

## COUNCIL MINUTES

August 26, 2024

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on August 26, 2024, at 5:47 p.m.

### COUNCIL PRESENT

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

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Holly Moseley  
Jim Smith

Mayor's Welcome.

Mayor Giles conducted a roll call.

Invocation by Pastor Kyle Glenn with Boulder Mountain Community Church.

Pledge of Allegiance was led by Mayor Giles.

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 Somers, seconded by Councilmember Freeman, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

AYES – Giles–Heredia–Duff–Freeman–Goforth–Somers–Spilsbury

NAYS – None

Carried unanimously.

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

Minutes from the August 19, 2024, Study Session; and August 19, 2024, Regular Council meeting.

3. Take action on the following liquor license applications:

\*3-a. Crisis 22 Project

This is a one-day event to be held on Friday, September 20, 2024, from 5:00 P.M. to 8:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

\*3-b. Speedy Market

A convenience store is requesting a new Series 10 Beer & Wine Store License for Chevron US 60 LLC, 1510 South Country Club Drive - Lauren Kay Merrett, agent. The existing license held by Anoz Inc. will revert to the State. **(District 4)**

\*3-c. James Witkowski American Legion Post 138

A social club is requesting a new Series 14 Club License for James Witkowski American Legion Post 138, 1264 West University Drive - Joshua Michael Grant, agent. There is no existing license at this location. **(District 3)**

4. Take action on the following contracts:

\*4-a. Reed Park Playground Improvements Project - Design-Bid-Build. **(District 4)**

This project includes the installation of new playground equipment, shade structures, permanently affixed site amenities, concrete ramps, and new playground surfacing. Special picnic tables and sidewalk ramps will increase accessibility and plumbing fixtures in the Park's bathroom will be brought into ADA compliance.

Staff recommend awarding a contract for this project to the lowest responsible bidder, Oliver Industries LLC, in the amount of \$1,243,737.92, and authorizing a change order allowance in the amount of \$124,373.79 (10%), for a total authorized amount of \$1,368,111.71. This project is funded by federal funding through the Community Development Block Grant Program (CDBG) granted through the Housing and Community Development Department.

\*4-b. Three-Year Term Contract with Two-Year Renewal Options for Helicopter Engine Repair Parts, Repair and Overhaul Services for the Mesa Police Department. **(Citywide)**

This contract is for aviation turbine engine overhauls, repairs, modifications, furnishing parts, tooling, rental, technical assistance and labor for complete engine modules, engine components, and engine accessories for the maintenance of the Aviation Unit's three MD Helicopters. This contract is needed to ensure helicopter availability and usage for continuous operations. Parts and services may be ordered as needed, and the contract covers costs associated with scheduled and unscheduled repairs. The department is requesting \$700,000 for the first year of the contract to cover additional costs to overhaul a helicopter's engine later this year.

A committee representing the Police Department and Procurement Services evaluated responses and recommend awarding the contract to the highest scoring respondent, H.E.R.O., Inc. at \$700,000 for the first year and \$400,000 annually thereafter, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- \*4-c. Purchase of a 1-Year Annual Maintenance Agreement for Forensic Equipment for the Mesa Police Department. **(Citywide)**

This purchase is for an annual maintenance agreement for specialized Forensic Services equipment and instruments used for state-of-the-art scientific examinations in support of investigations.

The Police Department and Procurement Services recommend authorizing the purchase with Specialty Underwriters, LLC at \$182,000.

- \*4-d. Three-Year Term Contract with Two-Year Renewal Options for Overhead Door Preventative Maintenance and Repair Services for the Facilities Management Department. **(Citywide)**

This contract is to perform preventative maintenance functions on overhead doors located at City of Mesa owned and operated facilities. These large doors are used primarily as vehicle entrances in Fire Stations, Police Stations, and Fleet Service locations. Other locations on this contract include storage areas, stages, and concession stand entrances.

The Facilities Management Department and Procurement Services recommend awarding the contract to the single responsive, and responsible respondent, DH Pace Company, Inc. at \$409,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- \*4-e. Three-Year Term Contract with Two-Year Renewal Options for Event Security/Crowd Management Services for the Parks, Recreation and Community Facilities and Arts and Culture Departments. **(Citywide)**

This contract will establish a pre-qualified list of event security/crowd management firms to provide concert and event security at the Mesa Convention Center and Amphitheatre, The Post, Special Events Office, and the Mesa Arts Center on an as-needed basis.

A committee representing the Parks, Recreation, and Community Facilities, Arts and Culture Departments, and Procurement Services evaluated responses and recommend awarding the contract to the highest scored, responsive, and responsible proposals from Estaff, Inc. and TEAM Security, LLC at \$475,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- \*4-f. One-Year Term Contract with Four-Year Renewal Options for Natural Gas Service Excess Flow Valves for the Materials and Supply Warehouse (for the Energy Resources Department). **(Citywide)**

This contract will provide natural gas service excess flow valves for new construction projects and maintenance and repair of existing utilities. Energy Resources - Gas Utility is required to install an excess flow value on all new applicable residential service lines to comply with federal regulation. To maintain inventory, the Gas Division and Materials and Supply Warehouse have determined optimal inventory quantities to be stored in the warehouse.

The Business Services Department and Procurement Services recommend awarding the contract to the lowest, responsive, and responsible bidders, Border States Industries, Inc. and Ferguson Enterprises, LLC at \$468,000, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- \*4-g. Purchase of Filters, Meter Kits, and Field Service for the Energy Resources Department (Sole Source). **(District 6)**

These Filter Fab filters, SICK flow meters and services will be used for the LG battery factory project. Other companies manufacture similar meter kits and filters, but they are not compatible or have the same functionality.

The Energy Resources Department and Procurement Services recommend authorizing the purchase from the sole source vendor, Meter, Valve & Control, Inc. at \$190,000, based on estimated requirements. This purchase is funded by Utility Revenue Obligation Bonds.

- \*4-h. 6-Month Extension and Dollar Limit Increase to the Term Contract for Emergency Medical Supplies and Pharmaceuticals for the Mesa Fire and Medical Department (MFMD). **(Citywide)**

This contract provides medical supplies per specifications for all emergency medical operations. MFMD's Emergency Medical Services and the Resources Divisions purchase and stock emergency medical supplies, including pharmaceuticals, for distribution to the fire stations. These emergency medical supplies include pharmaceuticals, airway and oxygen delivery items, instruments; supplies including diagnostic, first aid, infection control, IV, splinting and immobilization, and wound care; and equipment including monitoring and defibrillation, patient handling equipment, and suction and related equipment. This contract is currently in the process of being re-solicited.

MFMD and Procurement Services recommend extending the contract through January 31, 2025, and increasing the dollar limit with Bound Tree Medical, LLC by \$400,000, from \$1,600,000 to \$2,000,000 through the remaining term of the contract.

- \*4-i. One-Year Term Contract for G2 Fire Station Alerting System Equipment, Maintenance, and Services for the Fire and Medical Department (MFMD) through the Department of Innovation and Technology (DoIT) (Sole Source). **(Citywide)**

MFMD utilizes the Phoenix G2 Fire Station Alerting System. The system is interfaced with the City's Computer Aided Dispatch (CAD) system, receives alerting information from the CAD system, and transmits fast, reliable, and concise fire and medical emergency alerts to the Mesa Fire Stations and over radio channels. The City of Mesa also provides dispatching services using the G2 system to Gilbert Fire, Superstition Fire and Medical, Queen Creek Fire, and Rio Verde Fire.

The DoIT, MFMD, and Procurement Services recommend authorizing a one-year term contract with the sole source vendor, US Digital Designs (USDD) at \$1,000,000, based on estimated requirements.

- \*4-j. Ratification of an Emergency Purchase and Dollar Limit Increase to the Term Contract for Equipment Rental and Related Services. **(Citywide)**

This contract provides long-term and short-term rentals of vehicles and equipment. Rental options include light-duty trucks, heavy-duty trucks, backhoes, mini excavators, forklifts, water trucks, and dump trucks.

The emergency increase was needed to facilitate payment of outstanding invoices for the Transportation and Energy Resources Departments; and to add the Parks, Recreation, and Community Facilities and Facilities Management Departments to the contract with an authorized spend. The Parks, Recreation, and Community Facilities Department requires vehicle rentals for special events staff as needed for each City sponsored event. The Facilities Management Department requires vehicle rentals such as forklifts and bucket trucks.

Energy Resources, Water Resources, Transportation, Parks, Recreation and Community Facilities, and Facilities Management Departments and Procurement Services recommend ratifying the emergency purchase of \$450,000 through October 31, 2024; and a dollar limit increase of \$665,000, with a new upper limit at \$965,000 annually thereafter using the contract with Herc Rentals, Inc., with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

5. Take action on the following resolution:

- \*5-a. Approving and authorizing the City Manager to increase an individual Job Order Contract (JOC) limit for the Alma School Road and Adobe Street Water Transmission Main Improvements Project from \$4,000,000 to \$4,165,000 to address additional excessive pipe corrosion, broken valves, and existing gas line relocations discovered by the Contractor during the inspection of pipes. **(Districts 3 and 5)** – Resolution No. 12253

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

- \*6-a. ZON24-00277 "Atwood and Winnston." **(District 6)** Within the 7400 block of South 89th Place (west side), within the 8900 block of East Winnston Avenue (north side), and within the 7400 block of South Atwood (east side). Located west of Ellsworth Road and north of Germann Road (2.4± acres). Rezone from Light Industrial with a Planned Area Development overlay and a Bonus Intensity Zone overlay (LI-PAD-BIZ) to Light Industrial with a PAD overlay and a new Bonus Intensity Zone overlay (LI-PAD-BIZ) and Major Site Plan Modification. Tyco Metal Works LLC, owner; Alex Hayes, Withey Morris Baugh PLC, applicant. – Ordinance No. 5865

Staff Recommendation: Approval with conditions

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

- \*6-b. ZON23-01007 "Hawes Crossing Village 6 - S.F. Residential Portion." **(District 6)** Within the 8000 through 8200 blocks of East Warner Road (north side), within the 4000 through 4400 blocks of South 80th Street (east side), within the 4000 through 4200 blocks of 82nd Street alignment (both sides), and within the 4000 through the 4200 blocks of South Hawes Road (west side). Located west of Hawes Road and north of Warner Road (115± acres). Rezone 2.3± acres of the project site from Small Lot Single Residence 2.5 with a Planned Area Development overlay (RSL-2.5-PAD) to Small Lot Single Residence 4.0 with a PAD overlay (RSL-4.0-PAD), rezone 2.3± acres of the project site from RSL-4.0-PAD to RSL-2.5-PAD, rezone to establish a second PAD overlay on the entire 115± acres, and Specific Plan approval. This request will accommodate a single residence

development. Keith Nichter, Kimley Horn, applicant; Reserve 100 LLC, owner. – Ordinance No. 5866

Staff Recommendation: Approval with conditions

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

- \*6-c. ZON24-00137 "Metso Expansion." (**District 6**) Within the 8200 block of East Pecos Road (south side). Located west of Hawes Road on the south side of Pecos Road (10± acres). Rezone from Light Industrial (LI) to LI with a Planned Area Development Overlay (LI-PAD) and Site Plan Modification. This request will allow for an expansion to an existing industrial development. Metso Minerals Industry, Inc., owner; Gammage & Burnham, PLC, applicant. – Ordinance No. 5867

Staff Recommendation: Approval with conditions

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

7. Take action on the following subdivision plats:

- \*7-a. SUB23-00502 "Sunvalley Village Townhomes." (**District 2**) Within the 7100 block of East Main Street (north side) and the 0 to 100 block of North Sunvalley Boulevard (west side). Located east of Power Road on the north side of Main Street (6.88± acres). Avtar C. and Satya Verma, developer; Duran T. Thompson, D&M Engineering, LLC, surveyor.
- \*7-b. SUB24-00432 "West Main Station Village." (**District 3**) Within the 1300 to 1400 blocks of West Main Street (north side) and within the 0 to 100 block of North Rogers (east side). Located west of Alma School Road on the north side of Main Street (0.9± acres). Mesa 26, LLC, developer; Jerry L. Dodd Jr., EPS Group, surveyor.
- \*7-c. SUB24-00404 "Signal Butte Crossings." (**District 6**) Within the 10800 to 11100 blocks of East Pecos Road (south side), within the 6800 to 7600 blocks of South Signal Butte Road (east side), and within the 10800 to 11100 blocks of East Germann Road (north side). Located south of Pecos Road and east of Signal Butte Road (192± acres). Signal Butte Land, LLC, and Gerald Purcell, developers; James M. Williamson, Superior Surveying Services, Inc., surveyor.

Items not on the Consent Agenda

8. Conduct a public hearing and take action on the following minor General Plan amendment resolution, annexation and zoning case ordinances, and development agreement resolution relating to the development, Pacific Proving Technology Campus:

- 8-a. Conduct a public hearing on minor General Plan amendment ZON24-00561, annexation case ANX24-00192, and zoning case ZON24-00190.

Mayor Giles announced that this was the time and place to conduct a public hearing on minor General Plan amendment ZON24-00561, annexation case ANX24-00192, and zoning case ZON24-00190.

There being no citizens wishing to address the Council, the Mayor declared this public hearing closed.

- 8-b. ANX24-00192 (**District 6**) Annexing property located on the north side of East Pecos Road and on the east side of the proposed South Crismon Road Alignment (130± acres). This request has been initiated by Gammage & Burnham, PLC, for owner Pacific Proving, LLC. – Ordinance No. 5868
- 8-c. ZON24-00561 "Pacific Proving Technology Campus GP Amendment." (**District 6**) Within the 10000 to 10400 blocks of East Pecos Road (north side) and within the 6200 to 6800 blocks of the future South Crismon Road alignment (east side). Located north of Pecos Road and east of Ellsworth Road (130± acres). Minor General Plan Amendment. This request will change the General Plan Character Area Type from Mixed Use Community to Employment. Pacific Proving, LLC, owner; Gammage & Burnham, PLC, applicant. – Resolution No. 12254

