



COUNCIL MINUTES

December 8, 2021

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 8, 2021, at 5:45 p.m.

COUNCIL PRESENT

John Giles
Jennifer Duff*
Francisco Heredia
David Luna
Mark Freeman
Julie Spilsbury
Kevin Thompson

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Dee Ann Mickelsen
Jim Smith

(*Vice Mayor Duff participated in the meeting through the use of video conference equipment.)

Mayor's Welcome.

Mayor Giles conducted a roll call.

Moment of silence.

Pledge of Allegiance was led by Mayor Giles.

There were no awards, recognitions, or announcements.

1. Appointment of Holly Moseley as the City Clerk (effective January 28, 2022).

It was moved by Councilmember Thompson, seconded by Councilmember Freeman, that Holly Moseley be appointed as Mesa City Clerk effective January 28, 2022.

Upon tabulation of the votes, it showed:

AYES – Giles-Duff-Freeman-Heredia-Luna-Spilsbury-Thompson

NAYS – None

Carried unanimously.

2. 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 Thompson, 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 October 28, November 15, 2021, Study Sessions; and the December 1, 2021, Regular Council meeting.

3. Take action on the following liquor license applications:

*4-a. St. Clair Winery & Tasting Room LLC

This is a one-day wine festival event to be held on Saturday, January 15, 2022, from 12:00 P.M. to 9:00 P.M. at Riverview Park, 2100 West Rio Salado Parkway. **(District 3)**

*4-b. St. Timothy Roman Catholic Parish

This is a one-day event to be held on Friday, January 21, 2022, from 5:00 P.M. to 9:00 P.M., 1730 W Guadalupe Road. **(District 3)**

*4-c. Superstition Farm Inc.

This is a one-day event to be held on Friday, December 31, 2021, from 9:00 P.M. to 1:00 A.M. on Saturday, January 1, 2022, 3440 South Hawes Road. **(District 6)**

*4-d. Georgia Leadership Foundation Inc.

This is a one-day event to be held on Saturday, January 15, 2022, from 12:00 P.M. to 9:00 P.M. at 2100 West Rio Salado Parkway. **(District 3)**

*4-e. Mesa Drummer Bar & Grill

A bar is requesting a new Series 6 Bar License for Tree Top Construction LLC, 1211 North Country Club Drive, Suite 9; Amy S. Nations, agent. This is an ownership transfer. The existing license held by WA Inc. will revert to the State for modification. **(District 1)**

*4-f. The Lounge Social House.

A social meeting center and Internet cafe is requesting a new Series 6 Bar License for Akaarre and Associates LLC, 1457 West Southern Avenue Suite 107; Jermaine A. Prince, agent. There is no existing license at this location. **(District 3)**

*4-g. Organic Bean Café & Wine

A café is requesting a new Series 7 Beer and Wine Bar License for Organic Bean Café and Wine LLC, 40 North Macdonald, Suite 1N; Charles Bryan Wennerlund, agent. There is no existing license at this location. **(District 4)**

*4-h. Beer World

A convenience store is requesting a new Series 10 Beer and Wine Store License for Roy and Daughters LLC, 1530 North Country Club Drive, Suite 20; Jeffrey Craig Miller, agent. The existing license held by JR Retail LLC will revert to the State. **(District 3)**

*4-i. Baci Italian Bistro

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for ATS-A-Nice Operations LLC, 8830 East Germann Road, Suite 182; Gary John Livacari, agent. The existing license held by Baci Hospitality Group Inc. will revert to the State. **(District 6)**

*4-j. Dolce Vita

A grocery and eatery that serves lunch and dinner is requesting a new Series 12 Restaurant License for Dolce Vita Group LLC, 5251 East Brown Road, Suite 104; Fabrizio Cali, agent. There is no existing license at this location. **(District 5)**

*4-k. Zona Cantina + Cocina

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Alvarizon Enterprises LLC, 5609 E McKellips Road, Suite 101-102; Jared Michael Repinski, agent. The existing license held by El Autentico 1010 LLC will revert to the State. **(District 5)**

5. Take action on the following contracts:

*5-a. Ratification of the Emergency Purchase of Three Dispatch Phone Devices/Positions (Additions) for Public Safety Communications as requested by the Mesa Police Department. **(Citywide)**

This emergency purchase provided three Intrado Phone Positions for Police Public Safety Communications. Intrado provides the computerized phone system and maintenance for the 911 and non-emergency calls to Mesa. This emergency purchase was necessary in order to have phones in place in time for Queen Creek dispatching, and to be put on Intrado's installation schedule.

The Police Department and Purchasing recommend ratifying the purchase using the H-GAC Buy cooperative contract with Intrado Life & Safety Solutions Corporation, at \$72,000, based on estimated requirements. This purchase is funded by the Regional Dispatch System IGA with the Town of Queen Creek.

*5-b. Purchase of a Software Solution for the Department of Innovation and Technology. **(Citywide)**

This purchase will provide Cribl Logstream Software as a Service (SaaS), for aggregation, filtering, and compression of the City's security log data. Initially, this will be leveraged to reduce overall costs and accommodate future Smart-City data growth for analyzing threats to the City on high-cost, consumption-priced security analysis platforms.

The Department of Innovation and Technology and Purchasing recommend authorizing the purchase using the Omnia Partners cooperative contract with Insight Public Sector, at \$56,039.31, based on estimated requirements. This purchase is funded by the Arizona Department of Homeland Security (AZDOHS) 2021 Urban Area Security Initiative (UASI) Grant Program.

*5-c. Purchase of One Water Tanker/Tender (Replacement) for the Mesa Fire and Medical Department. **(Citywide)**

This purchase is for one 2022 E-One Water Tanker/Tender that will replace a 1995 Water Tanker/Tender as part of the ongoing apparatus replacement schedule. The unit that is being replaced has met the established criteria and will be sold by a sealed bid process.

The Mesa Fire and Medical Department and Purchasing recommend authorizing the purchase using the Sourcewell cooperative contract with H & E Equipment Services, at \$511,850. This purchase is funded by 2018 Public Safety Bonds.

*5-d. Dollar-Limit Increase to the Term Contract for Tires for the Materials and Supply Warehouse (for the Fleet Services and Mesa Fire and Medical Departments). **(Citywide)**

This contract provides Bridgestone and Goodyear tires for Fleet Services and Mesa Fire and Medical. The dollar-limit increase is needed due to tire price increases throughout the industry.

The Business Services Department and Purchasing recommend increasing the dollar-limit by \$125,000, from \$175,000 to \$300,000 annually, with Redburn Tire Company and Purcell Tire Company, based on estimated usage.

*5-e. Purchase of Two Street Sweepers (Replacements) for the Transportation Department. **(Citywide)**

One of the sweepers will be assigned to the Asphalt Workgroup to be used to sweep millings in preparation for asphalt paving, as well as storm debris clean-up. The second sweeper will be assigned to the Street Sweeping Operation and will serve as a necessary backup unit. Two sweepers are being replaced as part of the ongoing vehicle replacement program. Both sweepers have met the established criteria and will be either traded, auctioned, sold, or deployed to special uses.

The Fleet Services and Transportation Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Freightliner of Arizona, at \$615,142.50. This purchase is grant funded by the Maricopa Association of Governments and the Local Streets Fund.

- *5-f. Three-Year Term Contract with Two Years of Renewal Options for Non-Mechanical Water Meters for the Water Resources Department. **(Citywide)**

This contract will provide for the purchase of 1½” and 2” non-mechanical cold-water meters required for the Smart metering project and ongoing department meter maintenance and operations.

An evaluation committee recommends awarding the contract to the highest scored proposals from Badger Meter, Inc. and Core and Main, LP, at \$1,750,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-g. One-Year Term Contract with Four Years of Renewal Options for Temporary Water Treatment and Water Reclamation Plant Operator Services for the Water Resources Department. **(Citywide)**

The Water Resources Department needs to maintain its staffing levels of qualified water and wastewater operators to properly operate its treatment plants. The resulting contract will allow the department the ability to acquire temporary qualified staffing to fill vacancies at the plant until positions are filled through HR. In the current economic climate, this issue is not specific to Mesa but is recognized within the water industry and among other jurisdictions in the valley that operate their own plants.

An evaluation committee recommends awarding the contract to the qualified proposals from Smith Temporaries, Inc., dba CornerStone Staffing; and Operational Technical Services, Inc., at \$1,500,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-h. Fire Station Exhaust Systems Project - 16 Locations. **(Citywide)**

The scope of this project includes installations of vehicle exhaust gas removal systems at 16 fire stations: 202, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 2202, and the Volunteer Center. These systems are magnetically connected to the tailpipe of each vehicle while it is outside the building bay. An extraction fan is activated that pulls the gas out and away from the building via mechanical ducting. This ducting is on a track that allows the vehicle to then be brought into the bay while continually removing the exhaust gasses. The system will automatically activate when a vehicle is started in the building as well as detach and return to its stored position as the vehicle leaves the station. This will reduce the collection of carcinogenic gasses in the vehicle bays of the station reducing the exposure to staff.

Staff recommends awarding the project to the lowest responsible bidder, Rossman Enterprises Inc., dba MagneGrip, in the amount of \$835,564.06, and authorizing a change order allowance in the amount of \$167,112.81 (20%), for a total amount of \$1,002,676.87. This project is funded by the FEMA Assistance to Firefighters Grant and the City of Mesa Capital General Fund.

6. Take action on the following resolutions:

- *6-a. Approving and authorizing the City Manager to enter into an Office of Justice Programs Grant Contract to accept up to \$750,000 in grant funds. The funds will be used by the Police Department for personnel and other program costs associated with the

development of a comprehensive approach to address hate crimes in the City of Mesa. **(Citywide)** – Resolution No. 11775

- *6-b. Extinguishing a 20-foot Public Utilities Easement (PUE) located at 1810 South Crismon Road to accommodate a new mixed-use development called “The Falls at Crismon Commons”; requested by the property owner. **(District 6)** – Resolution No. 11776
- *6-c. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Arizona Department of Water Resources for the Regional Water - Use it Wisely™ media campaign. **(Citywide)** – Resolution No. 11777
- *6-d. **See: Items not on the Consent Agenda.**

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

- *7-a. **ANX21-00799 (District 6)** Annexing property located within the 4200 to 4400 blocks of South Sossaman Road (west side). Located west of Sossaman Road and north of the Warner Road alignment (101.1± acres). Initiated by the applicant, Sean Lake on behalf of Pew & Lake PLC, The Dale C. Morrison Trust, owner. – Ordinance No. 5655
- *7-b. **ZON21-00798 (District 6)** Within the 4200 to 4400 blocks of South Sossaman Road (west side). Located west of Sossaman Road and north of the Warner Road alignment (101.1± acres). Rezone from Agriculture (AG) to Light Industrial with a Planned Area Development overlay (LI-PAD) and Site Plan Review. This request will allow for an industrial development. Sean Lake on behalf of Pew & Lake PLC, applicant; The Dale C. Morrison Trust, owner. – Ordinance No. 5656

Staff Recommendation: Approval with conditions

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

- *7-c. **ZON21-00566 (District 5)** Within the 6400 block of East McDowell Road (north side) and within the 2800 block of North Ramada (west side). Located west of Power Road on the north side of McDowell Road (4.1± acres). Rezone from Office Commercial (OC) to Single Residence 9 with a Planned Area Development Overlay (RS-9-PAD). This request will allow for the development of a single residence subdivision. Grant Taylor, applicant; DeMichele Family, LLC, owner. – Ordinance No. 5657

Staff Recommendation: Approval with conditions

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

- *7-d. **ZON21-00892 (District 6)** Within the 4400 to 4700 blocks of South Power Road (east side) and within the 6800 to 7000 blocks of East Warner Road (south side). Located at the southeast corner of Power Road and Warner Road (40± acres). Modification of the Planned Area Development Overlay (PAD) and Site Plan Modification. This request will allow for commercial development. Sean Lake, Pew & Lake, PLC, applicant; Power 40, LLC, owner. – Ordinance No. 5658

Staff Recommendation: Approval with conditions

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

- *7-e. Amending Title 5 of the Mesa City Code (Business Regulations), Chapter 4 entitled "Mobile Food Vendors" to exempt mobile food vendors who are operating at special events from licensing requirements on a limited basis, and to modify requirements for the location of mobile food vendor operations, including distance requirements and related exemptions for operation in or near areas zoned for residential use, effective March 1, 2022. **(Citywide)** – Ordinance No. 5659

8. Discuss, receive public comment, and take action on the following ordinance, and take action on the following resolution relating to property located at the northwest corner of East Elliot and South Signal Butte Roads:

- *8-a. ZON21-00540 **(District 6)** An ordinance within the 10500 to 10800 blocks of East Elliot Road (north side) and within the 3500 block of South Signal Butte Road (west side). Located on the northwest corner of Signal Butte Road and Elliot Road (25.7± acres). Rezone from Agriculture (AG) to Light Industrial (LI) with a Planned Area Development (PAD) Overlay, Site Plan Review, and Special Use Permit. This request will allow for a commercial and industrial development. Adam Baugh, Withey Morris, PLC, applicant; Whane of Mesa, LP, owner. – Ordinance No. 5660

Staff Recommendation: Approval with conditions

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

- *8-b. A resolution approving and authorizing the City Manager to enter into a Development Agreement relating to 25 +/- acres of property located at the northwest corner of East Elliot Road and South Signal Butte Road for the primary purpose of prohibiting certain land uses. **(District 6)** – Resolution No. 11778

9. Take action on the following subdivision plat:

- *9-a. "Menlo Circle" **(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 (1.94 ± acres). Mason Bradshaw and Amanda Lyn Bradshaw, Trustees of the Mason Mark Bradshaw and Amanda Lyn Bradshaw Revocable Living Trust and Menlo Holdings, LLC, developers; Gerald Hughes, EPS Group, surveyor.

Items not on the Consent Agenda.

- 6-d. Authorizing the City Manager to enter into a Sixth Amendment to the Development Agreement, a First Amendment to the Amended and Restated Ground and Air Lease, and a First Amendment to the Amended and Restated License Agreement for the development commonly known as The GRID, a project on City-owned property, generally located at the southwest corner of Main Street and Pomeroy at 233 East Main Street and 34 South Pomeroy and granting an option to purchase the associated land and air rights. **(District 4)** – Resolution No. 11779

Kathy Adams, a Mesa resident, President and Owner of Pete's Fish and Chips, who is protesting the amendment of Pomeroy Road off Main Street for The GRID. She was notified the amendment and construction of the street would not affect the restaurant, even though it would as customers already are using the dirt lot entrance to enter the drive thru.

Downtown Transformation Manager Jeff McVay responded Pomeroy Road is only closed for construction and will be rebuilt with a new streetscape as a part of The GRID development. He confirmed the street will always remain a public street and function just as it has in the past.

Chris Loeffler, CEO and Co-Founder of Caliber Companies reported Caliber has invested approximately \$25,000,000 into Downtown Mesa's transformation, with commitments to invest \$80,000,000 in 2022. He stated for the past two years the construction has affected the company's ability to lease out the 305 East Main Street building, also known as the Wells Fargo building. He expressed concerns about an extension provided without any requirements on when the street would be rebuilt within the next two years. He suggested the City and Caliber Companies to come up with a plan on how to build out Pomeroy Road first because the company would like the development to be successful.

City Manager Christopher Brady clarified the City did meet with Caliber Companies and has a commitment from the representatives of The GRID to create a plan for the most convenient way to accelerate the project and open up Pomeroy Road.

It was moved by Councilmember Thompson, seconded by Councilmember Luna, that Resolution No. 11779 be approved.

Upon tabulation of votes, it showed:

AYES – Giles-Duff-Freeman-Heredia-Luna-Spilsbury-Thompson
NAYS – None

Carried unanimously.

10. Take action on the following resolution relating to a development called Residences on First Phase Three.

*10-a. Approving and authorizing the City Manager to enter into a Sale and Purchase Agreement, Development Agreement, and a Government Property Lease Excise Tax (GPLET) Lease Agreement for the development of 1.48± acres of city-owned property located in downtown Mesa near the southeast corner of South Macdonald and West 1st Avenue called Residences on First Phase Three. **(District 4)** – Resolution No. 11780

It was moved by Councilmember Freeman, seconded by Councilmember Thompson, that Resolution No. 11780 be approved.

Upon tabulation of votes, it showed:

AYES – Giles-Duff-Freeman-Heredia-Luna-Spilsbury-Thompson
NAYS – None

Carried unanimously.

11. Conduct a public hearing and take action on a resolution on the continuation of the Mesa Town Center Improvement District No. 228.

*11-a. A public hearing on the continuation of the Mesa Town Center Improvement District No. 228.

Mayor Giles announced that this was the time and place for a public hearing regarding the continuation of Mesa Town Center Improvement District No. 228.

There being no citizens wishing to speak on this issue, the Mayor declared the public hearing closed.

- *11-b. A resolution approving the continuation of the Mesa Town Center Improvement District No. 228 for an additional five years. **(District 4)**

On October 7th, 1985, the City established the Mesa Town Center Improvement District to provide enhanced municipal services for the Town Center. Approval of the resolution will continue the Mesa Town Center Improvement District for an additional five years.

It was moved by Councilmember Thompson, seconded by Councilmember Heredia that Resolution No. 11781 be adopted.

Upon tabulation of votes, it showed:

AYES – Giles-Duff-Freeman-Heredia-Luna-Spilsbury-Thompson
NAYS – None

Mayor Giles declared the motion carried unanimously by those present and Resolution No. 11781 adopted.

12. Conduct a public hearing and take action on the following ordinances adopting modified City-owned utility terms/rates/fees/charges:

- *12-a. Conduct a public hearing on modifications to terms/rates/fees/charges of City-owned utilities: items 12-b through 12-f.

Mayor Giles announced that this was the time and place for a public hearing regarding the modifications to terms/rates/fees/charges of City-owned utilities: items 12-b through 12-f.

There being no citizens wishing to speak on this issue, the Mayor declared the public hearing closed.

- *12-b. Modifying terms/rates/fees/charges for electric utility services. **(Districts 1 and 4)** – Ordinance No. 5661
- *12-c. Modifying terms/rates/fees/charges for natural gas utility services. **(Citywide)** – Ordinance No. 5662
- *12-d. Modifying terms/rates/fees/charges for water utility services. **(Citywide)** – Ordinance No. 5663
- *12-e. Modifying terms/rates/fees/charges for wastewater utility services. **(Citywide)** – Ordinance No. 5664
- *12-f. Modifying terms/rates/fees/charges for solid waste utility services. **(Citywide)** – Ordinance No. 5665

It was moved by Councilmember Luna, seconded by Vice Mayor Freeman, that Agenda Items 12-b through 12-f be approved.

Upon tabulation of votes, it showed:

AYES – Giles-Duff-Freeman-Heredia-Luna-Spilsbury-Thompson
NAYS – None

Mayor Giles declared the motion carried unanimously by those present and Ordinance No. 5661 through 5665 adopted.

13. Items from citizens present.

Mark Low, a Mesa resident, reminded Council they swore an oath to defend the Arizona State and United States Constitutions and referred to the Declaration of Independence. He asked Mayor Giles for the data he used to lockdown and mask the citizens of Mesa.

Ayush Kothan, a Mesa resident and alumni of the Mayor's Youth Committee, encouraged the pursuit of a Teen Advisory Board which would take the Mayor's Youth Committee to the next level by incorporating policy making. He stated the Teen Advisory Board would report directly to the Mayor and Council with an agenda and/or list of important topics. He added the committee would collaborate with the Downtown Mesa Association to increase youth involvement. He mentioned as one of the fastest growing cities in the United States the incorporation of the youth voice is incredibly important in the step forward to create a generation that is involved within City government.

14. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:17 p.m.

JOHN GILES, MAYOR

ATTEST:

DEE ANN MICKELSEN, 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 8th day of December 2021. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

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