



# COUNCIL MINUTES

December 4, 2023

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 4, 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.

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

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 Somers, seconded by Councilmember Freeman, 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 September 28, 2023, and November 6, 2023, Study Sessions; and November 20, 2023, Regular Council meeting.

3. Take action on the following liquor license applications:

\*3-a. Brooksee Foundation

This is a one-day event to be held on Saturday, February 10, 2024, from 8:00 A.M. to 2:00 P.M. at Mesa Riverview Park, 919 North Riverview. **(District 3)**

\*3-b. Mr. Meats Carniceria & Market

A meat market is requesting a new Series 10 Beer and Wine Store License for Mr. Meats LLC, 1933 East University Drive Suites 1&2 - Theresa June Morse, agent. **(District 4)**

4. Take action on the following contracts:

\*4-a. Gateway Library - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 1 of 3. **(District 6)**

Mesa's new library, located at 5036 South Eastmark Parkway, will be approximately 28,000 square feet and will include amenities similar to those at Red Mountain and Dobson Ranch Libraries. GMP No. 1 will minimize the risk of cost escalation and procurement delays associated with equipment inflation and supply chain issues. The scope includes the purchase of HVAC, electrical equipment, utility pipe and other associated materials.

Staff recommends selecting Willmeng Construction Inc., as the CMAR for this project, and awarding a pre-construction services contract in the amount of \$736,000 (GMP No. 1) and authorizing a change order allowance in the amount of \$36,800 (5%), for a total amount of \$772,800. This project is funded by the 2018 General Obligation Bonds.

\*4-b. Dollar Limit Increase to the Term Contract for Leasing Hotel Rooms for Off the Streets Emergency Housing Program for the Community Services Department. **(Citywide)**

This contract provides leasing of hotel rooms for the City's Off the Streets program which provides emergency, temporary, and safe shelter for individuals and families of Mesa's at-risk homeless population. This contract increase allows for the addition of 25 rooms for a total of 110 rooms reserved for the Off the Streets program.

The Community Services Department and Purchasing recommend increasing the dollar limit with Ramdas Investments II LLC dba Windemere Hotel and Conference Center by \$1,000,000, from \$1,600,000 to \$2,600,000. This amendment is funded by Arizona Department of Housing (ADOH) Homeless and Shelter Services Funds.

\*4-c. Three-Year Term Contract with Two Years of Renewal Options for Barricade Rental Service for Citywide Operations and Emergency Operations for various City Departments. **(Citywide)**

Multiple City departments will utilize this contract, deploying temporary traffic control measures as necessary for City maintenance projects and any emergency needs. Services will be provided on an as-needed basis, 24-hours a day, 7-days a week, including holidays.

A committee representing the Transportation, Energy Resources, and Water Resources Departments, and Purchasing evaluated responses and recommends awarding the contract to the two, highest scored proposals from Roadsafe Traffic Systems, Inc. (Primary); and Quail Construction, LLC (Secondary) at \$1,350,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- \*4-d. Dollar Limit Increase to the Term Contract for Furniture, Office Supplies and Products for Citywide Departments and Strategic Alliance for Volume Expenditures (SAVE) Cooperative Members. **(Citywide)**

The increase is required to accommodate the furniture needs of a new facility and rehabilitation projects underway and planned. These projects include: the City Attorney's Offices, Workforce Development Offices, Northeast Public Safety Facility, CK Luster Building, Gateway Library, Main Library, The Studios, Solid Waste, Mesa Center for Higher Education building (transition space for projects), multiple PD Office projects, and Fire Station 201.

This is not a budget increase. Funds for these projects are within the department's budget capacities and/or in the project's budget. This action simply increases the contract capacity.

The Engineering and Business Services Departments and Purchasing recommend increasing the dollar limit with Wist Business Supplies & Equipment by \$3,000,000 for Years 4 and 5 from \$1,050,000 to \$4,050,000.

5. Take action on the following resolutions:

- \*5-a. Modifying fees and charges for Mesa Fire and Medical Department regarding High-Risk Occupancy Commercial Building Inspections. **(Citywide)** – Resolution No. 12127
- \*5-b. Modifying fees and charges for the Transportation Department. **(Citywide)** – Resolution No. 12128
- \*5-c. Approving the purchase of and authorizing the City Manager to enter into contracts with qualified Suppliers for terms of up to four years for three firm supplies of electric power and associated energy, up to 15 Megawatts (MW) for Base supply; 15MW for Summer Peak supply; and 5MW for July-August Peak supply. **(Districts 1 and 4)** – Resolution No. 12129
- \*5-d. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the City of Casa Grande, City of Maricopa, Town of Florence, Town of Payson, Superstition Fire and Medical District, Fort McDowell Yavapai Nation, and the Salt River Pima-Maricopa Indian Community. The agreement will allow fire fighter personnel of these government entities to attend fire service trainings hosted by the Mesa Fire and Medical Department. – Resolution No. 12130
- \*5-e. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Fort McDowell Yavapai Nation for fire dispatch services provided by the City of Mesa and adding the Fort McDowell Yavapai Nation as a dispatch partner. The agreement will ensure uninterrupted fire dispatch services for the Fort McDowell Yavapai Nation. – Resolution No. 12131

- \*5-f. Extinguishing a portion of a drainage easement located at 8312 East Sienna Circle to allow for a single-family residence to be built; requested by the property owner. **(District 5)** – Resolution No. 12132

6. Introduction of the following ordinances and setting December 11, 2023, as the date of the public hearing on these ordinances:

- \*6-a. Amending Table 1 in Title 5 (Business Regulations), Chapter 17 of the Mesa City Code, entitled Mesa Development Impact Fees, by removing the Fire Impact Fee from the table so as to confirm the discontinuation of this fee. **(Citywide)** – Ordinance No. 5839
- \*6-b. Repealing Title 2, Chapter 25 of the Mesa City Code, entitled “Independent Commission on Compensation for Elected Officials”; and Creating a New Mesa City Code Title 1, Chapter 5, Section 10, Titled “Mayor and Councilmember Compensation.” – Ordinance No. 5840

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

- \*7-a. Amending the Mesa City Code regarding cost sharing related to water and sewer line improvement (Utility Buy-In, private line agreements) requirements within Title 9 (Public Ways and Property), Chapter 6 (Subdivision Regulations), Section 4 (Public Improvement Requirements), and Chapter 8 (Off-Site Improvement Regulations), Section 3 (Street and Utility Improvements Requirements). **(Citywide)** – Ordinance No. 5826
- \*7-b. ZON23-00545 “Starbucks at University and Val Vista.” **(District 1)** Within the 400 to 500 blocks of North Val Vista Drive (west side) and within the 3500 block of East University Drive. Located west of Val Vista Drive and north of University Drive (1.5 acres). Major Site Plan Modification and amending conditions of approval for Case No. Z16-033; and Special Use Permit. This request will allow for a restaurant with a drive-thru. Pew & Lake PLC, applicant; David Johnson, owner. – Ordinance No. 5827

Staff Recommendation: Approval with conditions

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

- \*7-c. ZON23-00495 "Power Townhomes." **(District 2)** Within the 600 block of North Power Road (west side) and within the 6700 block of East Dallas Street (south side). Located north of University Drive and west of Power Road (2.8± acres). Rezone from Single Residence-6 (RS-6) 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. Jon Gillespie, Pew & Lake PLC, applicant; Via Church Inc, owner. – Ordinance No. 5828

