

COUNCIL MINUTES

August 29, 2022

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on August 29, 2022, at 5:45 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 Reverend Derrick Elliott with Desert Heritage Church (AZ Disciples).

Pledge of Allegiance was led by Mayor Giles.

Awards, Recognitions and Announcements.

Mayor Giles recognized members of the Mayor's Youth Committee representing various high schools throughout the City of Mesa (COM). He explained throughout the school year, the committee members participate in events that culminate in providing their feedback to Council.

Mayor Giles announced the Mesa Fire and Medical Department (MFMD) earned their re-accreditation from the Commission on Fire Accreditation International. He stated this is the 25th year that MFMD has been accredited, demonstrating their commitment to continuous improvement through evaluations, compliance, and assessments. He recognized Mesa Fire and Medical Chief Mary Cameli for her election as Executive Board Chair of the International Fire Service Training Association. He emphasized Chief Cameli is the first woman to hold that position.

Chief Cameli expressed gratitude to Council for their support of the process. She explained the importance of MFMD to the citizens that Mesa serves in recognizing that the process and programs are effective.

Mayor Giles announced that the COM is being recognized as an International City of Peace and the effort was led by Dr. Ruth Tan Lim, Liaison and Supporter of International Cities of Peace.

Dr. Lim commented she has resided in Mesa for 42 years and her passion for peace and nonviolence led her to promote the International Cities of Peace. She mentioned the goal is to empower the younger generation to continue her passion for peace. She explained Mesa is the 362nd City of Peace and encouraged Council and everyone in attendance to feel empowered to think about peace and promote peace to create a better community. She announced Mesa Community College will host an event on October 8, 2022, regarding nonviolence.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

It was moved by Councilmember Spilsbury, seconded by Councilmember Thompson, 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 April 7, May 19, June 2, June 6, June 30, and July 11, 2022, Study Sessions; the May 19, and June 6, 2022, Special Sessions; and August 22, 2022, Regular Council meeting.

3. Take action on the following liquor license application:

*3-a. Tipsy Chicken

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for FC & S Enterprise LLC, 1933 West Main Street, Suite 8; Vanna Nguyen, agent. The existing license held by Go Chicken LLC will revert to the State. **(District 3)**

4. Take action on the following bingo application:

*4-a. Kathi E McMichael DBA: Rancho Reata Resident's Association

Kathi McMichael, Manager/Proceeds Coordinator; 9828 East Pueblo Avenue Mesa, AZ 85208 (Clubhouse). **(District 5)**

5. Take action on the following contracts:

*5-a. Use of Cooperative Contracts for a Term Contract with Renewal Options for Reservoir Inspections for the Water Resources Department. **(Citywide)**

The contract will provide reservoir inspections and sediment removal services. The Contractor will remove sediment and complete inspections of City potable water storage reservoirs, wastewater tanks, basins, and reclaimed water reservoirs as scheduled by the City.

The Water Resources Department and Purchasing recommend authorizing the purchase using the Strategic Alliance for Volume Expenditures (S.A.V.E.)/City of Tempe cooperative contract with Applied Diving Services, Inc. and S.A.V.E./City of Chandler cooperative contract with Workhorse Diving and Salvage, LLC, at \$150,000 annually, based on estimated usage. This purchase is funded by Water and Wastewater Enterprise and Greenfield Joint Venture Funds.

- *5-b. Dollar-Limit Increase to the Term Contract for Public Sewer and Irrigation System Cleaning, Inspection, and Rehabilitation Services for the Water Resources Department. **(Citywide)**

This contract provides a contractor to perform cleaning and internal video inspections of public sewer mains, manholes, siphons, and raw-water irrigation piping and structures. In addition, the contractor performs cured-in-place point repairs to extend the useful lives of these systems. The increase will provide sufficient funding to pay for increased cleaning and inspection costs, and allow the City to clean, inspect, and rehabilitate additional miles of pipe each year.

The Water Resources Department and Purchasing recommend increasing the dollar-limit with Hoffman Southwest Corp., dba Professional Pipe Services (Pro-Pipe), Year 3 by \$400,000 from \$600,000 to \$1,000,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-c. Purchase of a Full Body Scanner (Addition) for the Mesa Police Department. **(Citywide)**

The Police Department's Holding Unit is requesting the purchase of a body scanner with a thermal reader to improve its operations while reducing physical contact with inmates. Each time an inmate is in contact with Department personnel, the inmate is pat-searched. A full body scanner detects concealed narcotics and weapons; can detect substances if they are concealed under clothes, in body cavities, or in prosthetic devices. Its capabilities are much wider than a physical search by a detention officer and will ensure the safety and security of officers, inmates, the facility, and the public.

The Police Department and Purchasing recommend authorizing the purchase using the OMNIA Partners/Port of Portland cooperative contract with Safeware, Inc., for \$188,000. This purchase is funded by American Rescue Plan Act (ARPA) Grant Funds.

- *5-d. Three-Year Term Contract with Two Years of Renewal Options for Contractor Building Maintenance Services for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will establish a non-exclusive, pre-qualified general contractors list to perform building maintenance and repair work on various City facilities/projects on an as-needed basis. This contract will provide experienced journeymen to perform a variety of tasks including rough and finish carpentry, remodel work, such as walls, ceilings, doors, windows, drywall, stairs, tile, masonry, concrete, electrical and mechanical

repairs, and other maintenance work at City facilities. The awarded vendors are eligible to competitively quote for City building maintenance and repair projects.

An evaluation committee recommends awarding the contract to the five highest scored proposals from Builders Guild Inc. (a Mesa business); BWC Enterprises Inc., dba Woodruff Construction; Diamond Ridge Development Corporation; G&G Specialty Contractors, Inc.; and Robert N Ewing General Contractor, Inc.; cumulatively not to exceed \$3,750,000 annually, based on estimated requirements.

***5-e. Wastewater Manhole Rehabilitation Phase 13 Project. (Citywide)**

This project will rehabilitate 125 manholes that were evaluated and recommended for rehabilitation. The scope of work includes surface preparation, installation of corrosion resistant coating, structural insert installation, spot repairs of corrosion resistant coating, thermoplastic lining system, and other work as necessary for completion of the project.

Staff recommends awarding the contract for this project to the lowest, responsible bidder, Local Underground Construction, LLC, in the amount of \$2,190,950, and authorizing a change order allowance in the amount of \$219,095 (10%), for a total amount of \$2,410,045. This project is funded by the Utility Replacement Extension and Renewal Fund.

6. Take action on the following resolutions:

- *6-a.** Approving and authorizing the City Manager to accept Proposition 202 funds from the Gila River Indian Community in the amount of \$535,000 and administer awarded funds as pass-through grants to designated awardees. **(Citywide)** – Resolution No. 11921
- *6-b.** Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Arizona Board of Regents for and on behalf of Arizona State University (ASU). ASU will provide technical assistance and training on crime analysis to the Police Department at a cost not to exceed \$217,228. **(Citywide)** – Resolution No. 11922
- *6-c.** Extinguishing a portion of an 8-foot public utility easement located at 1305 East Kramer Circle to accommodate the construction of a new pool; requested by the property owner. **(District 1)** – Resolution No. 11923
- *6-d.** Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with Maricopa County concerning the relocation of the water and wastewater facilities on University Drive, from Power Road to Higley Road. **(District 5)** – Resolution No. 11924

7. Introduction of the following ordinances and setting September 12, 2022, as the date of the public hearing on these ordinances:

- *7-a.** Amending Section 10-4-6 of the Mesa City Code to modify the existing speed limit from 30 mph to 25 mph on 1st Street between Mesa Drive and Country Club Drive, as recommended by the Transportation Advisory Board. **(District 4)**
- *7-b.** ZON22-00340 **(District 2)** Within the 7000 block of East Main Street (south side), within the 100 block of South 70th Street (east side). Located east of Power Road on the south

side of Main Street (4+ acres). Rezone from Limited Commercial (LC) and 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. Benjamin Graff, Quarles & Brady, LLP, applicant; POWER & MAIN DECVOL, LLC, owner.

