

COUNCIL MINUTES

June 2, 2003

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 2, 2003 at 4:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

1. Review items on the agenda for the June 2, 2003 Regular Council Meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Items placed on the consent agenda: 8h

Items removed from the consent agenda: 7a, 7b

Items deleted from the consent agenda: 6k

2. Hear an update on the 800 MHz Trunked Radio System.

General Services Manager Rick Lorig, 800 MHz Project Manager Joe Noce and Acting Communications Director Mike Brown addressed the Council relative to this agenda item.

Mr. Lorig provided a brief historical overview of the 800 MHz Trunked Radio System, an ongoing project between Mesa and the City of Phoenix, to replace both cities' aging radio systems. He reported that the current systems cannot be expanded due to the unavailability of additional frequencies in the current frequency range, and noted that the replacement of the existing systems with independent Project 25 compliant 800 MHz systems will provide inter-connectivity between various law enforcement and fire operations throughout the Valley.

Mr. Brown displayed graphics in the Council Chambers and provided a status report and timeline relative to the installation of the infrastructure system. He stated that nine radio tower sites have been constructed and are currently operational; that a coverage test, with a 98% success rate, has been completed in all areas tested, including in-building coverage within the Mesa system; that the City's system contains a redundant looped microwave system to ensure uninterrupted service, and that Dispatch console equipment has been installed for the City's 911 Center.

Mr. Noce advised that the final phase of the project is the purchase of the radios that will be used with the new system. He stated that Motorola, EF Johnson and Kenwood have been selected as the vendors to supply the equipment that will be purchased by the City over a two-year period. Mr. Noce distributed new radios to each of the Councilmembers and demonstrated the equipment's capabilities with participants located in Phoenix and Gilbert.

Mr. Lorig reported that the total equipment purchases for the new system are estimated at \$11,685,000, with staff requesting approval to establish a five-year tax-exempt lease not to exceed \$6,535,000 to purchase equipment needed in FY 2003/04 and \$5,150,000 in FY 2004/05.

Discussion ensued relative to the fact that the radios, which have a five to seven-year life expectancy, must be capable of operating for up to 10-hour shifts, and that although the 800 MHz frequencies have been expended, the trunked radio system will blend 700 MHz and 800 MHz band groups into a seamless operation which is Project 25 compliant.

Vice Mayor Kavanaugh commended staff for their efforts and hard work and noted that the City of Mesa is a leader with regards to this issue nationally as well as internationally.

In response to a question from Vice Mayor Kavanaugh, Mr. Noce clarified that once the new system is on line, Police and Fire transmissions will be encrypted. He added that staff is currently working on a policy which would allow the media to have access to certain portions of a radio transmission, although the most secure transmissions will remain encrypted.

Councilmember Griswold congratulated staff on the clarity of the transmissions during the demonstration.

Councilmember Walters commended Vice Mayor Kavanaugh for his tireless efforts with regard to this project.

3. Discuss and consider proposed amendments to the Sign Code regarding the definition and regulation of "vehicle signs".

Zoning Administrator John Gendron and Code Compliance Director Bill Petrie addressed the Council relative to this agenda item.

Mr. Gendron reported that staff is seeking Council direction relative to proposed amendments to the Sign Code regarding the definition and regulation of "vehicle signs." He explained that the amendments are necessary because the current provisions are difficult to enforce as a result of vagueness of the language and the lack of specific criteria. Mr. Gendron referred to a copy of the June 2, 2003 City Council Report and briefly highlighted the proposed revisions to the Code.

(See Attachment). He noted that the City typically receives complaints with regard to vehicle signs from competing businesses, and most recently by two RV dealers, which is the primary reason the issue is being addressed at this time.

Mr. Gendron displayed photographs of vehicle signs that would be in violation of the current Sign Code. He also stated that staff has conducted research with other municipalities regarding this issue and found limited data.

