

# COUNCIL MINUTES

August 28, 2006

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 August 28, 2006 at 3:17 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 August 28, 2006 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, Griswold, Whalen; 8a, Hawker, Rawles; 9l Griswold; 9m, Hawker, Griswold, Whalen

Items removed from the consent agenda: None

Items deleted from the agenda: None

2. Hear a presentation, discuss and provide direction regarding zoning requirements for accessory retail activities in RV and Manufactured Home Parks aka: "Country Stores."

Zoning Administrator Gordon Sheffield displayed a PowerPoint presentation and provided an extensive analysis of this agenda item. (The PowerPoint presentation is available for review in the City Clerk's Office.) He reported that the matter was brought to the Council earlier this year because the current Zoning Ordinance is not clear relative to the manner in which accessory retail events, also known as "Country Stores" may occur in RV and Manufactured Home parks.

Discussion ensued relative to the fact that individuals rent tables at a minimum cost and sell their wares at the 'Country Stores;' that the events tend to be a social activity for park residents; that earlier this year, a complaint was filed by an operator of a permanent retail establishment in the area alleging that the "Country Stores" operating in the RV parks were in violation of Section 11-5-5(A) of the Mesa Zoning Ordinance; that as a result of the complaint, the Zoning

Administrator issued various restrictions that allowed "Country Store" activities to occur, but the restrictions were met with opposition from business owners and "Country Store" operators; and that at the April 13, 2006 Study Session, Council directed staff to amend the Zoning Code to allow "Country Stores" to operate once a month, to restrict the signage that can be used, and to require the vendors to obtain a sales tax license. The issue of a vendor's residency was not addressed.

Mr. Sheffield explained that staff presented this issue to the Planning & Zoning Board (P&Z) and the Downtown Development Committee (DDC), which resulted in each entity recommending different versions of a proposed amendment to the Zoning Ordinance. The two versions are as follows:

**P&Z's Recommendation:** This alternative would refine the existing Zoning Ordinance to reflect the direction given by City Council at the April meeting. "Country Store" activities would be permitted, but on a limited basis of once a week, with other restrictions in place to ensure that such activities are for the benefit of park residents and not intended to attract residents from outside the park, including: 1.) Prohibiting the placement of signs intended to attract non-park residents; and 2.) Requiring the appropriate sales tax license.

**DDC's Recommendation:** This alternative would add one more restriction to "Country Store" activities permitted by the P&Z recommendation by requiring the vendors to be on-premises residents of the park or subdivision hosting the event.

Mr. Sheffield stated that it was staff's conclusion that "Country Stores" are generally consistent with other activities offered in RV and mobile home parks and are a compatible use that would be worthwhile adding to the list of "accessory retail activities" at those locations.

Mr. Sheffield introduced Ralph Pew, Don Ecott and Walter Wendt, who were present to share their viewpoints regarding this matter.

Ralph Pew, 1930 East Brown Road, Suite 101, an attorney representing the owner of Mesa Marketplace Swap Meet, concurred that "Country Stores" should be included in the Zoning Ordinance as an accessory retail activity in RV and mobile homes parks. He suggested, however, that it would be appropriate for staff to draft an ordinance that would require a Special Use Permit in order to regulate the process. Mr. Pew added that what began as "a fairly harmless process," has evolved into a situation wherein the individuals selling products are actual vendors engaged in the business of selling products and not just park residents selling handcrafted items.

Walter Wendt, owner of the Hi-Jolly Gift Shop, 4500 East Main Street, commented that many of the vendors who participate at the "Country Stores" travel from one RV park to another and are not park residents. He also noted that the "Country Stores" in the RV parks take away business from small store operators such as himself. Mr. Wendt stated that he would be supportive of "Country Stores" being held once or twice a month, but only with on-premises vendors.

Don Ecott, a resident of ViewPoint RV Park and a "Country Stores" Coordinator, clarified that all vendors are, in fact, licensed by the City and State and required to pay taxes. He also emphasized that it would not be cost effective for the "Country Stores" to operate on a monthly basis.

Mayor Hawker expressed appreciation to the speakers for their presentations. He also acknowledged the many citizens who attended the meeting to show their support for "Country Stores."

Mr. Sheffield explained that staff is seeking Council direction regarding which of the two alternatives to prepare for possible ordinance introduction. He added that staff could also develop a different ordinance if directed by the Council.

Further discussion ensued relative to the various alternatives for Council consideration; the fact that the ordinance that required a Council Use Permit for swap meets and farmers markets was passed by the Council in the early 1990's; that when the Board of Adjustment hears a request for a Council Use Permit, it considers uses that are compatible to the surrounding uses; and the differences between a Council Use Permit, Special Use Permit and Administrative Use Permit.

