



City of Mesa
Notice of Meeting Agenda - Final
City Council

Thursday, December 8, 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 Reverend Bernard Carl with First Lutheran Church

Pledge of Allegiance

Awards, Recognitions and Announcements

1 Take action on all consent agenda items.

Items on the Consent Agenda

*2 [22-1568](#) Approval of minutes of previous meetings as written.

3 Take action on the following liquor license applications:

*3-a [22-1562](#) Nello's Pizza

A restaurant is requesting a new Series 7 Beer and Wine Bar License for The Original Nello's Pizza Numero Uno LLC, 2950 South Alma School Road, Suite 15 - 18; Daniel Wayne Vance, agent. This is an ownership transfer. The existing license held by Nello's 2 Inc. will revert to the State for modification. **(District 3)**

*3-b [22-1563](#) Papago by Huss Brewing

A craft brewery is requesting a new Series 7 Beer and Wine Bar License for Papago by Huss Brewing LLC, 1033 North Dobson Road, Suite 104; Camila Alarcon, agent. The existing license held by J Rowe Enterprises LLC will remain inactive until sold or transferred to a different location. **(District 3)**

*3-c [22-1564](#) Crawfish Café

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Crawfish Café Mesa LLC, 28 South Dobson Road, Suite 101; Jeffrey Craig Miller, agent. There is no existing license at this location. **(District 3)**

***3-d** [22-1594](#) El Pacifico

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for El Pacifico AZ LLC, 1911 West Broadway Road Suite 1 - 4; Jeffrey Craig Miller, agent. There is no existing license at this location.
(District 3)

***3-e** [22-1593](#) Georgia Leadership Foundation, Inc.

This is a one-day event to be held on Saturday, January 14, 2023, from 12:00 P.M. to 9:00 P.M. at Riverview Park, 2100 West Rio Salado Parkway.
(District 3)

4 **Take action on the following contracts:*****4-a** [22-1440](#) Dollar-Limit Increase to the Term Contract for Brigade Driving and Safety Solution for the Solid Waste Department **(Citywide)**

The Department is requesting to purchase cellular access to our existing Brigade system for Years 3, 4 and 5. This would allow supervisors and management to review individuals and incidents that occur within the refuse trucks while the trucks are still in service, and in real-time.

The Solid Waste Department and Purchasing recommend increasing the dollar-limit with Mountain Regional Equipment Solutions, Inc., Year 3 by \$70,300, from \$125,000 to \$195,300 annually; and Years 4 and 5 by \$63,300, from \$50,000 to \$113,300 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

***4-b** [22-1560](#) Five-Year Term Master Contract with Five Years of Renewal Options for Recycling Processing and Marketing Services for the Solid Waste Department **(Citywide)**

This contract will provide services related to recycling processing operations including receiving, sorting, processing, storing, marketing, and selling recyclable materials. The multi-agency contract increases market leverage and provides the municipalities with cost savings and increased revenues on recyclables.

An evaluation committee recommends awarding the contract to the highest-scored vendor proposals from Allied Waste Transportation Inc., dba Republic Services Inc., and United Fibers LLC at \$1,455,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

***4-c** **22-1535** Three-Year Term Contract with Two Years of Renewal Options for Badging Supplies for the Police Department **(Citywide)**

This contract will provide security badging supplies for the Police Department, Security Services. The Badging Office is responsible for printing identification badges for all City employees, temporary employees, volunteers, and contractors. City policy requires anyone functioning on behalf of the City of Mesa to be issued an official photo ID displayed while on City property.

An evaluation committee recommends awarding the contract to the highest-scored proposal from Bender Associates, Inc. at \$145,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

***4-d** **22-1559** Use of a Cooperative Contract for the Purchase of Grappler Immobilization Devices and Related Equipment and Training for Police Vehicles for the Mesa Police Department **(Citywide)**

This purchase will provide 24 Grappler immobilization bumper kits, 48 training nets, related equipment, and training for Police vehicles being purchased by the Department. The Grappler Police Bumper is an arresting device that is used to stop vehicle pursuits.

