

## GENERAL DEVELOPMENT COMMITTEE MINUTES

September 14, 2006

The General Development Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on September 14, 2006 at 9:35 a.m.

### COMMITTEE PRESENT

Tom Rawles, Chairman  
Claudia Walters  
Mike Whalen

### COUNCIL PRESENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner

1. Hear a presentation, discuss and provide direction on the new Court building, including the following:

- a. Program, Scope and Budget
- b. Operations of the Court including, but not limited to, night court, technology and security.
- c. Responses to Questions/Issues raised.

Chairman Rawles stated that at the August 25, 2006 General Development Committee meeting, he raised a series of questions and concerns regarding this agenda item. He commented that he anticipates staff and the consultants would address those issues, as well as other matters that have not yet been presented to the Committee.

City Engineer Keith Nath introduced Dick Shiffer, a principal with RNL Design, Ron Taylor, a representative of the Omni Group (RNL Design's court planning consultant), Court Administrator Paul Thomas, and Presiding City Magistrate Matt Tafoya, who were prepared to address the Committee.

Mr. Thomas reported that at the August 25<sup>th</sup> meeting, the Committee received a report reflecting different numbers than the official Arizona Supreme Court statistics, which were utilized by RNL in its "Judicial Needs Assessment" for the new Municipal Court facility. He explained that the Mesa Municipal Court generates an internal report that provides staff with "raw data" concerning matters such as caseloads and filings and noted that subsequent corrections/edits are made to the report before it becomes a part of the Supreme Court's report. Mr. Thomas added that the small variances between the two reports reflected such errors and corrections.

Chairman Rawles questioned whether the total number of misdemeanor cases with FTAs (Failure to Appear) in the internal report is still higher than all of the criminal traffic cases. He commented that in his experience, misdemeanors (i.e., shoplifting, simple assault) tend to be about 20% of criminal traffic cases (i.e., driving under the influence, driving under a suspended license). Chairman Rawles indicated that the higher number was reflected by a footnote in the

“Judicial Needs Assessment” which indicated that the data includes the categories misdemeanors, misdemeanor FTA and traffic FTA. (Note: The Court is required to issue citations or filings for the FTAs.)

Mr. Thomas concurred with Chairman Rawles’ comments regarding the footnote contained in the “Judicial Needs Assessment” and noted that the programming of staff’s internal report excludes the FTAs when it counts the misdemeanors.

Mr. Thomas further indicated that in conducting follow-up research regarding this item, he learned that 45 states use filings as a basis for judicial workload assessments and said that 43 of the 45 use a combination of population and filings as the primary basis for judging judicial workload studies. He added that the fact Mesa is utilizing population and filings as a part of its assessment for facility planning appears to be consistent with the current trend.

Chairman Rawles expressed appreciation to Mr. Thomas for his comments. He said that his inquiries were not geared toward the appropriateness of using population or filings, but using the correct population numbers and projections.

Mr. Nath reported that the population projections were based on data obtained from the Maricopa Association of Governments (MAG.) He explained that MAG uses a three-tiered model in which projections are made based on a county-wide area, sub-regional areas (i.e., the East Valley), and one-acre areas (which include factors such as land use, future transportation facilities, the issuance of residential permits and employment sector growth).

Chairman Rawles voiced a series of concerns regarding the fact that the “Judicial Needs Assessment” reflects a discrepancy in the increase in population growth between 2005 and 2010 (the rate being 19% for the first five years). He stated that staff and the consultants used the actual population for the City of Mesa for 2005, but commented that the 2010 figure is based on MAG’s projections for Mesa’s planning area and not the City of Mesa, which equates to an increase of 40,000 residents in the actual numbers.

Mr. Taylor explained that in speaking recently with Planning staff regarding the validity of the population data provided to his firm by the City, it was his understanding that the same data is used by the Planning Department for all of their planning efforts. He commented that the information includes not only assumptions that are part of the MAG population projections relative to build out of the City, but also assumptions concerning annexations of Mesa’s planning area that are currently outside the City limits. Mr. Taylor added that although it could have an impact on the numbers contained in the “Judicial Needs Assessment,” in his opinion, it would not change the historical basis.

Mr. Taylor further reported that his firm reviewed various projections (i.e., filing, population, judicial, courtroom, cost), all of which are models that embody the most up-to-date information, the best estimates with regard to what type of changes could occur in the future and what those outcomes are likely to be. He acknowledged that from past experience, those projections are much different than predictions and said that the only thing that is known with certainty is that things would change over time in ways that could not have been anticipated.

Mr. Taylor provided the Committee with an extensive overview of his firm's efforts and recommendations with regard to the new Municipal Court facility. His comments included, but were not limited to, the following:

- From a capital development standpoint, his firm has tried to develop recommendations and a proposal that would balance the risk to the City of either overbuilding or underbuilding the facility.
- His firm's proposal includes a phased approach to the development of the facility, which projects up to 14 courtrooms at build out in 2025.
- The key factor in evaluating the investment decision the City faces is principally one of the availability of funds. If the funds were available, it would be prudent to initially build 12 courtrooms in order to balance an exposure to risk and deal with uncertainty.
- If Mesa does not grow as rapidly as the population projections predict, the construction of 12 courtrooms, which would be fully built out by 2015, could possibly accommodate staff and the public until, for instance, 2020.
- If Mesa's population does, however, grow faster, with the construction of 12 courtrooms, the City would be able to "throttle ahead" to the next construction increment faster or "throttle back" and defer it into the future.
- If Mesa did not achieve MAG's currently projected population growth, for instance, in 2015, it would result in the difference of only one judicial position per five-year period in the projections.

Committeemember Whalen stated the opinion that the planning area population projections seem to be a more reasonable measurement than the City boundary population because the Court tends to serve a geographical area that includes not only the City, but also nearby County islands.

Discussion ensued relative to the fact that all of the master planning efforts conducted by City staff are based on MAG population projections; that one of the reasons the consultant considers filing rates per thousand population is because the workload of the Court is not restricted to the population of the City, but also includes residents in the surrounding metropolitan areas and out-of-state visitors; the fact that Phoenix has only one Municipal Court that serves the entire city; and the fact that the impact of technology was taken into consideration with regards to the planning of the new Municipal Court facility.

Committeemember Walters commented that there was initially a "spike" in the number of cases processed through the Court when the City implemented photo radar, but noted that the numbers eventually decreased when motorists became more familiar with the program. She also stated that there is a significant need for auxiliary space in the new facility, which is significantly lacking in the existing Municipal Court building.

An extensive discussion ensued between Chairman Rawles and Mr. Taylor regarding Table A.10, "Method III Actual and Projected Court Filings and Judicial Officer Levels" relative to various statistical data concerning the filing categories Criminal Traffic, Misdemeanor, Civil Traffic and Non-criminal Ordinance; and also Table A.13, "Comparison of Alternative Methodologies" relative to the projected number of Judicial Officers. (See Attachments 1 and 2.)

Chairman Rawles reiterated his previous concerns regarding the 2005/2010 population figures that appear to be inflated, with the 2005 numbers representing Mesa's actual population and the 2010 numbers reflecting the City's planning area as projected by MAG. He commented that this is significant with regard to the Council's decision regarding the appropriate number of courtrooms that should be constructed and the budget associated with the project.

Mr. Taylor cautioned that each one of the judicial projection methodologies included in the "Judicial Needs Assessment" contains various strengths and weaknesses. He emphasized that there is a potential danger in placing too much emphasis on any one methodology and explained that it is important to examine the totality of the results obtained from the different perspectives.

Mr. Taylor remarked that the Council is considering whether to build 10 courtrooms or 12 courtrooms and said that the difference between the high and low results in each projection increment ranges is probably one courtroom. He also stated that if a projected number was, for instance, 10.6 judicial officer positions, he recommended "rounding up" to 11. Mr. Taylor added that the Committee has considered "rounding down" the number, which he suspects is driven from a fiscal perspective.

Chairman Rawles commented that he had "rounded down" the number of courtrooms because Judge Tafoya does not have a caseload and did not need a courtroom. He acknowledged the administrative functions performed by the Presiding Judge and said that he did not intend his comment to be a criticism of Judge Tafoya for not being in the courtroom.

Responding to Chairman Rawles' comments, Mr. Taylor clarified that the reason his firm recommended that a courtroom be provided for Judge Tafoya is because when the Court's caseload necessitates that he hear cases, he would have a courtroom in which to perform that function.

Further discussion ensued relative to the "Summary of Findings" and a comparison of the alternative methodologies. (See Attachment 2.)

