



OFFICE OF CITY CLERK

## COUNCIL MINUTES

December 6, 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 December 6, 2007 at 7:30 a.m.

### COUNCIL PRESENT

Mayor Keno Hawker  
Kyle Jones  
Tom Rawles  
Scott Somers  
Darrell Truitt  
Claudia Walters

### COUNCIL ABSENT

Mike Whalen

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

(Mayor Hawker excused Councilmember Whalen from the entire meeting.)

Councilmember Truitt participated in the meeting through the use of telephonic equipment.

1. Hear a presentation, discuss and provide direction on the projects included in the anticipated November 2008 bond election, including streetlight projects.

City Engineer Beth Huning displayed a PowerPoint presentation (A copy is available for review in the City Clerk's Office) and provided a brief overview of this agenda item. She spoke regarding Arizona's Dark Sky Ordinance; reviewed Mesa's street lighting standards; stated that the City has completed 30 neighborhood lighting projects using Community Development Block Grant (CDBG) monies, at a cost of \$5 million; and advised that since 2004, staff has completed two additional projects and completed the design phase of a third project, at a cost of \$1 million in CDBG funding.

Ms. Huning referred to maps illustrating not only completed CDBG neighborhood streetlight projects, but also future CDBG priority areas for additional streetlight projects. She noted that the City's capital cost for each new streetlight is approximately \$6,500 and an additional \$100 annually for operations and maintenance (O&M).

Deputy Transportation Director Lennie Hulme reported that the Transportation Department has budgeted approximately \$250,000 annually to perform "spot improvements," consisting of installing recycled poles in those areas of the community where, for instance, the spacing of streetlights is too far apart or an intersection requires lighting. He explained that the cost accounts for the installation of an estimated 60 poles. Mr. Hulme advised that the City also implemented a program to replace rusted/knockdown poles at a cost of \$500,000 (200+ poles per year). He indicated that Mesa has approximately 8,000 direct bury poles, of which a portion

are rusted and replaced as part of this program. Mr. Hulme further stated that the Transportation Department spends approximately \$2 million annually to provide power to the streetlight system.

Ms. Huning noted that staff has identified 60 additional street lighting projects at a cost of \$32 million. She stated that if the Council supports the inclusion of additional money in the 2008 bond election for streetlight projects, staff recommends scheduling four to five neighborhood projects per year (\$2 million to \$2.5 million annually).

Vice Mayor Walters said she would prefer that the CDBG funding currently earmarked for streetlight projects be allocated for economic development. She suggested that it would be appropriate to include streetlight projects under Transportation or Public Safety's budgets and added that staff's target of \$2 million to \$2.5 million annually is, in her estimation, achievable.

Councilmember Jones concurred with Vice Mayor Walters' comment that CDBG funds should not be used to fund streetlight projects in the City of Mesa.

City Manager Christopher Brady clarified that the last time the City utilized CDBG funds for streetlight projects was two years ago.

Mayor Hawker stated that in his opinion, CDBG-funded streetlight projects were warranted because they made Mesa neighborhoods more secure for the residents. He noted, however, there is "room for discussion" regarding the streetlight projects that should be given the highest priority.

Councilmember Truitt questioned the feasibility of the City forming Special Improvement Districts (SIDs) in those areas of the City that have been annexed so that the residents could pay for the installation of streetlights.

Deputy City Manager Jack Friedline responded that when Mesa annexes land that is developed but has substandard lighting, the City does not mandate that such standards be enhanced. He explained that most likely, if enhancements were made, the City would incur those costs. Mr. Friedline added that staff has responded to residents who have expressed concern regarding substandard streets and lighting, but noted that few neighborhoods wish to proceed with the formation of an SID to address those issues.

Councilmember Truitt suggested that if residents expressed an interest in forming an SID for the purpose of improving the street lighting in their neighborhood and the City incurred half of those costs, more neighborhoods might be encouraged to participate in such a process.

Councilmember Jones said that the lack of street lighting and the deterioration of equipment are primarily in Mesa's older neighborhoods as opposed to areas being annexed into the City.

Councilmember Truitt apologized for any confusion regarding his above-referenced statements and noted that his previous comments would also apply to Mesa's aging neighborhoods.

Vice Mayor Walters said that there are frequently public safety issues associated with older neighborhoods in which residents do not have discretionary funds or even a neighborhood gathering to assemble an SID. She commented that she was interested in reviewing not only

the CDBG-eligible Census tract, but also other areas of the community that need streetlight improvements.

