



COUNCIL MINUTES

November 18, 2010

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 November 18, 2010 at 8:36 a.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Dina Higgins
Kyle Jones
Dennis Kavanaugh
Dave Richins

COUNCIL ABSENT

Scott Somers

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Mayor Smith excused Councilmember Somers from the entire meeting.

Councilwoman Higgins participated in the entire meeting via telephone.

2. Presentation/Action Items

2-a. Hear a presentation and discuss and provide direction on a Hotel-Motel Ordinance.

Assistant Chief of Police John Meza introduced Commander Steve Stahl, who was prepared to address the Council.

Commander Stahl displayed a PowerPoint presentation (**See Attachment 1**) and reported that the Public Safety Committee had requested that the Police Department research the possibility of implementing a Hotel-Motel Ordinance that would help to ensure the safety of residents and visitors and reduce the amount of requests for police service. He advised that there had been numerous meetings with representatives of the Hotel-Motel Industry and similar ordinances from other cities had been reviewed. He stated that the Hotel-Motel Industry and Mesa Police Department (MPD) agreed that tourism was important as well as the safety of Mesa's visitors and that there were specific hotels/motels that added to the MPD work load.

Commander Stahl briefly summarized the number of arrests that occurred at hotel/motels in the year 2009. He identified a few current practices that contribute to criminal activity in and around some hotels/motels that required repeat calls for police service. He said some of the hotel/motel practices that were considered dangerous included: not obtaining identification; failing to

maintain accurate records; and renting rooms on an hourly or monthly basis. (See page 3 of Attachment 1).

Commander Stahl highlighted some of the recommended requirements for hotel/motel operators under the Hotel-Motel Ordinance. He explained that the hotel/motel operator would be required to verify the identification of the person renting the room unless that renter was a member of a Frequent User Program. He stated that the operator would also be required to obtain the make, model and license plate number of the vehicle parked on the hotel-motel premises. He said that the hotel/motel operator would also be required to maintain accurate and complete records for MPD inspection. He added that requiring identification from renters would discourage criminal activity and prevent the use of false identities.

Commander Stahl recommended that the Frequent User Program be changed to a Preapproved Identification System. He reported that MPD was requesting that the City's Legal Unit and the Hotel-Motel Industry make a determination on an exact identification system.

Commander Stahl advised that information on the hotel/motel registration should include the name, address and age of the person registering and that the operator should be cognizant of the age provided. He said that ideally MPD would like the Industry to maintain their records for at least one year however, 30 days for crime fighting purposes would be sufficient. He added that MPD would be in support of working with a Hotel-Motel Review Board should one be established.

Discussion ensued regarding what the roll of a Hotel-Motel Review Board would be if one was established and what authority it would have in handling any citations.

City Attorney Debbie Spinner advised that citations would fall under the Judicial System. She explained that if police issued a citation it would go through the Court and a Hearing Officer could make a finding and issue an order. She said that a Hearing Officer could refer the hotel/motel operator that was cited to the Advisory Board for direction on correcting the problem. She added that if the corrections were made the Advisory Board could make a recommendation that the fine be waived; however the Judicial Officer would have the final authority.

Mayor Smith suggested that an easier method be developed for first offenses allowing a warning to be issued that could be addressed through an Advisory Board. He said this would keep the matter out of the Judicial System and encourage self-regulating practices.

Ms. Spinner explained that there were different roles that could be assigned to the Board. She stated that the Board could act in an advisory role and would not be assigned any judicial responsibilities.

Mayor Smith indicated support for a procedure that allowed the Industry to work with first offenders in making corrections. He added that this would keep the matter out of the Judicial System, unless they were a repeat offender.

Commander Stahl advised that there was a statement in the draft Ordinance that addressed the issuance of warnings. He added that the Industry did not intend for the measures to be punitive in nature but to be corrective.

In response to a question from Mayor Smith, Debbie Spinner clarified that a Board could be established if it was limited to an advisory role.

Councilmember Kavanaugh expressed support for the idea of an Advisory Board or a Hotel-Motel Review Board as a diversion type of program that would work with people who receive a violation and assist in correcting the problem. He advised that the West Mesa Community Development Corporation Board (CDC) and the Convention and Visitors Bureau would continue to have a group for members to work with in the event that an Advisory Board was not established. He added that in committee discussions the objections from the City Attorney's Office regarding the citation issue were not heard or the issue would not have been included in the committee's recommendation to Council.