Chairman Rawles summarized his comments regarding this agenda item as follows:

- In reviewing the various judicial projection methodologies on the "Summary of Findings", (Page A.24) where it recommends 11.4 Judicial Officers in 2015, he would subtract one (because Judge Tafoya does not have a caseload) and "round down" to 10.
- Questioned the increase in the types of cases that are not handled by the judges, but by Civil Hearing Officers; that the number of courtrooms available for those Civil hearings would be doubled, so there is no reason that the additional 45,000 or 50,000 cases could not be handled by those two individuals.
- With regard to misdemeanors, FTAs are not additional individuals coming to court, but are just "tacked on" to the case already filed against the defendant.
- The City does not need to build more than 10 courtrooms between 2006 and 2009.
- Would be open to the 10 Courtroom (Standard) option.
- Does not see the need for 12 courtrooms before 2020.
- Suggested that one of the arraignment courts could be used for in-custody arraignments and two for out-of-custody arraignments. One of the arraignment courtrooms could include a jury box so that it could be used as a trial courtroom.

Mr. Nath referred to a document entitled "Mesa Municipal Court Facility Required Project Size and Budget" and provided a brief overview of the various options and budget amounts. (See Attachment 3.)

Committeemember Walters commented that in listening to the discussion today, she believes it may be appropriate to add another hearing room. She also questioned the feasibility of charging a fee for parking tickets or imposing a warrant fee to generate additional revenue.

In response to Committeemember Walters' inquiries, Mr. Thomas clarified that because of the low number of parking violations, imposing a fee for such violations would produce limited revenues. He explained that with regard to warrant fees, courts typically impose such fees to recover internal staff costs associated with issuing a warrant. Mr. Thomas stated that historically, Mesa has not imposed warrant fees, but also noted that the issue has never been considered.

Committeemember Walters stated that she would like the City to recover any costs associated with the issuance of warrants, if possible.

Committeemember Walters provided the following direction with regard to this matter:

- Supports the option of building 10 courtrooms, support space for 12 courtrooms and the design for 14 courtrooms.
- The Court would be required to raise its user fees in order to make up the \$3.85 million in additional costs. (10 Courtrooms, support space for 12 Courtrooms option.)
- Incorporating auxiliary support space into the design is essential.
- In the future, the Council could consider adding more courtrooms or hearing rooms, but stressed that flexibility is an important element in the process.

Committeemember Whalen provided the following input:

- Expressed concerns regarding the Court increasing its fees from \$22.50 (Court User Fee) to \$27.50 (which includes a Court Construction Fee of \$15.00).
- Supports the construction of 12 courtrooms.
- Believes the community will grow faster than MAG's population projections.
- With regard to alternative funding options, if the Council were opposed to increased Court fees, he would consider seeking voter authorization for General Obligation (G.O.) bonds to construct a larger courthouse.

Chairman Rawles concurred with Committeemember Whalen's concerns regarding increased Court fees. He proposed, as additional possible funding sources, that the future sale proceeds for the Tri-City building (an estimated \$2 million) be dedicated to the project and also that staff research whether additional Quality of Life resources, that were "vaguely dedicated" to pools, are available. Chairman Rawles added that the 10 Courtrooms (Standard) option would "build back into the design" additional space for the City Prosecutor's Office. He added that he would not object to the 400 square feet designated for a Probation Office.

It was moved by Committeemember Walters, to forward to the Council a recommendation to build 10 courtrooms, with support space for 12 courtrooms and to design for 14 courtrooms; that the sale proceeds from the Tri-City building be dedicated to provide additional funding for the

project; that Court user fees also be utilized to provide additional funding; and that staff research whether Quality of Life monies would be available as a further funding mechanism.

Committeemember Walters voiced concern that as the Court fees are increased, fewer individuals will be able to afford to pay them. She also noted that Mesa voters did approve authorization during the last G.O. bond election for the construction of the Municipal Court facility and said she would be hesitant to delay this process any further in order to seek additional voter authorization.

Chairman Rawles seconded the motion.

Chairman Rawles stated that he seconded the motion with the caveat that he would like the opportunity at the Council level to discuss the various options and explain why he supports a smaller Court facility. He added that he is opposed to increased Court fees and would prefer to use Quality of Life money as an additional funding source for the project.

Committeemember Whalen stated that he would not vote against the motion, but would continue to "make the case" for the 12 courtrooms option. He expressed the opinion that the process is "on the right track" and said he was confident that the Council would reach an ultimate decision.

Chairman Rawles expressed appreciation to staff and the consultants for the informative presentation.

Chairman Rawles called for the vote.

Carried unanimously.

Chairman Rawles urged City Manager Christopher Brady to place this item on an upcoming Study Session agenda for Council discussion.

## 2. Adjournment.

Without objection, the General Development Committee meeting adjourned at 10:45 a.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the meeting of the General Development Committee of the City of Mesa, Arizona, held on the 14<sup>th</sup> day of September 2006. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK