

COUNCIL MINUTES

February 10, 2014

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 10, 2014 at 5:17 p.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Christopher Glover
Dennis Kavanaugh
David Luna
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Dee Ann Mickelsen

1. Review items on the agenda for the February 10, 2014 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: 3-c, 3-d and 3-e

Assistant Police Chief John Meza and Crime Prevention Officer Patty Gallagher provided a brief update of item 9-a (Liquor License Application – Circle K Store #8862).

Chief Meza reported that in 2006, the Circle K store in question changed its address from 735 West Broadway Road to 753 West Broadway Road. He explained that previously, the Council was provided crime statistics for the store, which have since been modified to reflect additional calls for service in 2008 and 2009. **(See Attachment 1)**

In response to a question from Councilmember Richins, Chief Meza confirmed that in the last three years, the calls for service at the store “got a little bit worse.” He pointed out, however, that the store is in compliance with the City’s Convenience Store Ordinance and has been cooperative with the Mesa Police Department (MPD). He added that in terms of calls for service, this store would rank “in the middle” as compared to other Circle K stores.

Councilmember Richins remarked that if Circle K is not going to work with the City of Mesa relative to the Convenience Store Ordinance, then this case “is the line in the sand” for him. He

also indicated that he would not grant additional privileges to a company that fails to comply with such an ordinance.

Councilmember Richins, in addition, stated that Circle K was “invited to the table” when the City developed the Convenience Store Ordinance. He noted that in his opinion, the company was not working with the City to lower crime and was placing an added burden on Mesa taxpayers to incur the cost for the MPD to respond to calls at Circle K stores “over and over again.”

Chief Meza verified that the calls for service at the store have increased, but explained that it was due to a greater number of trespass calls. He advised that the City has encouraged the store to make such calls in order to prevent people from committing more serious crimes.

Responding to a question from Mayor Smith, Chief Meza clarified that trespass calls could include individuals who have committed thefts at the store in the past and were recognized by store employees or perhaps people who are just loitering in the area.

Councilmember Richins pointed out that he has received feedback from MPD’s front line officers who have expressed frustration with Circle K more than any other convenience store chain.

Ms. Gallagher responded that Mesa has more than 151 convenience stores, of which 49 are owned by Circle K. She stated that the higher concentration of Circle K stores could possibly skew the crime statistics as it relates to calls for service.

Chief Meza advised that in April, the MPD is scheduled to make a presentation to the Public Safety Committee, at which time staff will assess the Crime Prevention Through Environmental Design (CPTED) Ordinance. He noted that on an overall basis, the ordinance has been a success, resulting in a decrease in calls for service.

Chief Meza reiterated that not only this store, but all of the Circle K stores in Mesa are in compliance with the ordinance. He also indicated that staff would continue to work with this store and possibly even implement an additional safety plan.

Mayor Smith thanked staff for providing the additional crime statistics for this particular store in question. He stated, however, that he would prefer to see similar data for all 151 convenience stores in Mesa, not only to determine “where Circle K fits in,” but also to compare the ranking of this store.

Councilmember Richins remarked that the issue the Council must determine tonight is whether this particular Circle K store should receive additional liquor sale privileges. He inquired, however, whether staff “has more work to do” on this matter prior to the Council making such a determination.

Chief Meza once again confirmed that the store has been in compliance with the Convenience Store Ordinance. He said that the fact the store has a higher number of trespass calls demonstrates that the store is attempting to fight crime in the neighborhood. He added that Circle K stores located in higher crime areas will most likely have more calls for service than those neighborhoods in which fewer crimes are committed.

Mayor Smith stressed the fact that with respect to the CPTED Ordinance, the City does not want convenience stores to not call the MPD. He said that staff's recommendation appeared to be "a soft recommendation" since they had not yet compiled the hard data.

Chief Meza clarified that his recommendation would be that the Council approve the liquor license application. He reiterated that the store has made a good faith attempt to reduce crime and have, in fact, met all of the CPTED Ordinance requirements.

Vice Mayor Finter suggested that it might be appropriate for this matter to be continued until the next Regular Council meeting so that staff and the Circle K representative could meet and that staff could provide the Council the additional data requested by Mayor Smith.

Mayor Smith commented that it has been approximately two years since the CPTED Ordinance was adopted and stated that this was one of the first opportunities that the Council has had to assess the effectiveness of the program. He also remarked that in order for the ordinance to be successful, it was essential that the City have an ongoing partnership with Circle K.

Councilmember Kavanaugh, who serves as Chairman of the Public Safety Committee, stated that he looked forward to the MPD's upcoming presentation to the Committee, wherein staff will review the effectiveness of the CPTED Ordinance in general and not only as it applies to convenience stores.

Responding to a question from Mayor Smith, City Attorney Debbie Spinner clarified that the Council will make a recommendation regarding the liquor license application, which will then be forwarded on to the Arizona Liquor Board for a final determination. She stated that if the Council makes a recommendation for approval, the Board would grant the license. She noted, however, that if the Council makes a recommendation for denial, per State Statute, the motion must set out the basis for the denial. She advised that such a recommendation would be forwarded on to the Board and added that an attorney from her office would attend the hearing in order to represent the Council's position and concerns in this regard.

Mark Whitmeyer, a representative of Circle K Stores, addressed the Council and explained that the company was requesting to transfer the liquor license from a store that closed, to a store one mile away that is located at 753 East Broadway Road. He further stated that Circle K will relinquish its Series 10 license at one store, retain the Series 10 license at the store in question and also transfer over the Series 9 license.

Mayor Smith restated that Circle K closed the one store in order to transfer those rights to an existing store, which will enable that business to expand and sell a wider variety of items than it did in the past.

Responding to a question from Councilmember Richins, Chief Meza stated that in his opinion, the store is in compliance with the CPTED Ordinance, has cooperated with the City's crime-prevention efforts and added that he would recommend Council approval of the application.

Mr. Whitmeyer assured the Council that Circle K has "stepped up to the table" with respect to the CPTED Ordinance. He also commented that for several years, he has worked with Ms. Gallagher and the MPD in order to ensure that Circle K provides a safe community for its employees and customers.

Councilmember Somers suggested that when the MPD makes its presentation to the Public Safety Committee to assess the CPTED Ordinance, that they include “outcomes” in terms of the success of the program related to, for instance, smash and grabs, armed robberies, thefts and drug sales. He also referenced several photographs of the store in question **(See Attachment 2)** and acknowledged that it has incorporated various CPTED standards in order to make the store safer for the employees and customers.

Mayor Smith thanked everyone for the update and said that the Council will discuss the item further at the Regular Council meeting.

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

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

3. Scheduling of meetings and general information.

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

Thursday, February 13, 2014, 7:30 a.m. – Council Strategic Planning Session, THINKspot at Red Mountain Library

4. Adjournment.

Without objection, the Study Session adjourned at 5:43 p.m.

SCOTT SMITH, MAYOR

ATTEST:

DEE ANN MICKELSEN, 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 10th day of February, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

CIRCLE K

753 W. BROADWAY RD. (AKA: **735** W. BROADWAY)

CALLS FOR SERVICE 4 YEAR AVERAGE FOR ORDINANCE **753 W. BROADWAY:**

2011 = 18

2013 = 36

CALLS FOR SERVICE 4 YEAR AVERAGE FOR ORDINANCE **735 W. BROADWAY:**

2011 = 61

2013 = 25

CALLS FOR SERVICE 4 YEAR AVERAGE FOR ORDINANCE **735 + **753** W. BROADWAY:**

2011 = 79

2013 = 62

ACTUAL CALLS FOR SERVICE BY YEAR (9/13 OF PRIOR YEAR TO 9/12 OF LISTED YEAR):

	753	735	TOTAL	
2008	= 6	+ 91	= 97	
2009	= 19	+ 71	= 90	
2010	= 11	+ 57	= 68	ACTUAL
2011	= 35	+ 25	= 60	4 YR. AVG. (315/4 = 79)
2012	= 48	+ 14	= 62	(280/4 = 70)
2013	= 51	+ 5	= 56	(246/4 = 62)
2014	= 40	YTD		(7 MONTHS TO GO)

NOTE: 40 IN 5 MONTHS IS AN AVERAGE OF 8 PER MONTH, AT THAT RATE FOR THE NEXT 7 MONTHS, 2014 WOULD END UP AT **96**, ALMOST DOUBLE WHAT 2013 WAS FOR THE **753** LOCATION. THIS WOULD ONLY INCREASE THEIR 4 YEAR AVERAGE FROM **56** TO **58** PER YEAR.

CALLS FOR SERVICE FOR THE CALENDAR YEAR FOR **753 W. BROADWAY:**

1/1/2013 TO 12/31/2013 = 92 (WITH ONLY TRAFFIC RELATED CALLS TAKEN OUT)

SIGNIFICANT CALLS:

ARMED ROBBERY = 1 (ARRESTS MADE)

ASSAULTS = 3

SHOPLIFTS = 6

THEFTS = 4