Mayor Smith suggested that part of the Ordinance indicate that if an observation or warning was received the operator would go before the Board for corrective actions. He also suggested that in the event the issues were not corrected the matter would then move to the citation stage.

Commander Stahl advised that it was their intent not to cite until after a warning had been issued.

Mayor Smith commented that the Industry would probably be more effective in persuading one of their members to correct their problems without the City having to use its resources.

Commander Stahl requested the support from Council for the Hotel-Motel Ordinance and the recommendations presented.

Councilmember Kavanaugh expressed his support of the Ordinance and remarked on the excellent working relationship between the Hotel-Motel Industry, the Police Department and Public Safety Committee in developing an ordinance that would give the police more effective tools and provide a safe environment for hotel/motel employees and guests.

In response to a question from Mayor Smith, Commander Stahl explained that the police department is in agreement with the recommendation that an Advisory Board act in an advisory capacity keeping the issues out of the Judicial System.

In response to a question from Councilmember Richins, Mayor Smith advised that the duties and responsibilities of the Hotel-Motel Advisory Board could be assigned to an existing board. He added that the scope of the Advisory Board could be broadened to include additional duties.

Ms. Spinner advised that the Hotel-Motel Ordinance, along with an Ordinance that establishes an Advisory Board, would be brought back to the Council at a later time. She said at that time the Council could address the phrasing of responsibilities and duties of the Advisory Board.

Councilmember Richins commented on the Convenience Store Ordinance and how each industry had their own specific needs. He added that other methods could be considered that might be more efficient in dealing with individual industry needs.

Councilmember Finter complimented the Industry and MPD on their early participation, communication and willingness to work with an advisory board to avoid the use of the Judicial System. He stated that he had worked with Commander Stahl in the Group Home Industry,

which had a lot of challenges. He said that with the help of Commander Stahl a difficult situation was improved. He added that Commander Stahl brought a great amount of credibility and hoped that this model could be used with other industries to correct situations in a positive way.

Councilwoman Higgins indicated her support for the Hotel-Motel Ordinance.

Mayor Smith thanked Commander Stahl for the presentation.

2-b. Hear a presentation, discuss and provide direction on 2011-2012 Human Services Funding Priorities.

Neighborhood Services Director Ray Villa advised that Human Services was seeking direction from Council before moving forward with the Human Services Funding Cycle and introduced Diversity Outreach and Human Services Director Mary Berumen, who was prepared to address the Council.

Ms. Berumen displayed a PowerPoint Presentation (**See Attachment 2**) and reported that Human Services had allocated \$619,896.00 for the year 2010/2011. She advised that \$511,896 came from the General Fund and \$108,000 came from the A Better Community (ABC) Program.

Ms. Berumen summarized the Human Services Application for Funding for the year 2010/2011 and provided a brief synopsis of the Human Services Funding Model. She highlighted the areas and categories where the majority of the funds were spent last year (See Page 2, 3, & 4 of Attachment 2). She advised that totals have been obtained for the first quarter and data is being reviewed for this year in order to plan for next year. She added that data would continue to accrue as calls for resources were received.

Human Services Coordinator Brandy Howard provided statistics regarding Human Services needs in Mesa and the number of people in the City that are experiencing poverty. She reported that out of 1,014 inquires for Emergency/Family Crisis Shelter Assistance 815 of those needs were unmet. She added that there were 3,523 referrals made for Rent/Utility Assistance (See pages 5 & 6 of Attachment 2).

Ms. Berumen advised that the minimum utility donation for (ABC) funding was increased from \$1 to \$5 for fiscal year 2011/2012. She reported that individual donors had decreased by 41%; however the overall amount contributed had increased by 66%. She stated that the current balance was \$67,828 and she estimated that there would be approximately \$150,000 available for the coming year (See Page 6 of Attachment 2). She said that this information had been presented to the Human Services Board who recommended that it be looked at over the course of a year. She added that at the direction of Council necessary changes would be made.

Ms. Berumen summarized a proposed funding time line and advised that some changes to the application would be made in order to make it more "user" friendly. She said that Human Services understood that the budget was tight and that budget requirements could be shifting. She inquired as to any other policies or human service issues that were coming before the Council that would need to be addressed before proceeding with the model (See Page 8 of Attachment 2).

Councilmember Kavanaugh expressed his appreciation for the detailed presentation. He said that Community Action Network and Child Crisis were seeing a huge need for assistance. He reported that there are people waiting in line all night to obtain utility and rental assistance. He stated that Child Crisis was seeing more community placements for children whose parents were living out of their car or were having other issues. He added that the ABC Program is a valuable program that serves needs all over the City and he was glad to see that more ABC funds were becoming available.

Councilmember Finter thanked staff for their efforts and for the presentation.

In response to a question from Councilmember Finter, City Manager Christopher Brady advised that it was a year ago that the issue of adjusting the minimum ABC donation was brought before the Council. He stated that if the minimum donation stayed at \$5 participation would eventually come back and the overall donations would increase.

Vice Mayor Jones remarked that it was easy to get caught up in the sympathy mode as there were so many needs that were not being met. He advised staff to be cautious and not shift funding in one direction and eliminate funding in another area, as this could place a heavier burden on other agencies. He added that if the balance on the future model was shifted too much it could cause a ripple effect that would negatively impact the City.

Mayor Smith remarked that it was a great funding model that invested in human needs that have an impact on the community. He stated that there were more needs than could ever be met and that it was easy to get distracted. He added that he completely supported the model as it was an investment in the community.

Ms. Berumen thanked the Council and said they would move forward and provide this information to the funding board.

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

Vice Mayor Jones	Participated in Mesa Police and Fire Department Ride Along
Councilmember Finter	Salt River Community
Councilmember Richins	Emerson Elementary School Panel of East Valley Partnership
Mayor Smith	Mesa Chamber of Commerce Commemorative Air Force Airport of the Year 2010

Mr. Brady advised that Falcon Field Airport has been named the 2010 Safety Award winner.

4. Scheduling of meetings and general information.

Mr. Brady stated that the meeting schedule is as follows:

Saturday, November 20, 2010 – Pancake Breakfast and Toy Drive Fire Station 207

Study Sessions for November 25, 2010 and December 2, 2010 cancelled

Monday, December 6, 2010, TBD – Study Session

Thursday, December 9, 2010, 7:30 a.m. – Study Session

Monday, December 13, 2010, TBD – Study Session

5. Items from citizens present.

There were no items from citizens present.

6. Convene an executive session.

It was moved by Vice Mayor Jones, seconded by Councilmember Finter, that Council adjourn the Study Session at 9:38 a.m. and enter into an Executive Session, and the motion carried unanimously by those present.

6-a. 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. Bamonte v. City of Mesa, CV061860-PHX-NVW and CV 2008-002845

7. Adjournment.

Without objection, the Executive Session adjourned at 10:05 a.m.




SCOTT SMITH, MAYOR

ATTEST:


LINDA CROCKER, 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 18th day of November 2010. I further certify that the meeting was duly called and held and that a quorum was present.


LINDA CROCKER, CITY CLERK

HOTEL - MOTEL ORDINANCE

**Presentation to the City Council
November 18, 2010**



PURPOSE

- Public Safety Committee requested the Police Department (Department or MPD) research the possibility of enacting a Hotel-Motel Ordinance for Mesa (City).
- The Department researched similar ordinances in other cities and held meetings with Hotel-Motel industry representatives to jointly create a Hotel-Motel Ordinance for the City.
- The Public Safety Committee approved the Hotel-Motel Ordinance moving forward to City Council for further direction.

BACKGROUND

- Hotels, motels, and the tourism industry are very important to the City.
- Equally important is maintaining the quality of life through improved public safety for citizens living, working or visiting our City.
- The transitory nature of the Hotel-Motel business tends to increase their susceptibility to criminal activity.
- Currently, the City does not have a Hotel-Motel Ordinance to assist Police Officers as a crime-fighting tool.

ANTICIPATED BENEFITS

- **A Hotel-Motel Ordinance would:**
 - Reduce calls for Police Service, which would allow the Department to redirect its limited resources.
 - Discourage career criminals from utilizing rooms for illicit and illegal activities.
 - Allow Hotel-Motel industry to self-regulate
 - Improve conditions for Hotel-Motel industry customers and community members because of improved premises safety.

CURRENT SITUATION

- Citywide, some hotels-motels generate repeated calls for police service and complaints of criminal activity.
- In 2009, 6% of all warrant arrests and 4% of all drug arrests in the City occurred at hotels-motels.
 - The Top-10 hotel-motel “problem” properties account for 49% of warrant arrests and 64% of drug arrests of all hotel and motels.

CURRENT PRACTICES

- Some of the current practices that impact effective policing and encourage criminal activity in and around the hotel-motel area include:
 - not obtaining identification,
 - failing to maintain accurate records, and
 - renting rooms by the hour or monthly.
- Such practices have contributed to a variety of unlawful activities that negatively impact our community, such as prostitution and soliciting.

RECOMMENDATIONS

- A City Hotel-Motel Ordinance is recommended that would assist police efforts to ensure that the quality of life of citizens living, working or visiting our City is not compromised by criminal activity
- The Hotel-Motel Ordinance seeks to balance the needs of the Hotel-Motel industry with the Department's responsibility to safe-guard the public

ORDINANCE ELEMENTS

- The Hotel-Motel Ordinance would require operators to:
 - Verify identification of person renting room if the person is not a member of a frequent user program.
 - Obtain license plate number as well as make and model of vehicle parked on hotel-motel premises.
 - Maintain accurate and complete records for MPD inspection.
- Requiring identification will discourage persons who commit crimes from using these rooms for the purpose of committing crimes.

ORDINANCE ELEMENTS

- The Ordinance would also require that a hotel or motel place certain obligations on a guest such as:
 - Prohibition from registering under false name
 - Prohibition from providing false identification
- The Ordinance may establish a Hotel-Motel Review Board with the option of sending first time offenders to the Board to monitor compliance.

RECOMMENDATION

- Change the term *Frequent User Program* to *Preapproved Identification System*.
- Add a requirement that the hotel/motel operator include name, address, and age of the registrant.
- Change the length of the time the operator is required to keep records of registrants from 1 year to 30 days.
- Remove the establishment of the Hotel-Motel Review Board.

RECOMMENDATION

**The MPD requests that the
City Council
approve moving forward with
the drafting of a
Hotel-Motel Ordinance**



Human Services Funding

Report for FY 2010/11

November 18, 2010

Human Services Allocation FY 10/11

Human Services allocated

\$619,896.

**\$511,896 from the general fund and
\$108,000 from the ABC program.**

Human Services Funding Model

- 1. Engage those programs that would directly impact community safety services.**
- 2. Support programs and services that encourage independence and self-sufficiency.**
- 3. Avoid duplicating efforts to provide human services.**
- 4. Fund programs that provide diverse financial support and sustainable success.**
- 5. Prevent long-term dependence on public resources.**
- 6. Fund programs that have specific outcomes for the public good.**

Human Services Applications for Funding – FY 10/11

Organization/Project Description	FY 10/11	Total
Food Programs		\$57,725
East Valley Adult Resources, Inc. – Home delivered meals for seniors.	\$13,725	
Paz de Cristo Community Center – Evening meal service for the homeless.	\$26,000	
United Food Bank – Food link program-emergency food boxes.	\$18,000	
Drug Treatment		\$55,714
Community Bridges, Inc. – Substance use disorder treatment services.	\$55,714	
Employment Services		\$10,000
Marc Center of Mesa, Inc. – Center-based & supported employment.	\$10,000	

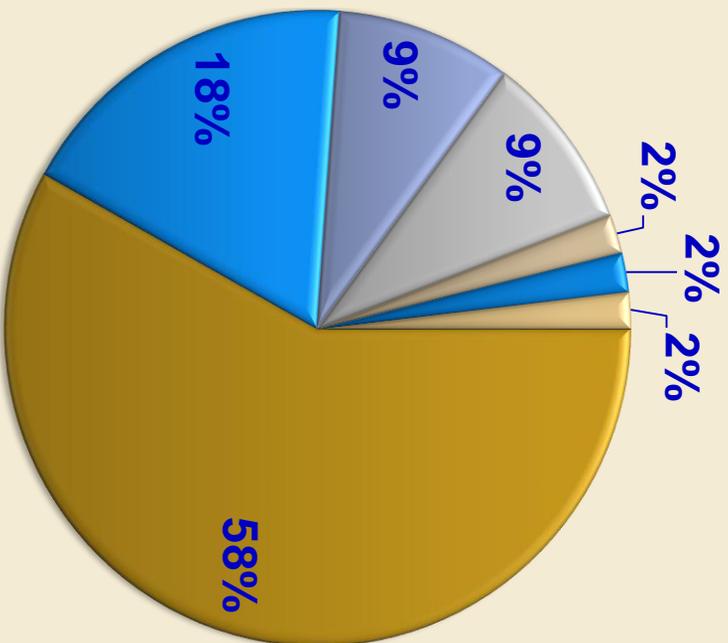
Human Services Applications for Funding – FY 10/11

Organization/Project Description	FY 10/11	Total
Youth		\$11,000
Valley of the Sun YMCA – First Offender Diversion program for youth.	\$5,000	
Boys & Girls Clubs of the East Valley – Teen Center program for Mesa youth.	\$6,000	
Senior Services		\$11,250
Sirrine Adult Day Care of Mesa, Inc. – Caring for seniors and families dealing with a life altering illness.	\$11,250	
Rent/Utility Assistance		\$113,007
A New Leaf – MesaCAN rent/utility support programs.	\$113,007	

Human Services Applications for Funding – FY 10/11

Organization/Project Description	FY 10/11	Total
Shelter		\$361,200
A New Leaf – A&A Cottages Girls Home.	\$5,100	
A New Leaf – Autumn House Domestic Violence Shelter.	\$22,595	
A New Leaf – East Valley Men’s Center.	\$124,420	
A New Leaf – La Mesita Family Homeless Shelter.	\$39,488	
CASS –Women’s Shelter.	\$12,953	
Child Crisis Center - Children’s Shelter.	\$11,000	
Lutheran Social Services – I-HELP Emergency Shelter for Women.	\$22,000	
Save the Family – Case management and transitional shelter for families.	\$122,894	
Human Services Total		\$619,896

FY 2010/11 Funds



- Shelter \$361,200
- Rent/Utility Asst. \$113,007
- Food Programs \$57,725
- Drug Treatment \$55,714
- Senior Services \$11,250
- Employment \$10,000
- Youth \$11,000

FY 2010/11 Quarter 1 - Results Snapshot

Seniors Served Serrine Adult Day Care, East Valley Adult Resources	536
Youth Served Valley of the Sun YMCA, Boys & Girls Club of the East Valley	393
Individuals Sheltered A New Leaf Programs, CASS, Child Crisis Center, Lutheran Social Services, Save the Family	475
Shelter Nights A New Leaf Programs, CASS, Child Crisis Center, Lutheran Social Services, Save the Family	38,465
Received Rent/Utility Assistance MesaCAN	3,350
Pounds of Food Distributed United Food Bank	1.5 million
Meals Served East Valley Adult Resources, Paz de Cristo	20,494
Hours Supported Employment Marc Center	197
Received Crisis Drug Treatment Community Bridges	1,299

Funding for FY 2011/12

What's happening in Mesa?

2009 American Community Survey

Results released September 2010 by US Census Bureau

Poverty in Mesa:

- 13% of all people
- 19% of all children under 18
- 9% percent of all families
- 21% of families with a female householder, no husband

What's happening in Mesa?

Community Information & Referral

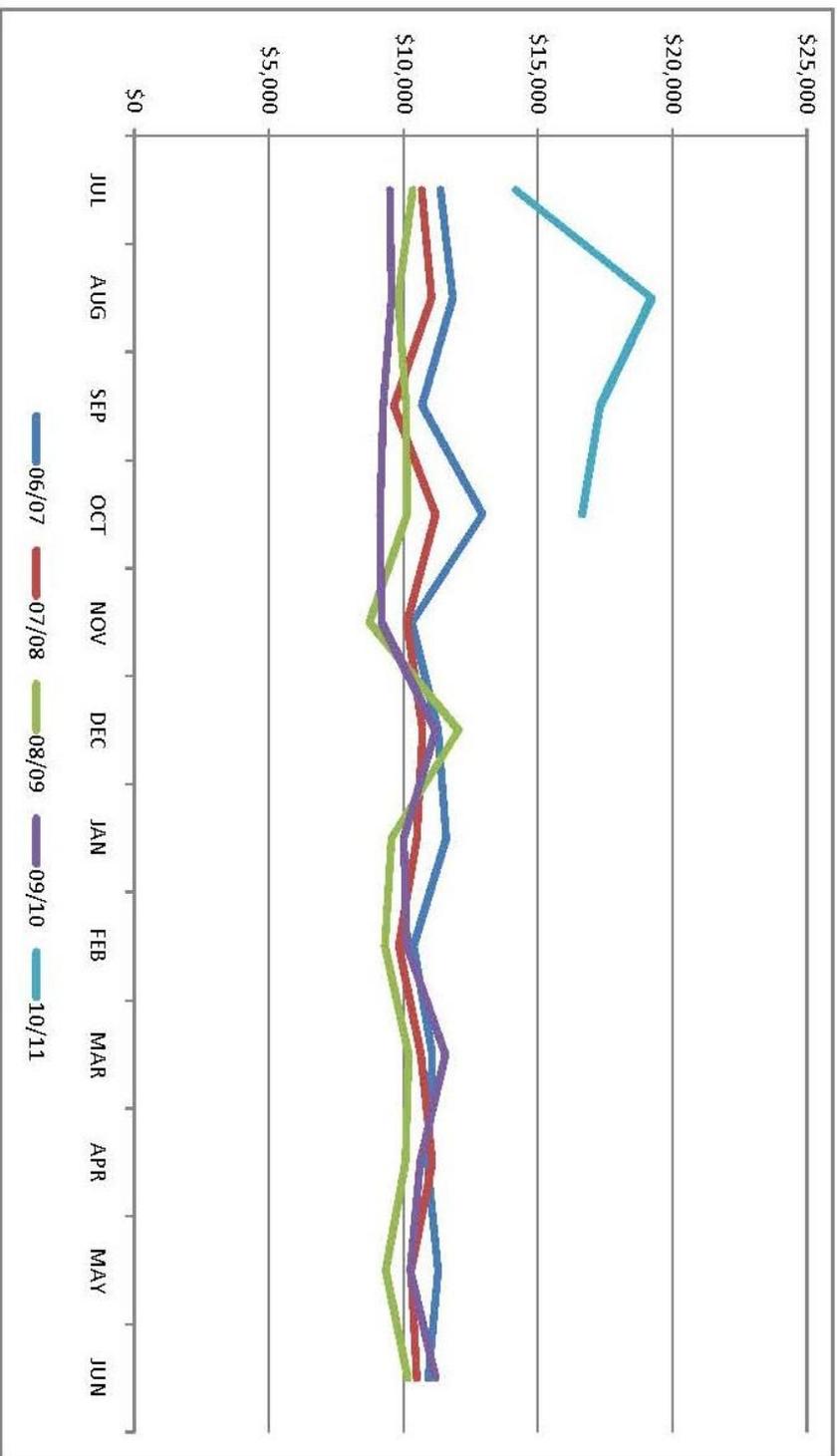
Referral Report – Mesa, July 2010 – September 2010

- 815 of 1014 inquiries resulted in unmet needs for
Emergency/Family Crisis Shelter
- 3523 referrals made for Rent/Utility Assistance

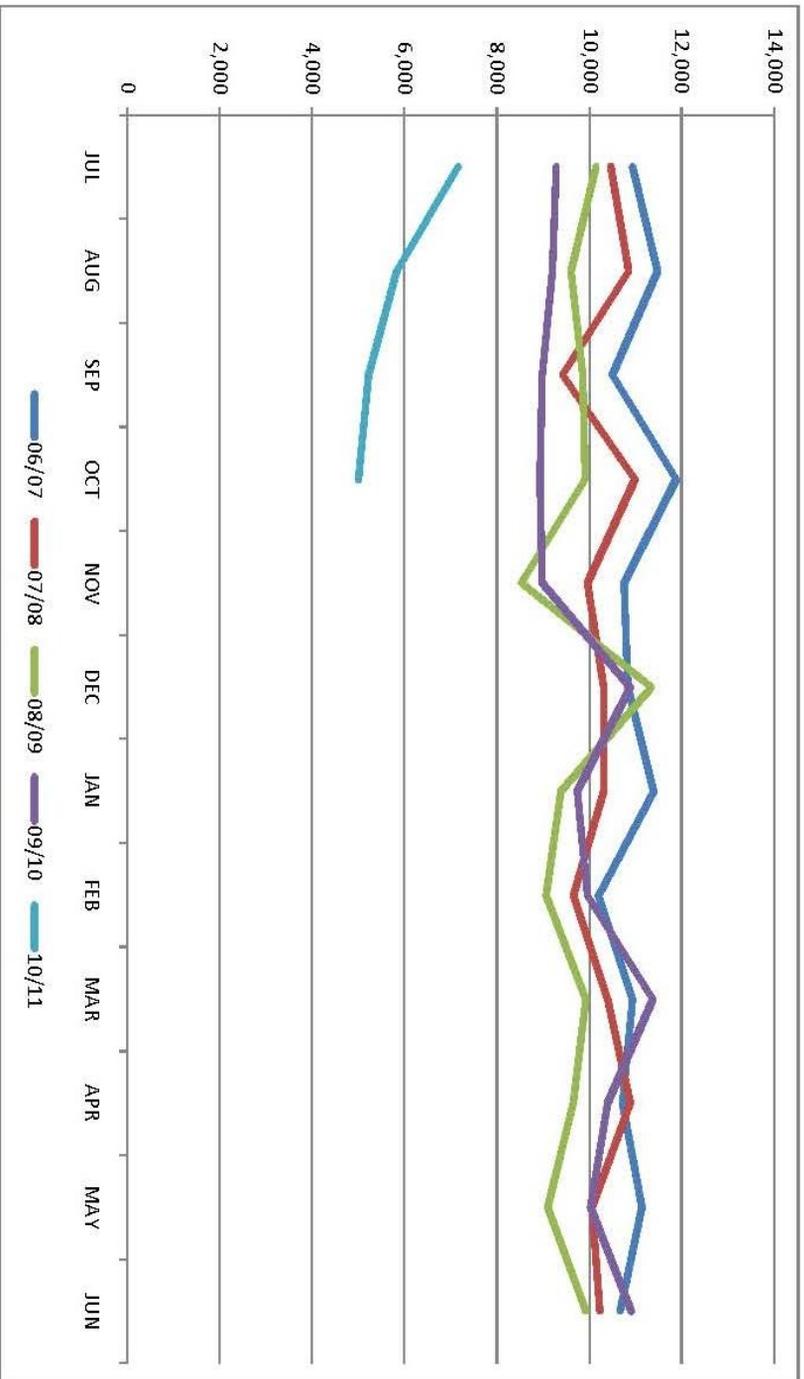
A Better Community (ABC) Utility Donations

- Minimum donation increased to \$5 from \$1 for FY 2011/12.
- From same time last year:
 - Individual donors decreased by approximately 41%.
 - Overall amount of funds contributed increased by approximately 66%.
- Current ABC balance for FY 2011/12: \$67,828

ABC Donations July 2010 – October 2010



ABC Donors July 2010 – October 2010



FY 2011/12 Proposed Funding Timeline

Date	Activity
Dec. 13, 2010	Public Notice - Application, Agency Information Session
2011	
Jan. 6	Agency Information Session
Jan. 20	HSAB Application Review Training
Jan. 25	Application Deadline
Jan. 27 – Feb. 9	HSAB Application Review Period
Feb. 17	HSAB Meeting - Agency Presentations
Mar. 17	HSAB Meeting - Recommendations
TBA	City Council Study Session - HSAB Recommendations
April 18	City Council Approves 2011/12 Allocations

Considerations for FY 2011/12

- **Continue the same funding model?**
- **Are there other policy/human services priorities to consider?**
- **Other?**