



# COUNCIL MINUTES

February 22, 2021

The City Council of the City of Mesa met in a Study Session Meeting via a virtual format streamed into the lower-level meeting room of the Council Chambers, on February 22, 2021 at 5:15 p.m.

## COUNCIL PRESENT

John Giles  
Jennifer Duff\*  
Mark Freeman\*  
Francisco Heredia\*  
David Luna\*  
Julie Spilsbury\*  
Kevin Thompson\*

## COUNCIL ABSENT

None

## OFFICERS PRESENT

Christopher Brady  
Dee Ann Mickelsen  
Jim Smith

(\*Council participated in the meeting through the use of video conference equipment.)

Mayor Giles conducted a roll call.

### 1. Review and discuss items on the agenda for the February 22, 2021 Regular Council meeting.

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

Conflict of interest: None

Items removed from the consent agenda: Item 9-h was removed from the Consent Agenda.

Councilmember Luna stated on item 9-h **(Amending Title 6 of the Mesa City Code (Police Regulations) by repealing Chapter 14, entitled "Fair Housing," in its entirety, and adding a new Chapter 14 entitled "Non-Discrimination Code," prohibiting discrimination in public accommodations, employment, and housing on the basis of race, color, ethnicity, national origin, age, disability, religion, sex, sexual orientation, gender, gender identity, veteran's status, marital status, or familial status, with certain exclusions. (Citywide))** on the Regular Council meeting agenda, he proposes modifying the Non-Discrimination Ordinance (NDO) to apply to employers with five or more employees, rather than 1 or more employees.

Vice Mayor Duff commented that modifying the language to reflect five or more employees would be acceptable to her and stated she spoke to businesses in surrounding cities who pointed out their City has done well with their NDO and more businesses and events have been held in those cities since adopting an NDO.

Councilmember Heredia remarked he would like to see the NDO applied to all citizens and businesses, but stated he agreed with modifying the language of the ordinance to five or more employees.

In response to a question from Mayor Giles, City Attorney Jim Smith explained it would be appropriate at the time of the motion to modify the language of the employer definition within the NDO if there is a consensus of the Council to move forward.

Mayor Giles and Councilmember Spilsbury indicated support to modify the language of the employer definition to five or more employees.

Councilmember Freeman stated he would like to keep the language as is because employment is a credible source, and employers come to Mesa for the workforce, housing, and amenities that are provided as a City. He shared the NDO does not play into an employer deciding whether to bring their business to Mesa and that the City should not be regulating small businesses regardless of their size. He commented recent Police Department data reported discrimination incidents resulted in very few citations. He requested time to reflect on the NDO and data that was received and indicated he would like to increase the number to 15 employees or more until more research can be completed.

Councilmember Thompson expressed support for Councilmember Freeman's suggestion of modifying the language of the ordinance to 15 employees or more and stated he believes the City of Mesa does not need an NDO.

In response to a question from Councilmember Heredia regarding the addition of an annual review process to the NDO, Mr. Smith explained the City Manager's office would be able to provide an update on the ordinance without a change to the language.

Mayor Giles supported the idea of checking in a year from now to see the progress of the NDO.

Councilmember Spilsbury expressed confusion regarding how the NDO will make the City of Mesa an unsafe place. She stated if someone wanted to do something harmful to a woman, the ordinance would not stop them from their actions.

Mayor Giles reviewed the process of adopting an ordinance. He stated there would be plenty of opportunities for the public and Councilmembers to comment and discuss the questions raised by adopting the NDO.

2. Current events summary including meetings and conferences attended.

Vice Mayor Duff – National League of Cities (NLC) – Energy, Environment and Natural Resource Committee Meeting  
We Run Mesa Program at Eagles Community Park  
Painted Rocks for the Community Rock Garden at Eagles Community Park

Councilmember Luna – National League of Cities – Recruitment Strategies Meeting  
Mesa Prevention Alliance Meeting  
McDowell Art Bridge Project Meeting  
HILO Board Meeting – NLC updates and Congressional Cities Conference discussion

3. Scheduling of meetings.

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

Thursday, February 25, 2021, 7:30 a.m. – Study Session

4. Adjournment.

Without objection, the Study Session adjourned at 5:37 p.m.

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JOHN GILES, MAYOR

ATTEST:

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DEE ANN MICKELSEN, 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 22<sup>nd</sup> day of February 2021. I further certify that the meeting was duly called and held and that a quorum was present.

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DEE ANN MICKELSEN, CITY CLERK

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