

COUNCIL MINUTES

November 8, 1996

The City Council of the City of Mesa met in a Study Session at Williams Gateway Airport, 6001 South Power Road, Administration Building No. 41, on November 8, 1996 at 7:30 A.M.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Jim Stapley

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Wayne Balmer
Linda Crocker
Glen Gorky
Mike Hutchinson
Barbara Jones
Harry Kent
Jeff Martin
Ruth Ann Norris
Ellen Pence
Bryan Raines
Andrea Rasizer
Tom Remes
Denise Samuel
Mike Whalen
Mindy White
Paul Wilson
Others

OTHERS PRESENT

Lynn Kusy
Others

1. Review and possibly reconsider the policy for prescheduled public appearances and items from citizens present at Council meetings and Council study sessions.

Councilmember Stapley advised that he requested that this item be placed on the agenda to discuss concerns relative to the public input process at Council meetings. Councilmember Stapley solicited input from the Council and stressed the importance of considering alternative public input procedures such as allowing citizens to speak once every quarter at the beginning of the Regular Council Meeting agenda, with three maximum speakers allowed. Councilmember Stapley added that citizens would have an opportunity to speak at the end of the meetings under Items from citizens present, which is also limited to three speakers at five minutes each.

Councilmember Stapley stated that he has received telephone calls and letters from citizens advising that although there are issues they would like to present to the Council at a Regular Council Meeting, they are hesitant to be associated with the repetitive speakers who

continue to monopolize public input portions of the meetings. Councilmember Stapley added that citizens may also approach the Council at Study and Policy Sessions. Councilmember Stapley stated the opinion that consent agenda items are randomly removed for discussion to allow repetitive speakers additional opportunities to present views on the televised cable station.

Mayor Brown noted that previous Councils have initiated similar attempts in an effort to improve the public input portions of the meetings but indicated his willingness to consider Councilmember Stapley's recommendation.

Councilmember Giles expressed concerns relative to the distribution of inappropriate materials by a citizen who repeatedly monopolizes public input portions of the agenda and noted that members of the audience often include boy scout troops and City youths. Councilmember Giles stated the opinion that it would be discourteous of the Council to penalize citizens wishing to address the Council regarding legitimate issues by restricting the public input until the end of the Council meetings.

Councilmember Giles indicated that he supports Councilmember Stapley's recommendation relative to allowing speakers to address the Council once every quarter and added that the process of allowing three pre-scheduled speakers five minutes each to address the Council at the beginning of the Regular Council Meetings should remain unchanged.

Councilmember Giles stated the opinion that an additional option may be to move the Items from citizens present agenda item to the end of the meeting. Councilmember Giles added that although free speech is the right of every citizen, television coverage is not an entitlement. Councilmember Giles recommended that the Council consider scheduling the public input portions of the Council meetings at untelevised Council Study Sessions.

Councilmember Pomeroy informed those present that citizens have voiced complaints regarding the public input agenda items at the beginning of the Regular Council Meetings and have recommended changing the process. Councilmember Pomeroy stated that he supports the once every quarter public input restriction and added that many citizens who would like to address the Council are intimidated and irritated by the repetitive speakers at the meetings.

Councilmember Kavanaugh stated the opinion that certain citizens have taken advantage of and violated the intent of the public input portions of the Council meetings. Councilmember Kavanaugh stated the opinion that the Constitutional right of free speech for every citizen can be properly served under the Items from citizens present agenda item at the end of the Regular Council Meetings.

Councilmember Kavanaugh indicated that he would support Councilmember Stapley's recommendation relative to limiting opportunities for speakers to address the Council to once a quarter for the sake of improving the process.

Councilmember Payne stated that she would only support a motion to place the Prescheduled public opinion appearances at the end of the Regular Council Meeting. Councilmember Payne added that she would not support the one presentation per quarter recommendation and expressed concerns relative to limiting citizens' free speech.

Vice Mayor Gilbert concurred with Councilmember Payne's remarks but agreed that the Council should determine a method of improving the public input portions of the meetings without affecting citizens with legitimate issues to discuss. Vice Mayor Gilbert stressed the importance of providing all citizens with an opportunity to address the Council. Vice Mayor Gilbert indicated that he would prefer to explore alternative public input procedures.

City Manager Charles Luster expressed the opinion that the one speaker per quarter limitation may not accomplish the goals of the Council and concurred with Councilmember Giles' remarks relative to the fact that television coverage, unlike free speech, is not a constitutionally-guaranteed right. Mr. Luster recommended that the Council consider scheduling untelevised Pre-scheduled public opinion appearances at Council Study Sessions in the Lower Council Chambers prior to Regular Council Meetings. Mr. Luster added that the Regular Council Meetings could convene at 5:45 p.m. rather than 5:30 p.m. to allow additional time at the Council Study Sessions for the added agenda item.

Councilmember Payne stated the opinion that the intent of the public input portions of the meetings is to allow citizens an opportunity to present their views to the Council and added that the elimination of television coverage during this agenda items would not hamper this process. Councilmember Payne indicated that she would support Mr. Luster's recommendation.

Mayor Brown commented that he would also support the recommendation.

It was moved by Councilmember Stapley that Pre-scheduled public opinion appearances be placed on the agenda of the untelevised Council Study Sessions in the Lower Council Chambers prior to the Regular Council Meeting; that in order to accommodate the additional agenda item, the Regular Council Meetings will convene at 5:45 p.m. rather than the previously scheduled 5:30 p.m.; and that the agenda item, Items from citizens present, which allows three speakers to address the Council for a maximum time period of five minutes each, remain at the end of the Regular Council Meeting.

