



City of Mesa

*Council Chambers
57 E. First Street*

City Council

Meeting Agenda - Final

Monday, December 9, 2019

5:45 PM

CITIZEN PARTICIPATION

All citizens are permitted and encouraged to speak on agenda items including and preceding "Items from citizens present." If you are interested in speaking on such an agenda item, please fill out a blue card in the back of the room and give it to the City Clerk. When the Council considers the item, you will be called to the podium to provide your comments.

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.

CONSENT AGENDA

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.

Mayor John Giles

Vice Mayor Mark Freeman - District 1

Councilmember Jeremy Whittaker - District 2

Councilmember Francisco Heredia - District 3

Councilmember Jennifer Duff - District 4

Councilmember David Luna - District 5

Councilmember Kevin Thompson - District 6

Mayor's Welcome**Roll Call**

(City Council members participate in person or by telephone conference call.)

Invocation - Moment of Silence.**Pledge of Allegiance****Awards, Recognitions and Announcements****1 Take action on all consent agenda items.****Items on the Consent Agenda**

***2** [19-1313](#) Approval of minutes of previous meetings as written.

3 Take action on the following liquor license applications:

***3-a** [19-1306](#) Fountain of the Sun Community Association

This is a one-day event to be held on Wednesday, January 22, 2020 from 5:00 P.M. to 10:00 P.M. at Fountain of the Sun Activity Center, 560 South 80th Street. **(District 5)**

***3-b** [19-1307](#) Fountain of the Sun Community Association

This is a one-day event to be held on Wednesday, February 26, 2020 from 5:00 P.M. to 10:00 P.M. at Fountain of the Sun Activity Center, 560 South 80th Street. **(District 5)**

***3-c** [19-1308](#) Fountain of the Sun Community Association

This is a one-day event to be held on Wednesday, March 25, 2020 from 5:00 P.M. to 10:00 P.M. at Fountain of the Sun Activity Center, 560 South 80th Street. **(District 5)**

***3-d** [19-1337](#) Venture Out Social Club

This is a one-day event to be held on Monday, January 13, 2020 from 5:00 P.M. to 8:00 P.M. at the Venture Out Buena Vista Ballroom, 5001 East Main Street, #154. **(District 2)**

***3-e 19-1311 H Mart Mesa LLC**

A convenience store is requesting a new Series 10 Beer and Wine Store License for H Mart Mesa LLC, 1919 West Main Street - Amy S. Nations, agent. There is no existing license at this location. **(District 3)**

***3-f 19-1309 A-Mart**

A convenience store is requesting a new Series 10 Beer and Wine Store License for Sodhi Brothers A-Mart LLC, 839 South Stapley Drive - Phuljit Singh, agent. The existing license, held by Zuhra LLC, will revert to the State. **(District 4)**

***3-g 19-1310 Faby's Market**

A convenience store is requesting a new Series 10 Beer and Wine Store License for Fabiola's Fabulous LLC, 726 East Broadway Road - Richard Lee Davenport, agent. The existing license, held by Marisol Nutrition LLC, will revert to the State. **(District 4)**

4 Take action on the following contracts:***4-a 19-1315 Five-Year Term Contract with Five Years of Renewal Options for Banking Services (Service Groups 1, 2, and 4) for the Financial Services Department **(Citywide)****

The City of Mesa makes extensive use of banking services to collect, disburse and manage its cash and investments. General banking services includes cash services, deposit services, disbursement services, electronic transfer of funds, and general reporting. Merchant card services represent the City's ability to process credit card transactions. Institutional custody services represent the safekeeping of the assets/securities in the City's investment portfolio. Paying agent services includes a qualified paying agent, registrar, transfer agent, filing agent, and trustee for current and future bond issues.

An evaluation committee recommends awarding the contracts to the highest-scored proposals from the following vendors: General Banking - JP Morgan Chase, at \$120,000 annually; Merchant Card Processing - U.S. Bank / Elavon, at \$18,000 annually; and Paying Agent Services - UMB Bank, N.A., at \$18,000 annually; with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-b** **19-1322** Extension and Dollar-Limit Increase to the Term Contract for Office Supplies and Products for Citywide Departments and the Strategic Alliance for Volume Expenditures Cooperative Members as requested by the Business Services Department (**Citywide**)

The 6-month contract extension and increase are needed to allow enough time to do a new solicitation. Purchasing is choosing to re-time the solicitation of the contract to move away from the beginning of the calendar year, as that is when manufacturers push new pricing to office supply vendors.

The Business Services Department and Purchasing recommend extending the contract through September 30, 2020 and increasing the dollar-limit with WIST Office Products by \$550,000, from \$650,000 to \$1,200,000 (Mesa Spend), based on estimated usage.

- *4-c** **19-1323** One-Year Renewal to the Term Contract for Presort Mail Services for the Business Services Department (**Citywide**)

This contract provides mail presort services for automated first class and standard mail. Presort services provide a discounted mail rate to the City by taking mail and sorting it by geographic location before being delivered to the U.S. Postal Service.

The Business Services Department and Purchasing recommend authorizing the renewal with Pitney Bowes Presort Services, LLC (formerly Pitney Bowes Presort Services, Inc.), at \$55,000 annually, based on estimated usage.

- *4-d** **19-1318** Three-Year Term Contracts with Two Years of Renewal Options for Emergency Vehicle Preemption (EVP) Equipment for the Transportation Department (Sole Sources) (**Citywide**)

Opticom and Emtrac systems are Transportation's standard for emergency vehicle preemption within the City. The City uses these optical and GPS based systems at nearly 400 signalized intersections. The EVP equipment is required to maintain current systems and needed for new systems at intersections.

The Transportation Department and Purchasing recommend awarding the contracts to the sole source vendors: ACT Traffic Solutions, Inc., at \$250,000 annually; and Advanced Traffic Products, Inc., at \$250,000 annually; with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

4-e 19-1319 One-Year Renewal with Four Years of Renewal Options to the Term Contract for a Hosted Event Booking Solution for the Arts & Culture Department **(Citywide)*

In 2015, the City implemented a hosted event booking solution for integrated scheduling, booking, contract negotiation, financial management, and closeout functions for the MAC. This contract provides an ongoing annual software subscription to use the hosted system for booking events.

The Arts and Culture Department and Purchasing recommend authorizing the renewal with Ungerboeck Systems International, Inc., at \$60,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

4-f 19-1317 One-Year Renewal to the Term Contract for Bus Shelter Maintenance and Repair Services for the Transit Services Department **(Citywide)*

This contract provides annual bus shelter maintenance and repair services at various bus shelters, Bus Rapid Transit (BRT) stations, and Park and Ride locations throughout the City. Services include weekly routine cleaning and maintenance, and occasional as-needed, where-needed repairs.

The Transit Services Department and Purchasing recommend authorizing the renewal with A Mind for Detail Inc., dba AMFD (a Mesa business), at \$347,675 annually, based on estimated requirements.

4-g 19-1338 Five-Year Term Contract with Five Years of Renewal Options for Motorola and Kenwood Radio Equipment, Parts, Network, and Services for various City Departments as requested by the Information Technology Department (Motorola-Sole Source) **(Citywide)*

These cooperative contracts will allow Information Technology - Communications to make as-needed purchases of Motorola and Kenwood radio equipment, parts, repairs, and services for various City departments. Communications, Police, and Fire and Medical Departments, as well as other City departments, have standardized on Motorola and Kenwood two-way portable and mobile radios due to their durability and interoperability functionality with other public safety agencies.

The Information Technology Department and Purchasing recommend authorizing the purchase using the State of Arizona and Maricopa County cooperative contracts with Motorola Solutions, Inc., Durham Communications, Inc., and JVCKenwood USA Corporation, at \$400,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-h** **19-1320** Purchase of 379 Motorola and Kenwood Portable and Mobile Radios, Accessories, and Related Equipment (366 Cycle Replacement and 13 Additions) for the Mesa Fire and Medical Department as requested by the Information Technology Department (Sole Source) **(Citywide)**

This purchase is for the cycle replacement of 366 Motorola radios that are no longer manufactured or supported by Motorola. 159 of the radios will be delivered to the City in FY 19/20. 220 Motorola portable radios will be delivered in early FY 20/21 due to design changes requested by both Phoenix and Mesa. It is anticipated that the life cycle of the radios is 5 - 7 years. 13 are grant-funded additions and will be used to support special operations throughout Arizona.

The Mesa Fire and Medical and Information Technology Departments and Purchasing recommend authorizing the purchase using the State of Arizona and Maricopa County cooperative contracts with Motorola Solutions, Inc. and Durham Communications, Inc. at \$3,525,000, based on estimated requirements. This purchase (366 radios) is funded through Public Safety Sales Tax (\$1.7M) and the Communications Department (\$1.7M). The 13 portable radios (additions) are being funded by a Salt River Pima-Maricopa Indian Community grant (\$125,000).

- *4-i** **19-1321** Three-Year Term Contract with Two Years of Renewal Options for Air Quality, Water and Wastewater Compliance Management System Subscription for the Water Resources Department **(Citywide)**

This contract will provide a qualified firm to provide a hosted management software solution for compliance in air quality, cross connection, water, and wastewater. These software compliance modules have been in use at City of Mesa 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.

An evaluation committee recommends awarding the contract to the highest-scored proposal from NJBSoft, LLC, at \$150,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-j** **19-1324** Purchase for the On-Site Rebuild of Two SEEPEX Pumps at the Southeast Water Reclamation Plant for the Water Resources Department (Sole Source) **(Citywide)**

Wet-end rebuild/repairs are required for the SEEPEX MS transfer pumps at the Southeast Water Reclamation Plant that have been in service since 2006.

The Water Resources Department and Purchasing recommend authorizing the purchase with the sole source vendor, SEEPEX, Inc., at \$200,000, based on estimated requirements.

- *4-k** **19-1314** One-Year Term Contract with Two Years of Renewal Options for Job Order Master Contract for Pool Construction Services through the use of the City of Scottsdale Cooperative Job Order Contract **(Citywide)**

This agreement authorizes the use of the existing City of Scottsdale cooperative job order contract with Shasta Industries to perform pool construction services for the City of Mesa. Utilizing the City of Scottsdale's contract provides Mesa with a more efficient method of pool repair and maintenance services, while avoiding the high costs and lengthy procurement time associated with traditional delivery methods.

The Engineering and Parks, Recreation and Community Facilities Departments recommend authorizing the use of the City of Scottsdale Cooperative Job Order Contract with Shasta Industries. The contracts will be limited to \$1,500,000 per job order, and a total contract value not to exceed \$3,000,000 for each year of the contract, based on estimated programming and maintenance requirements.

- *4-l** **19-1286** Jefferson Park Playground Improvements **(District 5)**

The playground equipment has reached the end of its lifecycle and is due for replacement. This project will furnish and install new playground equipment, site amenities, concrete ramps and new playground surfacing to the existing playground at Jefferson Park. The playground equipment and surfacing will be replaced and modernized. Special picnic tables and sidewalk ramps will make the playground more accessible for those with disabilities.

Staff recommends awarding the contract for this project to the lowest, responsible bidder, Hesscor Inc., at \$294,671.08, and authorizing \$29,467.11 (10%) as a change order allowance, for a total amount of \$324,138.19. This project is funded by Community Development Block Grant funds.

- *4-m** **19-1327** Purchase of Replacement 15kV Switchgear and Adapter for the Lewis Substation as requested by the Energy Resources Department **(District 1)**

The purchase will provide a new 15kV class switchgear and rooftop adapter assembly to replace the existing 43-year old switchgear in service at the East bay of the Lewis Substation. The replacement is needed to maintain the safe and reliable supply of 12kV and lower voltage distribution to City electric customers.

An evaluation committee recommends awarding the contract to the highest-scored proposal from Powercon Corporation, at \$393,065, based on estimated requirements. This purchase is funded by 2014 Electric Bonds.

- *4-n** **19-1296** Mesa City Center - Second Guaranteed Maximum Price (GMP No. 2) - ASU @ Mesa City Center **(District 4)**

This GMP for site preparation and structure work for ASU @ Mesa City Center is the second of a series of GMP's relating to City Center work. The scope of work includes removal of existing improvements within the new building footprint, excavation of the building site, preparation of the building pad, foundations, and the concrete structure of the building.

Staff recommends awarding the contract for GMP No. 2 to the selected Construction Manager at Risk, DPR Construction, in the amount of \$16,117,229, and authorizing a change order allowance in the amount of \$805,861.45 (5%), for a total amount of \$16,923,090.45. This project is funded by the Economic Investment Fund and Excise Tax Bonds.

- *4-o** **19-1326** Purchase of a Transformer (Replacement) for the Lewis Substation as requested by the Energy Resources Department **(District 1)**

This purchase will provide a new 28MVA 69kV-12.47kV power transformer to replace the existing 43-year-old transformer that is in service at the East bay of the Lewis Substation. The replacement is needed to maintain the safe and reliable supply of 12kV and lower voltage distribution to City electric customers.

An evaluation committee recommends awarding the contract to the highest-scored proposal from Virginia Transformer Corp., at \$597,599, based on estimated requirements. This purchase is funded by 2014 Electric Bonds.

