

COUNCIL MINUTES

January 27, 2005

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on January 27, 2005 at 7:30 a.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

Tom Rawles

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Items on the agenda were discussed out of order, but for purposes of clarity will remain as listed on the agenda.

Mayor Hawker excused Councilmember Rawles from the meeting.

1. Discuss and consider liquor licensing issues associated with Series 6 Bar Licenses.

City Manager Mike Hutchinson reported that last November, the Councilmembers considered a liquor license application relative to a Series 6 Bar License. He explained that in anticipation of a similar case, which is scheduled to be placed on the February 7, 2005 Regular Council Meeting agenda, staff is prepared to provide the Council with information concerning issues associated with applications submitted for Series 6 Bar Licenses for on and off sale retail privileges in C-2 zoning districts.

Assistant Financial Services Manager Jenny Sheppard provided a brief historical overview of this agenda item. She stated, among other things, that the Arizona Department of Liquor Licenses and Control is the primary authority responsible for licensing any person intending to manufacture, sell or deal in spirituous liquor in Arizona; that the Council is required by State law to provide a recommendation for approval or denial of the applications; that since 1958, Mesa's Zoning Ordinance has allowed bars in C-3, M-1 and M-2 zoning districts only; that in the late 1960's, restaurants containing a bar or lounge were permitted in C-2 zoning provided the bar was an "accessory" use only; that in 1985, an amendment to the Zoning Code revised the definitions for restaurants, bars, accessory bars and cocktail lounges, and that "restaurant" was defined as an establishment that derived at least 40% of its gross revenue from the sale of food;

and that through an audit of a restaurant's records conducted by the State, the Series 12 Restaurant License may be revoked if compliance is not met.

Ms. Sheppard explained that because State law gives the Council the authority to establish zoning, the City's code does not conflict with the State statute relative to the issuance of liquor licenses. She stated that problems arise because although Mesa's Zoning Code does not prevent the issuance of a Series 6 Bar License in C-2 zoning, it does not, however, allow the operation of a bar in C-2 zoning. Ms. Sheppard stated that there is no effective means by which to enforce the "40% rule" without requiring the applicant to sign a consent agreement which would permit the City to audit its records to demonstrate compliance. She also provided a short synopsis of the appeal process undertaken by the applicant if the Council recommends denial of a liquor license.

Ms. Sheppard commented that staff is not recommending changes to the current City Codes, but said that if it is the direction of the Council to consider a Zoning Code amendment, Planning staff would prepare a report with possible alternatives.

In response to a question from Mayor Hawker, Zoning Administrator John Gendron clarified that zoning typically runs with the land and its use and not a specific owner. He suggested that if the Council wished to regulate bars in C-2 zoning districts, they could consider the following options: 1. outright permitted use (i.e., bars are now allowed in C-2); 2. distance separation from residential areas, schools or churches; 3. an applicant could obtain a Special Use Permit through the Board of Adjustment; and 4. the issuance of a Council Use Permit.

Discussion ensued relative to the fact that staff would research the creation of a zoning overlay in certain parts of the community regarding this issue (State law limits such zoning to be used, for example, in historic districts and age-specific areas); that C-3 zoning districts have traditionally been located along major arterial highways (Main Street, Country Club Drive, Broadway Road and Baseline Road); and that C-2 zoning districts are defined as limited retail along arterial streets which are in closer proximity to residential areas and have more restrictions.

Councilmember Griswold expressed support for the possible implementation of some form of a Council Use Permit, with restrictions, for a Series 6 Bar License in C-2 zoning. He commented that the cost of such a license is well over \$100,000 (as compared to \$5000 for a restaurant license) and stated that he would not anticipate seeing a large number of applications coming forward to the Council.

Mayor Hawker stated that he would not object to a Series 6 Bar License in a C-2 zoning district for an establishment operating as a restaurant, as long as the applicant agreed to sign a consent agreement allowing the City to audit its records to demonstrate compliance. He commented, however, that he is concerned about opening up the C-2 zoning district without some limitations, such as a Council Use Permit, and added that he would prefer not changing the zoning category to allow the proliferation of bars in C-2 areas.

Councilmember Whalen concurred with Mayor Hawker's comment that it is important for the Council to have oversight capabilities relative to applications submitted for Series 6 Bar Licenses.

Mayor Hawker stated that it is the consensus of the Council that staff be directed to conduct research relative to the most appropriate method by which a Council Use Permit could be issued regarding a Series 6 Bar License.

2. Discuss and consider issues associated with the Downtown Pedestrian Pathway (Lewis Alignment).

City Manager Mike Hutchinson reported that the purpose of today's presentation is to provide staff with the opportunity to respond to a series of questions posed by the Council back in November regarding the Downtown Pedestrian Pathway. He explained that if it is the concurrence of the Council to move this issue forward, he would recommend that the Intergovernmental Agreement (IGA) for the Pathway be placed on the February 7, 2005 Regular Council Meeting agenda for Council consideration.

Senior Town Center Development Specialist Patrick Murphy and Landscape Architect Steve Stettler addressed the Council relative to this agenda item. Mr. Murphy stated that the Downtown Pedestrian Pathway (from Main Street north along the Lewis Alignment to 1st Street) is one segment of an overall pathway system outlined in the Mesa General Plan. He advised that in 1998, the Town Center Development Office applied for a Transportation Enhancement funds grant (TEA-21) for the development of the pathway; that in January 2001, the concept plan for the north/south pathway was approved by the Downtown Development Corporation (DDC) and in July 2002 by the City Council; and that in November 2004, the DDC approved the 30% construction plans for the project.

Mr. Murphy explained that in response to questions raised by the Council back in November, plans for the Pathway have been revised to decrease the number of parking spaces (on street and off street) from 40 to 32 that would be eliminated as a result of the project by reducing the width of the Pathway through the municipal parking lot. He emphasized that 19 of the 32 spaces are currently allocated to City employees (who will be relocated to other City parking lots/garages) and that the amount of customer parking spaces in the surface parking lots would not be reduced. He also noted that if the Council approves angle parking on 1st Street between Country Club Drive and Mesa Drive (agenda item 3), that would provide 60 additional spaces in the overall downtown parking system. Mr. Murphy added that the removal of the heliport on the roof of the Pepper Garage would provide another 54 parking spaces.

Discussion ensued relative to the fact that the Pathway would link activity centers, parking facilities and restaurants, as well as provide new lighting, sidewalk improvements, additional landscaping, new streetscape furniture and driveway improvements; that the Pathway project has received substantial public support; that the Pathway is consistent with the continuing vision to make the downtown area a more pedestrian friendly environment; that the Phase 1 project cost is estimated at \$521,908 (\$481,503 derived from a State grant and \$40,405 being the City's cost); and various components of Bid Alternative A and Bid Alternative B.

Vice Mayor Walters expressed support for the Downtown Pedestrian Pathway and stated that it would connect the existing sidewalks in the downtown area to allow citizens to walk, for example, to the library, the Mesa Arts Center and the Mesa Convention Center. She also commented that the project would provide additional parking spaces adjacent to the Customer Service Building and that some of the employees who currently park in that lot would be relocated to other municipal parking areas.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that this item be brought forward and placed on the February 7, 2005 Regular Council Meeting agenda.

Councilmember Thom voiced a series of concerns regarding the fact that the downtown area will not have sufficient onsite street level parking to accommodate events at the Mesa Arts Center. She stated the opinion that the City needs to add more parking spaces as opposed to eliminating them. Councilmember Thom added that it is also her understanding that staff has been telling the public that the City is going to “outlaw” the use of cars in the downtown area.

In response to Councilmember Thom’s comment, Mayor Hawker asked if she would divulge the identity of the person who was informed by staff that the City would outlaw cars in the downtown area.

Councilmember Thom stated that she was unwilling to provide such information without the individual’s permission.

Mayor Hawker commented that if Councilmember Thom did not personally hear the above-referenced information from staff and if what she is alleging was merely a rumor and innuendo, then he is becoming tired of the manner in which she presents such accusations. He suggested using alternative forums in which to pursue answers to “really absurd comments” besides a Study Session.

Councilmember Jones expressed support for the motion, but also questioned the feasibility of the City partnering with a parking company to build and operate a parking garage in the downtown area.

In response to Councilmember Jones’ comment, Mr. Hutchinson clarified that the issue of a downtown parking garage has been discussed in the past and said that staff would continue to examine various options in that regard.

Councilmember Griswold suggested that staff might consider the elimination of the former bank building structure to provide additional parking spaces in close proximity to the Mesa Arts Center.

