

GENERAL DEVELOPMENT COMMITTEE MINUTES

August 25, 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 August 25, 2006 at 1:00 p.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:

Chairman Rawles said that the discussion of the issues did not have to be in order as listed on the agenda, and he suggested that Committee and staff address the new Court building as one item.

- 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

Presiding Magistrate Matt Tafoya advised that staff was present to provide information regarding the issues of night court, technology, security and the reliability of the funding mechanism.

Court Administrator Paul Thomas addressed the issue of operating a night court as a means of reducing the required number of courtrooms. He advised that operating two four-hour sessions from 5:00 p.m. to 9:00 p.m. would incur estimated costs of \$549,427 for additional courtroom staff and \$262,227 for the Prosecutor's staff. Mr. Thomas noted that 17 staff members would be required, including interpreters, front counter personnel, staff for financial support, and personnel to issue orders of protection. He advised that further study would be required in order to justify the implementation of a night court system. Mr. Thomas added that other issues affecting the feasibility of a night court system include the availability of police officers, witnesses, private attorneys and jurors.

Mr. Thomas stated noted that that plans for technology in the new court building include a fully video-capable, in custody courtroom to enable video arraignments in the Maricopa County Jail

and the Mesa Jail. He advised that the court participates in a Citywide effort to implement document imaging, and that the plans for the new building include space for employees to convert documents into an electronic format.

Chairman Rawles noted that although the process to convert to electronic filings affects the workspace requirement for this function, the process has no impact on the required number of courtrooms. He noted that although new technology would improve the court's future efficiency, technology would not affect space requirements.

Mr. Thomas reported that the National Center for State Courts provided recommendations relative to the best manner in which to implement technology for the new courthouse. He advised that security/screening technology consists of walk-through metal detectors, package screening and the use of wands. Mr. Thomas stated that the only anticipated change is that newer screening units tend to be smaller and more compact. He added that plans for the lobby area include sufficient space for security screenings without creating congestion.

Mr. Thomas addressed the issue of a "case-based" fee to subsidize a new court facility. He referred to the table titled "Basis for Evaluating Possible Performance of a Case Based Fee" (see Attachment 1), and he noted that the number of cases equates to 66 percent of the filings. Mr. Thomas explained that based on the court's actual experience with the current court user fee, only 51 percent of the cases are assessed fees and the collection rate for these cases is approximately 87 percent.

In response to questions from Committeemember Whalen regarding parking citations, Mr. Thomas advised that the City's fee schedule includes an escalation clause that encourages offenders to pay early. He added that staff could review this fee to determine whether an increase would provide a positive impact on funding.

Committeemember Walters requested that staff also provide information relative to the estimated administrative costs to the City associated with implementing an additional \$2.00 fee on each parking ticket.

Chairman Rawles stated that in his experience, most night courts are utilized to handle in-custody arraignments when a suspect is first arrested, and he expressed the opinion that a night court is not a viable alternative for the types of cases handled by the Mesa Court. He recommended that consideration of a night court be excluded from future discussions.

Committeemember Whalen concurred with the comments made by Chairman Rawles regarding the issue of a night court.

City Engineer Keith Nath referred to materials that staff provided to the Committee titled, "Response to Questions/Issues Raised by Council" (a copy is available for review in the City Clerk's Office). He addressed the first issue regarding plans to remodel the existing court building in 2009/2010 for utilization by the Police Department. Mr. Nath advised that a design plan has not yet been prepared. He estimated the remodeling costs on a square foot basis would total approximately \$7.5 million, which could be funded through a future General Obligation Bond, subject to voter approval.

Mr. Nath reported that Real Estate Services estimated the value of the land located at 225 East Main (Site B) to be between \$1,817,326 to \$2,206,753, and that the value of the building on the property is unknown. He noted that the estimated cost to demolish the building is \$800,000.

In regard to the issue of expanding a ten courtroom building to twelve courtrooms, Mr. Nath outlined the following options: the "Budget Option" of 84,473 square feet, the "Standard Option" of 91,747 square feet, and the "Support Space for 12 Option" of 94,059 square feet. He advised that constructing a ten-courtroom facility utilizing the "Support Space for 12 Option" would accomplish the future expansion to twelve courtrooms in the least disruptive manner to ongoing court activities. He also noted that constructing an addition would be less disruptive to court business than adding another level to the top of the building.

Responding to a question from Committeemember Whalen, Mr. Nath stated that a decision to construct the courthouse with twelve courtrooms would result in the building of the same height with a larger footprint.

Mr. Nath reviewed the chart titled "Space Comparison by Percentage of Building," which indicates percentage of space allocated to each court function for the existing building and each of the proposed options (see Attachment 2).

Addressing the issue of the site plan, Mr. Nath stated that the proposal for an 85,000 square-foot building area consists of five stories and identifies potential areas for expansion.

In response to questions from Chairman Rawles, Mr. Nath advised that the size of a future addition is dependent on the initial size of the building footprint. He explained that a future expansion to the front of the proposed building would move public areas further to the front and that space formerly utilized for public areas would accommodate support staff.

Responding to a question from Committeemember Whalen, Mr. Nath advised that there are no plans to widen Pomeroy Street. He advised that the street will accommodate the anticipated traffic generated by the Court facility and that a future change would depend on other development in the area.

Chairman Rawles summarized the options before the Committee:

- A ten-courtroom facility within the existing budget of \$33.6 million.
- A ten-courtroom facility (standard) at an additional cost of \$2.9 million.
- A ten-courtroom facility (with support space for twelve courtrooms) at an additional cost of \$3.85 million for a total of \$37.5 million.

Discussion ensued relative to the fact that the current court fee of \$15 increases by \$3 per case every three years beginning in Fiscal Year 2008/2009; that an additional fee in the amount of \$5.95 would address the ten courtroom option that includes support space for twelve courtrooms; and that an additional fee of \$12.50 would be required in order to fund the construction of twelve courtrooms (see Attachment 3).

In response to a question from Committeemember Whalen, Mr. Thomas confirmed that the Council has the authority to implement additional fees in the future in order to address the costs of expansion.

Financial Services Manager Bryan Raines advised that the court fee revenues fund the repayment of bond debt at a rate of 5.5 percent over a 20-year period. He explained that the court fees must be utilized to pay debt related to the court building.

Responding to a question from Committeemember Whalen, Mr. Thomas advised that one case could include multiple traffic citations.

Judge Tafoya responded to a series of questions from Chairman Rawles by advising that presently the Mesa court has seven judges, five judges serving in the courtrooms, one serving the jail facility and one serving as the administrator. He confirmed that the City has one jail courtroom, a civil traffic hearing office, five trial courtrooms and one courtroom that is vacant. Judge Tafoya confirmed that the proposed ten-courtroom facility would include the following:

- Three courtrooms for arraignments: one for “in custody” arraignment (with video capability), one for both “in custody” and “out of custody” arraignments (with video capability) and one for “out of custody” arraignments.
- Two civil hearing courtrooms.
- Five trial courtrooms.

Chairman Rawles referred to the information provided in the “Judicial Needs Assessment” report (a copy is available for review in the City Clerk’s Office). He questioned the data on page A.3 that projects an 18.9 percent population growth for the period of 2005 through 2010, which would be second only to the 19.8 percent growth rate that occurred in the 1985 to 1990 timeframe. Chairman Rawles said that the growth rate in the years following 1990 has decreased, and he noted that the City’s growth rate in the most recent five-year period was 14.5 percent. He added that the projections beyond 2010 reflect a lower growth rate. Chairman Rawles stated the opinion that the data artificially inflates the projection for 2010, which is the basis for determining the needs of the court in the 2010 to 2015 timeframe.

Dick Shiffer, a principal with RNL Design, the firm that prepared the “Judicial Needs Assessment” report, advised that the population projections were based on data obtained from the City of Mesa and the Maricopa Association of Governments (MAG). He noted that the historical data correlates the increase in the number of judicial officers to the increases in population.

Chairman Rawles expressed concern that the 2005/2010 population figures appear to be inflated, which is the key year that is crucial to the Council’s decision on the court facility.

Mr. Shiffer stated that six different methods were employed to determine the required number of judicial officers.

Chairman Rawles expressed concern regarding the fact that the “Judicial Needs Assessment” indicates that the total number of misdemeanor cases is higher than the criminal traffic cases, which is explained by a footnote that states that the data includes the categories misdemeanors, misdemeanor FTA and traffic FTA. He explained that “FTA” refers to “Failure to Appear,” which requires the court to issue citations or filings for the FTA’s. He noted that Item No. 4, titled “Mesa City Court Monthly Report for 06/01/2006 thru 06/30/2006” (see Attachment 4) indicates that approximately 3,000 FTA complaints were filed in the current year and 3,200 in

the prior year. Chairman Rawles noted that deducting these numbers from those listed in the "Judicial Needs Assessment" results in approximately 16,000 misdemeanor cases in 2004 and 15,000 cases in 2005, and he questioned the source of the numbers.

Mr. Shiffer stated that he was unable to provide an answer at this time, and he noted that the consultant obtained the data from Arizona Supreme Court records.

Chairman Rawles stated the opinion that the number of FTA's is not relevant to projecting the required number of courtrooms, and he added that FTA's artificially increase the numbers. He explained that only one defendant would be responding to the FTA in addition to the other underlying charges for which he or she failed to appear. Chairman Rawles read the first sentence of paragraph two of Method IIIA (outlined on page A-21 of the "Judicial Needs Assessment"):

"As parking filings effectively require no judicial time, application of the current filings per judicial officer ratio, in conjunction with the anticipated increase in parking filings, could potentially overstate judicial officer need."

Chairman Rawles stated that only 2 to 2.3 percent of the parking cases typically proceed to a hearing with a judicial officer. He referred to Item No. 5 titled "Mesa Municipal Court Filings Versus Cases" (see Attachment 5). Chairman Rawles expressed the opinion that the increased number of civil traffic cases associated with the implementation of photo radar would result in approximately three percent of the civil traffic cases proceeding to a hearing process. He added that these cases have nothing to do with the trial courts.

Mr. Shiffer advised that the numbers were re-evaluated based on the issues raised by Chairman Rawles. He noted that the ratio of civil traffic filings to total filings is historically consistent in the 65 to 72 percent range. Mr. Shiffer stated that an average of 69 percent of the total filings are for civil traffic offenses, and he added that the other categories, such as misdemeanors, the non-criminal ordinance and protective orders, are also increasing at the same rate as civil traffic.

Chairman Rawles expressed disagreement with Mr. Shiffer's conclusions, and he noted that an increase in civil traffic cases resulting from the implementation of photo radar does not correlate to an increase in the number of misdemeanor or criminal traffic cases. He expressed the opinion that the need for judicial officers is overstated in the report.

Committeemember Walters noted that the numbers peaked beginning in 1998 through 2001 when photo radar was implemented, and that the number of cases has dropped since that time. She stated the opinion that the number of courtrooms is not the critical issue, and that ten courtrooms may be sufficient in the future. Committeemember Walters expressed concern regarding the current lack of support space for the associated operations.

Chairman Rawles summarized that the key areas to be determined include: the number of courtrooms that will be required and, if twelve courtrooms are required, the point in time when additional courtrooms would be needed, the ancillary space requirements for a ten or twelve courtroom facility; and the best source of funding. He added that the Council would be doing the citizens of Mesa a disservice by opening a ten-courtroom facility in 2009 and then determining a need for twelve courtrooms in 2011 or 2012.

Committeemember Walters noted that another key issue is the future availability of operating funds to staff the court facility.

Judge Tafoya explained that current plans for the Court facility include three courtrooms upfront to move the cases, two civil courtrooms and five trial courtrooms, and he stated the opinion that the City would require twelve courtrooms at build out. He noted that the Arizona Supreme Court is considering a mandate to require that all cases be moved within 180 days. Judge Tafoya provided an overview of the types and volumes of cases projected for the future, and he recommended the construction of twelve courtrooms in order to meet the future needs of the community.

Mr. Thomas reported that the photo safety vendor recently advised that 34 operational cameras would generate 340 citations a day, which is significantly higher than previous estimates. He stated that 92 citations were issued in June, 243 in July and 927 through August 22nd.

Chairman Rawles noted that the data presented by Mr. Thomas reflects a 50 percent increase in the number of civil traffic cases, and he stated the opinion that the civil hearing courtrooms could handle these cases without affecting the number of trial courtrooms.

In response to a question from Chairman Rawles, Judge Tafoya stated that the court conducted 65 trials in the past year. He noted that plans for the court facility address anticipated requirements in 2015. Judge Tafoya reported on the construction of courtrooms in other Valley cities: Chandler constructed seven courtrooms and initially utilized only four; Scottsdale constructed four courtrooms in 1998, and since that date added four; Phoenix constructed 38 courtrooms and are presently utilizing 30; and the Town of Gilbert initially utilized four of their nine courtrooms.

Chairman Rawles expressed support for the projection that reflects the need for 9.8 courtrooms in 2010, 10.6 in 2015 and 11.3 in 2020. He advised that considering the City of Mesa's fiscal constraints, he could not support the construction of a twelve-courtroom facility. Chairman Rawles said that the City may be able to increase the current funding of \$33.6 million in order to address several of the other issues. He stated the opinion that the projection for 12 courtrooms at build out is based on erroneous population estimates, an erroneous number of misdemeanors, and the erroneous assumption that civil traffic and parking cases play an equal role in determining the number of trial courtrooms. Chairman Rawles further stated the opinion that five-year or six-year averages seem to be more relevant than ten-year or twenty-year averages. He noted that a six-year average projects 9.7 courtrooms in 2010, 10.4 in 2015 and 11 in 2020, and that a five-year average projects 9.8 courtrooms in 2010, 10.5 in 2015 and 11.2 in 2020. Chairman Rawles said that in the event a need exists for additional courtrooms in 2020 or beyond, the Council could present the issue to the voters at that time.

