



# COUNCIL MINUTES

April 5, 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 5, 2021 at 5:56 p.m.

## COUNCIL PRESENT

John Giles  
Jennifer Duff  
Mark Freeman  
David Luna  
Julie Spilsbury

## COUNCIL ABSENT

Francisco Heredia  
Kevin Thompson

## OFFICERS PRESENT

Christopher Brady  
Dee Ann Mickelsen  
Jim Smith

Mayor Giles excused Councilmembers Heredia and Thompson from the entire meeting.

Mayor's Welcome.

Mayor Giles conducted a roll call.

Invocation by Pastor Sherman Fort with The Word Church

Pledge of Allegiance was led by Mayor Giles.

Awards, Recognitions and Announcements.

Mayor Giles issued a Week of the Young Child proclamation to Dr. Annapurna Ganesh, Southeast Maricopa Region Councilmember with First Things First, and thanked her for the work she does for the youth in the community.

Dr. Ganesh noted that First Things First is the only state-funded source dedicated exclusively to the beginning of the education continuum and invests early childhood funds in programs and services that address the development, education, and health needs of children birth to age five at the state and local levels. She mentioned that evidence proves that quality early learning programs result in short- and long-term economic benefits to individuals and communities.

Dr. Ganesh commented that this year marks the 50<sup>th</sup> anniversary of the nationally recognized Week of the Young Child, which is celebrated April 10<sup>th</sup> to 16<sup>th</sup>, and focuses attention on early learning and the educators that support the positive development of young children. She remarked that young children are the future and shared ways to support early development.

Mayor Giles expressed appreciation for everyone in the community serving young children.

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-Luna-Spilsbury

NAYS – None

ABSENT – Heredia-Thompson

Mayor Giles declared the motion carried unanimously by those present.

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

Minutes from the February 18, March 11, and March 15, 2021 Study Sessions and the March 15, 2021 Regular Council meeting.

3. Take action on the following contracts:

\*3-a. Solid Rock Foundation Inc.

This is a one-day event to be held on Saturday, April 24, 2021 from 6:00 P.M. to 11:00 P.M. at Las Sendas Golf Course, 7555 East Eagle Crest Drive. **(District 5)**

\*3-b. Unit 1 Bravo AOMA

This is a one-day event to be held on Thursday, April 8, 2021 from 5:00 P.M. to 9:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

\*3-c. Unit 1 Bravo AOMA

This is a one-day event to be held on Thursday, April 22, 2021 from 5:00 P.M. to 9:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

\*3-d. Skyline Liquor

A liquor store is requesting a new Series 09 Liquor Store License for Skyline Liquor Inc., 415 South Higley Road, Suite 101; Sarhad Kasmarogi, agent. There is no existing license at this location. **(District 2)**

\*3-e. Mi Pueblo Market

A convenience store is requesting a new Series 10 Beer and Wine Store License for Comunidad Latina LLC, 751 East Broadway Road; Gilda R. Schwendener Ralon, agent. There is no existing license at this location. **(District 4)**

\*3-f. S+ A Market

A convenience store is requesting a new Series 10 Beer and Wine Store License for Seven A Market LLC, 730 East Brown Road, Suite 112; Sami Mansour Eshoy, agent. The existing license held by Harpal Grewal LLC will revert to the State. **(District 1)**

\*3-g. MV Snacks & Sushi

A restaurant that serves breakfast, lunch and dinner is requesting a new Series 12 Restaurant License for JVG Enterprise LLC, 1468 East Main Street; Theresa June Morse, agent. There is no existing license at this location. **(District 4)**

\*3-h. Carne Asada

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Carne Asada LLC, 67 North Dobson Road, Suite 101; Manuel M. Ramirez, agent. There is no existing license at this location. **(District 3)**

4. Take action on the following contracts:

\*4-a. Three-Year Term Contract with Two Years of Renewal Options for Clay, Glaze and Miscellaneous Materials for the Arts and Culture Department (Single Response). **(Citywide)**

Mesa Arts Center's Ceramic Studio students will use these materials and supplies for their classes. Marjon Ceramics has been supplying materials to the Mesa Arts Center and many other arts education programs in the greater Phoenix area, for many years.

The Arts and Culture Department and Purchasing recommend awarding the contract to the single, responsive, and responsible bidder, Marjon Ceramics, Inc., at \$50,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

\*4-b. Purchase for Audience Seating (Replacement) for the Ikeda and Piper Theaters for the Mesa Arts Center. **(Citywide)**

The existing seating hardware was installed in 2005 and had an anticipated lifespan of 10 years. This purchase and vendor will allow us to consolidate hardware components in all three theaters resulting in easier and more cost-effective maintenance and service. This product has also been vetted and approved by the Mesa Arts Center's architect and will continue to showcase the theaters according to the original architect design.

The Arts and Culture Department and Purchasing recommend authorizing the purchase using the Omnia cooperative contract with Irwin Seating Company at \$1,275,000, based on project requirements. This purchase is funded by the Mesa Arts Center Restoration Fund.

- \*4-c. Three-Year Term Contract with Two Years of Renewal Options for Large Format Commercial Printing for the Business Services Department. **(Citywide)**

This contract will be used by Print Services to print large format printing projects that Print Services does not have the equipment to complete or are not economically advantageous.

An evaluation committee recommends awarding the contract to the highest scored proposal from ARC Document Solutions, at \$116,000 annually, based on estimated usage, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- \*4-d. Ratification of the Emergency Purchase of AZ Labs Chiller Rental for the Parks, Recreation and Community Facilities Department (PRCF). **(Citywide)**

The chiller at AZ Labs had a catastrophic failure and could no longer be repaired, parts are obsolete. Temporary cooling was needed so PRCF procured a chiller rental until new chillers are installed. City of Mesa rents space to AZ Labs and cooling is essential to their business. The chiller also services a building at Phoenix-Mesa Gateway Airport.

The Parks, Recreation and Community Facilities Department and Purchasing recommend ratifying the purchase with Aggreko, at \$26,034.60.

- \*4-e. Dollar-Limit Increase to the Term Contract for Park Maintenance at Citrus Groves at Gene Autry Park for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract provides park maintenance for Gene Autry Park Grove Care and Valencia Park Citrus Irrigation. This one-time increase is needed to cover expenses incurred from additional flood irrigation, grading, and building rock spillovers as the result of extensive tree replanting throughout the groves.

The Parks, Recreation and Community Facilities Department and Purchasing recommend increasing the dollar-limit with Armistead Farms, LLC, by \$12,000, from \$25,000 to \$37,000 for Year 3 through June 30, 2021.

- \*4-f. Dollar-Limit Increase to the Term Contract for Purchase and Installation of Uninterruptible Power Supply (UPS) Systems for the Forensic Services Division (requested by Parks, Recreation and Community Facilities Department (PRCF)). **(Citywide)**

This contract provides experienced Contractors for uninterruptible power supply (UPS) system purchases and their associated services of the manufacturer's product or service. Council approved this term contract on 1/11/2021 for the Water Resources Department. PRCF has requested to be added to the contract and the dollar-limit increase to replace the UPS for the Police Department, Forensic Services.

The Parks, Recreation and Community Facilities and Water Resources Departments, and Purchasing recommend increasing the dollar-limit using the State of Arizona cooperative contract with Titan Power, Inc. and Gruber Technical, Inc., by \$150,000, from \$150,000 to \$300,000, through July 15, 2021.

- \*4-g. Purchase of a Forklift/Front Loader (Addition) for the Mesa Fire and Medical Department. **(Citywide)**

This Bobcat track loader will be used by Mesa Fire and Medical's Training Division for their daily operations to perform heavy auto lifting both on- and off-road.

The Fleet Services and Mesa Fire and Medical Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Bingham Equipment Company (a Mesa business), at \$59,060.86. This purchase is funded by General Fund Capital.

- \*4-h. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Painting Services for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract provides a non-exclusive, pre-qualified painting contractors list to perform painting services for various City facilities/projects on an as-needed basis. When the need for painting services arises, the qualified vendors competitively quote the work.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the renewal with Ghaster Painting & Coatings, Inc.; Skyline Builders & Restoration, Inc.; East Valley Disaster Services, Inc.; A & H Painting, Inc.; and First Choice Restoration, Inc., at \$535,000 annually, based on estimated usage.

- \*4-i. Three-Year Term Contract for G2 Fire Station Alerting System Equipment, Maintenance and Services for the Mesa Fire and Medical Department and Department of Innovation and Technology (Sole Source). **(Citywide)**

This contract will allow for expedited purchasing of USDD G2 alerting systems and services, new equipment, planned lifecycle upgrades, portable devices, and equipment and services to equip new fire station locations.

The Department of Innovation and Technology, Mesa Fire and Medical Department and Purchasing recommend awarding the sole source contract to US Digital Designs, at \$950,000 annually, based on estimated requirements.

- \*4-j. Purchase of Document Management Services for the Mesa Police Department. **(Citywide)**

This purchase will provide for the conversion of mug shot photos and negatives to digital media.

The Mesa Police Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with ICM Conversions, Inc., at \$51,000, based on estimated usage. This purchase is funded by a Salt River Pima-Maricopa Indian Community Grant and a Justice Assistance Grant.

- \*4-k. Purchase of a Portable X-Ray Kit (Addition) for the Mesa Police Department (Sole Source). **(Citywide)**

This purchase will provide one Nexray FPX Nano-X-Ray kit/system, a primary tool for bomb technicians to examine suspicious items and devices. This system can be carried

on the back of a bomb technician as they patrol events of mass gatherings. By having the x-ray system readily available, response time is drastically reduced when a suspicious item is located. The Nexray FPX Nano X-Ray Kit is the standard kit for the bomb squads in the Valley.

City staff and Purchasing recommend authorizing the purchase from the sole source vendor, Atlantic Diving Supply, at \$36,704.89. This purchase is grant funded by the Arizona Department of Homeland Security.

- \*4-l. Three-Year Term Contract with Two Years of Renewal Options for Private Security Guard Services for Various City Facilities. **(Citywide)**

This contract provides unarmed physical security services, mobile patrol, shuttle services for employees between City buildings and parking structures, and security for special events and festivals hosted by the City. Private security services are used on a daily basis at the Mesa Arts Center, the two Museums, the three Libraries, 55 North Center, and Customer Service at East Mesa.

An evaluation committee recommends awarding the highest scored proposal response from Universal Protection Service, LP, dba, Allied Universal Security Services, at \$1,300,000 annually, based on estimated usage, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- \*4-m. One-Year Term Contract with Four Years of Renewal Options for Streetlight Parts and Electrical Supplies for the Transportation Department. **(Citywide)**

Transportation maintains over 43,000 streetlights that facilitate and safeguard vehicular and pedestrian traffic. This contract is the primary source for the City to purchase streetlight parts and electrical supplies for the repair of streetlight fixtures and streetlight electrical systems.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, Consolidated Electrical Distributors, dba Arizona Electric Supply (a Mesa business); at \$193,100 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index. This purchase is funded by the Local Streets Fund.

- \*4-n. Three-Year Term Contract with Two Years of Renewal Options for Landia Equipment Parts and Services for the Water Resources Department (Single Response). **(Citywide)**

This contract will provide Landia pumps, equipment, parts, and services for the City's Northwest Water Reclamation Plant. There are four Landia wall pumps, two in each of the aeration basins located at the plant.

An evaluation committee recommends awarding the contract to the single response, Landia, Inc., at \$142,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-o. Three-Year Term Contract with Two Years of Renewal Options for Acoustic Sewer Inspection Equipment, Parts and Service for the Water Resources Department (Single Response). **(Citywide)**

This contract is for the purchase of InfoSense SL-RAT equipment, parts, and services for the City's Wastewater Collections group for the ongoing maintenance of the department's existing inspection equipment.

An evaluation committee recommends awarding the contract to the highest scored proposal from InfoSense, Inc., at \$52,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-p. Three-Year Term Contract with Two Years of Renewal Options for Mobile Natural Gas Supply for the Energy Resources Department. **(Citywide)**

This contract will provide a qualified supplier list to provide mobile gas supply to support the natural gas distribution system during extreme weather conditions and planned maintenance to reduce customer service interruptions. Energy Resources expects only to utilize the contract when additional support to the natural gas distribution is required.

The evaluation committee recommends awarding the contract to the highest scored proposals from Rawhide Leasing Company, LLC; CenterPoint Energy Mobile Energy Solutions, Inc.; Ultimate CNG, LLC; and Sapphire Gas Solutions, LLC, at \$320,000 annually, based on estimated potential system supporting events.

- \*4-q. Three-Year Term Contract with Two Years of Renewal Options for Gas Meters for the Materials and Supply Warehouse (for the Energy Resource Department). **(Citywide)**

This contract will provide large capacity gas meters used in the City's natural gas distribution systems for the purpose of billing customer gas usage. These meters are for new construction projects and maintenance and repair of existing utilities.

The Business Services and Energy Resources Departments, and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidders: NGS Cayman Holdings, L.P., dba Natural Gas Solutions North America, LLC; Energy Economics, Inc.; and Measurement Control Systems, at \$1,020,096 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

5. Take action on the following resolutions:

- \*5-a. Establishing the Mesa Education and Workforce Development Roundtable for the purpose of developing and improving education and workforce opportunities and successes in Mesa. **(Citywide)** – Resolution No. 11638
- \*5-b. Approving and authorizing the City Manager to enter into a Communication License with Gila Local Exchange Carrier, d/b/a Alluvion Communications, for a five-year term, with one five-year renewal option. **(Citywide)** – Resolution No. 11639
- \*5-c. Approving and authorizing the City Manager to submit the City of Mesa Annual Action Plan for Fiscal Year 2021/2022; authorizing the submittal of applications to receive entitlement funds for Fiscal Year 2021/2022 under the U.S. Department of Housing and Urban Development Community Development Block Grant program (CDBG), Emergency Solutions Grant program (ESG), 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 2021/2022 CDBG, ESG, HOME, and Human Services funds, received by the City. **(Citywide)** – Resolution No. 11640

Emily Denes, spokesperson for the Boys & Girls Clubs of the Valley (BGCAZ), submitted comments to be read in regard to the recommended CDBG funding for Fiscal Year 21/22 in which the BGCAZ was denied funding based on three awards being in progress or not completed. She respectfully asked Council to reconsider the funding request and not penalize BGCAZ for the delay in projects being awarded, implemented, and executed for reasons out of their control. She advised correspondence has taken place for several months with the City of Mesa Community Services team regarding the contract/project delays and have discussed a plan to move forward and execute contracts with the previously awarded CDBG projects.

Mayor Giles commented on his understanding that there are multiple rounds of funding and those who did not receive funding may still be considered in another round.

City Manager Christopher Brady mentioned the fact that there are projects underway that have not been completed which presents a challenge because each year HUD looks at the 1.5 spending ratio and while the City recognizes the contractor may be the reason for the delay, it is difficult to continue to give money to groups that have not spent the allocated funding.

Mayor Giles asked if staff would reach out to Ms. Denes regarding her concerns.

