

COUNCIL MINUTES

December 15, 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 December 15, 2005 at 7:30 a.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

(Councilmember Whalen arrived at the meeting at 7:40 a.m.)

1. Review items on the agenda for the December 19, 2005 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: 4j (Hawker); 8b (Hawker), (Rawles)

Items added to the consent agenda: None

Items removed from the consent agenda: 4d

2. Hear a presentation by Attorney General Terry Goddard – The Fight Against Meth.

Arizona Attorney General Terry Goddard addressed the Council and provided a brief overview of his office's ongoing efforts to prosecute individuals who manufacture methamphetamine (meth). He reported that the "methamphetamine problem" has been identified not only as the number one law enforcement difficulty in the United States, but also as a major public health epidemic.

Mr. Goddard displayed a PowerPoint presentation in the Council Chambers and stated, among other things, that meth is a highly addictive stimulant and has become one of the most available drugs on the streets; that it causes temporary euphoria, increased energy, acute paranoia and permanent brain damage; that it is the only illegal drug that can be produced from legal precursors; that an increasingly prevalent supply of the drug has been produced in Mexican "super labs"; that pseudoephedrine, which is a common ingredient in most cold medications, is

meth's primary ingredient; and that the "cooking" of the drug in meth labs has become an increasingly serious problem in Arizona.

Mr. Goddard reported that in an effort to curb the manufacture of meth, Oklahoma became the first state to pass regulations regarding the precursor chemical, pseudoephedrine, and stated that communities throughout Arizona are considering similar regulations. He explained that per Oklahoma's law, all pseudoephedrine products are placed behind a store's pharmacy counter and said that individuals purchasing the products are required to show identification and sign a log.

Discussion ensued relative to the fact that the legislation passed last year by the Arizona State Legislature reduced the total number of grams of pseudoephedrine that were allowed to be purchased from 24 to 9, but did not incorporate the provisions contained in Oklahoma's bill; and that various Arizona cities and towns have passed ordinances similar to the Oklahoma model that would be enforceable within a community's geographical limits, but not in adjacent unincorporated areas.

In response to a question from Councilmember Griswold, Mr. Goddard stated that in Arizona's urban areas, he would prefer that pseudoephedrine be placed behind a store counter and dispensed only by a pharmacist or pharmacy technician. He noted, however, that in rural communities that do not have pharmacies, it might be appropriate to designate certain stores and require responsible personnel in those stores to distribute the product.

Further discussion ensued relative to the manner in which the pharmacy logs would be maintained; and the possibility of law enforcement agencies and pharmacies "computer sharing" regarding the logging in of pseudoephedrine purchases.

Mayor Hawker thanked Mr. Goddard for the informative presentation.

3. Discuss and provide direction regarding possible City regulations pertaining to the sale of products containing pseudoephedrine.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that staff be directed to draft an ordinance regarding the regulation of pseudoephedrine in the City of Mesa, and that said ordinance include language requiring that the product be placed behind a store counter and its distribution regulated by a pharmacist or pharmacy technician.

Councilmember Jones expressed support for the motion and commented that when a jurisdiction adopts an ordinance regarding the sale of the pseudoephedrine, the problem often "bleeds out" into neighboring communities.

Councilmember Griswold acknowledged the efforts of the Mesa Police Department to "clean up" meth labs located in east Mesa.

Councilmember Whalen stated that although the City may be willing to address local pseudoephedrine regulations, he is disturbed that the glass pipes used by meth and crack addicts are displayed under the counter in various Mesa establishments. He said that Mesa may be "closing its eyes" to this drug implementation method.

Councilmember Rawles stated that he considers the regulation of meth labs a necessary public safety issue, but is opposed to only a pharmacist or pharmacy technician being allowed to

dispense pseudoephedrine products. He added that although he would not support the current motion, he is willing to discuss the matter further when the draft ordinance is brought back to the Council.

Councilmember Thom expressed opposition to the motion because, in her opinion, this item would be better regulated by the Arizona Legislature on a Statewide basis.

Mayor Hawker voiced support for the motion and stated that he too would like to see pseudoephedrine products regulated on a Statewide basis. He added that if other communities have already enacted restrictions regarding the purchase of pseudoephedrine, it is time for Mesa to do the same.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

4. Discuss and consider and provide direction regarding a modification of an existing special use permit for a comprehensive sign plan (Case No. ZA02-007TC) for the 45-foot high freestanding sign at 145 East Main Street.

Senior Town Center Development Specialist Patrick Murphy reported that the Council has reviewed this case on several occasions, the most recent time being in 2003 when it extended a deadline for two years to assess how the Palo Brea trees on Main Street, which are part of the City's streetscape project, would grow and impact the wall-mounted signs at Brown and Brown Chevrolet. He explained that the trees have reached approximately 18 feet in height and said it is anticipated that the canopy of the trees would continue to block the wall-mounted signs at that site. Mr. Murphy added that the Streetscape Maintenance staff would continue to work with the car dealership to reduce the impact of the trees on the visibility of the wall-mounted signs.

Mr. Murphy further indicated that all property owners and tenants within 300 feet of the project were notified of the proposed permanent use of the 45-foot freestanding sign; that Tom Verploegen, President of the Downtown Mesa Association, stated, in his opinion, that the sign is not out of proportion for the size of the auto sales lot located on the block and that the sign does not represent sign clutter; and that Brown and Brown represents a regional facility, and citizens unfamiliar with downtown Mesa would expect to see a sign of such height.

In response to a series of questions from Mayor Hawker, Mr. Murphy clarified that if the Council approved the permanent use of the sign and a new car dealership eventually located to the property, that business would be permitted to use the same sign. He noted, however, that if the property remained vacant for more than one year, the sign would be removed.

Town Center Development Administrator Shelly Allen further advised that if a new dealership located to the property, when the new owner requested a Comprehensive Sign Plan to change the wall-mounted signs, at that time, staff could require that the freestanding sign be removed.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that a five-year extension of the 45-foot sign at 145 E. Main Street (Brown and Brown Chevrolet), be approved.

Carried unanimously.

4.1. Hear an update and provide direction concerning compliance with arsenic standards.

City Manager Mike Hutchinson requested that this item be continued until the December 19, 2005 Study Session.

5. Discuss, consider and provide direction regarding the Alston House project.

Neighborhood Services Manager Lisha Garcia and Community Revitalization Director Kit Kelly addressed the Council relative to this agenda item. Ms. Garcia reported that staff is seeking Council adoption of a resolution approving a land swap of two City-owned parcels in exchange for 453 North Pima (the Alston House) and also requesting Council approval for the allocation of \$90,000 in Community Development Block Grant (CDBG) funds to be used for the property's rehabilitation. She stated that the land exchange would occur between the City of Mesa and Habitat for Humanity, the current owner of the Alston House.

Ms. Garcia offered a short synopsis of the two City-owned properties scheduled for the land swap. Her comments included, but were not limited to, the following: the Mesa Martin Luther King Celebration Committee and the Mesa Association of Hispanic Citizens would use the renovated Alston House as offices and a neighborhood center for activities within the Washington Park/Escobedo neighborhood; that the two nonprofits have entered into a Memorandum of Understanding for the property's maintenance/upkeep; that Neighborhood Services has applied to the State for a Heritage Grant for a maximum of \$100,000; that the nonprofits have secured private sector donations for the rehabilitation of the property; and that staff has also applied to Home and Garden TV for a \$100,000 grant.

It was moved by Vice Mayor Walters, seconded by Councilmember Griswold, that this item be placed on the December 19, 2005 Regular Council meeting agenda for discussion and consideration.

Councilmember Rawles expressed support for the motion, but requested that if the City receives additional private sector support and/or is successful in obtaining the House and Garden TV grant, that Mesa's CDBG contribution for the project be reduced accordingly. He added that although he does not typically support historic preservation projects, in his opinion, the Alston House is of great historical significance to the City and an appropriate use of Federal dollars.

Councilmember Jones thanked staff for their efforts and hard work with regard to this important project. He also stressed that CDBG funds are Federal monies, as opposed to General Fund dollars, and specifically allocated for community revitalization projects.

Mayor Hawker requested that staff provide the Council a list of alternative CDBG funding options to determine whether, in fact, the renovation of the Alston House is an appropriate choice for such funding.

Councilmember Thom advised that she was contacted by an individual who was interested in using personal funds to restore the Alston House for his private residence. She stated that she was surprised to see this matter come before the Council and requested that the matter be

delayed until she has an opportunity to speak with Habitat for Humanity representatives to determine whether the agency would be willing to sell the property to this citizen.

Mayor Hawker called for the vote.

Upon tabulation of votes, it showed:

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

Mayor Hawker declared the motion carried by majority vote.

6. Discuss, consider and provide direction regarding proposed property and sales tax changes, budget and election scenarios.

City Attorney Debbie Spinner provided a brief overview of three draft resolutions, pending Council approval, that would be submitted to Mesa voters relative to increasing the City's transaction privilege tax (sales tax), implementing a primary property tax, and calling for the Utility Revenue bond questions. She explained that staff is seeking Council direction regarding these items so that they can be placed on the December 19, 2005 Regular Council meeting agenda.

Financial Services Manager Bryan Raines referred to a document previously distributed to the Council and highlighted the projected State-shared revenue forecast between FY 2006/07 and FY 2010/11 and its impact on the City of Mesa.

Vice Mayor Walters suggested that because the items are resolutions and not ordinances, it would be appropriate that they be included on the December 19th Regular Council meeting agenda in order for the Council to provide direction relative to modifying the language contained in the resolutions.

An extensive discussion ensued among the Council relative to the procedure by which the items would be included on the December 19, 2005 Regular Council meeting agenda; and a cost comparison of placing the General Obligation bond questions on the November 2006 ballot as opposed to, for example, a Special Election in March 2007.

Mayor Hawker directed staff to place the proposed resolutions on the December 19th Regular Council meeting agenda and also requested that staff provide the public with a brief overview of Mesa's tax structure at that time.

7. Discuss, consider and provide direction regarding timing and content of future bond election(s).

Mayor Hawker said that it was the consensus of the Council that the issue of placing the Utility Revenue bond questions on the May 2006 General Election ballot be discussed further at the December 19, 2005 Regular Council meeting. He added that it was also the consensus of the Council that the General Obligation bond questions be presented to Mesa voters at a future date.

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

Mayor Hawker:	Maricopa Association of Government (MAG) Regional Council meeting.
Councilmember Griswold:	Mesa Chamber of Commerce Board meeting; Tonto Forest Advisory meeting; Roosevelt Water District meeting; Arizona Restaurant Association Board meeting.
Councilmember Jones:	National League of Cities' Public Safety and Crime Prevention Committee and Immigration Task Force meetings.
Vice Mayor Walters:	Westwood High School Choir and Orchestra annual concert.

9. Scheduling of meetings and general information.

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

Monday, December 19, 2005, 3:00 p.m. – Finance Committee Meeting

Monday, December 19, 2005, TBA – Study Session

Monday, December 19, 2005, 5:45 p.m. – Regular Council Meeting

Tuesday, December 20, 2005, 4:00 p.m. – Police Committee Meeting

Wednesday, December 21, 2005, 1:00 p.m. – Red Mountain Police Substation Grand Opening

Thursday, December 22, 2005, 7:30 a.m. – Study Session

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 10:00 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 15th day of December 2005. 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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