



COUNCIL MINUTES

September 23, 2024

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on September 23, 2024, at 5:45 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

(*Participated in the meeting through the use of video conference equipment.)

Mayor's Welcome.

Mayor Giles conducted a roll call.

Invocation by Pastor Sandy Johnson with Red Mountain United Methodist Church.

Pledge of Allegiance was led by Mayor Giles.

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

ABSENT – None

Carried unanimously.

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

Minutes from August 15, August 26, and September 9, 2024, Study Sessions, and September 9, 2024, 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, October 18, 2024, from 5:00 P.M. to 8:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

*3-b. Ascendants Inc.

This is a one-day event to be held on Saturday, November 16, 2024, from 7:00 A.M. to 6:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

*3-c. Bowyer Battle

This is a one-day event to be held on Friday, October 18, 2024, from 5:00 P.M. to 11:00 P.M. at The Post, 26 North Macdonald. **(District 4)**

*3-d. Christ the King Roman Catholic Parish Mesa

This is a one-day event to be held on Saturday, October 19, 2024, from 4:00 P.M. to 9:00 P.M. at 1551 East Dana Avenue. **(District 4)**

*3-e. The Kickin Crab

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for The Kickin Crab Dobson LLC, 28 South Dobson Road Suite 101 - Carlson Bui, Agent. The existing license held by Crawfish Café Mesa LLC will revert to the State. **(District 3)**

*3-f. Whiskey Wednesday Bar & Grill

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Whiskey Wednesdays Bar & Grill LLC, 1457 West Southern Avenue Suite 1 - Jeffrey Craig Miller, agent. The existing license held by Konakava LLC will revert to the State. **(District 3)**

4. Take action on the following contracts:

*4-a. Greenfield Road - Main to Adobe and Southern to Main Project - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 1 of 1. **(District 4)**

This project was designed and combined with the waterline improvements for the Central Mesa Reuse Pipeline project. The work includes the reconstruction of Greenfield Road, from Southern Avenue to Adobe Road, with a complete mill and overlay, new sidewalk ramps, sidewalks, driveways, as well as signing and striping and other associated improvements.

Staff recommends awarding a construction services contract for the Construction Manager at Risk, Garney Companies, in the amount of \$12,782,402, and authorizing a change order allowance in the amount of \$639,121 (5%), for a total authorized amount of \$13,421,523. This project is funded with Transportation Funds

- *4-b. Greenfield Water Reclamation Plant (GWRP) Consolidated Reliability Improvements, Pre-Construction Services and Construction Manager at Risk (CMAR). **(Citywide)**

This project will consolidate various improvement projects at the GWRP, including the replacement of a generator, redundancy within the headworks building, effluent pump controls and operations, replacement of valves and fans at the solids building, installation of pumps for the non-potable water system, and odor control at the aeration basins.

Staff recommends selecting Sundt Construction as the CMAR for this project and awarding a pre-construction services contract in the amount of \$426,717. The project is funded by the Greenfield Water Reclamation Plant Joint Venture Fund, with contributions coming from its members based on usage. Funding will be split amongst the three partners, Mesa: \$222,362.23 (52.11%); Gilbert: \$151,655.22 (35.54%); and Queen Creek: \$52,699.55 (12.35%).

- *4-c. Five-Year Renewal to the Term Contract for Solid Waste Disposal, Recyclable Material Processing, and Vegetative Waste Processing for the Solid Waste Department. **(Citywide)**

This contract provides solid waste disposal and vegetative waste processing services for the City of Mesa and will increase market leverage, providing the City with substantial cost savings on disposal.

The Solid Waste Department and Procurement Services recommend authorizing the renewal with Salt River Landfill and Waste Connections, Inc. dba Right Away Disposal (RAD) at \$8,100,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *4-d. Dollar Limit Increase to the Term Contract for Electric and Water Meters and Related Equipment for the Energy Resources and Water Resources Departments. **(Citywide)**

This contract is for electric, gas and water meters, and endpoints (water and gas meter communications devices) to support daily non-AMI operational needs. The meters and endpoints are needed for replacement due to failures (warranty and non-warranty), theft, damage, and vandalism, and for new installations for the City's residential and commercial customers. This dollar limit increase is to add the Gas Division of Energy Resources to the contract to purchase additional natural gas products.

The Energy Resources and Water Resources Departments and Procurement Services recommend increasing the dollar limit with Sensus USA, Inc. by \$2,827,630, from \$1,420,000 to \$4,247,630 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *4-e. Use of a Cooperative Contract for the Purchase of Two Aerial Bucket Trucks (Addition and Replacement) for the Fleet Services and Transportation Departments. **(Citywide)**

This purchase will support Transportation's Streetlight and Intelligent Transportation Systems work groups. The trucks will be used to maintain over 45,000 streetlights and 504 traffic signals located throughout the city. One truck is an addition that will help support department growth; the second is to replace a truck that has been evaluated and determined to need replacement.

The Fleet Services and Transportation Departments and Procurement Services recommend authorizing the purchase using the Sourcewell cooperative contract with Altec Industries, Inc. at \$688,000, based on estimated requirements. This purchase is funded by Local Street Sales Tax.

- *4-f. One Year Renewal, Dollar Limit Increase, and Award Use of Additional Vendors to the Term Contract for Heavy-Duty Truck, Construction, Industrial Fleet and Equipment Parts, Services, and Accessories for the Fleet Services Department. **(Citywide)**

This contract provides a full line of parts, accessories, and services for City-owned OEM heavy-duty trucks, construction, and industrial fleets, equipment parts, services, and accessories.

The Fleet Services Department and Procurement Services recommend renewing the use of the Maricopa County cooperative contract through September 30, 2025, and increasing the dollar limit with Master Machinery, LLC; Drake Truck Bodies, LLC dba Drake Equipment of Arizona; Empire Southwest, Inc. dba Empire Truck and Trailer; Kenz & Leslie of Arizona, Inc.; Lubrication Equipment & Supply Company; Sanderson Ford; Sonsray Machinery, LLC (formerly Titan Machinery, Inc.); Freightliner of Arizona, LLC dba Velocity Truck Centers; W.W. Williams dba Auto Safety House; Norwood Equipment; and RDO Equipment Co. by \$525,000, from \$675,000 to \$1,200,000 for the remaining term of the contract.

The Fleet Services Department and Procurement Services also recommend awarding the use of additional vendors using the Maricopa County cooperative contract with Alternative Hose; Arizona Machinery, LLC dba Stotz Equipment; Arizona Truck Pros; Lawson Products, Inc.; and United Truck Equipment, Inc.

- *4-g. Dollar Limit Increase to the Term Contract for Utility Locating Services for the Energy Resources Department. **(Citywide)**

This contract provides utility location services. There are five separate fiber optic companies that are installing new infrastructure throughout the city. These utility locating services are essential to meet project timelines and is needed to maintain the level of service and comply with state 811 regulations. This contract also supports the MAGMA gas system in the San Tan Valley.

The Energy Resources Department and Procurement Services recommend increasing the dollar limit with USIC, Year 1 by \$63,000, from \$260,000 to \$323,000, and Years 2 and 3 by \$685,000, from \$323,000 to \$1,008,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *4-h Use of a Cooperative Contract for the Purchase of One Pierce Tiller Fire Apparatus (Addition) for the Mesa Fire and Medical Department. **(Citywide)**

Tiller trucks are highly maneuverable due to the ability to steer the rear of the trailer independently. These trucks can maneuver through narrow streets, alleys, walkways,

and cul-de-sacs; and can be positioned closer to buildings and structures on scene, which is critical to emergency response operations in communities with mid-rise buildings such as the downtown Mesa area.

The Mesa Fire and Medical Department and Procurement Services recommend authorizing the purchase using the Sourcewell cooperative contract with Pierce Manufacturing, Inc./Hughes Fire Equipment at \$2,517,000, based on estimated requirements. This purchase is funded by Apparatus Public Safety Bond Funds.

- *4-i. Approving and authorizing the Mayor to sign an amendment to the employment contract with the City Auditor.
- *4-j. Approving and authorizing the Mayor to sign an amendment to the employment contract with the City Clerk.
- *4-k. Approving and authorizing the Mayor to sign an amendment to the employment contract with the City Attorney.
- *4-l. Approving and authorizing the Mayor to sign an amendment to the employment contract with the City Manager.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Salt River Pima Maricopa Indian Community for the receipt and distribution of \$995,000 in Proposition 202 Funds. **(Citywide)** – Resolution No. 12264

Under this Agreement, \$300,000 is awarded to the following City of Mesa programs: Fire and Medical Department, Community Health Immunization Program (\$100,000); Police Department, Mindful Badge Resilience Training (\$47,458); Downtown Transformation Department, Downtown Signage and Patio Project (\$50,000); Education and Workforce Development, Experience Corps (\$55,921) and Arts and Cultural Department, Mesa Arts Center, Art & Play Project (\$46,621).

The balance of the funds will be distributed to other local community agencies as pass-through grants.

- *5-b. Approving and authorizing the City Manager to accept Proposition 202 funds from the Gila River Indian Community in the amount of \$437,701 and administer awarded funds as pass-through grants to designated awardees. **(Citywide)** – Resolution No. 12265

Under this agreement \$437,701 is awarded to: Banner Health Foundation (\$395,051), Desert Sounds Performing Arts (\$22,650), and Family Promise (\$20,000).

- *5-c. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Flood Control District of Maricopa County for the design, rights-of-way acquisition, and utility relocation efforts in the design phase necessary for the Pecos Road Basins and Storm Drain Improvements along Pecos Road between Ellsworth Road and Meridian Road. **(District 6)** – Resolution No. 12266
- *5-d. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Queen Creek Unified School District for Surveillance System Emergency Access. **(Citywide)** – Resolution No. 12267

- *5-e. Adopting a notice of intent to enter into a retail development tax incentive agreement pursuant to A.R.S. § 9-500.11 (Version 2) related to the development of property for the project known as the "Gateway Automall" generally located along Signal Butte Road, North of Pecos Road and South of State Route 24. **(District 6)** – Resolution No. 12268

6. Introduction of the following ordinances and setting October 7, 2024, as the date of the public hearing on these ordinances:

- *6-a. Proposed amendments to Title 1, Chapter 20, Section 4 and Title 5, Chapter 9, Section 4 of the Mesa City Code delegating authority to the City Manager to recommend approval or denial of special event liquor license applications to the Arizona Department of Liquor License and Control. **(Citywide)** – Ordinance No. 5877

- *6-b. ZON24-00101 "Stonebridge Live/Work Units." **(District 1)** Within the 4000 block of East Palm (north side) and within the 2900 to 3100 blocks of North Norfolk (west side). Located west of Greenfield Road and north of McDowell Road (2.3± acres). Rezone from Light Industrial with a Planned Area Development Overlay (LI-PAD) to Light Industrial with a Planned Area Development Overlay and a Bonus Intensity Zone Overlay (LI-PAD-BIZ) and Site Plan Review. This request will allow the development of Live/Work Units. ORC LLC and 4024 Palm Street LLC, owners; Sarah Prince, Pew & Lake PLC, applicant. – Ordinance No. 5878

Staff Recommendation: Approval with conditions

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

- *6-c. ZON24-00066 "Angie's Prime Grill Store 11002." **(District 3)** Within the 1100 block of West Guadalupe Road (north side). Located east of Alma School Road and north of Guadalupe Road (1± acres). Major Site Plan Modification. This request will allow the development of a Limited-Service Restaurant with a Drive-thru Facility. Guadalupe Alma School Equities LLC, owner; Jeff Williams, R.B Williams & Associates, applicant. – Ordinance No. 5879

Staff Recommendation: Approval with conditions

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

- *6-d. ZON23-00580 "Country Club Apartments." **(District 4)** Within 200 to 400 blocks of West Brown Road (south side) and within the 1000 to 1100 blocks of North Country Club Drive (east side). Located east of Country Club Drive and south of Brown Road (2.5± acres). Rezone from Multiple Residence 4 (RM-4) 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. Enzo and Jax, LLC, owner; David Bohn, applicant. – Ordinance No. 5880

Staff Recommendation: Approval with conditions

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

- *6-e. ZON24-00475 "8817 E Pecos Road." **(District 6)** Within the 8800 block of East Pecos Road (south side). Located west of Ellsworth Road and south of Pecos Road (2± acres). Major Site Plan Modification and amending the conditions of approval for Case No. Z06-

006. This request will allow for an industrial development. Killer Bulls LLC, owner; Ian Mulich, Pinnacle Designs, applicant. – Ordinance No. 5881

Staff Recommendation: Approval with conditions

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

- *6-f. ZON22-01052 "RWC Building Supplies." (**District 6**) Within the 10600 block of East Pecos Road (north side) and within the 6600 to 6700 blocks of South 222nd Street (east side). Located west of Signal Butte Road on the north side of Pecos Road (5± acres). Major Site Plan Modification and amending the conditions of approval for Case No. ZON20-00447; and Special Use Permit. This request will allow for an industrial development. NM Management LLC, owner; James Elson, applicant. – Ordinance No. 5882

Staff Recommendation: Approval with conditions

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

7. Take action on the following resolution and introduction of the following ordinance related to Title 11 of the Mesa City Code, the Zoning Ordinance, and setting October 7, 2024, as the date of the public hearing on the ordinance:

- *7-a. A resolution declaring the document filed with the City Clerk titled "2024 Amendments to the Zoning Ordinance, Title 11 of the Mesa City Code, Pertaining to Detached Accessory Buildings, Accessory Dwelling Units, Public Safety Facilities, and Various Technical Updates and Minor Revisions" 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. 12269
- *7-b. An ordinance proposing amendments to the Zoning Ordinance, Title 11 of the Mesa City Code, pertaining to Detached Accessory Buildings, Accessory Dwelling Units, Public Safety Facilities, and Various Technical Updates and Minor Revisions. The amendments to Chapters 2, 5, 6, 7, 8, 10, 30, 31, 32, 34, 86, and 87 include, but are not limited to: repealing and replacing Section 11-30-17: Detached Accessory Buildings; repealing and replacing Section 11-31-3: Accessory Dwelling Unit; changes to Detached Accessory Buildings and Accessory Dwelling Units development standards and technical revisions; addition of Public Safety Facilities as a permitted use in residential districts in certain circumstances; and various technical updates and minor revisions. (**Citywide**) – Ordinance No. 5883

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (5-0)

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

- *8-a. ZON24-00571 "City of Mesa Fire and Medical Station 223." (**District 1**) Within the 3200 to 3400 blocks of East McDowell Road (north side). Located north of McDowell Road and west of Val Vista Drive (14± acres). Rezone from Single Residence 35 (RS-35) to Public and Semi-Public (PS) and Site Plan Review. This request will allow for a Fire and Medical Public Safety Facility. City of Mesa, owner, Bill Johns, City of Mesa, applicant. – Ordinance No. 5872

Staff Recommendation: Approval with conditions

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

- *8-b. ZON24-00274 "Walmart Fuel Mesa 3799." (**District 4**) Within the 100 to 400 blocks of West Baseline Road (north side). Located east of Country Club Drive on the north side of Baseline Road (23± acres). Major Site Plan Modification. This request will allow for a Service Station. Trent Rachel, Walmart Stores Inc., owner; Ryan Alvarez, Kimley-Horn, applicant. – Ordinance No. 5873

Staff Recommendation: Approval with conditions

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

- *8-c. ZON23-00369 "Culver Estates." (**District 5**) Within the 8600 block of East Culver Street (north side) and within the 8600 to 8800 blocks of East Nance Street (south side). Located south of McDowell Road and east of Hawes Road (5.3± acres). Rezone from Single Residence-35 (RS-35) to Single Residence-35 with a Planned Area Development Overlay (RS-35-PAD). This request will allow for a single residence subdivision. BFH Group, LLC, owner; David Bohn, applicant. – Ordinance No. 5874

Staff Recommendation: Approval with conditions

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

- *8-d. ZON24-00030 "Southgate Commerce Park Phasing Plan." (**District 6**) Within the 8800 block of East Germann Road (north side) and the 7300 to 7600 blocks of South 88th Street (east side). Located north of Germann Road and west of Ellsworth Road (16± acres). Rezone from Office Commercial with a Planned Area Development Overlay (OC-PAD), Neighborhood Commercial with a Planned Area Development Overlay (NC-PAD), and Light Industrial with a Planned Area Development Overlay (LI-PAD) to OC-PAD, NC-PAD, and LI-PAD to modify the existing PAD to allow for phasing of the proposed business park. Southgate North LLC, owner; Robert Burgheimer, Sketch Architecture, applicant. – Ordinance No. 5875

Staff Recommendation: Approval with conditions

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

- *8-e. ZON24-00145 "Walmart Fuel Mesa 5349." (**District 6**) Within the 8200 to 8400 blocks of East Guadalupe Road (south side). Located west of Hawes Road and south of Guadalupe Road (7± acres). Major Site Plan Modification. This request will allow for a Service Station. Trent Rachel, Walmart Stores Inc., owner; Ryan Alvarez, Kimley-Horn, applicant. – Ordinance No. 5876

Staff Recommendation: Approval with conditions

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

9. Adopting the following Notice of Intention and setting December 2, 2024, as the date of the public hearing:

*9-a. See: **(Items not on the Consent Agenda)**

Items not on the Consent Agenda

9-a. Notice of Intention to adjust utility rates.

Carey Davis, a Mesa resident, addressed the Council. He requested the amount of revenue that will be generated by the proposed utility rate adjustment.

Mayor Giles explained the purpose of this item is to notify the public of the intention to raise rates and a public hearing to be held in December. He informed Mr. Davis that the details of the proposed rate increases were discussed at two previous Council Study Sessions and those recordings are available for review.

City Manager Christopher Brady confirmed that staff would provide Mr. Davis with the information after the meeting.

It was moved by Councilmember Spilsbury, seconded by Councilmember Somers, that the Notice of Intention be adopted, and the public hearing be set for December 2, 2024.

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 on the following proposed annexation case:

10-a. Public hearing prior to the release of the petition for signatures for the proposed annexation case ANX24-00034, located north of East Southern Avenue and on the west side of South Ellsworth Road (6.5± acres). This request has been initiated by David Richert, for the owner, Generation Church Arizona. **(District 5)**

Mayor Giles announced that this is the time and place for a public hearing regarding the proposed annexation case ANX24-0034.

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

11. Items from citizens present.

Kevin Shiflett, a Mesa resident, addressed the Council. He requested assistance with a problematic group home located in his neighborhood near Ensenada Park.

Mr. Brady referred this matter to Deputy City Manager Candace Cannistraro for follow up.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:05 p.m.



John Giles

JOHN GILES, MAYOR

ATTEST:

Holly Moseley

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 23rd day of September 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Holly Moseley

HOLLY MOSELEY, CITY CLERK

sr