

COUNCIL MINUTES

June 24, 1996

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 June 24, 1996 at 4:00 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
T. Farrell Jensen
Dennis Kavanaugh
Joan Payne
Jim Stapley

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Wayne Balmer
Neal Beets
Linda Crocker
John Gendron
Gerry Gerber
Joe Holmwood
Lars Jarvie
Barbara Jones
Harry Kent
Wayne Korinek
Ron Krosting
Larry Lines
Jeff Martin
Tom Mattingly
Frank Mizner
Dave Nichols
Ruth Anne Norris
Ellen Pence
Bryan Raines
Andrea Rasizer
Doug Tessoroff
Mike Whalen
Mindy White
Ralph Wisz
Debbie Yukolis

OTHERS PRESENT

Bill Brando
Robert Brinton
John DeShelter
Joanie Flatt
Robert Jackson
Barry Kirshner
Thomas McGilvra
Ralph Pew
Greg Strong
Tom Verploegen
Others

1. Prescheduled public opinion appearances (Maximum of three speakers for five minutes per speaker).

- a. Hear from Greg Strong regarding the GREAT Program.

Greg Strong, 821 North Winthrop Circle, addressed the Council relative to the proposed addition of a GREAT (Gang Resistance Education and Training) Officer for the 1996-97 budget year. Mr. Strong stated that he supports the proposed expenditure and discussed the issue of 'parent choice.' Mr. Strong noted that the current implementation of the GREAT program operates as an 'opt-out' process and explained that all students are allowed to participate in the program unless parents excuse their children from the class to participate in alternate activities. Mr. Strong stated the opinion that this methods disrupts teachers' lesson plans and removes the students from the designed curriculum. Mr. Strong added that a vast majority of parents are unaware of the fact that students receive GREAT instructions.

Mr. Strong spoke in support of accountability and 'parent-choice' and recommended that the Council adopt a policy of 'opt-in,' which requires parental approval prior to students' participation in the GREAT Program. Mr. Strong briefly highlighted the benefits to be derived from such a policy and requested that the Council approve the GREAT Program with the added 'opt-in' stipulation.

Mayor Brown thanked Mr. Strong for his comments.

b. Hear from Thomas McGilvra regarding the "Smoke-Free Ordinance."

Thomas McGilvra, Manager of McKellips Bay Restaurant, 1948 East McKellips Road, discussed the negative impacts of Proposition 200 on the restaurant. Mr. McGilvra expressed the opinion that the proposed smoking ordinance may force the closure of his facility and added that as a new business in the City of Mesa, McKellips Bay Restaurant cannot afford to lose smoking customers to neighboring cities. Mr. McGilvra requested Council support relative to the granting of variances to businesses such as his and thanked the Council for allowing him an opportunity to address his concerns regarding this issue.

Mayor Brown thanked Mr. McGilvra for his input.

2. Further discussion and consideration of the Voit Proposal Redevelopment Site 15 Plan.

Barry Kirshner, representing Voit Companies, and Attorney Ralph Pew, addressed the Council relative to the Voit Companies Proposal Redevelopment Site 15 Plan. Mr. Kirshner discussed project and investment phasing, public/private partnerships and infrastructure and requested Council direction relative to the proposed project.

Vice Mayor Gilbert questioned the feasibility of eliminating First Street to allow expanded redevelopment efforts in the area. Community Development Manager Wayne Balmer noted that the Mesa Main Post Office relies heavily on First Street access for their trucking fleet.

Discussion ensued relative to the siting of a performing arts center, the conceptual master plan, the newly renovated Post Office, possible elimination of the 55 North Center Municipal Building and the Mesa Arts Center building, and project costs/scheduling.

Councilmember Giles recommended that issues such as site selection for the proposed arts facility be placed on the agenda of a future Council Policy Session for further analysis and discussion.

Mayor Brown noted that it is the consensus of the Council that staff be directed to proceed with the proposed redevelopment timetable and proposal.

Mr. Balmer advised that staff will proceed as directed and will update the Council on the redevelopment proposal status at a future Council Policy Session.

3. Further discussion and consideration of procedures for Council meeting.

Vice Mayor Gilbert discussed the contents of a report containing nine suggestions regarding conducting Council Meetings (see Attachment). Vice Mayor Gilbert expressed the opinion that recommendation number six is inappropriate and indicated that he would not support this proposal.

Councilmember Kavanaugh noted that he supports all nine recommendations and added the opinion that staff should be directed to contact the League of Arizona Cities & Towns relative to practices utilized by other cities regarding consent agenda items.

Mayor Brown discussed recommendation number six and suggested that a Thursday morning deadline be established for citizens to remove items from the consent agenda. Mayor Brown added that the Council would have an opportunity at the Friday Council Study Session to discuss and determine whether the requests for removal are justified.

Discussion ensued among the members of the Council relative to extending the use of Channel 11 to increase citizen awareness, the possibility of televised Council Study Sessions, and allowing citizens to address the Council at the beginning of the Regular Council Meeting rather than during a separate Study Session.

Mayor Brown directed staff to initiate additional research relative to this issue and added that this agenda item will be further addressed at a future Council Study or Policy Session.

4. Further discussion and consideration of requiring secondary fencing for residential swimming pools.

Zoning Administrator John Gendron and Senior Management Assistant Bryan Raines addressed the Council relative to this agenda item.

Councilmember Giles indicated his willingness to modify the proposed draft ordinance (Option C) to allow existing pool owners the additional option of utilizing self-latching hinges for doors and windows which access water. Councilmember Giles noted that this added option will be considerably less expensive than the fencing and/or motorized cover options. Councilmember Giles noted that the self-latching option will be extended to existing pool owners only and stressed that new pools will require fencing and/or motorized covers.

Vice Mayor Gilbert and Councilmember Kavanaugh stated support for Draft C, including Councilmember Giles' recommendation relative to self-latching hinges.

Councilmember Payne questioned the City's ability to determine above-ground pool owner regulatory compliance.

Discussion ensued relative to spas and appropriate covers, enforcement, and the City's inability to enforce above-ground pool fencing requirements.

It was moved by Councilmember Giles, seconded by Councilmember Kavanaugh, that Draft C be approved with the addition of Option c relative to allowing existing pool owners a third option, the utilization of self-latching hinges.

Councilmember Giles noted that new pool owners will not be provided the third option and will be required to either erect a fence or utilize a motorized pool cover in order to comply with City regulations.

Community Development Manager Wayne Balmer noted that on Page 5 of Draft C, under Option d, staff has attempted to address the issue of above ground pools or spas and discussed staff's proposal that access ladders and/or steps be removed from non-climbable exterior sides which are a minimum height of four feet (4'). Mr. Balmer noted that the ladder and/or steps would be removed and secured in an inaccessible position.

Councilmember Giles stated his intention to include Option d on Page 5 of Draft C relative to above ground swimming pools or spas in his motion. Councilmember Kavanaugh seconded the addition to the motion.

Councilmember Payne reiterated concerns relative to the enforceability of regulations for above ground pool owners.

In response to a request for a clarification from City Manager Charles Luster, Councilmember Giles stated that three options for regulatory compliance will be available for existing pool owners: 1) pool fencing; 2) motorized pool cover; and 3) self-latching hinges. Councilmember Giles added that new pool owners will only be provided Options 1 and 2.

Community Development Manager Wayne Balmer recommended that building alterations, additions or expansions, as outlined on Page 7 of Draft C under Option 8, precipitate regulatory compliance.

Councilmember Giles noted that in accordance with Draft D, property sales or leasing triggers fencing or self-latching hinge requirements. Councilmember Giles recommended that staff contact City of Phoenix staff and professional realtors in Phoenix relative to this issue.

Discussion ensued among the Council relative to Draft D.

Councilmember Giles withdrew his motion. Councilmember Kavanaugh withdrew his second to the motion.

It was moved by Councilmember Giles, seconded by Councilmember Kavanaugh, that Draft D, including the third option of self-latching hinges for existing pool owners, be adopted.

Vice Mayor Gilbert stated that although he concurs with a majority of the contents of Draft D, he does not support the draft's retroactivity and would not approve the motion.

Mayor Brown also expressed concerns relative to the proposed ordinance's retroactivity requirement. Mayor Brown and Councilmember Stapley indicated that they would support a requirement for new pools only.

Upon tabulation of votes, it showed:

AYES - Giles-Kavanaugh-Jensen
NAYS - Brown-Gilbert-Payne-Stapley
ABSENT - None

Mayor Brown declared the motion failed.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Gilbert, that Draft C, including the third option of self-latching gate mechanisms for existing pool owners, be adopted.

AYES - Kavanaugh-Gilbert-Giles-Jensen
NAYS - Brown-Payne-Stapley
ABSENT - None

Mayor Brown declared the motion carried by majority vote.

City Manager Charles Luster advised that staff will prepare an ordinance for introduction at the next Regular Council Meeting.

5. Further discussion and consideration concerning Proposition 200 smoking regulations.

City Attorney Neal Beets stated that staff has attempted to summarize in the proposed draft ordinance all of the Council's input relative to Proposition 200. Mr. Beets noted that the proposed ordinance creates an exemption for smoking in public housing and retail stores which receive at least 90% of their gross revenue per month from the sale of tobacco products and smoking supplies; defers the smoking ban in class 6 bars until September 1st, and provides an alternative to a single pass ventilation system when applying for a variance as a Class 6 bar. Mr. Beets added that the proposed draft ordinance also defers or postpones the smoking ban in private meeting rooms until September 1st and after September 1st creates an opportunity for a variance based on the implementation of a single pass ventilation system or its equivalent. Mr. Beets commented that staff will research alternate systems which may be utilized in applying for a variance.

Councilmember Kavanaugh indicated that he supports the ordinance as drafted but added the opinion that the adoption of exemptions initiated by Flagstaff regarding pool halls and bowling alleys should be researched. Councilmember Kavanaugh added that staff should continue to review the issue of the ordinance as it applies to Class 6, 7 and 12 licenses.

Mayor Brown declared the motion failed.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Gilbert, that Draft C, including the third option of self-latching gate mechanisms for existing pool owners, be adopted.

AYES - Kavanaugh-Gilbert-Giles-Jensen
NAYS - Brown-Payne-Stapley
ABSENT - None

Mayor Brown declared the motion carried by majority vote.

City Manager Charles Luster advised that staff will prepare an ordinance for introduction at the next Regular Council Meeting.

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6. Discuss and consider regulations for the use of City owned and maintained stone water retention basins.

Parks, Recreation and Cultural Director Joe Holmwood briefly highlighted proposed regulations for the use of City owned and maintained storm water retention basins.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that the proposed regulations recommended by staff be approved.

Upon tabulation of votes it showed:

AYES - Brown-Gilbert-Giles-Jensen-Payne-Stapley
NAYS - Kavanaugh
ABSENT - None

Mayor Brown declared the motion carried by majority vote.

Monday, July 1, 1996, 5:30 p.m. - Regular Council Meeting

Tuesday, July 2, 1996, 4:00 p.m. - Council Policy Session

10. Adjournment.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Jensen, that the Study Session adjourn at 6:34 p.m.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

Attachment

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 24th day of June, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of July 1996

BARBARA JONES, CITY CLERK

SUGGESTIONS REGARDING CONDUCTING COUNCIL MEETINGS

Purpose: To improve the efficiency of and streamline meetings of the Mesa City Council, and to increase publicity about agendas for Council meetings.

1. Strengthen the use of Council Committees as the opportunity for the public to ask questions about and comment on agenda items. The result would be that the televised regular Council meetings would become business meetings where the Council discusses and acts.
2. Increase publicity about regular Council meetings, Council Committee meetings, study sessions, policy sessions, and citizen advisory board and committee meetings. Strengthen publicity on agendas for all meetings, and focus on availability of agendas.

Public Information currently publishes agenda on page B-2 of Mesa Tribune on regular Council meeting days and is working on getting it published in Community section of Republic/Gazette. PIO could expand publicity on the agenda: by publishing it in the Tribune and Republic/Gazette and on Mesa Channel 11 beginning on the Wednesday and Friday before the final agenda is published. PIO could highlight the agenda items on Mesa Channel 11 before meetings by an abbreviated scroll of agenda items; publicity would include office phones for staff contact if a citizen has questions.

3. Streamline televised meetings by deleting some agenda items and shifting others to different meetings. For example, Council could "acknowledge receipt" of and discuss citizen advisory board minutes at a study session. Advisory board recommendations for Council action could still be handled at the televised meetings if they need approval by motion, resolution or ordinance. Perhaps we could change the City Code so uncontested subdivision plats and traffic regulations, such as no-parking zones and speed limits, could be approved by another body or person; only disputed plats and traffic regulations would come to the Council.
4. Use study sessions as a "working session" and reach consensus on issues.
5. Limit speakers to five minutes or less, except in extraordinary cases. Councilmembers also could limit their comments, and not necessarily have to explain their votes. Encourage speakers to address the agenda item only and discourage speakers from bringing up items unrelated to agenda item. Encourage speakers to avoid repeating remarks made by previous speaker, and suggest speakers summarize positions with "I agree with..." or "please vote yes (or no) on".

6. Modify the consent agenda:

Consider a policy that items on consent agenda can only be removed by a councilmember or individual directly involved in the issue (such as the second-lowest bidder for a contract). If a citizen wants an item pulled off consent, the citizen could contact a Councilmember directly and ask that the Councilmember pull the item off consent.

Discontinue reading consent agenda items, or have someone from City Manager's Office read the agenda. Read only the title of the item instead of the description.

7. Add first requests for continuances to the consent agenda. Subsequent requests would have to be separately considered as part of the regular agenda.

8. Combine opportunities for citizens to speak

At the end of the agenda, do not adjourn Council meeting and convene Study Session. Have "prescheduled public opinion appearances" and "Items from citizens present" as final items on the regular Council meeting agenda. This saves developing separate minutes.

9. Consider the attached proposed ordinance, which updates and clarifies City Council meeting procedures. It also addresses some issues involving the citizen advisory boards.