

COUNCIL MINUTES

January 22, 2024

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on January 22, 2024, at 5:45 p.m.

COUNCIL PRESENT

John Giles
Francisco Heredia
Jennifer Duff
Mark Freeman
Alicia Goforth
Scott Somers
Julie Spilsbury

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Holly Moseley
Jim Smith

Mayor's Welcome.

Mayor Giles conducted a roll call.

Invocation by Reverend Ann Lyter with Velda Rose United Methodist Church.

Pledge of Allegiance was led by Mayor Giles.

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 Freeman, seconded by Councilmember Spilsbury, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

AYES – Giles–Heredia–Duff–Freeman–Goforth–Somers–Spilsbury

NAYS – None

Carried unanimously.

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

Minutes from the January 8, 2024, Study Session, and January 8, 2024, Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. Save the Family Foundation of Arizona

This is a one-day event to be held on Saturday, February 17, 2024, from 11:00 A.M. to 5:00 P.M. at the Mesa Convention Center's north lot located 359 North Center Street. **(District 4)**

*3-b. Family Dollar #25078

A general merchandise retailer is requesting a new Series 10 Beer and Wine Store License for Family Dollar Inc., 1021 East Main Street - Anita Martinez, agent. There is no existing license at this location. **(District 4)**

4. Take action on the following contracts:

*4-a. One-Year Term Contract for Dynamo Playground Equipment Repair and Replacement Parts for the Parks, Recreation and Community Facilities Department (Sole Source). **(Citywide)**

The City has seven parks that have playground equipment manufactured by Dynamo Industries. This contract will provide maintenance, repairs, and add-on equipment for all of the City's Dynamo playground equipment.

The Parks, Recreation and Community Facilities Department and Purchasing recommend awarding the contract to the sole source vendor, Dynamo Industries, at \$300,000 annually, based on estimated usage.

*4-b. Purchase of a Large Explosive Ordinance Disposal (EOD) Robot (Replacement) for the Mesa Police Department. **(Citywide)**

The Police Department's Bomb Team operates as a Regional Response Team which responds to calls for services within several other cities in the valley. During certain situations, the team uses EOD robots to respond to potential threats. This purchase will replace the Department's existing, older EOD robot with one that has cutting-edge technology for safeguarding our communities.

A committee representing the Police Department and Purchasing evaluated responses and recommend awarding the contract to the highest-scored proposal from Remotec Inc. at \$415,000, based on requirements. This purchase is funded by Grant Funds and General Funds.

*4-c. Cooperative Contract Use for the Purchase of One Heavy-Duty Backhoe Loader (Replacement) for the Energy Resources Department. **(Citywide)**

This purchase is for a new backhoe loader that will support Gas Utility. It is a critical piece of equipment used for many functions at job sites such as excavation and backfill

of gas mains/services, moving and positioning of steel plates, installation and removal for shoring in bell holes, carrying heavy equipment to job sites, and job site clean-up.

The Fleet Services and Energy Resources Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Empire Southwest, LLC dba Empire Machinery (a Mesa business) for \$172,582.92, based on estimated requirements. This purchase is funded by the Utility Replacement Extension & Renewal Fund.

- *4-d. Ratification of the Emergency Purchase for Fiber Optic Cabling Repairs for the Engineering Department. **(Citywide)**

On October 23, 2023, a subcontractor for Gigapower, LLC struck and damaged City fiber optic cables during directional drilling to install new conduits, resulting in a brief broadband outage and posed the potential for additional disruptions. This damage significantly impacted City conduits and the fiber optic network, which is vital for public safety, and presented a heightened risk of losing connectivity at key sites. In response, the City employed BPG Technologies for the urgent repairs on the affected conduit and fiber optic cables.

The Engineering Department and Purchasing recommend ratifying the purchase using the State of Arizona contract with BPG Technologies, LLC for \$111,540. This purchase is funded by Subcontractor Reimbursement.

- *4-e. Cooperative Contract Use for the Purchase of Two Crew Cab Utility Service Trucks (Replacements) for the Energy Resources and Water Resources Departments. **(Citywide)**

This purchase will provide two 2025 Utility Service Trucks to support Gas Utility's and Water Utility's daily operations. The new trucks will be replacing trucks that have met the established replacement criteria.

