

COUNCIL MINUTES

February 20, 2001

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 February 20, 2001 at 4:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Jim Davidson
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Neal Beets
Barbara Jones

1. Review items on the agenda for the February 20, 2001 Regular Council Meeting.

All the items on the agenda were reviewed among Council and staff with no formal action taken. There was discussion among the members of the Council relative to various agenda items. Agenda item 4j., Public Safety Training Site Auditorium and Office Addition, was removed from the consent agenda for discussion and a staff presentation. Mayor Hawker also declared a potential conflict of interest regarding 4j. Councilmember Jaffa declared a potential conflict of interest regarding agenda item 5a., pertaining to the regulation of pawnshops, tattoo parlors and body piercing salons. Vice Mayor Davidson also declared a conflict of interest on agenda item 8a, an ordinance regarding the terms and conditions for the sale of utilities.

2. Discuss and consider a report regarding three gun related issues.

City Attorney Neal Beets referred to an Executive Summary of a report that was presented to the Council and noted that three separate issues are to be addressed: 1) the public bringing firearms into City of Mesa buildings; 2) the public carrying firearms in City parks; and 3) gun shows at the Mesa Convention Center. Mr. Beets stated that with respect to gun lockers, State law provides options and said that the City can either allow firearms to be carried in City of Mesa buildings without any restrictions, or the City can choose to post notices on the buildings indicating that firearms need to be checked in some fashion. The report recommends that the current policy of keeping firearms safe and secure be continued and the use of gun lockers in all City buildings that are open to the public is recommended.

Mr. Beets advised that there is currently signage on City buildings that says "No Firearms Allowed" and if someone attempts to enter a City building with a firearm, security or a City employee will inform the person that he or she must remove the firearm and more than likely they do this by taking the firearm back to their car or truck and securing it themselves in order to gain entrance to the building. Mr. Beets said that rather than that policy, staff is recommending that the Council adopt a policy whereby the City acquires gun lockers. He added that the signage on the buildings would also change and instead of stating "No Firearms Allowed" the signs would say something to the effect that "Firearms must be secured inside" and there would be a central lobby or space inside where an employee would greet visitors who are in possession of firearms and inform them that in order to enter the building, they must first secure their firearm in a gun locker.

Mr. Beets informed the Council that staff has drafted some recommended procedures that would allow the individual who is carrying the firearm to be the person who removes the firearm from the holster or wherever it is being kept, and that person would place it inside the gun locker, secure the lock, and would be given a key. Mr. Beets added that the person would also be given written notice that they are responsible for the key and the person in possession of the key will be the only person allowed to access the firearm. Mr. Beets noted that staff is not requiring any type of registration process. Mr. Beets said that this is the direction most cities are moving in and said that gun lockers are already available in the City Council Chambers. Mr. Beets added that staff is also recommending as part of their report that the City acquire gun lockers for other City buildings that are open to the public. He said that staff is not recommending as part of this report that metal detectors be expanded, but said that this issue will be addressed at a later time.

Mr. Beets discussed firearms in City parks and stated that the State Legislature decided in its last legislative session that cities can prohibit the carrying of firearms in a conspicuous fashion in City parks if signage relative to this restriction is displayed at the parks. Staff is recommending that the signage be modified at City parks to inform the public that carrying firearms in City of Mesa parks is prohibited and advising them that firearms will have to be secured in the citizens' cars or another location outside of the park. Under State law, persons who have a Concealed Carry Permit from the Department of Public Safety are allowed to bring firearms into City parks and therefore the signage would not pertain to those individuals who have been issued such permits. However, those individuals would not be allowed to carry the firearm in a holster attached to their hip or in any other conspicuous manner.

Mr. Beets also addressed the issue of firearms at gun shows and said that staff is not recommending that gun shows be banned from the Mesa Convention Center but is recommending that the facility be exempt from the provisions outlined above regarding gun lockers. Mr. Beets said that the show coordinator would be requested to establish some industry standard security for storing firearms for customers who show up and want to attend the show but are carrying firearms. Mr. Beets stated that staff is recommending that two resolutions be approved by the Council with regard to gun shows, the first being a resolution which calls upon the Federal government to enact legislation that says that all vendors of firearms at gun shows will have to do the instant background check that is currently required of Federally licensed gun dealers. Mr. Beets noted that currently at the City's gun shows, there is a mixture of Federally licensed gun dealers and some private collectors who sell the weapons from their private collections. The Federally licensed dealers are required to perform an instant background check and the collectors are. Staff is recommending that in order to establish a consistent, level-playing field for all vendors at the Mesa Convention Center or any gun show, that the Federal congress enact legislation requiring that instant background checks be performed on all vendors at a gun shows. Mr. Beets noted that similar legislation has been considered by the Federal congress before and said that he has been informed that President Bush supports the proposed legislation as does former Vice President Gore. Mr.