Councilmember Rawles stated that this matter is not related as much to land or compatibility issues as it is to economic fairness. He noted that with the increased participation of professional vendors at the "Country Stores," the activities have become more commercialized and stressed that it is important that private business owners not be penalized because of such retail competition.

Councilmember Griswold expressed support for P&Z's recommendation and said that the City should implement a mechanism to recognize and regulate "County Store" activities in some manner to make it more equitable for local businesses.

Mayor Hawker voiced support for a two-tiered system, the first tier limiting the activity to once a month, being held in an RV park activity building, no signs or ads to attract non-park residents, requiring the appropriate sale tax license, and allowing only in-park vendors. He added that the second tier would further require a Special Use Permit for any uses other than the above-referenced items. Mayor Hawker added that he would also be agreeable with in-park residents selling to in-park residents on a weekly basis.

Vice Mayor Walters said that she was supportive of "Country Store" activities being permitted once a week for park residents selling to park residents. She noted that in addition, she would support "Country Store" activities once a month, wherein non-park residents could participate and would be required to obtain a permit similar to those issued by the City for bingo events.

In response to a question from Councilmember Jones, Mr. Ecott clarified that the vast majority of the items sold at "Country Stores" consist of handcrafted items (i.e., jewelry, t-shirts) with limited retail products.

Mr. Wendt disagreed with Mr. Ecott's comments and provided the Council with photographs of "County Stores" at several Mesa RV parks depicting the sale of numerous retail items.

Councilmember Jones voiced support for P&Z's recommendation and commented that he would prefer not to see the "Country Stores" in competition with retail businesses in the community.

Councilmember Whalen stated the opinion that "Country Stores" are more of a social and recreational event and said he does not believe the events would impact retail businesses. He voiced support for P&Z's recommendation.

Councilmember Rawles noted that he is not concerned about competition, but rather “unfair competition.” He concurred with his fellow Councilmembers’ support for P&Z’s recommendation.

Councilmember Somers also expressed support for P&Z’s recommendation and questioned whether the hours of operation should be restricted to three hours per event.

In response to a question from Councilmember Somers, Mr. Sheffield clarified that the ordinance could include language that would stipulate, for example, that the events are not to exceed four hours in length, including “set up and take down” time.

Vice Mayor Walters suggested that staff include language only regarding the hours of sale and not the “set up and take down” time.

Mr. Sheffield said that per Council’s direction, staff would move forward with P&Z’s recommendation, add language regarding the hours of operation, and prepare the ordinance for introduction in October.

Mayor Hawker assured everyone in the audience that the final draft ordinance would come back to the Council for consideration prior to a final vote on the matter.

(Mayor Hawker called for a recess at 4:45 p.m. The meeting resumed at 4:52 p.m.)

3. Hear a presentation, discuss and provide direction on a request for a dual speed limit zone on Guadalupe Road in front of the Sunridge Learning Center and Eagleridge Enrichment Program.

Acting Transportation Director Dan Cleavenger and Senior Transportation Engineer Renate Ehm addressed the Council relative to this agenda item.

Mr. Cleavenger displayed a PowerPoint presentation and provided a brief historical overview of this issue. (The PowerPoint presentation is available for review in the City Clerk’s Office.) His comments included, but were not limited to, the following: that at the November 15, 2005 Transportation Advisory Board (TAB) meeting, Julie Wingett, a parent of a student at the Sunridge Learning Center, requested the installation of a dual speed limit zone on Guadalupe Road in front of Sunridge and Eagleridge Enrichment Program; that the TAB considered the request at two separate meetings earlier this year and recommended that staff review the request for dual speed limits on arterial streets using various criteria; that the TAB ultimately concurred with staff’s recommendation not to install a dual speed limit zone at the site; that Councilmember Rawles subsequently met with Ms. Wingett regarding this issue; and that at the July 5, 2006 Study Session, the Council directed staff to prepare a report regarding this matter for further Council consideration.

Mr. Cleavenger advised that upon further research and analysis of the issue, staff does not recommend the installation of a dual speed limit zone at the site. He noted, however, that staff does recommend that steps be taken to increase driver awareness of the school’s presence, and that the school and parents consider additional adult supervision.

Discussion ensued relative to the fact that Sunridge Learning Center is an alternative Mesa Public School and that it shares a building with Eagleridge Enrichment Program; the fact that most children are driven to and from the facility and few walk or ride bicycles; the fact that children that cross Guadalupe Road do so at the traffic signal at Extension Road; that students also across Guadalupe Road to access Rancho Del Mar Park for physical education classes,

with the assistance of two adults equipped with vests and STOP paddles; that because there are no attendance boundaries for either school, students come from all over Mesa and other communities; that dual speed limit zones exist at 14 locations in Mesa adjacent to traditional public schools, generally with high volumes of walking/bicycling students; that Sunridge Learning Center is located in a converted strip mall set back from the street and signage identifying the building as a school is not readily noticeable to drivers on Guadalupe Road; and that the impact of installing a dual speed limit zone would set a precedent for the other 28 non-traditional schools in Mesa to request similar treatment.

