



# COUNCIL MINUTES

June 19, 2023

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 19, 2023, at 5:49 p.m.

## COUNCIL PRESENT

John Giles  
Jennifer Duff  
Alicia Goforth  
Julie Spilsbury  
Scott Somers

## COUNCIL ABSENT

Francisco Heredia  
Mark Freeman

## OFFICERS PRESENT

Christopher Brady  
Holly Moseley  
Jim Smith

Mayor's Welcome.

Mayor Giles conducted a roll call.

Mayor Giles excused Councilmembers Heredia and Freeman from the entire meeting.

Mayor Giles led a moment of silence, Followed by the Pledge of Allegiance.

Awards, recognitions, and announcements.

Mayor Giles announced that the City hosted a Juneteenth Celebration event at The Studios @ Mesa City Center prior to this meeting where a proclamation was presented declaring June 19<sup>th</sup> as the Juneteenth Celebration Day.

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

Upon tabulation of votes, it showed:

AYES – Giles–Duff–Goforth–Spilsbury–Somers

NAYS – None

ABSENT – Heredia–Freeman

Mayor Giles declared the motion carried unanimously by those present.

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

Minutes from the April 13, April 20, April 27, May 4 and May 11, 2023, Study Sessions; and June 5, 2023, Regular Council meeting.

3. Take action on the following liquor license applications:

\*3-a. Awesome Vape & Smoke Shop

A tobacco smoke shop is requesting a new Series 10 Beer and Wine Store License for MP Smoke Trade LLC, 1239 South Higley Road Suite 104-105 - Jeffrey Craig Miller, agent. There is no existing license at this location. **(District 2)**

4. Take action on the following bingo application:

\*4-a. Dorado Canyon Residents Association Inc.

Lavern D. Shepard, Sr., president; 3300 East Broadway Road (Clubhouse). **(District 2)**

5. Take action on the following contracts:

\*5-a. Three-Year Term Contract with Two Years of Renewal Options for Downtown Decorative LED Fixtures for the Transportation Department. **(Citywide)**

This contract will provide decorative LED streetlight fixtures as part of the downtown LED conversion project and for replacement of failed streetlights.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, Clark Electric Sales, Inc. dba Clark Transportation Solutions at \$354,000 annually, with an annual increase allowance of up to 5% or the adjusted Producer Price Index. This purchase is funded by the Local Streets Fund.

\*5-b. Use of a Cooperative Contract for a One-Year Term Contract with Two Years of Renewal Options for Irrigation Control Parts, Supplies, and Repairs for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide irrigation parts, replacement equipment, new equipment purchases, and repairs to continue supporting the over 249 Motorola IRRInet Irrigation Control systems in City parks and facilities. This contract will also provide support for the department's Enterprise Application Software.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the purchase using the Buy Board cooperative contract with Interspec, LLC at \$300,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

\*5-c. Dollar Limit Increase to the Three-Year Term Contract with Two Years of Renewal Options for Stagehand Temporary Worker Services for the Arts and Culture Department. **(Citywide)**

Mesa Arts Center has requested an increase to accommodate current theater activity, projected price increases, and potential activity increases.

The Arts and Culture Department and Purchasing recommend increasing the dollar limit with UTP Productions, Inc. by \$300,000, from \$500,000 to \$800,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- \*5-d. Dollar Limit Increase to the Term Contract with Two Years of Renewal Options for Structural/Extrication Personal Protective Equipment for the Mesa Fire and Medical Department (MFMD). **(Citywide)**

MFMD is requesting the increase to accommodate a Fall academy, including an extrication set not done in previous academies; recent price increases from vendors; turnout gear that will age out (66 sets), meeting the 10-year NFPA guidelines for replacement; and the new RedZone turnout gear, which costs more than the previous, older-style turnout gear.

The MFMD and Purchasing recommend increasing the dollar limit, Year 3 by \$430,000, from \$575,000 to \$1,005,000 annually with Freightliner of Arizona, LLC dba Velocity Fire Equipment; L.N. Curtis & Sons; Matlick Enterprises dba United Fire Equipment Company; and Municipal Emergency Services, Inc., based on estimated usage, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index. This purchase is funded by the MFMD operating budget and the Public Safety Sales Tax Fund.

- \*5-e. Dollar Limit Increase to the 7-Month Term Contract with a One-Year Renewal Option Using a Cooperative Contract for the Purchase of Gasoline and Diesel Fuel for the Fleet Services Department. **(Citywide)**

This contract provides an additional vendor to supply unleaded gasoline and diesel fuel deliveries as a backup source. Over the past ten months, there have been multiple interruptions in the fuel supply chain, leading to the need to obtain multiple vendors on contract to provide liquid fuel to the City. This increase is requested to pay existing invoices and provide purchase capacity in the event of additional supply chain disruptions.

The Fleet Services Department and Purchasing recommend increasing the dollar limit using the State of Arizona contract with Saratoga Rack Marketing, LLC by \$3,500,000 from \$1,025,000 to \$4,525,000 for the remaining contract term.

6. Take action on the following resolutions:

- \*6-a. Levying the amount to be collected by a secondary property tax and the rate upon each one hundred dollars (\$100) of assessed valuation of property subject to taxation within the City of Mesa for the fiscal year ending June 30, 2024. **(Citywide)** – Resolution No. 12049
- \*6-b. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Town of Gilbert to jointly fund a 15% design concept for a Materials Recovery Facility and Transfer Station located at the northwest corner of Pecos Road and Sossaman Road for the sorting and processing of recyclable materials. The total

cost for a 15% design concept is estimated at \$400,000 with Mesa's cost estimated at \$200,000. **(District 6)** – Resolution No. 12050

- \*6-c. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Maricopa County Library District (MCLD) for the Library Assistance Program. This program allows municipal libraries to purchase library materials through MCLD in exchange for allowing non-residents access to library materials. **(Citywide)** – Resolution No. 12051
- \*6-d. Approving and authorizing the City Manager to enter into a Lease Agreement with Regional Malt, LLC to lease a portion of certain City-owned property located near the northwest corner of North Center Street and West Main Street, between 18 West Main Street and 30 West Main Street (APN 138-36-011), for use and improvements related to the opening of a new business at 18 West Main Street. **(District 4)** – Resolution No. 12052
- \*6-e. Approving and authorizing the City Manager, pursuant to Section 205(D) of the Mesa City Charter and Ordinance No. 5704, to enter into a Memorandum of Understanding for fiscal years 2023 through 2026 with the United Mesa Fire Fighters Association relating to wages and other forms of direct monetary compensation, hours, non-health related benefits and working conditions not covered under state or federal laws or City Personnel Rules. – Resolution No. 12053
- \*6-f. ZON23-00221 "Mesa Mercado Medical Office" **(District 3)** Within the 1200 block of South Longmore (east side) and within the 1400 block of West Southern Avenue (south side). Located west of Alma School Road on the south side of Southern Avenue (1.0± acre). Major Site Plan Modification. This request will allow for a medical office development. Heather Roberts, Kimley Horn, applicant; BPC Larkspur Mercado, LLC, owner. – Resolution No. 12054

Staff Recommendation: Approval with conditions

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

- \*6-g. Modifying fees and charges for the City Clerk, Business Services, and Police Departments. **(Citywide)** – Resolution No. 12055
- \*6-h. Modifying fees and charges for the Arts and Culture Department. **(Citywide)** – Resolution No. 12056
- \*6-i. Modifying fees and charges for the Development Services Department. **(Citywide)** – Resolution No. 12057
- \*6-j. Modifying fees and charges for Falcon Field Airport. **(Citywide)** – Resolution No. 12058
- \*6-k. Modifying and adopting new fees and charges for the Mesa Fire and Medical Department. **(Citywide)** – Resolution No. 12059
- \*6-l. Modifying fees and charges for the Municipal Court. **(Citywide)** – Resolution No. 12060
- \*6-m. Modifying fees and charges for the Transportation Department. **(Citywide)** – Resolution No. 12061

7. Introduction of the following ordinances and setting July 3, 2023, as the date of the public hearing on these ordinances:

- \*7-a. ZON22-01340 "Residences at Dobson and Cubs Way" (**District 3**) Within the 900 block of North Dobson Road (west side) and within the 2000 block of West Riverview Auto Drive (east side). Located north of Rio Salado Parkway and west of Dobson Road (6.6± acres). Rezone from General Commercial with a Planned Area Development overlay (GC-PAD) to Multiple Residence-4 with a Bonus Intensity Zone overlay (RM-4-BIZ) and Site Plan Review. This request will allow for a multiple residence development. – Ordinance No. 5793

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 5-0)

- \*7-b. ZON22-01344 "La Mesita - Phase 4" (**District 3**) Within the 2200 block of West Main Street (north side). Located north of Main Street and west of Dobson Road (1± acre). Rezone from General Commercial (GC) and Multiple Residence-4 (RM-4) to General Commercial with a Bonus Intensity Zone (GC-BIZ), Council Use Permit, and Site Plan Review. This request will allow for a multiple residence development. Earl and Curley, applicant; A New Leaf Inc, owner. – Ordinance No. 5794

Staff Recommendation: Approval with conditions

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

- \*7-c. ZON22-01216 "Salad and Go" (**District 4**) Within the 1900 block of South Country Club Drive (west side) and within the 400 block of West Baseline Road (north side). Located north of Baseline Road on the west side of Country Club Drive (2.0± acres). Major Site Plan Modification and amending the conditions of approval on case Z99-070. This request will allow for a restaurant with a drive-thru facility. Travis Bousquet, Atwell, LLC, applicant; Avalon Base Country LLC, owner. – Ordinance No. 5795

Staff Recommendation: Approval with conditions

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

- \*7-d ZON22-01178 "Take 5 @ Ellsworth" (**District 5**) Within the 1200 to 1300 blocks of South Ellsworth Road (east side). Located south of Southern Avenue on the east side of Ellsworth Road (2.7± acres). Site Plan Modification and amending the conditions of approval on case Z05-033. This request will allow for a minor automobile/vehicle repair facility. Jesse Macias, M3 Design, LLC, applicant; LOWES HIW INC, owner. – Ordinance No. 5796

Staff Recommendation: Approval with conditions

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

8. Discuss, receive public comment, and take action on the following annexation and zoning ordinances and resolution relating to the proposed development "Legacy Gateway Hotels":

- \*8-a. ANX22-01007 (**District 6**) Annexing property located north of East Williams Field Road on the west side of State Route (SR) 24 Gateway Alignment (10.7± acres). Initiated by the applicant, Gammage and Burnham PLC, for the owners, Mesa BA Land LLC. – Ordinance No. 5772

**For continuance to the July 10, 2023 City Council meeting.**

- \*8-b. ZON22-01010 "Legacy Gateway Hotels" (**District 6**) Within the 9600 to 9900 blocks of East Williams Field Road (north side). Located north of Williams Field Road and west of the State Route (SR) 24 Gateway Freeway (10.7± acres). Council Use Permit and Site Plan Review. This request will allow for the development of multiple hotels and a retail pad. Gammage and Burnham, applicant; Mesa BA Land LLC, owner. – Ordinance No. 5773

Staff Recommendation: Approval with conditions

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

**For continuance to the July 10, 2023 City Council meeting.**

- \*8-c. A resolution approving and authorizing the City Manager to enter into a Development Agreement relating to the development project commonly known as "Legacy Gateway Hotels" that will be located approximately within the 9600 to 9900 blocks of East Williams Field Road. (**District 6**) – Resolution No. 12015

**For continuance to the July 10, 2023 City Council meeting.**

9. Discuss, receive public comment, and take action on the following annexation and zoning ordinances and resolution relating to the proposed development "The Block":

- \*9-a. ANX22-00922 (**District 6**) Annexing property located south of East Elliot Road on the west side of South Sossaman Road (272± acres). Initiated by the applicant, Sean Lake, Pew & Lake PLC, for the owners, Mesa AZ Industrial Owner, LLC, owner (formerly owned by B & K Land and Investment Company LLP). – Ordinance No. 5791

- \*9-b. ZON22-00921 "The Block" (**District 6**) Within the 7100 to 7600 blocks of East Elliot Road (south side) and within the 3600 to 4200 blocks of South Sossaman Road (west side). Located west of Sossaman Road on the south side of Elliot Road (272± acres). Rezone from Agriculture (AG) to Light Industrial with a Planned Area Development Overlay (LI-PAD) and Site Plan Review. This request will allow for the development of an industrial business park. Pew & Lake PLC, applicant; Mesa AZ Industrial Owner, LLC, owner (formerly owned by B & K Land and Investment Company LLP). – Ordinance No. 5792

Staff Recommendation: Approval with conditions

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

- \*9-c. A resolution approving and authorizing the City Manager to enter into a Development Agreement with Mesa AZ Industrial Owner, LLC related to development of approximately 273± acres of land located within the 7100 to 7600 blocks of East Elliot Road (south side), within the 3600 to 4200 blocks of South Sossaman Road (west side), and

generally located west of Sossaman Road on the south side of Elliot Road, for the primary purpose of prohibiting and limiting certain land uses and timing of offsite improvements. **(District 6)** – Resolution No. 12063

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

- \*10-a. Modifying and updating terms for the Electric Residential - Economy eligibility criteria. – Ordinance No. 5788
- \*10-b. Amending Table 1 in Title 5 (Business Regulations), Chapter 17 of the Mesa City Code, entitled Mesa Development Impact Fees, by removing the Wastewater Impact Fee from the table so as to confirm the discontinuation of this fee. **(Citywide)** – Ordinance No. 5789
- \*10-c. ANX23-00318 **(District 1)** Annexation of a portion of the county right-of-way on Val Vista Drive from Thomas Road to approximately 1800 feet south to the northern edge of the South Canal (3.95± acres). – Ordinance No. 5790

11. Take action on the following subdivision plats:

- \*11-a. SUB22-00722 “Map of Dedication of Pursuit Park” **(District 6)** Within the 3200 to 3400 blocks of South Signal Butte Road (west side). Located north of Elliot Road on the west side of Signal Butte Road. (65.8 ± acres). Signal Butte Industrial, LLC, developers; Shane R. Barnett, Barnett Land Surveying, LLC, surveyor.
- \*11-b. SUB22-00822 “Tyler Ranch at Pioneer Crossing” Final Plat **(District 1)** Within the 3800 block of North Val Vista Drive (east side). Located north of the Red Mountain 202 Freeway on the east side of Val Vista Drive (41.6± acres). Reserve 100, LLC, developer; Robert A. Johnston, EPS Group, surveyor.
- \*11-c. SUB22-00996 “Map of Dedication Val Vista Drive and Thomas Road” Final Plat **(District 1)** Within the 3500 to 3600 blocks of East Thomas Road and within the 3300 to 3600 blocks of North Val Vista Drive. Located west of Val Vista Drive on Thomas Road and south of Thomas Road on Val Vista Drive (5.45± acres). Burden Orchards Build to Rent, LLC, Reserve 100, LLC, and Burden West Limited Partnership, LLP, developers; Michael J. Pollock EPS Group, surveyor.

13. Discuss, receive public comment, and take action on the following zoning ordinance and resolution relating to the proposed development “Gateway East”:

- \*13-a. ZON22-01008 “Gateway East” **(District 6)** Within the 5300 to 6200 blocks of South Ellsworth Road (west side). Located south of Ray Road and west of Ellsworth Road (273± acres). Rezone from Light Industrial with a Planned Area Development Overlay (LI-PAD) to Light Industrial with a new Planned Area Development Overlay (LI-PAD) and Council Use Permit to allow for a commercial and industrial development. – Ordinance No. 5787

This request will replace the existing Williams Gateway Industrial Development Master Plan with a new Planned Area Development which will establish unique development standards, allow the proposed project to be phased, and allow for private streets. Wendy Riddell, Berry Riddell LLC, applicant; Phoenix-Mesa Gateway Airport Authority, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 5-0)

- \*13-b. A resolution approving and authorizing the City Manager to enter into a Development Agreement with the Phoenix-Mesa Gateway Airport Authority related to development of approximately 273-acres of land located within the 5300 to 6200 blocks of South Ellsworth Road, and generally located south and west of the southwest corner of Ellsworth Road and the SR-24 Freeway, for the primary purpose of prohibiting and restricting certain land uses with the prohibition for contractors yards as discussed at the Study Session. **(District 6)** – Resolution No. 12062

**Items not on the Consent Agenda**

**12. Take action on the following contract:**

Mayor Giles yielded the gavel to Councilmember Duff for action on this agenda item.

- 12-a. Southeast Water Reclamation Plant (SEWRP) Improvements - Pre-Construction Services and Construction Manager at Risk (CMAR). **(District 6)**

This project includes replacement and upgrading of SEWRP's electrical equipment and process infrastructure including pumps, analyzers, gates, cleanout ports, lining, and HVAC as these have reached the end of their service life. The improvements will allow for the efficient operation of the plant.

Staff recommends selecting McCarthy Building Companies, Inc. as the CMAR for this project, and awarding a pre-construction services contract in the amount of \$334,971. This project is funded by the Utility Systems Revenue Obligations.

Mayor Giles declared a conflict of interest on Agenda Item 12-a and said he would refrain from discussion/consideration of this item.

It was moved by Councilmember Somers, seconded by Councilmember Spilsbury, that the recommendations of staff be approved.

Upon tabulation of votes, it showed:

AYES –Duff–Goforth–Spilsbury–Somers

NAYS – None

ABSENT – Heredia–Freeman

ABSTAIN – Giles

Councilmember Duff declared the motion carried unanimously by those present and voting.

With action on this agenda item being completed, Councilmember Duff yielded the gavel back to Mayor Giles.

13. Discuss, receive public comment, and take action on the following zoning ordinance and resolution relating to the proposed development "Gateway East":

**13-a. See Items on the Consent Agenda**

**13-b. See Items on the Consent Agenda**

14. Items from citizens present.

There were no items from citizens present.

15. Adjournment.

Without objection, the Regular Council Meeting adjourned at 5:59 p.m.

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JOHN GILES, MAYOR

ATTEST:

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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 19<sup>th</sup> day of June 2023. I further certify that the meeting was duly called and held and that a quorum was present.

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HOLLY MOSELEY, CITY CLERK

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