Mr. Gendron concluded his remarks by stating that it is the recommendation of staff that the Sign Code be amended as written.

Mayor Hawker voiced concerns regarding the possibility of a car dealership displaying a vehicle suspended high in the air by a crane, for example, which although it may not convey a commercial message, would advertise a particular brand of automobile by its mere presence. He added that there is currently no zoning ordinance in place to limit the height of such a display.

In response to Mayor Hawker's concerns, Mr. Petrie clarified that if such an event were to occur, the matter could be addressed through Mesa's Building Code and the dealership would be required to obtain a building permit.

Discussion ensued relative to the fact that when a vehicle is consistently placed and/or parked in a specific location so that its primary purpose is to display a commercial message, then such "vehicle signs" are deemed prohibited.

Mr. Gendron advised that if the ordinance proceeds forward, staff will conduct further research with regard to the regulation of ramps and cranes upon which car dealerships could display vehicles. He noted, however, that if a vehicle does not display a commercial message, it would not fall under the "vehicle signs" ordinance.

Councilmember Thom stated the opinion that the amendments to the Sign Code regarding "vehicle signs" will cause problems for small business owners in these hard economic times. She also cited Mayor Hawker's scenario of a car dealership displaying a vehicle high in the air for advertisement purposes as an extreme example, and added that she does not foresee many business owners having the ability or the desire to display merchandise in such a manner.

Mayor Hawker advised that it is the consensus of the Council that staff proceed with the drafting of the amendments to the Sign Code and that the document be presented to Council at a future time for further review.

Councilmember Whalen commented that this issue arose due to the actions of a single RV dealership. He stressed the importance of reaching a reasonable compromise with regard to this matter and added that small business owners who have acted within the law should not be penalized as a result of the amendments.

4. Appointments to boards and committees.

Mayor Hawker recommended the following appointments to Boards and Committees:

HOUSING AND HUMAN SERVICES ADVISORY BOARD

Linda Starr – Term Expires June 30, 2006

Judy Kent – Term Expires June 30, 2005

Kim Reynolds – Term Expires June 30, 2006

Raymond Jones – Term Expires June 30, 2006

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that the Council concur with the Mayor's recommendations and the appointments be confirmed.

Carried unanimously.

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

There were no reports on meetings and/or conferences attended.

6. Scheduling of meetings and general information.

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

Thursday, June 5, 2003, 7:30 a.m. – Study Session

Thursday, June 5, 2003, 9:30 a.m. – Fire Committee Meeting - CANCELLED

Thursday, June 12, 2003, 7:30 a.m. – Study Session

Thursday, June 12, 2003, 9:30 a.m. – Police Committee Meeting

Thursday, June 19, 2003, 7:30 a.m. – Study Session

Thursday, June 26, 2003, 7:30 a.m. – Study Session

Monday, June 30, 2003, TBA – Study Session

Monday, June 30, 2003, 5:45 p.m. – Regular Council Meeting

7. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

8. Adjournment.

Without objection, the Study Session adjourned at 5:40 p.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 2nd day of June 2003. 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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Attachment

CITY COUNCIL REPORT

Date: June 2, 2003
To: City Council
Through: Mike Hutchinson, City Manager
Paul Wenbert, Deputy City Manager
From: Jack Friedline, Development Services Manager
Dorothy Chimel, Acting Planning Director
Subject: Regulation of Vehicle Signs

PURPOSE AND RECOMMENDATION

This report discusses some proposed amendments to the Sign Code regarding the definition and regulation of "vehicle signs." These amendments are necessary because the current provisions are difficult to enforce due to the vagueness of the language and the lack of specific criteria. Staff recommends the ordinance be amended as written.

BACKGROUND

It is a common practice for businesses to utilize vehicles as an identification or advertising medium. Such "vehicle signs" are not regulated by the City unless they are used to circumvent the Sign Code. When a vehicle is consistently placed or parked so that its primary purpose is to display a commercial message, then such "vehicle signs" are deemed prohibited.

