

COUNCIL MINUTES

June 10, 1999

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 10, 1999 at 7:33 a.m.

COUNCIL PRESENT

Mayor Wayne Brown
Jim Davidson
John Giles
Keno Hawker
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Kevin Adam
Wayne Balmer
Denise Bleyle
Jamie Brennen
Candace Cannistraro
Linda Crocker
Jerry Dillehay
Jack Friedline
John Geier
John Gendron
Joe Holmwood
Barbara Jones
Ron Krosting
Dorinda Larsen
Jeff Martin
Tom Mattingly
Frank Mizner
Keith Nath
Ruth Anne Norris
Joe Padilla
Ellen Pence
Bill Petrie

STAFF PRESENT (CONT.)

Bryan Raines
Tom Remes
Becky Richardson
Jenny Sheppard
Jan Strauss
Lois Underdah
Kim West
Bob White
Mindy White
Paul Wilson
Others

OTHERS PRESENT

Julee Brady
Mark Reeb
Robbie Sherwood
Diane Rutherford
Dave Udall
Others

(Items were discussed out of order but for purposes of clarity will remain as listed on the agenda.)

Mayor Brown excused Councilmember Jaffa from the beginning of the meeting. Councilmember Jaffa joined the meeting at 7:35 a.m.

1. Discuss and review the PLUS program and consider policy regarding the future operation of the program.

Management Assistant Denise Bleyle addressed the Council regarding this agenda item and provided an update on the progress of changes to the City's PLUS Program, the voluntary donation program which provides financial assistance to Mesa residents who are unable to pay their utility bills.

Discussion ensued relative to the fact that although a \$1 voluntary donation is pre-printed in the Grand Total amount on the customers' utility bill, the PLUS Program remains voluntary and customers who do not wish to participate may pay only the Utility Amount Due on their bill, efforts expended by the Public Information Office to notify and educate Mesa's electric customers of this change, the fact that for the past two months articles have appeared in the Openline and Mesa Matters as well as on Channel 11 regarding this change, and the fact that since the revisions to the bill, staff has received numerous calls from citizens who are upset that the preprinted donation is on their bill.

Ms. Bleyle informed the Council that the \$1 voluntary donation is not automatically withdrawn from the accounts of Surepay customers and noted that those customers who want to contribute to the PLUS Program must mail in the \$1 donation.

Additional discussion ensued relative to partnering with the Arizona Republic Charities (ARC), which will provide a 60 cents match for every dollar donated to the PLUS Program, the fact that the Housing and Human Services Advisory Board has approved the proposal to join with ARC, funding allocations and implementation scheduling, and staff's recommendation that the PLUS program be renamed the Mesa ABC Program, which stands for "Mesa, A Better Community."

In response to a question from Councilmember Kavanaugh, Ms. Bleyle reported that six requests for a refund of the donation were received during the month of May.

Councilmember Pomeroy expressed concern relative to the fact that the term "Grand Total" gives customers the impression that the amount is what they owe and is confusing. Councilmember Pomeroy indicated that he would prefer that the bill be altered to avoid confusion.

Councilmember Davidson expressed the opinion that the complaints will decrease over time and indicated that he supports staff's recommendations.

Vice Mayor Giles expressed appreciation to the Arizona Republic Charities for their offer to participate in this program and commented on the benefits that will be received as a result of the donations. Vice Mayor Giles recommended that staff consider an annual mailing to the City's Surepay customers to determine whether they wish to participate in the program. Vice Mayor Giles also concurred that the words "Grand Total" are misleading and said that changes should be made to avoid any confusion.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, that the recommendations of staff be approved.

Councilmember Jaffa reported that he has received numerous telephone calls from senior citizens who are upset over the fact that the \$1.00 donation is preprinted on the bills and recommended that staff consider mailing surveys to the City's electric customers in an effort to determine their opinions regarding the donation program.

Councilmember Hawker stated that he will not vote in support of staff's recommendations and expressed the opinion that Mesa's utility customers who want to donate to the program should write in the amount of their donation and said that a pre-printed donation should not be included on the bill.

Mayor Brown commented that out of the 125,000 bills that are mailed out on a monthly basis, staff has received approximately 300 complaints and stated that the amount is minimal and will be further reduced over time. Mayor Brown indicated support for the project.

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Davidson-Kavanaugh-Pomeroy
NAYS -Hawker-Jaffa

Mayor Brown declared the motion carried by majority vote of the Council.

2. Hear and consider a report regarding working with Lowes in an effort to discourage traffic from commercial vehicles on Hampton Avenue.

Community Development Manager Wayne Balmer addressed the Council relative to this agenda item and discussed efforts that have been expended by Lowes in an effort to discourage traffic from commercial vehicles on Hampton Avenue. Mr. Balmer referred to a handout distributed to the Council containing information on this proposal and stated the opinion that the developer's proposals to reduce traffic hazards will address many of the concerns of residents in the area.

Discussion ensued relative to residents' concerns that commercial trucks may ignore signage posted to prohibit their presence, the importance of ensuring that sufficient, clear signage is erected in the area, the possibility of increasing traffic as a result of forcing all north bound traffic to use Hampton Avenue, and staff's opinion that speed humps would not be appropriate for that site.

Councilmember Davidson expressed concern that utilizing a parking lot for moving tractor trailers may result in accidents. Mr. Balmer indicated that should problems arise, staff will readdress this proposal.

Mayor Brown expressed the opinion that the proposal represents a good faith effort and will confirm the City's intention to work with the residents and address their safety concerns.

