



City of Mesa
Notice of Meeting Agenda - Final
City Council

Monday, May 15, 2023
5:45 PM

Council Chambers
57 East 1st Street

DECORUM: The public is encouraged to attend City Council meetings in person, telephonically, or electronically. All persons attending the City Council meeting are asked to observe the rules of politeness, propriety, decorum, and good conduct. Anyone disrupting the meeting will be asked to leave or will be removed and may not be allowed to return.

PARTICIPATION: Members of the public at the meeting may address the City Council by providing comments on a specific agenda item or during "Items from Citizens Present." **To request to speak, submit a blue speaker card to the City Clerk prior to the start of a meeting.** When called to speak, please step up to the lectern, speak clearly into the microphone, and begin by stating your name and address for the record. To give everyone an opportunity to speak, comments are generally limited to three minutes unless otherwise determined by the Mayor. If you are with a group, please designate a spokesperson.

For agendized items, comments should be relevant to the item being discussed. During "Items from Citizens Present," the speaker may address the City Council on more general issues. Councilmembers are normally not permitted to discuss or take legal action on any matters raised by the public that are not specifically on the agenda.

If you would like handouts distributed to the City Council, please give them to the City Clerk at the time you submit your blue speaker card. Eleven copies of each document is requested.

CONSENT AGENDA: All items listed on the agenda 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. To request removal of an item from the consent agenda, please submit a blue speaker card to the City Clerk prior to the start of the meeting.

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.

Servicios en Español: Si necesita asistencia o servicio de interpretación en Español, comuníquese con la Ciudad al menos 48 horas antes de la reunión al 480-644-2767.

For more information regarding City Council meetings, including agendas, approved minutes and ways to participate electronically, please visit <https://www.mesaaz.gov/government/city-council-meetings>.

NOTICE: 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, but 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 Francisco Heredia - District 3
Councilmember Mark Freeman - District 1
Councilmember Julie Spilsbury - District 2
Councilmember Jennifer Duff - District 4
Councilmember Alicia Goforth - District 5
Councilmember Scott Somers - District 6

Mayor's Welcome

Roll Call

Invocation by Pastor Charles Hart with Cornerstone Church.

Pledge of Allegiance

Awards, Recognitions and Announcements

1 Take action on all consent agenda items.

Items on the Consent Agenda

*2 [23-0287](#) Approval of minutes of previous meetings as written.

3 Take action on the following liquor license applications:

*3-a [23-0593](#) American Patriots Riders Club

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

*3-b [23-0594](#) Lit Smoke Shop

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

*3-c [23-0596](#) Tumi 2.0

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

*3-d [23-0595](#) Smoking Hot Smoke Shop

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

4 Take action on the following contracts:

- *4-a** [23-0582](#) Central Mesa Reuse Pipeline and Plant Improvements - Pre-Construction Services and Construction Manager at Risk (CMAR) **(Districts 1, 3 and 6)**

The City of Mesa desires to utilize delivery of reclaimed water produced at the Northwest Water Reclamation Plant as part of a water exchange agreement with the Gila River Indian Community. During the pre-construction phase, the CMAR will work closely with the project team to develop the project design, review the design for constructability, prepare cost estimates, and develop the project schedule and project phasing plan.

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

- *4-b** [23-0579](#) Ratification of an Emergency Purchase and Establishment of a 7-Month Term Contract with a One-Year Renewal Option Using a Cooperative Contract for the Purchase of Gasoline and Diesel Fuel for the Fleet Services Department **(Citywide)**

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

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

- *4-c** [23-0580](#) Ratification of the Emergency Purchase of Adult and Pediatric Automated External Defibrillator (AED) Pads for the Mesa Fire and Medical Department **(Citywide)**

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

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

4-d [23-0584](#) Three-Year Term Contract for Randox Drug Screening and Testing Supplies for the Mesa Police Department (Sole Source) **(Citywide)*

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

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

4-e [23-0591](#) Three-Year Term Contract with Two Years of Renewal Options the Rental of Combination Sewer Cleaner Trucks for the Water Resources Department **(Citywide)*

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

An evaluation committee recommends awarding the contract to the qualified proposals from Norwood Equipment Company, LLC and AZ Wastewater Industries, Inc. at \$270,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

4-f [23-0592](#) Dollar Limit Increase to the Term Contract for Roofing Repair and Installation Service for the Parks, Recreation and Community Facilities Department **(Citywide)*

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

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

- *4-g** [23-0577](#) Three-Year Term Contract with Two Years of Renewal Options for Deceased Animal Collection Services for the Community Services Department **(Citywide)**

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

The Community Services Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, AquaCrossings at \$142,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

5 Take action on the following resolutions:

- *5-a** [23-0565](#) Extinguishing a 20-foot water line easement located at 3960 South Everton Terrace to allow for the placement of a telecom easement within the abandoned area; requested by the property owner. **(District 6)** - Resolution No. 12029

- *5-b** [23-0358](#) Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Town of Queen Creek (Town) for the installation of a City of Mesa (City) gas line at the intersection of North Ironwood Drive and East Germann Road. The City will reimburse the Town for a total reimbursement estimated to be \$652,643 funded by the Gas Taxable Obligations. - Resolution No. 12030

- *5-c** [23-0576](#) Approving and authorizing the City Manager to enter into three separate Intergovernmental Agreements (IGAs) with the Flood Control District of Maricopa County for the design, right-of-way acquisition, utility relocation, construction, construction management, and operation and maintenance of drainage improvements within the City. **(Districts 3 and 4)** - Resolution No. 12031

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

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

- *5-d** [23-0566](#) Approving and authorizing the City Manager to enter into a Development Agreement for City Share Reimbursement with Taylor Morrison/Arizona, Inc., an Arizona Corporation, for the reimbursement of \$740,388.00 for waterline improvements that are being required by the City in conjunction with a proposed residential development known as Hawes Crossing Village 2, located at 3844 South Hawes Road. **(District 6)** - Resolution No. 12032
- *5-e** [23-0532](#) Approving and authorizing the purchase of the real property and improvements located at 6733 East Main Street, Mesa, Arizona (the "Grand Hotel"), and authorizing the execution of necessary documents related to the purchase, including a purchase and sale agreement. - Resolution No. 12033
- *5-f** [23-0505](#) Authorizing and supporting the submittal of a grant application by Gene Lewis Boxing Club to the Pascua Yaqui Tribe in the amount of \$12,500, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. - Resolution No. 12034
- *5-g** [23-0506](#) Authorizing and supporting the submittal of a grant application by Desert Sounds Performing Arts to the Pascua Yaqui Tribe in the amount of \$20,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. - Resolution No. 12035
- *5-h** [23-0507](#) Authorizing and supporting the submittal of a grant application by Gene Lewis Boxing Club to the Tohono O'odham Nation in the amount of \$12,500, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. - Resolution No. 12036
- *5-i** [23-0508](#) Authorizing and supporting the submittal of a grant application by Desert Sounds Performing Arts to the Tohono O'odham Nation in the amount of \$15,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. - Resolution No. 12037
- *5-j** [23-0509](#) Authorizing and supporting the submittal of a grant application by Alice Cooper's Rock Solid Teen Centers to the Tohono O'odham Nation in the amount of \$30,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. - Resolution No. 12038
- *5-k** [23-0510](#) Authorizing and supporting the submittal of a grant application by Native American Fatherhood and Families Association to the Tohono O'odham Nation in the amount of \$43,920, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. - Resolution No. 12039
- *5-l** [23-0558](#) Authorizing and supporting the submittal of a grant application by UNITY to the Tohono O'odham Nation in the amount of \$50,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. - Resolution No. 12040

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

***6-a** [23-0571](#) Amending Title 6 (Police Regulations), Chapter 10 (Public Park Regulations), Section 4 (Prohibited Activities and Restrictions) of the Mesa City Code to include prohibitions and restrictions related to marijuana in parks. **(Citywide)** - Ordinance No. 5783

***6-b** [23-0567](#) ZON22-01097 "Pi" **(District 2)** Within the 4100 block of East Main Street. Located east of Val Vista Drive on the north side of Main Street (4± acres). Rezone from Limited Commercial (LC) to Multiple Residence-4 with a Planned Area Development overlay (RM-4-PAD) and Site Plan Review. This request will allow for a multiple residence development. Tim Boyle, Atmosphere Architects, applicant; Dolly Varden LLC., owner. - Ordinance No. 5784

Staff Recommendation: Approval with conditions

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

***6-c** [23-0568](#) ZON22-01176 "Anton-Mesa Fiesta" **(District 3)** Within the 1300 block of South Alma School Road (east side), within the 1000 to 1200 blocks of West Grove Avenue (south side), within the 1400 block of South Westwood, and within the 1000 to 1200 blocks of West Holmes Avenue (north side). Located east of Alma School Road and south of Southern Avenue (16.5± acres). Rezone from Limited Commercial with a Planned Area Development overlay (LC-PAD) to Limited Commercial (LC) with a new Planned Area Development overlay PAD, Council Use Permit (CUP), and Site Plan Review to allow for a multiple residence development. - Ordinance No. 5785

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

Staff Recommendation: Approval with conditions

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

***6-d** [23-0570](#) ZON22-01175 "Take 5 @ Broadway" **(District 2)** Within the 2600 block of East Broadway Road. Located west of Lindsay Road on the south side of Broadway Road (0.3 ± acres). Major Site Plan Modification and amending the conditions of approval on case Z88-032. This request will allow for a minor automobile/vehicle repair facility. Jesse Macias, M3 Design LLC, applicant; BL Investors LLC, owner. - Ordinance No. 5786

Staff Recommendation: Approval with conditions

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

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

- *7-a** [23-0569](#) ZON22-01008 "Gateway East" (**District 6**) Within the 5300 to 6200 blocks of South Ellsworth Road (west side). Located south of Ray Road and west of Ellsworth Road (273± acres). Rezone from Light Industrial with a Planned Area Development Overlay (LI-PAD) to Light Industrial with a new Planned Area Development Overlay (LI-PAD) and Council Use Permit to allow for a commercial and industrial development. - Ordinance No. 5787

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

Staff Recommendation: Approval with conditions

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

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

- *8-a** [23-0466](#) ZON22-01271 "Power & Elliot Commercial" (**District 6**) Within the 6800 to 6900 blocks of East Elliot Road (south side) and within the 3600 to 3700 blocks of South Power Road (east side). Located south of Elliot Road and east of Power Road. Rezone from Limited Commercial with a Planned Area Development overlay and Bonus Intensity Zone overlay (LC-PAD-BIZ) to Limited Commercial (LC) and Site Plan Review (12± acres). This request will allow for a commercial development. Benjamin Tate, Withey Morris, PLC, applicant; Lesueur Investments VI LLC, owner. - Ordinance No. 5781

Staff Recommendation: Approval with conditions

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

- *8-b** [23-0467](#) ZON22-01278 "The Brickyards on Ellsworth" (**District 6**) Within the 9200 to 9600 blocks of East Willis Road (south side). Located north of Germann Road and east of Ellsworth Road (63± acres). Major Site Plan Modification. This request will allow for an industrial park. Dale Couture, Ware Malcomb, applicant; NEC E&G, LLC and ELLSWORTH 92 LLC, owner. - Ordinance No. 5782

Staff Recommendation: Approval with conditions

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

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

- *9-a** [23-0597](#) Take action on the tentative adoption of the proposed FY 2023/24 budget.

Items not on the Consent Agenda**10 Conduct a public hearing and take action on the following resolution relating to the annual assessments for the Mesa Town Center Improvement District No 228:**

- 10-a** [23-0574](#) Conduct a public hearing.

- 10-b** [23-0575](#) A resolution approving the 2023 District Assessments for Mesa Town Center Improvement District No. 228. The proposed final assessments do not include any rate increases. **(District 4)** - Resolution No. 12041

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.