The Police and Fleet Services Departments and Purchasing recommend authorizing the purchase using the Strategic Alliance for Volume Expenditures (S.A.V.E.)/City of Tempe cooperative contract with Stock Enterprises, LLC., Year 1 and initial purchase at \$190,000, based on estimated requirements; and Years 2 through 4 at \$20,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *4-e** [22-1539](#) Three-Year Term Contract with Two Years of Renewal Options for Electric Utility Distribution Transformers for the Materials and Supply Warehouse (for the Energy Resources Department) **(Citywide)**

This contract will establish a list of qualified vendors who will respond to quotes for electric utility distribution transformers, as needed. These transformers are required to provide electrical service to new and upgraded commercial and residential services, as well as routine lifecycle replacements.

A committee representing the Business Services and Energy Resources Departments and Purchasing recommend awarding the contract to the qualified proposals from Border States Industries, Inc., dba Border States Electric Supply; and WEG Transformers USA, LLC at \$3,262,500 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *4-f** [22-1542](#) Dollar-Limit Increase to the Term Contract for Office Supplies and Products **(Citywide)**

This contract is for the purchase of miscellaneous office supplies and products, to include, paper, toner and inkjet cartridges, batteries, safety supplies, promotional products, breakroom supplies, office equipment, and furniture. The limit increase is required to accommodate the furniture needs of several upcoming relocation projects including, Mesa Family Advocacy Center, Economic Development, and Police Department Evidence.

The Engineering and Business Services Departments and Purchasing recommend increasing the dollar-limit with Wist Business Supplies & Equipment by \$1,000,000 for Year 3, from \$1,050,000 to \$2,050,000.

- *4-g** [22-1547](#) Three-Year Term Contract with Two Years of Renewal Options for Commercial Grade Fitness Equipment for the Fire and Medical, Police, and Parks, Recreation and Community Facilities Departments **(Citywide)**

This contract will provide commercial-grade fitness equipment such as treadmills, ellipticals, and other cardiovascular and weight equipment. The fitness equipment will be purchased for department facilities and for fitness areas at public recreation centers.

An evaluation committee recommends awarding the contract to the highest-scored proposal from Fitness 4 Home Superstore, Inc., dba Commercial Fitness Superstore at \$235,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

***4-h** **22-1553** Use of a Cooperative Contract for Monument Signage Lighting Replacement for the Transportation Department (**District 6**)

The LED lighting systems on the monument lighting along the Elliott Tech Corridor, between Ellsworth and Signal Butte Roads, have been failing in recent years. After several attempts to repair the lighting the recommendation is to replace the lighting in this monument signage.

The Transportation Department, Engineering Department, and Purchasing recommend authorizing the contract using the Strategic for Volume Expenditures (S.A.V.E.)/City of Peoria cooperative contract with YESCO LLC at \$100,000.

***4-i** **22-1565** Mesa City Hall Project - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) (**District 4**)

This GMP No. 1 is to minimize cost escalation and procurement delays. The scope includes mock-ups of concrete treatments and curtain wall sections; shop drawings for steel, elevator, curtain wall and terracotta materials; and procurement of steel, elevator and terracotta materials, as well as physical security appurtenances.

Staff recommends awarding a construction services contract to the CMAR, Okland Construction, in the amount of \$1,400,000 (GMP), and authorizing a change order allowance in the amount of \$98,000 (7%), for a total amount of \$1,498,000. This project is funded by The Capital General Fund.

***4-j** **22-1511** Intelligent Transportation System (ITS) Video Detection Upgrades (**Citywide**)

This project consists of ITS improvements that replace video detection cameras that have reached the end of their service life. The scope includes the procurement, testing, and installation of new video detection camera equipment at 51 locations throughout the City of Mesa. This new equipment will ensure that the City of Mesa can continue to operate traffic signals efficiently to move traffic safely and smoothly.

Staff recommends awarding a contract for this project to the lowest responsible bidder, CS Construction, Inc., in the amount of \$2,367,269, and authorizing a change order allowance in the amount of \$236,726.90 (10%), for a total amount of \$2,603,995.90. The funding for this project includes a Congestion Mitigation and Air Quality (CMAQ) grant capped at \$2,262,533 (94.3% of eligible construction costs), a local funding match of \$136,760 (5.7% of eligible construction costs), and the remaining project costs funded with Local Street Sales Tax.

