



City of Maricopa

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Meeting Minutes - Draft City Council Work Session

Mayor Christian Price
Vice-Mayor Marvin L. Brown
Councilmember Peggy J. Chapados
Councilmember Bridger Kimball
Councilmember Vincent Manfredi
Councilmember Nancy Smith
Councilmember Henry M. Wade Jr.

Tuesday, January 19, 2016

6:00 PM

Council Chambers

1. Call to Order

The City Council Work Session was called to order at 6:06 p.m.

2. Roll Call

Present 7 - Mayor Christian Price, Vice Mayor Marvin L. Brown, Councilmember Peggy J. Chapados, Councilmember Bridger Kimball, Councilmember Vincent Manfredi, Councilmember Nancy Smith, and Councilmember Henry Wade

3. Agenda Items

3.1 [WSPRES 16-01](#)

The Mayor and City Council shall discuss permitting the carrying of a concealed fire arm on City property.

City Manager Rose opened the discussion on a possible concealed weapons policy. He discussed the current statutory environment and detailed A.R.S 13-3102 (A) 10. He noted that parking lots and public parks (except during special events) are exempt. He gave some highlights of the Town of Gilbert's policy: 1-It allows current Concealed Carry Weapons (CCW) holders to carry their concealed weapons into public buildings, 2-Police are allowed to direct armed open carry visitors to conceal or store the weapon, 3- Armed visitors are not allowed in secure areas and 4- Town Personnel Rules prohibit employees and volunteers (except police officers) from possessing weapons in the Gilbert workplace. He stated some of the staff's initial areas of concern were: the weakness of the CCW statute (which offers no verification of prohibited possessors and minimal training is required), increased costs of security, public safety response, implementation at Copper Sky, possible challenge to employee firearm limitation and that City actions may be preempted by the State legislature. Next, he provided legislative history of firearm bills proposed from 2011 to 2015. He stated HB 2320 (2015) would have allowed anyone to conceal carry into public buildings with some exceptions. He stated that similar bills are expected in 2016 as well and added that staff recommends the Mayor and Council delay taking further action on this matter until the city has a better sense of what actions would be taken by the state. He opened the floor for discussion.

Councilmember Chapados inquired if there had been any issues with the Town of Gilbert's policy and the way it was approved. City Manager Rose stated he was not aware of any issues.

Councilmember Manfredi stated it is important to remember that it is a local control issue. He stated that cities might influence the State. City Manager Rose stated that there is an opportunity to express preference in the type of bill through the Legislature.

Councilmember Wade stated he understands the concerns of public safety and inquired if there were any concerns directly from Human Resource (HR). City Manager Rose responded that the impact on staff is of concern, as well as possible lawsuits for prohibiting employees from carrying concealed weapons in public buildings.

Councilmember Smith stated that, if businesses allow CCW holders to carry their concealed weapons into public buildings, then the City should allow it as well for consistency. Police Chief Stahl explained that businesses would be liable for the actions that took place within their premises, but when it came to government buildings, the taxpayers would be responsible. He stated that police tries to do everything possible to avoid tragedies, but they cannot tell private businesses how to operate. He stated that in this case they could make a recommendation because it was a government facility. He explained that the rules of engagement do not change for active shooter situations in private or public entities and those with guns have a higher probability of being shot. Discussion ensued. Chief Stahl stated that the Town of Gilbert has officers for security during their public meetings, and that was not the case for the City of Maricopa.

Councilmember Smith inquired why the policy does not allow employees and volunteers to carry concealed weapons. Chief Stahl explained that the policy mirrors the Town of Gilbert's policy. City Manager Rose further explained that it was done to reduce the probability of tragic events within staff due to unforeseen circumstances such as dismissals.

Councilmember Smith inquired about liability and whether allowing CCW carriers to carry their firearms into the building would raise insurance. City Attorney, Denis Fitzgibbons stated that South Risk cannot quantify an impact until they start seeing claims. City Manager Rose stated that it would not affect rates initially.

Councilmember Wade commented on the idea of having consistency. He stated there is a distinction between private and public entities because they are different elements. City Manager Rose stated that Council needs to consider both; the best interest from the perspective of personal security and the best interest from the perspective of public security.

Councilmember Chapados expressed her concerns with training and the wrong person carrying weapons. She stated that she did not feel the City was ready to make a decision, and added that municipalities and the Arizona League of Cities and Towns need to address Legislation about the training requirements. She emphasized that not a lot of focus was put into training and that legislation needs to be aware that it is not a good thing to eliminate training requirements. She spoke in favor of being proactive with legislature instead of waiting. Next, she stated that firearms should be prohibited in the library because of the number of kids that attend.

Councilmember Manfredi stated that no-gun zones give the advantage to people with bad intentions. He agreed that they should be proactive as far as taking the issue to the Legislature. He explained that the Town of Gilbert does not allow guns in the library because it shares staff with the state. He noted that he has received a lot of emails on the issue and none of them have expressed opposition.

Councilmember Chapados stated that they have to represent all residents, including the citizens that have not reached out. She stated that as a resident, she can choose not to enter businesses that make her feel unsafe. She noted that residents would not have that choice when coming into a government building for specific services.

Councilmember Smith stated there was not enough information from the public to make a decision. She agreed that the subject was not discussed in the Legislative Platform, and that the City should take a stance for legislation to consider. She indicated she would like the policy to include that concealed firearms should be concealed on the body as opposed to gym bags or such. She added that not allowing concealed weapons in the Library would not be consistent.

Councilmember Kimball stated that some of the emails he received mentioned consistency in being able to carry everywhere. He stated that the argument was that since currently there was no security provided, residents should be able to carry weapons to defend themselves. He stated that the legislature would not support required training for CCW and elaborated. He stated that if the public was eventually allowed to carry concealed weapons, employees should be allowed as well. He elaborated and stated that the library should be no different.

Councilmember Wade stated that he is fortunate to feel safe in Maricopa. He stated that a number of people do not know that the issue is being discussed, and that the Council needs to represent the entire community. Discussion ensued.

Vice Mayor Brown stated that unless there were armed officers at every door, there would be no way to guarantee safety because incidents happen so fast. He elaborated.

Mayor Price stated that the issue was not for action tonight, however direction could be given on how to proceed or not to proceed. He stated that he supports CCW (as he is a holder) and the 2nd amendment, but noted there were issues to address. He stated that a safe environment was completely subjective and that it would take time to fully discuss and make a decision.

Chief Stahl explained that the Town of Gilbert's policy does not allow guns in their library because the town does not fully own it. He clarified that permits are not required to carry firearms in Arizona and that training could not be required unless they undo the open-carry law.

Mayor Price stated there were a lot of miscellaneous issues to be discussed. He stated that in many places guns were not allowed in Council Chambers but that usually there was a trained officer or metal detectors. He explained that courts do not allow guns because heated issues are discussed and the level of adrenaline could lead to tragedies. He argued that the same could be applied to political issues. He emphasized that there are times for exceptions. He stated that financially, resources could be spent only to be superseded by legislation. He suggested further discussing the matter in a separate special meeting.

Consensus was to further discuss the issue in a special meeting with a public hearing, include commentary from Maricopa Police Chief Stahl and Maricopa Fire Chief Leffler and to have it held in the later evening to allow maximum attendance.

4. Executive Session

- 4.1 ES 16-01** The Maricopa City Council may go into executive session for the purpose of obtaining legal advice and discussion or consultation with the City Attorney and

designated representatives of the City regarding the status of the Memorandum of Understanding with Global Water and how to proceed with Global Water pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).

- 4.2 **ES 16-02** The Maricopa City Council may go into executive session for the purpose of discussion or consultation with the City Attorney and designated representatives of the City in order to consider its position and instruct its representatives regarding entering into a Franchise Agreement with Southwest Gas Corporation and the potential terms thereof and for legal advice regarding the same pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).
- 4.3 **ES 16-03** The Maricopa City Council may go into executive session for the purpose of discussion or consultation with the City Attorney and designated representatives of the City in order to consider its position and instruct its representatives regarding the request from Camino Montessori for the City to consent to the removal of approximately 3 acres from the Maricopa Professional Grand Village Association and for legal advice regarding the same pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).

5. **Adjournment**

The City Council Work Session was adjourned at 7:16 p.m.

A motion was made by Councilmember Bridger Kimball, seconded by Councilmember Henry Wade, to Adjourn. The motion carried unanimously.

Certification of Minutes

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the work session of the City Council of Maricopa, Arizona, held on the 19th day of January, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 2nd day of February, 2016.

Vanessa Bueras
City Clerk