



## COUNCIL MINUTES

March 10, 2011

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on March 10, 2011 at 7:30 a.m.

### COUNCIL PRESENT

Scott Smith  
Alex Finter  
Christopher Glover  
Dina Higgins  
Dennis Kavanaugh  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

### 1-a. Hear a presentation and discuss the Mesa Takes Flight Project.

Arts and Culture Director Cindy Ornstein introduced Peter Sterling, President and CEO of the Mesa Chamber of Commerce, who displayed a PowerPoint presentation (**See Attachment 1**) highlighting the Mesa Takes Flight Project. Mr. Sterling stated that aviation was important to the City and that the Mesa Takes Flight Project would engage citizens with the idea of flight.

Mr. Sterling briefly highlighted the partners participating in the Mesa Takes Flight Project. (See Page 4 of Attachment 1) and said the newest partners to the project include the Mesa Aviation and Aerospace Alliance and ASU Polytechnic.

Mr. Sterling reported that the Mesa Takes Flight Project began with an exhibit at the Mesa Historical Museum (MHM) and noted that the project grew when MHM joined forces with the City's Arts and Culture Department.

Mr. Sterling advised that the Mesa Takes Flight Project is a year-long celebration that will act as "an umbrella" to Mesa's Celebration of Arizona's Centennial. He stated that activities would occur at schools, libraries, airports, museums and parks and added that different events, venues and groups at the City will incorporate the Mesa Takes Flight Project into their programs.

Ms. Ornstein remarked that ideas for the project include the flight of animals, machines, man's ingenuity, or the concept of flight and what it means in terms of progress and innovation. She noted that the project would celebrate the progress, creativity, innovation and the future of flight in the community.

Ms. Ornstein also noted that the program would provide opportunities for citizens to explore prehistoric flying reptiles, birds, insects, flying mammals and the environments these animals inhabit. She said that there would also be opportunities to explore aircraft, aviation history, current advances, future prospects, as well as the birth of manned flight and space exploration. Ms. Ornstein added that there will be an exhibit at the Museum of Natural History that includes photography from the Hubble Space Telescope and an exhibit on the first flying reptiles.

Ms. Ornstein further reported that the project would explore flight occupations, the purpose of flight and space exploration. She explained that the East Valley Institute of Technology (EVIT) and ASU Polytechnic will demonstrate to the community what educational choices they have to offer with respect to occupations related to flight.

Ms. Ornstein, in addition, spoke regarding various opportunities to explore flight through the Arts. She noted that such activities include, but are not limited to, the following: an Aviation Camp sponsored by Mesa Public Schools; a substantial Calendar of Events sponsored by the City's Arts and Culture Department, such as the "AMOCOCO" exhibit; and Open Houses at Mesa's airports. Ms. Ornstein added that because Mesa has a significant Native American heritage, it would be a good time for the community to explore Native American traditions, stories and dances that incorporate birds, feathers and flight.

Ms. Ornstein advised that staff will distribute a Calendar of Events related to the Mesa Takes Flight Project and said that it was anticipated that the list of events will continue to grow. She also noted that staff was developing a brochure to invite the community to participate in the activities and added that a formal project announcement is expected in the next week.

Responding to a question from Councilwoman Higgins, Ms. Ornstein clarified that there will be a link to the Calendar of Events on the City's website.

Mayor Smith thanked staff for their creativity in developing multiple events surrounding the Mesa Takes Flight theme.

1-b. Hear a presentation, discuss, and provide direction on Stormwater.

Deputy Director of Environmental and Sustainability Scott Bouchie displayed a PowerPoint presentation (**See Attachment 2**) outlining the Stormwater Program goals and the proposed changes to the Stormwater Ordinance. He reported that minor changes to the requirements will streamline the enforcement processes and build consistency across the Sustainability Department. Mr. Bouchie also noted that staff would conduct outreach with the stakeholders and the Developers Advisory Forum regarding the proposed changes to the Stormwater Ordinance. He added that it was anticipated that the Stormwater Ordinance would be brought back to the Council for consideration in April or May.

Mr. Bouchie indicated that in 1997, the City of Mesa was issued its original Stormwater Permit and stated that in August 2010, it was issued a new permit as part of the Clean Water Act which

is regulated by the Arizona Department of Environmental Quality (ADEQ). He noted that the goal of the Stormwater Program was to reduce pollutants in stormwater to the maximum extent practicable through the use of Best Management Practices (BMP) implemented by the City.

Mr. Bouchie displayed a map (See Page 6 of Attachment 2) and explained that stormwater begins in the curbs and gutters and travels through catch basins, pipes and a series of retention basins where it is ultimately discharged into the Salt and Gila Rivers.

Mr. Bouchie reported that the City's number one BMP is public outreach conducted through Stormwater Outreach for Municipalities (STORM). He said that Mesa was one of the founding members of STORM, which consists of 21 Valley agencies that share a consistent message for residents Valleywide that "only rain in the storm drain." Mr. Bouchie noted that STORM also provides Public Service Announcements and promotional items.

Mr. Bouchie briefly highlighted the process of Illicit Discharge, Detection and Elimination (IDDE) and reviewed wet/dry weather sample collections that monitor the quality of the stormwater being discharged from the City. He explained that the City was in the process of moving the stormwater stations to outflows located along the US 60, which will allow staff to have a better idea of the quality of the water leaving the City. Mr. Bouchie added that the Stormwater Permit requires that stormwater be compared to surface water standards.

Mr. Bouchie also spoke regarding the inventory and inspection of stormwater pollution from catch basins and facilities that store hazardous materials, which is another BMP utilized by the City. He indicated that staff responds to environmental complaints and conducts private, industrial, commercial and construction inventories and inspections to ensure that the sites are in compliance with the City Code. Mr. Bouchie added that the new permit requires that the City conduct 50 inspections annually.

Responding to a question from Vice Mayor Somers, Director of Development & Sustainability Christine Zielonka clarified that the MyMesa application for android phones was available for Code Compliance complaints and would eventually be set up to accept environmental complaints.

Deputy Transportation Director Lenny Hulme explained that the MyMesa application was developed to report problems such as debris in the road. He said that with respect to emergency situations, the application provides the user with a direct phone number to call and report the situation.

Mayor Smith commented that the MyMesa application would continue to be updated to provide more options for citizens to report issues.

In response to a question from Councilwoman Higgins, Mr. Bouchie advised that environmental inspections are conducted by Environmental staff; construction inspections are conducted by Building Safety staff; and complaint inspections are conducted by Code Compliance staff.

Ms. Zielonka also noted that if a Building Inspector is already in an area when a complaint is received, that individual is directed to look into the complaint as opposed to sending two or three different people to the site.

Responding to a question from Mayor Smith, Mr. Bouchie stated that one of the requirements of the new Stormwater Permit is to ensure that construction sites have coverage under the State Permit. He explained that the City performs inspections to determine if a construction site is in compliance with the City's Stormwater Ordinance, but not in compliance with State requirements.

Mayor Smith commented that the City's Ordinance states that a construction site must have a permit and noted that in order to obtain a State permit, the construction site would have a Stormwater Pollution Prevention Plan (SWPPP).

Mr. Bouchie responded that the SWPPP was a valuable tool for inspectors in determining where stormwater is being discharged on a construction site and where the company is storing hazardous materials.

Mayor Smith advised that the plastic sheeting barriers and the bales around catch basins at construction sites are used to catch stormwater.

Mr. Bouchie briefly highlighted the proposed revisions to the Stormwater Code as it relates to the new permit. (See Pages 10 and 11 of Attachment 2)

Discussion ensued relative to the fact that a "discharge" is when water actually leaves the City systems and goes to the Maricopa County Flood Way or the Salt River; that a "release" is when water leaves someone's property and is released into the City system by way of the curb and gutter; that the Stormwater Code currently allows for de-chlorinated pool water to be emptied into the gutter, although it has been found that such water is usually green pool water containing pollutants and should not be released into the Stormwater System; and that Mesa residents are advised that pool water should be kept onsite or discharged into the sewer cleanout.

Mayor Smith thanked staff for the presentation.

1-c. Hear a presentation, discuss and provide direction on State and Federal Legislative Issues.

Assistant to the City Manager Scott Butler introduced Government Relations Coordinator Miranda Culver, who displayed a PowerPoint presentation (**See Attachment 3**) and provided an overview of the 2011 State Legislative Session. She reported that the Legislative Session convened on January 10, 2011 and said that as a result of the November 2010 election, the Legislature has a Republican supermajority, with 21 Republicans and 9 Democrats in the Senate and 40 Republicans and 20 Democrats in the House.

Ms. Culver indicated that the State's FY 2011 projected budget deficit is \$763 million and noted that it was anticipated that there would be a \$1.15 billion shortfall for FY 2012. She also provided a brief overview of the Governor's Budget Proposal. (See Page 4 of Attachment 3) Ms. Culver stated that the Governor proposes a \$554 million cut to the Arizona HealthCare Cost Containment System (AHCCCS), as well as a \$170 million reduction to the State's universities. She added that considering the magnitude of the budget deficit and reductions, Arizona's cities and towns were pleased that cuts to State Shared Revenue was not included in the Governor's proposal.

Mr. Butler stated that Highway User Revenue Funds (HURF), which are proposed to be diverted from cities to the Department of Public Safety (DPS), are used for Mesa's street projects. He said that the diversion of such funds would impact the City's Transportation budget by approximately \$1 million.

Mayor Smith remarked that street projects that would normally have been completed with HURF dollars would not be completed. He stated that although the loss of HURF monies affects street maintenance, it would not impact General Fund operations.

Ms. Culver further reported that the Governor's proposal also included cuts to 911 funds, which could be as much as \$2.2 million. She stated that since it was unclear how such cuts would impact the 911 system, staff will bring back this item to the Council once those impacts have been determined.

Ms. Culver also indicated that 1,337 bills were introduced during the 2011 Legislative Session and noted that of those bills, more than 200 could have a potential impact on the way the City conducts business. She added that at the present time, only six bills have been signed into law, none of which have had an impact on cities and towns.

Councilmember Kavanaugh stated that it was his understanding that the Governor signed the "sprinkler bill" into law.

Mr. Butler responded that the City of Scottsdale is the only municipality that has an Ordinance that requires residential sprinklers. He explained that the "sprinkler bill" was a move by the Homebuilders Association of Central Arizona to preclude additional cities from adopting residential sprinkler requirements.

Discussion ensued regarding the "sprinkler bill" and what the City could do to regulate sprinklers in new residential homes without including it in an Ordinance.

Mayor Smith commented that the City could include residential sprinklers as part of development negotiations, especially on higher density subdivisions, if it were deemed a public safety issue.

Ms. Culver continued with the presentation and advised that the first Legislative Special Session was in regards to the Governor's proposed AHCCCS cuts. She reported that the bill passed, was signed into law and an eligibility waiver request was submitted to the Federal government. She stated that the second Special Session was solely for the introduction and passage of the "jobs bill" of 2011, which was the Governor's Legislative proposal to spur economic activity and bring additional jobs to Arizona. She added that the "jobs bill" was passed and signed into law on February 17, 2011.

Mayor Smith remarked that cuts made to AHCCCS at the Federal level are passed down to the City. He explained that when medical insurance is not available, the City becomes the healthcare provider to individuals who call 911 as a last resort. Mayor Smith added that the City would respond to the 911 calls and the costs of such service would fall upon the City.

Mr. Butler advised that it had been made clear that if the State did not receive the AHCCCS waiver, cuts would have been made to the State Shared Revenue stream. He said that

regardless of whether the cuts were made directly or indirectly from the State Shared Revenue stream, the City would still absorb the costs.

Vice Mayor Somers expressed concern regarding the potential impact the cuts to AHCCCS could have on the City's economic development efforts in terms of healthcare. He stated that by cutting preventative and managed care, residents would be forced to receive care from emergency rooms, which is an inefficient and expensive way to access healthcare.

Mayor Smith remarked that the consequences of the reductions made at the Federal and State level are that the costs are "pushed down" to the community level.

Mr. Butler reported that SB 1221 proposed that State Shared Revenue distributions be frozen at FY 2009/10 levels which, per capita, was one of the lowest levels in history. He explained that the freeze would have required that any additional increments be diverted off the State debt for the lease/purchase arrangement of the State Capitol/State Legislative buildings. Mr. Butler noted that SB 1221 was vigorously opposed, as it would have had a \$117 million impact on the City of Mesa in the first six years.

Mr. Butler indicated that the League of Arizona Cities and Towns has been working closely with the Arizona Tax Research Association on SB 1220, which is related to the Model City Tax Code. He stated that SB 1220 was an attempt to "roll back" some of the local tax decisions made in the best interest of Mesa residents. He explained that SB 1220 would have prescribed a "one-size-fits-all" scheme for all cities, towns and charter cities and towns. Mr. Butler added that if SB 1220 had been in effect this year, the City would have lost \$13 million from its General Fund in order to conform to the legislation.

Further discussion ensued regarding the purpose behind the proposal of SB 1220, which would preclude a voter-approved designated sales tax; and that SB 1220 did not move forward and an agreement was reached between the League of Arizona Cities and Towns and the Arizona Tax Research Association.

Responding to a question from Mayor Smith, Mr. Butler clarified that the business community requested a uniform local sales tax, as some businesses operate in multiple jurisdictions with different tax rates. He said that some streamlining could be done in order to make the Tax Code more business friendly.

Mr. Butler highlighted HB 2726 and SB 1609, both of which relate to pension reform, and noted that at some point, these two bills will meet and there would be some type of consensus legislation. He explained that the bills are being pushed by Speaker of the House Kirk Adams and Senator Steve Yarbrough and said that there would be a few changes to the Public Safety Retirement System for new hires and the Elected Officials Retirement System.

Mayor Smith remarked that the City of Mesa does not have its own retirement plan and receives "a bill" from the State Retirement System, the Public Safety Retirement System and Elected Officials Retirement System. He stated that the guidelines and qualifications for the pension program are determined at the State level and noted that health benefits are handled at the City level.

Mr. Butler remarked that many employees have been in contact with their Legislators regarding an alternative to the pension reform process.

Responding to a question from Vice Mayor Somers, Mr. Butler clarified that there will be certain changes to the retirement plan that affect existing employees and retirees, particularly those in Public Safety, in the form of an increase to their monthly contributions.

Mr. Butler briefly highlighted the Public Safety bills including SB 1352, which would prohibit photo radar. He noted that the bill would have precluded intersection photo enforcement as well as school zone enforcement. He explained that trying to eliminate all photo enforcement was enough to make the Senators uncomfortable and the bill did not make it out of the Senate.

Responding to a question from Councilwoman Higgins, Mr. Butler advised that the Legislature will be doing "a lot more" micromanagement with local government. He said that there have been bills in the past that have tried to mandate how long yellow lights should last and also remarked that claims have been made that the City intentionally engineers the intersections to increase the number of speeding tickets and other violations.

Mr. Butler reported that SB 1611, which is the immigration omnibus bill, has had widespread support from Senate President Russell Pearce. He stated that one of the issues surrounding the bill is that it would require cities and towns to pay for a mandatory 30-day jail incarceration period for immigration detainees.

Responding to a question from Mayor Smith, Mr. Butler advised that the State Legislature has not appropriated any funds to assist cities with the immigration mandates. He said that jail costs are regulated by the Maricopa County Sheriff's Department and added that it was expensive to house detainees at the County Jail for 30 days.

Mayor Smith commented that the City has a very aggressive immigration enforcement program. He stated that "talk is cheap" and that many laws would not be passed if the State had to "pick up the cost." Mayor Smith added that unfunded mandates are a loss for the citizens of Mesa, but a "feel good" for many of the proponents.

Additional discussion ensued regarding mandated costs that would result in an increase in fees and taxes and a reduction in services.

Mr. Butler continued with the presentation and briefly highlighted SB 1201, which is the firearms omnibus. He reported that there were numerous hospitality and entertainment groups working to not preclude firearms in public venues such as the Mesa Arts Center (MAC) and facilities that do not have magnetometers, armed security or lock boxes. Mr. Butler stated that for those venues that do not have such security measures in place, SB 1201 would come with great costs. He added that larger stadiums, such as Chase Field and the University of Phoenix Stadium, are taking the lead with respect to this bill.

Councilmember Kavanaugh suggested that firearms provisions could be incorporated into the design for the new Cubs' Stadium.

Mr. Butler advised that SB 1307 would regulate political signs in public right-of-ways. He said that there were numerous bills that restrict the community's ability to regulate political signs for

public safety purposes. Mr. Butler added that the bill does provide requirements with respect to how long political signs can be displayed.

Responding to a question from Councilmember Kavanaugh, Mr. Butler explained that the State is not assuming additional liability for any accidents that might occur as a result of an obstructed view in an intersection or damages to the infrastructure caused by political signs in the right-of-way.

In response to a question from Councilwoman Higgins, Mr. Butler explained that SB 1307 will expand the placement of political signs and the time requirements for taking them down. He said there were numerous issues that the City would need to consider when regulating signs in the right-of-way.

Mr. Butler further reported that the City of Mesa, in cooperation with State Representative Cecil Ash, was moving forward with HB 2159 in an effort to gain control of scrap metal thefts that the City has been experiencing. He stated that it is the industry's opinion that it is already over regulated and that the additional requirements would be too restrictive. Mr. Butler noted that as a result, the Chairman of the Rules Committee refused to move the bill forward.

Responding to a question from Councilwoman Higgins, Mr. Butler explained that the Legislature believes that there are already sufficient regulations in place to control scrap metal dealers. He advised that the State intends to implement a computer tracking system that the Department of Public Safety (DPS) would be able to access and view scrap metal sales transactions. Mr. Butler noted that if such a system was implemented, it would not provide the necessary protections that law enforcement requires in order to track thefts. He added that he was unsure what authority the City would have with respect to imposing regulations on scrap metal dealers and said that staff would research the matter and report back to the Council.

Mayor Smith commented that putting regulations in place to regulate scrap dealers would not prevent individuals from going to another jurisdiction to sell scrap metal.

Mr. Butler responded that Mesa has taken the lead and is forming a cross-jurisdictional task force that will work with DPS, ADOT and other law enforcement agencies to gain some control over copper wire thefts.

Further discussion ensued relative to the Governor's Competitiveness Package, which includes, but is not limited to, job training tax credits and property reclassification in an effort to attract jobs to the State; that SB 1041 would renew and reconfigure Arizona's Enterprise Zone Program; that SB 1159, which is the motion picture tax credit bill, could have a direct impact on Mesa; and that the proponents of Gateway Studios and the Gateway area would benefit should this tax credit be implemented.

Mr. Butler continued with the presentation and reported that the Homebuilders Association of Central Arizona was once again pushing for impact fee legislation via SB 1525. He explained that it was "a sweeping piece of legislation" that would eliminate impact fees as a tool for cities and towns. Mr. Butler noted that the City's Development Services Department would be burdened to administer such a program and said it would be necessary for the City to either hire additional personnel to perform such duties or research other ways to allow "growth to pay for growth." He advised that the industry was very aggressive this year and was "wiping out" 30

years of case law and 30 years of negotiations in order to pursue lawsuits against the City of Mesa dealing with Cultural Impact Fees and public infrastructure.

Mr. Butler also remarked that the Legislature has been provided misinformation with respect to the MAC having been paid for with Impact Fees when, in fact, the facility was paid for with voter-approved sales taxes. He added that the Governor's Office convened a stakeholders group that will work on Impact Fee Legislation and said it was anticipated that some middle ground would be reached in this regard.

Mr. Butler advised that SB 1286 and SB 1598 were regulatory bills that attempt to micromanage the way the City conducts business. He said that SB 1286 mandates that the City must issue permits within 60 days, although it does not take into account that the City may not be the reason for the delay in the permit process.

Mayor Smith remarked that the City could be forced to deny permits. He said that SB 1286 is another bill that sounds well meaning, but the full measure of the consequences has not been thought through. He said that in many instances, it is not the actions of the City that prevent a permit from being issued in 60 days.

Mayor Smith further noted that the industry has indicated that City staff is doing "an incredible job" providing a higher level of customer service and dealing with limited resources. He added that the Development and Sustainability Department has implemented many process improvements and gone out of its way to provide a higher level of customer service.

Mr. Butler continued with the presentation and said that HB 2193 is being pushed by the Realtors Association. He said the industry is concerned that some cities require landlords to be named on utility accounts due to those tenants that "skip out" on their bills. He added that this is another situation in which the City's ability to conduct business is being defined by a particular industry.

Mr. Butler reported that SB 1204 is supported by the Multifamily Housing Association and would mandate that cities allow multifamily housing the option to bid out their trash collection service. He said that multifamily housing would be treated as a commercial entity instead of a residential entity.

Responding to a question from Mayor Smith, Mr. Butler explained that currently Mesa is the sole trash collection provider for all residential units, including apartment complexes. He said that SB 1204 would allow the owners of apartment complexes the option of having an outside vendor provide their trash service. He said that servicing these areas would be expensive as front-loading trucks would need to be purchased. Mr. Butler also remarked that it would restrict the City's ability to treat these complex units as residential units. He added that under this bill, the private trash collectors would have the ability to "cherry pick" which units are the most profitable.

Mayor Smith remarked that the City does not mind competing, but noted that the bill "does not create a level playing field." He said that the bill would allow private companies to pick the most lucrative accounts and leave the rest for the City to handle.

City Manager Christopher Brady explained that the City does not have a problem competing as it already competes against the commercial accounts. He said that requiring the City to service the units that are not picked up by the private trash collectors is not a level playing field.

Mr. Butler advised that SB 1322 would require cities to bid out any services that the cities provide that cost more than \$50,000. He said the problem is that the City conducts large, complex businesses and \$50,000 would account for almost every function conducted in the City. He stated that having to put all those services out to bid would be difficult to administer.

Mayor Smith commented that the City needs to have the ability to determine when it makes sense to have certain responsibilities covered by private entities. He stated that the theme in all the bills presented has been for the Legislature to take very complex situations and provide very simplistic solutions.

Mr. Butler reiterated that the one-size-fits all approach does not work for all cities. He stated that the City of Mesa continues to look for ways to innovate and utilize the private sector.

Discussion ensued regarding the issues surrounding SB 1322 and the difficulties that would arise in regards to bidding out all services over \$50,000.

Mr. Butler commented that an amendment to SB 1322 is coming forward that will restrict the measure to City's with a population over 500,000. He noted that it is possible that it will not be long before the City of Mesa exceeds that population threshold.

Mr. Butler reported that SB 1345 would limit the number of employees a City could have. He explained that this bill does not take into consideration the City's unique structure. He stated that some cities do not have their own utility company and again the one-size-fits all approach of SB 1345 is bad public policy.

Mayor Smith remarked that some cities do not even have their own Police and Fire Departments.

Mr. Butler advised that companion bills SB 1166/HB 2230 are referred to as the "Wal-Mart bill." He explained that the bill was passed under the premise that it would help small businesses with some of their tax liabilities. He stated that it is feared that large corporations will be able to form Limited Liability Corporations (LLC) that would shield them from some of the tax collection that they would normally be prescribed. He said the bill will be monitored to determine the impacts to the City.

Mayor Smith commented that some large corporations do not pay any taxes to the City of Mesa, but the City provides these businesses with Fire, Police and medical services. He stated that the only connection that the City would have with these corporations would be through the Commercial Lease Tax. He added that the cost to provide all these services to these businesses would not be covered.

Mr. Butler stated that there were many bills that were not covered in this presentation, but noted that staff would continue to keep the Council informed and will answer any questions they may have regarding particular bills.

Mr. Butler displayed a PowerPoint presentation (**See Attachment 4**) highlighting the Federal Legislative Agenda for the FY 2012. He advised that new to the delegation for the City of Mesa is Congressman David Schweikert, who represents west Mesa.

Mr. Butler reported that the Federal government is currently operating on a Continuing Resolution until March 18. He advised that there is talk that both sides will not be able to come to an agreement before March 18 and another short-term Continuing Resolution will be in order to keep the government operating. He said that Vice President Joe Biden and Chief of Staff Bill Daley have been asked to negotiate with Congressional leadership and added that those discussions are ongoing. (See Page 2 of Attachment 4)

Mr. Butler advised that House Resolution (HR) 1 is the budget proposal for the current fiscal year. (See Page 4 of Attachment 4) He outlined the \$102 billion in decreased spending as follows:

- Decrease Community Development Block Grant (CDBG) from \$4 billion to \$1.5 billion
- Decrease Community Services Block Grant (CSBG) from \$700 million to \$395 million
- Eliminate Community Oriented Policing Services (COPS) Program
- Substantial decreases to local law enforcement and Juvenile Justice Grants
- Decrease Firefighter Assistance Grants from \$800 million to \$500 million

Mr. Butler stated that the Senate's proposed budget would maintain level funding for CDBG and CSBG, but noted that the Senate was proposing cuts from other areas in order to meet its budget reduction deadlines and maintain level funding for most City programs. (See Page 5 of Attachment 4)

Mr. Butler advised that yesterday, Majority Leader Harry Reid put both proposals up for a test vote in the Senate and neither HR 1 nor the Senate bill were able to come close to the 60 votes that are necessary to move the bill forward. He added that negotiations will continue, as this was a symbolic vote to prove that there was not a desire to go forward with either proposal. He noted that a Federal shutdown is looming for March 18 unless a proposal can be passed. (See Page 6 of Attachment 4)

Discussion ensued regarding the Federal government cutting CDBG funds for the remainder of FY 2011 when the funds are part of a reimbursement program.

Senior Executive Manager Chuck Odom commented that the City has contracts that are subject to appropriations or continued spending. He said that as a result of the Federal Government not providing reimbursements, private agencies would be subject to cuts and the City could potentially be responsible for what has been expended.

Further discussion ensued regarding potential cuts that the City would need to make in the event that CDBG funds were no longer available.

Mayor Smith commented that the Federal Government does not understand the impact that the cuts would have on the City. He said that the willingness of the Federal Government to make cuts and bring their spending into line is appreciated, but noted that the costs "do not go away." He added that the City would be left "holding the bag" for any expenditures made in anticipation of reimbursement.

Mr. Butler reported that the Federal government is approaching its upper limit of the \$14.2 trillion that it is allowed to assume in debt. He said that in the past, that limit has always been raised without question, but explained that there is talk that the House will not support an increase in the debt limit unless there are substantial cuts in spending that will offset an increase.

Mr. Butler advised that in his State of the Union address, President Obama called for a five-year freeze on Federal spending for the FY 2012 budget and that any bill that contained earmarks would be vetoed. He said the President also proposed that there would be no further extensions of the "Bush tax cuts." He stated that the President did not include any specific long-term debt solutions, but did advise that entitlements and defense must be part of the solution.

Mr. Butler briefly highlighted the President's proposed budget reductions (See Page 9 of Attachment 4) that will affect cities as follows:

- CDBG cuts of 7.5% for FY12, not including the 62% decrease proposed for the current fiscal year by the House majority
- Zero funding for Energy Efficiency and Conservation Block Grants
- Reduced funding for Airport Improvement Program
- Reductions to the Water and Wastewater State Revolving Fund
- Reductions to the Community Services Block Grant Program

Mr. Butler provided a brief synopsis of the President's proposed budget increases and new programs (See Pages 10 and 11 of Attachment 4) that will affect cities as follows:

- High Speed Intercity Passenger Rail
- Public Transit
- National Infrastructure Bank
- Build America Bonds
- HUD Homeless Program
- Section 8 Tenant Based
- COPS hiring and retention
- Public Safety Communications
- Land and Water Conservation Fund

Mr. Butler advised that the President's proposal recommends a 7.5% decrease in CDBG funds. He stated that the House of Representatives has not released a budget proposal for FY12, but explained that the Republican Study Committee has called for the total elimination of CDBG into the future. He reported that out of the \$3.7 million in CDBG funds allocated to the City in 2010, nearly \$1 million was passed directly to the community non-profits for work, public safety and community engagement. He said that the non-profits include the Marc Center, Housing Our Communities and City services, such as Code Compliance and Homeowner Rehab. (See Page 12 of Attachment 4)

Mr. Butler stated that Congress will tackle a new highway bill as the previous one expired on September 30, 2009. He said it is anticipated that that the House and the Senate will come together in order move the highway infrastructure forward. (See Page 13 of Attachment 4)

Mr. Butler advised that the Federal Aviation Administration (FAA) Reauthorization impacts the Phoenix-Mesa Gateway and Falcon Field Airports. He said that it is anticipated that the Reauthorization that expired in September 2007 will be re-enacted into law. (See Page 14 of Attachment 4)

Mr. Butler reported that the President's budget includes \$38 million for the Central Mesa Light Rail Extension. He stated that Mayor Smith received a call from Federal Transit Administrator Peter Rogoff, complimenting Mesa on the quality of the project. He added that Mr. Rogoff will be visiting Mesa later this month with Representative Pastor to survey the Light Rail Extension area. (See Page 15 of Attachment 4) He noted that as part of the region's proposal for the Light Rail Extension, every dollar of the \$38 million in Federal funds will be matched with Prop 400 funds.

Mayor Smith commented that the Light Rail Extension will be funded by a combination of Federal money, Prop 400 money and a limited amount of City of Mesa funds. He said when the voters approved Prop 400, they approved very specific guidelines with very strict firewalls that do not allow cross utilization of the funds.

Mr. Butler advised that programs such as the Boeing Company's Apache Program that benefit National Security and the City of Mesa will continue to be advocated. He stated that the Apache Program is a good piece of weaponry for the military and provides jobs for the community. Mr. Butler added that Boeing was awarded a \$38 billion air tanker project by the Federal government and said it was anticipated that the project will have some ancillary benefits to the City. (See Page 16 of Attachment 4)

Mr. Butler advised that the Councilmembers' involvement with national boards and committees, as well as communications with Legislators, is the reason that members of Congress are aware of the needs of the City. He remarked on Councilmember Glover's recent appointment to a national board through the National League of Cities (NLC), as well as the Mayor's involvement with the U.S. Conference of Mayors. (See Page 17 of Attachment 4)

Mayor Smith thanked staff for the presentation.

1-d. Hear a presentation, discuss and provide direction on the Zoning Ordinance Update.

Zoning/Civil Hearing Administrator Gordon Sheffield displayed a PowerPoint presentation (**See Attachment 5**) highlighting the following housekeeping and/or clarification issues of the Zoning Ordinance Update:

- Problems with calendaring and public notice
- Issues regarding Public Notice
- Council Use Permits(CUP) as they relate to Bars in C-2
- Accessory Living Quarters
- Proposed prohibition of Churches in Downtown Core District

Mr. Sheffield advised that a Citywide notice was mailed on March 4 regarding the proposed zoning change and that the Planning & Zoning Board (P&Z) hearings are scheduled for March 23 and April 20. He said that the public will have an opportunity to make comments at the hearings or submit written comments by email through [Planning.info@mesaz.com](mailto:Planning.info@mesaz.com). Mr.

Sheffield advised that introduction of the Ordinance is tentatively set for June 6. He added that at the May Study Sessions, he would address any questions the Council may have in order to have the Ordinance ready for introduction.

Mr. Sheffield reported that Public Notice Requirements for a mailed notice is a minimum 300 foot radius and explained that for larger cases, the applicant may be asked to increase the radius to 500 or 1,000 feet. In addition, he said that mailed notices are provided to HOA's and registered neighborhoods within 1,000 feet or 1 mile, depending upon the nature of the request.

Mr. Sheffield briefly outlined the current Public Notice Requirements (See Pages 5 and 6 of Attachment 5) as follows:

- Posting of a 4 foot x 4 foot white with black letters sign on the case site
- Newspaper Legal Notice
- Citizen participation such as neighborhood meetings
- Newspaper Notice and 11" x 17" Poster on site
- Mailed notice within 150 feet or 300 feet and Notice to HOA if within the boundaries

Mr. Sheffield advised that it has been requested that the distance for mailed notices be increased from 300 feet to a minimum of 500 feet for P&Z and Board of Adjustment (BOA) cases.

Responding to a question from Mayor Smith, Mr. Sheffield clarified that for an addition to a residential property, the smaller notification would continue to be used and that the larger notice would be used for commercial properties.

In response to a series of questions from Councilwoman Higgins, Mr. Sheffield advised that it would be best to have an Ordinance to fall back on in the event that a developer does not provide notice as requested. He added that staff was researching the possibility of a 16" x 20" wooden sign for commercial property.

Mayor Smith commented that for a single residence property, an 11" x 17" sign posted would suffice, but noted that a smaller sign on a commercial property would have the appearance of hiding the case.

Mayor Smith advised that it was the consensus of the Council that the minimum mailed notice distance be increased to 500 feet for any P&Z cases and an equivalent 500 feet minimum for commercial properties.

Mr. Sheffield advised that previous direction from Council was to eliminate the Council Use Permit (CUP) requirement for pool/billiard halls in LC (formerly C-2) districts. He stated that commercial entertainment is a larger category that includes bars and noted that he was seeking Council input relative to eliminating the CUP requirement for bars in C-2 Districts.

Responding to a question from Councilmember Finter, Mr. Sheffield explained that there are limitations on the tools that can be used with the Zoning Ordinance. He said that typically, if a bar is not allowed by-right, it would have a CUP or Special Use Permit (SUP). Mr. Sheffield noted that site plan type of use questions only work if a bar is being constructed and would not apply on a land-use basis. He indicated that if a building was already present, then the use is

authorized, not authorized, or authorized through some type of conditional use process. He suggested that the permit could be downgraded from a CUP to a SUP and there would be appeal rights, which would go to the Zoning Hearing Officer or the BOA.

Councilmember Finter expressed concern regarding the possibility of a bar being located next to a Fry's supermarket. He said there have been previous discussions regarding the possibility of separating a particular issue without having to vote against the entire Zoning Code Update.

Councilwoman Higgins expressed opposition to allowing a by-right use in a C-2 District unless there was nowhere else for a business to go in the City. She stated that she would rather protect the neighborhood market.

Mr. Sheffield explained that with a by-right option, separation standards could be implemented and administered through a Zoning Ordinance. He offered the suggestion that there be a separation standard of 500 feet from a grocery store.

Discussion ensued regarding whether bars with a Series 6 Liquor License should retain a CUP in a C-2 District and by-right in a C-3 or Industrial District.

Councilmember Finter remarked that tools have been developed at the State level regarding sports bars.

Mayor Smith commented that the industry has changed and there are now hybrids that do not fit into the Liquor Codes of 30 or 40 years ago.

Further discussion ensued regarding the separation requirements and whether a school should come into an area where there is an established nightclub; and a comparison of land use to an activity with respect to entertainment businesses such as Amazing Jakes.

Councilmember Kavanaugh stated that he did not believe there was a need for a CUP and that this issue is over regulated based on moral issues. He said that this is a use that is seen in commercial districts in many cities and towns around the country without adverse effects. He added that there are other tools in terms of licensing through the State and the public safety system that can be utilized.

Mayor Smith reiterated the statements made by Councilmember Kavanaugh and said that problems with establishments such as Amazing Jakes and Hurricane Bay could be handled through parking and site plans. He stated that if a business meets the parking and site plan standards, then the State Liquor Board will handle the other issues.

Councilwoman Higgins expressed her disagreement and said that it was not the activity of the business that was of concern, but the Series 6 Liquor License. She explained that if a business came before the Council and could show a track record, such as Hurricane Bay, then the Council could approve the CUP. Councilwoman Higgins concurred with Councilmember Finter's comments with respect to the B & G Biker Bar and said that the Council should have the opportunity to say that a bar does not belong on a particular corner in Mesa. She added that a CUP would allow the Council to make such a determination and not put staff in the position of having to make that decision.

Mayor Smith commented that a Series 6 Liquor License is not a land use or a standards issue, but rather a political decision, which should be made by the Council. He stated that some standards should be in place that are relevant to the type of activity and applied equally.

Deputy City Attorney Donna Bronski clarified that Liquor Licenses do come before the Council, which would afford the Council an opportunity to make a recommendation.

Councilmember Finter described an incident that occurred at the former Lost Alaskan Bar. He explained that a fight in the bar progressed to the parking lot, where one individual shot at another, and the bullet struck and killed an innocent woman sitting by the pool at the motel across the street. Councilmember Finter noted that many bars are notorious for fights, stabbings and shootings and are public safety issues. He suggested that there be a review process that would consider how a particular business would interact with a Fry's or some other business.

Mr. Sheffield stated that staff was requesting clarification and would like to narrow down this specific topic. He explained that in the past, objective criteria were added to assist in the review of CUP applications. Mr. Sheffield noted that this process has not occurred with bars, but said that such criteria could be added.

Mayor Smith commented that it was the direction of the Council that bars remain as a CUP; that staff develop and bring back to Council specific standards to address the issues raised by Councilmember Finter with respect to where bars can be located; and that the standards should include that an applicant would meet higher public safety standards.

Mr. Sheffield further reported that staff proposes a separation requirement from one CUP permit to another CUP permit (i.e. pawnshop and a tattoo parlor). He explained that currently, there is a 1,200 foot separation requirement from one tattoo parlor to another and 500 feet from another CUP activity.

Mayor Smith remarked that placing a pawnshop 500 feet away from a tattoo parlor would not necessarily improve a neighborhood.

Councilwoman Higgins commented that allowing bars and tattoo parlors in the same strip mall could bring down an area.

Mayor Smith stated that further discussions could take place to determine what the distances between activities would accomplish. He requested that the proposal be evaluated by the Planning Department.

Mr. Sheffield continued with the presentation and reported that there might be a compromise with regard to the leasing/renting of Accessory Dwelling Units (ADU). He advised that staff proposes that if all the standards have been met, a homeowner could lease or rent an ADU if they obtained an SUP. Mr. Sheffield stated that the idea was to develop control measures and attach conditions, such as parking, screening, additional landscaping, to minimize the impact on adjacent neighbors. He added that it would be difficult to control who the primary property owner was and said that the person in the primary residence could also be a renter.

Mayor Smith commented that although these types of uses are not permitted, they do occur across the City. He stated that the only reason to enact an SUP for ADU's would be to create a regulatory framework in order to resolve "the few problem situations."

Mr. Sheffield advised that at the present time, if a person leases or rents an ADU, it is not allowed and the only remedy is for the renter to move out. He questioned, however, whether the law has ever been enforced. Mr. Sheffield noted that the SUP process can provide a mechanism wherein a person may not be required to move out, as the individual could apply retroactively for the SUP. He added that if there are egregious situations, conditions could be attached to address those situations, such as limiting the number of parking spaces or requiring that they provide additional parking.

In response to a question from Mayor Smith, Mr. Sheffield explained that a mechanism to handle such situations is already in place through the Zoning Hearing Officer or the BOA.

Councilmember Finter commented that it might assist Code Enforcement to have a mechanism in place to address this issue when complaints arise. He said the SUP would allow for a greater use of an individual's property, but also take into consideration the rights of the neighbors.

Mayor Smith suggested that one of the conditions of the SUP should be that the property owner be the main resident on the property.

Responding to a question from Councilwoman Higgins, Mr. Sheffield explained that currently, there is a by-right option, wherein the ADU can be approved as long as it is attached to the house and architecturally integrated into the home. He stated that the only time an applicant would go through the SUP process would be if the ADU was a separate, detached dwelling. Mr. Sheffield added that as part of the submittal requirements, the applicant would be required to submit a site plan and a floor plan.

Mayor Smith noted that ancillary buildings are not something new and in the past were referred to as "mother-in law flats" or maid's quarters.

Mr. Sheffield noted that for those individuals "operating under the radar," if problems arise, the SUP provides an option to correct such problems.

Responding to a question from Councilwoman Higgins, Mr. Sheffield explained that the SUP could be established based on minimum zoning criteria.

Mayor Smith clarified that the SUP relates to the activity that will be conducted in the ADU, but does not change building standards.

Councilwoman Higgins pointed out that the proposal would allow for separate utility service for the ADU, which is currently not permitted.

Responding to a question from Mayor Smith, Mr. Sheffield explained that the proposal was to allow for separate utility service, but noted that condition could be removed.

Councilmember Finter expressed appreciation for “the check and balance system” with respect to the role of the Zoning Hearing Officer and the BOA which, in his opinion, “keeps the political process out of the way.”

Mayor Smith said that he was not comfortable with the separate utility for the ADU. He suggested that if a resident chose to have a separate meter and there was no opposition from the neighbors, that would be acceptable to him. He noted, however, that he would prefer to have the property owner collect the utility payment from the tenant.

Mr. Sheffield continued with the presentation and indicated that staff proposes to prohibit churches in the downtown corridor. He explained that State statutes provide that a city with a population between 200,000 and 500,000 residents can declare two Entertainment Districts up to one square mile area as long as those areas are contiguous. Mr. Sheffield noted that by declaring those entertainment areas, it suspends the separation requirements from churches and schools. He displayed a map of the downtown area and stated that the area would meet the criteria for establishing an Entertainment District. He explained that in doing so, it would prohibit any new churches or the expansion of existing churches in the area.

Responding to a question from Mayor Smith, Mr. Sheffield clarified that if a bar was established in a strip center and a church subsequently came into the center, the church would waive any separation rights under the liquor law because it came in after the bar.

Mr. Sheffield noted that the City was attempting to create an Entertainment District and the suspension of separation requirements would allow several activities together despite the fact that a church or school is in the area. He stated that if the Council was comfortable with this concept, the City could go back to allowing churches in the downtown area and staff could meet with downtown businesses and merchants to discuss the possibility of establishing an Entertainment District and possibly passing a resolution in that regard.

Mayor Smith remarked that downtown Mesa is a vibrant area that has many different activities, such as schools, churches and micro-breweries, because those are the kinds of uses that occur in downtown areas. He said the separations that conflict really don't exist and added that the downtown attracts multiple uses and whatever can be done to encourage such uses should be supported.

Development and Sustainability Director Christine Zielonka explained that staff presented this matter to the Council to determine if they were receptive to the idea. She said that Assistant to the City Manager Natalie Lewis and Economic Development staff will conduct a stakeholder outreach process to vet the concept to downtown businesses.

Mayor Smith stated that the Council was in agreement that staff conduct an outreach process with the downtown stakeholders.

Mayor Smith thanked staff for the extensive presentation.

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

2-a. Economic Development Advisory Board meeting held on February 1, 2011.