5 Take action on the following resolutions:

- *5-a** [22-1576](#) Approving and authorizing the City Manager to enter into a Fifth Amendment to the Mesa Proving Grounds Pre-annexation and Development Agreement with DMB Mesa Proving Grounds, LLC, and related Easement Agreements with the Eastmark Community Alliance, Inc. for property within the Eastmark development. **(District 6)**
- *5-b** [22-1584](#) Approving and authorizing the City Manager to enter into an Addendum to the Amended and Restated Community Maintenance Agreement between the City of Mesa and the Eastmark Community Alliance, Inc. for Phase 4 of the Great Park. **(District 6)**
- *5-c** [22-1582](#) Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the City of Phoenix and various partnering agencies within Maricopa County for the distribution of \$143,150 in grant funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The funds will be used towards an Enterprise Asset and Inventory Management System for the Police Department. **(Citywide)**
- *5-d** [22-1516](#) Extinguishing a portion of a water and sewer line easement located at 4559 South Power Road to accommodate the construction of a commercial-industrial building for commercial and indoor recreational uses; requested by the property owner. **(District 6)**
- *5-e** [22-1523](#) Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the City of Chandler, Town of Gilbert, City of Tempe, and the Town of Queen Creek for the sharing of law enforcement information between jurisdictions. **(Citywide)**
- *5-f** [22-1533](#) Approving and authorizing the City Manager to enter into a Lease Agreement with the Downtown Mesa Association for the City-owned property and improvements located at 100 North Center Street. **(District 4)**

6 Introduction of the following ordinance and setting January 9, 2023 as the date of the public hearing on this ordinance:

- *6-a** [22-1525](#) ANX22-01048 "Sossaman Road Right-of-Way De-Annexation" (**District 6**) Ordinance de-annexing public right-of-way to Maricopa County located within the 4200 to 4400 blocks of South Sossaman Road (1.2± acres), subject to approval by the Maricopa County Board of Supervisors. The de-annexation of public right-of-way is allowed pursuant to A.R.S. § 9-471.03.

In 2021, 101± acres of land were annexed into the City, including the land that is the subject of this proposed de-annexation ordinance. Since 2021, Maricopa County has determined that it needs an additional 32 feet of right-of-way in the area, specifically for Sossaman Road. This de-annexation is to accommodate Maricopa County's right-of-way requirements.

7 Discuss, receive public comment, and take action on the following ordinance, and take action on the following resolution relating to the proposed development generally located east of Higley Road on the south side of Thomas Road:

- *7-a** [22-1252](#) ZON21-00080 (**District 5**) Within the 3600 to 3800 blocks of North Higley Road (east side) and the 5200 to 5500 blocks of East Thomas Road (south side). Located east of Higley Road on the south side of Thomas Road (11± acres). Rezone from Single Residence 90 (RS-90) to Light Industrial with a Planned Area Development Overlay and Council Use Permit (LI-PAD-CUP), and Site Plan Review. This request will allow for a boat and recreational vehicle storage facility. Russell Skuse, Horrocks Engineers, applicant; R&S Development Group LLC, owner.

Staff Recommendation: Approval with conditions

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

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

- *7-b** [22-1529](#) A resolution approving and authorizing the City Manager to enter into a Development Agreement with R&S Development Group, LLC, on approximately 10 acres of land located within the 3600 to 3800 blocks of North Higley Road (east side) and the 5200 to 5500 blocks of Thomas Road (south side), regarding sewer line improvements and the temporary use of a private wastewater system for the Project. (**District 5**)

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

8 Discuss, receive public comment, and take action on the following ordinances pertaining to Mesa City Code Title 11 "Zoning Ordinance":

- *8-a** [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)

- *8-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)

9 Take action on the following subdivision plats:

- *9-a** [22-1527](#) SUB22-00316 "Metro Mesa Phase II" (**District 4**) Within the 1700 to 1900 block of South Horne (west side), the 1800 to 800 block of East Auto Center Drive (south side), and the 1800 to 1900 block of South Hobson (east side). Located north of Baseline Road and east of Mesa Drive. (20± acres). Physical Resource Engineering, applicant; Geoffrey K. Brimhall, surveyor.

- *9-b** [22-1528](#) SUB22-00577 "Hopewell Mesa" (**District 4**) Within the 800 block of east Baseline Road (north side), and within the 800 block of east Javelina Avenue (south side). Located west of Stapley Drive on the north side of Baseline Road. (3.6± acres). Physical Resource Engineering, developers; Joseph R. Hughes, surveyor.

Items not on the Consent Agenda**10 Discuss, receive public comment, and take action on the following ordinance pertaining to the proposed development "Millennium Superstition Springs":**

- 10-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

11 Items from citizens present. (Maximum of three speakers for three minutes per speaker.)**12 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.