Additional discussion ensued relative to outdoor storage, the fact that the applicant is applying for a special use permit to allow outdoor storage and the display of nursery stock, the fact that the Board of Adjustment will review this request, and concerns regarding displays in the front area of the store.

Mayor Brown thanked staff for the update on this issue.

3. Discuss and consider a proposed ordinance amending the smoking regulations regarding bars in restaurants.

Mayor Brown stated that a proposed ordinance has been prepared for the Council's review and consideration relative to amending the smoking regulations regarding bars in restaurants.

Vice Mayor Giles commented that although he previously spoke in support of the proposed changes to the ordinance, he has since been contacted by citizens who have visited TGI Friday's restaurant where the alternative system is in place and have indicated their opposition to allowing smoking in the establishment.

Mayor Brown suggested that Vice Mayor Giles personally visit the restaurant and expressed the opinion that the alternative system is effective.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that staff be directed to place this item on the agenda of the next Regular Council Meeting for Council action.

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Hawker-Jaffa-Kavanaugh-Pomeroy
NAYS - Davidson

Mayor Brown declared the motion carried by majority vote.

4. Further discussion and consideration concerning the development of The Commons property.

Planning Director Frank Mizner addressed the Council regarding this agenda item. Mr. Mizner informed the Council that the citrus has been removed and said that the neighbors have expressed concerns relative to whether the development standards have been set high enough for that particular parcel of property. Mr. Mizner said that staff is proposing that they work with the developer and urge him to initiate action to address the concerns of the residents, including raising the height of the wall and planting additional landscaping on the west side of the wall. Mr. Mizner stressed the importance of initiating a cooperative effort on the part of the developer, the residents and the City.

Discussion ensued relative to past and current CC&R's, the removal of the citrus and the negative reaction of homeowners in the area, the possibility of requesting that the General Development Committee review this matter and provide recommendations to the Council, the negative impacts of allowing M1 development in close proximity to residential, the importance of constructing a buffer along the canal, and initiating efforts to solicit input from the neighbors and work towards a cooperative resolution to stated concerns.

Mark Reeb, a developer of the property, encouraged the members of the Council to review the previous CC&R's and noted that the mansion was designed to be a common area for the entire project. Mr. Reeb stated that there was no mention of citrus tree retention in the CC&R's and suggested that an ad hoc committee be formed to assist in addressing concerns regarding this development.

Mayor Brown thanked staff for their update.

5. Hear a final legislative report.

Mayor Brown advised that due to time constraints, this agenda item will be continued to a future meeting.

6. Hear information concerning zoning case Z99-40 which proposes to rezone the northeast corner of Power Road and Guadalupe Road for a convenience store.

City Manager Charles Luster advised that this case was presented at the previous Council Meeting and said that objections were voiced relative to the development of a convenience store and the sale of liquor and cigarettes in close proximity to a school. Mr. Luster informed the Council that the applicant's request for the issuance of a liquor license was approved on the consent agenda at the April 5, 1999 Regular Council Meeting. Mr. Luster added that the school is located approximately 400-500 feet away from the proposed store and said that this distance meets the legal limits outlined by State law.

Mr. Balmer referred to information on the site plan that was distributed to the Council and noted that the plans call for the development of a car wash, market and fast food facility. Mr. Balmer reported that staff contacted the Gilbert School District and they have not voiced any reservations relative to the granting of the license or the facility's proximity to the school.

In response to comments from Councilmember Hawker relative to the previous approval of the liquor license, City Attorney Neal Beets noted that the criteria for granting a liquor license is not contingent upon zoning approval. Mr. Beets added that the property was properly posted as applying for a liquor license and said that no protests were received.

Discussion ensued among the members of the Council and staff was directed to indicate in the future (by use of highlighting or starring on the agendas) liquor license applications that have zoning cases pending for consideration.

Councilmember Pomeroy expressed concerns regarding the close proximity of the facility to a school site and indicated that he would not support the applicant's request.

Vice Mayor Giles recommended that the City's liquor license applications include more in-depth information for the Council to review and concurred with the concerns expressed by Councilmember Pomeroy.

7. Appointments to Boards and Committees.

Mayor Brown recommended the following appointments to Boards and Committees:

DOWNTOWN DEVELOPMENT COMMITTEE

Mary Teresa "Terri" White Smith – To fill a vacancy for term ending 6/30/2001

LIBRARY ADVISORY BOARD

Paul J. Chaisson – Term to expire 6/30/2002

It was moved by Councilmember Davidson, seconded by Councilmember Pomeroy, that the Mayor's recommendations relative to the above appointments be approved.

Carried unanimously.

8. Acknowledge receipt of minutes of various boards and committees.

- a. Fire Committee meeting held May 27, 1999.
- b. General Development Committee meeting held May 27, 1999.
- c. Museum and Cultural Advisory Board meeting held May 26, 1999.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that receipt of the above listed minutes be acknowledged.

Carried unanimously.

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

Mayor Brown advised that there were no reports on meetings and/or conferences attended to report on at this time.

10. Scheduling of meetings and general information.

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

Thursday, June 17, 1999, 7:30 a.m. - Study Session

Monday, June 21, 1999, 5:45 p.m. - Regular Council Meeting

Wednesday, June 23, 1999, 7:30 a.m. - Study Session

11. Prescheduled public opinion appearances (there will be a maximum of three speakers for three minutes per speaker).

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

12. Items from citizens present. (Maximum of three speakers for three minutes per speaker).

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

13. Adjournment.

Without objection, the Study Session adjourned at 9:25 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 10th day of June, 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

BARBARA JONES, CITY CLERK