

Monday, December 2, 2024
5:45 PM



City Hall Council Chambers
20 East Main Street

City Council Agenda

Mark Freeman
Mayor

Rich Adams
Councilmember, District 1

Julie Spilsbury
Councilmember, District 2

Francisco Heredia
Councilmember, District 3

Jennifer Duff
Councilmember, District 4

Alicia Goforth
Councilmember, District 5

Scott Somers
Councilmember, District 6

DECORUM: The public is encouraged to attend City of Mesa (City) Council meetings in person, telephonically, or electronically. All persons attending the meeting are asked to observe the rules of politeness, propriety, decorum, and good conduct. Disrupting the meeting may result in being asked to leave or being removed, and you may be prohibited from attending meetings for a period of time.

ACCESSIBILITY: The City 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.

PARTICIPATION: Members of the public at the meeting may address the City Council with comments on a specific agenda item or during "Items from Citizens Present." **To request to speak in person, submit a blue speaker card to the City Clerk prior to the start of the 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 request to speak telephonically, submit the online Council Meeting Speaker/Comment Card to the City Clerk at least one hour before the start of the meeting.

For agenda 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 are requested.

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.

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.

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 the agenda indicates, the City Council may vote to go into executive session which will not be open to the public [A.R.S. § 38-431.03]. 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)].

Visit <https://www.mesaaz.gov/government/city-council-meetings> for additional meeting and participation information.

Mayor's Welcome

Roll Call

Invocation by Pastor Andre O'Neal, Jr. with Free to Worship Ministries.

Pledge of Allegiance

Awards, Recognitions and Announcements

1 Take action on all consent agenda items.

Items on the Consent Agenda

*2 [24-0702](#) Approval of minutes of previous meetings as written.

3 Take action on the following liquor license applications:

*3-a [24-1216](#) 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 [24-1218](#) 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 [24-1215](#) 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 [24-1201](#) 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 [24-1204](#) 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** **24-1205** 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** **24-1209** 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** **24-1200** 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** [24-1203](#) 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** [24-1227](#) 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** [24-1212](#) 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** [24-1206](#) 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 Recommendation: Adoption (Vote 4-0)

- *6-b** [24-1129](#) Proposed amendments to Chapter 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 Recommendation: Adoption (Vote: 7-0)

- *6-c** [24-1125](#) 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** [24-1207](#) 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** [24-1067](#) 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 (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** [24-1131](#) 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** [24-1130](#) 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** [24-1198](#) 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** [24-1199](#) 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** [24-1124](#) 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** [24-1126](#) 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** [24-1127](#) 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** [24-1128](#) 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** [24-1145](#) 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** [24-1146](#) An ordinance adopting titles and schedules of terms/rates/fees/charges for natural gas utility services. (**Citywide**) Ordinance No. 5898
- 9-c** [24-1147](#) An ordinance adopting titles and schedules of terms/rates/fees/charges for water utility services. (**Citywide**) Ordinance No. 5899
- 9-d** [24-1148](#) An ordinance adopting titles and schedules of terms/rates/fees/charges for wastewater utility services. (**Citywide**) Ordinance No. 5900
- 9-e** [24-1149](#) An ordinance adopting titles and schedules of terms/rates/fees/charges for solid waste utility services. (**Citywide**) Ordinance No. 5901
- 9-f** [24-1150](#) An ordinance modifying terms/rates/fees/charges for utility service fees. (**Citywide**) Ordinance No. 5902

9-g [24-1151](#) An ordinance adopting titles and schedules of terms/rates/fees/charges for terms and conditions for the sale of utilities. **(Citywide)** Ordinance No. 5903

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

11 **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.