



COUNCIL MINUTES

June 3, 2019

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 3, 2019 at 5:45 p.m.

COUNCIL PRESENT

John Giles
Mark Freeman
Jennifer Duff
Francisco Heredia
David Luna
Kevin Thompson
Jeremy Whittaker

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Dee Ann Mickelsen
Jim Smith

Mayor's Welcome.

Invocation by Pastor Randy Wolf with Hillsong Phoenix.

Pledge of Allegiance was led by Mayor Giles.

Awards, Recognitions and Announcements.

Solid Waste Routing Specialist and volunteer coach for East Valley Special Olympics baseball, Bill Cummings expressed his gratitude to Mayor and Council for sponsoring the last Special Olympics little league game at Hohokam Stadium and presented the Mayor and Council with plaques.

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 Thompson, seconded by Vice Mayor Freeman, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

AYES – Giles–Freeman-Duff-Heredia-Luna–Thompson–Whittaker
NAYS – None

Carried unanimously.

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

Minutes from the April 4, April 15, May 2, May 6, and May 20, 2019 Council meetings.

3. Take action on the following recommendations made by the Judicial Advisory Board:

- *3-a. Reappointment of City Magistrate, John Tatz, to a two-year term beginning July 1, 2019 and ending June 30, 2021.
- *3-b. Reappointment of City Magistrate, Craig Fujii, to a four-year term beginning July 1, 2019 and ending June 30, 2023.

4. Take action on the following liquor license applications:

*4-a. Foster Hope Foundation

This is a one-day event to be held on Saturday, June 22, 2019 from 2:00 P.M. to 9:00 P.M. at Riverview Park, 2100 West Rio Salado Parkway. **(District 1)**

*4-b. St. Timothy Catholic Church

This is a one-day event to be held on Friday, November 8, 2019 from 7:00 P.M. to 10:00 P.M. at St. Timothy Catholic Church, 1730 West Guadalupe Road. **(District 3)**

*4-c. Square One Inc.

This is a one-day event to be held on Thursday, June 13, 2019 from 5:00 P.M. to 9:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

*4-d. Sertoma Club of Mesa

This is a one-day event to be held on Thursday, July 4, 2019 from 4:00 P.M. to 11:00 P.M. at the Mesa Convention Center Complex, 263 North Center Street. **(District 4)**

*4-e. Downtown Mesa Association

This is a one-day event to be held on Friday, December 6, 2019 from 5:30 P.M. to 10:00 P.M. for the Downtown Mesa Association, on Main Street, from Center Street to Robson, and on Macdonald, from Main Street to 1st Avenue. **(District 4)**

*4-f. Ultimate Imaginations

This is a one-day event to be held on Friday, September 6, 2019 from 5:30 P.M. to 10:00 P.M. for Ultimate Imaginations, on Main Street, from Center Street to Robson, and on Macdonald, from 1st Street to 1st Avenue. **(District 4)**

*4-g. Ultimate Imaginations

This is a one-day event to be held on Friday, October 4, 2019 from 5:30 P.M. to 10:00 P.M. for Ultimate Imaginations, on Main Street, from Center Street to Robson, and on Macdonald, from 1st Street to 1st Avenue. **(District 4)**

*4-h. Ultimate Imaginations

This is a one-day event to be held on Friday, November 1, 2019 from 5:30 P.M. to 10:00 P.M. for Ultimate Imaginations, on Main Street, from Center Street to Robson, and on Macdonald, from 1st Street to 1st Avenue. **(District 4)**

*4-i. Ultimate Imaginations

This is a one-day event to be held on Friday, January 3, 2020 from 5:30 P.M. to 10:00 P.M. for Ultimate Imaginations, on Main Street, from Center Street to Robson, and on Macdonald, from 1st Street to 1st Avenue. **(District 4)**

*4-j. Ultimate Imaginations

This is a one-day event to be held on Friday, February 7, 2020 from 5:30 P.M. to 10:00 P.M. for Ultimate Imaginations, on Main Street, from Center Street to Robson, and on Macdonald, from 1st Street to 1st Avenue. **(District 4)**

*4-k. Ultimate Imaginations

This is a one-day event to be held on Friday, March 6, 2020 from 5:30 P.M. to 10:00 P.M. for Ultimate Imaginations, on Main Street, from Center Street to Robson, and on Macdonald, from 1st Street to 1st Avenue. **(District 4)**

*4-l. Ultimate Imaginations

This is a one-day event to be held on Friday, April 3, 2020 from 5:30 P.M. to 10:00 P.M. for Ultimate Imaginations, on Main Street, from Center Street to Robson, and on Macdonald, from 1st Street to 1st Avenue. **(District 4)**

