



COUNCIL MINUTES

March 15, 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 15, 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.

Moment of Silence

Pledge of Allegiance was led by Mayor Giles.

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 Thompson, seconded by Councilmember Luna, 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 22 and March 1, 2021 Study Sessions and the March 1, 2021 Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. Buddyz A Chicago Pizzeria, Mesa

A restaurant that serves lunch and dinner is requesting a new Series 12G Restaurant License with growler privileges for Jenranzie LLC, 7641 East Guadalupe Road, Suite 111; Randall William Wallace, agent. There is no existing license at this location. **(District 6)**

*3-b. Native Grill & Wings

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Gilbert Superstition LLC, 1559 South Gilbert Road; Amy S. Nations, agent. The existing license held by Gilbert 60 Powers LLC will revert to the State. **(District 3)**

4. Take action on the following contracts:

*4-a. Three-Year Term Contract with Two Years of Renewal Options for Employee Uniform Garments for Citywide Departments. **(Citywide)**

Through its Uniform Garment Program, the City purchases and issues garments to employees and the employees are responsible for the laundry and maintenance. Items include: t-shirts, polo shirts, jeans and shorts; traditional poly/cotton and cotton uniform shirts and pants; and jackets, hats and ball caps.

An evaluation committee recommends awarding the contract to the highest scored proposals from Ace Uniforms of Phoenix (Primary) and Mission Uniform Supply (Secondary), at \$375,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

*4-b. Purchase of Fire Station Alerting System Equipment for New Fire Station 221 for the Mesa Fire and Medical Department (Sole Source). **(District 6)**

This purchase will provide a G2 Fire Station Alerting System for the new Fire Station No. 221 project. This system is also used by the Phoenix-Metro region as the standard alerting system for fire and medical units at each station.

The Mesa Fire and Medical Department, Department of Innovation and Technology, and Purchasing recommend authorizing the purchase with US Digital Designs, at

\$93,542.52, based on estimated requirements. This purchase is funded by the 2018 authorized Public Safety Bonds and developer contribution.

- *4-c. Purchase of Modular Furniture and Installation for the Library Services Department. **(Citywide)**

This purchase will provide new furnishings, including tables, chairs, lounge, and soft seating for the remodeled Children's space at the Main Library.

The Library Services Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Arizona Furnishings, at \$73,271.17. This purchase is funded by General Fund FFE Funds - 2018 authorized Bonds.

- *4-d. Award of Additional Vendors to the Three-Year Term Contract with Two Years of Renewal Options for Off Site Vehicle Washing Services for Citywide Departments. **(Citywide)**

This contract provides a list of qualified vendors and approved car wash facilities for off-site vehicle washing services on an as-needed basis for the City fleet.

An evaluation committee recommends awarding contracts to the qualified proposals from Raceway Carwash, dba Mesa Dr Carwash LP, Alma School Rd Carwash LP, Gilbert Rd Carwash LP, Power Rd Carwash LP, Warner Rd Carwash LP (Mesa locations); TNS Enterprises, dba Campbell's Carwash (a Mesa business); and Yuyin Detail, LLC (a Mesa business); at \$47,500 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-e. Three-Year Term Contract with Two Years of Renewal Options for Larvicide Mosquito Control Chemicals for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide insecticide to treat standing water for mosquito control at the larva stage at City parks and basins.

The Parks, Recreation and Community Facilities Department and Purchasing recommend awarding the contract to the responsive and responsible bidder, Clarke Mosquito Control Products, at \$71,200 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- *4-f. Three-Year Term Contract with Two Years of Renewal Options for Window Cleaning and Power-Washing Services for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide window cleaning and power-washing services at 62 City facilities.

An evaluation committee recommends awarding the contract to the highest scored proposal from Imperial Window Cleaning, at \$119,500 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-g. Three-Year Term Contract with Two Years of Renewal Options for Fencing and Gate, Installation, Repair, Rental and Supplies for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide fencing rental services, fencing and gate repair and installation services, and fencing and gate material purchases used at City parks or facilities on an as-needed basis.

An evaluation committee recommends awarding the contract to the highest scored proposal from B.L.C.G. Corp., dba, All Pro Fence Co. (a Mesa business), at \$400,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-h. Eleven-Month Term Contract for New Microsoft Licensing As-Needed for various City Departments. **(Citywide)**

The City has an Enterprise License Agreement that covers Microsoft on-premise and Software-as-a-Service applications, and cloud services that are critical to the daily operation of the City. The applications provided under the Agreement range from the Microsoft Office and Office 365 applications to our Azure Cloud data center, SQL Database environment and Windows Server operating systems.

The Department of Innovation and Technology and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with CDW-G, up to \$250,000, based on estimated usage.

- *4-i. One-Year Renewal to the Term Contract for Refrigerated Liquid Carbon Dioxide for the Water Resources Department. **(Citywide)**

This contract provides refrigerated liquid carbon dioxide that is required for the treatment process at Signal Butte Water Treatment Plant.

The Water Resources Department and Purchasing recommend authorizing the renewal using the City of Tempe cooperative contract with Linde (formerly Praxair, Inc.), at \$100,000, based on estimated usage.

- *4-j. Cemetery North Expansion - Phase IIB and Urn/Scatter Garden Project. **(District 1)**

The City's Parks, Recreation and Community Facilities Department identified the need for an expansion of the current cemetery grounds to increase available grave site inventory. This phase will collectively provide an additional 2,175 grave sites and an alternative for a new urn/scatter garden.

Staff recommends awarding the contract for this project to the lowest, responsive, and responsible bidder, Low Mountain Construction Inc, in the amount of \$2,587,054.48, and authorizing a change order allowance in the amount of \$258,705.45 (10%), for a total amount of \$2,845,759.93.

5. Take action on the following resolutions:

- *5-a. Modifying fees and charges for the Parks, Recreation and Community Facilities Department. **(Citywide)** – Resolution No. 11634

- *5-b. Extinguishing a public utilities and facilities easement located at 5149 South Inspirian Parkway to allow for the development of Steadfast Farm at Eastmark; requested by the property owner. **(District 6)** – Resolution No. 11635
- *5-c. Approving and authorizing the City Manager to enter into a 2021 Contract 207 Fund with the Arizona Governor’s Office of Highway Safety to accept \$71,280 in grant funds. The funds will be used by the Police Department’s Traffic Division for overtime, employee related expenses, and materials and supplies to support drug enforcement in the City of Mesa. **(Citywide)** – Resolution No. 11636
- *5-d. Authorizing the City Manager to enter into Purchase Power Agreements with Solon Development, LLC, for four downtown Mesa solar projects, for operational terms of 25 years. **(District 4)**

The projects will consist of constructing solar photovoltaic generating systems at four sites in downtown Mesa: the Arizona State University building, The Plaza at Mesa City Center, and the parking lots at the Municipal Building (55 North Center Street), and Mesa City Plaza. The vendor will privately finance, develop, design, construct, own, report, operate, and maintain the system. Energy Resources will purchase this solar energy from the projects for use in its electric supply portfolio. – Resolution No.11637

6. Introduction of the following ordinances and setting April 5, 2021 as the date of the public hearing on these ordinances:

- *6-a. **ANX20-00242 (District 6)** Annexing property located north of Pecos Road and east of Ellsworth Road (337.0± acres). This request has been initiated by the applicant, Paul Gilbert, Beus Gilbert McGroder, PLLC for the owner, Pacific Proving, LLC.
- *6-b. **ZON20-00846 (District 6)** Within the 6000 to 6600 block of South Ellsworth Road (east side), within the 9200 to 9800 blocks of East Williams Field Road alignment (south side) and within the 6200 to 6600 blocks of South Crismon Road alignment (west side). Located east of Ellsworth Road and north of Pecos Road (overall 337.0± acres). Rezone 41.7± acres of the 337.0± acres of the property from AG to LR; Special Use Permits; and Site Plan Review on the property. This request will allow for the development of a recreation facility. Paul Gilbert, Beus Gilbert McGroder, applicant; Pacific Proving, LLC, owner.

Staff Recommendation: Approval with conditions

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

Items not on the Consent Agenda.

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

- 7-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)

The following citizens submitted comment cards and spoke in opposition to Agenda Item 7-a:

- Philip Bramsen, a Chandler resident
- Janice Jaicks, a Mesa resident
- Stephen Brown, a Mesa resident
- Shawna Boyle, a Mesa resident, displayed a presentation regarding the Waypoint 5 project. **(See Attachment 1)**
- Joshua Boyle, a Mesa resident
- Ruth Ann Showalter, a Mesa resident
- Paul La Grassa, a Mesa resident
- Erin La Grassa, a Mesa resident

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

- The project is within close proximity to homes.
- The Development Agreement is inconsistent with the 2007 and 2014 plan approvals.
- The views are being restricted.
- The office building lights currently remain on 24/7, affecting the surrounding homes.
- concerns with the noise pollution, light pollution, invasion of privacy, and preserving the views.
- Residents requested a continuance of the public hearing to research and present more information.
- Not a good transition from residential to commercial.

The following citizens submitted comment cards to be read in opposition to Agenda Item 7-a:

- Dick Gurtler, a Mesa resident
- Diana Devine, a Mesa resident
- Janice Jaicks, a Mesa resident
- Perry Jaicks, a Mesa resident

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

- The three-story office building has caused light, noise, and privacy intrusion.
- Concessions that are being proposed are not fair to our Mesa community.
- Opposition to the project as proposed.

Adam Baugh, a representative of Lincoln Properties, displayed a PowerPoint presentation regarding the Waypoint 5 project. He provided a detailed presentation of the site plans starting with the building plans from 2007, to present day. He reviewed the current project site proposal that previews the most recent approved buildout. He reported on the changes and improvements after reviewing the community feedback. He displayed before and after images of the area to show the changes to the site. He recognized the main complaint of the neighborhood residents were the heights of the office buildings and the parking garage. He added the site plans have been modified accordingly to lower the parking garage heights, while maintaining the needed parking spaces for the surrounding offices. **(See Attachment 2)**

In response to a question from Councilmember Spilsbury, Mr. Baugh stated it would cost an estimated \$8,000,000 to build an underground parking garage.

In response to multiple questions from Councilmember Thompson, Planning Director Nana Appiah explained the front elevation of the proposed parking structure will be 26 feet, the second level is 44 feet, and the third level being the maximum height, is 55 feet. He stated the project site is mostly flat, but at a lower grade compared to the adjacent residential buildings.

In response to a question from Councilmember Thompson, City Attorney Jim Smith replied minutes from the May 17, 2007 Planning and Zoning Advisory Board stated the 40-foot-tall buildings were too close to the residential property lines causing blocked views and an invasion of privacy, however, there is no existing Development Agreement.

Councilmember Thompson expressed his support for the Waypoint 5 project. He stated the City is trying to accommodate the neighbors as best as possible.

In response to a question from Councilmember Spilsbury, Mr. Appiah reported the City requires a photometric plan be submitted with a building permit to ensure the lights do not spill over. He stated the trees being planted at the project site will be matured enough to cover the canopy structure.

In response to a question from Vice Mayor Duff, Mr. Appiah pointed out a 2014 administrative approval process was for a reduction of square footage which was within the limits of what could be approved administratively.

City Manager Christopher Brady commented with the reduction of the square footage the developer decided to build a three-story building to have less density/square footage. He mentioned today there is a request for an additional 500 square feet.

Vice Mayor Duff stated there is no way to legally prevent the parking garage and office buildings from being built. She suggested a continuance of the ordinance to provide mediation and more dialogue about the project.

Councilmember Freeman reflected on the amount of information that has been provided and suggested one of two options; voting to approve the ordinance or approving a continuance to continue talking with residents and the developer.

Councilmembers Luna, Thompson and Heredia expressed approval for the project, but deferred to Councilmember Freeman regarding continuance of the ordinance discussion.

In response to a question from Councilmember Heredia, Mr. Appiah explained there is a good neighbor policy where residents can submit complaints to the City to address. He continued by stating it is within the direction of the Council to outline how those issues will be resolved in the future.

Mayor Giles and Councilmember Spilsbury indicated support for a continuance.

It was moved by Councilmember Freeman, seconded by Councilmember Luna, to continue Item 7-a to the April 5, 2021 Regular Council meeting.

Upon tabulation of votes, it showed:

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

Carried unanimously.

8. Items from citizens present.

The following citizens submitted comment cards and spoke in support of a Climate Action Plan:

- Anna Mohr-Almeida, a Mesa resident
- Sandy Whitley, a Mesa resident
- Daniella Lopez, a Mesa resident
- Laurel Hardin, a Mesa resident

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

- Accelerate efforts to reduce carbon emissions and clean up our air.
- With improved air quality there are immediate benefits to a person's health.
- By acting quickly, we can make health effects less severe.
- A response to climate change is urgent and we need to act now.
- There are four areas of concern that should be addressed:
 - **Goals** – Adopt a carbon neutral date of 2030, not 2050; local food system; and having an action plan fully funded by Earth Day 2022.
 - **Actions** – Declare climate emergency; heat mitigation and permanent green infrastructure; need an inventory that describes our carbon footprint; and have a regional skill study that focuses on low carbon transportation.
 - **Partnership** – Foster partnerships with community stakeholders and use a youth climate action council to help guide the development and implementation.
 - **Investments** – Encourage the City to think big with the investment.
- Have a plan ready now for when the Federal Funding for infrastructure comes into play.
- Finalized fully funded climate plan by 2022.
- Consider environmental racism – Climate change comes with social issues and climate justice cannot exist without social justice.
- To fight climate change we need to give a voice to people of color, minorities, and all people facing poverty in the City of Mesa.

The following citizens submitted comment cards to be read in support of the City's Climate Action Plan:

- Adriana Parrino, unknown
- Ginger Hamp, a Mesa resident

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

- Devise a well thought out climate plan that would be an investment for our future.
- Have a fully funded climate plan including but not limited to a promise of net zero carbon emissions by 2030, and specific measures taken to alleviate the racial disparities under out current climate legislation.
- More transportation such as buses, rapid transit, and streetcars are needed.

- More energy efficiency is needed by investing in solar, urban forestry, and green infrastructure.

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:12 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 March 2021. I further certify that the meeting was duly called and held and that a quorum was present.



DEE ANN MICKELSEN, CITY CLERK

jpg
(Attachments – 2)



City Council Meeting 3/15/21

Regarding Waypoint 5 Proposal, Agenda Item 7-a 21-0158/ ZON20-00538

Presented by the Residents of the Country Club Heights Neighborhood

2006 & 2007: Initial Proposal for Waypoint Development

- The developers came to the neighborhood in the initial stages of conceiving the development six months before submitting plans to the city.
- There were multiple meetings with the developer and the citizens, as well as city officials
- Keno Hawker, City of Mesa Mayor at the time, also lived in the Country Club Heights/Eaton Club Estates neighborhood at the time
- There was a great deal of discussion and meaningful effort to appease both the residents and the developers

April 2007 meeting:

Residents quoted in meeting notes, Kelly Black and Dick Gurtler, still live in the neighborhood

- issue of height of the buildings was brought up by our neighbors, Mr. & Mrs. Gurtler
- The developer stated, “The project has been limited to two stories.”
- The final bullet point states: “With Buildings C & D planned to reach 38 feet in height, the actual maximum height as seen by many of these neighbors would only reach 18 feet.”

CITIZEN PARTICIPATION REPORT For RIVERVIEW POINT

Date: May 2, 2007

Case Number: Z07-48

PURPOSE

The purpose of our Citizen Participation Plan was to inform citizens, property owners, neighborhood associations, agencies and businesses in the vicinity of the site of an application for the Riverview Point project. The applicant proposes 443,000 square feet of mixed-use general office, medical office, light industrial, and minor incidental retail in a grouping of six, two story buildings around a central parking area, with additional parking around the perimeter. The project is located at the east end of the Riverview development next to North Alma School Road. The parcel is currently zoned Planned Employment Park (PEP). The proposed project is in conformance with the Cities General Plan which shows a designation of Mixed Use Employment (MUE). This application is for a Site Plan Review. The project will also go to the Design Review Board for approval of the Architectural design and the Landscape Architecture design. The following report will detail the results and feedback that we have obtained through our various meetings and public notifications.

CONTACT

David Carder
Lauth Property Group
2415 E Camelback Rd, Suite 860
Phoenix Az 85016
602-648-7648
dcarder@lauth.net

PRE-APPLICATION MEETING

The Pre-Submittal Conference (PS 07-06) with City of Mesa Planning staff was held on January 8, 2007. Staff reviewed the application for **Riverview Point** and recommended that adjacent residents, nearby residents within 1,000 feet and nearby registered neighborhoods be contacted.

ACTION PLAN

In order to provide effective citizen participation in conjunction with our application, the following actions have taken place to provide opportunities to understand and address any real or perceived impacts that members of the community may have regarding Riverview Point.

- A. A meeting was held with the neighbors on the hill above the project on November 21, 2006. It was hosted by Kelly and Howard Black at 1444 West Escarp, Mesa. Ten neighbors came and were shown drawings and the proposal was explained. A copy of the sign up sheet is attached. The neighbors who came were supportive of the proposal.
- B. A presentation was made to the full Mesa Chamber of Commerce Board of directors on Dec 20, 2006. They were appreciative of the proposal and expressed their pleasure at the complex. The Board had

Z07-48

- Palm tree concerns

The Lauth team addressed community concerns voiced relative to palm trees. The team pointed out that the plan limits palm locations to

- The north and south ends of the main entrance to the project
- The southwest corner of the Alma School/Bass Pro intersection
- The two secondary project entrances

It is noted that all attendees approved of this proposed palm design

- Views

At this meeting, we met and spoke with Mr. & Mrs. Richard Gurtler. The couple felt that the layout would block views from their home. In particular, their biggest issue was the proposed placement of a two story building in front of their home. We countered with the following comments:

- The project has been limited to two stories and incorporates four sided architecture for a pleasing view and reiterated that our current plans do not call for the addition of date palms throughout Bass Pro Drive.
- It was emphasized that Riverview Point is being built to code, within the parameters established for the project under the currently approved PEP zoning
- No variances or rezoning has been requested as part of this project.
- We also noted that Buildings C and D are to be built in a future phase of the project are sited over 300 feet from neighboring homes on the property's southern border.
- Finally, because of a dramatic grade change from the canal to the proposed building pad, these buildings will be situated nearly 20 feet below most of the southern bordering properties. With Buildings C & D planned to reach 38 feet in height, the actual maximum height as seen by many of these neighbors would only reach 18 feet

- Connectivity issues

P&Z Minutes of 2007 Approved PAD and Site Plan Approval (Z-07-48)

The Approved Site Plan for 2007 Approved PAD and Site Plan approval (Z-07-48).

- All buildings shown on the site plan stamped “Approved Plans Planning and Zoning Board Date 5/17/07 ...” are 38’-4” (2-stories) in height.

The Planning and Zoning “Board approve zoning case Z0-58 conditioned upon:

1. **Compliance with the basic development as described in the project narrative and as shown on the site plane, and elevations submitted, (without guarantee of lot yield, building count, or lot coverage)**

The Approved Site Plan for 2007 Approved PAD and Site Plan approval (Z-07-48).

The City required the developer to comply with this.

MINUTES OF THE MAY 17, 2007 PLANNING AND ZONING MEETING

Item **Z07-48 (District 1)** 1154 North Alma School Road Located west and south of Alma School Road and the Loop 202 Freeway (34.54± ac) Site Plan Review This request will allow for the development of an office park Tom Martin, Riverview Park Partners, owner/applicant

Comments David Udall, 30 W First St , applicant, stated that this is not a rezoning, the property was hard zoned some time ago, and that they were seeking an approval of the site plan He added that staff is recommending approval with conditions and they are agreeable to all of the conditions

Richard Gurtler, 1304 W Mountain View Dr , resident, spoke in opposition stating that the 40 foot tall buildings were too close to the property line and there would be some invasion of privacy, adding that the views would be blocked and this project is too close to residential

Tom Martin, 7206 E Fremont Place, Centennial, CO, representing Riverview Park Partners, stated that this project is in conformance with the zoning district and the area of encroachment that is not in conformance will be corrected He then clarified that the building heights were 38 feet tall He then explained that the first phase of this project is about 600 feet from the Casa Grand Subdivision and that the vertical differentiation, between the project and the subdivision, varies from 0 to over 20 feet from the west end of the property to the east

from the west end of the property to the east

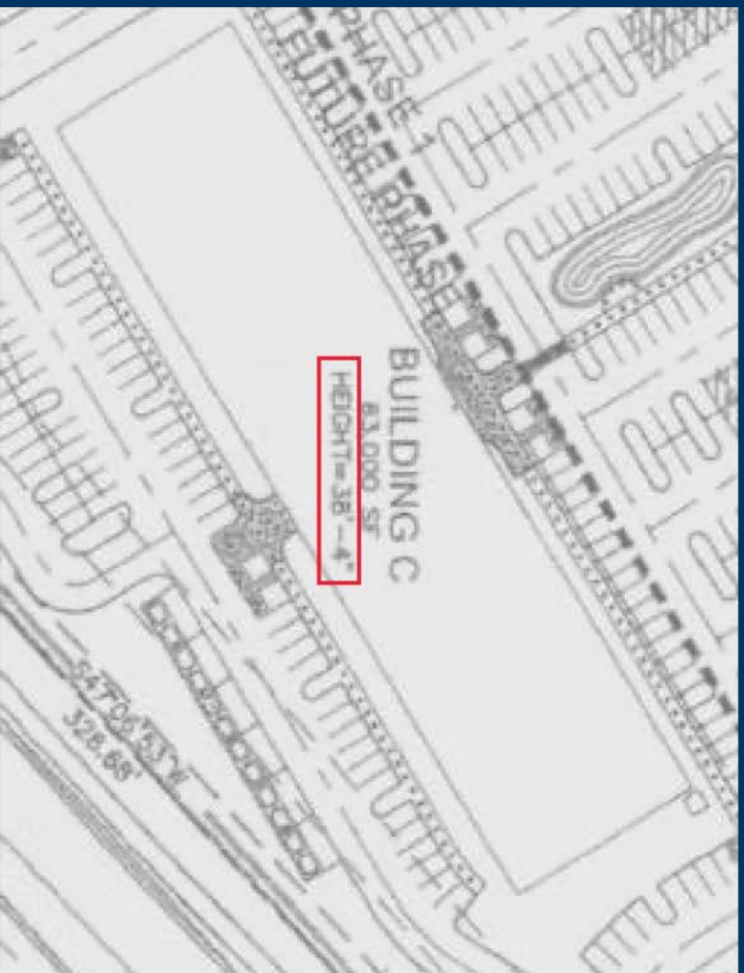
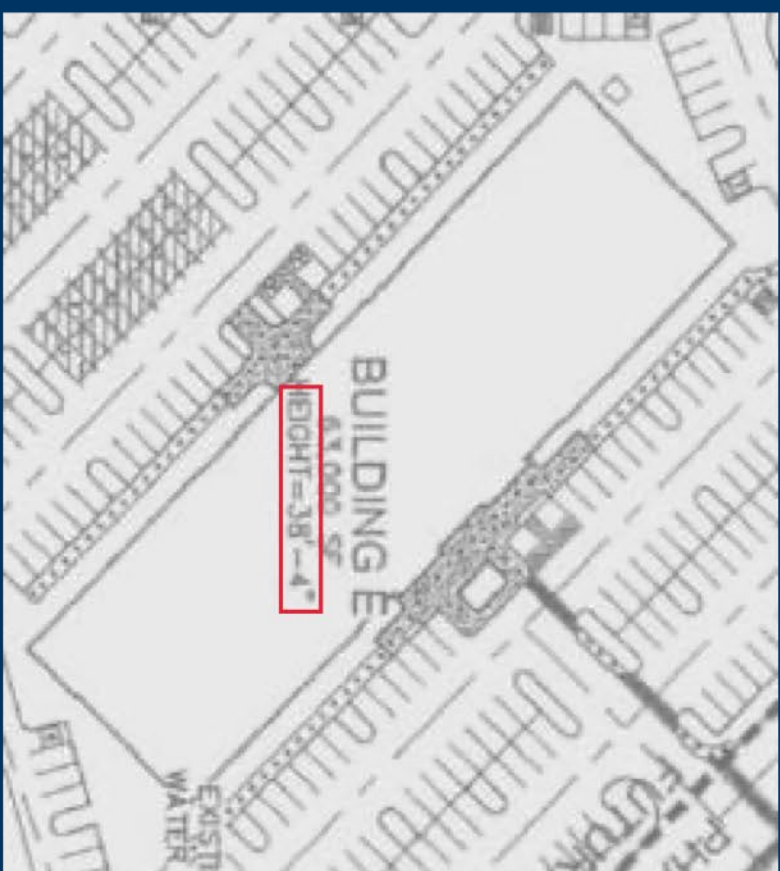
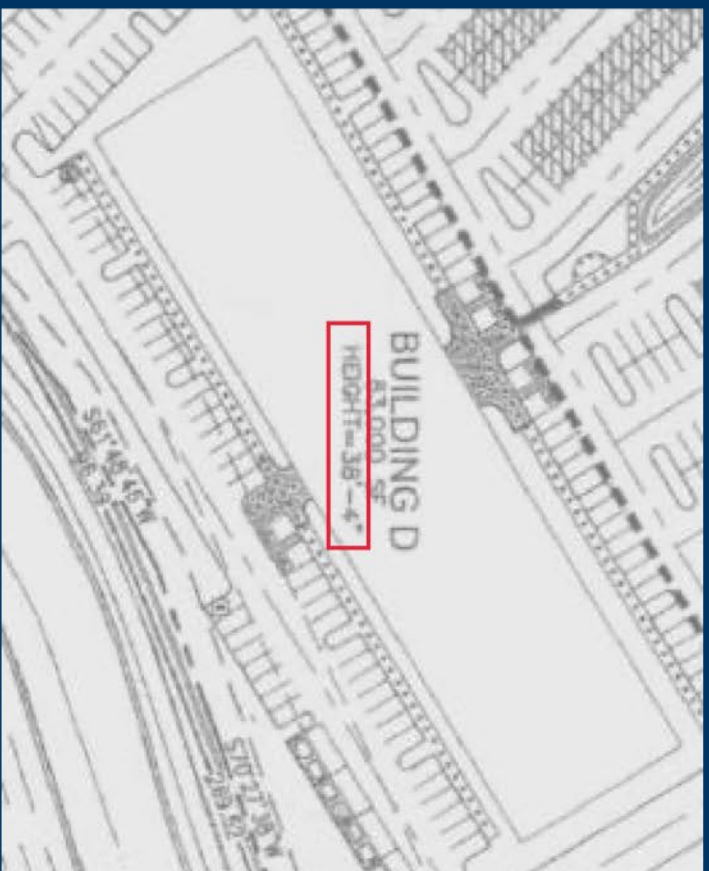
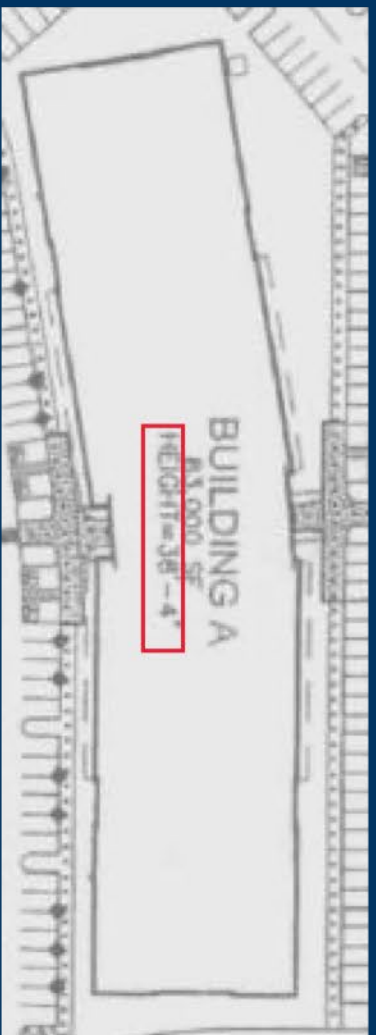
Dorothy Chimmel, Principal Planner, stated this case would end with the Board's approval and not go forward to City Council unless it was appealed. She continued that staff is recommending approval and that the first phase of the project went to the Design Review Board on May 2nd and approved. She pointed out that the area of encroachment that would need to be revised, adding that the applicant has been made aware of this and has stated that they would revise the plan. She stated that the conditions of approval include a Special Use Permit by the Board of Adjustment for a comprehensive sign plan and review by the Design Review Board for subsequent phases.

Boardmember Langkilde moved to approve case Z07-48 seconded by Boardmember Carter.

Discussion ensued regarding solid waste concerns, the heights of the parapet, views, setbacks and distance to the neighborhood and the facade of the buildings.

That The Board approve zoning case Z07-48 conditioned upon

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, and elevations submitted, (without guarantee of lot yield, building count, or lot coverage)
2. Site Plan Review through the public hearing process of future development plans.
3. Compliance with all requirements of the Design Review Board
4. Compliance with all City development codes and regulations
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first
6. All perimeter street improvements and street frontage landscaping to be installed in the first phase of construction



All building heights are listed as 38' 4"

Buildings A, B, and F were built after the initial project was approved at the agreed upon 38'4" heights

Existing Building 4

- In 2014 the former Mesa City Planner ignored the agreed upon condition of a 38' 4" height and allowed the 3 story building (existing building 4) to be built as a "minor modification."
- The neighborhood was not notified that this new building was going to be built prior to its construction. None of the current city council members were on Mesa City Council at the time.
- It was not a minor modification. It was a major modification and should have gone through the proper steps.

Existing Building 4

Does this look like a MINOR modification to you?

If the original plans to have a 2 story building had been adhered to - than that entire top floor, of bright, florescent lighting would not exist

Imagine that light shining into your bedroom window as you're trying to catch a final hour of sleep

We have been told by a worker in that building that they can see into the windows of the homes in our neighborhood. Not surprising, we can see right into their windows too. Would you want all of those people to be able to see into your children's bedrooms?



6:30am!!! from 1328 W Mountain View Dr. /Winter 2020
This is taken from Boyle's lot (where they are planning to build their custom home)

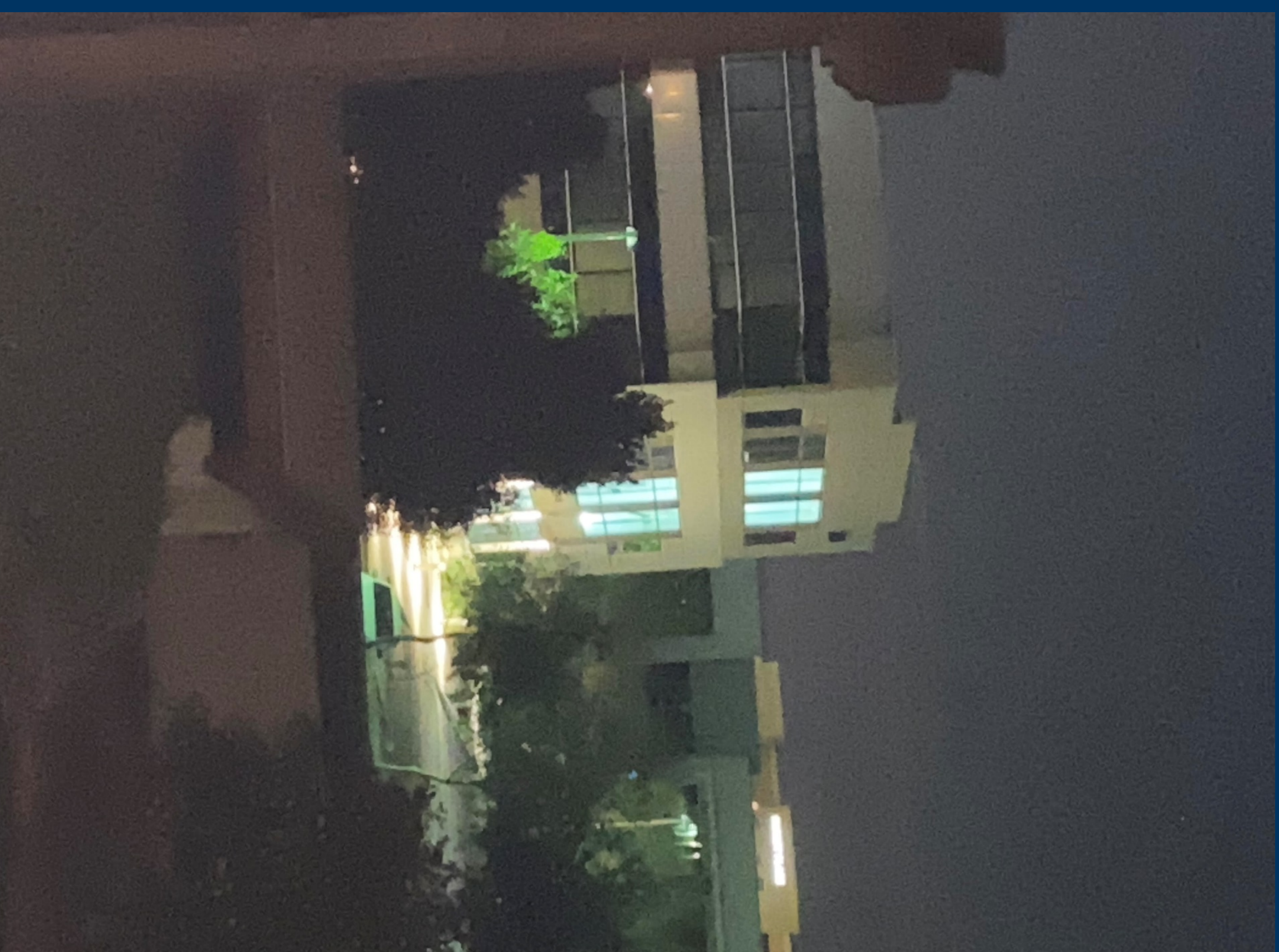
The proposed parking garage would be just as high and spread across the length of at least three more properties than this building does
...Imagine how much worse the invasion of privacy will be - anyone could enter that garage and see into our backyards and homes

Existing Building 4

Impact of existing buildings :

- Noise of landscapers as early as 5am on weekdays and 6am on weekends.
- Security vehicles running all night long in parking lot.
- Noise annoyance from trash pickup very early Wednesdays and Recycling on Saturdays times vary.
- Lights on existing Bldg. 3 and 4 at all times of the night have already decreased quality of life.

Obviously, an additional parking garage and new office building of this magnitude and in close proximity to homes would increase exponentially the noise, light, invasion of privacy and quality of life for our neighborhood with the Waypoint 5 plans.



7:00pm from 1318 W Mountain View Dr. on a Sunday! /Sunday 2-14-2021

(Company Valentine's Day Party?!)

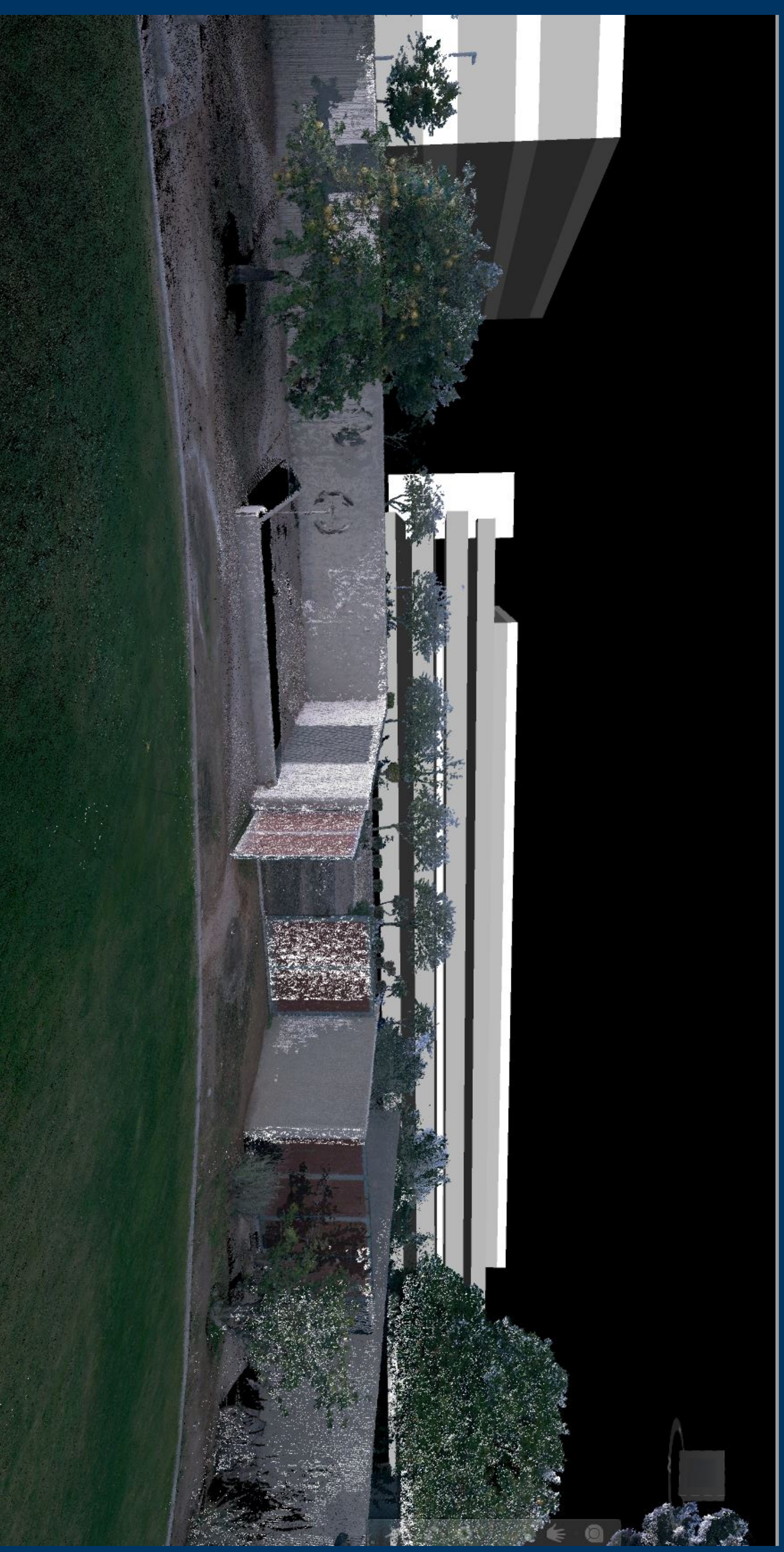
Writing off electric bill on the company taxes?!)



Figure 1 View from 1318 W Mt View Drive/ Bldg. beyond the pool is Waypoint 4 Building

Proposed 4 story garage will go just to the right/east of existing building and extend along many homes to the right/east

Figure 2 View 1318 address with a Virtual Designer Scan of what a 4-story parking garage will look like from 10' off ground

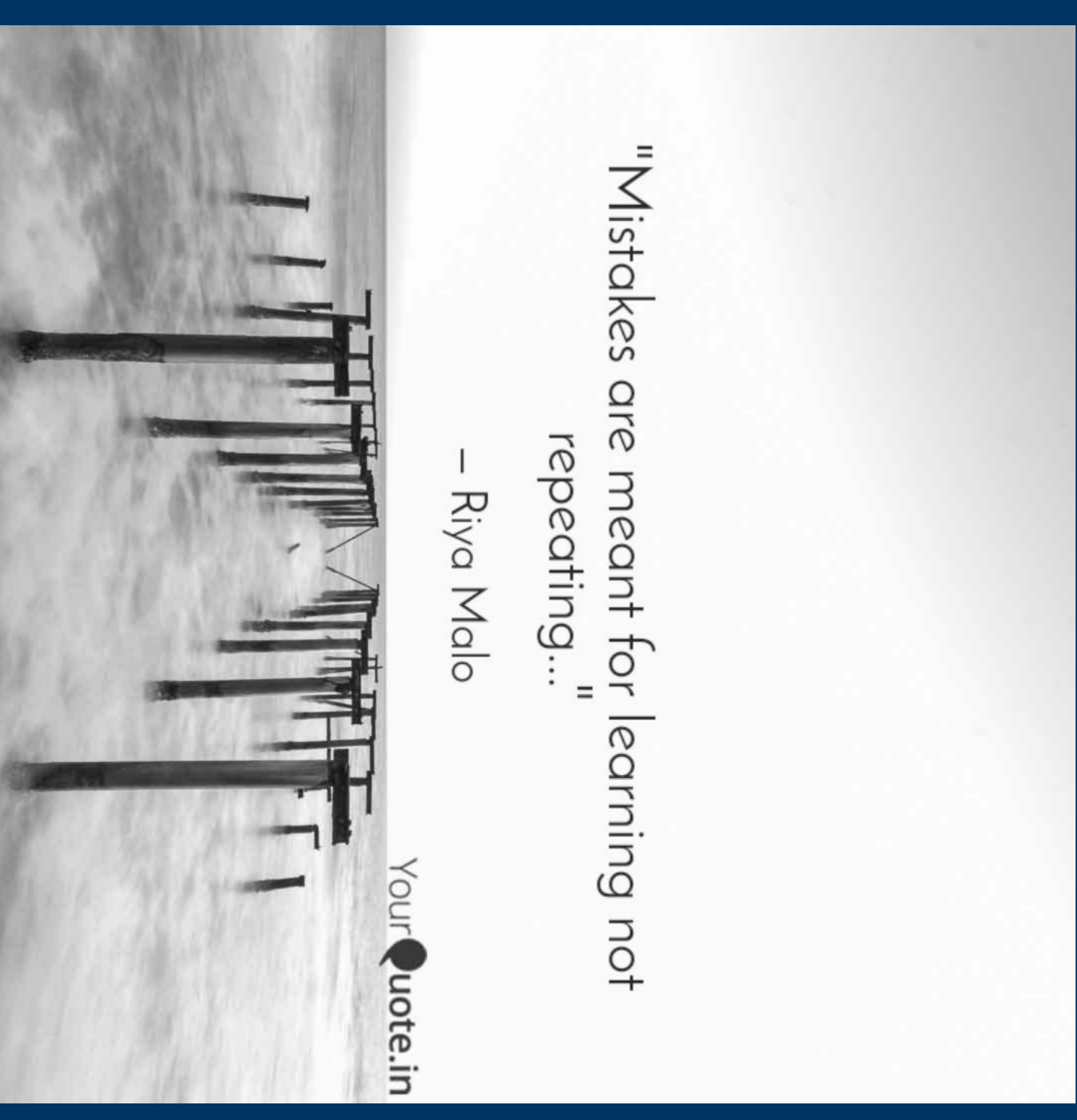


- Waypoint has been sold since 2014 and the current developer is now pointing to the only existing 3 story building as their main argument why their proposal should be approved.
- Our position is that because the City failed to properly follow its own rules in 2014, and failed to protect its citizens, then it should not simply allow for that to keep happening.
- The developer is pointing to a wrong that happened as justification for it to continue doing the same thing and construct new buildings higher than the original plan.

"Mistakes are meant for learning not repeating..."

– Riya Malo

Your quote.in



There is a dramatic difference in how things were handled in 2007 versus how they were handled for this major addition to the development.

The developers did not tell the neighborhood about the project until approximately two weeks before the first design and review board meeting.

At that point, the developers had already designed both the 3 story building and the 4 story parking garage and submitted the plans to the city without any discussion or input from the neighbors.

At the first Design & Review Board meeting the members of the Design and Review Board required the developers to have a meeting with us before they voted.

After the meeting between the neighborhood and developers, the developers only made minor changes that not one member of the neighborhood views as a real compromise. Nevertheless, the developers brag at every city meeting about how they have listened to the neighbors and compromised.

Our neighborhood has held a number of meetings on our own.

