



# COUNCIL MINUTES

December 13, 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 December 13, 2007 at 7:30 a.m.

## COUNCIL PRESENT

Mayor Keno Hawker  
Kyle Jones  
Tom Rawles  
Scott Somers  
Darrell Truitt  
Claudia Walters

## COUNCIL ABSENT

Mike Whalen

## OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

(Mayor Hawker excused Councilmember Whalen from the entire meeting.)

### 1. Review items on the agenda for the December 17, 2007 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflicts of interest declared: 7e (Whalen); 7i (Truitt)

Items added to the consent agenda: None

Items removed from the consent agenda: 6b

### 2. Hear a presentation and discuss the Mesa Gateway Strategic Development Plan.

Project Manager of the Mesa Gateway AREA Scot Rigby introduced Economic Development Director Bill Jabjiniak, Mark McLaren, Vice President of HDR Engineering, and Jeff Climans, of Infrastructure Management Group, Inc. (IMG), who were prepared to address the Council relative to this item. He reported that at the November 29, 2007 Study Session, staff and the consultants made a presentation regarding alternative land use scenarios for the Mesa Gateway area. Mr. Rigby stated that the focus of today's presentation is a proposed vision for the Phoenix-Mesa Gateway Airport, the creation of 100,000 high quality, high wage jobs by 2030 within the area, and a financial model to estimate the costs/revenues associated with various development concepts.

Mr. McLaren explained that today and tomorrow, a Community Workshop would be held at Arizona State University (ASU) Polytechnic to discuss the Mesa Gateway Strategic Plan, including a presentation of three land use concept plans. He displayed a PowerPoint

presentation (A copy is available for review in the City Clerk's Office) and provided an extensive analysis of Concepts A, B and C. (See Attachment 1.) Mr. McLaren noted that the most significant change to the concepts, resulting from Council's input two weeks ago, is the elimination of various residential uses depicted in close proximity to the airport.

Mr. McLaren referenced a series of graphs and charts and highlighted his firm's analysis of each land use concept with regard to the following elements: a forecast of land use distribution; population and employment; jobs and housing units; job types; transportation impact; Year 2030 roadway network and travel demand model; and regional trip capture and daily vehicle miles of travel.

Mr. McLaren further spoke regarding a Fiscal Impact Analysis Model (FIAM) developed for the study area by Fishkind & Associates, Inc. He explained that the FIAM estimates the costs and revenues associated with land use decisions and development opportunities within the study area. Mr. McLaren added that the FIAM is an innovative tool that has been endorsed by the Urban Land Institute (ULI) for use on large scale planning efforts such as the Mesa Gateway area.

Mr. Climans addressed the Council and reported that the Phoenix-Mesa Gateway Airport is "on the cusp" of dramatic changes and explained that the facility as it was once known would no longer exist. He commented that such changes are driven, in part, by increased growth in metro Phoenix and the demand for land on airport property and the adjacent area. Mr. Climans also stated that the footprint for Phoenix-Mesa Gateway Airport is almost identical to that of Sky Harbor Airport (3,000 acres) and said that the opportunity for airport growth "within the fence" at Phoenix-Mesa Gateway is significant and rivals Sky Harbor Airport.

Mr. Climans indicated that an even greater challenge for the City of Mesa is the development of land outside the airport's property. He stated that in terms of the planning process, the study team recognizes the challenges associated with the fact that an airport creates noise and that there are land use effects that extend beyond the boundaries of the airport.

Mr. Climans referred to a map of the Phoenix-Mesa 65 DNL (Day-Night Limit) demonstrating noise contours that are evident through the operations in the air. He explained that the map illustrates the area within which certain types of residential, commercial and industrial development may be more susceptible to adverse impact than areas that lie outside the boundary. Mr. Climans also stated that when the study team overlays the area as it exists today and in the future, it does not represent a significant deterrent to any form of land use development throughout a significant portion of the study area.

Discussion ensued relative to a series of discrepancies on the Phoenix-Mesa 65 DNL map as identified by the Council; the fact that Mr. McLaren's firm is working with City staff to convene a focus group to identify a future flight protection overlay at the Phoenix-Mesa Gateway Airport; that staff is also working to obtain information with regard to Sky Harbor's departure route, including elevation and altitude, as aircraft continue east; and that staff is also seeking input from the Phoenix-Mesa Gateway Airport's consultant and other stakeholders concerning noise contours, flight paths, elevations and development that would be compatible in the area.

Mayor Hawker requested that staff obtain data not only with regard to noise contours, but also flight corridors in the area to ensure, for instance, that Mesa's helicopter operations have the ability to access flight corridors that parallel the freeway.

Mr. Rigby stated that within the next few days, staff would provide the Council a PowerPoint presentation outlining the financial impact to the City relative to the three land use concept themes.

Mayor Hawker thanked everyone for the presentation.

3. Hear a presentation, discuss and provide direction on the projects included in the anticipated November 2008 bond election, including street light projects.

Vice Mayor Walters stated that at the December 6, 2007 Study Session, the Council postponed their decision concerning this item because Councilmember Whalen was absent and unable to participate in the discussion. She commented that he is not present today due to a family emergency, but noted that in speaking with him, he voiced support for including funding in the Public Safety Bonds for street light projects. Vice Mayor Walters added that Councilmember Whalen wanted to ensure that the streetlight projects were completed in some of Mesa's older neighborhoods in order to deter criminal activity and provide the residents a greater sense of security.

Vice Mayor Walters suggested that \$6 million (\$1 million annually) be included in the Public Safety Bonds to provide funding for various street light projects. She explained that philosophically, she believes street light projects should be included under Transportation's budget, but said she would support their inclusion under Public Safety's.

City Engineer Beth Huning reported that following the December 6<sup>th</sup> Study Session, staff met to identify those neighborhoods that might have a higher priority for street light projects. She explained that the neighborhoods were prioritized in four categories as follows: A.) Low lighting, overlay and direct bury poles; B.) Low lighting and direct bury; C.) Low lighting; and D.) No lighting and Salt River Project (SRP) areas.

Ms. Huning displayed a series of maps depicting the location of neighborhoods in each of the four categories where there is a significant need for street light improvements. She also referred to a document entitled "Low Lighting Summary" which outlined the four categories. (See Attachment 2.) Ms. Huning stated that it is the recommendation of staff that they work with the Council to prioritize Category A; that staff works with the neighborhoods identified in that category; and that the Council identify a process for moving forward with various street light projects in those neighborhoods. Ms. Huning added that some residents might not want street lights in their neighborhoods and said that such concerns would be addressed as the program proceeds.

Vice Mayor Walters stated that with regard to this issue, her top priority is for the City to partner with residents as they "fight crime" in their neighborhoods and especially in those areas where the street lights have been identified as substandard. She noted that the criteria presented by Ms. Huning do not address such concerns.

Councilmember Somers said he would prefer that the street light projects be included as part of the Street Bonds. He also commented that the Council has yet to receive input from public safety staff regarding the inclusion of such projects in their budget.

Vice Mayor Walters clarified that she did not have a preference under which bond package the street light projects should be included. She noted, however, that the criteria with regard to which neighborhoods should receive street lights should be a public safety decision.

Councilmember Rawles voiced opposition to including additional spending in the bond package, which, in his opinion, could result in its defeat by Mesa voters. He stated that it is not necessary for the Council to determine the specific criteria as alluded to by Vice Mayor Walters today or even at the December 17<sup>th</sup> Regular Council meeting in order for the Council to call the election. Councilmember Rawles suggested that this item be placed on the December 17<sup>th</sup> Study Session agenda so that Councilmember Whalen could offer his input at that time.

Mayor Hawker said he would prefer that the bond package remain "as simple as possible" and added that he was not interested in including street light projects as a component of the bond election.

Councilmember Truitt commented that the replacement of rusted poles is a maintenance issue and should not be part of a bond package.

Councilmember Jones concurred with Councilmember Truitt's comment, but said that if the street lighting costs outlined by staff are not included in the current bond package, they would be deferred to a future bond election at a significantly higher amount.

Mayor Hawker stated that the Council would defer action on this item until the December 17<sup>th</sup> Study Session.

4. Discuss and provide direction to pursue a Memorandum of Agreement with Immigration and Customs Enforcement to participate in a 287(g) cross-training program for Mesa's holding facility.

Mayor Hawker referred the Council to a December 13, 2007 draft letter he authored to Michael Chertoff, Secretary of the U.S. Department of Homeland Security (DHS) and requested input from the Council regarding the document. (See Attachment 3.)

Mayor Hawker explained that he drafted a similar letter dated October 5, 2006 when the City was informed that per Section 287 (g) of the Immigration and Nationality Act, DHS is permitted to enter into a Memorandum of Understanding (MOU) with, for instance, the City of Mesa so that various City law enforcement officers could be cross trained with U.S. Immigration and Customs Enforcement (ICE) personnel to perform certain immigration enforcement functions. Mayor Hawker commented that a majority of the Council opposed entering into an MOU at that time. He added that Police Chief George Gascon has now indicated that it might be appropriate for detention officers in Mesa's holding facility to participate in a 287 (g) cross-training program.

Chief Gascon concurred that a 287(g) cross-training program would be a valuable tool for the detention officers in dealing with individuals who are booked and processed through the holding facility. He explained that in speaking with Alonzo Pena, ICE Special Agent in Charge, he was informed that ICE has not been funded this fiscal year to provide any additional 287 (g) cross-training nationwide. Chief Gascon added that of the approximately 17,000 law enforcement agencies in the country, only 80 have requested such training.

Discussion ensued relative to the fact that the 287(g) cross-training program for detention officers is five weeks in duration; that as Mesa embarks on any kind of immigration enforcement, whether at the detention facility or in the streets, the City would incur operational costs due to additional law enforcement activity; that the Federal government currently funds the entire training process (20-30 participants per class); and that Chief Gascon is unaware of any instances where a state, county or municipality has paid ICE to provide the training for the entity's personnel.

In response to a series of questions from Mayor Hawker, Chief Gascon explained that once ICE places "a hold" on an individual being held at the facility with regard to their immigration status, the Federal government "picks up" such detention costs. He commented that the 287 (g) cross-training program would not only deputize the detention officers, but allow them to develop the expertise to follow a line of questioning to assess the immigration status of individuals at the holding facility who are not U.S. citizens. Chief Gascon estimated that it would take approximately one to two hours of additional staff time for a detention officer to assess a person's immigration status. He added that the training would also assist the officers in beginning the necessary paperwork process so that ICE could conduct its investigation and follow through in its deportation process.

Councilmember Rawles stated that the 287 (g) cross-training program for detention officers at Mesa's holding facility "makes sense." He suggested that the questions posed in Mayor Hawker's letter be answered in writing by the Federal government as opposed to by Chief Gascon at today's Study Session. Councilmember Rawles also expressed support for sending the letter, but noted that in his opinion, the first sentence in the third paragraph is gratuitous and unnecessary.

Councilmember Somers acknowledged that law enforcement is not a cost recovery proposition and never has been. He stated that when the 287 (g) cross-training program becomes available to Mesa's detention officers, that it might be appropriate to train additional personnel to assist field officers with drop house investigations and motels that cater to illegals.

Mayor Hawker clarified that his letter specifically requests 287(g) cross-training for only detention officers in Mesa's holding facility.

Chief Gascon commented that with regard to the City of Mesa being referred to as "a sanctuary city," the reality is that the Police Department has dealt with the criminal aspects of illegal immigration very effectively. He cited, by way of example, that his officers have arrested more individuals engaged in illegal trade than in the Department's prior history; that the City will receive \$400,000 as part of the Police Department's participation in an operation targeting Mesa businesses that facilitate smuggling operations; that a Mesa police officer has been embedded with ICE; and that the Police Department recently completed a roundup of gangs, of which 10% of the individuals arrested were in the country illegally.

Mayor Hawker expressed appreciation to Chief Gascon for his department's efforts and hard work and also the agency's collaboration with ICE. He requested that a March 18, 2004 Mesa Police Field Manual statement authored by previous Police Chief Dennis Donna be updated.

It was moved by Vice Mayor Walters, that the December 13, 2007 letter authored by Mayor Hawker be approved as written and forwarded on to Michael Chertoff, Secretary of the U.S. Department of Homeland Security.

Vice Mayor Walters thanked Chief Gascon for the Police Department's efforts in sending a message to criminals that "they are not welcome in Mesa."

In response to a question from Vice Mayor Walters, Chief Gascon explained that the 287 (g) cross-training program is a new process in law enforcement and stated that very few individuals have completed the training program nationwide.

Councilmember Somers concurred with Councilmember Rawles' comments regarding the letter, but stated that he would leave the final drafting of the letter to the Mayor's discretion.

Councilmembers Jones and Truitt expressed support for the letter.

Councilmember Jones seconded the motion.

Mayor Hawker called the vote.

Mayor Hawker declared the motion carried unanimously by those present.

Vice Mayor Walters commented that Councilmember Whalen is absent, but stated that he would have voted in support of the motion. She inquired if Mayor Hawker would like all of the Councilmembers' signatures included on the letter.

Mayor Hawker responded that he would prefer that his fellow Councilmembers sign the letter to demonstrate their unified support for the 287(g) cross-training program.

Vice Mayor Walters amended her motion to include that the signatures of each Councilmember be added to the letter.

Councilmember Rawles seconded the motion.

Mayor Hawker declared the motion carried unanimously by those present.

Mayor Hawker thanked everyone for the presentation.

5. Appointments to boards and committees.

ECONOMIC DEVELOPMENT ADVISORY BOARD

Steve Parker – Term Expires June 30, 2009

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that the Council concur with the Mayor's recommendation and the appointment be confirmed.

Upon tabulation of votes, it showed:

AYES - Hawker-Jones-Rawles-Somers-Truitt-Walters  
ABSENT - Whalen

Mayor Hawker declared the motion carried unanimously by those present.

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

- a. Judicial Advisory Board meeting held on March 7, 2007.
- b. Downtown Development Committee meeting held on September 20, 2007.
- c. Transportation Advisory Board meeting held on October 16, 2007.

It was moved by Vice Mayor Walters, seconded by Councilmember Rawles, that receipt of the above-listed minutes be acknowledged.

Upon tabulation of votes, it showed:

AYES - Hawker-Jones-Rawles-Somers-Truitt-Walters  
ABSENT - Whalen

Mayor Hawker declared the motion carried unanimously by those present.

(Mayor Hawker excused Councilmember Rawles from the meeting at 9:55 a.m.)

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

Councilmember Somers: East Valley Partnership meeting; Homeland Security Coordinating Council meeting

Vice Mayor Walters: Meeting at Lehi School with residents from North Country Acres; Household Hazardous Waste event.

8. Scheduling of meetings and general information.

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

Monday, December 17, 2007, TBA – Study Session

Monday, December 17, 2007, 5:45 p.m. – Regular Council Meeting

Thursday, December 20, 2007, 7:30 a.m. – Study Session

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the Study Session adjourned at 10:00 a.m.

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KENO HAWKER, MAYOR

ATTEST:

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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 13<sup>th</sup> day of December 2007. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

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attachments (3)