



OFFICE OF THE CITY CLERK

## PUBLIC SAFETY COMMITTEE

March 18, 2010

The Public Safety Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on March 18, 2010 at 9:10 a.m.

### COMMITTEE PRESENT

Dennis Kavanaugh, Chairman  
Dina Higgins  
Scott Somers

### COMMITTEE ABSENT

None

### STAFF PRESENT

Trisha Sorensen  
Christine Stutz

Chairman Kavanaugh stated that on behalf of the Committee, he would like to thank Vicki Myers for her service as Interim Police Chief during the last eight months.

#### 1. Items from citizens present.

There were no items from citizens present.

#### 2. Hear a presentation and discuss a hotel/motel ordinance.

Chairman Kavanaugh stated that the Committee has been working with the Mesa Police Department (MPD) to identify areas of activity that consume a significant amount of the Department's time. He explained that consideration has been given to what steps the Department and the community could take in terms of crime prevention activities.

Chairman Kavanaugh also advised that the MPD receives numerous calls for service related to complaints arising at local hotels and motels and convenience stores. He noted that both issues would be discussed this morning to help the community understand that the Committee is addressing these matters in a holistic approach with an emphasis on crime prevention.

Assistant Chief of Police Mike Denney introduced Police Commander Steven Stahl, who was prepared to address the Committee regarding this item.

Chief Denney reported that several months ago, the MPD was asked to determine the viability of enacting a hotel/motel ordinance, research hotel/motel ordinances in other communities, and also review Mesa's crime statistics to determine whether there was an identifiable problem that would warrant moving forward with further research in this regard.

Commander Stahl expressed appreciation to the representatives of the hotel/motel industry who were present in the audience. He explained that an internal work group, which was comprised of Police and legal staff, was formed to conduct research regarding best practices in Arizona and nationally. Commander Stahl noted that the work group solicited input from hotel/motel industry representatives concerning a list of suggested practices and said that because it was necessary to modify certain language in the draft ordinance, the representatives elected to seek feedback from their corporate headquarters. He also stated that the hotel/motel representatives established a subcommittee to formulate their own recommendations and added that City staff and the hotel/motel operators meet regularly to discuss the issue.

Commander Stahl displayed a document entitled "Hotel/Motels at a Glance – 2009" and highlighted various statistical data compiled by the MPD. **(See Attachment 1)** He noted, by way of significance, that of the 49 hotels and motels in Mesa that are 30-day stay or less, the top 10 properties accounted for 65% of all calls for service, 64% of the drug arrests and 48% of the warrant arrests.

In response to a series of questions from Committeemember Somers, Commander Stahl clarified that of the top 10 hotels and motels in Mesa, the number one property accounted for approximately 500 calls for service, 11 Part I Crime arrests, 81 Part 2 Crime arrests, 15 drug arrests and 63 warrant arrests. He indicated that staff is focusing their efforts on 30-day stay or less hotel/motels as "a starting point," but said that if it was the opinion of industry representatives that extended stay facilities posed similar problems, such properties could also be included in the ordinance.

Chief Denney explained that the hotel/motel operators have been cooperative with this process and expressed an interest in "self-regulation." He said that it would be advantageous for those entities to be able to promote their properties as being safe and secure.

Committeemember Somers commented that with tourism being identified as one of four key economic development strategies in Mesa, it would behoove the hotel/motel industry to work with the MPD to ensure that its reputation in the community is exemplary.

Commander Stahl remarked that one of the "sticking points" in this process has come from reputable hotel/motel operators that do not want to be included in the same category as the top 10 hotel/motels. He stated that those operators have questioned why an ordinance, which is aimed at lowering criminal activity in the top 10 hotel/motels, must apply to all of Mesa's hotel/motels. Commander Stahl noted that staff is currently addressing those concerns.

Chairman Kavanaugh commented that in reviewing hotel/motel ordinances from other communities, common themes include the maintenance of guest registry information, the type of guest identification information that is required, the Police Department's ability to access such information, and limitations on consecutive rentals. He inquired if staff and the hotel/motel representatives have discussed the inclusion of similar items in Mesa's ordinance.

Chief Denney responded that the MPD would prefer that the hotel/motel operators make the guest registry information available to the agency so that it can follow up on criminal activity. He noted, however, that if such material is arbitrarily turned over to the Department, it would be considered public records, which could raise certain privacy concerns.

Responding to a series of questions posed by Committeemember Higgins, Commander Stahl explained that he would caution the City regarding imposing fines on hotel/motel operators whose properties generate significant calls for service. He stated that such action might discourage individuals or operators from calling the MPD to report criminal activity at local hotels and motels.

Chairman Kavanaugh stated that when this item is brought back to the Committee in the future, the Committeemembers would like staff to focus on the following crime prevention issues: 1.) What the MPD can do to change its internal policies or processes that would assist in regulating the area of criminal activity; 2.) What the hotel/motel industry recommends to its local operators in terms of crime prevention activities to minimize calls for service; and 3.) What ordinance changes might be required to assist the MPD in addressing the area of criminal activity. He added that the Committee would keep this matter as an ongoing agenda item and said he looked forward to hearing back from the staff and industry representatives.

Committeemember Somers noted that it was important to remember that the Committee's focus is on crime prevention as opposed to reducing the number of calls for service that the MPD receives. He commented that if guests or hotel/motel operators do not report criminal activity, the MPD's crime statistics might appear more favorable, but stated that such inaction could also result in the creation of "little ghettos" throughout the community.

In response to a question from Committeemember Higgins, Commander Stahl clarified that when guests register at a hotel or motel, they are often required to display a photo ID, but said that the facility normally does not maintain a record of the document.

In response to a question posed by Chairman Kavanaugh, Chief Denney clarified that it was anticipated that the draft ordinance would be completed within the next 90 days, after which time staff would bring back the proposal to the Committee for their consideration.

Chairman Kavanaugh suggested that this matter be included as a tentative item on the Committee's June meeting agenda.

Chairman Kavanaugh thanked Chief Denney and Commander Stahl for their presentation.

3. Hear a presentation, discuss and make a recommendation on a convenience store ordinance which incorporates principles of Crime Prevention through Environmental Design (CPTED).

Chairman Kavanaugh commented that in recent years, many changes have taken place in the convenience store industry, as well as suggestions from law enforcement regarding how convenience stores can incorporate Crime Prevention through Environmental Design (CPTED) principles into their design and operations in order to reduce the incidence of crime.

Assistant Police Chief John Meza displayed a PowerPoint presentation (**See Attachment 2**) and provided a brief historical overview of staff's efforts to develop a CPTED ordinance that would apply to a majority of business owners and residences in Mesa. He explained that upon further review, it was determined that it would be more appropriate to incorporate the CTPED principles as a component of the Zoning Code update and that the scope of the proposed ordinance be narrowed to focus on convenience stores.

Chief Meza stated that with regard to the development of the ordinance, staff solicited input from stakeholders on several occasions and continues to respond to concerns raised by those individuals. He also stressed that many of the CPTED principles included in the proposal are designed to make the ordinance an effective crime prevention tool.

Chief Meza advised that the concept of the proposal is to protect the health, safety and welfare of the citizens of Mesa by reducing the occurrence of crime, preventing the escalation of crime and increasing the successful prosecution of crime that occurs in convenience stores in the City. He said that in order to accomplish the above-referenced goals, the ordinance would contain the following components:

- Establish a registration program for convenience stores.
- Provide requirements relating to surveillance camera systems, video recording and storage systems, alarm systems, drop safes, security signs, height markers, store visibility, safety training programs and trespass affidavits.

Chief Meza referred to a document entitled "Mesa Convenience Stores at a Glance – 2009" and offered a brief statistical analysis of calls for services, arrests and shoplifting incidents at those properties. (See Page 2 of Attachment 2) He noted that out of an estimated 100 convenience stores in Mesa, the MPD identified the top 10 stores, which accounted for over 46% of all calls for service.

In response to a question from Chairman Kavanaugh, Chief Meza clarified that although he preferred not to divulge the identity of the above-referenced top 10 convenience stores, it was a "fairly narrow scope" of businesses and not necessarily "mom and pop" stores.

Chief Meza provided a short synopsis of the general provisions and registration requirements included in the ordinance and also various stakeholders' concerns associated with those items. (See Pages 3 of Attachment 2)

In response to a question from Committeemember Higgins, Crime Prevention Officer Patsy Gallagher clarified that the ordinance defines a convenience store as less than 10,000 square feet. She explained that the stakeholders expressed concern that CVS and Walgreens, which generally have slightly larger square footage, would not be included within the scope of the ordinance.

Chairman Kavanaugh stated that at a recent City Council meeting, an issue arose regarding Walgreen stores going back to acquiring liquor licenses. He said that such action might contribute to the Committee's concern as it relates to possible criminal activity at those properties.

Committeemember Higgins commented that if the purpose of the draft ordinance is to reduce crime, in her opinion, staff should not limit the amount of square footage that a business occupies in order to achieve that goal.

Chief Meza responded that it was staff's recommendation that the ordinance initially focus on convenience stores of less than 10,000 square feet.

Committeemember Somers questioned whether defining a convenience store by size is the best option and stated that most people know the difference between a convenience store and, for instance, a drug store or grocery store. He suggested that the Police Department and the Planning Department confer to ensure that a new definition for convenience store is not created for the ordinance.

Discussion ensued relative to the fact that a fine of \$250 to \$500 would be imposed on businesses not in compliance with the ordinance; that staff recommends a \$50 registration and license fee, although the stakeholders proposed a fee of \$0 to \$10; that it was proposed that the registration renewal would occur on a yearly basis; and that the convenience stores would be subject to inspection by a Crime Prevention Officer.

Chief Meza further reviewed the proposed CPTED principles (i.e., surveillance cameras, alarm systems, drop safes, security signs, height markers, store visibility, Trespass Enforcement Program and General Safety Conditions) and the stakeholders' comments associated with those items. (See Pages 4 and 5 of Attachment 2)

Responding to a question posed by Committeemember Somers, Chief Meza explained that although he does not have specific statistical data at hand, he was familiar with various convenience stores that implemented CPTED strategies and said that such efforts resulted in fewer calls for service and a decrease in shoplifting incidents.

Chief Meza stated that staff was seeking direction from the Committee regarding the proposed ordinance. He also noted that staff intends to conduct a public meeting to solicit additional input from convenience store owners and operators who are not participating in the stakeholders group.

In response to a question from Committeemember Higgins, Chief Meza clarified that the language related to fences, which is included under "General Safety Conditions," would be deleted from the ordinance.

Committeemember Somers expressed concern that staff's proposed CPTED strategies are "too prescriptive" and questioned whether there was a combination of methods that could be implemented by the convenience store owners that would achieve the same goal of crime prevention. He stated that in such a scenario, the operators would still be held accountable for reducing crime at their businesses.

Chairman Kavanaugh commented that Committeemember Somers' suggestion is what the City has been doing with regard to its crime prevention program for some time. He noted that there has been a significant amount of noncompliance by convenience store owners, which has resulted in an increase in calls for service. Chairman Kavanaugh also said that each of the elements is a best practice on a national level and added that there are many convenience stores that have adopted these strategies.

Committeemember Higgins concurred with Chairman Kavanaugh's comments and added that "if everyone was doing what they were supposed to do, we wouldn't be having this discussion."

Chairman Kavanaugh stated that the Committee would encourage staff to continue working on the draft ordinance and solicit input from stakeholders during the public hearing process.

Committeemember Somers requested that staff provide additional information concerning the required registration fee (\$0 to \$50) and the City's cost to administer the program.

Chairman Kavanaugh directed that staff bring back the draft ordinance to the Committee so that they can make a recommendation to the full Council. He added that he would anticipate that this item would be included on the Committee's May agenda.

Chairman Kavanaugh expressed appreciation to staff for their efforts and hard work in this regard.

Without objection, the Public Safety Committee meeting adjourned at 10:08 a.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Public Safety Committee meeting of the City of Mesa, Arizona, held on the 18<sup>th</sup> day of March 2010. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

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(attachments – 2)