



## COUNCIL MINUTES

December 9, 2010

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 9, 2010 at 7:31 a.m.

### COUNCIL PRESENT

Scott Smith  
Alex Finter  
Dina Higgins  
Kyle Jones  
Dennis Kavanaugh  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None  
  
COUNCIL-ELECT  
  
Christopher Glover

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

#### 1. Review items on the agenda for the December 13, 2010 Regular Council meeting.

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

Conflict of interest: None

Items added to the consent agenda: 3-b

Items deleted from the consent agenda: 4-h

Items removed from the consent agenda: 7-e

#### 2-a. Hear a presentation and discuss the Arizona Museum for Youth Friends Achievements.

Corrine Brooks, incoming President of the Arizona Museum for Youth (AMY) Friends Board, displayed a PowerPoint presentation (**See Attachment 1**) and provided a brief overview of AMY, which was the original children's art museum in the United States and the first in Arizona. She stated that in 1987, a public/private partnership was formed between the AMY Friends and the City of Mesa in an effort to generate funding for the facility. Ms. Brooks also noted that AMY's mission was to inspire children of all ages to experience their world through art, creativity and imagination.

Ms. Brooks advised that since 2005, the AMY Friends have raised \$680,000 for the museum and discussed a series of renovations to the facility such as the visitor reception area, and

ArtVille and ArtZone, both of which were accomplished through contributions from the City of Mesa.

Carmen Guerrero, Vice President of the AMY Friends Board, stated that membership at AMY has increased dramatically over the last five years (See Page 6 of Attachment 1) and explained that between July 1 and November 30 of this year, more than 29,000 individuals have visited the museum. She also acknowledged various corporations that have sponsored exhibits at the museum, including the current "NASA/ART: 50 Years of Exploration," which runs through January 23, 2011. (See Pages 7 and 8 of Attachment 1)

Jennifer Duff, an AMY Friends Boardmember, referred to a document titled "Tomorrow's Possibilities" (See Pages 9 and 10 of Attachment 1) and highlighted a number of activities at the museum designed to nurture young minds, such as the ArtVille Learning Lab. She said that AMY was also working to develop its image through branding as the only children's museum focused on art. Ms. Duff added that in collaboration with the Mesa Historical Museum and other partners, the "Play Ball: The Cactus League Experience" will return to AMY between February and August, 2011.

Councilmember Finter expressed appreciation to the members of the AMY Friends Board for their efforts and hard work in making AMY such a successful museum, especially during the recent downturn in the economy.

Councilmember Kavanaugh stated that the partnership between the AMY Friends and the City of Mesa was due, in part, to the foresight and leadership of former Mayor Al Brooks. He noted that such a partnership has forged major dividends for the community throughout the years.

Councilmember Richins concurred with his fellow Councilmembers' comments and urged families with young children to become a member of AMY.

Mayor Smith thanked AMY's staff and volunteers for developing creative and innovative programs and events despite a reduction in resources.

2-b. Discuss and provide direction on the fireworks ordinance.

Deputy City Attorney Alfred Smith provided a brief historical overview of HB 2246, which was enacted by the State Legislature and authorizes the sale and use of certain types of consumer fireworks in Arizona. He explained that the law contained a provision that allowed cities to regulate the use of permissible consumer fireworks within their jurisdictions. Mr. Smith said that most communities have taken steps to ban the use of such fireworks, while a few have allowed limited use.

Mr. Smith remarked that based on previous Council direction, staff has prepared a draft ordinance that would limit the amount of time citizens could use permissible consumer fireworks in the City of Mesa and also crafted a civil provision that would allow for civil complaints to be filed and civil penalties issued. He advised that under Mesa's current Fire Code, it is a Class 1 misdemeanor to use fireworks within the City of Mesa and said that an individual cited under the provision could face up to six months in jail and up to a \$2,500 fine.

City Attorney Debbie Spinner noted that the draft ordinance also includes a provision that requires the sellers of permissible consumer fireworks to post signs advising purchasers when it is permissible to use fireworks in the City of Mesa.

Mayor Smith referred to the draft ordinance (**See Attachment 2**) and requested that Section 6-21-5 "Liability for emergency responses related to the use of fireworks," which he previously requested be included in the ordinance, be deleted.

Councilmember Somers suggested changing the language in that section to limit the liability for the use of fireworks to public spaces off of private property, such as in the Desert Uplands.

Councilwoman Higgins commented that a homeowner in the Desert Uplands, for example, could use fireworks on private property which causes a fire to spread to the Tonto National Forest. She said she would not object to imposing an additional fine for using fireworks in that type of area.

Responding to a question from Councilwoman Higgins, Ms. Spinner clarified that it was illegal to use fireworks on public property and said that if an individual engaged in such activity, a fine would be imposed. She added that the fines could be adjusted if that was the direction of the Council.

Vice Mayor Jones stated the opinion that the safest place to use sparklers was in the middle of the street away from vehicles and homes, and yet the proposed ordinance requires that such activity occur on private property.

Councilmember Richins cited Section 6-21-2 (ii) as follows: "The use, discharge or ignition of fireworks is prohibited on all public property including in all public parks, retention basins and public right-of-way."

Ms. Spinner responded that staff could delete "public right-of-way" from the proposed ordinance if that was the direction of the Council.

Councilmember Somers also suggested adding "public facilities" to that section.

Mayor Smith restated that the Council concurred with deleting "public right-of-way" from Section 6-21-2 (ii) and also adding "public facilities." He also noted that there was Council concurrence that Section 6-21-5 be deleted from the draft ordinance since it was the opinion of staff that the City has adequate coverage with other existing laws at the local and State level.

In response to a question from Mayor Smith, Ms. Spinner advised that staff was working on the Memorandum of Understanding (MOU) with the fireworks industry to limit the sales to certain dates and zoning areas.

Responding to a question from Mayor Smith, Business License Administrator Tim Meyer clarified that the City Code requires that anyone selling merchandise, including fireworks, from a temporary location must have a Peddler's License. He stated that Christmas tree lots and pumpkin lots were exempt from such a requirement.

Ms. Spinner indicated that for this season, the City would not require that the fireworks vendors obtain a Peddler's License or a Special Event License. She said that next year, staff would bring back this issue to the Council for their review.

Mayor Smith commented that he trusted that staff would work with industry representatives to arrive at a solution that was reasonable.

Mr. Smith also reviewed language that would be added to Section 6-21-6 (D) as follows: "Selling or offering for sale **permissible consumer** fireworks in violation of this Chapter is a civil offense and is subject to the following penalties..."

Mayor Smith said that he preferred the emergency provision not be included in the ordinance.

Ms. Spinner stated that staff could include two items on the December 13<sup>th</sup> Regular Council meeting agenda for Council consideration: 1.) an ordinance for introduction, which does not include the emergency clause; and 2.) the same ordinance for introduction, which includes the emergency clause.

Mayor Smith directed that staff post both agenda items, but list the ordinance for introduction without the emergency clause first.

Mayor Smith commented that this issue has been difficult to address and said that it was created by the passage of a State law that creates "an absurd situation" in which it is legal to purchase fireworks, but illegal to use them in the City of Mesa. He stated that the City has attempted to draft a compromise in which the industry would agree to restrict the sale of fireworks through the year and the City would agree to allow their usage on a limited basis.

Mayor Smith thanked staff for the presentation.

2-c. Hear a presentation, discuss and provide direction on proposed amendments to the Mesa Zoning Ordinance (Title 11 of the Mesa City Code) regarding Medical Marijuana Dispensaries and associated facilities.

Zoning/Civil Hearing Administrator Gordon Sheffield and Assistant City Attorney II Margaret Robertson addressed the Council relative to this item.

Mr. Sheffield displayed a PowerPoint presentation (**See Attachment 3**) and reported that last month, Prop 203 was passed by Arizona voters. He explained that since that time, the Planning & Zoning Board (P&Z) has made a series of recommendations regarding medical marijuana dispensaries and associated facilities in Mesa. Mr. Sheffield stated that staff was seeking Council direction with respect to those recommendations.

Mr. Sheffield advised that per Prop 203, the Department of Health Services (DHS) has 120 days to develop regulations concerning the cultivation and sale of medical marijuana at licensed dispensaries and associated facilities. He noted that DHS anticipates having its regulations in place by March 28, 2011. Mr. Sheffield referenced a document titled "Timing for City of Mesa Zoning Amendments" (See Page 9 of Attachment 3) and stressed the importance of the City having its zoning regulations in place prior to DHS implementing its own regulations.

Mr. Sheffield briefly discussed what other organizations and communities are doing with respect to this issue. (See Page 10 of Attachment 1) He said that most ordinances adopted in other cities and towns use intermediate commercial districts (C-2 in Mesa) as the primary location for medical marijuana dispensaries and associated facilities, with “carryover” to general commercial (C-3) and industrial districts (M-1 and M-2).

Responding to a question from Mayor Smith, Mr. Sheffield clarified that P&Z recommended that the dispensaries in Mesa be located only in commercial districts.

Mayor Smith commented that the “storefront warehouses” situated in industrial districts would seem like a viable alternative since they could accommodate the dispensaries and cultivation sites.

Councilmember Richins stated that he would prefer restricting the location of the medical marijuana dispensaries to the Office-Service district (OS) and said they should be treated the same as medical facilities.

Councilwoman Higgins commented that typically an OS district is placed closer to neighborhoods to act as a buffer, which would cause her concern. She commented that she preferred that the dispensaries be placed in industrial districts.

In response to a question from Councilmember Finter, Mr. Sheffield explained that Prop 203 allows the cultivation facilities to be either onsite at the dispensary or offsite. He stated that it was staff’s opinion that most of those facilities would be offsite and recommended C-3, M-1 and M-2 as appropriate zoning districts.

Mr. Sheffield advised that one of the arguments for locating the dispensaries in commercial as opposed to industrial districts was the White Paper issued by the California Police Chiefs Association, which discussed the matter of crime related to medical marijuana. He said that the crimes included not only robbing the facilities and stealing marijuana, but also attacking the patients/caregivers who purchase the marijuana when they leave the dispensary.

Councilmember Kavanaugh stated that staff and P&Z made some reasonable arguments for the location of the dispensaries in commercial areas in terms of access and parking. He noted, however, that there should be some degree of caution in regulating the locations so stringently that it could lead to legal challenges.

Responding to a question from Councilmember Somers, Assistant Police Chief John Meza explained that the White Paper indicated that there was an increase in robberies of the cultivation facilities and home invasions of the individual growers. He said that the report also noted an increase in nuisance crimes such as loitering, littering and parking issues.

Mr. Sheffield continued with his presentation and highlighted P&Z’s recommendations with regard to location requirements and separation requirements. (See Pages 11 and 12 of Attachment 3)

Councilwoman Higgins expressed concern with regard to the 1,200 foot separation requirement for churches, parks, libraries and schools and the 500 foot separation requirement for day care/preschools. She inquired if C-2 and C-3 zoning districts were not allowed for the

dispensaries, how that would impact Mesa's ability to provide adequate facilities for its residents.

Mr. Sheffield displayed a map titled "Areas Meeting Proposed Zoning Requirements" (See Page 16 of Attachment 3) and explained that the map shows the existing C-2 and C-3 sites. He noted that the areas shaded gray are sites that would be eliminated by the proposed separation standards.

Mayor Smith commented that the map illustrates that there are one or two locations in each of the four quadrants and the center of the City where the dispensaries could go.

Discussion ensued relative to the fact that Orange County, California included a provision in its ordinance related to medical marijuana dispensaries that "no license or permanent discretionary approval would be issued....that would permit the sale or distribution of marijuana ...unless it is consistent with local, State and Federal law;" that it was the opinion of staff that if such language was included in Mesa's ordinance, the City could set itself up for litigation for preemption; and that other Valley cities considered such language, but did not include it in their ordinances.

Mr. Sheffield further discussed P&Z's recommendations with respect to facility requirements for dispensaries, dispensary off-site cultivation and caregiver cultivation. (See Page 14 of Attachment 3) He also highlighted other requirements with respect to dispensaries. (See Page 15 of Attachment 3)

Responding to a question from Councilwoman Higgins, Ms. Robertson clarified that Prop 203 prohibits the smoking of marijuana in public.

Councilmember Somers stated that he would prefer that the dispensaries are not located in downtown Mesa or Transit Oriented Development (TOD) areas.

Mr. Sheffield responded that staff and P&Z were proposing that the dispensaries be located in C-2 and C-3 and said that downtown and TOD areas would have different zoning districts.

Councilmember Somers stated that he was inclined to agree with the Mayor's suggestion to place the dispensaries in storefront warehouses in industrial districts, with the cultivation facilities in the back of the building. He said he would like the facilities kept out of commercial districts.

Councilwoman Higgins inquired if the dispensaries were located in M-1, M-2 whether there would be enough space to accommodate the needs of Mesa residents.

Additional discussion ensued relative to a map titled "Prop 203 Possible Locations – Industrial Zoning" (**See Attachment 4**); the fact that the sites are situated primarily along Baseline Road between Country Club and Stapley, the Falcon Field area, the Phoenix-Mesa Gateway area, and the area north of Gateway; that DHS anticipates approximately 120 dispensaries would be distributed proportionately throughout Arizona; that the City of Mesa would probably have six to ten facilities; and that with the requirement of a one-mile radius between facilities, it was uncertain whether Mesa could accommodate six to ten facilities by only using industrial areas.

Councilwoman Higgins stated that she was inclined to support the dispensaries being located in M-1.

Mr. Sheffield remarked that with respect to the commercial districts, the thought was there would be more passive surveillance and less chance for “smash and run” type crimes. He said that industrial districts do not have the same type of traffic.

Councilmember Somers stated that no matter where the dispensaries are located, it would be important to incorporate Crime Prevention Through Environmental Design (CPTED) principles at the properties, similar to what is being proposed at Mesa’s convenience stores.

Mayor Smith clarified that when he brought up the idea of industrial areas as a possible location for the dispensaries, it was to offer an additional option to commercial districts. He also remarked that the Council has not been provided any statistics as it relates to criminal activity at these facilities and said that he was confident that the owners and operators of the dispensaries and cultivation sites would implement their own security measures.

Ms. Spinner also remarked that DHS will review the security needs of the dispensaries and impose certain rules in that regard.

Councilwoman Higgins suggested, as a starting point, that the City allow the dispensaries to be located in M-1 and M-2 and “see how it plays out.” She said that if an issue arises where there is not sufficient space to accommodate the dispensaries, then the City could expand the locations to C-2 and C-3.

Councilmember Richins noted that this issue was frustrating for him and said he would be uncomfortable supporting the dispensaries in commercial districts. He also commented that it would be important to evaluate the locations of the facilities to assess whether they were appropriately suited for such uses, whether in a commercial or industrial district.

Mayor Smith concurred with Councilmember Kavanaugh’s comments regarding P&Z’s recommendations. He stated that he anticipated DHS would be cautious in imposing restrictions on the dispensaries and cultivation sites since it is the agency mandated to regulate the process. Mayor Smith added that the City’s only obligation in this regard is to enact reasonable zoning regulations with respect to the location of the dispensaries and cultivation sites.

Further discussion ensued relative to eliminating C-2 as a potential zoning district and using C-3, M-1 and M-2; that C-3 tends to cluster along Country Club and along Main Street; that if the Council deviates from P&Z’s recommendations, the matter would not go back to P&Z; and that staff was directed to “tweak” the separation requirements recommended by P&Z on Attachment 4 and bring back options to the Council.

Mayor Smith stated that it was the direction of the Council that C-3, M-1 and M-2 would be “the starting place” as the accepted sites for medical marijuana dispensaries and cultivation facilities; that the other restrictions as recommended by P&Z would remain in place; and that January 10, 2011 would be set as the date of introduction of the ordinance.

Mayor Smith thanked staff for the presentation.

(Mayor Smith declared a brief recess at 9:00 a.m. The Study Session reconvened at 9:10 a.m.)

2-d. Hear a presentation and provide direction on recommendations to modify the City's permitting process in order to further facilitate and encourage the planning of special events in Downtown Mesa.

Assistant to the City Manager Natalie Lewis introduced David Short, the new Executive Director of the Downtown Mesa Association (DMA), and Freddy Curry, Chairman of the DMA Board of Directors.

Ms. Lewis displayed a PowerPoint presentation (**See Attachment 5**) and reported that the purpose of today's presentation was to discuss a concept that would further encourage the planning and permitting of events in downtown Mesa. She stated that the concept was inspired by the Council's Strategic Initiatives to focus and revitalize the downtown area; attract more visitors; support community events; and seek solutions that facilitate business success.

Ms. Lewis stated that implementing the concept would be a phased approach and noted that the first aspect was the planning approach and policy. (See Page 3 of Attachment 5) She said that if the Council directs staff to move forward in this regard, staff and DMA representatives would begin to assess current guidelines, new tools, and a fee review.

Ms. Lewis briefly discussed existing regulatory steps that must be met in order for an organization to hold an event in downtown Mesa. (See Page 4 of Attachment 5) She stated that a Special Use Permit (SUP) was required if an entity holds more than four events in any particular location in the City. She stated that the purpose of the SUP was to create an appeal process for property owners, merchants and residents who might be negatively impacted by an event. Ms. Lewis noted that most appeals are heard by the Board of Adjustment, which is a formal and quasi-judicial proceeding and not the best means by which to address such concerns. She further noted that a Special Event License was also required every time an organization holds an event.

Ms. Lewis further remarked that recent challenges with regard to sponsoring downtown events has resulted in a need for proactive communications and centralized information-sharing among downtown merchants and businesses. She stated that in addition, it was necessary to improve process efficiencies with respect to obtaining an SUP for an event.

Ms. Lewis advised that in an effort to develop a series of solutions, staff met with a variety of stakeholders to solicit their input. (See Page 6 of Attachment 5)

Mr. Short commented that the role of the DMA and Ultimate Imaginations, Inc. was to become more of an advocate and facilitator of events in downtown Mesa and to promote and assist businesses in the area. He stated that with DMA's involvement and leadership in these efforts, he would anticipate a positive economic impact for the downtown area.

Ms. Lewis offered a short synopsis of the proposed solutions as follows:

- Eliminate the SUP requirement within the Pedestrian Overlay area of downtown Mesa (See map on Page 9), but still maintain the appeal process.

- Streamline Special Event Licensing by DMA providing pre-application guidance and the formation of a City Special Events Approval Team, which includes a Mesa Arts Center representative and possibly a DMA staff member. (See Page 10 of Attachment 5)
- Formation of a Downtown Stakeholder Solutions Team, which would only convene when there were outstanding/unresolved issues that require greater stakeholder involvement or policy considerations. (See Page 11 of Attachment 5)

Councilmember Somers expressed concern that the Pedestrian Overlay area map singles out the United Methodist Church and questioned whether it hosts events that benefit the downtown as a whole or if a special privilege was granted to the church because of its proximity to the downtown.

Ms. Lewis clarified that staff identified an area within the Pedestrian Overlay that has the most business retail. She said that the “bump out” was more related to the overflow parking lot for the MAC as opposed to the church itself, and added that staff could eliminate the area from the map if that was the direction of Council.

Discussion ensued relative to the Pedestrian Overlay area and the fact that events such as the MLK Parade and Veterans Day Parade would take place within this area.

Mayor Smith suggested that staff draw the lines on the Pedestrian Overlay map for the purpose of downtown events.

Ms. Lewis stated that staff was seeking Council input relative to strengthening DMA’s role as a resource and centralized source of information; SUP exemption for the downtown events area; and an improved staff review team process with solutions-oriented appeals available, when necessary.

Councilmember Finter expressed support for the proposals and said he liked the idea of the DMA being a facilitator and not a regulator. He also acknowledged John Richards for his efforts and hard work in organizing many events in the downtown area.

Mayor Smith echoed Councilmember Finter’s comments and noted that all of the downtown events that have occurred in the last two years have infused the area with energy and excitement. He added that he liked the solutions-oriented appeals option, which was a “non-governmental” approach.

Ms. Lewis noted that the next step in the process would be the approval of the SUP downtown exemption within the existing Zoning Code Update in the Spring of 2011.

Mayor Smith stated that the Council would prefer that staff bring back the SUP downtown exemption as soon as possible.

Mayor Smith thanked everyone for the presentation.

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

3-a. Parks and Recreation Board meeting held on September 8, 2010.

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

Carried unanimously.

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

Councilmember Kavanaugh: District 3 Building Stronger Neighborhoods Kickoff Meeting; District 3 Pancake Breakfast

Vice Mayor Jones: Rural Metro 60<sup>th</sup> Anniversary

5. Scheduling of meetings and general information.

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

Saturday, December 11, 2010, 8:00 a.m. – Household Hazardous Waste Collection Event

Saturday, December 11, 2010, 10:00 a.m. – MAC Fest

Monday, December 13, 2010, 3:30 p.m. – Community & Neighborhood Services Committee

Monday, December 13, 2010, TBA – Study Session

Monday, December 13, 2010, 5:45 p.m. – Regular Council Meeting

Thursday, December 16, 2010, 7:30 a.m. – Study Session

Mr. Brady announced that effective Monday, December 13, 2010, he would be appointing Candace Cannistraro as Acting Budget Director and Chuck Odom as Executive Manager. He stated that Mr. Odom's primary responsibility would be the conversion of the City's financial system to the CityEdge Program. Mr. Brady also remarked that Ms. Cannistraro has been with the Budget Office for 11 years and said he was confident that she would serve the City well in her new position.

6. Items from citizens present.

There were no items from citizens present.

7. Adjournment.

Without objection, the Study Session adjourned at 9:43 a.m.

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SCOTT SMITH, MAYOR

ATTEST:

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LINDA CROCKER, CITY CLERK

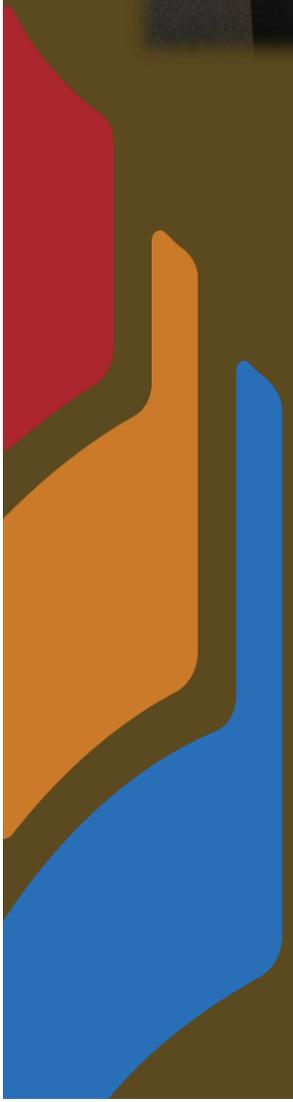
I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 9<sup>th</sup> day of December 2010. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

pag  
(attachments – 5)

# Arizona Museum for Youth Friends Achievements





# AMY'S LEGACY

- John and Jack Whiteman Founders
- Original Children's Museum Focused on Art
- 1<sup>st</sup> Children's Museum in Arizona
- Partnership with City of Mesa in 1987
- Mission: *To inspire children of all ages to experience their world differently through art, creativity and imagination.*



mesa·az

From Store Front at  
Poca Fiesta Mall to an  
Adaptive Reuse of a Historic  
Basha's Grocery Store

- *Renovated four times:  
1985, 1995, 2003 and 2010*





Arizona Museum  
for Youth Friends, Inc.

A non-profit organization to benefit the Arizona Museum for Youth

# Support since 2005

- Raised \$680,000
- Manage Gallery Shop
- Gallery Educator Staff
- Exhibition Programs
- Development Coordinator





# TODAY'S ACHIEVEMENTS

New Renovations: Opened May 8, 2010

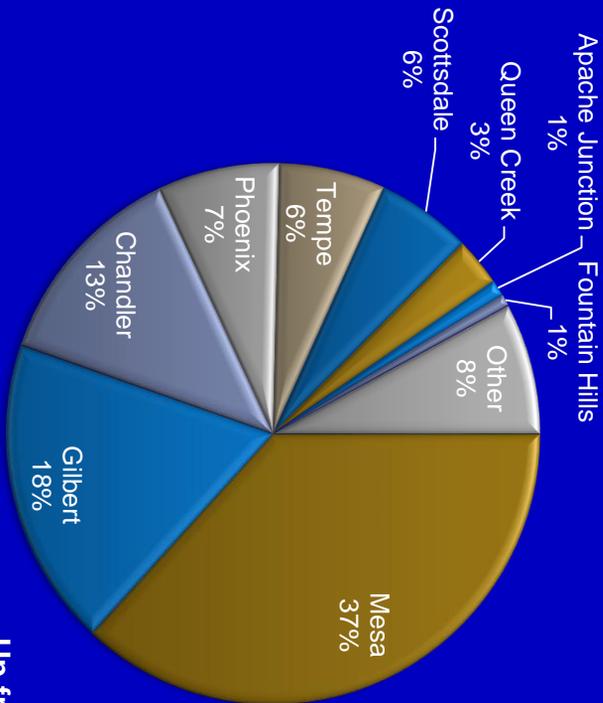
**ArtVille** & **ArtZone**

Visitor Reception Area





## June 27, 2007 to November 30, 2010 Member Families by City



Up from 200 to 1007 member families

- Mesa
- Gilbert
- Chandler
- Phoenix
- Tempe
- Scottsdale
- Queen Creek
- Apache Junction
- Fountain Hills
- Other



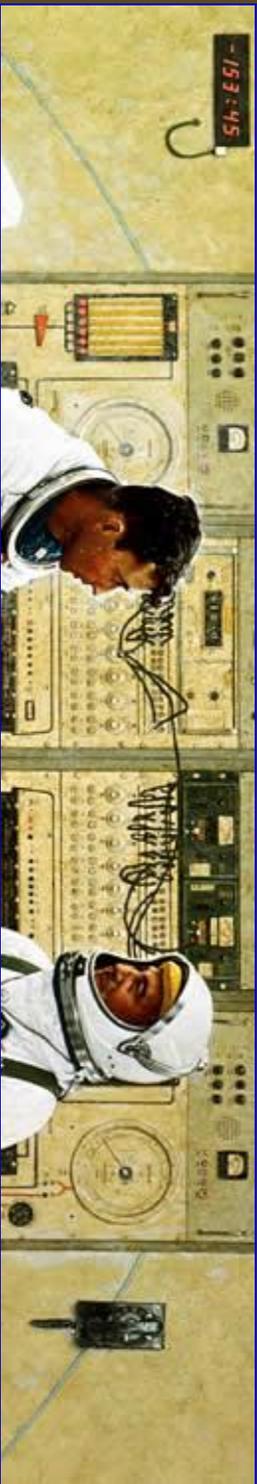
- **AMY Friends** Increased to 16 active, 18 by February 2011
- **29,230** Attendance July 1 - November 30, 2010
- **2010** Best Children's Museum Award – New Times – Sixth Time



### **Selected Sponsorships - Friends 501(c)3:**

- Arizona Commission on the Arts - Gallery Educator Staff
- M & I Bank - *Jump to Japan*
- Boeing - *Jump to Japan*
- K-12 Virtual Reality for *ArtZone*
- General Dynamics C4 Systems – *NASA Art - Smithsonian*
- Arizona Republic – *NASA Art*
- Augmented Reality Development Labs – *NASA Art*

# Exhibitions



## **NASA/ART: 50 Years of Exploration – through January 23, 2011**

- **SITES:** Smithsonian's National Air and Space Museum and NASA
- 60 paintings, drawings, photographs, sculpture, other media
- Annie Leibowitz, Nam June Paik, Robert Rauschenberg, Norman Rockwell, Doug and Mike Starn, Andy Warhol, William Wegman, and Jamie Wyeth
- **Interactives created:** Glow Star Room, Augmented Reality Planet, Mission Control, Art Mosaics





**New Volunteer Program:** \$134,000 savings and hours for Gallery Educators and other staff

**Internships:** Arizona State University, University of Advancing Technology - Early Childhood Education, Marketing & Exhibitions

**Partnerships:**



- ✓ AgeWorks
- ✓ AmeriCorps Vista - Exhibition Assistant, 3 Gallery Educators
- ✓ National Charity League, Phoenix Hands On



# Tomorrow's Possibilities

- ✓ ArtVIlle Learning Lab & EduCare
- ✓ Image for the Future: Branding Piper Trust
- ✓ Sunnee O'Rork, Executive Director -  
*Virginia G. Piper Charitable Trust Fellowship  
Researching Traveling Exhibition Business*
- ✓ Technology Interactives/Partnerships
- ✓ Creativity and the New Economy



- ✓ **Support HEAT City Strategic Plan**
- ✓ **Mesa Takes Flight: *Wing It! All Things That Fly!***
- ✓ **Connecting: Downtown Mesa Light Rail**
- ✓ **Exterior - Fun and Friendly**
- ✓ **Atrium Utilized for Facility Rentals:  
Form Based Code Workshop  
Police Department Volunteer Event  
Mesa Association of Hispanic Citizens  
Fundraisers and Parties**

# 2009-10 Successful Collaboration



*Play Ball: The Cactus League Experience*  
Returns February 25 – August 7, 2011





# Arizona Museum for Youth is....

- City of Mesa
- Arizona Museum for Youth Friends – 16
- Sponsors - 8
- Staff - 8 FT, 19 PT
- Interns - 5
- Volunteers - 25
- Member Families - 1,007
- Visitors – 60-70 K Annually



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING MESA CITY CODE TITLE 7, CHAPTER 2, "FIRE CODE" AND ADOPTING A NEW TITLE 6, CHAPTER 21 OF THE MESA CITY CODE ENTITLED "FIREWORKS" PROVIDING REGULATIONS FOR THE SALE AND USE OF FIREWORKS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

**WHEREAS**, the Mayor and Council deem it necessary to adopt certain regulations to protect, enhance and promote the health, safety and welfare of the City of Mesa and its residents, and

**WHEREAS**, the Mayor and Council desire to prevent fire hazards which threaten the safety of individuals and private and public improvements, including residential, commercial and industrial dwellings,

**WHEREAS**, due to the dry/desert like conditions, risk of wildfires, and terrain of the community there is a danger of fire with the use of consumer fireworks in the community that can cause significant harm to the community and its residents.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Mesa, Arizona, as follows:

SECTION 1: That Title 7, Chapter 2, "Fire Code" is hereby amended to read:

(P) CHAPTER 33 EXPLOSIVES AND FIREWORKS

Section 3301.1.3 Fireworks. The possession, manufacture, storage, ~~sale~~, handling and use of fireworks are prohibited except as allowed under Mesa City Code 6-21.

SECTION 2: That Title 6 is hereby amended by adopting a new Chapter 21 entitled "FIREWORKS" that reads as follows:

Title 6, Chapter 21. FIREWORKS.

**Section 6-21-1 Definitions.**

(A) The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Consumer firework* means those fireworks defined by Arizona Revised Statutes Section 36-1601.
- (2) *Display firework* means those fireworks defined by Arizona Revised Statutes Section 36-1601.
- (3) *Fireworks* means any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, that is a consumer firework, display firework or permissible consumer firework as defined by Arizona Revised Statute Section 36-1601.
- (4) *Novelty items* means federally deregulated novelty items that are known as glowworms, snakes, toy smoke devices, sparklers, and certain toys as defined in Arizona Revised Statute 36-1601.
- (5) *Permissible consumer fireworks* means those fireworks as defined by Arizona Revised Statute Section 36-1601 that may be sold within the City of Mesa.
- (6) *Supervised public display* means a monitored performance of display fireworks open to the public and authorized by permit by the City of Mesa Fire Chief or his designee.

#### **Section 6-21-2 Fireworks prohibited; exceptions.**

(A) The use, discharge or ignition of permissible consumer fireworks within the City of Mesa corporate limits, is prohibited except as provided for in this section:

(i) The use, discharge or ignition of permissible consumer fireworks is limited to June 28<sup>th</sup> through July 4<sup>th</sup> and December 30<sup>th</sup> through January 1<sup>st</sup> on private property with the property owner's permission.

(ii) The use, discharge or ignition of fireworks is prohibited on all public property including in all public parks, retention basins and public right of way.

(B) Nothing in this section shall be construed to prohibit the use, discharge or ignition of novelty items as defined in Section 6-21-1 (A) (4) or the occurrence of a supervised public display of fireworks.

(C) Permits may be granted by the City of Mesa Fire Chief or designee for conducting a properly supervised public display of fireworks. Every such public display of fireworks shall be of such character and so located, discharged or fired, only after proper inspection and in a manner that does not endanger persons, animals, or property. Additionally, a permit may be denied or revoked during time periods of High Fire Danger warnings. The City of Mesa Fire Chief or designee has authority to impose conditions on any permits granted.

### **Section 6-21-3 Sale of Fireworks.**

(A) No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person who is under 16 years of age.

(B) No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law.

### **Section 6-21-4 Posting of signs by persons engaged in the sale of fireworks; civil penalty.**

(A) Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall prominently display signs indicating the following:

(i) The use, discharge or ignition of permissible fireworks may only be used within the Mesa city limits between June 28<sup>th</sup> through July 4<sup>th</sup> and December 30<sup>th</sup> through January 1<sup>st</sup> on private property with the property owner's permission. The use, discharge or ignition of fireworks is prohibited on all public property including in all public parks, retention basins and public right of way. Mesa City Code 6-21-2

(ii) Permissible consumer fireworks authorized for sale under state law may not be sold to persons under the age of 16.

(B) Signs required under this section shall be placed at each cash register and in each area where fireworks are displayed for sale.

(C) The City of Mesa Fire Chief or designee shall develop regulations concerning the size and color of the required signs and shall develop a model sign. The required sign regulations and model sign shall be filed with the Mesa City Clerk's office.

### **Section 6-21-5 Liability for emergency responses related to use of fireworks; definitions**

(A) A person who uses, discharges or ignites permissible consumer fireworks, fireworks or anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground, is liable for the reasonable expenses, up to a maximum amount of \$500.00, for any emergency response that is required by such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation(s) of this article is prima facie evidence of liability under this section. The liability imposed under this section is in addition to any other liability that may be imposed.

(B) For the purposes of this section:

(1) "Expenses of an emergency response" means reasonable costs directly incurred by public agencies that make an emergency response to an incident.

(2) "Reasonable costs" includes the costs of providing police, fire fighting, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident.

**Section 6-21-6. Authority to enforce violations; means of enforcement; penalty**

- (A) The City of Mesa Fire Chief or designee or a City of Mesa police officer may issue complaints to enforce violations under this Chapter.
- (B) Using, discharging or igniting permissible consumer fireworks in violation of this Chapter is a civil offense and is subject to the following penalties:
- (i) A first offense is punishable by a fine of seventy five dollars (\$75.00).
  - (ii) A second offense within 12 months of the first offense is punishable by a fine of one hundred fifty dollars (\$150.00).
  - (iii) A third offense within 12 months of the second offense is punishable by a fine of five hundred dollars (\$500.00).
  - (iv) For each offense thereafter occurring within 12 months of the preceding offense is punishable by a fine of seven hundred fifty dollars (\$750.00).
- (C) All owners, managers, operators, tenants or other persons in control of a business offering for sale fireworks under this Chapter are jointly and individually liable for compliance with this Chapter.
- (D) Selling or offering for sale fireworks in violation of this Chapter is a civil offense and is subject to the following penalties:
- (i) A first offense is punishable by a fine of two hundred fifty dollars (\$250.00).
  - (ii) A second offense within 12 months of the first offense is punishable by a fine of five hundred dollars (\$500.00).
  - (iii) A third offense within 12 months of the second offense is punishable by a fine of one thousand dollars (\$1000.00).
  - (iv) For each offense thereafter, the violator shall be subject to class one criminal misdemeanor prosecution in the Mesa Municipal Court as a habitual offender. For each violation as a habitual offender, the defendant is subject to a maximum fine of two thousand five hundred dollars (\$2,500.00) and up to six (6) months in jail.
- (E) The penalties provided for in Subsection (B) and (D) are in addition to any other enforcement remedies that the City may have under City ordinances and state law. Nothing in this Section shall preclude City employees from issuing warnings for violations under this Chapter or seeking voluntary compliance with the provisions of this Chapter.

SECTION 3: That the Mesa City Code, as amended, will remain in full force and effect, save and except as amended by this Ordinance.

SECTION 4: That the terms and provisions of this Ordinance are severable and if any section, subsection, sentence, clause, phrase or portion of this Ordinance, or any part of the Mesa City Code adopted herein by reference, is for any reason held to be invalid, unenforceable or unconstitutional by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in effect.

SECTION 5: That as provided for in Mesa City Charter Section 212 entitled “Emergency Ordinances” in order to protect, enhance and promote the public peace, health, and safety of the City of Mesa and its residents, and in order to avoid confusion with the State Fireworks Law that takes effect on December 1, 2010, the immediate operation of the provisions of this Ordinance are deemed necessary and an emergency is hereby declared to exist. This Ordinance shall be in full force and effect from and after its passage, adoption and approval by the City Council of the City of Mesa.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this \_\_\_\_\_ day of December, 2010.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

# Zoning Ordinance Amendments Medical Marijuana Dispensaries

## Prop. 203

Presentation to  
City Council Study Session  
December 9, 2010



# Prop. 203

- Prop. 203 allows patients with specific debilitating medical conditions to obtain Department of Health Services (DHS) certification for use of medical marijuana
- To obtain DHS certification, a physician must certify that the patient has a debilitating medical condition

## Prop. 203

- The product would be cultivated and sold through nonprofit Medical Marijuana Dispensaries regulated by DHS
- All dispensaries must be licensed with DHS
- All patients and caregivers must be registered and obtain an identification card from DHS

# Prop. 203

## QUALIFYING PATIENTS

Identifies debilitating diseases or medical conditions that are eligible for treatment – examples include, but are not limited to:

- Cancer
- Glaucoma
- Positive Status for HIV
- AIDS
- Severe/Chronic Pain
- Severe Nausea
- Seizures
- Severe/Persistent Muscle Spasms (MS)

# Prop. 203

## QUALIFYING PATIENTS

- **Qualifying patients with a DHS identification card:**
  - Can obtain up to 2.5 ounces of marijuana every two weeks from a state regulated dispensary
  - Registry cards expire one year after date of issuance
  - **Must be 18 years of age or older to obtain registry card** (under 18, with parent or guardian consent)

# Prop. 203

## DISPENSARIES

- DHS cannot issue more than one dispensary certificate for every 10 pharmacies in AZ
- Anticipate approximately 120 dispensaries in AZ
  - Can exceed limit to ensure at least one dispensary in each county
- DHS has said they intend to authorize dispensaries roughly proportional to population and will try to avoid the 25 mile exception wherever possible
- If a person with a card resides more than 25 miles from a dispensary, they are allowed to grow their own marijuana

# Prop. 203

## DISPENSARIES

- Each dispensary can have one cultivation site, which must be an enclosed, locked facility
- Dispensaries cannot be within 500 feet of a public or private school
- Medical marijuana cannot be used on the dispensary property

# Prop. 203

## ZONING

- **Cities and Towns are allowed to enact “reasonable” zoning regulations that limit the use of land**
- **DHS anticipates having regulations in place by March 28, 2011**
- **DHS is strongly recommending that municipalities get zoning regulations in place ASAP**

# Timing for City of Mesa Zoning Amendments

<b>Planning and Zoning</b>	<b>Nov 17</b>
<b>Council Study Session</b>	<b>Dec 9</b>
<b>Council Intro of Ord</b>	<b>Jan 10</b>
<b>Council Consideration</b>	<b>Jan 24</b>
<b>Effective Date of Ord</b>	<b>Feb 23</b>
<b>DHS Rules</b>	<b>Approx. Mar 28</b>

# What Others Are Doing

- AZ League of Cities and Towns developed a model ordinance , distributed in late November
- Tucson, Marana, Pima County, Queen Creek and Maricopa County have adopted zoning amendments
- Phoenix, Tempe, Chandler, Scottsdale & Flagstaff have scheduled P&Z hearings in December.
- Gilbert held P&Z hearing on Dec 2.
- Most Ordinances use intermediate commercial districts (C-2 in Mesa) with ‘carryover’ to general commercial (C-3) and industrial districts (M-1 and M-2). Gilbert is exception.
- All ordinances include spacing requirements from specific “Protected” uses
- Spacing distances vary considerably

# Mesa P&Z Recommendation

## Location Requirements

	<b>DISPENSARIES</b>	<b>CAREGIVER CULTIVATION</b>
<b>Allowable Locations</b>	C-2, Ltd.Comm. C-3, Gen.Comm.	If 25 miles from dispensary, accessory use in any residence district
<b>Specifically Prohibited Locations</b>	PEP, Plan.Emp.Park M-1, Ltd.Ind. M-2, Gen.Ind.	

# Separation Requirements

	<b>DISPENSARIES</b>	<b>CAREGIVER CULTIVATION</b>
<b>5,280 feet</b>	<ul style="list-style-type: none"> <li>• Other dispensaries</li> </ul>	
<b>2,400 feet</b>	<ul style="list-style-type: none"> <li>• Residential Substance Abuse Treatment Facilities</li> <li>• Alcohol Rehab Facilities</li> <li>• Correctional Transitional Housing Facilities</li> </ul>	
<b>1,200 feet</b>	<ul style="list-style-type: none"> <li>• Churches</li> <li>• Parks and HOA maintained open spaces</li> <li>• Libraries</li> <li>• Schools (K-12)</li> </ul>	None
<b>500 feet</b>	<ul style="list-style-type: none"> <li>• Day Care / Pre-schools</li> </ul>	

# Mesa P&Z Board Recommendation

<b>Off Site Cultivation Facilities</b>	<b>Off-site Infusion Facilities</b>
C-3, M-1 and M-2	C-3, M-1 and M-2
1200' from Churches, Schools Parks and HOA Open Spaces, Libraries	1200' from Churches, Schools Parks and HOA Open Spaces, Libraries
Maximum Space – 3000 sf	Maximum Space – 10,000 sf
Max Storage - 1000 sf	Max Storage 2,500 sf

# Mesa P&Z Board Recommendation

## Facility Requirements

	<b>DISPENSARIES</b>	<b>DISPENSARY OFF-SITE CULTIVATION</b>	<b>CAREGIVER CULTIVATION</b>
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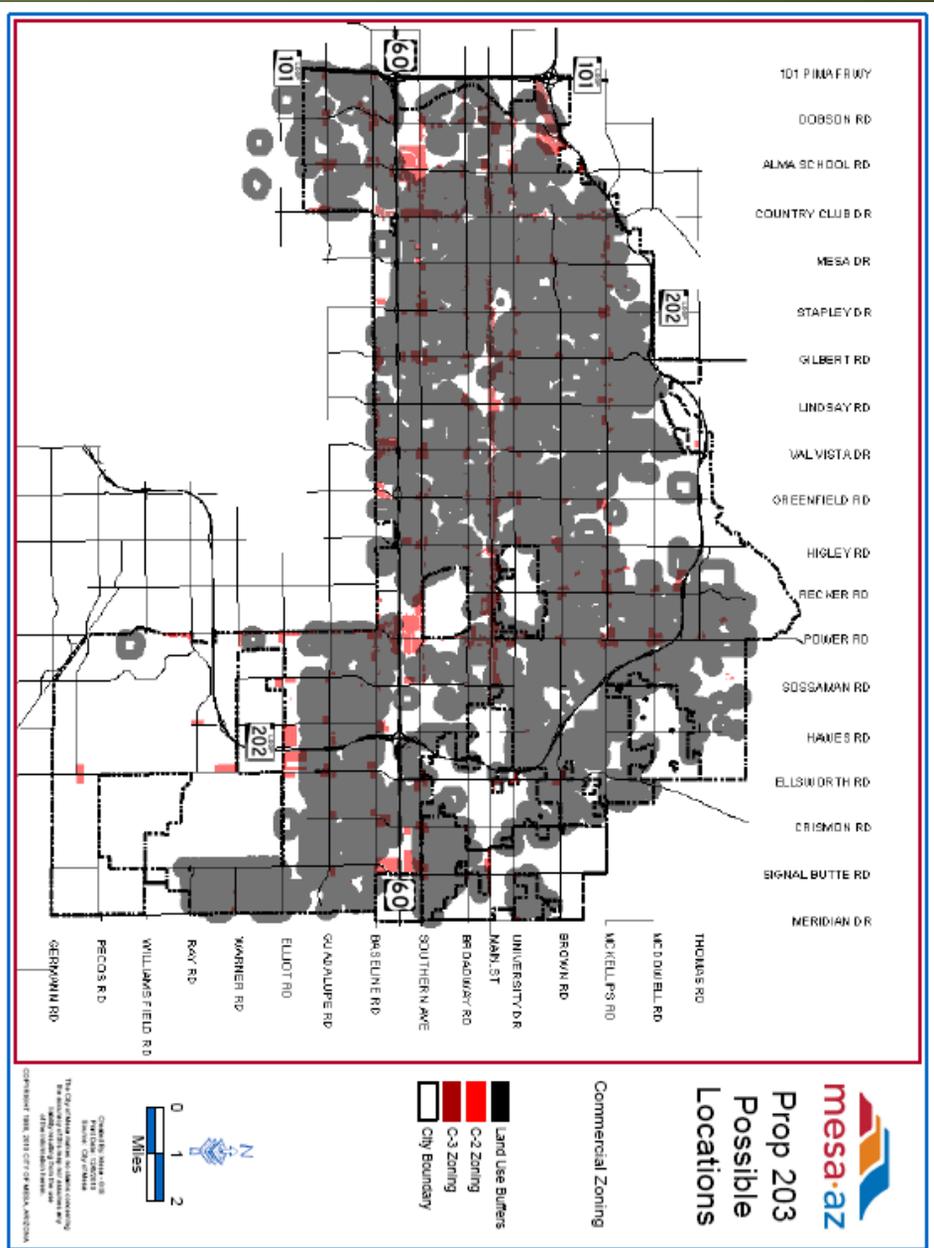
<b>Maximum space</b>	<b>2,500 sq. ft.</b>	<b>3,000 sq. ft.</b>	<b>250 sq. ft. Including storage</b>
<b>Storage</b>	<b>500 sq. ft.</b>	<b>1,000 sq. ft.</b>	
<b>Cust. Floor Space</b>	<b>Min. 25% of Gross Floor Area</b>	<b>NA</b>	
<b>Permanent Bldg</b>	<b>Yes</b>	<b>Yes</b>	

# Other Requirements

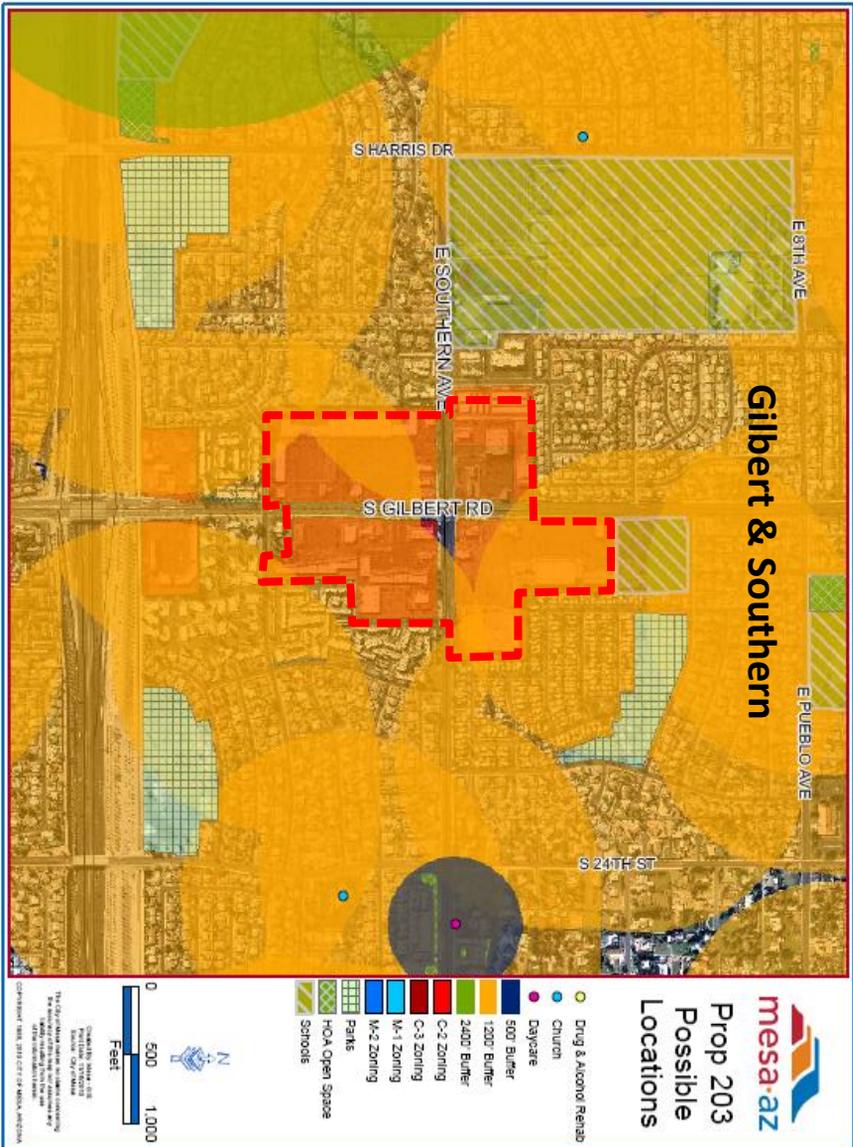
## DISPENSARIES

- Must register with Mesa's Planning Division
- Mesa Registration: Annual Renewal Req'd.
- Maintain active DHS registration/cards & comply with DHS rules and ARS statutes
- Cannot have:
  - Drive through window service
  - Open air seating
  - Delivery service

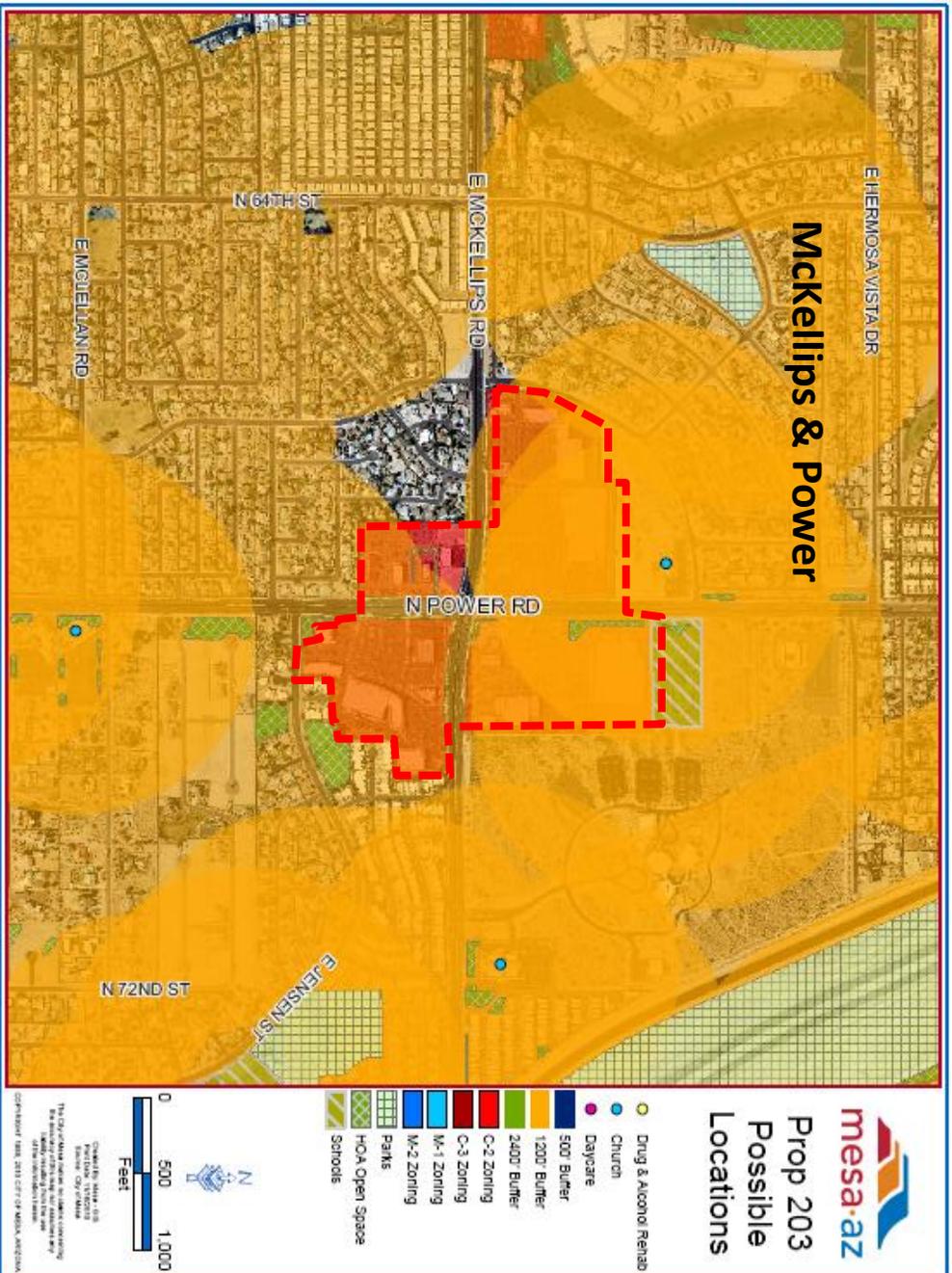
# Areas Meeting Proposed Zoning Restrictions



Map shows existing C-2 and C-3 sites. Areas shaded Grey are sites eliminated by proposed separation standards



**Red outline shows existing C-2 district.  
 Yellow Shading show sites eliminated  
 by 1200' separation requirements**



**Red outline shows existing C-2 district.  
 Yellow Shading show sites eliminated  
 by 1200' separation requirements.**



# Prop 203 Possible Locations

Industrial Zoning

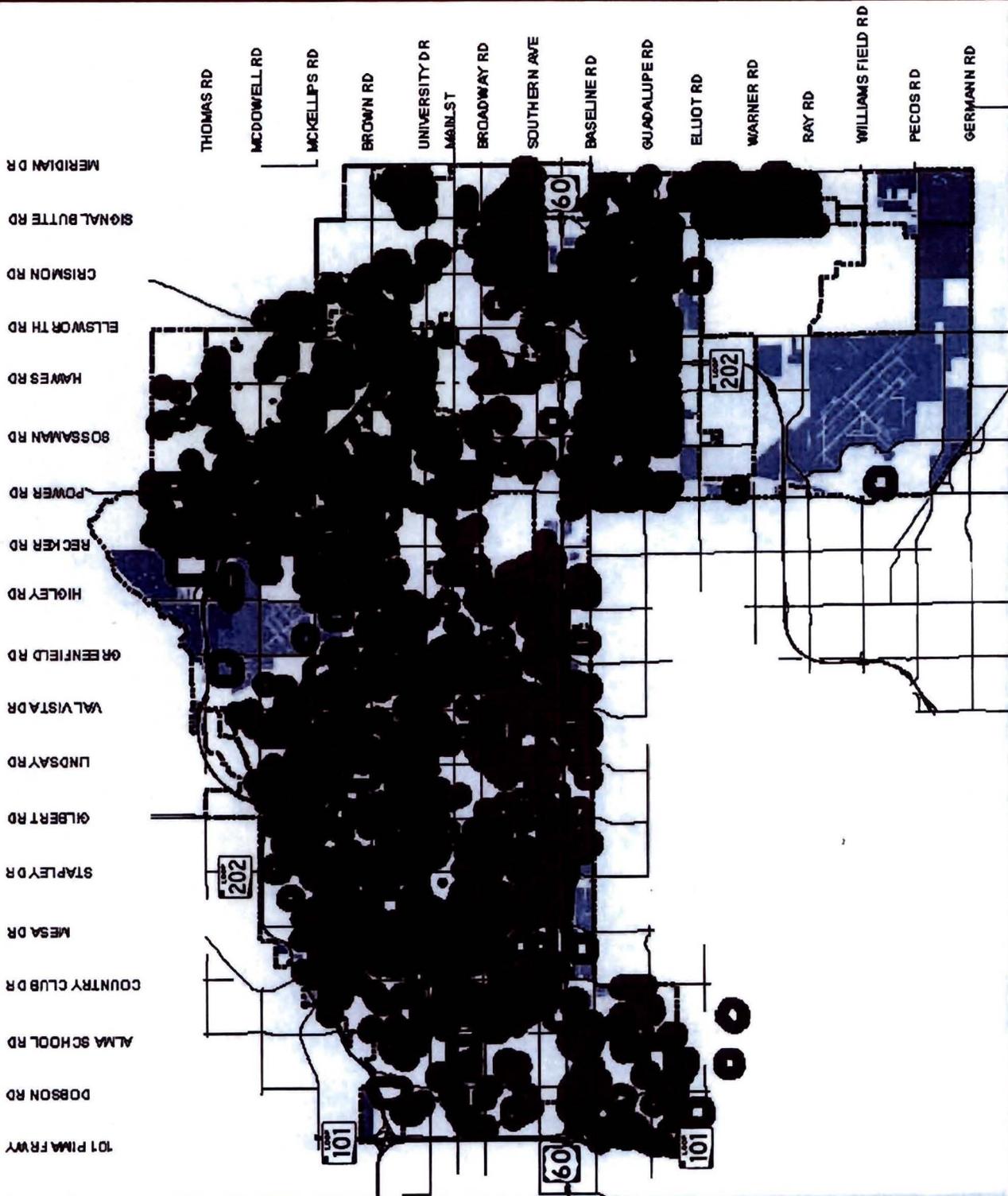
- Land Use Buffers
- M-1 Zoning
- M-2 Zoning
- City Boundary



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 Print Date: 12/09/2010  
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# Facilitating Downtown Mesa Events

December 9, 2010

# Council Strategic Initiatives

“Revitalize downtown by ... attracting more visitors.”

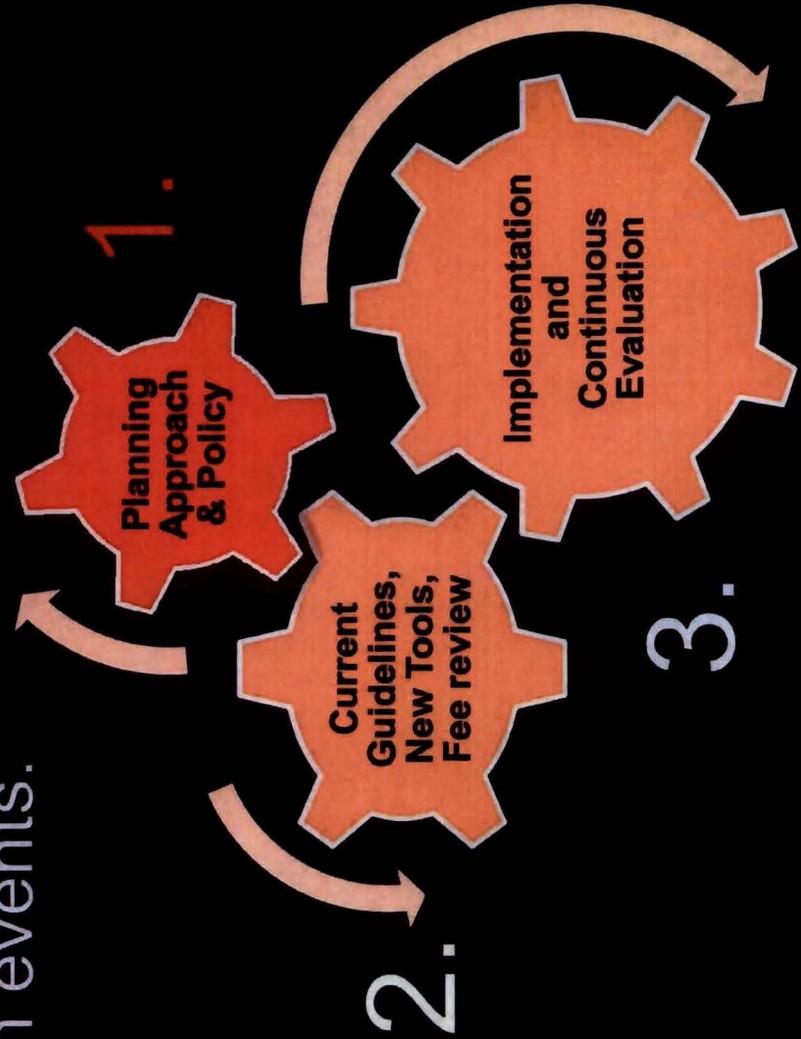
“Support the re-emergence of community events through the active involvement and partnership of community groups.”

“Seek solutions or new internal procedures that help facilitate business success.”



## Focus of Today's Study Session

- Hear Council's feedback on a proposed solution for the planning/permitting of downtown events.



# Existing Regulatory Steps

- **Special Use Permit (SUP)**
  - Formal public hearing/appeal process.
- **Special Event License**
  - Per event cross-dept. review of technical matters.
- **State Liquor License ('beer gardens')**
- If selling goods – Annual Peddler's and Tax Licenses.

# Challenges

- Need for proactive communications and centralized information sharing.
- Lessons from Special Use Permit Board of Adjustment process.
  - Process efficiencies could help encourage special events.

# Stakeholder Discussions

- Cross-dept. staff reviews
- Downtown Mesa Association
- Downtown Events, Inc. (First and Third Fridays)
- City Media Company
- 2<sup>nd</sup> Fridays Board
- Old West Days
- MACFest

# Proposed Solution



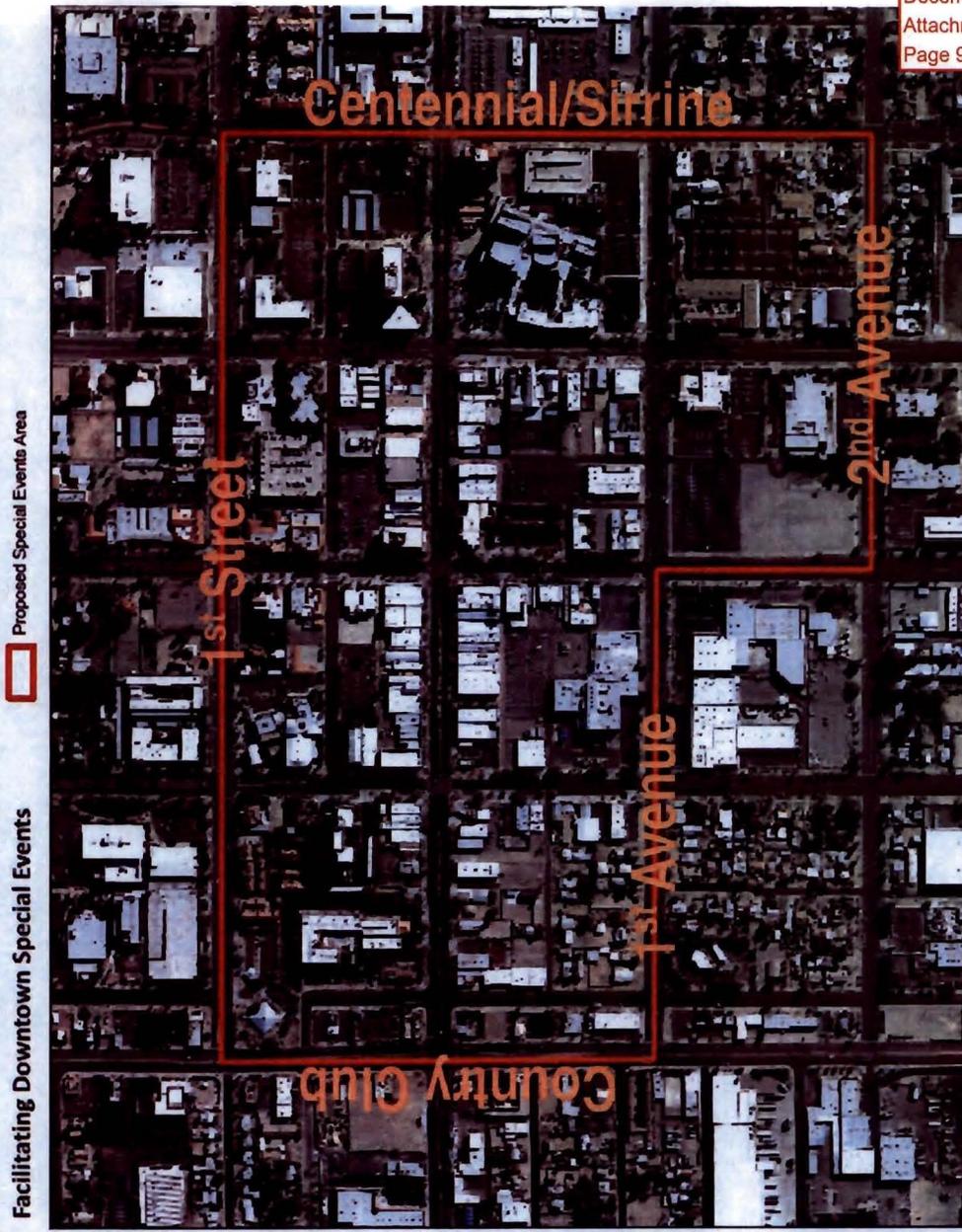
- Strengthened Role for Downtown Mesa Association/Ultimate Imaginations, Inc:
  - Proactive assistance and advocacy for downtown events.
  - Central point of contact and information about all events downtown.
    - Enhanced website, noticing
    - Coordination & assistance when feasible

## Proposed Solution

- Limiting a site to no more than 4 events in a year makes sense in other areas of the City, however, may not be best fit for downtown – a location where we are trying to encourage and facilitate events to activate downtown.

# Proposed Solution

- Consider eliminating Special Use Permit requirement within a Downtown Special Events area.



# Proposed Solution

- Streamline Special Event Licensing:

## 1. Pre-application guidance (upon request)--DMA

## 2. City Special Events Approval Team

- Like today, informal cross-departmental reviews/approvals. Add Arts representative and possibly a DMA staff member.
- Mandatory for newer and annual events.
- Ongoing, team-approved events rewarded through a monthly streamlined process.

# Proposed Solution

## 2. DT Stakeholder Solutions Team

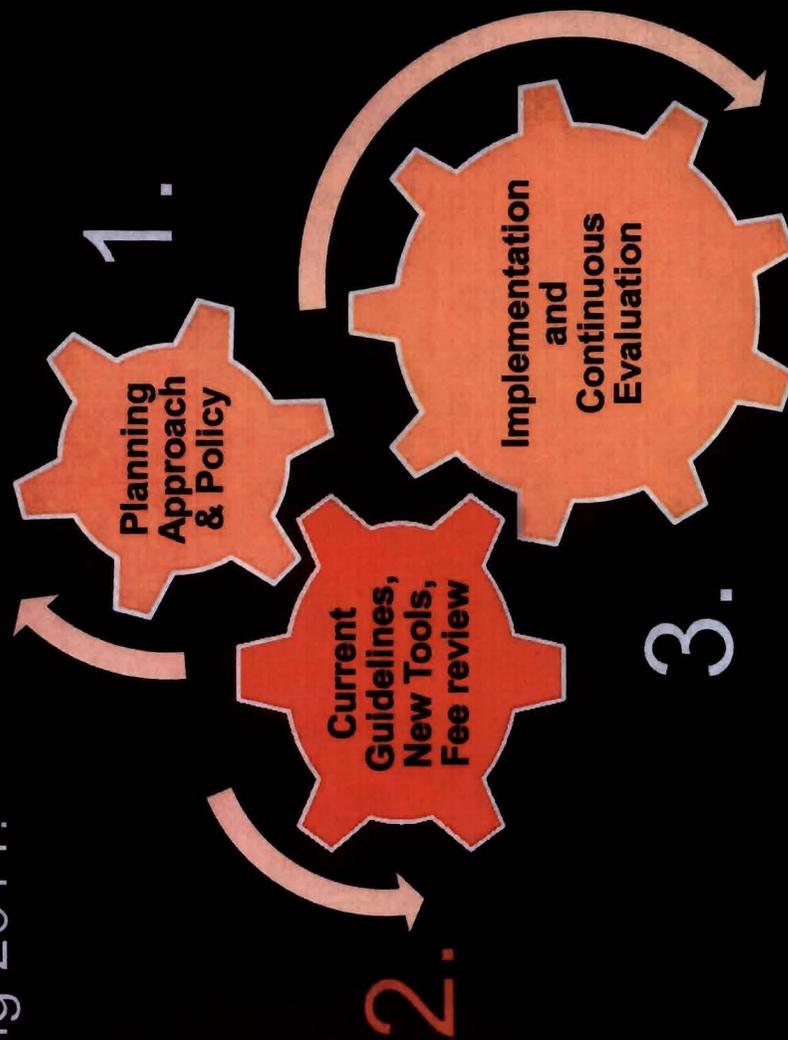
- Only convened when there are outstanding or unresolved issues that require greater stakeholder involvement or policy considerations.
- Team to be lead by City Manager's Office, DMA and a combination of staff and a few DT merchants within impacted area.
- Solutions-oriented discussions.

## A step in the right direction?

- Strengthened DMA role as resource and centralized source of information.
- SUP exemption for downtown events area.
- Improved staff review team process with solutions-oriented appeal available, when needed.

## If Council agrees, next steps:

- Special Use Permit downtown exemption to be approved within existing Zoning Code update in spring 2011.





# Facilitating Downtown Mesa Events

December 9, 2010

