



COUNCIL MINUTES

March 1, 2021

The City Council of the City of Mesa met in a Regular Council Meeting via a virtual format streamed into the lower-level meeting room of the Council Chambers, 57 East 1st Street, on March 1, 2021 at 5:45 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's Welcome.

Mayor Giles conducted a roll call.

Mayor Giles led a Moment of Silence, followed by the Pledge of Allegiance.

Awards, Recognitions and Announcements.

There were no awards, recognitions, or announcements.

1. Take action on all consent agenda items.

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 Luna, seconded by Councilmember Thompson, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

AYES – Giles-Duff-Freeman-Heredia-Luna-Spilsbury-Thompson
NAYS – None

Carried unanimously.

*2. Approval of minutes of previous meetings as written.

Minutes from the February 8, 2021 Study Session and the February 22, 2021 Regular Council meeting.

3. Take action on the following contracts:

- *3-a. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Fire Hose for the Mesa Fire and Medical Department. **(Citywide)**

This contract provides fire hose for the department as needed. The fire hoses meet National Fire Protection Association standards and are used to replace existing hoses removed from service due to age or failure.

The Mesa Fire and Medical Department and Purchasing recommend authorizing the renewal with L. N. Curtis & Sons, at \$78,800 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- *3-b. Three-Year Term Contract with Two Years of Renewal Options for Streetlight Painting Services for the Transportation Department. **(Citywide)**

This contract will provide streetlight painting services of existing luminaries, poles, and pole skirts where applicable. After painting is complete at pre-determined locations, the remainder of the contract will be for services on an as-needed, where-needed basis.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, Cobalt Companies, dba Cobalt Coatings, at \$102,450 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. This purchase is funded by the Local Streets Fund.

- *3-c. Purchase of Stormwater Sampling Equipment Components (Replacement) for the Environmental Management and Sustainability Department (Sole Source). **(Citywide)**

This purchase will provide critical components (flowmeters, modems, sensors, and associated accessories) for five, ISCO sampling stations that are experiencing operational issues. Replacing this equipment is necessary to resolve the issues and update obsolete equipment at the sampling stations.

The Environmental Management and Sustainability Department and Purchasing recommend authorizing the purchase from the sole source vendor, Western Environmental Equipment Company, at \$28,468.25, based on estimated requirements.

4. Take action on the following resolution:

- *4-a. Extinguishing a portion of a 20-foot waterline easement located at 8046 East Ray Road to allow for the construction of a commercial warehouse building; requested by the property owner. **(District 6)** – Resolution No. 11632

5. Introduction of the following ordinances and setting March 15, 2021 as the date of the public hearing on this ordinance:

5-a. **See: Items not on the Consent Agenda**

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

- *6-a. ZON20-00562 (**District 6**) Within the 5300 block of South Power Road (east side). Located south of Ray Road and east of Power Road (2.4± acres). Modification of an existing PAD; and Site Plan Review. This request will allow for the development of a hotel. Taylor Earl, Earl and Curley, applicant; Mesa Hotel Partners, LLC, owner. – Ordinance No. 5602

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 7-0)

- *6-b. ZON20-00491 (**District 6**) Within the 5200 to 5300 blocks of South Ellsworth Road (east side), the 5300 through 6200 blocks of the South Crismon Road alignment (east and west sides), the 9800 to 10000 blocks of the East Williams Field Road alignment (north and south sides) and the 10000 to 10200 blocks of East Williams Field Road (north side). Located on the north side of the future State Route 24 freeway alignment between Ellsworth Road to approximately one-quarter mile east of the Crismon Road alignment (465± acres). Major Amendment to the Pacific Proving Grounds North Community Plan, also known as the Cadence Community Plan. This request is to modify sections of the approved Community Plan and Land Use Budget allocations for Development Unit 3 within the Plan. Susan Demmitt, Gammage and Burnham, PLC, applicant; PPGN-Williams, LLLP, owner. – Ordinance No. 5603

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 7-0)

- *6-c. ZON20-00609 (**District 1**) 731 North Alma School Road. Located north of University Drive on the east side of Alma School Road (1.2± acres). Rezone from OC to RS-6. This request will allow for a single residence use. Randal L. Courtney, applicant; Randal L. Courtney, owner. – Ordinance No. 5604

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 7-0)

