



COUNCIL MINUTES

April 17, 2023

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on April 17, 2023, at 6:00 p.m.

COUNCIL PRESENT

John Giles
Francisco Heredia
Jennifer Duff
Mark Freeman
Alicia Goforth
Scott Somers
Julie Spilsbury

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Holly Moseley
Jim Smith

Mayor's Welcome.

Mayor Giles conducted a roll call.

Invocation by Reverend Ozetta Kirby with Holy Trinity Community AME Church.

Pledge of Allegiance was led by Mayor Giles.

Awards, recognitions, and announcements.

Mayor Giles discussed the initiative Trees are Cool to plant a million trees in Mesa and recommended visiting the City's website to learn how to plant and record trees. He announced the Arbor Day proclamation and introduced Energy/Water Conservation Coordinator Donna DiFrancesco to provide an update on celebrating Arbor Day.

Ms. DiFrancesco stated the City of Mesa (COM) is proud to be a Tree City USA for the past 13 years and briefly described the Tree City USA program. She remarked the Trees are Cool initiative is part of the Mesa Climate Action Plan to conserve the environment and natural resources by planting one million trees by 2050. She highlighted Arbor Day events occurring in Mesa and introduced the partners involved.

Councilmembers thanked the community partners and students for their involvement.

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 Freeman, seconded by Councilmember Spilsbury, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

AYES – Giles–Heredia–Duff–Freeman–Goforth–Somers–Spilsbury
NAYS – None

Carried unanimously.

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

Minutes from the February 13 and March 20, 2023, Study Sessions; and April 3, 2023, Regular Council meeting.

*3. Take action on the following liquor license applications:

*3-a. Casa De Mambo

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Mambo's LLC, 1130 West Grove Avenue Suite 110; Cesar Osvaldo Perez, agent. There is no existing license at this location. **(District 3)**

*3-b. Pier 88 Boiling Seafood & Bar

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Riverview Seafood Group LLC, 945 North Dobson Road; Mei Chen, agent. There is no existing license at this location. **(District 3)**

*3-c. Quik Trip #1439

A convenience store is requesting a new Series 10 Beer and Wine Store License for QuikTrip Corporation, 9038 East Elliot Road; Perry Charles Huellmantel, agent. There is no existing license at this location. **(District 6)**

*3-d. The Stone Korean Tofu House

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for AZ Stone 1 LLC, 6910 East Hampton Avenue; Sol Park, agent. The previous license held by Kims Enterprise LLC will revert to the State. **(District 6)**

4. Take action on the following contracts:

*4-a. Purchase of a Shooting Range Target System (Replacement) for the Mesa Police Department. **(Citywide)**

This purchase is for an electric turning target system to be located at the Mesa Police shooting range with 28 shooting positions/target stands. The purchase will include all labor and materials for the new system and the removal and disposal of the old target system.

An evaluation committee recommends awarding the contract to the highest-scored proposal from Downrange Headquarters, LLC dba Spire Ranges for \$207,000.

- *4-b. Dollar Limit Increase to the Term Contract for Axon Flex On-Body Camera and Controlled Electrical Weapon Equipment, Supplies, and Storage for the Mesa Police Department (Replacements/Upgrades) (Sole Source). **(Citywide)**

The Police Department is requesting additional contract capacity to upgrade on-body cameras, upgrade to unlimited data storage, purchase additional controlled electrical weapons for Officers and Municipal Security, purchase Axon Investigate video playback and analysis system, and provide capacity for future needs.

The Police Department and Purchasing recommend increasing the dollar limit with the sole source vendor, Axon Enterprises, Inc. for Years 2 through 5 by \$952,600, from \$1,583,911.70 to \$2,536,511.70 annually, based on estimated usage.

- *4-c. One-Year Subscription with a One-Year Renewal Option for Electronic Device Access and Decryption Software for the Mesa Police Department (Sole Source). **(Citywide)**

The Police Department - Criminal Investigations Division is requesting the purchase of Cellebrite Premium, a cloud-based software to access and decrypt files on locked electronic devices. This software is used to collect digital evidence by gaining access to a variety of electronic devices.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, Cellebrite, Inc. at \$33,000 annually, based on estimated usage.

- *4-d. Four-Year Term Contract with Six Years of Renewal Options for a Victim Services Case Management Solution (Addition) for the Mesa Police Department (Grant Funded). **(Citywide)**

This contract will provide a Victims of Crime Act-compliant case management solution for the Victim Services Unit. The Unit must keep confidential records for each victim receiving services and currently does not have a case management tool. This software will provide a single platform to record, report, and analyze information efficiently and timely and provide real-time information on case history, services, and patterns for victims.

An evaluation committee recommends awarding the contract to the highest-scored proposal from CaseWorthy, Inc. at \$131,298.00, based on estimated requirements. This purchase is funded by the Justice Assistance Grant.

- *4-e. Dollar Limit Increase for the Purchase to Upgrade/Convert One (1) MD Helicopter (Sole Source) for the Mesa Police Department. **(Citywide)**

On December 1, 2022, Council approved the upgrade/conversion of the Police Department's Falcon 6 helicopter from an E-Model to an F-Model. During an inspection of the helicopter, issues were discovered that need to be addressed while the aircraft is disassembled. The vendor prepared an itemized price for the materials and labor totaling approximately \$145,000, the cost after a credit is applied plus a 10% contingency for additional unforeseen repairs.

The Police Department and Purchasing recommend increasing the dollar limit with the sole source vendor, MD Helicopter, LLC by \$145,000, from \$1,401,000 to \$1,546,000, based on estimated requirements. This purchase is funded by the Lifecycle Program Budget.

- *4-f. Purchase of One CNG Powered Roll-Off Refuse Truck (Addition) for the Solid Waste Department. **(Citywide)**

This purchase will provide a CNG powered roll-off truck for solid waste collection to service roll-off boxes that serve the City's Community Clean Up Program. This purchase supports the City's Climate Action Plan.

The Fleet Services and Solid Waste Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Freightliner of Arizona for \$382,283.61. This purchase is funded by Capital General Fund.

- *4-g. Use of a Cooperative Contract for the Purchase of Two Forklifts (One Replacement and One Addition) for the Fleet Services and Solid Waste Departments. **(Citywide)**

Fleet Services is requesting to replace a forklift that is damaged beyond repair and inadequate for their use. Solid Waste requires a forklift for the Household Hazardous Material site.

The Fleet Services and Solid Waste Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Arnold Machinery for \$87,646.21. This purchase is funded by the Fleet Internal Services Fund and Utility Replacement Extension & Renewal Fund.

- *4-h. One-Year Term Contract with Four Years of Renewal Options for Class 250 Residential Gas Meters for the Materials and Supply Warehouse (for the Energy Resources Department). **(Citywide)**

This contract will provide gas meters for new gas customers and as needed replacement meters used to measure gas usage for billing residential services. The meters are Advanced Metering Infrastructure (AMI) compatible.

The Business Services and Energy Resources Departments and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidders, Energy Economics, Inc. and Tri Pacific Supply, Inc. at \$1,027,000 annually, with an annual increase allowance of up to 5% or the adjusted Producer Price Index.

- *4-i. Three-Year Term Contract with Two Years of Renewal Options for Demand Response (DR) Program Services for the Energy Resources Department (Single Response). **(Citywide)**

This contract will provide the City's electric utility the ability to reduce summer peak demand. There are approximately 17,500 customers in Mesa's Electric Service Area (ESA), 14,500 of which are residential customers. A substantial portion of these residential customers already have smart thermostats according to data from thermostat vendors. The DR service allows the City's electric utility staff to call upon those smart thermostats (for those customers who have voluntarily enrolled in the program) to

reduce their air conditioning load during peak market pricing events to save money for all of the electric utility customers by avoiding expensive electric market purchases. Customers will be offered an incentive by the electric utility in exchange for participating in the program.

The evaluation committee recommends awarding the contract to the single and qualified proposal from Virtual Peaker, Inc.; Year 1 at \$152,000, Year 2 at \$112,500, and Year 3 at \$122,600, including use tax, for the three-year total of \$387,100, based on estimated requirements.

- *4-j. Use of Cooperative Contracts for the Purchase of Furniture, Furnishings and Kitchen Equipment for The Post for the Parks, Recreation and Community Facilities Department. **(Citywide)**

The Post, the City's new event venue, is currently scheduled to open this summer. The use of these contracts will allow the purchase of tables, chairs, risers, skirting and carts/storage for the venue and equipment for the serving kitchen available for use by lessees and their caterers.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the purchase using the BuyBoard Texas Association of School Boards, Inc. cooperative contract with MityLite, Inc. for \$175,000; and the Mohave cooperative contract with Arizona Restaurant Supply, Inc. for \$40,000; for the combined total of \$215,000.

- *4-k. Three-Year Term Contract with Two Years of Renewal Options for Two Master Job Order Contracts for Landscaping Construction Services. **(Citywide)**

Job Order Master contracts for landscape construction services include renovations and repairs, additions, demolitions, and facility improvements for a broad range of landscape-related improvements.

Staff recommends approving the selection of Valley Rain Construction Corporation and Haydon Companies, LLC, for the Job Order Contracts for landscaping construction services. These two master contracts allow for the issuance of multiple individual job orders with a limit of \$4,000,000 per job order, or as otherwise approved by Council. The contracts will be funded from the Capital Improvement Program and approved by the appropriate City departments.

5. Take action on the following resolutions:

- *5-a. Authorizing and supporting the submittal of a grant application by Child Crisis Arizona to the Fort McDowell Yavapai Nation in the amount of \$15,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12016
- *5-b. Authorizing and supporting the submittal of a grant application by Arizona Burn Foundation to the Fort McDowell Yavapai Nation in the amount of \$100,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12017

- *5-c. Authorizing and supporting the submittal of a grant application by Desert Sounds Performing Arts to the Fort McDowell Yavapai Nation in the amount of \$15,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12018
- *5-d. Authorizing and supporting the submittal of a grant application by Gene Lewis Boxing Club to the Fort McDowell Yavapai Nation in the amount of \$7,500, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12019
- *5-e. Authorizing and supporting the submittal of a grant application by Child Crisis Arizona to the Ak-Chin Indian Community in the amount of \$25,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12020
- *5-f. Authorizing and supporting the submittal of a grant application by Desert Sounds Performing Arts to the Ak-Chin Indian Community in the amount of \$15,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12021
- *5-g. Authorizing and supporting the submittal of a grant application by Gene Lewis Boxing Club to the Ak-Chin Indian Community in the amount of \$25,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12022
- *5-h. Authorizing and supporting the submittal of a grant application by Alice Cooper's Solid Rock Teen Center to the Ak-Chin Indian Community in the amount of \$30,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 12023
- *5-i. Setting May 15, 2023 as the public hearing date to review the proposed FY2023/2024 annual assessments for the Mesa Town Center Improvement District No. 228. The proposed final assessments do not include any rate increases. **(District 4)** – Resolution No. 12024
- *5-j. Approving and authorizing the City Manager to enter into a First Amendment to the Development Agreement with Dobson Properties Sub-fund, LLC to modify compliance dates for the development of approximately 6.08 acres located at 139 North Dobson Road. The First Amendment to the Development Agreement will facilitate the development of a four-story, multi-family residential development. **(District 3)** – Resolution No. 12025

6. Introduction of the following ordinances and setting May 1, 2023, as the date of the public hearing on these ordinances:

- *6-a. ZON21-01072 “Villas on Baseline” **(District 4)** Within the 1800 block of East Baseline Road (north side). Located north of Baseline Road and west of Gilbert Road (2± acres). Rezone from Agricultural (AG) to Multiple Residence-4 with a Planned Area Development overlay (RM-4-PAD) and Site Plan Review. This request will allow for a townhouse development. David Bohn, BFH Group, LLC, applicant; DGI Utah LLC, owner. – Introduced Ordinance No. 5778

Staff Recommendation: Approval with conditions

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

- *6-b. ZON22-01015 “Cannon Beach PAD Amendment” (**District 6**) Within the 4400 to 4600 blocks of South Power Road (east side) and within the 6800 to 7100 blocks of East Warner Road (south side). Located east of Power Road and south of Warner Road (44± total acres). Rezone 1.6± acres from Agricultural (AG) to General Commercial with a Planned Area Development overlay (GC-PAD); modification of an existing Planned Area Development on the entire 44± acres and Major Site Plan Modification. This request will allow for a commercial development. Sean Lake, Pew & Lake, PLC, applicant; Power 40, LLC; owner. – Introduced Ordinance No. 5779

Staff Recommendation: Approval with conditions

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

- *6-c. ZON22-01214 “Chick-Fil-A” (**District 3**) Within the 1200 to 1300 blocks of West Southern Avenue (north side); within the 1100 block of South Stewart (east side), and within the 1000 to 1100 blocks of South Alma School Road (west side). Located west of Alma School Road on the north side of Southern Avenue (16± acre). Major Site Plan Modification. This request will allow for a restaurant with a drive-thru. Brandi Loper, 4G Development & Consulting, Inc., applicant; Fiesta Commercial, LLC, owner. – Introduced Ordinance No. 5780

Staff Recommendation: Approval with conditions

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

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

- *7-a. ANX23-00123 (**District 6**) Annexation of a portion of the county right-of-way on Power Road, located within the 2000 through 3000 blocks of South Power Road, from Baseline Road south to approximately 1,300 feet south of Guadalupe Road (15.77± acres). – Ordinance No. 5776
- *7-b. ZON22-00714 “Evergreen @ Hawes” (**District 6**) Within the 2200 block of South Hawes Road (east side). Located south of Baseline Road on the east side of Hawes Road (5± acres). Rezone from Office Commercial (OC) and Multiple Residence-2 (RM-2) to Multiple Residence-2 with a Planned Area Development overlay (RM-2-PAD) and Site Plan Review. This request will allow for a multiple residence development. Sean Lake, Pew and Lake, PLC, applicant; Price Revocable Trust, owner. – Ordinance No. 5777

Staff Recommendation: Approval with conditions

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

Items not on the Consent Agenda:

8. Items from citizens present.

Verl Farnsworth, a Mesa resident, discussed his prior request to open an investigation into allegations made during the Joint Senate and House Elections Committee meeting held in February, and referenced the list of City officials. He inquired whether the Mayor, Councilmembers, City Manager, and City Attorney have done their job to investigate the allegations. He requested the COM issue a statement reporting on the internal investigation that he deems necessary.

In response to a question from Mayor Giles, City Attorney Jim Smith agreed that the implication that Councilmembers are involved in collusion amounts to a personal attack and indicated a response is appropriate.

Mayor Giles stated the COM did respond to the allegations and invited Mr. Farnsworth to look up that article. He explained that the individual who made the allegations was prosecuted for domestic violence in Mesa and included names of those involved in Mesa's criminal justice system. He encouraged Mr. Farnsworth to review newspaper articles on the matter that found no credible evidence to the allegations.

Barbara Blewster, a Mesa resident, provided comments and background on the United Nations 2030 Agenda for sustainable development. She said a free enterprise system is needed, not government dictating what the taxpayers should do. She requested that Council not be a part of the United Nations 2030 Agenda.

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:28 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 17th day of April 2023. 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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