



COUNCIL MINUTES

January 27, 2014

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on January 27, 2014 at 5:50 p.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Christopher Glover
Dennis Kavanaugh
David Luna
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Dee Ann Mickelsen

Invocation by Doctor Brant Baker, First Presbyterian Church.

Pledge of Allegiance was led by Scout Essy Chavez, Troop #334.

Mayor's Welcome.

Awards, Recognitions and Announcements.

Councilmember Richins thanked staff from various City departments for their efforts and hard work in planning last Saturday's "spectacular" Riverview Park and the Chicago Cubs' Stadium Grand Opening. He expressed pride that the facilities are located in his district and stated that he was pleased to see so many families and children enjoying the renovated Riverview Park. He added that Mesa was once again "leading the Valley in innovation."

Mayor Smith pointed out that both projects were supported overwhelmingly by Mesa voters and expressed appreciation to them in that regard. He also remarked that during construction of the facilities, the stadium was much more visible to the public, but said that at the grand opening, it was exciting for Mesa residents to see the many improvements and upgrades to Riverview Park.

Councilmember Glover commented that as a graduate of Mesa High School, he was proud to recognize the school's marching band for their outstanding national achievements. He stated that last December, the band made its first national appearance by winning the Holiday Bowl's Field Show Championship and performing not only during the half-time show, but also at the pre-game celebration. He added that at the Big Bay Balloon Parade in downtown San Diego, the band was privileged to win another award as well.

Councilmember Glover recognized Mesa High Band Director Robert Brooks and Assistant Band Director Jeff Quamo for their hard work. He also expressed appreciation to the parents of the band members for their ongoing support.

Mr. Brooks addressed the Council and thanked them for recognizing the Mesa High marching band for their dedication and achievements. He stated that Mesa High is built on tradition and noted that it is the goal of the band members to instill pride in the community.

Mayor Smith and Councilmember Glover presented a plaque to Mr. Brooks, Mr. Quamo, Mesa High Principal James Souder, a number of the band members and their parents.

Councilmember Richins noted the recent passing of Blain Cummard, a long-time Mesa resident and one of the 14 men elected to the Board of Freeholders, who wrote the Mesa City Charter.

Mayor Smith acknowledged that in the past year, Mesa has lost a number of individuals who were part of Mr. Cummard's generation, many of whom transformed the community from a small town to what it is today.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

Mayor Smith stated that a citizen requested that item 5-c be removed from the consent agenda. He further noted that at the prior Study Session, the Council also removed item 6-d from the consent agenda.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Glover, that the consent agenda items, as amended, be approved.

Carried unanimously.

*2. Approval of minutes of previous meetings as written.

Minutes from the October 31 and December 2, 2013, January 9 and 13, 2014 Council Meetings.

3. Take action on the following liquor license applications:

*3-a. St. Timothy Catholic Church

This is a one-day charitable event to be held on Saturday, February 15, 2014, from 6:00 p.m. to 10:00 p.m., at 1730 West Guadalupe Road. **(District 3)**

*3-b. Commemorative Air Force Airbase Arizona

This is a one-day charitable event to be held on Saturday, February 8, 2014, from 5:30 p.m. to 9:30 p.m., at 2017 North Greenfield Road. **(District 5)**

*3-c. Sunny World

A restaurant that serves lunch and dinner is requesting a new Restaurant License for Sunny World, 4906 East Main Street, JMEW Inc. – Gen Xuan Wu, agent. The previous Restaurant License held at this location by Wingo Enterprises, Inc. was cancelled at the State on 09/06/2007. **(District 2)**

*3-d. Chicago Cubs' Baseball Club

A bar that serves beverages, sandwiches and snack foods is requesting a new Bar License for Chicago Cubs' Baseball Club, 2330 West Rio Salado Parkway, Ovations Food Services, LP – Mary Cecelia Bone, agent. This is new construction with no previous liquor license at this location. **(District 1)**

*3-e. Fresh & Easy #1023

A grocery store is requesting a Beer and Wine Store with Sampling Privileges for Fresh & Easy #1023, 2758 South Crismon Road, Y-OPCO, LLC – Andrea Dahlman Lewkowitz, agent. The previous license held at this location by Tesco West Stores, Inc. expired at the State on 12/31/2013. **(District 6)**

4. Take action on the following contracts:

*4-a. Purchase of Three (3) Additions to the Fleet – Two (2) Light-Duty Pickup Trucks and One (1) Cargo Van for the Development and Sustainability Department. **(Citywide)**

Development Services will use the two pickup trucks for two new Building Inspector positions to perform technical work in the areas of building plan reviews and inspections, supporting the increased level of development activity.

Environment and Sustainability will use the cargo van for environmental inspections to ensure that the City is in compliance with stormwater and air quality ordinances.

Fleet Services, Development and Sustainability and Purchasing recommend authorizing purchases from active contracts with Berge Ford (a Mesa business) at \$45,158.00 and PFVT Motor, Inc. at \$23,483.24. The combined total award is \$68,641.24. The two pickups are funded by the Capital – General Fund (\$45,158.00) and the cargo van is funded by the Environmental Compliance Fee (\$23,483.24).

*4-b. Purchase of One (1) Replacement Heavy-Duty Dump Truck for the Transportation Department. **(Citywide)**

This contract will provide one heavy-duty, construction grade, 6x4 truck equipped for the Transportation Department. Field Operations' concrete crews will use the truck to perform street maintenance work.

Fleet Services, Transportation and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, RWC International, Ltd., at \$187,615.67. This purchase is funded by the Vehicle Replacement Fund.

- *4-c. Three (3) – Month Contract Extension and Dollar-Limit Increase to the Term Contract for Custodial Services for Secured City Buildings as requested by Facilities Maintenance. **(Citywide)**

Facilities Maintenance and Purchasing are requesting a contract extension (from 1/31/2014 through 4/30/2014) and corresponding dollar-limit increase while staff continues to evaluate Request for Proposal responses for a new contract.

Facilities Maintenance and Purchasing recommend authorizing a three-month contract extension and dollar-limit increase of \$225,000, from \$1,277,549.06 to \$1,502,549.06 with GCA Services Group (a Mesa business), based on estimated requirements.

- *4-d. Three (3) – Month Contract Extension and Dollar-Limit Increase to the Term Contract for Custodial Services for Non-Secured City Buildings as requested by Facilities Maintenance. **(Citywide)**

Facilities Maintenance and Purchasing are requesting a contract extension (from 1/31/2014 through 4/30/2014) and corresponding dollar-limit increase while staff continues to evaluate Request for Proposal responses for a new contract.

Facilities Maintenance and Purchasing recommend authorizing a three-month contract extension and dollar-limit increase of \$180,000, from \$356,383.60 to \$536,383.60, with GCA Services Group (a Mesa business), based on estimated requirements.

- *4-e. Annual Maintenance and Repairs for Two (2) Submersible Pumps for the FlowRider at Rhodes Aquatics Complex as requested by the Parks, Recreation and Commercial Facilities Department. **(Citywide)**

The Flowrider is a water feature used heavily throughout the year by both public and reservation patrons at the Rhodes Aquatics Complex. It is necessary to perform preventative maintenance and service to its submersible pumps each year. This service increases the longevity of the pumps and assures that the pumps will not fail during the high-use summer season.

Parks, Recreation and Commercial Facilities and Purchasing recommend authorizing purchase with Precision Electric Co., Inc., at \$30,266.64.

- *4-f. Purchase of a New Gas Chromatograph Triple Quadrupole Mass Spectrometer to replace a Leased System for the Police Department (Sole Source). **(Citywide)**

On July 8, 2013, Council approved the purchase of the first GC/MSMSMS. This second purchase will provide an additional GC/MSMSMS instrument for the Toxicology Unit. This will enable the Toxicology Unit to meet the increasing demand for blood and urine drug analysis. Having two GC/MSMSMS systems allows the laboratory to discontinue leasing three GC/MS systems, which were returned at the end of December, 2013.

