



City of Mesa
Notice of Meeting Agenda - Final
City Council

Monday, November 20, 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 Fulisia Faleatua with Spiritual Assembly of the Baha'is of Mesa.

Pledge of Allegiance

Awards, Recognitions and Announcements

1 Take action on all consent agenda items.

Items on the Consent Agenda

*2 [23-0785](#) Approval of minutes of previous meetings as written.

3 Take action on the following liquor license applications:

*3-a [23-1241](#) Down Time Wines Inc.

This is a wine fair event to be held on Monday, December 4, 2023, from 3:30 P.M. to 5:30 P.M. for Mesa Spirit RV Resort at 3020 East Main Street. **(District 1)**

*3-b [23-1242](#) Down Time Wines Inc.

This is a wine fair event to be held on Monday, January 8, 2024, from 3:30 P.M. to 5:30 P.M. for Mesa Spirit RV Resort at 3020 East Main Street. **(District 1)**

*3-c [23-1243](#) Down Time Wines Inc.

This is a wine fair event to be held on Monday, February 5, 2024, from 3:30 P.M. to 5:30 P.M. for Mesa Spirit RV Resort at 3020 East Main Street. **(District 1)**

*3-d [23-1244](#) Down Time Wines Inc.

This is a wine fair event to be held on Monday, March 4, 2024, from 3:30 P.M. to 5:30 P.M. for Mesa Spirit RV Resort at 3020 East Main Street. **(District 1)**

***3-e** [23-1240](#) [Beer Babes Family](#)

This is a one-day event to be held on Saturday, January 13, 2024, from 12:00 P.M. to 9:00 P.M. in Mesa Riverview Park located at 2202 West Rio Salado Parkway. **(District 3)**

***3-f** [23-1245](#) [Dashmart](#)

A convenience store is requesting a new Series 9 Liquor Store License to Doordash Essentials LLC, 3512 East Southern Avenue - Andrea Dahlman Lewkowitz, agent. The existing series 10 Beer & Wine Store License held by Doordash Essentials LLC will revert to the State. **(District 2)**

***3-g** [23-1246](#) [Royyim Thai Cuisine](#)

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Royyim Thai LLC, 1823 South Greenfield Road Suite 105 - Keith Brian Turner, agent. There is no existing license at this location. **(District 2)**

***3-h** [23-1247](#) [Pizzicata](#)

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Pizzicata Mesa LLC, 6210 East McKellips Road - Andrea Dahlman Lewkowitz, agent. The existing license held by Jacobs Golf Properties Inc. will revert to the State. **(District 5)**

4 **Take action on the following contracts:*****4-a** [23-1235](#) Police Department Headquarters Building Renovation - Pre-Construction Services and Construction Manager at Risk (CMAR) **(District 4)**

This project will renovate Mesa's 50-year old police headquarters building located at 130 North Robson. The renovations include complete removal of all interior walls and infrastructure on all floors, construction of a new, more efficient, space that is specifically designed for modern policing activities and better connectivity with the public. In addition, the project will replace the aged building infrastructure including electrical systems, fire protection systems, life safety systems, heating, ventilation and air conditioning systems which support the City's Climate Action Plan and provide building reliability.

Staff recommends selecting Willmeng Construction Inc., as the CMAR for this project, and awarding a pre-construction services contract in the amount of \$428,229. This project is funded by 2022 Public Safety Bonds and Public Safety Sales Tax.

***4-b** **23-1257** Gantzel Road High Pressure Gas Line Installation - Pre-Construction Services and Construction Manager at Risk (CMAR)

This project includes installation of a 12-inch diameter high-pressure natural gas pipe within the Magma Gas System in Pinal County to accommodate future regional development and growth.

Staff recommends selecting Achen-Gardner Construction, LLC, as the CMAR for this project, and awarding a pre-construction services contract in the amount of \$209,595. This project is funded by Utility Systems Revenue Obligations.

***4-c** **23-1218** Water Transfer Pump Station No. 02 Upgrades - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 3 (**District 5**)

GMP No. 3 includes the installation of all the pump station mechanical equipment, electrical equipment, fiber optic equipment, and an access manway.

Staff recommend awarding a construction services contract to the CMAR, J.R. Filanc in the amount of \$4,159,508.09 (GMP No. 3), and authorizing a change order allowance in the amount of \$207,975.40 (5%), for a total amount of \$6,261,713.40. This project is funded by Water Utility Systems Revenue Obligations.

