



# COUNCIL MINUTES

December 10, 2018

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 December 10, 2018 at 5:02 p.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

Jeremy Whittaker

## OFFICERS PRESENT

Christopher Brady  
Dee Ann Mickelsen  
Jim Smith

Mayor Giles excused Councilmember Whittaker from the entire meeting.

### 1. Review items on the agenda for the December 10, 2018 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: None.

Chief Financial Officer Michael Kennington clarified that item #6b is to form Eastmark Community Facilities District (CFD) No. 2 as CFD No. 1 has outgrown its limits. He noted that Arizona state laws have changed for CFD's and now require two additional members on CFD Boards.

Councilmember Thompson stated that he would prefer having CFD resident's on the CFD Board versus the two members designated in the resolution.

Discussion ensued relative to item #6b resolution, Boardmembers, and possible continuance.

Mayor Giles stated that Legal Counsel will review the information discussed and make a recommendation at the Council meeting.

### 2. Approval of minutes from an executive session held on November 5, 2018.

It was moved by Councilmember Glover, seconded by Vice Mayor Luna, that the executive session held on November 5, 2018 be approved.

Upon tabulation of votes, it showed:

AYES – Giles-Luna- Freeman-Glover-Heredia-Thompson  
NAYS – None  
ABSENT - Whittaker

Mayor Giles declared the motion carried unanimously by those present.

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

3-a. Economic Development Advisory Board meeting held on November 6, 2018.

3-b. Historic Preservation Board meeting held on November 6, 2018.

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

Upon tabulation of votes, it showed:

AYES – Giles-Luna- Freeman-Glover-Heredia-Thompson  
NAYS – None  
ABSENT - Whittaker

Mayor Giles declared the motion carried unanimously by those present.

4. Convene an Executive Session.

It was moved by Vice Mayor Luna, seconded by Councilmember Freeman, that the Study Session adjourn at 5:13 p.m. and the Council enter into an Executive Session.

Upon tabulation of votes, it showed:

AYES – Giles-Luna- Freeman-Glover-Heredia-Thompson  
NAYS – None  
ABSENT - Whittaker

Mayor Giles declared the motion carried unanimously by those present.

4-a. Discussion or consultation for legal advice with the City Attorney. (A.R.S. §38-431.03(A)(3)) Discussion or consultation with the City Attorney in order to consider the City's position and instruct the City Attorney regarding the City's position regarding pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. (A.R.S. § 38-431.03(A)(4))

1. Legal advice and contemplated litigation on Proposition 126, which was approved by Arizona voters at the November 6, 2018 general election.

At 5:40 p.m., the Executive Session adjourned and the Council reconvened their regular meeting.

5. Discuss, consider and provide direction on the following item:

- 5-a. Authorizing the City Attorney to file litigation on the issue of Proposition 126, which was approved by Arizona voters at the November 6, 2018 general election.

It was moved by Vice Mayor Luna, seconded by Councilmember Freeman, to authorize the City's Legal Counsel to file a lawsuit on behalf of the City of Mesa to challenge the legality and applicability of Proposition 126.

Upon tabulation of votes, it showed:

AYES – Giles-Luna- Freeman-Glover-Heredia-Thompson  
NAYS – None  
ABSENT - Whittaker

Mayor Giles declared the motion carried unanimously by those present.

6. Hear reports on meetings and/or conferences attended.

Mayor Giles: Mesa Community Court  
Merry Main St. Polar Express  
Arizona of Natural History – Grub Chevrolet family donation

Vice Mayor Luna: Valley Metro 10-year Anniversary

Council congratulated Planning Director John Wesley on his retirement and thanked him for his dedication to the City.

7. Scheduling of meetings and general information.

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

Thursday, January 3, 2019, 7:30 a.m. – Study Session

8. Adjournment.

Without objection, the Study Session adjourned at 5:45 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 10<sup>th</sup> day of December, 2018. 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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