*4-m. Ultimate Imaginations

This is a one-day event to be held on Friday, May 1, 2020 from 5:30 P.M. to 10:00 P.M. for Ultimate Imaginations, on Main Street, from Center Street to Robson, and on Macdonald, from 1st Street to 1st Avenue. **(District 4)**

*4-n. Ultimate Imaginations

This is a one-day event to be held on Friday, June 5, 2020 from 5:30 P.M. to 10:00 P.M. for Ultimate Imaginations, on Main Street, from Center Street to Robson, and on Macdonald, from 1st Street to 1st Avenue. **(District 4)**

*4-o. Main St Bar & Grill

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant license for Team Hayes LLC, 127 West Main Street – Jennifer Dyann Hayes, agent. The previous license held by Queen's Pizzeria LLC will revert to the State. **(District 4)**

5. Take action on the following contracts:

- *5-a. Ratification of the Emergency Purchase of Circuit Breakers and Related Materials and Repairs for the Fraser Substation as requested by the Energy Resources Department. **(Districts 1 and 4)**

Due to the failure of 20-year old 69kV circuit breakers at the Fraser Substation on April 15, 2019, services, equipment and materials were necessary to replace the circuit breakers and associated equipment to return the Fraser Substation to full capacity. The Fraser Substation is critical to ensuring the prevention of systemwide outages of electric service to 16,800 Mesa electric utility customers.

The Energy Resources Department and Purchasing recommend ratifying the emergency purchase of services, equipment, materials, and supplies from various vendors and service providers, at \$292,224, based on estimated requirements. This purchase is funded by 2014 Electric Bond funds.

- *5-b. Three-Year Term Contract with Two Years of Renewal Options for Employee Recognition and Service Awards for Citywide Departments as requested by the Human Resources Department. **(Citywide)**

This contract will provide employee recognition and service awards for benefited employees based on the anniversary of the employee hire date in five-year increments. The program will be an Internet-based system with a variety of gifts.

An evaluation committee recommends awarding the contract to the highest-scored and lowest-cost proposal from MTM Recognition Corp., at \$75,500 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-c. One-Year Renewal to the Term Contract for Waste Pumping and Hydro-Jetting Services for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide services including removal, cleaning, and disposal of liquid and solid waste from traps, sand and oil interceptors, flow-through tanks, cesspools, septic tanks, and lift stations.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the renewal with Western Utility Contractors, LLC, dba Overley's, at \$35,000 annually, based on estimated usage.

- *5-d. Seven-Month Term Contract with a One-Year Renewal Option for Bird Repellent Services for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide bird repellent services to City buildings. The City's previous contractor went out of business.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the purchase using the Maricopa County cooperative contract

with SouthWest Avian Solutions, LLC; and National Environmental Solutions, LLC; at \$50,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-e. Three-Year Term Contract with Two Years of Renewal Options for Emergency Environmental Remediation and Restoration Services for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide multiple pre-qualified contractors for on-call microbial remediation and disaster restoration services at pre-established pricing rates. Should an emergency situation arise, PRCF would have contractors available to mitigate further damage to City facilities.

An evaluation committee recommends awarding the contract to the qualified proposals from Comprehensive Risk Services, LLC; East Valley Disaster Services, Inc.; First Choice Restoration, Inc.; Restoration HQ, LLC; Sagebrush Restoration, LLC; Spray Systems of Arizona, dba Spray Systems Environmental; and Stratton Restoration, LLC, dba Stratton Builders (a Mesa business); at \$100,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-f. One-Year Term Contract with Four Years of Renewal Options for Front Load Refuse and Roll-Off Containers for the Environmental Management and Sustainability Department. **(Citywide)**

This contract will provide front load refuse and roll-off containers to service residential and commercial customers requesting refuse services to keep up with the demand.

The Environmental Management and Sustainability Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, Galfab LLC, at \$85,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- *5-g. Three-Year Term Contract with Two Years of Renewal Options for Refuse Container Lids for the Environmental Management and Sustainability Department. **(Citywide)**

This contract will provide 100% recyclable black lids used for commercial metal bin refuse containers throughout the City.

The Environmental Management and Sustainability Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, Impact, at \$27,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- *5-h. Purchase of 440 Fingerprint Scanners (Additions) for the Police Department (Sole Source). **(Citywide)**

The Police Department currently has approximately 40 Brazos eCitations devices that use older 3G cellular technology that Verizon will be retiring in December 2019. This purchase is for a department-wide eCitation solution that works with the new records management system, as well as with existing Patrol smart phones and will increase the number of officers who use eCitation. This is the only equipment that is designed to work

with Versaterm's Records Management System and is Criminal Justice Information Services certified.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, Fulcrum Biometrics, at \$63,561.48, based on estimated requirements. This purchase is funded by Life Cycle Project Funds (Police Records Management System Replacement).

