



COUNCIL MINUTES

February 24, 2022

The City Council of the City of Mesa met in a Study Session in the lower-level meeting room of the Council Chambers, 57 East 1st Street, on February 24, 2022, at 7:30 a.m.

COUNCIL PRESENT

John Giles
Jennifer Duff
Mark Freeman
Francisco Heredia
David Luna
Julie Spilsbury
Kevin Thompson

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Holly Moseley
Jim Smith

Mayor Giles led a moment of silence for Ukraine to reflect and offer prayer for peaceful resolution. He commented on the Russian invasion and noted the importance of being aware of global events.

Mayor Giles conducted a roll call.

1. Review and discuss items on the agenda for the February 28, 2022, Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Items removed from the consent agenda: 4-d, 5-m

Mayor Giles declared a potential conflict of interest on Agenda Item 5-m, **(Signal Butte Water Treatment Plant Expansion - Pre-Construction Services and Construction Manager at Risk (CMAR) (District 6))**, on the Regular meeting agenda, and said he would refrain from discussion/consideration of this item.

Vice Mayor Duff commented she would like to remove Item 4-d, **(Convenience Mart, a convenience store is requesting a new Series 10 Beer and Wine Store License for Fonecs LL, 757 South Country Club Drive, Elizabeth Anne Olisky, agent)**, from the Regular Council meeting agenda. She recalled in 2019 Council denied an application for a liquor license at the same location due to problems at a Circle K across the street. She stated she received a report from the Mesa Police Department (MPD) on the number of service calls over the last three years. She expressed concern for Guerrero Park, which is in the vicinity and has reports of high substance abuse and homelessness rates, as well as a high volume of concerns from surrounding businesses and residents. She expressed the opinion that another liquor store in the area would exacerbate the situation.

Director of Water Resources Christopher Hassert introduced City Engineer Beth Huning and displayed a PowerPoint presentation on Item 5-m, **(Signal Butte Water Treatment Plant Expansion - Pre-Construction Services and Construction Manager at Risk (CMAR) (District 6))**, on the Regular Council meeting agenda. **(See Attachment 1)**

Mr. Hassert explained starting in 2007 there was huge growth in the Signal Butte Service area, and when the Signal Butte Water Treatment Plant (SBWTP) Phase I came online in July 2018, it was at maximum capacity. He stated due to the size and expense of the Phase II expansion, this project was incorporated into the Water Resources Capital Improvement Program (CIP) and integrated with other projects for the department. He said the project is at 30% of the design phase and the purpose of the contract with McCarthy is to utilize their expertise in the design process. (See Page 2 of Attachment 1)

Ms. Huning provided an overview of the SBWTP expansion and pre-construction contract. She stated water treatment plants utilize specialized equipment and with the current supply chain challenges, Guaranteed Maximum Price (GMP) contracts will not be considered until the Fall. She explained due to the lead time in purchasing some of the specialized equipment, the City will need to get in line to tie prices down with the final GMP next Spring, with an estimated completion of Phase II in February 2025. (See Page 3 of Attachment 1)

Mr. Hassert expressed the opinion that in July 2025, Water Resources will reach the peak period for the season, with an average demand of 27 million gallons per day (MGD). He commented Phase I is only capable of providing 24 MGD, which means the City must rely on wells as a backup in the summer months and during peak demand. He reported that the focus for the department is on commercial, multi-family and industrial projects, and that it is expected SBWTP will be at 32 MGD by the time Phase II is complete in 2025. He clarified that at final buildout, 48 MGD is anticipated.

Mr. Hassert displayed a schematic of the various existing processes at the Phase II expansion. He stated an 8-million-gallon reservoir is being constructed in this expansion which will add storage capacity. (See Page 4 of Attachment 1)

In response to a question posed by Vice Mayor Duff regarding how the central reuse pipeline compares to this project, Mr. Hassert explained the reuse pipeline is adding to the City's reuse system which feeds into the exchange agreement with the Gila River Indian Community (GRIC). He added this increases the amount of recycled water the City supplies, which increases the amount of Central Arizona Project (CAP) credits received. He commented as both the City's portfolio and demand increases, the SBWTP expansion is needed for greater treatment capacity to handle the additional CAP supplies.

Parks, Recreation and Community Facilities Department Director Andrea Moore introduced City Engineer Beth Huning and displayed a PowerPoint presentation on Item 5-n, **(Red Mountain Park Expansion - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 1. (District 5))**, on the Regular Council meeting agenda. **(See Attachment 2)**

Ms. Huning discussed the plans for the Red Mountain project, and highlighted project components. She stated the project is estimated to take two years to complete. (See Page 2 of Attachment 2)

Ms. Moore reported this project is funded from the voter approved 2018 Parks Bond. She explained the other item on that ballot related to "Mesa Plays" that added additional fields to the

Red Mountain Park site was not approved by voters but was funded by a different source. She mentioned as a result, there were many questions from citizens and several public meetings were held to explain this component of the project. She stated voters did approve developing another section of Red Mountain Park.

Ms. Moore commented the parcel was originally a county park and is designated by the Bureau of Land Management (BLM) as recreational designated land. She stated the parcel is still subject to land risk use restrictions by the BLM and can only be used for public recreation purposes. She explained on the east side of the 202 there is additional land that is designated as Red Mountain Park for future development.

Ms. Moore reported on the youth baseball/softball quad that will be located on the north side of Brown Road. (See Page 3 of Attachment 2)

Ms. Moore highlighted the new baseball and softball quad and new multi-use fields. She mentioned on the south side of Brown, the design reflects 10 new soccer fields with natural turf fields, not artificial turf, and LED lights on both sides of the road. She pointed out two of the fields are connected to create a flex field allowing people to accommodate other sports that use larger footprints than soccer, such as lacrosse. (See Pages 4 and 5 of Attachment 2)

Ms. Moore commented on the disc golf course modifications and equestrian use areas. (See Page 6 of Attachment 2)

In response to a question from Councilmember Luna regarding park lighting, Ms. Moore remarked LED lights would be used which have a very strong cutoff area and would not spill into nearby neighborhoods.

In response to a question from Councilmember Spilsbury regarding parking, Ms. Moore explained there is adequate parking using existing lots that are not at capacity. She added the plan allows for enough parking to handle teams that are playing and new teams coming in for the next round of games without creating backup.

Ms. Huning clarified the plan is for 60 spaces per field and with 10 to 14 fields, there will be a total of 840 spaces.

In response to concerns from Councilmember Freeman regarding resident feedback, Ms. Moore reported on the public meetings which resulted in additional landscaping being added and shifting the fields to the east to provide a buffer.

In response to a question from Vice Mayor Duff regarding the total acres involved, Ms. Huning explained the project area is approximately 30 acres, which is a third of the desert acres, leaving 90 acres left unused.

In response to a question from Mayor Giles regarding whether the fields are connected to allow families to move between fields, Ms. Moore stated there are major walkways that connect fields.

Mayor Giles thanked staff for the presentations.

2-a. Hear a presentation, discuss, and provide final funding recommendations for the FY 2022/2023 and prior years' available funding for Community Development Block Grant (CDBG), HOME

Investment Partnerships (HOME), Emergency Solutions Grant (ESG), and Human Services Programs

Housing and Community Development Director Michelle Albanese introduced Community Services Director Ruth Giese and displayed a PowerPoint presentation. **(See Attachment 3)**

Ms. Albanese explained a significant portion of the Housing and Community Development funds covers programs and services that are related to addressing homelessness. She stated as a result, staff follows a housing path to recovery plan, and the funding recommendations for these programs and services fall in line with that plan and align with the Mesa Strategic Plan.

Ms. Albanese remarked the Housing Path to Recovery is a systematic approach to connect persons who are experiencing homelessness to different resources with the goal of assisting them with shelter until self-sufficiency is reached. She said the first housing path is emergency and recovery which includes jobs, short-term shelter, rapid rehousing, and support services. She continued by saying the next step is the bridge to success, which includes transitional housing, rapid rehousing, and some rental assistance programs like the housing choice voucher program and emergency rental vouchers. She explained the last step, which is independence, includes housing stability, family self-sufficiency, and eventually renting to home ownership. (See Page 3 of Attachment 3)

Ms. Albanese commented the City helps facilitate local collaboration and determines funding priorities each year with programs and services that provide assistance to low- and moderate-income persons in the community. She said the programs and services are funded to eligible projects that meet specific strategic priorities. She stated the annual funding process starts with the Department of Housing and Urban Development (HUD) providing annual grants based on a formula to cities, states, and counties to develop viable communities, administer core programs, and provide funding to non-profit agencies that provide services in the community. She added the programs must meet regulatory requirements and eligible activities, which is what staff looks at when evaluating the applications. (See Page 4 of Attachment 3)

Ms. Albanese highlighted the estimated funding allocations for FY 2022/2023 and said staff anticipates receiving just over \$4.2 million in Community Development Block Grant (CDBG) funds plus any reprogrammed funds from prior projects that did not go to contract, for a total of \$7.4 million for core programs and services for non-profits. (See Page 6 of Attachment 3)

Ms. Albanese provided an overview of the HOME Investment Partnership (HOME) program and said staff anticipates receiving just over \$1.5 million. She reported these funds complement and support other programs in the community and have specific eligible categories that include home buyer activities, rental housing, and tenant-based rental assistance. She said this program has a shorter time period to get people back on their feet and moved into permanent housing. (See Page 7 of Attachment 3)

Ms. Albanese provided information on the Emergency Solutions Grant (ESG) which assists people experiencing homelessness. She reported funding of just over \$346,000 and stated a maximum of 60% of the allocation can go to shelter services. She added this grant engages people who are homeless, rapid rehousing, homeless prevention, and emergency shelter. (See Page 8 of Attachment 3)

Ms. Albanese highlighted the Human Services Programs and said the City provides funding for these programs through the local general funds as well as the A Better Community (ABC)

program, which is a community donation program through utility billing. She added these programs include essential services that address crisis, basic needs, emergency shelter, food, academic enrichment, and other critical community needs. (See Page 9 of Attachment 3)

Ms. Albanese provided an overview of the funding process timeline. She reported the funding kickoff was in October and included opportunities for agencies to come and learn about the different programs and grants. She said this also included talking with City departments regarding the types of internal programs that could be funded. She pointed out the application period was open October 4 through November 4 and provided technical assistance throughout the month of October. (See Page 11 of Attachment 3)

Ms. Albanese explained the role of the Housing and Community Development Advisory Board (HCDAB) includes evaluating the applications and scoring a portion of each. She stated individual agencies presented proposals to the HCDAB on December 6 and December 9 and staff held meetings with individual Councilmembers in February. (See Page 12 of Attachment 3)

Ms. Albanese commented that when determining the eligible activities to prepare recommendations, staff reviews goals and priorities presented and considers services for homelessness, food, and basic needs. She added there is a combination of scoring that is used from HCDAB and staff that is used to rank agencies. (See Page 13 of Attachment 3)

Ms. Albanese highlighted the funding recommendations for CDBG public services and indicated this recommendation is 15% of the allocation. (See Page 15 of Attachment 3)

Ms. Albanese provided an overview of the funding for CDBG non-public services which is at the core of City programs and facility improvements in the community. She stated the housing rehabilitation program has two areas it can cover: the first is for emergency repair and affects the immediate livability of the home and could also cover ADA accessibility improvements; the second area of improvements would cover the larger major systems of the home such as roofing, plumbing, or electrical. (See Page 16 of Attachment 3)

Discussion ensued relative to the eligibility criteria for these improvements. The homeowner must meet the income criteria under CDBG, have lived in and owned the home for at least one year, and the home can be outside the CDBG eligible area.

Ms. Albanese reported staff has increased the funding for this program over the last two to three years. Last year, approximately 60 emergency projects were completed and this year the estimate is over 100. She added for full rehabs staff does seven to twelve each year, depending on the cost of each.

In response to a question from Councilmember Heredia, Ms. Albanese explained there is a waitlist for the major repair program. There are currently 15 on that list and those should be completed soon. She said the emergency program is on a first come, first-served basis and the emergency is prioritized based on the repair.

Responding to a question from Councilmember Heredia regarding the percentage of each program, Ms. Albanese stated the emergency program uses approximately 70% of funding, whereas the rehab program uses 30%.

In response to a question posed by Councilmember Spilsbury regarding the allocations and whether agencies can review them, Ms. Albanese explained that is not typically posted; however,

if an agency requests the information, it is provided. She added letters are sent to all the agencies to let them know of the recommendations.

Ms. Albanese outlined the CDBG non-public services category, stating this area is the most difficult project area and presents the most risk for the City. She said staff must look closely at the feasibility to determine whether it meets a national objective and eligible activity, and whether the agency can administer all the federal regulations.

Ms. Albanese explained the funding recommendations included in the annual plan that goes to HUD has a 30-day comment period, which provides opportunity for public comment, including agencies funded and where dollars are spent.

Ms. Albanese continued with the presentation stating the Home Funding program did not receive many applications, and staff recommends funding for the rental and utility deposit program. (See Page 17 of Attachment 3)

Ms. Albanese highlighted the Emergency Solutions Grant (ESG), stating staff recommends three activities that provide shelter services, mobile medicine outreach, medical services, and rapid rehousing. (See Page 18 of Attachment 3)

Ms. Albanese provided an overview of Human Services Funding which is based on the priorities of homeless activities, crisis, needs for food, basic needs, youth services, education, health services, workforce development, and tax and legal assistance. (See Pages 19 and 20 of Attachment 3)

In response to a question posed by Mayor Giles, Ms. Albanese clarified the recommendations that are discussed and approved today will go out for a public comment. She added if changes are made during the comment period, that would require another 30-day public comment period. She stated the plan and recommendations are due to HUD by May 15.

Mayor Giles declared that it is the consensus of Council that staff's funding recommendations be approved.

Mayor Giles thanked staff for the presentation.

2-b. Hear a presentation, discuss, and provide direction on the FY 2022/23 General Governmental and Utility funds principles, priorities, and forecast.

This item was continued to the March 3, 2022, City Council Strategic Planning Session.

2-c. Hear a presentation, discuss, and provide direction on proposed modifications to Mesa City Code, Title 4, Chapter 1, Administrative Code, Chapter 2 Mesa Building Code, Chapter 5 Mesa Plumbing Code, Chapter 9 Mesa Energy Code, and Chapter 10 Swimming Pool and Spa Code.

Development Services Department Director Nana Appiah introduced Deputy Director of Development Services John Sheffer and displayed a PowerPoint presentation. **(See Attachment 4)**

Mr. Sheffer reported in February 2019, Mesa adopted the 2018 edition of the International Building Code (IBC), which was a major overhaul to the code, and has become ubiquitous throughout the Valley, the County, and the State. He said the code updates presented are for the purpose of

clarification and to add options for designers and there are no proposed changes to the fee structure or the fee schedule. (See Page 2 of Attachment 4)

Mr. Sheffer indicated the primary code changes relate to solar panel permits, pool barriers, and the text that aligns the codes to ensure that text on building and plumbing codes are parallel. He reiterated that these changes do not add any new requirements to the code. (See Page 3 of Attachment 4)

Mr. Sheffer explained Solar Panel permits are not required in Mesa regardless of size, nor does it matter if the work is performed by a licensed contractor. He mentioned the proposal would require a permit for large systems that are 10,000 sf in aggregate area or larger. He outlined the safety concerns behind the changes which include ensuring first responder access and code compliance from homeowners. (See Page 4 of Attachment 4)

Mr. Sheffer remarked the changes to the pool barriers code will add options for homeowners and builders to align with other cities in the Valley, including a 54" self-closing, self-latching door, which is nationally accepted as the height that is out of the reach of small children. (See Page 5 of Attachment 4)

In response to a question from Mayor Giles, Mr. Sheffer explained the City allowed the self-closing latch in the past as a code modification, adding the change will no longer require the code modification because the code revision will be part of the standard text.

Mr. Sheffer stated the remaining changes align language in multiple codes and do not add any additional changes to the code requirements. He added these changes were discussed at the Developers Advisory Forum as well as with the Home Builders Association (HBA), and HBA's position is effectively neutral because there are no significant changes. (See Page 6 of Attachment 4)

Mayor Giles thanked staff for the presentation.

2-d. Hear a presentation, discuss, and provide direction on proposed amendments to the Mesa Zoning Ordinance (Title 11 of the Mesa City Code) regarding drive-thru facilities.

Development Services Department Director Nana Appiah introduced Interim Planning Director Rachel Prelog and displayed a PowerPoint Presentation. **(See Attachment 5)**

Ms. Prelog advised the function of the Planning Department is to review the built environment and land use to analyze how these elements impact the citizens. She highlighted the three main project goals are to review and consider the locations of the drive-thru facilities, consider and address the impacts on residential neighborhoods, and to consider and address overconcentration of use impact on the built environment and surrounding businesses. (See Page 2 Attachment 5)

Ms. Prelog displayed a chart illustrating where drive-thru facilities are permitted within the City of Mesa. She stated drive-thru facilities are typically located within commercial districts; however, there are processes and permits based on the zoning district in which permits are allowed. She explained the differences between the commercial districts and how the data was analyzed. (See Page 3 of Attachment 5)

Ms. Prelog explained the purpose of Neighborhood Commercial (NC) Districts, Limited Commercial Districts (LC), and Land Use Suitability. (See Pages 4 through 6 of Attachment 5)

She discussed the impacts of drive-thru facilities including large expanses of surface parking, noise from cars, multiple driveways, parking lots fronting the street, and large setbacks which detract from creating a walkable, interactable relationship to the surrounding neighborhoods.

Ms. Prelog pointed out with the proposal, staff are recommending drive-thru facilities be prohibited in the NC district and would require a Special Use Permit (SUP) in the LC districts. She added no more than three drive-thru facilities can be located adjacent to one another or at an intersection unless approved by an SUP. (See Page 7 of Attachment 5)

Ms. Prelog summarized the proposed changes would have minimal impact on current zoning and would amend the land use tables and development standards for drive-thru facilities. She added that next steps will be based on Council direction to move forward with a Planning and Zoning Study Session, followed by community engagement and outreach. (See Pages 8 and 9 of Attachment 5)

In response to a question from Councilmember Spilsbury, Ms. Prelog clarified the classification includes all drive-thrus and is not specific to just fast food or restaurant uses. She said the standard setback will be defined in the text amendments and gave the example of automotive repair facilities are required to be 600 feet off the intersection.

In response to additional questions posed by Councilmember Spilsbury, Mr. Appiah referenced a news article indicating Mesa ranks number one for the highest number of drive-thrus in Arizona. He stated staff considers the scale of the commercial activities to determine the intent.

Councilmember Thompson commented that District 6 is inundated with drive-thrus. He recommended increasing the size requirement of floor space or pad to encourage more sit-down restaurants. He emphasized that the community wants a greater variety of healthy options, not more fast-food restaurants. He suggested looking at ways to differentiate between the community wants and concerns.

Mr. Appiah replied to Councilmember Thompson's comments by stating District 6 has limited neighborhood commercial areas and the limited commercial require specific use permitting and can be evaluated on a case-by-case basis. He elaborated most of the neighborhood commercial areas are in older neighborhoods that require revitalization, and those are the areas in which drive-thrus are generally not suitable.

Councilmember Thompson recommended making all drive-thrus Conditional Use Permits (CUP) to force the permit to come to Council. He added Councilmembers interact closely with their districts and are aware of their concerns.

Councilmember Spilsbury emphasized the distinction between pharmacies and bank drive-thru facilities which are important and do not cause the same problems. She added the In-and Out and Chick-Fil-A drive-thrus should be required to have a bigger space.

In response to a question from Councilmember Spilsbury, Mr. Appiah explained the distinction between a drive-thru and a drive-up window. He stated since the pandemic began, staff has discussed the distinction between the two services and how to incorporate them into these changes.

(Mayor Giles excused Councilmember Freeman from the remainder of the meeting at 9:19 a.m.)

Councilmember Heredia emphasized residents' concerns regarding the inundation of fast-food restaurants. He commented on the limited available land on the west side of Mesa and having a say in the permitting process would be ideal. He suggested prohibiting the permit or making them Special Use Permits.

In response to a question from Councilmember Spilsbury, Mr. Appiah stated he will investigate how to handle drive-thrus that fall on the boundary lines of Mesa and Gilbert.

Councilmember Thompson gave examples of where developers lead with fast-food restaurants. He expressed concerns from community members on the number of fast-food restaurants and emphasized the need for Council input on development and zoning to protect citizens and help build character within the community.

Mayor Giles affirmed the recommendation to initiate this process through Planning and Zoning. He pointed out that the community and businesses will want to have their voices heard on this topic.

Mayor Giles declared it is the consensus of Council that the recommendations move forward.

Mayor Giles thanked staff for the presentation.

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

- 3-a. Transportation Advisory Board meeting held on January 18, 2022.
- 3-b. Economic Development Advisory Board meeting held on January 4, 2022.
- 3-c. Housing and Community Development Advisory Board meeting held on December 9, 2021.
- 3-d. Judicial Advisory Board Meeting held on December 6, 2021.
- 3-e. Human Relations Advisory Board meeting held on November 17, 2021.
- 3-f. Library Advisory Board meeting held on November 16, 2021.
- 3-g. Education and Workforce Development Roundtable meeting held on November 9, 2021.

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

Upon tabulation of votes, it showed:

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

Mayor Giles declared the motion carried unanimously by those present.

4. Current events summary including meetings and conferences attended.

Mayor Giles –	State of the City
Vice Mayor Duff –	Golden Downtown Mesa Day – The Commons of Mesa groundbreaking
Councilmember Luna –	Falcon Field Airport murals

Councilmember Spilsbury announced February is kindness month and encouraged kind acts of service. She reported Mesa kindness cards are available at all three Mesa Public Library locations to spread kindness.

5. Scheduling of meetings.

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

Monday, February 28, 2022, 5:15 p.m. – Study Session
Monday, February 28, 2022, 5:45 p.m. – Regular Meeting
Thursday, March 3, 2022, 7:30 a.m. – Strategic Planning Session

6. Adjournment.

Without objection, the Study Session adjourned at 9:36am.

JOHN GILES, MAYOR

ATTEST:

HOLLY MOSELEY, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 24th day of February 2022. I further certify that the meeting was duly called and held and that a quorum was present.

HOLLY MOSELEY, CITY CLERK

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(Attachments – 5)