



# COUNCIL MINUTES

May 15, 2023

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on May 15, 2023, at 5:45 p.m.

## COUNCIL PRESENT

John Giles  
Francisco Heredia  
Jenn 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 Charles Hart with Cornerstone Church.

Pledge of Allegiance was led by Mayor Giles.

Awards, recognitions, and announcements.

Mayor Giles declared May as Historic Preservation month. He shared that the City of Mesa (COM) has a historic preservation program that promotes awareness of Mesa's architectural and cultural history and preserves the history for future generations to learn about the City's unique cultural heritage. He presented the proclamation to the Historic Preservation Board Chairperson Brandon Benzing.

Mr. Benzing thanked the Mayor, Councilmembers, and City Management for their support of the preservation program. He noted the program continues to expand and includes a new third category of Visual Arts. He introduced one of the contestants and winners of the Visual Arts program and announced that two pieces of art are available on the Historic Preservation website.

## 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 Somers, 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  
ABSENT – None

Carried unanimously.

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

Minutes from the March 30, April 3, and April 6, 2023, Study Sessions; and May 1, 2023, Regular Council meeting.

3. Take action on the following liquor license applications:

\*3-a. American Patriots Riders Club

This is a one-day event to be held on Friday, May 26, 2023, from 5:00 P.M. to 9:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

\*3-b. Lit Smoke Shop

A tobacco smoke shop is requesting a new Series 10 Beer and Wine Store License for Lit Smoke Shop LLC, 2753 East Broadway Road, Suite 109 - Sean Robert Downing, agent. The existing license held by Resi Cigars LLC will revert to the State. **(District 2)**

\*3-c. Tumi 2.0

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Tumi 2.0 LLC, 1245 West Guadalupe Road, Suite B 7-8 - Jared Michael Repinski, agent. The previous license held by Llama Land LLC will revert to the State. **(District 3)**

\*3-d. Smoking Hot Smoke Shop

A tobacco smoke shop is requesting a new Series 10 Beer and Wine Store License for Smoking Hot Smoke Shop LLC, 350 West Baseline Road Suite 102 - Roy Montiese Lendsey IV, agent. There is no existing license at this location. **(District 4)**

4. Take action on the following contracts:

\*4-a. Central Mesa Reuse Pipeline and Plant Improvements - Pre-Construction Services and Construction Manager at Risk (CMAR). **(Districts 1, 3 and 6)**

The City of Mesa desires to utilize delivery of reclaimed water produced at the Northwest Water Reclamation Plant as part of a water exchange agreement with the Gila River Indian Community. During the pre-construction phase, the CMAR will work closely with

the project team to develop the project design, review the design for constructability, prepare cost estimates, and develop the project schedule and project phasing plan.

Staff recommends selecting Garney Companies as the CMAR for this project and awarding a pre-construction services contract in the amount of \$293,234. This project is funded by Utility Systems Revenue Obligations.

- \*4-b. Ratification of an Emergency Purchase and Establishment of a 7-Month Term Contract with a One-Year Renewal Option Using a Cooperative Contract for the Purchase of Gasoline and Diesel Fuel for the Fleet Services Department. **(Citywide)**

This purchase provided emergency unleaded gasoline and diesel fuel deliveries. The City's contracted vendors were not able to secure unleaded fuel due to disruptions in the unsettled supply chain. This award provides the City yet another back-up source.

The Fleet Services Department and Purchasing recommend ratifying the purchase using the State of Arizona contract with Saratoga Rack Marketing, LLC for up to \$1,000,000 annually, based on estimated usage.

- \*4-c. Ratification of the Emergency Purchase of Adult and Pediatric Automated External Defibrillator (AED) Pads for the Mesa Fire and Medical Department. **(Citywide)**

All City public facilities and multiple non-public City buildings required replacement AED pads as the existing pads were expiring in approximately 5 weeks. This emergency purchase included 5-year replacement adult pads and replacement lithium batteries which is consistent with recommended battery replacement at 5-year intervals.

Mesa Fire and Medical Department and Purchasing recommend ratifying the purchase with Zoll Medical Corporation at \$39,371.76. This purchase is funded by the Capital General Fund.

- \*4-d. Three-Year Term Contract for Radox Drug Screening and Testing Supplies for the Mesa Police Department (Sole Source). **(Citywide)**

This contract will provide biochip kits for the Radox Evidence Investigator analyser used for drug testing in the City's Forensic Services Laboratory.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, Radox Toxicology Limited at \$150,000 annually, based on estimated usage.

- \*4-e. Three-Year Term Contract with Two Years of Renewal Options the Rental of Combination Sewer Cleaner Trucks for the Water Resources Department. **(Citywide)**

This service contract will provide for the rental of combination sewer vacuum trucks as needed to supplement Water Resources' existing fleet to perform maintenance to the wastewater collection system and ensure continuity of service when vacuum trucks are taken out of service for maintenance.

An evaluation committee recommends awarding the contract to the qualified proposals from Norwood Equipment Company, LLC and AZ Wastewater Industries, Inc. at

\$270,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- \*4-f. Dollar Limit Increase to the Term Contract for Roofing Repair and Installation Service for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This increase is needed for a large project at the Brown Road Water Treatment Plant. The plant's roof repairs will include the removal of all clay tiles, replacement of damaged decking materials, underlayment, and all tiles and metalwork.

The Parks, Recreation and Community Facilities Department and Purchasing recommend increasing the dollar limit with Foam Experts Roofing, Inc. (a Mesa business); Progressive Services, Inc. dba Progressive Roofing; and Sprayfoam Southwest, Inc. dba Global Roofing Group, Year 2 by \$350,000, from \$500,000 to \$850,000.

- \*4-g. Three-Year Term Contract with Two Years of Renewal Options for Deceased Animal Collection Services for the Community Services Department. **(Citywide)**

This contract will provide deceased animal pickup and proper disposal of the animals (up to 150 lbs. each) within City limits and in accordance with the standards and methods approved by the Maricopa County Health Department.

The Community Services Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, AquaCrossings at \$142,000 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. Extinguishing a 20-foot water line easement located at 3960 South Everton Terrace to allow for the placement of a telecom easement within the abandoned area; requested by the property owner. **(District 6)** – Resolution No. 12029
- \*5-b. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Town of Queen Creek (Town) for the installation of a City of Mesa (City) gas line at the intersection of North Ironwood Drive and East Germann Road. The City will reimburse the Town for a total reimbursement estimated to be \$652,643 funded by the Gas Taxable Obligations. – Resolution No. 12030
- \*5-c. Approving and authorizing the City Manager to enter into three separate Intergovernmental Agreements (IGAs) with the Flood Control District of Maricopa County for the design, right-of-way acquisition, utility relocation, construction, construction management, and operation and maintenance of drainage improvements within the City. **(Districts 3 and 4)** – Resolution No. 12031

The three proposed IGAs are for the following projects: 1) 2nd Avenue and Spencer Project - south of Main Street and west of Stapley Drive (District 4); 2) Guthrie Street and Main Street Project - north of Main Street and west of Gilbert Road (District 4); and 3) Main Street and Phyllis Street Project - north of Main Street and west of Dobson Road (District 3).

The Flood Control District of Maricopa County will fund 75% of the project design and construction costs incurred for each project up to a maximum contribution of \$750,000 per project. The City's contribution for all three projects is estimated to be \$625,910 funded by the Highway User Revenue Fund.

- \*5-d. Approving and authorizing the City Manager to enter into a Development Agreement for City Share Reimbursement with Taylor Morrison/Arizona, Inc., an Arizona Corporation, for the reimbursement of \$740,388.00 for waterline improvements that are being required by the City in conjunction with a proposed residential development known as Hawes Crossing Village 2, located at 3844 South Hawes Road. **(District 6)** – Resolution No. 12032
- \*5-e. **See: Items not on the consent agenda.**
- \*5-f. Authorizing and supporting the submittal of a grant application by Gene Lewis Boxing Club to the Pascua Yaqui Tribe in the amount of \$12,500, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12034
- \*5-g. Authorizing and supporting the submittal of a grant application by Desert Sounds Performing Arts to the Pascua Yaqui Tribe in the amount of \$20,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12035
- \*5-h. Authorizing and supporting the submittal of a grant application by Gene Lewis Boxing Club to the Tohono O’odham Nation in the amount of \$12,500 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12036
- \*5-i. Authorizing and supporting the submittal of a grant application by Desert Sounds Performing Arts to the Tohono O’odham Nation in the amount of \$15,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12037
- \*5-j. Authorizing and supporting the submittal of a grant application by Alice Cooper’s Rock Solid Teen Centers to the Tohono O’odham Nation in the amount of \$30,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12038
- \*5-k. Authorizing and supporting the submittal of a grant application by Native American Fatherhood and Families Association to the Tohono O’odham Nation in the amount of \$43,920 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12039
- \*5-l. Authorizing and supporting the submittal of a grant application by UNITY to the Tohono O’odham Nation in the amount of \$50,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12040

6. Introduction of the following ordinances and setting June 5, 2023, as the date of the public hearing on these ordinances:

- \*6-a. Amending Title 6 (Police Regulations), Chapter 10 (Public Park Regulations), Section 4 (Prohibited Activities and Restrictions) of the Mesa City Code to include prohibitions and restrictions related to marijuana in parks. **(Citywide)**. – Introduced Ordinance No. 5783
- \*6-b. ZON22-01097 "Pi" **(District 2)** Within the 4100 block of East Main Street. Located east of Val Vista Drive on the north side of Main Street (4± acres). Rezone from Limited Commercial (LC) to Multiple Residence-4 with a Planned Area Development overlay (RM-4-PAD) and Site Plan Review. This request will allow for a multiple residence development. Tim Boyle, Atmosphere Architects, applicant; Dolly Varden LLC., owner. – Introduced Ordinance No. 5784

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote 4-0)

- \*6-c. ZON22-01176 "Anton-Mesa Fiesta" **(District 3)** Within the 1300 block of South Alma School Road (east side), within the 1000 to 1200 blocks of West Grove Avenue (south side), within the 1400 block of South Westwood, and within the 1000 to 1200 blocks of West Holmes Avenue (north side). Located east of Alma School Road and south of Southern Avenue (16.5± acres). Rezone from Limited Commercial with a Planned Area Development overlay (LC-PAD) to Limited Commercial (LC) with a new Planned Area Development overlay PAD, Council Use Permit (CUP), and Site Plan Review to allow for a multiple residence development. – Introduced Ordinance No. 5785

This request will replace the existing PAD with a new PAD, which will establish unique development standards and allow the project to be constructed in two phases. Benjamin Graff, Quarles & Brady, LLP, applicant; HV & Canal LLC, owner.

Staff Recommendation: Approval with conditions

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

- \*6-d. ZON22-01175 "Take 5 @ Broadway" **(District 2)** Within the 2600 block of East Broadway Road. Located west of Lindsay Road on the south side of Broadway Road (0.3 ± acres). Major Site Plan Modification and amending the conditions of approval on case Z88-032. This request will allow for a minor automobile/vehicle repair facility. Jesse Macias, M3 Design LLC, applicant; BL Investors LLC, owner. – Introduced Ordinance No. 5786

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote 4-0)

7. Introduction of the following ordinance and setting June 19, 2023, as the date of the public hearing on this ordinance:

- \*7-a. ZON22-01008 "Gateway East" **(District 6)** Within the 5300 to 6200 blocks of South Ellsworth Road (west side). Located south of Ray Road and west of Ellsworth Road (273± acres). Rezone from Light Industrial with a Planned Area Development Overlay

(LI-PAD) to Light Industrial with a new Planned Area Development Overlay (LI-PAD) and Council Use Permit to allow for a commercial and industrial development. – Introduced Ordinance No. 5787

This request will replace the existing Williams Gateway Industrial Development Master Plan with a new Planned Area Development which will establish unique development standards, allow the proposed project to be phased, and allow for private streets. Wendy Riddell, Berry Riddell LLC, applicant; Phoenix-Mesa Gateway Airport Authority, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote 5-0)

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

- \*8-a. ZON22-01271 "Power & Elliot Commercial" (**District 6**) Within the 6800 to 6900 blocks of East Elliot Road (south side) and within the 3600 to 3700 blocks of South Power Road (east side). Located south of Elliot Road and east of Power Road. Rezone from Limited Commercial with a Planned Area Development overlay and Bonus Intensity Zone overlay (LC-PAD-BIZ) to Limited Commercial (LC) and Site Plan Review (12± acres). This request will allow for a commercial development. Benjamin Tate, Withey Morris, PLC, applicant; Lesueur Investments VI LLC, owner. – Ordinance No. 5781

Staff Recommendation: Approval with conditions

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

- \*8-b. ZON22-01278 "The Brickyards on Ellsworth" (**District 6**) Within the 9200 to 9600 blocks of East Willis Road (south side). Located north of Germann Road and east of Ellsworth Road (63± acres). Major Site Plan Modification. This request will allow for an industrial park. Dale Couture, Ware Malcomb, applicant; NEC E&G, LLC and ELLSWORTH 92 LLC, owner. – Ordinance No. 5782

Staff Recommendation: Approval with conditions

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

9. Take action on the tentative adoption of the following proposed FY 2023/2024 budget:

- \*9-a. **See: Items not on the consent agenda.**

Items not on the Consent Agenda

- 5-e. Approving and authorizing the purchase of the real property and improvements located at 6733 East Main Street, Mesa, Arizona (the "Grand Hotel"), and authorizing the execution of necessary documents related to the purchase, including a purchase and sale agreement. – Resolution No. 12033

In response to a question from Councilmember Freeman, City Attorney Jim Smith reported that the federal dollars do not have a specific timeline for operations at the location and he explained the options available.

City Manager Christopher Brady added that a requirement for use of the American Rescue Plan Act (ARPA) funds is the City must undergo an audit three years after receiving the funds.

Councilmember Somers expressed his concern regarding the purchase price for the hotel and declared he was not in support of the purchase.

Mayor Giles expressed his support for the purchase of the hotel in order to address the homeless population. He explained, based on the appraisals and comparables applied to the building for the purpose of addressing homelessness, the purchase price is within the range of what other communities in the area have paid for similar facilities. He discussed some of the costs associated with homelessness, such as public safety resources, and stated the cost would be less than it would be without this facility.

In response to a question posed by Councilmember Spilsbury, Mr. Brady stated that there are federal funds available to assist in paying for the navigators at the facility, as well as for the hotel leases, with the City covering the remainder with General Fund dollars. He explained, as a result of purchasing the hotel, the City will not have to lease rooms. He advised that it is better for the City to own property rather than be a tenant, especially if the City intends to be involved for a long period of time. He noted Public Safety dollars are not eligible for this purpose and the City will utilize General Fund dollars.

Councilmember Spilsbury emphasized her support for the purchase of the hotel and stated the City has a successful program with a 74% success rate. She noted the neighborhood surrounding the current hotel is appreciative of the 24-hour police presence, which has helped decrease crime in the neighborhood.

Councilmember Duff stressed her support for the purchase of the hotel. She added purchasing property allows the City to control baseline costs, provide services with a high success rate, and provide solutions to homelessness, which have a significant impact on society, public services, and quality of life.

It was moved by Vice Mayor Heredia, seconded by Councilmember Freeman, that Resolution No. 12033 be approved.

Upon tabulation of votes, it showed:

AYES – Giles–Heredia–Duff–Spilsbury

NAYS – Freeman–Goforth–Somers

ABSENT– None

Mayor Giles declared the motion carried by majority vote.

9-a. Take action on the tentative adoption of the proposed FY 2023/24 budget.

Carey Davis, a Mesa resident, expressed his opposition to the proposed budget for fiscal year (FY) 23/24 and requested the tentative budget be revised. He stated his opinion that the City is overspending General Fund resources.

Mayor Giles thanked Mr. Davis for his comments.

It was moved by Councilmember Freeman, seconded by Vice Mayor Heredia, that the tentative adoption of the proposed FY 2023/2024 budget be approved.



Upon tabulation of votes, it showed:

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

NAYS – None

ABSENT – None

Carried unanimously.

10. Conduct a public hearing and take action on the following resolution relating to the annual assessments for the Mesa Town Center Improvement District No 228:

\*10-a. Conduct a public hearing.

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

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

\*10-b. A resolution approving the 2023 District Assessments for Mesa Town Center Improvement District No. 228. The proposed final assessments do not include any rate increases. (District 4) - Resolution No. 12041

It was moved by Councilmember Freeman, seconded by Vice Mayor Heredia, that Resolution No. 12041 be approved.

Upon tabulation of votes, it showed:

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

NAYS – None

ABSENT – None

Carried unanimously.

11. Items from citizens present.

Verl Farnsworth, a Mesa resident, expressed his concern over allegations regarding several elected officials and employees of the City of Mesa. He suggested as a means of affirming integrity and transparency within the City of Mesa, an investigation be conducted. He requested this topic become an agenda item.

Mayor Giles thanked Mr. Farnsworth for his comments.

12. Adjournment.

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

  
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JOHN GILES, MAYOR

ATTEST:

  
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HOLLY MOSELEY, 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 15<sup>th</sup> day of May 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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