

COUNCIL MINUTES

November 21, 2022

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 21, 2022, at 6:09 p.m.

COUNCIL PRESENT

John Giles
Jennifer Duff
Mark Freeman
Francisco Heredia
David Luna
Julie Spilsbury
Kevin Thompson

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Holly Moseley
Jim Smith

Mayor's Welcome.

Mayor Giles conducted a roll call.

Invocation by Pastor Mert Pekrul with Mesa Bible Church.

Pledge of Allegiance was led by Mayor Giles.

Mayor Giles proclaimed November as "Be Kind America" month and thanked Councilmember Spilsbury for spearheading the initiative.

Councilmember Spilsbury discussed the #mesakindness social media campaign. She thanked community members and staff for supporting the initiative by using the hashtag when witnessing or participating in acts of kindness. She introduced Alison Brooks, Director of Destination Experience & Advocacy at Visit Mesa, and JC Thompson, Chief Operating Officer at Be Kind People Project, to talk more about the initiative.

Ms. Brooks declared Mesa as the first "Be Kind" certified city. She commented the certification demonstrates Mesa's inclusiveness and the city's shared values of kindness, compassion, and caring. She emphasized the impact of kindness and provided examples. She stated that the Mesa Regional Foundation for Accessibility, Diversity, and Inclusion proudly supports this effort to make Mesa a better place to visit, live, work and play.

Mr. Thompson stated the Be Kind People Project is a 501(c)(3) and has been delivering programs in Arizona to over 300 schools across the Valley for 10 years. He reported 1,700 "Be Kind" pledge posters were displayed in classrooms as part of World Kindness Month.

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 Luna, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

AYES – Giles–Duff–Freeman–Heredia–Luna–Spilsbury–Thompson

NAYS – None

Carried unanimously.

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

Minutes from the October 13 and 17, 2022, Study Sessions; and November 7, 2022, Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. Lovepup Foundation

This is a ten-day event to commence on Wednesday, December 14, 2022, and continue through Friday December 23, 2022, from 5:30 P.M. to 10:00 P.M. at 4011 South Power Road. **(District 6)**

*3-b. American Patriots Riders Club

This is a one-day event to be held on Saturday, December 10, 2022, from 12:00 P.M. to 7:00 P.M. at 922 South Country Club Drive. **(District 4)**

*3-c. Kentucky Bluegrass Bourbon & Spirits

A liquor distributor is requesting a new Series 4 Wholesaler License for Kentucky Bluegrass Bourbon & Spirits LLC, 100 West Hoover Avenue, Suite 7; Keith Brian Turner, agent. There is no existing license at this location. **(District 4)**

*3-d. Longbow Golf Club

A golf course with a bar is requesting a new Series 7 Beer and Wine Bar License for Thompson Golf Group OPS LLC, 5601 East Longbow Parkway; Ryan Neal Thompson, agent. This is an ownership transfer. The existing license held by Troon Beverages Inc. will revert to the State for modification. **(District 5)**

*3-e. Maduro's Fine Cigars & Tobacco East

A cigar lounge is requesting a new Series 7 Beer and Wine Bar License for Maduros Fine Cigars & Tobacco East LLC, 1907 West Main Street, Suite 4B; Ronald Earl Hardin Jr, agent. This is an ownership transfer. The existing license held by Big Sticks LLC will revert to the State for modification. **(District 3)**

*3-f. First Watch Restaurant #0659

A restaurant that serves breakfast and lunch is requesting a new Series 12 Restaurant License for First Watch Restaurants Inc., 1534 South Signal Butte Road, Suite 105; Joanne Karen Feinstein, agent. There is no existing license at this location. **(District 5)**

*3-g. Longbow Golf Club

A golf course restaurant that serves breakfast, lunch, and dinner is requesting a new Series 12 Restaurant License for Thompson Golf Group OPS LLC, 5601 East Longbow Parkway; Ryan Neal Thompson, agent. The existing license held by Troon Beverages Inc. will revert to the State. **(District 5)**

*3-h. Outcast Doughnuts

A donut shop that serves breakfast, lunch, and dinner is requesting a new Series 12 Restaurant License for Outcast Doughnuts LLC, 104 West Main Street, Suite 103; Jeffrey Craig Miller, agent. There is no existing license at this location. **(District 4)**

*3-i. Slaughter House What the Hell Bar

A restaurant that serves breakfast, lunch, and dinner is requesting a new Series 12 Restaurant License for Slaughter House USA LLC, 7303 East Main Street, Suite 114 - 116; Jeffrey Craig Miller, agent. The existing license held by HGJB Enterprises LLC will revert to the State. **(District 2)**

4. Take action on the following contracts:

4-a. One-Year Term Contract of Excess Workers' Compensation Insurance and Workers' Compensation Self-Insurance Surety Bond. **(Citywide)**

As a self-insured entity, state statute requires the City to obtain excess workers' compensation insurance and to provide a security deposit based on the total unpaid losses of open compensable workers' compensation claims, which is accomplished through securing a surety bond.

Staff recommends the purchase of an excess workers' compensation insurance policy from Safety National Casualty Corporation with a self-insured retention for \$1.25 million per accident/injury/illness policy premium (with exceptions), at \$550,000 and a workers' compensation self-insurance surety bond through Travelers Casualty and Surety Company of America for the rate of \$12.00 per every \$1,000 of unpaid losses.

For continuance to a future City Council meeting.

*4-b. Purchase of Stage Lighting Fixtures (Replacements) for the Mesa Arts Center, Ikeda and Playhouse Theaters, as requested by the Arts and Culture Department. **(Citywide)**

This purchase will replace stage lighting equipment for the Ikeda and Playhouse Theaters to begin the phased upgrade of the most commonly used lighting fixtures and components to LED technology. LED replacements will increase stage lighting capability

and significantly lower the power consumption from an average of 750 watts to 300 watts per fixture.

The Arts and Culture Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, Barbizon Light of the Rockies at \$198,246.54.

- *4-c. One-Year Term Contract with Four Years of Renewal Options for Gas Service Regulators for the Materials and Supply Warehouse (for the Energy Resources Department). **(Citywide)**

This contract will provide gas service regulators for new construction projects and maintenance and repair of existing facilities in the City's natural gas distribution system. Materials and Supply places orders and maintains inventory as needed.

The Business Services Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder Measurement Control Systems, Inc., at \$190,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- *4-d. One-Year Term Contract with Four Years of Renewal Options for Pipe Parts for the Materials and Supply Warehouse (for the Energy Resources and Water Resources Departments). **(Citywide)**

This contract will provide various pipe parts such as ells, elbows, nipples, caps, couplings, tees, and bushings for the Utilities Departments. Materials and Supply places orders and maintains inventory as-needed.

The Business Services Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidders for each Group: United Central Industrial Supply; and Winsupply C Phoenix AZ Co, dba Thomas Pipe and Supply; at \$115,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-e. Use of a Cooperative Contract for the Purchase of Four Crew Trucks with Utility Service Bodies for the Energy Resources and Water Resources Departments. **(Citywide)**

This purchase will provide crew trucks with Freightliner chassis with utility service bodies; two additions for Energy Resources, and two replacements for Water Resources. The City has standardized our fleet in which Freightliner has been able to standardize crew trucks to meet our specifications in all categories. The vehicles that are being replaced have met established criteria and will be either traded, auctioned, sold, or deployed for special uses.

The Fleet Services, Energy Resources, and Water Resources Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Freightliner of Arizona, for \$1,093,339.84. This purchase is funded by the Capital Utility Fund and Utility Replacement Extension and Renewal Fund.

- *4-f. Use of a Cooperative Contract for an Eight-Month Term Contract with Three Years of Renewal Options for Electrical Motor Drives and Maintenance for the Water Resources Department. **(Citywide)**

This contract will provide all necessary labor, equipment, transportation, tools, replacement parts, and personnel with technical expertise necessary to provide electrical motor drives and maintenance.

The Water Resources Department and Purchasing recommend authorizing the purchase using the City of Phoenix Strategic Alliance for Volume Expenditures (S.A.V.E) cooperative contract with Dykman Electrical, Inc., at \$200,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-g. One-Year Term Contract with One-Year Renewal Options for Income Verification Software for the Community Services Department (Sole Source). **(Citywide)**

Carahsoft is the vendor that administers the Work Number software program used by the Housing Authority to verify income. Most employers submit employee compensation information into this system. According to HUD regulation, the City is required to verify income that may not be reported, which would cause an overpayment of rent on behalf of the participant. Carahsoft is the only vendor that has the detail and the larger number of employers reporting in the system.

The Community Services Department and Purchasing recommend awarding the contract to the sole source vendor, Carahsoft Technology Corp., at \$30,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. This purchase is funded by the Housing Choice Voucher Program.

- *4-h. Dollar-Limit Increase to the Term Contract for Landscape Irrigation and Sprinkler Supplies for the Materials and Supply Warehouse (for the Parks, Recreation and Community Facilities and Transportation Departments). **(Citywide)**

The Transportation Department created a new lifecycle budget to upgrade their Calsense irrigation system. The increase is needed for this upgrade to a new centralized irrigation system.

The Business Services and Transportation Departments and Purchasing recommend increasing the dollar limit with Sprinkler World of Arizona, Inc.; Ewing Irrigation Products; and Horizon Distributors, Inc.; Years 4 and 5 by \$350,000, from \$690,000 to \$1,040,000 annually. This purchase is funded Lifecycle Program Funds and the Transportation Department operating budget.

- *4-i. Three-Year Term Contract with Two Years of Renewal Options for Fence, Gate and Safety Rail Repairs and Installations for the Transportation Department (Single Response). **(Citywide)**

This contract will provide fence, alley gates, and safety rail repairs and installations at a variety of locations within the City.

The Transportation Department and Purchasing recommend awarding the contract to the single, responsive and responsible bidder, Biddle and Brown Fence Co., LLC, at \$159,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. This purchase is funded by the Local Streets Fund.

- *4-j. Three-Year Term Contract with Two Years of Renewal Options for Five Master Job Order Contracts for Transportation Construction Services. **(Citywide)**

Job Order Master contracts for transportation construction services will include construction of city infrastructure related to streets, right-of-way, storm sewers, traffic signals, site improvements, or other civil related improvements.

Staff recommends approving Haydon Building Corporation, M.R. Tanner Construction, Nesbitt Contracting Company, Inc., Sunland Asphalt and Construction, LLC, and Talis Construction Corporation (a Mesa business), for Job Order Master Contracts for transportation construction services for a period of three full years, with the option to extend the contracts for two additional one-year option periods, based on successful contractor performance and City concurrence. These five master contracts allow for the issuance of multiple individual job orders with a limit of \$4,000,000 per job order, or as otherwise approved by Council.

***4-k. Three-Year Term Contract with Two Years of Renewal Options for Three Master Job Order Contracts for General Building Construction Services. (Citywide)**

Job Order Master contracts for general building construction services include renovations and repairs, additions, demolition, and facility improvements for City buildings and facilities.

Staff recommends approving Brycon, McCarthy, and SDB Contracting Services for Job Order Master Contracts for General Building Construction Services for a period of three full years, with the option to extend the contracts for two additional one-year option periods, based on successful contractor performance and City concurrence. These three master contracts allow for the issuance of multiple individual job orders with a limit of \$4,000,000 per job order, or as otherwise approved by Council.

***4-l. Purchase of Two Gas Delivery and Breaching Systems for Armored Vehicles (Additions) for the Mesa Police Department (Sole Source). (Citywide)**

This purchase will provide DRACO breaching operational equipment for the two Lenco BearCat armored vehicles being purchased by the Department. The new DRACO Gas Delivery System will equip operators with a gas delivery system capable of remotely delivering up to eight chemical gas canisters and two noise flash diversion devices from the safety of an armored vehicle. It is a multi-use tool designed specifically for the safe delivery of command-initiated, indoor safe baffled chemical grenades and noise flash diversion devices into a hostile environment, including hardened structures and/or vehicles.

The Fleet Services and Police Departments and Purchasing recommend authorizing the purchase with the sole source vendor, JN Tactical, for \$44,296. This purchase is funded by Public Safety Sales Tax.

***4-m. Use of a Cooperative Contract for the Purchase of Two Armored Vehicles (Replacements) for the Mesa Police Department. (Citywide)**

This purchase will provide two Lenco BearCat G3 armored vehicles. The G3's have an increased ground clearance, and a robust suspension that allows for emergency response in rural regions and natural disaster scenarios where standard armored SWAT vehicles would experience challenges.

The Fleet Services and Police Departments and Purchasing recommend authorizing the purchase using the City of Tempe/Strategic Alliance for Volume Expenditures (S.A.V.E.) cooperative contract with Lenco Armored Vehicles, for \$792,098.72. This purchase is funded by Public Safety Sales Tax.

- *4-n. Use of a Cooperative Contract for the Purchase for Evidence Lockers and Refrigerators (Replacements) for the Mesa Police Department (Grant Funded). **(Citywide)**

This purchase will provide two evidence lockers with refrigerators, and two evidence lockers to provide a secure chain of custody for the Mesa Family Advocacy Center (MFAC). The refrigerated evidence lockers will be used for temperature sensitive evidence. The evidence lockers will be used for short-term evidence storage. MFAC is being remodeled and includes the replacement of existing equipment in the evidence room.

The Police Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Interior Solutions, for \$85,000.

- *4-o. Water Transfer Station No. 02 Upgrades Project - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 1. **(District 5)**

This is the first of first of three GMPs for this project. GMP No.1 includes the inspection of the existing waterline and the installation of a dewatering standpipe at the intersection of Recker and Brown Roads.

Staff recommends awarding a construction services contract to the CMAR, J.R. Filanc Construction, Inc., in the amount of \$766,829.96 (GMP), and authorizing a change order allowance of the amount in \$38,341.47 (5%), for a total amount of \$805,170.81. This project is funded by Utility Systems Revenue Obligations.

- *4-p. Gateway Boulevard and Aviation Way Utility and Roadway Improvements - Construction Manager at Risk (CMAR); Guaranteed Maximum Price (GMP) No. 3. **(District 6)**

In October 2021, Council approved GMP No. 1, an Intergovernmental Agreement (IGA) with Phoenix-Mesa Gateway Airport Authority (PMGAA), to construct City roadway and utility infrastructure to aid in the development of the east side of the Phoenix-Mesa Gateway Airport.

The project scope for this GMP No. 3 includes construction of the roadway and utility improvements for Aviation Way and Gateway Boulevard and the waterline along the west side of Ellsworth Road from State Route (SR) 24 to Pecos Road.

Staff recommends awarding a construction services contract to the selected CMAR, Sundt Construction, Inc., in the amount of \$35,421,129 (GMP No. 3), and authorizing a change order allowance in the amount of \$1,771,056 (5%), for a total amount of \$37,192,185. This project is funded by Utility Systems Revenue Obligations, 2020 Street Bonds, and the Transportation fund. PMGAA will reimburse the City for all costs associated with Aviation Way roadway and utility improvements. PMGAA's estimated share of GMP No. 3 is \$5,120,200, including a 5% change order allowance.

5. Take action on the following resolutions:

- 5-a. Canvassing, declaring, and adopting the results of the Special Bond Election consolidated with the Statewide General Election, held on November 8, 2022. **(Citywide)**

For continuance to the December 1, 2022, City Council meeting.

- *5-b. Approving and authorizing the City Manager to enter into a Project Agreement with the Maricopa Association of Governments for reimbursement under the Arterial Life Cycle Program for the Ellsworth Rd: Posada Avenue to Prairie Avenue Project that defines the regional reimbursement schedule for the project. The total project cost is estimated at \$324,470. The City is eligible for reimbursement of 70% of the actual total cost estimated at \$227,129 and is responsible for the remaining project cost at approximately \$97,341. **(District 6)** – Resolution No. 11961
- *5-c. Approving and authorizing the City Manager to enter into a Development Agreement for City Share Reimbursement with Shea Homes Limited Partnership, a California limited partnership, for the reimbursement of \$112,000 for waterline improvements that are being required by the City in conjunction with a proposed residential development known as Avalon Crossing Ph. 1, located at 10303 East Williams Field Road. **(District 6)** – Resolution No. 11962
- *5-d. Approving and authorizing the City Manager to enter into a Grant Agreement with the Arizona Criminal Justice Commission to accept \$74,959 in grant funds to be used for equipment for the Police Department's Forensic Services Division. **(Citywide)** – Resolution No. 11963
- *5-e. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the participants in the Regional Metropolitan Phoenix Fire Service automatic aid system to provide automatic assistance for fires and other types of fire-rescue-emergency medical services. **(Citywide)** – Resolution No. 11964
- *5-f. Endorsing the creation of the Sherwood Mesa Irrigation Water Delivery District that is generally bound by University Drive on the north, Pepper Place on the south, Stapley Drive on the west, and Hunt Drive. **(District 4)** – Resolution No. 11965

The formation of an irrigation water delivery district allows the District to make improvements and perform maintenance and operations of their irrigation system. Final designation of the District is determined by the Maricopa County Board of Supervisors.

6. Introduction of the following ordinances and setting November 21, 2022, as the date of the public hearing on these ordinances:

- *6-a. **See: Items not on the Consent Agenda.**
- *6-b. **See: Items not on the Consent Agenda.**
- *6-c. ZON22-00265 "Sparrow" **(District 2)** Within the 1200 to 1300 blocks of South 48th Street (both sides), the 4700 to 4800 blocks of East Southern Avenue, and within the 4800 to 4900 blocks of East Hampton Avenue (north side). Located east of Greenfield Road and south of Southern Avenue. (9± acres). Rezone from Single Residence-43

(RS-43) and Single Residence-15 (RS-15) to Multiple Residence-4 with a Planned Area Development overlay (RM-4-PAD) and Site Plan Review. This request will allow for a multiple residence development. Pew & Lake, applicant; Sunny Mesa INC, owner.

Staff Recommendation: Approval with conditions

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

- *6-d. ZON22-00731 "Greenfield Industrial" **(District 1)** Within the 4300 block of East McDowell Road (south side) and the 2500 to 2800 blocks of North Greenfield Road (west side). Located on the south side of McDowell Road and the west side of Greenfield Road. (17.72± acres). Rezone to remove conditions of approval of Zoning Case Number Z80-047 and to add new conditions of approval, Site Plan Review, and Special Use Permit. This request will allow for an industrial development. Tim Thielke, DLR Group, applicant; Donald Ottosen TR, owner.

Staff Recommendation: Approval with conditions

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

7. Take action on the following resolutions declaring titles and schedules of terms/rates/fees/charges to be public records and available to the public, and introducing the following ordinances regarding titles and schedules for City-owned utility terms/rates/fees/charges and setting December 1, 2022 as the date of the public hearing on these ordinances:

- *7-a. A resolution declaring proposed titles and schedules of terms and conditions for electric utility services to be a public record. **(Districts 1 and 4)** – Resolution No. 11966
- *7-b. An ordinance adopting and repealing titles and schedules of terms and conditions for electric utility services. **(Districts 1 and 4)**
- *7-c. A resolution declaring proposed titles and schedules of terms/rates/fees/charges for electric utility services to be a public record. **(Districts 1 and 4)** – Resolution No. 11967
- *7-d. An ordinance adopting titles and schedules of terms/rates/fees/charges for electric utility services, and also repealing certain existing titles and schedules. **(Districts 1 and 4)**
- *7-e. A resolution declaring proposed titles and schedules of terms/rates/fees/charges for natural gas utility services to be a public record. **(Citywide)** – Resolution No. 11968
- *7-f. An ordinance adopting titles and schedules of terms/rates/fees/charges for natural gas utility services. **(Citywide)**
- *7-g. A resolution declaring proposed titles and schedules of terms/rates/fees/charges for water utility services to be a public record. **(Citywide)** – Resolution No. 11969
- *7-h. An ordinance adopting titles and schedules of terms/rates/fees/charges for water utility services. **(Citywide)**
- *7-i. A resolution declaring proposed titles and schedules of terms/rates/fees/charges for wastewater utility services to be a public record. **(Citywide)** – Resolution No. 11970

- *7-j. An ordinance adopting titles and schedules of terms/rates/fees/charges for wastewater utility services. **(Citywide)**
- *7-k. A resolution declaring proposed titles and schedules of terms/rates/fees/charges for solid waste utility services to be a public record. **(Citywide)** – Resolution No. 11971
- *7-l. An ordinance adopting titles and schedules of terms/rates/fees/charges for solid waste utility services. **(Citywide)**

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

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

- *8-b. ZON22-00942 **(District 2)** Within the 1200 to 1300 blocks of South 48th Street (both sides) and within the 4700 to 4800 blocks of East Hampton Avenue (north side). Located east of Greenfield Road and south of Southern Avenue (15± acres). Rezone from Single Residence-43 (RS-43) and Single Residence-15 (RS-15) 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. Pew & Lake, applicant; Sunny Mesa INC, owner. – Ordinance No. 5742

Staff Recommendation: Approval with conditions

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

- *8-c. ZON22-00583 **(District 3)** Within the 700 block of West 8th Place (south side). Located west of Country Club Drive and north of Rio Salado Parkway (.25± acres). Site Plan Review. This request will allow for a multiple residence development. Victoria Snively, United Realty MTA, applicant; Thomas and Sarah Ahdoot, owner. – Ordinance No. 5743

Staff Recommendation: Approval with conditions

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

- *8-d. ZON21-01271 **(District 4)** Within the 600 block of West University Drive (south side), within the 300 block of North Hosick (east side), and within the 300 block of North Date (west side). Located west of Country Club Drive on the south side of University Drive (1.5± acres). Rezone from Limited Commercial (LC) and Single Residence 6 (RS-6) to Multiple Residence 4 with a Planned Area Development Overlay (RM-4-PAD) and Site Plan Review. This request will allow for a multiple residence development. Tim Boyle, Tim Boyle Design, applicant; QCC Promotion and Marketing, LLC, owner. – Ordinance No. 5744

Staff Recommendation: Approval with conditions

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

- *8-e. **See: Items not on the Consent Agenda.**

9. Discuss, receive public comment, and take action on the following annexation and zoning ordinances relating to the proposed development "Wentworth 80th":

- *9-a. ANX22-00608 (**District 6**) Annexing property located north of Elliot Road and east of Sossaman Road (0.5± acres). Initiated by the applicant, Pew & Lake, PLC, for the owner, TLC Foundation LP. – Ordinance No. 5745
- *9-b. ZON22-00607 (**District 6**) Within the 7600 to 8000 blocks of East Elliot Road (north side) and within the 3300 to 3600 blocks of South 80th Street (west side). Located east of Sossaman Road and north of Elliot Road (58± acres). Rezone from Agriculture (AG), Limited Commercial (LC) and Single Residence 43 (RS-43) to Light Industrial with a Planned Area Development Overlay (LI-PAD) and Site Plan Review. This request will allow for an industrial development. Pew & Lake, applicant; TLC Foundation LP, owner. – Ordinance No. 5746

Staff Recommendation: Approval with conditions

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

10. Take action on the following subdivision plat:

- *10-a. SUB22-00345 "The Hub at 202" (**District 6**) Within the 4200 to 4400 blocks of South Sossaman Road (west side). Located west of Sossaman Road and north of the Warner Road alignment (101.1± acres). Hub at 202 OWNCO LLC., developer; Benedict Bautista, Benchmark, surveyor.

