

COUNCIL MINUTES

July 2, 2018

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on July 2, 2018 at 5:45 p.m.

COUNCIL PRESENT

John Giles
David Luna
Mark Freeman
Christopher Glover
Francisco Heredia
Kevin Thompson
Jeremy Whittaker

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Dee Ann Mickelsen
Jim Smith

Mayor's Welcome.

Mayor Giles asked everyone to stand and observe a moment of silence.

Pledge of Allegiance was led by Councilmember Glover.

Awards, Recognitions and Announcements.

There were no awards, recognitions or announcements.

1. Appointment of Alicia Lawler as a City Magistrate.

Mayor Giles reported that Ms. Lawler received her Bachelor's degree in Sociology/Psychology and Law degree from Arizona State University. He noted that Ms. Lawler was admitted into the Arizona Bar in 1987 and currently serves as a Judge Pro Tem in the municipal courts for Phoenix, Scottsdale, and Mesa. He indicated that prior to her service as a Judge Pro Tem she has years of experience as an attorney in a private practice. He added that Ms. Lawler has been described as smart, hardworking, detailed, and patient.

It was moved by Vice Mayor Luna, seconded by Councilmember Freeman, that Alicia Lawler be appointed as a City Magistrate.

Carried unanimously.

Alicia Lawler was sworn in as City Magistrate by Mayor Giles.

Ms. Lawler recognized her family and friends for their support and thanked the Council and the Judicial Advisory Board for the vote of confidence. She stated that the public's trust in the judiciary system is critical and pledged that she will work hard and conduct herself in a manner

that promotes and enhances trust. She remarked that she looks forward to the leadership of Judge Tafoya and to working alongside the other judges.

Mayor Giles commented that Mesa's Municipal Court is of high caliber and that Ms. Lawler will make an exceptional judge.

2. Take action on all consent agenda items.

Mayor Giles clarified that the following items are removed from the consent agenda: 6-i, 6-j, 6-k, 6-l, 8-a, and 9-a.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

It was moved by Councilmember Freeman, seconded by Vice Mayor Luna, that the consent agenda items be approved.

Carried unanimously.

*3. Approval of minutes from previous meetings as written.

Minutes from the May 24, 31, and June 18, 2018 Council meetings.

4. Take action on the following liquor license applications:

*4-a. Mesa Chamber of Commerce

This is a one-day event to be held on Saturday, August 25, 2018 from 5:00 P.M. to 9:00 P.M., at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

*4-b. Augusta Ranch Golf Club

A golf club is requesting a new Series 7 Beer and Wine Bar License for Community Course Rescue Services LLC, 2401 South Lansing - Donald Harte Rea Jr., agent. The existing license held by Hub II LLC will transfer to the new owner. **(District 6)**

*4-c. Fired Pie

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant license for NWFI LLC, 2015 South Alma School Road, Suite 102 - Jesus Manuel Altamirano, agent. The existing license held by Vo Industries LLC will revert to the State. **(District 3)**

*4-d. Po Chicken

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant license for Go Chicken LLC, 1933 West Main Street, Suite 8 - Sungchul Jo, agent. There is no existing license at this location. **(District 3)**

5. Take action on the following contracts:

- *5-a. Ratification of the Emergency Purchase of 18 Mobile Two-Way Radios (Additions), Accessories and Related Equipment for the Fire and Medical Department. **(Citywide)**

Fire and Medical issued all the spare APX 7000 portable radios for the pilot programs with the Low Acuity units. This purchase replenished the Department's spare radios with the same model as what is currently being used in the field.

The Fire and Medical Department and Purchasing recommend ratifying the purchase from the State of Arizona cooperative contract with Motorola Solutions, Inc., at \$100,097.20. This purchase is funded by the Capital - General Fund.

- *5-b. Purchase to Replace the Police Records Management and Field-Based Reporting System for the Police Department. **(Citywide)**

The Mesa Police Department currently uses the Hexagon I/LEADS Records Management System (RMS). RMS is over 12 years old, lacks functionality, and runs on software that contains outdated components that are no longer supported by Microsoft. In addition, federal and state mandates require the Police Department convert to National Incident Based Reporting System (NIBRS) for crime reporting before January 1, 2021. A new Police records management system, field-based reporting, and jail management system will provide a consolidated, and a single-source police records system for end-to-end processing, including incidents, arrests, case management, detention/jail, NIBRS reporting and other various components.

An evaluation committee recommends awarding the contract for project implementation and development, to the highest-scored proposal, Versaterm, Inc., at \$3,065,307, based on estimated requirements.

- *5-c. Purchase of Four Sedans (One Replacement and Three Additions) for the Police Department. **(Citywide)**

The four sedans will support Police Operations. One vehicle is an unscheduled replacement for a vehicle that was totaled in an accident, two are additions for the Department's Field Intelligence Officer Program, and one for a new addition in Administration.

The Fleet Services and Police Departments, and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, PFVT Motors, LLC, dba Peoria Ford, at \$109,015.84. This purchase is \$27,253.96 funded by the Vehicle Replacement Fund, \$54,507.92 grant funded by Salt River Pima-Maricopa Indian Community, and \$27,253.96 by the Capital General Fund.

- *5-d. Purchase of Two Light-Duty Pickup Trucks, One Addition for the Parks, Recreation and Community Facilities (PRCF) Department and One Addition for the Fleet Services Department. **(Citywide)**

The vehicle addition for PRCF will support staff additions assigned to Eagles Park. The vehicle addition for Fleet Services will be a service truck used to address increasing road calls and to facilitate field repairs and reduce unscheduled downtime.

Parks, Recreation and Community Facilities, Fleet Services and Purchasing recommend authorizing the purchase from the existing contract with Berge Ford (a Mesa business), at \$70,185.30. This purchase is funded by the Environmental Compliance Fee and the Fleet Internal Services Fund.

- *5-e. Purchase of Six Replacement Automated Side Loading Refuse Trucks for the Environmental Management and Sustainability Department. **(Citywide)**

The six refuse trucks that are being replaced have met established replacement criteria and will be either traded, auctioned, sold, or deployed for special uses as part of the ongoing vehicle replacement program.

The Fleet Services, and Environmental Management and Sustainability Departments, and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Rush Truck Centers of Arizona, dba Rush Truck Center Phoenix, at \$2,278,924.62. This purchase is funded by the Utility Replacement Extension and Renewal Fund, Capital Enterprise Fund, and the Solid Waste Development Fee.

- *5-f. Purchase of a Replacement/Upgrade Wireless Communication System for the Arts and Culture Department. **(Citywide)**

This wireless equipment will replace outdated equipment in the Ikeda and Piper Theaters. The upgrade is necessary to meet the new FCC spectrum requirements that will take effect November 1, 2018.

The Arts and Culture Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Pro Sound, Inc, dba Pro Sound & Video, at \$49,731.97. This purchase is funded by the Mesa Arts Center Restoration Fee.

- *5-g. Three-Year Term Contract for Household Hazardous Waste Facility Operational Support for the Environmental Management and Sustainability Department. **(Citywide)**

This contract will provide staffing assistance, technical support, and waste disposal for the operations of the City's new Household Hazardous Materials Facility when it opens this fall.

An evaluation committee recommends awarding the contract to the highest-scored proposal from Kary Environmental Services, Inc. (a Mesa business), at \$500,000 annually, based on estimated usage. This contract is funded by the Mesa Green and Clean Fee - Solid Waste Enterprise Fund.

- *5-h. Purchase of One Skip Loader Tractor (Addition) for the Transportation Department as requested by the Fleet Services Department. **(Citywide)**

This equipment is crucial to the maintenance and repair of the City of Mesa storm infrastructure. It will be used to mow unlined channels, sweep debris from roadways after storm events, move various materials into and out of unlined channels, grade to maintain slopes, and maintain road shoulders and mitigate fugitive dust, which contributes to improving air quality. The loader will improve operational efficiency during storm cleanup activities and will provide another asset to Transportation Field Operations to utilize for maintenance.

The Fleet Services and Transportation Departments and Purchasing recommend authorizing the purchase using the NJPA cooperative contract with RDO Equipment Co., at \$114,411.70. This purchase is funded by the Environmental Compliance Fee.

- *5-i. Purchase of One Heavy-Duty Slurry Seal Truck (Replacement) for the Transportation Department as requested by the Fleet Services Department. **(Citywide)**

The Pavement Preservation work group uses the slurry seal truck in daily operations to mix and apply slurry seal material for City street maintenance. The vehicle that is being replaced has met established criteria and will be either traded, auctioned, sold, or deployed to special uses.

The Fleet Services and Transportation Departments, and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, California Pavement Maintenance Company, Inc., dba Rayner Equipment Systems, at \$383,366.38. This purchase is funded by the Local Streets Fund.

- *5-j. Purchase of One Medium-Duty Aerial Bucket Truck and Service Body (Replacement) for the Energy Resources Department as requested by the Fleet Services Department. **(Citywide)**

The aerial truck that is being replaced has met established replacement criteria and will be either traded, auctioned, sold, or deployed to special uses.

The Fleet Services and Energy Resources Departments and Purchasing recommend authorizing the purchase using the NJPA cooperative contract with Altec Industries, Inc., at \$226,990.16.

- *5-k. One-Year Renewal to the Term Contract for Wastewater Collection System Cleaning, CCTV Inspection and Recording, and Cured-In-Place Point Repairs for the Water Resources Department. **(Citywide)**

The City's wastewater collection system consists of approximately 1,650 miles of sanitary sewer lines ranging from 6" to 78". As part of the City's Wastewater Asset Management Program, nearly 100 miles of sewer lines are cleaned and inspected annually to assess the condition of these lines, locate defects, and identify segments that need to be rehabilitated or replaced. This contract provides a contractor to perform internal video inspections of sanitary wastewater lines and document the findings and perform cured-in-place point repairs.

The Water Resources Department and Purchasing recommend authorizing the renewal with Hoffman Southwest Corp., dba Professional Pipe Services, at \$510,000, based on estimated usage.

- *5-l. One-Year Renewal to the Term Contract for Repaired/Rebuilt and New Landia Recycle Pumps and Mixers for the Water Resources Department (Sole Source). **(Citywide)**

This contract provides for the purchase of new replacement and repaired/rebuilt Landia AXP-I pumps for the Northwest and Southeast Water Reclamation Plants. These pumps are critical components to the plants, and a backup unit is kept on hand, should a pump go down.

The Water Resources Department and Purchasing recommend authorizing the renewal with the sole source vendor, Landia, Inc., at \$70,000, based on estimated usage.

- *5-m. One-Year Renewal to the Term Contract for Welding Services for the Transportation Department. **(Citywide)**

This contract provides storm drain tethering from an experienced contractor on an as-needed basis. Services include welding tether chains to catch basin grates to deter grate thefts.

The Transportation Department, and Purchasing recommend authorizing the renewal with Grate Solutions Co., Inc., at \$50,000, based on estimated usage.

- *5-n. One-Year Renewal to the Term Contract for Emergency Pump Rental Services for the Transportation Department. **(Citywide)**

Transportation maintains 39 storm water pump stations that convey storm water during storm events. To back-up and supplement this capacity, this contract provides for emergency trailer mounted pump rental along with associated equipment and hardware on an as-needed basis, 24 hours a day, 7 days a week.

The Transportation Department and Purchasing recommend authorizing the renewal with Water Movers, Inc. (Primary); and Western Oilfields Supply Company, dba Rain for Rent (Secondary); for \$100,000, based on estimated usage.

- *5-o. 4-inch PE Gas Line Extension - Power Road, Indigo Street to McKellips Road. **(District 5)**

This project will provide added support to the existing gas infrastructure, increase system pressure to acceptable design levels, and add a second natural gas feed to the Annecy subdivision at Ivyglen Street and Power Road.

Staff recommends awarding the contract for this project to the lowest, responsible bidder, Arizona Pipeline Company, in the amount of \$398,405, and authorize a change order allowance in the amount of \$39,841 (10%), for a total amount of \$438,246. This project is funded by 2014 authorized Gas bonds.

6. Take action on the following resolutions:

- *6-a. Approving and authorizing the City Manager to prepare, sign and submit applications to the U.S. Department of Housing and Urban Development to receive FY 2018/2019 entitlement funds under the Housing and Community Development Act of 1974 (CDBG), as amended, for for-profit organization activities, non-profit organization activities, and City department activities approved by the City Council. **(Citywide)** – Resolution No. 11173.
- *6-b. Approving and authorizing the City Manager to prepare, sign and submit applications to the U.S. Department of Housing and Urban Development to receive FY 2018/2019 entitlement funds under the HOME Investment Partnerships program (HOME), as amended, for for-profit organization activities, non-profit organization activities, and City department activities approved by the City Council. **(Citywide)** – Resolution No. 11174.

- *6-c. Approving and authorizing the City Manager to prepare, sign and submit applications to the U.S. Department of Housing and Urban Development to receive FY 2018/2019 entitlement funds under the Stewart B. McKinney Homeless Assistance Act of 1987 (ESG), as amended, for activities approved by the City Council. **(Citywide)** – Resolution No. 11175.
- *6-d. Approving and authorizing the City Manager to disburse FY 2018/2019 Human Services funds for activities by non-profits approved by the City Council and to enter into agreements for the disbursement of Human Services funds. **(Citywide)** – Resolution No. 11176.
- *6-e. Approving the FY 2018/2019 Annual Action Plan for submittal to the U.S. Department of Housing and Urban Development (HUD) and authorizing the City Manager to amend, sign and submit the Annual Action Plan for FY 2018/2019. **(Citywide)** – Resolution No. 11177.
- *6-f. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) for the Loop 101 Mobility Project. This is a multi-agency project that will allow for the design and integration of technology into the ADOT system to address safety, improve mobility, and reduce congestion on Loop 101. The City will contribute \$44,552 of in-kind staff time over four years for the portion of the project that is within the City's boundaries. **(Districts 1 and 3)** – Resolution No. 11178.
- *6-g. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Federal Bureau of Investigation for the sharing of radio communications sites and facilities. **(Citywide)** – Resolution No. 11179.
- *6-h. Calling a special bond election to submit to the qualified electors of the City of Mesa, in conjunction with the General Election to be held on November 6, 2018, the question of authorizing the issuance and sale of general obligation bonds of the City for the purposes of public safety facilities and improvements, and support equipment and vehicles, and designating the manner in which the election is conducted, the translation of election materials, voter registration deadlines and early voting dates. **(Citywide)** – Resolution No. 11180.
- *6-i. See: **Items not on the Consent Agenda.**
- *6-j. See: **Items not on the Consent Agenda.**
- *6-k. See: **Items not on the Consent Agenda.**
- *6-l. See: **Items not on the Consent Agenda.**

7. Take action on the following resolution and introduction of the following ordinance relating to the Mesa Sign Code and setting July 9, 2018 as the date of the public hearing on this ordinance:

- *7-a. A resolution declaring the document filed with the City Clerk entitled “2018 Sign Code” and identified for codification as Chapters 41 through 50 of Title 11, the Zoning Ordinance of the Mesa City Code to be a public record and providing for the availability of the document for public use and inspection. **(Citywide)** – Resolution No. 11181.

- *7-b. An ordinance repealing the existing Chapter 41 of Title 11 of the Mesa City Code entitled "Sign Regulations" in its entirety, and adopting the "2018 Sign Code", a public record of the City of Mesa, as Chapters 41 through 50 of Title 11, the Zoning Ordinance of the Mesa City Code. **(Citywide)**

Staff Recommendation: Approval

P&Z Board Recommendation: Approval (Vote: 6-1)

8. Introduction of the following ordinances and setting July 9, 2018 as the date of the public hearing on these ordinances:

- *8-a. See: **Items not on the Consent Agenda.**
- *8-b. **ZON18-00375 (District 4)** The 0 block of South Mesa Drive (east side), the 400 block of East Main Street (south side), the 0 block of South Udall (both sides) and the 0 block of South LeSueur (west side). Located at the southeast corner of Main Street and Mesa Drive (6± acres). Rezone 4± acres from T5MS and T4NF to T5MSF; and 2± acres from T4NF-HD and T4N-HD to T5MSF-HD. This request will allow for a mixed-use development. City Creek Reserve, Inc, applicant; Land Equity Investors LLC and Presiding Bishop of the Church of LDS, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 4-0)

