

COUNCIL MINUTES

September 11, 2023

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on September 11, 2023, at 5:49 p.m.

COUNCIL PRESENT

John Giles
Francisco Heredia
Mark Freeman
Scott Somers*
Julie Spilsbury

COUNCIL ABSENT

Jennifer Duff
Alicia Goforth

OFFICERS PRESENT

Scott Butler
Holly Moseley
Jim Smith

(*Participated in the meeting through the use of video conference equipment.)

Mayor's Welcome.

Mayor Giles announced today is the 22nd anniversary of the September 11, 2001, terrorist attacks where nearly 3,000 people were killed and thousands more were injured. He thanked the many heroes, including first responders, who bravely assisted in the aftermath.

Mayor Giles conducted a roll call.

Mayor Giles excused Councilmembers Duff and Goforth from the entire meeting.

Invocation by Pastor Jared Moore with Trinity Church.

Pledge of Allegiance was led by Mayor Giles.

Awards, Recognitions and Announcements.

Mayor Giles recognized Charles Gregory, retired President of Benedictine University (BU), for his service.

Mr. Gregory spoke about his tenure at BU and opening the campus in Mesa. He introduced Dr. Joseph Foy as the 13th president of BU.

Dr. Foy stated he looks forward with tremendous optimism to extend the work of BU outside of the classrooms and working with the City, area businesses, K-12 and community colleges partners, and non-profit organizations.

Mayor Giles remarked that the City of Mesa has chosen to commemorate 9/11 by dedicating a day of service in our community, which was kicked off with a breakfast honoring the brave men and women serving our community as first responders and remembering those lost. He mentioned Mesa has joined Just Serve to inspire volunteerism through service opportunities. He encouraged residents to get involved by visiting JustServe.org. He introduced Delynn Bodine with Just Serve.

Ms. Bodine announced handmade quilts were presented to the leadership of the Mesa Fire and Police Departments, along with notes of appreciation. She invited everyone in Mesa to participate and turn a day of sorrow into a day of service. She recognized Just Serve volunteers who made 52 patriotic themed handmade quilts to honor first responders in Mesa and presented Mesa City Council with a quilt.

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–Freeman–Somers–Spilsbury

NAYS – None

ABSENT – Duff–Goforth

Mayor Giles declared the motion carried unanimously by those present.

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

Minutes from the August 17, August 24, and August 28, 2023, Study Sessions; and the August 28, 2023, Regular Council meeting.

3. Take action on the following contract:

- *3-a. Award of One Additional Vendor to the Cooperative Use Term Contract for Heavy-Duty Truck, Construction, Industrial Fleet and Equipment Parts, Services, and Accessories for the Fleet Services Department. **(Citywide)**

This contract provides a full line of parts, accessories, and services for City-owned OEM heavy-duty trucks, construction, and industrial fleet equipment. Adding RDO Equipment Co. will provide for purchases that are not currently contracted.

The Fleet Services Department and Purchasing recommend awarding one additional vendor using the Maricopa County cooperative contract with RDO Equipment Co. No additional funds are requested.

4. Take action on the following resolutions:

- *4-a. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with Pinal County (County) for the replacement of a City of Mesa (City) gas line within County right-of-way. The City will reimburse the County for the costs of \$562,143. This project is funded by the 2010 Gas Bonds. – Resolution No. 12090

- *4-b. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Pinal County Sheriff's Office and the Mesa Police Department for cooperative law enforcement training. **(Citywide)** – Resolution No. 12091
- *4-c. Approving and authorizing the City Manager to enter into a Fiber License Agreement with Zayo Group, LLC for the placement of a fiber optic cable network within the public right-of-way. **(Citywide)** – Resolution No. 12092
- *4-d. Extinguishing a portion of a 60-foot temporary retention easement located at 5818 East Baseline Road; requested by the developer. **(District 2)** – Resolution No. 12093

5. Take action on the following resolution and introduction of the following ordinance relating to the City of Mesa Personnel Rules, and setting September 18, 2023, as the date of the public hearing on the ordinance:

- *5-a. Resolution declaring the document filed with the City Clerk and entitled "City of Mesa Personnel Rules" effective October 18, 2023, to be a public record and providing availability of the documents for public use and inspection. **(Citywide)** – Resolution No. 12094
- *5-b. Ordinance repealing the existing Personnel Rules applicable to City of Mesa employees and adopting new Personnel Rules. **(Citywide)** – Introduced Ordinance No. 5810

6. Introduction of the following ordinances and setting September 18, 2023, as the date of the public hearing on these ordinances:

- *6-a. ZON22-00835 "Mason Farms." **(District 1)** Within the 1200 to 1400 blocks of East Lehi Road (south side). Located south of East Lehi Road and east of North Stapley Drive (15± acres). Rezone from Single-Residence-43 (RS-43) to Single-Residence-43 with a Planned Area Development overlay (RS-43-PAD). This will allow for a single residence subdivision. Mason Farms LLC, applicant and owner. – Introduced Ordinance No. 5811

Staff Recommendation: Approval with conditions

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

- *6-b. ZON23-00222 "Brightpath Child Care." **(District 1)** Within the 1200 block of North Val Vista Drive (west side) and within the 3500 block of East Brown Road (north side). Located west of Val Vista Drive and north of Brown Road (1.2± acres). Rezone from Office Commercial with a Bonus Intensity Zone overlay (OC-BIZ) to Office Commercial (OC) and Major Site Plan Modification. This request will allow for the development of a day care center. Sean Lake, Pew and Lake PLC, applicant; Mark Reeb, Makana LP, owner. – Introduced Ordinance No. 5812

Staff Recommendation: Approval with conditions

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

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

- *7-a. ZON23-00282 "Mountain America Credit Union Mesa Branch." **(District 6)** Within the 4900 block of South Power Road (east side). Located north of Ray Road on the east side of Power Road (1± acres). Major Site Plan Modification and amending the

conditions of approval for Case No. ZON21-00069. This request will allow for a financial institution with a drive-thru. Michael Sanders, Sanders Associates Architects, applicant; POWER 202 MIXED-USE LLC, owner. – Ordinance No. 5809

Staff Recommendation: Approval with conditions

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

8. Take action on the following subdivision plats:

- *8-a. SUB22-00181 "Gilbert & McKellips." (**District 1**) Within the 1800 block of East McKellips Road (north side). Located west of Gilbert Road on the north side of McKellips Road (5.2± acres). Arcadia Capital Group LLC, developer. Douglas B. Toney, surveyor.
- *8-b. SUB23-00424 "63rd Street and Broadway Road." (**District 2**) Within the 6300 block of East Broadway Road (north side) and within the 300 block of South 63rd Street (east side) and within the 6300 block of East Baywood Avenue (south side). Located north of Broadway Road on the east side of 63rd Street (3.9± acres). CWRP Baywood MOB Owner LLC, developer; Geoffrey K. Brimhall, surveyor.

Items not on the Consent Agenda

9. Take action on the following contract:

- 9-a. Signal Butte Water Treatment Plant Expansion - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 1. (**District 6**)

This is the first of two GMP projects. GMP No. 1 includes the construction of a second 8-million-gallon storage reservoir as well as plant redundancies which are vital to ensuring that the plant operates efficiently and reliably until full build-out.

Staff recommends awarding a construction services contract to the CMAR, McCarthy Building Companies Inc., in the amount of \$56,603,484.00 (GMP), and authorizing a change order allowance in the amount of \$2,830,174.20 (5%), for a total amount of \$59,433,658.20. This project is funded by Utility Systems Revenue Obligations.

Mayor Giles declared a conflict of interest on Agenda Item 9-a and said he would refrain from discussion/consideration of this item.

Mayor Giles yielded the gavel to Vice Mayor Heredia for action on this agenda item.

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

Upon tabulation of votes, it showed:

AYES – Heredia–Freeman–Somers–Spilsbury
NAYS – None
ABSENT – Duff–Goforth
ABSTAIN – Giles

Vice Mayor Heredia declared the motion carried unanimously by those present and voting.

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

10. Items from citizens present.

Brian Morey thanked Mesa Police and Mesa Fire and Medical first responders who saved his mother, a long-time Mesa resident who has suffered from mental health and substance abuse issues, after ingesting a lethal dose of fentanyl. He described the patience of the 911 dispatcher and the skill and compassion of the first responders as they administered aid.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:17 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 11th day of September 2023. 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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