



## COUNCIL MINUTES

November 5, 2020

The City Council of the City of Mesa met in a Study Session Meeting via a virtual format streamed into the lower level meeting room of the Council Chambers, on November 5, 2020 at 7:30 a.m.

### COUNCIL PRESENT

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

### COUNCIL ABSENT

Jeremy Whittaker

### OFFICERS PRESENT

Christopher Brady  
Holly Moseley  
Jim Smith

(\*Council participated in the meeting through the use of video conference equipment.)

Mayor Giles excused Councilmember Whittaker from the entire meeting.

Mayor Giles conducted a roll call.

### 1-a. Hear a presentation and discuss the state of the Court update.

Presiding Magistrate John Tatz displayed a PowerPoint presentation. **(See Attachment 1)**

Judge Tatz recognized Judge Richard Garcia, who passed away in May; as well as Judge Craig Fuji, former Presiding Magistrate Matt Tafoya, and Court Administrator Paul Thomas, all who have retired within the past few months.

Judge Tatz provided a timeline of court services and explained the court never completely closed due to COVID-19. He noted a judge was staffed every day to process protective orders and to process in-custody hearings, and in June other services were added. He explained in July the court had to limit services once again. (See Page 3 of Attachment 1)

Judge Tatz commented in order to minimize the buildup of cases, the court started conducting telephonic arraignments, which resolved many cases. He stated intermediate pre-trial conferences also started being conducted outside of court; in September non-jury trials started up again, as did Community Court, Veterans Court, and the Rule 11 Court. He provided that jury trials will reconvene in December. (See Pages 4 and 5 of Attachment 1)

Judge Tatz outlined various considerations related to opening the court and handling the caseload. (See Page 6 of Attachment 1)

Judge Tatz highlighted the Arizona Supreme Court order and stated as a result, two separate work groups were created to avoid having to close the court in the event of infection or quarantine; and physical distancing procedures were created by limiting 12 people to a courtroom and providing areas for overflow. (See Page 7 of Attachment 1)

Judge Tatz displayed a chart of court visitors and court filings comparing 2019 to 2020 and commented there were thousands more filings than visitors, which is the backlog court staff is currently processing. (See Pages 8 and 9 of Attachment 1)

Judge Tatz compared Driving Under the Influence (DUI), Misdemeanor, Civil Traffic, and Protective Order cases from 2019 and 2020. (See Pages 10 through 13 of Attachment 1)

Judge Tatz listed the methods used to reduce the number of people coming into the courthouse are online payments, closing the courthouse to walk-ins, and requiring customers to email, call, or utilize other methods to resolve cases. He stated that due to this change, the average calls per month increased; however, staff did a great job handling the increase in call volume. He explained the number of customers processed per hour has increased and the abandoned call rate has decreased, reflecting staff was more productive working from home. He noted the court will continue that practice in the customer service area and explained other modified services include civil traffic hearing officers taking pleas over the phone, granting extensions, and ordering people to defensive driving class. (Page 14 of Attachment 1)

Judge Tatz reported video court has been utilized in Community Court and has been very effective for those housed in the hotels and the shelter program. He added court clerks can watch the proceedings from home and do everything from home that they can do at the courthouse. He explained court navigators are being utilized at the shelter hotels and link individuals to the court where defendants meet with a public defender first, then go over the process with a judge prior to the next court date. He stated this has been effective as it does not require them to travel from other parts of the City. He explained the numbers swelled when PD started the program, adding that in July there were 150 active participants, and the numbers are much higher now. (See Page 15 of Attachment 1)

Judge Tatz commented that he has been working with the judges to determine how jury trials can begin again and has decided to place plexiglass dividers between the six jurists. He added jury trials will begin in the next few weeks. (See Page 16 of Attachment 1)

In response to a question from Councilmember Luna related to satellite offices for the court, Judge Tatz remarked these have not been discussed; however, he would bring up the idea with his management team and the judges to see what can be done. He explained one of the advantages with the hotel shelters is the access to navigators, whereas satellite offices would require staff on-site.

In response to a question from Vice Mayor Freeman, Judge Tatz stated one thing the Arizona Supreme Court recommended, in lieu of people coming to the Court, is to provide a live stream so everyone can hear the court proceedings via a link to the virtual courtroom. He added staff is responding to motions filed online, so if someone has a concern with coming to court because of COVID, staff contacts them via phone or email to resolve cases or reschedule hearings.

In response to a question from Vice Mayor Freeman, Judge Tatz shared a success story of a young woman that spent over two years in jail, adding the current cost with CoreCivic would be approximately \$2,000 per month, with a total annual jail cost of \$60-70,000, not to mention public

defender and PD costs. He stated she had between 70-80 cases in the Mesa Court between those years and a year ago she found an apartment in Phoenix through the Community Court Program with wraparound services that addressed her alcohol and mental health issues. He said that while the cost savings to the City is significant, the change to a human's life is a win-win for everyone.

In response to a question from Councilmember Duff related to the court's backlog, Judge Tatz explained pre-COVID, docket size pre-trial conferences were 25 to 30 cases, and the current number is approximately 75 cases. He stated yesterday there were 78 people with about 180 cases, and only 11 of those 78 showed up. He predicted it will be a few months with heavy dockets and low appearance rates.

Mayor Giles acknowledged Judge Garcia, Judge Fuji, and Presiding Magistrate Tafoya as well as Court Administrator Paul Thomas for their service to the City of Mesa.

In response to a question from Mayor Giles, Judge Tatz indicated with the COVID numbers increasing, the court will return to limited operations and will be watching those numbers while looking to the Arizona Supreme Court for guidance. He concluded by saying staff safety is the number one priority and he will closely monitor the situation and act accordingly.

In response to a question from Vice Mayor Freeman regarding whether the statistics and caseload information is available in the public portal for residents to view, Judge Tatz stated that is an excellent suggestion and he will be meeting with court staff to make those numbers available.

Judge Tatz expressed his appreciation to the City of Mesa non-profits and navigators for everything they do for the residents of Mesa.

Mayor Giles thanked Judge Tatz for the presentation.

1-b. Hear a presentation and discuss an update on Mesa Arts Center programs and the proposed reopening of certain MAC programs and provide direction on the proposed program reopenings.

Arts and Culture Director Cindy Ornstein introduced Arts and Culture Deputy Director Illya Riske and displayed a PowerPoint presentation. **(See Attachment 2)**

Ms. Ornstein stated in response to the pandemic, Mesa Arts Center (MAC) needed to address the upcoming challenges but also recognized new opportunities for engagement with the public. She listed the responses taken to meet the needs of the public. (See Page 2 of Attachment 2)

Mr. Riske explained MAC converted the theater spaces into temporary film studios to record virtual art classes and content for the community. He reported MAC has self-produced more than 38 online studio classes and eight arts and services classes online over the past few months, as well as produced virtual offerings for the Arizona Museum of Natural History and the i.d.e.a. Museum. He added improvements have been made to ensure safety for both staff and the public. (See Page 3 of Attachment 2)

Ms. Ornstein presented the online engagement success and pointed out the MAC had over 2.1 million social media impressions during the first seven months of the closure. She noted the chart compares the non-profit standard for the engagement rate, which is someone actively clicking or sharing a post, and that MAC is producing an engagement rate well over the industry standard in all categories. (See Page 4 of Attachment 2)

Ms. Ornstein shared the activities that MAC has provided to the public to promote physical and emotional well-being, as well as opportunities to be creative and bring joy into people's lives during this stressful time. (See Pages 6 and 7 of Attachment 2)

Mr. Riske commented MAC is continuing to devote resources and time to serve Mesa's vulnerable population. He outlined the online classes offered for older adults and Veterans. (See Page 8 of Attachment 2)

Mr. Riske remarked based on research conducted of the K-12 education needs, MAC has developed an educator portal called Learning Reimagined to support teachers. He mentioned the content and resources will be broken down into grade levels and categorized for easier access. (See Page 9 of Attachment 2)

Ms. Ornstein identified ways MAC is reaching out to the community during this time of isolation. She highlighted some of the community programs offered. She advised the Día de los Muertos virtual festival is still being enjoyed through Channel 11, Facebook, and YouTube. She recognized Channel 11 for their partnership in producing the online festival, as well as other partners and sponsors and noted over 30,000 individuals have experienced the program. (See Pages 10 and 11 of Attachment 2)

Ms. Ornstein announced a new program called Mobile Art-Based Engagement Lab (MABEL) which is a pop-up studio and art activity hub. She said MABEL was originally designed for personal hands-on activities but has been transitioned to distributing pre-made art kits at events. (See Page 12 of Attachment 2)

Mr. Riske discussed the reopening plans for the Mesa Contemporary Arts Museum (MCA), the art studios, and the Mesa Amphitheater, and outlined the safety protocols that will be followed. (See Pages 14 through 16 of Attachment 2)

In response to a question from Councilmember Luna regarding whether staff has considered doing temperature checks for the public entering the facilities, Mr. Riske replied temperature checks was a topic of discussion when developing the plans and if Council prefers, that topic can be revisited.

Ms. Ornstein voiced concern with utilizing temperature checks before allowing access to buildings since warm weather affects body temperatures. She added that normal body temperatures vary widely between people, which made staff a little anxious about denying access based on an elevated temperature. She advised staff will discuss this option further if Council desires.

Mayor Giles encouraged staff to look at implementing temperature checks.

Ms. Ornstein continued by saying a plan is in place for implementation and thermometers have already been purchased which makes it relatively easy to put in place.

Ms. Ornstein advised that the openings of the other two museums went extremely well with the same recommended capacity. She thanked the MAC staff and the foundation board for their creativity and willingness to do whatever was needed to deliver the programs.

Councilmember Luna expressed his gratitude to MAC and Channel 11 staff for all their hard work in making the activities available online. He added MABEL is a great way to deliver art to the

community, especially during the pandemic because expressing yourself through art can be very cathartic.

In response to a series of questions posed by Councilmember Duff, Ms. Ornstein confirmed prior to the pandemic, the MAC occasionally had a few virtual programs created to engage people, but nothing like the robust full array of programs that have been created since. She advised MABEL will be deployed broadly into neighborhoods and parks due to grant and sponsorship funding that is available and will appear at City of Mesa sponsored events. She added MABEL will also be available to rent out for private events. She mentioned MAC is collaborating with the Mesa Amphitheater and will be working together to bring offerings to the community. She reported the intention is to sustain a certain amount of online programming into the future.

Vice Mayor Freeman requested a future discussion on the reopening of libraries.

Mayor Giles agreed with Vice Mayor Freeman and asked City Manager Christopher Brady to invite Library Director Heather Wolf to update Council on the library plans.

Councilmember Heredia commented on the importance of having protocols and procedures in place as we experience an uptick in COVID cases to make sure everyone feels safe. He encouraged continuing virtual and to-go activities that engage the community. He commented on the need to follow the contingency plans until we can re-emerge as a stronger community, but the reality right now is remaining cautious and being prepared.

Ms. Ornstein advised staff will have conversations regularly with City Management to remain responsive to the environment and have contingency plans in place.

Mayor Giles conveyed his appreciation for the responsible process staff has utilized to open the museums. He stated although staff was forced to come up with these innovative ways of interacting with the community, these ideas can be used in the future to reach a broader audience. He complimented the success of the Strange Encounters exhibit that was consistent with the public safety protocols, while at the same time fun to see. He commented that while physical health is important, so is mental health and that the arts programs are important.

Mayor Giles thanked staff for the presentation.

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

2-a. Human Relations Advisory Board held on September 23, 2020.

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

Upon tabulation of votes, it showed:

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

NAYS – None

ABSENT – Whittaker

Mayor Giles declared the motion passed unanimously by those present.

3. Current events summary including meetings and conferences attended.

Vice Mayor Freeman -	District 1 Development meetings Neighborhood meetings Acknowledged the Rapid Response Transportation Team
Councilmember Duff –	Mesa Rotary Club meeting – Mesa Fire & Medical Presentation

Mayor Giles shared his appreciation to the Mesa voters for approving Question 1 on the ballot relating to the transportation bond that will allow the City to access an additional \$62 million of tax dollars to address the growth in the community.

Councilmember Luna announced the We Run Mesa Program will kick off in January. He added the Maricopa Association of Governments (MAG) Economic Development Committee continues to work with international partners in Sonora, Mexico and an upcoming webinar is planned with mayors and officials from south of the border. He mentioned the Mesa Police Association will be holding an Officer Assistance Fund Blue Santa Golf Tournament at Dobson Ranch Golf Course to raise funds to provide gifts to children in hospitals and those in need for Christmas. He reported he will be hosting an ultimate joyful socially distant tailgate party for Oakwood Creative Care on Saturday, November 7, at 4:00 p.m. in the parking lot of the Sheraton at Rio Salado.

4. Scheduling of meetings.

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

Thursday, November 12, 2020, 7:30 a.m. – Study Session

5. Adjournment.

Without objection, the Study Session adjourned at 8:59 a.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 5<sup>th</sup> day of November 2020. 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