## COUNCIL MINUTES

April 19, 2021
The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on April 19, 2021 at 6:05 p.m.

COUNCIL PRESENT<br>COUNCIL ABSENT<br>None<br>\title{ OFFICERS PRESENT }<br>John Giles<br>Christopher Brady<br>Dee Ann Mickelsen<br>Jim Smith<br>Jennifer Duff<br>Mark Freeman<br>Francisco Heredia<br>David Luna<br>Julie Spilsbury<br>Kevin Thompson*

(*Councilmember Thompson participated in the meeting through the use of video conference equipment.)

Mayor's Welcome.
Mayor Giles conducted a roll call.
Mayor Giles led a moment of silence, followed by the Pledge of Allegiance.
Awards, Recognitions and Announcements.
Mayor Giles introduced the President and Chief Executive Officer of United Food Bank (UFB), Dave Richins, who addressed the Council regarding the partnership between the City of Mesa and UFB during the pandemic.

Mr. Richins expressed gratitude to the City for stepping up and addressing the issues with surveys to find out the main concerns of Mesa residents during the pandemic. He thanked Deputy City Manager Marc Heirshberg for finding solutions so UFB and the City of Mesa could work together to distribute $5,000,000$ pounds of food. He shared the City of Mesa and UFB hosted 58 food distributions, served 81,063 households and $73 \%$ of those were Mesa residents, and over 70,000 vehicles. He thanked City staff, the Mayor and Council for their partnership.

Mayor Giles thanked UFB for their great work and many years of service with the City.
Mayor Giles presented a proclamation for Arbor Day which is on April 30, 2021, marking Mesa's $11^{\text {th }}$ year as a Tree City USA. He stated the City of Mesa is highlighting the West Mesa River Heat Project with aims to address urban heat by increasing shade provided by trees. He noted the project is funded by a grant from the Arizona Department of Forestry and Fire Management and focuses on Mesa neighborhoods along the south side of the Salt River.

Masavi Perea, a representative of the West Mesa Community Heat project stated the group is working with many different community organizations, including Arizona State University (ASU). He stated the project is about engaging the community. He reported the goal is to plant more than 100 trees within the community and conducting outreach to spread the word. He thanked the City of Mesa for their partnership.

Mayor Giles announced April 22, 2021 is Earth Day and that he had the opportunity to join other mayors across the state in a joint promotional effort of Earth Day events to raise awareness of municipal efforts and share collaborative programming. He stated the City of Mesa has posted 50 ways to celebrate both Earth Day and Arbor Day at www.mesaaz.gov/sustainability.

## 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 Luna, seconded by Councilmember Spilsbury, that the consent agenda items be approved.

Upon tabulation of votes, it showed:
AYES - Giles-Duff-Freeman-Heredia-Luna-Spilsbury-Thompson
NAYS - None
Carried unanimously.
*2. Approval of minutes of previous meetings as written.
Minutes from the April 5, 2021 Regular Council meeting.

## 3. Take action on the following contracts:

*3-a. Flights Wine and Taproom
A bar is requesting a new Series 07 Beer and Wine Bar License for Flights Wine and Taproom LLC, 2613 North Thunderbird Circle; Kreg David Marshall Bahm, agent. The existing Series 12 Restaurant License held by Steak and Stone LLC will remain active at the location and stack with the new Series 07 Beer and Wine Bar License. (District 5)
*3-b. Pour Wine and Taproom
A bar is requesting a new Series 07 Beer and Wine Bar License for Pour Wine and Taproom LLC, 2905 South Ellsworth Road, Suite 103; Kreg David Marshall Bahm, agent. This is an ownership transfer; therefore, the existing license held by Pour Wine and Taproom LLC will revert to the State for modification. (District 6)
*3-c. $\quad$ Circle K Store \#9538
A convenience store is requesting a new Series 09 Liquor Store License for Circle K Stores Inc., 9230 East University Drive; Kim Kenneth Kwiatkowski, agent. The existing Series 10 Beer and Wine Store License held by Circle K Stores Inc. will revert to the State. (District 5)
*3-d. Circle K Store \#2709557
A convenience store is requesting a new Series 10 Beer and Wine Store License for Circle K Stores Inc., 824 West Broadway Road; Kim Kenneth Kwiatkowski, agent. There is no existing license at this location. (District 4)
*3-e. Quick Run
A convenience store is requesting a new Series 10 Beer and Wine Store License for OM Mesa Guadalupe Oil Inc., 2659 West Guadalupe Road; Kevin Arnold Kramber, agent. There is no existing license at this location. (District 3)
*3-f. QuikTrip \#1427
A convenience store is requesting a new Series 10 Beer and Wine Store License for QuikTrip Corporation, 3547 East Southern Avenue; Perry Charles Huellmantel, agent. There is no existing license at this location. (District 2)

## 4. Take action on the following contracts:

*4-a. Purchase of Children's Book Shelving for the Library Services Department (Citywide)
This purchase will provide children's book shelving and mobile carts for the Main Library. The library's existing steel cantilever shelving will be modified to create mobile units, allowing greater flexibility to the space.

The Library Services Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Interior Solutions of Arizona, LLC, at \$47,119.98.
*4-b. Red Mountain Park Expansion Project - Pre-Construction Services and Construction Manager at Risk (CMAR) (District 5)

The project includes ten regulation-size LED lighted soccer fields, four LED lighted youth baseball/softball fields, lighted parking lot expansions, irrigation system improvements, new restroom/storage buildings, additional landscape, and site improvements. In addition, the project will relocate and update the current disc golf course and equestrian trail layouts affected by these improvements.

Staff recommends selecting Valley Rain Construction Corp. as the CMAR for this project, and awarding a pre-construction services contract in the amount of $\$ 87,817.55$. This project is funded by 2018 General Obligation Bonds.
*4-c. One-Year Renewal to the Term Contract for Private Jail Services for the Mesa Police Department (Citywide)

This contract provides jailing services of misdemeanor offenders including booking, transportation, and maintenance and operations of temporary housing. CoreCivic provides feeding, care and treatment, necessary medical care, and applicable social service programs. Subjects who have been arrested and waiting for an initial court appearance before a Mesa City Magistrate, are held in the Mesa Police Department's holding facility for no longer than twenty-four hours. Subjects who have been arrested on misdemeanor charges, or have been ordered to remain in-custody by a judge, are transported by CoreCivic to their facility in Florence.

City staff and Purchasing recommend authorizing the one-year renewal with CoreCivic, Inc., at \$3,600,000.

## 5. Take action on the following resolutions:

*5-a. Authorizing and supporting the submittal of a grant application by Arizona Burn Foundation to the Fort McDowell Yavapai Nation in the amount of $\$ 25,000$, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. - Resolution No. 11645
*5-b. Authorizing and supporting the submittal of a grant application by Child Crisis Arizona to the Fort McDowell Yavapai Nation in the amount of \$15,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. - Resolution No. 11646
*5-c. Authorizing and supporting the submittal of a grant application by Gene Lewis Boxing Club and Youth Center to the Fort McDowell Yavapai Nation in the amount of \$7,500, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. - Resolution No. 11647
*5-d. Authorizing and supporting the submittal of a grant application by Mesa United Way's Veteran's Resource Center to the Fort McDowell Yavapai Nation in the amount of $\$ 30,000$, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. - Resolution No. 11648
*5-e. Authorizing and supporting the submittal of a grant application by Save the Family Foundation of Arizona to the Fort McDowell Yavapai Nation in the amount of $\$ 10,000$, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. - Resolution No. 11649
*5-f. Authorizing and supporting the submittal of a grant application by Child Crisis Arizona to the Ak-Chin Indian Community in the amount of \$15,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. - Resolution No. 11650
*5-g. Authorizing and supporting the submittal of a grant application by Gene Lewis Boxing Club and Youth Center to the Ak-Chin Indian Community in the amount of $\$ 17,500$, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. - Resolution No. 11651
*5-h. Authorizing and supporting the submittal of a grant application by Save the Family Foundation of Arizona to the Ak-Chin Indian Community in the amount of $\$ 50,000$, and
authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. - Resolution No. 11652
*5-i. Approving and authorizing the City Manager to enter into an Overhead Overlash Facilities Maintenance Agreement with Qwest Corporation, dba CenturyLink QC, for a term of twenty years. (Citywide) - Resolution No. 11653
*5-j. $\quad$ Setting May 17, 2021 as the public hearing date to review the proposed FY2021/2022 annual assessments for the Mesa Town Center Improvement District No. 228. The proposed final assessments do not include any rate increases. (District 4) - Resolution No. 11654
*5-k. Approving the purchase of, and authorizing the City Manager to enter into Purchase Power Agreements for a year-round supply of 15 megawatts of firm electric power and associated energy for the City's electric distribution utility for a period up to 5 years. (Districts 1 and 4) - Resolution No. 11655
*5-I. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Arizona Department of Transportation, the Maricopa Association of Governments for Advance Construction Authorization and reimbursement for the Signal Butte Road: Williams Field Road to Germann Road; Arterial Life Cycle Program (ALCP) project. (District 6) - Resolution No. 11656
*5-m. Approving and authorizing the City Manager enter into a 2021 Contract 207 Fund with the Arizona Governor's Office of Highway Safety to accept $\$ 258,540$ in grant funds. The funds will be used by the Police Department's Forensic Services Division to purchase a Triple Quadrupole Mass Spectrometer. (Citywide) - Resolution No. 11657
*5-n. Amending Resolution No. 11638 (Establishing the Mesa Education and Workforce Development Roundtable) to alter the membership format of the Mesa Education and Workforce Development Roundtable in order to include the Superintendent of the East Valley Institute of Technology as a standing member. (Citywide) - Resolution No. 11658
*5-0. Authorizing the issuance and sale of General Obligation Refunding Bonds, Series 2021, not to exceed \$17,675,000. (Citywide) - Resolution No. 11659
*5-p. Authorizing the issuance and sale of General Obligation Bonds, Series 2021, not to exceed \$20,070,000. (Citywide) - Resolution No. 11660
*5-q. Authorizing the issuance and sale of Utility Systems Revenue Bonds, Series 2021, not to exceed \$43,235,000. (Citywide) - Resolution No. 11661
*5-r. Authorizing the issuance and sale of Utility Systems Revenue Refunding Bonds, Series 2021, not to exceed \$53,950,000. (Citywide) - Resolution No. 11662
*5-s. Authorizing the sale, execution and delivery of Utility Systems Revenue Obligations, Series 2021, not to exceed \$16,765,000. (Citywide) - Resolution No. 11663
6. Introduction of the following ordinances and setting May 3, 2021 as the date of the public hearing on these ordinances:
*6-a. ZON20-00877 (District 1) Within the 2400 block of North Old Gilbert Road (east side) and within the 2000 block of East Hermosa Vista Drive (north side). Located south of the 202 Red Mountain Freeway and east of Gilbert Road ( $4.55 \pm$ acres). Rezoning from RS35 to RS-15-BIZ. This request will allow for the development of a single residence subdivision. Jared Cox, Vista Design Group, LLC, applicant; Brent /Deborah Berge, owner.

Staff Recommendation: Approval with conditions
P\&Z Board Recommendation: Approval with conditions (Vote: 7-0)
*6-b. Amending Mesa City Code Title 10, Chapter 8, Section 1 entitled "Refusal to Furnish Information or Sign Citation" to clarify that civil traffic violators are required to provide full name and date of birth to a citing officer. (Citywide)
7. Discuss, receive public comment, and take action on the following ordinances:
*7-a. ANX20-00463 (District 6) Annexing a portion of South 222nd Street and East Williams Field Road right-of-way. Located within the 6000 block of South 222nd Street and within the 10500 to 11000 blocks of East Williams Field Road ( $6.74 \pm$ acres). - Ordinance No. 5612
*7-b. ANX20-00464 (District 6) Annexing a portion of South Meridian Road right-of-way. Located within the 6000 to 6400 blocks of South Meridian Road ( $2.5 \pm$ acres). Ordinance No. 5613
*7-c. ZON20-00628 (District 5) Within the 3600 to 3800 blocks of East McLellan Road (south side). Located north of Brown Road and east of Val Vista Drive ( $9.4 \pm$ acres). Rezoning from Agriculture (AG) to RS-35-PAD. This request will allow for the development of 2 single-residence subdivisions. Jared Cox, Vista Design Group, LLC, applicant; Heritage Group LP, owner. - Ordinance No. 5614

Staff Recommendation: Approval with conditions
P\&Z Board Recommendation: Approval with conditions (Vote: 7-0)
*7-d. ZON20-00841 (District 1) Within the 2100 block of East Menlo Circle (both sides) and within the 2100 block of East Hermosa Vista Drive (north side). Located south of the 202 Red Mountain Freeway and east of Gilbert Road (2.08 $\pm$ acres). Rezoning from RS-35 to RS-15. This request will allow for the development of a single residence subdivision. Michael Stephan, applicant; Brent/Deborah Berge, owner. - Ordinance No. 5615

Staff Recommendation: Approval with conditions
P\&Z Board Recommendation: Approval with conditions (Vote: 6-0)
*7-e. ZON20-00842 (District 6) Within the 11100 to 11600 blocks of East Pecos Road (south side), within the 11100 to 11600 blocks of East Germann Road (north side), and within the 6800 to 7600 blocks of the South Meridian Road alignment (west side). Located west
of the Meridian Road alignment, south of Pecos Road and north of Germann Road (229 $\pm$ acres). Modification to the existing Bonus Intensity Zone (BIZ) Overlay; and Site Plan Review. This request will allow development of new industrial buildings within the existing industrial development on the site. Andy Sarat, CMC, applicant; Commercial Metal Company, owner. - Ordinance No. 5616

Staff Recommendation: Approval with conditions
P\&Z Board Recommendation: Approval with conditions (Vote: 7-0)
*7-f. Amending Title 6 of the Mesa City Code (Police Regulations) by repealing Chapter 10, entitled "Public Park Regulations," in its entirety, and replacing it with a new Chapter 10, entitled "Public Park Regulations," establishing permitting requirements and regulations for events that take place in parks and clarifying provisions which regulate certain activities in parks, including those provisions regarding business activities, camping, fishing, animals, vehicles, spirituous liquor, and dumping or leaving items in parks. (Citywide) - Ordinance No. 5617

## Items not on the Consent Agenda.

8. Discuss, receive public comment, and take action on the following ordinance:
*8-a. ZON20-00538 (District 1) Within the 1200 to 1400 blocks of West Bass Pro Drive (south side) and the 1100 block of North Alma School Road (west side). Located south of the 202 Red Mountain Freeway on the west side of Alma School Road (30.9士 acres). Modification to the Planned Area Development (PAD) Overlay on the property to amend condition \#1 of Ordinance No. 4847 to allow development of a new office building and parking garage within an existing office development. Michael Edwards, The Davis Experience, applicant; Salt River Point, LL LLC, owner. - Ordinance No. 5618

Staff Recommendation: Approval with conditions
P\&Z Board Recommendation: Approval with conditions (Vote: 6-0)
Councilmember Freeman expressed thanks to the neighborhood for their comments. He noted there were changes made to the Good Neighbor Policy and architecture of the parking garage.

Planning Director Nana Appiah commented the three major items needing to be discussed were the Good Neighbor Policy, landscaping requirements, and elevation improvements. He mentioned the applicant has incorporated his response to the community with some of the recommended changes.

Adam Baugh, applicant for Whithey Morris PLC, provided a brief overview of the original site plan from 2004 and 2007, where it showed two 38 -foot (ft) buildings along the canal where the present building is today. He noted in 2013 there was an administrative approval allowing a building height of 50 ft where the planned building is today. He reviewed the Waypoint 5 proposal with the changes in the height of the parking structure. He shared the original images of the building and compared that to the new and improved plan that included changes from the developer, the City and the neighborhood residents. He presented the changes which include a tiered parking garage, enhanced landscaping, and screening. He expressed the concern that a landscaped hill would not be sufficient for the area, which was a recommendation from the neighborhood residents. He shared the alternative options, such as a placing a masonry screen
wall around each floor, providing larger landscape islands to accommodate larger trees, and planting 48 -inch box trees and/or shrubs around the project site, will be added in place of the suggested landscape berm. He reported that on-site security, light control, noise control and landscape maintenance have all been added to the Good Neighbor Policy. He concluded by saying the developer was able to accommodate some of the neighborhoods concerns and/or suggestions but not all have been addressed. (See Attachment 1)

The following citizens submitted comment cards and spoke in opposition to Agenda Item 8-a:

- Shawna Boyle, a Mesa resident
- Joshua Boyle, a Mesa resident
- Janice Jaicks, a Mesa resident
- Perry Jaicks, a Mesa resident
- Philip Bramsen, a Chandler resident
- Ruth Ann Showalter, a Mesa resident

The speakers offered a series of comments including, but not limited to, the following:

- The project is within close proximity to homes.
- Residents requested a berm to be built along the south side of the garage.
- Concerns with noise and light pollution.
- Residents are requesting a continuance to keep working with the developer and City.
- No specifics on where the entrance and exit will be on the garage.
- Misleading images of trees along the canal.
- Residents are requesting additional mature trees on the south side.
- Residents are requesting a better design for the screening that will block the light, including the east and west sides of the garage.
- Residents asked how the developer plans to cover the light intrusion from the two 44 ft stairwells.
- Residents express concerns about the elevations and aesthetics of the south façade, screening, and landscape designs.
- Residents feel that all the questions and concerns that have been raised, have not adequately been answered or addressed.
- Residents are concerned that without the neighborhood reviews, comments, and input the project will simply not reflect many of the desired modifications that are important.

The following citizens submitted comment cards to be read in opposition to Agenda Item 7-a:

- Laurie Kagiyama, a Mesa resident
- Dick Gurtler, a Mesa resident

The speakers offered a series of comments including, but not limited to, the following:

- Lack of density on the south side of the parking garage.
- Would like more trees planted on the south side to match the north side.
- Uphold the changes that Lincoln Properties have promised to lessen the impact of the development in the Historic Mesa neighborhood.

Mr. Baugh clarified the neighbors' recommendations for the Good Neighbor Policy and additions to the project site were received much later than expected, so the developers and the City addressed the items that were possible before the Regular Council meeting.

In response to multiple questions from Councilmember Spilsbury, Mr. Baugh mentioned research about the berm has been brief but there were a few challenges that were brought to the developer's attention by the architect for the project site. He explained in order to build the berm, 50 to 70 parking spaces would need to be removed which then causes problems with the driving aisles, circulations, and fire apparatus' routes. He added the ability to plant and grow trees on the berm would not be feasible due to a steep slope.

In response to a question from Mayor Giles, Mr. Appiah explained the project has already gone through the Design Review Board (DRB) and that once the board reviews and makes recommendations the final approval comes from the Planning Director. He shared some of the changes or recommendations from the DRB was for the applicant to include a break in elevations, show different types of materials, and enhance the appearance of the parking garage. He pointed out there is a Condition of Approval to comply with the garage elevations, landscaping, and the additional documents of the Good Neighbor Policy if the item is approved by Council.

Councilmember Freeman commented the property has an eight foot in diameter water treatment line between the canal and the parking garage where the neighbors would like to build the berm. He added the suggested berm could potentially affect the access points to the water treatment line.

Councilmember Thompson noted the interaction between the zoning attorney, developer and neighborhood have brought some great things to light for the project and has made it that much better than originally planned.

Mayor Giles expressed his appreciation for his colleagues as well as the neighborhood residents and applicants who worked hard and productively in effort to be responsive to all parties' concerns. He shared the neighbors should feel a sense of accomplishment for making this a much better project than first introduced to the Planning Department. He recognized the good faith demonstrated by both sides and expressed his support for the project.

In response to multiple questions from Vice Mayor Duff, Mr. Baugh indicated there is a limitation on where trees can be planted on the south side of the project site. He shared the trees cannot be planted within the easement and certain parts of the canal that are not city property. He indicated the number of trees on the south side of the parking garage have been increased.

In response to multiple questions from Vice Mayor Duff, Michael Monroe, representative for Lincoln Property Company, responded by stating there has been an increase in trees and shrubs throughout the project site, with the addition of a walking path and pedestrian benches along the canal.

Vice Mayor Duff commented that berms are very difficult for landscaping grass and trees due to water retention issues. She expressed appreciation for the increase of landscaping around the project site. She indicated support for the project.

Councilmember Luna expressed appreciation for the developer adding additional landscaping and shrubbery around the area to help block the structure. He thanked the residents for the recommendations and provided support for the project.

It was moved by Councilmember Thompson, seconded by Councilmember Freeman, that Ordinance No. 5618 be approved.

Upon tabulation of votes, it showed:
AYES - Giles-Duff-Freeman-Heredia-Luna-Spilsbury-Thompson NAYS - None

Carried unanimously.
9. Items from citizens present.

Dale Crogan, President of the United Mesa Firefighters Local 2260, addressed firefighter parity and pay with five other departments across the valley. He indicated the firefighters are having a hard time trusting that City Management will honestly work in good faith with employees on the issues of parity and pay, public safety sales tax, concerns of misspending of money, and misleading information.
10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:24 p.m.


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 $19^{\text {th }}$ day of April 2021. I further certify that the meeting was duly called and held and that a quorum was present.

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(Attachments - 1)




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& \text { Redesigned south elevation of garage } \\
& 40 \text {-inch screen wall on each garage floor } \\
& \text { Substantial increase of landscaping above \& beyond city } \\
& \text { requirements } \\
& \text { - Entire row of trees planted along canal } \\
& \text { - All 48-inch box trees (only } 24^{\prime \prime} \text { and } 36^{\prime \prime} \text { required) } \\
& \text { • } 221 \text { trees provided (145 required) } \\
& \text { • } 318 \text { shrubs provided (138 required) }
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11-69-5 of the MZO. Therefore, staff recommends approval with the following conditions: Based on the application received and the proceeding analysis, staff finds the subject request is
consistent with the General Plan and the review criteria for Site Plan Review outlined in Section :uo!łepurmuosəy サełs uo!ュepuәumoכəy „ełS

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