It was moved by Vice Mayor Walters, seconded by Councilmember Somers, that with regard to the 2008 bond election, that \$12 million be included in Street Bonds to provide funding for various streetlight projects.

Mr. Brady commented that staff is not prepared today to provide a list of streetlight projects and said it would be necessary to confer with the Council in the future with regard to such priorities.

Mayor Hawker stated that to bond for existing neighborhoods to increase their level of street lighting, in his opinion, does not rise to "a high enough priority" to include streetlight projects as a component of the November 2008 bond election.

Vice Mayor Walters noted that enhanced streetlights would be a deterrent to criminal activity in many of Mesa's older neighborhoods and provide the residents with a greater sense of security. She also voiced concern if the inclusion of funding for streetlight projects is delayed until the next bond election cycle five years from now.

Councilmember Somers expressed support for the motion and stated that it "makes sense" for the Council to have the flexibility to address those areas of the City that have the most significant street lighting needs.

Councilmember Truitt commented that in his opinion, street lighting is a Public Safety issue as opposed to a Transportation issue. He also stated that that the City should explore creative options in which to leverage its money and encourage residents to upgrade their neighborhoods.

Councilmember Jones said that he did not have a preference relative to which bonds should include funding for the streetlight projects.

Councilmember Rawles suggested that the Council postpone their decision on this matter so that Councilmember Whalen could participate in the discussion and offer his input.

Vice Mayor Walters and Councilmember Somers withdrew their motion and second to the motion.

Further discussion ensued relative to the fact that staff would bring back this item to the Council for consideration at the December 13, 2007 Study Session.

In response to an inquiry from Councilmember Somers, Assistant Fire Chief Gary Bradbury provided a brief overview of the Fire Bonds, which include funding for the rebuilding of two fire stations (Stations 215 and 203) and the proposed construction of three new fire stations (located at 8<sup>th</sup> Street and Alma School; 56<sup>th</sup> Street and Main area; and the Gateway development area).

Councilmember Somers stated that a site for a fire station at 104<sup>th</sup> Street and Broadway was identified quite some time ago and questioned why that facility is not included in the Fire Bonds.

Chief Bradbury acknowledged the need for a fire station at that location, but explained that the call volume in the area is not considered a high priority at this time.

Councilmember Somers commented that although call volume is one measure of need, response time is another. He stated that because the area around 104<sup>th</sup> and Broadway continues to be annexed into the City and more calls for service occur, he would support including a fire station at this site in the Fire Bonds and not postponing its inclusion for another five years.

Budget Director Chuck Odom advised that if the fire station were built in FY 2012/13, it would cost approximately \$5.6 million in capital costs and \$5.8 million in FY 2013/14. He noted that of greater significance is the fact that O&M costs for the facility would equate to an estimated \$1.7 million annually.

City Manager Christopher Brady concurred with the Council that additional fire stations are needed in Mesa. He said that the Council must ultimately decide whether they want to include an additional \$5.8 million in the \$400 million bond package. Mr. Brady added that staff would certainly support placing this item at year five of the program.

Vice Mayor Walters stated that by not including the fire station in the bond package would “close the door” on accommodating an area of the community where services are not currently available.

Mayor Hawker suggested that staff include the capital costs for the fire station in year five of the bond package. He said that the Council in office at that time could make a determination whether there were sufficient monies available to cover the facility’s O&M costs.

Councilmember Jones agreed with his fellow Councilmembers that if this item is not included in the bond package, the City and the Council could lose the public’s trust.

Mayor Hawker thanked staff for the presentation.

2. Hear a presentation, discuss and provide direction on the approval process for liquor license applications.

Financial Services Operations Director Jenny Sheppard and Business Licensing Administrator Tim Meyer addressed the Council relative to this item. Ms. Sheppard reported that at the November 19, 2007 Regular Council meeting, the Council considered an application for a bar and wine store license. She explained that with regard to that particular case, staff changed their standard liquor license approval process. Ms. Sheppard stated that staff was directed to come back and provide an overview of the City’s current process and to seek Council direction in this regard.

Ms. Sheppard highlighted the liquor license process as follows: the City receives an application from the State of Arizona; staff sends a letter to the applicant identifying Mesa’s licensing requirements; the Council’s recommendation is forwarded to the Arizona Department of Liquor Control within 60 days from the date the State initially receives the application; and that the State provides City staff with a copy of the application and a notice of application to post at the business’s location. Ms. Sheppard displayed an example of the notice that is posted to a

standard 2' x 3' board. She said that if the Council were supportive of staff posting a larger green sign at new construction sites (as used by the City of Phoenix), the City would incur a \$10 printing charge per notice.