Items not on the Consent Agenda

- 6-a. Amending Title 6 of the Mesa City Code (Police Regulations) by repealing and replacing Chapter 12 entitled "Offensive, Excessive and Prohibited Noises", clarifying definitions, prohibitions, and exemption procedures, and updating penalty provisions. (**Citywide**)

David Snyder, a Mesa resident, expressed concerns about enforcing prohibited noises from roosters. He stated that although roosters are allowed in Mesa, a noise complaint could result in removal of the rooster or a citation. He noted he disagrees with punitive issues for the natural noise of rooster. He described the benefits of owning chickens and roosters and requested that one rooster be exempt from the noise ordinance.

It was moved by Councilmember Freeman, seconded by Councilmember Luna, that Amending Title 6, Chapter 12 of the Mesa City Code be introduced, setting December 1, 2022, as the public hearing date.

Upon tabulation of votes, it showed:

AYES – Giles–Duff–Freeman–Heredia–Luna–Spilsbury–Thompson
NAYS – None

Carried unanimously.

- 6-b. ZON22-00263 "Hines" (**District 2**) Within the 5600 to 5800 blocks of East Inverness Avenue (north and west side) and within the 5600 to 5800 blocks of South Sunview (north and south sides). Located east of Higley Road and north of Baseline Road (50±

acres). Rezone from Planned Employment Park with a Planned Area Development Overlay and Council Use Permit (PEP-PAD CUP) to Planned Employment Park with a Planned Area Development Overlay (PEP-PAD), Light Industrial with a Planned Area Development Overlay (LI-PAD), and Site Plan Review. This request will allow for an industrial development. Sean Lake, Pew & Lake, PLC, applicant; VHS ACQUISITION SUBSIDIARY NUMBER 11 INC, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 6-1)

Anna Makin, a Mesa resident, expressed concerns regarding the traffic in the Red Mountain neighborhood, construction, accidents, and air pollution. She stated she enjoys the open space and opposes the plans to rezone and construct eight warehouses, which include 40-foot-high buildings and parking lots. She pointed out there are many other commercial properties available and stated the proposed buildings are oversized and off-scale, creating access problems and traffic congestion. She commented that the location of citizen participation was not ideal and emphasized the negative environmental impact.

It was moved by Councilmember Freeman, seconded by Councilmember Luna, that ZON22-00263 be introduced, setting December 1, 2022, as the public hearing date.

Upon tabulation of votes, it showed:

AYES – Giles–Duff–Freeman–Heredia–Luna–Spilsbury–Thompson
NAYS – None

Carried unanimously.

8-a. Amending Title 6 (Police Regulations), Chapter 1 (General Offenses), of the Mesa City Code, by adding a new section 22 entitled, "Interfering with a Peace Officer", prohibiting the obstruction of a peace officer from their official duties, or refusing to obey a lawful order issued, while engaged in the discharge of their official duties, and consequences for violations of the section. **(Citywide)**. – Ordinance No. 5747

Christopher Ruff expressed concerns regarding the approval of the ordinance. He noted A.R.S. § 13-2402 is already in place to protect police officers from being interrupted. He discussed his previous encounters filming police officers, including the use of tape.

Darren Barrett, a Tempe resident, stated he has been filming police for five years. He expressed concerns about this ordinance, noting officers set up the tape to feel safe. He emphasized the importance of citizens being allowed to see and hear what is conducted during an investigation.

Scott Jacobs highlighted his background as a medical professional for the last 25 years. He expressed concerns about police behavior and stated police deserve to be filmed.

Responding to a question from Mayor Giles, City Attorney Jim Smith explained the ordinance does not prohibit the filming of police officers. He pointed out that this ordinance mirrors regulations in neighboring municipalities.

It was moved by Councilmember Freeman seconded by Councilmember Luna that the amendment to Title 6, Chapter 1 of the Mesa City Code be approved.

Upon tabulation of votes, it showed:

AYES – Giles–Duff–Freeman–Heredia–Luna–Spilsbury–Thompson

NAYS – None

Carried unanimously.

- 8-e. ZON22-00671 (**District 5**) Within the 1300 to 1500 blocks of North Power Road (east side), within the 6800 block of East Hobart Street (south side), and within the 6800 block of East Halifax Drive (both sides). Located north of Brown Road on the east side of Power Road (6± acres). Rezone from Single Residence-35 (RS-35) and Office Commercial (OC) 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. Sean Lake, Pew & Lake, PLC, applicant; Power Road Park, LLC, owner. – Ordinance No. 5748

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 5-2)

Russell Bernzen, a Mesa resident, stated he resides north and east of the proposed Jackson project. He recited a letter from a neighbor expressing concerns about the proposed zoning. He explained that he and his surrounding neighbors are opposed to the current zone change of 61 units on a 6-acre parcel and discussed power line concerns.

Kevin Venisnik, a Mesa resident, discussed access concerns and reported the neighborhood meetings did not address these issues. He pointed out additional concerns regarding stacked parking, density, and sight line illustrations. He requested that the developer return to the neighborhood and devise a compromise amongst all interested parties.

David Sloan, a Mesa resident, stated he shares property lines on two sides of the referenced property. He expressed concerns about changing this parcel, which is currently zoned for six homes, to allow 60 homes. He pointed out that this was a split decision from the Planning and Zoning Board. He remarked that supporting this project disregards the rights and interests of surrounding landowners.

Michele Santos, a Mesa resident, expressed concerns regarding limited parking, traffic, and density. She requested that Council return to the neighborhood to hear their concerns, noting that type of density is strongly opposed.

Sean Lake, Land Use Attorney, commented on behalf of developers and property owners. He explained the Salt River Project (SRP) design and construction requirements for power lines. He stated the west side adjacent to the residential area are single-story homes, and adjacent to the south and east are two-story homes. He pointed out that the three-story houses are pulled out to Power Road resulting in a height transition. He displayed site plan details and pointed out landscaping, setbacks, and ingress and egress points. He noted there are no patios or balconies overlooking the homes. He stated the Planning and Zoning Board recommended approval of this project and remarked this is reasonable use of the property and provides housing for those that want to live and work in Mesa.

Mayor Giles noted that the following citizens provided comment cards in opposition to the project but chose not to speak:

- Patricia Venisnik
- Philip Rodriguez
- Catherine Rodriguez
- Craig Vossler
- Roger Jenkins
- Karen Jenkins

In response to a question from Councilmember Luna, Assistant Planning Director Rachel Nettles stated staff sees no foreseeable issue with parking. She remarked there are two spaces for parking, one in the garage and one in the driveway.

Responding to additional questions from Councilmember Luna, Mr. Lake stated this is a gated community with two entrances on the north side off Hobart Street and Halifax Street. He added the south side ingress and egress is off Halifax, and the other access off Power Road is for emergency and solid waste access only. He reported there had been two neighborhood meetings on this project, along with other communications through neighbors.

In response to multiple questions from Councilmember Spilsbury, Mr. Lake stated the entrance to the community is off Hobart, and the exit is off Halifax. He noted that the overall challenge is that the two parties do not agree and have reached an impasse. He pointed out windows can be obscured with oversized landscaping.

Vice Mayor Duff indicated in other master plan communities, there are similar sections of townhomes, condos, mid-level homes, and custom homes. She stated these communities work well with proper landscaping and separation and allow for housing options. She remarked this is a good quality project that respects the neighbors and creates a community of homes.

Councilmember Luna thanked the residents and recalled several proposed projects over the years on this property. He stated this project is appropriate for this property and gave his support.

Mayor Giles indicated his support and noted that this project transitions well from Power Road to the quiet neighborhood. He stated the buffering and home elevations mitigate the impact on the community, and the intention behind the design is evident.

It was moved by Councilmember Freeman, seconded by Councilmember Luna, that ZON22-00671 be approved.

Upon tabulation of votes, it showed:

AYES – Giles–Duff–Freeman–Heredia–Luna–Spilsbury–Thompson
NAYS – None

Carried unanimously.

11. Items from citizens present.

Peter Kovacs, a Tempe resident, gave his background and discussed his experience running for U.S. Senate in Arizona.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:28 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 November 2022. 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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