- *6-d. ZON20-00769 (**District 6**) Within the 8400 to 8800 blocks of East Elliot Road (north side) and within the 3400 to 3600 blocks of South Hawes Road (east side). Located east of Hawes Road and north of Elliot Road (77± acres). Rezone from LI-PAD to LI-PAD; and Site Plan Review. This request will allow for an industrial development. Eric Zitny, Ware Malcomb, applicant; Loop 202 & Elliot Road Parcel #2 LLC, owner. – Ordinance No. 5605

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 7-0)

- *6-e. ZON20-00815 (**District 3**) Within the 100 block of South Dobson Road (west side). Located south of Main Street on the west side of Dobson Road (2.5± acres). Rezone from GC to GC-BIZ overlay; and Site Plan Review. This request will allow for a

commercial development. Rick Daughtery, 3rd Story Architecture, applicant; WJC, LLC, owner. – Ordinance No. 5606

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 7-0)

- *6-f. ZON20-00861 (**District 6**) The 3600 to 4400 blocks of South Ellsworth Road (east side), the 3600 to 4200 blocks of South Eastmark Parkway (west side), the 9200 to 9600 blocks of East Elliot Road (south side), and the 9200 to 9800 blocks of East Warner Road (north side). Located south of Elliot Road and north of Warner Road between Ellsworth Road and Signal Butte Road (325± acres). Major Amendment to the Eastmark Community Plan. This request is to modify the character descriptions for Development Units 1 and 2 of the Eastmark Community Plan. Jill Hegardt, DMB Associated, Inc., applicant; DMB Mesa Proving Grounds LLC, owner. – Ordinance No. 5607

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 7-0)

- *6-g. ANX20-00665 (**District 5**) Annexing property located north of University Drive and west of Ellsworth Road (1.0± acre). Initiated by the applicant, Reese Anderson, Pew and Lake, P.L.C., for the owners, Vance and Amanda Williams. – Ordinance No. 5608

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 7-0)

7. Take action on the following subdivision plats:

- *7-a. “Metro Mesa Phase III” (**District 3**) Within the 1800 to 2000 blocks of South Hobson (east side); within the 600 to 800 blocks of East Baseline Road (north side); within the 1700 to 2000 blocks of South Horne (west side); and within the 600 to 800 blocks of East Auto Center Drive (south side). Located north of Baseline Road and east of Mesa Drive (47± acres). Metro East Valley Holdings Phase Three, LLC, developer; Geoffrey K. Brimhall, KAEKO, surveyor.
- *7-b. “Metro Mesa Phase IV” (**District 3**) Within the 500 block of East Auto Center Drive (south side); and within the 1800 block of South Hobson (west side). Located north of Baseline Road and east of Mesa Drive (4.51± acres). Metro East Valley Holdings Phase Three, LLC, developer; Geoffrey K. Brimhall, KAEKO, surveyor.
- *7-c. “The ANNEX at Cadence” (**District 6**) Within the 9300 to 9500 blocks of East Cadence Parkway (west side). Located east of Ellsworth Road and south of Ray Road (10.3± acres). Newport Homes, LLC, developer; Raymond S. Munoz III, EPS Group, surveyor.
- *7-d. “Overlook at Forest Knoll” (**District 1**) Within the 2500 block of North Harris Drive (east side). Located west of Gilbert Road and north of McKellips Road (9.3± acres). 2515 Harris, LLC, developer; Philip M. Fedor, Bowman Consulting, surveyor.

Items not on the Consent Agenda.

- 5-a. ZON20-00538 (**District 1**) Within the 1200 to 1400 blocks of West Bass Pro Drive (south side) and the 1100 block of North Alma School Road (west side). Located south of the 202 Red Mountain Freeway on the west side of Alma School Road (30.9± acres).

Modification to the Planned Area Development (PAD) Overlay on the property to amend condition #1 of Ordinance No. 4847 to allow development of a new office building and parking garage within an existing office development. Michael Edwards, The Davis Experience, applicant; Salt River Point, LL LLC, owner.

Staff Recommendation: Approval with conditions

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

Shawna Boyle, a Mesa resident, requested that Council not move this item forward to the March 15 agenda. She believes the Waypoint 5 development as currently proposed is in violation of a written agreement between the developer, neighborhood residents, and the City of Mesa (COM). She stated during a Council meeting in 2007 residents were promised that all buildings in the complex would not be taller than two stories. She commented this promise was not mentioned in the Planning & Zoning (P&Z) meeting last week and more time needs to be provided to investigate and present the neighborhood position to Council.

Philip Bramse, a Chandler resident, whose mother lives near the proposed development, concurred with the previous speaker and added his concern for the south facing exposure of the parking garage. He questions how Council could approve something that has been so highly discussed and debated, particularly in regard to the aesthetics of the parking garage and how the project transitions from office to residential. He requested something from the developer that shows what is being built.