The Fleet Services, Water Resources, and Energy Resources Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Freightliner of Arizona, LLC for \$572,517.42. This purchase is funded by the Utility Replacement Extension & Renewal Fund - Gas and Water Sub Funds.

- *4-f. Nine-Month Term Contract for Public Safety Microwave Radio Network Equipment **(Lifecycle Replacement/Upgrade)** for the Department of Innovation and Technology. **(Citywide)**

The City operates a point-to-point microwave radio network that complements the City's fiber optic network. The City's microwave project will upgrade fifteen of the microwave links that have equipment that is no longer supported by the manufacturer and does not support the transmission protocols and bandwidths required for current and future technologies. This contract will support the first three microwave link upgrades. The requested equipment is for radio tower communication sites throughout the TOPAZ Regional Wireless Cooperative (TRWC) and is part of a multi-year improvement plan.

Department of Innovation and Technology and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Aviat U.S., Inc. at \$300,000, based on estimated requirements. Costs are shared between members of the TRWC (City of Mesa 65.37%, Town of Gilbert 16.52%, City of Apache Junction 10.45%,

Fort McDowell Yavapai Nation 1.71%, Superstition Fire & Medical District 0.82%, Town of Queen Creek 5.09%, and Rio Verde Fire District 0.04%).

- *4-g. Three-Year Term Contract with Two Years of Renewal Options for Repair and Refurbishment Services for Metal Bins and Roll-Off Containers for the Solid Waste Department. **(Citywide)**

This contract will provide repair and refurbishment services for the City's metal bins used to service commercial solid waste customers. The City owns approximately 5,000 metal front load bins and approximately 300 per year need to be repaired or refurbished before being placed back into service.

A committee representing the Solid Waste Department and Purchasing evaluated responses and recommend awarding the contract to the highest-scored proposal from Southlands Engineering, LLC at \$250,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-h. Dollar Limit Increase to the Term Contract for Renewal Options for Residential Refuse and Recycling Containers for the Solid Waste Department. **(Citywide)**

This increase is requested to offset additional costs associated with a new barrel contract that has decreased credits to the City under the barrel buy-back program, the completion of two large trailer park barrel conversion projects in late 2023, and to stay ahead of anticipated service demand-led growth.

The Solid Waste Department and Purchasing recommend increasing the dollar limit with Duramax Holdings, LLC dba Otto Environmental Systems; Schaefer Plastics North America, LLC; Rehrig Pacific Company; and Tank Holding Corp. dba Snyder Refuse Years One through Three by \$360,000 annually for Mesa, from \$1,640,000 to \$2,000,000 annually, based on estimated usage, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

5. Take action on the following resolutions:

- *5-a. Modifying fees and charges for the Police Department by establishing a new fee of \$46 per hour of video reviewed, prorated by the minute, for public records requests of police video recordings. **(Citywide)** – Resolution No. 12144
- *5-b. Approving and authorizing the City Manager to accept funds of \$1,061,626.00 for non-functional turf removal at City of Mesa parks through a grant agreement with the Water Infrastructure Finance Authority of Arizona. **(Citywide)** – Resolution No. 12145
- *5-c. Approving a Substantial Amendment to the City of Mesa's Annual Action Plan for FY 2022/2023 and FY 2023/2024 and authorizing the City Manager to sign and submit the Amendment to the U.S. Department of Housing and Urban Development (HUD). **(Citywide)** – Resolution No. 12146
- *5-d. Extinguish portions of a 17-foot public utility easement, a 20-foot public utilities and facilities easement, and a 50-foot public utilities and facilities easement located at 1836 West Main Street to allow for construction of a multi-family development, requested by the property owner. **(District 3)** – Resolution No. 12147

- *5-e. Extinguishing a portion of a 10-foot sewer easement located at 1461 West Southern Avenue to allow for construction of a new medical office building, requested by the property owner. **(District 3)** – Resolution No. 12148
- *5-f. Extinguishing the following easements located at 3729 South 79th Street: a sewer easement, an emergency and service access easement, portions of a drainage easement, and two vehicular non-access easements dedicated on Lots 140, 141 and Tract A of a replat for Hawes Crossing Village 2- Parcel B to correct an error to the dimensions of Lots 140 and 141 on the subdivision plat, requested by the developer. **(District 6)** – Resolution No. 12149

6. Discuss, receive public comment, and take action on the following ordinances:

- *6-a. ZON22-00054 "Agritainment District at Pioneer Crossing." **(District 1)** Within the 3600 to 3800 blocks of East Thomas Road (south side), within the 3400 to 3600 blocks of North Val Vista Drive (both sides). Located south of Thomas Road on the east and west sides of Val Vista Drive (17.7± acres total). Rezone 13.8± acres from Single Residence-6 with a Planned Area Development overlay (RS-6-PAD) to Multiple Residence-2 with a Planned Area Development overlay (RM-2-PAD). This request will correct the ordinance map for Ordinance No. 5683; Rezone 1.0± acres from Mixed Use with a Planned Area Development overlay (MX-PAD) to Single Residence-6 with a Planned Area Development overlay (RS-6-PAD). This request will modify the Pioneer Crossing Planned Area Development and allow for the development of a commercial development. This request will also correct the ordinance map for Ordinance No. 5683; Rezone 2.91± acres from Mixed Use with a Planned Area Development overlay (MX-PAD) to Mixed Use with a Planned Area Development overlay (MX-PAD) and Site Plan Review. Todd R/Lisa K Burden, Burden West Limited Partnership LLP, and Reserve 100 LLC, owners; Ralph Pew, Pew & Lake PLC, applicant. – Ordinance No. 5841

Staff Recommendation: Approval with conditions

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

- *6-b. ANX23-00480 **(District 5)** Annexing property located west of Ellsworth Road on the north side of Southern Avenue (4± acres). This request has been initiated by the applicant, Shaine Alleman, Tiffany & Bosco P.A., for the owners, Coconut Properties LLC, and Bart Clune Dillon. – Ordinance No. 5844
- *6-c. ZON23-00478 "88 Southern Townhomes." **(District 5)** Within the 8800 to 9000 blocks of East Southern Avenue (north side) and within the 1100 block of South 88th Street (east side). Located west of Ellsworth Road on the north side of Southern Avenue (4.4± acres). Rezone from Agriculture (AG) to Multiple Residence-2 with a Planned Area Development Overlay (RM-2-PAD) and Site Plan Review. This request will allow for a multiple residence development. Coconut Properties LLC and Bart Clune Dillon, owners; Shaine Alleman, Tiffany & Bosco P.A., applicant. – Ordinance No. 5843

Staff Recommendation: Approval with conditions

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

7. Take action on the following subdivision plats:

- *7-a. See: **Items Not on the Consent Agenda.**

Items not on the Consent Agenda

- 7-a. SUB23-00820 "Cadence at Gateway Phase 3 - Parcel C1 & Tract C2." (District 6) Within the 10000 block of East Williams Field Road (north side) and within the 5900 block of South Crismon Road (east side). Located on the northeast corner of Williams Field and Crismon Roads (3.02± acres). PPGN-Crismon, LLLP, developer; Robert A. Johnston, EPS Group, surveyor.

Councilmember Somers requested Agenda Item 7-a be continued to the February 5, 2024, Regular Council meeting to allow staff to review the plat and ensure compliance with all applicable code requirements, as well as provide a supplemental report. He suggested that the Planning Department examine ways to ensure properties are not underutilized in order to prevent incompatible adjacent land uses, and to determine options to maximize and ensure the highest and best uses are built with the highest quality. He recommended the Planning Department consider requiring site plans and development agreements in a greater number of circumstances.

It was moved by Councilmember Freeman, seconded by Councilmember Somers, that SUB23-00820 "Cadence at Gateway Phase 3 - Parcel C1 & Tract C2 be continued to the February 5, 2024, Regular Council meeting.

Upon tabulation of votes, it showed:

AYES – Giles–Heredia–Duff–Freeman–Goforth–Somers–Spilsbury

NAYS – None

Carried unanimously.

