

COUNCIL MINUTES

April 4, 1996

The City Council of the City of Mesa met in a Policy Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on April 4, 1996 at 4:03 P.M.

COUNCIL PRESENT

Mayor Willie Wong
Jerry Boyd
Pat Gilbert
T. Farrell Jensen
Dale Johnson
Jim Stapley

COUNCIL ABSENT

Joan Payne

STAFF PRESENT

C.K. Luster
Don Ayers
Wayne Balmer
Cindy Barris
Neal Beets
Dan Brewer
John Gendron
Dan Hansing
Mike Hutchinson
Barbara Jones
Harry Kent
Larry Lane
Larry Lines
Tom Mattingly
Frank Mizner
Ruth Anne Norris
John Oliver
Shawn Peterson
Bill Petrie
Andrea Rasizer
Mindy White

OTHERS PRESENT

Peggy Lynch
Dan Nowicki

Mayor Wong excused Councilmember Payne from the meeting.

1. Update on the Mesa General Plan.

Community Development Manager Wayne Balmer provided a brief update concerning the General Plan and reported that the first of two required public hearings by the Planning and Zoning Board has been scheduled for 6 p.m. this date at Shepherd Junior High School. Mr. Balmer suggested that Council consider a joint meeting with the Planning and Zoning Board on Friday, April 12, to further discuss the General Plan process.

Vice Mayor Jensen stated support of a joint meeting with the Planning and Zoning Board on April 12 and an additional follow-up meeting if determined necessary. Vice Mayor Jensen

spoke regarding potential action by Council on May 6 and noted the importance of ensuring that adequate information is made available to all parties.

Mayor Wong concurred with Vice Mayor Jensen and asked that a joint meeting with the Planning and Zoning Board be scheduled for April 12. Mr. Balmer advised that Gilbert Public Schools has additionally requested an opportunity to appear before Council. Mayor Wong stated that a presentation by Gilbert Public Schools will be included on the April 12 agenda.

In response to a question from Councilmember Gilbert, Mr. Balmer said that full discussion by the Planning and Zoning Board regarding the General Plan is scheduled for April 18. Council, staff, and Peggy Lynch, Chairman of the Planning and Zoning Board, spoke concerning the purpose and format of the April 4, 12, and 18 meetings.

2. Hear an update on proposed changes to the massage therapy regulations.

Tax and Licensing Administrator Larry Lines summarized a draft ordinance of proposed changes to the City's massage therapy regulations developed by staff in response to input received at recent Police Committee and City Council meetings. Mr. Lines commented that the industry generally favors increased regulation but stated concern relative to a) physical facility requirements (tubs, showers, wash basins, separate dressing rooms, carpet, etc.), b) required classroom hours (prefer 200 rather than 500), c) fee increases (too excessive), and d) miscellaneous (cranial adjustments by massage therapists should not be precluded; off-premise licensing is punitive).

Mayor Wong stated that he has received a request for changes to the proposed ordinance from a member of the massage therapy industry. Discussion ensued concerning physical facility requirements and classroom training.

Vice Mayor Jensen spoke in favor of retaining classroom hours as proposed but questioned the necessity of providing items such as tubs and showers. City Attorney Neal Beets said that such requirements are included in ordinances of neighboring communities.

Councilmember Gilbert commented that it may be helpful to receive documentation comparing the draft ordinance and changes to the draft as proposed by members of the massage therapy industry.

Councilmember Boyd spoke concerning consistency of the draft ordinance requirements with those of surrounding communities and noted that changes to the City's massage therapy regulations were originally considered in response to requests from members of the massage therapy industry.

Councilmember Stapley stated that he has had discussions with members of the massage therapy industry and expressed the opinion that physical facility requirements such as showers and tubs and the proposed number of classroom hours may be unreasonable. Councilmember Stapley stated support for 200 hours of classroom training.

Councilmember Johnson recommended that showers and tubs be eliminated as a requirement and that the number of classroom hours be decreased to 200.

Vice Mayor Jensen commented that the Police Department previously expressed concern relative to various massage therapy operations and as a result suggested an educational component as an accountability mechanism.

Following additional brief discussion, Mayor Wong requested that Council provide input regarding the proposed massage therapy regulations to Mr. Lines within the next two weeks.

3. Discuss proposed changes to the pawn broker and secondhand dealer regulations.

Assistant City Manager Mike Hutchinson stated that staff has developed proposed changes to the pawn broker and secondhand dealer regulations in response to concerns regarding the proliferation of pawn shops and secondhand dealers within the downtown area. Mr. Hutchinson informed Council that the proposed changes have not yet been presented to pawn brokers/secondhand dealers. Mr. Hutchinson highlighted aspects of the proposed changes, including employee background investigations and a ten-day hold on merchandise.

Discussion ensued regarding concerns of the Police Department, the range of businesses included as secondhand dealers, and the potential for developing different requirements concerning background investigations for employees of secondhand stores.

Council spoke in favor of obtaining input from pawn brokers and secondhand dealers. Councilmember Boyd suggested that consideration be given to separate meetings if different regulations are developed for pawn brokers as opposed to secondhand dealers.

Councilmember Boyd recommended that this issue be further discussed at the May Policy Session. Mr. Luster stated that staff will obtain input from industry members and develop a proposal for Council consideration.

4. Discuss and consider changes to the hearing procedures associated with civil citations issued for nuisance violations.

Mr. Luster advised that Councilmember Payne had requested discussion of this item but was unable to attend this meeting as scheduled.

In response to a question from Councilmember Gilbert, Mr. Hutchinson said that staff scheduled the presentation and that Councilmember Payne had not requested this particular date.

5. Preliminary discussion concerning implementation of Proposition 200 (No Smoking citizen initiative).

Fire Chief John Oliver advised that staff is continuing to develop both internal and external elements of an implementation plan for Proposition 200, which was approved by voters at the March 26, 1996 Primary Election. Chief Oliver stated that the measure is effective upon the canvass of the election but that July 1, 1996 is the anticipated deadline for compliance in order to provide adequate opportunity to inform and educate citizens. Chief Oliver reported that the final implementation plan will be presented to Council in the near future.

Council noted questions concerning smoking in parks, golf courses, smoke shops, and private clubs. Mr. Beets outlined procedures for modifying the City Code should it be determined in the future that amendments to the new smoking regulations are appropriate.

Council encouraged involvement by groups such as the Restaurant Association in the development of the implementation plan.

6. Scheduling of meetings and general information.

Mr. Luster stated that a meeting of the Police Committee will be held on Wednesday, April 10, and that a Study Session will be held on Friday, April 12.

7. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Johnson, that the Policy Session adjourn at 5:30 P.M.

Carried unanimously.

WILLIE WONG, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Policy Session of the City Council of Mesa, Arizona, held on the 4th day of April 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of May 1996

BARBARA JONES, CITY CLERK