

# COUNCIL MINUTES

September 27, 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 September 27, 1996 at 7:30 a.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Pat Gilbert  
John Giles  
T. Farrell Jensen  
Joan Payne  
Jim Stapley

## COUNCIL ABSENT

Dennis Kavanaugh

## STAFF PRESENT

C.K. Luster  
Wayne Balmer  
Neal Beets  
Fred Conway  
Linda Crocker  
Joe Holmwood  
Mike Hutchinson  
Barbara Jones  
Sharon Joyce  
Harry Kent  
Rich Lorig  
Jeff Martin  
John Oliver  
Ellen Pence  
Bryan Raines  
Denise Samuel  
Debbie Vickman  
Mindy White  
Ralph Wisz  
Others

## OTHERS PRESENT

Clifford Harris  
Russ Scaramella  
Others

Mayor Brown excused Councilmember Kavanaugh from the meeting.

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

- a. Hear from Russ Scaramella regarding Proposition 200.

Mr. Russ Scaramella advised the Council that he is the owner of eight Famous Sams franchises throughout the Valley. Mr. Scaramella stated that his business in Mesa has decreased 30% since the implementation of Proposition 200. Mr. Scaramella informed the Council that as a result of the decrease in revenues, he is delinquent in his rental fees and sales tax payments and has been forced to lay off workers. Mr. Scaramella noted that the

decrease in business is occurring only in Mesa and added that his other franchises have not experienced a decrease in revenues.

Mr. Scaramella stated the opinion that Proposition 200 is discriminatory and unconstitutional and said that although opposing the issue will be expensive, business owners such as himself have no other recourse at this time than to bring the matter to the Courts. Mr. Scaramella expressed the opinion that the Council should have determined Proposition 200's constitutionality prior to enforcement.

Mr. Scaramella requested that the Council initiate action to alleviate the burden imposed on business owners as a result of Proposition 200.

Dr. Clifford Harris, an initiator of Proposition 200, requested that he be allowed to speak at this time concerning the smoking ban in Mesa.

Dr. Harris informed the Council that although he agrees with a portion of the previous speaker's comments, studies indicate that revenue losses, such as the one discussed by Mr. Scaramella, are temporary and generally cease after the first three months of a smoking ban implementation. Dr. Harris noted that although Proposition 200 was approved by the voters in March 1996, enforcement did not occur until July. Dr. Harris discussed the implementation of a similar ban in Beverly Hills California and informed the Council that although businesses reported dramatic decreases in revenues, actual studies indicated that the businesses were not negatively impacted.

Dr. Harris stressed the importance of continuing to analyze impacts on businesses for an additional three months in order to obtain accurate statistics relative to the smoking ban.

Mayor Brown thanked the speakers for their comments.

2. Consider authorizing the City Manager to enter into leases with AT&T Wireless Services and Sprint Spectrum for commercial wireless antenna sites at Fire Station #6 and Fire Station #10.

Following a brief discussion relative to this agenda item, it was moved by Councilmember Stapley, seconded by Councilmember Giles, that staff's recommendation to authorize the City Manager to enter into leases with AT&T Wireless Services and Sprint Spectrum for commercial wireless antenna sites at Fire Station #6 and Fire Station # 10 be approved.

Mayor Brown declared the motion carried unanimously by those present.

3. Further discussion and consideration concerning amending the policy for prescheduled items and items from citizens present on the Council agenda.

Councilmember Stapley expressed the opinion that a Study Session forum, such as the one currently in progress, is the appropriate setting for citizens to provide input rather than at the televised Regular Council Meetings. Councilmember Stapley stated that Study Sessions are conducted in a more informal manner and added that the Study Session forum would allow dialogue to occur between the Council and citizens providing input.

In response to a question from Mayor Brown relative to televising Study Sessions, Vice Mayor Gilbert indicated that he would support the concept and stated the opinion that the televised sessions would provide citizens with an opportunity to witness Council debate and discussion on items which are voted upon at the Regular Council Meetings.

Mayor Brown concurred with Vice Mayor Gilbert's comments relative to this issue.

Councilmember Jensen stated that he agrees with Vice Mayor Gilbert's statement regarding the importance of allowing citizens an opportunity to witness City Council discussion and action, and commented that additional discussion should occur relative to improving the manner in which citizens present their concerns.

Discussion ensued relative to repetitive appearances during public input portions of the agenda and the fact that the Council's approval of consent agenda items at the Regular Council Meetings may erroneously appear as approval without benefit of Council deliberation.

In response to questions from Vice Mayor Gilbert and Councilmember Stapley, Executive Assistant Ellen Pence discussed equipment, staffing and operational costs associated with televising Council Study Sessions from the lower Council Chambers. Ms. Pence stated that a report will be forwarded to the Council relative to this issue.

Councilmember Jensen expressed the opinion that the 5:30 p.m. convening time for Regular Council Meetings may discourage a majority of citizens from attending and providing input. Councilmember Jensen indicated that he would support televised Study Sessions and stated the opinion that one additional televised evening Council Study Session a month be scheduled for the sole purpose of allowing citizens to provide input to the Council.

In response to a question from Councilmember Stapley, Councilmember Jensen advised that citizens would maintain the ability to address agenda items at the Regular Council Meetings and added that citizens would also be provided specific time slots to address the Council at the Friday Study Sessions. Councilmember Jensen stated the opinion that the agenda for the proposed additional meeting would be limited to receiving public input.

Councilmember Giles stated that although he agrees that citizens should be provided an opportunity to better understand the responsibilities, performance and actions of the Council, he would prefer that Study Sessions remain untelevised at the present time. Councilmember Giles stressed the importance of improving dialogue and communication among the members of the Council.

Councilmember Payne indicated that she would support the implementation of an additional Council Study Session to be scheduled once a month in the evening. Councilmember Payne stated the opinion that the format of all other public input items should remain unchanged.

In response to a question from Vice Mayor Gilbert, City Attorney Neal Beets informed the Council that the Open Meeting Law requires the City to identify each issue to be discussed during the course of a meeting. Mr. Beets added that the Council may not participate in interactive discussions with citizens relative to subject matter which has not been listed on the meeting agenda.

Councilmember Giles spoke in support of analyzing the feasibility of Councilmember Jensen's recommendation relative to scheduling an additional Study Session one evening a month for the purpose of soliciting citizen input. Councilmember Giles stated that in order to obtain maximum citizen input and observe regulatory requirements, citizens may be required to submit issues they plan to address prior to the Study Session for inclusion on an agenda.

Mayor Brown encouraged the members of the Council to contact him should they desire to pursue this issue further at a future Council meeting.

City Manager Charles Luster advised that information relative to televising Study Sessions will be forwarded to the Council for their review.

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

- a. Crime Prevention Advisory Board meeting held September 18.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert, that receipt of the minutes of the Crime Prevention Advisory Board meeting be acknowledged.

Mayor Brown declared the motion carried unanimously by those present.

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

Councilmember Giles reported on a recent Mesa Town Center Corporation Board of Director's meeting he attended and advised that business owners in the Town Center have expressed concerns relative to the transient population in the area.

6. Scheduling of meetings and general information.

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

Wednesday, October 2, 1996, 7:30 a.m. - Utility Committee Meeting

Thursday, October 3, 1996, 4:00 p.m. - Council Policy Session

Friday, October 4, 1996, 7:30 a.m. - Council Study Session

Mr. Luster stated that a Finance Committee Meeting will be scheduled in the near future.

Mayor Brown encouraged the members of the Council to submit ideas for topics of discussion at future Council Policy Sessions.

Mr. Luster informed the Council that Police Department staff are in attendance to present the Council with updated crime statistics.

Assistant Chief Fred Conway and Crime Analysis Supervisor Jan Nelson presented the Council with a brief overview of crime statistics covering August 1995 through August 1996.

Assistant Chief Conway informed the council that during the past twelve-month period, total persons crimes decreased by 3.4% and total property crimes decreased by 12.2%. Assistant Chief Conway indicated that the decrease is due in part to an overall national decrease in crime and is a positive result of programs initiated by the Department.

Discussion ensued relative to a decrease in total phone call activity, cases assigned, alarm calls, and emergency response times.

Ms. Nelson briefly highlighted statistical data developed by staff to assist the Police Department in their efforts. Ms. Nelson stressed the importance of determining trends and leads and added that staff has focused their efforts on residential and commercial property crimes and auto thefts.

Additional discussion ensued relative to community policing, the Bike Patrol, Citizens on Patrol, the fact that the Department has recovered a majority of stolen vehicles in Mesa, and an increase in liquor law violations.

Mayor Brown thanked Assistant Chief Conway and Ms. Nelson for their input.

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

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

8. Adjournment.

It was moved by Councilmember Jensen, seconded by Councilmember Stapley, that the Study Session adjourn at 8:48 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 27th day of September, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 9th day of October 1996

BARBARA JONES, CITY CLERK