Staff Recommendation: Approval with conditions

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

- \*7-d. ZON23-00160 "Meridian Gardens." **(District 5)** Within the 1100 block of South Meridian Road (west side) and the 11500 block of East Southern Avenue (north side). Located north of Southern Avenue and west of Meridian Road (5.6± acres). Rezone from Single Residence-43 (RS-43) to Multiple Residence-3 with a Planned Area Development overlay (RM-3-PAD) and Site Plan Review. This request will allow for a multiple

residence development. DWIGHT O LEAR ROTH IRA, owner; David Bohn, BFH Group LLC, applicant. – Ordinance No. 5829

Staff Recommendation: Approval with conditions

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

- \*7-e. ZON23-00677 "Phusion Wellness Office Building." (**District 5**) Within the 10100 to 10200 blocks of East Hampton Avenue (south side). Located east of Crismon Road and south of Southern Avenue (10.3± acres). Major Site Plan Modification and amending conditions of approval for Case No. Z07-007. This request will allow for a medical office. Jeremy Hawes, JD5 Design, applicant; Crismon Superstition Development LLC, owner. – Ordinance No. 5830

Staff Recommendation: Approval with conditions

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

- \*7-f. ZON23-00501 "Walmart Expansion." (**District 6**) Within the 6000 to 6300 blocks of Southern Avenue (south side) and within the 6200 block of East Superstition Springs Boulevard. Located west of Power Road and south of Southern Avenue (19± acres). Major Site Plan Modification and amending the conditions of approval for Case No. Z99-043. This request will allow for the expansion of an existing Walmart. Kristen Spillman, BRR Architecture Inc, applicant; RETAIL TRUST III (IMPS ONLY), owner. – Ordinance No. 5831

Staff Recommendation: Approval with conditions

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

8. Take action on the following subdivision plats:

- \*8-a. SUB23-00272 "Elliot Retail." (**District 6**) Within the 3400 to 3600 blocks of South Ellsworth Road (east side), within the 9200 to 9400 blocks of East Elliot Road (north side) and within the 9200 to 9400 blocks of East Peterson Avenue (south side). Located north of Elliot Road and east of Ellsworth Road (17± acres). El Coyote LLC, developer; Robert A. Johnston, EPS Group, Inc., surveyor.

**Items not on the Consent Agenda**

9. Discuss, receive public comment, and take action on the following ordinances adopting titles and schedules of terms/rates/fees/charges for City-owned utilities:

- 9-a. Conduct a public hearing on adopting titles and schedules of terms/rates/fees/charges of City-owned utilities: items 9-b through 9-h.

Mayor Giles announced that this was the time and place to conduct a public hearing on adopting titles and schedules of terms/rates/fees/charges of City-owned utilities: items 9-b through 9-h.

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

- 9-b. An ordinance adopting titles and schedules of terms/rates/fees/charges for electric utility services. **(Districts 1, 3 and 4)** – Ordinance No. 5832
- 9-c. An ordinance adopting titles and schedules of terms/rates/fees/charges for natural gas utility services. **(Citywide)** – Ordinance No. 5833
- 9-d. An ordinance adopting titles and schedules of terms/rates/fees/charges for water utility services. **(Citywide)** – Ordinance No. 5834
- 9-e. An ordinance adopting titles and schedules of terms/rates/fees/charges for wastewater utility services. **(Citywide)** – Ordinance No. 5835
- 9-f. An ordinance adopting titles and schedules of terms/rates/fees/charges for solid waste utility services. **(Citywide)** – Ordinance No. 5836
- 9-g. An ordinance modifying terms/rates/fees/charges for utility service fees. **(Citywide)** – Ordinance No. 5837
- 9-h. An ordinance adopting and repealing titles and schedules of rules and regulations for electric utility services. **(Districts 1, 3 and 4)** – Ordinance No. 5838

Mayor Giles stated that pending no objection of the Council, Items 9-b through 9-h will be voted on in one motion.

It was moved by Councilmember Freeman, seconded by Vice Mayor Heredia, that Ordinance Nos. 5832 through 5838 be adopted.

Upon tabulation of votes, it showed:

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

Carried unanimously.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 5:54 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 4<sup>th</sup> day of December 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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