



City of Mesa
Notice of Meeting Agenda - Final
City Council

Monday, May 1, 2023
5:45 PM

Council Chambers
57 East 1st Street

DECORUM: The public is encouraged to attend City Council meetings in person, telephonically, or electronically. All persons attending the City Council meeting are asked to observe the rules of politeness, propriety, decorum, and good conduct. Anyone disrupting the meeting will be asked to leave or will be removed and may not be allowed to return.

PARTICIPATION: Members of the public at the meeting may address the City Council by providing comments on a specific agenda item or during "Items from Citizens Present." **To request to speak, submit a blue speaker card to the City Clerk prior to the start of a meeting.** When called to speak, please step up to the lectern, speak clearly into the microphone, and begin by stating your name and address for the record. To give everyone an opportunity to speak, comments are generally limited to three minutes unless otherwise determined by the Mayor. If you are with a group, please designate a spokesperson.

For agendized items, comments should be relevant to the item being discussed. During "Items from Citizens Present," the speaker may address the City Council on more general issues. Councilmembers are normally not permitted to discuss or take legal action on any matters raised by the public that are not specifically on the agenda.

If you would like handouts distributed to the City Council, please give them to the City Clerk at the time you submit your blue speaker card. Eleven copies of each document is requested.

CONSENT AGENDA: All items listed on the agenda with an asterisk (*) are on the consent agenda which means they will be considered by the City Council as a group, without any separate discussion of these items, unless a Councilmember or citizen requests the item be removed from the consent agenda to be considered separately. To request removal of an item from the consent agenda, please submit a blue speaker card to the City Clerk prior to the start of the meeting.

ACCESSIBILITY: The City of Mesa is committed to making its public meetings accessible to persons with disabilities. For special accommodations, please contact the City Manager's Office at (480)644-3333 or AZRelay 7-1-1 at least 48 hours in advance of the meeting.

Servicios en Español: Si necesita asistencia o servicio de interpretación en Español, comuníquese con la Ciudad al menos 48 horas antes de la reunion al 480-644-2767.

For more information regarding City Council meetings, including agendas, approved minutes and ways to participate electronically, please visit <https://www.mesaaz.gov/government/city-council-meetings>.

NOTICE: Pursuant to A.R.S. § 38-431.02, notice is hereby given that the City Council will hold a meeting open to the public at the date and time above. If indicated in the agenda, pursuant to A.R.S. § 38-431.03, the City Council may vote to go into executive session which will not be open to the public. Members of the City Council may appear at the meeting in person, telephonically, or electronically. Children are welcome at City Council meetings, but please remember meetings are video recorded; by allowing your child to attend, you consent to your child being recorded. A.R.S. § 1-602(A)(9).

Mayor John Giles
Vice Mayor Francisco Heredia - District 3
Councilmember Mark Freeman - District 1
Councilmember Julie Spilsbury - District 2
Councilmember Jennifer Duff - District 4
Councilmember Alicia Goforth - District 5
Councilmember Scott Somers - District 6

Mayor's Welcome**Roll Call****Invocation by Pastor Jen Lambert with Red Mountain United Methodist Church****Pledge of Allegiance****Awards, Recognitions and Announcements****1 Take action on all consent agenda items.****Items on the Consent Agenda**

***2** **23-0286** Approval of minutes of previous meetings as written.

3 Take action on the following recommendation made by the Judicial Advisory Board:

***3-a** **23-0516** Reappointing of City Magistrate, Stephen Umpleby, to a second two-year term beginning July 1, 2023 and ending June 30, 2025.

4 Take action on the following liquor license applications:

***4-a** **23-0521** The Dobson Association Inc.

This is a one-day event to be held on Friday, May 12, 2023, from 6:30 P.M. to 9:30 P.M. at La Casita Recreation Center, 2719 South Reyes. **(District 3)**

***4-b** **23-0522** Urban Legend Beer Company

A microbrewery is requesting a new Series 3 In-State Microbrewery License for Urban Legend Beer Company LLC, 150 West Main Street - Eric James Cady, agent. There is no existing license at this location. **(District 4)**

***4-c** **23-0529** Urban Legend Beer Company

A microbrewery is requesting a new Series 12 Restaurant License for Urban Legend Beer Company LLC, 150 West Main Street - Eric James Cady, agent. There is no existing license at this location. **(District 4)**

***4-d** [23-0523](#) Chupacabra Taproom

A taproom is requesting a new Series 7 Beer and Wine Bar License for Thirsty LLC, 14 North Robson - Eric James Cady, agent. The existing license held by Thirsty LLC will remain active. Once issued, the new license will remain inactive at the location until it has been sold or transferred. **(District 4)**

***4-e** [23-0527](#) The Social House

A lounge restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for The Lounge Social House LLC, 1440 South Country Club Drive Suite 3-5 - Sherod Sultan Smith, agent. There is no existing license at this location. **(District 4)**

***4-f** [23-0525](#) Baci Italian Bistro

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Bistro Enterprises LLC, 8830 East Germann Road Suite 182 - Amy S. Nations, agent. The previous license held by ATS-A-Nice Operations LLC will revert to the State. **(District 6)**

5 **Take action on the following contracts:*****5-a** [23-0517](#) Northwest Water Reclamation Plant (NWWRP) - Food to Energy Program, Phase 1: Flare to Fuel Project - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 2 **(District 3)**

This is the second, and final, GMP for this CMAR project. The scope of work for GMP No. 2 includes the installation, testing, and commissioning of previously purchased equipment, the procurement of the remaining materials not included in GMP No. 1, and the construction to connect the new system to the existing natural gas distribution system.

Staff recommends awarding the contract to the selected CMAR, Archer Western Construction, in the amount of \$4,724,201.12 (GMP No. 2), and authorizing a change order allowance in the amount of \$472,420.11 (10%), for a total amount of \$5,196,621.23. This project is funded by the Capital Utility Fund-Solid Waste and the Environmental Compliance Fee Fund.

***5-b** **23-0526** Renewal of the Term Contract for the Open Data Platform Solution for the Department of Innovation and Technology **(Citywide)**

Mesa's Open Data platform hosts nearly 300 datasets, nearly 200 performance measures, and approximately 316 City and Department story pages with more performance measures planned. The platform is an integral resource in making data available to decision-makers and public transparency. This request is for up to five, one-year renewals.

The Department of Innovation and Technology, and Purchasing recommend authorizing the renewal with Tyler Technologies; Year 6 at \$170,000, Year 7 at \$174,000, Year 8 at \$177,000, Year 9 at \$181,000, and Year 10 at \$185,000, for a total of \$887,000.

***5-c** **23-0519** Three-Year Term Contract with Two Years of Renewal Options for Automotive Batteries for the Fleet Services and Utilities Departments **(Citywide)**

This contract will provide automotive batteries for the City's fleet of vehicles, and a variety of batteries for generators, solar sites, and halogen chlorine systems for Water Resources and Energy Resources.

The Fleet Services and Water Resources Departments and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidders, Motive Energy, LLC dba Performance Plus Distribution (Primary), and Kann Enterprise dba Interstate Battery System of Scottsdale (Secondary), (Mesa businesses) at \$303,000 annually, with an annual increase allowance of up to 5% or the adjusted Producer Price Index.

***5-d** **23-0520** Three-Year Term Contract with Two Years of Renewal Options for Commercial Electrical Contractor and Electrical Testing Services for the Parks, Recreation and Community Facilities Department **(Citywide)**

This contract will provide a non-exclusive, pre-qualified list of electrical contractors to perform electrical maintenance, repair work, and switchgear testing and services for various City facilities/projects on an as-needed basis.

An evaluation committee recommends awarding the contract to the two, qualified proposals from Hawkeye Electric, Inc. and JFK Electrical Contracting Enterprises at \$2,000,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

***5-e** **23-0528** Three-Year Term Contract with Two Years of Renewal Options for Painting Services for the Parks, Recreation and Community Facilities Department **(Citywide)**

This contract will provide a non-exclusive, pre-qualified list of contractors to perform interior and exterior painting services for various City facilities/projects on an as-needed basis for Facilities Maintenance and Parks Maintenance.

An evaluation committee recommends awarding the contract to the six, highest scored proposals from A&H Painting, Inc.; A-O Painting, Inc.; Bravo Professional Painting, Inc.; DMS Companies, Inc. dba Hernandez Companies; Fabiani Painting & Decorating, LLC (a Mesa business); and Revolution Industrial, LLC at \$1,500,000 annually, based on estimated usage, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

***5-f** **23-0530** Three-Year Term Contract with Two Years of Renewal Options for Plumbing Services for the Parks, Recreation and Community Facilities Department **(Citywide)**

This contract will provide a non-exclusive, pre-qualified contractors list to perform plumbing services for various City facilities/projects on an as-needed basis.

An evaluation committee recommends awarding the contract to the three, highest scored proposals from PM Plumbing & Mechanical, Inc. (a Mesa business); RKS Plumbing & Mechanical, Inc.; and W.D. Manor Mechanical Contractors, Inc. at \$220,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

***5-g** **23-0524** Three-Year Term Contract with Two Years of Renewal Options for Masonry and Metal Fencing and Gate Installation Repair and Supplies for the Parks, Recreation and Community Facilities Department **(Citywide)**

This contract will provide installation and repair services for masonry and metal fencing, as well as fencing and gate materials on an as-needed basis.

An evaluation committee recommends awarding the contract to the highest-scored proposal from B.L.C.G. Corp. dba All Pro Fence Co. (a Mesa business) at \$500,000 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** [23-0200](#) Approving and authorizing the City Manager to submit the City of Mesa Annual Action Plan for Fiscal Year 2023/2024; authorizing the submittal of applications to receive entitlement funds for Fiscal Year 2023/2024 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 2023/2024 CDBG, ESG, HOME, and Human Services funds, received by the City.
- *6-b** [23-0513](#) Approving and authorizing the City Manager to enter into a grant award with the Federal Communications Commission Emergency Connectivity Fund to accept up to \$189,525 in grant funds reimbursing the purchase of home internet routers for Mesa residents that were distributed through the Mesa Public Library and eligible partners.
- *6-c** [23-0572](#) Approving and authorizing the City Manager, pursuant to Section 205(D) of the Mesa City Charter and Ordinance No. 5704, to enter into a Memorandum of Understanding for fiscal years 2023 through 2026 with the Mesa Police Association relating to wages and other forms of direct monetary compensation, hours, non-health related benefits and working conditions not covered under state or federal laws or City Personnel Rules.

7 Introduction of the following ordinances and setting May 15, 2023 as the date of the public hearing on these ordinances:

- *7-a** [23-0466](#) ZON22-01271 "Power & Elliot Commercial" (**District 6**) Within the 6800 to 6900 blocks of East Elliot Road (south side) and within the 3600 to 3700 blocks of South Power Road (east side). Located south of Elliot Road and east of Power Road. Rezone from Limited Commercial with a Planned Area Development overlay and Bonus Intensity Zone overlay (LC-PAD-BIZ) to Limited Commercial (LC) and Site Plan Review (12± acres). This request will allow for a commercial development. Benjamin Tate, Withey Morris, PLC, applicant; Lesueur Investments VI LLC, owner.

Staff Recommendation: Approval with conditions

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

- *7-b** [23-0467](#) ZON22-01278 “The Brickyards on Ellsworth” (**District 6**) Within the 9200 to 9600 blocks of East Willis Road (south side). Located north of Germann Road and east of Ellsworth Road (63± acres). Major Site Plan Modification. This request will allow for an industrial park. Dale Couture, Ware Malcomb, applicant; NEC E&G, LLC and ELLSWORTH 92 LLC, owner.

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 ordinances:

- *8-a** [23-0463](#) ZON21-01072 “Villas on Baseline” (**District 4**) Within the 1800 block of East Baseline Road (north side). Located north of Baseline Road and west of Gilbert Road (2± acres). Rezone from Agricultural (AG) to Multiple Residence-4 with a Planned Area Development overlay (RM-4-PAD) and Site Plan Review. This request will allow for a townhouse development. David Bohn, BFH Group LLC, applicant; DGI Utah LLC, owner.

Staff Recommendation: Approval with conditions

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

- *8-b** [23-0465](#) ZON22-01214 “Chick-Fil-A” (**District 3**) Within the 1200 to 1300 blocks of West Southern Avenue (north side); within the 1100 block of South Stewart (east side), and within the 1000 to 1100 blocks of South Alma School Road (west side). Located west of Alma School Road on the north side of Southern Avenue (16± acre). Major Site Plan Modification. This request will allow for a restaurant with a drive-thru. Brandi Loper, 4G Development & Consulting, Inc., applicant; Fiesta Commercial LLC, owner.

Staff Recommendation: Approval with conditions

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

- *8-c** [23-0464](#) ZON22-01015 “Cannon Beach PAD Amendment” (**District 6**) Within the 4400 to 4600 blocks of South Power Road (east side) and within the 6800 to 7100 blocks of East Warner Road (south side). Located east of Power Road and south of Warner Road (44± total acres). Rezone 1.6± acres from Agricultural (AG) to General Commercial with a Planned Area Development overlay (GC-PAD); modification of an existing Planned Area Development on the entire 44± acres and Major Site Plan Modification. This request will allow for a commercial development. Sean Lake, Pew & Lake PLC, applicant; Power 40 LLC, owner.

Staff Recommendation: Approval with conditions

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

9 Discuss, receive public comment, and take action on the following annexation, zoning ordinance and resolution relating to the proposed development “Legacy Gateway Hotels”:

- *9-a** [23-0262](#) ANX22-01007 (**District 6**) Annexing property located north of East Williams Field Road on the west side of State Route (SR) 24 Gateway Alignment (10.7± acres). Initiated by the applicant, Gammage and Burnham PLC, for the owners, Mesa BA Land LLC.

For continuance to the June 19, 2023 City Council meeting.

- *9-b** [23-0255](#) ZON22-01010 "Legacy Gateway Hotels" (**District 6**) Within the 9600 to 9900 blocks of East Williams Field Road (north side). Located north of Williams Field Road and west of the State Route (SR) 24 Gateway Freeway (10.7± acres). Council Use Permit and Site Plan Review. This request will allow for the development of multiple hotels and a retail pad. Gammage and Burnham, applicant; Mesa BA Land LLC, owner.

Staff Recommendation: Approval with conditions

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

For continuance to the June 19, 2023 City Council meeting.

- *9-c** [23-0424](#) A resolution approving and authorizing the City Manager to enter into a Development Agreement relating to the development project commonly known as “Legacy Gateway Hotels” that will be located approximately within the 9600 to 9900 blocks of East Williams Field Road. (**District 6**)

For continuance to the June 19, 2023 City Council meeting.

10 Take action on the following subdivision plats:

- *10-a** [23-0468](#) SUB22-00668 “Airpark 202” (**District 6**) Within the 7600 to 7800 blocks of East Warner Road (south side) and within the 4400 to 4700 blocks of South Sossaman Road alignment (east side). Located east of the Sossaman Road alignment on the south side of Warner Road (95.25± acres). CRP LDF Airpark 202 AZ LLC, developer; Benedict J. Bautista, Benchmark Surveying and Consulting, surveyor.

Items not on the Consent Agenda

- 11 Items from citizens present. (Maximum of three speakers for three minutes per speaker.)**

- 12 Adjournment.¹**

¹ Prior to adjournment, at this Council meeting, the City Council may vote to go into executive session for legal advice on any item listed on this agenda pursuant to A.R.S. §38-431.03(A)(3); this notice is given pursuant to A.R.S. §38-431.02 to the members of the City Council and the public.