In response to a question from Mayor Hawker, Ms. Sheppard clarified that the \$10 printing charge could be added to the City's Schedule of Fees and Charges during next spring's budget process and the applicant assessed that cost.

Mayor Hawker stated that there was Council concurrence with Ms. Sheppard's suggestion.

Councilmember Rawles commented that the State mandates and provides a sign free of charge for the City to post. He stated that if the Council is now considering whether the City should post a larger green sign and require that the applicant pay the printing cost, he would oppose such action.

Vice Mayor Walters clarified that the larger green sign would be posted on a vacant construction site as opposed to, for example, the door of a business location.

Discussion ensued relative to the fact that various City departments (i.e., Planning, Police, Building Safety, Credit Services) review the application to determine if they have any issues or concerns; that Fire Prevention traditionally approves the application if the proper building permits are applied for/approved, but denies the application if those steps have not occurred; and that staff recommends the following changes to the review procedures for applications of businesses with new construction: if no issues are identified other than the lack of building permits, Fire Prevention would not file a recommendation for denial and a Certificate of Occupancy would be required before operating a business.

Ms. Sheppard further reported that Phoenix utilizes a Liquor License Affidavit, which affirms the applicant's understanding that the city's recommendation for approval of the liquor license application is contingent upon the applicant's agreement to obtain the required Certificate of Occupancy before operating a business.

In response to a question from Mayor Hawker, Assistant City Attorney II Jack Shafer clarified that it is staff's recommendation that a Liquor License Affidavit is not legally required for the City to enforce its Certificate of Occupancy process. He noted, however, that if the Council prefers to proceed in that direction, a draft document has been prepared. Mr. Shafer added that the Mesa Administrative Code of the Mesa City Code provides the authority for the requirement of a Certificate of Occupancy before operating a business.

Mayor Hawker stated that there was Council concurrence that staff implement a process similar to Phoenix, wherein it would not be necessary for a business with new construction to have their building permits/construction documents in place prior to filing for a liquor license application. He also stated that the Council would prefer that the City not use a Liquor License Affidavit to enforce Mesa's Certificate of Occupancy process.

In response to a question from Councilmember Rawles, Ms. Sheppard advised that the State would not object to the City posting a larger or different colored sign from the one they supply staff as long as it contains the same verbiage as theirs.

Councilmember Rawles retracted his prior opposition to the City posting a larger sign, but said that the City should not incur the associated printing costs.

Councilmember Jones suggested that staff provide the applicant an electronic file containing the specific verbiage that must be included on the sign and that the applicant be responsible for printing and posting the sign.

Responding to Councilmember Jones' comment, Mr. Meyer stated that to the best of his knowledge, it is a State requirement that the City post the notice of application. He said that he would verify that information with the State.

Mayor Hawker thanked staff for the presentation.

3. Hear a presentation, discuss and provide direction on Module 1: Use Classifications and Use Regulations of the Zoning Code Update.

Planning Director John Wesley reported that as a related topic to the Zoning Code update, since Council adoption of the Major General Plan Amendment last year relative to the Levine property, discussions have occurred regarding the possible creation of a Freeway Land Use designation or a Freeway Zoning designation. He explained that staff researched the matter locally and nationally and did not find any examples of a community using such designations. Mr. Wesley stated that if staff were to create a Freeway Zoning District and include it within the Zoning Code, it would allow a person to build a freeway on the property that is so zoned.

Mr. Wesley acknowledged that with regard to the Levine property, the property owners discussed, from the General Plan perspective, the possibility of a Freeway Land Use designation. He stated that if staff started with a General Plan designation of a freeway, a property owner could still build according to the zoning district (i.e., the freeway designation would be zoned, for instance, R1-43 or C-2).

Mayor Hawker stated that this is a concept he has been "pushing for" since he worked on the Ellsworth Road alignment, which has potentially enhanced the Levine property by the freeway cutting through it as opposed to the GM property. He explained that he supported the alignment going through Mesa as opposed to neighboring communities and noted that the property owners agreed with regard to the zoning that they would not attempt to enhance the land further by indicating that it was commercially zoned so their right-of-way costs should be higher.

Mayor Hawker further commented that he is seeking a process that would reflect that "it is not anything that is entitled for higher and better use other than the designated freeway that has been agreed upon." He acknowledged that such a process may be unique to this area, but said he is attempting to hold down the land acquisition costs, with the concurrence of the property owners that they agree to this zoning designation. He also expressed appreciation to the property owners for working cooperatively with the City in this regard. Mayor Hawker added that he would encourage staff to work with the property owners to satisfactorily resolve the issue.

Zoning Administrator Gordon Sheffield displayed a PowerPoint presentation and offered an extensive and complex analysis of Module 1 of the Zoning Ordinance Update project. (Note: A copy of "Module 1: Use Classifications and Use Regulations" is available for review in the City Clerk's Office.) He highlighted the table organization, which would allow, among other things, a

side-by-side comparison of different zones and facilitate a more detailed, zone-specific set of regulations; discussed various use categories; and outlined the types of use regulations (P – Permitted, SUP – Special Use Permit, CUP – Council Use Permit, and Limited uses).

Mr. Sheffield spoke regarding the recommended new zone names, which would more accurately express the purpose of the zone than the existing names. He explained that the renamed zones would cover the same area as existing zones, but not impose any significant new restrictions on uses. Mr. Sheffield also advised that staff proposes to add new use types such as emerging uses (i.e., live/work units), consolidation of uses, and differentiation of degree. He added that use standards have been added or consolidated for a number of uses (i.e., live entertainment, hospitals and clinics, outdoor retail sales).

Extensive discussion ensued relative to the proposed use classifications; that regarding the Live/Work Units standards, staff was directed to reconsider the two-thirds of the space for work activities restriction to allow a greater percentage for living space; that staff was directed to provide the Council a list of uses to which approval authority could potentially be delegated by staff; that the General Industrial (currently M-2) district is proposed to become less commercially oriented and more focused on industrial uses; that staff bring back this issue to the Council for further input; that the proposed modifications as outlined by Mr. Sheffield could result in two Zoning Codes for the City of Mesa; and that on Page 13 of the document, under “Schools, Public or Private,” Section 11-20-24 should be amended to read **Section 11-20-23**.

(Councilmember Rawles left the meeting at 9:37 a.m.)

Responding to a series of questions from Vice Mayor Walters, Mr. Sheffield explained that with regard to public school districts, the City has limited authority concerning the location of a new school. He noted, however, that although Charter schools are public schools, the City does have zoning authority over such entities and can prevent them from locating in industrial or commercial districts. Mr. Sheffield referred to the use classification “Schools, Public or Private” and suggested changing the verbiage to “Schools, Charter or Private” to clarify that the proposed regulation would be imposed on those entities and not public schools.

Vice Mayor Walters urged that the City retain as much control over the location of Charter schools as possible.

Further discussion ensued relative to changes to the Accessory Living Quarters (ALQs), which are proposed to become Accessory Dwellings (ADs); that the changes include, but are not limited to, that the current restrictions to not allow ALQs to be leased/rented would be lifted, the detached structures could be used on a “by-right” basis, that the size of the structure could be up to 30% of the primary dwelling, and the structure would be architecturally compatible with the primary dwelling; that the parking requirements with regard to ALQs would be addressed in Module 3; and that staff would continue to work on this matter, including determining the most appropriate use regulation (i.e. Special Use Permit or administrative authority).

Mayor Hawker thanked staff for the comprehensive presentation.

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

- a. Economic Development Advisory Board meeting held on September 4, 2007
- b. Transportation Advisory Board meeting held on September 18, 2007
- c. Museum and Cultural Advisory Board meeting held on October 10, 2007
- d. Parks & Recreation Board meeting held on October 11, 2007

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

Mayor Hawker declared the motion carried unanimously by those present.

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

Mayor Hawker: Meeting with Governor Napolitano and Valley mayors

Vice Mayor Walters: Grand Opening of Fresh and Easy Market

6. Scheduling of meetings and general information.

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

Thursday, December 13, 2007, 7:30 a.m. – Study Session

Thursday, December 13, 2007, 8:30 a.m. – Transportation & Infrastructure Committee Meeting

Monday, December 17, 2007, TBA – Study Session

Monday, December 17, 2007, 5:45 p.m. – Regular Council Meeting

7. Items from citizens present.

There were no items from citizens present.

8. Adjournment.

Without objection, the Study Session adjourned at 10:00 a.m.

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KENO HAWKER, MAYOR

ATTEST:

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LINDA CROCKER, 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 6<sup>th</sup> day of December 2007. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

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