



City of Mesa
Notice of Meeting Agenda - Final
City Council

Thursday, December 1, 2022
5:45 PM

Council Chambers
57 East 1st Street

PARTICIPATING AND ATTENDING MEETINGS: The public is welcome and encouraged to speak at City Council regular meetings on an agenda item or on an issue that is not specifically on the agenda during "Items from Citizens Present." The public may attend and participate in person, electronically, and telephonically. Speakers will generally be given three minutes.

IN PERSON COMMENT: Submit a blue speaker/comment card to the City Clerk prior to the meeting. You have the choice to have your comments read aloud or to speak. If you choose to speak, your name will be called, and you will be asked to address Council at the lectern.

TELEPHONE COMMENT: Submit an online comment card at least one hour prior to the meeting by going to mesaaz.gov/bluecard. At the start of the meeting, call 888-788-0099 or 877-853-5247 (toll free) using meeting ID 5301232921 and follow the prompts. You will be prompted to unmute your line when it is time for you to speak.

ELECTRONIC COMMENT: Submit an online comment card at least one hour prior to the start of the meeting by going to mesaaz.gov/bluecard. The comment will be read during the live meeting that can be watched on local cable Mesa Channel 11 or online at mesaaz.tv/live or <https://facebook.com/CityofMesa>.

For help with the online comment card or for any technical difficulties, please call (480) 644-2099.

CONSENT AGENDA: All items listed with an asterisk (*) are on the consent agenda which means they will be considered by the City Council as a group, without any separate discussion of these items, unless a Councilmember or citizen requests the item be removed from the consent agenda to be considered separately. Please submit a blue speaker/comment card to the City Clerk before the meeting to move an item off the consent agenda.

ACCESSIBILITY: The City of Mesa is committed to making its public meetings accessible to persons with disabilities. For special accommodations, please contact the City Manager's Office at (480) 644-3333 or AZRelay 7-1-1 at least 48 hours in advance of the meeting. Si necesita asistencia o traducción en español, favor de llamar al menos 48 horas antes de la reunión al 480-644-2767.

DECORUM: All persons attending the Council meeting are asked to observe the rules of politeness, propriety, decorum, and good conduct. Any person interfering with the meeting will be asked to leave or removed from the meeting and will not be allowed to return. To give everyone an opportunity to speak, comments are generally limited to three minutes unless otherwise determined by the Mayor. Comments must be relevant to the item being discussed, except during Items from Citizens Present. Councilmembers are generally not permitted to discuss or take legal action on any matters raised by the public that are not specifically on the agenda. If you are with a group, please designate a spokesperson. When it is your turn, please step up to the lectern, speak clearly into the microphone, and begin by stating your name and address for the record. If you have materials to hand out, please give them to the City Clerk for distribution to the Council and staff. Eleven copies of each document are needed to insure there are enough handouts. Political campaigning is prohibited by state law.

Pursuant to A.R.S. § 38-431.02, notice is hereby given that the City Council will hold a meeting open to the public at the date and time above. If indicated in the agenda, pursuant to A.R.S. § 38-431.03, the City Council may vote to go into executive session which will not be open to the public. Members of the City Council may appear at the meeting in person, telephonically, or electronically. Children are welcome at City Council meetings. Please remember meetings are video recorded; by allowing your child to attend, you consent to your child being recorded. A.R.S. § 1-602(A)(9)

Mayor John Giles
Vice Mayor Jennifer Duff - District 4
Councilmember Mark Freeman - District 1
Councilmember Julie Spilsbury - District 2
Councilmember Francisco Heredia - District 3
Councilmember David Luna - District 5
Councilmember Kevin Thompson - District 6

Mayor's Welcome**Roll Call****Invocation by Jeremy Gills with Mesa Church of Christ****Pledge of Allegiance****Awards, Recognitions and Announcements****1 Take action on all consent agenda items.****Items on the Consent Agenda**

***2** **22-1518** Approval of minutes of previous meetings as written.

3 Take action on the following liquor license applications:

***3-a** **22-1506** Hava Java

A coffee shop is requesting a new Series 12G Restaurant License with growler privileges for Hava Java Mesa LLC, 2849 North Power Road Suite 103; Barbara Bernadette Beaubien, agent. The existing license held by Hava Java Las Sendas LLC will revert to the State **(District 5)**

