



COUNCIL MINUTES

April 10, 2008

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 April 10, 2008 at 7:30 a.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

COUNCIL-ELECT PRESENT

Alex Finter
Dave Richins

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

1. Hear a presentation, discuss and provide direction on a residential rental property inspection program.

City Attorney Debbie Spinner reported that at the March 6, 2008 Study Session, staff was directed to bring back an ordinance establishing a residential rental inspection program that mirrors the programs established by the State. She explained that because the Mesa City Charter prohibits the City from adopting a housing code, Mesa voters must approve such Charter amendment changes. Ms. Spinner also noted that the Council further directed that the inspection programs not be limited to multi-family rental units.

Ms. Spinner briefly reviewed three Charter amendment alternatives for Council consideration. (See Attachment 1.) She said that staff was unsure whether the Council preferred to limit the inspection programs to individual residential properties or wanted the authority to establish a Citywide program as authorized by State law. Ms. Spinner requested input from the Council relative to which of the three alternatives they would like brought forward for introduction and adoption, at which time the item would be placed on the November 2008 ballot.

In response to a series of questions by Mayor Hawker, Ms. Spinner clarified that per State Statute, cities are prohibited from charging a fee for the inspections or establishing a license and registration process. She explained that the owners of rental properties, per State law, are required to register with the County Assessor's Office and stated that the City would then be authorized to request a listing of all residential rental properties in Mesa. Ms. Spinner added that if a Citywide inspection program were implemented, such a list would be utilized to establish a schedule when the properties are inspected.

In response to a question from Councilmember Jones, Code Compliance Director Mike Renshaw explained that if the City receives a complaint that a rental property is not registered with the County, staff sends a letter to the owner advising the individual of such requirements. He acknowledged that although the City currently does not have a list of rental properties not registered with the County, it would be appropriate to do so. Ms. Spinner added that the City has the authority to cite a rental property owner for failure to register with the County.

Vice Mayor Walters clarified that it is a City of Mesa requirement, as opposed to a State requirement, that an entity that owns three or more rental properties must pay sales tax on those properties. She questioned the threshold of three properties and suggested that it might be more appropriate to lower that requirement to two. Vice Mayor Walters also suggested that it might be advantageous for Mesa to develop a closer relationship with the County so that staff could apprise the County of the rental properties that are not registered with the Assessor's Office.

Ms. Spinner briefly responded to a series of questions from the Council regarding Alternatives 1, 2 and 3. She stated that with regard to Alternative 1, this option would provide the Council the authority to implement any residential rental inspection programs under State law. Ms. Spinner noted that Alternative 2 expressly authorizes the Council to establish residential rental inspection programs authorized by State law.

Ms. Spinner further reported that with regard to the individual rental inspection programs, in her opinion, they could be implemented without specific ordinances being drafted by staff and brought back to Council. She noted, however, that for a Citywide program, State law requires that the program be established through an ordinance and a public review process.

Mayor Hawker expressed support for Alternative 1.

Ms. Spinner clarified the Council's direction and stated that staff would place Alternative 1 on the next Council agenda for introduction.

Vice Mayor Walters commented that under State law, a rental property cannot be inspected without permission of the owner or the individual occupying the property, or a court order. She noted that when this item is placed on the ballot, she assumes that the language would appear as contained in Alternative 1, with a tagline indicating "Slum Landlord Law." Vice Mayor Walters inquired if the above-listed conditions could be articulated somewhere in the information pamphlet.

City Clerk Linda Crocker responded that the City will only be allowed taglines on the November ballot due to limited space. She noted, however, that such information could be included in the publicity pamphlet and posted at the polling locations.

Councilmember Rawles questioned whether the Charter change is more than a "Slum Landlord Law." He commented that if the City implements a Citywide program, every rental property would be inspected on a regular basis, including those that have "stellar performances" and added that it would not be a complaint-driven process. He stated that he would prefer that the tagline be accurate and not just directed at slums.

Ms. Spinner explained that Alternative 1 would give Mesa the authority under an individual residential inspection program, which is complaint driven, and also authorize a Citywide program, which is not complaint driven, but a periodic review of every rental property in the City.

In response to a question from Councilmember Somers, Ms. Spinner clarified that Alternative 1 could include any type of program permitted under State law. She advised that if the State passed a residential inspection program, the Council would have the authority to implement such a program under Alternative 1. Ms. Spinner added that if, for example, an owner-occupied residential inspection program was passed under State law, such a program would also be authorized under Alternative 1.

Councilmember Somers concurred that the City should implement some type of residential rental inspection program, but noted that “the idea of citizens thinking of bathtub ring police inspecting their own homes under Alternative 1 may not be palatable.”

Vice Mayor Walters concurred with Councilmember Somers’ comments relative to Alternative 1. She stated that Alternative 3 was the option she had originally brought forward and would be willing to proceed with that option at this time.

Councilmember Rawles stated that he would prefer Alternative 3 because it is the most restrictive option (i.e., a complaint driven process as opposed to a periodic comprehensive inspection program). He reiterated his previous comments that the tagline on the ballot should be more accurate and not directed only at slum landlords.

Further discussion ensued relative to the fact that Alternative 3 would not impact the City’s ability to implement the existing slum property designation; and that the option would also address both a single residential rental property and multi units.

It was moved by Vice Mayor Walters, seconded by Councilmember Truitt, that staff be directed to bring forward Alternative 3 as an ordinance for introduction and adoption.

Carried unanimously.

Councilmember Rawles referred to A.R.S. Section 9-1302 (e) and inquired who would make a determination of a finding of probable cause to inspect the interior of individual rental properties.

Ms. Spinner responded that staff from Code Compliance, the City Attorney’s Office and the City Prosecutor’s Office would meet to address that issue.

Councilmember Rawles stated that because the statute is vague and subject to abuse, he urged staff to be careful in their interpretation of the law.

Mayor Hawker thanked staff for the presentation.

2. Hear a presentation and discuss Library budget issues.

Library Director Heather Wolf introduced staff members present at the meeting and provided a short synopsis of the proposed FY 2008/09 budget for the Library. She displayed a PowerPoint presentation (A copy is available for review in the City Clerk’s Office) and reviewed the previous

and current fiscal year staffing levels and Library expenditures. Ms. Wolf explained that the FY 2008/09 proposed expenditures for the Library total \$10.4 million, with 75% of the cost earmarked for personnel, 16% for subscriptions and materials, 6% for commodities and 5% for other services.

Ms. Wolf highlighted the proposed budget reductions as follows:

- 7.2% reduction in the Subscriptions budget (\$28,000)
- 9.8% reduction in the Library Media Materials budget (\$133,700)
- Elimination of 3 vacant librarian positions (2.2 FTE) (\$173,900)
- Elimination of 3 vacant Periodicals positions (1.8 FTE) (\$87,400)
- Elimination of 1 vacant Management Assistant I position (\$73,000)

Discussion ensued relative to the Maricopa County Library District; the fact that the County operates libraries in smaller communities and sponsors a reciprocal borrowing program; that residents in Maricopa County may use any County library; and that Mesa residents make significant financial contributions to the Library District.

Ms. Wolf also reviewed a series of performance measures for the Library.

Ms. Wolf further spoke regarding the implementation of various service improvements in an effort to respond to a reduction in staff over the last 18 months. She noted that some of the items include, but are not limited to: the consolidation of two service desks at the Dobson branch; the reduction of the number of staffed circulation workstations at the Main and Red Mountain branches; the addition of self checkout machines; increased public access to Internet terminals; the addition of wireless access at all three Library branches; the implementation of Radio Frequency Identification; and the reinstatement in 2007 of the Summer Reading Program.

Further discussion ensued relative to the Library's hosting of various signature events (i.e., Harry Potter Night Owl Celebration); staff's efforts to be proactive in seeking grants and sponsorships; Mesa's partnership with the Greater Phoenix Digital Library Consortium; and the significant contributions of the Library volunteers, who have given over 14,000 hours of service this fiscal year and saved the City an estimated \$269,687 in labor costs.

Mayor Hawker thanked staff for the presentation.

3. Hear a presentation and discuss Fire Department budget issues.

Fire Chief Harry Beck displayed a PowerPoint presentation (A copy is available for review in the City Clerk's Office) and offered an extensive overview of the proposed FY 2008/09 budget for the Fire Department, which is projected at \$64,351,592.

Chief Beck reviewed the operational focus of the Department and discussed a comparative analysis of the previous and current fiscal year staffing levels. He reported that at the present time, the Department lacks 4 units and 52 firefighters simply to maintain 2004 service levels. Chief Beck noted that Mesa has the second highest population of children and the elderly per capita as compared to surrounding communities. He added that the City also receives more calls per capita than other East Valley communities and said that the influx of winter visitors only adds to the number of calls for service.

Chief Beck commented on the importance of the Fire Department achieving a response time goal of four minutes or less 90% of the time; that response times have increased 30 seconds over the last three years; that there will be a continuing degradation in response time based on a lack of additional resources and an aging/growing population; and that for planning purposes, staff will use a 15 second increase in response time for each year that additional resources are not acquired.

Chief Beck further spoke regarding the difficulty experienced by the Department in “balancing” emergency service needs in west and east Mesa. He explained that west Mesa has a high-density population, high service demands and simultaneous incidents occurring within the same area of a fire station that require a second unit to respond to the call and extend the response time. Chief Beck advised that east Mesa is confronted with expansive growth and has fewer fire stations, resulting in an increased demand for services, longer travel distances and extended response times. He added that staff endeavors to review their procedure to assess/prioritize calls for service in order to determine which unit should be dispatched to a particular call.

Discussion ensued relative to 2007 emergency responses over 6 minutes; the number of high and medium risk fire inspections completed on a monthly basis; the number of public education contacts by the Fire Department with high-risk populations; the Transitional Response Vehicle (TRV) pilot program, which was funded for two years and comprised of two-person units that handle non-life threatening medical calls and non-emergency service calls; and that since August 2007, the units have responded to approximately 2,000 calls.

Assistant Fire Chiefs Dan Stubbs and Brady Leffler briefly outlined the Fire Department’s FY 2008/09 proposed budget reductions as follows:

- Transitional Response Vehicles (TRV) Program (\$1,039,259)
- Succession Planning (\$955,726)
- Minimum Staffing Overtime (\$183,976)
- 1 Recruit Academy (\$174,417)
- 6 Fire Inspectors (\$394,056)

Further discussion ensued relative to the fact that based on growing service demands and response time trends, it is necessary for the Department to add at least one unit annually to maintain its current service level; that if the proposed Fire bond projects are approved by voters, the first fire station would not be staffed until FY 2010/11; that with the addition of the new unit in FY 2010/11, the Department would be lacking 104 positions to maintain its current service level; that staff anticipates a significant surge in demand for emergency medical service due to the aging baby boomers population; the recent closure of two hospitals in west Mesa that has impacted transport times to other facilities; the proposed Fire Bond projects; and the potential for local ambulance companies to assist the City regarding the TRV Program.

Councilmember Whalen expressed concern that the Council has been presented “a doomsday scenario” concerning staff’s difficulty in meeting service demands. He also noted that it is imperative that Mesa residents recognize the seriousness of this matter.

Councilmember-Elect Finter expressed a series of concerns regarding this item and stated that it is “unacceptable” for the City of Mesa to approach its public safety budget in such a manner. He said that the elimination of the TRV Program and the reduction in minimum staffing levels

“makes no sense.” Councilmember-Elect Finter suggested that Fire Chief Beck come back to the Council with “an emergency plan” to immediately address response times and various other issues. He also urged the current Council to “get four votes, fix this secondary property tax issue, and don’t stick the new Council with this burden.”

Mayor Hawker said that if the new Council believes they need an additional \$100 million or \$200 million to be included in the bond election, they would have 30 days in which to call the election and approve the additional funding. He added that this Council has worked hard to address and consider the various projects that have been included in the bond package.

Councilmember Truitt inquired whether it would be appropriate for the Council to revisit fire impact fees for new development. He also expressed concern that many of the proposed budget cuts are not sustainable and would challenge staff to “think outside the box” in this regard.

Mayor Hawker thanked everyone for the presentation.

4. Hear a presentation, discuss and provide direction on Module 2: Development Regulations of the Zoning Code Update.

Due to time constraints, this item was continued to a future Study Session.

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

- a. Library Advisory Board meetings held September 18, 2007, January 15, 2008 and March 18, 2008
- b. Economic Development Advisory Board meeting held on March 4, 2008
- c. Board of Adjustment meeting held on March 11, 2008

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

Carried unanimously.

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

There were no reports on meetings and/or conferences attended.

7. Scheduling of meetings and general information.

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

Saturday, April 12, 2008, 10:00 a.m. – City Hall at Fiesta Mall

Thursday, April 17, 2008, 7:30 a.m. – Study Session

Thursday, April 17, 2008, TBA – Transportation & Infrastructure Committee Meeting

8. Items from citizens present.

Dilworth Brinton, Jr., 1905 East Fountain Street, on behalf of the Library Advisory Board, expressed a series of concerns regarding the fact that City management did not initially provide the Board an opportunity to offer input/recommendations relative to the Library's proposed FY 2008/09 budget. He noted that Library Director Heather Wolf subsequently met with the Board and highlighted the proposed budget, at which time the Board provided comments and unanimously recommended support for the proposal presented by Ms. Wolf today. Mr. Brinton added that in the future, the Board hopes that City management would trust the recommendations and advice of boards and committees and not reject their input.

9. Adjournment.

Without objection, the Study Session adjourned at 9:56 a.m.

KENO HAWKER, 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 10th day of April 2008. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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(attachment -1)