It was moved by Vice Mayor Somers, seconded by Councilwoman Higgins, 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, March 17, 2011, Study Session – Cancelled

Monday, March 21, 2011, TBD – Study Session

Monday, March 21, 2011, 5:45 p.m. – Regular Council Meeting

5. Items from citizens present.

There were no items from citizens present

6. Adjournment.

Without objection, the Study Session adjourned at 10:44 a.m.

---

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 10<sup>th</sup> day of March 2011. I further certify that the meeting was duly called and held and that a quorum was present.

---

LINDA CROCKER, CITY CLERK

pag/bdw  
(attachments – 5)



## Celebrating

# Our Community's Creative Potential

*Flight has always captivated humans.*

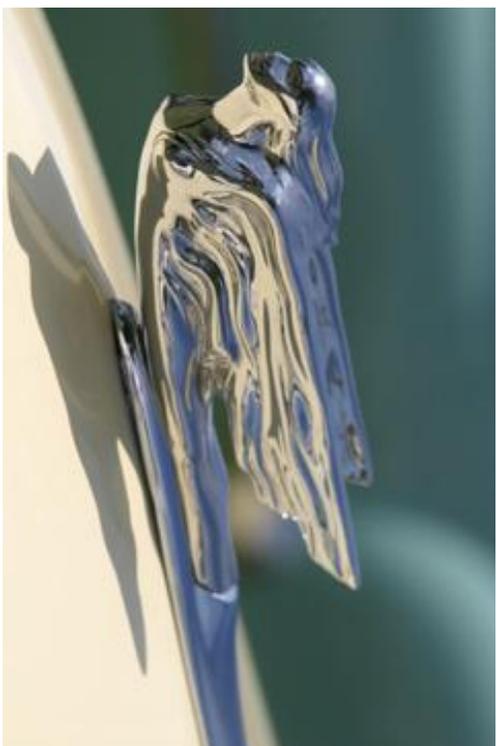
**We envision a project that enables us to explore the *concept* of flight**

**—not only flying animals and machines  
but the idea of flight as a symbol of  
advancement and progress,  
and the creative products of  
the flight of our imaginations.**

## **We envision *Mesa Takes Flight* as a project that will:**

- ▶ serve to engage citizens around the idea of flight
- ▶ create excitement about our community's assets and prospects
- ▶ associate Mesa with creativity and innovation

# Partners



- Arizona Museum for Youth
- Arizona Museum of Natural History
- Commemorative Air Force Museum
- East Valley Institute of Technology
- East Valley Partnership
- Falcon Field Airport
- Mesa Arts and Culture Department
- Mesa Arts Center
- Mesa Chamber of Commerce
- Mesa Historical Museum
- Mesa Parks, Recreation & Commercial Facilities
- Mesa Public Libraries
- Mesa Public Schools
- Mesa United Way
- Nammo Talley
- Phoenix-Mesa Gateway Airport
- The Boeing Company
- Veterans Day Parade

# Background



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- ▶ Aviation is a key component of our community's past, present and future development
- ▶ Mesa Historical Museum (MHM) recently launched two exhibits
- ▶ MHM developing multi-faceted project to collect, display and celebrate Mesa's aviation and aerospace heritage

# Background

- ▶ **MHM joined with City's Arts and Culture Department and The Boeing Company to explore a collaborative project around topic**
- ▶ **Conversations with potential partners reinforced the project's potential as a catalyst for community engagement and promotion**
- ▶ **We anticipate that the list of partners will continue to grow**



mesa *takes flight*

- ▶ Year-long Celebration and Community Engagement Initiative
- ▶ Umbrella for Mesa's Celebration of Arizona's Centennial



# mesa takes flight

Will take place at a variety of locations

- ▶ libraries
  - ▶ schools
  - ▶ airports
  - ▶ museums and arts venues
  - ▶ parks
- ...and more





# mesa *takes flight*

Opportunity to  
explore:

- ▶ Prehistoric flying reptiles
- ▶ Birds
- ▶ Insects



- ▶ Flying mammals
- ▶ The environments these animals inhabit



# mesa *takes flight*

Opportunity to explore:

- ▶ aircraft
  - ▶ aviation history
  - ▶ current advances
  - ▶ future prospects
- ...from the birth of manned flight to space exploration



# mesa *takes flight*

Opportunity to explore:

The jobs of flight  
—from aviators to  
astronauts

The purposes of flight  
—from transport to  
military to exploration



# mesa takes flight



Opportunity to explore:

- ▶ Dance and acrobatics, theater and art
- ▶ Stories
  - ...about the flight of people
  - ...the flight of the imagination
- ▶ Bubbles, paper airplanes, inflatable sculptures....





# mesa takes flight

Opportunity to explore:

- ▶ Native American traditions, stories, dances

...incorporating birds, feathers and flight



# mesa *takes flight*

Opportunity to explore:

Our community's ability  
to innovate and think  
creatively



# mesa takes flight

A Substantial Calendar of Events is already in place

First Up:

- ▶ MHM Exhibits
- ▶ AMOCOCO & Aerial Dancers
- ▶ Open Houses at Mesa Airports





mesa *takes flight*

- ▶ Full Calendar of Events Being Distributed
- ▶ Brochure Under Development
- ▶ Formal Project Announcement Next Week



mesa *takes flight*



mesa *takes flight*

# mesa takes flight



# mesa takes flight



# Stormwater Update

**Scott Bouchie, Environmental &  
Sustainability Deputy Director**



# Overview

- Overview of Stormwater Program
- Overview of Proposed New Ordinance
  - Minor Changes to Requirements
  - Streamlined Enforcement Processes
  - Consistency Across Department



# Overview

- **Timeline for Introduction**
  - **Outreach to Stakeholders  
(Developers Advisory Forum)**
  - **Council Consideration April/May**



# New Stormwater Permit

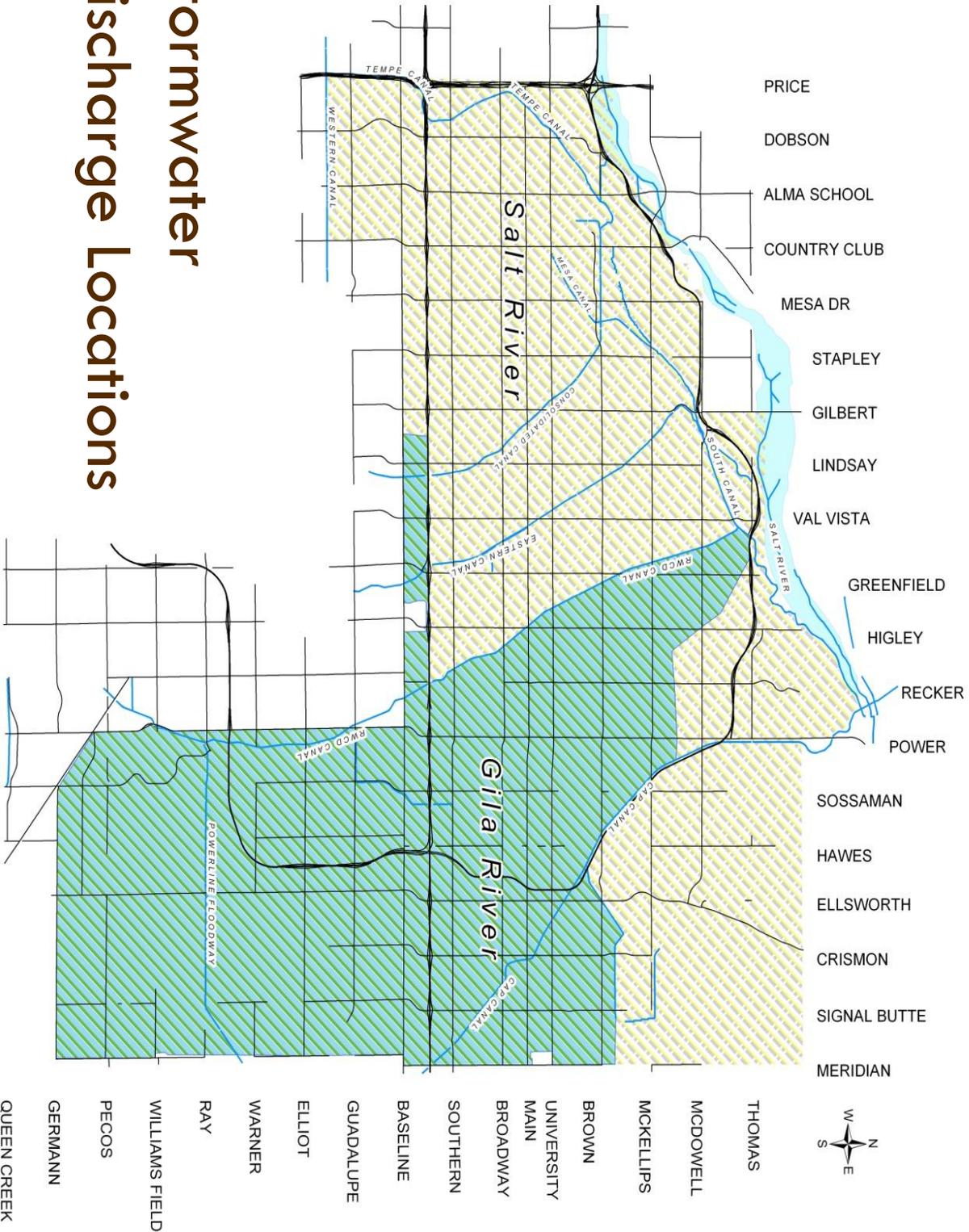
- Stormwater Quality
- Clean Water Act
- Regulated by Arizona Department of Environmental Quality
- Original permit 1997
- New Permit August 2010



## Goal of Stormwater Permit

- Reduce pollutants in stormwater to Maximum Extent Practicable
- Done through implementation of Best Management Practices

# Stormwater Discharge Locations



- THOMAS
- MCDOWELL
- MCKELLIPS
- BROWN
- UNIVERSITY
- MAIN
- BROADWAY
- SOUTHERN
- BASELINE
- GUADALUPE
- ELLIOT
- WARNER
- RAY
- WILLIAMS FIELD
- PECOS
- GERMANN
- QUEEN CREEK



## Public Outreach



**mesa·az**  
BUILDING A SUSTAINABLE  
COMMUNITY

## Stormwater Outreach for Municipalities (STORM)

- 21 Valley Agencies
- Consistent Message
- “Only Rain in the Storm Drain”
- Public Service Announcements
- Promotional Items





# Illicit Discharge, Detection and Elimination

- **Dry Weather /Wet Weather Sampling**
- **Moving Sampling Stations to Outfalls**
- **Must Compare to Surface Water Standards**





## Best Management Practices



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BUILDING A SUSTAINABLE  
COMMUNITY

### Municipal Inventories & Inspections

- Facilities that store hazardous materials
- Storm sewer system maps
- Inspections of storm sewer system





## Best Management Practices

### Private Industrial, Commercial &

### Construction Inventories & Inspections

- Facilities that store hazardous materials
- Complaint Response
- 50 Inspections/year

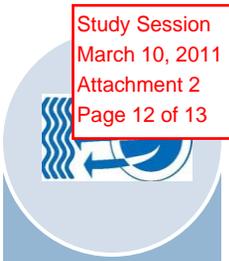




## Revised Stormwater Code

### Definition Changes

- Added ADEQ, Removed EPA
- Changed verbiage from Discharge to Release
  - Main difference discharge outside of City System vs. Release to City system
- Removed Swimming Pool Discharges as Allowable
  - Conflicted with other Codes



## Revised Stormwater Code

### Enforcement to Match Process Used in

#### the Nuisance Code

- Streamlined Process to Match Current Process with Code Compliance
- Use of Civil Hearing Officer



# Stormwater



**mesa·az**  
BUILDING A SUSTAINABLE  
COMMUNITY

# QUESTIONS?



# 2011 City of Mesa State Legislative Update

City Council

March 10, 2011

# **2011 Legislative Session**

- First Regular Session of the 50<sup>th</sup> Arizona Legislature
- Convened on Monday, January 10, 2011
- Republican Supermajority
  - Senate: 21 Republicans, 9 Democrats
  - House: 40 Republicans, 20 Democrats

# **State Budget Deficit**

- \$763 million FY 2011 projected budget deficit
- \$1.15 billion projected shortfall for FY 2012

# Governor's Budget Proposal

- \$554 million cut to the Arizona Health Care Cost Containment System (AHCCCS)
- \$170 million reduction to universities
- Impact to Cities and Towns
  - \$6 million in fees from Arizona Department of Water Resources (ADWR)
  - \$12.6 million in HURF funds will be diverted from cities to DPS
- Evaluating cuts to the 911 fund

# 2011 Legislative Session

- **1<sup>st</sup> Regular Session**
  - A total of 1337 bills have been introduced
  - Mesa has identified more than 200 bills that have a potential impact on the way we do business and provide services to the residents of Mesa.
  - 6 bills have been signed into law
- **1<sup>st</sup> Special Session – Medicaid Eligibility/Funding**
  - S1001 AHCCCS; waiver request
  - Signed into law on Jan. 21, 2011
- **2<sup>nd</sup> Special Session – Economy/Jobs**
  - H2001 commerce authority; business incentives
  - Signed into law on Feb. 17, 2011

# 2011 Legislative Session

- **Fiscal Sustainability**
  - *State Shared Revenue*
    - SB 1221 urban revenue sharing; distribution freeze
  - *Model City Tax Code*
    - SB 1220 uniform local sales tax base
  - *Pension Reform*
    - HB 2726 retirement systems; plan design
    - SB 1609 retirement systems; plans; plan design

# 2011 Legislative Session

- **Public Safety**
  - SB 1352 photo radar prohibition
  - SB 1611 immigration omnibus
  - SB 1201 firearms omnibus
  - HB 2153 and SB 1374 fire sprinklers; code
  - SB 1307 political signs; public right-of-way
  - HB 2159 scrap metal dealers
- **Economic Development**
  - SB 1041 Invest Arizona
  - SB 1159 tax credits; multimedia production

# 2011 Legislative Session

- **Development Services**
  - SB 1525 municipal development fees
  - SB 1286 counties; cities; permit; time limit
  - SB 1598 cities; counties; regulatory review
- **Other**
  - HB 2193 municipal water charges; responsibility
  - SB 1204 trash collection; multifamily housing
  - SB 1322 cities; services; managed competition
  - SB 1345 cities; number of employees; compensation
  - SB 1166/HB 2230 municipal tax exemption; commercial lease

# Comments

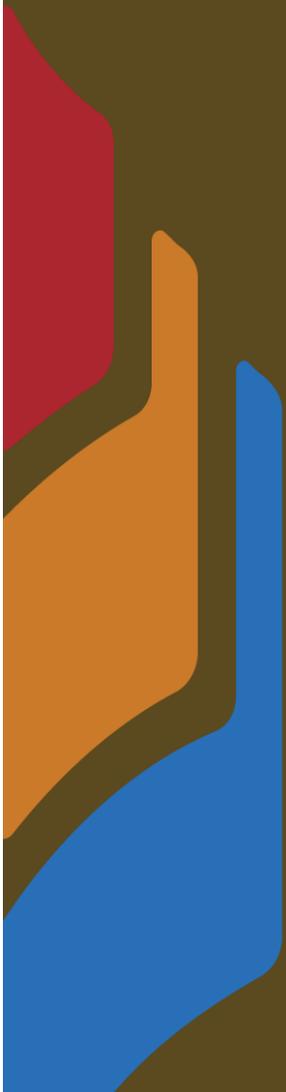
# &

# Questions



# City of Mesa Federal Legislative Agenda Fiscal Year 2012

City Council Study Session  
March 10, 2011





# Mesa Delegation

## Senate:

- Senator John Kyl (R): Senate Minority Whip
- Senator John McCain (R)

## House:

- Congressman Jeff Flake (R)
- Congressman David Schweikert (R)



## Federal Budget

- ❖ Finalize FY11 Budget
  - Two-week Continuing Resolution will keep the federal government operating until March 18
    - Spending reduced by \$4 billion
  - White House has dispatched a “budget envoy” led by the Vice President and CoS Bill Daley to negotiate with Congressional leadership from both caucuses



## Federal Budget

FY11 Proposal – House Republicans (H.R. 1)

- ❖ **Decrease FY11 spending by \$102 billion**
  - Decrease CDBG from \$4 to \$1.5 billion
  - Decrease CSBG from \$700 to \$395 million
  - Eliminates COPS program
  - Substantial decreases to Local Law Enforcement and Juvenile Justice Grants
  - Decrease Firefighter Assistance Grants from \$800 to \$500 million



## Federal Budget

FY11 Proposal – Senate/President

- ❖ **Decrease FY11 spending by \$51 billion**
  - Level funding for CDBG & CSBG
  - \$558 million for COPS program
  - Slight decreases to Local Law Enforcement and Juvenile Justice Grants
  - Level funding for Firefighter Grants
  - Level funding for FTA New/Small Starts Program



# Federal Budget

## FY11 Proposal – Path Forward

- Senate Test Votes – Both President’s Proposal & H.R. 1 will be voted
  - Expected neither will obtain 60 votes
  - Negotiations will continue
- ❖ **CR expires at midnight on March 18**



# Federal Budget

## Debt Limit Looming

- Fiscal estimates call for the federal government to reach the \$14.2 trillion debt limit sometime this summer
- Federal debt has increased from \$3.5 to \$14 trillion in the last decade (largest percentage increase since WWII)
- House Leadership has shown willingness to raise the debt limit in return for spending cuts



## FY12 President's Budget

- Calls for a five-year freeze on federal spending (Saves \$400 billion)
- Budget with earmarks will be vetoed
- Proposes no further extension of “Bush tax cuts”
- Does not include specific long-term debt solution – states that entitlements and defense must be part of solution



# FY12 President's Budget

## Reductions/Eliminations

- **Community Development Block Grant** – the formula grant program would be cut by 7.5 percent, or \$300 million.
- **Energy Efficiency and Conservation Block Grants** – provides zero funding
- **Airport Improvement Program** – would reduce funding for airport improvement by \$1.1 billion, from \$3.5 billion to \$2.4 billion.
- **Water and Wastewater State Revolving Fund** – would be cut by \$947 million, a 27 percent decrease.
- **Community Services Block Grant Program** – would be cut in half to \$350 million.



# FY12 President's Budget

## Increases/New Programs

- **High Speed Intercity Passenger Rail** – would provide \$8 billion in 2012 and \$53 billion over the next six years.
- **Public Transit** – would nearly double the transit program, from \$12.143 billion in FY 2010 to \$22.351 billion in FY 2012.
- **National Infrastructure Bank** – would invest \$5 billion in FY 2012 and \$30 billion over the next six years in a new National Infrastructure Bank.
- **Build America Bonds** – would reinstate and make permanent the Build America Bond program.
- **HUD Homeless Program** – would increase by \$507 million, from \$1.865 in FY2010 to \$2.372 billion in FY 2012.



# FY12 President's Budget

## Increases/New Programs

- **Section 8 Tenant Based** – would increase by \$1.039 billion, from \$18.184 to \$19.223 billion in FY 2012.
- **COPS Hiring and Retention** - would double from \$298 million in FY 2010 to \$600 million in FY 2012.
- **Public Safety Communications** – calls for incentive auctions over the next 10 years of up to 500 megahertz of federal and non-federal spectrum and proposes investing \$7 billion of the expected receipts in the development of a nation-wide interoperable broadband network for public safety.
- **Land and Water Conservation Fund** – would receive a 200 percent increase in the stateside program from \$40 million to \$120 million.



## **Community Development Block Grants (CDBG)**

- FY12 - President recommends 7.5% decrease; Republican Study Cmte recommends elimination
- Mesa received \$3.7 million in 2010, with nearly \$1 million passed directly to community non-profits.
- Non-profits include MARC Center and Housing Our Communities
- City services include Code Compliance and Homeowner Rehab



# Transportation

## **Federal Highway Administration (FHWA):**

- Surface Transportation Reauthorization (SAFETEA-LU)
  - Bill expired on September 30, 2009
  - Operating under continuing resolutions
  - Redefine federal highway financing, including more regional funding opportunities



# Transportation

## Federal Aviation Administration (FAA)

- FAA Reauthorization
  - Act expired in September 2007; reauthorization not completed
  - Fully fund Airport Improvement Projects (AIP) and increase Passenger Facility Charge (PFC)
  - Guard against unfunded mandates on general aviation airports like Falcon Field



# Transportation

## Federal Transit Administration (FTA)

- Light Rail
  - President's Budget includes \$38 million for the Central Mesa Light Rail Extension
  - Request was made by Reps. Pastor and Mitchell



## Military Affairs



- Demonstrate community support for continued military funding of the Apache program; encourage expansion
- 767 Tanker deal with Air Force valued at \$30 billion



# Federal Leadership

## National League of Cities

- Dennis Kavanaugh – Executive Cmte (Finance)
- Dina Higgins – Steering Cmte, EENR
- Scott Somers – Steering Cmte, PSCP
- Dave Richins – Steering Cmte, CED
- Chris Glover – Institute for YEF
- Scott Smith – Policy Cmte, TIS

## United States Conference of Mayors

- Scott Smith – Executive Committee Trustee

# Comments & Questions





mesa·az

Development & Sustainability Department  
Planning Division

## *Zoning Ordinance Update*

# **Housekeeping and Clarification**

CITY COUNCIL

STUDY SESSION

MARCH 10, 2011

# Presentation Outline

- Revised Calendar & Notice
- Public Notice: Increase Radius for Mailed Notice?
- Council Use Permits: Bars in C-2
- Accessory Living Quarters:
  - Allow Lease or Rental of ALQs?

# Calendar

## Citywide Notice - 1<sup>st</sup> Class Mail

- March 4

## Planning and Zoning Board

- March 23 and April 20

## City Council

- Tentative: June 6 Introduction
- Possibility for May Study Sessions

# Public Notice Requirements

## Current Requirements – P&Z

- Mailed Notice to Minimum 300-foot Radius
- Larger Cases: Radius increases 500-ft to 1000-ft
- Mailed Notice to HOAs and registered neighborhoods w/in 1000-ft or 1-mile (depends on request)

# Public Notice Requirements

## Current Requirements –

### Planning and Zoning Board (P&Z)

- Posting a 4-ft x 4-ft (white with black letters) sign on the case site
- Newspaper Legal Notice
- Citizen Participation
- (Neighborhood Meetings)
- Notice : Radius – depends on request

# Public Notice Requirements

- **Board of Adjustment/Zoning Adm. Hear. Off.**
  - Newspaper Notice, Paper 11” x 17” Poster on site
  - Mailed Notice:
    - 150-ft : Single Res. and RV/Manufactured Homes
    - 300-ft : Multiple Res, Commercial, Industrial
    - Notice to HOA or Registered Neighborhood when request is located within boundaries
- **Comment:**
  - Increase Minimum Distance to 500-ft for P&Z
  - BOA /ZAHO: Equivalent Mailed Notice as P&Z

# Council Use Permits (CUP)

- Previous Council Direction:  
Drop CUP for pool/billiard halls in LC
- Bars in LC (formerly C-2) District:
  - Also drop Council Use Permit Requirement?
- Public Comment on Council Use Permits:
  - Separation Requirements apply to Same Use
  - Propose Separation to Differing CUP uses: 500-ft
    - Example: Tattoo Parlor is separated by 1200-ft from nearest Tattoo Parlor, should also be 500-ft from Pawn Shop or Plasma Center

# Accessory Living Quarters (Old) vs Accessory Dwelling Unit (New)

- Summary of Proposed Revisions
  - Allow Separate Utility Service (ie: Separate Meter)
  - Allow Separate Building w/out Special Use Permit
  - Maximum Floor Area reduced from 50% to 30% of Primary Dwelling
  - Proposed to Allow Separate Lease or Rental of ADU
  - Added Architectural Standards to Assure Compatible Design
- Occupancy of primary dwelling cannot be limited to owner only

# Accessory Living Quarters (Old)

In all Single Residence districts, accessory living quarters are permitted, subject to a Use Permit, which shall be issued only if such living quarters:

1. Are limited to one (1) per dwelling unit; and
2. Are directly accessible from the dwelling unit and architecturally integrated with the primary dwelling within the buildable lot area; and
3. Are not served by separate utility services; and
4. Have no entry visible from the public right-of-way; and

## Accessory Living Quarters (Old)

5. Have a roof area less than fifty percent (50%) of the roof area of the dwelling unit; and
6. **Are not leased or rented.**

Accessory living quarters not in conformance with Items 1 through 6 above shall require approval of a Special Use Permit in accordance with the Administration and Procedures chapter of this Ordinance.

# Accessory Dwelling Unit (New)

- An Accessory Dwelling Unit that is attached to ...the primary dwelling unit must provide... a separate entrance and if facing the street, must be setback from the front façade and not visible from the public right-of-way.
- The maximum floor area ... shall not exceed 30 percent of the roof area of the primary unit, except within the Town Center ... or within an Infill District..., where Accessory Dwelling Units shall not exceed 50 percent of the roof area of the primary dwelling.

## Accessory Dwelling Unit (New)

- Accessory Dwelling Units shall conform to all setbacks, height, lot coverage and other requirements applicable to the primary dwelling unit, based on the zoning district requirements.
- The architectural design, exterior materials and colors, roof pitch and style, type of windows and trim details shall be substantially the same as and compatible with the primary dwelling unit.