



# COUNCIL MINUTES

July 5, 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 5, 2022, at 6:08 p.m.

## COUNCIL PRESENT

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

## COUNCIL ABSENT

Kevin Thompson

## OFFICERS PRESENT

Christopher Brady  
Holly Moseley  
Jim Smith

Mayor's Welcome.

Mayor Giles conducted a roll call.

Mayor Giles excused Councilmember Thompson from the entire meeting.

Invocation by David Nawi with Spiritual Assembly of the Baha'is of Mesa.

Pledge of Allegiance was led by Mayor Giles.

There were no awards, recognitions, or announcements.

### 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-Duff-Freeman-Heredia-Luna-Spilsbury  
NAYS – None  
ABSENT – Thompson

Mayor Giles declared the motion carried unanimously by those present.

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

Minutes from the June 20, 2022, Study Session; and the June 20, 2022, Regular Council meeting.

3. Take action on the following liquor license applications:

\*3-a. LA Crab Shack

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for LA Crab Shack Mesa LLC, 1948 West Broadway Road, Suite 101; Jared Michael Repinski, agent. The existing license held by LA Crab Shack LLC, will revert to the State. **(District 3)**

4. Take action on the following contracts:

\*4-a. Purchase of One Medium-Duty Aerial Bucket Truck and Service Body (Addition) for the Transportation Department as requested by the Fleet Services Department. **(Citywide)**

Transportation Field Operation will use this Altec aerial truck with a 50 ft. articulated/telescopic aerial bucket for streetlight fixture replacements and maintenance, signal repair, sign maintenance, and for the high-pressure sodium (HPS) to light-emitting diode (LED) streetlight conversion project.

The Fleet Services and Transportation Departments and Purchasing recommend authorizing the purchase using the Sourcewell (formerly NJPA) cooperative contract with Altec Industries, Inc., at \$267,783.57. This purchase is funded by the Local Streets Fund.

\*4-b. Three-Year Term Contract with Two Years of Renewal Options for Gas Masks and Canisters for the Mesa Police Department. **(Citywide)**

This contract will provide a source for Gas Masks and replacement Canisters for the Mesa Police Department. Gas masks become less functional with use and element exposure. Canisters have an expiration date, which is accelerated by usage.

The Police Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Mallory Safety and Supply, at \$290,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

\*4-c. One-Year Term Contract for Toxicology Drug Screening Analysis for the Mesa Police Department (Sole Source). **(Citywide)**

This contract will provide drug screening supplies/reagents for use in the Toxicology Unit.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, Radox Toxicology, at \$140,000 annually, based on estimated usage.

- \*4-d. Five-Year Term Contract with Two, Two-Year Renewal Options for Private Jailing Services for the Mesa Police Department (Single Proposal Response). **(Citywide)**

This contract will provide jailing services to include booking, transportation, maintenance, and operations of temporary housing of misdemeanor offenders for the Police Department. The vendor, CoreCivic, will provide care and treatment, including the furnishing of subsistence, necessary medical care, and applicable social service programs.

An evaluation committee recommends awarding the contract to the highest scored proposal from CoreCivic: Year 1, at \$4,800,000, Year 2, at \$5,100,000, Year 3, at \$5,400,000, Year 4, at \$5,700,000, and Year 5, at \$6,000,000.

- \*4-e. Three-Year Term Contract with Two Years of Renewal Options for Water Transmission Main Inspection Services for the Water Department. **(Citywide)**

The Contractors will provide inspection, material testing, leak surveys, and condition assessment services for the City's water and reclaimed transmission mains services include using specialized methods required for non-destructive evaluation of concrete cylinder pipe, pre-stressed concrete cylinder pipe, ductile iron pipe, welded steel pipe, and asbestos-cement pipe, and supply comprehensive analysis and reports of the findings.

An evaluation committee recommends awarding the contract to the highest scored proposal(s) of each Area/Group: Construction Product Marketing, LLC; Echologics, LLC; Pure Technologies US, Inc.; and Simpson Gumpertz & Heger, Inc.; at \$500,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-f. Three-Year Term Contract with Two Years of Renewal Options for Ferrous Chloride for the Water Resources Department. **(Citywide)**

The Water Resources Department operates approximately nineteen sulfide odor control stations. Ferrous chloride is a chemical that is used in the wastewater treatment process to control odor by mitigating hydrogen sulfide formation. The chemical is critical to protect public health and the City's wastewater assets.

An evaluation committee recommends awarding the contract to the two, highest scored proposals from Pencco, Inc. and Kemira Water Solutions, Inc., at \$2,408,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-g. Use of a Cooperative Contract for a One Year Term Contract with Four Years of Renewal Options for Refrigerated Liquid Carbon Dioxide for the Water Resources Department. **(Citywide)**

This contract provides refrigerated liquid carbon dioxide which is required for the water treatment process at the Signal Butte Water Treatment Plant. This chemical is considered critical to the operation of the plant as it is used in the production of drinking water for the City.

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 Reliant Gases, LTD, at \$150,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-h. Three-Year Term Contract with Two Years of Renewal Options for Bulk Methanol for the Water Resources Department. **(Citywide)**

This contract will provide the purchase and delivery of bulk methanol that is used in the water treatment process at the Northwest Water Reclamation Plant.

An evaluation committee recommends awarding the contract to the two, highest scored proposals from Tarr, LLC and Thatcher Company of Arizona, Inc., at \$585,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-i. Ellsworth Road and Gateway Boulevard Utility and Roadway Improvements - Pre-Construction Services and Construction Manager at Risk (CMAR). **(District 6)**

This project includes the installation of a waterline along Ellsworth Road from SR 24 south to Pecos Road, a waterline and a sewer line along Gateway Boulevard from the Ray Road and Hawes Road intersection to the Ellsworth Road and Williams Field Road, the construction of Gateway Boulevard, from Ellsworth Road heading west to the first intersection at Aviation Way, the construction of Aviation Way along with water and sewer improvements within Aviation Way, and improvements to Ellsworth Road from the City limits to Ray Road to 3 lanes of traffic in each direction with a raised median.

Staff recommends selecting Sundt Construction, Inc., as the CMAR for this project, and awarding a pre-construction services contract in the amount of \$648,561. This project is funded by the Utility Systems Revenue Obligations, the 2020 Street Bonds, and the Transportation fund.

- \*4-j. Fiber Network Expansion Phase 2 - Materials Procurement - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 1. **(Citywide)**

This is the first of multiple GMPs that will allow the City to complete a fiber optic network ring around downtown Mesa and at other locations throughout the City. For this Materials Procurement GMP No. 1, the CMAR, CS Construction Inc., will order the following items: fiber-optic cable, conduit, pull boxes, vaults, and tracer wire, and will provide short-term storage of these materials.

Staff recommends awarding a construction services contract to CS Construction, Inc., in the amount of \$1,377,277.24, (GMP No. 1) and authorizing a change order allowance in the amount of \$68,863.86 (5%), for a total amount of \$1,446,141.10. This project is funded by the 2018 Public Safety bonds.

- \*4-k. Northwest Water Reclamation Plant (NWWRP) Process Improvements - New Flare Construction, Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 1. **(District 3)**

This is the first of multiple GMPs for this project. GMP No. 1 includes construction of a new flare to replace the existing flare that is beyond its service life and in need of replacement to allow the plant to continue to operate within its treatment and air permit requirements.

Staff recommends awarding a contract for this project to Archer Western in the amount of \$2,051,302.46 (GMP No. 1) and authorizing a change order allowance in the amount of \$205,130.25 (10%), for a total amount of \$2,256,432.71. This project is funded by Utility Systems Revenue Obligations.

- \*4-l. Northwest Water Reclamation Plant (NWWRP) - Food to Energy Program, Phase 1: Flare to Fuel Project - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 1. **(District 3)**

This is the first of multiple GMPs for this project. GMP No. 1 will include early procurement of the following items: Granite Fuels Biogas Upgrading System; gas monitoring system; gas odorizer system; valves and piping; and electrical equipment and will provide short-term storage of these materials.

Staff recommends awarding a construction services contract to Archer Western Construction in the amount of \$4,844,773.16 (GMP No. 1) and authorizing a change order allowance in the amount of \$484,477.32 (10%), for a total amount of \$5,329,250.48. This project is funded by the Enterprise Fund and the Environmental Compliance Fee Fund.

5. Take action on the following resolutions:

- \*5-a. ZON22-00049 **(District 6)** Within the 6800 to 7200 blocks of South Crismon Road (east side) and within the 10000 to 10400 blocks of East Pecos Road (south side). Located south of Pecos Road on the east side of Crismon Road (38± acres). Site Plan Review. This request will allow for an industrial development. Adam Baugh, Withey Morris, PLC, applicant; The Cubes at Mesa Gateway, LLC, owner. – Resolution No. 11891

Staff Recommendation: Approval with conditions

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

- \*5-b. Approving and authorizing the City Manager to accept up to \$40,000 made available through the Grants for Arts Projects grant through the National Endowment for the Arts. The grant will fund a portion of the costs for the Spark Youth Media Festival, a partnership of Arizona State University and Mesa Arts Center. **(Citywide)** – Resolution No. 11892
- \*5-c. Approving and authorizing the City Manager to accept up to \$50,000 made available through the Creative Forces grant made available through the Mid-America Arts Alliance and the National Endowment for the Arts. The grant will fund program operating costs for the Arts in Service program at the Mesa Arts Center. **(Citywide)** – Resolution No. 11893
- \*5-d. Approving and authorizing the City Manager to enter into a Grant Pass-Thru Agreement with the City of Phoenix for a grant award of \$920,000 through the Federal Transit Administration (FTA) Pilot Program for Transit Oriented Development (TOD) Planning. The funding (\$920,000 in FTA grant funds and a required \$230,000 City match) will allow the City to fund Mesa CONNECTED, a comprehensive TOD planning program to support a possible streetcar project in an area along the Dobson Road/Southern Avenue/Country Club Drive corridor. **(Districts 3 and 4)** – Resolution No. 11894

- \*5-e. Approving and authorizing the City Manager to enter into a Development Agreement with Whane of Mesa Limited Partnership, LLLP, relating to approximately 48 acres of land located north of the northwest corner of Elliot Road and Signal Butte Road, for the purpose of opting into the Elliot Road Technology Corridor. **(District 6)** – Resolution No. 11895
- \*5-f. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Flood Control District of Maricopa County for the Baseline and Signal Butte Roads Drainage Project. The County will fund seventy-five percent of the project design and construction costs incurred for up to a maximum contribution of \$500,000. The City will be responsible for funding the remainder of the cost. **(Districts 5 and 6)** – Resolution No. 11896
- \*5-g. **See: Items not on the Consent Agenda.**

6. Introduction of the following ordinances and setting July 11, 2022, as the date of the public hearing on these ordinances:

- \*6-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.

Staff Recommendation: Approval with conditions

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

- \*6-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.

Staff Recommendation: Approval with conditions

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

- \*6-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.

Staff Recommendation: Approval with conditions

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

- \*6-d. 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)

- \*6-e. 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.

- \*6-f. 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.

Staff Recommendation: Approval with conditions

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

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

- \*7-a Amending Title 2, Chapter 3 of the Mesa City Code pertaining to the Judicial Advisory Board to include an additional process for appointing City Magistrates. (**Citywide**) – Ordinance No. 5710

- \*7-b 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.

Staff Recommendation: Approval with conditions

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

**(For continuance to the July 11, 2022, City Council meeting)**

Items not on the Consent Agenda

- 5-g. Accepting Mesa's Climate Action Plan 2.0 with updated Aspirational Goals that will inform consideration of actions within City Operations and enhance community resilience through collaboration and inclusive engagement. (**Citywide**) – Resolution No. 11987

Anna Rose Mohf Almeida, a Mesa resident, spoke in support of Mesa's Climate Action Plan (MCAP) 2.0. She stated she has been working on the climate crisis mitigation for more than a

decade and expressed gratitude to the City of Mesa for taking the climate crisis seriously. She encouraged Council to compare Mesa's carbon neutrality goals of 2050 with those of Tempe, Phoenix, and Tucson, which all have carbon neutrality goals set for 2030. She suggested the establishment of a citizen council on climate and sustainability, and noted Scottsdale has a citizen appointed advisory commission that provides guidance on the prioritization of current and future environmental activities and makes recommendations to the City Council.

Shelly Gordon, a Mesa resident, spoke in support of MCAP 2.0 and her concern with the impact of climate change for City residents and businesses. She expressed the opinion that a Climate Action Advisory Commission would be a valuable tool for the City of Mesa in implementing its Climate Action Plan (CAP). She mentioned cities with similar commissions and what they do to advance sustainability. She added that MCAP 2.0 is ambitious and comprehensive in its approach, addressing all the threats to sustainability and citizens thriving, as well as providing good mitigation strategies and programs.

Vice Mayor Duff expressed her support for the establishment of a Climate Action Advisory Board (CAAB). She commented the advisory board is a great opportunity to bring collaboration between businesses, technology, residents, and all aspects of Mesa's community to achieve a common goal.

Mayor Giles commented Mesa embraces the fourth pillar of the MCAP 2.0, which is community engagement, and the Climate Action Plans within the valley and throughout the world rely on the advancement of technology. He mentioned City departments have found innovative ways to implement the CAP, and Mesa is more aggressive than a lot of other communities.

It was moved by Vice Mayor Duff, seconded by Councilmember Spilsbury, that Mesa's Climate Action Plan 2.0 with updated Aspirational Goals be approved. - Resolution No. 11897

Upon tabulation of votes, it showed:

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


Mayor Giles declared the motion carried unanimously by those present.

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:30 p.m.

  
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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 5<sup>th</sup> day of July. I further certify that the meeting was duly called and held and that a quorum was present.

  
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HOLLY MOSELEY, CITY CLERK

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