



COUNCIL MINUTES

October 21, 2024

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 21, 2024, at 5:45 p.m.

COUNCIL PRESENT

John Giles
Mark Freeman
Alicia Goforth
Scott Somers
Julie Spilsbury

COUNCIL ABSENT

Francisco Heredia
Jennifer Duff

OFFICERS PRESENT

Christopher Brady
Holly Moseley
Jim Smith

Mayor's Welcome.

Mayor Giles conducted a roll call.

Mayor Giles excused Councilmember Duff and Vice Mayor Heredia from the entire meeting.

Invocation by Jess Brown with Desert Southwest Conference of the United Methodist Church.

Pledge of Allegiance was led by Girl Scout Troop #3050.

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 Councilmember Somers, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

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

Mayor Giles declared the motion carried unanimously by those present.

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

Minutes from September 5 and October 7, 2024, Study Sessions, September 26, 2024, Mesa Public Schools Joint meeting, and October 7, 2024, Regular Council meeting.

*3. Take action on the following liquor license applications:

*3-a. Hermandad Del Señor De Los Milagros

This is a one-day event to be held on Saturday, November 2, 2024, from 8:00 P.M. to 1:30 A.M. at Taco Land Inca Mex, 1231 West Baseline Road, Suite 101. **(District 3)**

*3-b. Ultimate Imaginations Inc.

This is a two-day event to be held on Friday, November 8, 2024, from 5:00 P.M. to 10:00 P.M. and Saturday, November 9, 2024, from 11:00 A.M. to 7:00 P.M. on Mesa city streets at 1 North Macdonald. **(District 4)**

*3-c. Amar'e Stoudemire Foundation

This is a one-day event to be held on Saturday, October 26, 2024, from 6:00 P.M. to 2:00 A.M. on Sunday, October 27, 2024, at The Salt Mine, 48 South Macdonald. **(District 4)**

*3-d. The Guadalupe on Main

A restaurant that serves dinner is requesting a new Series 12 Restaurant License for Alysia Kay Gratton Ramos, sole proprietor, 1526 East Main Street. The existing Series 12 license held by Casa Ramos II LLC will revert to the State. **(District 4)**

*3-e. Beetle Bodega – (DELETED - Withdrawn by applicant.)

4. Take action on the following contracts:

*4-a. Dollar Limit Increase to the Term Contract for Structural/Extrication Personal Protective Equipment for the Mesa Fire and Medical Department (MFMD). **(Citywide)**

The contract provides structural/extrication personal protective equipment (PPE) for MFMD members. The fire protective clothing specified represents materials that have been extensively tested and approved for use by MFMD's equipment evaluation committee. This contract increase is needed due to recent price increases from several vendors, PPE gear that is due for replacement, additional gear for new recruiting classes, and for the new purchase of female cut turnouts.

The MFMD and Procurement Services recommend increasing the dollar limit with Freightliner of Arizona, LLC dba Velocity Fire Equipment; L.N. Curtis & Sons; Matlick Enterprises dba United Fire Equipment and Municipal Emergency Services, Inc. by \$500,000, from \$675,000 to \$1,175,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index. This contract is funded by MFMD's operating budget and the Public Safety Sales Tax Fund.

*4-b. Three Month Extension and Dollar Limit Increase to the Term Contract for Street Sweeping Services for the Transportation Department. **(Citywide)**

This contract provides street sweeping services to include routine scheduled street sweeping, special event sweeping, and emergency responses, including spills. The contract extension is needed to allow Procurement Services to have additional time to re-solicit the contract, changing the solicitation method to a reverse auction.

The Transportation Department and Procurement Services recommend extending the contract for three months and increasing the dollar limit with Precision Sweeping Services, LLC by \$150,000 from \$775,000 to \$925,000 through February 17, 2025.

- *4-c. Dollar Limit Increase to the Term Contract for Emergency and Non-Emergency Response for Hazardous, Non-Hazardous, Universal, and Biohazardous Wastes for the Environmental Management and Sustainability Department. **(Citywide)**

This contract provides emergency and non-emergency response for hazardous, non-hazardous, universal, and biohazardous waste. The dollar limit increase is needed to accommodate other departments that have been added to the contract.

The Environmental Management and Sustainability Department and Procurement Services recommend increasing the dollar limit with Advanced Chemical Transport, Inc. dba ACTenviro; Emergency Environmental Services, LLC (a Mesa business); Environmental Response, Inc.; GrayMar Environmental Services, Inc.; and Kary Environmental Services, Inc. (a Mesa business) by \$390,000, from \$280,000 to \$670,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *4-d. Use of a Cooperative Contract for Sports Referee Services for the Parks and Recreation Department. **(Citywide)**

This contract will provide referees and officials for various adult and youth sports programs.

The Parks and Recreation Department and Procurement Services recommend authorizing the purchase using the City of Tempe cooperative contract with Spiker Sports at \$150,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *4-e. Dollar Limit Increase to the Term Contract for Maintenance, Repair, Operating Supplies, and Related Services as requested by the Business Services Department. **(Citywide)**

This contract provides maintenance, repair, and operations supplies, parts, equipment, materials, and related services including but not limited to, test instruments, hand tools and vehicle maintenance supplies, shelving and storage equipment, safety equipment and materials, power tools and metalworking, pneumatic and hydraulic pumps, and plumbing and HVAC equipment (e.g. air circulator fans, sump pumps, drill bits, conspicuity tape, timers, ball valves, casters, hand trucks, eyewash stations, pressure gauges, and hand tools). The Grainger contract is a citywide contract that all departments use. The dollar limit increase is needed due to increased department spending and the increased use of procurement cards for those purchases.

The Business Services Department and Procurement Services recommend increasing the dollar limit with Grainger by \$400,000, from \$1,300,000 to \$1,700,000, for the remaining term of the contract.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to purchase and enter into contracts with the Arizona Electric Power Cooperative for solar electric power supplies and associated energy and battery energy storage, for as much as 25 Megawatts (MW) of solar and 20 MW of battery storage, and for a contract term not to exceed twenty-five years. **(Districts 1 and 4)** – Resolution No. 12280
- *5-b. Approving and authorizing the City Manager to purchase and enter into contracts with qualified Suppliers for as many as three firm electric power supplies and associated energy, for as much as 15 Megawatts (MW) Base supply, 25 MW Summer Peak supply and 10 MW July - August Peak supply, and for a contract term not to exceed five years. **(Districts 1 and 4)** – Resolution No. 12281
- *5-c. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the City of Phoenix and Maricopa County for the distribution of grant funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program under which the City will receive \$157,554 for Arizona State University to provide technical and training assistance in criminal analysis within the Police Department Planning and Research Division. **(Citywide)** – Resolution No. 12282
- *5-d. Approving and authorizing the City Manager to enter a Subgrant Award Agreement with the Arizona Department of Public Safety, to accept \$485,430 in grant funds from the Victims of Crime Act, Victim Assistance Grant Program. Funds will be used for personnel expenses at the Police Department's Mesa Family Advocacy Center. **(Citywide)** – Resolution No. 12283
- *5-e. ZON24-00724 "JX Metals." **(District 6)** Within the 10000 to 10200 blocks of East Germann Road (north side) and within the 7300 to 7600 blocks of South Crismon Road (east side). Located east of Crismon Road and north of Germann Road (63.6± acres). Council Use Permit. This request will allow for metal refining, casting, and extrusion uses in the General Industrial (GI) District. JX Nippon Mining & Metals USA Inc., owner; Adam Baugh, Withey Morris Baugh, PLC, applicant. – Resolution No. 12284

Staff Recommendation: Approval with conditions

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

6. Introduction of the following ordinances and setting November 4, 2024, as the date of the public hearing on these ordinances:

- *6-a. Proposed amendments to Section 11-43-7 of Title 11 of the Mesa City Code pertaining to Freeway Landmark Monuments. The proposed text amendments codify development standards currently contained within the Freeway Landmark Monument Design Guidelines. The amendments also include but are not limited to modifying the eligible location standards; modifying the number, sign area, and height requirements; adding spacing requirement; modifying height measurements; modifying design standards; adding electronic message display standards; adding provisions setting forth the required approvals and review process and a process to allow for the modification of development standards; adding sign permit and maintenance standards; and the repeal of the design guidelines. **(Citywide)** – Ordinance No. 5886

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (4-0)

- *6-b. ZON23-00417 "Jardinero." (**District 1**) Within the 3800 block of East McDowell Road (south side). Located south of East McDowell Road and east of North Val Vista Drive (19± acres). Rezone from Single-Residence-35 (RS-35) to Single-Residence-35 with a Planned Area Development overlay (RS-35-PAD). This request will allow for a single residence subdivision. EW Gardner Family Limited Partnership No. 2, owner; Sean Lake, Pew & Lake, PLC, applicant. – Ordinance No. 5885

Staff Recommendation: Approval with conditions

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

- *6-c. ZON24-00498 "Able Steel Fabricators." (**District 1**) Within the 4100 block of East Quartz Circle (north side) and within the 3300 to 3500 blocks of North Norwalk (west side). Located north of McDowell Road and west of Greenfield Road (10.2± acres). Rezone from General Industrial (GI) and Light Industrial (LI) to General Industrial with a Planned Area Development overlay (GI-PAD) and Major Site Plan Modification. This request will allow for the expansion of an industrial development. 4150 Investments LLC, owner; Greg Hitchens, Hitchens Associates Architects, applicant. – Ordinance No. 5887

Staff Recommendation: Approval with conditions

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

- *6-d. ZON23-00653 "The Landing at Falcon Field." (**District 2**) Within the 4600 to 4800 blocks of East McKellips Road (south side), the 1700 to 2000 blocks of North 48th Street (west side), and the 1700 to 2000 blocks of North 46th Street (east side). Located east of Greenfield Road and south of McKellips Road (34± acres). Rezone from Light Industrial (LI) to Light Industrial with a Planned Area Development overlay (LI-PAD), Site Plan Review, and revocation of a Council Use Permit (CUP). This request will allow for an industrial development. Evergreen-Greenfield and McKellips Land LLC, owner; Jazzmine Clifton, Evergreen Development, applicant. – Ordinance No. 5888

Staff Recommendation: Approval with conditions

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

7. Introduction of the following ordinance and setting November 4, 2024, as the date of the public hearing on this ordinance:

- *7-a. Proposed amendments to Section 11-25-4 of Title 11 of the Mesa City Code pertaining to Billboards. The text amendments include but are not limited to modifying the spacing requirements between Billboards; modifying the spacing requirements between Billboards and Residential Zoning Districts or residential uses; and modifying Billboard height requirements. (**Citywide**) – Ordinance No. 5889

Staff Recommendation: Adoption

P&Z Recommendation: Adoption (4-0)

Items not on the Consent Agenda

8. Conduct a public hearing and take action on the following minor General Plan amendment resolution, take action on the following zoning case, and take action on the following retail tax incentive findings resolution and development agreement resolution, all relating to a proposed development known as "Gateway Auto Mall":

8-a. ZON24-00164 "Gateway Auto Mall" (District 6) Within the 10700 to 11000 blocks of East Pecos Road (north side), and within the 6500 to 6800 blocks of South Signal Butte Road (both sides), and within the 6500 to 6800 blocks of South 222nd Street (east side). Located on the east and west side of Signal Butte and on the north side of Pecos Road (62± acres). Minor General Plan Amendment. This request will change the General Plan Character Area Type from Employment to Mixed Use Activity with a Regional Sub-type. Gateway Land Investments, LLC, Signal Butte 20 DJB, LLC, and Signal Butte 10 DJB, LLC, owners; Sean Lake, applicant. – Resolution No. 12285

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (5-0)

8-b. ZON22-00435 "Gateway Auto Mall" (District 6) Within the 10700 to 11000 blocks of East Pecos Road (north side), within the 6500 to 6800 blocks of South Signal Butte Road (both sides), and within the 6500 to 6800 blocks of South 222nd Street (east side). Located on the east and west sides of Signal Butte Road, and north of Pecos Road (62± acres). Rezone from Agricultural (AG), Light Industrial (LI), and General Industrial (GI) to General Commercial with a Planned Area Development overlay (GC-PAD). This request will allow for the development of several automobile sales facilities and other commercial uses. Gateway Land Investments, LLC, Signal Butte 20 DJB, LLC, and Signal Butte 10 DJB, LLC, owners; Sean Lake, applicant. – Ordinance No. 5884

Staff Recommendation: Approval with conditions

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

8-c. A resolution making findings required by A.R.S. § 9-500.11 (Version 2) for the City to enter into a Development and Pre-Annexation Development Agreement meeting the definition of "a retail development tax incentive agreement" for the development of improvements on a property of approximately 58.6 +/- acres within the jurisdictional limits of Mesa, AZ and 28.4 +/- acres of property located in Maricopa County, AZ outside of the jurisdictional limits of Mesa, AZ, generally located along Signal Butte Road, north of Pecos Road and south of State Route 24 for the project known as the "Gateway Automall." (**District 6**) (5 votes required) – Resolution No. 12286

8-d. A resolution approving and authorizing the City Manager to enter into a Development and Pre-Annexation Development Agreement for the development of a commercial use project known as "Gateway Automall" on approximately 58.6 +/- acres within the jurisdictional limits of Mesa, AZ and 28.4 +/- acres of property located in Maricopa County, AZ outside of the jurisdictional limits of Mesa, AZ, that is the subject of zoning case ZON22-00435, and that is generally located along Signal Butte Road, north of Pecos Road and south of State Route 24. The Development and Pre-Annexation Agreement meets the definition of a "retail development tax incentive agreement" under A.R.S. §9-500.11 (Version 2). (**District 6**) (5 votes required) – Resolution No. 12287

Mayor Giles announced that this is the time and place for a public hearing on minor General Plan amendment ZON24-00164 and zoning case ZON22-00435.

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

Mayor Giles stated that pending no objection of the Council, Items 8-a through 8-d will be voted on in one motion.

It was moved by Councilmember Spilsbury, seconded by Councilmember Somers, that Ordinance No. 5884 and Resolution Nos. 12285, 12286 and 12287 be adopted.

Upon tabulation of votes, it showed:

AYES – Giles–Freeman–Goforth–Somers–Spilsbury

NAYS – None

ABSENT – Duff–Heredia

Mayor Giles declared the motion carried unanimously by those present.

9. Items from citizens present.

The following citizens addressed the Council in opposition to the termination of the City of Mesa's Summer Electric Assistance program:

- Ryan Winkle, a Mesa resident and representative of The Arizona Fair Housing Center.
- Nadine Hathaway, a Mesa resident and the First United Methodist Church Secretary.
- Katherine Blaskowski, a Mesa resident.

In response to the citizen comments received, City Manager Christopher Brady announced that the utility financial assistance program has not been terminated and confirmed that financial assistance is still available. He reported that the law has recently changed, no longer prohibiting cities from turning off utilities for customers that fail to make their payments during the summer. He confirmed that financial assistance is still available, and utilities would not be cut off for customers who are willing to work with the City on payments.

Mayor Giles thanked the citizens for their comments and reiterated that the utility financial assistance program has not been terminated and confirmed that the program is available for citizens to apply for year round.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:07 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 21st day of October 2024. I further certify that the meeting was duly called and held and that a quorum was present.

HOLLY MOSELEY, CITY CLERK

sr