



ITEM PI  
 DATE 5-4-06  
 STUDY SESSION

# City Council Report

**Date:** April 28, 2006  
**To:** City Council  
**Through:** Christopher J. Brady, City Manager  
 Debra Dollar, Deputy City Manager  
**From:** Patricia Sorensen, Acting Community Services Manager  
**Subject:** Arizona Museum for Youth  
 Alternate Proposals for Reduction of Hours – Budget Reduction Item #30

## Purpose and Recommendation

The purpose of this report is to summarize for City Council two alternate proposals for reducing hours of operation at the Arizona Museum for Youth. The current budget reduction item #30 calls for reducing hours of operation from 48 to 24.

## Background

During the review of the proposed budget reduction list at Council's March 29 retreat, staff was directed to bring forward more information related to the potential reduction of hours of operation at the Arizona Museum for Youth, in lieu of the current proposal of 48 to 24 hours.

## Discussion

### Current Proposal

The current proposal is to reduce hours at the Arizona Museum for Youth from 48 to 24 hours weekly. This is item #30 on the budget reduction list and represents a budget reduction savings of \$514,942 (net) as detailed below.

Reduction in Expenses: Personal Services would be reduced by approximately 25,168 staff hours (12.1 FTEs) or \$523,656, and other services and commodities would be reduced by \$129,286.	\$652,942
Loss of Revenue: The museum will lose approximately <del>45,000</del> 45,000 visitors annually	\$138,000
<b>Total Net Savings</b>	<b>\$514,942</b>

### Alternate Proposal No. 1

The Mayor asked for information concerning the budget savings if the hours were reduced from 48 to 40. This alternate proposal would result in a net savings of \$19,950 as detailed below.

Reduction in Expenses: Personal Services would be reduced by approximately 1,664 staff hours (0.8 FTE non-benefited part-time) and materials and supply costs would be reduced.	\$22,950
Loss of Revenue: The museum will lose approximately 6,300 visitors annually	\$ 3,000
<b>Total Net Savings</b>	<b>\$19,950</b>

### Alternate Proposal No. 2

Due to the significant difference in net savings between the current proposal and the consideration of reducing hours from 48 to 40, the City Manager asked staff to provide

information concerning the estimated net savings if the hours of operation were reduced from 48 to 34. This alternate proposal would result in a net savings of \$264,759 as detailed below.

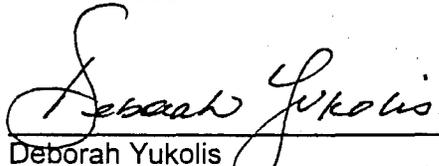
Reduction in Expenses: Personal Services would be reduced by approximately 10,400 staff hours (5.0 FTEs) or \$198,759, and other services and commodities would be reduced by \$135,000.	\$333,759
Loss of Revenue: The museum will lose approximately 25,000 visitors annually	\$69,000
<b>Total Net Savings</b>	<b>\$264,759</b>

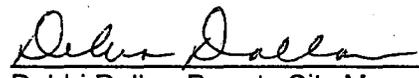
**Alternatives**

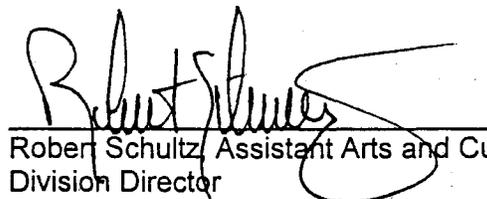
- Retain item #30 on the potential budget reduction list, which proposes to reduce the Museum hours of operation from 48 to 24 hours weekly.
- Approve one of the two alternate proposals offered in this report: (1) reducing hours from 48 to 40 or (2) reducing hours from 48 to 34 weekly.

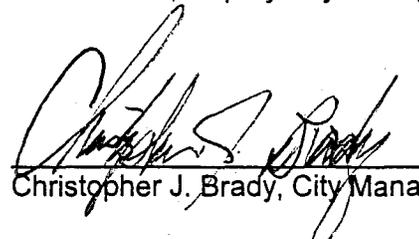
**Fiscal Impact**

- Budget Reduction Item #30: decreasing hours of operation from 48 to 24 = \$514,942 net reduction
- Alternate Proposal #1: decreasing hours of operation from 48 to 40 = \$19,950 net reduction
- Alternate Proposal #2; decreasing hours of operation from 48 to 34 = \$264,759 net reduction

  
 Deborah Yukolis  
 Assistant to the Department Manager

  
 Debbi Dollar, Deputy City Manager

  
 Robert Schultz, Assistant Arts and Cultural  
 Division Director

  
 Christopher J. Brady, City Manager

  
 Trisha Sorensen  
 Acting Community Services Manager



ITEM P2  
 DATE 5-4-06  
 STUDY SESSION

# City Council Report

**Date:** April 28, 2006  
**To:** City Council  
**Through:** Christopher J. Brady, City Manager  
 Debra Dollar, Deputy City Manager  
**From:** Patricia Sorensen, Acting Community Services Manager  
**Subject:** Mesa Southwest Museum  
 Expenses and Obligations if the Facility is Closed-Budget Reduction Item #72

## Purpose and Recommendation

The purpose of this report is to provide additional information to City Council concerning the estimated expenses and obligations that would continue beyond the closure of the Mesa Southwest Museum (item #72 on the potential budget reduction list).

## Background

During the review of the proposed budget reduction list at Council's March 29 retreat, staff was directed to bring forward more information related to the potential closure of the Mesa Southwest Museum.

## Discussion

The following is a summary of the ongoing expenses and services (legal mandates) that will need to be funded even if the Mesa Southwest Museum is closed. The total of ongoing expenses is estimated to be \$102,703 annually.

Description of Ongoing Expense	Estimated Amount of Ongoing Expense
Annual Insurance Coverage – Huntington T. Block for Art Collections (the annual amount covers collections at MSWM and the annex, AMFY, Public Art, and Mesa Contemporary Arts)	\$11,264
Rent for existing offsite storage facilities for collections	\$13,528
Security and Fire Systems – this includes the annual contract amounts for JR Markson and Fire Master for the Museum facilities (including the Serrine House) and the monthly cost for basic telephone service	\$5,488
Utilities – this is the estimated annual cost for preserving the collections currently housed in the facility in a climate controlled environment	\$63,283
Grounds Maintenance – the City's Facility Maintenance staff would continue to perform exterior maintenance such as mowing, weed control, and trash removal at the Serrine House, Federal building, and the Museum. Arrangements would need to continue for regular cleanup of the Mesa Grande site with volunteers or the City would incur additional expenses that are not estimated at this time.	\$9,140

The following is a list of services or obligations that would be ongoing if the Mesa Southwest Museum closed indefinitely. It should be noted that no decision has been made thus far regarding the disposition of the collection currently secured by the Mesa Southwest Museum. A decision to donate or otherwise move the collection to another museum would change these requirements.

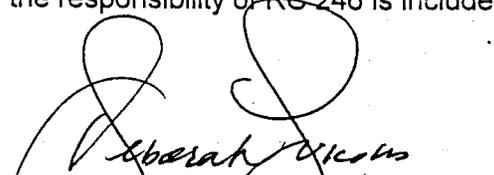
- Retrieve or return loaned artifacts; if loans were to continue, monitoring of this activity would be necessary
- Perform archaeology and paleontology surveys and preservation in advance of Mesa construction projects
- Document, monitor and provide access to state and federal repository collections housed at the Museum
- Maintain compliance with the Native American Graves and Repatriation Act, which includes access to collections and consultation with Native American tribes, federal notices and reports

The following administrative responsibilities would follow closure of the facility. At this time, staff believes it would require one full-time Museum Registrar or Curator to perform these duties at an estimated cost of \$82,000.

- Mothball or secure other arrangements for preserving the collection
- Fulfill grant obligations and complete final reports
- Negotiate termination of exhibit contracts
- Cancel tours, special events, conferences, speakers, scheduled events and activities

### Fiscal Impact

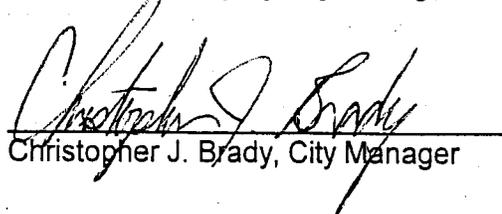
A budget adjustment request in the amount of \$93,563 for funding ongoing expenses that are the responsibility of RG-246 is included in the FY06/07 budget submission.

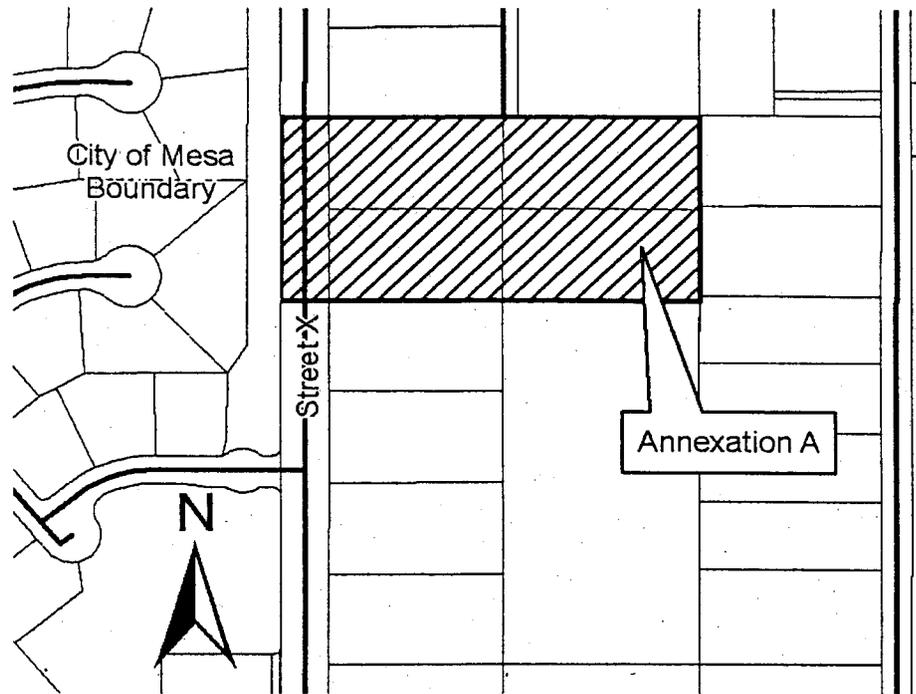
  
Deborah Yukolis  
Assistant to the CSD Manager

  
Robert Schultz, Assistant Arts and Cultural  
Division Director

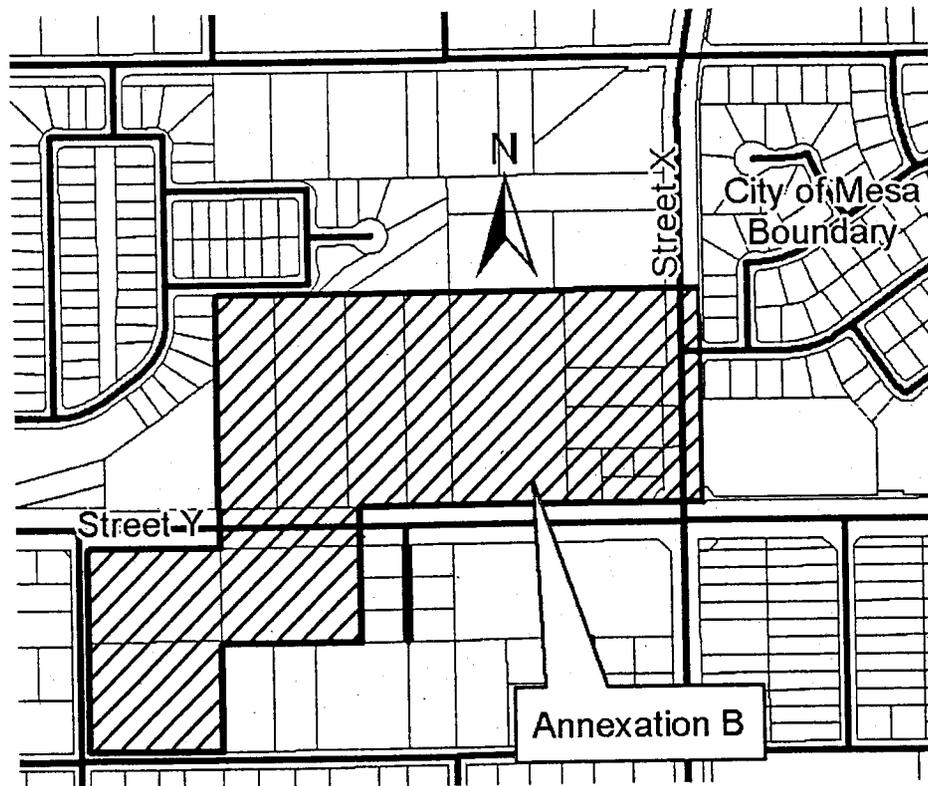
  
Trisha Sorensen  
Acting Community Services Mgr.

  
Debbi Dollar, Deputy City Manager

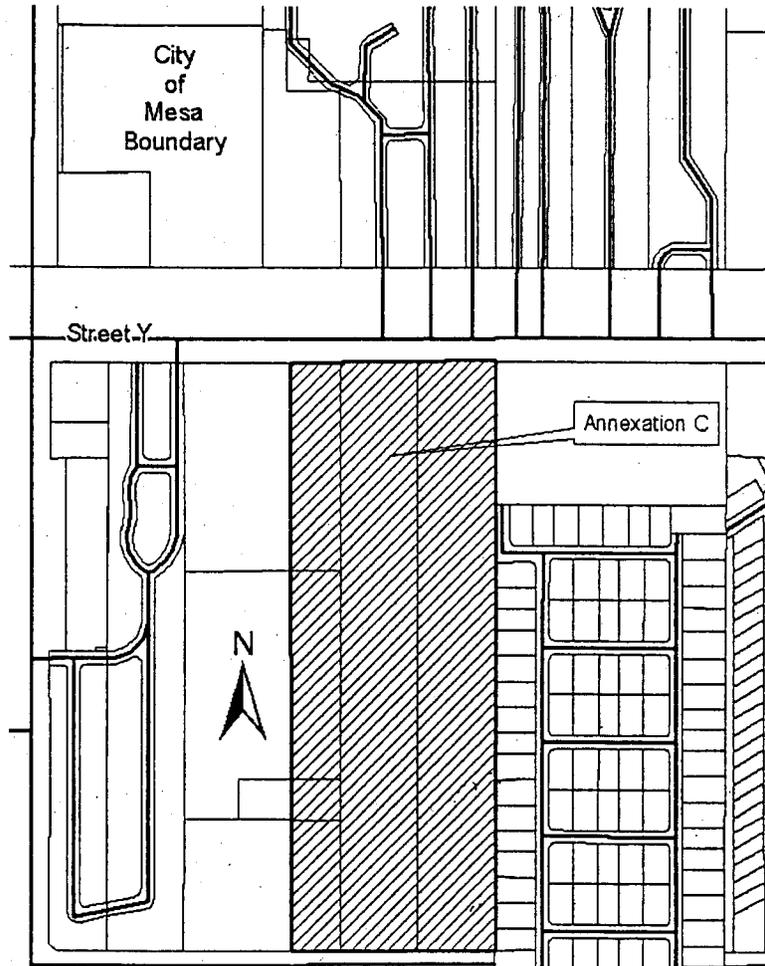
  
Christopher J. Brady, City Manager



This first diagram illustrates the example of a property owner (or small group of property owners) located across a public street from the existing City limits. The City limits extend well beyond the area requesting annexation. The only thing between the area requesting annexation and the city limits is the street right-of-way. Under this new proposal, staff is suggesting that the area be allowed to annex because 100% of the applicant's property is directly contiguous with the Mesa city limits, however the City would not annex Street X.



This second diagram illustrates a situation where the owners of the area south of Street Y would like to annex. The path to the existing city limits has to cross two public streets. Currently this could be done only with the annexation of the intervening streets. Under the proposal for consideration, it could be accomplished in three separate annexation petitions (the area west of Street X, the area south of Street Y that is 100% across from the area annexed to the north, then the rest of the area south of Street Y) leaving out the street right-of-ways.



This third diagram illustrates a situation where the area being considered is not directly across from the existing city limits and therefore wouldn't be eligible for annexation under this new proposal because 100% of the applicant's property is not directly across from the Mesa City limits.

Staff has recently reviewed the state statutes governing annexation and reviewed how these are being applied in other cities. Several other cities allow annexation of parcels that are within a county island if the parcel is contiguous to the city boundary. At a recent Council meeting, Council gave direction for staff to move forward with annexations that meet this criteria.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING TITLE 6 CHAPTER 1 OF THE MESA CITY CODE BY ADDING A NEW SECTION 6-1-21 ENTITLED SALE AND DISPLAY OF PSEUDOEPHEDRINE PRODUCTS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, as follows:**

Section 1. **PURPOSE.** The illicit manufacture of methamphetamine is a serious and continuing problem in this City. The purpose of this ordinance shall be to protect the health, safety and welfare of the residents of the City by means of regulating the display and sale of products containing pseudoephedrine.

Section 2. Title 6 Chapter 1 of the Mesa City Code is amended by adding a new Section 6-1-21 Sale And Display Of Pseudoephedrine Products.

6-1-21 Definitions.

In this article, unless the context otherwise requires:

- (1) "Pseudoephedrine product" means any product containing ephedrine or pseudoephedrine and includes any compound, mixture or preparation that contains any detectable quantity of ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine or their salts, optical isomers or salts of optical isomers. Product packaging that lists ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine as an active ingredient shall constitute prima facie evidence that the product is a pseudoephedrine product.
  - (2) "Retail establishment" means any place of business that offers any pseudoephedrine product for sale at retail.
  - (3) "Pharmacist" means a person registered pursuant to Title 32, chapter 18, of the Arizona revised statutes to dispense medicinal substances.
- (A) No retail establishment shall sell any pseudoephedrine product unless staffed with a pharmacist on the premises at the time of the sale.
- (B) A person making a retail sale of a product containing pseudoephedrine shall only complete such a transaction upon display by the purchaser of a government-

issued photo identification, and shall record the purchaser's name, quantity of pseudoephedrine product purchased, transaction date and the identity of the seller. At the discretion of the retail establishment, the information may be recorded in written tabulation or by electronic means.

- (C) The information required to be obtained by paragraph B will be retained by the retail establishment for a period of two (2) years, and will be considered a confidential document that will only be available to the operator of the retail establishment and certified Arizona peace officers.
- (D). Display of pseudoephedrine products.
1. The operator of a retail establishment shall keep all pseudoephedrine products in a manner that is inaccessible to customers without the assistance of a pharmacist or employee acting under the direct supervision of a pharmacist;
  2. Any pseudoephedrine product displayed in violation of this ordinance shall constitute a nuisance which, if not abated, shall subject the pseudoephedrine products to forfeiture;
  3. Upon an initial discovery of any pseudoephedrine product displayed in violation of this ordinance, the operator of the retail establishment, upon written notification by any law enforcement officer of the nuisance, shall immediately remove the pseudoephedrine products and thereby avoid their forfeiture;
  4. Any pseudoephedrine products displayed in violation of this ordinance within one year of written notice of the nuisance shall be immediately seized by any law enforcement officer discovering them;
  5. Upon the seizure of any pseudoephedrine products for violation of this ordinance, the law enforcement officer shall give written notice of the intent to forfeit the seized products. The notice shall include the date and time of the seizure, an inventory of the items seized, and directions on how a post-seizure hearing may be demanded to challenge the forfeiture of the items.
  6. Within fifteen days of the seizure, the operator of a retail establishment may request the appointment of a hearing officer to preside over the post-seizure hearing in accordance with Mesa City Code Title 1 Chapter 27 section 8. If no written demand for a post-seizure hearing is filed, the items seized shall be forfeited and destroyed. If a demand for a post-seizure hearing is timely filed, a hearing shall be held pursuant to the procedures set forth in Mesa City Code 8-6-8(E) to determine if the seized pseudoephedrine products were displayed in violation of this ordinance. If

it is determined that the pseudoephedrine products were displayed in violation of this ordinance, the items shall be ordered forfeited and destroyed.

Section 3. **SERVERABILITY.** If any provision of this ordinance is held to be unenforceable or unconstitutional by a court of competent jurisdiction, the remaining provisions shall remain in effect.

Section 4. **PENALTY.** A violation of any provision of this ordinance is a class 1 misdemeanor.

Section 5. **EFFECTIVE DATE.** The effective date of this ordinance shall be 30 days following adoption by the Mesa City Council.

PASSED AND ADOPTED by the City Council of the City Of Mesa, Maricopa County, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor