



# COUNCIL MINUTES

December 2, 2024

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 2, 2024, at 6:00 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.

Mayor Giles led a moment of silence followed by the Pledge of Allegiance.

There were no awards, recognitions, or announcements.

### 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 Somers, 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 November 21, 2024, Special Council meeting; and November 18, 2024, Regular Council meeting.

3. Take action on the following liquor license applications:

\*3-a. Birrieria Don Jose

A restaurant that serves breakfast, lunch, and dinner is requesting a new Series 12 Restaurant License for Birrieria Don Jose LLC, 6339 East Main Street - Theresa June Morse, agent. There is no existing license at this location. **(District 2)**

\*3-b. Everybody's All Day

A restaurant that serves breakfast, lunch, and dinner is requesting a new Series 12 Restaurant License for Everybody's Main Street LLC, 104 West Main Street, Suite 101 - Jeffrey Craig Miller, agent. There is no existing license at this location. **(District 4)**

\*3-c. Vape Sky LLC

A smoke shop is requesting a new Series 10 Beer and Wine Store License for Vape Sky LLC, 6920 East Baseline Road, Suite 108 - John Peter Sahhar, agent. There is no existing license at this location. **(District 6)**

4. Take action on the following contracts:

\*4-a. Baseline Sewer Assessment & Rehabilitation - Pre-Construction Services and Construction Manager at Risk (CMAR). **(Districts 2, 3, 4, and 6)**

This project will rehabilitate the portions of the Baseline Sewer Interceptor between the Western Canal and Power Road. 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, develop the project schedule and project phasing plans, and establish the Guaranteed Maximum Price (GMP) for the project.

Staff recommends selecting Achen-Gardner Construction as the CMAR for this project and awarding a pre-construction services contract in the amount of \$224,427. This project is funded by Utility Systems Revenue Obligations.

\*4-b. Three-Year Term Contract with Two-Year Renewal Options for Batteries and Remote Battery Monitoring Systems for Intelligent Transportation Devices for the Transportation Department. **(Citywide)**

This contract is for the purchase of replacement batteries and remote battery monitor systems used for battery systems for traffic signals. Batteries supply DC power to the inverter that provides AC power to the traffic signal cabinet in the event of a power outage. Remote Battery Management Systems provide a real-time evaluation of the battery health such as voltages, temperatures, and internal battery resistance. The City maintains over two hundred battery backup systems at most major intersections.

The Transportation Department and Procurement Services recommend awarding the contract to the lowest, responsive, and responsible bidder, Sierra Transportation and Technologies, LLC at \$142,000, annually with an annual increase allowance of up to 5% or the adjusted Producer Price Index.

\*4-c. Use of a Three-Year Term Cooperative Contract with Two-Year Renewal Options for Maintenance, Repair, and Operations (MRO) Supplies, Parts, Equipment, Materials, and

Related Services for Citywide use as Requested by the Business Services Department.  
**(Citywide)**

This contract provides products and related services necessary for City departments to perform regular MRO tasks. Product offerings include test instruments, and vehicle maintenance supplies, shelving and storage equipment, safety equipment and materials, power tools and metalworking, pneumatic and hydraulic pumps, and plumbing and HVAC equipment.

The Business Services Department and Procurement Services recommend authorizing the purchase using the Omnia Partners cooperative contract with W.W. Grainger, Inc. at \$1,300,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- \*4-d. Four-Year Term Contract with Six-Year Renewal Options for Water and Wastewater Sampling and Monitoring Solutions and Subscriptions (Sole Source). **(Citywide)**

This contract is for the ongoing subscription with NJBSoft, LLC for a hosted management software solution for air quality compliance, cross-connection compliance, water compliance, and wastewater compliance. The software ensures that the City is maintaining all the Federal, State, County, and local mandated requirements of the programs. The City has been utilizing these software compliance modules for several years. The subscription service is needed to continue with this reporting software as well as to add new modules as they become available.

A committee representing the Water Resources Department and Procurement Services evaluated responses and recommend awarding the contract to the single, responsive, and sole source vendor, NJBSoft, LLC at \$300,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index. This contract is funded by Water and Wastewater Enterprise and Greenfield Joint Venture O&M Funds.

5. Take action on the following resolutions:

- \*5-a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between City of Mesa and Mesa Public Schools to provide solid waste and recycling collection services. **(Citywide)** – Resolution No. 12305
- \*5-b. Approving and authorizing the City Manager to enter into a Grant Award with the U.S. Department of Housing and Urban Development, to accept \$300,000 in grant funds for the Downtown Small Business Revitalization and Rehabilitation Program. Acceptance of this grant includes a City General Fund match of \$300,000. This grant award was announced in July 2022. **(District 4)** – Resolution No. 12306
- \*5-c. Approving and authorizing the City Manager to enter into up to three, six-month extensions of the 2018 Contract with American Traffic Solutions for equipment and services related to the City's Photo Safety Enforcement Program, and authorizing expenditure of funds at the same rates and terms set forth in that agreement. **(Citywide)** – Resolution No. 12307
- \*5-d. Extinguishing a temporary drainage easement located 3424 South Ellsworth Road to allow for development of the property; requested by the property owner. **(District 6)** – Resolution No. 12308

6. Introduction of the following ordinances and setting December 9, 2024, as the date of the public hearing on these ordinances:

- \*6-a. Proposed amendments to Chapters 6, 7, 8, 81, and 87 of Title 11 of the Mesa City Code pertaining to adaptive reuse. The text amendments include but are not limited to adding Chapter 81: Adaptive Reuse Permit; modifying land use tables to permit multiple residential use in Commercial, Industrial, and Downtown Districts if they qualify for an Adaptive Reuse Permit; adding definitions for Adaptive Reuse, Adaptive Reuse Permit, Existing Commercial, Office, and Mixed-use Building, Low-income Housing, Moderate-income Housing, and Multiple Residence Reuse. **(Citywide)** – Ordinance No. 5904

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (Vote: 4-0)

- \*6-b. Proposed amendments to Chapters 67 and 87 of Title 11 of the Mesa City Code pertaining to residential zoning application review time frames. The text amendments include, but are not limited to, adding a time frame for administrative completeness review for residential zoning applications; adding a process for residential zoning applications that are deemed incomplete; adding a time frame for approving or denying residential zoning applications; providing exceptions from the residential zoning application time frames; and adding a definition of residential zoning application. **(Citywide)** – Ordinance No. 5905

Staff Recommendation: Adoption

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

- \*6-c. ZON23-00859 "Fiesta Redefined." **(District 3)** Within the 1300 to 1600 blocks of South Longmore (east side), within the 1300 block of West Southern Avenue (south side), and within the 1200 to 1600 blocks of South Alma School Road (west side). Located south of Southern Avenue and west of Alma School Road (80± acres). Rezone from Limited Commercial (LC) to Infill Development District-2 (ID-2). This request will allow for a mixed-use development. Verde Fiesta I, LLC and MMCP, LLC, owner; Wendy Riddell, Berry Riddell, LLC, applicant. – Ordinance No. 5906

Staff Recommendation: Approval with conditions

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

- \*6-d. ZON24-00767 "MCC Billboards." **(District 3)** 134.5± acres located at the southeast corner of South Dobson Road and West Southern Avenue. Rezone from Public and Semi-Public (PS) to Public and Semi-Public with a Billboard Overlay (PS-BO) to allow for two billboards. Maricopa County Community College District, owner; Reese Anderson, Pew and Lake PLC, applicant. – Ordinance No. 5907

Staff Recommendation: Approval with conditions

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

- \*6-e. ZON24-00474 "Komatsu Sales & Service Facility." **(District 6)** Within the 9900 block of East Pecos Road (south side) and within the 6800 to 7200 blocks of South Crismon Road (west side). Located south of Pecos Road and west of Crismon Road (22.4±

acres). Rezone from Light Industrial (LI) to Light Industrial with a Planned Area Development overlay (LI-PAD) and Site Plan Review. This request will allow for an industrial development. Sunbelt Mesa Ellsworth LP, owner; Jeff Ducay, Cawley Architects, applicant. – Ordinance No. 5908

Staff Recommendation: Approval with conditions

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

7. Take action on a resolution declaring Mesa City Code Title 8: Health, Sanitation and Environment, Chapter 1: "Backflow Prevention and Cross-Connection Control" to be a public record and available to the public and introducing the following related ordinance and setting December 9, 2024, as the date of the public hearing on this ordinance:

- \*7-a. A resolution declaring Mesa City Code Title 8: Health, Sanitation and Environment, Chapter 1: "Backflow Prevention and Cross Connection Control" to be a public record. **(Citywide)** – Resolution No. 12309
- \*7-b. An ordinance repealing Mesa City Code Title 8, Chapter 1, in its entirety and adopting a new replacement Mesa City Code Title 8, Chapter 1 titled "Backflow Prevention and Cross-Connection Control." **(Citywide)** – Ordinance No. 5909

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

- \*8-a. Amending Title 6, Chapter 10 of the Mesa City Code entitled "Public Park Regulations", including proposed changes to camping restrictions and a reclassification of the applicable penalty for certain violations to decrease the penalty. **(Citywide)** – Ordinance No. 5891
- \*8-b. Amending Title 6, Chapter 1 of the Mesa City Code to add a new Section 23 entitled "Urban Camping" related to camping on certain City property. **(Citywide)** – Ordinance No. 5892
- \*8-c. ZON23-00771 "The Five Six." **(District 2)** Within 100 block of North 56th Street (east side) and the 100 block of North 57th Street (west side). Located west of Recker Road and north of Main Street (1± acre). 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. Johnstar LLC, Property owner; Tim Boyle, Atmosphere Architects, applicant. – Ordinance No. 5893

Staff Recommendation: Approval with conditions

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

- \*8-d. ZON23-00994 "ESS – Bldg. E." **(District 2)** Within the 4400 to 4600 blocks of East Southern Avenue (north side) and within the 4500 block of East Flower Circle (west side). Located north of Southern Avenue and east of Greenfield Road (7.2± acres). Rezone from Single Residence-6 with a Planned Area Development Overlay (RS-6-PAD) and Limited Commercial (LC) to Limited Commercial with a Planned Area Development Overlay (LC-PAD), Council Use Permit, and Major Site Plan Modification. This request will allow for the expansion of a mini-storage facility. Bebes Nirvana LP, owner; Tim Nielsen, Farnsworth Construction Co., applicant. – Ordinance No. 5894

Staff Recommendation: Approval with conditions

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

- \*8-e. ZON24-00602 "Mesa Royale." (**District 4**) Within the 600 block of West Main Street (north side). Located west of Country Club on the north side of Main Street (3.3± acres). Rezone from General Commercial (GC) to GC with a Planned Area Development Overlay (GC-PAD), Council Use Permit (CUP), and Site Plan Review. This request will allow for a multiple residential development. Mesa Royale East Motel LLC, Nuevas Vistas on Main, LLC, and Mesa Royale West LLC, owners; Benjamin W. Graff, Esq., Quarles & Brady LLP, applicant. – Ordinance No. 5895

Staff Recommendation: Approval with conditions

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

- \*8-f. ZON24-00649 "Avalon Ranch Lots 4, 5 & 6." (**District 6**) Within the 3600 block of South Power Road (east side). Located south of Elliot Road on the east side of Power Road (2.2± acres). Rezone from Limited Commercial to Limited Commercial with a Bonus Intensity Zone Overlay (LC-BIZ) and Major Site Plan Modification. This request will allow for a modification to a group commercial center. Avalon Ranch, LLC, owner; David Lack, Avalon Development, applicant. – Ordinance No. 5896

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions

### Items not on the Consent Agenda

9. Discuss, receive public comment, and take action on the following ordinances adopting titles and schedules of terms/rates/fees/charges for City-owned utilities:

- 9-a. An ordinance adopting titles and schedules of terms/rates/fees/charges for electric utility services. (**Districts 1, 3 and 4**) – Ordinance No. 5897
- 9-b. An ordinance adopting titles and schedules of terms/rates/fees/charges for natural gas utility services. (**Citywide**) – Ordinance No. 5898
- 9-c. An ordinance adopting titles and schedules of terms/rates/fees/charges for water utility services. (**Citywide**) – Ordinance No. 5899
- 9-d. An ordinance adopting titles and schedules of terms/rates/fees/charges for wastewater utility services. (**Citywide**) – Ordinance No. 5900
- 9-e. An ordinance adopting titles and schedules of terms/rates/fees/charges for solid waste utility services. (**Citywide**) – Ordinance No. 5901
- 9-f. An ordinance modifying terms/rates/fees/charges for utility service fees. (**Citywide**) – Ordinance No. 5902
- 9-g. An ordinance adopting titles and schedules of terms/rates/fees/charges for terms and conditions for the sale of utilities. (**Citywide**) – Ordinance No. 5903

Mayor Giles announced that this was the time and place to conduct a public hearing on proposed ordinances adopting titles and schedules of terms/rates/fees/charges for City-owned utilities.

The following citizens addressed the Council in opposition to Items 9-a through 9-g:

- Brian Eckley, a Mesa resident
- Alex Vran-Knee-Cheech, a Mesa resident
- Sonny Allison, a Mesa resident
- John Davison, a Mesa resident
- Lawrence Moody, a Mesa resident
- Kevin Medema, a Mesa resident
- Mary Maybeno, a Mesa resident
- Kathy Carlsen, a Mesa resident
- David Winstanley, a Mesa resident
- Martin DeVold, a Mesa resident
- Jeremiah Seman, a Mesa resident
- Francesca Bower, a Mesa resident
- JoAnne Robbins, a Mesa resident
- Carey Davis, a Mesa resident
- Corrina Kadlec, a Mesa resident
- Bob Hathcock, a Mesa resident
- Earl Taylor, a Mesa resident
- Brad Bettencourt, a Mesa resident
- Marc Lavendar, a Mesa resident
- Barbara Parker, a Mesa resident
- Dorean Taylor, a Mesa resident
- Tom Rucker, a Mesa resident

The following citizens addressed the Council in support of Items 9-a through 9-g:

- Scott R. Figgins, a Mesa resident
- Jesse Hoellerich, a Mesa resident
- Carl Mickelson, a Mesa resident
- Amanda Nelson, a Mesa resident
- Blaine Waters, a Mesa resident

Mayor Giles thanked the citizens for their comments.

The following citizens submitted a comment card in opposition of Items 9-a through 9-g, and did not wish to speak:

- Scott Faris, a Mesa resident
- Richard Schwalbach, a Mesa resident
- Denise Blazina, a Mesa resident
- Melody Whetstone, a Mesa resident
- Bob Pamplin, a Mesa resident
- Greg Morris, a Mesa resident
- Lynda Patrick-Hayes, a Mesa resident
- Diane Kaiser, a Mesa resident
- Michelle Meng, a Mesa resident
- Julie Ryan, a Mesa resident
- Melanie Formisano, a Mesa resident
- Thomas Quillen, a Mesa resident
- Barb Carter, a Mesa resident
- Jerry Earles, a Mesa resident
- Sherrie Quillen, a Mesa resident
- Stacy Shepard, a Mesa resident
- Brenda Jansen, a Mesa resident
- Monica DeGroff, a Mesa resident
- Son Hee Williamson, a Mesa resident
- Jenny Hallstrom, a Mesa resident
- David Demask, a Mesa resident
- Harold DarcAngelo, a Mesa resident
- Jeff Klustann, a Mesa resident
- Charmon Puhmann, a Mesa resident
- Lindsey Palmer, a Mesa resident
- Jack Chaplinski, a Mesa resident
- Veronica Spear, a Mesa resident
- Lori Osieckl, a Mesa resident
- Amy L. Mahoney, a Mesa resident
- Marie James, a Mesa resident
- Rhett Smith, a Mesa resident
- Calvin Bernard Merrill, a Mesa resident

Kevin Medema, a Mesa resident, discussed the petition with approximately 2,000 signatures in opposition of Items 9-a through 9-g and proclaimed that he would provide a copy of the petition to the City Clerk's office once it is completed.

There being no more citizens wishing to address the Council, the Mayor declared this public hearing closed.

City Manager Christopher Brady thanked the citizens for their comments. He highlighted Mesa's unique approach to operations and finances and explained the rationale for the utility fund. He emphasized that the proposed rates are reasonable and lower compared to neighboring cities and that the City of Mesa (COM) strives to determine a path that aligns the City with its residents. He stressed that the City is required to have a financial audit, which resulted in no material findings and an increased net position. He shared that from a balance sheet perspective, Mesa is in the best position historically. He discussed the purposes for the bonds, the requirements for a General Fund reserve, and meeting the needs of Public Safety. He commented on the pressures of rising rates, while investing in the future of Mesa and having a secured and guaranteed water supply. He addressed the concerns of the residents and noted that the City works with agencies to offer two available programs that assist eligible low-income and senior residents with utilities, rent, and food assistance.

In response to multiple questions from Councilmember Somers, Mr. Brady stated that the City has minimized the amount of increase for those at the lower end of water use, and the City has programs to assist eligible residents.

Councilmember Somers announced that the City has a program option on utility statements for those who can afford to help others to provide rental assistance and utilities, and shared other potential resources for residents who need assistance. He emphasized that the City understands the importance of ensuring government funds are spent wisely.

Councilmember Freeman expressed his appreciation for the comments from residents. He recalled that Council chose not to raise rates four years ago; however, the following year an 8% increase was necessary. He shared the amounts of increases for each Tier category will total approximately \$5 and the focus is on Public Safety personnel. He invited residents to attend the City's strategic planning and budget session next year, which is a public forum where residents can provide information to their Councilmembers.

Councilmember Spilsbury thanked the citizens who participated in the Council meeting. She explained that the Councilmembers strive to do what is best for the entire City and do not make decisions lightly. She encouraged citizen participation at future Council meetings in-person or online, and for residents to review previous meetings and agendas, which are available online. She indicated she supports the rate increase.

Discussion ensued regarding the transfer of utility funds, the General Fund, the reserve fund, inflationary pressures, revenue decreases, projects, utility rates and the budget.

Councilmember Somers addressed several citizen comments and explained the need for the increase and the inflationary pressures the City is experiencing. He supports the rate increases.

Councilmember Goforth commented that the decision to increase utility rates has been an ongoing process for several months, and Council challenges staff to ensure that what is proposed is the absolute best and most conservative option for Mesa. She stressed that Council and staff have heard all comments and suggestions today and are sensitive to the needs of residents. She noted that Mesa continues to be an affordable place to live. She emphasized that due to the consistency of Mesa's financial philosophy and the conservative approach that aligns with the City's historical past on increases for utility rates, she supports the increase in utility rates.



Councilmember Duff expressed her appreciation for citizens who attended and for those who stated their concerns and support. She noted Mesa is the top city in Arizona, as well as one of the best run cities in the United States. She discussed some of the challenges associated with obtaining water and encouraged residents to review the rates and budget online and meet with their Councilmember for open conversations.

Mayor Giles commented that Mesa is an affordable city that spends less than the vast majority of cities. He shared that although all cities are subject to inflation and utility rate increases, Mesa's rate is significantly lower than that of other cities and utility companies. He noted Mesa will delay large capital projects in order to preserve utility services, and will do the bare minimum increase possible to demonstrate compassion toward the City's ratepayers. He expressed his support for the rate increases.

Mayor Giles stated that pending no objection of the Council, Items 9-a through 9-g will be voted on in one motion.

It was moved by Vice Mayor Heredia, seconded by Councilmember Spilsbury, that Ordinance Nos. 5897 through 5903, adopting titles and schedules of terms/rates/fees/charges for City-owned utilities, be adopted.

Upon tabulation of votes, it showed:

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

Carried unanimously.

10. Items from citizens present.

Alex Vran-Knee-Cheech, a Mesa resident, addressed the Council with suggestions regarding reducing costs and urging citizens to remain engaged regarding increases.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 8:29 p.m.

ATTEST:



  
\_\_\_\_\_  
JOHN GILES, MAYOR

  
\_\_\_\_\_  
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 2<sup>nd</sup> day of December 2024. 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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