

COUNCIL MINUTES

November 15, 2012

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 November 15, 2012 at 7:30 a.m.

COUNCIL PRESENT

Alex Finter
Christopher Glover
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

Scott Smith
Dina Higgins

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Vice Mayor Somers excused Mayor Smith and Councilwoman Higgins from the entire meeting.

1. Review items on the agenda for the November 19, 2012 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 consent agenda: 4-f, 5-b

2-a. Hear a presentation, discuss and provide direction on establishing a Downtown Entertainment District.

Assistant to the City Manager Natalie Lewis introduced David Short, Executive Director of the Downtown Mesa Association (DMA), and Zoning/Civil Hearing Administrator Gordon Sheffield, who were prepared to respond to any questions the Council may have. She also recognized other staff members present in the audience who have worked on this item.

Ms. Lewis displayed a PowerPoint presentation **(See Attachment 1)** and reported that one of the Council's main goals has been to activate the downtown area during both daytime and nighttime hours. She stated that City staff and the DMA have worked to create new markets and events and reduce bureaucratic red tape in order to encourage businesses to be successful and attract new uses to the area.

Ms. Lewis advised that currently, State liquor license law requires a 300-foot buffer (distance requirement) between bars/nightclubs and schools and churches. She stated that in 2010, the City of Yuma challenged the law by contending that it unintentionally limited other uses typical for nightlife activation that the City was attempting to attract to its urban core.

Ms. Lewis explained that in response to such a challenge, the State Legislature passed a law that allows cities to designate an Entertainment District which, in essence, is a tool that removes the 300-foot distance requirement. She said that the Entertainment District can be implemented in an area up to one square mile.

Councilmember Kavanaugh clarified that the 300-foot buffer applies to a particular type of liquor license. He stated that in downtown Mesa, there are a number of businesses that hold other kinds of liquor licenses to sell alcohol and said that those establishments are located adjacent to schools and churches. He cited, as an example, the Mesa Arts Center, which is situated across the street from the Heritage Academy.

Ms. Lewis confirmed Councilmember Kavanaugh's comments and pointed out that the 300-foot buffer applies to Series 6 liquor licenses, which are required at bars, nightclubs, microbreweries and wineries.

Responding to a question from Vice Mayor Somers, Business License and Revenue Collection Administrator Tim Meyer clarified that convenience stores are required to obtain a beer and wine retail license. He also said that those establishments are subject to the 300-foot distance requirement. Mr. Meyer added that the only entities exempted from the 300-foot buffer are restaurants, Series 12 licenses and governmental licenses.

In response to a question from Councilmember Finter, Ms. Lewis explained that she was just advised by legal staff that the 300-foot rule is part of the State statute and has been in effect for quite some time. She also remarked that the rule has become a standard in many states throughout the country.

Ms. Lewis continued with the presentation and reported that prior to presenting this issue to the Council, staff solicited input and feedback from the community with respect to the possible establishment of an Entertainment District. She said that such outreach has occurred with schools and churches; the holders of Series 6 liquor licenses in the downtown area; the DMA Board of Directors; the "I Believe in Downtown Mesa" group; and the general public.

Ms. Lewis briefly reviewed some of the comments and feedback obtained during the public outreach process. (See Page 3 of Attachment 1) She explained that in general, staff received very positive feedback and noted that the public recognized the importance of activating the downtown area. Ms. Lewis also cited various community concerns (See Page 4 of Attachment 1), including the desire to retain a family-friendly atmosphere in the downtown area and the need to deter crime that could be created by bars and nightclubs.

Mr. Sheffield displayed a map illustrating the proposed boundaries of the Downtown Entertainment District (See Page 5 of Attachment 1) and stated that the area has evolved somewhat throughout this process. He explained that the State statute contains two limitations with respect to the area that can be used for the Downtown Entertainment District as follows: 1.)

The actual physical area that is designated cannot be larger than one square mile; and 2.) The boundaries must be at least one-eighth of a mile wide.

Mr. Sheffield reported that staff began this process with the downtown square mile and eliminated the residential historic districts to the north. He said that the areas around the light rail stations were included, which extended down Main Street past Mesa Drive to the border of Pioneer Park, as well as the area near Centennial Hall and the Convention Center, and a portion of the vacant land near Mesa Drive and University Drive. Mr. Sheffield further remarked that during the public outreach process, citizens expressed interest in using the old citrus packing plant at Broadway Road and Country Club Drive as the site of a possible microbrewery, which prompted the extension of the boundaries into that area as well.

Mr. Sheffield indicated that the proposed boundaries total 493 acres (0.77 square miles), with all of the boundaries meeting the requirement of being one-eighth of a mile wide. He pointed out that the areas in which the City would gain in terms of potential for the development of a bar, microbrewery or a beer/wine type of business would be along Main Street and Center; 1st Avenue; and Center Street (as depicted on the map in the goldenrod color).

Mr. Sheffield added that during the last public meeting, citizens solicited input with respect to modifying the map to include an area between Center Street and Robson along the north side of 1st Street. He stated that there was additional discussion with respect to expanding the boundaries south of 1st Avenue between Center and Mesa Drive. He noted, however, that because a petition is being circulated in the area regarding an historic district, staff preferred to not expand into that area until such time as that issue is resolved.

In response to a question from Vice Mayor Somers, Mr. Sheffield clarified that although staff has not conducted legal research, there is a possibility that if the City expanded the boundaries of the Entertainment District and then contracted them, there could be possible Proposition 207 claims since the City would be establishing a right and then "pulling it back." He added that it was staff's opinion that it was appropriate to be conservative with the boundaries of the Entertainment District and that they could consider expansion at a future date as the downtown continued to develop.

Councilmember Kavanaugh commented that the 300-foot buffer infringes on the ability of property owners to use their property as they see fit. He noted that staff's proposal is "a good approach" and urged that the City be cautious once it creates permitted zones since contracting those areas could create Proposition 207 issues. Councilmember Kavanaugh also suggested that staff continue to monitor progress related to economic development and light rail since there may be opportunities to expand the goldenrod area on the map.

Discussion ensued relative to the fact that if deemed appropriate by the Council, the boundaries of the Entertainment District could be adjusted; that staff's proposed boundaries are designed to not only address areas where there are existing conflicts, but also to avoid potential conflicts in the future; that in the previous Zoning Ordinance, bars were restricted to the C-3 and M-1 Districts; that in the 1950s, the County Board of Supervisors designated the State and Federal highways as C-3 property (150 feet on either side); and that the only C-3 land available in Mesa at that time was along Main Street, which resulted in a proliferation of bars in the area.

Mr. Short addressed the Council and briefly highlighted the DMA's role with respect to the Entertainment District. (See Pages 6 and 7 of Attachment 1) He stated that the DMA would serve as a liaison between businesses in the downtown area and also minimize conflicts between daytime and nighttime activation and uses. Mr. Short also noted that the DMA, in partnership with existing establishments, would create "good neighbor principles," with key expectations aimed at minimizing conflicts and keeping the area clean and safe.

Mr. Short briefly discussed the "good neighbor principles" (See Page 7 of Attachment 1) and advised that the DMA will be the first point of contact for problem-solving and will access other City resources, whenever necessary.

Responding to a question from Councilmember Richins, Ms. Lewis clarified that to the best of her understanding, the Entertainment District tool, which went into effect in August of this year, is being considered by Tucson, but has not yet been implemented by any cities or towns. She added that Scottsdale has created its own Downtown Entertainment District.

In response to a question from Councilmember Kavanaugh, Police Chief Frank Milstead explained that as the downtown evolves with increased uses and more visitors, it would lend itself to the implementation of Community Policing Through Environmental Design (CPTED) principles with respect to lighting/landscaping and the promotion of public safety. He also remarked that it would be important for the Mesa Police Department (MPD) to review its staffing models as it relates to calls for service in the downtown area and also incorporate bicycle patrols or walking beats in order to establish greater Police visibility.

Vice Mayor Somers commented that what the City is trying to accomplish in the Entertainment District is to attract wine bars, bistros and microbreweries that generate "a certain vibe," are good businesses and match well with, for instance, the Mesa Arts Center and other development that is occurring in the downtown area.

Responding to a question from Vice Mayor Somers, Mr. Sheffield clarified that drive-thru liquor stores and other businesses activated by auto-related customers are either prohibited in the downtown area or must seek Council approval for a Council Use Permit. He pointed out that such a process makes it difficult, at best, for those types of activities to even be considered, let alone approved. Mr. Sheffield further noted that if a business receives approval, it must renew certain City-generated licenses on an annual basis. He said that denial of such licenses is one way in which to monitor and enforce businesses that are "bad actors."

Mr. Meyer clarified that at this point in time, the City has never exercised its right to withdraw or withhold a liquor license that it issued. He explained that the State can issue a license, but if the business operator does not have a City license, the establishment cannot operate within Mesa. He added that to the best of his understanding, there are no standards regarding this issue since it has never been exercised in Mesa or elsewhere.

Vice Mayor Somers requested that staff research the matter further.

Councilmember Finter recounted that in the past, there was a nightclub in downtown Mesa that used private security inside and outside of the venue. He stated that at some point in time, he would hope that the MPD would present to the Council a plan that would require MPD off-duty officers to be hired for the outside security.

Chief Milstead responded that he would be happy to make a presentation to the Council in that regard. He noted that it would be paramount for the Department to follow its established formula for large events in downtown Mesa, which consists of two off-duty officers for every 500 citizens. Chief Milstead further advised that for every four officers, a sergeant would be included to provide supervision. He added that in his experience, there is greater consistency with the application of law and good judgment when sworn officers are used as opposed to private security.

Vice Mayor Somers thanked everyone for the informative presentation.

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

3-a. Human Relations Advisory Board meeting held October 3, 2012.

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

Vice Mayor Somers declared the motion carried unanimously by those present.

3-b. Economic Development Advisory Board meeting held October 2, 2012.

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

Vice Mayor Somers declared the motion carried unanimously by those present.

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

Councilmember Kavanaugh: MPD Citizen Police Academy Graduation

Vice Mayor Somers: Veteran's Day Parade

5. Scheduling of meetings and general information.

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

Thursday, November 15, 2012 – Inaugural Frontier Flight and Opening of New Terminal at Phoenix-Mesa Gateway Airport

Friday, November 16, 2012, 7:30 a.m. – Coffee with Councilmember Kavanaugh

Saturday, November 17, 2012, 8:00 a.m. – District 2 Pancake Breakfast

Saturday, November 17, 2012, 7:00 a.m. – Shred-A-Thon Event

Monday, November 19, 2012, 5:15 p.m. – Study Session

Monday, November 19, 2012, 5:45 p.m. – Regular Council Meeting

6. Items from citizens present.

There were no items from citizens present.

7. Adjournment.

Without objection, the Study Session adjourned at 8:25 a.m.

SCOTT SOMERS, VICE MAYOR

ATTEST:

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 15th day of November, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

pag
(attachment – 1)



DOWNTOWN LIQUOR LICENSES & THE NIGHTTIME ECONOMY “ENTERTAINMENT DISTRICT TOOL”

November 2012

BACKGROUND

- ▶ Mesa City Council: create an active/social economy downtown, help businesses be successful, attract new uses.
- ▶ State liquor license laws require 300-foot buffer between bars/nightclubs and schools and churches.
- ▶ 2010- City of Yuma challenged this state law.
 - ▶ Concern: this state law unintentionally limits other uses typical for nightlife activation we are trying to attract in our urban core.

WHY DOWNTOWN MESA?

- ▶ Diversity & intensity of uses is encouraged in the Downtown urban core.
- ▶ Reducing existing limitations caused by a State regulation.
- ▶ New colleges expected to add to the creative class market for nighttime uses in Downtown.
- ▶ Light rail to encourage new economic development opportunities.

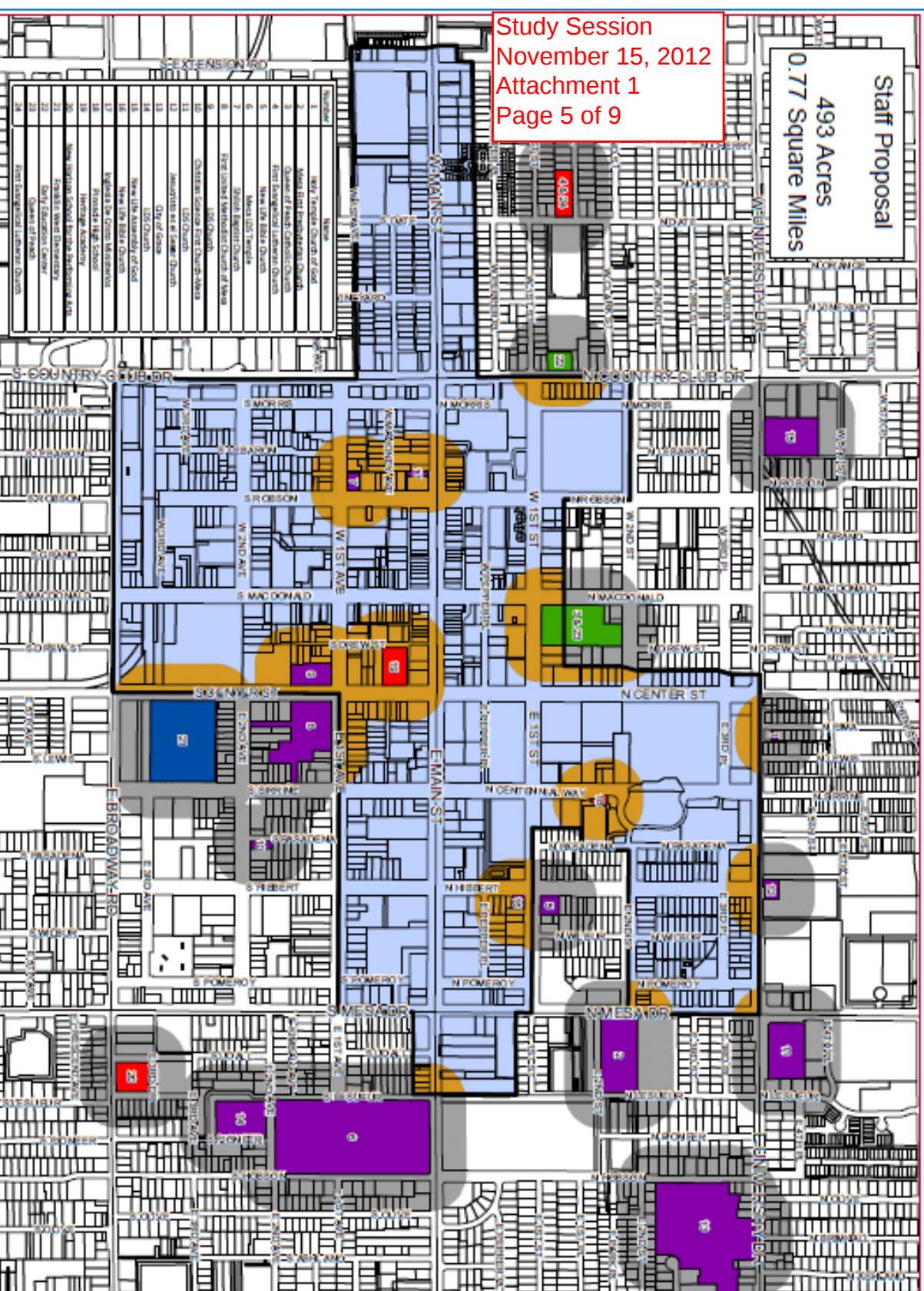
COMMUNITY CONCERNS

- ▶ Appreciate current 'protection' of existing liquor license distance requirements for schools and churches.
- ▶ Desire to retain family-friendly atmosphere downtown.
- ▶ Need to deter crime that can be created by bars & nightclubs.
- ▶ Understand goal of activating downtown, but unsure if more bars and night clubs is the best approach.

(DRAFT) PROPOSED BOUNDARIES

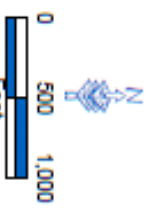
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Staff Proposal
493 Acres
0.77 Square Miles



Proposed
Downtown
Entertainment
District

- Proposed Boundaries
- Church
- Charter School
- Public School
- Private School
- 300' Buffer
- 300' Buffer within Proposal
- Parcels



Drawn by: [Name]
Scale: 1" = 500'
The City of Mesa is not responsible for the accuracy of the information shown on this map.

PROPOSED APPROACH

- ▶ Encourage all uses to co-exist in Downtown Mesa.
- ▶ Minimize conflicts between daytime and nighttime activation & uses.
- ▶ Create, in partnership with existing establishments, “good neighbor principles” with key expectations aimed at keeping downtown clean, safe and to minimize conflicts.

Public Safety A Key Priority and Focus.

PROPOSED APPROACH

▼ DRAFT good neighbor principles:

- ▼ Keep downtown clean and safe.
- ▼ Manage noise escaping from establishments after 11 p.m.
- ▼ Respect public and private properties.
- ▼ Be available and responsive, as reasonable, to comments or concerns.
- ▼ Partner with the Downtown Mesa Association(DMA) and City, when needed.
- ▼ DMA will be the first point of contact for problem-solving. DMA will access other City resources, when needed.



Thank you!

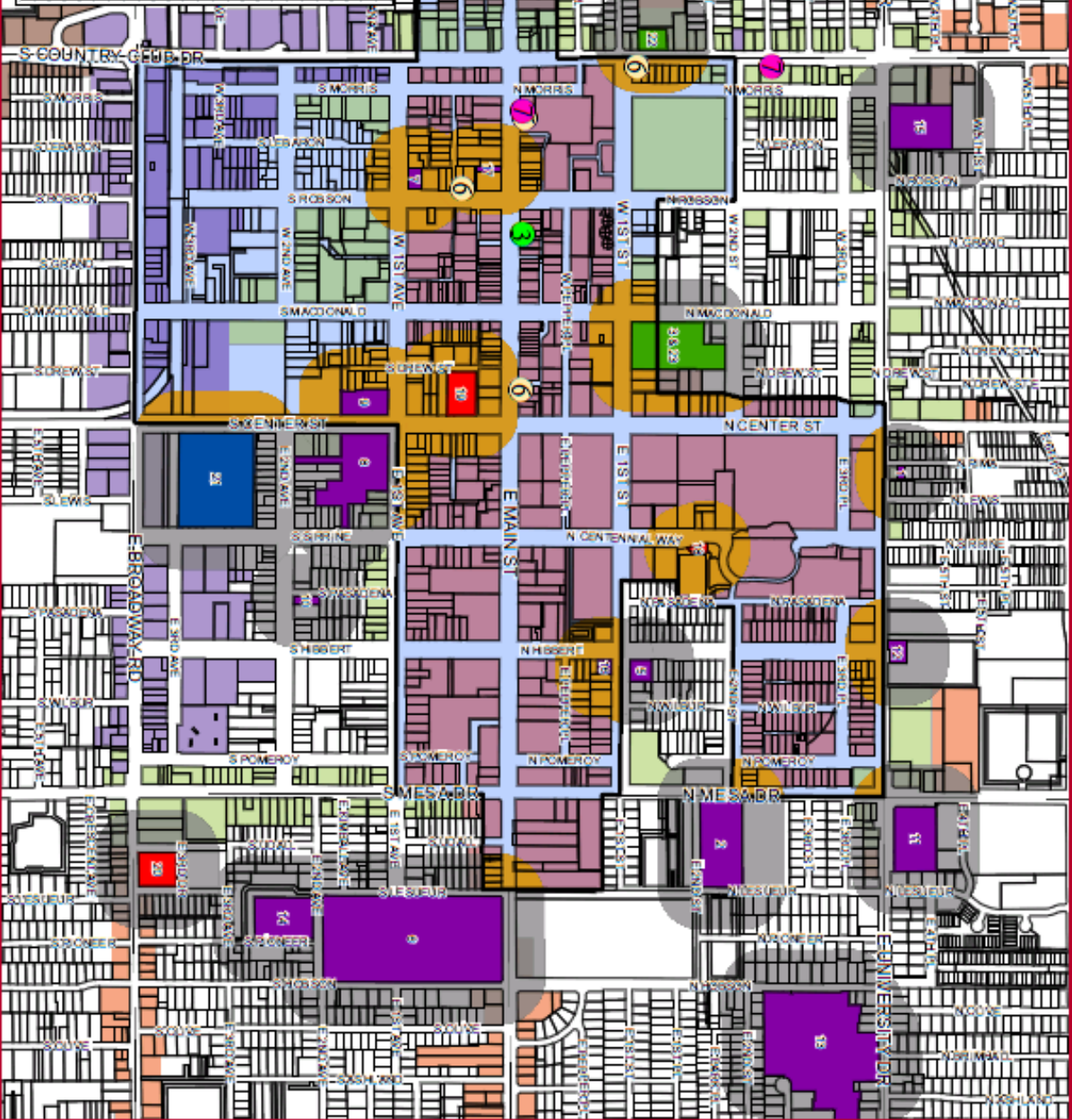
QUESTIONS AND FEEDBACK

(DRAFT) WITH ZONING

Staff Proposal
493 Acres
0.77 Square Miles

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1	Member	Holy Trinity Church of God
2		Methodist Protestant Church
3		Quaker of Faith Christian Church
4		First Baptist Lutheran Church
5		New Life Bible Church
6		St. John Baptist Church
7		First United Methodist Church of Miami
8		St. John Baptist Church
9		St. John Baptist Church
10		Christ the King Church of the Holy Trinity
11		St. John Baptist Church
12		St. John Baptist Church
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22		St. John Baptist Church
23		St. John Baptist Church
24		St. John Baptist Church



Proposed
Downtown
Entertainment

District

 Proposed Boundary
 Church
 Charter School
 Public School
 Private School
 300' Buffer
 300' Buffer within Proposal

☐ Parcels
 Liquor License
☒ 3 SERIES 03
☒ 6 SERIES 06
☒ 7 SERIES 07
 Zoning

[illegible]