



COUNCIL MINUTES

January 27, 2014

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 January 27, 2014 at 5:16 p.m.

COUNCIL PRESENT	COUNCIL ABSENT	OFFICERS PRESENT
Scott Smith Alex Finter Christopher Glover Dennis Kavanaugh David Luna Dave Richins Scott Somers	None	Christopher Brady Debbie Spinner Dee Ann Mickelsen

1. Review items on the agenda for the January 27, 2014 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 removed from the agenda: 6-c (continued to the February 10, 2014 meeting)

Item removed from the consent agenda: 6-d

Mayor Smith requested an update on Item 6-d (amending Title 11, Chapter 5 and Chapter 86 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).

Zoning Administrator Gordon Sheffield provided an update based on information received from Councilmember Luna that residents of Boulder Mountain Highlands, a gated community, have concerns related to this ordinance. He indicated that one of the concerns is that renters of vacation homes within their community would have access to the gated security codes, and that one of the reasons they live in a gated community is the predictability of knowing their neighbors.

Mayor Smith commented that gated communities also have Homeowner Associations (HOAs) & Covenants, Conditions, and Restrictions (CC&Rs) and wouldn't those preclude a City ordinance.

In response to questions posed by Mayor Smith, Mr. Sheffield verified that this is not an authorized use under current zoning rules and that the ordinance, if approved, would not supersede HOA or CC&R rules and regulations. He added that the residents have indicated that it is their desire that the CC&Rs align with the City ordinance.

Development and Sustainability Director Christine Zielonka confirmed Mayor Smith's statement that most HOAs have better regulations and enforcement for this type of matter and indicated that in isolated situations there would be noise complaints to which the Police Department (PD) would respond.

Councilmember Luna explained that one of the concerns residents have is that their CC&Rs do not address vacation rentals so they have come to the City for a remedy.

City Attorney Debbie Spinner clarified that the residents did not want the City to approve this land use, leaving it as a prohibited use, eliminating the need for homeowners to go to their HOA for a remedy. She added that, should the Council adopt this ordinance, the residents could then go to their HOA to have this added as a prohibited use.

Ms. Zielonka added that currently, vacation rentals are not an allowed use, but that there are a number of vacation rentals across the City that continue without complaints. She explained that when staff began work on this issue they looked at a use that is compatible with neighborhoods and it seemed an anomaly that the code didn't allow the use.

Mayor Smith explained that this issue has been under consideration for almost two years and that in that time there has been no feedback from residents until now.

Mr. Sheffield indicated that the reason he made the interpretation on vacation rental land use was due to a noise complaint received from Boulder Mountain Highlands, and prior to that no interpretation had been made or requested. He added that Council then directed staff to move forward with an ordinance.

Mr. Sheffield indicated that the administrative use permit process includes an application and tax license. He added that part of the issue with this option is that there are no criteria for the City to deny an administrative use permit.

Councilmember Richins expressed concern regarding the degree to which Council wants to micromanage this issue and added that there are relatively few vacation rentals within Mesa compared to the number of homes. He added that a few disturbances should be expected. He explained that the ordinance seems reasonable and that if passed, it can be revisited in the future for possible revisions.

Councilmember Luna requested that the proposed ordinance be reviewed and modified to provide a remedy for residents.

Vice Mayor Finter explained that it is up to individual neighborhoods and HOAs to regulate rules and methods for the types of neighborhoods their residents want.

Mr. Wesley provided an update on item 6-a (annexing land located north of Adobe Road and west of Signal Butte Road) and displayed a right-of-way map. **(See Attachment 1)** He

explained that portions of this section of Adobe road have been dedicated by the County, but not accepted for maintenance.

In response to a question from Mayor Smith, City Manager Christopher Brady stated that the City has contacted Maricopa County and made them aware of the challenges related to this annexation. He proposed that staff facilitate a discussion between the developer, the homeowners and the County to seek a resolution to this issue.

Mr. Wesley indicated that this item is scheduled for introduction at the February 24th Council meeting and that this will allow additional time for all parties to meet and determine the best course of action.

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

2-a. Transportation Advisory Board meeting held on December 17, 2013.

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

Carried unanimously.

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

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

4. Scheduling of meetings and general information.

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

Thursday, January 30, 2014, 7:30 a.m. – Study Session

Saturday, February 1, 2014, 8:00 a.m. – 11:00 a.m. – Luna Landing-Fitness and Wellness Fair

Saturday, February 1, 2014, 8:00a.m. – 12:00 p.m. – Shred-A-Thon/East Mesa Service Center

5. Adjournment.

It was moved by Councilmember Luna, seconded by Councilmember Glover to adjourn the Study Session at 5:40 p.m.