Staff Recommendation: Approval with conditions

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

- *7-c. ZON22-00350 (**District 5**) Within the 10700 block of East Hampton Avenue (south side) and within the 1400 to 1600 block of South Signal Butte Road (west side). Located north of the US 60 Superstition Freeway on the west side of Signal Butte Road (15± acres). Site Plan Modification. This request will allow for a mixed-use development. Andrew Call, Thompson Thrift, applicant; Signal Butte Hampton Mesa AZ, LLC and Signal Butte BFC, LLC owner.

Staff Recommendation: Approval with conditions

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

- *7-d. ZON22-00481 (**District 6**) Within the 8400 to 8500 blocks of East Pecos Road (south side), and the 7200 block of South Hawes Road (east side). Located south of Pecos Road and east of Hawes Road (9+ acres). Rezone from Agriculture (AG) to Light Industrial (LI) and Site Plan Review. This request will allow for an industrial development. Adam Baugh, Withey Morris PLC, applicant; GATEWAY DEVELOPMENT LLC, owner.

Staff Recommendation: Approval with conditions

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

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

- *8-a. ZON22-00260 (**District 5**) Within the 9100 block of East University Drive (south side) and the 300 block of North Ellsworth Road (west side). Located south of University Drive and west of Ellsworth Road (4± acres). Rezone from Multiple Residence 4 (RM-4) to Limited Commercial (LC) and Site Plan Review. This request will allow for the development of a restaurant with drive-thru. Benjamin Tate, Withey Morris, PLC, applicant; Valencia Heights LLC, owner. – Ordinance No. 5717

Staff Recommendation: Approval with conditions

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

- *8-b. ZON22-00388 (**District 5**) Within the 2100 block of North Power Road (east side). Located north of McKellips Road on the east side of Power Road (2.6± acres). Rezone from Residential 35 (RS-35) to Limited Commercial (LC). This request will allow for a dog training and boarding facility. Benjamin Tate, Withey Morris, applicant; Arizona Agribusiness and Equine Center Inc., owner. – Ordinance No. 5718

Staff Recommendation: Approval with conditions

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

- *8-c. ZON21-00792 (**District 6**) Within the 7300 to 7600 blocks of South Hawes Road (east side), the 8400 block of East Germann Road (north side) and the 7300 to 7500 blocks of South 85th Place (west side). Located north of Germann Road and east of Hawes Road (34± acres). Rezone from Light Industrial with a Bonus Intensity Zone overlay (LI-BIZ) and Office Commercial with a Bonus Intensity Zone overlay (OC-BIZ) to Light Industrial with a Planned Area Development overlay (LI-PAD) and Office Commercial with a Planned Area Development overlay (OC-PAD) and Site Plan Review. This request will allow for an industrial development. Dennis Newcombe, Gammage & Burnham P.L.C., applicant; HAWES OZ FUND LLC, owner. – Ordinance No. 5719

Staff Recommendation: Approval with conditions

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

9. Discuss, receive public comment, and take action on the following ordinances relating to the Avalon Crossing Planned Community development:

- *9-a. ZON22-00023 (**District 6**) Within the 10100 to 10600 blocks of East Williams Field Road (south side) and within the 6100 to 6400 blocks of South 222nd Street (west side) (1.5+ acres). Located east of Crismon Road, south of Williams Field Road, and on the north side of the East 24 Gateway Freeway alignment. Major modification to the Avalon Crossing Planned Community District Community Plan; Rezone from Agriculture (AG) to Planned Community (PC). This request will allow for a single residence development. CVL Consultants, applicant; Pacific Proving LLC, owner. – Ordinance No. 5720

Staff Recommendation: Approval with conditions

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

- *9-b. ZON22-00293 (**District 6**) Within the 10100 to 10600 blocks of East Williams Field Road (south side) and within the 6100 to 6400 blocks of South 222nd Street (west side) (1.5+ acres). Located east of Crismon Road, on the south side of Williams Field Road, and on the north side of the East 24 Gateway Freeway alignment. Major Modification to Development Unit Plan 2 of Avalon Crossing Planned Community District. This request will allow for a single residence development. Susan Demmitt, Gammage and Burnham, PLC, applicant; Pacific Proving LLC, owner. – Ordinance No. 5721

Staff Recommendation: Approval with conditions

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

10. Discuss, receive public comment, and take action on the following ordinances relating to the Legacy Business Park development:

- *10-a. ANX22-00266 (**District 6**) Annexing property located north of Pecos Road on the east side of South Ellsworth Road (89.8± acres). Initiated by the applicant, Gammage & Burnham, for the owner, Pacific Proving LLC. – Ordinance No. 5722

- *10-b. ZON22-00268 (**District 6**) Within the 9200 to 9600 blocks of East Pecos Road (north side) and the 6400 to 6800 blocks of South Ellsworth Road (east side). Located north of Pecos Road and east of Ellsworth Road (87± acres). Rezone from Agricultural (AG) to Light Industrial with a Planned Area Development overlay (LI-PAD) and Site Plan Review. This request will allow for an industrial development. Gammage and Burnham, PLC, applicant; Pacific Proving LLC, owner. – Ordinance No. 5723

Staff Recommendation: Approval with conditions

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

11. Discuss, receive public comment, and take action on the following ordinances relating to the Geneva Villas development:

- *11-a. ANX22-00161 (**District 5**) Annexing property located south of Brown Road on the west side of Crismon Road (8± acres). Initiated by the applicant, Pew & Lake, PLC, for the owner, KMC Holdings LLC. – Ordinance No. 5724
- *11-b. ZON22-00162 (**District 5**) Within the 9900 to 10000 blocks of East Brown Road (south side) and within the 1000 to 1200 blocks of North Crismon Road (west side). Located south of Brown Road and on the west side of Crismon Road (±8 acres). Rezone from Agricultural (AG) to Single Residence 15 with a Planned Area Development overlay (RS-15-PAD) and Site Plan Review. This request will allow for a single residence development. Jon Gillespie, Pew and Lake, applicant; Brighton Homes, owner. – Ordinance No. 5725

Staff Recommendation: Approval with conditions

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

12. Take action on the following subdivision plats:

- *12-a. SUB22-00205 “Lots 6, 7, and 8 of Mountain Vista Retail” (**District 5**) Within the 10700 block of East Hampton Avenue (south side) and within the 1400 block of South Signal Butte Road (west side). Located south of Southern Avenue and north of the US 60 Superstition Freeway (3.5± acres). Justin Richard, Beck Consulting Engineers LLC., surveyor; Thompson Thrift Development Inc., developer.
- *12-b. **See: Items not on the Consent Agenda.**

Items not on the Consent Agenda

- 12-b. SUB22-00178 “Hawes Crossing Village 1” (**District 6**) Within the 3200 blocks of South Hawes Road (west side), within the 3200 to 3500 blocks of the South 82nd Street alignment (both sides), and within the 3200 to 3500 blocks of South 80th Street (east side). Located north of Elliot Road on the west side of Hawes Road (81.17± acres). Sandy Hayden, Hilgartwilson, LLC., applicant; Lennar Arizona, LLC., owner.

It was moved by Councilmember Luna, seconded by Councilmember Freeman, that SUB22-00178 “Hawes Crossing Village 1” subdivision plat be approved.

Upon tabulation of votes, it showed:

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

Mayor Giles declared the motion carried by majority vote.

13. Items from citizens present.

There were no items from citizens present.

14. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:08 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 29th day of August. 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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