



COUNCIL MINUTES

May 2, 2022

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on May 2, 2022, at 5:45 p.m.

COUNCIL PRESENT

Jennifer Duff
Francisco Heredia
Mark Freeman
David Luna
Kevin Thompson

COUNCIL ABSENT

John Giles
Julie Spilsbury

OFFICERS PRESENT

Christopher Brady
Holly Moseley
Jim Smith

Vice Mayor's Welcome.

Vice Mayor Duff conducted a roll call.

Vice Mayor Duff excused Mayor Giles and Councilmember Spilsbury from the entire meeting.

Invocation by Reverend Dr. Rula Colvin with Red Mountain United Methodist Church.

Pledge of Allegiance was led by Vice Mayor Duff.

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

Upon tabulation of votes, it showed:

AYES – Duff-Freeman-Heredia-Luna-Thompson

NAYS – None

ABSENT – Giles-Spilsbury

Vice Mayor Duff declared the motion carried unanimously by those present.

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

Minutes from the February 24, March 10, and March 17, 2022, Study Sessions; March 3, 2022, Strategic Planning meeting; and the April 18, 2022, Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. Operation Restoring Veteran Hope

This is a one-day event to be held on Saturday, May 21, 2022, from 10:00 A.M. to 5:00 P.M. at Desert Winds Harley Davidson, 922 South Country Club Drive. **(District 4)**

4. Take action on the following contracts:

*4-a. Dollar-Limit Increase to the Term Contract for Contractor Building Maintenance Services as requested by the Parks, Recreation and Community Facilities Department (PRCF). **(Citywide)**

The increase will provide sufficient funding for necessary repairs to Mesa City Plaza and Dobson Ranch Golf Course, as well as future building maintenance services required by PRCF, until the contract expires on 10/31/2022.

The Parks, Recreation and Community Facilities Department and Purchasing recommend increasing the dollar limit with Builders Guild Inc. (a Mesa business), Diamond Ridge Development, East Valley Disaster Services (a Mesa business), SDB Inc., Skyline Builders, August Building Company, LLC; BWC Enterprises Inc., dba Woodruff Construction; and Robert N Ewing General Contractor, Year 5 by \$3,500,000, from \$2,700,000 to \$6,200,000, based on estimated requirements.

*4-b. Three-Year Term Contract with Two Years of Renewal Options for Aquatic Maintenance Parts for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide aquatic maintenance repair parts and new equipment for the 11 sites maintained by PRCF - Aquatics Maintenance. These repair and maintenance parts are critical to the proper operations and continued safety of the City's commercial aquatic facilities.

The Parks, Recreation and Community Facilities Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidders, Aquatic Environmental Systems and John Strider, dba Diving Board Solutions, LLC, at \$45,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

*4-c. Purchase of New Employee Onboarding Software (Addition) for the Human Resources Department (as requested by the Office of ERP Management) (Sole Source). **(Citywide)**

This subscription software solution is intended to automate the onboarding processes performed by the Human Resources New Hire Team. The Onboarding module provides the ability to create new hire checklists, electronically deliver required new hire paperwork, and uses the new hire candidates existing NeoGov personal profile to access and complete required tasks and paperwork. The City currently uses the NeoGov

Insight recruitment module that facilitates all aspects of the recruiting process from the opening and approval of a new or replacement requisition, through the screening, interview, offer, and candidate acceptance steps. Onboarding is designed to work in tandem with Insight recruitment module.

The Human Resources Department, Office of ERP Management and Purchasing recommend awarding the contract to NeoGov, at \$82,899.94.

- *4-d. Four-Month Contract Extension and Dollar-Limit Increase to the Term Contract for GEA Westfalia Centrifuge Parts and Services for the Water Resources Department (Sole Source). **(Citywide)**

This contract provides GEA Westfalia centrifuge parts, and repair and maintenance services essential to safely operating all GEA Westfalia separator decanters at the Greenfield and Northwest Water Reclamation Plants. The department requests to extend this contract for four months and increase the contract amount by \$670,000. This contract extension and increase will allow the Water Resources Department to complete inspections, identified maintenance needs, and work in progress with the vendor, as the City completes establishment of a new contract.

The Water Resources Department and Purchasing recommend extending the contract and increasing the dollar-limit with GEA Mechanical Equipment US, Inc., by \$670,000, from \$450,000 to \$1,120,000.

- *4-e. Three-Year Term Contract with Two Years of Renewal Options for Lycofit Mechanical Fittings for the Materials and Supply Warehouse (for the Energy Resources Department) (Single Bid Response). **(Citywide)**

This contract provides Lycofit mechanical fittings for new construction projects and the maintenance and repair of existing gas utilities. Energy Resources Department - Gas Utility uses these mechanical fittings, manufactured by R.W. Lyall & Company, Inc., to connect polyethylene pipe in the City's natural gas distribution system.

The Business Services and Energy Resources Departments and Purchasing recommend awarding the contract to the qualified, responsive, and responsible bidder, Border States Industries, Inc., at \$242,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- *4-f. Monterey Park Expansion - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 1. **(District 6)**

The expansion of Monterey Park is needed for additional baseball/softball fields and parking lot, irrigation system, landscape improvements, pickleball courts, playground and a small library building. The first GMP No. 1 includes site clearing and mass grading, installation of underground utilities, irrigation infrastructure, field lighting, fencing, landscaping, and some hardscapes. A second GMP will be presented to Council at a future date to include the remainder of the project scope.

Staff recommends awarding a construction services contract to the CMAR, Hunter Contracting Co., in the amount of \$8,450,179.41 (GMP), and authorizing a change order allowance in the amount of \$422,508.97 (5%), for a total amount of \$8,872,688.38. The project is funded by 2018 General Obligation bonds and Capital General Funds.

5. Take action on the following resolutions:

- *5-a. Extinguishing a drainage easement and drainage covenant located at 3745 South Power Road to accommodate construction of a new coffee shop; requested by the property owner. **(District 6)** – Resolution No. 11840
- *5-b. Extinguishing a portion of a 20-foot public utility easement and public utilities and facilities easement located at 1506 South Signal Butte Road to accommodate the construction of a new Whataburger restaurant; requested by the property owner. **(District 5)** – Resolution No. 11841
- *5-c. Extinguishing a portion of a 20-foot public utility easement and public utilities and facilities easement, a temporary drainage easement, and a portion of a 10-foot drainage easement, all located at 1458 South Signal Butte Road to accommodate the construction of a new commercial development called “Mountain Vista Market Place,” requested by the property owner. **(District 5)** – Resolution No. 11842
- *5-d. Extinguishing a portion of a 20-foot public utility easement and public utilities and facilities easement located at 1558 South Signal Butte Road to accommodate the construction of a new EOS Fitness gym; requested by the property owner. **(District 5)** – Resolution No. 11843
- *5-e. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with Maricopa County for the deployment of traffic signals devices along Power Road and Sossaman Road, between the Loop 202 Santan Freeway and ASU Polytechnic Campus/Innovation Way. The equipped traffic signals will support connected vehicle applications and develop, integrate, and configure the Multimodal Intelligent Traffic Signal System (MMITSS) application. **(District 6)** – Resolution No. 11844
- *5-f. Endorsing the creation of the Fillmore Place Irrigation Water Delivery District that is generally bound by East Kino Drive on the north, East 7th Place on the south, North Mesa Drive on the west, and North Horne on the east. **(District 1)** – Resolution No. 11845

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 May 16, 2022, as the date of the public hearing on these ordinances:

- *6-a. **See: Items not on the Consent Agenda.**
- *6-b. ZON21-01126 **(District 6)** Within the 3200 to 3400 blocks of South Signal Butte Road (west side). Located north of Elliot Road on the west side of Signal Butte Road (65.8± 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. Noel Griemsmann, Snell & Wilmer, LLP, applicant; Signal Butte Mesa Holdings, LLC, owner.

Staff Recommendation: Approval with conditions

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

- *6-c. Amending Article VI, Section 609 of the Mesa City Charter related to certain requirements for City procurements, subject to the approval of the amendment by the qualified electors of the City of Mesa. **(Citywide)**
- *6-d. Amending Article II, Section 205(D) of the Mesa City Charter to allow a meet and confer process and memorandum of understanding with sworn public safety employee organizations on behalf of certain sworn public safety employees concerning 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, subject to the approval of the amendment by the qualified electors of the City of Mesa. **(Citywide)**

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

- *7-a. ZON21-00435 **(District 2)** Within the 4400 block of East Baseline Road (north side). Located east of Greenfield Road on the north side of Baseline Road (1.2± acres). Site Plan Modification. This request will allow for a multi-tenant retail building with a drive-thru. Zach Collins, applicant; BASELINE 9 LLC, owner. – Ordinance No. 5700

Staff Recommendation: Approval with conditions

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

- *7-b. ZON21-00921 **(District 5)** Within the 10000 block of East Southern Avenue (north side) and within the 1000 to 1200 blocks of South Crismon Road (east side). Located north of Southern Avenue and east of Crismon Road (8.5± acres). Rezone from Limited Commercial with a Planned Area Development overlay (LC-PAD) 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. Ralph Pew, Pew and Lake, PLC, applicant; PROS INVESTMENTS LLC, owner. – Ordinance No. 5701

Staff Recommendation: Approval with conditions

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

- *7-c. ZON21-01024 **(District 6)** Within the 7200 to 7400 blocks of the South Hawes Road alignment (east side). Located south of Pecos Road on the east side of the Hawes Road alignment (13± acres). Rezone from Light Industrial with a Bonus Intensity Zone overlay and Office Commercial with a Bonus Intensity Zone overlay (LI-BIZ and OC-BIZ) to Light Industrial and Office Commercial with a Planned Area Development overlay (LI-PAD and OC-PAD), and Site Plan Review. This request will allow for an industrial development. Katie Rounds, The Kaidence Group, applicant; HAWES COMMERCE PARK LLC, owner. – Ordinance No. 5702

Staff Recommendation: Approval with conditions

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

Items not on the Consent Agenda.

- 6-a. ZON21-00940 (**District 2**) Within the 3100 block of East Southern Avenue (south side) and the 1200 block of South 32nd Street (west side). Located east of Lindsay Road on the south side of Southern Avenue (2.4± acres). Rezone from Single Residence 9 (RS-9) 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.

Staff Recommendation: Approval with conditions

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

Vice Mayor Duff announced that this was the introduction only to zoning case ZON21-00940 and the public hearing was scheduled for May 16, 2022.

Robert Jarvis, a Mesa resident, explained that 396 signatures have been collected to express the neighborhood's concern with the project. He stated the community would like the area developed; however, the development must meet the needs of the neighborhood and be integrated into the surrounding community. He mentioned concerns regarding the density and setbacks. He discussed a Good Neighbor Policy to address parking and design concerns. He requested the May 16, 2022, public hearing date be extended a few weeks to continue negotiations with the developer.

Charlotte Bunger, a Mesa resident, stated she has lived in the neighborhood for 18 years, and is a native of Arizona. She expressed the project has been troubling due to misinformation and deceitful behavior. She pointed out the traffic chaos that will occur with the additional cars which will create a dangerous and unsafe situation. She asked Council to vote no on this project, as the project is not a good fit for the neighborhood.

Joshua Niu, a Mesa resident, commented on issues regarding how the project has been handled and presented by the developer. He mentioned several HOAs were not notified within the half-mile radius, nor residents within one mile. He explained 13 exceptions were approved by the Planning & Zoning Board in which Mr. Boyle is a member. He discussed his concerns with the lot size and the front door of the properties being so close to the roadway, which is a safety concern for residents with children.

Monty Hogle, a Mesa resident, stated there were several issues when this project first began, such as parking density, setbacks and design. He mentioned multiple meetings were held with the neighborhood, the developers, and City staff where the neighbors' concerns were expressed. He pointed out that the parking issues have been resolved, although the density is still an issue. He indicated conversations are occurring with the developer to add the Good Neighbor Policy.

John Jarvis, a Mesa resident, remarked he is representing many residents who were unable to attend the Council meeting. He requested a postponement of two weeks to allow time to work with the developers and resolve outstanding issues.

In response to a question from Councilmember Freeman, Development Services Department Director Nana Appiah clarified the request is for rezoning from Single Residence 9 to Multiple Residence 3, which is a higher zoning designation. He explained through discussions with neighbors, most of the setbacks have been modified to meet the required setback within the zoning district. He commented within the zoning ordinance the requirement is to inform affected

HOAs and does not specify a length or radius, the only specific requirement is notifying property owners within 500 feet. He explained the developers continue to work with neighbors in terms of the elevations and will be going back to the neighbors for further discussions.

City Manager Christopher Brady suggested Council could move forward with the current date scheduled for May 16, 2022, or reschedule to June 20, 2022, when all Councilmembers will be present.

Councilmember Freeman expressed his support for a continuance.

Discussion ensued relative to moving forward or continuing the public hearing date.

City Attorney Jim Smith clarified the item can be agendized as a continuance for clarification to the public.

Aaron Liddle, Developer with Copper Sky Homes, commented on the progress that has been made working with the neighborhood committee and noted discussions will continue to obtain consensus on the project.

Councilmember Luna advised his preference is to move forward with the introduction and determine at a future meeting if there is a need for continuance.

Councilmember Thompson agrees with Councilmember Luna regarding moving forward and allowing the neighborhood and the developer more time to come up with a resolution.

Vice Mayor Duff read a statement submitted by Councilmember Spilsbury that said, "Over the last couple of months the neighbors surrounding the proposed Countryside Manor project have worked with the developer and have offered suggestions and recommendations for what would best serve the community. Feedback from the residents has already resulted in revisions to the project. I support the introduction of the zoning case with the understanding both parties will continue to work together and reach a compromise that works for the developer and the community."

It was moved by Councilmember Freeman, seconded by Councilmember Luna, that ZON21-00940 be introduced setting May 16, 2022, as the public hearing on the ordinance.

Upon tabulation of votes, it showed:

AYES – Duff-Freeman-Heredia-Luna-Thompson

NAYS – None

ABSENT – Giles-Spilsbury

Vice Mayor Duff declared the motion carried unanimously by those present.

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:25 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 2nd day of May 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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