



COUNCIL MINUTES

July 11, 2022

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on July 11, 2022, at 6:35 p.m.

COUNCIL PRESENT

John Giles
Jennifer Duff
Francisco Heredia
Mark Freeman *
David Luna
Julie Spilsbury
Kevin Thompson

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Holly Moseley
Jim Smith

* (City Council members participate in person, telephonically, or electronically.)

Mayor's Welcome.

Mayor Giles conducted a roll call.

Moment of Silence and Pledge of Allegiance was led by Mayor Giles.

There were no awards, recognitions, or announcements.

Items on the agenda were discussed out of order, but for the purpose of clarity will remain as listed on the agenda.

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 Luna, seconded by Councilmember Thompson, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

AYES – Giles–Duff–Freeman–Heredia–Luna–Spilsbury–Thompson

NAYS – None

ABSENT – None

Carried unanimously.

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

Minutes from the July 5, 2022, Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. AJ's #61

A grocery store is requesting to add sampling privileges to the existing Series 9 Liquor Store License for Raley's Arizona LLC, 1836 South Val Vista Drive; Michael Joseph Basha, agent. The existing license held by Raley's Arizona LLC will revert to the State for modification. **(District 2)**

*3-b. Cobblestone Auto Spa & Market #17

A carwash and convenience store is requesting a new Series 10 Beer and Wine Store License for Cobblestone Flex & Fuel OPCP LLC, 7215 South Ellsworth Road; Amy S. Nations, agent. There is no existing license at this location. **(District 6)**

*3-c. Family Dollar #32694

A general merchandise retailer is requesting a new Series 10 Beer and Wine Store License for Family Dollar Inc., 6036 East Main Street; Brenda E. Sallard, agent. There is no existing license at this location. **(District 2)**

*3-d. Main Street Mart

A convenience store is requesting a new Series 10 Beer and Wine Store License for The Main Street Mart LLC, 714 East Main Street; Gazal Kaur Nagi, agent. There is no existing license at this location. **(District 4)**

*3-e. Burritoholics

A restaurant that serves breakfast, lunch, and dinner is requesting a new Series 12 Restaurant License for Burritoholics LLC, 216 West Main Street; Obed De La Cruz, agent. There is no existing license at this location. **(District 4)**

*3-f. First Watch Restaurant 204

A restaurant that serves breakfast and lunch is requesting a new Series 12 Restaurant License for First Watch Restaurants Inc., 1665 South Dobson Road; Joanne Karen Feinstein, agent. There is no existing license at this location. **(District 3)**

*3-g. First Watch Restaurant 205

A restaurant that serves breakfast and lunch is requesting a new Series 12 Restaurant License for First Watch Restaurants Inc., 1939 South Val Vista Drive, Suite 108; Joanne Karen Feinstein, agent. There is no existing license at this location. **(District 2)**

*3-h. Konakava

A bar that serves breakfast, lunch, and dinner is requesting a new Series 12 Restaurant License for Konakava LLC, 1457 West Southern Avenue, Suite 1; Kelly Jo Corno, agent. There is no existing license at this location. **(District 3)**

*3-i. Mesa Sakura Sushi

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Mesa Sakura Sushi Inc., 1545 South Power Road, Suite 116; Yung Lau, agent. There is no existing license at this location. **(District 6)**

*3-j. Native Grill & Wings

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Kind Native LLC, 318 East Brown Road, Suite 112; Navayogasingam Thuraisingam, agent. The existing license held by Hot Toys LLC, will revert to the State. **(District 1)**

4. Take action on the following contracts:

*4-a. Dollar-Limit Increase to the Term Contract for Hosted Event Booking Solution for the Parks, Recreation and Community Facilities Department. **(Citywide)**

PRCF's facility, room, and resource reservation management solution FastBook for the Convention Center, Amphitheatre, and The Post has reached end of life. The dollar-limit increase is needed to purchase the hosted subscription and thereafter, ongoing annual maintenance services.

The Parks, Recreation and Community Facilities Department, Innovation and Technology Department, and Purchasing recommend increasing the dollar-limit with Ungerboeck Systems International, Inc., Year 7 by \$61,065, from \$63,000 to \$124,065 and thereafter by \$25,560, from \$63,000 to \$88,560 annually, based on estimated requirements.

*4-b. Use of a Cooperative Contract for a Seven-Month Term Contract with Four Years of Renewal Options for High Availability Data Storage (Replacement/Upgrade) for the Transportation Department (as requested by the Department of Innovation and Technology). **(Citywide)**

This purchase is part of the City's Lifecycle Management Program to replace and upgrade aging hardware that has reached its end of life. The servers used by the Transportation Department to operate and maintain the Intelligent Transportation Systems (ITS) Network have reached the serviceable end of life and need to be replaced. The solution will provide the ITS Network with triple the storage and computing capabilities which will maintain the current traffic signal system and expand the data collection practices utilizing high resolution data for improved performance of the City's 493 traffic signals and associated ITS devices.

The Department of Innovation and Technology, Transportation Department and Purchasing recommend authorizing the purchase using the Strategic Alliance for Volume Expenditures (S.A.V.E.)/City of Tempe cooperative contract with IT Partners, at \$96,168

annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. This purchase is funded by Transportation Department FY 2023 Lifecycle Funds.

- *4-c. Three-Year Term Contract with Two Years of Renewal Options for Binocular Night Vision Devices for the Mesa Police Department. **(Citywide)**

This contract will provide binocular night vision devices for the Mesa Police SWAT Team. This device has been purchased in the past and will maintain a consistent inventory. This equipment is interoperable between agencies.

The Police Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, Mile High Shooting Accessories, at \$165,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. The initial purchase is grant funded by Arizona Department of Homeland Security.

- *4-d. Purchase of Two CNG Powered Automated Side-Loader (ASL) Refuse Trucks (One Addition and One Replacement) and Two CNG Front-Loader Refuse Trucks (Additions) for the Environmental Management and Sustainability Department. **(Citywide)**

One ASL is being replaced as part of the ongoing vehicle replacement program. This refuse truck has met the established criteria and will be either traded, auctioned, sold, or deployed to special uses. One ASL and two front loaders will be additions to the fleet. These are growth trucks to the Solid Waste fleet and with these vehicle additions, Environmental Management and Sustainability will have a total of 56 ASL vehicles and 17 front loaders. The department has been replacing diesel trucks with CNG trucks as part of the conversion of the fleet. This purchase supports the City's Climate Action Plan.

The Fleet Services and Environmental Management and Sustainability Departments and Purchasing recommend authorizing the purchase using the State of Arizona Department of Administration cooperative contract with Rush Truck Centers of Arizona, dba Rush Truck Center Phoenix, for \$1,932,684.54. This purchase is funded by the Solid Waste Development Fee and Utility Replacement Renewal and Extension Fund.

- *4-e. Dollar-Limit Increase to the Term Contract for Brigade Driving and Safety Solution for the Environmental Management and Sustainability Department. **(Citywide)**

The department requests a one-time dollar limit increase to replace camera kits (equipment/products) for 11 Solid Waste trucks. The purpose of the system is to monitor and record what is occurring in and around the vehicle as it is being operated, and to act as a record of documentation in matters of disputes, public safety, and claims of damage to persons and/or property. This system enhances the department's safety program and provides better customer service in situations of questionable service and provide a safety tool while on route and serving the community.

The Environmental Management and Sustainability Department and Purchasing recommend increasing the dollar-limit with Mountain Regional Equipment Solutions, Inc., Year 3 by \$75,000, from \$50,000 to \$125,000.

- *4-f. Use of a Cooperative Contract for the Purchase of Two Heavy-Duty Compressed Natural Gas (CNG)-Powered Construction Trucks with Dump Bodies (Additions) for the

Energy Resources Department as requested by the Fleet Services Department.
(Citywide)

These heavy-duty dump trucks are required for excavating and construction activities for gas services and mains. Gas crews use these trucks to perform many functions such as, excavation and backfilling gas mains/services, filling dirt at job sites, transporting spoils to the landfills, and transporting heavy equipment and materials to job sites. CNG-powered vehicles are quieter, have similar performance, and produce fewer greenhouse gases and tailpipe emissions. This purchase supports the City's Climate Action Plan.

The Fleet Services and Energy Resources Departments and Purchasing recommend authorizing the purchase using the State of Arizona Department of Transportation cooperative contract with Freightliner of Arizona, at \$565,656.74. This purchase is funded by the Capital Utility Fund.

- *4-g. Use of a Cooperative Contract for a Four-Month Term Contract with Four Years of Renewal Options for Wastewater Sampling for the Water Resources Department.
(Citywide)

This contract will provide for the collection of wastewater samples for the Greenfield Water Reclamation Plant and delivery to the City's Compliance Laboratory for testing. Sampling services will assist the City in remaining compliant with EPA guidelines and ADEQ Permitting requirements.

The Water Resources Department and Purchasing recommend authorizing the purchase using the Strategic Alliance for Volume Expenditures (S.A.V.E.)/City of Tempe cooperative contract with Western Environmental Equipment Company, Inc., at \$190,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-h. Red Mountain Park Expansion Project - Construction Manager at Risk (CMAR), Second Guaranteed Maximum Price. (GMP No. 2). **(District 5)**

This is the second, and final, GMP for this CMAR project. The scope of work is the completion of additional sports fields, parking lots, irrigation system improvements, new restroom/storage buildings, and landscape/miscellaneous improvements.

Staff recommends awarding the contract to the selected CMAR, Valley Rain Construction Corp., in the amount of \$25,899,133.73, (GMP No. 2), and authorizing a change order allowance in the amount of \$1,294,956.69 (5%), for a total amount of \$27,194,090.42. This project is funded by 2018 General Obligation bonds and Capital General Funds.

- *4-i. Ellsworth Road and Gateway Boulevard Utility and Roadway Improvements - Construction Manager at Risk (CMAR), Guaranteed Maximum Price No. 1 (GMP No. 1). **(District 6)**

The first GMP for this project is for procurement of critical materials (water, sewer, storm drain pipe) and other associated tasks. These things are needed for constructing City roadway and utility infrastructure to aid in the development of the east side of the Phoenix-Mesa Gateway Airport.

Staff recommends awarding a contract for this project to Sundt Construction, Inc., in the amount of \$4,714,052, and authorizing a change order allowance in the amount of \$471,405 (10%), for a total amount of \$5,185,457. This project is funded by the Utility Systems Revenue Obligations, 2020 Street Bonds, and the Transportation fund.

- *4-j. Ratification of the Emergency Purchase for Dobson Ranch Library Structural Column Repairs. **(District 3)**

During the demolition phase of construction to the Dobson Library, the removal of landscape retaining walls and concrete walkways exposed structural damage to lower portions of two three-foot diameter concrete columns at the front entrance to the library. To avoid construction delays and mitigate the risk of further structural damage, an emergency purchase was issued on March 30, 2022 for the structural repairs that included the removal of corroded rebar and concrete, welding new rebar in place, and adding new concrete.

This emergency purchase resulted in a construction contract with Restruction, a division of Structural Preservation Systems, LLC, in the amount of \$30,000, and an authorized change order allowance of \$10,000, for a total contract amount of \$40,000.

- *4-k. Southeast Mesa Library Project - Pre-Construction Services and Construction Manager at Risk (CMAR). **(District 6)**

The approved 2018 General Obligation Bond program include the construction of a new library to serve the southeast portion of the City of Mesa. This new library, located at 5036 South Eastmark Parkway, is anticipated to be approximately 30,000 square feet, and will include amenities similar to the Red Mountain and Dobson Ranch Libraries.

Staff recommends selecting Willmeng Construction Inc., as the CMAR for this project, and awarding a pre-construction services contract in the amount of \$186,334. This project is funded by the 2018 General Obligation Bond program.

5. Take action on the following resolutions:

- *5-a. Extinguishing a drainage easement and drainage covenant located at 10655 East Southern Avenue, to accommodate construction of a new frozen custard restaurant; requested by the property owner. **(District 5)**. – Resolution No. 11898
- *5-b. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Arizona Department of Health Services (ADHS) to receive \$25 per hour, with an annual maximum of \$10,000, to provide immunization services to the public. **(Citywide)** – Resolution No. 11899
- *5-c. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Gilbert Unified School District for Surveillance System Emergency Access. **(Citywide)** – Resolution No. 11900
- *5-d. Approving and authorizing the City Manager to enter into the Second Amendment to the Intergovernmental Agreement with the City of Tempe to provide for two additional five-year terms and increase Tempe's contribution from \$15,000 to \$20,000 per year for the Regional Water - Use it Wisely™ media campaign. **(Citywide)** – Resolution No. 11901

- *5-e. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Town of Gilbert for Cooperative Law Enforcement Training Operations. **(Citywide)** – Resolution No. 11902
- *5-f. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Phoenix-Mesa Gateway Airport Authority for the Aviation Way Improvements Project, from Ellsworth Road to the future Gateway Boulevard, near the intersection of Ellsworth Road and Williams Field Road. **(District 6)** – Resolution No. 11903
- *5-g. Approving and authorizing the City Manager to enter into a License Agreement with Arizona State University to provide entrepreneurial and innovation program within The Studios at Mesa City Center located at 59 East 1st Street. **(District 4)** – Resolution No. 11904
- *5-h. Approving and authorizing the City Manager to enter into a Lease Agreement with Aster Aging, Inc., for a portion of City-owned property at the Mesa Senior Center, located at 247 North Macdonald. **(District 4)** – Resolution No. 11905
- *5-i. Approving and authorizing the City Manager to enter into a Lease Agreement with Oakwood Creative Care, Inc., for a portion of City-owned property at the Mesa Senior Center located at 247 North Macdonald. **(District 4)** – Resolution No. 11906
- *5-j. Approving and authorizing the City Manager to enter into a Mesa Subrecipient Agreement with A New Leaf, Inc. for the operation of a bridge to housing program at the Helaman House, 1311 East University Drive, that will provide emergency temporary housing and other emergency programs and services through December 31, 2024, and to be funded with Coronavirus State and Local Fiscal Recovery Funds in the amount of \$2,500,000. **(District 4)** – Resolution No. 11907
- *5-k. Approving the transfer of ownership of a City-owned parcel of real property and improvements located in Mesa, Arizona to A New Leaf, Inc., and authorizing the City Manager to execute documents to facilitate the transfer. **(District 4)** – Resolution No. 11908

The property is located near the intersection of Mesa Drive and Main Street (“Main Property”), acquired and/or improved with CDBG program funds, and is currently leased by A New Leaf. The transfer is recommended by City staff and meets the City Council-approved criteria for the disposition of City-owned property encumbered by CDBG funding to a nonprofit agency.

- *5-l. Approving the transfer of ownership of a City-owned parcel of real property and improvements located in Mesa, Arizona to A New Leaf, Inc., and authorizing the City Manager to execute documents to facilitate the transfer. **(District 4)** – Resolution No. 11909

The property is located near the intersection of University Drive and Country Club Drive (“University Property”), acquired and/or improved with CDBG program funds, and is currently leased by A New Leaf. The transfer is recommended by City staff and meets the City Council-approved criteria for the disposition of City-owned property encumbered by CDBG funding to a nonprofit agency.

- *5-m. Approving and authorizing the City Manager to enter into a Fiber License Agreement with Google Fiber for the placement of a fiber optic cable network within the public right-of-way. **(Citywide)** – Resolution No. 11910
- *5-n. Approving and authorizing the City Manager to enter into a Fiber License Agreement with SiFi Networks Mesa LLC for the placement of a fiber optic cable network within the public right-of-way. **(Citywide)** – Resolution No. 11911
- *5-o. Approving and authorizing the City Manager to enter into a Fiber License Agreement with Wyyerd Connect LLC for the placement of a fiber optic cable network within the public right-of-way. **(Citywide)** – Resolution No. 11912
- *5-p. Approving and authorizing the City Manager to enter into a Fiber License Agreement with Ubiquity Arizona, LLC for the placement of a fiber optic cable network within the public right-of-way. **(Citywide)** – Resolution No. 11913

6. Introduction of the following ordinances and setting August 22, 2022, as the date of the public hearing on these ordinances:

- *6-a. ZON22-00268 **(District 6)** Within the 9200 to 9600 blocks of East Pecos Road (north side) and the 6400 to 6800 blocks of South Ellsworth Road (east side). Located north of Pecos Road and east of Ellsworth Road (87± acres). Rezone from Agricultural (AG) to Light Industrial with a Planned Area Development overlay (LI-PAD) and Site Plan Review. This request will allow for an industrial development. Gammage and Burnham, PLC, applicant; Pacific Proving LLC, owner.

Staff Recommendation: Approval with conditions

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

- *6-b. ZON22-00260 **(District 5)** Within the 9100 block of East University Drive (south side) and the 300 block of North Ellsworth Road (west side). Located south of University Drive and west of Ellsworth Road (4± acres). Rezone from Multiple Residence 4 (RM-4) to Limited Commercial (LC) and Site Plan Review. This request will allow for the development of a restaurant with drive-thru. Benjamin Tate, Withey Morris, PLC, applicant; Valencia Heights LLC, owner.

Staff Recommendation: Approval with conditions

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

For Continuance to the August 22, 2022 Regular Council meeting.

7. Discuss, receive public comment, and take action on the following ordinance:

- 7-a. **See: Items not on the Consent Agenda.**
- *7-b. ZON21-00793 **(District 4)** Within the 450 blocks of West Holmes Avenue (south side). Located west of Country Club Drive and north of the US 60 Superstition Freeway (0.8± 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. Brian Fracasse, Fracasse Architecture, LLC, applicant; RWI Properties LLC, owner. – Ordinance No. 5711

Staff Recommendation: Approval with conditions

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

- *7-c. ZON22-00157 (**District 5**) Within the 4400 to 5200 blocks of East McKellips Road (north side); within the 2000 to 2800 blocks of North Greenfield Road (east side); within the 4400 to 5200 blocks of East McDowell Road (south side); and within the 2000 to 2800 blocks of North Higley Road (west side). Located north of McKellips Road and east of Greenfield Road (575.5± acres). Falcon Field Design Guidelines Update. This request will modify the existing Design Guidelines to guide future development at Falcon Field Airport. City of Mesa, applicant; City of Mesa, owner. Ordinance No. 5712

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 annexation and zoning ordinances pertaining to the CapRock Mesa Legacy Industrial Project development:

- *8-a. ANX22-00020 (**District 6**) Annexing property located north of Pecos Road and east of Ellsworth Road (37.7± acres). Initiated by the applicant, Gammage and Burnham; for the owner, Pacific Proving LLC. – Ordinance No. 5713
- *8-b. ZON22-00085 (**District 6**) Within the 10000 to 10400 blocks of East Pecos Road (north side). Located east of Ellsworth Road and west of Signal Butte Road, on the north side of Pecos Road (38+ acres). Rezone from Agricultural (AG) to Light Industrial with a Planned Area Development overlay (LI-PAD) and Site Plan Review. This request will allow for an industrial development. Gammage and Burnham, PLC, applicant; Pacific Proving LLC, owner. – Ordinance No. 5714

Staff Recommendation: Approval with conditions

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

9. Take action on the following subdivision plats:

- *9-a. "MONTE VILLAGRO" (**District 5**) Within the 7600 block of East University Drive (south side) and within the 300 block of North Sossaman Road (east side). Located on the southeast corner of University Drive and Sossaman Road (1.7± acres). Lavigna Investments Corporation, developer; Bruce R. Heyse, surveyor.
- *9-b. "WILLIS INDUSTRIAL PARK" (**District 6**) Within the 9300 to 9500 blocks of East Willis Road (south side). Located north of Germann Road on the east side of Ellsworth Road (64.5± acres). Mutual Development Partners, developer; Geoffrey K. Brimhall, surveyor.

Items not on the Consent Agenda

- 7-a. ZON22-00237 (**District 1**) Within the 0 to 200 blocks of North Val Vista Drive (west side). Located north of Main Street on the west side of Val Vista Drive (4± acres).

Council Use Permit (CUP) and Site Plan Modification. This request will allow for the development of a mini-storage facility with RV and boat storage. Nathan Palmer, applicant; Intelliguard Group, LLC, owner. – Ordinance No. 5715

Staff Recommendation: Approval with conditions

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

In response to a question from Councilmember Freeman, Development Services Department Director Nana Appiah stated after this application was approved, Council amended the Development Code to require a Council Use Permit (CUP) for multi-story structures in this zoning designation. He noted prior to the code amendment, the use was allowed by right with an approved site plan to build a single-story. He reported the builder is requesting to add a second story which now requires Council approval. He stated staff is recommending approval as a second story would maximize the site space and allow the neighborhood to benefit from this service.

Councilmember Freeman expressed the opinion that a one-story structure would fit appropriately for the development of this site, and he would not support a two-story structure.

It was moved by Councilmember Freeman, seconded by Councilmember Thompson, that Ordinance No. 5715 be denied.

Upon tabulation of votes, it showed:

AYES – Freeman–Heredia–Thompson
NAYS – Giles–Duff—Luna–Spilsbury
ABSENT – None

Mayor Giles declared the motion failed due to lack of attaining a majority vote.

Vice Mayor Duff recommended approval as the plan was allowed by right in 2020 and maximizes the property's use while minimizing the need for more storage facilities in the area.

Mayor Giles expressed support for the site modification, noting that the item was approved by the Planning and Zoning Board.

In response to question from Councilmember Freeman, Mr. Appiah stated the site modification was considered for recommendation by the Planning and Zoning Board due to the CUP designation.

It was moved by Councilmember Spilsbury, seconded by Vice Mayor Duff, that Ordinance No. 5715 be adopted.

Upon tabulation of votes, it showed:

AYES – Giles–Duff–Luna–Spilsbury
NAYS – Freeman–Heredia–Thompson
ABSENT – None

Mayor Giles declared the motion passed by majority vote and that Ordinance No. 5715 be adopted.

10. Conduct a public hearing on the following proposed annexation cases:

10-a. Public hearing prior to the release of the petition for signatures for the proposed annexation case ANX22-00161, located south of Brown Road on the west side of Crismon Road. (8± acres). This request has been initiated by the applicant, Pew & Lake, PLC, for the owner, KMC Holdings LLC. **(District 5)**

Mayor Giles announced that this was the time and place to conduct a public hearing regarding the proposed annexation case ANX22-00161.

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

10-b. Public hearing prior to the release of the petition for signatures for the proposed annexation case ANX22-00266, located north of Pecos Road on the east side of South Ellsworth Road (89.8± acres). This request has been initiated by the applicant, Gammage & Burnham, for the owner, Pacific Proving LLC. **(District 6)**

Mayor Giles stated that this was the time and place to conduct a public hearing regarding the proposed annexation case ANX22-00266.

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

11. Discuss, receive public comment, and take action on the following ordinance:

11-a. ZON21-00940 **(District 2)** Within the 3100 block of East Southern Avenue (south side) and the 1200 block of South 32nd Street (west side). Located east of Lindsay Road on the south side of Southern Avenue (2.4± acres). Rezone from Single Residence 9 (RS-9) to Multiple Residence 3 with a Planned Area Development overlay (RM-3-PAD) and Site Plan Review. This request will allow for a multiple residence development. – Ordinance No. 5716

Staff Recommendation: Approval with conditions

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

Mayor Giles stated, due to the legal protest on this case, this agenda item requires a supermajority vote.

Lenore Miller, a Mesa resident, submitted comments to be read indicating her opposition to the project. She expressed concerns with communication, explaining developers neglected to notify neighbors in a timely manner. She stressed concerns about safety due to the location of the entrance and the impact of traffic on 32nd Street. She requested a traffic study to modify the existing signal and allow for pedestrian safety going to and from the park and school. She indicated concern that surrounding neighbors would have to monitor parking.

Monty Hogle, a Mesa resident, commented the neighborhood committee has been working for months to represent 396 citizens and neighbors who signed a petition against this project. He recommended that Council make necessary changes to the Zoning Department to ensure mistakes are not duplicated. He thanked Councilmembers for recognizing citizen concerns regarding the architecture of the project. He indicated that the neighbors and developers are not

100% happy but have reached a mutual agreement and are ready to move forward. He stated, as agreed, the 396 formal petitions in opposition to the entire project will be withdrawn; however, will continue to monitor this project to ensure requests are met.

Councilmember Spilsbury thanked Mr. Hogle for his comments, adding she has met with the Mayor, City Manager and Planning staff to express her concerns. She commended the neighborhood, the staff, and the developers for addressing density, parking, elevation and setbacks and the Good Neighbor Policy.

Mayor Giles thanked the neighbors in attendance for their participation in this process.

It was moved by Councilmember Spilsbury, seconded by Councilmember Luna, that Ordinance No. 5716 be adopted.

Upon tabulation of votes, it showed:

AYES – Giles–Duff–Freeman–Heredia–Luna–Spilsbury–Thompson

NAYS – None

ABSENT – None

Carried unanimously.

12. Items from citizens present.

Jann Wyler, a Mesa resident, submitted comments to be read aloud stating that parents of students at New Horizon School for the Performing Arts and administration are concerned about the safety of students and the welfare of the community due to the homeless population that reside at Stapley Park across from the school.

Sue Jones, spokesperson for Arizona Advocates for the Homeless, submitted comments to be read aloud, indicating she interacts and assists with homeless individuals regularly. She suggested utilizing the land on the corner of University and Mesa Drive to provide resources for the homeless. She referenced her experience and provided her website <https://arizonaadvocatesforthehomeless.org/>.

Rick Temple, a Mesa resident, submitted comments to be read aloud to voice his concerns for the drop in water levels at Lake Mead and Lake Powell. He indicated his dissatisfaction in corresponding with various government agencies regarding this matter. He expressed concern for more permitted housing, corporate construction, growing crops for export and water park expansion. He suggested converting the grey water from golf courses into potable water. He recommended an immediate moratorium of construction and a cessation of water usage to other nations at the capacity of the City.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:13 p.m.

JOHN GILES, MAYOR

ATTEST:

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 11th day of July. I further certify that the meeting was duly called and held and that a quorum was present.

HOLLY MOSELEY, CITY CLERK

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