

COUNCIL MINUTES

December 20, 1996

The City Council of the City of Mesa met in a Special Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on December 20, 1996, at 7:32 a.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Jim Stapley

STAFF PRESENT

C.K. Luster
Wayne Balmer
Neal Beets
Linda Crocker
Tanya Collins
John Geier
Glenn Gorke
Barbara Jones
Sharon Joyce
Wayne Korinek
Ron Krosting
Karen Kurtz
Frank Mizner
Ruth A. Norris
Ellen Pence
Bryan Raines
Debbie Vickman
Michael Whalen
Mindy White
Others

OTHERS PRESENT

Robert Brinton
John DeShetler
Kat Gallant
Cliff Harris
Robert Jackson
Chris Moeser
Others

COUNCIL ABSENT

None

1. Consider adopting an ordinance relating to smoking and public health; Amending Sections 6-11-2, 6-11-4, 6-11-5, 6-11-6, 6-11-7, and 6-11-8, Mesa City Code; Amending Title 6, Chapter 11, Mesa City Code by adding Sections 6-11-9, 6-11-10, 6-11-11, 6-11-12, 6-11-13, and 6-11-14; providing for severability; providing penalties for violations; and providing for an emergency - Ordinance No. 3287

Councilmember Giles noted that the proposed Ordinance requires businesses to apply for hardship variances within 60 days following the adoption of the Ordinance. Councilmember Giles stated the opinion that the 60-day phase-in period may not allow sufficient time for businesses to determine whether they qualify for a variance. Councilmember Giles

recommended that the phase-in period be amended from 60 days to 120 days to provide businesses adequate time to research and apply for hardship variances.

It was moved by Councilmember Giles, seconded by Councilmember Kavanaugh that the proposed Ordinance be amended to allow a 120-day (following Ordinance adoption) hardship application process rather than the originally proposed 60-day phase-in period.

Vice Mayor Gilbert stated the opinion that the abundance of publicity that has been generated relative to this issue has heightened awareness and added that a 60-day phase-in period should provide adequate time for businesses to research their qualifications and apply for variances.

Mayor Brown stated the opinion that 60 days is an adequate phase-in period.

Mayor Brown requested a roll call vote.

Upon tabulation of votes, it showed:

AYES - Giles-Kavanaugh
NAYS - Brown-Gilbert-Payne-Pomeroy-Stapley

Mayor Brown declared the motion failed by majority vote.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley that Ordinance No. 3287 be adopted.

Mayor Brown said that the proposed Ordinance represents a step forward to protect citizens from second-hand smoke and assist local businesses. Mayor Brown stated that he supports the Ordinance.

Councilmember Kavanaugh commended all concerned business owners and individuals on their efforts to develop a reasonable compromise.

Mayor Brown requested that the Council indicate their votes on paper ballots provided by City Clerk Barbara Jones.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Kavanaugh-Pomeroy-Stapley
NAYS - Payne

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3287 adopted.

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2. Adjournment.

The Special Session adjourned without objection at 7:39 a.m. and Mayor Brown reconvened the Council Study Session.

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 Special Session of the City Council of Mesa, Arizona, held on the 20th day of December, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 8th day of January 1997

BARBARA JONES, CITY CLERK