Vice Mayor Walters stated that she failed to mention previously that not only would the Pathway be beneficial for visitors to the Mesa Arts Center, but also for the students attending the future downtown Mesa Community College campus.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Thom-Walters-Whalen
NAYS - None
ABSENT - Rawles

Mayor Hawker declared the motion carried unanimously by those present.

3. Discuss, consider, and provide direction with regard to the recommendation to implement angle parking and speed limit changes on 1st Street between Country Club Drive and Mesa Drive.

City Manager Mike Hutchinson reported that the implementation of angle parking and speed limit changes on 1st Street between Country Club Drive and Mesa Drive is an important component of the City's parking management program being implemented in the downtown area. He stated that no formal Council action is needed today, but recommended that this item be placed on the February 7, 2005 Regular Council Meeting agenda for a public hearing.

Senior Town Center Development Specialist Patrick Murphy explained that as a component of the Shared Use Parking Plan, the above-referenced proposal would add 60 more on-street parking spaces in the downtown core to provide more convenient parking for businesses, City facilities and the Mesa Arts Center. He stated that last December, the Downtown Development Committee (DDC) recommended approval of the Shared Use Parking Plan and that on December 15, 2004, the Transportation Advisory Board recommended angle parking on 1st Street (which included the reduction of through lanes from two to one for eastbound traffic from County Club to Hibbert and for westbound traffic from Pasadena to Robson). Mr. Murphy noted that the Board also recommended a reduction in the speed limit from 35 to 30 miles per hour. He further commented that in 2002, angle parking was allowed on 1st Avenue and that since that time, only one minor accident has been attributed to the on street angle parking. He added that the average daily traffic count on 1st Street and 1st Avenue is approximately 1,000 vehicles and said it is anticipated that the traffic volume for both streets can be accommodated with one lane of travel in each direction and a center turn lane.

Tom Verploegen, Executive Director of the Mesa Town Center Corporation (MTCC), concurred with Mr. Hutchinson's comments regarding the importance of the proposal. He indicated that 1st Street in downtown Mesa is a "destination collector street" which transitions into a minor residential street west of County Club Drive and east of Mesa Drive. He added that various questions and comments made at the December 15th Transportation Advisory Board meeting by representatives of the Police and Fire Departments, as well as David Udall, have been taken into consideration and those entities are now supportive of the proposal. He referred to a diagram in the Council Chambers which depicted the location of the proposed angle parking.

It was moved by Councilmember Whalen, seconded by Mayor Hawker, that this item be moved forward to the February 7, 2005 Regular Council Meeting agenda for discussion and consideration.

Discussion ensued relative to the implementation of temporary traffic solutions on 1st Street at the Post Office on April 15th to accommodate last minute tax filers.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Thom-Walters-Whalen
NAYS - None
ABSENT - Rawles

Mayor Hawker declared the motion carried unanimously by those present.

4. Hear an update on current water production and supply issues and the status of the Val Vista Water Treatment Plant.

Utility Manager Dave Plumb and Water Division Director Bill Haney addressed the Council and provided a brief overview of the manner in which the cities of Phoenix and Mesa responded to the high turbidity levels recently detected at the Val Vista Water Treatment Plant.

Mr. Haney referred to graphics in the Council Chambers and provided a brief historical overview of the water treatment plant. He explained that the plant is co-owned by Mesa and Phoenix, but operated and maintained by Phoenix; that Mesa's on-project system or City zone consists of Salt River Project (SRP) water and is served by the Val Vista Water Treatment Plant, City wells and water transfers; that Mesa has three major reservoirs (Lindsay, Pasadena and Brooks); and that the Central Arizona Project (CAP) plant is another major source of surface water for the City. Mr. Haney commented that in an effort to address water supply and pressure issues, a second water treatment plant is now being constructed at Signal Butte and Elliot Road. He stated that the plant would not only provide Mesa with additional water, but redundant water supplies in case of emergencies.

Discussion ensued relative to the timeline of events regarding the water quality/turbidity issues at the Val Vista Treatment Plant; the various communications that took place between Phoenix, Mesa and Maricopa County during that time; the fact that the plant did not meet Federal guidelines for turbidity and that the City would be required to issue a boil water notice if it remained on the system; that Mesa decided to disconnect from the system, switch to City wells and institute various modifications to accommodate Mesa's water demand during this time; and that staff determined it is inappropriate to tie back into the Val Vista Water Treatment Plant system at this time.

Mr. Haney expressed appreciation to his staff for their efforts and team work during this emergency situation, and in particular, acknowledged the hard work of Utility Conservation Specialist Stacy Damp and Water Quality Supervisor Alan Martindale who fielded numerous public and media inquiries regarding the event.

Ms. Damp addressed the Council and reported that staff approached the dissemination of information to the public regarding the turbidity incident in a four-pronged manner. She stated that the primary areas of focus included employee communication, public notification, response to the media, and public contact. Ms. Damp stated that such a procedure proved to be extremely successful in responding to a wide array of inquiries.

Mr. Haney explained that staff has learned several important lessons from this recent emergency as follows: 1. improvements must be made with regard to the distribution of water throughout Mesa's system where it is needed; 2. it is essential that the staffs of both Mesa and Phoenix improve their communications efforts and implement certain protocols regarding how such notifications would occur; and 3. Mesa needs to implement a more efficient customer notification system (i.e., a reverse 911 or a customer hotline) where messages could be disseminated to the public quicker and more efficiently.

Mr. Haney concluded his remarks by commenting that next year, the Federal government will institute new arsenic regulations that will impact nine of Mesa's 33 wells. He stated that the regulations would require that the wells either be treated or retired. Mr. Haney added that the Council should also be aware of the fact that in the next three to five years, many key

management and technical employees in the Utilities Division will be eligible to retire and that management will need to address their replacement in the near future.

Further discussion ensued relative to the proposed Federal arsenic standards; that the Val Vista Water Treatment Plant has a total storage capability of 80 million gallons of treated water, of which 40 to 50 million gallons is usable; and that the City's summer peak demand is approximately 140 million gallons a day.

Councilmember Griswold commended staff for their creative, resourceful and proactive approach to the turbidity incident at the Val Vista Treatment Plant.

City Manager Mike Hutchinson acknowledged that the recent events were handled by an experienced Mesa staff and stated that it will be a challenge to find replacements for those individuals retiring in the next few years.

Vice Mayor Walters commented that during this event, most of the media coverage seemed to be Phoenix-directed. She suggested that if situations like this occur in the future, it might be appropriate for the media to convey specific messages to individual municipalities to eliminate the concerns of the citizens in those communities who may not be directly affected by a specific emergency situation.

Councilmembers Thom and Whalen thanked staff for a job well done.

Additional discussion ensued relative to the potential for increasing Mesa's water storage capabilities in the future.

Mayor Hawker expressed appreciation for staff's update.

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

Councilmember Thom	Heritage Academy Visit; Maricopa Special Healthcare District Board of Directors Meeting
Vice Mayor Walters	Neighborhood Conference; Transit Oriented Design Meeting; "Santan Saturday" Event
Councilmember Whalen	Arizona Corporation Commission's Power Line Citing Committee Meeting
Councilmember Griswold	Financing the Future Citizen Committee Meeting; Mesa Community College Breakfast Meeting
Councilmember Jones	Neighborhood Conference
Mayor Hawker	Valley Metro Rail Board Meeting; MAG Regional Council Meeting

6. Scheduling of meetings and general information.

City Manager Mike Hutchinson stated that the meeting schedule is as follows:

Thursday, February 3, 2005, 7:30 a.m. – Study Session

Thursday, February 3, 2005, 9:30 a.m. – Utility Committee Meeting

Monday, February 7, 2005, TBA – Study Session

Monday, February 7, 2005, 5:45 p.m. – Regular Council Meeting

Thursday, February 10, 2005, 7:30 a.m. – Study Session

Thursday, February 10, 2005, 9:30 a.m. – Police Committee Meeting

7. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

8. Items from citizens present.

Sheila Mitton, 1615 W. Pueblo, addressed the Council and voiced concerns on a variety of issues including, but not limited to, Mayor Hawker's position on incentives; the fact that the Councilmembers should air disagreements behind closed doors and not during public meetings; the ongoing lawsuits regarding the Riverview at Dobson project; and her disappointment in her elected officials.

9. Adjournment.

Without objection, the Study Session adjourned at 9:20 a.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 27th day of January 2005. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK