



COUNCIL MINUTES

July 8, 2024

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on July 8, 2024, at 5:48 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

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

Mayor's Welcome.

Mayor Giles conducted a roll call.

Invocation by Reverend Dr. Derrick Elliott with Desert Heritage Church.

Pledge of Allegiance was led by Boy Scout Troop #10.

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 Vice Mayor Heredia, 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 April 25, May 16, May 20, May 30 and June 3, 2024, Study Sessions; and July 1, 2024, Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. Baja Joe's

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Cardamon Family Ventures LLC, 1927 North Gilbert Road Suite 5 - 7 - Don Charles Cardamon, agent. The existing license held by Baja Joe's LLC will revert to the State. **(District 1)**

*3-b. Skyline Liquor & Foods

A convenience store is requesting a new Series 9 Liquor Store License for Liquor Empire LLC, 415 South Higley Road, Suite 101 - Paramjit Singh, agent. This is an ownership transfer; therefore, the existing license held by Skyline Liquor Inc. will revert to the State for modification. **(District 2)**

*3-c. Nail 21 Lounge

A nail salon is requesting a new Series 7 Beer & Wine Bar License for JV Consultant LLC, 1702 South Val Vista Drive, Suite 105 - Justin Saad Delly, agent. There is no existing license at this location. **(District 2)**

*3-d. Ramos Redux

A restaurant that serves lunch and dinner is requesting a new Series 7 Beer & Wine Bar License for Alysia Kay Gratton Ramos, Sole Proprietor, 1526 East Main Street. The existing Series 12 Restaurant License held by Casa Ramos II LLC will remain active at the location. The new Series 7 Beer & Wine Bar License will be held on inactive status at this same location until it has either been sold or transferred to a different location. **(District 4)**

*3-e. Mr Brews Taphouse Red Mountain

A restaurant that serves lunch and dinner is requesting a new Series 12G Restaurant License with growler privileges for Rocky Point North LLC, 1157 North Ellsworth Road, Suite 101-103 - John Edward Milleson, agent. There is no existing license at this location. **(District 5)**

*3-f. Arizona Rebel Republic

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Magicwebb Concepts LLC, 4425 South Mountain Road, Suite 111-112 - Jeffrey Craig Miller, agent. There is no existing license at this location. **(District 6)**

*3-g. Beast of Bourbon

A pub is requesting a new Series 6 Bar License for Diamondback Group LLC, 2235 South Power Road, Suite 127 - Amy S. Nations, agent. The existing series 12

Restaurant License will revert to the State and then be replaced with the new Series 6 Bar License. **(District 6)**

*3-h. Russo's New York Pizzeria

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for 3 Nine Enterprise LLC, 4537 South Power Road, Suite 101 - Phuong My Barth, agent. There is no existing license at this location. **(District 6)**

*3-i. Speedway #1509

A convenience store is requesting a new Series 9 Liquor Store License for Western Refining Retail LLC, 7226 South Ellsworth Road - Andrea Dahlman Lewkowitz, agent. This existing Series 10 Beer and Wine Store License held by Western Refining Retail LLC will revert to the State. **(District 6)**

4. Take action on the following contracts:

*4-a. Central Mesa Reuse Pipeline Plant, Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 3 of 3. **(District 1)**

GMP No. 3 includes the construction of the proposed Intermediate Pump Station to facilitate delivery of reclaimed water to the Gila River Indian Community (GRIC) delivery point.

Staff recommend awarding a contract for this project to Garney Companies, in the amount of \$15,040,620 (GMP No. 3), and authorizing a change order allowance in the amount of \$752,031 (5%), for a total amount of \$15,792,651. This project is funded by the Water Utility Systems Revenue Obligations.

*4-b. Westwood Street Improvements - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 1 of 1. **(District 3)**

This project will include the installation of new water and gas pipes on Westwood between University Drive and Rio Salado Parkway and on 6th Street between Extension and Country Club Drive, and raised crosswalks at three locations on Westwood, and the replacement of traffic signals and equipment at two intersections.

Staff recommend awarding a contract to FPS Civil LLC in the amount of \$7,960,775.03 (GMP) and authorizing a change order allowance in the amount of \$796,077.50 (10%), for a total amount of \$8,756,852.53. This project is funded by Utility Systems Revenue Obligations, Local Streets Fund, and Special Programs Fund.

*4-c. Purchase of One Electric Forklift (Addition) for the Mesa Police Department. **(Citywide)**

This purchase will provide one Turret Truck Forklift for use in the new Police Evidence building. The forklift is fully electric as part of the City's green initiative and will assist staff in safely and efficiently moving evidence items within the warehouse.

The Police Department and Procurement Services recommend authorizing the purchase using the Sourcewell cooperative contract with Naumann/Hobbs Material Handling at \$116,000, based on estimated requirements. This purchase is funded by Public Safety Sales Tax.

- *4-d. Three-Year Term Contract with Two Years of Renewal Options for Polymers for Water Treatment Plants for the Water Resources Department. (Single Bid Response) **(Citywide)**

This contract will provide for the purchase and delivery of various polymer products that are used in the water treatment process at the Brown Road and Signal Butte Water Treatment Plants. Polymers are critical in treating raw water to meet water quality standards under the Safe Water Drinking Act.

The Water Resources Department and Procurement Services recommend awarding the contract to the single, responsive, and responsible bidder, Polydyne, Inc. at \$320,000 annually, based on estimated requirements.

- *4-e. Three-Year Term Contract with Eight Years of Renewal Options for the Purchase and Maintenance of Two Ion Chromatographs (One Replacement and One Addition) for the Water Resources Department. **(Citywide)**

Water Resources is required to analyze microbial, inorganic, and organic compliance samples for the City's water and wastewater programs. Testing is crucial as drinking water must meet water quality standards under the Safe Drinking Water Act. Wastewater must be tested to determine if it meets permits for discharge.

Water Resources Compliance Laboratory is replacing one ion chromatograph that has reached the end of its service life and is no longer supported by the vendor. The second unit is being purchased to meet increased testing demands as the City has experienced significant system growth since the original purchase of the first unit more than 20 years ago.

A committee representing the Water Resources Department and Procurement Services evaluated responses and recommend awarding the contract to the highest-scored proposal from Brinkmann Instruments, Inc. dba Metrohm USA, Inc., Year 1 at \$203,000, and Years 2 through 11 at \$43,000 annually, based on estimated requirements.

- *4-f. Three-Year Term Contract with Two Years of Renewal Options for Traffic Signal Maintenance Services for the Transportation Department. **(Citywide)**

This contract will provide for the maintenance, modification, and installation services of the City's Intelligent Transportation System (ITS), traffic signals, and other related ITS equipment.

A committee representing the Transportation Department and Procurement Services evaluated responses and recommend awarding the contract to the highest-scoring proposal B&F Contracting, Inc. at \$4,320,000 annually, based on estimated requirements. This contract is funded by the Local Streets Fund and Capital Improvement Program Projects.

- *4-g. Use of Cooperative Contracts for Term Contracts for PC Cycle Replacement and Supplemental Computers, Ruggedized Laptops, and Tablets for Citywide Departments. **(Citywide)**

These contracts will provide for the City's PC Cycle Replacement program and supplemental computer equipment purchases for citywide departments to meet their current and future technology needs both known and unknown.

The Department of Innovation and Technology and Procurement Services recommend authorizing the purchase using the OMNIA National Cooperative Purchasing Alliance and Mohave Educational cooperative contracts; with Dell Marketing LP and Apple Computer, Inc.; at \$4,000,000 annually, based on estimated requirements. These contracts are funded: \$3,250,000 by DoIT PC Lifecycle Funding FY 2024 and FY 2025, and \$750,000 by various City Departments for supplemental purchases throughout the year.

5. Take action on the following resolutions:

*5-a. See: **Items not on the Consent Agenda.**

*5-b. Approving and authorizing the City Manager to enter into an Amended and Restated Intergovernmental Agreement between the Arizona Board of Regents for and on behalf of Arizona State University and the City of Mesa for the development, operation, and maintenance of educational facilities in downtown Mesa, with terms that allow for the sale, transfer, lease, and license of City real property and improvements. **(Citywide)** – Resolution No. 12240

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

*6-a. Proposed amendments to Section 11-7-2 of Title 11 of the Mesa City Code, Zoning Ordinance, allowing Banquet and Conference Centers in certain Employment Districts. – Ordinance No. 5861

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (Vote: 6-0)

*6-b. Proposed amendments to Chapters 24 and 87 of Title 11 of the Mesa City Code, Zoning Ordinance, pertaining to the Downtown Events (DE) Overlay District including but not limited to revising the boundaries of the DE Overlay District, creating an exception to the maximum consecutive days for City special events in the DE Overlay District, and adding definitions related to City special events. **(Citywide)** – Ordinance No. 5862

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (Vote: 6-0)

*6-c. Amending the Mesa City Code by repealing existing Chapter 10 of Title 8 and adopting a new replacement Title 8 Chapter 10 entitled "Municipal Water System" that establishes revised and additional terms, conditions, and limitations regarding City water utility service; including setting revised water demand limits and establishing permitting requirements for large water customer users and making other clarifying edits. **(Citywide)** – Ordinance No. 5863

ZON23-00465 "Smiles for Special Needs." **(District 1)** Within the 1800 block of East Brown Road (north side). Located west of Gilbert Road and north of Brown Road (1± acres). Rezone from Single Residence-9 (RS-9) to Office Commercial (OC) and Site Plan Review. This request will allow for a day care center. Smiles for Special Needs LLC, owner; Vanessa MacDonald, Pew & Lake PLC, applicant. – Ordinance No. 5864

Staff Recommendation: Approval with conditions

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

7. Take action on the following off-track betting license applications:

*7-a. Turf Paradise

New Off-Track Betting License for Turf Paradise, TP Racing LLLP to telecast at JJ Madison's, located at 430 North Power Road, JJ Madison's Corp. - Vincent Acri Francia, applicant. **(District 2)**

*7-b. Turf Paradise

New Off-Track Betting License for Turf Paradise, TP Racing LLLP to telecast at O'Kelley's Sports Bar & Grill, located at 2120 West Guadalupe Road, Suite 14-19, Glenbeigh, Inc. - Vincent Acri Francia, applicant. **(District 3)**

Items not on the Consent Agenda

- *5-a. Approving and authorizing the City Manager to enter into a memorandum of understanding between the City of Mesa and Habitat Fenix, LLC establishing the framework and key concepts for negotiation of future agreements for the redevelopment of approximately 41,585 sq ft of City-owned land at the southeast corner of Pepper Place and Macdonald (Green Parking Lot). **(District 4)** – Resolution No. 12239

Charles Linton, a Mesa resident, spoke in opposition to Resolution No. 12239.

David Crummey, a Mesa resident, spoke in support of Resolution No. 12239.

Mayor Giles announced that the purpose of the proposed Resolution No. 12239 is to approve a Memorandum of Understanding (MOU) that would only authorize negotiations to begin with the developer, not approval of the project. He explained the parameters of the agreement and requested that Downtown Transformation Manager Jeff McVay provide additional information relative to this agenda item.

Mr. McVay explained the action the City has taken to engage with local businesses. He reported that many businesses and staff are supportive of the project based on the positive impacts experienced from the developer's prior ECO Mesa project. He outlined the plan to address safety concerns during construction, such as additional lighting in the alleyways.

Mr. McVay provided details about the possible parking mitigation plan, should the project move to construction, and emphasized the additional parking which would result from the project and enhance the Downtown experience.

In response to a question from Councilmember Spilsbury, Mr. McVay confirmed that the proposed parking plan during construction would double the spaces provided in the existing parking lot. He reiterated that once the construction is completed, the parking garage will remain available for public use.

Councilmember Somers spoke in support of this item.

In response to a question from Vice Mayor Heredia, Mr. McVay reported that there are currently 130 permitted parking spaces in the Pepper Street garage that would become available for public parking once the City staff parking is relocated.

Councilmember Duff expressed her support for the item.

In response to a question from Councilmember Freeman, City Attorney Jim Smith explained the MOU process and the opportunities for public input that would follow this first step.

Councilmember Freeman expressed his support for this item.

City Manager Christopher Brady confirmed that the proposed MOU does not guarantee that the project will be approved and only sets the framework to facilitate discussions. He pointed out that the final details will be approved by future Councils.

Mr. Smith quoted the MOU, "Memorandum of Understanding. The Parties acknowledge that this document is a 'Memorandum of Understanding,' and is neither an agreement, contract, nor however styled, binding in any way for any purpose. This Memorandum is not an offer from City that allows acceptance by Developer and is simply an outline of certain terms which the Parties intend to use as the basis for further discussions and negotiations, with the Parties understanding that (A) such terms are not complete and require further detail and explication; and (B) there are material terms that are essential to any potential future agreement between the Parties that are not included in this Memorandum."

Timothy Sprague, Habitat Fenix, LLC Manager, expressed his desire to preserve the community and outlined the steps that were taken during the last ECO Mesa project to mitigate inconveniences.

Councilmember Goforth expressed her support for the item.

Mayor Giles expressed his support for the item and commented that the opportunities that are coming to Downtown Mesa offer a place for people to come for entertainment and as a place to live.

It was moved by Councilmember Somers, seconded by Vice Mayor Heredia, that Resolution No. 12239 be adopted.

Upon tabulation of votes, it showed:

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

Carried unanimously.

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:47 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 8th day of July 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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