8. Conduct a public hearing on the following minor General Plan amendment and zoning case, and take action on the respective resolution and ordinance related to the SEC Center Street & Lynwood Lane development:

- 8-a. Conduct a public hearing on minor General Plan amendment ZON23-00842 and zoning case ZON22-01274.

Mayor Giles announced that this was the time and place to conduct a public hearing on minor General Plan amendment ZON23-00842 and zoning case ZON22-01274.

There being no citizens wishing to address the Council, the Mayor declared this public hearing closed.

- 8-b. ZON23-00842 "SEC Center Street & Lynwood Lane." (**District 1**) Within the 2200 block of North Center Street (east side) and within the 2200 block of North Pasadena (west side). Located north of McKellips Road on the east side of Center Street (8.6± acres). Minor General Plan Amendment. This request will change the General Plan Character Area designation from Neighborhood with a Large Lot/Rural Sub-type and Neighborhood with a Manufactured Home Sub-type to Neighborhood with a Traditional Sub-type. Brighton Homes, owner; Sean Lake, Pew & Lake PLC, applicant – Resolution No. 12150

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (Vote: 7-0)

- 8-c. ZON22-01274 "SEC Center Street & Lynwood Lane." (**District 1**) Within the 2200 block of North Center Street (east side) and within the 2200 block of North Pasadena (west side). Located north of McKellips Road on the east side of Center Street (8.6± acres). Rezone 8.4± acres from Single Residence-43 (RS-43) to Small Lot Single Residence-3.0 with a Planned Area Development overlay (RSL-3.0-PAD) and 0.2± acres from Multiple Residence-4 (RM-4) to RSL-3.0-PAD. This request will allow for a single residence development. Brighton Homes, owner; Sean Lake, Pew & Lake PLC, applicant. Ordinance No. 5842 – Ordinance No. 5842

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (Vote: 7-0)

Mayor Giles stated that pending no objection of the Council, Items 8-b and 8-c will be voted on in one motion.

It was moved by Councilmember Freeman, seconded by Councilmember Somers, that Resolution No. 12150 and Ordinance No. 5842 be adopted.

Upon tabulation of votes, it showed:

AYES – Giles–Heredia–Duff–Freeman–Goforth–Somers–Spilsbury

NAYS – None

Carried unanimously.

9. Items from citizens present.

Brad Moore, a Chandler resident, stated his concerns regarding the senseless teen violence. He thanked the Mesa Police Department (MPD) for taking the lead on the investigation with Preston Lord and encouraged the MPD to assist the Town of Gilbert and Queen Creek Police Departments.

Alma Antolin, address unknown, reported that her son, Stephen Jacobo, was tragically murdered and the victim of escalating gun violence in the city. She emphasized while she appreciates the efforts of the MPD in apprehending the individual responsible for her son's murder, more proactive efforts are necessary. She urged the Council to prioritize the safety and well-being of children by implementing stronger measures.

Mark Jacobo, a Mesa resident, expressed his frustration with the investigation process surrounding the murder of his son, Stephen Jacobo. He asked why it takes the death of many juveniles in several Arizona cities to bring justice. He emphasized that children deserve to live full lives, and violence against children must be eradicated.

Mayor Giles commented that despite the fact that the Council cannot respond to concerns that are not on the agenda, the Council can ensure that citizens are connected to the appropriate resources within the MPD. He stated he is aware that charges have been refiled and that the individual is in custody and assured that the MPD will do everything possible for a successful prosecution.

The following citizens submitted comment cards in support of justice for Stephen Jacobo and the teen violence prevention:

- Jaime Orr, an Apache Junction resident.

- Roselyn Delgado, address unknown.
- Dillon Tinker, a Chandler resident.
- Alexia M. Dean, a Mesa resident.
- Amoni Felix, a Queen Creek resident.
- Michelle Jacoby, a Gilbert resident.
- Lupta Gomez, a Mesa resident.
- Angel Garcia Porras, a Mesa resident.
- Dominik Jacobo, an Apache Junction resident.

Mayor Giles stated that preventing teen violence is a priority, and it is painful for the Council not to be able to respond at this time.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:09 p.m.

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 Regular Council Meeting of the City Council of Mesa, Arizona, held on the 22nd day of January 2024. 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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