

COUNCIL MINUTES

March 19, 2015

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 March 19, 2015 at 7:31 a.m.

COUNCIL PRESENT

Alex Finter
Dennis Kavanaugh
David Luna
Dave Richins
Kevin Thompson

COUNCIL ABSENT

John Giles
Christopher Glover

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Dee Ann Mickelsen

Vice Mayor Kavanaugh excused Mayor Giles and Councilmember Glover from the entire meeting.

(Items on the agenda were discussed out of order, but for purposes of clarity will remain as listed on the agenda.)

1. Review items on the agenda for the March 23, 2015 Regular Council meeting.

(The Council adjourned the Executive Session and reconvened the Study Session at 7:53 a.m.)

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: None

Zoning Administrator John Wesley provided brief background information on Item 6-a (Zoning Case Z-15-007 requesting limited expansion of an existing substance abuse and detoxification treatment center located south of Main Street on the east side of Sirrine). He also provided an update on Items 9-a and 9-b (Resolution approving a Development Agreement with VACC, LLC to facilitate development of the property located at 1367 South Country Club Drive and Final plat).

Police Chief John Meza displayed a PowerPoint presentation (**See Attachment 1**) and offered a brief overview of Item 7-a (Amending the Mesa City Code; Title 6 Police Regulations and Chapter 22 Convenience Stores). He also introduced Crime Prevention Officer Patty Gallagher and Tim McCabe, President of the Arizona Food Marketing Alliance (AFMA), who were prepared to address the Council.

Chief Meza briefly highlighted the Positive Outcomes since implementation of the convenience store ordinance: (See Page 4 of Attachment 1)

Ms. Gallagher provided an example of a shooting incident on W. University and reported that due to the exterior camera and the quality of the images, the suspect was apprehended immediately.

Chief Meza continued with the presentation and reported the change of Calls for Service (CFS) Comparison between 2010 through 2014 that have decreased by 34%. He also provided feedback from the stakeholder meetings with the Arizona Food Marketing Alliance, and advised that the Mesa Police Department, Arizona Food Marketing Alliance and Mesa Prevention Alliance are in agreement with the proposed ordinance changes and recommendations. (See Pages 6 through 10 of Attachment 1)

In response to a question from Councilmember Luna, Chief Meza responded that mandatory participation is required for stores that have over 30 CFS average and for any new buildings.

In response to a question posed by Councilmembers regarding Senate Bill 1069, Mr. McCabe responded that it is too premature to tell as legislative bills change daily.

Mr. McCabe thanked Council and staff for the ability to work together in making improvements to the ordinance in the last five years. He stated that the highest cost was the need to retrofit lights by the dumpsters, which meant working with the store's employee policies and providing various options and rewards programs.

Vice Mayor Kavanaugh thanked staff for the presentation.

Vice Mayor Kavanaugh commended Chief Meza, all Public Safety officers from the City and neighboring agencies for an outstanding job during the very difficult circumstances of the recent shooting. He expressed his condolences to the victims and their families.

2. Approval of minutes from an Executive Session held on March 5, 2015.

It was moved by Councilmember Luna, seconded by Councilmember Finter, that receipt of the above-listed minutes be acknowledged.

Vice Mayor Kavanaugh declared the motion carried unanimously by those present.

3. Information pertaining to the current Job Order Contracting projects.

(This item was not discussed by the Council.)

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

Councilmember Luna Special Devices Inc. (SDI) Groundbreaking Ceremony

5. Scheduling of meetings and general information.

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

Saturday, March 21, 2015, 9:00 a.m. – Mariposa Park Grand Opening

Wednesday - Saturday, March 18-21, 12:00 p.m. – Spark! Mesa's Festival of Creativity

Monday, March 23, 2015, 5:45 p.m. – Regular Council Meeting

6. Convene an Executive Session.

It was moved by Councilmember Luna, seconded by Councilmember Finter, that the Council adjourn the Study Session at 7:32 a.m. and enter into Executive Session.

Mayor Vice Kavanaugh declared the motion carried unanimously by those present.

6-a. Discussion or consultation for legal advice with the City Attorney. (A.R.S. §38-431.03A (3)) Discussion or consultation with designated representatives of the City in order to consider the City's position and instruct the City's representatives regarding negotiations for the purchase, sale, or lease of real property. (A.R.S. §38-431.03A (7)) Discussion or consultation with the City Attorney in order to consider the City's position and instruct the City Attorney regarding the City's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. (A.R.S. §38-431.03A (4))

1. Properties located at 145 East Main Street, 156 East Main Street and the 100 block of East First Avenue.

7. Adjournment.

Without objection, the Study Session adjourned at 8:15 a.m.

DENNIS KAVANAUGH, VICE 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 19th day of March, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

Convenience Store Ordinance Update



Mesa Police Department
March 23, 2015



Timeline



- œ July 14, 2011 ~ Ordinance Approved and Adopted
- œ September 12, 2011 ~ Ordinance goes into effect
- œ September 14, 2011 ~ 42 stores notified of requirements
- œ November 11, 2011 ~ All Convenience Stores required to be in compliance with the ordinance.

Store Facts



- œ There were a total of 156 confirmed Convenience Stores in 2011
- œ Of those stores, 42 were required to meet all security requirements of the Ordinance
- œ In 2013 the total number of stores was 159
- œ 10 of those stores have closed leaving a 2014 total of 149
- œ With closures and new openings, we now have 40 stores that are required to meet all of the security requirements
- œ 5 of the original 42 stores are now below the benchmark
- œ 3 additional stores are now over the benchmark

Positive Outcomes



- œ A majority of the stores are in compliance
- œ Calls for Service have declined
- œ Better communication and working relationship with stores and Police
- œ Registration information directs Police to work with actual decision makers

Additional Positives



- œ Store Staff expresses safer working environment
- œ Cameras have impacted Arrests:
 - œ Cameras are located both inside and outside
 - œ Shooting Arrest on W. University
 - œ Better images from the cameras
 - œ Getting images and video in a more timely manner
 - œ Robbery Arrest on E. Broadway

Calls For Service (CFS)

Comparison



2010* (No Ordinance)	2014** (3rd Full Year in Effect)
CFS = 2,869	CFS = 1,894
CFS 2-6 a.m. = 242	CFS 2-6 a.m. = 23
Arrests = 504	Arrests = 672
Citywide CFS = 4,237	Citywide CFS = 2,958
Convenience Stores Only	Convenience Stores Only

% of Change 2010 - 2014
CFS = 34% Decrease
CFS 2-6 a.m. = 90% Decrease
Arrests = 33% Increase
Citywide CFS = 30% Decrease
Convenience Stores Only

* Year is from September 12, 2009 - September 11, 2010

** Year is from September 12, 2013 – September 11, 2014

Stakeholder Meetings



- œ On-Line Reporting concerns were addressed in a meeting with Arizona Food Marketing Alliance
- œ On-Line Reporting protocols were forwarded to all Convenience Store Stakeholders and two trainings were held
- œ Additional meeting with Police, Mesa Prevention Alliance, Arizona Food Marketing Alliance (AFMA), and City Attorney Staff was held on April 16, 2014
 - œ Reassessing stores every two years was agreed upon
 - œ AFMA had two issues
 - œ They would like stores to be able to be removed from the list based on Calls for Service assessments
 - œ They would like the requirement for lighting at the dumpsters to be removed
- œ Mesa Police and Arizona Food Marketing Alliance and Mesa Prevention Alliance are in agreement with the proposed changes to update Mesa City Ordinance #5056

Major Issues



- œ Current Ordinance does not allow the addition of stores whose four year average Calls For Service (CFS) have spiked
- œ Future reassessment of stores
- œ Recommended clarification and changes to the ordinance

Recommended

Clarification & Changes

- œ Wording change of the ordinance:
 - œ For Clarification/Simplification
 - œ To Provide Consistency/Reduce Chance of Misinterpretation
 - œ Ordinance needs to be subdivided for proper notice of violation
 - œ Needs amendment to be consistent with other city code chapters
- œ Examples:
 - œ Signage
 - œ Definition of “Remodel”
 - œ Violations; Penalties

Continued: Recommended Clarification & Changes

- œ Wording change of the ordinance Lighting at Refuse Area:
 - œ The exterior refuse area must meet one (1) of the three (3) options
- œ Adding and removing stores from requirements:
 - œ Agreed to reassessing all stores every 2 years beginning in 2015
 - œ Stores with a 30 or more 4 year average CFS remain
 - œ Stores under a 30 CFS 4 year average drop off
 - œ Stores going back over 30 after they have dropped off will go back on permanently.

QUESTIONS?