Judge Tafoya stated that constructing twelve courtrooms would save the taxpayers money in the long term.

Chairman Rawles advised that certain items in the "10 courtroom standard" model did not have his support, such as the 400 square feet designated for "probation officers." He noted that Mesa City Court does not presently have supervised probation or probation officers.

Judge Tafoya stated that probation officers may be required in the future, and he suggested that providing the Committee an opportunity to question the experts who prepared the report could persuade the Committee to support a twelve-courtroom facility.

Chairman Rawles said that his calculations for five and six-year averages were based on data in the report, and therefore he could not be persuaded to support a twelve-courtroom facility. He added that the experts could comment on the validity of his interpretation of the numbers.

Mr. Shiffer suggested that the projected number of courtrooms should be "rounded up," and that 11.5 would represent twelve courtrooms.

Chairman Rawles stated that he was "rounding down" because presently the City has seven judges, five of whom are in the courtroom. He stated that he understood the demands of the administrative function, and he did not intend his comment to be a criticism of Judge Tafoya for not being in the courtroom.

Judge Tafoya noted that the number of DUI filings decreased significantly in the past year, and he suggested that the number would increase in the future.

Responding to a suggestion from Committeemember Whalen that the Committee invite the consultant to address the issues, Chairman Rawles stated that he was in favor of providing that opportunity.

Further discussion ensued relative to scheduling a future Committee Meeting at which the consultant could provide additional information; that 3:30 p.m. on August 29th was suggested as a date for the meeting; and that an alternate date would be immediately following the September 14th Council Study Session.

Committeemember Whalen requested additional information regarding the reasons for the reduced number of filings for DUI cases in the past year. He advised that he has not made a decision regarding the number of courtrooms, and he noted that Chairman Rawles has raised some valid issues. Committeemember Whalen stated that based on his experience, City facilities typically require an expansion or addition within a short period of time following construction. He noted that employees of the Court and the Prosecutor's Office have worked in a substandard environment for a long period of time. Committeemember Whalen advised that at the present time, he supports the model for "ten courtrooms with space for twelve," and he added that he could easily be convinced to support twelve courtrooms if the funding was available.

Committeemember Walters expressed support for inviting the consultant to the next Committee meeting in order to provide additional information. She suggested that the facility consist of ten courtrooms with a footprint that enables expansion to twelve courtrooms. Committeemember Walters noted that the current court facility fails to provide space for jury members and ancillary space for staff support. She also stated support for including space for the "probation" function, which could be utilized for other purposes in the event there is no future requirement for the "probation" function. Committeemember Walters advised that the data presented has not convinced her that twelve courtrooms are needed, and she stated the opinion that the best alternative is the construction of ten courtrooms that includes support space for twelve courtrooms.

Chairman Rawles said that he supports the construction of a new court facility, and he concurred that the employees require additional space. He stated that he did not question the integrity of the data presented, but he stated that he reached a different conclusion based on his analysis of the data. Chairman Rawles explained that he has two areas of responsibility: one, to facilitate the construction of a court building that meets the needs of the community at build out and two, a fiscal responsibility relative to the amount of the expenditure and the manner in which the funds are spent.

Committeemember Whalen recalled that several years ago the Supreme Court considered reorganizing the court system to move Municipal Courts into the Superior Court system.

Judge Tafoya stated that consolidation of the courts has been an issue since the 1980's, and he expressed the opinion that this type of reorganization will not occur in the future.

Committeemember Walters noted that recently the Arizona League of Cities and Towns discussed the proposal of a City of Peoria judge to eliminate jury trials for DUI cases. She stated that the League did not take a position on the issue, and she added that the State Legislature seems to favor an increased number of jury trials. Committeemember Walters questioned whether rooms in the court building could be designed in a manner to serve more than one purpose, and she inquired whether the design of the building could accommodate future expansion to twelve or fourteen courtrooms.

City Engineer Keith Nath confirmed that staff would include options for future expansion as a part of the site plan and design.

Chairman Rawles thanked staff for the presentation.

2. Adjournment.

Without objection, the General Development Committee meeting adjourned at 2:42 p.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 25th day of August 2006. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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Attachments (5)