In response to a question from Councilmember Payne, Councilmember Stapley clarified that the agenda item, Items from citizens present, at the end of the Regular Council Meetings would be untelevised.

Councilmember Payne seconded the motion.

Vice Mayor Gilbert stressed the importance of educating citizens regarding the utilization of Channel 11 cable television for legitimate public service/interest matters.

Councilmember Giles expressed the opinion that Items from citizens present should occur during a separate, untelevised Council Study Session following the Regular Council Meeting.

Mayor Brown and City Manager Charles Luster stated support for Councilmember Giles' recommendation relative to adjourning the Regular Council Meetings and then convening a Council Study Session for the purpose of allowing citizens to present their comments to the Council under the untelevised agenda item, Items from citizens present.

Carried unanimously.

In response to a request for clarification from Mr. Luster, Mayor Brown advised that Prescheduled public opinion appearances will commence at approximately 5:30 p.m., at the end of the Council Study Session, and added that the Regular Council Meetings will begin at 5:45 p.m.

2. Discuss and consider amending the Personnel Rules to provide for the observance of 10 holidays.

City Manager Charles Luster referred to a handout of Personnel Rules and Procedures which contained information relative to employee holidays. Mr. Luster advised that the Personnel Rules were adopted by ordinance and explained that in order to amend the regulations, the Council is required to adopt a revised ordinance. Mr. Luster requested Council direction relative to this issue and said that Proposition 408 states that "there shall be ten (10) paid holidays granted to City of Mesa employees, one of which shall be Martin Luther King, Jr./Civil Rights Day." Mr. Luster recommended that the Council consider eliminating the current half-day holiday on Christmas Eve in order to comply with the intent of the citizens' initiative.

Mayor Brown commented that employees are the City's greatest asset and indicated that he would support the recommendation of the City Manager relative to this issue.

Discussion ensued among the Council relative to the fact that the one-half day Christmas Eve holiday would remain in effect for 1996 and would be eliminated in 1997, increasing the number of paid City employee holidays from 9 ½ to 10.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Pomeroy, that staff be directed to prepare an ordinance to be effective January 1, 1997 for Council's review and consideration relative to creating a Martin Luther King, Jr./Civil Rights Day paid holiday for employees to be celebrated on the third Monday of each January and that the Christmas Eve Half-Day paid employee holiday be eliminated.

Carried unanimously.

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

Mayor Brown advised that there were no reports on meetings and/or conferences attended.

Councilmember Payne requested that Mr. Jack LaSota, representing the National Smoker's Alliance, be allowed to make a presentation to the Council at the next scheduled Ad Hoc Committee on Smoking Issues Forum. Councilmember Payne stated the opinion that Mr. LaSota is extremely informative on the smoking issue and will provide the Committee with valuable facts for their consideration.

In response to a question from Mayor Brown, Councilmember Payne advised that Mr. LaSota has not been appointed a member of the Ad Hoc Committee but explained that Mr. LaSota would be speaking in lieu of Councilmember Payne.

Vice Mayor Gilbert expressed the opinion that Mr. LaSota's presentation should occur at a future Council Study Session. Vice Mayor Gilbert added that Mr. LaSota's presentation may be more appropriate at that point in time since Council deliberations will be underway.

Mayor Brown commented that once Council deliberations occur, a public hearing will be scheduled, and stated the opinion that Mr. LaSota and any other citizen wishing to provide the Council with additional information for consideration, may present their opinions at the public hearing.

Councilmember Payne commented that the three-minute time limitation on speakers will not allow sufficient time for Mr. LaSota to offer a detailed presentation.

Councilmember Kavanaugh expressed the opinion that Mr. LaSota could address the members of the Council at various Council meetings, individually by telephone, or by mail and spoke in opposition to Councilmember Payne's request.

Discussion ensued relative to future forum agendas and procedures.

Councilmember Giles concurred with Vice Mayor Gilbert's remarks and stated that a Council Study Session would be the appropriate forum for Mr. LaSota to address remarks to the Council relative to the smoking issue.

Following additional discussion among the Council relative to this issue, it was determined that the next Ad Hoc Committee on Smoking Issues Forum will be held on Tuesday, November 19, 1996 from 7:00 to 8:30 p.m. Mr. Luster stated that efforts will be expended to secure the same rooms utilized at the previous forum.

4. Scheduling of meetings and general information.

City Manager Charles Luster advised that the meeting schedule is as follows:

Friday, November 15, 1996, 7:00 a.m. - Police Committee

Friday, November 15, 1996, 7:30 a.m. - Council Study Session

Tuesday, November 19, 1996, 7:00-8:30 p.m. - Ad Hoc Committee on Smoking Issues Forum

5. Prescheduled public opinion appearances (maximum of three speakers for five minutes per speaker).

Mayor Brown advised that there were no prescheduled public opinion appearances.

6. Items from citizens present (maximum of three speakers for five minutes per speaker).

Mayor Brown advised that there were no items from citizens present.

7. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Pomeroy, that the Study Session adjourn at 8:33 a.m.

Carried unanimously.

WAYNE BROWN, 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 8th day of November, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21st day of November 1996

BARBARA JONES, CITY CLERK