SCOTT SMITH, MAYOR

ATTEST:

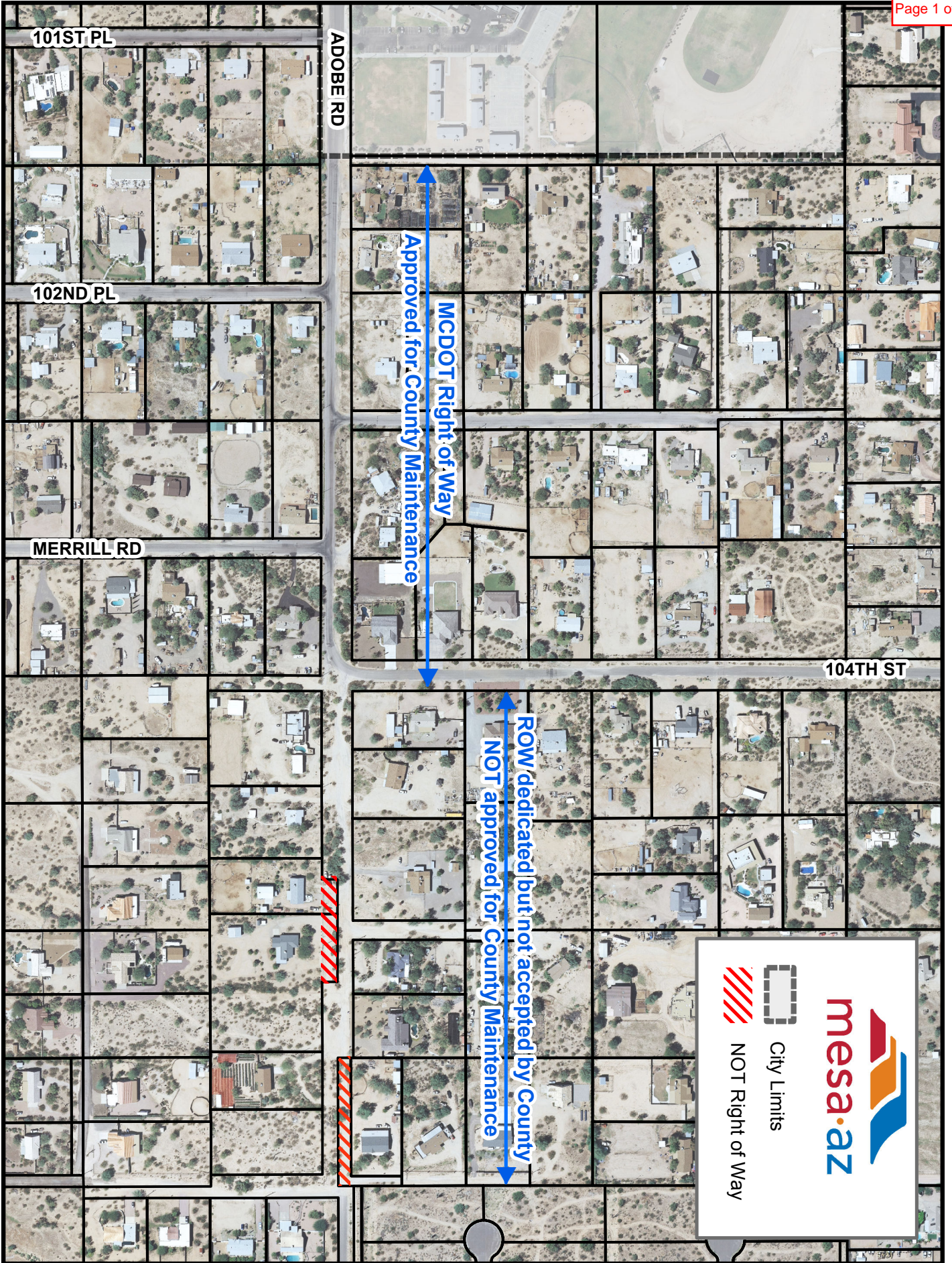
DEE ANN MICKELSEN, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session 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

abg

(Attachment – 1)



Logo for mesa·az City Limits. The logo features the text "mesa·az" in a stylized font with a blue and orange graphic element to the right. Below it, the text "City Limits" is written. At the bottom, there is a red and white diagonal hatched symbol followed by the text "NOT Right of Way".