



# COUNCIL MINUTES

April 3, 2023

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on April 3, 2023, at 5:53 p.m.

## COUNCIL PRESENT

John Giles  
Francisco Heredia  
Jennifer Duff  
Mark Freeman  
Alicia Goforth  
Scott Somers  
Julie Spilsbury

## COUNCIL ABSENT

None

## OFFICERS PRESENT

Christopher Brady  
Holly Moseley  
Jim Smith

Mayor's Welcome.

Mayor Giles conducted a roll call.

Invocation by Pastor Cindy Carpenter with Charis Christian Church.

Pledge of Allegiance was led by Mayor Giles.

Awards, recognitions, and announcements.

Mayor Giles declared April as the National Fair Housing month to commemorate the 1968 passage of the Fair Housing Act. He presented the proclamation to the Community Services Deputy Director Mary Brandon.

Ms. Brandon commented that the City of Mesa (COM) strives to ensure that all residents are provided safe housing, free from discrimination.

Housing and Community Development Director Michelle Albanese stated the COM is committed to providing programs and services for any of the agencies funded, as well as enforcing fair housing and equal opportunities.

## 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 Spilsbury, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

AYES – Giles–Heredia–Duff–Freeman–Goforth–Somers–Spilsbury  
NAYS – None

Carried unanimously.

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

Minutes from the February 9 and 27, 2023, Study Sessions; and March 20, 2023, Regular Council meeting.

\*3. Take action on the following liquor license applications:

\*3-a. College Bound

This is a one-day event to be held on Saturday, April 29, 2023, from 4:00 P.M. to 10:00 P.M. at Riverview Park, 2202 West Rio Salado Parkway. **(District 3)**

\*3-b. College Bound

This is a one-day event to be held on Sunday, April 30, 2023, from 1:30 P.M. to 9:30 P.M. at Riverview Park, 2202 West Rio Salado Parkway. **(District 3)**

\*3-c. Arizona Aviation Historical Group

This is a one-day event to be held on Saturday, April 29, 2023, from 5:00 P.M. to 9:00 P.M. at 4626 East Fighter Aces Drive. **(District 5)**

\*3-d. Rito's Mexican Food

A restaurant that serves lunch and dinner is requesting a new Series 12G Restaurant License with growler privileges for Rito's Mesa LLC, 1033 North Dobson Road, Suite 101; Jonathan Daniel Hansen, agent. There is no existing license at this location. **(District 3)**

\*3-e. Sky High Dobson

A tobacco store is requesting a new Series 10 Beer and Wine Store License for Sky High Dobson LLC, 1941 West West Guadalupe Road Suite 104; Phil Douglas Jones Jr., agent. There is no existing license at this location. **(District 3)**

\*3-f. Level 1 Arcade Bar

A restaurant with an arcade is requesting a new Series 12 Restaurant License for Level 1 Arcade Bar Mesa LLC, 48 West Main Street; Jeffrey Craig Miller, agent. There is no existing license at this location. **(District 4)**

\*3-g. Mod Pizza

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Mod Super Fast Pizza LLC, 5021 South Power Road Suite 105; Andrea Dahlman Lewkowitz, agent. There is no existing license at this location. **(District 6)**

4. Take action on the following contracts:

\*4-a. Three-Year Term Contract with Two Years of Renewal Options for a Bomb Suit and Helmet (Replacement) for the Mesa Police Department. **(Citywide)**

This purchase will provide one Med-Eng EOD 10 bomb suit and helmet and will replace the Bomb Team's existing, expired suit and helmet. This specific suit is compatible with interoperability between bomb teams and is the only suit used by FBI Hazardous Devices Schools and U.S. Bomb Teams including the FBI and ATF.

The Police Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Safeware, Inc. at \$90,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index. The initial purchase is grant funded by Arizona Department of Homeland Security.

\*4-b. Dollar Limit Increase and Additional Vendor Awards to the Cooperative Use Term Contract for Communications Cabling Systems for Various City Departments (as requested by the Police Department and Department of Innovation and Technology). **(Citywide)**

Additional contract capacity is being requested for department-wide projects such as Wi-Fi hardware replacement and relocation services; addition and replacement of surveillance and security products in various locations throughout the city and in City facilities (i.e., closed-circuit television (CCTV), C-Cure badging solutions); and non-Capital Improvement Program office remodel and relocation.

The Police Department, Department of Innovation and Technology, and Purchasing recommend increasing the dollar limit using the State of Arizona cooperative contracts with Corporate Technology Solutions, LLC (CTS), Norstan Communications, Inc. dba Black Box Network Services, Kearney Electric, Inc., BPG Technologies, LLC, Tel Tech Networks, Inc., Fishel Co., Graybar Electrical, Inc., Anixter, Inc., IES Communications, LLC, and Level 7 Technologies-Aspen Technologies by \$100,000, from \$187,500 to \$287,500 through 7/4/2023; and Years 2 and 3 by \$650,000, from \$250,000 to \$900,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

\*4-c. Dollar Limit Increase to the Term Contract for Vehicle Decals and Graphics for the Mesa Fire and Medical, Mesa Police and various City Departments as requested by the Fleet Services Department. **(Citywide)**

The contract is nearly out of funds due to changing the scope of the decals used, the increase is needed to pay some remaining invoices/payments and for purchases through April 30, 2023.

The Fleet Services and Mesa Fire and Medical Departments and Purchasing recommend increasing the dollar limit with VisionIT Media LLC by \$50,000, from \$80,000 to \$130,000.

- \*4-d. One-Year Term Contract with a One Year Renewal Option for Parts and Repair Services for Pierce Fire Apparatus for the Mesa Fire and Medical Department (Sole Source). **(Citywide)**

This contract will provide all parts and components needed for the service and repair of Pierce apparatus, and also provide labor to repair apparatus when requested by the City. This may include work for large body OEM accident repair services. These services are for repairs which require factory certification and cannot be performed by City staff.

The Mesa Fire and Medical Department and Purchasing recommend awarding the contract to the sole source vendor, Hughes Fire Equipment Inc. at \$300,000 annually, based on estimated usage.

- \*4-e. One-Year Term Contract for Dynamo Playground Equipment Repair and Replacement Parts for the Parks, Recreation and Community Facilities Department (Sole Source). **(Citywide)**

The City has seven parks that have playground equipment provided by Dynamo Industries. The playground park equipment installed at Eastmark Great Park and Riverview Park is proprietary equipment and custom designed. This contract will provide maintenance, repairs, and add-on equipment for all Dynamo playground equipment.

The Parks, Recreation and Community Facilities Department and Purchasing recommend awarding the contract to the sole source vendor, Dynamo Industries at \$300,000 annually, based on estimated usage.

- \*4-f. Use of a Cooperative Contract for the Purchase of Furniture for Various Locations for the Library Services Department. **(Citywide)**

Library Services will be purchasing tables, chairs, lounge seating, etc. for the new Mesa Express Library at Monterey Park opening later this year. Library Services will also be furnishing staff office spaces at the Main Library and Dobson Ranch Library to support expanded library services.

The Library Services Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with National Design & Trade Network, Inc. dba Interior Solutions of Arizona for \$100,000, based on estimated requirements.

- \*4-g. Dollar Limit Increase to the Term Contract for Herbicide Application and Vegetation Removal Services for the Transportation Department. **(Citywide)**

A dollar limit increase is requested due to increased inventory with the State Route (SR) 24 expansion, increased inventory with ADOT's abandonment of various locations, a change in vegetation mitigation efforts for raised medians, and the additional future inventory in Southeast Mesa with the completion of development projects.

The Transportation Department and Purchasing recommend increasing the dollar limit with URW, LLC dba United Right of Way, Years 4 and 5 by \$240,000, from \$360,000 to

\$600,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index. This purchase is funded by the Local Streets Fund.

- \*4-h. Purchase to Repair the Primary Entry Monument in the Fiesta District for the Transportation Department (Single Response). **(Citywide)**

The Transportation Department maintains specialty monuments and decorative lighting throughout the City. Recently, the primary entry monument at Southern Avenue and Alma School Road was damaged due to a vehicle accident. This monument is an important part of the Fiesta District theme and must be repaired to keep the area aesthetically pleasing.

The Transportation Department and Purchasing recommend authorizing the purchase with the single, responsive, and responsible bidder, F&N Enterprises, Inc. dba SmithCraft Custom Architectural Signs for \$54,272, based on estimated requirements. This purchase is funded by the Local Streets Fund.

5. Take action on the following resolutions:

- \*5-a. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement/Memorandum of Understanding with Maricopa Association of Governments (MAG) and various Arizona cities, towns, tribal governments, and political subdivisions regarding the engagement of a full-time Urban Water Ambassador in connection with the Rio Reimagined Urban Waters Federal Partnership and river revitalization for the Rio Salado. Each participating governmental agency will partially reimburse MAG for the cost of the Urban Water Ambassador's compensation; the City will contribute \$15,000 annually for four years, for a total contribution of \$60,000. – Resolution No. 12014

6. Introduction of the following ordinances and setting April 17, 2023, as the date of the public hearing on these ordinances:

- \*6-a. ANX23-00123 **(District 6)** Annexation of a portion of the county right-of-way on Power Road, located within the 2000 through 3000 blocks of South Power Road, from Baseline Road south to approximately 1,300 feet south of Guadalupe Road (15.77± acres). – Introduced Ordinance No. 5776
- \*6-b. ZON22-00714 “Evergreen @ Hawes” **(District 6)** Within the 2200 block of South Hawes Road (east side). Located south of Baseline Road on the east side of Hawes Road (5± acres). Rezone from Office Commercial (OC) and Multiple Residence-2 (RM-2) 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. Sean Lake, Pew and Lake, PLC, applicant; Price Revocable Trust, owner. – Introduced Ordinance No. 5777

Staff Recommendation: Approval with conditions

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

7. Discuss, receive public comment, and take action on the following annexation, zoning ordinance and resolution relating to the proposed development “Legacy Gateway Hotels”:

- \*7-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 May 1, 2023 City Council meeting.)**

- \*7-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 May 1, 2023 City Council meeting.)**

- \*7-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 May 1, 2023 City Council meeting.)**

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

- \*8-a. ZON22-01263 “Home Away from Home” (**District 2**) Within the 4600 block of East Banner Gateway Drive (north side) and within the 1700 block of South Pierpont Drive (west side). Located east of Greenfield Road and south of the US 60 Superstition Freeway (13± acres). Rezone from Light Industrial (LI) and Light Industrial with a Planned Area Development overlay (LI-PAD) to Light Industrial with a Planned Area Development overlay (LI-PAD) and Site Plan Review. This request is associated with Banner Gateway Medical Center to provide housing accommodations for patients and their families during treatment and while in recovery. Alex Steadman, RVI Planning + Landscape Architecture, applicant; Banner Health, owner. – Ordinance No. 5774

Staff Recommendation: Approval with conditions

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

- \*8-b. **See: Items not on the Consent Agenda.**

9. Take action on the following subdivision plats:

- \*9-a. SUB22-00243 “Project 4” (**District 5**) Within the 8200 to 8300 blocks of East University Drive (north side), within the 400 block of North 82nd Street (east side), and within the 400 block of North 83rd Street (west side). Located east of Sossaman Road on the north side of University Drive (4.1± acres). Project 4, LLC., developer; Matthew G. Buchanan, EPS Group, Inc., surveyor.

- \*9-b. SUB22-00935 "Adobe Luxury Villas, A Condominium" (**District 5**) Within the 5900 block of East Adobe Road (north side) and within the 800 block of North Recker Road (west side). Located south of Brown Road on the west side of Recker Road (2.1± acres). Kinwell Development, LLC., developer; Shane R. Barnett, Barnett Land Surveying, LLC, surveyor.
- \*9-c. SUB21-01166 "Villas at McDowell" (**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). Preliminary Plat. Grant Taylor, applicant; DeMichele Family, LLC, owner.

**Items not on the Consent Agenda:**

- 8-b. Amending Title 1 of the Mesa City Code (Administrative), Chapter 21 (Procurement of Materials, Non-Professional Contract Services and Capital Improvements) to revise the formal procurement and Council approval threshold and update and modernize the language. (**Citywide**) – Ordinance No. 5775

Peter Anello, a Mesa resident, expressed his opposition to increasing the approval amount of procurement expenditures and stated his opinion that the City of Mesa operates at a deficit, unlike other cities who have a surplus.

David Winstanley, a Mesa resident, shared his concerns regarding the increased approval amount of expenditures, and offered some suggestions.

Mayor Giles thanked the public for their comments.

City Manager Christopher Brady affirmed that the City is required by state law to have a balanced budget and does not engage in deficit spending or overspending. He explained since 1942, the City has transferred funds from the Enterprise Fund in lieu of having a primary property tax in Mesa, and the transfer was approved by the Council. He indicated the audited financial statements are completed by third-party auditors and reflect a net position ending in \$1,051,921, the highest since 2018. He encouraged the public to view the Annual Comprehensive Financial Report (ACFR) presentation.

Councilmember Freeman pointed out that based on an ordinance passed a few years back, 25% of the money transferred from the Enterprise Fund is strictly for the City's Public Safety budget.

Councilmember Somers addressed Mr. Winstanley's concern regarding the increase and reviewed a brief history of the original limits established in 1978. He suggested setting the expenditure limit approval to \$75,000 and requested adding a quarterly expenditure report to Council.

Councilmember Spilsbury expressed her support of increasing the approval limit to \$100,000, and stated there are many checks and balances on all the processes, as well as transparency. She explained the increase for approval would allow faster turnaround time on projects. She commented that Mesa's surrounding cities have a set limit of \$100,000, and Mesa is larger than the other cities, with the exception of Phoenix.

Councilmember Duff indicated the expenditure approval limit pertains to the ability to spend smaller amounts within the budget without the approval of the Council. She described the challenging process of delays in obtaining supplies and products, and the benefits of being efficient and quicker in managing the smaller expenditures.

Councilmember Goforth remarked she is in support of increasing the approval limit to \$100,000, and the addition to a quarterly report. She stated the Council's responsibility is for the oversight of City's dollars.

Mr. Brady explained that the original City Charter from 1967 set the threshold at \$10,000, and the Consumer Price Index (CPI) inflation calculator shows that is equivalent to \$91,440.73 in 2023. He stated this increase approval limit was calculated to remain competitive with other cities and to move more quickly in purchasing items.

Councilmember Somers stated he is comfortable with a \$100,000 approval limit with the caveat of a quarterly report submitted to Council for review to ensure accountability.

Mayor Giles stated he is in support of this increase that will better align Mesa with its peers and help expedite the purchase process. He noted the laws and policies in place and the fact that the City Auditor reports directly to Council, alleviates any of his concerns.

Mayor Giles provided direction to Mr. Brady to provide Council with a quarterly report of expenditures made between \$50,000 and \$100,000.

It was moved by Councilmember Freeman, seconded by Vice Mayor Heredia, that Ordinance No. 5775 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Giles declared the motion carried by majority vote.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:28 p.m.

ATTEST:

  
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HOLLY MOSELEY, CITY CLERK



  
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JOHN GILES, MAYOR



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 3<sup>rd</sup> day of April 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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