



City Council Report

Date: March 23, 2015
To: City Council Report
Through: John Pombier, Deputy City Manager
From: John Meza, Interim Chief of Police
Subject: City of Mesa Convenience Store Ordinance #5056 Changes **(Citywide)**

**Strategic
Initiatives**



Purpose:

The purpose of this report is to seek approval from the City Council on the proposed changes to the Convenience Store Ordinance #5056 for the City of Mesa (City).

The goal behind the Convenience Store Ordinance (Ordinance) is to incorporate crime prevention designs in convenience stores conducting business in the City as a means to prevent and reduce crime.

Police Department personnel last appeared before City Council Study Session on May 30, 2013 to discuss making changes to the Mesa City Ordinance #5056.

At that time, direction was given to meet with convenience store stakeholders to review and explain the proposed Ordinance changes. This meeting with stakeholders took place on June 20, 2013. Additional meetings were held on December 11, 2013 and February 24, 2014. On April 16, 2014 another meeting was held with Mesa Prevention Alliance, Arizona Food Marketing Alliance representatives, and City of Mesa Attorney staff. The last meeting was held on June 24, 2014 with an Arizona Food Marketing Alliance representative.

Background:

On July 14, 2011 the Convenience Store Ordinance #5056 was adopted by the Mesa City Council. On September 12, 2011 the ordinance went into effect. All convenience stores in the City of Mesa were required to be registered and in compliance with the ordinance as of

November 11, 2011. As a result, the Police Calls for Service have been reduced each year since the ordinance went into effect.

The Mesa Police Department Crime Prevention Officers (MPD CPO's) worked closely with all convenience stores throughout the first year in an effort to help them understand the ordinance requirements and come into compliance. The following year the MPD CPO's continued to work with the stores and do follow-up inspections. During that time, if stores were not in compliance, they were given written warnings to correct issues and they did so. However, some stores did not make corrections and were cited for failure to comply with the ordinance.

Discussion:

Throughout the process over the last two years, MPD CPO's discovered some issues with the ordinance that needed to be corrected in an effort to make the ordinance easier to read, understand, and locate key points in. They worked closely with the Mesa City Prosecutor's Office personnel to come up with the proposed changes to clarify the ordinance.

On May 30, 2013, MPD personnel appeared before the City Council Study Session and were directed to meet with convenience store stakeholders to review the proposed changes and receive their input. The Mesa Police Department personnel then met with the stakeholders on June 20, 2013, December 11, 2013, and again on February 24, 2014. At this point, the stakeholders have agreed that the proposed changes to Mesa City Ordinance #5056 are acceptable to them. As a result of the additional meetings, they are also in agreement with the new solution to the online reporting process. This new process went live with Mesa Police Communications and online March 26, 2014 for the stores to begin using.

Based on discussions and the meetings, the Mesa Police Department would like to present for City Council's consideration:

- 1) Adopt and approve the changes to Mesa City Ordinance #5056 as proposed.
 - a. Mesa Police Department, Mesa Prevention Alliance, and the Stakeholders are in agreement.

Alternatives:

- 1) Give direction to proceed with proposed changes to Ordinance #5056.

- a. The proposed changes will make it easier to understand and implement the Convenience Store Ordinance. By updating the current ordinance to reflect the proposed changes, the Mesa Police Department can educate the convenience stores easier about the requirements, advertise the ease of use by updating and renewing registrations on-line, and enforce the City Ordinance without any misinterpretations. The stores would also find the ordinance easier to read and understand, as well as making searching for key points in it simpler. Therefore, the recommended changes would correct all current issues resulting in an ordinance that is easy to read, locate key points, interpret, and enforce.
- 2) Give direction to proceed with using Ordinance #5056 as is.
 - a. The current Mesa City Ordinance #5056 as originally written is somewhat difficult to understand. There is a possibility that some sections can be interpreted in different ways. In addition, many similar requirements are in different sections and hard to find. The ordinance could be left as is, but creates some confusion for stores and Police staff.

Fiscal Impact:

There is minimal fiscal impact with the proposed changes. There is a slight cost to print the current forms needed to comply with the ordinance, but the forms originally printed have lasted the full two years. The checklist has been updated to reflect the changes and will need to be printed; however, MPD had run out of this form and needed to re-order anyway. The Mesa Police Department has designed and implemented a new on-line registration form for ease of use by the Convenience Stores and will advertise and promote the use of such to reduce printing costs. This form is more legible, received almost instantly by MPD, and there are no printing or mailing costs associated with its use. A secure link is provided to the Convenience Stores for completing and submitting the form.

Concurrence:

The City of Mesa Police Department will proceed with implementation of the Convenience Store Ordinance changes at the direction of the City Council.