***4-d** **23-1270** Central Mesa Reuse Pipeline - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 5 (**Districts 1 and 2**)

GMP No. 5 includes the replacement of existing waterlines that conflict with the proposed alignment of the 36-inch Central Mesa Reuse Pipeline within the northern half of the project. The waterlines require relocation prior to the construction of the 36-inch reuse pipeline installation.

Staff recommends awarding a construction services contract to the selected CMAR, Garney Companies, in the amount of \$10,534,479 (GMP No. 5), and authorizing a change order allowance in the amount of \$526,724 (5%), for a total amount of \$11,061,203. This project is funded by the Water Utility Systems Revenue Obligations.

***4-e** **23-1189** Cooperative Contract Use for Four Refuse Truck Rentals for the Solid Waste Department (**Citywide**)

This contract allows the City to rent refuse trucks on an as-needed basis. The Solid Waste Department currently has three front-end loader garbage trucks and 20 automated side loader garbage trucks on order, however, there is currently a nationwide delay in the production of new garbage trucks. The option to rent refuse trucks allows the Department to better respond to customer needs as well as properly retire existing refuse trucks that have been kept in the fleet longer than practical.

The Department intends to rent two Front-End Loaders and two Automated Side Loader refuse trucks for a standard term of 13 months; while the Solid Waste Department awaits delivery of the ordered garbage trucks.

The Solid Waste Department and Purchasing recommend authorizing the rental using the Sourcewell cooperative contract with Premier Truck Sales & Rentals Inc. for \$480,000, based on estimated requirements.

***4-f** **23-1252** Cooperative Contract Use for the Purchase of Furniture, Shelving, and Equipment for the Mesa Police Evidence Facility (**Citywide**)

The City is building a new Police Evidence building located at 2nd Street and Robson. The high-density shelving and specialized locker systems are unique for the facility and evidence storage facilities.

The Police Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Interior Solutions of Arizona LLC for \$700,000, based on estimated requirements.

***4-g** **23-1254** Cooperative Contract Use for the Purchase of PepperBall Launcher Equipment and Supplies for the Mesa Police Department (**Citywide**)

Under Senate Bill 1720, the Arizona State Treasurer has appropriated \$250,000 to the Mesa Police Department as one of three cities to pilot a PepperBall program. This program is intended to test a less lethal force option when faced with resistance or crowd dispersal without significant bodily injury. This purchase will provide 84 PepperBall TAC-SA (tactical semi-automatic) launchers and other required equipment for the pilot program.

The Police Department and Purchasing recommend authorizing the purchase using the Maricopa County cooperative contract with Safeware Inc. at \$250,000, based on estimated requirements. This purchase is funded by Senate Bill 1720, Arizona State Treasurer.

- *4-h** **23-1253** Dollar Limit Increase to the Term Contract for Original Equipment Manufacturer (OEM) Heavy-Duty Truck Parts and Repairs for the Fleet Services and Mesa Fire and Medical (MFMD) Departments **(Citywide)**

Fleet Services and MFMD is in Year 5 of this contract and has reached the contract threshold. Contract spending has increased due to parts and labor increases and increased usage due to a variety of factors such as increased size and age of fleet and staff shortages.

The Fleet Services and Mesa Fire and Medical Departments and Purchasing recommend increasing the dollar limit with Cummins Inc. (a Mesa business); RWC International LTD dba RWC Group; Rush Truck Centers of Arizona dba Rush Truck Center Phoenix; and W.W. Williams Company LLC by \$950,000, from \$770,000 to \$1,720,000.

- *4-i** **23-1256** Dollar Limit Increase to the Term Contract for Light-Duty and Police Vehicle Maintenance and Repair Services for the Fleet Services Department **(Citywide)**

Due to rising costs for parts and labor, the increasing age of the fleet, growth of the City's fleet, and the need to perform more repair work with outside vendors due to staffing shortages, additional funding is needed to cover expenditures for the rest of the contract term in years 4 and 5.

The Fleet Services Department and Purchasing recommend increasing the dollar limit with Larry H Miller Ford Mesa (a Mesa business); B&T Vivian Investment Company LLC, dba Thompson's Auto Repair & Towing (a Mesa business); Viking Auto Repair, dba Dave's Auto Repair Clinic (a Mesa business); Friendly Auto Centers LLC (a Mesa business); and Henry Brown Buick GMC LLC; Year 4 by \$175,000, from \$625,000 to \$800,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

***4-j** **23-1255** Three-Year Term Contract with Two Years of Renewal Options for Traffic Signal Equipment Painting Services for the Transportation Department **(Citywide)**

The contract will provide painting services for the City's traffic signal poles, cabinets, and signal heads. Refinishing of traffic signal equipment is necessary to protect metal from rust and corrosion and extends the life of the traffic signal equipment. Traffic signal heads become less visible as the original black color fades or bare metal becomes exposed and painting traffic signal heads provides adequate contrast needed for visibility.

A committee representing the Transportation Department and Purchasing evaluated and recommend awarding the contract to the highest-scored proposal from OLS Restoration Inc. at \$235,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

***4-k** **23-1251** One-Year Term Contract of Excess Workers' Compensation Insurance and Workers' Compensation Self-Insurance Surety Bond **(Citywide)**

As a self-insured entity for the administration of workers' compensation benefits, Arizona 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, through the City's insurance broker, Arthur J Gallagher & Co., with a self-insured retention up to \$2 million per accident/injury/illness (with exceptions) for a premium up to \$625,000 and a workers' compensation self-insurance surety bond for the bond rate up to \$12 per every \$1,000 of unpaid losses.

5 **Take action on the following resolutions:**

***5-a** **23-1187** Approving and authorizing the City Manager to enter into a Subgrant Award Agreement with the Arizona Department of Public Safety to accept \$485,430 in grant funds from the Victims of Crime Act, Victim Assistance Grant Program, which will be used for personnel expenses at the Police Department's Mesa Family Advocacy Center. **(Citywide)** Resolution No. 12115

***5-b** **23-1232** Approving and authorizing the City Manager to enter into the Third Amendment to the Intergovernmental Agreement with the City of Tempe to increase Tempe's contribution from a maximum of \$20,000 to a maximum of \$30,000 per year for the Regional Water - Use it Wisely™ media campaign. **(Citywide)** Resolution No.12116

*5-c [23-1233](#) Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the City of Peoria for the purpose of receiving and administering funds that support the regional Water - Use it Wisely™ media campaign. **(Citywide)** Resolution No. 12117

*5-d [23-1226](#) ZON22-01102 "Mesa Azure Hotel Expansion" **(District 4)** Within the 600 block of East Main Street (south side). Located east of Mesa Drive and south of Main Street (2.1± acres). Site Plan Review. This request will allow for the expansion of an existing hotel. Joseph Osborn, JSQUARED Construction and Design, applicant; Gosai and Grandsons LLC, owner. Resolution No. 12118

Staff Recommendation: Approval with conditions

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

6 Introduction of the following ordinances and setting December 4, 2023 as the date of the public hearing on these ordinances:

*6-a [23-1291](#) Amending the Mesa City Code regarding cost sharing related to water and sewer line improvement (Utility Buy-In, private line agreements) requirements within Title 9 (Public Ways and Property), Chapter 6 (Subdivision Regulations), Section 4 (Public Improvement Requirements), and Chapter 8 (Off-Site Improvement Regulations), Section 3 (Street and Utility Improvements Requirements). **(Citywide)** Ordinance No. 5826

*6-b [23-1228](#) ZON23-00545 "Starbucks at University and Val Vista" **(District 1)** Within the 400 to 500 blocks of North Val Vista Drive (west side) and within the 3500 block of East University Drive. Located west of Val Vista Drive and north of University Drive (1.5 acres). Major Site Plan Modification and amending conditions of approval for Case No. Z16-033; and Special Use Permit. This request will allow for a restaurant with a drive-thru. Pew & Lake PLC, applicant; David Johnson, owner. Ordinance No. 5827

Staff Recommendation: Approval with conditions

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

*6-c [23-1231](#) ZON23-00495 "Power Townhomes" **(District 2)** Within the 600 block of North Power Road (west side) and within the 6700 block of East Dallas Street (south side). Located north of University Drive and west of Power Road (2.8± acres). Rezone from 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. Jon Gillespie, Pew & Lake PLC, applicant; Via Church Inc, owner. Ordinance No. 5828

Staff Recommendation: Approval with conditions

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

- *6-d** [23-1229](#) ZON23-00160 "Meridian Gardens" (**District 5**) Within the 1100 block of South Meridian Road (west side) and the 11500 block of East Southern Avenue (north side). Located north of Southern Avenue and west of Meridian Road (5.6± acres). Rezone from Single Residence-43 (RS-43) 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. DWIGHT O LEAR ROTH IRA, owner; David Bohn, BFH Group LLC, applicant. Ordinance No. 5829

Staff Recommendation: Approval with conditions

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

- *6-e** [23-1230](#) ZON23-00677 "Phusion Wellness Office Building" (**District 5**) Within the 10100 to 10200 blocks of East Hampton Avenue (south side). Located east of Crismon Road and south of Southern Avenue (10.3± acres). Major Site Plan Modification and amending conditions of approval for Case No. Z07-007. This request will allow for a medical office. Jeremy Hawes, JD5 Design, applicant; Crismon Superstition Development LLC, owner. Ordinance No. 5830

Staff Recommendation: Approval with conditions

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

- *6-f** [23-1227](#) ZON23-00501 "Walmart Expansion" (**District 6**) Within the 6000 to 6300 blocks of Southern Avenue (south side) and within the 6200 block of East Superstition Springs Boulevard. Located west of Power Road and south of Southern Avenue (19± acres). Major Site Plan Modification and amending the conditions of approval for Case No. Z99-043. This request will allow for the expansion of an existing Walmart. Kristen Spillman, BRR Architecture Inc, applicant; RETAIL TRUST III (IMPS ONLY), owner. Ordinance No. 5831

Staff Recommendation: Approval with conditions

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

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 4, 2023 as the date of the public hearing on these ordinances:

- *7-a** [23-1269](#) A resolution declaring proposed titles and schedules of terms/rates/fees/charges for electric utility services to be a public record. (**Districts 1, 3 and 4**) Resolution No. 12119
- *7-b** [23-1271](#) An ordinance adopting titles and schedules of terms/rates/fees/charges for electric utility services. (**Districts 1, 3 and 4**) Ordinance No. 5832

- *7-c [23-1272](#) 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. 12120
- *7-d [23-1273](#) An ordinance adopting titles and schedules of terms/rates/fees/charges for natural gas utility services. **(Citywide)** Ordinance No. 5833
- *7-e [23-1274](#) A resolution declaring proposed titles and schedules of terms/rates/fees/charges for water utility services to be a public record. **(Citywide)** Resolution No. 12121
- *7-f [23-1275](#) An ordinance adopting titles and schedules of terms/rates/fees/charges for water utility services. **(Citywide)** Ordinance No. 5834
- *7-g [23-1282](#) A resolution declaring proposed titles and schedules of terms/rates/fees/charges for wastewater utility services to be a public record. **(Citywide)** Resolution No. 12122
- *7-h [23-1283](#) An ordinance adopting titles and schedules of terms/rates/fees/charges for wastewater utility services. **(Citywide)** Ordinance No. 5835
- *7-i [23-1284](#) 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. 12123
- *7-j [23-1285](#) An ordinance adopting titles and schedules of terms/rates/fees/charges for solid waste utility services. **(Citywide)** Ordinance No. 5836
- *7-k [23-1286](#) A resolution declaring proposed terms/rates/fees/charges for utility service fees to be a public record. **(Citywide)** Resolution No. 12124
- *7-l [23-1287](#) An ordinance modifying terms/rates/fees/charges for utility service fees. **(Citywide)** Ordinance No. 5837
- *7-m [23-1288](#) A resolution declaring proposed titles and schedules of rules and regulations for electric utility services to be a public record. **(Districts 1, 3 and 4)** Resolution No. 12125
- *7-n [23-1289](#) An ordinance adopting and repealing titles and schedules of rules and regulations for electric utility services. **(Districts 1, 3 and 4)** Ordinance No. 5838

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

***8-a** [23-0949](#) Amending Sections 10-4-3 and 10-4-4 of the Mesa City Code to establish a speed limit of 45 mph on Williams Field Road between Crismon Road and the east City limits, and a speed limit of 40 mph on Williams Field Road between Ellsworth Road and Crismon Road, as recommended by staff. **(District 6)**
Ordinance No. 5819

***8-b** [23-1163](#) ZON22-01311 "48th St. & Ingram" **(District 2)** Within the 1700 block of North 48th Street (west side) and within the 4700 block of East Ingram Street (north side). Located west of Higley Road and south of McKellips Road (1± acres). Rezone from Light Industrial (LI) to Light Industrial with a Bonus Intensity Zone Overlay (LI-BIZ); and Site Plan Review. This request will allow for industrial development. Carlos Elias, LGE Design Group, applicant; LPC MESA LLC, owner. Ordinance No. 5821

Staff Recommendation: Approval with conditions

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

***8-c** [23-1164](#) ZON23-00432 "Hawes Crossing Village 1 Phase 2" **(District 6)** Within the 3200 to 3500 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 (98± acres). Rezone 17.4± acres from Small Lot Single Residence 2.5 with a Planned Area Development Overlay (RSL-2.5-PAD) to RSL-2.5-PAD with a new PAD (RSL2.5-PAD-PAD) to allow for additional modification to development standards for (Village 1, Phase 2), modification of an existing Planned Area Development on the entire 98± acres, and a Major Site Plan Modification. This request will expand the existing Hawes Crossing Village 1 PAD to include a single residence development known as Village 1 Phase 2. Heather Chadwick, Lennar Inc, applicant; Rijlaarsdam Family Trust, owner. Ordinance No. 5822

Staff Recommendation: Approval with conditions

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

- *8-d** [23-1165](#) ZON23-00548 "DSV" (**District 6**) Within the 9200 to 9800 blocks of East Pecos Road (north side). Located north of Pecos Road and east of Ellsworth Road (88.3± acres). Modification of an existing Planned Area Development overlay (PAD), Major Site Plan Modification, and amending conditions of approval for Case No. ZON22-00268. This request will allow for industrial development. Dennis Newcombe, Gammage and Burnham, applicant; Mesa BA Land LLC, owner. Ordinance No. 5823
- Staff Recommendation: Approval with conditions
P&Z Board Recommendation: Approval with conditions (Vote: 6-0)
- *8-e** [23-1167](#) ANX22-00738 (**District 5**) Annexing property located on the south side of Main Street, west of Crismon Road (4.6± acres). Initiated by the applicant, BFH Group, for the owner, BFH Holdings LLC. Ordinance No. 5825
- *8-f** [23-1166](#) ZON22-01038 "Villas at Apache" (**District 5**) Within the 9600 to 9700 blocks of East Main Street (south side). Located south of Main Street and west of Crismon Road (4.6± 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 144-unit multiple residence development. David Bohn, BFH Group, applicant. BFH Holdings LLC, owner. Ordinance No. 5824
- Staff Recommendation: Approval with conditions
P&Z Board Recommendation: Approval with conditions (Vote: 7-0)

9 Discuss, receive public comment, and take action on the following resolution and zoning ordinance and relating to the proposed development “Business Depot Suites”:

- *9-a** [23-1236](#) Approving and authorizing the City Manager to enter into a Development Agreement with Ten Mountain Investments LLC, related to the development of approximately 1.4 acres of land located within the 4200 to 4400 blocks of East Southern Avenue (north side) and within the 1100 block of South Oakland Street (east side), and generally located west of Greenfield Road on the north side of Southern Avenue, for the primary purpose of prohibiting and restricting certain land uses. (**District 2**) Resolution No. 12126

- *9-b** [23-1162](#) ZON22-00610 "Business Depot Suites" (**District 2**) Within the 4200 to 4400 blocks of East Southern Avenue (north side) and within the 1100 block of South Oakland Street (east side). Located west of Greenfield Road on the north side of Southern Avenue (1.4± acres). Rezone from Neighborhood Commercial with a Planned Area Development overlay (NC-PAD) to Limited Commercial with a Planned Area Development and Bonus Intensity Zone overlay (LC-PAD-BIZ) and Site Plan Review. This request will allow for a commercial development. Sean Lake, Pew & Lake PLC, applicant; Ten Mountain Investments, LLC, owner. Ordinance No. 5820

Staff Recommendation: Approval with conditions

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

10 Take action on the following subdivision plats:

- *10-a** [23-1238](#) SUB23-00597 "Cannon Beach Industrial Condo" (**District 6**) Within the 4500 block of South Power Road (east side). Located south of Warner Road on the east side of Power Road (8.68± acres). Action Zone Business 40 LLC, developer; Robert A. Johnston, EPS Group Inc., surveyor.
- *10-b** [23-1239](#) SUB23-00779 "Mesa Gateway 202" (**District 6**) Within the 8700 to 9200 blocks of East Warner Road (south side), within the 4400 to 4800 blocks of South Ellsworth Road (west side), and within the 8800 to 9200 blocks of the East Starfire Avenue alignment (north side). Located west of Ellsworth Road and south of Warner Road (166± acres). Scannell Properties #507 LLC, Scannell Properties #583, Scannell Properties #584, Scannell Properties #585, and Mesa Gateway 202 Property Owners' Association, developers; Kirk J. Pangus, Hilgart Wilson, LLC, surveyor.

Items not on the Consent Agenda

11 Conduct a public hearing

- 11-a** [23-1169](#) Public hearing prior to the release of the petition for signatures for the proposed annexation case ANX23-00480 located west of Ellsworth Road on the north side of Southern Avenue (4.5± acres). This request has been initiated by the applicant, Shaine Alleman, Tiffany & Bosco P.A., for the owners, Coconut Properties LLC and Bart Clune Dillon. (**District 5**)

12 Items from citizens present. (Maximum of three speakers for three minutes per speaker.)

13 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.