Mesa's Sign Code has attempted to regulate the misuse of vehicle signs since it was first adopted in 1974. The current definition contained in Section 11-19-5 reads as follows:

Vehicle Sign: A sign mounted, painted or otherwise placed on a trailer, truck, automobile or other vehicle so parked or placed so that the sign thereon is visible from a public street or right-of-way and is so parked primarily for the purpose of displaying advertising signage.

In section 11-19-8, General Provisions, subsection (C) Prohibited Signs, includes the following:

Vehicle signs on vehicles primarily or consistently parked for display as advertising signs.

Enforcement of the above provisions has proven to be difficult due to the vague terminology. Words like "primarily" and "consistently" are difficult to quantify and the phrase "parked for display as advertising signs" requires proof of intent. A habitual offender case recently brought before a City Magistrate was dismissed because it was ruled that the language was unconstitutionally vague.

The proposed revisions would correct this deficiency by creating empirical and measurable standards by which to determine if a vehicle sign constitutes a violation of the Code. The suggested revisions are as follows:

Section 11-19-5 Definitions of Terms:

- (ZZ) Vehicle Sign: A sign mounted, painted or otherwise placed on, OR AFFIXED TO, a trailer, truck, automobile or other vehicle so parked or placed so that the sign thereon is visible from a public street or right-of-way.

Section 11-19-8 General Provisions:

(C) Prohibited Signs

- (b) ~~Vehicle signs on vehicles primarily or consistently parked for display as advertising signs.~~ THAT ARE DISPLAYED FOR THE PRIMARY PURPOSE OF PROVIDING COMMERCIAL ADVERTISING, IDENTIFYING AN ON-SITE BUSINESS, OR PROVIDING DIRECTIONAL INFORMATION TO AN OFF-SITE BUSINESS, AS EVIDENCED BY:
1. THE ABSENCE OF AN UNEXPIRED LICENSE PLATE LAWFULLY AFFIXED THERETO; OR
 2. THE VEHICLE BEING INOPERABLE AS DEFINED IN SECTION 8-6-2 OF THE MESA CITY CODE; OR
 3. THE VEHICLE BEING PARKED IN AN UNLAWFUL OR UNAUTHORIZED LOCATION, ON BLOCKS OR OTHER SUPPORTS, OR IN A MANNER INCONGRUENT WITH THE PARKING LOT DESIGN, SUCH AS PERPENDICULAR TO DESIGNATED PARKING SPACES, OR BACKED INTO THE SPACE; OR
 4. THE VEHICLE IS NOT USED ON A DIURNAL BASIS SPECIFICALLY FOR BUSINESS ACTIVITIES ASSOCIATED WITH THE PRODUCTS OR SERVICES IDENTIFIED BY THE VEHICLE SIGN; OR
 5. THE VEHICLE IS PARKED AS A COMPONENT OF THE OUTDOOR DISPLAY OF PRODUCTS IN CONJUNCTION WITH AN AUTOMOBILE, RECREATIONAL VEHICLE, WATERCRAFT, MANUFACTURED HOME, MOTORCYCLE, OR UTILITY TRAILER DEALERSHIP OR BUSINESS.

ALTERNATIVES

1. Adopt the amendments as written.
Result: Code Compliance will have the ability to effectively enforce the Sign Code provisions regarding the misuse of vehicle signs.
2. Do not adopt the amendments.
Result: Circumvention of the sign regulations will continue through the illegal display of vehicle signs without adequate enforcement provisions.

FISCAL IMPACT:

None to the City.

CONCURRENCE:

The Neighborhood Services Department concurs with the proposed amendments.

John Gendron
Staff Originator

Dorothy Chimel
Planning Director

Jack Friedline
Development Services Manager

Paul Wenbert
Assistant City Manager

Mike Hutchinson
City Manager

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