



COUNCIL MINUTES

July 3, 2023

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 July 3, 2023, at 5:15 p.m.

COUNCIL PRESENT

John Giles
Francisco Heredia*
Jennifer Duff
Mark Freeman
Scott Somers
Julie Spilsbury*

COUNCIL ABSENT

Alicia Goforth

OFFICERS PRESENT

Scott Butler
Holly Moseley
Jim Smith

(*Participated in the meeting through the use of video conference equipment.)

Mayor Giles conducted a roll call.

Mayor Giles excused Councilmember Goforth from the entire meeting.

1. Review and discuss items on the agendas for the July 3, 2023 and July 10, 2023, 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: 7a through 7c, July 10, 2023, Regular Council agenda.

Responding to a question from Councilmember Duff regarding Item 4-d, **(The Studios @ Mesa City Center Phase 2 (District 2))**, on the July 10, 2023, Regular Council meeting agenda, Assistant Economic Development Director Jaye O'Donnell replied that music recording audio visual (AV) equipment can be incorporated into the podcast room and possibly into another area.

Responding to a question from Councilmember Somers regarding Item 6-c, **(ZON23-00235 "Gateway Interchange - Phase III" (District 6) Within the 4500 block of South 80th Street (east side). Located south of Warner Road, on the east side of the 80th Street future alignment, and on the north side of the Sebring Avenue future alignment (9± acres). Rezone from Agriculture (AG) to Light Industrial with a Planned Area Development overlay (LI-PAD) and Site Plan Review. This request will allow for an industrial development. Toby**

Rogers, Butler Design Group, Inc., applicant; JCA EQUIPMENT LLC, owner.), on the July 10, 2023, Regular Council meeting agenda, Assistant City Manager Scott Butler responded that the City is aware of the potential for some private property owners not to contribute their fair share to the cost of the water and wastewater infrastructure. He commented that staff is working to resolve the issue and will report back to Council as quickly as possible.

2-a. Hear a presentation and discuss the use, sale, and possession of fireworks and permissible consumer fireworks and enforcement efforts.

Battalion Chief/Deputy Chief Shawn Alexander introduced Police Commander Jeffrey Cutler and displayed a PowerPoint presentation. **(See Attachment 1)**

Battalion Chief Alexander reviewed the Arizona Legislature regarding legal and illegal fireworks. He indicated Fire Prevention oversees legal fireworks which are sold through permitted tents, while illegal fireworks have accounted for a significant portion of firework challenges on July 4th and New Year's Eve. He pointed out the Fire Prevention staff issued 23 permitted tents in 2023, and fire inspectors conduct random inspections. (See Page 2 of Attachment 1)

Battalion Chief Alexander presented images of legal and illegal fireworks. He shared the dates and times when fireworks are permitted. (See Pages 3 and 4 of Attachment 1)

In response to a question from Councilmember Duff, Battalion Chief Alexander confirmed that state law determines what is legal and it is uniform throughout the Valley and state.

In response to a question from Mayor Giles, Battalion Chief Alexander affirmed that Mesa's ordinance complies with state requirements. He noted that the City code was updated last year to include a significant portion of the state law into the Title VI criminal code, which is now part of both the fire code and the criminal code for purposes of enforcement.

He discussed the enforcement efforts by Mesa Fire Prevention and the Police Department (PD). He commented the challenges for the City of Mesa (COM) in the last few years do not come from the legal sales, rather from out of state or other areas where permits are not issued. He advised that the Community Action Officers have put into place an anonymous reporting line via email where residents can notify the PD of regular offenders for illegal fireworks. He noted Community Action Officers will deliver to the top offenders a notice of consequences for setting off illegal fireworks. (See Page 5 of Attachment 1)

Commander Cutler discussed the community outreach enforcement efforts and education prevention related to illegal use of fireworks, and the PD will seize illegal fireworks. Commander Cutler stated to report illegal fireworks, residents can use the tip email line fireworks@mesaaz.gov or call the Mesa police non-emergency line at 480-644-2211.

Battalion Chief Alexander summarized the criminal code penalties for a Class 1 misdemeanor and a civil violation for illegal fireworks. He advised illegal fireworks are a significant safety issue and warned of the proper disposal of fireworks. (See Page 6 of Attachment 1)

In response to a question from Councilmember Duff, Commander Cutler affirmed that Mesa has zero tolerance for illegal fireworks and citations will be issued.

In response to a question posed by Councilmember Spilsbury, Commander Cutler responded that possession of illegal fireworks is a crime. He added a person must be caught shooting off illegal aerial firework displays to be issued a citation.

Battalion Chief Alexander announced only two authorized legal firework displays will take place on July 4th, the Celebration of Freedom at the Mesa Convention Center and a firework show in the Eastmark Community.

Mayor Giles thanked staff for the presentation.

2-b. Appointments to various boards and committees.

It was moved by Councilmember Freeman, seconded by Councilmember Duff, that the Council concur with the Mayor's recommendations and the appointments be confirmed. **(Attachment 2)**

Upon tabulation of votes, it showed:

AYES – Giles–Heredia–Duff–Freeman–Somers–Spilsbury
NAYS – None
ABSENT – Goforth

Mayor Giles declared the motion passed unanimously by those present.

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

3-a. Sustainability and Transportation Committee meeting held on June 8, 2023.

It was moved by Councilmember Somers, seconded by Councilmember Freeman, that receipt of the above-listed minutes be acknowledged.

Upon tabulation of votes, it showed:

AYES – Giles–Heredia–Duff–Freeman–Somers–Spilsbury
NAYS – None
ABSENT – Goforth

Mayor Giles declared the motion passed unanimously by those present.

4. Current events summary including meetings and conferences attended.

Mayor Giles and Councilmembers highlighted the events, meetings and conferences recently attended.

5. Scheduling of meetings.

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

Monday, July 10, 2023, 5:15 p.m. – Study

Monday, July 10, 2023, 5:45 p.m. – Regular

6. Adjournment.

Without objection, the Study Session adjourned at 5:47 p.m.

JOHN GILES, MAYOR

ATTEST:

HOLLY MOSELEY, 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 3rd day of July 2023. I further certify that the meeting was duly called and held and that a quorum was present.

HOLLY MOSELEY, CITY CLERK

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(Attachments – 2)



Fireworks Update

Deputy Chief/Fire Marshal Shawn Alexander







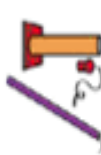



















Commander Jeffrey Cutler

Legal and Illegal Fireworks



The Arizona Legislature, by statute, has deemed fireworks a matter of statewide concern and further regulation by a city or town is limited unless authorized by A.R.S. § 36-1601 *et al.*

- “Legal Fireworks”
 - 1) “Permissible Consumer Fireworks” (legal on authorized days): Ground/handheld sparklers, cylindrical fountains, ground “spinners”, toy smoke type devices. Does not include anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground.
 - 2) “Novelty Items” (always legal): Snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices and sparklers.
- “Illegal Fireworks”
 - Firecrackers, bottle rockets, skyrockets, missile-type rockets, helicopters, aerial spinners, torpedoes, roman candles, mine devices, shell devices and aerial shell kits or reloadable tubes.

Illegal Fireworks	Legal Fireworks Permissible Consumer				Legal Fireworks Novelty Items										
Sky Rockets/ Bottle Rockets	Cylindrical Fountain	Square Fountain	Cone Fountain	Firecrackers	California Rocket Shaped Fountain	Reloadable Shell Device/ Roman Candles	Aerials	Sparkling Wheel Devices	Ground Spinners						
<p>WARNING!!! FLAMMABLE ROCKET</p> 				<p>WARNING!!! EXPLOSIVE</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. NAIL TO POST OR STAKE SO THAT THE WHEEL WILL TURN FREELY. DO NOT HOLD IN HAND. LIGHT FUSE AND GET AWAY.</p> 	<p>WARNING!!! SHOOTS FLAMING BALLS</p> 	<p>WARNING!!! SHOOTS FLAMING BALLS W/ REPORTS</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. PLACE ON HARD, FLAT SURFACE. DO NOT HOLD IN HAND. LIGHT FUSE & GET AWAY.</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT PUT IN MOUTH. THROW ON GROUND OR AGAINST HARD SURFACE. NOT RECOMMENDED FOR CHILDREN UNDER 8 YEARS.</p> 						
Novelties															
<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT PUT IN MOUTH. LAY ON GROUND. LIGHT PELLET.</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. HOLD IN HAND WITH ARM EXTENDED AWAY FROM BODY. KEEP BURNING END OR SPARKS AWAY FROM WEARING APPAREL OR OTHER FLAMMABLE MATERIAL. HOLD AND LIGHT ONE DEVICE AT A TIME. AFTER USE PLACE WOOD IN WATER.</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. HOLD IN HAND WITH ARM EXTENDED AWAY FROM BODY. KEEP BURNING END OR SPARKS AWAY FROM WEARING APPAREL OR OTHER FLAMMABLE MATERIAL. HOLD AND LIGHT ONE DEVICE AT A TIME. AFTER USE PLACE WOOD IN WATER.</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. HOLD IN HAND WITH ARM EXTENDED AWAY FROM BODY. KEEP BURNING END OR SPARKS AWAY FROM WEARING APPAREL OR OTHER FLAMMABLE MATERIAL. HOLD AND LIGHT ONE DEVICE AT A TIME. AFTER USE PLACE WOOD IN WATER.</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT POINT EITHER END TOWARD FACE OR PERSON. HOLD IN HAND - JERK STRING.</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT POINT EITHER END TOWARD FACE OR OTHER PERSON. HOLD IN HAND - PULL TRIGGER SHARPLY.</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT POINT EITHER END TOWARD FACE OR OTHER PERSON. HOLD IN HAND - PULL TRIGGER SHARPLY.</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT POINT EITHER END TOWARD FACE OR OTHER PERSON. HOLD IN HAND - PULL TRIGGER SHARPLY.</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT POINT EITHER END TOWARD FACE OR OTHER PERSON. HOLD IN HAND - PULL TRIGGER SHARPLY.</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT POINT EITHER END TOWARD FACE OR OTHER PERSON. HOLD IN HAND - PULL TRIGGER SHARPLY.</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT POINT EITHER END TOWARD FACE OR OTHER PERSON. HOLD IN HAND - PULL TRIGGER SHARPLY.</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT POINT EITHER END TOWARD FACE OR OTHER PERSON. HOLD IN HAND - PULL TRIGGER SHARPLY.</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT POINT EITHER END TOWARD FACE OR OTHER PERSON. HOLD IN HAND - PULL TRIGGER SHARPLY.</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT POINT EITHER END TOWARD FACE OR OTHER PERSON. HOLD IN HAND - PULL TRIGGER SHARPLY.</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT POINT EITHER END TOWARD FACE OR OTHER PERSON. HOLD IN HAND - PULL TRIGGER SHARPLY.</p> 	<p>CAUTION: FLAMMABLE: USE ONLY UNDER CLOSE ADULT SUPERVISION. FOR OUTDOOR USE ONLY. DO NOT POINT EITHER END TOWARD FACE OR OTHER PERSON. HOLD IN HAND - PULL TRIGGER SHARPLY.</p> 
Smoker Devices															
Sparklers															
Morning Glory Sparklers															
Wire Stick Sparklers															

Dates and Times of Use



Permissible consumer fireworks may be used during specific days and times of the year:

- 1) May 4th through 6th between 8:00 A.M. and 11:00 P.M.
- 2) June 24th through July 6th between 8:00 A.M. and 11:00 P.M.
 - Exception: July 4th between 11:00 P.M. and 1:00 A.M. on July 5th
- 3) December 24th through January 3rd between 8:00 A.M. and 11:00 P.M.
 - Exception: December 31st between 11:00 P.M. and 1:00 A.M. on January 1st.
- 4) Second and third days of Diwali

Enforcement Efforts



- Sales point kiosks of permissible consumer fireworks must be permitted by application through Accela. Upon approval of the application, the operator receives an approval email with a specific directive to sell legal fireworks only.
- Prior to operating, each sales point on any Mesa street corner is inspected by a certified Mesa Fire Prevention Inspector. Upon successful inspection, a permit to operate is issued.
- Mesa Fire Prevention and Mesa Police “drop in” on these kiosks to assure only legal fireworks are for sale.
- Mesa Police plans to utilize inspections and both uniform and plain clothes enforcement.
- City email address created for residents to submit tips regarding illegal fireworks.
 - Fireworks@mesaaz.gov

Penalties



Class 1 Misdemeanor (minimum \$1,000 fine)

- Fireworks use, possession, or sale
- Permissible consumer fireworks sale:
 - To a person under 16;
 - In conflict with state law; or
 - On prohibited days
- Use of permissible consumer fireworks during stage one or higher fire restriction within one mile of protected areas
- Failure to obtain a permit for a supervised public display of fireworks
- Failure to comply with permit and safety requirements of A.R.S. § 36-1603
- Habitual offender within 36 months

Civil Violation (\$500 fine)

- Permissible consumer fireworks use outside allowed days or times
- Permissible consumer fireworks use on City property (excluding right of way)
- Failure to display required permissible consumer fireworks signage at sale

All class 1 misdemeanors are subject to a maximum penalty of up to 6 months in jail and a fine not to exceed \$2,500.

QUESTIONS?

July 3, 2023

TO: CITY COUNCILMEMBERS

FROM: MAYOR JOHN GILES

SUBJECT: Appointments to Boards and Committees

The following are my recommendations for appointments to City of Mesa Advisory Boards and Committees.

Board of Adjustment – Seven-member board including new appointments.

Shelly Allen, District 2. Ms. Allen is a retired City of Mesa employee with experience in economic development. Ms. Allen holds a bachelor's degree in business management from the University of Phoenix and a master's of public administration from Arizona State University. Her first term ends June 30, 2026.

Building Board of Appeals – Nine-member board including new appointments.

Gary Golka, District 1. Mr. Golka is President of Golka Electric, Inc. He earned a bachelor's degree in music education from Northern Arizona University and a master's degree in business administration from Arizona State University. He holds both L-11 and C-11 electrical contracting licenses from the State of Arizona and will be filling the position of electrical engineer on the board. His first term expires June 30, 2026.

Economic Development Advisory Board – Nine-member board including new appointments.

Bill Hunsaker, District 5. Mr. Hunsaker is managing director and designated broker for Jones Lang Lasalle Americas, Inc., a commercial real estate brokerage firm. He earned a bachelor's degree in real estate finance from the University of Southern California. His first term ends June 30, 2026.

Amanda Kay, District 6. Dr. Kay is a pharmacist supervisor in fulfillment operations at OptimRx. She earned a bachelor's degree in applied science from Centenary College of Louisiana and a doctorate in pharmacy from Texas Tech University. Dr. Kay is also a registered pharmacist. Her first term ends June 30, 2026.

G. Sonny Cave, District 5. Mr. Cave is a retired founding executive from ON Semiconductor Corporation. He earned a bachelor's degree in botany from Duke

University, a master's degree in botany/plant ecology from Arizona State University and a juris doctorate from the University of Colorado School of Law. His first ex-officio term ends June 30, 2026.

Historic Preservation Board – Eleven-member board including new appointments.

Jessica Sarkissian, District 5. Ms. Sarkissian is owner of UpFront Consulting & Entitlements, LLC. She earned a bachelor's degree in regional development from the University of Arizona and a master's degree in community planning from Northern Arizona University. She recently served on the Planning and Zoning Board. Her first term ends June 30, 2026.

Housing Governing Board – Membership includes City Council and one community member.

Doug Laird, District 5. Mr. Laird Doug Laird is a Project-Based Voucher participant since December 17, 2014 and is in good standing with the housing program. He has been actively participating in the Housing Resident Advisory Board since February 19, 2021. He also participates in volunteering events hosted by A New Leaf and by La Mesita apartments. His partial term ends December 31, 2023.

Housing & Community Development Advisory Board – Eleven-member board including new appointments.

LaGrant Jackson, District 6. Mr. Jackson is an Account Manager II at Medimpact and has more than 10 years' experience in sales. He earned a bachelor's degree in business administration from Arizona State University and an MBA from the University of Phoenix. His first term ends June 30, 2026.

Human Relations Advisory Board – Eleven-member board including new appointments.

Abram Ellsworth, District 4. Mr. Ellsworth is COO at Rocket Lister, a talent acquisition, coaching and empowerment company. He earned a bachelor's degree in organizational management from Charter Oak State College and an MBA from the University of Arizona. His first term ends June 30, 2026.

Library Advisory Board – Nine-member board including new appointments.

Lonica Rowley, District 1. Ms. Rowley is currently a substitute teacher at Mesa Public Schools. She earned a bachelor's degree in secondary education from Arizona State University and a master's degree in library and information science from Kent State University. Her first term ends June 30, 2026.

Museum & Cultural Advisory Board – Eleven-member board including new appointments.

Andre Miller, District 6. Mr. Miller is a police chaplain in Apache Junction and lead pastor at New Beginnings Church. He earned a bachelor's degree in biblical theory from Grand Canyon University. Mr. Miller is also a US Army Veteran. His first term ends June 30, 2026.

Parks & Recreation Board – Eleven-member board including new appointments.

Benjamin Manning, District 5. Mr. Manning is a commercial appraiser trainer at the Maricopa County Assessor's Office. He earned a bachelor's degree in English from Radford University in Radford, VA. His first term ends June 30, 2026.

Personnel Appeals Board – Five-member board including new appointments.

Dr. Catherine Jiang, District 1. Dr. Jiang owns the Law Office of Catherine Jiang, PLLC. She has earned many degrees including a juris doctorate from the University of Arizona's James E. Rogers College of Law and a bachelor's degree in economics from Seoul National University. Her first term ends June 30, 2026.

Dr. Christopher Nickerson, District 6. Dr. Nickerson is director of provider network development at Banner Health. He has earned many degrees including a bachelor's degree in communication disorders and master's degree in audiology from the University of Northern Colorado and a doctoral degree in audiology from Florida State University. His first term expires June 30, 2026.

Planning & Zoning Board – Seven-member board including new appointments.

Jaime Blakeman, District 5. Ms. Blakeman is CEO of Lōkahi, LLC, a disadvantaged and small business enterprise. She earned a bachelor's degree in civil engineering from the University of Hawaii. She is a Professional Engineer and Professional Traffic Operations Engineer. Her first term ends June 30, 2026.

Jayson Carpenter, District 3. Mr. Carpenter is a lead land management agent at Salt River Project. He earned a bachelor's degree in real estate from Arizona State University and an MBA from Western International University. He is a Senior Right of Way Agent. His first term ends June 30, 2026.

Transportation Advisory Board – Eleven-member board including new appointments.

Lea Bertoni, District 1. Ms. Bertoni is an occupational therapist and driver rehabilitation specialist at Driving to Independence. She earned a bachelor's degree in health science

and a master's degree in occupational therapy from Duquesne University in Pittsburgh, PA. Her first term ends June 30, 2026.

Rob Crist, District 5. Mr. Crist is vice president and controller at Robert Crist and Company RV. He earned a bachelor's degree in finance and accounting from the University of Arizona. His first term ends June 30, 2026.