- *5-i. Three-Year Term Contract with Two Years of Renewal Options for Trailer Parts, Automotive Lighting, Mirrors, and Safety Supplies for the Fleet Services Department. **(Citywide)**

This contract will provide trailer parts, automotive and truck lighting parts, mirrors and safety supplies required for the various vehicles and equipment owned by the City.

The Fleet Services Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidders, FleetPride, Inc. (a Mesa business); Parts West Heavy Duty LLC, dba Light House of Arizona; Polygon Investment Group, Inc., dba Spectrac Suspension Center; RWC International LTD, dba RWC Group; The WW Williams Company LLC, dba Auto Safety House; at \$150,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- *5-j. Three-Year Term Contract with Two Years of Renewal Options for Street Sweeper Brooms for the Fleet Services Department. **(Citywide)**

This contract will provide replacement main broom assemblies for the City's street sweeping vehicles including Schwarze, Global and Nescon.

The Fleet Services Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, United Rotary Brush, at \$60,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- *5-k. Purchase of Two, Vehicle Wheel Alignment Machines and Four-Post Vehicle Lift Combinations (Additions) for the Fleet Services Department. **(Citywide)**

This purchase will allow Fleet Services to complete vehicle wheel alignments in-house, as well as, offering the functionality to perform a variety of other vehicle repairs and preventative maintenance services.

The Fleet Services Department and Purchasing recommend authorizing the purchase using the Houston-Galveston Area Council (H-GAC) and State of Arizona cooperative contracts, with Mohawk Resources, Ltd., at \$125,921.84, based on estimated requirements.

- *5-l. Mesa Drive Improvements Project - Phase 2 (8th Avenue to Main Street) Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP). **(District 4)**

Improvements to this portion of Mesa Drive include reconstructed pavement, widened sidewalks, ADA compliant ramps and driveways, bike lanes, enhanced landscaping, new bus stop amenities, LED streetlights, and other associated improvements. This project will also include safety and capacity improvements to the Mesa Drive and Broadway Road intersection, such as raised medians and an additional right turn lane. Additionally,

water, sewer, and gas lines will be added or upgraded within the project limits, and power lines south of Broadway Road, and those crossing Mesa Drive north of Broadway Road, will be undergrounded.

Staff recommends awarding the contract for this CMAR project to Haydon Building Corp. in the amount of \$23,425,018.63 and authorizing a change order allowance in the amount of \$1,171,251 (5%), for a total GMP award of \$24,596,269.63. This project is funded by 2013 authorized Streets bonds, 2010 authorized Gas bonds, 2014 authorized Electric, Water, and Wastewater bonds and Wastewater Reserve Extension and Replacement funds.

6. Take action on the following resolutions:

- *6-a. Approving and authorizing the City Manager to enter into a Development Agreement for City Share Reimbursement with PPGN-CORE, LLLP, for the reimbursement of \$40,641 for sewer mainline improvements that are being required by the City in conjunction with a proposed development known as Cadence Parkway Phase 2 Infrastructure Improvements, located at 9765 East Cadence Parkway. **(District 6)** – Resolution No. 11352
- *6-b. Extinguishing a portion of a public utility easement and a 1-foot controlled vehicular access easement located at 2639 North Power Road to allow for the construction of a 196-unit multi-family development; requested by the property owner. **(District 5)** – Resolution No. 11353
- *6-c. Extinguishing a drainage easement located at 2751 South Signal Butte Road to allow for the development of a McDonald's restaurant, and new easement will be dedicated in the future. This request was made by the property owner. **(District 6)** – Resolution No. 11354
- *6-d. Approving and authorizing the City Manager to enter into a Development Agreement with RagingWire Data Centers, relating to approximately 10.25 acres of property located near the northwest corner of Elliot and Signal Butte Roads for the purpose of "opting-in" to the Elliot Road Technology Corridor zoning overlay. **(District 6)** – Resolution No. 11355

7. Introduction of the following ordinance and setting June 17, 2019 as the date of the public hearing on this ordinance:

- *7-a. **ZON19-00126 (District 2)** Within the 4500 block of East Banner Gateway Drive (south side) and within the 1700 and 1800 blocks of Old Greenfield Road (east side). Located north of Baseline Road and east of Greenfield Road (4± acres). Rezoning from AG to RM-4-PAD; Site Plan Review; and a Special Use Permit to allow for a nursing home in the RM-4 district. This request will allow for the development of an assisted living facility with a nursing home. Ralph Pew, Pew & Lake, PLC, applicant; Langley Banner Gateway, LLC, owner.

