

## COUNCIL MINUTES

May 1, 2023

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on May 1, 2023, at 5:45 p.m.

### COUNCIL PRESENT

John Giles  
Francisco Heredia\*  
Mark Freeman  
Alicia Goforth  
Scott Somers  
Julie Spilsbury

### COUNCIL ABSENT

Jenn Duff

### OFFICERS PRESENT

Christopher Brady  
Holly Moseley  
Jim Smith

(\*Participated in the meeting through the use of video conference equipment.)

Mayor's Welcome.

Mayor Giles conducted a roll call.

Mayor Giles excused Councilmember Duff from the entire meeting.

Invocation by Pastor Jen Lambert with Red Mountain United Methodist Church.

Pledge of Allegiance was led by Mayor Giles.

Awards, recognitions, and announcements.

Mayor Giles recognized the City of Mesa (COM) won the 2023 award of Distinction for Historic Preservation and Adaptive Reuse for the Studios @ Mesa City Center at the AZ Forward Environmental Excellence Awards.

Downtown Transformation Manager Jeff McVay recalled the history of the Studios @ Mesa City Center and thanked the Design Team, Oakland Construction, and the Engineering Project Management Team for their efforts.

Mayor Giles announced the Mesa Office of Economic Development has been recognized as the large organization of the year for 2023 by the Arizona Association for Economic Development. He also recognized the City's Director of Economic Development, Bill Jabjiniak, as the recipient of the William Lampkin Award for Long Term Excellence in Economic Development.

Mr. Jabjiniak thanked the Mayor and Councilmembers for their vision, support, and collaboration with staff. He emphasized the awards were earned with the support of City Management, and a talented and high-performing staff.

Mayor Giles and Councilmembers posed with Flat Stanley to support Hughes Elementary School.

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 Somers, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

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

NAYS – None

ABSENT – Duff

Mayor Giles declared the motion carried unanimously by those present.

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

Minutes from the February 23 and March 2, 6, 16, and 23, 2023, Study Sessions; and April 17, 2023, Regular Council meeting.

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

- \*3-a. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. – Resolution No. 12026
- \*6-b. 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. – Resolution No. 12027
- \*6-c. 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. – Resolution No. 12028

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

- \*7-a. 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. – Introduced Ordinance No. 5781

Staff Recommendation: Approval with conditions

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

- \*7-b. 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. – Introduced Ordinance No. 5782

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. 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. – Ordinance No. 5778

Staff Recommendation: Approval with conditions

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

- \*8-b. 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. – Ordinance No. 5780

Staff Recommendation: Approval with conditions

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

- \*8-c. 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. – Ordinance No. 5779

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. 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. – Ordinance No. 5772

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

- \*9-b. 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. – Ordinance No. 5773

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. 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)**. – Resolution No. 12015

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

10. Take action on the following subdivision plats:

- \*10-a. 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.

11. Items from citizens present.

Bill Vogt, a Phoenix resident, expressed his support for a Declaration of Personhood to protect unborn children.

Steven Gerard Sidlovsky provided a handout promoting a Resolution for Declaration of Personhood, as well as a Personhood Strategic Action Plan. He requested that the Council agendize a Resolution for Personhood between Mother's Day and Father's Day.

Bruce R. Gorshe, a Mesa resident, discussed the importance of protecting the rights of unborn children and requested that the Declaration of Personhood be placed on the agenda.

Mayor Giles thanked the members of the public for their comments.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:14 p.m.

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JOHN GILES, MAYOR

ATTEST:

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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 1<sup>st</sup> day of May 2023. I further certify that the meeting was duly called and held and that a quorum was present.

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HOLLY MOSELEY, CITY CLERK

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