

COUNCIL MINUTES

August 25, 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 August 25, 2005 at 7:32 a.m.

COUNCIL PRESENT

Vice Mayor Claudia Walters
Rex Griswold
Kyle Jones
Tom Rawles
Janie Thom
Mike Whalen

COUNCIL ABSENT

Mayor Keno Hawker

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Vice Mayor Walters excused Mayor Hawker from the entire meeting.

1. Review items on the agenda for the August 29 Regular Council meeting.

Conflicts of interest declared: 6k, l, n, and o (Hawker)

Items added to the consent agenda: None

Items removed from the consent agenda: 8a and n; 12a

2. Discuss, consider and possibly modify proposed League of Arizona Cities and Towns resolutions.

Assistant to the City Manager Jim Huling advised that four proposed resolutions are outlined in the Council Report for consideration. He noted that the resolutions are in addition to those considered by the Council at the August 18th Study Session. Mr. Huling stated that, as requested by the Council, staff prepared a resolution that addressed indexing the State gasoline tax to the rate of inflation and a resolution endorsing electronic public notices. Mr. Huling added that the City of Phoenix is requesting that Mesa join as a co-sponsor of resolutions regarding pseudoephedrine regulations and local reimbursement for illegal immigration costs.

a. Urges the Legislature to adopt a new law that would index the State Gasoline Tax to the rate of inflation. (Resolution #11)

Mr. Huling advised that only 14 states have a gas tax that is lower than the tax levied by the State of Arizona, and he advised that a Governor's Task Force in 2001 identified a need for an additional \$20 billion over 20 years for State highway and transportation projects. Mr. Huling stated that staff believes that it would be extremely difficult to enact indexing legislation because of the political implications, and he noted that the League of Arizona Cities and Towns presently has 49 resolutions to consider at the upcoming meeting.

Vice Mayor Walters said that she and Mayor Hawker previously expressed an interest in this resolution. She noted that the League made a decision that it would not use valuable time to address "lost causes," and therefore she would withdraw her request for this resolution. Vice Mayor Walters suggested that the Council take no action on this proposal, and the Councilmembers indicated concurrence with her suggestion.

b. Urges the Legislature to revise A.R.S. § 9-462.04, relating to municipal zoning, to allow that public notice can be provided electronically via the Internet instead of being published in a general circulation newspaper. (Resolution #12)

Council Assistant Scott Butler advised that Mayor Hawker proposed this resolution in order to enable public notices to be provided electronically, and he noted that the Mayor was particularly concerned about zoning cases. He explained that the resolution proposes to change a section of the State Statutes in order to allow electronic notification via the Internet to replace newspaper publication of zoning notices. Mr. Butler noted that the newspaper publication expense for zoning cases was \$9,000 to \$15,000 in the past year.

Vice Mayor Walters suggested that this item be delayed until next year, and that staff review all of the required public notifications.

Discussion ensued relative to the fact that it might be easier to initially gain support for electronic public notification of zoning cases prior to addressing all public notifications; and that many retired individuals without computers would not have access to the information.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that consideration of this resolution be delayed until 2006.

Upon tabulation of votes, it showed:

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

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

c. Urges the State Legislature to modify the statutes that regulate the sale of pseudoephedrine by requiring identification, the signing of an entry log, and having these products only dispensed by pharmacists. (Resolution No. 13)

Mr. Huling advised that the resolution proposed by the City of Phoenix is co-sponsored by the City of Flagstaff, and that Phoenix is seeking an additional co-sponsor. He reviewed the legislation that was passed last year, and he explained that this proposal provides for additional regulations in order to reduce the number of methamphetamine labs. Mr. Huling noted that the City of Phoenix is also considering a local ordinance to address the problem.

Discussion ensued relative to the fact that a substantial amount of criminal activity is attributed to drug-addicted individuals; that similar legislation passed by the State of Oklahoma resulted in a 70 percent decrease in methamphetamine-related crimes; that the City of Mesa could adopt an ordinance to address the issue; and that a local ordinance would not solve the problem due to the fact that an individual could obtain pseudoephedrine in a neighboring community.

Vice Mayor Walters suggested that the Council direct the Mayor, who serves as the City's representative on the League's Resolutions Committee, to support the concept of the resolution with a modification that eliminates the requirement that only a pharmacist is permitted to dispense pseudoephedrine.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that the Mayor be directed to support the concept of the resolution without the requirement that only a pharmacist is permitted to dispense pseudoephedrine.

Councilmember Rawles commented on the failure of the "war on drugs," and he stated the opinion that regulating drugs is not an appropriate function of City government.

Vice Mayor Walters called for the vote.

Upon tabulation of votes, it showed:

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

Vice Mayor Walters declared the motion failed due to the lack of a majority vote of those present.

d. Urges Congress to reimburse state and local governments, as well as health care providers, for the public safety and healthcare costs associated with undocumented persons. (Resolution No. 14)

Vice Mayor Walters noted that the City of Phoenix has requested that Mesa join as a co-sponsor of this resolution.

Councilmember Rawles noted that the body of the resolution indicates that the Federal government already reimburses state and local governments, and that the resolution merely calls for the process to be accomplished in a more timely fashion.

Mr. Huling explained that the focus of the resolution is to reinforce the message that the Federal government is not properly performing the job.

It was moved by Vice Mayor Walters, seconded by Councilmember Griswold, that the Council support the resolution.

Councilmember Rawles expressed the opinion that the issue could be better addressed by dismantling the welfare state, changing the public's state of mind and eliminating the profits generated by trafficking in human beings.

Vice Mayor Walters called for the vote.

Upon tabulation of votes, it showed:

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

Vice Mayor Walters declared the motion carried by a majority of those present.

3. Discuss and consider proceeding with the implementation of the Municipal Sponsorship Program.

Community Services Manager Joe Holmwood advised that he and Commercial Facilities Director Rhett Evans were present to follow up on a presentation made to the Council several months ago regarding a proposed Management Policy titled, "Municipal Sponsorship Program" (a copy is available for review in the City Clerk's Office). He requested that the Council approve implementation of the program.

In response to a question from Councilmember Griswold, Mr. Evans advised that the third paragraph of Item IV (on pages 3 and 4) entitled, "Restrictions on Municipal Sponsorships," addresses the types of advertising and sponsorships that are prohibited.

It was moved by Councilmember Rawles, seconded by Councilmember Jones, that staff be authorized to proceed with the implementation of the Municipal Sponsorship Program.

Upon tabulation of votes, it showed:

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

* Councilmember Whalen was temporarily absent from the meeting.

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

4. Appointment to boards and committees.

Vice Mayor Walters advised that Mayor Hawker recommended the following appointment to Boards and Committees:

7. Scheduling of meetings and general information.

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

Monday, August 29, 2005, TBA – Study Session

Monday, August 29, 2005, 5:45 p.m. – Regular Council Meeting

Thursday, September 1, 2005, 7:30 a.m. – Study Session

Tuesday, September 6, 2005, TBA – Study Session

Tuesday, September 6, 2005, 5:45 p.m. – Regular Council Meeting

Thursday, September 8, 2005, 7:30 a.m. – Study Session

8. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the Study Session adjourned at 9:00 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 25th day of August 2005. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

baa