

# COUNCIL MINUTES

July 26, 1996

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 July 26, 1996 at 7:32 a.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Pat Gilbert  
John Giles  
T. Farrell Jensen  
Dennis Kavanaugh  
Jim Stapley

## COUNCIL ABSENT

Joan Payne

## STAFF PRESENT

C.K. Luster  
Wayne Balmer  
Cindy Barris  
Neal Beets  
Tom Hedges  
Lars Jarvie  
Barbara Jones  
Sharon Joyce  
Harry Kent  
Dave Nichols  
John Oliver  
Ellen Pence  
John Smoyer  
Mindy White

## OTHERS PRESENT

Bill Brando  
Clifford Harris  
Hal Key  
Maria Klecka  
Donald Morris  
Dan Nowicki  
Peggy Rubach  
Russ Scaramella  
Others

Mayor Brown excused Councilmember Payne from the meeting.

Police Chief Lars Jarvie and Fire Chief John Oliver related an incident involving an explosion at a Mesa police shooting range.

### 1. Prescheduled public opinion appearances (maximum of three speakers for five minutes per speaker).

- a. Hear from Russ Scaramella regarding Proposition 200.

Russ Scaramella, representing Famous Sam's, 55 East Thomas, Suite 306, Phoenix, noted declining sales as a result of the implementation of Proposition 200 and his firm's decision not to open new locations within Mesa. Mr. Scaramella commented that the measure does not allow businesses to compete equally and is not in the best interest of the City. Mr. Scaramella spoke in favor of an alternative that would provide the option of a variance to establishments other than those having a Class 6 license.

b. Hear from Maria Klecka regarding the smoking ban.

Maria Klecka, representing Red Mountain Steakhouse, 7000 East Main Street, indicated agreement with Mr. Scaramella. Ms. Klecka expressed the opinion that Proposition 200 is discriminatory and negatively impacts many businesses.

Mayor Brown thanked the speakers for their comments.

2. Hear a report and consider recommendations for alternative means for complying with the intent of the new smoking regulations which require a single-pass ventilation system for bars (Series 6 liquor license).

Public Works Manager Harry Kent advised that the Building Inspections Department recently hired a consultant to provide recommendations concerning alternative means for complying with the intent of Proposition 200 in lieu of a single-pass ventilation system. Mr. Kent stated that a report has been provided to the City by Grainger Consulting.

Hal Key, Project Engineer, Grainger Consulting, 86 West University, #100A, provided background information concerning measures similar to Proposition 200 that have been adopted in other communities and studies conducted relative to air quality. Mr. Key reviewed technical requirements of Proposition 200 and difficulties involving the a) distinction between Series 6 bars and indoor employee smoking areas and b) definition of a single-pass ventilation system.

Mr. Key commented that variance criteria pertaining to Proposition 200 must be enforceable and quantifiable and must meet recognized standards. Mr. Key reported that the American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE) has developed standards applicable to indoor air quality and filters, one of which is ASHRAE 62-1989, entitled "Ventilation for Acceptable Indoor Air Quality." Mr. Key outlined two procedures for compliance with this standard: a) the ventilation method, which is a prescriptive procedure, and b) the Indoor Air Quality (IAQ) method, which is an engineered procedure. Mr. Key noted that ASHRAE 62 was developed to provide guidelines for odor control within indoor environments but does not address health issues.

To comply with the intent of Proposition 200, Mr. Key recommended that the City define a single-pass ventilation system and use existing available standards to meet indoor air quality criteria, particularly ASHRAE 62-1989, which provides for either a ventilation rate procedure or indoor air quality procedure.

Mr. Key provided a diagram and responded to questions from Council pertaining to particulates and air filters, HVAC systems, proposed annual testing of equipment, requirements for licensed professional engineers, estimated costs for compliance, and technological advances. Mr. Key provided examples to illustrate the effects of Proposition 200 on the air-conditioning costs of three typical buildings.

Mayor Brown thanked Mr. Key for the report and recommendations.

3. Consider calling a Special Election to be consolidated with the upcoming General Election to consider Initiative Petition No I96-1 proposing a Martin Luther King, Jr. /Civil Rights Day.

City Clerk Barbara Jones stated that a certificate has been issued to the sponsors of Initiative I96-1 (Martin Luther King, Jr./Civil Rights Day) indicating that the petitions contain sufficient valid signatures to place the measure on the ballot. Ms. Jones advised that the Maricopa County Elections Department has indicated that the measure can be included on the State's upcoming November 5, 1996 General Election. Ms. Jones requested direction from Council concerning a Special Election.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Kavanaugh, to consider a resolution at the August 5, 1996 Regular Council Meeting calling a Special Election to be consolidated with the upcoming November 5, 1996 General Election.

In response to a question from Councilmember Stapley, Ms. Jones reported that the Maricopa County Elections Department has estimated the cost at \$.31/voter (approximately \$58,000) to include the initiative on the General Election ballot.

A tabulation of votes showed the motion carried unanimously by those present.

4. Acknowledge receipt of minutes of meetings of various boards and committees.

- a. Adjustment Board meeting - July 9, 1996.
- b. Crime Prevention Advisory Board meeting - July 17, 1996.
- c. Design Review Board meeting - July 10, 1996.
- d. Downtown Development Committee meeting - July 11, 1996.
- e. Traffic Safety Committee meeting - July 16, 1996.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, to acknowledge receipt of the minutes of the various boards and committees.

A tabulation of votes showed the motion carried unanimously by those present.

Brief discussion ensued concerning a survey currently underway pertaining to the removal of colonnades along Main Street. Community Development Manager Wayne Balmer said that staff is aware of concerns previously expressed by Councilmember Giles relative to such a project and that an alternative would be required of property owners as a replacement should the colonnades be removed.

5. Appointments to boards and committees.

Mayor Brown recommended the following appointment:

MERIT SYSTEM BOARD

Dr. Joseph Cayer - Term ends June 30, 1999

It was moved by Councilmember Jensen, seconded by Councilmember Stapley, that the Council concur with the Mayor's recommendation and the appointment be confirmed.

A tabulation of votes showed the motion carried unanimously by those present.

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

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

7. Scheduling of meetings and general information.

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

Friday, August 2, 1996, 7:00 a.m. - Transportation Committee Meeting  
Friday, August 2, 1996, 7:30 a.m. - Study Session

Councilmember Giles asked that staff draft an ordinance to modify the City's zoning regulations to permit Class 6 bars in both C-2 and C-3 zones and include a requirement for a Special Use Permit. Council spoke in favor of further discussing the matter prior to review by the Planning and Zoning Board.

Vice Mayor Gilbert suggested a marketing campaign to promote the positive aspects of Proposition 200, particularly among surrounding communities. Council indicated support of the recommendation.

Councilmember Stapley requested that Council further consider an amendment to the recently adopted swimming pool barrier code that would exclude homes with no children under age 7. Mayor Brown stated that the majority of Council present favor additional discussion of the matter. Mr. Luster noted that the issue would require review by the Planning and Zoning Board.

8. Items from citizens present (maximum of three speakers for five minutes per speaker).

Gary Martinson, the G Bar G Lounge, 5324 East Main Street, noted concerns of various Class 6 bars regarding funds spent in obtaining a variance under Proposition 200 in the event lawsuits and/or an alternative initiative is filed. Mr. Martinson requested a copy of the consultant's report pertaining to options available in lieu of the single-pass ventilation system required under Proposition 200.

Mayor Brown thanked Mr. Martinson for his comments and asked that staff provide him a copy of the consultant's report.

9. Adjournment.

Mayor Brown recognized former Mayor Peggy Rubach and thanked her for attending the meeting.

It was moved by Councilmember Stapley, seconded by Councilmember Jensen, that the Study Session adjourn at 8:54 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 26th day of July 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of August 1996

BARBARA JONES, CITY CLERK