Councilmember Rawles thanked staff for their comprehensive study of this agenda item and stated that he brought this issue to the Council's attention because, in his opinion, it was a unique situation. He questioned why students attending a smaller school should not be entitled to the same protection as those who attend larger schools. Councilmember Rawles also suggested implementing a dual speed limit zone on Guadalupe Road in front of the Sunridge Learning Center for an hour in the morning and an hour in the afternoon in order to accommodate the students traveling to and from the school.

Vice Mayor Walters commented that she did not believe it would be fair to provide a dual speed limit zone for Sunridge Learning Center, which is a public Charter school, and not do so for every other Charter school in Mesa. She noted that if the Council approved this request, it would influence decisions for her in the future with regard to the placement of a school along an arterial street. Vice Mayor Walters added that when children do not attend a neighborhood school, with those schools being defined by the boundaries of a particular living area, there is the expectation that the parents would assume the responsibility of transporting their children to and from school.

Councilmember Jones questioned whether, if a dual speed limit zone were implemented at this location, greater traffic hazards would be created. He expressed opposition to a dual speed limit zone not because he does not want a safe environment for the children, but because the situation is "totally different" at Sunridge Learning Center as compared to at a traditional school.

Councilmember Somers commented that no matter what type of school Sunridge Learning Center is, the request should be considered as an individual case to determine whether safety warrants a dual speed limit zone. He supported Councilmember Rawles' suggestions and also stated that it would be appropriate for staff to conduct a more detailed study as to how the implementation of dual speed limit zones at schools would negatively impact traffic patterns in the City.

Mayor Hawker expressed support for staff's recommendation and reiterated Vice Mayor Walters' comments regarding the responsibility of parents to transport their children to and from school when they are enrolled at a Charter school.

Councilmember Griswold voiced support for staff's recommendation, but said he would be willing to explore how to make traffic conditions around schools safer.

Councilmember Whalen also concurred with staff's recommendation not to implement a dual speed limit zone at Sunridge Learning Center.

Mayor Hawker stated that a majority of the Council concurred with staff's recommendation not to implement a dual speed limit zone in front of the Sunridge Learning Center.

4. Acknowledge receipt of minutes of various boards and committees:

- a. Board of Adjustment meetings held on July 11, 2006 and August 8, 2006
- b. Transportation Committee meeting held on July 12, 2006
- c. Finance Committee meeting held on August 10, 2006

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

Carried unanimously.

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

Mayor Hawker announced that Vice Mayor Walters is now serving as a member of the Executive Committee of the Arizona League of Cities and Towns.

Mayor Hawker:	Arizona League of Cities and Towns' Councils of Governments meeting.
Vice Mayor Walters:	Arizona League of Cities and Towns' Resolutions Committee.
Councilmember Griswold:	ASU new Hangar Groundbreaking ceremony.

6. Scheduling of meetings and general information.

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

Thursday, August 31, 2006, 7:30 a.m. – Study Session

Tuesday, September 5, 2006, TBA – Study Session

Tuesday, September 5, 2006, 5:45 p.m. – Regular Council Meeting

Thursday, September 7, 2006, 7:30 a.m. – Study Session

7. Prescheduled public opinion appearances.

- a. Hear from Melissa Bordow or Julie Wingett regarding traffic and pedestrian safety issues.

Ms. Bordow and Ms. Wingett expressed a series of concerns regarding agenda item 2. (Dual Speed Limit on Guadalupe Road near Extension Road.) Ms. Wingett stated that there is no school-related signage at the intersection of Guadalupe and Extension Roads where the Sunridge Learning Center and Eagleridge Enrichment Program are located. She requested that City staff address the issue further. She also displayed a series of photographs depicting signage at various schools located on and near Guadalupe Road (i.e., Dobson High School, Rhodes Junior High, Crismon Elementary School), which inform motorists that they are approaching a school zone and that lower speed limits are enforced.

- b. Hear from Mark Tucker regarding Country Stores.

Mr. Tucker was not present in the Council Chambers.

c. Hear from Glenn Fuller regarding various community issues.

Mr. Fuller addressed the Council and spoke regarding the responsibilities of local governments in reference to immigration issues.

Mayor Hawker commented that if any of the Councilmembers wished to reconsider agenda item 2 and discuss it further with Ms. Bordow and Ms. Wingett, he requested that they advise him of that fact.

Vice Mayor Walters suggested that Mesa Public Schools be contacted with regard to the request for a dual speed limit zone at Sunridge Learning Center.

8. Adjournment.

Without objection, the Study Session adjourned at 5:36 p.m.

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KENO HAWKER, MAYOR

ATTEST:

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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 28<sup>th</sup> day of August 2006. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

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