Janice Jaicks, a Mesa resident, had her comments read which include that the residents of the Country Club Heights neighborhood request that the proposed development not be approved because in 2014 a minor modification was made to the original agreement without notification to the neighbors. She expressed that the neighbors feel the initial request needs to be honored and more time is needed to present the facts of the issue and to ensure due process.

Ruth Ann Showalter, a Mesa resident, stated the history of the project and some of the actions by the City over the years have been troubling and more time is needed to address a proper presentation to Council. She asked Council to delay action.

Joshua Boyle, a Mesa resident, echoed the comments made by Ms. Boyle, adding that an email from Councilmember Freeman indicated that any promise between the developer and the neighborhood would be resolved through court rather than City Council. He commented that Council should take into consideration promises made by developers when deciding whether to approve a project. He asked that the item not be heard on March 15.

Anna Showalter, a Mesa resident, requested her comments be read which urged the Council not to approve moving forward on March 15 to allow more time to work through the concerns of the residents regarding the modification made to the development agreement.

City Attorney Jim Smith stated he is unaware of a development agreement on the property. He indicated the possibility exists that there is an agreement between the developer and the neighborhood that might provide relevant information. He advised that the role of Council is to look at the project as a whole to determine its scope and not to enforce private agreements. He commented if documentation is provided from an agreement, the City will look at the documents.

Planning Director Nana Appiah indicated in reviewing the documents from 2007 he has been unable to locate any written agreement beside the conditions of approval. He mentioned in the

2007 meeting minutes two neighbors spoke regarding their opposition to the height of the development and the P&Z board voted to approve the project.

Douglas Allsworth, a Phoenix attorney representing the Country Club Heights neighbors, stated the significant neighborhood opposition to the project is based mostly on the scale and the lack of transition to the adjacent residential neighborhood. He pointed out that the neighbors feel they have been run over in the process with minimal citizen participation. He mentioned the neighbors are asking the City to follow their own site criteria for issues like compatibility, scale, and a harmonious transition; and to be given more time to work with the City and the developer to mitigate the potential problems from this development.

Perry Jaicks, a Mesa resident, commented on his concerns regarding the four-story parking garage and the number of spaces being requested for development. He requested more time to allow the residents to bring information forward to Council and be heard.

Adam Baugh, a Phoenix attorney, asserted if the Council is so inclined, the March 15 public hearing is the appropriate opportunity for the developer to lay out the land use side of the case with the associated facts and why staff are recommending approval. He advised he has looked through all the public documents online from 2004, 2007, and 2008 and has not been able to find any information regarding a development agreement or stipulations that require or limit the development to something less than what is proposed. He added the site plan has been approved and the only way to make changes is to go through the site plan modification process. He stated the developer has been open and receptive to working with the neighbors by holding two neighborhood meetings by zoom, two more in person, and several phone calls to hear their concerns. He hopes that Council allows the developer to move forward to share the land use side of the case on March 15.

Councilmember Freeman remarked that he has looked at the issues and met with property owners and he understands their concerns. He feels the item needs to go forward with the public meeting on March 15 to allow the developer to present their information, along with the neighborhood input. He committed to supporting a motion to continue at that point if more time is needed.

It was moved by Councilmember Freeman, seconded by Councilmember Thompson, to approve introduction of the ordinance and set March 15, 2021 as the date of the public hearing.

Upon tabulation of votes, it showed:

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

NAYS – None

Carried unanimously.

8. Take action on the following resolution:

- 8-a. Approving and authorizing the City Manager to enter into a Development Agreement, a Government Property Lease Excise Tax (GPLET) Lease Agreement, and a Perpetual Easement Agreement, for the development of approximately 9.7± acres of property generally located in downtown Mesa at the southeast corner of East Main Street and South Sirrine. The three Agreements facilitate the redevelopment of the property into a mixed-use project consisting of four multi-story buildings with ground floor commercial,

market-rate residential units, residential amenities, and parking, that will generate significant economic benefits to the City of Mesa. **(District 4)** – Resolution No. 11633

Tim Mello, a Mesa resident, submitted comments to be read which questioned what the significant economic benefits are for the property, why GPLET concessions are being offered to the developer, and what group or individuals are involved with financing the project. He asked whether hazardous and toxic materials have been remediated from the site?

City Manager Christopher Brady stated this vacant land in the middle of downtown Mesa has not been generating revenue for many years and a GPLET is intended to help blighted areas, which this property meets that definition. He added bringing on additional development to create property tax and sales tax revenue is the goal.

Downtown Transformation Manager Jeff McVay stated consistent with State statute the City received an independent third-party economic benefit analysis. He commented the project meets the requirements which are that the project must increase the value of the property by over 100%, as well as provide additional revenues to the local jurisdictions greater than those that would be abated.

Economic Development Project Manager Angelica Guevara advised a copy of the economic benefit analysis is available to the public on the City's website. She reported the analysis indicated that the project would generate \$8.8 million in revenue to the city, county, school districts, and the state from sales and income taxes from 2022 through 2030, which is the eight-year abatement period. She pointed out the \$8.8 million exceeds the \$5.1 million estimated value of the property tax exemption and the lease excise tax exemption.

Mr. McVay clarified the project is a private sale to a private developer who is responsible to complete the Phase I environmental studies and the development agreement is clear that the City has no obligation regarding any studies being conducted on the property. He confirmed the property is not a designated brownfield site.

It was moved by Councilmember Freeman, seconded by Vice Mayor Duff, that Resolution No. 11633 be approved.

Upon tabulation of votes, it showed:

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

NAYS – None

Carried unanimously.

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

- 9-a. 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)** – Ordinance No. 5609

Christiana Hammond, a representative of Equality Arizona and a Mesa resident, shared her support for the non-discrimination ordinance (NDO) as a transgender person. She commented

that after marriage equality rights were passed in 2015, organizations working to repress LGBTQ rights played on the general public's lack of experience with transgender people to create fear. She explained the NDO is a real solution to a real problem and appreciates Mesa for standing behind the LGBTQ community.

John Collins, an Episcopalian priest and Mesa resident, voiced his support for the NDO. He stated he is thrilled that the COM is considering the NDO because no one should be fired, lose their livelihood, fear entering a store, or be deprived of any commonly held rights and liberties because of their sex or gender identity. He added, as a faith leader, he believes each person is created in God's image and no one should face discrimination for being a member of the LGBTQ community.

Thomas Barr, vice president of business development at Local First Arizona, stated Local First Arizona proudly supports the passing of the NDO to advance equality for all Arizonans. He remarked on the importance of continuing to grow a competitive and strong economy includes ensuring that businesses are open and welcoming to all people. He reported the buying power of the LGBTQ community is estimated at over \$970 billion nationally and by passing the ordinance Mesa will be setting the business community up for greater success.

Joshua Boyle, a Mesa resident and business owner, said he has spent most of his life in Mesa and is strongly in favor of the ordinance. He mentioned as a family law attorney he has a unique perspective on seeing the unintended consequences that laws have on families and children. He added the angry attacks against the ordinance is proof that there is a great need for the NDO. He stated for legal, logical, historical, moral, and religious reasons, he believes the ordinance is necessary and will make Mesa even better.

Tamara Staas, a Tempe resident and teacher for Mesa Public Schools, stated as president of Arizona Trans Youth and Parent Organization she works with families who are loving, supportive, and want nothing but the best for their children. She indicated all families want to see their children protected from discrimination and see themselves reflected in the community. She said this ordinance is about equal treatment, not special treatment. She added the ordinance is not about forcing people to accept things that go against their beliefs, but rather protecting individuals from being terrorized based on certain beliefs. She added there has been no evidence to support an increase of bathroom or locker room incidents within other municipalities that have passed such ordinances.

Monica Phillips, a Mesa resident, stated her family wholeheartedly supports Mesa establishing the NDO. She mentioned ignorance and hate cannot be the motivating factors when determining policy and every human deserves to be treated with dignity and respect. She described people citing untruths and misconceptions to justify their fear-based reactions. She said discrimination creates an atmosphere where her children have valid fears and concerns for their safety and their ability to live productive lives. She hopes that Mesa can be a beacon of fairness, opportunity, and inclusion for all. She proclaimed that her family supports the City Council calling on all Mesa citizens and businesses to abandon attitudes and actions of prejudice toward any group or individual by passing the NDO.

Michael Soto, executive director of Equality Arizona, commented he was born and raised in an active LDS Mesa family and was afraid every single day because he was a member of the LGBTQ community. He detailed how he saw people mistreated, witnessed violence, intimidation, harassment, and bullying. He pointed out that fairness for the LGBTQ community is not at odds with deeply held personal faith and by voting yes on the NDO Mesa will be a city

where everyone can live without fear and every Mesa resident is treated fairly and equally with the same opportunities to thrive and contribute.