Police and Purchasing recommend awarding the contract to the sole source vendor, Agilent Technologies, at \$177,128.96. This purchase is grant funded by the Governor's Office of Highway Safety (\$127,500.00) and by Capital – General Funds (\$49,628.96).

*4-g. Purchase of Four (4) New SQL Server Licenses for the Police Department. **(Citywide)**

This purchase will provide four new SQL server licenses for the Police Department's Database servers that support many critical systems. These licenses support such enterprise systems as the Document Management System, Automated Patrol Log, Performance Appraisal and Workstation system and other Microsoft Access applications used throughout the department. These licenses are essential to remain in licensing compliance as these systems expand.

The Police Department and Purchasing recommend authorizing purchase from the WSCA/State of Arizona cooperative contract with SHI International Corp., at \$38,140.44.

*4-h. Purchase of Two (2) Additional 911 Call-Taking Intrado Positron Phone Systems for the Regional Public Safety Dispatch Center as requested by the Fire and Medical Department. **(Citywide)**

This purchase will provide two additional 911 public safety answering Intrado Positron phone systems for Fire's Regional Public Safety Dispatch Center. Currently, Fire and Medical has six dispatch workstations, of which only four have the Positron phones. Purchasing the phones at this time allows for complete installation without associated costs.

Fire and Medical and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Intrado Corp., at \$54,497.13.

*4-i. Automated Field Detection Sensors. **(Citywide)**

This project will implement sensors at 82 intersections to automatically detect and alert Traffic Operations staff of unexpected traffic delays caused primarily by crashes, incidents, vehicle breakdowns, road construction activities, special events and extreme weather events. Automated detection sensors are intended to improve the ability to manage unexpected traffic events and mitigate their impacts by taking measures such as modifying signal timing when needed.

Recommend award to the lowest, responsible bidder, CS Technologies, LLC, at \$185,610.00, plus an additional \$18,561.00 (10% allowance for change orders), for a total award of \$204,171.00. The project funding is available by Federal Congestion Mitigation and Air Quality Improvement Program Management grants and local funds provided by the 2008 Street Bonds.

*4-j. Sidewalk Replacement at Dobson Road Railroad Crossing. **(District 3)**

This project will enhance the Dobson Road railroad crossing. The existing sidewalk and median do not meet current railroad approach and clearance standards. The project improvements for roadway and sidewalk approach at this location will facilitate greater public safety and needed clearances from railroad signals, along with a smoother crossing at the Dobson Road Railroad crossing.

Recommend award to the lowest responsible bidder, AJP Electric, Inc., in the amount of \$91,867.50, plus an additional \$9,186.75 (10% allowance for change orders) for a total

award of \$101,054.25. ADOT will fund one hundred percent of Project construction cost with a Railroad-Highway Grade Crossing Grant, not to exceed \$115,444.00.

- *4-k. Dobson Road Bicycle and Pedestrian Route Improvements; Broadway Road to Main Street. **(District 3)**

This project will provide a new and enhanced bicycle and pedestrian route along Dobson Road. The project is comprised of removing existing sidewalk, curb, gutter and pavement to construct new concrete bike lanes and decorative sidewalks. Other improvements include: ADA accessible driveways and ramps; irrigation; landscaping; and decorative masonry low walls.

Recommend award to the lowest bidder, Talis Construction Corporation, in the amount of \$1,175,594.05, plus an additional \$117,559.41 (10% allowance for change orders), for a total award of \$1,293,153.46. Funding is provided through a Federal Grant using Congestion Mitigation and Air Quality Funds.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to accept a \$25,000 grant, with a bonus grant of up to \$5,000, totaling \$30,000 in funding, made available through an award from Cities of Service to support the revitalization of neighborhoods. **(Citywide)** – Resolution No. 10378.
- *5-b. Approving and authorizing the City Manager to accept \$88,000 for the reimbursement of police personnel overtime expenses relating to a Joint Law Enforcement Operations Task Force. These funds are made available through a Memorandum of Understanding with the United States Marshals Service. **(Citywide)** – Resolution No. 10379.
- 5-c. (See: **Items off the Consent Agenda.**)

6. Discuss, receive public comment and take action on the following ordinances that were introduced at a prior Council meeting. Any citizen who would like to provide comment should submit a blue card to the City Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the City Clerk before Council votes on the Consent Agenda.

- *6-a. **A13-04 (District 5)** Annexing land located north of Adobe Road and west of Signal Butte Road (40 ± ac). Initiated by the property owner, Landholdings Investment Co., LLC. **(CONTINUED TO THE MARCH 3, 2014 COUNCIL MEETING.)**
- *6-b. **Z13-058 (District 5)** The 2000 block of North Sossaman Road (east side) and the 7600 block of East McKellips Road (north side). Located at the northeast corner of Sossaman Road and McKellips Road (8.59± acres). Modification of a Planned Area Development to reduce setback requirements for lots in a residential subdivision – Ordinance No. 5199. Staff Recommendation: Approval with Conditions

P&Z Board Recommendation: Approval with Conditions (Vote: 7-0)

- *6-c. Amending the Mesa Zoning Ordinance; Title 11 of the Mesa City Code. Amendments include various housekeeping items and minor revisions to Title 11, Chapters 2 through 8 and 30 through 34. **(Citywide) (CONTINUED TO THE FEBRUARY 10, 2014 COUNCIL MEETING.)**

The housekeeping items include minor revisions to: spelling, grammar, establishing land use and development standards related to residential, commercial, downtown and industrial zoning districts, building setbacks, accessory buildings in residential districts, allowance of community gardens, indoor recycling facilities, recreational vehicle storage lots, establishing standards for the temporary use of modular buildings during remodeling of existing buildings, modifying parking standards for sites adjacent to transit stops, making allowances for substitutions of ocotillo plants for required landscape trees, making minor technical changes with regard to listing of form-based transect district and measuring required separations between land uses. Also, preserving rights and duties that have already matured and proceedings, which have already begun.

- 6-d. (See: **Items not on the Consent Agenda.**)

- *6-e. Amending Sections 10-4-4 and 10-4-5 of the Mesa City Code regarding the following traffic modifications as recommended by the Transportation Advisory Board – Ordinance No. 5200:

Speed Limits (35 mph): 10-4-5

Establish a speed limit of 35 mph on Point Twenty-Two Boulevard from Ellsworth Road to Signal Butte Road. **(District 6)**

Establish a speed limit of 35 mph on Eastmark Parkway from the north City limits to the south City limits. **(District 6)**

Speed Limits (40 mph): 10-4-4

Establish a speed limit of 40 mph on Williams Field Road from the west City limits to Innovation Way. **(District 6)**

7. Take action on the following subdivision plats:

- *7-a. “Valencia Heights” **(District 2)** 125 South Val Vista Drive. Located north and east of East Broadway Road and North Val Vista Drive. 52 RSL4.5 lots (11± acres) Lennar Arizona, Inc., owner; Larry E. Sullivan, Coe and Van Loo Consulting, Inc., engineer.
- *7-b. “Bella Via - Parcel 13” **(District 6)** The 5200 to the 5300 blocks of South Mountain Road and the 5200 to the 5300 blocks of South Via Toscano (east side). Located south and west of Ray Road and South Mountain Road. 94 RS-6 PAD lots (35.93± acres). Pulte Group, owner; Darrel D. Smith, Wood, Patel & Associates, engineer.
- *7-c. “Eastmark 7-50 (Phase 2)” **(District 6)** The 5000 block of South Eastmark Parkway (west side) and the 5000 block of South Inspirian Parkway (south side). Located west of Signal Butte Road and north of Ray Road. 3 PCD lots (10.88± acres). DMB Mesa Proving Grounds, LLC, owner; Joshua S. Moyses, Westwood Professional Services, Inc., surveyor.

- *7-d. "Encore at Eastmark - Parcel 9-1" (**District 6**) The 10000 to the 10100 blocks of East Ray Road (south side) and the 5300 to the 5400 blocks of Eastmark Parkway (west side). Located south and west of Signal Butte and Ray Roads. 189 PCD lots (57.16± acres). TerraWest, owner; Bryan Kitchen, EPS Group, Inc., engineer.
- *7-e. "Encore at Eastmark - Parcel 9-2" (**District 6**) The 10200 to the 10400 blocks of South Encore Drive (northeastern side) and the 5400 to the 5500 blocks of South Eastmark Parkway (south side). Located south and east of Ray Road and Crismon Road. 99 PCD lots (38.83± acres). EM646, LLC, owner; Joe Kraft, EPS Group, Inc., surveyor.
- *7-f. "The Estates at Eastmark - Parcel 8-1" (**District 6**) The 10100 to the 10300 blocks of East Ray Road (south side) and the 5300 to the 5400 blocks of South Eastmark Parkway (east side). Located south and west of Signal Butte and Ray Roads. 74 PCD lots (22.91± acres) TerraWest, owner; Bryan Kitchen, EPS Group, Inc., engineer.
- *7-g. "The Estates at Eastmark - Parcel 8-2" (**District 6**) The 10300 to the 10400 blocks of East Ray Road (south side). Located south and east of Ray Road and Crismon Road. 87 PCD lots (29.98± acres). EM646, LLC, owner; Joe Kraft, EPS Group, Inc., surveyor.
- *7-h. "The Estates at Eastmark - Parcel 8-3" (**District 6**) The 10300 to the 10600 blocks of East Ray Road (south side). Located south and east of Ray Road and Crismon Road. 64 PCD lots (31.41± acres). EM646, LLC, owner; Joe Kraft, EPS Group, Inc., surveyor.
- *7-i. "The Estates at Eastmark - Parcel 8-4" (**District 6**) The 5400 to the 5500 blocks of South Eastmark Parkway (east side). Located south and east of Ray Road and Crismon Road. 42 PCD lots (21.01± acres). EM646, LLC, owner; Joe Kraft, EPS Group, Inc., surveyor.
- *7-j. "Map of Dedication - Oasis Street" (**District 5**) The 2800 to the 2900 blocks of North Oasis Street. Located north and west of McDowell Road and Sossaman Road. Talon Properties, LLC., owner; Daniel D. Arnold, AW Land Surveying, surveyor.

Items not on the Consent Agenda

- 5-c. Declaring the City's intent to issue Transportation Project Advancement Notes (TPANS) to advance the Gilbert Road light rail extension; establishing financial parameters relating to the Transportation Project Advancement Notes and authorizing the taking of all actions necessary to prepare for City Council consideration the documents necessary for the issuance and sale of Transportation Project Advancement Notes. (**District 4**) – Resolution No. 10380.

Richard Tracy, Sr., a Mesa resident, expressed a series of concerns regarding "ending light rail in Mesa." He stated that light rail extension to the Phoenix-Mesa Gateway Airport would be a major economic driver for the area and urged that the Council consider such an option. He added that Mesa voters were never given an opportunity to offer their opinions with respect to the issue of light rail service.

It was moved by Councilmember Glover, seconded by Councilmember Richins, that Resolution No. 10380 be approved.

Councilmember Kavanaugh, in response to Mr. Tracy's comments, indicated that the Council would like to see light rail service extended to the Phoenix-Mesa Gateway Airport. He pointed out that by extending such service to Gilbert Road, future Councils will be given the opportunity to determine whether it would be appropriate for the line to turn south at that point. He also stated that consideration might be given to continuing the line further east along Main Street, with the ultimate goal of turning south at another site in order to connect with the airport.

Councilmember Kavanaugh further remarked that many years ago when the U.S. 60 was being widened, the City of Mesa worked with the Arizona Department of Transportation (ADOT) to create a transportation corridor along the highway to accommodate light rail in the future. He said that what the Council is voting on tonight is not inconsistent with Mr. Tracy's goal of extending light rail service to the airport. He cautioned, however, that it would be an expensive and difficult process to achieve.

Mayor Smith called for the vote.

Carried unanimously.

- 6-d. Amending Title 11, Chapter 5 (Land Use Regulations) and Chapter 86 (Commercial Use Classifications) regarding the definition of 'vacation homes' as a commercial land use activity, and the listing of 'vacation homes' as a permitted land use in residential zoning districts. **(Citywide)**

Zoning/Civil Hearing Administrator Gordon Sheffield addressed the Council and reported that the proposed amendment they are considering tonight is the result of an interpretation of the Zoning Ordinance that was made last June related to vacation rental homes. He explained that a determination was made that per the current language in the Zoning Ordinance, 'vacation homes' are considered a prohibited use in Mesa. He noted, however, that contrary to that, the City had been issuing Transient Lodging Tax Licenses for vacation homes in the community. He stated that there are an estimated 67 vacation homes in Mesa.

Mr. Sheffield advised that in September of last year, this matter was brought to the attention of the Council, at which time staff was directed to move forward with a Code amendment. He stated that it was proposed that the Zoning Ordinance would be amended to authorize vacation homes as a permitted land use, subject to an administrative use permit that would be registered to the specific location; that the process would be conducted over the counter, with the permit issued for a nominal fee; and that the City's Tax and Licensing Department would issue a Transient Lodging Tax License to the owner of the vacation home. He added that staff's proposals were presented to the Planning & Zoning Board (P&Z), who recommended approval of the amendment.

Carolyn Robertson, a resident of Boulder Mountain Highlands, stated that although she does not live next door to a vacation home, she is opposed to the proposed amendment to the Zoning Ordinance. She offered a series of comments including, but not limited to, the following: the Council should conduct further research regarding this matter; there are 317 homes in Mesa currently listed as vacation homes and not 67, as cited by Mr. Sheffield; she questioned whether the City will mandate various processes in order to guarantee the health and safety of the people who rent the homes (i.e., evacuation plans from the homes; that the pools are gated and locked and have safety equipment; that the linens are sanitized; impacts with respect to garbage use and property). She added that she would be "embarrassed to have Mesa known as a place to come that does not protect its guests."

Mayor Smith stated that several citizens submitted speaker cards in opposition to this item, but preferred not to address the Council, as follows: Sandra Riley, Richard Riley, Jerilyn Liberman, Walter Robertson, Harold Liberman and Harry Blaker.

It was moved by Councilmember Richins, seconded by Vice Mayor Finter, that the Zoning Ordinance be amended per staff's proposal.

In response to a question from Councilmember Luna, Ms. Robertson clarified that her community's Covenants, Conditions and Restrictions (CC&Rs) currently do not permit property owners to conduct businesses out of their homes. She explained that one of the homeowners in her neighborhood threatened to file a lawsuit against the other property owners if they attempted to enforce the CC&Rs. She added that her Homeowners' Association (HOA) "does not have the deep pockets" to take care of such issues and urged that more formal legislation be enacted to address this matter.

Councilmember Luna commented that he received a number of emails relative to the proposed amendment to the Zoning Ordinance. He suggested that this item merits further study and evaluation prior to the Council taking action.

Councilmember Richins acknowledged that there are many vacation homes in Mesa. He questioned why the government should "fix something," when homeowners who live adjacent to those properties "can control their own destiny," for example, by changing their CC&Rs to prohibit such uses in their neighborhoods. He noted, on the other hand, that he considers vacation homes in his community as opportunities not only for the property owners to generate additional income, but also for the City to receive additional tax revenue.

Councilmember Richins further commented that he has stayed at vacation rentals in other cities and said that he was capable of doing his own due diligence to ensure that the linens were clean and that he was able to "find the front door." He expressed support for the amendment and suggested "seeing how it plays out over the next year." He added that if it is necessary for the Council to make adjustments to the Zoning Ordinance, they can do so in the future.

