



# COUNCIL MINUTES

July 1, 2021

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on July 1, 2021, at 5:58 p.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

None

## OFFICERS PRESENT

Christopher Brady  
Dee Ann Mickelsen  
Jim Smith

Mayor's Welcome.

Mayor Giles conducted a roll call.

Invocation by Umbreen Kazmi with Islamic Education Foundation of Arizona.

Pledge of Allegiance was led by Mayor Giles.

Awards, Recognitions and Announcements.

Historic Preservation Board Chair Brandon Benzing recognized historic preservation award recipients as follows:

- Restoration, Preservation, and Rehabilitation Award - Jocelyn Skogebo for the Hidden House in the West Second Street neighborhood.
- Adaptive Reuse Award - Bryan McCormick for the 12 West Main Brewery building in Downtown Mesa.
- Local Preservationist Award - Washington Escobedo Advisory Committee.

Mr. Benzing expressed appreciation to all recipients for their contributions in keeping the history of Mesa a vibrant part of the community.

## 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 Spilsbury, seconded by Councilmember Freeman, 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 19, May 3, 6, and 13, 2021, Study Sessions, and the June 21, 2021, Regular Council meeting.

3. Take action on the following liquor license applications:

\*3-a. 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-b. H Mart

A convenience store is requesting a new Series 09 Liquor Store License for H Mart Mesa LLC, 1919 West Main Street; Kevin Arnold Kramber, agent. The existing Series 10 Beer and Wine Store License held by H Mart Mesa LLC will revert to the State. **(District 3)**

\*3-c. Cracker Barrel #618

A restaurant that serves breakfast, lunch, and dinner is requesting a new Series 12 Restaurant License for CBOCS West Inc., 1007 North Dobson Road; Andrea Dahlman Lewkowitz, agent. There is no existing license at this location. **(District 1)**

4. Take action on the following contracts:

\*4-a. Three-Year Term Contract with Two Years of Renewal Options for Traffic Count Services for the Transportation Department. **(Citywide)**

The City requires traffic volume and/or speed counts as part of an evaluation process of traffic engineering studies such as the need for traffic signals, speed studies, optimize traffic signal timing, and the City's speed hump program.

An evaluation committee recommends awarding the contract to the highest scored proposal from United Civil Group, at \$60,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-b. Purchase of Hardware for High-Speed Network Traffic Capture (Replacement) for the Department of Innovation and Technology (DoIT) (Sole Source). **(Citywide)**

DoIT performs continuous network traffic capture and uses that data to assist in forensic analysis of cyber security incidents and troubleshooting of network and application performance issues. The hardware appliance used to perform this operational function is now obsolete and out of support. The proposed appliance will increase network traffic historical time available for analysis from the previous 12 hours to over 80 hours and will significantly decrease the time needed to perform research of network performance and/or security incidents.

Department of Innovation and Technology and Purchasing recommend awarding the purchase to the sole source vendor, FirstLight Fiber, Inc., at \$43,602.24, based on estimated requirements. This purchase is funded by the Department of Innovation and Technology Lifecycle Program Budget.

- \*4-c. Three-Year Term Contract with Two Years of Renewal Options for Sageon Uninterruptible Power Supply Preventative System Maintenance, Repairs, Related Services, and Purchases of Equipment, Parts and Systems for the Department of Innovation and Technology. **(Citywide)**

Uninterruptible Power Supply (UPS) are battery backups that provide energy to critical electronic equipment when commercial power has failed.

An evaluation committee recommends awarding the contract to the highest scored proposal from NGH Power Systems, Inc., at \$109,400 for Year 1; and \$78,500 for Years 2 through 5; with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-d. Purchase of Outdoor Wireless Access Points (Replacement) for the Department of Innovation and Technology (Smart Cities Initiative). **(Citywide)**

The City currently provides free public Wi-Fi in the downtown district, libraries, parks, and pools. The current outdoor system has reached end-of-life and replacement is needed. With the new development in Downtown Mesa, the project will also expand the service area, as well as work with residents and businesses to ensure the service meets the needs of the community working in, living in, and visiting downtown, parks, and pool facilities.

Department of Innovation and Technology and Purchasing recommend authorizing the purchase using the NCPA cooperative contract and the lowest quoted vendor, Sentinel Technologies, at \$539,075, based on estimated requirements. This purchase is funded by Local Fiscal Recovery Funds.

- \*4-e. Three-Year Term Contract with Two Years of Renewal Options for Welding Certification and Inspection Services for the Energy Resources Department. **(Citywide)**

This contract will provide certification of welder qualifications and weld inspections of maintenance and repair work performed on steel sections of the natural gas system by Gas Division welders and gas contractors working on capital improvement projects managed through Engineering.

An evaluation committee recommends awarding the contract to the highest scored proposal from Western Technologies Inc., at \$300,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

5. Take action on the following resolutions:

- \*5-a. Approving and authorizing the City Manager to accept grant funds of up to \$25,000 made available through the National Endowment for the Arts to support public workshops and for the installation of an art exhibition at the Mesa Contemporary Arts Museum in the fall 2021. **(Citywide)** – Resolution No. 11699
- \*5-b. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Town of Queen Creek that identifies and defines the responsibilities of the Town of Queen Creek and the City concerning a gas line replacement in Meridian Road, from Queen Creek Road to Germann Road. The total estimated cost of the gas line replacement is \$2,080,138. **(Town of Queen Creek)** – Resolution No. 11700
- \*5-c. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement (IGA) with the City of Tempe concerning the rehabilitation of a sewer line along the Western Canal in Tempe. The IGA identifies and defines the responsibilities of Tempe and Mesa for the portion of the sewer line that is jointly owned, along with the concurrent rehabilitation of an adjacent, Mesa-owned, segment of the line. The total estimated cost of the project is \$3,278,557.50. Mesa will be responsible for the rehabilitation cost of the Mesa-owned segment, at \$200,006.93, and the cost sharing allocation of the jointly owned segment, according to the percentages established in the 1979 IGA, at \$1,722,654.71, for a total estimated cost to Mesa, at \$1,922,661.64. Tempe will be responsible for the remainder of the project cost. **(City of Tempe)** – Resolution No. 11701
- \*5-d. Vacating a portion of public right-of-way located in the 1000 block of East University Drive to accommodate the development of a 53-unit apartment complex; requested by the property owner. **(District 4)** – Resolution No. 11702
- \*5-e. Extinguishing a portion of a drainage easement located at 11444 East Germann Road to accommodate construction of a new micro mill for CMC Steel; requested by the property owner. **(District 6)** – Resolution No. 11703
- \*5-f. Extinguishing drainage easements located at 3223 South Ellsworth Road to accommodate construction of a new data center for Comarch Data; requested by the property owner. **(District 6)** – Resolution No. 11704

6. Take action on the following resolutions and introduction of the following ordinances relating to Title 11 of Zoning Ordinance, and setting July 8, 2021, as the date of the public hearing on the ordinances:

- \*6-a. A resolution declaring the document filed with the City Clerk titled “2021 - Amendments to the Tables in Chapters 4, 5, 6, 8, 32, and 58, Title 11 Zoning Ordinance Pertaining to Community Residences and Group Residential Uses” to be a public record and providing for the availability of the document for public use and inspection with the City Clerk. **(Citywide)** – Resolution No. 11705

- \*6-b. An ordinance amending Title 11 (Zoning Ordinance), Chapter 31 (Standards for Specific Uses and Activities), Section 14 (Group Homes for the Handicapped), of the Mesa City Code by repealing in its entirety the existing 11-31-14 and replacing it with 11-31-14: Community Residences; amending Chapters 4, 5, 6, 8, 31, 32, 58, 64, 86, and 87 of Title 11 Zoning Ordinance, pertaining to Community Residences and other Group Residential Uses; and adopting by reference the additions and deletions in that public record known as “2021 - Amendments to the Tables in Chapters 4, 5, 6, 8, 32, and 58, Title 11 Zoning Ordinance Pertaining to Community Residences and Group Residential Uses.” The amendments include, but are not limited to, removing, modifying, and adding definitions to Chapter 86: Use Types and Chapter 87: Definitions; and modifying various land use tables. **(Citywide)**

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (Vote: 7-0)

- \*6-c. A resolution declaring the document filed with the City Clerk entitled “2021 - Amendments to Chapter 7, 86, and 87 and Repeal and Replace Chapter 31, Section 34, Title 11 Zoning Ordinance, Pertaining to Marijuana Facilities” to be a public record and providing for the availability of the document for public use and inspection with the City Clerk. **(Citywide)** – Resolution No. 11706

- \*6-d. An ordinance amending Title 11 (Zoning Ordinance), Chapter 31 (Standards for Specific Uses and Activities), Section 34 (Medical Marijuana Facilities), of the Mesa City Code by repealing in its entirety the existing 11-31-34 and replacing it with 11-31-34: Marijuana Facilities; amending Chapters 7, 86, and 87 of Title 11 Zoning Ordinance pertaining to marijuana; and adopting by reference the additions and deletions in that public record known as “2021 - Amendments to Chapter 7, 86, and 87 and Repeal and Replace Chapter 31, Section 34, Title 11 Zoning Ordinance, Pertaining to Marijuana Facilities.” The amendments include, but are not limited to, removing, modifying, and adding definitions to Chapter 86: Use Types and Chapter 87: Definitions; and modifying the land use tables **(Citywide)**

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (Vote: 7-0)

7. Introduction of the following ordinances and setting July 8, 2021, as the date of the public hearing on these ordinances:

- \*7-a. Amending Chapters 31 and 70 of Title 11, the Zoning Ordinance of the Mesa City Code modifying correctional transitional housing facility development standards and modifying Administrative Use Permit standards. **(Citywide)**

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (Vote: 7-0)

- \*7-b. ZON19-00832 **(District 3)** Within the 1800 block of West Main Street (north side) and within the 100 block of North Dobson Road (east side) and within the 0 to 200 blocks of North Sycamore (west side). Located east of Dobson Road and north of Main Street (21± acres). Modification to the Sycamore Station Smart Growth Community Plan. This

request will allow for a mixed-use transit-oriented development. Neil Calfee, Miravista Holdings, LLC, applicant; Dobson Station, LLC; City of Mesa; Pride Ventures, LLC, owners.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 6-1)

- \*7-c. ZON21-00069 (**District 6**) Within the 4900 to 5200 blocks of South Power Road (east side) and within 6800 to 7000 blocks of East Ray Road (north side). Located north of Ray Road on the east side of Power Road (overall 41± acres). Modification to an approved Planned Area Development Overlay (PAD); rezoning 1± acre of the 41± acres from Agriculture (AG) to Limited Commercial (LC) PAD; and Site Plan Modification on the 41± acre property. This request will allow the development of a mixed-use development. Jose Pombo, Vivo Development Partners, applicant; Power 202 Mixed Use, LLC, owner.

Staff Recommendation: Approval with conditions

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

- \*7-d. ZON21-00177 (**District 6**) Within the 10700 block of East Hampton Avenue (south side) and within the 1400 to 1600 block of South Signal Butte Road (west side). Located north of the US60 Superstition Freeway on the west side of Signal Butte Road (15± acres). Site Plan Modification. This request will allow for a mixed-use development. Andrew Call, Thompson Thrift, applicant; Signal Butte Hampton Mesa AZ, LLC and Signal Butte BFC, LLC, owners.

Staff Recommendation: Approval with conditions

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

- \*7-e. ZON21-00224 (**District 6**) Within the 8800 to 9100 blocks of East Elliot Road (north side) and within the 8900 to 9100 blocks of East Peterson Avenue (south side). Located west of Ellsworth Road on the north side of Elliot Road (41± acres). Rezone from Limited Commercial (LC) with a Planned Area Development Overlay (PAD) and Planned Employment Park (PEP)-PAD to Light Industrial (LI)-PAD and Site Plan Review. This request will allow for an industrial development. Taylor Earl, Earl & Curley, PLC, applicant; EL DORADO ELLIOT 128, LLC, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 4-1)

**Items not on the Consent Agenda.**

**8. Items from citizens present.**

There were no items from citizens present.

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:12 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 1<sup>st</sup> day of July 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

la/dm