



COUNCIL MINUTES

June 15, 2020

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 June 15, 2020 at 6:00 p.m.

COUNCIL PRESENT

John Giles*
Mark Freeman*
Jennifer Duff*
Francisco Heredia*
David Luna*
Kevin Thompson*
Jeremy Whittaker*

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.

Mayor Giles proclaimed June 19, 2020 as Juneteenth Celebration Day in Mesa. He reported on June 19, 1865, Union General Gordon Granger read federal orders in Galveston, Texas that set slaves free. He mentioned Texas was the last slave state to be officially notified of the Emancipation Proclamation.

Mayor Giles presented the Proclamation to Ron Williams, Human Relations Advisory Board Chairman.

Mr. Williams stated this Proclamation plays a role in the healing of pain in the African American community. He recognized Judge Elaissia Sears from the West Mesa Justice Court and Nadia Khalighi who serves on the Human Relations Advisory Board, both of whom promulgated the idea of the Proclamation and organized events and celebrations in Mesa.

Mr. Williams remarked this history is important because real lives were deeply affected by the past and generations today are still feeling its effects. He pointed out that President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863, which declared all persons held as slaves shall be free, and led the way to a total abolition of slavery in the United States,

but remained unchanged in Texas due to slave owners withholding the information. He explained General Granger stood on Texas soil and read the orders on June 19, 1865, along with 1,800 troops to take control of the state and ensure that all enslaved people were finally free. He outlined that as word spread, celebrations broke out across the state; and Juneteenth, short for June 19th, commemorates the day and marked the effective end of slavery in the United States. He thanked Mayor Giles for the Proclamation.

Mayor Giles expressed his gratitude to Mr. Williams for his dedication and service to the City of Mesa.

(Items on the agenda were discussed out of order, but for purposes of clarity will remain as listed on the agenda.)

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.

City Attorney Jim Smith clarified that Item 6-a is introducing the zoning ordinance and Item 6-b is the resolution for adoption.

In response to a question posed by Councilmember Whittaker, Mr. Smith explained Item 6-b is just a legal notice stating that in 14 days Council may consider a development agreement. He stated the item is giving notice that in the future Council is going to consider a development agreement.

It was moved Councilmember Thompson, seconded by Vice Mayor Freeman, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

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

NAYS – None

Carried unanimously.

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

Minutes from the April 2, April 30, 2020 Study Sessions, and June 1, 2020 Regular Council meeting.

3. Take action on the following liquor license application:

*3-a. Mesa Quick N Easy

A convenience store is requesting a new Series 10 Beer and Wine Store License for NA Petroleum LLC, 6806 East Brown Road - Rohullah Adilyar, agent. The existing license held by NK Petroleum III LLC will revert to the State. **(District 5)**

4. Take action on the following contracts:

- *4-a. Three-Year Term Contract with Two Years of Renewal Options for Janitorial and Sanitation Supplies for the Materials and Supply Warehouse (for City Departments). **(Citywide)**

City departments require a broad supply of janitorial and sanitation products to support daily maintenance operations. Supplies include sanitizing and disinfecting cleaners, waste receptacles, paper products including paper towels, cups and napkins, brooms, brushes and handles, and latex gloves. This contract supplies the City's warehouse for City internal use of these items.

The Business Services Department and Purchasing recommend authorizing the purchase using the Omnia Partners / City of Tucson cooperative contract with Waxie Sanitary Supply (a Mesa business), at \$175,000 annually, based on estimated usage.

- *4-b. Purchase for Seating Reupholstery for the Mesa Arts Center as requested by the Arts and Culture Department. **(Citywide)**

This purchase will provide reupholstery of the seating in the Playhouse Theater at the Mesa Arts Center. The existing seating is fifteen years old and many of the 176 seats are significantly worn. Full replacement would cost approximately \$105,000 whereas, reupholstery and repair is approximately 46% of that cost.

The Arts and Culture Department and Purchasing recommend authorizing the purchase using the Omnia cooperative contract with Irwin Seating Company, at \$48,050.12, based on estimated requirements. This purchase is funded by the Mesa Arts Center Restoration Fund.

- *4-c. Three-Year Term Contract with Two Years of Renewal Options for Heavy-Duty Automotive Body Repair Services for the Fleet Services Department. **(Citywide)**

Fleet Services currently manages a fleet of approximately 300 heavy-duty trucks. This contract will provide a pre-qualified list of heavy-duty automotive body repair vendors to provide non-exclusive repair service on an as-needed basis.

An evaluation committee recommends awarding the contract to the qualified respondents: 2nd Gen LLC dba, Maaco Collision Repair (a Mesa business); Hunterz, LLC (a Mesa business); and Vanguard Truck Center Body Shop; at \$100,000 annually, with an annual increase allowance of up to 5%.

- *4-d. Purchase of Network Hardware (Replacement/Lifecycle Upgrade) for the Department of Innovation and Technology. **(Citywide)**

The network infrastructure that supports the City's Utilities remote/field systems has reached the end of its lifecycle and is due for replacement. This equipment will refresh

network switches and firewalls located at water treatment plants, Utilities Control Centers, and master radio sites.

The Department of Innovation and Technology and Purchasing recommend authorizing the purchase using the State of Arizona and NCPA cooperative contracts from the lowest-quoted vendors: Enterprise Network Solutions; Sentinel Technologies, Inc.; and Trace3, LLC; at \$210,776.32, based on estimated requirements. This purchase is funded by Infrastructure Lifecycle Funds.

*4-e. See: **Items not on the Consent Agenda.**

*4-f. See: **Items not on the Consent Agenda.**

*4-g. See: **Items not on the Consent Agenda.**

*4-h. See: **Items not on the Consent Agenda.**

*4-i. Purchase for Service and Parts for Turf Maintenance Equipment for the Parks, Recreation and Community Facilities Department (Sole Source). **(Citywide)**

This contract will provide mechanical parts and accessories to maintain the various turf and ball field maintenance, light-duty equipment that the City currently owns. The Parks, Recreation and Community Facilities Department maintains riding reel mowers, riding deck mowers, riding field painters/liners, turf cleaning units, aerification equipment, as well as golf and utility carts that are from the John Deere and Smithco families of brands respectively.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the purchase from the authorized dealer, Stolz Equipment, at \$40,000, based on estimated requirements.

*4-j. Dollar-Limit Increase to the Term Contract for Fire Protection Equipment Maintenance and Repair Services for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract provides fire protection, detection and suppression equipment maintenance and repair for 98 City facilities. The increase is needed for adding new/additional equipment to various sites and inspection schedule changes.

The Parks, Recreation and Community Facilities Department recommend increasing the dollar-limit with Metro Fire Equipment, Inc., by \$125,000 for Years 2 and 3, from \$276,700 to \$401,700 annually, based on estimated usage.

*4-k. Three-Year Term Contract with Two Years of Renewal Options for Water, Wastewater Treatment and Pool Chemicals for the Water Resources Department, Parks, Recreation and Community Facilities Department and the Materials and Supply Warehouse. **(Citywide)**

This contract will provide primary and secondary contractors for the purchase and delivery of water and wastewater treatment chemicals for Water Resources and

chemicals to maintain the City's aquatic facilities, splash pads, and fountains for Parks Recreation and Community Facilities.

Water Resources, Parks Recreation and Community Facilities, and Business Services recommend awarding Primary and Secondary contracts to the lowest, responsive, and responsible bidders: Air Products and Chemicals, Inc.; Brenntag Pacific, Inc.; Charlie Pepper, Inc., dba, Salt Works; Chemrite, Inc.; DPC Enterprises; DuBoise Chemicals; Environmental Operating Solutions, Inc.; Evoqua Water Technologies, Inc.; Hasa; Hill Brothers Chemical; Leslie's Poolmart; Momar; Pencoco, Inc.; Polydyne, Inc.; ProChemTech International, Inc.; Thatcher Company; TR International Trading Company; Water and Energy Systems Technology, Inc.; and Waternuts Aquatic ENT, Inc.; at \$5,120,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Maricopa County Department of Transportation and the Salt River Pima-Maricopa Indian Community for design and construction of the Gilbert Road Bridge. The City's total contribution to the project construction costs is \$1,000,000. **(District 1)** – Resolution No. 11523
- *5-b. Approving and authorizing the City Manager to enter into a Grant Agreement with the City of Tucson to accept \$25,000 in grant funds under the East Valley Drug Enforcement Task Force Program to be used for overtime and services for the Police Department's Organized Crime Section. **(Citywide)** – Resolution No. 11524
- *5-c. Approving and authorizing the City Manager to enter into a Grant Agreement with the City of Tucson to accept \$52,000 in grant funds under the Arizona Warrant Apprehension Network Targeted Enforcement Detail (AZ WANTED) to be used for overtime for the Police Department's Violent Offender Unit. **(Citywide)** – Resolution No. 11525
- *5-d. See: **Items not on the Consent Agenda.**
- *5-e. Calling a special bond election to submit to the qualified electors of the City of Mesa, in conjunction with the General Election to be held on November 3, 2020, the question of authorizing the issuance and sale of general obligation bonds of the City for the purposes of streets, highways, bridges, street lights, traffic signals, communication infrastructure, pedestrian improvements, multi-use path and trail improvements, other vehicular and multi-modal transportation improvements, and acquire land and interests in land related thereto, and designating the manner in which the election is conducted, the translation of election materials, voter registration deadlines and early voting dates. **(Citywide)** – Resolution No. 11526

6. Introduction of the following ordinance and setting July 8, 2020 as the date of the public hearing on the ordinance, and take action on the following resolution, both relating to a project known as Destination at Gateway:

- *6-a. ZON19-00805 **(District 6)** Ordinance. Within the 10600 to 11000 blocks of East Williams Field Road (south side); within the 6000 to 6200 blocks of South Signal Butte Road

(west side); and within the 6000 to 6400 blocks of South Signal Butte Road (east side). Located south of Williams Field Road on the east and west sides of Signal Butte Road (89± acres). Rezone from RS-9-PAD, RS-6-PAD, RSL-2.5-PAD, RM-2-PAD and LC-PAD to GC-PAD; A Council Use Permit to allow 100% residential uses on the first floor within a General Commercial zoning district; and modification of the Destination at Gateway PAD to remove 89± acres. This request will allow a mixed-use development. Sean Lake, Pew & Lake, PLC, applicant; Signal Butte 24, LLC, owner.

Staff Recommendation: Approval with conditions

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

- *6-b. A resolution adopting a notice of intent to enter into a retail development tax incentive agreement pursuant to A.R.S. § 9-500.11 (Version 2) related to the development of improvements for the project known as the “Destination at Gateway” generally located at the corner of South Signal Butte Road and East Williams Field Road. **(District 6)** – Resolution No. 11527

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

- *7-a. Repealing and replacing Title 1, Chapter 7 of the Mesa City Code pertaining to City Magistrates to formalize the term of office for the Presiding City Magistrate and clarify the term of office for City Magistrates, and amending Title 2, Chapter 3 of the Mesa City Code pertaining to the Judicial Advisory Board to formalize the appointment and reappointment process for the Presiding City Magistrate, clarify the appointment and reappointment process for City Magistrates, and clarify the Presiding City Magistrate’s authority to appoint Magistrates Pro Tem. **(Citywide)** – Ordinance No. 5577

8. Take action on the following subdivision plats:

- *8-a. “FIESTA VILLAGE” **(District 3)** The 1000 through 1100 blocks of South Alma School Road (west side) and the 1200 through 1300 blocks of West Southern Avenue (north side). Located at the northwest corner of Alma School Road and Southern Avenue. (16±acres). W.M. Grace Development Company, developer; John W. Marshall, HilgartWilson, LLC, surveyor.
- *8-b. “A REPLAT OF DESERT JET CENTER - LEASEHOLD CONDOMINIUMS” **(District 5)** The 4500 to 4800 blocks of East McKellips Road (north side). Located east of Greenfield Road on the north side of McKellips Road (13.83± acres). Falcon 7, LLC, developer; Anthony N. Zaugg, Allen Consulting Engineers, Inc., surveyor.

Items not on the Consent Agenda.

Mayor Giles advised that Items 4-e through 4-h would be considered in one motion.

- 4-e. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Trauma Kits for the Police Department. **(Citywide)**

The trauma kits include tourniquets and hemorrhage control systems that are issued to Mesa’s officers to enhance the survivability rate of victims involved in tragic events.

The Mesa Police Department and Purchasing recommend authorizing the renewal with Bound Tree Medical, LLC, at \$100,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

4-f. One-Year Term Contract for Randox Drug Screening and Testing Supplies for the Police Department (Sole Source). **(Citywide)**

This purchase is for supplies such as, biochips with multiple antibody/antigen reaction sites and other associated reagents for the Randox Evidence Investigator Biochip Analyzer. The instrument allows multiple tests to be carried out from a single patient sample, thereby reducing the time and labor spent on individual tests.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, Randox Toxicology at \$140,000, based on estimated usage.

4-g. One-Year Term Contract for DNA Crime Lab Supplies for the Police Department (Sole Source). **(Citywide)**

This contract provides supplies for the Forensic Services Division to process evidence and conduct forensic DNA testing for criminal investigations. The supplies include reagents and consumables to determine the quantity of DNA present, to make copies of the DNA, and to detect the DNA on genetic instruments.

The Mesa Police Department and Purchasing recommend authorizing the purchase with Life Technologies Corporation, at \$60,000, based on estimated usage.

4-h. Two-Year Term Contract for Qiagen QIA Symphony DNA Instrument Supplies for the Police Department (Sole Source). **(Citywide)**

This contract will supply consumable kits and supplies for the Forensic Services Division that are required to complete DNA analysis.

The Mesa Police Department and Purchasing recommend awarding the contract to the sole source vendor, QIAGEN, Inc., at \$150,000 annually, based on estimated usage.

Dorian Lenz, a Mesa resident, submitted a comment card to be read in opposition to Agenda Item 4-e. He mentioned in the comment card his support for police officers having trauma kits; however, the four agenda items total over \$450,000 and he feels that money could go to better use in social service programs. He feels it is time for the City of Mesa to take a deep look at itself and determine better ways to spend taxpayer dollars. He stated armed police officers are being asked to handle situations they are not trained for. He expressed the opinion that police are solving community issues with a hammer; and when the only tool you have is a hammer, then every problem becomes a nail. He requested that Council reallocate funds away from the Police Department and towards social services.

Joel Sannes, a Mesa resident, spoke in opposition to Agenda Items 4-e through 4-h. He asked Council to table these items until Council commits to a fundamental review of the Mesa Police Department. He commented he would like Council to defund, reimagine and refund the Police Department. He pointed out that defunding is not a radical idea; accepting the department as it exists today is what is radical. He advised Mesa's population of color is 36.1%, with only 20% of full-time officers being people of color. He pointed out that 87.9% of Mesa police officers are

male and 12.3% female. He asked why that is acceptable? He invited Council to reimagine a police department that functions to make it possible for women to make up half of the force with more diversity.

Mr. Sannes continued by saying the current system transfers all mistakes on the people who are harmed while using qualified immunity as a way to shield the City from the costs of police negligence. He quoted from the Supreme Court case *Malley v. Briggs*, 475 U.S. 335. He remarked the second step of the defunding process is reimagination and should include the City telling its attorneys representing the City in any civil rights cases not to raise the defense of qualified immunity. He summarized the process should look at every item on the police budget critically and ask how the item affects the community and people of color living in Mesa. He discussed the response to the #8CantWait social media campaign on the Mesa Police Department's website. He reiterated that Council should table 4-e through 4-h and schedule hearings to begin reimagining what the police department would look like when it is defunded.

It was moved by Councilmember Thompson, seconded by Vice Mayor Freeman, that Agenda Items 4-e through 4-h be approved.

Upon tabulation of votes, it showed:

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

Carried unanimously.

5-d. Adopting a pension funding policy and accepting the employer's share of assets and liabilities under the Public Safety Personnel Retirement System as required by A.R.S. §38-863.01. **(Citywide)** – Resolution No. 11525

Councilmember Whittaker expressed his opposition to the item, stating he does not agree with the change to the amortization period from 20 years to 25 years, and he does not believe the City should be spending the extra money to defer paying down the pension liability.

It was moved by Councilmember Luna, seconded by Vice Mayor Freeman, that Item 5-d be approved.

Upon tabulation of votes, it showed:

AYES – Giles-Freeman-Duff-Heredia-Luna-Thompson
NAYS – Whittaker

Mayor Giles declared the motion carried by majority vote and Resolution No. 11525 adopted.

9. Conduct a public hearing and take action on the following minor General Plan amendment and zoning case, and take action on the development agreement, all related to the property located at the northwest corner of Thomas and Recker Roads.

9-a. Conduct a public hearing on minor General Plan amendment case ZON19-00954. **(District 5)**

Mayor Giles announced that this was the time and place for a public hearing regarding the minor General Plan amendment case ZON19-00954.

Verl Farnsworth, a Mesa resident, stated when things do not start right, they seldom end right. He discussed the decision to steal the park land from the citizens of Mesa and offer the land to a developer in exchange, and then hatching a plan to auction the property to appear sincere and thoughtful while knowing the citizens of Mesa failed to pass two bond issues that would have provided the money to develop the property 20 years ago. He voiced concern that Council is springing the decision on the citizens and not allowing input from the citizens of Mesa.

Mr. Farnsworth commented the advertised auction invitation says the auction will be for three parcels totaling 132 acres as-is and not the 115 acres as outlined in the development agreement, with a 600-foot buffer zone from the Nammo Talley property line south to the building line, which the developer would be developing into a park area and trails for walking and biking. He mentioned Sean Lake, attorney with Pew & Lake, indicated the City of Mesa would not be contributing funds to the development of the park. He quoted Mayor Giles, Sean Lake, Christine Zielonka and City Manager Christopher Brady from an East Valley Tribune article.

Mr. Farnsworth stated the current agreement is outside the lines of the original proposal in which the City would receive \$21.1 million to include a developed park with walking trails for public access, and the developer would be responsible for the building, maintenance and liability for the area. He advised, as proposed today, the City would receive \$21.1 million, keep 17 acres, of which the park may be built with City funds and maintained with City funds. He will ask the Attorney General to investigate the situation if this agreement is passed this evening.

David Bender, a Mesa resident, advised he is speaking on behalf of the Red Mountain Ranch Social Club. He expressed his concerns surrounding the City's public involvement process for this action, adding community input should have begun more than a year ago before the bidding process for the park plan was initiated. He requested that Blandford be required to landscape the median on East Thomas Road in the area adjacent to their proposed development and the City landscape the median on the one-mile section of Thomas Road from Power Road west to Recker Road similar to existing medians to help compensate the surrounding neighborhoods for the loss of the proposed park land as a result of the rezoning. He proposed that some funds from the sale of the park land should be utilized to fund the landscaping project on Thomas Road as a safety and environmental improvement, as stated in a petition that was sent to the Mayor on March 30th with more than 200 signatures. He continued by saying the Social Club hopes the City Council will seriously consider the landscape recommendations and give something back to the community.

Charles Hughes, a Mesa resident, stated he has worked as an engineer, manager, and executive for over 45 years for Bell, Hughes, McDonnell Douglas Helicopters and Boeing Rotorcraft. He asked Council to please look at the zoning with fresh eyes. He mentioned if the process were just beginning and the times were different, more people would be against the change. He expressed his concern of the many small airports that have lost their economic utility due to encroachment. **(See Attachment 1)**

Mr. Hughes reminded Council that several months ago he presented the economic analysis from the approved Falcon Field Masterplan which shows that the Falcon Field District has brought in \$136 billion over 20 years without any growth factored in. He pointed out, assuming a 1% loss in utility, that would be a \$1.36 billion hit versus a one-time gain of \$21.1 million. He

explained all the homes are in the overflight zone and all the homes will need an avigation easement on their titles. He understands that the City, Boeing and Blandford have worked out a stronger easement agreement, but he does not trust the agreement will mitigate the economic impact. He questioned whether that agreement protects all the businesses in the Falcon District and any future businesses.

Mr. Hughes explained he lives three-quarters of a mile away from Nammo Talley and at times can clearly hear their explosions. He added the approved buffer is 600 feet; however, if he is able to hear the explosions and the plan will be putting 300 homes closer, that will not bode well for Nammo Talley. He stated needing an avigation easement for the homes is a tacit recognition that the homes will be a problem. He concluded by saying the impact of receiving \$20 million versus the \$1.36 billion is not worth it and Council should vote no or study the impact further.

Mayor Giles requested staff address the issues raised by the public comments.

Mr. Brady addressed Mr. Farnsworth's concerns by stating the City has had to reallocate and change plans for park land that was purchased with either grants or with City bonds before for various reasons, which is what is being proposed in this case. He mentioned the City spent just under \$4 million for the acquisition of the property and are proposing a budget of approximately \$5 million for the distributed park plan, adding the nature trail that will be between Nammo Talley and the homes is estimated to cost \$1.2 million. He added the City has made a commitment to the community to build pickleball courts at Gene Autry and the balance of the funds will go to a voter approved project for soccer fields at Red Mountain Park. He advised the developer is having conversations with the homeowners' association (HOA) at Red Mountain Ranch about other amenities, but he does not have specifics on those conversations.

Mayor Giles clarified in addition to the money the City is contributing to the site, there are also negotiations between the developer and the HOA regarding the existing HOA park.

Development Services Project Manager Veronica Gonzalez addressed Mr. Bender's comments by advising that the developer did extensive neighborhood outreach by holding two neighborhood meetings, which were well-attended, where they presented the proposed development and solicited feedback from those in attendance, in addition to sending out legal notifications to all property owners within the statutory required distance from the property.

Councilmember Luna discussed his work and the developer's work with the Red Mountain Ranch HOA surrounding the park and the additional amenities Blandford will be providing.

Mr. Lake pointed out a substantial amount of outreach has taken place with the community starting back in October, along with the Red Mountain Ranch HOA board. He remarked the neighborhood meeting provided not only the State required notification, but also the City's required notification and was well-attended. He indicated 1,500 mailers were sent out to everyone within a mile radius of the site for the next meeting, which had 125 people in attendance, where the project was presented. He explained Red Rock Park is the existing Red Mountain Ranch non-public park and the developer is willing to contribute substantial improvements, as well as making HOA dues payments for the park going forward, in addition to the open space and amenities that are included in the project.

Mr. Lake mentioned the developer reached out to Nammo Talley and participated in a noise study to measure the impact. He pointed out the noise expert findings found that the volume

was well within conformance of the residential standards. He stated Blandford has been working with the City of Mesa on the avigation easement, adding this site is outside of the 55-noise decibel level. He commented all the properties in Northeast Mesa are going to be subject to overflight.

Corinne Nystrom, Falcon Field Airport Director, reported the City recently conducted an economic benefit analysis of the airport as part of the masterplan which shows the forecasted growth. She mentioned there are no historic numbers to look back on to say new residential subdivisions have a negative impact on the airport, and every indicator is the airport will continue to grow.

Councilmember Luna pointed out that Red Mountain Ranch has been in existence for 30 years, Boeing has been at Falcon Field Airport for more than 30 years and Falcon Field opened in 1941.

In response to a question from Councilmember Luna regarding whether there have been any issues relating to any companies citing issues with the airport, Boeing, or any noise that was detrimental to their operations, Ms. Nystrom replied there have been no businesses that have relocated from Falcon Field Airport specifically because of concerns expressed by members of the community about the noise. She indicated that any businesses that have been part of noise discussions have been amenable and open to addressing those concerns.

Mr. Brady presented a graphic which reflects the helicopter flight paths. He remarked staff is hoping to bring to Council a future resolution supporting those corridors to maintain the value and long-term viability of the airport.

Councilmember Luna reported he has met with many businesses about the development and he agrees protecting the Falcon Field District and Boeing are high priorities. He stated he appreciates the work that has been done to achieve the agreement.

Mr. Smith explained avigation easements are frequently done around Falcon Field and Gateway Airport. He mentioned a few years ago the avigation easement was updated for Gateway and this is the first update for Falcon Field. He indicated the City took time to ensure Boeing and the developer were part of the detailed review of the avigation and came to a consensus with all parties involved. He pointed out the avigation easement benefits all the current and future flights that occur out of Falcon Field.

In response to a question posed by Councilmember Luna, Mr. Smith advised an avigation easement does not control the flight patterns out of Falcon Field, but it gives future homeowners notice that they may be subject to overflights and they can't sue the City or any users of Falcon Field for using the airspace.

In response to a question from Councilmember Luna, Ms. Nystrom confirmed this area is considered an AOA 3 zone, which means the proximity to the actual airport is further out and will have less impact from the airport because at that point the aircraft will be flying at a much higher altitude.

Councilmember Luna thanked Mr. Hughes and Mr. Bender for their comments. He expressed his support for the development after hearing all the comments and the understanding that the City will maintain the 17 acres to create a buffer that the public can enjoy.

Mayor Giles expressed his appreciation for Councilmember Luna's work on bringing the stakeholders together on the agreement.

Vice Mayor Freeman advised he recently attended a groundbreaking at Falcon Field Airport for new hangar space which shows that growth is occurring at Falcon Field. He indicated his support for the project.

In response to a question posed by Councilmember Whittaker regarding whether Nammo Talley supports the development, Mr. Brady commented the City cannot speak on their behalf, but the City has met with them and Nammo Talley is fully aware of what is happening.

Mr. Lake expanded and stated that the developer has met with Nammo Talley many times to discuss the site and the project. He pointed out the developer will be doing some improvements around their facility to help mitigate some of the noise.

In response to a question from Councilmember Whittaker, Ms. Gonzalez stated the original sale was for approximately 132 acres, and the development agreement is for 115. She stated the discrepancy is the 17 acres along the north side that will be the park with the nature trails.

In response to a series of questions from Councilmember Whittaker, Mr. Brady advised part of the \$5 million budget was to build out the park site for the community, and after receiving comments from the community on the importance of having access to the area, the City worked with the developer to come up with the nature trail. He reiterated there has always been a plan for the pickleball and Red Mountain soccer fields. He mentioned the nature trail was a way to meet the concerns of the neighbors and fit well with the buffer.

In response to a question posed by Councilmember Whittaker regarding whether there will be any other public amenities within the 115 acres, Ms. Gonzalez stated the 115 acres will be private development and the 17 acres are open to the public. She added in the second appraisal the buffer area was taken into consideration to determine the market value on the property.

Mr. Brady clarified because of the topography and the wash, most of the property within the 17 acres was undevelopable anyway. He added the 17 acres did not lower the purchase price but allowed the City an opportunity to meet the concerns of the neighborhood by giving them access.

In response to a question from Councilmember Whittaker, Ms. Gonzalez explained the zoning brings the property to a density that is similar to Red Mountain Ranch. She stated the appraisal was based on two dwelling units per acre.

Planning Director Nana Appiah clarified the current zoning for the development is 2.2 dwelling units per acre, which is less than the density at Red Mountain Ranch. He advised the density is less than what the original expectation was in the appraisal.

Ms. Gonzalez commented the second appraisal was prepared with the consideration of 2.0 units per acre but did not establish the density for the development.

Mr. Brady detailed the overall commitment was to make the density similar to Red Mountain Ranch. He said the intent was not based on a specific number, but to ensure it was not more

dense. He reported that by including the 17 acres, the density is significantly less than Red Mountain Ranch.

Mr. Lake provided that Blandford planned the project so that the smallest lots were bigger than the smallest lots in Red Mountain Ranch and the larger lots were similar in size. He stated Blandford believes the original intent to maintain consistency and compatibility with Red Mountain Ranch's lot size and density and have substantial amount of open space has been met.

In response to a series of questions from Councilmember Whittaker, Mr. Brady stated the developer is having conversations with the HOA regarding the parks within the development. He commented the City receiving the 17 acres at no cost is a fair trade and the \$1 million commitment was in the interest of the residents having public access to the nature trail and will come out of the proceeds from the sale of the park land. He indicated once the purchase is complete and has closed, staff can come back to Council to make final decisions on the balance of the proceeds from the sale.

Mayor Giles expressed his appreciation for the tremendous growth that is occurring at Falcon Field and indicated his support for the project. He commented this is a good example of how residential can exist and not impede the economic development of an area.

Mayor Giles thanked Councilmember Luna, Blandford Homes, Red Mountain Ranch HOA and City of Mesa staff who have diligently worked on the project.

There being no citizens wishing to speak on this issue, the Mayor declared the public hearing closed.

- 9-b. ZON19-00954 (**District 5**) Resolution. Within the 5600 to 6000 blocks of East Thomas Road (north side) and within the 3600 to 4000 blocks of North Recker Road (west side). Located north of Thomas Road and west of Recker Road (109.8± acres). Minor General Plan amendment to change the Character Type from Parks to Neighborhood. This request will allow for the development of a single-residence subdivision. Desert Vista 100, LLC, applicant; City of Mesa, owner. – Resolution No. 11529

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption

- 9-c. ZON19-00806 (**District 5**) Ordinance. Within the 5600 to 6000 blocks of East Thomas Road (north side) and within the 3600 to 4000 blocks of North Recker Road (west side). Located north of Thomas Road and west of Recker Road (109.8± acres). Rezone from PS to RS-6-PAD and RS-7-PAD. This request will allow for the development of a single-residence subdivision. Desert Vista 100, LLC, applicant; City of Mesa, owner. – Ordinance No. 5578

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions

- 9-d. A resolution approving and authorizing the City Manager to enter into a Development Agreement with Desert Vista 101, LLC, relating to approximately 115 acres of property

located at the northwest corner of Thomas Road and Recker Road, for the purpose of developing a single-family residential subdivision and associated improvements.
(District 5) – Resolution No. 11530

It was moved by Councilmember Luna, seconded by Vice Mayor Freeman, that Items 9-a through 9-d be approved adopting Resolutions Nos. 11529, 11530 and Ordinance No. 5578.

Upon tabulation of votes, it showed:

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

NAYS – None

Carried unanimously.

10. Items from citizens present.

Ric Castillo, a Mesa resident, submitted a comment card to be read which requested a Citizens Oversight Council/Coalition to audit and help hold accountable the Mesa Police Department, with funding coming from the CARES Act dollars already earmarked by the City of Mesa for Police and Fire and maintained with a combination of special tax district/levy funds, and/or the general fund, as otherwise permissible by law or City Charter.

Chuck Harvey, a Mesa resident, submitted a comment card to be read which expressed his support for police reinforcement for the City of Mesa, specifically re-evaluating the role of the police in society. He added serious crimes and calls involving possible arrest and apprehension should be treated separately than mental health wellness checks and simple civic issues. He suggested creating non-lethal departments that are not equipped with lethal weapons, improving de-escalation tactics emphasis, and additional training on bias and racist treatment.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:24 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 Regular Council Meeting of the City Council of Mesa, Arizona, held on the 15th day of June 2020. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK