



COUNCIL MINUTES

April 15, 2024

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on April 15, 2024, at 6:01 p.m.

COUNCIL PRESENT

John Giles
Francisco Heredia
Jennifer Duff
Mark Freeman
Alicia Goforth
Julie Spilsbury

COUNCIL ABSENT

Scott Somers

OFFICERS PRESENT

Christopher Brady
Holly Moseley
Jim Smith

Mayor's Welcome.

Mayor Giles conducted a roll call.

Mayor Giles excused Councilmember Somers from the entire meeting.

Invocation by Pastor Jose Luis Amaya with Iglesia de Cristo Elim Betel Church.

Pledge of Allegiance was led by Mayor Giles.

Awards, recognitions, and announcements.

Mayor Giles provided an overview of the Trees are Cool initiative, pointing out the goal to plant one million trees around the City of Mesa (COM) by the year 2050. He announced the Arbor Day proclamation and introduced Energy/Water Conservation Coordinator Donna DiFrancesco.

Ms. DiFrancesco announced that the COM has been a Tree City USA for 14 years and highlighted the program details. She noted that more information, including the application requirements, can be located on the City's website. She reported that the award will be accepted tomorrow at the Arizona State Capital and thanked the Mayor and Councilmembers for their participation and commitment to this effort. She emphasized the Arbor Day events occurring in Mesa.

Mayor Giles pointed out Agenda Item 3-a, which is to appoint Judge Stephen Umpleby as the next Presiding City Magistrate and noted Judge Umpleby's leadership in the Mesa Municipal Court. He introduced Judge Umpleby and congratulated him on the appointment.

Judge Umpleby expressed his gratitude for the appointment.

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–Duff–Freeman–Goforth–Spilsbury
NAYS – None
ABSENT – Somers

Mayor Giles declared the motion carried unanimously by those present.

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

Minutes from March 7, 2024, Study Session, and April 1, 2024, Regular Council meeting.

3. Take action on the following appointment:

*3-a. Discuss and take action on the appointment of Stephen Umpleby as Presiding City Magistrate.

4. Take action on the following liquor license applications:

*4-a. Crisis 22 Project

This is a one-day event to be held on Friday, May 17, 2024, from 5:00 P.M. to 8:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

*4-b. House of Refuge Inc.

This is a one-day event to be held on Tuesday, May 14, 2024, from 6:00 P.M. to 7:30 P.M. at Eastmark's "The Mark" pool located at 10100 East Ray Road. **(District 6)**

*4-c. Buddy's Smoke & Vape

A smoke shop is requesting a new Series 10 Beer and Wine Store License for Mesa Buddy's Smoke & Vape LLC, 322 East Brown Road Suite 103 - Nader Sami Charif, agent. There is no existing license at this location. **(District 1)**

*4-d. 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)**

*4-e. Pita Jungle Dana Park

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Pita Jungle Dana Park LLC, 1652 South Val Vista Drive Suite 128 - Fouad Khodr, agent. The existing license held by King & Park LLC will revert to the State. **(District 2)**

*4-f. University Market

A convenience store is requesting a new Series 10 Beer and Wine Store License for Sodhi & Sodhi Investments LLC, 1931 West University Drive - Sukhwinder Singh, agent. The existing license held by Hermes Market 2 LLC will revert to the State. **(District 3)**

*4-g. Fruitlandia/Taqueria Factory

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for AZ Latin Food LLC, 1011 South Gilbert Road - Edward Valdez, Agent. There is no existing license at this location. **(District 4)**

*4-h. Los Taco Chefs

A restaurant that serves breakfast, lunch, and dinner is requesting a new Series 12 Restaurant License for Los Taco Chefs LLC, 354 North Country Club Drive, Suite 105 - Jesus Beltran Coronel, agent. There is no existing license at this location. **(District 4)**

*4-i. Pita Jungle Red Mountain

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Pita Jungle Red Mountain LLC, 5609 East McKellips Road, Suite 110 – Fouad Khodr, agent. The existing license held by King of Red Mountain LLC will revert to the State. **(District 5)**

*4-j. Rosati's Chicago Pizza

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Ellsworth Pizza LLC, 1035 North Ellsworth Road, Suite 103-104 - Nitin Kumar Sharma, agent. The existing license held by Art of Pizza AZ LLC will revert to the State. **(District 5)**

*4-k. Arizona Athletic Grounds

A sports and entertainment facility is requesting a new Series 6 Bar License for Mesa F&B Operations LLC, 6321 South Ellsworth Road - Amy S. Nations, agent. There is no existing license at this location. **(District 6)**

*4-l. Sam & Luca Rustic Kitchen

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Sonoran Dining LLC, 1959 South Power Road, Suite 104 - Kimberly Kaye Lippe, agent. The existing license held by Sam & Luca LLC will revert to the State. **(District 6)**

5. Take action on the following contracts:

- *5-a. Central Mesa Reuse Pipeline Plant - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 2 of 3. **(Districts 1, 3, and 6)**

GMP No. 2 includes the construction for the plant improvements at the Northwest Water Reclamation Plant (NWWRP), the Southeast Water Reclamation Plant (SEWRP), the Greenfield Water Reclamation Plant (GWRP), and 36" pipe connections to the proposed Intermediate Pump Station (IPS).

Staff recommends awarding a contract to Garney Companies in the amount of \$9,789,760.00 (GMP No. 2) and authorizing a change order allowance amount of \$489,488.00 (5%), for a total amount of \$10,279,248. This project is funded by the Water Utility Systems Revenue Obligations

- *5-b. Central Mesa Reuse Pipeline Inspection - Guaranteed Maximum Price (GMP) No. 5 of 6. **(District 1)**

This GMP No. 5 includes the testing and inspection of an existing reclaimed water pipeline in Val Vista Drive from Quenton Drive to Thomas Road. It also includes the construction of new air release valves and access manways along the same pipe segment to allow for future maintenance and pipe inspection.

Staff recommends awarding a contract to Garney Companies in the amount of \$2,500,050.50 (GMP No. 5) and authorizing a change order allowance amount of \$125,002.50 (5%), for a total authorized amount of \$2,625.053. This project is funded by the Water Utility Systems Revenue Obligations.

- *5-c. Sossaman Road: Ray to the South Side of Loop 202. **(District 6)**

This project is for the construction of Sossaman Road from Ray Road to south side of the Loop 202 as part of the AirPark 202 development corridor. This section includes crossing under Loop 202 and building vehicular bridges over two existing ADOT flood channels. Completion of this section will provide an important access route for developers on the north and south side of Loop 202.

Staff recommends awarding a contract for this project to Hunter Contracting, Co, in the amount of \$4,501,111.90, and authorizing a change order allowance in the amount of \$450,000.00 (10%), for a total amount of \$4,951,111.90. This project is funded by 2020 Street Bonds, of which 70% is eligible for reimbursement through Proposition 400 and is part of the Arterial Life Cycle Program (ALCP).

- *5-d. Use of a Cooperative Contract with an Initial Term of 27 Months and Renewal Options for 911 System Replacement and Support Services for the Mesa Police Department and Fire Communications. **(Citywide)**

The City of Mesa has been contracting with the City of Phoenix to provide 911 services throughout the Maricopa Region 911 (MR911) office since 1985. On January 4, 2024, the Maricopa Association of Governments (MAG) 911 Study Committee voted to proceed with the transition to the State contract for regional 911 services which will result in the conclusion of the contractual agreement with the City of Phoenix to provide 911 services. With the emergence of virtualized call services, data centers, and Next Generation 911 technology, the efficacy of the MR911 model has changed. Contracting

with the State of Arizona Department of Administration's contracted provider has emerged as the next preferred service model given new technologies and resource constraints.

The Department of Innovation and Technology, the Mesa Police Department, the Mesa Fire and Medical Department, and Procurement Services recommend authorizing the purchase using the State of Arizona contract with AT&T at \$1,700,000 for the first year and \$950,000 annually for subsequent years with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-e. Additional Scope and Dollar Limit Increase to the Term Contract for Tree Pruning, Removal, and Other Related Services for the Parks, Recreation and Community Facilities and Energy Resources Department. **(Citywide)**

This contract provides tree pruning, removal, and other related services, including emergency services for the Parks, Recreation, and Community Facilities Department. Energy Resources currently has a contract for Line Clearance, Tree Trimming, and Removal Services that is due to expire on June 30, 2024. Energy Resources would like to be added to this contract.