\*5-d. Extinguishing the 5-foot Use and Benefit Easements located on The Final Plat for Eastmark - DU 3/4 North Phase 4, located north of the northeast corner of South Ellsworth Road and East Point Twenty-Two Boulevard, and extinguishing the 5-foot Use and Benefit Easements located on The Final Plat for Eastmark - DU 3/4 North Phase 5, located south of the southeast corner of South Ellsworth Road and East Warner Road; the extinguishments are to allow for the construction of new residential homes and were requested by the property owner. **(District 6)** – Resolution No. 11641

\*5-e. Approving and authorizing the City Manager to enter into a one-year Intergovernmental Agreement (IGA) to lease a portable G2 encoding system to the Rio Verde Fire District (RVFD).

RVFD needs an enhanced encoding system to provide dependable emergency alerting to provide 24-hour emergency service from their temporary trailer station while a second permanent station is built in their system. The City of Mesa Fire and Medical Department's (MFMD) portable USDD/G2 station alerting package provides the consistency desired and the enhanced system required consistent with Mesa Regional Dispatch Center alerting procedures. – Resolution No. 11642

\*5-f. Approving and authorizing the City Manager to enter into a Memorandum of Understanding and an Exclusive Dealing Agreement with Miravista/SIHI Holdings I, LLC, for a mixed-use development of approximately 25 acres of City-owned property located at the southwest corner of Mesa Drive and University Drive (the Transform 17 site). **(District 4)** – Resolution No. 11643



6. Introduction of the following ordinances and setting April 19, 2021 as the date of public hearing on these ordinances:

- \*6-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± acres).
- \*6-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± acres).
- \*6-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± acres). Rezoning from Agriculture (AG) to RS-35-PAD. This request will allow for the development of two single-residence subdivisions. Jared Cox, Vista Design Group, LLC, applicant; Heritage Group LP, owner.

Staff Recommendation: Approval with conditions

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

- \*6-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± 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.

Staff Recommendation: Approval with conditions

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

- \*6-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± 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.

Staff Recommendation: Approval with conditions

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

- \*6-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)**

7. Discuss, receive public comment, and take action on the following annexation and zoning ordinance, and take action on the following resolution, all relating to a development known as Legacy Sports Park:

- \*7-a. ANX20-00242 (**District 6**) Annexing property located north of Pecos Road and east of Ellsworth Road (337.0± acres). This request has been initiated by the applicant, Paul Gilbert, Beus Gilbert McGroder, PLLC for the owner, Pacific Proving, LLC. – Ordinance No. 5610
- \*7-b. ZON20-00846 (**District 6**) Within the 6000 to 6600 block of South Ellsworth Road (east side), within the 9200 to 9800 blocks of East Williams Field Road alignment (south side) and within the 6200 to 6600 blocks of South Crismon Road alignment (west side). Located east of Ellsworth Road and north of Pecos Road (overall 337.0± acres). Rezone 41.7± acres of the 337.0± acres of the property from AG to LR; Special Use Permits; and Site Plan Review on the property. This request will allow for the development of a recreation facility. Paul Gilbert, Beus Gilbert McGroder, applicant; Pacific Proving, LLC, owner. – Ordinance No. 5611

Staff Recommendation: Approval with conditions

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

- \*7-c. A resolution approving and authorizing the City Manager to enter into a Pre-Annexation Development Agreement with Pacific Proving, LLC (Owner) and Legacy Cares, Inc. (Lessee), for the development of a recreation facility known as “Legacy Sports Park” on approximately 337 acres of property located south of East Williams Field Road on the east side of South Ellsworth Road and that is the subject of zoning case ZON21-00846. (**District 6**) – Resolution No. 11644

8. Take action on the following subdivision plats:

- \*8-a. “Parkside Villas” (**District 5**) Within the 1300 block of North 46th Street (west side). Located north of Brown Road and east of Greenfield Road (4.85± acres). Tanner & Funk Holdings, LLC, developer; Darren Smith, Babbitt Nelson Engineering, surveyor.
- \*8-b. “Cadence at Gateway South” (**District 6**) Within the 5300 block of South Ellsworth Road (east side) and within the 9200 to 9400 blocks of East Cadence Parkway (south side). Located east of Ellsworth Road and south of Ray Road (8.08± acres). PPGN-Ellsworth, LLLP, developer; Raymond S Munoz III, EPS Group, surveyor.
- \*8-c. “Cadence at Gateway North” (**District 6**) Within the 9200 to 9400 blocks of East Ray Road (south side); within the 5200 block of South Ellsworth Road (east side) and within the 9200 to 9400 blocks of East Cadence Parkway (north side). Located east of Ellsworth Road and south of Ray Road (9.1± acres). PPGN-Ellsworth, LLLP, developer; Raymond S Munoz III, EPS Group, surveyor.

Items not on the Consent Agenda.

9. Discuss, receive public comment, and take action on the following ordinance:

- 9-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± 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.

Staff Recommendation: Approval with conditions

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

Planning Director Nana Appiah reported following the March 15 Regular, staff met with community members and the developer and through those conversations three stipulations have been added. He highlighted the stipulations will be to implement a Good Neighbor Policy that addresses the landscaping plan and how the landscaping will be maintained, as well as planting mature trees; adding lighting controls on the property and in the parking garage with dimmers when there is no activity; and completing the façade elevations as part of the design review process. He mentioned the Good Neighbor Policy, the landscape plan, and the final elevation will be conditions of approval that will go with the design review final approval. He stated the Good Neighbor Policy and landscape plans have been shared with the community members that have expressed concern.

In response to several questions from Councilmember Luna, Mr. Appiah advised the Good Neighbor Policy will be similar to conditions of approval that are attached to projects. He added if there is non-compliance, the developer will be in violation and code enforcement will take action. He commented the policy was emailed to the neighborhood representatives.

Councilmember Freeman pointed out the Good Neighbor Policy and the design review follows the property in perpetuity, adding that Mr. Appiah will be the final approval to ensure that the required conditions are met by the developer. He mentioned his expectation is that the developer improves the quality of the elevations.

Mr. Appiah explained another condition of approval will be property owner contact changes will require updated contact information and confirmed the design review conditions of approval will be binding to the development, as well as the developer conforming to the elevation requirements in order to move forward.

In response to a question posed by Councilmember Spilsbury, Mr. Appiah indicated the Good Neighbor Policy is similar to the site plan which is attached to the final approval.

Janice Jaicks, a Mesa resident, spoke in opposition stating the residents of the Country Club Heights neighborhood have done their best to navigate the Planning & Zoning (P&Z) process and learned promises must be made in writing. She described a conversation with former Mayor Keno Hawker who agreed if the promise of keeping the parking garage at two stories was not in writing, that was in error. She noted that the proposed Good Neighbor Policy was received Thursday, April 1, at 6:00 p.m. and the neighbors have hustled to review the policy and gather their thoughts. She stated the proposed concession plan is not acceptable to the neighborhood because there are no details regarding the changes. She thanked the councilmembers who took the time to personally visit the neighborhood and asked Council to right the wrong.

Joshua Boyle, a Mesa resident, asked for another continuance in the case to make sure the Good Neighbor Policy has been carefully reviewed and agreed upon. He commented the policy is severely lacking in details and more time is needed to write an acceptable policy. He pointed

out the developer is not interested in Mesa long term and is looking to build, sell, and make money. He indicated every concession that has been made is the bare minimum. He explained if Council approves the project, the historic nature of the neighborhood will forever be changed.

Shawna Boyle, a Mesa resident, addressed the fact that the Good Neighbor Policy is a start, but more specifics need to be documented. She mentioned the developer has refused to put the garage underground, which leaves the next best option of a true landscape barrier along with screening to mitigate all the negative impacts. She suggested a landscaped hill or berm running along the south side of the parking garage covering a majority of the structure with tall trees strategically planted to provide a barrier. She advised more time is needed to revise the policy to ensure the neighborhood has protection in writing.

Perry Jaicks, a Mesa resident, commented the original 2007 approved site plan had a total of 443,000 square feet (sf) of office space with plenty of surface parking. He mentioned over the last 13 years there have been approved changes allowing the developer to build bigger and taller buildings on the site while still achieving roughly the same square feet of office space. He mentioned the new developer now wants to build another 152,650 sf of office space and a four-level parking garage. He presented two examples of four-level parking garages and said the neighbors will have to deal with the light from the garage 24/7. He added even if the developer adds more trees, it is impossible to block all the light. He asked the developer to compromise by building the garage into the ground. He asked Council to vote no on the project as designed.

Logan Smith, a Mesa resident, submitted comments to be read which detailed a cost-effective solution that allows the garage to be built underground and prohibits the height. He compared the depreciation costs and estimated economic life of the proposed garage and an underground garage. He indicated by proceeding with an underground parking structure, the development will last longer and will not be a distress to the neighbors.

In response to a series of questions from Councilmember Luna, Mr. Appiah explained a Good Neighbor Policy is written by the applicant and approved by staff as part of the project. He reported typically the policy is generated to address concerns raised by neighbors. He remarked he would defer the discussion of the option of building the garage underground to the applicant. He identified that the zoning code setback requirements for the project is 55 feet and the separation distance between the garage and the nearest residence is approximately 140 feet. He added the developer agreed to provide screening to block the spillover light from the parking garage as well as a photometric plan for light affecting the adjacent properties.

Adam Baugh, applicant, stated he understands and appreciates the position of the neighbors. He described the impossible position of completely solving every concern to make everyone happy, adding the developer followed Good Neighbor Policies that have been established in the past by the City to address the neighbors' concerns. He highlighted key considerations that are contained in the Good Neighbor Policy as providing daytime and nighttime on-site security information to address concerns that arise; the landscape plan submitted has double the number of trees and maturity required, as well as expectations regarding trimming and maintenance; lighting control measures during non-activity, lowering the height of the light poles and installing lighting shields; and implementation of compliant policies and procedures.

Councilmember Spilsbury reported on her visit to the neighborhood to view the area and understands the concerns of the neighbors moving forward with the Good Neighbor Policy without more details. She mentioned there are things the developer can do with screening to help ease those concerns. She has confidence that the Planning Director will make sure the project is acceptable before giving the final approval.

Mayor Giles inquired whether the developer would be willing to give the neighbors additional time to work out the details of the Good Neighbor Policy.

Mr. Baugh expressed their willingness to continue to meet with the neighbors. He asked that Council advance the project forward with the caveat that discussions will be ongoing.

In response to a question from Mayor Giles on whether the landscape plan and hours of lighting have been put in writing, Mr. Appiah advised the landscape plan was emailed to the neighbors and remarked the lights will be controlled by motion sensors which will dim when there is no activity.

Councilmember Freeman asked for a continuance in order to flesh out some of the details with respect to the neighborhood. He explained that the developer has authority to build and come forward to request changes; however, he encouraged the developer to work with the neighbors on the architectural concerns with the parking garage. He suggested the developer view the Phoenix Biomedical Campus located near the Tempe Arts facility as an example of design.

In response to a question from Mayor Giles regarding the evolution of the plan from 2007, Mr. Appiah stated the administrative site plan approved in 2014 included the parking garage at 38 feet and the requested change is for 44 feet.

Mayor Giles expressed his appreciation to the developer for his willingness to compromise to mitigate the impact to the neighborhood and encourages further discussion.

It was moved by Councilmember Freeman, seconded by Vice Mayor Duff, that the item be continued to the April 19, 2021 Council meeting.

Upon tabulation of votes, it showed:

AYES – Giles-Duff-Freeman-Luna-Spilsbury

NAYS – None

ABSENT Heredia-Thompson

Mayor Giles declared the motion carried unanimously by those present.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:10 p.m.

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JOHN GILES, MAYOR

ATTEST:

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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 5<sup>th</sup> 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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DEE ANN MICKELSEN, CITY CLERK

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