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (Vote: 6-0)

- 8-d. ZON24-00190 "Pacific Proving Technology Campus." (**District 6**) Within the 10000 to 10400 blocks of East Pecos Road (north side) and within the 6200 to 6800 blocks of the future South Crismon Road alignment (east side). Located north of Pecos Road and east of Ellsworth Road (177± acres). Rezone from Agricultural (AG) and Light Industrial with a Planned Area Development Overlay (LI-PAD) to LI-PAD, Site Plan Review, and Council Use Permit (CUP). This request will allow for a data center. Pacific Proving, LLC and Mesa BA Land, LLC, owners; Gammage & Burnham, PLC, applicant. – Ordinance No. 5869

Staff Recommendation: Approval with conditions

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

- 8-e. A resolution approving and authorizing the City Manager to enter into a Pre-Annexation Development Agreement with Pacific Proving LLC, and Mesa BA Land, LLC, for the development of data center and technology campus project referred to as "Pacific Proving Technology Campus" on approximately 168 acres of real property located within the 10000-10400 blocks of East Pecos Road (north side) and within the 6200-6800 blocks of the future South Crismon Road alignment (east side). Located north of Pecos Road and east of Ellsworth Road. The Development Agreement prohibits certain uses on the property and defers a portion off the Crismon Road improvements. (**District 6**). – Resolution No. 12255

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

It was moved by Councilmember Freeman, seconded by Councilmember Somers, that Ordinance Nos. 5868 and 5869; and Resolution Nos. 12254 and 12255 be adopted.

Upon tabulation of votes, it showed:

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

Carried unanimously.

9. Conduct a public hearing and take action on the following minor General Plan amendment resolution, annexation and zoning case ordinances, and development agreement resolution relating to the development, Merit Partners Legacy Business Park:

- 9-a. Conduct a public hearing on minor General Plan amendment ZON24-00617, annexation case ANX23-00800, and zoning case ZON23-00802.

Mayor Giles announced that this was the time and place to conduct a public hearing on minor General Plan amendment ZON24-00617, annexation case ANX23-00800, and zoning case ZON23-00802.

There being no citizens wishing to address the Council, the Mayor declared this public hearing closed.

- 9-b. ANX23-00800 **(District 6)** Annexing property located on the north side of East Pecos Road and on the west side of the proposed South Crismon Road Alignment (43± acres). This request has been initiated by Gammage & Burnham, PLC, for owner Pacific Proving, LLC. – Ordinance No. 5870

- \*9-c. ZON24-00617 "Merit Partners Legacy Business Park GP Amendment." **(District 6)** Within the 9700 to the 10000 blocks of East Pecos Road (north side) and within the 6600 to 6800 blocks of the future South Crismon Road alignment (west side). Located north of Pecos Road and east of Ellsworth Road (43± acres). Minor General Plan Amendment. This request will change the General Plan Character Area Type from Mixed Use Community to Employment. – Resolution No. 12256

Staff Recommendation: Adoption

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

- 9-d. ZON23-00802 "Merit Partners Legacy Business Park." **(District 6)** Within the 9700 to the 10000 blocks of East Pecos Road (north side) and within the 6600 to 6800 blocks of the future South Crismon Road alignment (west side). Located north of Pecos Road and east of Ellsworth Road (43± acres). Rezone from Agricultural (AG) to Light Industrial with a Planned Area Development Overlay (LI-PAD), Site Plan Review, and Council Use Permit (CUP). This request will allow for a data center. Pacific Proving, LLC, owner; Gammage & Burnham, PLC, applicant. – Ordinance No. 5871

Staff Recommendation: Approval with conditions

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

- \*9-e. A resolution approving and authorizing the City Manager to enter into a Pre-Annexation Development Agreement with Pacific Proving LLC, for the development of a data center project referred to as "Merit Partners Legacy Business Park" on approximately 43 acres of real property located within the 9700-10000 blocks of East Pecos Road (north side) and within the 6600-6800 blocks of the future South Crismon Road alignment (west side). Located north of Pecos Road and east of Ellsworth Road. The Development Agreement prohibits certain uses on the property and defers a portion off the Crismon Road improvements. **(District 6)** – Resolution No. 12257

Mayor Giles stated that pending no objection of the Council, Items 9-b through 9-e will be voted on in one motion.



It was moved by Councilmember Somers, seconded by Vice Mayor Heredia, that Ordinance Nos. 5870 and 5871; and Resolution Nos. 12256 and 12257 be adopted.

Upon tabulation of votes, it showed:

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

Carried unanimously.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 5:58 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 26<sup>th</sup> day of August 2024. I further certify that the meeting was duly called and held and that a quorum was present.

\_\_\_\_\_  
HOLLY MOSELEY, CITY CLERK

lr