The Parks, Recreation and Community Facilities Department and Procurement Services recommend increasing the dollar limit with West Coast Arborists by \$110,000 from \$1,057,000 to \$1,167,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-f. Dollar Limit Increase for Additional Work and Two-Year Renewal to the Term Contract for Roofing Repairs and Installation Services for the Parks, Recreation, and Community Facilities Department (PRCF). **(Citywide)**

This contract allows for the equipment, materials, and transportation necessary for the installation, repair, or replacement of various roofing systems maintained by PRCF. The department has several locations where roof repairs are needed due to cycle replacement. The locations for these projects are the Brown Road Water Treatment Plant; Transportation; Northwest Water Reclamation Plant; Greenfield Water Reclamation Plant; East Mesa Service Center; Senior Center; Kellwood Electric Substation; Arizona Museum of Natural History Annex; Hobson Storage; Main Library; and Parks Storage Annex. Funding is currently available in the appropriate department budgets.

The PRCF and Procurement Services recommend increasing the dollar limit with Foam Experts Roofing, Inc. (a Mesa business); Progressive Services, Inc. dba Progressive Roofing; and Sprayfoam Southwest, Inc. dba Global Roofing Group, for Year 3 by \$2,000,000, from \$500,000 to \$2,500,000; and authorizing the renewal at \$2,500,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-g. Three-Year Term Contract with Two Years of Renewal Options for Asphalt Materials for the Transportation Department (Single Response). **(Citywide)**

The Transportation Department utilizes asphalt materials for repairs and maintenance of city parking lots and roadways.

The Transportation Department and Procurement Services recommend awarding the contract to the single, responsive, and responsible bidder, Calmat Co. dba Vulcan Materials, at \$900,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- *5-h. Use of a Cooperative Contract with an initial term of 26-Months and Renewal Options for Refuse Truck Body Repair Services for the Fleet Department. **(Citywide)**

The City of Mesa manages a fleet of over 80 refuse trucks, some of which will require repairs during their lifetime. The City performs in-house repairs but sometimes requires contractors to service its refuse trucks when Original Equipment Manufacture repairs are required or when City staff are unable to take on additional work. Fleet Services is requesting to use seven (7) of the City of Phoenix vendors. Multiple vendors will help to perform these services when city staff are unable to.

The Fleet Services Department and Procurement Services recommend authorizing the purchase using the City of Phoenix contract with American Equipment; AMREP Manufacturing, Co.; Balar Equipment; BTE Body Co.; Short Equipment; Spartan Truck Manufacturing; and Terrific Trucks and Equipment at \$300,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

6. Take action on the following resolutions:

- *6-a. Approving and authorizing the City Manager to enter into Second Amendment to Intergovernmental Agreement with the Regional Public Transportation Authority (RPTA) in the amount of \$859,296 for fixed-route bus and RideChoice services. **(Citywide)** – Resolution No. 12170
- *6-b. Approving and authorizing the City Manager to submit the City of Mesa Annual Action Plan for Fiscal Year 2024/2025; authorizing the submittal of applications to receive entitlement funds for Fiscal Year 2024/2025 under the U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) program, Emergency Solutions Grant (ESG) program, HOME Investment Partnership Program (HOME), and Human Services to fund activities approved by the City Council; and authorizing the City Manager to expend, disburse and enter into agreements for disbursement of Fiscal Year 2024/2025 CDBG, ESG, HOME, and Human Services funds, received by the City. – Resolution No. 12171
- *6-c. Approving and authorizing the City Manager to enter into a Development Agreement with Northington Mesa Industrial Property Owner, LLC on approximately 106.5 net acres of land located within the 7500 blocks of East Warner Road (south side) and within the 4400 block of South Sossaman Road (west side) located south of Warner Road and west of Sossaman Road, to share costs on a proposed interim stormwater solution for excess flows crossing the planned intersection. **(District 6)** – Resolution No. 12172
- *6-d. Adopting a notice of intent to enter into an amended and restated retail development tax incentive agreement pursuant to A.R.S. § 9-500.11 (Version 2) related to the development of improvements for the project known as the “Destination at Gateway” generally located at the corner of South Signal Butte Road and East Williams Field Road. **(District 6)** – Resolution No. 12173
- *6-e. Authorizing and supporting the submittal of a grant application by Boys & Girls Clubs of the Valley to the Fort McDowell Yavapai Nation in the amount of \$40,000 and

authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12174

- *6-f. Authorizing and supporting the submittal of a grant application by Child Crisis Arizona to the Fort McDowell Yavapai Nation in the amount of \$15,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12175
- *6-g. Authorizing and supporting the submittal of a grant application by Desert Sounds Performing Arts to the Fort McDowell Yavapai Nation in the amount of \$21,340 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12176
- *6-h. Authorizing and supporting the submittal of a grant application by Maggie’s Place, Inc. to the Fort McDowell Yavapai Nation in the amount of \$20,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12177
- *6-i. Authorizing and supporting the submittal of a grant application by Native American Fatherhood and Families Association to the Fort McDowell Yavapai Nation in the amount of \$50,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12178
- *6-j. Authorizing and supporting the submittal of a grant application by Child Crisis Arizona to the Ak-Chin Indian Community in the amount of \$25,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12179
- *6-k. Authorizing and supporting the submittal of a grant application by Gene Lewis Boxing Club to the Ak-Chin Indian Community in the amount of \$25,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12180
- *6-l. Authorizing and supporting the submittal of a grant application by Native American Fatherhood and Families Association to the Ak-Chin Indian Community in the amount of \$50,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12181
- *6-m. Authorizing and supporting the submittal of a grant application by Planned Parenthood Arizona to the Ak-Chin Indian Community in the amount of \$25,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12182
- *6-n. Authorizing and supporting the submittal of a grant application by Desert Sounds Performing Arts to the Pascua Yaqui Tribe in the amount of \$20,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12183
- *6-o. Authorizing and supporting the submittal of a grant application by Gene Lewis Boxing Club and Youth Center to the Pascua Yaqui Tribe in the amount of \$8,500.00 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12184

- *6-p. Authorizing and supporting the submittal of a grant application by Native American Fatherhood and Families Association to the Pascua Yaqui Tribe in the amount of \$50,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12185
- *6-q. Authorizing and supporting the submittal of a grant application by City of Mesa Community Services Department to the Fort McDowell Yavapai Nation in the amount of \$90,620 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12186
- *6-r. Setting May 20, 2024, as the public hearing date to review the proposed FY2024/2025 annual assessments for the Mesa Town Center Improvement District No. 228. The proposed final assessments do not include any rate increases. **(District 4)** – Resolution No. 12187

7. Introduction of the following ordinances and setting May 6, 2024, as the date of the public hearing on these ordinances:

- *7-a. ZON23-00378 "Montorres." **(District 4)** Within the 300 block of North Alma School Road (east side). Located south of University Drive and east of Alma School Road (1± acre). Rezone from Office Commercial (OC) to Limited Commercial with a Bonus Intensity Zone overlay (LC-BIZ), Site Plan Review, and Council Use Permit. This request will allow for a mixed-use development. Yesica Montoya Moreno, owner; Tim Boyle, applicant. – Ordinance No. 5849

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 ordinance:

- *8-a. ZON23-00940 "Larry H. Miller Ford." **(District 4)** Within the 1600 to 1900 blocks of South Mesa Drive (east side) and within the 400 to 600 blocks of East Auto Center Drive (both sides). Located north of Baseline Road on the east side of Mesa Drive (26± 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 Major Site Plan Modification. This request will allow for the modification to two automobile dealerships. LHM MFD LLC, owner; Andrew Valestin, Kimley-Horn and Associates Inc., applicant. – Ordinance No. 5848

Staff Recommendation: Approval with conditions

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

9. Take action on the following subdivision plat:

- *9-a. SUB23-00869 "Lot 5 Mesa Gateway 202." **(District 6)** Within the 8700 to 9200 blocks of East Warner Road (south side), within the 4400 to 4800 blocks of South Ellsworth Road (west side) and within the 8800 to 9200 blocks of the East Starfire Avenue alignment (north side). Located west of Ellsworth Road and south of Warner Road. (5.2± acres). Scannell Properties #507, LLC, Scannell Properties #583, Scannell Properties #584, Scannell Properties #585, and Mesa Gateway 202 Property Owners' Association, developers; Kirk J. Pangus, Hilgart Wilson, LLC, surveyor.

Items not on the Consent Agenda

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:27 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 15th day of April 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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