

COUNCIL MINUTES

November 7, 1996

The City Council and Ad Hoc Committee on Smoking Issues of the City of Mesa met in a forum in the Palo Verde Rooms, Community and Conference Center, 201 North Center Street, on November 7, 1996 at 7:00 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Vice Mayor Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Jim Stapley

COMMITTEE PRESENT

Wilford Andersen
Robert Brinton
Manny Cortez
John DeShetler
Joe Farnsworth
Margie Frost

COMMITTEE PRESENT (CONT.)

Kat Gallant
Dr. Nicholas Hagen
Dr. Cliff Harris
Keno Hawker
ChamBria Henderson
Jan Hibbert
Leo Mahoney
Tom McGilvra
Becky Nielsen
Jerry Petrie
Jessica Russell
Bill Udall
Marty Whalen
Dave Wier
Lillian Wilkinson

COMMITTEE ABSENT

Dave Muth
Reverend Rudy Perrault

STAFF PRESENT

C.K. Luster
Cindy Barris
Glenn Gorke
Barbara Jones
Ellen Pence
Kevin Snow
Mindy White
Others

1. Welcome and introductions.

Mayor Brown welcomed the citizens and Committeemembers to the meeting and thanked each for their attendance. Mayor Brown spoke briefly concerning the purpose of the meeting and introduced members of the Council. Mayor Brown said that he has asked Vice Mayor Gilbert to serve as Chairman of the forum.

2. Remarks on goals of the meeting.

Vice Mayor Gilbert outlined the anticipated meeting approach and requested cooperation in adhering to speaking procedures. Vice Mayor Gilbert advised that the purpose of the forum is not to restructure the smoking measure at this time but rather to receive input from citizens, which in turn will be reviewed and discussed by the citizen members of the Committee and

presented to Council. Vice Mayor Gilbert encouraged individuals to submit written comments for the record if unable to participate in the forum.

3. Presentation on the study of the economic impact of the smokefree ordinance.

Vice Mayor Gilbert introduced Sarah Murley of Applied Economics, a consultant hired by the City to study the economic impact of the smokefree measure.

Ms. Murley displayed overhead slides and presented results relative to preliminary sales tax analyses comparing figures from July/August 1995 to those of July/August 1996 for 110 Mesa businesses having a liquor license and a minimum one year sales history. (Ms. Murley commented that more information would have been helpful, but said that the City wanted to be responsive to concerns from various business owners.) Ms. Murley reported that the study adjusted for outside factors potentially affecting sales data, including seasonality, inflation, changes in demand (market area growth), changes in supply (competition), and changes in real income (unlikely to be large).

Ms. Murley advised that the study reflected a decrease in sales for restaurants and an increase in sales for bars. Ms. Murley noted, however, that while Proposition 200 was implemented in July 1996, regulations pertaining to bars were not effective until September 1996.

Vice Mayor Gilbert informed the citizens present that representatives from Applied Economics will be available to answer any questions.

4. Comments from citizens present.

Eleanor Bratten, 255 East 6th Street, #301, questioned potential revenue loss when compared to the health benefits provided by Proposition 200. Ms. Bratten recognized the importance of the rights of smokers but commented that rights of nonsmokers should also be taken into consideration.

Donald Morris, Ed.D., 9370 East Cactus Road, Scottsdale, parent and Executive Director of Arizonans Concerned About Smoking and member of the Tobacco Use Prevention Advisory Committee, noted that Proposition 200 was approved by voters. Dr. Morris read an excerpt from a Fiscal Year 1996 legislative report signed by the Governor and the Department of Health Services listing as overall goals for the tobacco education/prevention program the desire that all of Arizona's youth be tobacco free and that all Arizonans, especially children, be protected from environmental tobacco smoke. Dr. Morris commented that secondhand smoke can and does kill.

Jack Skalican, 7424 East Lobo Avenue, stated that he strongly supports Proposition 200 as adopted by the voters. Mr. Skalican encouraged the City to market the measure, particularly since the majority of citizens are nonsmokers. Mr. Skalican expressed concern regarding organizations who value profits over human health.

Gloria Moraga, 1915 East Glencove Street, spoke relative to financial savings in reduced health care costs as a result of Proposition 200. Ms. Moraga emphasized that the measure was approved by the voters and expressed the opinion that revisions should not be adopted by Council.

Sam Jennings, 345 South 58th Street, #9, commented that the issue before Council is not smoking versus nonsmoking but the fact that another law has been imposed upon the citizenry. Mr. Jennings stated the opinion that the measure should be repealed.

Joe McDonald, 1849 South 74th Street, Administrator of the East Mesa Moose Lodge #2082, spoke in opposition to Proposition 200. Mr. McDonald related detrimental economic impacts of the measure, noting that bingo activities at the Lodge have recently decreased by approximately 66 percent. Mr. McDonald commented that a majority of proceeds are typically donated to various charities and that it is possible that the organization may be unable to continue operation. Mr. McDonald encouraged Council to consider modifying the City Code.

Tommy Sanchez, 8124 East Irwin, advised that he is a smoker but said that he recognizes the rights of nonsmokers. Mr. Sanchez indicated support for a compromise and suggested the designation of smoking and nonsmoking establishments as separate facilities.

Jim Counseller, 8016 East Juanita, a nonsmoker and business owner, stated opposition to Proposition 200. Mr. Counseller expressed the opinion that the measure infringes on individual rights and that regulations should revert to those in effect prior to the adoption of the proposition. Mr. Counseller commented that citizens can choose not to frequent establishments that permit smoking.

Lee Fairbanks, M.D., Cigna Health Care, 1111 South Stapley Drive, said that Proposition 200 was adopted by the voters as a health issue. Dr. Fairbanks related statistics pertaining to the detrimental effects of primary and secondhand smoke and noted the importance of the measure, particularly for children. Dr. Fairbanks advised that more than 700 communities throughout the nation currently have smoking control regulations, 30 of which have limitations stricter than Mesa's. Dr. Fairbanks encouraged Council to retain and market the proposition.

Zoe Neff, 7306 East Inverness Avenue, P.O. Box 2578, advised that she returned to Mesa from the state of Washington (where smoking is not allowed in public places) because of the recent enactment of the smoking ban. Ms. Neff stated that although she is a nonsmoker, her health suffers as a result of exposure to secondhand smoke. Ms. Neff presented a copy of the federal handicap disability law, with which Mesa's smoking regulations now comply. Ms. Neff noted that 46 states and the District of Columbia presently restrict smoking. Ms. Neff commented that in order to be effective, buildings should be totally smokefree or require separate ventilation. Ms. Neff requested that Council retain the current City Code.

Colene Schested, 5010 South Juniper Street, Tempe, Co-Chair of the Health and Fitness Theme Team, a subcommittee of the Building a Healthier Mesa Committee, spoke in favor of retaining Proposition 200 as adopted by the voters. Ms. Schested referred to a report provided by Maricopa County Health Services indicating that within the County, Mesa has statistically the highest incidence of deaths from heart disease, cancer, stroke, etc., conditions related to tobacco

smoke. Ms. Schested expressed the opinion that the current smoking regulations will assist in saving lives, serve as a positive role model for children, and reduce health care costs.

Paul Brando, 923 South Seton, commented that the issues surrounding Proposition 200 are both religious and political in nature. Mr. Brando stated the opinion that punishment for smoking is excessive. Mr. Brando noted the minimal number of voters approving the measure.

Alex Romero, 2601 West Emile Zola Avenue, Phoenix, member of the Executive Committee of the Coalition for Tobacco-Free Arizona, urged the Council to retain the existing smoking regulations. Mr. Romero advised that various individuals have expressed the opinion that the study conducted for the City is inadequate and flawed. Mr. Romero reported that communities with similar smoking restrictions have experienced minimal negative consequences over the long term. Mr. Romero noted the protection of health offered by Proposition 200 and commented that action taken by Mesa serves as a model to surrounding jurisdictions.

