



COUNCIL MINUTES

January 24, 2011

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 January 24, 2011 at 4:32 p.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Dina Higgins
Kyle Jones
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

None

COUNCIL-ELECT PRESENT

Christopher Glover

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

1. Review items on the agenda for the January 24, 2011 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflict of interest: None

Items deleted from the consent agenda: 7-a

2-a. Hear a presentation and discuss an update by Cox Communications, Inc.

Michael Stahl, a representative of Cox Communications, Inc., introduced Jonathan Babbitt, of Cox's Government Affairs Division, who assisted with the presentation.

Mr. Stahl displayed a PowerPoint presentation (**See Attachment 1**) and reported that since 2008 when Cox made its last community update to the City Council, the company has completed a major upgrade of its network, at a cost of half a billion dollars. He explained that improvements to Cox's voice, data and video delivery infrastructure has resulted in expanded network capacities in excess of 2 gigabits of bandwidth per household.

Mr. Stahl briefly highlighted various services that Cox currently offers its customers including, but not limited to, the following: the implementation of Cox On-Demand; the launch of 100

unique channels of HD (High Definition) programming; and the fastest Internet service in Arizona. He noted that Cox intends to market many of its upcoming products at its new Solution Stores, two of which have already opened.

Mr. Stahl spoke regarding the future deployment of 4G wireless service, which would deliver voice, video and data services mobilely and reach areas where Cox's network is currently unavailable. He explained that the service would also interface wireless phones with landlines and control devices remotely from wireless phones. Mr. Stahl added that Cox has implemented enhanced graphics and OnDemand usage and is developing home networking/data solution services, as well as home security monitoring and alarm services.

Mr. Stahl further reviewed Cox's commitment to the community in 2010, which included contributions of more than \$19 million in cash and in-kind support to Valley charities. He stated that Cox is the second largest provider of business telecommunications services in Arizona and the primary telecommunications provider for several municipalities. Mr. Stahl advised that during the downturn in the economy, Cox has continued to create jobs and invest in Arizona. He added that Cox Arizona was selected as "Centers of Excellence" for Warehouse Operations and Customer Service – Spanish Language Group.

Responding to a question from Mayor Smith, Mr. Stahl clarified that Cox Communications was the third largest cable provider in the United States.

Mayor Smith thanked Mr. Stahl for the presentation and expressed appreciation for Cox Communications' involvement in the community.

2-b. Hear a presentation, discuss and provide direction on a Convenience Store Ordinance.

Assistant Police Chief John Meza introduced Crime Prevention Officer Patsy Gallagher and Police Commander Kathleen Kirkham, who were prepared to respond to any questions the Council may have.

Chief Meza thanked the stakeholders and City staff for their ongoing efforts to develop a Convenience Store Ordinance that "balances" Crime Prevention Through Environmental Design (CPTED) principles and appropriate public safety practices. He stated that this item has been presented to the Council on several occasions and noted that staff was seeking their direction to move forward with the development of a Convenience Store Ordinance based on CPTED principles.

Chief Mesa displayed a PowerPoint presentation (**See Attachment 2**) and reported that the goals of the ordinance are to deter crime through prevention, improve safety, increase criminal apprehension, improve the successful prosecution of criminals, reduce Police workloads and conserve limited Police resources. He provided a brief historical overview of the issue and stated that of the top 20 locations for theft in the City, 40% occur at convenience stores. (See Pages 5 and 6 of Attachment 2)

Chief Meza advised that the PowerPoint presentation contains two versions of a proposed Convenience Store Ordinance, both of which include certain requirements for all convenience stores as follows: 1.) A Certificate of Registration; 2.) Compliance with Level 1 security

measures within 90 days of adoption; and 3.) All new or remodeled stores must comply with all security measures.

Chief Meza stated that Version 1 requires that all convenience stores abide by all security measures and also allows the Police Chief to issue a variance, if appropriate.

Responding to a question from Councilwoman Higgins, City Attorney Debbie Spinner clarified that if a convenience store implemented all of the required security measures and still had Police calls for service, Version 1 does not include the additional provision (as contained in Version 2) that the Police Chief could impose further requirements.

Ms. Gallagher reported that if a small convenience store, for example, was unable to meet certain Version 1 security measures due to financial constraints or the configuration of the building, the owner could apply to the Police Chief for a variance that would allow for an alternative Safety and Security Plan.

Chief Meza offered a short synopsis of the provisions listed in Version 2, a tiered system, which originated as a result of input from the industry. (See Page 8 of Attachment 2) He stated that the tiered system mandates security measures based on an average crime risk of seven or more Police calls for service per month. Chief Meza added that it was anticipated that the Police Department's online reporting system would be operational in approximately two months.

Mayor Smith commented that if a convenience store had two armed robberies in a month, as opposed to minor crimes such as beer runs, it would be imperative for the Police Department to determine what factors were influencing such occurrences. He suggested that under such a scenario, perhaps the Police Chief could be given the opportunity to talk with the store owner or operator to address the matter.

Chief Meza responded that in those cases, the Crime Prevention Specialist would meet with the store owner or operator.

Councilmember Richins expressed concern that an average crime risk of seven or more Police calls for service a month, as outlined in Version 2, creates "a disincentive" for individuals to report a crime. He questioned whether staff could develop an alternative threshold and noted that it appeared as though the Police Department was attempting to reduce calls for service, but not necessarily prevent crime.

Chief Meza acknowledged that convenience store owners and operators might not want to "max out" the seven calls for service a month. He said that the proposed ordinance would allow 90 days for the store to reduce the number of calls, after which time the business would be reevaluated.

Councilmember Kavanaugh, who serves as Chairman of the Public Safety Committee, noted that the Committee considered this issue for many, many months and reviewed different versions of the ordinance. He explained that the Committee "steered away" from the triggering mechanism of Police calls for service and preferred Version 1, which was a simpler approach. Councilmember Kavanaugh stated that the Committee also responded to the industry's concerns by permitting the option for an alternative Security Plan. He added that he would anticipate ongoing challenges with the adoption of a tiered system.

Discussion ensued relative to the various conditions that a convenience store would be required to comply with for Levels 1, 2 and 3. (See Pages 9 through 11 of Attachment 2); that the Level 1 option initially included a provision that the Police Chief may require the implementation of additional security measures to target specific criminal acts at certain stores; that the language was subsequently deleted after concerns were expressed by the industry at a prior Study Session; that staff drafted similar language for the tiered system, which could be included in the Level 1 option, pending the direction of Council; and that if a convenience store owner or operator disagreed with the Police Chief's requirement to implement additional security measures, the individual could appeal to the City Manager or his designee.

Chief Meza further highlighted the stakeholders' concerns relative to the Level 2 and Level 3 tiered approach. (See Page 12 of Attachment 2) He also reviewed two options for Council consideration, including Alternative A – Version 1 (Full Compliance), and Alternative B – Version 2 (Tiered Approach).

Mayor Smith commented that regardless of whether the Council approved Alternative A or Alternative B, in his estimation, Police staff would be required to devote a significant amount of time to implement and monitor the program.

Chief Meza responded that four Crime Prevention Specialists would be assigned to the program. He noted that they already perform assessments on Mesa's 150 convenience stores and work closely with the convenience store owners and operators.

Councilmember Finter stated the opinion that convenience stores should not be penalized for reporting criminal activity via the Police Department's online reporting system. He commented that such a mechanism would free up personnel and also provide pertinent information relative to criminal activity occurring at certain businesses.

Chief Meza responded that once the system was operational, staff would conduct an assessment to determine whether it would be appropriate to implement a different calls-for-service ratio.

Councilwoman Higgins concurred with Councilmembers Kavanaugh and Richins' comments. She expressed support for moving forward with Version 1, providing that it allowed a convenience store owner/operator to apply for a variance, and then reevaluating the ordinance in six months to a year to determine if it was effective.

Mayor Smith noted that he was fully supportive of staff's above-listed goals and objectives with regard to this issue. He questioned, however, whether it was appropriate for the City to impose added burdens on existing businesses through ordinance in order to "get to" the top 10 convenience stores have the most calls for service. Mayor Smith added that he would prefer to see staff focus their efforts on the 10% of the stores that are most problematic and not involve the other 90% in that process.

Responding to a question from Councilmember Richins, Ms. Spinner stated that it was her understanding that most, if not all, of Mesa's convenience stores already meet Level 1 security measures. She explained that although the businesses that had less than seven Police calls for service per month would not be dramatically impacted with the tiered approach, those stores

that continued to maintain a high level of calls would be required to comply with Level 2 security measures.

Councilmember Richins stated that since the convenience store owners and operators already comply with Level 1 security measures, it might be appropriate for the Level 1 language to be used as “the framework” for a proposed ordinance. He also suggested that the Police Chief would have the discretion to impose additional security measures at a Level 2 or Level 3 from “a menu” of options for those businesses that continue to have a high number of calls for service.

Ms. Spinner remarked that she would anticipate the industry would like to see some criteria established that the Police Chief would not impose Level 3 security measures prior to first imposing less stringent measures.

Councilmember Richins commented that he was not sure if he was satisfied with either alternative and concurred with Mayor Smith’s comments with respect to the City imposing added burdens on existing convenience stores.

Ms. Spinner noted that per the direction of the Council, staff could draft an ordinance as suggested by Councilmember Richins which would include “a laundry list” of additional security measures that the Police Chief could impose.

Responding to comments from Councilwoman Higgins, City Manager Christopher Brady clarified that in his reading of the proposed ordinance, the granting of a variance by the Police Chief would be to allow for an alternative Safety and Security Plan as opposed to rewarding a convenience store owner or operator for having “a good track record.”

Mayor Smith said that he would like to see staff develop a set of standards that would allow existing convenience store owners or operators to demonstrate, for example, that their stores have had no calls for service or they are located in a low crime area, which would qualify their businesses to be grandfathered to a minimum level of security measures as opposed to being required to go through a formal assessment process.

Councilmember Kavanaugh noted that it was important to remember that the key elements of the CPTED principles include not only crime prevention, but also criminal apprehension. He stated that the Public Safety Committee proposed that all of Mesa’s convenience stores meet a minimum level of security measures in an effort to increase the probability of “catching the bad guy” if a crime were to occur at a particular store.

Mayor Smith directed that staff continue to work on this item and that it be brought back for further Council consideration at a future Study Session.

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

3-a. Community and Neighborhood Services Committee meeting held December 20, 2010.

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

Carried unanimously.

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

There were no reports on meetings and/or conferences attended.

5. Scheduling of meetings and general information.

City Manager Christopher Brady stated that the meeting schedule is as follows:

Monday, January 24, 2011, 6:15 p.m. – Reception for Councilmembers Glover, Higgins and Somers

Tuesday, January 25, 2011, 2:00 p.m. – Groundbreaking for Crescent Crown Distribution Center

Wednesday, January 26, 2011, 8:00 a.m. – Grand Opening for the expansion of the East Valley Men’s Center

Thursday, January 27, 2011, Study Session – Cancelled

Thursday, January 27, 2011, 7:30 a.m. – Mayor’s Breakfast

Thursday, February 3, 2011, 7:30 a.m. – Study Session

6. Prescheduled Public Opinion Appearances.

6-a. Hear from Lauren Johnson regarding the proposed Convenience Store Ordinance.

Lauren Johnson, representing the Mesa Prevention Alliance (MPA), a community coalition whose mission is to reduce alcohol and drug use among Mesa youth, urged the Council to adopt a Convenience Store Ordinance. She stated that the ordinance would impose increased security measures, which would reduce crime and youth alcohol rates in the City of Mesa.

Yeni Lopez, an MPA Peer Leader, reported that she and a group of teens conducted a survey with respect to the number of alcohol ads placed in convenience store windows on the Broadway corridor between County Club Drive and Gilbert Road. She stated that the group counted 623 ads in store windows and noted that when the ads cover an entire window, it could create a dangerous situation for employees and customers inside the store, especially if a crime was committed.

7. Adjournment.

Without objection, the Study Session adjourned at 5:38 p.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, 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 24th day of January 2011. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

pag
(attachments – 2)



City of Mesa Partnership Update

January 24, 2011



your friend in the digital age®



Technological Advancements



Since the last Community Update in March of 2008 Cox completed a major upgrade of its network:

- Improving Arizona's voice, data and video delivery infrastructure,
- Ensuring that Cox residential and business customers have access to cutting edge communications technology
- Invested over half a billion dollars over the last four years
- Expanded network capacities in excess of 2 gigabit per household

By comparison, Google recently promised theoretical internet speeds of approximately 1 gigabit per household.

Our current network offers significantly more capacity, scalability and product availability than the Experimental Broadband Internet Network touted by Google.

Technological Advancements continued



- Cox On-Demand
- 100 unique channels of HD programming
- Cox is rated the #1 provider of Internet Service with over ten years experience
- Fastest Internet service in AZ: 50mbps (speeds of 200+ mbps are feasible)
- Customer-friendly stores designed to showcase & educate customers on Cox's product offerings

Brand New Cox Solutions Stores

Tempe Market Place

-and-

301 East Bell Rd in Phoenix

(more locations to come)



What's next?



- Future 4G wireless service deployment
 - Delivering voice, video & data services mobilely
 - Will reach areas where Cox's network does not
 - Will interface wireless phone with landline
 - Control devices remotely from wireless phone



- ROVI – IPG Upgrade
 - TV Caller ID: Q1 of 2011
 - Enhanced graphics and OnDemand usage
- Home networking and data solutions services
- Home Security Monitoring and Alarm Services

Community Commitment



More than \$19 million in cash and in-kind support to Valley charities in 2010

- Free cable service to 92 Mesa schools and 32 municipal buildings
- Highly engaged in multicultural initiatives throughout Latino community
- Cox Arizona employees pledged more than \$500K during the 2010 Cox Charities campaign and have logged more than 19K volunteer hours this year.
- New on Cox billing statements: Customers can donate to Cox Charities!
- Cox leaders serve on the boards of 105 different organizations statewide.

- Mesa Chamber of Commerce
- Arizona Chamber
- Arizona Hispanic Chamber of Commerce
- Arizona Town Hall
- Boys and Girls Clubs of the East Valley
- Chicanos Por La Causa
- Junior Achievement of Arizona
- Fresh Start Women's Foundation
- Valley of the Sun United Way
- Mesa Arts Museum
- Mesa Historical Museum



Customer Commitment



Since 1996, Cox has earned 21 J.D. Power & Associates Awards

- o Video – 1996; 2006
- o Telephone – 8 years in a row; 2003 to 2010
- o Internet – 2005; 2008
- o Business Internet – 2006; 2010
- o Cox Business – 2008

Cox has significantly improved network performance and customer experience.

- o Network upgrades of \$300,000,000
- o Proactive network monitoring and management
- o Home certification program



Cox Business



Providing Internet, private network, point-to-point local, national and international scalable gigabit capacity data transport, traditional and managed voice and video services over a redundant fiber optic network to business and government entities.

Cox is the second largest provider of business telecommunications services in Arizona and typically saves companies between 20 - 50%.

- Maricopa Community Colleges
- University of Phoenix
- Paradise Valley Unified School District
- Rocky Mountain Information Network
- Goodwill Enterprises

An advertisement for Cox Business. It features a woman with long dark hair, wearing a light-colored top, sitting at a desk with a laptop and talking on a black telephone. To her right is a white J.D. Power award trophy with a gold base. The background is a solid blue color. Text on the right side of the ad reads: "FOR YOUR SUCCESS FOR YOUR CONVENIENCE The right FIT FOR YOUR BUSINESS FOR YOUR BUDGET FOR YOUR FUTURE". At the bottom left, there is a quote: "Highest Customer Satisfaction among Data Service Providers for Small/Midsize Businesses".

FOR YOUR SUCCESS
FOR YOUR CONVENIENCE
The right FIT FOR YOUR BUSINESS
FOR YOUR BUDGET
FOR YOUR FUTURE

"Highest Customer Satisfaction among Data Service Providers for Small/Midsize Businesses"

Statewide Commitment – Financial Investments



During these economically challenging times Cox has continued to create jobs and invest in Arizona.

- Corporate Data Center – \$80,000,000+ Investment
 - Disaster Recovery
 - Business Continuity Objectives
- Cox Arizona selected as Centers of Excellence for
 - Warehouse Operations
 - Customer Service - Spanish Language Group





Questions?

your friend in the digital age®



Convenience Store Ordinance

Based on

Crime **P**revention **T**hrough **E**nvironmental **D**esign
(CPTED) Principles

Presentation to City Council Study Session

January 24, 2011



Seeking Direction

The Mesa Police Department is seeking direction from the City Council on moving forward with development of a Convenience Store Ordinance based on CPTED Principles.



Goals

- Deter crime through prevention
- Improve safety
- Increase criminal apprehension
- Improve successful prosecution of criminals
- Reduce police workload
- Conserve limited police resources



History



- In June, 2009 Mesa Police Department personnel began meeting with operators/owners of convenience stores to discuss the development of an ordinance based on CPTED principals.
- Due to 24-hour operation and the restrictions on the sale of tobacco and alcohol, convenience stores are opportunistic target for thieves
- In reviewing the top twenty (20) locations for theft in the City, forty percent (40%) occur at convenience stores. Specifically, each patrol district tracked its top twenty (20) theft locations in 2009:
 - Central Patrol District ten (10) locations are convenience stores;
 - Dobson Patrol District twelve (12) locations are convenience stores;
 - Red Mountain Patrol District ten (10) locations are convenience stores; and
 - Superstition Patrol District six (6) locations are convenience stores.

HISTORY CONTINUED

- MPD personnel continued to meet with community stakeholders to develop an ordinance that balanced the needs of the community stakeholders with that of the communities public safety mission.
- In May 2010 the Public Safety Committee recommended the proposed ordinance be brought to the full City Council for consideration (Version 1 – Full Compliance).
- A final Stakeholders meeting was held on October 12, 2010.
- Additional alternatives were presented to City Council Study Session on October 21, 2010 (Version 2 – Tiered Approach).

ORDINANCE



- There are two (2) versions of the ordinance.
- Both versions require all convenience stores have:
 - A Certificate of Registration;
 - Comply with Level 1 security measures within 90 days of adoption; and
 - All New or Remodeled stores comply with all security measures.

VERSION 1

FULL COMPLIANCE

- Version 1 requires that all convenience stores abide by all security measures.
- Allows the Chief to issue a variance if appropriate.

VERSION 2 TIERED SYSTEM

- The Tiered System mandates security measures based on an average crime risk of 7 or more calls per month.
- The level of security measures a convenience store must comply with is contingent upon the number of police calls for service.
- PD will inspect all stores during that 90 day period to determine levels.

TIERED SYSTEM

Level 1



- All convenience stores are required to comply with Level 1:
 - Height Markers
 - Security Signs
 - Store Visibility
 - Employee Safety Training
 - Trespass Enforcement Program
 - General Safety Measures
 - Exterior Lighting: door areas, payphones, and surrounding area
 - Lights must be operational
 - Graffiti removal
 - Clerk in customer area or door locked or alarmed
 - 8" tall address numbers on exterior of building

TIERED SYSTEM LEVEL 2



- Convenience stores that meet the threshold calls for service are required to:
 - Comply with all Level 1 requirements
 - Alarm System
 - Drop Safe
 - Additional General Safety Measures
 - Outdoor Trash Area Lighting
 - Beer Coolers Locked 2:00-6:00 a.m.
 - Beer Floor Displays Netted or Secured 2:00-6:00 a.m.

TIERED SYSTEM LEVEL 3



- Level 3 convenience stores are required to:
- Comply with Level 1 and Level 2 security measures.
- Install Surveillance Cameras
 - 2 interior cameras
 - 2 exterior cameras
 - Retain recordings for minimum of 15 days
- If a convenience store continues to experience a crime risk of 7 or more calls for police service over a 90 day period, the Chief of Police may require additional security measures targeted at the specific criminal acts or suspected criminal activity occurring at the store

Stakeholder Concerns



- Registration form should designate responsible party for exterior of building if different from the store operator.
- Employee Training points should be in in order of importance
- “Employee Safety Training” section (1) change “bi-annually” to “every two (2) years”
- “Employee Safety Training” section (4) change “next annual training” to “next required training”
- Request securing floor displays moved from Level II to Level III.
- Request “Right to Require Additional Security Measures” in Level III reworded to soften verbiage.
- Appeal process for fines

Alternatives



Alternative “A”

Adopt Version 1 – “Full Compliance”.

Alternative “B”

Adopt Version 2 – “Tiered Approach”.

Questions?

