIONS, LOCATION AND MAINTENANCE REQUIREMENTS  
9 OF THE MONUMENT OR MEMORIAL.

10           5. BEFORE THE BEGINNING OF CONSTRUCTION OF THE MONUMENT OR MEMORIAL,  
11 THE PROPONENTS SHALL ENTER INTO A CONTRACT WITH THE DEPARTMENT OF  
12 ADMINISTRATION SPECIFYING THE CONDITIONS OF THE DESIGN, DIMENSIONS AND  
13 LOCATION OF THE MONUMENT OR MEMORIAL, A LIST OF THE ARTISTS, CONTRACTORS AND  
14 SUBCONTRACTORS THAT WILL BE EMPLOYED, A VERIFICATION THAT ALL EMPLOYEES FOR  
15 THE PROJECT ARE INSURED AND THAT THIS STATE IS INDEMNIFIED AGAINST ANY  
16 LIABILITY IN REGARD TO THE CONSTRUCTION.

17           6. AN APPROVED MONUMENT OR MEMORIAL SHALL BE COMPLETED AND DEDICATED  
18 TO THIS STATE WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THE LEGISLATIVE  
19 ACT AUTHORIZING THE MONUMENT OR MEMORIAL.

20           C. ALL FUND-RAISING, ESTABLISHMENT AND ADMINISTRATION OF A FUND FOR  
21 DEPOSIT OF MONIES AND CONTRACTS FOR ARTISTIC DESIGN AND CONSTRUCTION OF THE  
22 MONUMENT OR MEMORIAL ARE THE SOLE RESPONSIBILITY OF THE PROPONENTS.

23           D. THIS SECTION DOES NOT APPLY TO MONUMENTS OR MEMORIALS LOCATED IN  
24 THE GOVERNMENTAL MALL BUT OUTSIDE WESLEY BOLIN PLAZA IN WHICH A POLITICAL  
25 SUBDIVISION HAS A CONTRACTUAL INTEREST.

26           Sec. 5. Initial terms for additional members of the  
27 governmental mall commission; subsequent appointments

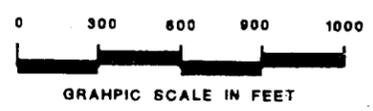
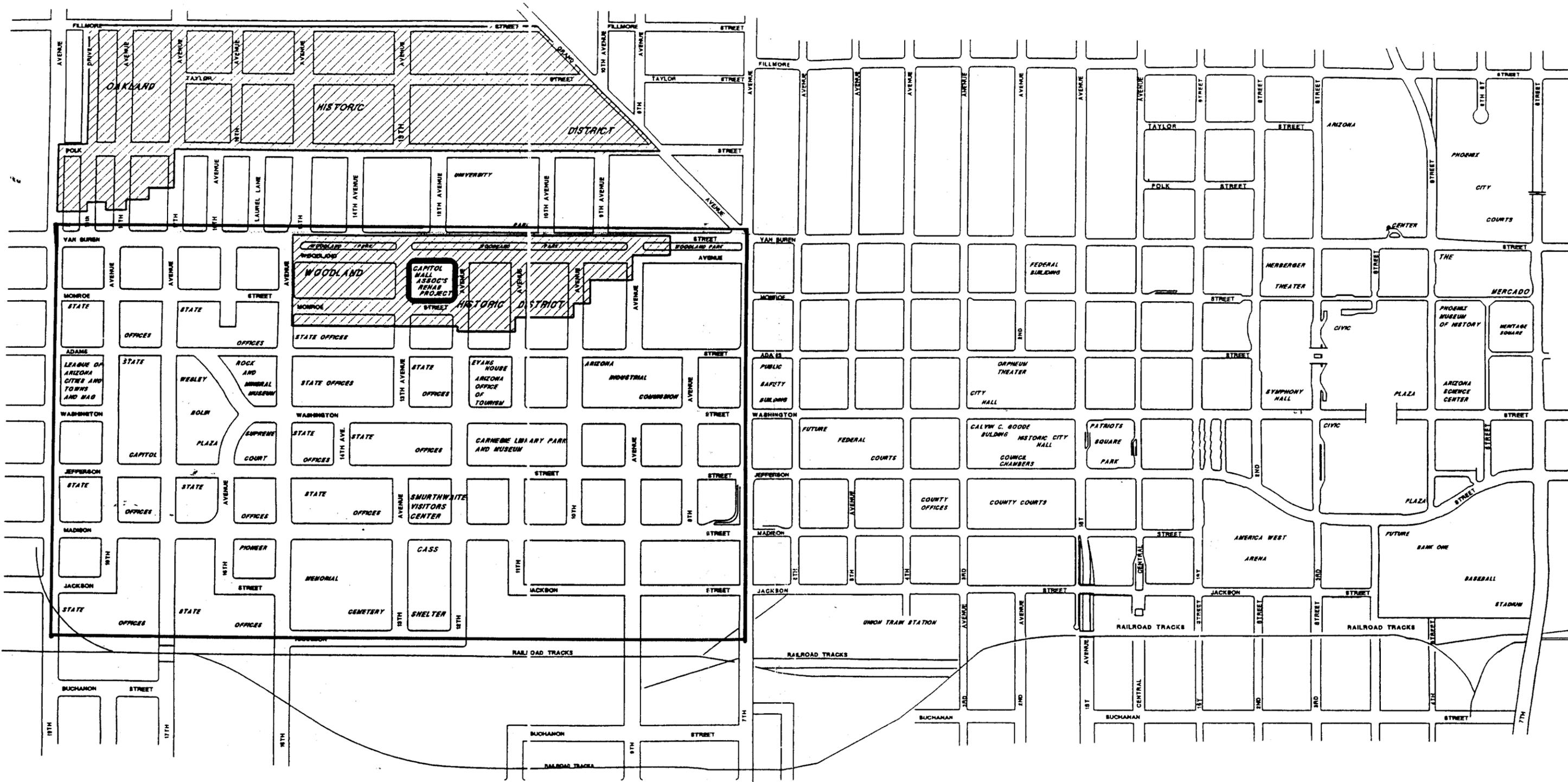
28           A. Notwithstanding section 41-1361, Arizona Revised Statutes, as  
29 amended by this act, the initial terms of the additional public members of  
30 the governmental mall commission are:

- 31           1. Two terms ending on January 20, 1997.  
32           2. Two terms ending on January 21, 1998.

33           B. The appointing officers shall make all subsequent appointments as  
34 prescribed by statute.

APPROVED BY THE GOVERNOR APRIL 15, 1995

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 1995



# CAPITOL MALL/DOWNTOWN AREA

PREPARED BY THE CITY OF PHOENIX PLANNING DEPARTMENT



AUGUST 1995

*Legislative Governmental Mall Commission*

•MEETING MINUTES•

ARIZONA STATE LEGISLATURE  
Forty-second Legislature - First Regular Session

**LEGISLATIVE GOVERNMENTAL MALL COMMISSION**

Minutes of Interim Meeting  
Thursday, December 21, 1995  
House Hearing Room 3 - 3:00 p.m.

(Tape 1, Side A)

The meeting was called to order at 3:05 p.m. by Chairman Barry Starr and attendance was noted by the secretary.

Members Present

Kent Bosworth  
Frank Dubasik  
Thomas Knapp  
David Richert  
Polly Rosenbaum

Susanne Rothwell  
Debra Wilkins Stark, representing Jill Herberg-Kusy  
Senator David Petersen  
Representative Tom Smith  
Barry Starr, Chairman

Members Absent

LeRoy Brady

John Clements (excused)

Speakers Present

Tammy L. Bosse, Executive Director, Capitol Mall Association (CMA)  
Gerald M. Cook, Cook Associates, Architects, Phoenix  
Maret Webb, A.I.A., Vehr/Webb Studio, Phoenix  
Jan Hatmaker, Planner, City of Phoenix Planning Department  
Paul G. Spears, Phoenix, a property owner and member of the Capitol Mall Association  
Richard W. Moll, Scottsdale, Chairman, St. Vincent de Paul Building Committee  
Kenny Baker, Owner, Hall Brake Supply, 214 S. 11th Avenue, Phoenix  
Mark Jamieson, a resident of the Roosevelt neighborhood and member of the Roosevelt Action Association  
Ruth Harlan, representing Capitol Mall Association and owner of Harlan Company

Chairman Starr welcomed Debra Wilkins Stark, Manager, Project Management, Department of Planning and Infrastructure Development, Maricopa County, representing Member Jill Herberg-Kusy. He noted that the Arizona Department of Building and Fire Safety, now located at 1540 West Van

Buren, Phoenix, has expressed an interest in moving out of the Capitol Mall area and suggested that the Arizona Department of Administration (DOA) be asked to look into the matter.

Mr. Bosworth, representing DOA, opined that while a move cannot be stopped, DOA will encourage the Department to remain in the Capitol Mall area. He pointed out that because occupancy is currently 99.5 percent, a new office building would help.

With the assent of Members, Chairman Starr proposed that the Commission write a letter encouraging the Department of Building and Fire Safety to remain in the Capitol Mall area.

#### Capitol Mall Association Demonstration Project

Tammy L. Bosse, Executive Director, Capitol Mall Association (CMA), displayed a colored architectural drawing of the first house to be renovated as requested at the last Commission meeting on November 21, 1995. She pointed out that the house, located at 1218 Monroe Street, will be white, its original color. The other three houses to be renovated in the demonstration project are located at 1210 and 1216 Monroe Street and 1209 Woodland Avenue.

Gerald M. Cook, Cook Associates, Architects, Phoenix, emphasized that it is CMA's intention to return the demonstration project properties to their original appearance, which will be the same as that shown in the photographs presented at the previous meeting. Mr. Cook noted that the front of the property will be landscaped. He added that no permits are required for the exterior work because of its restorative nature, although permits will be required for other work.

Mr. Smith asked when completion of the project is anticipated. Ms. Bosse responded that work is expected to begin in January, with four months per house allocated for the restoration. She requested the Commission's approval of the project.

In response to a query by the Chair, Mr. Richert confirmed that it is the intent of the City of Phoenix to follow the Urban Design Plan.

**Mr. Richert moved, seconded by Mr. Dubasik, that the Commission approve the drawing presented. Chairman Starr clarified that the Commission will be approving all four residences included in the demonstration project. The motion carried.**

Chairman Starr asked CMA to keep the Commission informed of its progress and noted that the City of Phoenix will receive copies of the Minutes.

#### St. Vincent de Paul Reconstruction Project

Maret Webb, A.I.A., Vehr/Webb Studio, Phoenix, architect for the St. Vincent de Paul Society, explained that approval is being sought for a new St. Vincent de Paul community dining center located at the corner of Ninth Avenue and Madison Street in Phoenix, depicted by architectural

drawings presented to the Commission. Materials were made available (Attachment 1), consisting of the following:

- a description of the project, rationale for approval and Governmental Mall Urban Design Plan compliance outline;
- a comparison of the proposed new facility to the existing facility;
- photographs of the existing building and two new community centers built by St. Vincent de Paul in recent years.

Ms. Webb pointed out that St. Vincent de Paul intends to continue to serve meals in its present location, either in the existing unattractive building or in a new more attractive building. She acknowledged that there is a lack of parking and called attention to the project description and site plan prepared by the Vehr/Webb Studio (Attachment 2) which was made available at the November 21, 1995 meeting.

Chairman Starr requested further information on the number of people served daily, and asked where the poor and homeless go after being served. Ms. Webb responded that 750 individuals are currently served lunch, which is brought to the location, but that St. Vincent has no information on the number who reside in the area or how many of those served are homeless.

Jan Hatmaker, Planner, City of Phoenix Planning Department, made available a listing of areas of conflict between the proposed St. Vincent de Paul plan and the Governmental Mall Urban Design plan (Attachment 3).

Tammy L. Bosse, Executive Director, Capitol Mall Association (CMA), voiced her concern for the businesses and residents of the area who are forced to live with the problems presented by the programs for the homeless. She added that, while St. Vincent de Paul is a fine organization, it is a lightning rod for the area's problems, because such large numbers of people are served in a small area that it has become a magnet for homeless impersonators who are criminals and drug dealers. Ms. Bosse cautioned that, if the building is approved as designed, those people who spend an hour a day at the center will spend the rest of the day in the neighborhood, contributing to neighborhood property desecration. She stressed that the Woodland Historic District experiences continued problems after hours and residents regularly fear for their safety. CMA recommends that St. Vincent de Paul should consider limiting the numbers served to not more than three hundred in any one neighborhood and reduce the intensity on Madison. Ms. Bosse noted that public facilities are provided at Central Arizona Shelter Services (CASS). She pointed out that the City of Phoenix expressed an interest in purchasing the property in a letter from Councilmember Cody Williams to St. Vincent de Paul dated November 21, 1995 (Attachment 4).

Paul G. Spears, Phoenix, a property owner and member of the Capitol Mall Association, expressed concern that the proposed development will make the present situation more permanent because it emphasizes that it is an area that the homeless and transient can call home. He added that it is CMA's aim to restore the dignity of the community, and in that regard St. Vincent de Paul has been asked to reduce the size of the operation in order to take pressure off the area.

Richard W. Moll, Scottsdale, Chairman, St. Vincent de Paul Building Committee, described the proposed community dining center project and the backing of the parishes. He pointed out that St. Vincent will not knowingly serve any person under the influence of drugs or alcohol, but intends to continue to serve the community. He noted that the letter from Councilmember Cody Williams contains no concrete purchase proposal.

Responding to questions, Mr. Moll said the building on Ninth Avenue and Madison Street is expected to be needed for many years, but St. Vincent would attempt to sell the property if at some future time it was not needed. He emphasized that St. Vincent feeds where the people are and described other locations around the Valley where services are provided, adding that the Society tries to be a good neighbor. Mr. Moll said St. Vincent has been authorized to spend up to \$1 million and is ready to go ahead with the project.

Kenny Baker, Owner, Hall Brake Supply, 214 S. 11th Avenue, Phoenix, pointed out that he was required by the City of Phoenix to correct a lack of parking spaces and contended that an exception should not be granted to St. Vincent de Paul.

(Tape 1, Side B)

Mark Jamieson, a resident of the Roosevelt neighborhood and member of the Roosevelt Action Association, called attention to the severe hardships caused by the high concentration of social service providers and the problems they attract. He pointed out that what happens in the Capitol Mall area directly affects the Roosevelt neighborhood. Mr. Jamieson contended that, while people support the mission of St. Vincent de Paul, the Society has been insensitive to the frustrations of those who live in the neighborhood, and no dialog has taken place between the residents and St. Vincent de Paul. As a result, one neighborhood bears the brunt of the social problems of the area. Mr. Jamieson emphasized that neighbors are not opposed to what the Society is doing, but they would like the services to be offered in a way that does not destroy the neighborhood. A four-page handout entitled "*No Loitering, after being served, please leave the premises*" was distributed (Attachment 5).

Ruth Harlan, representing Capitol Mall Association and owner of Harlan Company which does business in the area, described the decline in the neighborhood she has witnessed over the past ten years, which she described as a disgrace to the City of Phoenix. She complained that facilities and bathrooms are closed, and that her company was broken into nine times in a seven week period, including the company's alarm stolen from the building.

Ms. Webb responded to the issues raised, including Ms. Hatmaker's points of conflict, and pointed out that time is of the essence. She argued that St. Vincent de Paul cannot put plans on hold in the hope that the City of Phoenix may wish to purchase the property. In that regard, she cited a letter from Frank Fairbanks, Phoenix City Manager (Attachment 6) which indicates support for the project. Acknowledging that parking is an issue to be resolved, she submitted that St. Vincent will work with the City if the Commission approves the project. Ms. Webb reiterated that the center is a permanent facility which will continue, either in the old building or in a new building. She reported that an average of 3,700 meals are served daily at the various sites, and that St. Vincent de Paul will do everything possible to accommodate the concerns that have been raised. She contended that crime

is a police issue and a trash compaction system will be installed. Ms. Webb urged approval of the request.

Noting Ms. Webb's assertion that St. Vincent will continue to use either the old building or a new one, Mr. Smith commented that he perceived an attitude of "take it or leave it," and asked how much communication St. Vincent de Paul has had with the surrounding neighborhood. Ms. Webb responded that leaders of neighborhood groups have been invited to meetings, but that they want St. Vincent to leave the area. She contended that although plans have been discussed from every angle, they are never acceptable and no alternative proposals have been submitted.

Mr. Bosworth noted that the proposed facility has been downsized, yet will continue to serve the same number of people. Ms. Webb maintained that the size of the dining room could be reduced, but the line would increase. She reiterated that everyone who comes for a meal will be served, and there can be no negotiation on that point because anyone trying to impose limits would be in peril.

Mr. Bosworth pointed out that even though 750 meals are now served, that number could be as high as 2000 if no one will be turned away. Ms. Webb restated that St. Vincent de Paul will serve anyone who comes to the facility and who wants a meal.

Mr. Knapp asked if the situation is one of "if you build it they will come," or if they come because the building is there. Ms. Webb pointed out that St. Vincent is continuing an ongoing operation.

Chairman Starr reviewed the Commission's options in regard to the request.

Mr. Richert offered to follow up on Councilmember Williams' letter to find out if a real proposal can be made.

**Mr. Richert moved, seconded by Mr. Bosworth, to recommend that the subject be continued to the next meeting to allow time to ascertain the validity of Councilmember Cody Williams' letter.**

Chairman Starr noted that the Commission plans to meet in thirty days.

Mr. Knapp spoke in opposition to the motion and argued that a decision cannot be prolonged beyond the next meeting.

**The motion carried.**

Following discussion on the time and date of the next meeting, which will take place during the next legislative session, Chairman Starr announced that the meeting will held be on January 18, 1996 at 4:00 p.m. at a location to be determined.

#### Grace Court School

Chairman Starr noted that John Clements, who is absent from the meeting, headed up a small subcommittee to deal with the Grace Court School issue.

Chairman Starr asked Mr. Smith to assume the Chair because of a conflict of interest over the Grace Court School property.

Mr. Smith described the subcommittee's visit to the Grace Court School property. He said it is a large parcel into which the owner, Mr. David Russell, who was unable to attend the meeting, has invested considerable money. Mr. Smith said it is his belief that any purchaser of the property would demolish the school because of the amount of work required to the building, and pointed out that Mr. Russell could demolish the building at any time.

Tammy L. Bosse, Executive Director, Capitol Mall Association (CMA) noted that Mr. Russell and Deborah Abele, Historic Preservation Officer, City of Phoenix, portray the issue differently. She agreed that rehabilitation would be expensive, but contended that the building is structurally sound and is an asset that CMA would like to save.

Mr. Richert pointed out that historic preservation funds would be available if a charter school located at the property, as discussed at the previous meeting.

#### Governmental Mall Urban Design Plan

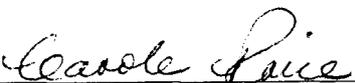
Jan Hatmaker, Planner, Phoenix Planning Department, said it is her understanding that Chairman Starr had requested that a subcommittee handle the Governmental Mall Urban Design Plan and said she will have a summary of the comments from different parties at the next meeting. A memorandum from Joy A. Mee, City of Phoenix was made available (Attachment 7).

Noting that a subcommittee has not yet been established, Chairman Smith named the following to an advisory committee:

Mr. Bosworth's appointment from DOA, to Chair the advisory committee  
Mr. Richert's appointment from the City of Phoenix  
Mr. Knapp  
Ms. Herberg-Kusy

Chairman Smith said it is his understanding that Mr. Starr will ask Mr. Clements if he wishes to be on the committee because of his extensive historic knowledge. The advisory committee will be asked to meet and prepare preliminary recommendations for the next meeting.

Without objection, the meeting adjourned at 4:47 p.m.

  
Carole Price, Committee Secretary

(Original minutes with attachments and tape on file in the Office of the Chief Clerk. Copy of minutes on file with the Secretary of the Senate.)

ARIZONA STATE LEGISLATURE  
Forty-second Legislature - First Regular Session

LEGISLATIVE GOVERNMENTAL MALL COMMISSION

Minutes of Interim Meeting  
Tuesday November 21, 1995  
House Hearing Room 3 - 3:30 p.m.

(Tape 1, Side A)

The meeting was called to order at 3:39 p.m. by Cochairman Barry Starr and attendance was noted by the secretary.

Members Present

Kent Bosworth  
LeRoy Brady  
John Clements  
Jill Herberg-Kusy  
Thomas Knapp

David Richert  
Polly Rosenbaum  
Susanne Rothwell  
Representative Tom Smith  
Barry Starr, Chairman

Members Absent

Senator David Petersen (excused)

Frank Dubasik (excused)

Speakers Present

Tammy L. Bosse, Executive Director, Capitol Mall Association (CMA)  
Deborah Abele, Historic Preservation Officer, City of Phoenix  
Julian J. Blum, Real Estate Broker, Community Developments Partners, Inc., Phoenix  
B. David Russell, President, Pamco Monroe  
Mary McCormick, Cave Creek, representing Mr. Russell  
Carol Johnson, City of Phoenix Planning Department  
Maret Webb, A.I.A., Vehr/Webb Studio, Phoenix  
Anthony Aleman Abril, representing Neighborhood Spirit Associations

Review of Governmental Mall Boundaries

Mrs. Rosenbaum called attention to a memorandum from Norman Moore, Chief Clerk, House of Representatives (Attachment 1) in response to a query at the last meeting concerning inclusion of Fifth Avenue within the governmental mall area. She briefly reviewed a history of the mall and boundary changes since the inception of the Legislative Governmental Mall Commission in 1985. Chairman Starr submitted that a boundary correction may be needed.

Mr. Smith advised that appropriate legislation can be drawn up with assistance from the Arizona Department of Administration (ADOA) for Commission review and introduction into the upcoming legislative session.

### Liberty Bell Replica

Mr. Smith noted that he has recently received two recommendations that the Liberty Bell replica, now located at the entrance to the old State Capitol, be relocated and rung on special occasions.

Mrs. Rosenbaum advised that the bell, which is rung on occasions, was moved to the outside of the building following appeals to do so.

Mr. Smith offered to discuss the location of the bell with State Library representatives.

### Capitol Mall Association Demonstration Project

Tammy L. Bosse, Executive Director, Capitol Mall Association (CMA), described the Association's function and urged that the Commission sanction a proposed demonstration project. She circulated a package of materials (Attachment 2) consisting of CMA's mission and objectives, reprints of recent newspaper articles, and maps of the capitol mall area and demonstration block. Slides illustrated the blighted area within the mall area and the four houses, located at 1209 Woodland Avenue, and 1210, 1216 and 1218 Monroe Street, slated by CMA for rehabilitation. Ms. Bosse pointed out that although demolition was contemplated, it was agreed to proceed with the demonstration project, beginning as soon as next month if approval is secured. She described the demonstration block, including efforts to rid the area of a drug house and plans for now blighted Woodland Park as an arts community, and described the \$10,000 per house funding secured from the City of Phoenix Historic Preservation Commission which will make possible a first-class restoration. Acknowledging the difficulty of getting people to invest in the neighborhood, Ms. Bosse pointed out that the houses are intended for owner-occupied affordable housing and that CMA aims to move its offices into one of the houses. She noted that funding is not yet available to rehabilitate other properties in the area, including an 18-unit apartment complex.

Ms. Bosse responded to Members' questions and described other efforts under way that will assist the new homeowners in maintaining and protecting the area, including increased police patrols, development of a strong blockwatch program and other components required to assure a long-term revitalization of the area.

Chairman Starr acknowledged the risks involved in the project, but observed that doing nothing involves even greater risk. He affirmed the need for subsidies to encourage people to move into the properties in the hope that the investment will spread in the area.

Mr. Bosworth, Assistant Director, General Services Division, Arizona Department of Administration (ADOA), said it is his understanding that the City of Phoenix requires a Governmental Mall permit prior to approval. Chairman Starr concurred.

**Mr. Richert moved, seconded by Ms. Herberg-Kusy, that the Commission approve the Governmental Mall demonstration project.**

Mr. Clements opined that it would be inappropriate to approve the project in the absence of the renderings, plans and scope of work to be presented to the City.

Ms. Bosse pointed out that while renderings are expensive, construction documents are now being reviewed by CMA's attorney. She emphasized that no substantial changes will be made to the appearance of the houses, although the blueprint does change the apartments.

Mr. Bosworth agreed that renderings would be too expensive for affordable housing, and further discussion ensued.

Mr. Knapp proposed that the Commission approve the demonstration project for the four houses only, with a condition that the plans conform to the very specific requirements of the general plan.

Mr. Richert stressed that, while any major renovation of the apartment building would need to be reviewed, he has no desire to delay the restoration of the houses now that funding is available. He noted that the City of Phoenix follows the Capitol Mall general plan.

Mr. Clements countered that his concern is not with the renovation of the properties under discussion, but with the process which requires that an individual who owns property within the governmental mall must make application with the appropriate materials for approval.

Mr. Richert proposed that the architect could quickly make available a colored elevation.

Deborah Abele, Historic Preservation Officer, City of Phoenix, confirmed that the City requires elevations and site plans, which would also allow for approval by the Commission.

Ms. Bosse advised that CMA had hoped to begin the restoration of the first house beginning in December.

Reviewing the Commission's legislative authority, Chairman Starr submitted that Mr. Clements' concern may relate to the old process.

Mr. Smith proposed that approval might be granted by identifying the four houses within the motion and establishing a process to ensure that the Commission fully comprehends the design, including landscaping sketches.

Chairman Starr concurred that the properties should be specified in the motion and that a colored elevation or architect's working drawing should be provided.

Mr. Clements contended that costing will require a site plan, landscaping plan and color chips, and that, for CMA's protection, approval should not be given in the absence of that information.

Speaking in support of the motion and as one who has been on the other side of the issue, Mr. Knapp pointed to the specificity of the general plan and cautioned that the Commission should be viewed as a partner rather than as an obstacle in the process.

Julian J. Blum, Real Estate Broker, Community Developments Partners, Inc., Phoenix, noted that historic restoration aims to return the houses to their original *1910 to 1935 era* appearance. He claimed that the first demonstration model will be done perfectly and the Commission will be kept informed of further grants and proposals for the remaining area.

Mr. Smith voiced his belief that a motion can be framed to allow commencement of the project. Mrs. Rosenbaum concurred.

(Tape 1, Side B)

Mr. Richert proposed that his motion be amended to include conformity to the general plan, with the properties to be rehabilitated identified, viz:

1209 Woodland Avenue  
1210, 1216 and 1218 Monroe Street

Chairman Starr agreed that the motion has been clarified by naming the properties and specifying conformity to the general plan and asked Ms. Bosse to return to the Commission's next meeting on December 21, 1995 with colored elevations of the first property to be renovated.

**Question was called for on Mr. Richert's amended motion to approve the Governmental Mall demonstration project. The motion passed.**

Mr. Clements asked that his abstention be noted for the record.

Grace Court School

Chairman Starr noted that Mr. David Russell, the owner of Grace Court School, is a paying member of Phoenix Community Alliance which employs Mr. Starr. He proposed, without demurral, to participate in discussion but in order to avoid any appearance of conflict of interest to step down temporarily as Chairman if action is taken.

Ms. Abele distributed documents comprising background information on the Grace Court School property, together with a site plan and site and area overview (Attachment 3). She described her involvement with the property and the many discussions with Mr. Russell in connection with his desire to demolish the building, a recognized historic structure and the oldest remaining school in Phoenix. Ms. Abele described the owner's attempts to redevelop the site and the various alternatives to demolition provided by her office, noting that Mr. Russell will not agree to any funding assistance if governmental strings are attached. Notwithstanding her efforts to obtain tax benefits and generate temporary income for the property in order to avoid demolition, Mr. Russell has informed her that it is his intention

to proceed with the demolition of the property, and there now appears to be no way to stop him from doing so.

B. David Russell, President, Pamco Monroe, indicated that he has nothing to add at this time.

Mr. Blum observed that, as a result of his work with CMA on the revitalization of the Capitol Mall area, he sees the Grace Court School as an asset to the area and a linchpin for redevelopment. He added that he recognizes Mr. Russell's desire to redevelop the site, but highlighted the structural soundness of the existing buildings and the interest of the School of Arts, a charter school, in relocating to the property. Commenting that the School of Arts is unable to expand in its current location, Mr. Blum proposed that the building might be saved if representatives from the City, schools and arts industry could find a way to acquire the property from Mr. Russell in the near future.

Chairman Starr noted that the matter will be handled by the City and no action is to be taken by the Commission.

Mr. Richert observed that the Commission may be asked to approve the demolition, and opined that the proposal would be worth pursuing if the existing building could be used. He suggested that Ms. Abele and Mr. Blum might meet with Mr. Russell and report back to the Commission.

Following discussion, Ms. Bosse asked if Mr. Russell is required to come before the Commission if he chooses to pursue demolition of the property. Chairman Starr quoted the Commission's charge as set out in the legislation.

Mr. Knapp questioned the Commission's authority to block private enterprise.

Mr. Smith submitted that if it is the Commission's responsibility to oversee development of the Capitol Mall and conformity to the general plan, then any proposal should be discussed with ADOA and the legal department.

Mr. Clements proposed that an opportunity might exist for the private sector to deliver a building into the public sector which could be put to use quickly.

Chairman Starr approved Mr. Clements' suggestion and asked him to chair a subcommittee to pursue the idea.

Mary McCormick, Cave Creek, representing Mr. Russell, pointed out that he has been talking with Ms. Abele for many years and has reviewed many proposals for the property, and approves the concept of a subcommittee. However, while Mr. Russell is interested in preserving the large building if possible, he questions the right of any other entity to determine what happens with his privately owned property. Ms. McCormick observed that Mr. Blum represents a for-profit company.

Chairman Starr commented that Ms. Abele is willing to participate in the subcommittee.

Mr. Clements emphasized that cooperation from ADOA and the Governor's office will be essential if a resolution is to be reached.

#### Capitol Mall Overlay District

Carol Johnson, City of Phoenix Planning Department, made available a draft of a proposal to restrict certain property uses within the Capitol Mall Overlay District (Attachment 4), together with a map showing the boundaries of the district (Attachment 5). She reviewed the history of the stabilization overlay district and the draft legislation, which seeks to prohibit pawn shops, blood banks and package liquor sales within the boundaries of the overlay district. Proposed boundaries are identified as Interstate 10 to the railway tracks at Harrison, and Third Avenue to Interstate 17. Use permits and special permits would be required for other specified uses. Ms. Johnson said the draft legislation will be circulated to planning committees and social service agencies.

Acknowledging the enormity of the task, Chairman Starr noted that controversy is inevitable. He requested an update on the progress of the proposal, which he asked Members to review.

#### Governmental Mall - Urban Design Plan

Noting the lateness of the hour, Chairman Starr proposed to mail a copy of a letter from Mr. Bosworth to the Commission (Attachment 6) to each Member with the agenda for the next meeting.

Mr. Clements recommended that an entire meeting be devoted to a review of the Capitol Mall plan, the transportation plan, the many older plans dating from the 1950's, and a historical overview by Mrs. Rosenbaum. He pointed out that several people who were involved with the original plan still live in the area and might be happy to explain the survey process. Chairman Starr agreed that an extra meeting may be appropriate.

Following dialogue to plan a working and public meeting to review the issues, Chairman Starr announced that the Commission will meet again at 3:00 p.m. on December 21, 1995.

#### Other Business

Maret Webb, A.I.A., Vehr/Webb Studio, Phoenix, distributed a proposal by the Society of St. Vincent de Paul for a new community dining center to replace the existing facility located at 9th Avenue and Madison Street (Attachment 7), which will be on the December agenda.

Recalling discussion of an Arizona Department of Environmental Quality (ADEQ) survey at the last meeting, Chairman Starr announced his intention to apprise ADEQ of the governmental mall boundaries.

Anthony Aleman Abril, representing Neighborhood Spirit Associations, suggested that the Liberty Bell replica be located where it can be rung. He expressed concern over the houses to be renovated and urged that the laws be enforced in regard to the taking of property.

Without objection, the meeting adjourned at 5:20 p.m.

  
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Carole Price, Committee Secretary

(Original minutes with attachments and tape on file in the Office of the Chief Clerk. Copy of minutes on file with the Secretary of the Senate.)

*Research*

ARIZONA STATE LEGISLATURE  
Forty-second Legislature - First Regular Session

LEGISLATIVE GOVERNMENTAL MALL COMMISSION

Minutes of Interim Meeting  
Thursday October 26, 1995  
House Hearing Room 3 - 3:30 p.m.

(Tape 1, Side A)

The meeting was called to order at 3:36 p.m. by Chairman Barry Starr and attendance was noted by the secretary.

Members Present

Representative Tom Smith  
Senator David Petersen  
Kent Bosworth  
LeRoy Brady

John Clements  
Jill Herberg-Kusy  
Thomas Knapp

David Richert  
Polly Rosenbaum  
Barry Starr, Chairman

Members Absent

Frank Dubasik (excused)  
Susanne Rothwell

Speakers Present

Debbie Mosbacher, Assistant Research Analyst, Arizona House of Representatives

Chairman Starr introduced Ms. Herberg-Kusy, Planning Director, Maricopa County Board of Supervisors, and a listing of Commission appointments was distributed to Members (Attachment 1).

Chairman Starr commenced a review of the charge for the Legislative Governmental Mall Commission established by H.B. 2057, governmental mall; monuments (Chapter 70, Laws of 1995) (Attachment 2). Referring to page 2, Section 3, line 30 of the bill, Chairman Starr requested clarification of the procedure for amending the comprehensive long-range general plan.

Mr. Smith said it is his understanding that the Commission can make recommendations to present to the various governmental agencies, through their representative on this Commission, followed by a vote of the Members.

In reference to page 2, paragraph 4 of the bill, Chairman Starr noted that the Committee is empowered to "review and approve or disapprove in writing requests for permission to develop

structures or sites or award construction contracts for new buildings or improvements within the governmental mall," and discussion ensued on the issue of enforcement.

Mr. Clements observed that the language has created considerable debate in the past. Chairman Starr expressed his hope that it will not prove to be a contentious issue.

Mr. Smith noted that the City of Phoenix has always been very cooperative in forwarding all matters affecting the capitol mall area through the Commission. He proposed that the Chairman and Mr. Bosworth, Assistant Director, General Services Division, Department of Administration (DOA), work together on a process that is persuasive rather than authoritarian.

Chairman Starr agreed that the Commission should become involved at an early stage in any city, county or state projects affecting the capitol mall area in order to ensure cooperation.

Mr. Clements requested clarification of the "contractual interest" described on page 2, line 45 of the bill.

Mr. Bosworth noted that a recent Arizona Department of Environmental Quality (ADEQ) survey solicited input in regard to the agency's future location in order to best serve the public. He pointed out that all state agencies will eventually be brought back into the mall area. Following discussion, Chairman Starr proposed that the ADEQ survey be included on the next agenda.

Mr. Smith suggested that the required annual report be prepared by December 31 of each year.

Referring to a plan of the capitol mall/downtown area (Attachment 3), Chairman Starr observed that the description of the governmental mall area (page 3, Section C) appears to be incorrect in including Fifth Avenue.

Mrs. Rosenbaum offered to check the correct boundaries prior to the next meeting.

Mr. Smith submitted that any changes deemed necessary by this Commission can be referred to the Legislature's legal department.

There followed discussion of page 3, Section E of the bill in regard to enforcement in the event of nonconformity with the general plan. Mr. Smith proposed an expeditious review of the Commission's general plan, ensuring that the city and county have an up-to-date copy, with a request that proposals be submitted as early as possible in order to afford time for discussion prior to decision-making.

Mr. Clements opined that the issue of enforcement should be resolved because of the obfuscatory language of the legislation. He pointed out that the general plan is the highest authority, and submitted that a review by the state attorney general could range from disbandment of the Commission to giving it the power to enforce the law. Mr. Clements said he believes the Commission should be either an advisory commission, or its review and approval should be absolute.

Mr. Knapp proposed a middle ground approach based on attitude rather than authority. He said he believes the membership and resources available to the Commission could ensure that a proactive position will work.

Senator Petersen voiced his preference to obtain an opinion from the Attorney General so that the Commission will know where it stands.

Mr. Clements pointed out that the original intergovernmental agreement did not work.

Mr. Smith urged that because this is a new Commission with new members, the Chairman could attempt to resolve any conflicts that may arise over the general plan.

Chairman Starr agreed that DOA's presence on the Commission may make a difference and suggested that the ambiguity of the bill might prove to be advantageous.

Senator Petersen pointed out that every agency will argue for its own interests.

Mr. Knapp suggested that the Commission could plan to work with the governmental entities while awaiting an opinion from the attorney general.

**Mr. Knapp moved, seconded by Mr. Clements, that the Committee request the opinion of the state attorney general as to the intent of the two conflicting paragraphs in the legislation as follows:**

**page 2, lines 37 through 46  
page 3, lines 19 through 23**

Mr. Bosworth pointed out that DOA only makes recommendations to the Legislature.

Chairman Starr suggested that the Commission might not be happy with the attorney general's opinion and might prefer the ambiguity of the existing language.

**Question was called for on Mr. Knapp's motion. The motion failed by a hand vote of four ayes and four nays. (Representative Smith and Senator Peterson are non-voting members).**

Chairman Starr called attention to an error on page 4, Section 5 of the printed bill.

Debbie Mosbacher, Assistant Research Analyst, Arizona House of Representatives, read the listing of appointments and terms described in Section 5, page 4 of the bill (see Attachment 1), and clarified that line 31 should read as follows:

"1. FOUR terms ending on January 20, 1997."

Mr. Smith offered to confer with staff attorneys in order to ensure that the correction is made.

Chairman Starr affirmed that the document entitled "Governmental Mall - Urban Design Plan" dated June 1989 (Attachment 4) is the Commission's general plan. He briefly commented on prior plans and proposed that a subcommittee meet to review the general plan and recommend changes prior to the next meeting. Mr. Clements noted the existence of an additional transportation plan.

Mr. Bosworth recommended that all Members read the general plan and said DOA will arrange to make a presentation to the Commission at a future meeting.

Chairman Starr asked all Members to review the general plan prior to the next meeting.

(Tape 1, Side B)

Mr. Smith confirmed that legislative staff will make a copy of the transportation plan available to all Members.

Mr. Clements recommended that Commission Members tour the mall area in order to be apprised of changes that have been made since the report was published. He noted that plans dating back to the 1930's were reviewed in order to gain a historic perspective, prior to publication of the current general plan.

Chairman Starr advised that the following items will be included in a future agenda:

- 1) a review of the ADEQ survey
- 2) a Capitol Mall Association demonstration project
- 3) a letter of thanks to prior Commission members
- 4) a plan to tour the mall area

Mr. Bosworth observed that DOA's presentation could be planned for January 1996, following completion of its capitol plan in late December.

Chairman Starr proposed that the Commission meet with the Speaker of the House and President of the Senate prior to the upcoming legislative session.

Mr. Clements added that a capitol model is also available for viewing.

Chairman Starr announced that the next meeting of the Commission will be held on November 16, 1995.

Without objection, the meeting adjourned at 4:50 p.m.



Carole Price, Committee Secretary

(Original minutes with attachments and tape on file in the Office of the Chief Clerk. Copy of minutes on file with the Secretary of the Senate.)

10-12-95

ARIZONA STATE LEGISLATURE  
Forty-second Legislature - First Regular Session

LEGISLATIVE GOVERNMENTAL MALL COMMISSION

Minutes of Meeting  
Tuesday, September 19, 1995  
House Hearing Room 3 - 4:00 p.m.

(Tape 1, Side A)

Mr. Smith called the meeting to order at 4:05 p.m. and attendance was noted by the secretary.

Members Present

Senator Petersen  
Representative Smith  
Kent Bosworth, General Director, Services Division, Department of Administration  
LeRoy Brady, Member Representative, Arizona Historical Advisory Commission; Chief  
Landscape Architect, Arizona Department of Transportation  
John Clements, Real Estate Broker/Developer  
Frank Dubasik, Vice President, Perini Corporation  
Thomas Knapp, TRK Architecture  
David Rickert, Planning Director, City of Phoenix  
Polly Rosenbaum, former Legislator  
Susanne Rothwell, Architect  
Barry Starr, Phoenix Community Alliance

Members Absent

Jill Herberg-Kusy, Maricopa County Board of Supervisors

Speakers Present

Brad Lundahl, Assistant Research Analyst, House of Representatives  
Timothy Brand, General Manager, Building and Planning Services, Department of  
Administration (DOA)  
Chad Norris, Minority Staff, Arizona State Senate  
Tami Ryall, Government Committee Research Analyst, Arizona State Senate

\* \* \*

Mr. Smith requested that Commission members introduce themselves. He announced that the first order of business will be the election of a Chairman.

Legislative Governmental  
Mall Commission  
09/19/95

**Mrs. Rosenbaum nominated Barry Starr to the role of Chairman. The nomination was seconded by Mr. Bosworth and it carried by a majority voice vote.**

Chairman Starr assumed the Chair.

Mr. Smith mentioned that the Department of Administration circulated a letter (Attachment 1) regarding the siting of the new Arizona Public Health Laboratory.

#### HISTORICAL BACKGROUND OF THE GOVERNMENTAL MALL

Mr. Smith recalled that the goal of the Governmental Mall Commission was to make all the buildings in the Capitol Mall compatible.

Mr. Smith said that when he first became involved, there were questions with regard to the authority of the Commission. Once it became apparent that the Commission had no authority, he said he introduced legislation to abolish the Commission. Because this legislation failed, the Phoenix Community Alliance became involved and met with the Governor to identify ways to combat the problems of homelessness, the feeding of the homeless, the lack of security and the collection of liquor stores in the area. With this new surge in enthusiasm, he said that a new Governmental Mall Commission was formed which includes representatives from the legislature, city, county and state.

Mrs. Rosenbaum, who served as a legislator for over four decades, mentioned that there was once even a plan to have a trolley travel among the federal, city and state buildings.

#### FUTURE PLANS FOR THE GOVERNMENTAL MALL

Chairman Starr stated that a goal of the Commission will be to turn the current situation around and make the mall area between 7th Avenue and 19th Avenue something to be proud of.

Mr. Clements recalled that the original task of reconstituting the Capitol Mall in 1985 was that the Commission generate a basic plan with the assistance of funds contributed by the city, state and counties. He pointed out that this document still exists and suggested that the Commission's first step should be to review it.

Mr. Clements asserted that major issues yet to be resolved are who will be bound by the plan and who will have the authority to enforce the plan.

#### OTHER BUSINESS

Chairman Starr announced that the Commission will meet on the third Tuesday of each month at approximately 3:30 p.m. Commission members agreed.

Brad Lundahl, Assistant Research Analyst, House of Representatives, mentioned that a new staff member will soon be assigned to act as House research analyst for the Commission.

Legislative Governmental  
Mall Commission  
09/19/95

Timothy Brand, General Manager, Building and Planning Services, Department of Administration (DOA), reported that the building of a new Arizona Public Health Laboratory has been proposed. He stated that DOA's decision to locate the laboratory at 18th Avenue and Monroe seems to comply with the legislative intent for one-stop shopping and added that in lieu of taking away from existing parking lots, DOA is in the process of having the City of Phoenix abandon a portion of Monroe Avenue which will be converted into a parking lot.

Mr. Brand displayed a chart which shows Phase I.

Mr. Smith asked if the existing parking lot capacity will be negatively impacted by Phase I. Mr. Brand predicted that current parking needs will not be strained because the lots in the affected area have a forty to fifty percent occupancy rate.

In response to Mr. Smith, Mr. Brand indicated that the Department of Revenue has its own multi-level parking structure and should not be impacted by Phase I.

Mr. Smith asked if nearby agencies are aware of the plan to construct a new building. Mr. Brand shared his belief that the Joint Committee on Capitol Review (JCCR) and Joint Legislative Budget Committee (JLBC) have approved forward action on Phase I.

Mr. Brand displayed a chart illustrating Phase II, which would place a second new building between the State Laboratory and the existing Behavioral Health Services building.

Mrs. Rosenbaum asked whether it will be possible to add additional stories to the Phase I building. Mr. Brand said he envisions a State Laboratory which is no higher than the planned three stories.

Mr. Knapp asked if consideration was given to underground parking. Mr. Brand replied that Phase I is driven by available funding and anticipates only surface parking. He predicted that a parking garage will be necessary when Phase II is instituted but added that a decision has not yet been made with regard to a subsurface parking structure versus an above-ground parking structure.

Mr. Knapp requested that at the next meeting the Commission hold a philosophical discussion as to parking structures versus surface parking.

Mr. Clements said that while he is glad to have the opportunity to review health services planning, it is disheartening that the Commission is reviewing it after the fact. He claimed that in terms of siting and placement, Phases I and II simply do not work. Mr. Clements recalled that the original plan called for buildings to be located near the streets with the parking lots concealed behind them and said that Phases I and II are the reverse of true and correct planning because they essentially hide multi-million dollar buildings behind an enormous parking structure.

Mr. Bosworth noted that DOA reviewed the Capitol Mall plan and found it severely outdated because many issues were not taken into account during the 1980's.

Mr. Clements said that while he has no quarrel with DOA, there is some question with regard to who, if anyone, is in control of the destiny of the Commission. He questioned whether or not government is planning for the long term and pointed out that the Occupational Licensing building which was constructed substandardly has already incurred remodeling fees exceeding three times the cost of the original building.

Mr. Clements asserted that the original plan will become a more difficult dream to realize if the state continues to hopscotch one building at a time without thinking of the future.

Chairman Starr stated that the Commission must live within existing legislation and will therefore hold no more debate on the matter until such time as that legislation is reviewed.

Mr. Brand said it is his understanding that DOA is required to submit its plan for review, but that it is not required that the plan be reviewed. He said that DOA is simply trying to coordinate its activities with the Capitol Mall plans.

Chairman Starr concluded that the Commission's action is not needed with regard to Phases I and II. Mr. Brand answered affirmatively.

Mr. Knapp said that although he is not familiar with the plan, based on Mr. Clement's comments, Phase I seems to comply while Phase II does not. Regardless of the Commission's charge, he said it would be appropriate to approve Phase I with the understanding that the Commission be given a more significant role in the planning of Phase II.

Chairman Starr suggested that a mechanism be developed to establish communication with the authorities that make decisions on the Capitol Mall. Mr. Bosworth agreed, particularly because of the frequent turn-over among legislators.

Mr. Clements said that his remarks are motivated by the frustration of fighting the same battle for ten years. He claimed that approval of Phase I automatically gives tentative approval to Phase II, the latter of which he described as a monument to poor planning.

Mr. Brand conceded that the parking structure denoted in Phase II may be located in the worst possible place. He pointed out that the primary focus is on the siting of the laboratory and said that the parking structure may be moved elsewhere at a later date.

Mr. Clements noted that Phase II might be fixable if the building and parking structure locations are switched.

**Mr. Clements moved, seconded by Mr. Knapp, that the report (copy not available) be accepted. The motion carried by a majority voice vote.**

Chairman Starr announced that an agenda will be forthcoming for the next meeting scheduled for October 17.

Chad Norris, Minority Staff, Arizona State Senate, introduced himself.

Tami Ryall, Government Committee Research Analyst, Arizona State Senate, introduced herself.

(Tape 1, Side B)

Mr. Clements mentioned that a model of the Capitol Mall plan exists and suggested that it might be helpful for the Commission to review it.

Chairman Starr indicated that he would like to take a van tour of the Capitol Mall area and suggested that the Commission might wish to hold its meetings in different buildings throughout the Mall.

Ms. Rothwell suggested that it might be more helpful to review the plan, as opposed to the cumbersome model. Mr. Clements added that it would be beneficial to receive any such information in advance of the meetings.

Without objection, the meeting was adjourned at 5:06 p.m.

*Teresa Alvarez*

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Teresa Alvarez, Secretary

(Original minutes, attachment and tape on file in the Office of the Chief Clerk.)

CC  
received 7/25/95

ARIZONA STATE LEGISLATURE  
Forty-Second Legislature - First Regular Session

**GOVERNMENTAL MALL COMMISSION**

**Minutes of Meeting**

**July 10, 1995**

**House Hearing Room 1 - 3:00 p.m.**

(Tape 1, Side A)

Chairman Clements called the meeting to order at 3:03 p.m. and attendance was noted by the secretary.

Members Present

Senator Chesley  
Representative Smith  
Mr. Hoover  
Mr. Kelly

Mr. Longey  
Mr. Starr  
Mr. Clements, Chair

Members Absent

Ms. Johnston

Speakers Present

Kenneth Baker, Owner, Hall Brake Supply  
Kent Bosworth, Assistant Director, Arizona Department of Administration (DOA)  
David Vagg, Architect, HNTB  
Emerson Stiles, Facilities Planner, Arizona Department of Administration (DOA)  
David Mowry, Facility Manager, Arizona Department of Health Services (DHS)

Guest List (None)

Kenneth Baker, Owner, Hall Brake Supply, provided a brief history of his business and described the location and expansion needs of his property (Attachment 1). He explained that he had the alley behind his property abandoned because of the homeless traffic. Mr. Baker requested approval of a 50'x80' metal building on Lot #1 at 11th Avenue and Madison Street.

GOVERNMENTAL MALL COMMISSION  
JULY 10, 1995

When Senator Chesley asked if the building is a prefab metal building, Mr. Baker responded that it is a Butler building.

Representative Smith told Members that he has viewed the site and that he noticed a similar building nearby. He opined that Mr. Baker's building will be an improvement to the area.

Mr. Baker explained that an old frame house on Lot #2 will be torn down and the area asphalted.

Chairman Clements asked if Mr. Baker, in making application to the City of Phoenix for a building permit, was instructed to apply to the Governmental Mall Commission first. Chairman Clements remarked that, in the past, the Commission has requested that the City approve permits for the Mall area subject to the Commission's approval. He contended that the procedure has been reversed again.

Representative Smith responded that Mr. Baker does need a letter of approval from the Capitol Mall Commission to attach to his City of Phoenix building permit application.

Chairman Clements noted that the Commission has experienced this same situation for numerous years and that the Commission has always hesitated to approve things that the City might not approve. He contended that it is a waste of time and is expensive to hold a public meeting when the City might ultimately disapprove what the Commission approves.

Mr. Starr suggested that the Commission approve the project subject to the City's approval.

Senator Chesley stated that he doesn't want to give Mr. Baker the run-around and concurred that the Commission should provide a conditional permit but should also remind the City what the procedure should be.

Mr. Kelly duly noted Senator Chesley's comment.

Representative Smith reminded Members that a new Capitol Mall Commission will be constituted next week.

Mr. Starr asked Mr. Baker if there will be any landscaping around his new building. Mr. Baker told him that it is a City of Phoenix code requirement.

Chairman Clements stated for the record that, as Chairman, he supports approval of the building so that Mr. Baker's business can continue to grow, but he added that his concern is that, since the building does not meet the color, materials or massing requirements of the current plan, it is setting a precedent for non-compliance with a plan that has taken the Commission 8-9 years, plus hundreds of thousands of dollars, to develop. He contended that it is a reflection of the inability of government to meet the same requirements placed on ordinary citizens and businesses.

**Representative Smith moved, seconded by Mr. Starr, that Mr. Baker's application for erection of a Butler building on the designated location, be approved, subject to the approval of the City of Phoenix and issuance of a building permit, including the landscaping.**

**The motion carried.**

Chairman Clements requested that the secretary prepare a letter of approval for his signature. The secretary noted the request.

Representative Smith requested that copies of pertinent legislation be sent to all Members of the Commission. Staff acknowledged that it will comply.

Kent Bosworth, Assistant Director, Arizona Department of Administration (DOA), presented the background of the existing Health Services Laboratory and the project description for the proposed new facilities at Monroe Street and 18th Avenue (Attachment 2).

Discussions were held concerning use of the alley. Mr. Bosworth noted that it is a thoroughfare but not a major one; it is used to access several parking lots.

David Vagg, Architect, HNTB, presented a site plan to the Committee and described the design of the proposed building.

Representative Smith asked at what point a review of the building plans will be made, in order to ensure that the exterior aesthetics are compatible with other buildings within the Capitol Mall area.

Mr. Bosworth stated that the intent is to return to the Commission when the design is more developed. He explained that the project is only in the programming stage and that construction is scheduled to begin in July of 1996, if possible.

Chairman Clements asked how many parking spaces there will be.

Emerson Stiles, Facilities Planner, Arizona Department of Administration (DOA), explained that there will be 640 on-site, on-grade parking spaces, including existing parking, as well as parking provided through the abandonment. He stated that it is short of the ideal but opined that there is enough of a relief valve to the west to accommodate the facility.

Mr. Kelly wanted to know what kind of testing will take place in the lab.

David Mowry, Facility Manager, Arizona Department of Health Services (DHS), stated that the third floor is a chemistry lab, the second floor is microbiology, and the first floor is administration.

When Senator Chesley asked what specific kinds of tests will be run at the Health Services Laboratory, Mr. Vagg responded that there will be a serology lab, a Deoxyribonucleic Acid (DNA) lab, an air toxins lab, and a bio-level safety three lab included in the facility.

Mr. Kelly expressed his concern that the community might be exposed to a virus in case of fire.

Mr. Vagg told Mr. Kelly that the building will be constructed of steel and concrete and will have fire alarm systems.

Chairman Clements opined that a laboratory building built now will be more secure than the one built in 1976.

Mr. Longey asked how many parking spaces are needed for the square footage involved. There was some confusion about the number of spaces and discussions ensued. Mr. Stiles clarified that there are 721 current spaces but, under the proposed plan, there will be 640.

Chairman Clements noted that parking spaces will be lost and Mr. Stiles commented that the shortfall can be accommodated.

Mr. Longey maintained that, per the Governmental Mall Plan, the proposed design is not meeting the ratio of parking spaces to floor space.

Commenting that parking spaces are being forfeited for an area which is over-parked, Chairman Clements noted that the Commission has stipulated that it favors structure and underground parking rather than grade parking.

Mr. Longey reminded the Commission that part of the original design plan is to concentrate buildings as close to the Capital as possible, with off-site parking. He asked if it is necessary to abandon Monroe as a street and suggested a pedestrian-way to connect the Capitol to the building.

Senator Chesley asked about the proposed parking garage facility on 17th Avenue. Mr. Bosworth commented that a \$2,000,000, two-level, parking structure is part of the original design but, since surface parking is under-utilized, it does not seem a wise use of state funds at this time.

Representative Smith agreed that a campus design should be considered. Noting the increase in square footage from 28,000 SF to 60,000 SF, he asked if the Health Services Laboratory is expanding its functions or if other services are being consolidated.

Mr. Bosworth explained that another group will consolidate with the new lab, plus the lab needs to expand because of increased workload and safety issues.

Mr. Bosworth told Chairman Clements that the old lab building will revert to an office building after it is cleaned up.

Mr. Longey contended that the design presented today does not capture the vision of a cluster within the overall campus and stated that he would like to see a design concept (allowing for expansion) for a complex of buildings, with a courtyard development which offers pedestrian amenities as well as shared parking, whether surface or structure.

Chairman Clements stated that he would rather see the new building sited behind the existing Joint Legislative Budget Committee (JLBC) and Department of Health Services (DHS) buildings, so that when the old buildings are eventually removed, the new building can be brought into a campus-like atmosphere closer to the Capitol, with parking farther to the north.

Mr. Bosworth told the Chairman that the concept was explored but there were tremendous safety concerns for employees walking to their cars. Mr. Longey commented that the Commission has wrestled with those same concerns but it is the concept which has been developed.

Chairman Clements maintained that if government will not follow the same regulations citizens are expected to follow, citizens cannot be expected to upgrade their sites to make the area a better place to live.

Mr. Bosworth confirmed for Representative Smith that the Arizona Department of Administration (DOA) understands what the Commission is trying to accomplish for the Capitol Mall area.

Chairman Clements opined that it is probably more practical, but probably not financially feasible, to site the building as close as possible to Washington Street, and if there is concern for employee safety, provide parking below the building with a future structure to the north to separate the Mall from Van Buren. He stated that he wants to see more thought given to the plan even if it requires spending more money. Representative Smith concurred.

Chairman Clements wanted to know if there are any efforts to relocate the homeless shelter. Mr. Starr stated that there is an effort to reduce the number of homeless but not to move the shelter.

Mr. Longey suggested that DOA make note of the Governmental Mall Plan, Section 3.4, Design Guidelines for Building Design Governmental, which states some of the concerns expressed before the Commission today.

Senator Chesley asked how many parking spaces will be lost during construction. Mr. Bosworth stated that it is premature to determine a staging area at this time.

There being no further business concerning the Health Services Laboratory, Chairman Clements opened discussions for the Desert Storm Memorial Addition.

Senator Chesley reported that the Desert Storm Memorial design and layout have been approved by the Commission. He stated that several people have suggested more large contributions might be received if there is a plaque listing the names of big contributors. Senator Chesley requested that a 24"x24" bronze plaque with the names of big contributors be allowed within the plot already approved.

Representative Smith stated that he has no objection but opined that it might be opening a can of worms. Senator Chesley stated that the veterans organizations made the suggestion, not the corporations. He also noted that the parameter for a large contribution will probably be around \$200 or \$250, but it has not been finally determined.

Chairman Clements agreed that when recognition is given it is very positive, but he opined that there may be existing memorials which will request a contributors list.

**Senator Chesley moved, seconded by Mr. Longey, to approve a change in the design of the Desert Storm Memorial to include an additional 24"x24", or smaller, bronze plaque that will indicate the names of the contributors to the building of the memorial. The motion carried.**

**Senator Chesley moved, seconded by Mr. Longey, that the meeting be adjourned. The motion carried.**

The meeting adjourned at 3:54 p.m.

  
Mildred Hollister, Secretary

(Minutes and tape on file in the Office of the Chief Clerk.)