



COUNCIL MINUTES

November 6, 2023

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 6, 2023, 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 Rabbi Laibel Blotner with Chabad Jewish Center of Mesa.

Pledge of Allegiance was led by Mayor Giles.

Awards, recognitions, and announcements.

Mayor Giles declared November as Native American Heritage Month. He stated the City of Mesa is proud to work with the tribal partners and the tribal leaders of Arizona to amplify Native American traditions and acknowledged their legacy and contributions.

Albert Pooley, Founder and President of the Native American Fatherhood and Families Association, accepted the proclamation and thanked the Mayor and Councilmembers for their recognition. He mentioned the goal of his organization is to strengthen, reunite, and keep families together. He invited Council to learn more about the program.

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 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

ABSENT – None

Carried unanimously.

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

Minutes from the October 2 and 16, 2023, Study Sessions; and October 16, 2023, Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. Ultimate Imaginations Inc.

This is a one-day event to be held on Friday, November 24, 2023, from 5:00 P.M. to 10:00 P.M. at 1 North Macdonald. **(District 4)**

*3-b. U.S. Army Reserve

This is a one-day event to be held on Saturday, December 9, 2023, from 5:00 P.M. to 11:00 P.M. at ASU Polytechnic Cooley Ballroom, 5999 South Backus Mall. **(District 6)**

*3-c. Mesa Drummer Bar & Grill

A bar is requesting ownership transfer of the existing Series 6 Bar License for A Pleasant Affair LLC, 1211 North Country Club Drive Suite 9 - Jeffrey Craig Miller, agent. The existing license held by Tree Top Construction LLC will revert to the State for modification. **(District 1)**

*3-d. Quick Cash Market

A convenience store is requesting a new Series 10 Beer and Wine Store License for HNN LLC, 1107 North Mesa Drive - Hardik Rajendrakumar Patel, agent. The existing license held by FMV LLC will revert to the State for modification. **(District 1)**

*3-e. La Olanchana

A convenience store is requesting a new Series 10 Beer and Wine Store License for La Olanchana LLC, 830 West Southern Avenue Suite 7 - Theresa June Morse, agent. **(District 3)**

*3-f. Arizona Distilling Co

A spirituous liquor distillery is requesting an ownership and location transfer of an existing Series 7 Beer and Wine Bar License for Copper City Spirits LLC, 155 West Main Street - Jason Keith Grossmiller, agent. There is no existing license at this location. **(District 4)**

*3-g. Pescaderia El Puerto De Guaymas 2

A seafood market is requesting a new Series 10S Beer and Wine Store License with sampling privileges for Pescaderia El Puerto De Guaymas LLC, 1241 East Broadway Road Suite 20 - Irayda Flores Chocoza, agent. There is no existing license at this location. **(District 4)**

*3-h. Oregano's Pizza Bistro

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Oreganos AZ LLC, 6821 East Superstition Springs Boulevard - Steven David Dunsire, agent. The existing license held by OPB Restaurants Inc will revert to the State. **(District 6)**

4. Take action on the following contracts:

- *4-a. Cooperative Contract Use for Three-Month Renewal Contracts for PC Cycle Replacement and Supplemental Computers, Ruggedized Laptops, and Tablets for Citywide Departments. **(Citywide)**

This contract will provide for the City's PC Cycle Replacement program and supplemental computer equipment purchases for departments citywide to meet their current and future technology needs. The State of Arizona extended its cooperative contracts again through January 31, 2024, to allow time to complete the evaluation process and award new contracts.

The Department of Innovation and Technology and Purchasing recommend renewing the use of the State of Arizona cooperative contracts with Dell Marketing LP; Apple Computer Inc; and Panasonic Solutions; at \$1,894,850 for the City's PC Cycle Replacement, based on projected usage for scheduled device replacement; and \$720,000 for Supplemental Computer Purchases; for a total of \$2,614,850 through January 31, 2024.

- *4-b. Cooperative Contract Use for the Purchase of One (1) Heavy-Duty Forklift (Replacement) for the Energy Resources Department. **(Citywide)**

This purchase is for a new 4WD forklift that will be used for offloading materials and supplies at the Magma yard and rough terrain job sites to support Energy Resources - Gas Utility.

The Fleet Services and Energy Resources Departments and Purchasing recommend authorizing the purchase using the Sourcewell cooperative contract with CNH Industrial America, LLC/Sonsray Machinery (the local dealer) for \$101,795.62. This purchase is funded by the Utility Replacement Extension and Renewal Fund.

- *4-c. Job Order Master Contracts (JOC) Mechanical and Plumbing Construction Services. **(Citywide)**

The selection of three contractors is needed for the JOC Mechanical and Plumbing Construction Services. These services will include new construction, renovations and repairs, additions, demolition, and facility upgrades for City buildings and facilities. Contracts are for three years with the option to extend contracts for two additional one-year periods.

Staff recommends awarding Job Order Master Contracts to Comfort Systems USA, RKS Plumbing, and Tempe Mechanical. Individual Job Orders will have a limit of \$4,000,000 per job, or as otherwise approved by Council.

- *4-d. Cooperative Contract Use for the Purchase of Three Crew Cab Commercial Motor Vehicles (Additions) for the Human Resources Department. **(Citywide)**

This purchase will assign three new crew cab commercial motor vehicles (CMV) to Safety Services' CMV Safety Unit and will be designated to perform federally required Entry Level Driver Training (ELDT), City required annual CMV operator evaluations for existing employees citywide, and various CMV operator training including loading/unloading construction equipment, towing, etc.

The Fleet Services and Human Resources Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Freightliner of Arizona LLC for \$507,445.53. This purchase is funded by Capital - General Fund.

- *4-e. One-Year Term Contract for DNA Crime Lab Supplies for the Mesa Police Department (Sole Source). **(Citywide)**

The Biology Unit of the Forensic Services Division completes DNA analysis of samples from criminal investigations conducted by the Police Department as well as Gilbert, Queen Creek, and Tempe Police Departments. These supplies enable the Division to process evidence and conduct forensic DNA testing for criminal investigations. Supplies include reagents and consumables to determine the quantity of DNA present, to make copies of the DNA, and to detect the DNA on genetic instruments.

The Police Department and Purchasing recommend authorizing the purchase using the sole source vendor, Thermo Fisher Scientific at \$115,600, based on estimated usage.

- *4-f. Three-Year Term Contract with Two Years of Renewal Options for Automated Driveway Gate Operators Preventative Maintenance and Repairs for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract is for preventative maintenance and major repair services to be performed on automated driveway gates at various City facilities. The City has many gates that secure Police Department and Fire and Medical Department sites. Preventative maintenance and repair services are required at City facilities to keep citizens and employees safe. Minor repairs will be completed in-house by technicians as workload allows.

A committee representing the Parks, Recreation and Community Facilities Department and Purchasing evaluated responses and recommends awarding the contract to the highest-scored proposal from Western Fence Company Inc at \$150,000 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 Fire Protection Equipment Maintenance and Repair Services for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide maintenance and repair services for the City's fire protection, detection, and suppression equipment in 107 City facilities. The qualified contractor will maintain and repair the City's fire protection equipment to State and Federal NFPA requirements to minimize potential safety risks to City employees and citizens.

A committee representing the Parks, Recreation and Community Facilities Department and Purchasing evaluated responses and recommend awarding the contract to the highest-scored proposal from Metro Fire Equipment Inc at \$402,000 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 Traffic Control Cabinets and Controllers, Traffic Signal Video Detection Systems, and School Zone Flasher Controls for the Transportation Department. (Sole Source). **(Citywide)**

Advanced Transportation Controller (ATC) Cabinets increase safety by promoting driver safety and safeguards against accidental electrical shock; enhance operations by expediting troubleshooting and can manage complex intersections; reduce costs by decreasing liability risks, saving energy; and can adapt to infrastructure change and growth. This dollar limit increase will allow us to add more ATC technology over the next several years.

The Transportation Department and Purchasing recommend increasing the dollar limit with Clark Electric Sales dba Clark Transportation Solutions, Years 1 through 3 by \$210,000 from \$400,000 to \$610,000 annually, with an annual increase allowance of up to 5% or the adjusted Producer Price Index. This purchase is funded by Local Streets Fund.

- *4-i. Rebuild the Bar Screen Conveyor System at the Greenfield Water Reclamation Plant (GWRP) for the Water Resources Department. (Sole Source). **(Citywide)**

This purchase will rebuild the bar screen conveyor system at the Greenfield Water Reclamation Plant in Headworks #1 and retrofit from 1/2" to 1/4" screens. The bar screen conveyor system has reached the end of its lifecycle and requires replacement.

The Water Resources Department and Purchasing recommend awarding the contract to the sole source vendor, Duperon Corporation (manufacturer) and JBI Water & Wastewater Equipment (authorized Arizona representative) for \$211,000.

5. Take action on the following resolutions:

- *5-a. Approving the submission of, and authorizing the City Manager to sign, an application to the Arizona Department of Water Resources to modify the City's Designation of Assured Water Supply. **(Citywide)** – Resolution No. 12108
- *5-b. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement identifying and defining the responsibilities of Maricopa County and the City of Mesa for the maintenance and operations of the bus stop pad and the new drainage facilities to be installed as part of the Broadway Road Bridge project. **(District 3)** – Resolution No. 12109
- *5-c. Approving and authorizing the City Manager or designee to enter into an amended Intergovernmental Agreement with the City of Tempe to accept additional funding for

expanded forensic services and training provided by the Police Department's Forensic Services Division. **(Citywide)** – Resolution No. 12110

- *5-d. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Town of Fountain Hills for fire dispatch services provided by the City of Mesa and adding the Town of Fountain Hills as a dispatch partner. The agreement will ensure uninterrupted fire dispatch services for the Town of Fountain Hills. – Resolution No. 12111
- *5-e. Approving and authorizing the City Manager or designee to enter into contracts for the purchase of firm natural gas supplies for the City's natural gas distribution system, for a period of up to five years and in amounts up to the full requirements of the system, as well as an agreement for natural gas asset management services and the purchase of natural gas balancing volumes for up to two years. **(Citywide)** – Resolution No. 12112
- *5-f. Vacating public right-of-way located in the 1600 block of North 96th Street to combine with the adjacent parcel for future development. **(District 5)** – Resolution No. 12113
- *5-g. Extinguishing a portion of a 20-foot Public Utilities and Facilities Easement located at 5400 East McDowell Road. The developer has requested the City extinguish a portion of the easement to allow for the future construction of a building at Longbow Business Park and Golf Club. **(District 5)** – Resolution No. 12114

6. Introduction of the following ordinances and setting November 20, 2023 as the date of the public hearing on these ordinances:

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

*6-b. ZON22-00610 "Business Depot Suites." **(District 2)** Within the 4200 to 4400 blocks of East Southern Avenue (north side) and within the 1100 block of South Oakland Street (east side). Located west of Greenfield Road on the north side of Southern Avenue (1.4± acres). Rezone from Neighborhood Commercial with a Planned Area Development overlay (NC-PAD) to Limited Commercial with a Planned Area Development and Bonus Intensity Zone overlay (LC-PAD-BIZ) and Site Plan Review. This request will allow for a commercial development. Sean Lake, Pew & Lake PLC, applicant; Ten Mountain Investments, LLC, owner. – Ordinance No. 5820

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 4-0)

*6-c. ZON22-01311 "48th St. & Ingram." **(District 2)** Within the 1700 block of North 48th Street (west side) and within the 4700 block of East Ingram Street (north side). Located west of Higley Road and south of McKellips Road (1± acres). Rezone from Light Industrial (LI) to Light Industrial with a Bonus Intensity Zone Overlay (LI-BIZ); and Site Plan Review. This request will allow for industrial development. Carlos Elias, LGE Design Group, applicant; LPC MESA LLC, owner. – Ordinance No. 5821

Staff Recommendation: Approval with conditions

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

- *6-d. ZON23-00432 "Hawes Crossing Village 1 Phase 2." (**District 6**) Within the 3200 to 3500 blocks of South Hawes Road (west side), within the 3200 to 3500 blocks of the South 82nd Street alignment (both sides), and within the 3200 to 3500 blocks of South 80th Street (east side). Located north of Elliot Road on the west side of Hawes Road (98± acres). Rezone 17.4± acres from Small Lot Single Residence 2.5 with a Planned Area Development Overlay (RSL-2.5-PAD) to RSL-2.5-PAD with a new PAD (RSL2.5-PAD-PAD) to allow for additional modification to development standards for (Village 1, Phase 2), modification of an existing Planned Area Development on the entire 98± acres, and a Major Site Plan Modification. This request will expand the existing Hawes Crossing Village 1 PAD to include a single residence development known as Village 1 Phase 2. Heather Chadwick, Lennar Inc, applicant; Rijlaarsdam Family Trust, owner. – Ordinance No. 5822

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 4-0)

- *6-e. ZON23-00548 "DSV." (**District 6**) Within the 9200 to 9800 blocks of East Pecos Road (north side). Located north of Pecos Road and east of Ellsworth Road (88.3± acres). Modification of an existing Planned Area Development overlay (PAD), Major Site Plan Modification, and amending conditions of approval for Case No. ZON22-00268. This request will allow for industrial development. Dennis Newcombe, Gammage and Burnham, applicant; Mesa BA Land LLC, owner. – Ordinance No. 5823

Staff Recommendation: Approval with conditions

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

- *6-f. ZON22-01038 "Villas at Apache" (**District 5**) Within the 9600 to 9700 blocks of East Main Street (south side). Located south of Main Street and west of Crismon Road (4.6± acres). Rezone from Agricultural (AG) to Multiple Residence 4 with a Planned Area Development Overlay (RM-4-PAD) and Site Plan Review. This request will allow for a 144-unit multiple residence development. David Bohn, BFH Group, applicant. BFH Holdings LLC, owner. – Ordinance No. 5824

Staff Recommendation: Approval with conditions

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

- *6-g. ANX22-00738 (District 5) Annexing property located on the south side of Main Street, west of Crismon Road (4.6± acres). Initiated by the applicant, BFH Group, for the owner, BFH Holdings LLC. – Ordinance No. 5825

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

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

- *7-b. ZON23-00140 "Sienna Ridge." (**District 5**) Within the 100 block of South 90th Street (west side). Located south of Main Street and west of Ellsworth Road (4± acres). Rezone from Single Residence-43 (RS-43) 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. Jason Sanks, Iplan Consulting, applicant; 5228 S Blackstone LLC, owner. – Ordinance No. 5818

Staff Recommendation: Approval with conditions

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

8. Take action on the following subdivision plats:

- *8-a. SUB22-00643 “Gallery Park Replat 3.” **(District 6)** Within the 4900 to 5200 blocks of South Power Road (east side) and within the 6800 to 7000 blocks of East Ray Road (north side). Located north of Ray Road on the east side of Power Road (41± acres). Power 202 Mixed-Use LLC, developer; Optimus Civil Design Group, surveyor.

Items not on the Consent Agenda

- 6-a. Amending Sections 10-4-3 and 10-4-4 of the Mesa City Code to establish a speed limit of 45 mph on Williams Field Road between Crismon Road and the east City limits, and a speed limit of 40 mph on Williams Field Road between Ellsworth Road and Crismon Road, as recommended by staff. **(District 6)** – Ordinance No. 5819

Councilmember Duff apologized for removing Agenda Item 6-a off the consent agenda. She thought that tonight was the vote but it is only an introduction, which she is not opposed. She plans to vote no for a variety of reasons but will save those comments for the Council meeting on November 20, 2023.

It was moved by Councilmember Somers, seconded by Councilmember Spilsbury, that Ordinance No. 5819 be adopted.

Upon tabulation of votes, it showed:

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

NAYS – None

ABSENT – None

Carried unanimously.

- 7-a. ZON23-00469. **(District 2)** Within the 6700 block of East Main Street (south side), the 0 block of South Sunaire (west side) and the 6700 block of East Alder Avenue (north side). Located west of Power Road on the south side of Main Street (1.3± acres). Rezone from Limited Commercial (LC) to Limited Commercial with a Bonus Intensity Zone overlay (LC-BIZ), Council Use Permit (CUP), and Site Plan Review. This request will allow a change in use from a hotel to a social service facility, to allow the City to locate at the site portions of an existing, temporary housing program for people experiencing homelessness, and more specifically, for targeted populations of families, domestic violence victims, and elderly. City of Mesa, applicant; Sunstay Bridge LLC, owner. – Ordinance No. 5817

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 5-1)

The following citizens submitted a comment card in opposition of Agenda Item 7-a but did not wish to speak:

- Doug Beck, a Mesa resident.
- Gwen Liles, a Mesa resident.

The following citizens offered a series of comments in support of Agenda Item 7-a:

- Diana Yazzie Devine, a Mesa resident.
- Pastor David Wade, a Mesa resident.
- Blanca Deaguerros, a Mesa resident.
- Gretchen Caraway, a Scottsdale resident.
- Hans Reh, a Mesa resident.
- David Fergusson, a Mesa resident.
- Tiffany Williams, a Mesa resident.
- Jannah Scott, a Phoenix resident.
- Chaelee Chavez, a Mesa resident.
- Betsy Flaten, a Mesa resident.
- Duncan McArthur, a Mesa resident.
- Bethany Lambrecht, a Mesa resident.

The following citizens offered a series of comments in opposition of Agenda Item 7-a:

- Howard Giemsoe, a Mesa resident.
- Pete Anello, a Mesa resident.
- Alan Tom, a Mesa resident.
- Barbbara Parker, a Mesa resident.
- Cherie Anello, a Mesa resident.
- Carey Davis, a Mesa resident.
- Will Stasi, unknown residence.

Mayor Giles thanked the residents and community members for their comments.

City Attorney Jim Smith explained that although two separate protests were filed, one was misfiled in the Planning Department, while the other was correctly filed in the City Clerk's office. He said combining both protests resulted in 11% of the area, failing to meet the 20% requirement. He added the state statute changed approximately seven years ago and the City Code clearly states that the protest must be filed with the City Clerk's office.

City Manager Christopher Brady clarified that the funds being used to purchase the hotel are all federal funds, and there are no funds coming from the state. He added the federal funds were appropriated to the City for the purchase of the hotel.

Councilmember Duff commented that any city with a population of over 500,000 was eligible to receive direct funding and the City of Mesa is abiding by the requirements and rules associated with the funding received.

Councilmember Spilsbury thanked everyone for attending the meeting and being engaged in their community. She advised that the current Off the Streets (OTS) Program has been operating for three years at the Windemere hotel with a 75% success rate. She addressed the concerns of constituents by describing the improvements that will be made to the existing property and pointed out the commitment from the City for a safe neighborhood, while prioritizing the most vulnerable population of families, domestic violence victims, elderly, and veterans. She advised the Council has flexibility to decide how long the program exists and will ensure it is working for everyone in the area. She expressed her support for the project and

stated the program makes economic and financial sense for Mesa to utilize the funding, while saving money to remove people off the streets. She noted the cities of Tempe and Scottsdale have purchased hotels and are doing their fair share to help.

Councilmember Freeman stated that sheltering is an important aspect of Mesa's community, and he appreciates all the comments made. He shared his experience working in the neighborhoods as a firefighter. He mentioned the proposed area is underperforming and is grateful for the efforts Councilmember Spilsbury and staff have made to rejuvenate it. He expressed his opposition to a homeless solution that imposes a future financial burden for the General Fund and liability for the citizens of Mesa. He commented that the City has a foundation at the Windemere hotel, which is working and appreciates all those who have emerged from homelessness and sheltering.

Mayor Giles commented that the City made the decision to purchase the hotel a few months ago, and the subject matter of the meeting tonight is issuing a Council Use Permit (CUP) to hold the City accountable, as the owner of the property, to follow the Good Neighbor Policy. He stated the goal for the City is to mitigate any negative impact on the neighborhood. He referred to the success of the OTS Program nearby and the demographics of the people in the program. He invited the community members to return to Council meetings and notify Council if there are any concerns or the expectations of the neighborhood are not met. He mentioned the City has the responsibility to address the homeless situation proactively and believes a compassionate response is preferred.

It was moved by Vice Mayor Heredia, seconded by Councilmember Spilsbury, that Ordinance No. 5817 be adopted.

Upon tabulation of votes, it showed:

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

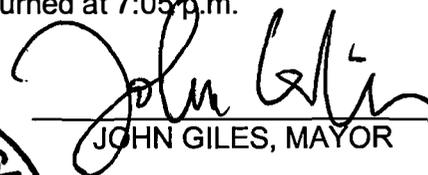
Mayor Giles declared the motion carried by majority vote.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:05 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 6th day of November 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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