

COUNCIL MINUTES

August 1, 2002

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 1, 2002 at 7:30 a.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Dennis Kavanaugh
Janie Thom
Mike Whalen

COUNCIL ABSENT

Claudia Walters

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Mayor Hawker excused Councilmember Walters from the meeting.

1. Review items on the agenda for the August 5, 2002 Regular Council Meeting.

All of the items on the agenda were reviewed among Council and staff with no formal action taken. There was specific discussion relative to the following items:

Mayor Hawker stated that agenda items 7b (Authorizing and directing the City Manager to execute necessary documents to acquire certain real properties located at 560 South Robson and 223 West Vine), 9.1a (Proceeding with the City's Request for Qualifications and the draft Request for Proposals for Site 21), and 9.1d (Proceeding with developing an agreement between the City and Arizona Bronze) will be removed from the consent agenda.

2. Hear from Dr. Clifford Harris concerning smoking issues.

Dr. Clifford Harris, a Mesa physician who was previously involved in the smoking issue in Mesa, addressed the Council relative to this agenda item. He provided the Council with a brief overview of the dangers of smoking and stated that one of the primary roles of municipal government is to ensure the health and safety of its citizens. Dr. Harris explained that he and other proponents of a smoke-free environment favor the enactment of a Statewide ordinance similar to one passed in the State of California wherein smoking was banned in all public places, indoors as well as outdoors. He encouraged the Council to modify Mesa's current smoking ordinance or, in the alternative, to place the issue on the ballot of a future City election for the voters to decide. Dr. Harris added that the City of Tempe and the Town of Guadalupe have recently passed smoking ordinances which are more stringent than Mesa's, and he suggested

that the language contained in the ordinances could be used as a model by the City in drafting a more comprehensive law.

Vice Mayor Kavanaugh thanked Dr. Harris for his presentation and stated that he would prefer that Mesa take a leadership role in this regard and draft its own revisions to the City's current smoking ordinance.

Mayor Hawker advised that during his recent attendance at a meeting of the Arizona League of Cities and Towns, the League received a resolution from the City of Tempe for a Statewide smoking ban. He explained that the various attendees, including himself, did not support the resolution. Mayor Hawker stated the opinion that at the present time, Mesa has an effective smoking ordinance and he would prefer that the City retain local control until such time that a Statewide ordinance is adopted.

Mayor Hawker thanked Dr. Harris for his comments.

3. Hear, discuss and consider an appeal of the Zoning Administrator's decision that the 45-foot freestanding sign be replaced with two 8' high monument signs as part of the comprehensive sign plan for Brown and Brown Chevrolet located at 145 East Main Street.

Redevelopment Director Greg Marek, Senior Planner Gordon Sheffield, and Tim Brown and Matt Brown, representatives of Brown and Brown Chevrolet (Brown and Brown), addressed the Council relative to this agenda item.

City Attorney Debbie Spinner advised that per the City of Mesa's Zoning Ordinance, the City Council acts as the appeal body for matters heard by the Zoning Administrator within the Redevelopment area. She stated that the Council may request input from City staff and the applicant and also accept evidence not presented to the Zoning Administrator or the Downtown Development Committee (DDC).

Mr. Marek displayed graphics in the Council Chambers and provided an overview of the facts in this case. He stated that in 1993, a comprehensive sign plan was approved for Brown and Brown, at which time Henry Brown, the dealership's former president, submitted a letter indicating that the 45-foot high freestanding sign would be removed in June 2000 at the end of the lease on the sign; that due to the impact from the construction of the Main Street Streetscape project on the business, the dealership was allowed to retain the sign until the project in front of the business was completed in November 2001; that in November 2002, Brown and Brown submitted an application to amend the 1993 comprehensive sign plan, including the retention of the 45-foot high freestanding sign on Main Street; that on May 16, 2002, the DDC recommended by a vote of 5-2 that the comprehensive sign plan be approved with various stipulations, including, among others, that the 45-foot high freestanding sign on Main Street be retained for one year, at which time it will be further reviewed by the DDC; that on May 28, 2002, the Zoning Administrator approved the comprehensive sign plan subject to several stipulations, including the replacement of the 45-foot high freestanding sign with two alternatives signs that do not exceed eight feet high, to be located at the intersections of Main Street and Hibbert and Main Street and Sirrine, and that on May 30, 2002, the applicant submitted an appeal to the Zoning Administrator's decision requesting that the 45-foot high freestanding sign be retained.

Tim Brown stated that the 45-foot high sign has been in its present location for 39 years and is the company's only landmark which is visible from a distance of 50 feet. He added that the palo brea trees, which were planted in front of the dealership as part of the City's streetscape project, will eventually obscure the signage displayed on the dealership's building.

Mayor Hawker stated that he would confirm the decision of the Zoning Administrator.

Discussion ensued relative to the fact that the palo brea trees are anticipated to grow approximately 20 to 30 feet; that the DDC agreed to give Brown and Brown a one-year contingency to assess how the trees would affect the visibility of the sign, and that the trees will have a canopy of approximately eight feet high.

Councilmember Whalen concurred with the recommendation of the DDC to allow Brown and Brown to retain the 45-foot high freestanding sign on Main Street for one year, at which time the Committee would review the matter to assess the growth of the palo brea trees along Main Street and their impact on the visibility of the sign.

It was moved by Councilmember Whalen, seconded by Councilmember Griswold, that the recommendation of the Downtown Development Committee that Brown and Brown be permitted to retain the 45-foot high freestanding sign on Main Street for one year, at which time the matter will be reviewed by the DDC, be approved.

Further discussion ensued relative to the fact that the eight-foot high signs, as suggested by the Zoning Administrator, have not been reviewed by the DDC, and the fact that it is the recommendation of staff that in accordance with the current Zoning Ordinance, five-foot high monument signs be used.

Councilmember Jones voiced concerns regarding the placement of the monument signs at the intersections of Main Street and Hibbert and Main Street and Serrine. He also concurred with Mayor Hawker's comments that the Council should be afforded the opportunity to review this matter in one year.

Mayor Hawker requested that the motion be amended to reflect that subsequent to the DDC's review of the issue, the Council will be afforded the opportunity to revisit the matter.

Councilmembers Whalen and Griswold agreed to Mayor Hawker's amendment to the motion.

Mayor Hawker declared the motion carried unanimously by those present.

4. Discuss and consider ABC allocation of funding from July 1, 2001 – February 14, 2002.

Neighborhood Services Manager Bryan Raines and Human Services Coordinator Debba Determan addressed the Council relative to this agenda item.

Ms. Determan advised that the Housing and Human Services Advisory Board is seeking Council approval of its funding recommendations. She commented that the Board reviewed 19 proposals and recommends the distribution of \$198,400, of which the City collected \$132,267, with the remainder being matching funds from the Arizona Republic Charities (ARC). Ms.

Determan stated that the distributions would be allocated to nine human service agencies which focus on prevention and early intervention services.

Ms. Determan further noted that in July 1999, the City of Mesa entered into an agreement with ARC for the Mesa ABC (A Better Community) utility bill donation program, and that ARC, a fund of the Robert McCormick Foundation, agreed to contribute a percent of each dollar collected by the City through the utility bills. She stated that the McCormick Foundation is no longer able to match funds received after February 14, 2002 and that it has requested that the City of Mesa's ABC donations and the matching funds collected from July 1, 2001 to February 14, 2002 be distributed by August 1, 2002.

Vice Mayor Kavanaugh thanked the Housing and Human Services Advisory Board for their efforts and also spoke in appreciation of staff.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Whalen, that the recommendations from the Housing and Human Services Advisory Board for the ABC allocation of funding from July 1, 2001 to February 14, 2002, be approved.

Councilmember Thom voiced concerns regarding the Boys and Girls Club conducting sex education classes which included the attendance of children between the age of 10 and 11. She requested that the Council delay approval of this agenda item or, alternatively, that the proposed allocation of funds to the Boys and Girls Club be held in abeyance until such time as the Council and the community can further investigate the matter.

Discussion ensued relative to the primary focus of the English as a Second Language (ESL) program and the Early Brain Development program.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Kavanaugh-Whalen
NAYS - Thom
ABSENT - Walters

Mayor Hawker declared the motion carried by majority vote of those present.

5. Discuss and consider a utility bill and remittance envelope method to be implemented with the new Customer Information System.

Utilities Manager Dave Plumb and Customer Service Administrator Ken Langford addressed the Council relative to this agenda item.

Mr. Plumb explained that the purpose of this agenda item is to seek Council direction regarding the utility bill and remittance envelope method to be implemented with the Customer Information System (CIS). He advised that the City has utilized a Send and Return utility bill envelope for ten years, and that with the implementation of the CIS, the bill will now provide customers with additional information and will therefore be larger in size. Mr. Plumb stated that the Council must consider whether the City should continue to utilize the Send and Return envelope or switch to a two-envelope system for billing and remittance.

Discussion ensued relative to the fact that the Send and Return envelope is more environmentally friendly and represents a reduced amount of waste; that many of the surrounding communities utilize a two-envelope system; that in a recent survey, 79% of the responding customers preferred the Send and Return as compared to 21% favoring a two-envelope system; that the annual cost for Send and Return envelopes is \$28,000 in comparison to \$36,000 for the two-envelope system, and that the increased weight with a second-envelope system could increase postal charges by as much as \$30,000 per month.

In response to a question from Councilmember Griswold, City Manager Mike Hutchinson clarified that staff is currently designing a survey (to be included in the utility bills) to solicit citizen input regarding City services. He added that the Council will be provided additional information regarding this issue at a future Study Session.

Mayor Hawker requested that at the August 5, 2002 Study Session, staff provide the Council with information relative to the format of the "Voluntary ABC Donation" on the newly designed utility bill statement and also furnish a cost comparison of the postal charges between the Send and Return and the two-envelope systems.

Councilmember Thom voiced support for the Send and Return envelopes and stated that they will save the City money and paperwork.

Councilmembers Jones and Griswold concurred with Mayor Hawker's request that the Council be provided a cost comparison of the postal charges of the two systems prior to rendering a final decision regarding this issue.

Vice Mayor Kavanaugh stated the opinion that if the Council wishes to consider modifications to the ABC voluntary donation program, a public hearing should be convened to solicit comments and input from citizens throughout the community.

6. Discuss and consider recommendations concerning the pickup of cats by the Police Department Animal Control Unit.

City Manager Mike Hutchinson reported that due to the fact Maricopa County Animal Care and Control will now impose a \$61 intake fee for the pickup of cats by the Mesa Police Department's Animal Control Unit, it is the recommendation of staff that the Animal Control Unit discontinue this service with the exception of "bite cats." He added that it is also staff's recommendation that the Animal Control Unit continue to loan traps to citizens to provide them an opportunity to adapt to the change in policy.

It was moved by Councilmember Whalen, seconded by Councilmember Jones, that the recommendations of staff to discontinue the current City policy of picking up cats and also to continue making traps available to citizens, be approved.

Mayor Hawker declared the motion carried unanimously by those present.

7. Acknowledge receipt of minutes of boards and committees.

- a. Board of Adjustment meeting held July 9.
- b. Design Review Board meeting held July 10.

- c. Downtown Development Committee meeting held June 20.
- d. Downtown Development Committee Special meeting held June 27.
- e. General Development Committee meeting held July 8.
- f. Human Relations Advisory Board meeting held June 26.
- g. Parks and Recreation Board meeting held July 11.
- h. Transportation Citizen Advisory Committee meeting held July 10.
- i. Utility Committee meeting held July 15.

It was moved by Councilmember Jones, seconded by Councilmember Whalen, that receipt of the minutes of the above-listed boards and committees be acknowledged.

Mayor Hawker declared the motion carried unanimously by those present.

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

Mayor Hawker reported on his and other City officials' recent trips to Salt Lake City, Utah and Dallas, Texas to study the existing light rail systems in both cities. He commented that the trips were extremely informative and provided members of Mesa's delegation with insight regarding a variety of light rail issues.

Councilmember Whalen advised that he also traveled to Salt Lake City, Utah and Dallas, Texas and concurred with Mayor Hawker's remarks.

Vice Mayor Kavanaugh stated that he recently attended a meeting hosted by the Save the Family Foundation wherein he accepted an award on behalf of the City of Mesa in recognition of its efforts to assist City residents who utilize the ABC Program.

Mayor Hawker thanked State Legislative candidates Tara Plese, Chuck Gray and Leslie Kelly for their attendance and participation at a recent meeting hosted by the City in which a variety of local and State issues were discussed.

9. Scheduling of meetings and general information.

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

Monday, August 5, 2002, TBA – Study Session

Monday, August 5, 2002, 5:45 p.m. – Regular Council Meeting

Tuesday, August 20, 2002, 4:00 p.m. – General Development Committee Meeting

Monday, August 26, 2002, TBA – Study Session

Monday, August 26, 2002, 5:45 p.m. – Regular Council Meeting

10. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

11. Items from citizens present.

There were no items from citizens present.

12. 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 1st day of August 2002. 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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