Harry Blaker, a resident of Boulder Mountain Highlands, stated that he and his neighbors came to tonight's meeting since they believe this item "is moving a little too quickly." He concurred with Councilmember Richins that he did not want the government "in his house or neighborhood." He noted that although he has stayed in vacation rental homes and does not have "a big problem" with them, in his opinion, "it is too soon" for the Council to take action on this matter. He urged that the matter be continued in order for the City to conduct further research in this regard. He added that his HOA is considering changing its CC&Rs to restrict vacation homes in their community.

Councilmember Kavanaugh commented that vacation rentals are certainly a growth market in tourist locales, such as the Phoenix metro area. He stated that he was not opposed to people renting their homes as vacation rentals and noted that "it was a good thing." He noted that he liked the idea of the vacation rentals being registered with the City to ensure that staff is aware of their location within the community; that he would prefer that the ordinance contain an enforcement mechanism to address those properties that are "bad apples;" and that the vast majority of vacation rentals are not a problem.

Councilmember Kavanaugh expressed support for “something like this ordinance,” but suggested that staff conduct additional research with respect to the manner in which other communities deal with vacation rentals. He said that it might be appropriate to have some uniformity among the various cities in terms of how they treat the vacation rentals and what sort of enforcement mechanisms are in place to ensure that the safety issues are met. He added that for those reasons, he would concur with Councilmember Luna that this item be tabled for a period of time.

Councilmember Glover stated that he shared Councilmembers Luna and Kavanaugh's concerns. He commented that he would be worried if the Council “embraced a weak solution just to show action.” He stressed the importance of the ordinance having “teeth” to ensure that it can be enforced. He further commented that he would support tabling the matter.

Councilmember Richins pointed out that in reviewing the “Home Away” app on his phone, he saw that there were 269 vacation rental homes listed for Mesa. He suggested that staff update their data in that regard. He also stated that he would not object to staff conducting additional research if it would make his fellow Councilmembers more comfortable in moving forward. He cautioned, however, that he will not support the City imposing additional regulations on a person's property. He advised that this was the first time in many years that concerns have been raised with regard to vacation rental homes in Mesa and added that it seems as though the real conditions have been overblown.

Mayor Smith commented that this issue is “a tough one,” in that the Council has discussed this issue for the past two years and never received any negative input from citizens. He said that he assumed there was “not a huge problem,” although the speakers have raised some valid issues. He explained that on the one hand, the Zoning Ordinance indicates that vacation homes are a prohibited use, and yet a quick review online reveals that 269 homes in Mesa are being advertised and rented for that purpose.

Mayor Smith remarked, in addition, that he would prefer that the amendment be “tweaked” to ensure that it is not open ended. He also agreed with Councilmember Richins that he did not want “the zoning police banging on doors” based on Internet listings, since vacation homes have not been a problem in Mesa until the speakers raised their concerns tonight.

It was moved by Councilmember Luna, that this agenda item be tabled until the Council obtains additional information.

Mayor Smith pointed out that a motion and a second has already been made to approve this item.

City Attorney Debbie Spinner clarified that the Council can agree to remove this item from the agenda and, therefore, it would be unnecessary to take a vote. She explained that staff would reintroduce the matter after it is brought back.

Councilmember Kavanaugh seconded the motion.

Mayor Smith restated that the motion is to table item 6-d.

Discussion ensued relative to the voting procedures with respect to the first and second motions.

Mayor Smith called for a voice vote on Councilmember Luna's motion.

Upon tabulation of votes, it showed:

AYES - Smith-Glover-Kavanaugh-Luna

NAYS - Finter-Richins-Somers

Mayor Smith declared the motion carried by majority vote.

Mayor Smith stated that there appears to be Council consensus that perhaps one or two "tweaks" should be made to the Ordinance, after which time it would be brought back for their consideration.

City Manager Christopher Brady suggested that staff could conduct research on a few Valley cities, such as Scottsdale, that allow vacation homes and determine how they handle that process.

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:45 p.m.

SCOTT SMITH, MAYOR

ATTEST:

DEE ANN MICKELSEN, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 27th day of January 2014. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

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