

COUNCIL MINUTES

November 21, 2022

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 November 21, 2022, at 5:00 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
Holly Moseley
Jim Smith

Mayor Giles conducted a roll call.

1. Review and discuss items on the agenda for the November 21, 2022 and December 1, 2022 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: 4-a

City Manager Christopher Brady stated Item 5-h, **(Canvassing, declaring, and adopting the results of the Special Bond Election consolidated with the Statewide General Election, held on November 8, 2022. (Citywide))**, on the November 21, 2022, Regular Council meeting agenda would be continued to the December 1, 2022, Regular Council meeting. This item must be postponed until the official results are received from the Maricopa County Elections Department, per Arizona Revised Statute (A.R.S.) 16-142.

In response to a question from Vice Mayor Duff on Item 4-k, **(Three-Year Term Contract with Two Years of Renewal Options for Three Master Job Order Contracts for General Building Construction Services (Citywide))**, on the November 21, 2022, Regular Council meeting agenda, City Engineer Beth Huning stated that the City follows A.R.S. Title 34 to procure professional design and construction services. She explained the state-permitted method of Job Order Contracting allows the City to procure multiple small projects without reaching out to full solicitation, saving time and money. She added contractors refrain from bidding on projects \$5

million and under due to the risk involved. She highlighted the benefits of annual contracts with multiple contractors in various categories.

Responding to a question from Mayor Giles on Item 4-f, **(Northeast Public Safety Facility Project (NEPSF) - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) (District 5))**, on the December 1, 2022, Regular Council meeting agenda, Ms. Huning displayed a PowerPoint presentation on the NEPSF Project. **(See Attachment 1)**

Ms. Huning reported initial planning for the NEPSF project began in 2017 and the City acquired an eight-acre site in 2020 near Power and Brown Roads. She explained during the 2018 election, a City district was in need of a police and fire station. She remarked staff developed a plan to locate police and fire on the same site with shared facilities. She reported economic factors led to an increased project estimate since the original design of 57,000 square feet (sf); however, staff has revised the square footage without losing functionality. (See Page 2 of Attachment 1)

Ms. Huning described the revised design of the police station, Fire and Medical, and the shared space totaling approximately 50,000 sf. (See Page 3 of Attachment 1)

Mr. Brady pointed out that the reduced square footage is not on the operational side. He added the building design is similar to Fire Station 221.

Ms. Huning outlined the budget, noting \$37 million in funding came out of the 2018 Public Safety Bond Election. She stated the current cost estimate is \$43.8 million, resulting in \$6.8 million being underfunded from the 2018 budget due to inflation costs. (See Page 4 of Attachment 1)

Ms. Huning discussed the floor plan, highlighting each area. She noted the Battalion Chief (BC) is located at this station. (See Page 5 of Attachment 1)

Responding to a question from Mayor Giles, Assistant Chief Dan Butler explained that the holding area is a temporary processing station before individuals are transported to other holding facilities, allowing officers to work more efficiently.

Responding to an inquiry from Councilmember Luna, Mr. Brady remarked that the projects in the 2018 Bond Program are being assessed to evaluate the most critical needs while still delivering committed programs and services. He provided ways to address the reduced footprint and emphasized the importance of dedicating the \$10 million for construction inflation to this project as it provides many services, improves efficiency, and reduces response times.

In response to a question from Councilmember Thompson, Ms. Huning confirmed the facility has decontamination areas.

Responding to a question from Mayor Giles, Ms. Huning stated this is the maximum contract amount allowed. She remarked staff would request the contractor to rebid the steel, concrete, and masonry if prices decrease.

Ms. Huning presented external views of the building. She highlighted the fire station bays on the southern end of the site and the police station on the northern end. She pointed out the shared conference, community room, lobby, and police open work area. (See Pages 6 through 10 of Attachment 1)

Ms. Huning stated the next step is to award the contract for the Guaranteed Maximum Price (GMP). She announced a groundbreaking ceremony will take place on December 5, 2022.

She reported construction is scheduled to begin in the spring of 2023 and complete in the fall of 2024. (See Page 11 of Attachment 1)

Mayor Giles thanked staff for the presentation.

Mr. Brady stated Item 5-c, **(Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Regional Public Transportation Authority (RPTA) for fixed-route bus, paratransit and RideChoice services. The estimated cost of transit services for FY 2022/23 is \$26,862,532. Public Transportation Funds (PTF) from Proposition 400 will fund \$21,445,980 and the City's General Fund will fund \$5,416,552 (Citywide))**, on the December 1, 2022, Regular Council meeting agenda is the annual agreement with RPTA. He noted the overall cost to run bus and paratransit is \$26.8 million, of which \$5.4 million comes from the City's General Fund. He emphasized the City relies on Proposition 400 Regional Sales Tax to fund the additional \$21.4 million. He added that if Proposition 400 is no longer available at the end of 2025, local governments would have to cover that gap. He pointed out the benefits of the Regional Sales Tax to the City of Mesa for these specific services.

Responding to a question from Vice Mayor Duff on Item 5-g, **(ZON22-00773 "Signal Butte Water Treatment Plant Expansion" (District 6) Within the 10900 to 11000 block of East Elliot Road (north side) and within the 3500 block of South Signal Butte Road (east side). Located north of Elliot Road and east of Signal Butte Road. (84± acres)). Site Plan Review. This request will allow for an expansion of an existing water treatment facility. Black & Veatch, applicant; City of Mesa, owner.)**, on the December 1, 2022, Regular Council meeting agenda, Water Resources Department Director Christopher Hassert reported the Signal Butte Water Treatment Plant is maximized at 24 million gallons per day (MGD). He stated the revised design would double the treatment capacity to 48 MGD. He noted the project is at 60% design and staff is working with contractors to prepare a GMP for construction mid-winter.

In response to a question from Mr. Brady, Mr. Hassert stated the original construction cost was approximately \$105 million and has increased to over \$185 million. He advised staff would continue to observe trending construction costs along with the City's water portfolio.

Responding to a question from Councilmember Thompson, Mr. Hassert reported that an alternative study for the interconnect pipeline is wrapping up. He commented that the City is working with a consultant through several alignments and discussed the process. He stated this is a top priority project with many benefits.

In response to multiple questions from Mayor Giles, Mr. Hassert stated the City is working towards 90% design on the Central Mesa Reuse Pipeline with the intent of moving to construction in the spring. He noted that it would unlock extra capacity in the exchange agreement with the Gila River Indian Community. He commented that with the additional capacity, the City could treat more water and have more water in the portfolio. He stated the plant is scheduled to be completed in 2026 and would work toward reaching the maximum capacity of 48 MGD.

2-a. Hear a presentation, discuss, and provide direction on proposed amendments to Title 6 (Police Regulations), Chapter 12, of the Mesa City Code, entitled "Offensive, Excessive and Prohibited Noises".

Assistant Chief Edward Wessing and Police Legal Advisor Geoffrey Balon displayed a PowerPoint presentation on proposed amendments to Title 6 (Police Regulations). **(See Attachment 2)**

Assistant Chief Wessing stated the proposed amendment restructures the current ordinance language and provides clarity to the community, officers, and prosecutors. He pointed out the challenges of enforcing the noise ordinance under the existing code. He noted the intent is to create similarity with other local municipalities and to be mindful of the urban area, businesses, and industries within Mesa. (See Page 2 of Attachment 2)

Assistant Chief Wessing outlined the proposed code language and identified enforcement factors to consider. He stated officers are trained to utilize reasonable standards and consider factors when judging whether something is unreasonable. He pointed out that the state statute for disorderly conduct has similar factors. (See Page 3 of Attachment 2)

Responding to a question from Councilmember Spilsbury, Assistant Chief Wessing stated there is not a set number of factors considered, and officers will decide based on each unique situation.

City Attorney Jim Smith remarked that the factors to consider are similar to factors seen in Gilbert, Tempe, and Chandler.

Mr. Balon stated that the current and proposed language contained similar prohibitions. He provided examples of noise exemptions and indicated changes to activities permitted under the zoning code would now have factors to consider. He explained that a special use permit may be obtained for exemptions. He added the revised code clarifies how to submit an exemption request and where the request will be filed if granted. (See Pages 4 through 6 of Attachment 2)

Mr. Balon outlined changes to the language for penalties and fines, noting the addition of the habitual offender fine. (See Page 7 of Attachment 2)

Responding to multiple questions from Councilmember Luna, Assistant Chief Wessing stated the strategy for officers is to educate first, then follow up with compliance. He discussed the process for excessive dog barking and stated officers work with Animal Control to contact pet owners, often resulting in a citation.

Mr. Balon discussed a specific provision within the code stating it is a violation for someone to own, harbor, possess, care for, permit, or keep any animal that causes, or makes frequent or long and continued sound that unreasonably disturbs, injures or endangers the health, comfort, or safety of a reasonable person.

In response to an inquiry from Councilmember Spilsbury, Mr. Balon stated that under the current code, a general exemption allows wedding venues and other businesses to make noise without limitations. He reported the proposed code change will enable officers to examine each case and make a determination based on the totality of circumstances. He noted taking away the general exemption would allow an analysis and potential violations to be identified.

Responding to additional questions from Councilmember Spilsbury, Assistant Chief Wessing stated officers evaluate the veracity of the complaint, including corroboration and factors, to determine whether the noise is reasonable. He explained that officers utilize resources and consult with attorneys to come to a conclusion. He indicated that every case is unique, and officers use common sense in evaluating factors. He added that officers revisit unresolved issues to provide further guidance. He commented that the challenge with firework complaints is officers could be dispatched several hours after the call, due to prioritization of emergency calls, making enforcement difficult. He added that all complaints are documented for record.

In response to comments from Councilmember Thompson, Mr. Smith stated that the intent of the code change is to clean up the language and ambiguities that existed and align Mesa's Code with neighboring cities' regulations. He noted the change is not intended to affect ongoing businesses.

Mayor Giles thanked staff for the presentation.

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

- 3-a. Economic Development Advisory Board meeting held on October 4, 2022.
- 3-b. Housing and Community Development Advisory Board meeting held on October 6, 2022.
- 3-c. Transportation Advisory Board Meeting held on July 19, 2022.
- 3-d. Parks and Recreation Advisory Board meeting held on September 14, 2022

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

Upon tabulation of votes, it showed:

AYES – Giles–Duff–Freeman–Heredia-Luna–Spilsbury–Thompson

NAYS – None

ABSENT – None

Carried unanimously.

4. Current events summary including meetings and conferences attended.

Councilmember Luna –	32nd Annual Ambassadors' Ball United States Ambassador to Mexico - luncheon
Councilmember Spilsbury –	Turkey Tuesday United Food Bank Thanksgiving food distribution Meta Hard Hats in Hand graduation ceremony
Councilmember Freeman –	NFL Host Committee tree-planting at Mesa Cemetery
Vice Mayor Duff –	Energy, Environment and Natural Resources Committee Women in municipal government Large Cities Council meeting Youth civic engagement Landlord focus group Veterans Day Parade – Downtown Mesa Royal Air Force Recognition – Falcon Field
Mayor Giles –	Mesa Police Department award banquet – Dobson Ranch Keno Hawker memorial service – Mesa Arts Center

Councilmember Luna reported that a majority of Council attended the National League of Cities – Information Technology and Communications Federal Advocacy Committee City Summit in Kansas City, Missouri.

5. Scheduling of meetings.

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

Thursday, December 1, 2022, 4:45 p.m. – Study Session

Thursday, December 1, 2022, 5:45 p.m. – Regular Council meeting

Thursday, December 8, 2022, 5:15 p.m. – Study Session

Thursday, December 8, 2022, 5:45 p.m. – Regular Council meeting

Mr. Brady announced the opening of Merry Main Street Ice Rink on Friday November 25, 2022, from 5:00 p.m. to 10:00 p.m.

6. Adjournment.

Without objection, the Study Session adjourned at 6:01 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 21st day of November 2022. I further certify that the meeting was duly called and held and that a quorum was present.

HOLLY MOSELEY, CITY CLERK

td
(Attachments – 2)



NORTHEAST PUBLIC SAFETY FACILITY

COUNCIL UPDATE | November 21st, 2022

7/2018

PLANNED DESIGN

FUNDING

2018 PUBLIC SAFETY BOND

SITE AREA

8 Acres

2018 BUILDING AREA ESTIMATE

57,000 SF

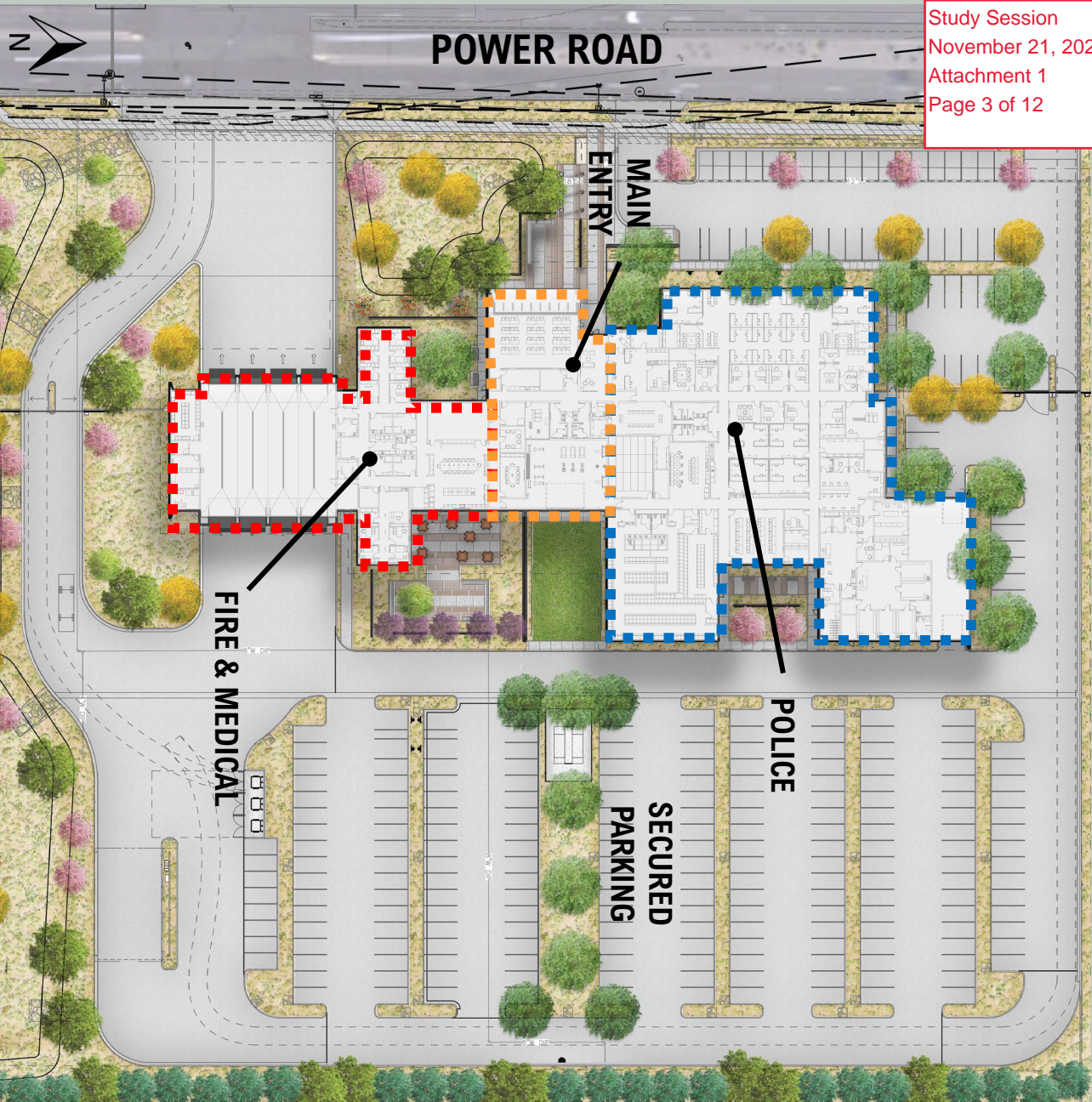
2018 BOND FUNDING

\$37,000,000

TODAY'S ESTIMATE

\$11,000,000 OVER BUDGET





REVISED DESIGN

- Police Station 28,743 SF
 - Fire and Medical Station 14,937 SF
 - Public & Shared Spaces 6,754 SF
- TOTAL BUILDING AREA 50,451 SF**

PROJECT BUDGET

2018 PUBLIC SAFETY BOND

\$ 37,000,000

TOTAL PROJECT FUNDING

NORTHEAST PUBLIC SAFETY FACILITY

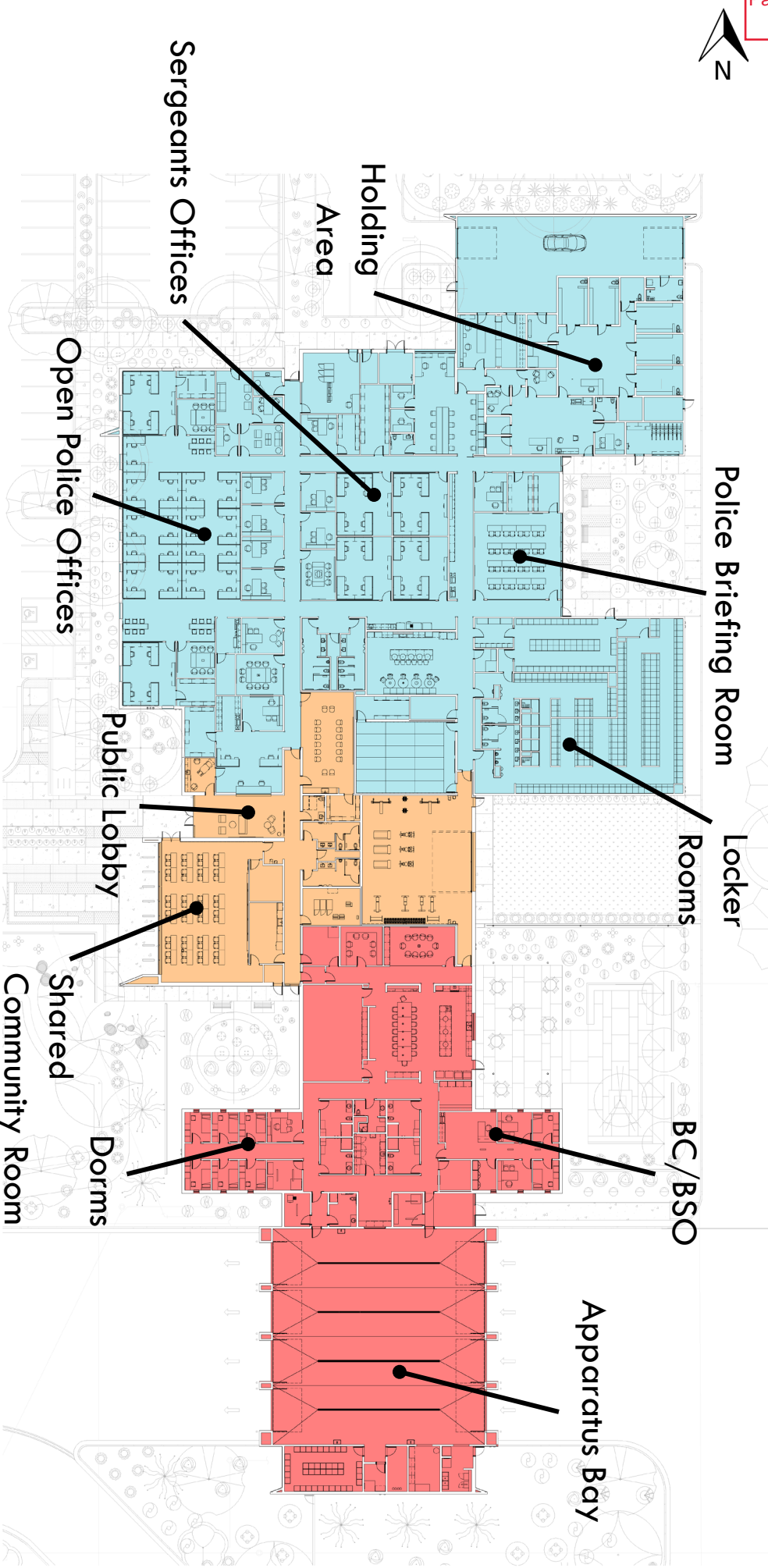
\$ 43,825,000

2022 CURRENT COST ESTIMATE

*\$6,825,000 underfunded
from 2018 Budget*



FLOOR PLAN



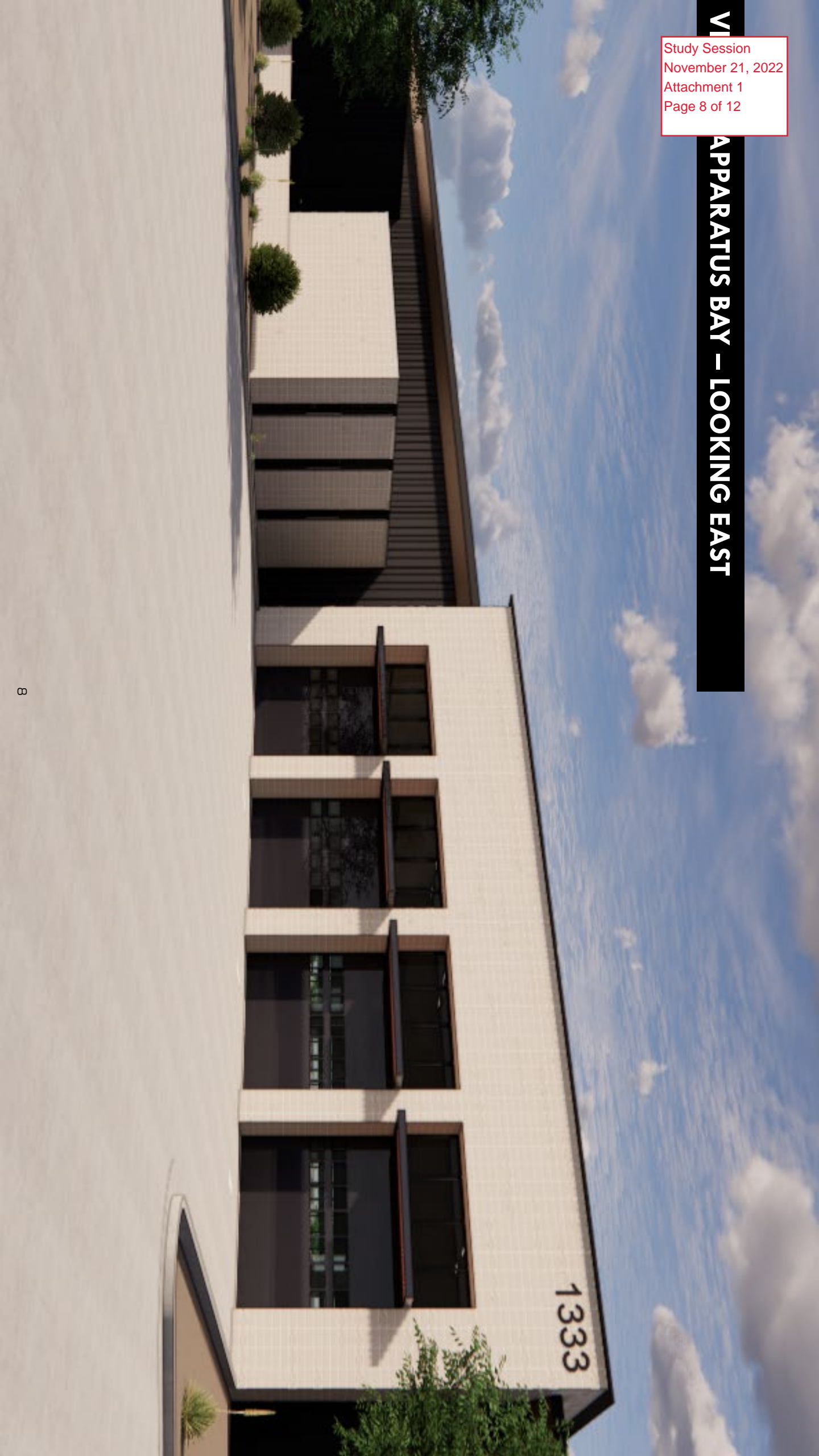
PERSPECTIVE



PUBLIC ENTRANCE - LOOKING EAST



VIEW APPARATUS BAY – LOOKING EAST



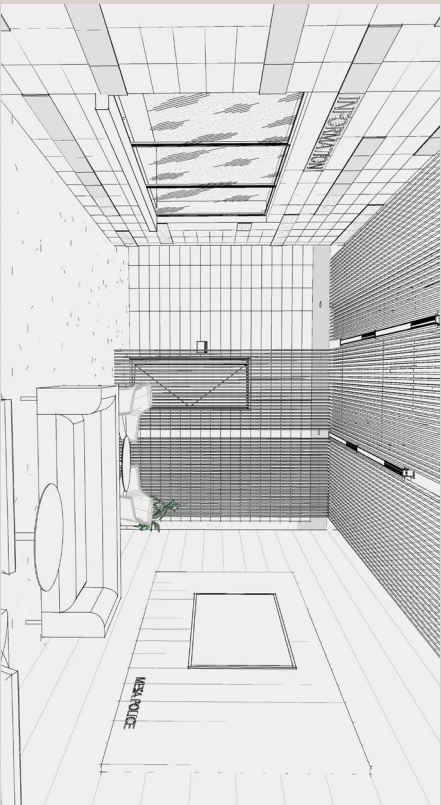
VIEW PUBLIC ENTRY – LOOKING EAST



INTERIOR VIEWS

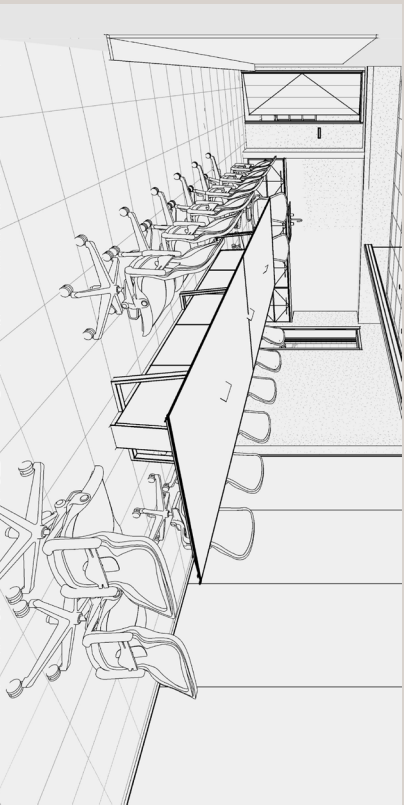
SHARED LOBBY

Looking East



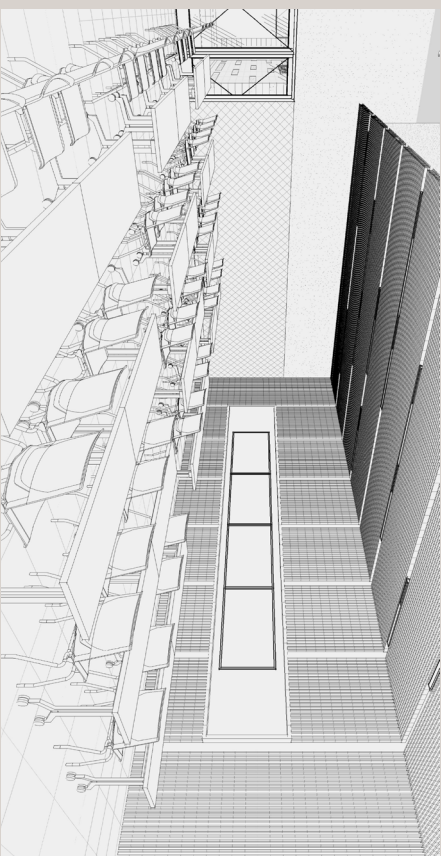
SHARED CONFERENCE ROOM

Looking North



SHARED COMMUNITY ROOM

Looking Northeast



POLICE OPEN WORK AREA

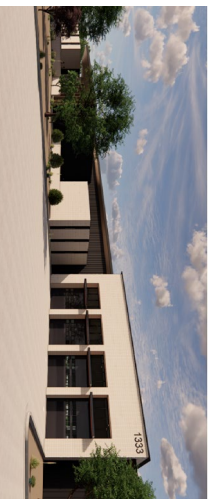
Looking Northeast



NEXT STEPS

SCHEDULE

- GMP COUNCIL NOTIFICATION 12/01/2022
- GROUNDBREAKING CEREMONY 12/05/2022
- DESIGN CURRENT – SPRING 2023
- CONSTRUCTION SPRING 2023 – FALL 2024



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City of Mesa

City Code Update

Title 6, Chapter 12

Offensive, Excessive, and Prohibited Noises

November 21, 2022

Assistant Police Chief Ed Messing
Geoff Balon, Police Legal Advisor



Noise Ordinance

- Restructure to clean-up language
- Create similarity with other municipalities
- Mindful of urban area, and the businesses and industries that operate within Mesa, including aeronautical and industrial.

Suggested Language: General Prohibition with Factors

- **Violation to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any loud, unnecessary, or unusual sound or noise that disturbs, injures, or endangers the comfort, repose, health, peace, or safety of a reasonable person.**
- **Factors to Consider:**
 - **Volume and intensity of noise and background noise**
 - **Proximity of the source to residential structures**
 - **Zoning and permitted land use from which the sound or noise emanates**
 - **Recurrent, intermittent, or constant**
 - **Time of day, especially between 10:00 p.m. and 6:00 a.m.**
 - **Whether enhanced by electronic or mechanical means**
 - **Whether can be controlled without unreasonable effort or expense to the creator**

Current Code

Suggested Code

- | | |
|---|-------------------------------------|
| ▪ Prohibits unreasonable noise coming from: | Same or Similar Prohibition |
| ▪ Vehicles | <input checked="" type="checkbox"/> |
| ▪ Animals | <input checked="" type="checkbox"/> |
| ▪ Sound amplification systems in or on vehicles | <input checked="" type="checkbox"/> |
| ▪ Property | <input checked="" type="checkbox"/> |
| ▪ People | <input checked="" type="checkbox"/> |

Current Code

Exempts noise related to:

- Emergency work involving fires, accidents, disasters, and utilities
- Governmental units or agencies
- Parades, concerts, or festivals approved by the City
- School athletic, musical or cultural activities or events
- Activity permitted under zoning code
- Construction, repair, remodeling, demolition, drilling, wood cutting, crafts and hobbies, excavation work, and landscaping between 6:00am and 8:00pm Monday - Friday, and between 6:00am and 8:00pm Saturday & Sunday

Suggested Code

- ☒ Emergency work involving fires, accidents, disasters, and utilities
 - ☒ Governmental units or agencies
 - ☒ Parades, concerts, or festivals approved by the City
 - ☒ School athletic, musical or cultural activities or events
 - ☒ Activity permitted under zoning code
 - ☒ Construction, repair, remodeling, demolition, drilling, wood cutting, crafts and hobbies, excavation work, and landscaping between 6:00am and 8:00pm Monday - Friday, and between 6:00am and 8:00pm on all days
- Now a factor similar to other cities
- Adds exemption for landscape maintenance and landscaping at golf courses and private parks between 5:00am and 8:00pm on all days

Current Code

- Allows temporary exemptions to be granted by the City Manager after considering 7 factors.
- Responsible Parties
 - Owner or property manager when the person responsible for an activity that violates the Code cannot be found.

Suggested Code

- ☒ Clarifies how to submit an exemption request and where it is filed if granted
- ☒
- Enforcement
 - Police Department and any other City Department designated by the City Manager may enforce

Suggested Language: Penalties

- **Changes fines (Within 24 Months)**
 - **First Offense**
 - **Current: \$250**
 - **Suggested: No less than \$250 & up to \$1500**
 - **Second Offense**
 - **Current: \$500**
 - **Suggested: No less than \$500 & up to \$2500**
 - **Third Offense**
 - **Current: \$2500**
 - **Suggested: No less than \$750 & up to \$2500**
- **Adds Habitual Offender**
 - **Class 1 misdemeanor if a person violates on 3 separate dates within 12 months.**
- **Fine no less than \$500 and up to \$2500**



Questions?

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