5 Take action on the following resolutions:

- *5-a** [19-1336](#) Approving and authorizing the City Manager to accept grant funds of up to \$60,000 made available through the National Endowment for the Arts to support public workshops and for the installation of an art exhibition at the Mesa Contemporary Arts Museum in the summer 2020. **(Citywide)**
- *5-b** [19-1302](#) Approving and authorizing the City Manager to enter into Amendment No. One to the Intergovernmental Agreement with the Arizona Department of Transportation for the maintenance of the Mesa Gateway Multi-use Pathway along Loop 202 Santan Freeway, from Baseline Road to Elliot Road. **(District 6)**
- *5-c** [19-1264](#) Approving and authorizing the City Manager to enter into a Master Tenant Lease for the West World War II hangar at Falcon Field Airport with the Falcon Warbirds Foundation, Inc. and the Wings of Flight Foundation, Inc. to preserve and promote the history of Falcon Field Airport. **(District 5)**
- *5-d** [19-1303](#) Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Arizona Department of Transportation for the construction and maintenance of the Mesa Gateway Multi-use Pathway along Loop 202 Santan Freeway, from Elliot Road to Hawes Road. **(District 6)**
- *5-e** [19-1316](#) Approving and authorizing the City Manager to enter into a Real Property Exchange Agreement and Escrow Instructions for the sale of a portion of City-owned property located at 10702 East Elliot Road (APN 304-02-892) in exchange for Assessor Parcel Number 304-01-006P, for a new wellsite. **(District 6)**
- *5-f** [19-0903](#) Approving and authorizing the City Manager to enter into a Third Amendment to the Lease Agreement with Option to Purchase with Benedictine University, for City-owned property generally located at 225 East Main Street. The Third Amendment extends the term of the lease by ten years, provides for reduction of Premises Rent, through Year 15 of the Lease, extends the Purchase Option to Year 21, and establishes the City's and Benedictine University's responsibilities related to the design and build-out of approximately 10,000 square feet to support the partnership between Benedictine University and CO+HOOTS. **(District 4)**
- *5-g** [19-1305](#) Vacating a road right-of-way and extinguishing a PUE in the 2400 block of North 40th Street that are no longer necessary for public purpose, to allow for the development of The Estates at Hermosa Vista subdivision; requested by the property owner. **(District 5)**

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

***6-a** [19-1263](#) Repealing in its entirety the existing Chapter 5: Residential Districts, Chapter 6: Commercial and Mixed Use Districts, and Chapter 7: Employment Districts, of Title 11 of the Mesa City Code, and adopting by reference the public record known as “2019 - Chapters 5, 6 and 7 of the Zoning Ordinance”, and identified for codification as Chapters 5 - 7 of Title 11, the Zoning Ordinance of the Mesa City Code. **(Citywide)**

***6-b** [19-1285](#) Repealing and replacing Chapter 7 of Title 9 of the Mesa City Code, pertaining to Community Antenna Television Systems to comply with recent changes to state law. The changes correlate to the state’s uniform licensing requirements and regulation of video services; establish standards in the areas of indemnification, right-of-way management, undergrounding of facilities; and codify the City’s existing 5% franchise fee. **(Citywide)**

***6-c** [19-1260](#) Amending Title 1, Chapter 33, Section 1 of the Mesa City Code relating to election dates for candidates for the offices of Mayor and Councilmember. The amendment modifies the primary election dates to be in line with recent changes to state law. **(Citywide)**

***6-d** [19-1262](#) Amending Chapters 3, 4, 8, 22, 30, 31, 33, 69, 86, and 87 of Title 11, the Zoning Ordinance of the Mesa City Code by adding design standards; landscaping requirements for open space; adding definitions; making minor technical changes with regard to section references in the Chapters; and adding requirements removed from Chapters 5, 6, and 7, such as corral fencing and landscape yard requirements. **(Citywide)**

Staff Recommendation: Approval

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

***6-e** [19-1253](#) ZON19-00514 (**District 1**) Within the 2500 block of North Harris Drive (east side). Located west of Gilbert Road and north of McKellips Road (9.3± acres). Rezone from AG to RS-15-PAD; and Site Plan Review. This request will allow for the development of a single-residence subdivision. Rob Stephan, Excolo Development, applicant; PBL, LLC and ALO Investments, LLC, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 7-0)

- *6-f** **19-1090** ZON19-00473 (**District 6**) Within the 3100 block of South Eastridge (east side). Located south of Guadalupe Road and east of Hawes Road (4.2± acres). Rezone from RS-6 to RM-2 PAD; and Site Plan Review. This request will allow for the development of a multi-residence development. Sean Lake, Pew and Lake, P.L.C., applicant; James Render, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Vote for approval failed (Vote: 2-3)

For continuance to the January 13, 2020 City Council meeting.

7 Take action on the following subdivision plat:

- *7-a** **19-1299** “Towns at Eastmark” (**District 6**) Located Within the 9800 through 9900 blocks of East Point Twenty-Two Boulevard (north side) and within the 4600 block of South Eastmark Parkway (west side). Located north of Ray Road and East of Ellsworth Road (±8.8 acres). Lennar Arizona, Inc., developer; Thomas E. Granillo, Hoskin Ryan Consultants, Inc., surveyor.

Items not on the Consent Agenda

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

- 8-a** **19-1256** Amending Title 6, Chapter 11, Sections 1 through 8, 10 through 14, and 21 through 23 of the Mesa City Code relating to smoking regulations and healthier smokefree environments by adding vaping. The amendment adds the prohibition of vaping and the use of vaping products in public facilities, public places, and certain places of employment. (**Citywide**)

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

10 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.