One of the meetings was organized to discuss our concerns with Councilmember Freeman.

The developers and their attorney came to the meeting uninvited by the neighbors.

Our opportunity to share our point of view with our district's councilman was hijacked by the developers who interjected constantly throughout the meeting.

Current Concessions Made by Developer

- **The developers are going to add some screens to the parking garage
add some landscaping
won't install solar panels on the roof
have a stepped structure with the side closest to the neighbors being one story shorter (This stepped structure is more unattractive than just the solid building)**

By removing the solar panels and some of the parking structure, it appears that the developers will actually be saving money.

Our Compromise Proposal

What the neighbors want is for the **new office building to be limited to 2 stories**, as the project was originally limited to in 2007. The neighbors also want the **parking garage to be one story with the remainder underground**. When we have presented this to the developers they point to the **3 story building and say that their new building is ten feet less than that**. They also have said that they would have to do research into the water table and are concerned about cost. However, they have never offered us anything that shows that they have ever realistically researched underground parking. The water table excuse is particularly egregious because there is a quarry to the immediate north of the development with a pit well over 100 feet deep that shows a very low water table. The developers have already made their plans and their actions show that they don't want to spend more money, and thus, don't want to engage in any real compromise.

There is precedent for underground parking garages in Mesa. At Banner Baywood Hospital and Banner Heart Hospital they each have underground parking. As part of the renovation project at The Church of Jesus Christ of Latter Day Saints Temple in Downtown Mesa, there will be an underground parking garage.

We are not asking the Mesa City Council **to make a binary choice of development or no development**. Our neighborhood is not opposed to new additions to Waypoint. **We want new development and jobs at Waypoint**. But we also want our concerns about light pollution, noise pollution, invasion of privacy, preserving our views, and the history and original requirements of the project to actually be heard and responded to in a meaningful way. We want the city to require the developers to engage in true compromise with our neighborhood.

Arguments against the current design

We posed the following points at the DRB meeting, they did not even respond or acknowledge the fact that they were approving something outside of the criteria: Your own design guidelines aren't being met by this parking garage. It's a 534' long 365,000 square foot behemoth with little design.

Section 11-71-6 Review Criteria:

#3: Does the parking garage overall design ... provide architectural interest in areas visible from streets, sidewalks, and public areas?

No, it doesn't. A 534' long dark grey building with dark grey accents isn't exactly "architecturally interesting".

#5: Is the parking garage design "internally and visually consistent" with and "fully integrated" with the other buildings?

No, it's not. The garage has absolutely no architectural relationship with the other buildings. Other than the color being grey in tone, this garage has none of the visually interesting elements that the existing or proposed office building have. This Board already unanimously indicated the parking garage's lack of design in the last full DRB hearing, but I see no improvements here.

#6: Is the garage compatible with neighboring development by avoiding big differences in building scale and character ... and does it provide a harmonious transition in scale and character between different districts?

No, it doesn't. There is a huge difference here in the scale and character of the parking garage and office building versus the residential homes to the south. And there is no transition of scale or character unless you can honestly say two proposed buildings that will be the largest and tallest buildings in this center are an appropriate transition to the adjacent homes.

#7: Is the parking garage a well-articulated structure that presents well designed building facades on all sides, rooflines, and building heights that promotes compatibility among neighboring land uses within the same or different districts?

Absolutely not. The garage has virtually no articulation, is not a well-designed façade on any side, has a monotonous roofline, and is too tall to be compatible with the predominantly 1-story homes?.

#8: Does the garage create visual variety and relief avoiding a large-scale, bulky, or box-like appearance?

No. It's a large box. Just look at it.

Arguments against the current design

Parking :

According to the new master plan with the new Waypoint 5 building, the developer wants 2,757 total parking spaces for the whole complex

**After the 5th office building is built, 2,003 parking spaces will be available
Therefore, 2,757 minus 2,003 equals 754 parking spots needed**

The developer wants a 4-story parking garage which would provide 1,245 parking spaces, which is 491 parking spaces above the needed number

This equates to needing only roughly 2 levels!!

Why are they building a 4-parking garage? That appears to be almost 500 additional parking spaces above what is needed.

On a google earth search of a mid-week workday, pre-Covid, 34% of parking spaces were being used. All Waypoint office buildings at this time (2019) were 90% occupied.

According to the economic developer, 90% of the Waypoint office buildings are occupied as of March 1, 2021. As neighbors, we see less than 40% of parking spaces being used on a regular basis.

Opposition posed to our Neighborhood's Position

Quote from March 11th Study Session: "The property owner has the right to build. If that affects the view, I'm sorry," said Councilman Kevin Thompson.

"To stymie economic growth and bringing quality jobs just so you can have a view of the mountains is beyond belief," Thompson said. "I like the project and I'm ready to move forward."

This is a straw man logical fallacy. Councilman Thompson - you've taken one of our many concerns, one that you find ridiculous, and are acting as though that is our only concern.

Councilman Thompson - you consistently deny certain types of business such as mini storage businesses and car washes from being built in your district - are you not guilty of "stymying economic growth"?...is that the appropriate way for Council to make decisions - if YOU like it, you pass it - not, taking into consideration the full scope of how it will effect the citizens and if the people who elected you would want you to make that decision? That seems like a much more unreasonable argument than hoping to see mountains from your kitchen window instead of having your sleep interrupted from noise and headlights from cars streaming from a giant concrete block in your backyard.

This quote is actually a great example of how it seems that our points are not actually being heard and internalized - yes - we would be sad to lose our view - but our stronger argument is against the light and noise pollution (which the City does need to address) and for our privacy and safety (there is already a significant homeless population along the canal) - this development would add all persons going in and out of the garage to the list of people that have a "peeping Tom's view" into our properties.

List of concerns about the development as currently proposed:

- Noise pollution
- Light pollution
- Pancake effect from large, concrete structure
- Invasion of privacy
- Unintended users of the garage - it will be an attractive nuisance to kids who will use it at night to skateboard, play, yell, etc.
- Loss of property value
- The fact that the design does not meet the City's own design criteria
- Over estimated parking, needless building for something that is such a detriment to our neighborhood

If our compromise would be accepted by the developer and the city it could be a win-win:

- We will be neighbors with the developers and the tenants. Good relations with the neighbors will be attractive to future tenants. Constant complaints from angry residents would likely be a deterrent to commercial renters.

- Instead, if this compromise is struck we could give great publicity to the developer for their ability to forgo the stereotypical chose to build something more in tune to the local dynamics. Wouldn't that be attractive to tenants? Wouldn't that be attractive to other cities where the developer may have a pending project?

- According to Marshall & Swift* there would actually be 5 more years of economic life in the parking garage if it were built

*Marshall & Swift Valuation Service is a complete, authoritative appraisal guide for developing replacement costs, depreciation



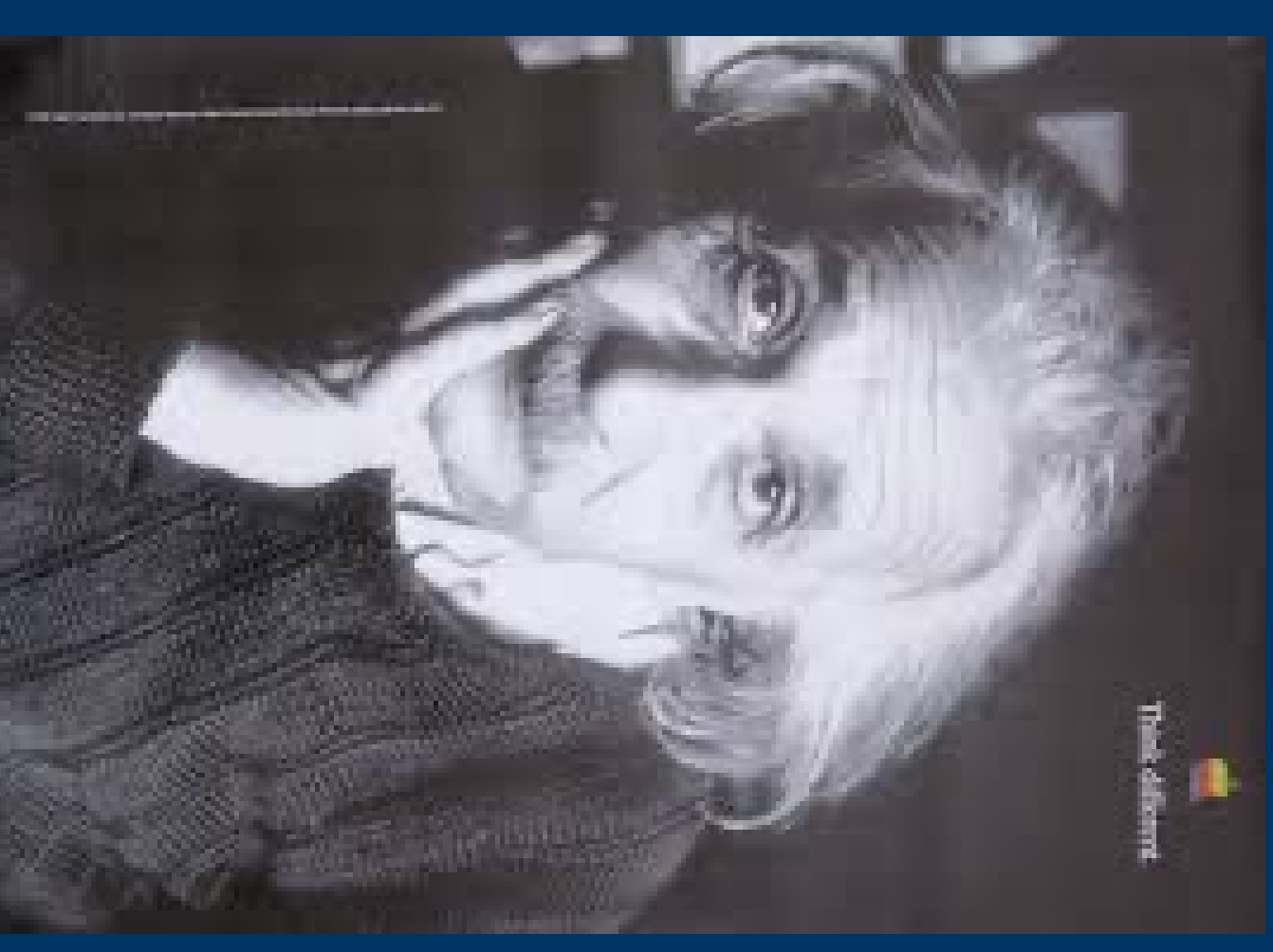
Shouldn't Council's ideal outcome to this dispute be a compromise, a win-win for everyone?!

As the famous Apple Ad points out "Think Different"

The easy thing, and maybe the standard course of Council , might be to just vote today, approve it, move on. But perhaps the right thing, might be to consider another path - truly look into our compromise - see if it could be feasible and m

You could either grant us a continuance today or approve the project with our proposed changes -

There are other options than a binary yes/no vote today



Our Appeal to City Council

We are appealing to you as OUR City Council, as our elected representatives, to protect us against a potentially harmful project which we realistically have to do so on our own.

It is incumbent on the Council to analyze and assess the viability of having the developers of the proposed Waypoint 5 make the changes that we have as they say.

Who else can we turn to for that analysis, if not our elected representatives?

The developer will likely respond saying that the requested changes would make the project unviable - don't take their word for it though - the factual ar

*Increased costs are actually an argument for both sides. If this development is allowed to be built as currently planned, the property value of our homes is going to drop. Not to mention, many of the neighbors would be pouring money into large trees and barrier screens to block the unsightly buil

Reasons to grant a continuance today:

- Though we have searched the City's records and asked city staff, we have yet to find the 2007 contract between the city
- This vote is supposed to be on a major modification - but to what? Where is the paper trail of the original agreement that
- To have a cost analysis done and feasibility study done of putting the parking garage underground and limiting access to

In Conclusion:

We our fighting for our homes, OUR HOMES!!!

We are fighting for the historical integrity and future viability of our neighborhood.

We are fighting for homeowners like the Ikedas who donated \$1million for the Ikeda Theatre in downtown Mesa.

We are fighting for the neighbors who are in their 90s now and are not capable of getting on a Zoom call.

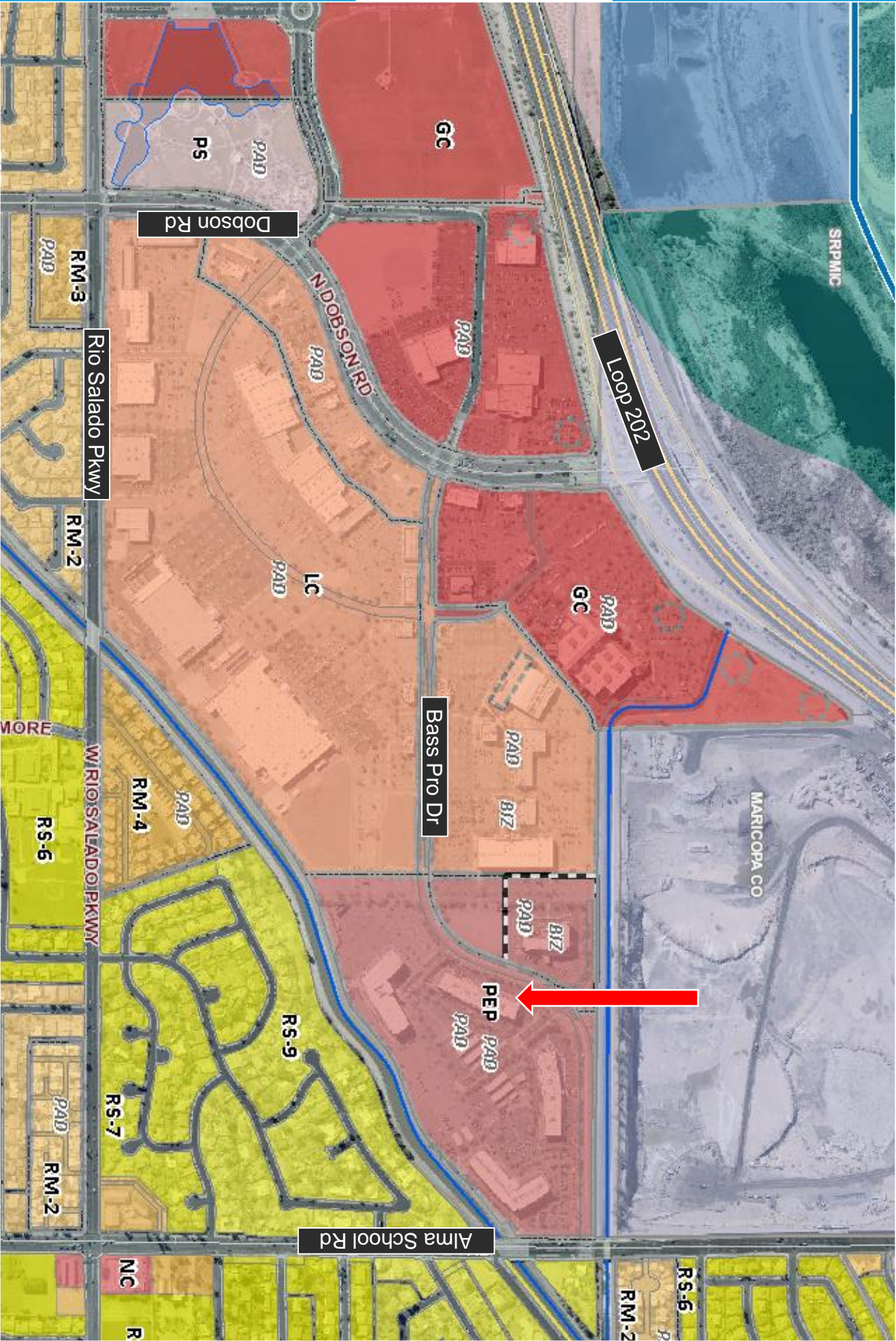
The way you vote today will effect what we and our children hear and see when trying to sleep at night.

The way you vote today will determine if our neighborhood is run down in 20 years from prospective buyers abstaining because they're not interested in a beautiful home with a view of a parking garage

The developer will build and then sit in their New York office collecting rent money every month, you will vote and then move on to the next agenda item, but we will have to live with the effect of whatever is built every single day - the new extension of our backyard is being decided by City Council

If this was being built in your backyard you would fight with all you had to come up with an actual compromise with the developer, just as we are. Why do you think there was a proper compromise agreed upon in 2007 when the Mayor at the time lived in our neighborhood?

Please either vote for a continuance or suggest an amendment to the proposed development that includes an underground parking garage with only one story above ground and a 2 story commercial building consistent with the majority of the other buildings already in place.

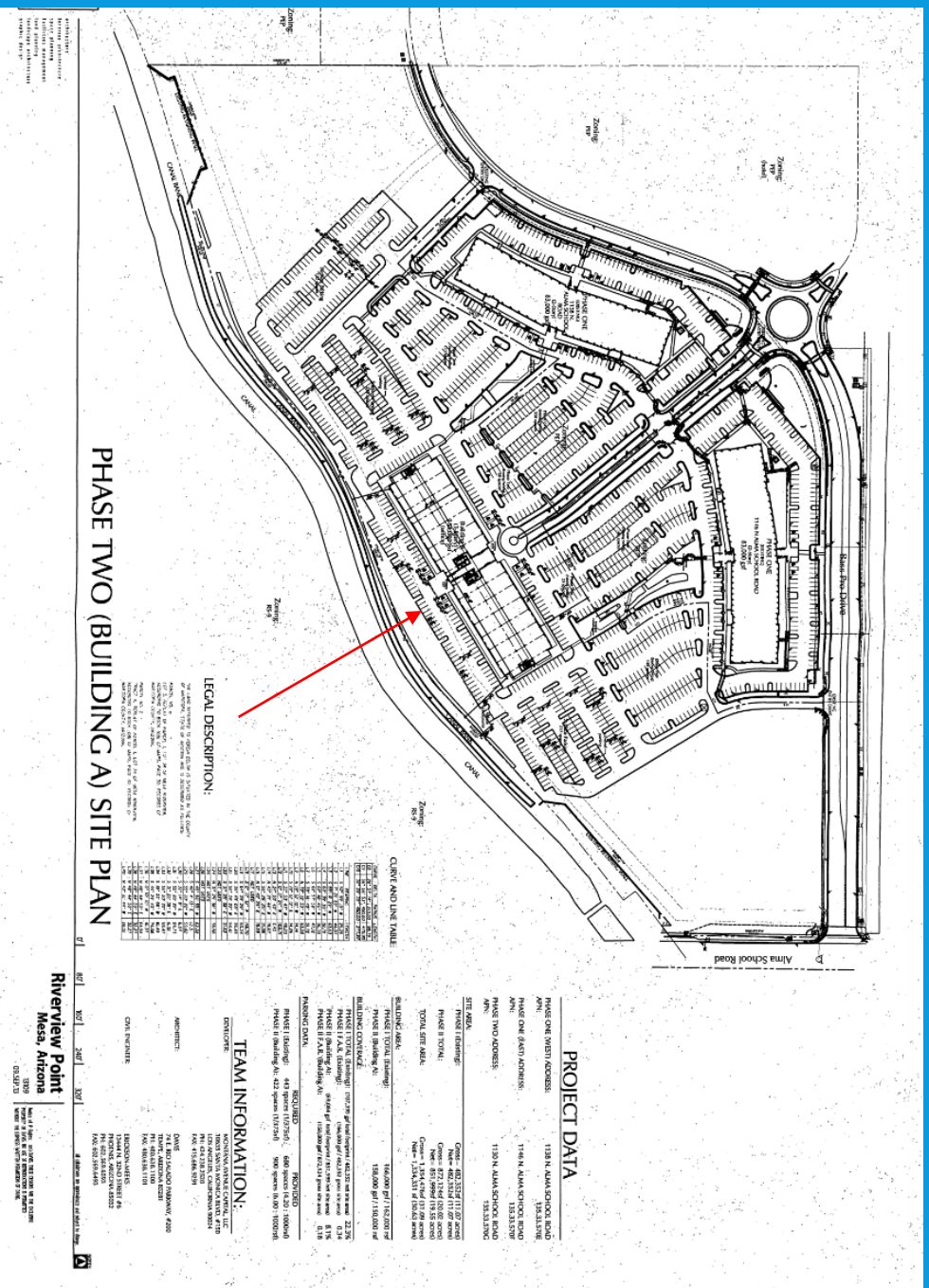


KEY QUESTIONS?

- Is proposed building height permitted by zoning?
- Is proposed building height greater than current buildings?
- Are there any height restrictions by code or other documents?
- Why is the office parking ratio critical?
- Why does planning staff, Economic Development, and P&Z Commission recommend approval?

2013 Admin Approval

- 159,000 sf building
- 50' tall
- Next to canal





WAYPOINT 5 PROPOSAL



- 3-story Class A Office
- 26' to 37' tall garage (same location as prior plans)
- Similar design as existing office park
- Heights per PEP zoning and consistent with existing buildings

COMMUNITY FEEDBACK

- Garage Height
- Screening on garage structure
- Parking ratio
- Solar canopies
- Pole Lighting
- Vehicle Lighting
- Trash Location
- Landscape along canal
- Line of sight study
- Photo Exhibits & Simulations

ADDITIONAL ACTIONS

- 2 Virtual neighbor meetings
- 2 in-person meetings with neighbors
- Backyard visits
- Drone Footage
- Site Photos & Renderings
- Plan Revisions
- Market Research & Ongoing Discussions

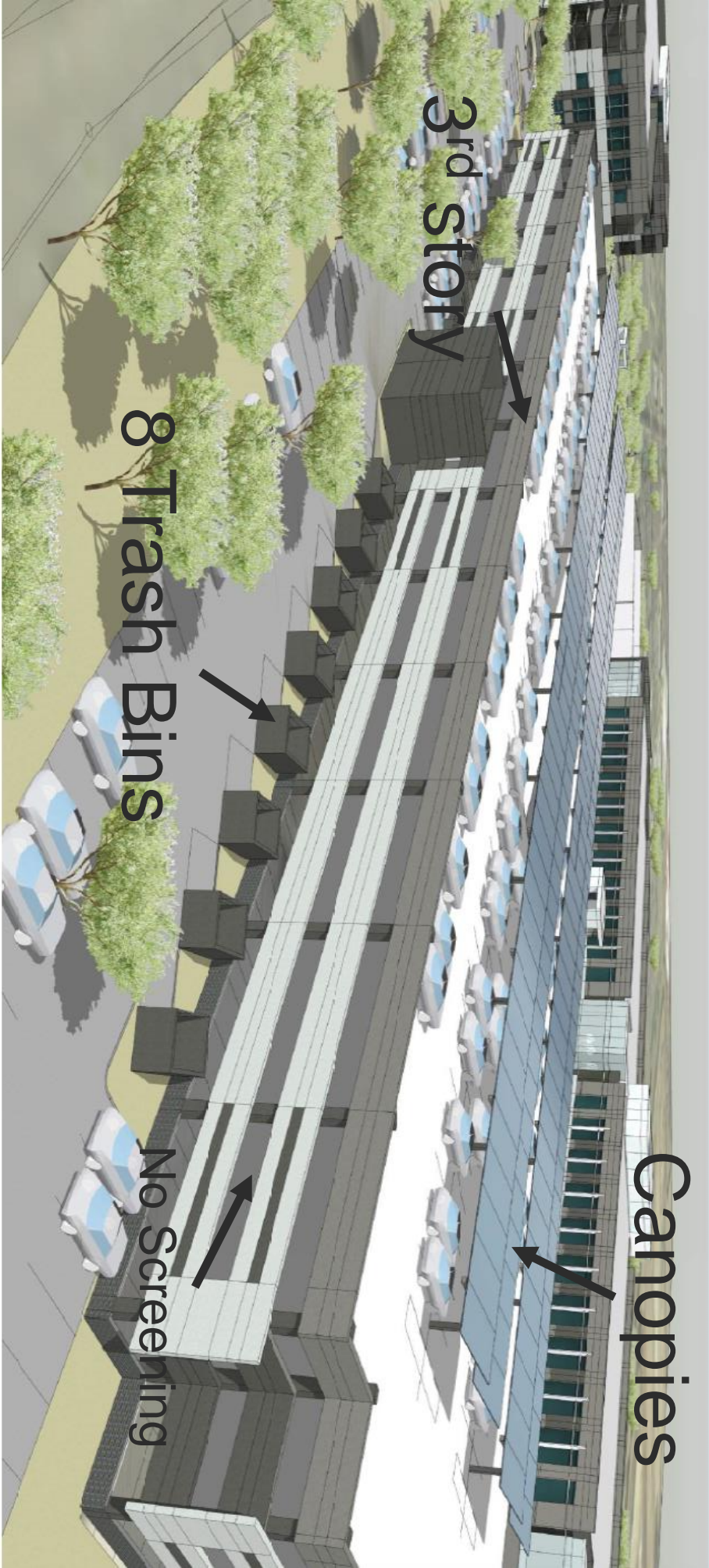
CHANGES & IMPROVEMENTS

1. Lowered the garage one level on the south side down to 26'.
2. Removed solar panel structures atop garage.
3. Added panel screening on the south face of the garage.
4. Changed the colors on the south face to be more muted.
5. Removed the refuse enclosures from south side of garage.
6. Enlarged the landscape islands along the south face of the garage from 8' to 10' wide.
7. Reduced overall parking by 120 spaces.
8. Increased the number of trees in the landscape area along the canal.
9. Added a pedestrian path in the landscape area along the canal.
10. Continue to refine garage architecture.

Before

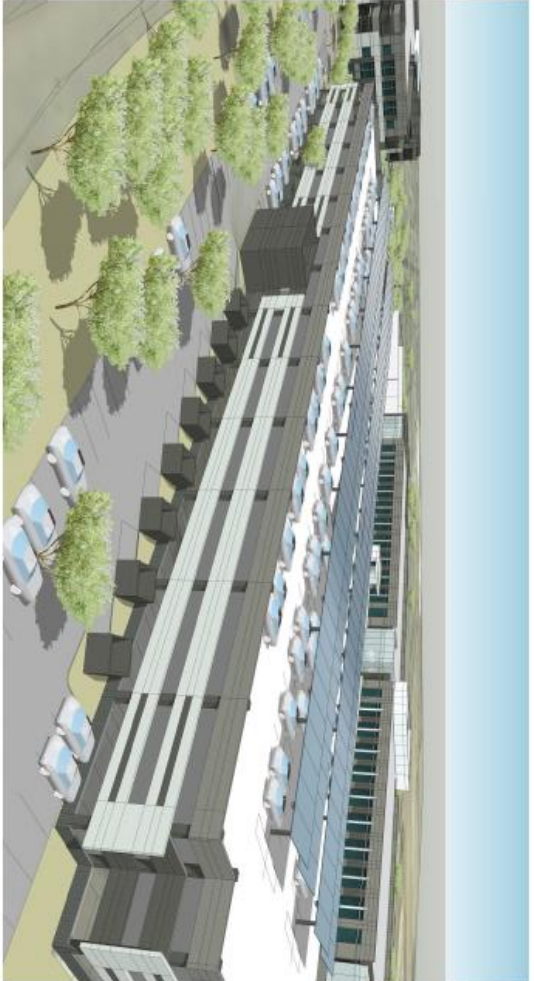
Solar

Canopies



After





Previous Design



New Design



Previous Design



New Design

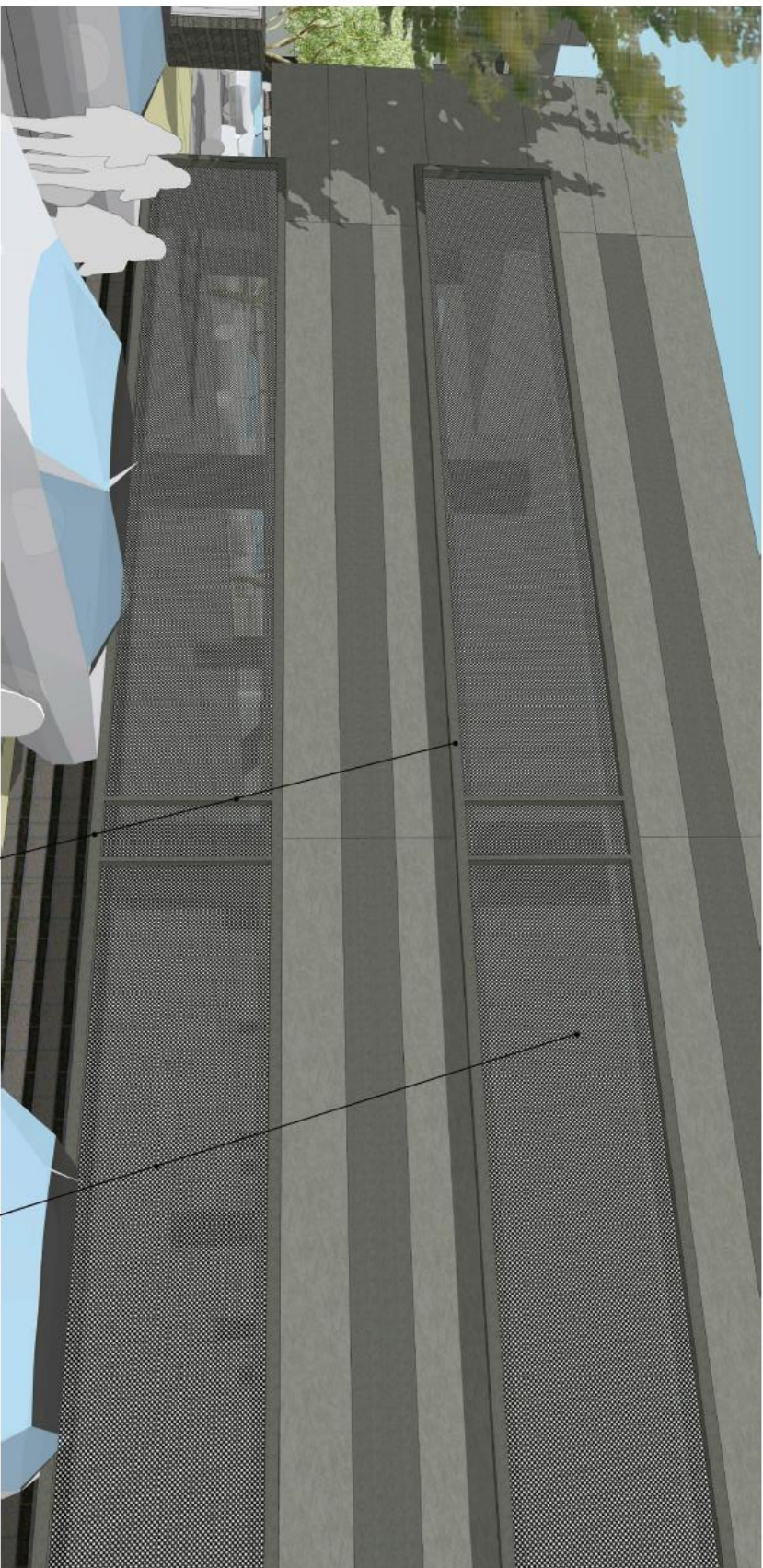
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14111-2-22-21



BEFORE GARAGE SCREENING



Tube Steel Frame and Accent Pieces
(finish to match Benjamin Moore #2112-40 Stone)

Perforated Metal Infill Panels
(finish to match Benjamin Moore #2112-40 Stone)



Perforated Metal Material Examples

Parking Structure Screening Panels

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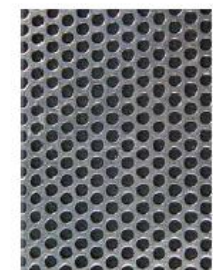


AFTER GARAGE SCREENING



Tube Steel Frame
(finish to match Benjamin Moore #2121-50 'Egg Cello Silver')

Perforated Metal Infill Panels
(finish to match Benjamin Moore #2112-50 'Stormy Monday')



Perforated Metal Material Examples

Parking Structure Screening Panels

WAYPOINT 5- Mesa, Arizona

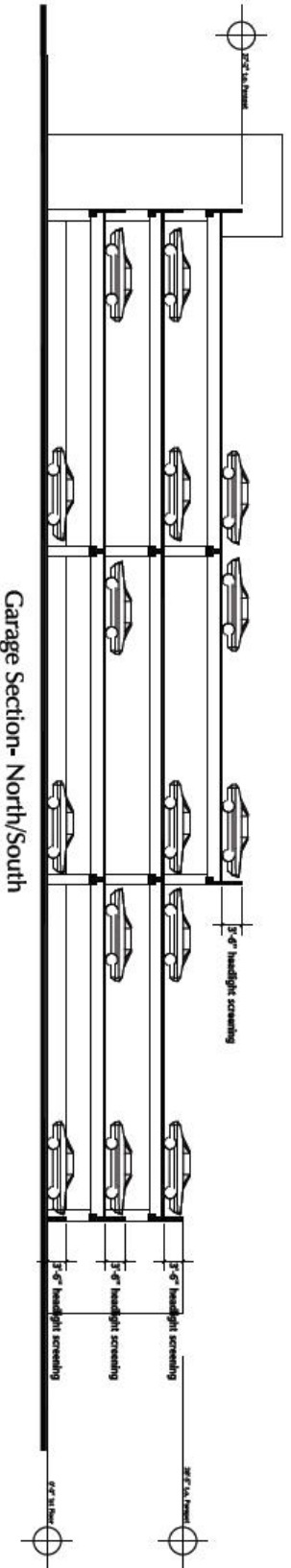
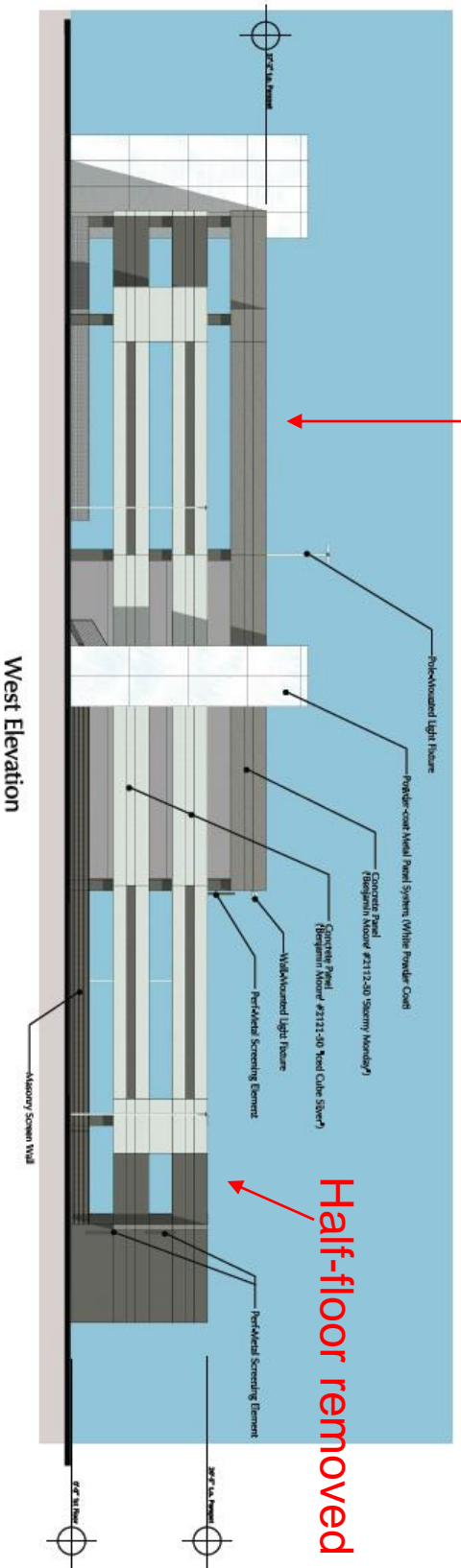
Model of Perforated Metal Screening Panels. THESE DESIGNS ARE THE EXCLUSIVE PROPERTY OF DAVIS. NO USE OR REPRODUCTION IS PERMITTED WITHOUT THE EXPRESS WRITTEN PERMISSION OF DAVIS.

144111-2-18-21



Solar Removed

Half-floor removed



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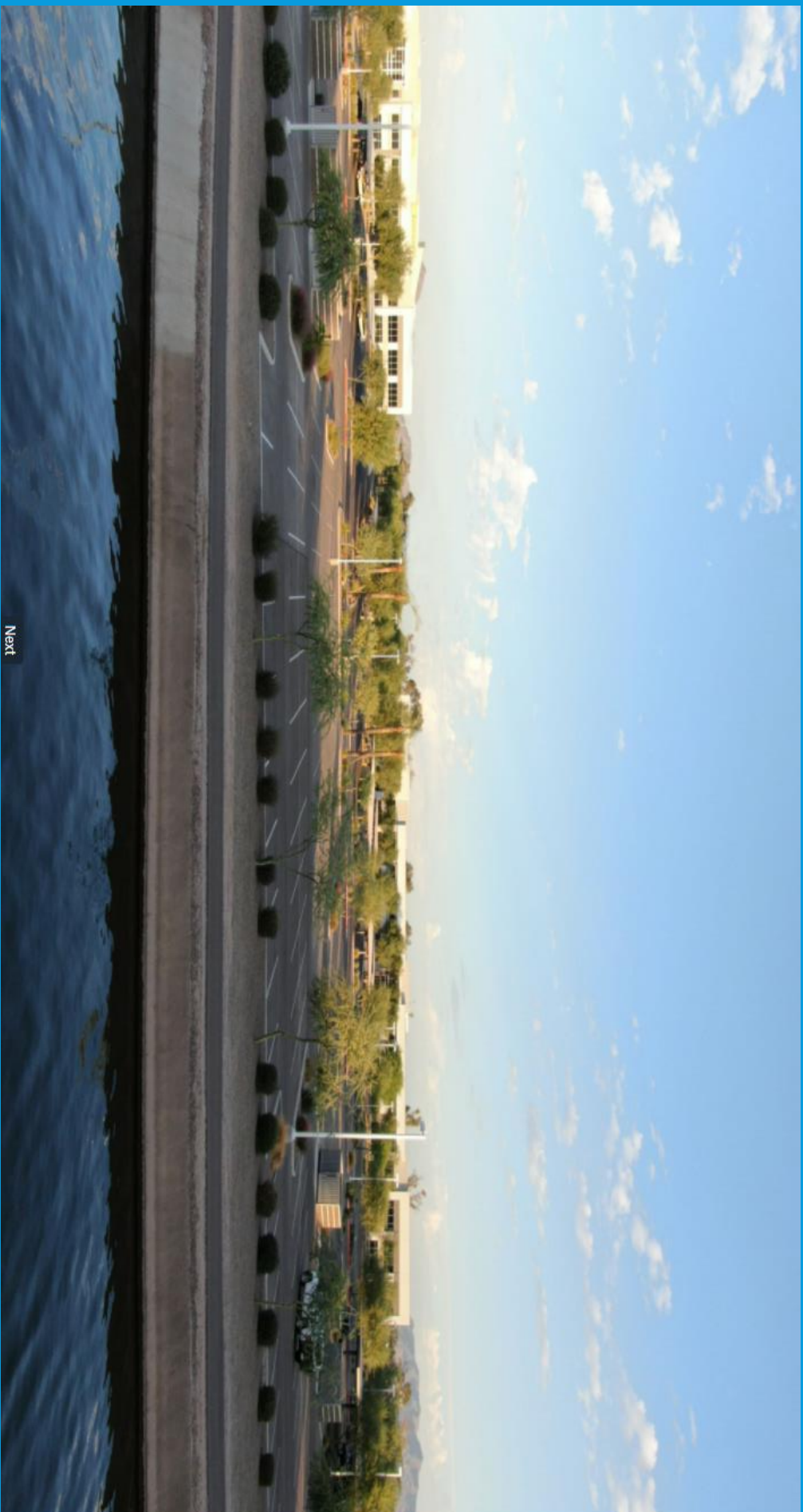
Parking Structure Section



14111-1-11-21



CURRENT PHOTO (CENTER)



Next

AFTER PHOTO SIMULATION (CENTER)



CURRENT PHOTO (EAST)



AFTER PHOTO (EAST) SIMULATION



HEIGHTS?

- Same proposed height as current buildings
- Height of office buildings next door
 - West: 50'
 - East: 35'
- New building: 50'
- Garage Height
 - South side: 26'
 - North side: 37' (stairwells 44')

PARKING RATIOS?

Other comparable office developments:

- Chaparral Commerce Center: 7.34 / 1,000 sf
- Union: 6 / 1,000 sf
- Rio 2100: 6 / 1,000 sf
- The Grand at Papago: 5 / 1,000 sf
- The Watermark: 5 / 1,000 sf
- Novus: 5 / 1,000 sf

Competitive Marketplace

- Existing Waypoint: 5.63 / 1,000 sf
- Proposed Waypoint: 4.84 / 1,000 sf

- Avg (other): 5.76
- Waypoint: 4.84
- 19% below avg

KEY QUESTIONS?

- Is proposed building height permitted by zoning?
- Is proposed building height greater than current buildings?
- Are there any height restrictions by code or other documents?
- Why is the office parking ratio critical?
- Why does planning staff, Economic Development, and P&Z Commission recommend approval?

CONSISTENT WITH...

- General Plan
- Mixed Use Activity character area

The proposed development of an office building conforms to the goals of the Mixed-Use character area with the regional scale district sub-type designation. Specifically, the development is planned to be occupied by various professional office users which will likely create employment opportunities in the area, as well as attract people from the larger region to the area to conduct commercial activities.

Staff reviewed the request and determined it is consistent with the development review criteria outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

IN SUMMARY...

- Consistent with General Plan
- Consistent with existing PEP Zoning,
- Consistent with existing PAD Overlay,
- Heights consistent with existing office park
- Complies with site plan review criteria
- Key city initiative to attract employment and high wage jobs
- Staff Recommendation

Staff Recommendation:

Based on the application received and the proceeding analysis, staff finds the subject request is consistent with the General Plan and the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO. Therefore, staff recommends approval with the following conditions:

Q & A



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14111- 5-1-20



LANDSCAPE PERSPECTIVE



20-0531

Lincoln Property Company

Waypoint 5

Mesa, Arizona

Landscape Perspective

L-0.02
10.06.2020



LANDSCAPE PERSPECTIVE



20-0531

Lincoln Property Company

Waypoint 5

Mesa, Arizona

Landscape Perspective

L-0-05
10.06.2020



LANDSCAPE PERSPECTIVE



1531

Lincoln Property Company

Waypoint 5

Mesa, Arizona

Landscape Perspective

L-0.03
10.06.2020





WAYPOINT 5- Mesa, Arizona

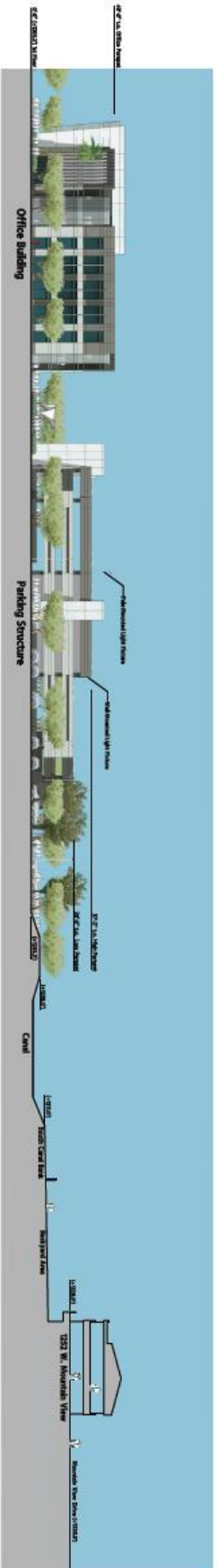
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Sight Line Study - C



Sight Line Study - B



Sight Line Study - A



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