Mary Lou Davis, 5024 East Flower, stated opposition to what she believes is further governmental regulation over individuals. Ms. Davis commented that Fire Department personnel could be better utilized in other areas of responsibility.

William Davis, 5024 East Flower, expressed the opinion that Proposition 200 infringes upon personal rights and that citizens often inappropriately depend on government to solve social problems. Mr. Davis stated that individuals should be afforded the opportunity to frequent either smoking or nonsmoking establishments.

Mary Simmons, 6542 East Fairbrook, a business owner, displayed initiative petitions containing approximately 4,000 signatures of individuals who favor revised smoking regulations. Ms. Simmons advised that the petitions, along with additional petitions containing an estimated 5,000 signatures, will be submitted to the City on November 12, 1996. Ms. Simmons commented that the matter before Council is an issue of economics and individual freedom. Ms. Simmons said that functions typically held in Mesa for her business will now be held in surrounding communities to accommodate individuals who wish to smoke. Ms. Simmons urged citizens, businesses, and the Council to work together to resolve difficulties resulting from what she believes to be an unfair and unconstitutional measure.

Bill Brando, 61 South Macdonald, expressed the opinion that Proposition 200 is unconstitutional and represents a violation of civil rights. Mr. Brando stated that individuals who do not wish to smoke can choose to frequent establishments where owners have elected not to permit smoking.

Pete Fournier, Zurkate German Restaurant, 4815 East Main Street, provided background information pertaining to the establishment and operation of his restaurant. Mr. Fournier reported that summer revenue has decreased by approximately 50 percent and that many customers have indicated that they will not return to his facility unless smoking is permitted. Mr. Fournier commented that the installation of a ventilation system would present a financial expense and would detract from the ambience of his establishment. Mr. Fournier suggested that the City Code be modified to accommodate small businesses and provide an exemption for

facilities having an occupancy of less than 100 when a sign is displayed advising that a nonsmoking area is not available.

Kirby Allan, 2043 East Hackamore, stated the opinion that visionary leadership would have enabled the City to perceive in advance the adverse effects of Proposition 200 and could have prevented the inception of the measure. Mr. Allan commented that while the proposition is an impractical and unfair mandate, the forum demonstrates a disregard for the decision of the electorate. Mr. Allan stated that the measure should only be overturned by another vote of the citizens.

Bobbe Quinlan, 4065 East University, #161, commented that the current smoking regulations represent a loss of freedom. Ms. Quinlan advised that she and her daughter travel to surrounding communities to dine since smoking has been restricted in Mesa.

Carl Merchant, 1930 South Westwood, #2, expressed the opinion that the issue before Council is a matter of public health and not economics.

Dr. Scott Nelson, 855 West 8th Avenue, a psychologist, stated that the smoking issue is a pediatric matter and that the average age at which children begin smoking is 11 years. Dr. Nelson advised that he works with students at Powell Junior High School and oversees a smoking cessation program. Dr. Nelson presented a list of tobacco facts: a) 400,000 people die annually from tobacco-related illnesses (equivalent to the crash of three 747's daily), b) 3,000 children/adolescents begin to use tobacco each day, c) of the 3,000 children/adolescents, 1,000 will die as adults from tobacco-related illnesses, d) 1 out of 3 tobacco users will die from a tobacco-related illness, e) the nicotine in cigarettes is as addicting as heroin and cocaine, f) as few as 100 cigarettes can create nicotine addiction, g) cigarette smoking has been associated with stunted lung development, h) cigarette smoking has been linked to blindness in adults, i) Sudden Infant Death Syndrome (SIDS) has been positively correlated to tobacco smoke in homes, j) nearly 90 percent of adults began smoking as children, k) an individual who has not started smoking by age 18 is unlikely to become a regular user, and l) 70 percent of adolescent smokers have tried to quit smoking. Dr. Nelson reported that most individuals who use tobacco do not actually want to smoke.

Ann Robb, 6856 South Roosevelt, noted the number of deaths attributed annually to secondhand smoke and stated that Proposition 200 represents the wishes of the electorate. Ms. Robb provided statistical data and referred to an article from the *Journal of the American Medical Association* which reports that more than 80 percent of the population manifests evidence of exposure to environmental smoke while less than 30 percent of the population actually smoke.

Betty Doran, 4241 East Tanglewood Drive, Phoenix, representing the American Heart Association, spoke in favor of retaining the existing City Code. Ms. Doran said that Proposition 200 was approved by voters who realized the health benefits of the measure and the protection offered to citizens. Ms. Doran advised that smoking is the premier preventable risk factor relative to heart disease, cancer, and lung disease.

Dianne Woods, 1426 West Pepper Place, stated that she was unsure of how to vote in reference to Proposition 200, recognizing both the rights of individuals to smoke and the rights of citizens

and employees not to be exposed to secondhand smoke. Ms. Woods noted unpleasant side effects of environmental tobacco smoke and suggested that notice be provided at entrances if current regulations are revised to permit smoking in establishments.

Meredith Smith, 539 East Canterbury, Phoenix, advised that he and his wife are members of the faculty at Mesa Community College. Mr. Smith related a message from his daughter expressing appreciation for the health protection offered through the current smoking regulations.

Jack Klecka, Red Mountain Steakhouse, 7000 East Main Street, provided background information pertaining to the initial increase in sales when his restaurant first opened and the subsequent decrease of approximately 20 percent following the implementation of Proposition 200. Mr. Klecka reported that customers have indicated that they will not return to his establishment until smoking is permitted and said that he may have to discontinue the practice of contributing donations to various organizations.

Art Grandlich, 8044 East Hermosa Vista Drive, owner/operator of businesses in Mesa, stated the opinion that citizens should have the choice to frequent either smoking or nonsmoking establishments. Mr. Grandlich commented that Proposition 200 restricts freedoms and should be modified.

Betsy Grandlich, 8044 East Hermosa Vista Drive, spouse of the previous speaker, advised that she and her husband collect rental tax from multifamily residential properties on behalf of the City. Ms. Grandlich expressed the opinion that citizens should have the freedom to choose whether or not to smoke and that she and her husband and their employees should not have to report individuals who violate the current smoking regulations.

George Poulos, 1 East Main Street, owner of Darby's Restaurant, noted the extensive investment he has placed in his business. Mr. Poulos reported that since the implementation of Proposition 200 in July 1996, sales at his restaurant have decreased approximately 42 percent, resulting in severe financial hardship. Mr. Poulos spoke concerning additional factors affecting the health of individuals, such as poor air quality resulting from exhaust fumes of buses. Mr. Poulos commented that citizens should have the privilege of electing to smoke/not smoke and to frequent either smoking or nonsmoking establishments.

Bill DeGear, 3471 Ross Drive, Chandler, stated that while sales have increased at other Macayo's locations throughout the Valley, sales at his Mesa establishment (Dobson and Baseline Road) have decreased following the implementation of Proposition 200 and are expected to further decrease when winter visitors become aware of the City's smoking restrictions. Mr. DeGear noted the expense to comply with variance requirements and commented that his operation will be additionally impacted as a result of the recently mandated increase in the minimum wage rate. Mr. DeGear noted the ability of individuals to travel with ease to surrounding communities where smoking is permitted. Mr. DeGear urged Council to amend the smoking regulations.

Julie Fletcher, 2553 East Drummer Circle, said that she is a nonsmoker and that she supports Proposition 200. Ms. Fletcher spoke regarding the harmful effects of exposure to tobacco smoke.

Ms. Fletcher proposed that the City request that surrounding communities adopt smoking regulations similar to Mesa's.

John Piecuch, 2038 South Ash Circle, a former Olympian representing Denny's Restaurant located at Alma School and Baseline Road, a nonliquor establishment, estimated that sales have recently decreased 15 to 20 percent. Mr. Piecuch indicated that he owns restaurants in other communities and had planned to open an additional facility in Mesa, but said that he no longer intends to do so. Mr. Piecuch asked that Council modify or repeal the new smoking regulations, noting that customers are traveling to surrounding communities where smoking is permitted.

Diane Murray, 7738 East Lupine Way, stated that she and her husband chose to retire in Mesa because of Proposition 200. Ms. Murray noted the harmful effects of tobacco smoke and encouraged the City to retain the existing smoking restrictions.

Bruce Samuels, Esquire, 8509 East Mackenzie, Scottsdale, Boardmember of Arizonans Concerned About Smoking, stated support for Proposition 200. Mr. Samuels challenged opponents of the measure who are now circulating a new initiative not to accept funding from the Tobacco Institute. Mr. Samuels referred to information prepared for Council outlining problems associated with the methodology of the study recently conducted on behalf of the City. Mr. Samuels additionally provided a copy of an article he wrote pertaining to the politics of local tobacco control that was published in the *Journal of the American Medical Association*. Mr. Samuels urged Council to consider the fact that Proposition 200 was approved by the voters of Mesa.

Owen Murray, 7738 East Lupine Way, spouse of a previous speaker, reiterated that he and his wife chose to retire in Mesa because of the smoking regulations. Mr. Murray noted the continuing growth of the community and expressed the opinion that many restaurants have not been negatively impacted given the fact that customers must still wait to be seated. Mr. Murray spoke in favor of retaining Proposition 200.

Don Ellis, 2723 West Medina Avenue, owner of the Landmark Restaurant, advised that his establishment, by choice, has been a nonsmoking facility for more than three years. Mr. Ellis stated concern that Proposition 200 infringes upon individual freedoms. Mr. Ellis encouraged Council to repeal or modify the current smoking regulations, particularly in an effort to assist business owners. Mr. Ellis suggested that facilities could provide notice when smoking is permitted.

Ted Zinzer, 1421 East Garnet Avenue, administrator of the Mesa Moose Lodge, expressed the opinion that Proposition 200 restricts freedom of choice. Mr. Zinzer reported that the measure has severely impacted the financial condition of his organization. Mr. Zinzer requested that Council place a moratorium on the smoking regulations and consider an amendment that would provide exemptions.

Frank Ziede, 3609 East Decatur, owner of Frankie Z's Mexican Restaurant, 1238 West University Drive, advised that he recently expended approximately \$500,000 to remodel his business, purposely constructing a room that is smokefree and providing another room for smokers. Mr. Ziede stated that he is now unable to utilize the rooms as originally intended. Mr.

Ziede encouraged the development of modified smoking regulations as an acceptable compromise.

Crystal Hindes, 3110 South Saguario, a freshman student at Hendrix Junior High School, noted the harmful effects of secondhand smoke. Ms. Hindes said that the existing smoking regulations should be retained.

Angela Willoughby, 3146 South Stewart Circle, spoke in favor of Proposition 200. Ms. Willoughby related a personal experience where a relative's eye was burned by a cigarette. Ms. Willoughby expressed the opinion that she should have the right not to be exposed to tobacco smoke.

Frances Villarreal, 2154 South Mollera, a ninth grade student, commented that tobacco smoke is harmful. Ms. Villarreal stated that smoking should not be allowed in public places.

David Willoughby, 3146 South Stewart Circle, a health professional, spoke in support of retaining the current City Code. Mr. Willoughby noted the protection of health afforded to citizens by Proposition 200.

Kristi Ward, 225 North Gilbert Road, #142, advised that she is a smoker whose mother owns a business in Mesa. Ms. Ward expressed the opinion that Proposition 200 is broad and tedious and infringes on the rights of individuals. Ms. Ward suggested that provisions be made to accommodate rather than prohibit smoking.

Betty Campbell, President, Arizonans for Nonsmokers' Rights, 11436 North 37th Avenue, Phoenix, representing Mesa members, said that she believes Mesa's current smoking provisions are deficient in that indoor smoking areas are permitted in the workplace without adequate ventilation. Ms. Campbell commented that the regulations should be amended to require a completely smokefree workplace or should at a minimum reinstate the objection clause from the State law which declares a workplace smokefree if objections are received from employees.

Miles Medearis, 2155 East Jerome, Governor of the Mesa Moose Lodge, 257 West 2nd Avenue, outlined the detrimental impact of Mesa's existing smoking regulations on bingo operations at his facility. Mr. Medearis spoke in favor of the initiative proposed by opponents of Proposition 200.

Deborah Clatone, 921 South Val Vista, #27, General Manager, Butch O'Leary's Sports Grill, holder of a Class 12 liquor license, related the significant negative financial impact of Proposition 200 on sales. Ms. Clatone provided background information concerning her facility, noting the high percentage of patrons who are smokers. Ms. Clatone requested Council consideration of amendments to the current smoking restrictions.

Karen Winfield, 1111 North 64th Street, #58, stated that she is a nonsmoker but that she opposes Mesa's smoking ban. Ms. Winfield commented that Proposition 200 infringes on individual freedoms and that citizens should be responsible for deciding whether or not to smoke or frequent establishments that permit smoking.

Carol Meyers, 2963 East Edgewood, owner of Red's Auto Service, 1734 East Main Street, spoke in opposition to Proposition 200. Ms. Meyers expressed the opinion that the smoking regulations are unfair and that Council should consider alternatives. Ms. Meyers indicated that her facility includes two offices to accommodate both smokers and nonsmokers.

Hugo Pulzato, 2407 East Encanto Street, stated that he is a nonsmoker and Mesa business owner. Mr. Pulzato noted the detrimental financial impact of Proposition 200 on the business community and urged Council to modify the measure.

Luule Brandofino, 61 South Macdonald, expressed the opinion that Proposition 200 violates the Constitution and infringes on freedoms. Ms. Brandofino spoke regarding the investment by many individuals in their businesses. Ms. Brandofino commented that citizens should have the opportunity to choose whether or not to smoke or permit smoking.

Ruth Parriott, 1245 East Palacio, Phoenix, spoke on behalf of her parents who were unable to attend the meeting. Ms. Parriott stated the opinion that Proposition 200 is an expansion of scientific knowledge. Ms. Parriott noted concern relative to the study conducted by Applied Economics and suggested that additional data be gathered. Ms. Parriott encouraged Council to base any future decisions relative to the smoking regulations on facts rather than anecdotal information.

Bill Pfeifer, 102 West McDowell Road, Executive Director, American Lung Association of Arizona and Chairman of the Coalition for a Tobacco-Free Arizona, commented that Mesa voters approved Proposition 200 as protection against the deadly effects of tobacco smoke. Mr. Pfeifer expressed the opinion that the current smoking restrictions have had a positive effect and should be retained.

Krishna Harracksingh, 1711 East 1st Street, suggested that a moratorium be placed on the enforcement of Proposition 200 until the next City election to allow businesses adequate opportunity to address the measure. Mr. Harracksingh commented that if changes are to be made, the measure should be challenged at the polls and not modified by Council.

Carol Harris, 512 East Mesa Vista Lane, stated that Proposition 200 was approved by the voters and should be upheld as a positive role model for children. Ms. Harris commented that approximately 75 percent of the population are nonsmokers and that of the 25 percent who smoke, 70 percent want to stop smoking.

Russoll Scaramella, 2011 West Nopal, noted that current smoking regulations restrict the opportunity of Mesa businesses to compete fairly. Mr. Scaramella indicated that his Mesa location presently realizes the lowest amount of sales despite receiving the highest level of advertising. Mr. Scaramella spoke in favor of revising Proposition 200, noting that many communities with similar regulations include provisions for hardship cases.

Nichole Lopez, 2553 East Drummer Circle, an eighth grade student at Taylor Junior High School, stated support for Proposition 200 and a smokefree environment. Ms. Lopez related a personal incidence in which smoking was a major contributing factor to a family illness.

Pete Moraga, 1915 East Glencove, a former Los Angeles reporter, expressed the opinion that Mesa's smoking regulations are in the best interest of the citizens. Mr. Moraga advised that requirements for smokefree restaurants appear to be working well in Los Angeles.

Randy Lineberger, 658 West Nido, commented that the approval of Proposition 200 represents the evolution of society as individuals become educated regarding the effects of smoking. Mr. Lineberger commended the effort to implement the measure. Mr. Lineberger stated that he has been a victim of secondhand smoke. Mr. Lineberger encouraged Council to retain the smoking restrictions, which he believes are necessary for the protection of society.

Gaylene Kleinschmidt, 2462 East Fox Street, noted health risks associated with tobacco smoke. Ms. Kleinschmidt spoke in favor of a smokefree environment.

Georgia Nielson, 929 West Mountain View Drive, owner of two Class 6 establishments, related difficulties associated with variance requirements under Proposition 200. Ms. Nielson suggested that existing smoking regulations be modified to allow facilities having a Class 12 license to also apply for a variance.

Randy Wood, 7605 South Willow, expressed concern regarding the limited variance provisions contained in Proposition 200 and encouraged Council to consider modifications to the measure.

Bud Snickles, 2155 South Dobson Road, representing the Ranch House at the Dobson Ranch Golf Course, advised that sales at his establishment have decreased by approximately \$25,000. Mr. Snickles stated that many patrons now frequent the bar (Class 6 license) located across the street from his facility where smoking is permitted.

Tom Wilkinson, 2311 East Glencove Circle, said that he personally does not approve of smoking but commented that he believes personal freedoms should be defended. Mr. Wilkinson suggested that the initiative petitions in opposition to Proposition 200 be filed to potentially implement revised smoking regulations.

David Gallagher, 5853 East Enrose Street, Executive Director of the Arizona Addiction Treatment Program, Juvenile Court, stated support for Mesa's smoking restrictions. Mr. Gallagher outlined an addiction program developed at Powell Junior High School in correlation with the Mesa Public Schools and the anticipated expansion of the plan. Mr. Gallagher noted the positive leadership provided by the approval of Proposition 200 and encouraged the City to retain the smoking regulations.

Matt Madonna, American Cancer Society, 2049 East Riviera Drive, Tempe, related statistics and spoke concerning the deadly effects of tobacco use. Mr. Madonna noted opposition to Proposition 200 by the Tobacco Institute.

Marilyn Joyce, 7043 East Vernon Avenue, Scottsdale, co-owner of the Hambone, 903 East Main Street, questioned why cigarettes continue to be sold within Mesa if citizens are concerned about public health.

Scott Gutz, 7043 East Vernon Avenue, Scottsdale, co-owner of the Hambone, 903 East Main Street, expressed the opinion that Proposition 200 is discriminatory. Mr. Gutz encouraged Council to consider the loss of revenue resulting from implementation of the measure.

Vice Mayor Gilbert thanked the speakers for their comments.

5. Comments from members of the Ad Hoc Committee on Smoking Issues.

There were no comments at this time from the members of the Ad Hoc Committee on Smoking Issues.

6. Closing remarks.

Vice Mayor Gilbert advised that a meeting will be scheduled for members of the Ad Hoc Committee to review the comments expressed this evening in an effort to prepare suggestions/recommendations for Council.

Mayor Brown expressed appreciation to everyone for their attendance at tonight's meeting.

7. Adjournment.

Without objection, the forum of the City Council and the Ad Hoc Committee on Smoking Issues was adjourned at 9:55 p.m.

Carried unanimously.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the forum of the City Council and Ad Hoc Committee on Smoking Issues of the City of Mesa, Arizona, held on the 7th day of November 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of November 1996

BARBARA JONES, CITY CLERK