Robert Saik, a pastor and Mesa resident, spoke in favor of the NDO. He discussed how the religious community has had to deal with issues of discrimination in the past and that this issue can also be resolved. He remarked that humanity has struggled to accept people who are different; however, the most important message in the Bible is that we should love one another as we love ourselves. He believes that most faiths support the care of others and oppose hurting others, and that equal rights means professing and practicing your faith freely and not stifling the freedom of others or imposing your beliefs on them. He asked Council to approve the NDO.

Petra Morrison, a Chandler resident, expressed her support for the NDO. She stated ensuring that Mesa celebrates and protects all people is not only the right thing to do but is also good for the community's health and well-being. She urged Council to take action today by supporting and securing the NDO.

Dale Crogan, president of the United Mesa Firefighters Local 2260, shared the mission of firefighters is to serve and protect the community regardless of race, religion, gender, sexual orientation, or gender identity. He remarked fires and emergencies do not discriminate, nor do firefighters, and adopting the NDO would assure that all people are afforded the same protection under the law, including some of the LGBT plus first responders. He reported that over 300 cities and towns across the United States have already successfully implemented and passed non-discrimination ordinances and there has been no increase in public safety incidents. He outlined a Police Foundation study on bathroom safety also found no increase in public restroom incidents. He added that the ordinance would not change the fact that it is illegal to enter a restroom to harm, harass, or invade somebody's privacy and anyone doing that would be subject to arrest and prosecution. He encouraged Council to vote yes on the NDO.

Carolyn Hubbard, a Mesa resident, quoted the Declaration of Independence. She advised everyone should embrace and love people who are different; however, she has concern about the misuse of power by some groups. She said the Equality Act endangers women and children by forcing them to share locker rooms and showers and compete with males who choose to identify as females.

Harold Mathews, a Gilbert resident, suggested Mayor Giles' affiliation with Google, Amazon, and Apple is the reason for pushing the oppressive, exclusive, discriminatory, anti-science, anti-biology, anti-family, anti-freedom, and anti-sanity bill that promotes delusion. He remarked these companies are leading the canceled culture charge to cancel those who have a different political opinion than Silicon Valley who are more interested in pleasing the enemies than doing what is best for the country.

Verl Farnsworth, a Mesa resident, remarked the NDO proves that Council does not believe that Mesa is currently a welcoming and inclusive City, or the ordinance would not be necessary. He stated his concern is that Council cannot legislate morality and that this ordinance will bring more trouble, false accusations, and will not be welcome where there is no problem to be solved.

Robert Jarvis, a Mesa resident, addressed the definitions and inconsistent language. He explained the ordinance needs to be rewritten in order to make the language more concise.

Kathleen Winn, a Mesa resident, advised Council that she works with vulnerable populations in the community and is painfully aware of the biases against the LGBTQ community members. She added the ordinance does not address the real problem of the disproportionate makeup of LGBTQ and transgender who are homeless, commit suicide, and are sexual assault victims. She said these issues need to be dealt with scientifically, not emotionally. She asked Council to reconsider and vote no on the ordinance.

Mike Phelan, a Mesa resident, agrees that unjust discrimination is wrong and opposes that; however, not all distinctions create unjust discrimination. He believes the ordinance puts women's sports into jeopardy and is a blatant injustice. He pointed out if progress is the goal, why are religious organizations exempt. He asked that the ordinance not be passed.

(A brief recess occurred at 7:25 p.m.; the Council meeting resumed at 7:32 p.m.)

Mark Hunsaker, a Mesa resident, stated he supports respect, dignity, and equal opportunities for everyone and is not in opposition to any NDO, but is opposed to the proposed ordinance as written. He explained the ordinance should not be approved because the language is vague, ambiguous, and incomplete.

The following citizens submitted comment cards in support of Agenda Item 9-a, but did not wish to have their comments read:

- Revae Stuart, a Mesa resident
- Kristina Buss, a Mesa resident
- Michael Fornelli, a Phoenix resident
- Jan Dowling, a Tucson resident
- Bryce Cook, a Mesa resident
- Sasha Senger, a Mesa resident
- Jeffrey Smith, unknown
- Jennifer Lin, unknown
- Michael Klein, a Mesa resident
- Sheila Kloefkorn, a Tempe resident
- Lynette Braddock, a Chandler resident
- Andrea Parks, unknown

The following citizens submitted comment cards in opposition to Agenda Item 9-a, but did not wish to have their comments read:

- Rebecca Petersen, a Mesa resident
- Kevin Skousen, a Mesa resident
- Yvonne Turley, a Mesa resident
- Sabrina Taylor, a Mesa resident
- Mary Bunker, a Mesa resident
- Jessica Huemiller, a Mesa resident
- Brandon Huemiller, a Mesa resident
- Chelsea Hamblin, a Mesa resident
- Pauli Lavochin, a Mesa resident
- Cassady Hutzler, a Mesa resident
- Diana Noble, a Mesa resident
- Kenneth Noble, a Mesa resident
- Jana Godon, a Mesa resident
- Brooke Eagleston, a Mesa resident
- Ryan Gardner, a Mesa resident
- Melissa Gardiner, a Mesa resident
- Danny Valdez, a Mesa resident
- Lindsey Johnson, a Mesa resident
- Kelly Beecher, a Mesa resident
- Lindi Burnett, a Mesa resident
- Janette Weidman, a Mesa resident
- Charles Burnett, a Mesa resident
- Amy York, a Mesa resident
- Jay Smith, unknown
- Jason Brown, a Mesa resident
- Cathy Dever, a Mesa resident
- Jennifer Battraw, a Mesa resident
- Mike Bingham, a Mesa resident
- Meagan McNaughton, a Mesa resident
- Nicole Erickson, a Mesa resident
- Karen Gevaert, a Mesa resident
- Dene Ray, an Apache Junction resident

The following citizens submitted comment cards to be read in support of Agenda Item 9-a:

- Kathleen Noble, a Mesa resident
- Chad Wolver, a Mesa resident`
- Mitchell Liswith, a Phoenix resident
- Eric Macdonald, a Mesa resident
- Liz Macdonald, a Mesa resident
- Andrea Parks, unknown
- Ben Bradle, unknown
- Ian Chamberlin, a Mesa resident
- Michael Martinez, a Mesa resident
- Melita Hillman, a Mesa resident
- Deanna Villanueva-Saucedo, a Mesa resident
- Jody Corbett, a Chandler resident
- Jamy Belcher, a Mesa resident
- J. Smith, a Mesa resident
- Rebecca Temp, a Mesa resident
- Angela Hughey, a Phoenix resident
- Chris Camacho, a Phoenix resident
- Nathaniel Rhoton, a Phoenix resident
- Keisha McKinnor, a Tempe resident
- Kristina Estal, a Mesa resident

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

- The NDO is another step toward equality and justice in our neighborhoods and businesses.
- The NDO affirms the commitment to a diverse, inclusive, and equal City.
- Passing the NDO is the right thing to do to protect small businesses and minoritized community members.
- This ordinance embodies a civic and moral imperative for all citizens in the public square to commit to the equal treatment of all people in employment, housing, and public accommodations.
- The ordinance is about equal treatment, not special treatment.
- The ordinance has the approval of a majority of Mesans and is not a new issue. The ordinance is seeking to extend fair treatment under the law to everyone living in the City.
- The NDO makes it clear that Mesa is an open and inviting city for all.
- The NDO will provide a tool to all LGBTQ members to be treated equally. Mesa will be stronger because of its commitments to equality and religious freedom.
- The ordinance will ensure that Mesa is on the right side of history, not perpetuating hate and discrimination.
- Adopting the NDO will make Mesa more appealing to outside companies, which will help the economy.
- Nobody should have to live in fear that they can be legally fired, evicted from their homes, or kicked out of a store just for being who they are.
- The NDO will create a more just and inclusive society.
- The ordinance will help the city grow and be a vibrant hub, attracting more industries/businesses.

The following citizens submitted comment cards to be read in opposition of Agenda Item 9-a:

- Tara Rowland, a Mesa resident
- Karen Nicoll, a Mesa resident
- Joseph Hatch, a Mesa resident
- Todd Wolford, a Mesa resident
- Melissa Fuller, a Mesa resident
- Sheree McNeil, a Mesa resident
- Cameron Petersen, unknown
- Dean Taylor, a Mesa resident
- Nicole Herbst, a Mesa resident
- Jacob Herbst, a Mesa resident
- Sarah Stratton, unknown
- Gene Thomas, a Mesa resident

- Doreen Stradling, a Mesa resident
- Lester Stradling, a Mesa resident
- Kerry Adams, a Mesa resident
- Ellen Adams, a Mesa resident
- Scott Overstreet, a Mesa resident
- JuDene Brown, a Mesa resident
- Erin Brewer, a Utah resident
- Ray Speakman, a Mesa resident
- Elizabeth Lawlor, a Mesa resident
- Heather Austin, a Mesa resident
- Rebecca Squires, a Mesa resident
- Frances Grant, a Mesa resident
- Lori Noble, a Mesa resident
- Kaye Hunsaker, a Mesa resident
- Ian Bennett, a Mesa resident
- Jennifer Clarkson, a Mesa resident
- Michelle Freeman-Smith, a Mesa resident
- Tauni Orton, a Mesa resident
- Kristine Porter, a Mesa resident
- Kate Bankston, a Mesa resident
- Jey Moore, a Mesa resident
- Richard Adams, Jr., a Mesa resident
- Bonny Solheim, a Mesa resident
- Todd Wilson, a Mesa resident
- Kadee Bird, unknown
- Lisa Ward, a Mesa resident
- Rebecca Wolford, a Mesa resident
- Jennifer Higbee, unknown
- Natalie Palmer, unknown
- Julia Hall, a Mesa resident
- Dale Eames, a Mesa resident
- Susan Ellsworth, a Mesa resident
- Raegan Turner, a Mesa resident
- Deann Williams, a Mesa resident
- Maurio Fischbeck, a Mesa resident
- DeAnna Carpenter, a Mesa resident
- Yvette Orton, a Mesa resident

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

- There are laws already in place to protect citizens from unlawful discrimination.
- The Ordinance is not representative of the constituents and needs to go to a ballot.
- Discrimination will pass from the minority to the majority because no legislation can accommodate everyone.
- Oppose transgender men using women's restrooms and transgender women using men's restrooms.
- This ordinance puts a large portion of the community at risk of harm and there is no demand to put in place.
- Women should not have to compete against men in sports.
- The ordinance goes against protecting citizens and opens them up to potentially dangerous and compromising situations.
- Not willing to give up freedom and morals for the sake of tax revenue and the community can be inclusive without compromising the rights of women.
- The ordinance will result in discrimination against girls and women and our values should not be compromised to satisfy the corporate agenda.
- The NDO was drafted by City attorneys without input from key members of the community and does not balance the City's important perspectives fairly or adequately.
- Passing the ordinance would discriminate against citizens who believe bathroom use should be by gender division as you were born, and some will take advantage and cause problems.
- Infringes on religious rights and personal rights of citizens.
- More time needs to be taken to understand the implications on small businesses and housing.
- Ordinance terminology is ambiguous and exposes businesses, citizens, and neighbors to unfair claims and lawsuits. Sets an unachievable standard.
- The ordinance is unconstitutional and unnecessary.

- The NDO will endanger citizens and open the door for child predators, pedophiles, and others who will take advantage of the innocent.
- The ordinance will destroy the business community.
- Laws that attempt to protect gender identity are impossible to constrain on the side of misuse and abuse.
- The ordinance sets on ill-advised precedent.
- The NDO imposes unnecessary regulations upon the citizens and is overreaching of local government.
- The ordinance is difficult to decipher what kind of discrimination is intended to be prohibited and Council cannot compel thought, speech, or free association.
- Further data needs to be collected on the business impact, legal ramifications, and public opinion.
- There is no need for this progressive/radical ordinance in Mesa.
- Free market can solve problems better than government.
- The ordinance will divide people rather than building unity.
- The NDO protects a very small few while putting the majority at risk.
- The ordinance opens the door to more serious changes to laws and does not protect those with traditional values. Council should represent the majority.
- Mesa should not follow Phoenix, Tucson, Tempe, and Flagstaff because Mesa is a different community. The safety and privacy of women would be at risk.

Mayor Giles expressed his appreciation to everyone who participated in the meeting. He thanked the community members, volunteers, and City staff who have worked for years to bring the ordinance forward. He mentioned the ordinance is about protecting civil rights and constitutional rights, including religious freedom. He said many cities in Arizona have had a non-discrimination ordinance for years without incident and Council has been discussing this ordinance since 2014. He remarked community groups that endorse the proposed ordinance include the Mesa Chamber of Commerce Board, the City of Mesa Economic Development Advisory Board, the Board of Visit Mesa, the City of Mesa Human Relations Advisory Board, and many leaders of the faith community and Mesa businesses.

Mayor Giles advised the process has developed over years, has been approached with careful thought and consideration, and incorporated language suggested by the community has been included into the draft ordinance. He expanded by saying that Mesa has learned from the experience of other cities and addressed legal questions and enforcement concerns. He explained the ordinance reflects the community input received and has not been dictated by outside interest groups. He indicated the ordinance demonstrates Mesa's commitment to respecting and supporting equality and diversity and has specific religious and free speech protections. He commented this ordinance is not and will never be a license to engage in inappropriate or criminal conduct in any facility.

Mayor Giles said he appreciates the thoughtful comments and questions brought forward throughout the process and believes everyone is working to protect and advance the best interests of the City. He invited the community to come together to protect the shared rights.

Councilmember Freeman stated he does not accept any form of discrimination and expects that every human being should be treated equally without exception. He mentioned he has done extensive research over the past few weeks talking with staff, visiting with constituents, and members of the business community. He said he voted in favor of moving the ordinance forward to the public hearing because of the public interest and the community members who wanted their opinions heard. He feels there has not been ample time to accomplish the goal of

gathering the necessary information and address the misinformation. He outlined the most prudent course of action would be to press pause and organize a committee made up of members from the faith-based community, businesses, and the LGBT community to work together and share ideas. He mentioned employment discrimination based on sexual orientation or gender identity is already prohibited per the United States Supreme Court. He emphasized working in harmony, Mesa can find a way to not place undue burdens on businesses while also ensuring no person experiences discrimination.

Vice Mayor Duff thanked everyone who came forward to share their comments tonight. She continued by saying she was brought to tears by listening to those who have been affected by discrimination in Mesa and the City needs to stand together and do the right thing for the success of the City. She said the City has been working on the ordinance for seven years trying to satisfy both sides and the issues have not changed. She remarked the NDO strikes a good balance in standing to protect the rights of all.

Councilmember Spilsbury explained that she is not a politician but is a mother, wife, sister, and friend who loves Mesa and wanted to serve the community. She remarked that many citizens who voted for her disagree with her position on the ordinance but at the end of the day she must do what she feels is right. She stated the messages of hate that she has received have helped her empathize and have a small glimpse of what the LGBT community has gone through. She advised she would like to be part of a community that stands up for vulnerable groups and be a voice for those who do not have a voice.

Councilmember Luna explained he has been involved in this process since 2013 when he was elected to Council and previous to that while serving on the Human Relations Advisory Board. He emphasized that until you experience the sting of discrimination you will not understand why this ordinance is so important.

Councilmember Heredia pointed out that he understands this ordinance will not stop all discrimination but hopes this will provide an avenue of awareness and collaboration within the community to continue to achieve equality in all forms. He noted the goal is to build a better city and asked the community to apply the Golden Rule when dealing with others in the community. He mentioned the important step taken with the ordinance is that Mesa, Arizona, though not perfect, supports equal rights for all and will not tolerate discrimination.

Councilmember Thompson reported as a military veteran he served and fought for all American's freedom but also fought to ensure America remains a representative democracy, a government of the people, by the people, and for the people. He read a summary of the 2014 inclusion and diversity report that was completed by the Human Relations Advisory Board. He indicated he feels the ordinance is not needed. He said he is sympathetic to those in the LGBTQ community who feel there may be discrimination in the community and is supportive of educating the community to eliminate all types of discrimination. He remarked while he has reservations about the need for a proposed ordinance, he is open to a compromise that strikes a balance between the need to protect religious liberties and organizations while also prohibiting discrimination.

It was moved by Vice Mayor Duff, seconded by Councilmember Luna, that Ordinance No. 5609 be approved.

Upon tabulation of votes, it showed:

Councilmember Luna –

Red Mountain Park improvements virtual public meeting
White House Intergovernmental Affairs briefing
National League of Cities Board of Directors meeting
National League of Cities Constituency meeting

Councilmember Luna and Mayor Giles helped hand out laptops for Mesa Public Schools (MPS) Lincoln Elementary students to enhance their virtual learning. He noted the laptops were purchased using CARES Act funding.

Mayor Giles and Councilmember Thompson attended the United Food Bank board meeting.

3. Scheduling of meetings.

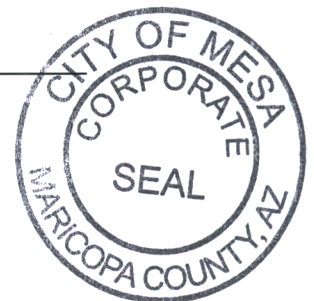
City Manager Christopher Brady stated that the schedule of meetings is as follows:

Thursday, March 4, 2021, 8:00 a.m. – Strategic Planning Session

4. Adjournment.

Without objection, the Study Session adjourned at 5:24 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 Study Session of the City Council of Mesa, Arizona, held on the 1st day of March 2021. I further certify that the meeting was duly called and held and that a quorum was present.


DEE ANN MICKELSEN, CITY CLERK