***3-b** **22-1573** Wings of Flight Foundation

This is a one-day event to be held on Saturday, December 17, 2022, from 7:00 P.M. to 11:59 P.M. at 4626 East Fighter Aces Drive **(District 5)**

***3-c** **22-1574** Eggstasy

A restaurant that serves breakfast and lunch is requesting a new Series 12 Restaurant License for We Begg to Differ Gallery Park LLC, 5021 South Power Road Suite 101- 104; Amy S Nations, agent. There is no existing license at this location **(District 6)**

4 Take action on the following contracts:***4-a [22-1474](#) One-Year Term Contract of Excess Workers' Compensation Insurance and Workers' Compensation Self-Insurance Surety Bond (Citywide)**

As a self-insured entity for the administration of workers' compensation benefits, Arizona statute requires the City to obtain excess workers' compensation insurance and to provide a security deposit based on the total unpaid losses of open compensable workers' compensation claims, which is accomplished through securing a surety bond.

Staff recommends the purchase of an excess workers' compensation insurance policy, through the City's insurance broker, Arthur J Gallagher & Co., with a self-insured retention up to \$2 million per accident/injury/illness (with exceptions) for a premium up to \$550,000 and a worker's compensation self-insurance surety bond for the bond rate up to \$12.00 per every \$1,000 of unpaid losses.

***4-b [22-1447](#) One-Year Term Contract with Four Years of Renewal Options for GEA Centrifuge/Separators Equipment, Parts and Services for the Water Resources Department (Citywide)**

This contract will provide GEA Westfalia centrifuge parts, and repair and maintenance services essential to safely operating all GEA Westfalia separator decanters at the Greenfield Water Reclamation Plant and the Northwest Water Reclamation Plant.

An evaluation committee recommends awarding the contract to the sole responsive proposal from GEA Mechanical Equipment US, Inc. at \$1,870,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *4-c [22-1508](#)** Purchase to Upgrade/Convert One MD Helicopter (Sole Source) and Dollar-Limit Increase to the Term Contract for Helicopter Engine Parts, Repair and Overhaul Services for the Mesa Police Department **(Citywide)**

The Police Department Air Support Unit's helicopter fleet consists of three MD helicopters, two E-Model, and one F-Model MD500 Series aircraft. The Department included in their budget to complete a helicopter conversion from an E-Model to an F-Model. This upgrade/conversion will help provide lower response times, enable heavier lifting capacity, and improve high-heat summer performance. In order to complete the conversion, a rebuild of a Rolls Royce 250 C30 HU turbine that will be going into the F-Model helicopter is also required.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, MD Helicopter, LLC for \$1,401,000 and increasing the dollar limit with H.E.R.O.S. Inc. Year 4 by \$410,000, from \$500,000 to \$910,000. This purchase is funded by Lifecycle Program Budget.

- *4-d [22-1509](#)** Dollar Limit Increase to the Term Contract for Moving Services for Various Departments as requested by the Business Services and Engineering Departments **(Citywide)**

This contract provides moving services of office furniture and equipment including pickup, delivery, placement, and removal of moving debris. The increase is needed for several large upcoming moves that will occur before the end of FY 2023 including Human Resources and City Auditor Departments to Mesa City Plaza, Second Floor; Economic Development to Visit Mesa Building; and Police Department buildings for remodeling.

The Engineering Department and Purchasing recommend increasing the dollar limit with Modlogics, LLC, Years 2 and 3 by \$75,000, from \$25,000 to \$100,000, based on estimated requirements.

- *4-e** **22-1515** Additional Vendor Award to the One-Year Term Contract with Four Years of Renewal Options for Pull and Valve Boxes for the Materials and Supply Warehouse (for the Energy Resources and Transportation Departments) **(Citywide)**

This contract will provide gas utility valve boxes and lids, traffic signal pull boxes and lids, and electric utility pull boxes and lids for new service installations and repair work. Materials and Supply place orders and maintains stock inventory, as needed.

The Energy Resources and Transportation Departments and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder to Ferguson Enterprises, LLC dba Ferguson Waterworks at \$166,000 annually, with an annual increase allowance of up to 5% or the adjusted Producer Price Index.

- *4-f** **22-1510** Northeast Public Safety Facility Project (NEPSF) - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) **(District 5)**

This GMP includes all scope necessary for the construction of the NEPSF including site preparation, building construction, mechanical and electrical systems, interior and exterior finishes, fire sprinkler system, security system, and all other associated work.

Staff recommends awarding a construction services contract to the CMAR, CORE Construction, Inc. in an amount of \$32,330,843 (GMP), and authorizing a change order allowance of the amount in \$1,616,542.15 (5%), for a total amount of \$33,947,385.15. This project is funded by 2018 authorized Public Safety Bonds and Capital General funds.

5 Take action on the following resolutions:

- *5-a** **22-1490** Extinguishing two public utilities and facilities easements at 10101 East Pecos Road for temporary drainage basins to accommodate for the construction of a commercial development; requested by the property owner. **(District 6)**
- *5-b** **22-1492** Extinguishing a 50-foot landscape easement and a 25-foot sidewalk easement located at 6147 East Main Street to accommodate a future townhome development; requested by the property owner. **(District 5)**

- *5-c** [22-1507](#) Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Regional Public Transportation Authority (RPTA) for fixed-route bus, paratransit and RideChoice, services. The estimated cost of transit services for FY 2022/23 is \$26,862,532. Public Transportation Funds (PTF) from Proposition 400 will fund \$21,445,980 and the City's General Fund will fund \$5,416,552. **(Citywide)**
- *5-d** [22-1517](#) Approving and authorizing the City Manager to enter into a funding agreement with Valley Metro Rail, Inc., for the current light rail operations in the City of Mesa. The estimated cost of service for operations, maintenance and facility landscaping of the existing light rail line for fiscal year 2022/23 is \$9,238,410. The City anticipates receiving \$2,603,000 in light rail fares, advertising, preventive maintenance grant and Arizona Lottery Funds for a net impact to the City's General Fund of \$6,635,410. **(Districts 3 and 4)**
- *5-e** [22-1522](#) Approving and authorizing the City Manager to enter into a Conduit Occupancy Agreement with Google Fiber Arizona, LLC, for the use of a portion of the City's existing conduit duct bank system. **(Citywide)**
- *5-f** [22-1434](#) Adopting the Falcon Field Rotorcraft Land Use Compatibility Study, prepared by Coffman Associates, airport consultants, to serve as a guiding document for the future development of land generally located one mile north of Falcon Field Airport, east of Val Vista Drive, west of Recker Road, and north of the 202 Red Mountain Freeway. **(District 5)**
- *5-g** [22-1501](#) ZON22-00773 "Signal Butte Water Treatment Plant Expansion" **(District 6)**
Within the 10900 to 11000 block of East Elliot Road (north side) and within the 3500 block of South Signal Butte Road (east side). Located north of Elliot Road and east of Signal Butte Road. (84± acres). Site Plan Review. This request will allow for an expansion of an existing water treatment facility. Black & Veatch, applicant; City of Mesa, owner.
- Staff Recommendation: Approval with conditions
P&Z Board Recommendation: Approval with conditions (Vote: 7-0)
- *5-h** [22-1534](#) Canvassing, declaring, and adopting the results of the Special Bond Election consolidated with the Statewide General Election, held on November 8, 2022. **(Citywide)**

6 Take action on the following resolutions and introduction of the following ordinances pertaining to Mesa City Code Title 11 "Zoning Ordinance", and setting December 8, 2022 as the date of the public hearing on these ordinances:

***6-a** [22-1513](#) "Temporary Use Permit" A resolution declaring as a public record that certain documents have been filed with the City Clerk titled "2022 Amendments To The Tables In Zoning Ordinance, Title 11, Chapters 4, 5, 6, 7, 8, 10, 15, 30, And 58 Pertaining To Schools, Temporary Uses, Accessory Uses, Outdoor Display, Outdoor Storage, Portable Storage, Warehousing And Storage, Recycling Facilities, And Manufactured Home Parks And Subdivisions." **(Citywide)**

***6-b** [22-1504](#) An ordinance amending Mesa City Code Title 11 (Zoning Ordinance), Chapters 4, 5, 6, 7, 8, 10, 15, 24, 30, 31, 58, 69, 70, 86, and 87 pertaining to Temporary Uses, Outdoor Display, Site Plans, and Special Events. The amendments include, but are not limited to: repealing in its entirety Section 11-31-20 (Outdoor Retail Sales) and replacing it with a new Section 11-31-20 (Outdoor Display); repealing in its entirety Section 11-31-30 (Temporary Uses: Swap Meets And Farmer's Markets) and replacing it with a new Section 11-31-30 (Temporary Uses); repealing in its entirety Section 11-70-4 (Temporary Use Permit) and replacing it with a new Section 11-70-4 (Temporary Use Permit); modifying land use tables pertaining to Schools, Temporary Uses, Accessory Uses, Outdoor Display, Outdoor Storage, Portable Storage, Warehousing and Storage, Recycling Facilities, and Manufactured Home Parks and Subdivisions; modifying the definition for Special Events; adding new definitions for Temporary Outdoor Entertainment, Temporary Outdoor Sales, Temporary Use Permit, and Outdoor Display; and making minor clerical corrections **(Citywide)**

Staff Recommendation: Adoption

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

***6-c** [22-1512](#) "Outdoor Eating Areas:" A resolution declaring as a public record that certain documents have been filed with the City Clerk titled "2022 Amendments to the Tables in Zoning Ordinance, Title 11, Chapters 6, 7, 8, and 58 Pertaining to Outdoor Eating Areas." **(Citywide)**

***6-d** [22-1503](#) An ordinance amending Mesa City Code Title 11 (Zoning Ordinance), Chapters 6, 7, 8, 31, 58, and 86 pertaining to Outdoor Eating Areas. The amendments include but are not limited to: repealing in its entirety Section 11-31-19 (Outdoor Eating Areas) and replacing it with a new Section 11-31-19 (Outdoor Eating Areas); modifying land use tables pertaining to Outdoor Eating Areas; and modifying the definition for Outdoor Eating Areas **(Citywide)**

Staff Recommendation: Adoption

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

7 Introduction of the following ordinance and setting December 8, 2022 as the date of the public hearing on this ordinance:

- *7-a** [22-1269](#) ZON22-00431 "Millennium Superstition Springs" (**District 2**) Within the 5700 to 5900 blocks of East Baseline Road (north side), within the 1800 to 1900 blocks of South Sunview (west side), and within the 5700 to 5900 blocks of East Inverness Avenue (south side). Located west of Recker Road on the north side of Baseline Road (10± acres). Rezone from Planned Employment Park with Planned Area Development overlay and Council Use Permit (PEP-PAD-CUP) to Multiple Residence 5 with a Planned Area Development overlay (RM-5-PAD) and Site Plan Review. This request will allow for a multiple residence development. Charles Huellmantel, Huellmantel & Affiliates, applicant; VHS Acquisition Subsidiary Number 11, INC., owner.

Staff Recommendation: Denial

P&Z Board Recommendation: A motion to recommend denial resulted in a split vote of 3-3

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

- *8-a** [22-1237](#) Amending Title 6 of the Mesa City Code (Police Regulations) by repealing and replacing Chapter 12 entitled "Offensive, Excessive and Prohibited Noises", clarifying definitions, prohibitions, and exemption procedures, and updating penalty provisions. (**Citywide**)
- *8-b** [22-1429](#) ZON22-00265 "Sparrow" (**District 2**) Within the 1200 to 1300 blocks of South 48th Street (both sides), the 4700 to 4800 blocks of East Southern Avenue, and within the 4800 to 4900 blocks of East Hampton Avenue (north side). Located east of Greenfield Road and south of Southern Avenue. (9± acres). Rezone from Single Residence-43 (RS-43) and Single Residence-15 (RS-15) 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. Pew & Lake, applicant; Sunny Mesa INC, owner.

Staff Recommendation: Approval with conditions

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

- *8-c [22-1430](#)** ZON22-00731 “Greenfield Industrial” **(District 1)** Within the 4300 block of East McDowell Road (south side) and the 2500 to 2800 blocks of North Greenfield Road (west side). Located on the south side of McDowell Road and the west side of Greenfield Road (17.72± acres). Rezone to remove conditions of approval of Zoning Case Number Z80-047 and to add new conditions of approval, Site Plan Review, and Special Use Permit. This request will allow for an industrial development. Tim Thielke, DLR Group, applicant; Donald Ottosen TR, owner.

Staff Recommendation: Approval with conditions

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

- *8-d [22-1428](#)** ZON22-00263 “Hines” **(District 2)** An ordinance within the 5600 to 5800 blocks of East Inverness Avenue (north and west side) and within the 5600 to 5800 blocks of South Sunview (north and south sides). Located east of Higley Road and north of Baseline Road (50± acres). Rezone from Planned Employment Park with a Planned Area Development Overlay and Council Use Permit (PEP-PAD CUP) to Planned Employment Park with a Planned Area Development Overlay (PEP-PAD), Light Industrial with a Planned Area Development Overlay (LI-PAD), and Site Plan Review. This request will allow for an industrial development. Sean Lake, Pew & Lake, PLC, applicant; VHS ACQUISITION SUBSIDIARY NUMBER 11 INC, owner.

Staff Recommendation: Approval with conditions

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

For continuance to the January 9, 2023 City Council meeting.

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 [22-1519](#)** Conduct a public hearing on adopting titles and schedules of terms/rates/fees/charges of City-owned utilities: items 9-b through 9-g.
- 9-b [22-1480](#)** Adopting and repealing titles and schedules of terms and conditions for electric utility services. **(Districts 1 and 4)**
- 9-c [22-1481](#)** Adopting titles and schedules of terms/rates/fees/charges for electric utility services, and also repealing certain existing titles and schedules. **(Districts 1 and 4)**
- 9-d [22-1483](#)** Adopting titles and schedules of terms/rates/fees/charges for natural gas utility services. **(Citywide)**

- 9-e [22-1484](#) Adopting titles and schedules of terms/rates/fees/charges for water utility services. **(Citywide)**
- 9-f [22-1485](#) Adopting titles and schedules of terms/rates/fees/charges for wastewater utility services. **(Citywide)**
- 9-g [22-1487](#) Adopting titles and schedules of terms/rates/fees/charges for solid waste utility services. **(Citywide)**
- 10 **Conduct a public hearing relating to a Minor General Plan Amendment:**
- 10-a [22-1572](#) Conduct a public hearing on a Minor General Plan Amendment amending the existing Chapter 7: Community Character of the This is My Mesa: Mesa 2040 General Plan pertaining to the educational campus sub-type and the medical campus sub-type of specialty districts.
- 11 **Take action on a resolution relating to a Minor General Plan Amendment amending the existing Chapter 7: Community Character of the This is My Mesa: Mesa 2040 General Plan pertaining to the educational campus sub-type and the medical campus sub-type of specialty districts:**
- 11-a [22-1505](#) **Staff's Recommendation** - Text Amendment Adding: Residential Multiple (RM) Dwelling 4 and 5 to the secondary zoning districts for the educational campus sub-type of specialty districts and revising the timing of when secondary zoning districts and secondary land uses are permitted in the educational campus sub-type of specialty districts and the medical campus sub-type of specialty districts.
- 11-b [22-1588](#) **Planning and Zoning Board's Recommendation** - Text Amendment Adding: The staff recommended changes (item 11-a) and also adding Residential Multiple (RM) Dwelling 5 to the secondary zoning districts for the medical campus sub-type of specialty districts. P&Z Board Recommendation: Approval (Vote: 4-3) (Staff does not support)
- 12 **Items from citizens present. (Maximum of three speakers for three minutes per speaker.)**
- 13 **Adjournment.¹**

¹ Prior to adjournment, at this Council meeting, the City Council may vote to go into executive session for legal advice on any item listed on this agenda pursuant to A.R.S. §38-431.03(A)(3); this notice is given pursuant to A.R.S. §38-431.02 to the members of the City Council and the public.