Beets added that he has been advised that logistical problems do exist in as much as privately licensed private collectors do not have a way to access the instant background check system and a mechanism will have to be developed on the Federal level to accomplish this feat. Mr. Beets said that the lack of access does not appear to be an insurmountable problem.

Mr. Beets informed the Council that the second resolution would call upon the Arizona Department of Public Safety to inform the City of Mesa if a background check that is performed reveals that the prospective gun purchaser has an outstanding felony warrant in another state. The resolution requests that background check information relative to outstanding felony warrants be relayed to the individual who is seeking to purchase a weapon, to the Federally licensed gun dealer, and also to the Mesa Police Department. Mr. Beets noted that the City's Warrants Detail can decide how they want to handle that information and determine whether the person may be safely apprehended.

Mayor Hawker commented on the fact that gun issues are always controversial and citizens will want to provide input regarding this issue. He asked Mr. Beets to explain the public input process that will occur relative to this agenda item.

Mr. Beets stated that the item could be placed on the agenda of a Regular Council Meeting to be considered along with other resolutions, but said that at this point, staff is seeking direction from the Council relative to whether they support the gun locker concept and the other recommendations that are being proposed by staff. Mr. Beets emphasized that the public will have ample opportunity to provide input before any final decisions are made.

Mayor Hawker advised that he would like to proceed with the two resolutions and stated the opinion that gun lockers are responsible and appropriate. Mayor Hawker added that staff should also consider having the signs made up in Spanish as well as English and said that he also agrees with staff's recommendations relative to Police Department notification of outstanding felony warrants.

Mayor Hawker advised that Senator McCain is co-sponsoring a bill for instant background checks whenever a gun is showed at a gun show. The Mayor said that the City has authority to set up regulations for all municipal buildings but questioned whether the Council would have the authority to adopt an ordinance governing gun sales at various hotels within the City. Mr. Beets stated that regulations governing this area would have to occur at the Federal level.

In response to a request from Vice Mayor Davidson, Mr. Beets clarified that the holders of Concealed Carry Permits would not have to store their concealed firearms in lockers unless the presence of the weapons are identified by on-site metal detectors. Mr. Beets said that if the Council directs staff to proceed with this issue, careful thought will be given to the wording of the various signs.

Councilmember Pomeroy questioned the alternatives that are available aside from gun lockers if the City prohibits citizens from carrying guns into City buildings. Councilmember Pomeroy questioned whether it would be appropriate for police officers on duty at the buildings to take the guns from the individuals and store them in the trunks of their vehicles.

Mr. Beets expressed the opinion that unless the City provides gun lockers, it cannot prohibit persons from carrying firearms into City buildings. Mr. Beets said that in his opinion the police officer scenario proposed by Councilmember Pomeroy would not be in keeping with the spirit or the letter of State law.

In response to a question from Councilmember Jaffa relative to knives and other potential weapons, Mr. Beets said that a number of cities have erected signs on their buildings stating "No deadly weapons," which would include knives, and said that most court buildings state this or very similar language.

Councilmember Jaffa said he has a concern regarding guns in City parks and would be interested in hearing the Police Department's input regarding this issue. He asked whether the proposed regulations would place law abiding citizens at greater risk by making them easier prey.

Mayor Hawker stated that it is the consensus of the Council that staff move forward on this matter.

In response to a question from Councilmember Whalen as to whether concealed weapons would be allowed in City buildings, Mr. Beets clarified that they would be allowed unless metal detectors are placed in all the buildings to identify the presence of guns.

Councilmember Whalen commented on the fact that staff is not proposing the adoption of an ordinance relative to enforcement and questioned how enforcement would occur without this occurring. Mr. Beets reported that a judge in the City of Phoenix has ruled that signage on buildings prohibiting the presence of firearms in city buildings was sufficient warning to the public and if someone enters the building in violation of the signage, they are trespassing and can be requested to leave the premises. If the person refused to leave the building, they may be cited for trespassing.

Councilmember Whalen said that he supports the proposed recommendations relative to City buildings but said that he has concerns relative to City parks, particularly the safety of the City's Park Rangers. Councilmember Whalen added the opinion that the regulations would be unenforceable in City parks.

In response to a question from Vice Mayor Davidson relative to whether Park Rangers would confront individuals regarding gun issues, Mr. Beets expressed the opinion that if the Council decided to proceed with staff's recommendations, training would be developed for Park Rangers and said that enforcement would most likely be at the discretion of the ranger.

Vice Mayor Davidson said that he supports proceeding with all three issues and soliciting public comment. Vice Mayor Davidson said that he also supports the proposed policy relative to guns in City parks but said he is not certain whether the development of rules or laws, unless strictly enforced, accomplish their purpose. He added that this issue requires extensive, open-minded debate. He said discussion would also have to occur relative to which buildings will be selected for bans on weapons. Vice Mayor Davidson thanked Mr. Beets for all of his hard work on this issue and commented on the fact that input that has already been received from citizens regarding this matter has been presented in a civil, rational and reasonable discussion format.

3. Acknowledge receipt of minutes of various boards and committees.

- a. Board of Adjustment meeting held February 13.
- b. Design Review Board meeting held February 7.

It was moved by Vice Mayor Davidson, seconded by Councilmember Kavanaugh, that receipt of the above-listed minutes be acknowledged.

Carried unanimously.

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

Mayor Hawker reported on his recent visit to Mesa's Sister City Tai Ping, in China and said that the country's freeway and infrastructure development has changed dramatically since he last visited China 15 to 20 years ago. The Mayor stated the opinion that China is a significant super power with extensive resources and said that any positive business and/or commerce ties for the betterment of bringing countries together will be to Mesa's advantage. Mayor Hawker said that at some point in time, perhaps a couple of years, he would like a formal delegation of Councilmembers to tour the City of Tai Ping and become familiar with the City as the Council has done with other sister cities, such as Guaymas, Mexico and Burnaby, Canada. He stated the opinion that a significant amount of knowledge can be gained from learning how the people in that country operate their business parks and develop their infrastructure.

Mayor Hawker said that a student exchange involving students from Mesa Community College has been arranged and the students will be going to Tai Ping this summer.

Mayor Hawker thanked Vice Mayor Davidson for filling in for him in his absence.

Councilmember Pomeroy stated that he and Councilmember Kavanaugh participated along with the Mesa Fire Department in the placement of the first defibrillator at Fiesta Mall.

Mayor Hawker commented on the fact that a number of the Councilmembers will visit Mesa's sister city, Guaymas this weekend.

5. Scheduling of meetings and general information.

City Manager Mike Hutchinson stated that the meeting schedule is as follows:

Thursday, February 22, 2001, 7:30 a.m. – Study Session

Thursday, February 22, 2001, 9:00 a.m. – Fire Committee Meeting

Mr. Hutchinson said that the March 1st Study Session is being moved to Wednesday, February 28, 2001 at 3:00 p.m. He stated that the change is to accommodate Quality Day which is also on March 1st.

6. Prescheduled public opinion appearances.

a. Hear from Matt Farnham regarding flooding on Elliott Road east of Ellsworth.

Mr. Farnham addressed the Council and stated that a serious flooding problem exists on Elliott Road, south of Ellsworth. He said that he has been calling the City and the County since April in an effort to have the problem corrected. He also stated that the City has an agreement with the County to do a 50/50 cost split and noted that the City is willing to split the costs despite the fact that it is a County road. He informed the Council that he is concerned about the timing and said he has been advised that it will take an entire year before the problem can be fixed. He added that the road has been closed down several times because of the excessive flooding and said that the flooding is both an inconvenience and a safety issue. He requested that the Council pursue this matter in an effort to correct the flooding problem as quickly as possible.

Mayor Hawker thanked Mr. Farnham for his input and requested that he give his name and address to the City Clerk so that Staff can contact him regarding this matter.

7. Adjournment.

Without objection, the Study Session adjourned at 5:34 p.m.

KENO HAWKER, 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 20th day of February, 2001. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2001

BARBARA JONES, CITY CLERK

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