

COUNCIL MINUTES

March 29, 2007

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 March 29, 2007 at 7:49 a.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Claudia Walters
Mike Whalen

COUNCIL ABSENT

Tom Rawles
Scott Somers

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

Mayor Hawker excused Councilmembers Rawles and Somers from the entire meeting.

1. Review items on the agenda for the April 2, 2007 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflicts of interest declared: 5e, f, g and h (Hawker); 7e (Whalen)

Items deleted from the agenda: 5d

Items removed from the consent agenda: None

2. Hear a presentation and discuss the Falcon Field Sub-Area Plan (See item 7g on the April 2nd Council agenda).

Planning Director John Wesley stated that after a recent presentation to the Council, staff modified the Sub-Area Plan based on Council input. He said that Senior Planner Wahid Alam would provide an overview of the changes.

Mr. Alam displayed a PowerPoint presentation (a copy is available for review in the City Clerk's Office) and advised that following the December 14, 2006 presentation to the Council, the Plan was modified and resubmitted to the Planning and Zoning Board. He explained that the intent of the Plan is to provide a guideline for future development in the Falcon Field area. Mr. Alam reviewed the purpose of the Plan, the vision statement and the strategies for action. He noted that word "shall" has been changed to "should" in the Plan and that the "design direction" section is no longer included in the Plan. Mr. Alam added that changes to the proposed Land Use Map include the following:

- The area bounded by McKellips Road to the north, Greenfield Road to the east and the Canal to the west will maintain the current land use designation of “Natural Area Open Space” as outlined in the Mesa 2025 General Plan.
- Parcels owned by Sunshine Acres Children’s Home will be designated as “public/semi-public,” as requested by Sunshine Acres.

Mr. Alam stated that adoption of the Sub-Area Plan would not change the zoning or the land use designation outlined in the General Plan.

Councilmember Griswold noted that Falcon Field is a unique area in which several major corporations are planning to locate facilities. He suggested that the City request that the State take action to remove the vacant Talley buildings, which are located on State Trust land in the area of Greenfield Road and the 202. He noted that this location serves as a gateway to the Falcon Field area.

Mayor Hawker concurred with the comments of Councilmember Griswold, and he expressed support for writing a letter to the State requesting that the issue of the vacant buildings be addressed.

Mayor Hawker advised that the Council would consider the Falcon Field Sub-Area Plan at the April 2nd Regular Council meeting under agenda item 7g, and he thanked staff for the presentation.

3. Hear a presentation and discuss A-frame signs (See Item 8d on the April 2nd Council Agenda).

Zoning/Civil Hearing Administrator Gordon Sheffield noted that the Council has studied the issue of A-frame signs on numerous occasions in the past several years and that at Council direction, staff prepared an ordinance. He reported that the proposed ordinance, which includes a trial period, was approved by the Planning and Zoning (P&Z) Board, and he added that the Downtown Development Committee (DDC) recommended denial. He displayed a PowerPoint presentation (a copy is available for review in the City Clerk’s Office) to provide an overview of the existing regulation and the proposed ordinance.

Mr. Sheffield advised that the City presently allows A-frame portable signs to provide direction to real estate open houses, subdivisions and special events (which require a Special Event License), and that the City also allows these signs in the downtown pedestrian overlay area. He reported that the City of Scottsdale recently imposed additional restrictions on portable signs and that the Town of Fountain Hills rescinded their portable sign ordinance. Mr. Sheffield added that the Town of Gilbert has permitted portable signs since April 2004 and that the City of Mesa proposal is based on the Gilbert ordinance. He highlighted the following issues regarding portable signs:

- Sign regulations attempt to provide a balance between identification of businesses and sign clutter that detracts from the community’s aesthetics.
- Portable signs improve identification for small stores located in older commercial centers.
- Allowing portable signs may limit staff’s ability to negotiate Comprehensive Sign Plans for large commercial developments.

- The proposal would diminish the likelihood that a business would make the effort to bring a non-conforming, detached sign into compliance.

Mr. Sheffield outlined the key items included in the Mesa A-frame draft amendment (see Attachment 1). He advised that other options available to businesses include Comprehensive Sign Plans for larger developments, multiple tenant signs, replacement of the existing sign faces and unlimited window signs outside of the Town Center area.

Mr. Sheffield stated that staffing levels would not be increased during the trial period, that enforcement would be in response to complaints, and that the number of use permits issued would be monitored. He said that after the trial period, two additional compliance officers and one permit technician would be required to address A-frame signs.

In response to a series of question from Mayor Hawker, Mr. Sheffield advised that he was unaware of any plans to discontinue the availability of portable signs in the downtown pedestrian area. He said that a business located in a center with a non-conforming sign that does not identify the business on the sign would be eligible for a portable sign, and he added that a business located in a center with a Comprehensive Sign Plan would be denied a permit for a portable sign.

Responding to a series of questions from Vice Mayor Walters, Mr. Sheffield confirmed that businesses operating 24 hours a day would be allowed to utilize portable signs during that timeframe. He explained that a gas station would not qualify for portable signs unless the station was a part of a group C-O-I (Commercial-Office-Industrial) development. Mr. Sheffield advised that the City of Scottsdale recently took action to prohibit all signs in the rights-of-way and to impose certain restrictions on political signs.

Discussion ensued relative to the fact that tenants in a complex would determine the appropriate locations for signs that include a twenty-foot spacing requirement; that Code Compliance staff would work with tenants regarding the appropriate locations for portable signs; that portable signs could improve the viability of many local businesses; and that the program has been successful in the downtown pedestrian area.

Councilmember Griswold expressed support for allowing portable signs in order to provide a "level playing field" for all businesses in the community.

Mayor Hawker expressed concern that a proliferation of portable signs would negatively affect the aesthetics of the community.

Vice Mayor Walters suggested that a proliferation of portable signs would diminish the effectiveness of the signs. She said that she could consider supporting a proposal that includes hiring temporary staff to enforce the regulation and to address "bandit" signs.

Councilmember Whalen concurred with Vice Mayor Walter's comments regarding the proliferation of signs and the need for additional enforcement. He added that he would support the proposal for a trial period.

Mayor Hawker advised that this item would be considered by the Council at the April 2nd Regular Council meeting, and he thanked staff for the presentation.

4. Hear an update and discuss the status of the Parks and Recreation 2025 Strategic Master Plan.

Parks, Recreation and Commercial Facilities Director Rhett Evans stated that he and Development and Strategic Planner Andrea Moore were present to provide an update on the Mesa Parks and Recreation 2025 Strategic Master Plan. He noted that the results of a 2005 Community Attitude and Interest Survey completed by 620 residents (see Attachment 2) indicated that small neighborhood parks, picnic shelters and walking and biking trails were the top priorities.

Ms. Moore referred to the Summary of Goals and Accomplishments (see Attachment 3) and noted that the only area of the Plan that has been addressed is the acquisition of approximately 140 acres of land for future development.

In response to a question from Mayor Hawker, Ms. Moore advised that five years ago, the estimated cost to implement the Parks and Recreation Strategic Master Plan was \$647 million over a 25-year timeframe.

Mayor Hawker asked if the City owns properties in strategic development areas that could be sold and then utilize the proceeds to develop parks in other areas.

Mr. Evans advised that staff is reviewing properties in commercial areas, and he added that public/private partnerships are also being considered.

Councilmember Griswold complimented Ms. Moore for facilitating a volunteer effort to clean the Hawes Loop Trail.

Mayor Hawker requested that the trail system, which is now the responsibility of the Transportation Department, continue to be depicted on Parks and Recreation maps.

In response to a question from Councilmember Whalen, Mr. Evans confirmed that an individual on staff is now responsible for the sale of commercial facility sponsorships.

Mayor Hawker thanked staff for the update.

5. Hear a presentation, discuss and provide direction on issues relating to the timing and amount of Streets, Fire and Police capital funding.

Deputy City Manager Bryan Raines utilized a PowerPoint presentation (a copy is available for review in the City Clerk's Office) to provide an update on the issues and options related to capital funding for Streets, Fire and Police. He noted that the projected revenue available for these capital projects is \$29.8 million, which is a decrease of approximately \$6 million from the recent \$36 million projection. Mr. Raines added that the original expenditure plan and potential homeowner costs were based on holding a November 2007 election, and that the revised projections and costs reflect a November 2008 election scenario that would provide bond revenues beginning in Fiscal Year 2008/09.

Transportation Director Jeff Martin continued the PowerPoint presentation and provided an overview of the projects scheduled in the 2007/08 timeframe based on a November 2008 Election.

Mr. Raines advised that \$257 million in capital is required for Streets over the five-year period through 2013, and that the total bond proposal increases to \$341 million when Public Safety capital requirements are included. He stated that staff would continue to provide updates as additional information becomes available.

Discussion ensued relative to the fact that State Statutes require bond elections to be held in November; that a November 2007 election must be called by July 9, 2007; and that a November 2008 election must be called by July 7, 2008.

Mayor Hawker expressed the opinion that the majority of Councilmembers favor imposing a secondary property tax on future bonds.

Mr. Raines noted that if the bonds fail to be approved at a 2008 election, the City would not have sufficient matching funds available for regional transportation projects.

City Attorney Debbie Spinner advised that the current Council could call a November 2008 election and that an incoming Council taking office in June of 2008 could choose to revisit the issue.

In response to a question from Mayor Hawker, Mr. Raines said that the disadvantages of scheduling the bond election in 2008 rather than 2007 are that the availability of fire stations and police facilities would be delayed for another year and that inflation is likely to increase project costs.

Mayor Hawker stated the opinion that this Council has emphasized fiscal responsibility, and he expressed support for a November 2007 bond election that excluded funding for the canals or other lower priority projects.

Responding to a question from Vice Mayor Walters, Ms. Spinner advised that the Vice Mayor could discuss the merits of holding an election that addresses two separate issues without commenting on the merits of the issue with which she has declared a potential conflict of interest.

Vice Mayor Walters expressed support for a 2007 bond election, and she concurred with Mayor Hawker that the canal projects should be eliminated from the bond proposal so that the bond package presented on the ballot would have unanimous Council support. She stated the opinion that a 2008 candidate for a City of Mesa office who opposes levying a secondary property tax on the bonds should identify the manner in which they would finance the City. Vice Mayor Walters added that Mayor Hawker's leadership was the driving force that implemented studies of the City's financial condition and the identification of problems.

Councilmember Whalen expressed concern regarding the placement of bonds on a November 2007 ballot with other election issues. He also expressed concern that the City would have insufficient time before the 2007 election date in which to adequately explain to the citizens the secondary property tax or the need for the bonds.

Ms. Spinner responded to a question from Mayor Hawker by advising that under current law, voter consideration of the Home Rule option can only occur in a November 2008 election. She added that Legislature approval of a 2008 March/May election cycle for the City of Mesa would enable voter consideration of the Home Rule option at that time.

City Manager Christopher Brady stated that the issue of Home Rule must be addressed before the end of the 2007/2008 fiscal year in order to be in effect for the 2008/2009 fiscal year.

Ms. Spinner summarized that, subject to Legislature approval of a March/May election, the schedule would be as follows:

November 2007	Waveyard Election
March 2008	Home Rule Option (or Permanent Base Adjustment) and Primary for 3 Council Districts and the Office of Mayor
May 2008	Run-off Election for 3 Council Districts and the Office of Mayor (if necessary)
November 2008	Bond Election

Ms. Spinner noted that either the current Council or the incoming Council could call the November 2008 Bond Election.

In response to questions from Mayor Hawker, City Clerk Barbara Jones advised that a bond election could not be called more than 150 days before the date of the election. She added that it might be possible for the outgoing Council to call the 2008 Bond Election before the incoming Council takes office.

Mr. Brady noted that the incoming Council would be responsible for approving the budget and they could also call an election. He emphasized that a failure to move forward with the bond election for these capital projects would have a severe, long-term impact on the City.

Responding to a question from Vice Mayor Walters, Ms. Spinner advised that the City is not legally obligated to place Waveyard on a November 2007 ballot.

Mr. Brady added that a failure to place Waveyard on the November 2007 ballot could result in the project not moving forward.

Ms. Spinner clarified that historically the City has placed the Home Rule question on a March Primary ballot for the reason that the City Charter stipulates that when a candidate for each office receives more than 50 percent of the Primary vote, a May General Election is not required.

In response to a comment from Vice Mayor Walters, Ms. Jones clarified that although a bond election must be called in a 150 to 120 day timeframe before the election date, the bond proposal could be discussed before the election is called.

Councilmember Whalen stated that the Council has the legal authority to impose a secondary property tax on bonds, but he expressed the opinion that the Council lacks the political will to do so.

Government Relations Coordinator Scott Butler advised that if the proposal to change Mesa's election dates were passed by the Legislature, the bill would become effective 90 days following the adjournment of the Legislature.

Mayor Hawker requested that staff prepare a document that indicates the possible election date timeframes and deadlines.

Mr. Raines advised that without additional bonds, staffing levels, street projects and Public Safety services would remain at current levels. He noted that the proposed bonds address the City's future capital requirements.

Mayor Hawker requested that staff prepare an analysis of future Public Safety service levels without additional bond funding.

Councilmember Whalen suggested that only Public Safety bonds be included on a November 2007 ballot.

Councilmember Jones said he could support placing Waveyard and the bonds on the same ballot.

Further discussion ensued regarding the fact that the incoming Council in June of 2008 could rescind a call for an election made by the outgoing Council; that the incoming Council would make decisions regarding the sale of authorized bonds; that the 20-year plan for capital street projects would be severely impacted by delaying a bond election; and that the bond ballot language would present the issues as three separate questions: Public Safety – Police, Public Safety – Fire, and Streets.

Mayor Hawker suggested that the Council continue the discussion of these issues at a future meeting when all members are present. He thanked staff for the presentation.

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

- a. Audit and Finance Committee meeting held on February 20, 2007
- b. Parks and Recreation Board meeting held on March 8, 2007

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

Mayor Hawker declared the motion carried unanimously by those present.

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

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

8. Scheduling of meetings and general information.

City Manager Christopher Brady stated that the meeting schedule is as follows:

Monday, April 2, 2007, TBA – Study Session

Monday, April 2, 2007, 5:45 p.m. – Regular Council Meeting

Thursday, April 5, 2007, 7:30 a.m. – Study Session

Thursday, April 12, 2007, 7:30 a.m. – Study Session

9. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Study Session adjourned at 9:49 a.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 29th day of March 2007. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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Attachments (3)