9. Discuss, receive public comment, and take action on the following ordinances:

- *9-a. See: **Items not on the Consent Agenda.**
- *9-b. **ZON17-00507 (District 5)** The 1200 block of North Ellsworth Road (west side) and the 9100 block of East Glencove Avenue (south side). Located north of Brown Road on the west side of Ellsworth Road (1.8± acres). Rezone from LC to LC (Modification of Zoning Stipulation); and Site Plan Modification. This request will allow for the development of an enclosed RV storage facility in the LC zoning district. Dorothy Shupe, Sketch Architecture Company, applicant; Broc Hiatt, owner. – Ordinance No. 5451.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 5-1)

- *9-c. **ZON18-00065 (District 6)** The 8900 block of East Germann Road (north side). Located on the north side of Germann Road west of Ellsworth Road (4± acres). Council Use Permit; and Site Plan Review. This request will allow for the development of an indoor recreation facility. Andrew Greybar, LGE Design Group, applicant; ETP Funding, LLC., owner. – Ordinance No. 5452.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 6-0)

- *9-d. **ZON18-00132 (District 4)** 324 North Country Club Drive. Located south of University Drive on the west side of Country Club Drive (1± acres). Rezoning from DB-1 to DB-2; Site Plan Review and Special Use Permit. This request will allow modifications to an existing carwash. Michael Scarbrough, 3K1 Consulting Services, Inc., applicant; Bajo Enterprises, Paul Crandall Jr. Trust and Joyce Bond, owner. – Ordinance No. 5453.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 6-0)

- *9-e. **ZON18-00118 (District 5)** The 7500 block of East Billings Street (south side) and the 100 to 200 block of North Sossaman Road (west side) (3.4± acres). Located on the west side of Sossaman Road north of Main Street. Rezoning from RM-2-PAD to RM-2-PAD; and Site Plan Review. This request will allow for the development of a townhome subdivision. Reese Anderson, Pew & Lake, PLC, applicant; American Savings Life Insurance Company, owner. – Ordinance No. 5454.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 6-0)

10. Take action on the following subdivision plats:

- *10-a. "Ray Road Commerce Center North" **(District 6)** The 7100 to 7300 blocks of East Ray Road (north side). Located east of Power Road on the north side of Ray Road (16.24± acres). Phx-Mesa Gateway Airport 193, LLC, developer; Richard E. Jones, XCL Engineering, LLC, surveyor.
- *10-b. "Mountain Vista Marketplace Phase I" **(District 6)** The 10700 to 10800 blocks of East Southern Avenue (south side) and the 1200 through 1300 blocks of South Signal Butte Road (west side). Located on the south side of Southern Avenue on the west side of Signal Butte Road. 7 LC-PAD commercial lots (9.5± acres). DD/Mountain Vista LLC, developer; Jared P. Hansmann, SIG Survey Innovation Group, Inc., surveyor.
- *10-c. "Map of Dedication for The Presidio Apartments" **(District 1)** The 700 block of North Country Club Drive (east side). Located north of University Drive on the east side of Country Club Drive (3.4± acres). Country Club 72, LLC, developer; Jay Edward Mihalek, JMA Engineering Corporation, surveyor.

Items not on the Consent Agenda

6. Take action on the following resolutions:

- 6-i. Calling a special bond election to submit to the qualified electors of the City of Mesa, in conjunction with the General Election to be held on November 6, 2018, the question of authorizing the issuance and sale of general obligation bonds of the City for the purposes of libraries, museums, arts and cultural facilities and improvements and parks, open space and recreational facilities and improvements, and designating the manner in which the election is conducted, the translation of election materials, voter registration deadlines and early voting dates. **(Citywide)** – Resolution No. 11182.

It was moved by Councilmember Glover, seconded by Councilmember Freeman, that Resolution No. 11182, be adopted.

Upon tabulation of votes, it showed:

AYES – Giles-Luna-Freeman-Glover-Heredia-Thompson
NAY – Whittaker

Mayor Giles declared the motion carried by majority vote and Resolution No. 11182 adopted.

- 6-j. Submitting to the qualified electors of the City of Mesa, at the General Election on November 6, 2018, as required under Article VI, Section 613 of the Mesa City Charter, the question of approving public expenditures and incurring debt to construct or aid in the construction of a City-owned Mesa Plays Youth and Events Sports complex on City-owned property. **(Citywide)** – Resolution No. 11183.

Mayor Giles acknowledged that speaker cards were received from the following individuals in support of this item, however, they did not wish to speak:

David Wier:	A Mesa resident
Marc Garcia:	Representing Mesa Plays
Steve West:	Representing Mesa Plays

The following citizens spoke in support of agenda item 6-j:

- Mike Hutchinson, representing Mesa Plays
- Doug Smith, a Mesa resident (General Manager of the Marriott Hotel)
- Vince Gallegos, representing Mesa Plays and Mesa Soccer Club
- Rick Kelsey, representing Arizona Soccer Association
- Danny Court, a Mesa resident
- Rich Adams, representing Mesa Plays

The speakers offered a series of comments including, but not limited to, the following:

- Mesa Plays project will promote economic activity and enhances the community.
- Mesa Plays project would provide more events to the City.
- Mesa Plays project will provide the needed athletic fields.
- Mesa Plays project will produce more revenues for the City.
- Mesa Plays project will promote Mesa to becoming a destination community.

The following citizen spoke in opposition to agenda item 6-j:

- Nancy Clay, a Mesa resident

The speaker offered a series of comments including, but not limited to, the following:

- Mesa Plays project is being built adjacent to her home.
- Mesa Plays project will bring noise.
- Mesa Plays project will remove wildlife.

It was moved by Councilmember Freeman, seconded by Councilmember Glover, that Resolution No. 11183, be adopted.

Upon tabulation of votes, it showed:

AYES – Giles-Luna-Freeman-Glover-Heredia-Thompson
NAY – Whittaker

Mayor Giles declared the motion carried by majority vote and Resolution No. 11183 adopted.

- 6-k. Submitting to the qualified electors of the City of Mesa, at the General Election on November 6, 2018, the question of increasing the City's transient lodging (bed) tax by 1.00%, from 5.00% to 6.00%, beginning on March 1, 2019. **(Citywide)** – Resolution No. 11184.

It was moved by Councilmember Glover, seconded by Councilmember Freeman, that Resolution No. 11184, be adopted.

Upon tabulation of votes, it showed:

AYES – Giles-Luna-Freeman-Glover-Heredia-Thompson
NAY – Whittaker

Mayor Giles declared the motion carried by majority vote and Resolution No. 11184 adopted.

- 6-l. Designating the General Election date as November 6, 2018 and the purpose of the General Election; providing the deadline for filing arguments for and against ballot measures; providing the deadline for voter registration; and providing the times that polls will be open. **(Citywide)** – Resolution No. 11185.

At the General Election, the qualified electors of the City shall vote on the following measures:

Question 1 Alternative Expenditure Limitation (Home Rule)
Question 2 City Transaction Privilege ("Sales") Tax Increase - Public Safety
Question 3 General Obligation Bonds - Public Safety
Question 4 General Obligation Bonds - Parks & Cultural
Question 5 Charter Section 613 - Construction of a Sports and Events Complex
Question 6 Bed Tax Increase

It was moved by Councilmember Glover, seconded by Councilmember Heredia, that Resolution No. 11185, be adopted.

Carried unanimously.

8. Introduction of the following ordinances and setting July 9, 2018 as the date of the public hearing on these ordinances:

- 8-a. Adding Chapter 21 to Title 5, Business Regulations, of the Mesa City Code, regarding the licensing of structured sober living homes. **(Citywide)**

Tricia Black spoke on behalf of David Jensen, a Mesa resident, and commented that he has experience with sober living homes. He stated the opinion that these homes must have an on-site administrator and cannot be a resident from a health, safety, and clinical perspective. He commented that in his experience, staff is unable to share bedrooms or bathrooms with the

residents. He added that sober living homeowners should present their plans of service, be transparent, and have staff licensed and trained.

Barbara Sutphin, a Mesa resident, asked if the City has defined what the maximum safe occupancy is in a home, is a floor plan required, who determines the content of the residency screening process, and what is the minimum occupancy number in the draft ordinance for the licensed structured sober living homes. She stated that the sober living home near her residence will have five occupants.

City Attorney Jim Smith reported that the ordinance is enforced when the sober living home has six unrelated residents. He added that if the home reached 10 residents then the handicapped designation is not allowed in a residential district. He confirmed that the licensed structured sober living home requires a floor plan. He clarified that the City has mirrored the City of Prescott's ordinance due to the fact that their ordinance has been implemented for over a year.

Mayor Giles pointed out that at the July 9, 2018 Council meeting a Public Hearing will be held on this item.

Joseph Valenzuela, a Mesa resident, commented that his questions have been addressed.

Priscilla Crosswhite, a Mesa Resident, stated that according to the Federal government under the Disabilities Act they cannot find a person disabled solely on a diagnosis of chronic alcoholism, however, can determine on a physical or behavioral change that limit their ability to function. She stated that her interpretation is that people who have a history of property crime or assault are not allowed in the housing programs. She concluded by saying that the neighborhood signed a petition to stop correctional transitional housing facilities, sober homes, and halfway houses. **(See Attachment 1)**

Mr. Smith commented that an exception in the ordinance addresses the risk to others. He clarified that under the Disabilities Act the term group home includes homes occupied by persons in regard to recovery of alcohol or substance abuse or persons with disabilities.

Janice Gennevois, a Mesa resident, reported that the City of Prescott's ordinance states four or less residents. She pointed out that the home on Hibbert Drive is a 20-bed halfway house facility and asked if the facility is in compliance.

Mayor Giles stated that she can file a compliance request through Code Compliance.

Mr. Smith explained that the City of Prescott defines a family as four people, so at five the regulations for the ordinance is enacted. He noted that some municipalities define family explicitly and others define implicitly such as the City of Mesa which identify when the regulations start. He pointed out that the City is reviewing the definitions for possible changes that includes explicitly defining the number for a family, as well as hiring a consultant. He emphasized the importance of passing this ordinance now and then addressing the definitions at a later date.

In response to a question posed by Councilmember Whittaker, Mr. Smith stated that the ordinance adds regulations that do not currently exist.

It was moved by Councilmember Glover, seconded by Councilmember Freeman, that introduction of the ordinance adding Chapter 21 to Title 5, Business Regulations, of the Mesa

City Code, regarding the licensing of structured sober living homes and setting July 9, 2018 as the date of the public hearing.

Carried unanimously.

9. Discuss, receive public comment, and take action on the following ordinances:

- 9-a. **ZON17-00461 (District 1)** The 100 block of West 8th Place and West 9th Street (both sides) (6± acres). Located southeast of Brown Road and Country Club Drive. Rezone from RS-6 to RS-6-HD to establish the Flying Acres Historic District. Amy Mahoney and other property owners of the proposed Flying Acres Historic District, applicant. – Ordinance No. 5455.

Staff Recommendation: Approval

Historic Preservation Board Recommendation: Approval (Vote: 5-0)

P&Z Board Recommendation: Approval (Vote: 6-0)

Janice Gennevois, a Mesa resident, thanked everyone that was involved in making Flying Acres a Historic District. She thanked the City for the grant funding assistance and expressed the need for a full-time historic preservation officer.

Greg Marek, a Mesa resident, reviewed the history on how Flying Acres became the eighth designated Historic District. He highlighted the Planning and Zoning Vicinity Map (**See Attachment 2**) and pointed out how residents in the Historic District may apply for the Arizona Historic Preservation Tax Credit.

It was moved by Councilmember Freeman, seconded by Vice Mayor Luna, that Ordinance No. 5455, be adopted.

Carried unanimously.

11. Items from citizens present.

Karen Gevaert, a Mesa resident, reported on her concern with the Arizona State University (ASU) project moving forward as she voted no in 2016 and that going against the voters is wrong.

Roy Tatem, representing the East Valley National Association for the Advancement of Colored People (NAACP), reported that he still has continual discussions with the community regarding the conduct of the Mesa Police Department. He acknowledged and appreciates the fact that the charges against Robert Johnson have been dropped. He requested a formal apology and asked Council for a status update on the pending investigation. He asked for continued dialogue regarding Mesa's police conduct and what discipline will the officers receive in all of the current police conduct cases. He asked for a functional relationship between the City government, police, and the community.

Kiana Maria Sears, a Mesa resident, requested that the conduct of the Mesa Police Department be placed on an agenda for discussion at a Study Session or as a Public Hearing. She emphasized the need to see a better Mesa and pursue an open dialogue.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:02 p.m.

JOHN GILES, MAYOR

ATTEST:

DEE ANN MICKELSEN, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 2nd day of July, 2018. I further certify that the meeting was duly called and held and that a quorum was present.











DEE ANN MICKELSEN, CITY CLERK

js
(Attachments – 2)

Petition to Stop Correctional Transitional Housing Facilities,

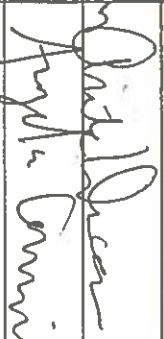









Sober Homes and Halfway Houses

Petition summary and background	To stop the operation of any of the above named facilities at 138 N. Pomeroy St. and the ARIS Foundation site at 114 N. Hibbert St.
Action petitioned for	We, the undersigned of the Glenwood /Wilbur Historic District & Mesa United Historic Districts are concerned citizens who urge our leaders to act now to stop and not allow any of the above named specific use houses or any unspecified houses that serve that specific population into our historic residential neighborhoods.

Printed Name	Signature	Address	Comments	Date
Marita Contreras		138 N. Pomeroy		6/21/18
Destiny Martinez		7520 E 19th Ave St		6/21/18
Analysa Contreras		1345 N. Burris Rd		6/21/18
Rhonda Contreras		1133 W. Gargay St. Mesa AZ.		6/21/18
Edward Contreras		1380 N. Pomeroy		6/21/18
Kane Blak		136 N. Pomeroy		6/21/18
Jared Aguilar		134. Pomeroy		6/21/18
Dan Aguilar		134 Pomeroy		6/21/18
Jon Bentley		126 N Pomeroy		6/21/18
Robert Ortega		242 E. 1st Street		6/21/18




Petition to Stop Correctional Transitional Housing Facilities, Sober Homes and Halfway Houses

Petition summary and background	To stop the operation of any of the above named facilities at 138 N. Pomeroy St. and the ARIS Foundation site at 114 N. Hibbert St.		
Action petitioned for	We, the undersigned of the Glenwood /Wilbur Historic District & Mesa United Historic Districts are concerned citizens who urge our leaders to act now to stop and not allow any of the above named specific use houses or any unspecified houses that serve that specific population into our historic residential neighborhoods.		

Printed Name	Signature	Address	Comments	Date
Arleta Duncan		148 N. Pomeroy		6/2/18
Angela Garnica		261 E. 2nd St.		6/02/18
Priscilla Casabianca		141 N. Wilbur St.		6/2/18
Garman Jerez		133 N. Wilbur St		6/2/18
Liz Dunsmore		122 N. Wilbur		6/2/18
London Mertley		120 1/2 N. Wilbur		6/2/18
DAVID GADOME		542 S. CRENSHAW AVE		6/2/18
Janice Gennovis		150 N. Wilbur		6/2/18
Mary Pacheco		2438 S. Terrell Mesa AZ 85209		6/2/18
Helen Jaffe		7011 E. Culver St. Mesa, AZ 85207		6/2/18

Petition to Stop Correctional Transitional Housing Facilities, Sober Homes and Halfway Houses

Petition summary and background	To stop the operation of any of the above named facilities at 138 N. Pomeroy St. and the ARIS Foundation site at 114 N. Hibbert St.
Action petitioned for	We, the undersigned of the Glenwood /Wilbur Historic District & Mesa United Historic Districts are concerned citizens who urge our leaders to act now to stop and not allow any of the above named specific use houses or any unspecified houses that serve that specific population into our historic residential neighborhoods.

Printed Name	Signature	Address	Comments	Date
Adrienne R. Osier		113 S. Miller St Mesa AZ 85204		6/5/18
by [Signature]		123 W. 2nd St		6/5/18
Karla Gombayman		136 W. 8th Pl Mesa AZ 85204		6/5/18
		11550 E Dartmouth St Mesa AZ 85207		6/17/18

Planning and Zoning Vicinity Map: ZON17-00461

Case Details

CASE: ZON17-00461 **PRE-PLAT :** ☐

SITE / ADDRESS:

The 100 block of West 8th Place and West 9th Street (both sides). (6± acres) Located southeast of Brown Road and Country Club Drive. (District 1)

REQUEST:

Rezone from RS-6 to RS-6-HD to establish the Flying Acres Historic District.

