



COUNCIL MINUTES

January 11, 2007

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 January 11, 2007 at 7:30 a.m.

COUNCIL PRESENT

Mayor Keno Hawker
Kyle Jones
Tom Rawles
Scott Somers
Mike Whalen

COUNCIL ABSENT

Rex Griswold
Claudia Walters

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

(Mayor Hawker excused Vice Mayor Walters and Councilmember Griswold from the entire meeting.)

1. Hear a presentation, discuss and provide direction on illegal immigration reform issues.

City Attorney Debbie Spinner introduced U.S. Immigration and Customs Enforcement (ICE) Special Agent in Charge Alonzo Pena, Police Chief George Gascon and City Prosecutor John Pombier, who were prepared to address the Council.

Ms. Spinner reported that today's presentation is an update with regard to various illegal immigration issues identified by the Council at the October 5, 2006 Study Session. She explained that relative to the Herndon, Virginia ordinance, which pertains to solicitation of employment, the law has been challenged in Federal Court and stated that staff would continue to monitor the matter as it proceeds through the process.

In response to a question from Mayor Hawker, Mr. Pombier clarified that the Mesa City Code allows the City to paint certain curbs red and enforce no standing, parking or soliciting in those areas. He commented that if the Council determines that such action would be appropriate, he requested that staff be given the opportunity to revise the ordinance to provide direction to citizens requesting a red curb. Ms. Spinner added that staff's recommended changes to the ordinance would be presented to the Transportation Committee for discussion and consideration.

Discussion ensued relative to the fact that unlike parking prohibitions, which are processed through the Transportation Advisory Board (TAB) and the Council, red curb parking matters are handled administratively through the Transportation Department; that the issue of a red curb is listed under the "No stopping, standing and parking" section of the City Code; and that the "no

standing” verbiage refers to an occupied vehicle waiting in the roadway as opposed to an individual standing on the sidewalk behind a red curb.

Chief Gascon displayed a PowerPoint presentation and provided an extensive overview of the Police Department’s proposal to procure resources, provide training and engage in various partnerships as part of a comprehensive crime-fighting strategy. (The presentation is available for review in the City Clerk’s Office.) He explained that the three major components of the proposal include technology, training and collaboration with other agencies.

Chief Gascon highlighted various types of technology currently utilized by the Police Department as follows:

- Arizona Automated Fingerprint Identification System (AZAFIS). The system allows the Police Department to access the database at the Arizona Department of Public Safety (DPS) and the Federal Bureau of Investigation (FBI). In April, it will be necessary for the City to upgrade to the “Metamorpho” system in order to maintain access to current technology.
- Morpho RapID. A handheld rapid identification wireless system.
- COPLINK System. A database that organizes and rapidly analyzes vast quantities of structured and seemingly unrelated data (currently housed in various incompatible databases and record management systems) over a highly secure intranet-based platform.
- License Plate Reader. A device that translates the read plate data into a digital image, checks against an onboard “hot list” and returns an alarm back to the operator in milliseconds for appropriate interdiction.
- Info-Cop. Overlay software that provides real-time access to local, State and Federal crime databases for faster and more accurate law enforcement and emergency response.
- Surveillance Cameras.

Chief Gascon spoke regarding the importance of Police personnel receiving the necessary training in reference to the above-listed equipment, database protocols, investigative techniques and false document/identification recognition. He stated that in February, the Mesa Police Department would host a regional training event, which would include personnel from DPS and the Phoenix Police Department.

Chief Gascon further commented that the Mesa Police Department would continue to enhance its collaboration with ICE and reported that the Department has established a single point of contact with ICE as a criminal investigation liaison for serious felony crimes. He also stated that in February, two Alcohol, Tobacco and Firearm (ATF) agents would be embedded with the Police Department and work with two street crime units. Chief Gascon added that staff would explore a similar partnership with the Drug Enforcement Administration (DEA).

Further discussion ensued relative to the fiscal impact of the Metamorpho upgrade package (\$275,137) and the License Plate Readers (\$22,176.00); and alternative funding scenarios with regard to COPLINK and InfoCop.

Mr. Pena addressed the Council and provided a brief overview of ICE, its mission and the agency’s various operational divisions. He explained that in 2003, the U.S. Customs Service

and the U.S. Immigration Department merged to form ICE, which is the largest investigative branch of the Department of Homeland Security (DHS). Mr. Pena advised that the mission of ICE is to protect America and uphold public safety by targeting “the people, money and materials that support terrorist and criminal activities.”

Mr. Pena commented that ICE’s Arizona Office of Investigations, of which he is currently the Special Agent in Charge, works with the U.S. Attorney’s Office on a wide range of domestic and international criminal activities arising from the movement of people and goods that violate immigration and custom laws and threaten national security. He stated that examples of such activities include financial investigations, human smuggling/trafficking, contraband smuggling and asset forfeitures, national security, cyber smuggling, worksite enforcement and compliance, and fraud.

Mr. Pena reiterated Chief Gascon’s previous comments and explained that ICE has partnered with Mesa law enforcement to conduct investigations and prosecute individuals and businesses involved in smuggling organizations (stash houses, hostage and extortion cases, homicides, assaults and financial investigations) and financial investigations (seizure of proceeds and assets, and seizure of assets used for facilitation). He also spoke regarding ICE’s Law Enforcement Support Center, which responds to local law enforcement requests for immigration identification and information.

Additional discussion ensued relative to an ICE-sponsored program with the Maricopa County Sheriff’s Office to conduct cross training for the deputies to assist in identifying criminal illegal aliens; and that ICE and the Sheriff’s Office are currently negotiating the potential training of various deputies to perform certain immigration enforcement functions (per Section 287 (g) of the Immigration and Nationality Act).

Mayor Hawker thanked everyone for the informative presentation.

2. Hear a presentation, discuss and provide direction on changes to the Major General Plan Amendment process.

Planning Director John Wesley and Senior Planner Wahidul Alam addressed the Council relative to this agenda item. Mr. Wesley reported that during the 2006 Major General Plan Amendment process, the Council expressed concern with regard to how late in the process they became involved and also their limited ability to address changes to the proposal. He referred to the January 11, 2007 City Council Report (which offers an extensive analysis of possible modifications to the amendment process for proposed changes to the Mesa General Plan) and stated that staff is recommending: 1.) Modifying the definition of what constitutes a Major General Plan Amendment; and 2.) Revising the process and schedule for Major General Plan Amendments for 2007.

Mr. Wesley explained that per State Statute, a Major Plan Amendment requires a 60-day review period and also that all such cases are heard by the Council in the same calendar year the applications are submitted. He advised that such requirements restrict staff’s ability to process such applications. Mr. Wesley further noted that the processing of a Minor General Plan Amendment is simpler than a Major Plan Amendment and offers greater freedom for the Council to send back a case to the Planning & Zoning Board (P&Z). He also provided examples of how other cities define a Major General Plan Amendment.

Mr. Wesley reviewed the current definitions of a Major Amendment to the General Plan as any proposal that meets any of the following criteria:

1. Any change in a residential land use classification of 40 or more contiguous acres to another land use classification.
2. Any change in a nonresidential land use classification of 20 or more contiguous acres to a residential land use classification.
3. Any proposal that in the aggregate includes changes in land use classification of more than 320 acres described in the General Plan.
4. Any modification or elimination of a planned freeway, expressway, parkway or limited access arterial street shown in this General Plan.

Discussion ensued relative to the fact that over the last four years, Mesa has received five applications for Major Plan Amendments (two were approved, one denied and two withdrawn); that a major emphasis of the current General Plan is to improve the sustainability of the City's jobs to housing ratio; that within the General Plan, there are designated Economic Activity Areas in which staff is encouraging and promoting economic development and employment; and that any land change that does not meet the Major Amendment criteria is, by default, a Minor General Plan Amendment and would be presented to P&Z for consideration.

Mr. Wesley further spoke regarding staff's recommendation that the designated economic activity areas retain the existing definition of a Major Amendment (i.e. 40 acres or more of residential to another land use classification; 20 acres or more of non-residential to residential; any other changes in land use classification of more than 320 acres). He stated that for all other areas of the City, a Major Amendment shall be any proposal that in the aggregate includes changes in land use classification of more than 320 acres described in the General Plan. Mr. Wesley added that staff further recommends that they process a Minor General Plan Amendment to eliminate any freeway changes from the current list of criteria.

Mr. Wesley also commented that staff is proposing to amend Section 14.2.2 (2) of the General Plan which states, "major amendments shall be presented at a public hearing and considered by the Mesa City Council only at one time per calendar year." He explained that such criteria is more restrictive than the State Statute requirement, which simply states major amendments "shall be presented at a single public hearing during the calendar year the proposal is made." He added that staff recommends that the City process a Minor Plan Amendment to modify the Plan to have the same wording as the State Statute.

Mr. Wesley concluded his comments by stating that making any of the above-referenced changes to the General Plan would require that a Minor Plan Amendment be processed. He noted that if the Council wishes to proceed in this direction, it is recommended that staff work with P&Z to develop a final recommendation and proceed through the Minor Plan Amendment process. He added that staff's goal would be to bring back this item to the Council in March for adoption prior to this year's filing deadline of April 16th for Major Plan Amendments.

Mayor Hawker suggested that the proposed criteria for the Economic Activity Areas (Any change in a nonresidential land use classification of 20 or more contiguous acres to a residential land use classification), specifically in the Williams Gateway Area, be reduced to zero acres. He stated that such a modification would require the developer of a residential project to apply for a Major Plan Amendment and justify such a development. Mayor Hawker directed staff to bring this issue to the P&Z for their input.

Councilmember Somers referred to staff's proposal: "Any change in a residential land use classification of 40 or more contiguous acres to another land use classification," and suggested modifying the criteria to 100 acres or 160 acres, based on Peoria and Glendale's current definitions of a Major General Plan Amendment. He also suggested that the application contain verbiage that the Council has the option to approve a plan in whole or in part.

In response to Mayor Hawker and Councilmember Somers' comments, Mr. Wesley stated that staff would review both suggestions as they move through the P&Z process.

Mr. Wesley provided a timeline of the amendment process for proposed changes to the Mesa General Plan. He also reviewed proposed modifications to the Major Plan Amendment process. He cited the major changes as follows:

1. The Council and P&Z would have the opportunity to be briefed on all applications between the first and second submittals. The applicant would be able to respond to any comments in their final submittal in June.
2. Greater flexibility in allowing the applicant to respond to comments made through the 60-day review period and first public hearing.
3. Greater flexibility in allowing P&Z and the Council to make non-substantial changes to the proposed plan amendment.

Councilmember Somers requested that the term "non-substantial changes," as contained in the proposed modifications, be more clearly defined.

3. Acknowledge receipt of minutes of various boards and committees.

- a. Judicial Advisory Board meeting held on March 1, 2006
- b. Museum and Cultural Advisory Board meeting held on October 11, 2006
- c. Board of Adjustment meeting held on December 12, 2006

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

Mayor Hawker declared the motion carried unanimously by those present.

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

Councilmember Somers: Meeting at Sunland Springs Village

5. Scheduling of meetings and general information.

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

Thursday, January 18, 2007, 7:30 a.m. – Study Session

Monday, January 22, 2007, TBA – Study Session

Monday, January 22, 2007, 5:45 p.m. – Regular Council Meeting

Mr. Brady announced the appointment of Ray Villa as the new Code Compliance Director for the City of Mesa.

6. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

7. Items from citizens present.

There were no items from citizens present.

8. Adjournment.

Without objection, the Study Session adjourned at 9:12 a.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, 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 11th day of January 2007. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

pag