

COUNCIL MINUTES

July 2, 2007

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 July 2, 2007 at 4:30 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Scott Somers
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

1. Review items on the agenda for the July 2, 2007 Regular Council meeting.

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

Conflicts of interest declared: 5b (Jones)

Items added to the consent agenda: None

Items removed from the consent agenda: 6a, 6b, and 7a

Items deleted from the agenda: 6g

2. Review items on the agenda for the July 9, 2007 Regular Council meeting.

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

Conflicts of interest declared: 7i (Hawker)

Items added to the consent agenda: 7k

Items removed from the consent agenda: None

Items deleted from the agenda: None

3. Hear a presentation and discuss the improved parking prohibition process.

Assistant Transportation Director Dan Cleavenger displayed a PowerPoint presentation (a copy is available for review in the City Clerk's Office) and noted that this information was presented to the Transportation and Infrastructure Committee (TIC) at a recent meeting. He reported that requests for "no parking" designations originate from various segments of the community, and he explained that "red curb applications" are utilized to address parking concerns in proximity to fire hydrants, driveways, community mailboxes and trash collection areas. Mr. Cleavenger stated that 281 parking prohibition requests have been considered by the Transportation Advisory Board (TAB) in the past ten years. He outlined the following reasons for implementing parking prohibitions:

- Traffic safety resulting from limited sight distance or congested intersections.
- Operational issues related to narrow streets, striping configuration or bike lanes.
- Significant burden or nuisance issues resulting from heavy or frequent parking in the areas of schools, parks, churches and other assembly areas; criminal activity such as vandalism, drugs or lewd acts; and solid waste collection.
- Issues related to neighborhood disputes in residential or business areas and enforcement of Covenants, Conditions and Restrictions (CC&Rs).

Mr. Cleavenger advised that existing process poses several legal concerns including the following:

- Parking prohibitions are permitted on public streets for almost any reason.
- The potential is created for different zoning regulations to exist in areas with similar traffic conditions.
- Ordinances must correspond to the signing in the field.

Mr. Cleavenger reported that the current process for implementing a parking prohibition could take two to four months. He advised that the proposal for a "streamlined process" would delegate authority to the Transportation Director to establish and implement on-street parking prohibitions that address traffic safety and operational problems as well as instances where a significant burden is being placed on an adjacent property owner. Mr. Cleavenger noted that staff does not recommend that the authority be extended to include other matters such as neighborhood disputes, enforcement of CC&Rs or other non-operational or non-safety issues.

In response to a question from Councilmember Rawles, Mr. Cleavenger advised that staff would investigate each request to ensure that a problem exists, and he said that requests of a contentious or sensitive nature would be processed through TAB in the normal manner.

Mr. Cleavenger reported that other Valley cities, such as Tempe, Phoenix, Scottsdale and Glendale, delegate a similar level of authority, and he added that of all these cities, only Mesa includes specific parking prohibition locations in the City Code. He advised that staff recommends that the Council adopt an ordinance that delegates to the Transportation Director the authority to implement parking prohibitions within established guidelines. Mr. Cleavenger stated that the proposal would increase efficiency, enable quicker implementation and improve safety and customer service.

Responding to a question from Councilmember Whalen, Mr. Cleavenger stated that citizens or businesses would be able to appeal a staff decision regarding parking prohibitions to TAB and ultimately to the City Council. He added that the City does not impose parking prohibitions on any resident or business that has expressed opposition except in rare instances that involve safety issues.

Mayor Hawker expressed support for the staff's recommendation

Councilmember Rawles suggested that the wording of the ordinance refer to situations that may require an "immediate" or "imminent" action to address a safety concern.

Vice Mayor Walters stated that adding the word "immediate" or "imminent" did not concern her for the reason that the parties involved are requesting the parking prohibition.

In response to a question from Vice Mayor Walters, Deputy City Attorney Donna Bronski explained that the proposed ordinance streamlines the process by enabling the Transportation Director to implement parking prohibitions that do not involve controversial or sensitive issues. She stated that these prohibitions would be maintained in a log as an administrative decision rather than being included in the City Code.

City Attorney Debbie Spinner stated that an appeal of the Transportation Director's decision would be presented to TAB and then, if necessary, to the Council. She noted that the process would be similar to the appeal of a Design Review Board decision. Ms. Spinner added that an appeal to the City Council would be agendized as consideration to affirm or deny the recommendation of TAB or the Transportation Director regarding a parking prohibition.

Mayor Hawker summarized that staff has Council concurrence to move forward with staff's proposal to streamline the process.

4. Hear a presentation, discuss and provide direction on parking prohibitions in the Commons Industrial Park.

In response to questions from Mayor Hawker, Ms. Bronski advised that CC&Rs are private agreements between a development and members of the association and that enforcement of the CC&Rs is the responsibility of the association. She stated that the City has no jurisdiction regarding the enforcement of CC&Rs. Ms. Bronski said that in this case, the Commons Industrial Park could incorporate parking restrictions into the CC&Rs in order to address the problem.

Vice Mayor Walters noted that many neighborhoods with CC&Rs do not have a homeowner's association (HOA) and therefore do not have an enforcement mechanism other than suing the neighbor.

An unidentified representative of the Commons Industrial Park Association came forward to address the Council. He stated that the association has experienced difficulty regarding the enforcement of parking regulations.

Ms. Bronski explained that the Commons Industrial Park is a complex that includes both private areas and public streets.

Councilmember Griswold noted that narrow streets in the area create difficulties for emergency response vehicles.

Responding to a question from Councilmember Somers, Mr. Cleavenger stated that staff's recommendation is to install "red curb" applications in certain areas and to place a limited number of "no parking" signs near intersections as needed. He referred to Slide 7 of a PowerPoint presentation (a copy is available for review in the City Clerk's Office) and noted that many property owners have expressed opposition to parking prohibitions and some have failed to respond to inquiries.

It was moved by Councilmember Rawles, seconded by Councilmember Whalen, to accept staff's recommendation for Alternative 1.

Councilmember Griswold advised that at an association meeting he attended, 100 percent of those present were in support of parking regulations. He expressed support for Alternative 3.

Mayor Hawker called for the vote and stated that the motion is to accept staff's recommendation for Alternative 1 which implements "Red curb and signed prohibitions only as needed to address traffic safety concerns, operational issues and significant burdens, consistent with the new proposed streamlined process."

Upon tabulation of votes, it showed:

AYES – Hawker-Jones-Rawles-Somers-Walters-Whalen
NAYS – Griswold

Mayor Hawker declared the motion carried by majority vote.

City Manager Christopher Brady suggested that this alternative be implemented following Council adoption of the streamlined procedure discussed earlier under agenda item 3.

Mayor Hawker concurred with Mr. Brady's suggestion, and he thanked staff for the presentation.

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

- a. Public Safety Committee meeting held on June 12, 2007.
- b. Community & Neighborhood Services Committee meeting held on June 25, 2007.

It was moved by Vice Mayor Walters, seconded by Councilmember Griswold, that the above-listed minutes be acknowledged.

Carried unanimously.

6. Scheduling of meetings and general information.

Monday, July 9, 2007, TBA – Study

Monday, July 9, 2007, 5:45 p.m. – Regular Council Meeting

Monday, August 13, 2007, TBA – Study Session

Monday, August 13, 2007, 5:45 p.m. – Regular Council Meeting

4. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

5. Adjournment.

Without objection, the Study Session adjourned at 5:39 p.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, 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 2nd day of July 2007. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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