

COUNCIL MINUTES

October 4, 2004

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 October 4, 2004 at 4:30 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

Mike Whalen

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Mayor Hawker excused Councilmember Whalen from the meeting.

1. Review items on the agenda for the October 4, 2004 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: 6j (Walters); 6b, 6k (Hawker)

Items added to the consent agenda: 5a, 9c, 8, 9c

Items removed from the consent agenda: 9.1

Items deleted from the consent agenda: 2c

2. Hear a presentation on particulate pollution issues.

Solid Waste Management Director Christine Zielonka reported that the purpose of today's presentation is to provide the Council with an update regarding PM-10 (Particulate Matter less than 10 microns) issues. She displayed graphics in the Council Chambers depicting the PM-10 non-attainment area in Maricopa County and explained that the City of Mesa collaborates on a regional basis with the Maricopa Association of Governments (MAG), the Arizona Department of Environmental Quality (ADEQ), and other municipalities relative to air quality planning.

Ms. Zielonka briefly highlighted a variety of statistical information regarding PM-10 regulations including the fact that per the Clean Air Act, the Environmental Protection Agency (EPA) is

required to establish national ambient air quality standards which are health-based; that the Maricopa County area is currently in a serious non-attainment status and exceeds the PM-10 levels established by the EPA; that based on recent monitoring data, it is possible that such status would be downgraded to severe non-attainment; that PM-10 is particulate material primarily created from earth-moving activities and PM-2.5 (2.5 and less microns) is derived from burning fossil fuels; and that based on recent monitoring/modeling data, it is anticipated that the DEQ would recommend to the EPA that the Maricopa County area be designated as having reached an attainment status with regards to PM-2.5 levels.

Discussion ensued relative to the fact that the City of Phoenix's monitoring station is located at 27th Avenue and the river bottom (Salt River), which continually exceeds PM-10 levels; that Mesa's monitoring equipment, which is situated at Brooks and Broadway Road, is in a well-developed site and meets the health-based standards in the area; that paved roads generate over 30% of the dust across the region, that 32% of the total area of PM-10 levels is associated with earth-moving activities from construction sites, and that 20% of the dust occurs from disturbed vacant land and agricultural sources; and a historical overview of the City Council's action relative to PM-10 matters.

Ms. Zielonka advised that the above-referenced Phoenix monitoring station is the basis for item 6h on tonight's Regular Council Meeting agenda (Stating the City's intent to implement measures to reduce particulate pollution). She explained that per the requirements of the Clean Air Act, if one non-attainment area implements control measures, other areas within the region must do so as well. Ms. Zielonka noted that tonight's resolution defines the measures the City of Mesa would implement to reduce particulate pollution associated with "re-entrained" dust emissions from paved roads. She added that when the streets have been identified, the City would implement control measures including the targeted use of PM-10 efficient street sweepers, notification to Maricopa County regarding "track-out," and other dust control measures.

Councilmember Rawles said that he requested item 6h be removed from the Consent Agenda because he does not appreciate the Federal government "dictating" such requirements to the City. He also commented that in his opinion, Mesa is perfectly capable of regulating its own air quality standards.

In response to a question from Councilmember Griswold regarding whether Phoenix's monitoring station could be moved to a less dusty location, Ms. Zielonka clarified that although there have been discussions regarding this issue, the EPA has been unwilling to allow Phoenix to do so.

Mayor Hawker thanked Ms. Zielonka for her informative presentation.

3. Discuss, consider and provide direction regarding the use of spirituous liquor in public parks.

Acting Parks and Recreation Director Rhett Evans addressed the Council relative to this agenda item. He reported that at the August 19, 2004 Study Session, staff made a presentation to the Council regarding amendments to Title 6, Chapter 10, of the Mesa City Code pertaining to a variety of public park regulations, including the Code provision covering the consumption of spirituous liquor in public parks. Mr. Evans explained that while the Council was generally supportive of the proposed changes, they requested that the Parks and Recreation Board further evaluate the spirituous liquor section of the provision. He stated that on September 9,

2004, the Board met and reviewed a staff report that outlined the original recommendation, as well as three alternatives. Mr. Evans introduced Robert Brinton, President of the Parks and Recreation Board, to briefly review the Board's recommendations.

Mr. Brinton provided a short synopsis of the discussion undertaken by the Parks Board, which culminated in its current recommendations to the City Council. He stated that by a 6-4 vote, the Board recommended the following changes to Title 6, Chapter 10, of the Mesa City Code pertaining to public park regulations and the consumption of spirituous liquor:

- Consumption and possession of spirituous liquor, by permit issued by Parks and Recreation, would be expanded to include wine as well as beer.
- Permits can be issued for consumption and possession of beer and wine in only four parks (Falcon Field, Pioneer, Riverview and Red Mountain).
- The City Manager, with the approval and consent of the City Council, could recommend and designate additional park sites where the consumption and possession of beer and wine would be allowed by permit.
- Permits for consumption and possession of beer and wine in these parks will be issued to groups of 25 or more.
- The majority of the 25 in the groups must be of legal drinking age.
- The holder of the permit must stay on site during the event.
- The permit fee would be \$20.

In response to a question from Councilmember Griswold, Mr. Brinton clarified that the Boardmembers who voted in opposition to the motion were primarily concerned that the recommendations did not designate more geographically dispersed parks throughout the City where the consumption and possession of beer and wine would be allowed by permit.

Councilmember Rawles requested that staff conduct an analysis of a wider array of parks, and in particular their proximity to schools and churches, to potentially expand the list of parks where it would be permissible to issue permits. He suggested that such information could be presented to the Council at a future Study Session.

It was moved by Councilmember Rawles, seconded by Councilmember Thom, to modify the Park Board's recommendations to revise Title 6, Chapter 10, of the Mesa City Code pertaining to public park regulations and the consumption of spirituous liquor as follows: 1. Consumption and possession of spirituous liquor be expanded to include wine and beer; 2. Permits can be issued for consumption and possession of beer and wine in only four parks; 3. Permits for consumption and possession of beer and wine in these parks will be issued to two or more individuals; 4. That the majority of the group need not be of legal drinking age; 5. The holder of the permit must stay on site during the event; and 6. The permit fee would be reduced to \$5.

Discussion ensued relative to the manner in which permits are issued.

Mayor Hawker expressed opposition to Councilmember Rawles' motion because of the proposed \$5 permit fee. He stated that he would prefer that the fee remain at \$20 as recommended by the Parks Board.

Vice Mayor Walters concurred with Mayor Hawker comments relative to the permit fee. She added that although she is agreeable with the other modifications, she would like language

included in the provision reflecting that if additional park sites are designated where the consumption and possession of beer and wine would be allowed by permit, that retention basins be excluded, including retention basins attached to City parks.

Councilmember Thom expressed support for the motion. She added that she looks forward to the Council discussing and considering the expansion of the number of parks at a future Study Session.

Councilmember Rawles stated that in an effort to move this item forward, his motion would remain as previously stated with one modification: that the permit fee would be \$20 instead of \$5. He added that staff could also address the issue raised by Vice Mayor Walters concerning the exclusion of retention basins at a future Study Session.

Councilmember Thom seconded the amended motion.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Rawles-Thom-Walters
NAYS - None
ABSENT - Whalen

Mayor Hawker declared the motion carried unanimously by those present.

Mayor Hawker thanked everyone for the presentation.

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

Councilmember Rawles reported that he recently read a legal opinion wherein the 5th Circuit District Court in Texas held that a "free speech zone" located at Texas Tech University was unconstitutional. He commented that the effect of the ruling would allow free speech everywhere. Councilmember Rawles stated that he would provide City Attorney Debbie Spinner with a copy of the opinion and suggested that the City may wish to reconsider the use of free speech zones on City property.

Vice Mayor Walters

National League of Cities' Community and Economic Development Steering Committee Meeting

Mayor Hawker

National League of Cities' Transportation Subcommittee Meeting

5. Scheduling of meetings and general information.

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

Thursday, October 7, 2004, 7:30 a.m. – Study Session

Thursday, October 14, 2004, 7:30 a.m. – Study Session

Monday October 18, 2004, 3:00 p.m. – Finance Committee Meeting

Monday, October 18, 2004, TBA – Study Session

Monday, October 18, 2004, 5:45 p.m. – Regular Council Meeting

6. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

7. Adjournment.

Without objection, the Study Session adjourned at 5:35 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 4th day of October 2004. 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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