At the Planning and Zoning Board meeting, this request included the consideration and approval of a Site Plan Review and Special Use Permit for a nursing home in the RM-4 district. The Site Plan Review and Special Use Permit were approved by the Planning and Zoning Board subject to Council approval of the rezoning.

Staff Recommendation: Approval with conditions

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

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

- *8-a. **ZON18-00066 (District 3)** The 1000 through 1100 blocks of South Alma School Road (west side) and the 1200 through 1300 blocks of West Southern Avenue (north side). Located at the northwest corner of Alma School Road and Southern Avenue (16± acres). Rezoning from LC to RM-5 PAD for 10.5± acres. Rezoning from LC to LC-PAD for 5.5± acres; and Site Plan Review for 16± acres. This request will allow for the development of multi-residential and commercial uses. Adam Baugh, Withey Morris, PLC, applicant; WM Grace Development Co., ETAL, owner.

Staff Recommendation: Approval with conditions

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

For continuance to the July 1, 2019 City Council meeting.

9. Discuss, receive public comment, and take action on the following annexation and zoning ordinances relating to property within the 400 to 600 blocks of North Ellsworth Road (west side) and north of University Drive:

- *9-a. **ANX19-00066 (District 5)** Annexing property located north of University Drive and west of Ellsworth Road and adopting comparable zoning (13.07± acres). Initiated by Sean Lake, Pew & Lake, PLC. – Ordinance No. 5510
- *9-b. **ZON19-00067 (District 5)** Within the 400 to 600 blocks of North Ellsworth Road (west side) and within the 9000 to 9200 blocks of East Decatur Road (south side). Located north of University Drive, on the west side of Ellsworth Road (13.07± acres). Rezoning from RS-9 and RS-43 to RM-3-PAD; and Site Plan Review. This request will allow for development of a multi-residential use. Sean Lake, Pew & Lake, PLC, applicant; Ellsworth-University, LLC, owner. – Ordinance No. 5511

Staff Recommendation: Approval with conditions

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

10. Take action on the following subdivision plats:

- *10-a. "Cadence at Gateway Phase 2" **(District 6)** Within the 9500 through 9600 blocks of the East Toledo Avenue alignment (south side), within the 9800 through 9900 blocks of the East Cadence Parkway alignment (both sides), within the 5500 through 5900 blocks of the South Crismon Road alignment (west side), and within the 9800 blocks of the East Williams Field Road alignment (north side). Located south and east of Ellsworth and Ray Roads within the Cadence Community (118.3 ± acres). PPGN-CORE, LLLP, developer; Raymond S. Munoz III, EPS Group, surveyor.
- *10-b. "Cadence at Gateway Phase 3" **(District 6)** Within the 9800 through 10200 blocks of the East Williams Field Road alignment (north side), and within the 5500 through 5900 blocks of the South Crismon Road alignment (east side). Located south and east of

Ellsworth and Ray Roads within the Cadence Community. (85.2 ± acres). PPGN-Crismon, LLLP, developer; Raymond S. Munoz III, EPS Group, surveyor.

Mayor Giles highlighted the reappointments of Judge John Tatz and Judge Craig Fujii and recognized both gentleman for doing a great job serving the City of Mesa.

Items not on the Consent Agenda

11. Items from citizens present:

Joseph Johnson spoke on behalf of Restoration Angels, a non-profit company that raises money for families and businesses that suffer properly loss when insurance claims get denied or have no coverage. He mentioned the City of Mesa has a request for quotes for emergency services doing board up work on houses when there is a fire and expressed concern with the request since allowing contractors with a criminal background to enter homes could affect a family's safety. He stated he would love the opportunity to work with these contractors to fulfill a higher level of service to customers and many of the contractors have agreed to donate back to the nonprofit for every job that the City refers.

Verl Farnsworth, a Mesa resident, stated the City of Mesa is not being transparent and open regarding the Arizona State University (ASU) building. He expressed concern regarding the sale of public assets that are being used to support projects that voters have not approved. He stated the system is failing and the citizens of Mesa have lost faith in the City.

For the record Mayor Giles acknowledged the following individuals who submitted blue cards regarding the support for removal of Police Chief Ramon Batista but did not wish to speak:

- Meaganne Young
- Heather Neese

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:05 p.m.

JOHN GILES, MAYOR

ATTEST:

DEE ANN MICKELSEN, 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 3rd day of June 2019. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK