

COUNCIL MINUTES

June 3, 1996

The City Council of the City of Mesa met in a Study Session following the Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 3, 1996 at 6:49 P.M.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

Chris Rash

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

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

- a. Hear from Robert Jackson and John DeShelter regarding the hardships that will be created by the SMOKING BAN.

John DeShelter expressed the opinion that the smoking ban has negatively impacted businesses and will continue to do so unless the Council initiates revisions to the smoking ordinance. Mr. DeShelter requested that this issue be the subject of a future public hearing to allow citizen input to occur. Mr. DeShelter stated the opinion that the smoking ban violates the constitutional rights of citizens and added that he is strongly opposed to the enforcement of a smoking ban in the City of Mesa.

Robert Jackson advised that as a business owner in Mesa, he anticipates that he will lose a minimum of 35% of his business as a result of the smoking ban. Mr. Jackson noted that other cities have initiated measures to rescind similar smoking ordinances and encouraged the Council to do the same. Mr. Jackson stated the opinion that the smoking ban is unconstitutional and requested Council assistance and support.

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

Tom DiLorenzo, 526 West Broadway, the owner of Tommy's Billiards, informed the Council that he has owned a business in the City of Mesa for the past seven years. Mr. DiLorenzo added that he has already experienced a monetary loss as a result of the passage of Proposition 200. Mr. DiLorenzo noted that he owns a similar business in the City of Tempe and said that business at the Tempe location has increased, while business in the City of Mesa continues to decline as a result of the smoking ban. Mr. DiLorenzo stated the opinion that smoking customers will patronize businesses outside of Mesa if the smoking ban is allowed to continue and discussed the negative impacts of the ban on business owners. Mr. DiLorenzo informed the Council that he may be forced to move his business out of the Mesa should the smoking ban continue and recommended that air purification standards, which can be implemented by business owners, should be initiated instead of a total smoking ban. Mr. DiLorenzo requested that the Council analyze this issue further and consider providing variances to allow businesses to operate and profit within the city of Mesa.

Kirby Allan, 2043 East Hackamore, stated the opinion that the City Charter form of government is unconstitutional and violates citizens' rights. Mr. Allan spoke in opposition to government operations and business agreements and expressed concern relative to the implementation of socialistic programs in Mesa.

Hugo Pulzato, 2407 East Encanto, informed the Council that he is the owner of two restaurants within the City of Mesa and has been a resident for the past 18 years. Mr. Pulzato concurred with the previous speaker's remarks relative to the unconstitutionality of Proposition 200. Mr. Pulzato recommended that business owners be allowed to post signage indicating that their establishments allow smoking and let the customers decide whether to patronize the business. Mr. Pulzato discussed measures he has initiated to provide proper ventilation within his establishments and stated that 75% of his customers have indicated that they will go elsewhere should the smoking ban be enforced. Mr. Pulzato requested Council assistance in reversing the smoking ban in the City of Mesa.

Mayor Brown thanked the speakers for their input and stated that although the Council cannot act on the smoking ban at this time, the Council is sensitive to business owners' concerns and will schedule a public meeting to solicit citizen input relative to this issue.

3. Adjournment.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert, that the Study Session adjourn at 7:11 P.M.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

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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 3rd day of June, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 24th day of June, 1996.

BARBARA JONES, CITY CLERK