



COUNCIL MINUTES

June 20, 2022

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 20, 2022, at 5:45 p.m.

COUNCIL PRESENT

John Giles
Jennifer Duff
Francisco Heredia
David Luna
Mark Freeman
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 led a moment of silence, followed by the Pledge of Allegiance.

Awards, recognitions, or announcements:

Mayor Giles announced a proclamation was presented at Zen Nights Juneteenth Block Party to recognize June 19, 2022, as Juneteenth celebration day in the City of Mesa. He stated that 157 years ago, Texas was the last state to be officially notified of the Emancipation Proclamation where all enslaved people were freed. He emphasized the importance of this monumental date in the Country's history and celebrating diversity in the City of Mesa.

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 April 28, 2022, Study Session and June 6, 2022, Regular Council meeting.

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

- *3-a. Reappointing Presiding City Magistrate, John Tatz, to a two-year term beginning July 1, 2022, and ending June 30, 2024.
- *3-b. Reappointing City Magistrate, Elizabeth Arriola, to a four-year term beginning July 1, 2022, and ending June 30, 2026.
- *3-c. Reappointing City Magistrate, Alicia Lawler, to a four-year term beginning July 1, 2022, and ending June 30, 2026.
- *3-d. Reappointing City Magistrate, Raymond Schumacher, to a two-year term beginning July 1, 2022, and ending June 30, 2024.

4. Take action on the following liquor license applications:

*4-a. Hawk's Nest

An ice-skating rink is requesting a new Series 7 Beer and Wine Bar License for Dimension's Business Group LLC, 140 North Country Club; Juanita Alica Esparza, agent. There is no existing license at this location. **(District 4)**

*4-b. El Herradero Carniceria Y Restaurante

A restaurant with an on-site butcher shop is requesting a new Series 10 Beer and Wine Store License for Lopez Asociados LLC, 10839 East Main Street, Suite 109; Veronica Lopez Sanchez, agent. There is no existing license at this location. **(District 5)**

5. Take action on the following contracts:

- *5-a. Purchase of Stage Curtains (Replacements) for the Mesa Arts Center, Ikeda and Piper Theaters, as requested by the Arts and Culture Department. **(Citywide)**

The existing curtains are seventeen years old. They currently fail current fire treatment guidelines and are also dry rotting. This purchase will replace the existing curtains with new curtains that are made with inherently fire-retardant materials.

The Arts and Culture Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, IWEISS Holdings LLC, dba IWEISS, at \$51,575.04.

- *5-b. Three-Year Term Contract with Two Years of Renewal Options for Asphalt Equipment Repairs and Service for the Fleet Services Department (Sole Source). **(Citywide)**

Fleet Services has three Rayner RoadSaver slurry seal and micro surfacing machines that have been serviced in-house because there was not a vendor with adequate expertise in Arizona. The department is now sending the RoadSaver equipment to Bearcat Manufacturing for annual services and repairs, as they can provide a higher level of support and service.

The Fleet Services Department and Purchasing recommend awarding the contract to the sole source vendor, EDECO Southwest Services Company, LLC, dba Bearcat manufacturing, at \$100,000 annually, based on estimated usage, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-c. Dollar-Limit Increase to the Term Contracts for Custodial Services - Zones 5, 6, and 7 for the Parks, Recreation and Community Facilities Department. **(Citywide)**

The vendor requested an overall pricing increase of 7.5% to the Custodial Services contracts for Zones 5, 6 and 7, retroactive to the start of Year 3, 3/1/2022. They submitted verifiable justification for the increases in labor costs, as well as materials and supplies.

The Parks, Recreation and Community Facilities Department and Purchasing recommend increasing the dollar-limit with Kellermeyer Bergensons Services LLC for Zones 5, 6, and 7, cumulatively, by \$182,937.55, from \$2,928,857.60 to \$3,111,795.15 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-d. Three-Year Term Contract with Two Years of Renewal Options for Bird Control and Removal Services for the Parks, Recreation and Community Facilities Department. **(Citywide)**

The services provided under this contract include installation of bird netting, spikes, or mechanical devices that deter pigeons and other fowl from nesting and roosting on City buildings and other structures, and pressure washing areas that contain bird droppings to maintain a clean and inviting environment.

An evaluation committee recommends awarding the contract to the highest scored proposal from Southwest Avian Solutions, LLC, at \$57,200 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 Controlled Substance Screening for the Mesa Police Department. **(Citywide)**

The Police Department recognizes that to meet the high standards of performance, professionalism, and personal conduct required of those involved in the police profession, its members must be free of the debilitating effects of controlled substances or illegal drugs. This contract will provide for random controlled substance screening of department members.

An evaluation committee recommends awarding the contract to the sole, responsive proposal from NextCare Arizona, LLC, at \$30,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-f. One-Year Term Contract with Two Years of Renewal Options for a License Plate Reader Data Subscription for the Mesa Police Department. **(Citywide)**

In 2016, the Fusion Center purchased a subscription with Vigilant to have access to data related to License Plate Reader (LPR) scans. This software solution allowed queries of LPR data that is gathered by camera equipped vehicles. This information has proven to be a valuable tool for criminal investigations. This purchase will expand access to LPR data to all sworn Officers.

The Police Department and Purchasing recommend authorizing the purchase using the Houston-Galveston Area Council (HGAC Buy) cooperative contract with Vigilant Solutions, LLC, at \$33,500 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-g. One-Year Term Contract for Qiagen Consumables and Supplies for DNA Analysis for the Mesa Police Department (Sole Source). **(Citywide)**

In April 2009, Council approved the purchase of a QIAGEN QIAAsymphony instrument for the Police Department's Forensic Services Division to analyze DNA cases. To complete DNA extractions, consumable kits and supplies are required.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, QIAGEN, Inc., at \$200,000 annually, based on estimated usage.

- *5-h. One-Year Term Contract with Four Years of Renewal Options for Transportation Landscape Maintenance Services for the Transportation Department. **(Citywide)**

This contract will provide landscape, mowing, and irrigation services required to maintain and improve landscape assets located within the right of way, roadway medians, transit centers, bus stops, multi-use pathways, and other City maintained properties. Landscape maintenance locations are divided into five landscape route areas and four turf route areas that are maintained on cyclical schedules, depending on service levels and needs.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidders, Reyes & Sons Landscaping, LLC and Mariposa Landscape Arizona, Inc., at \$2,600,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. This purchase is funded by the Highway User Revenue Fund and Local Streets Fund.

- *5-i. Three-Year Term Contract with Two Years of Renewal Options for Pavement Preservation Materials for the Transportation Department. **(Citywide)**

This contract will provide pavement preservation materials for use by Transportation's in-house crews to maintain the City's roadways and extend the life of the pavement.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidders of each Group: GuardTop, LLC; Quality Emulsions, LLC (a Mesa business); Musgrove Enterprises, dba SealMaster Arizona; and Holbrook Asphalt Co., at \$6,258,000 annually, with an annual increase allowance of up to 5%, or based on the market indexes identified in the contract. This purchase is funded by the Highway User Revenue Fund.

- *5-j. Three-Year Term Contract with Two Years of Renewal Options for Pavement Preservation Services for the Transportation Department. **(Citywide)**

This purchase is for contract services to install pavement preservation materials on roadways throughout the City.

The Transportation Department and Purchasing recommend Primary and Secondary awards to the lowest, responsive and responsible bidders of each Group and Section: Cactus Asphalt, a Division of Cactus Transport, Inc.; Copper State Pavement, Inc.; Holbrook Asphalt Co.; Morgan Industries, Inc.; Southwest Slurry Seal, LLC; Sunland Asphalt & Construction, LLC; Talis Construction Corporation, at \$12,000,000 annually, with an annual increase allowance of up to 5%, or based on the market indexes identified in the contract.

- *5-k. Three-Year Term Contract with Two Years of Renewal Options for Fire Hydrant Rehabilitation and Replacement Services for the Water Resources Department. **(Citywide)**

This contract will provide fire hydrant and water valve installation, rehabilitation and replacement services and materials, as well as supplementing Water Resources' efforts to accelerate fire hydrant maintenance, repairs, and replacements due to age.

An evaluation committee recommends awarding the contract to all three qualified and responsive proposals from Hydra Contracting, LLC; SDB Inc., dba SDB Contracting Services; and WaCo, LLC, dba WaCo Contracting, at \$500,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-l. Central Mesa Reuse Pipeline - Pre-Construction Services and Construction Manager at Risk (CMAR). **(Districts 1, 2, and 5)**

The City of Mesa desires to utilize delivery of reclaimed water produced at the Northwest Water Reclamation Plant as part of a water exchange agreement with the Gila River Indian Community (GRIC). To further maximize the benefits of this exchange agreement, the City has determined that the construction of a 10.5-mile reclaimed water pipeline will be necessary.

Staff recommends selecting Garney Companies, Inc., as the CMAR for this project, and awarding a pre-construction services contract in the amount of \$2,932,147.09. This project is funded by Utility Systems Revenue Obligations.

6. Take action on the following resolutions:

- *6-a. Authorizing the City Manager to execute an individual job order, currently under a Job Order Master Contract, with a value of up to \$2,000,000 for the Alma School Road Arterial Reconstruct Mill and Overlay Improvements Project so that the remaining Alma School Road roadway work can be completed on a timely schedule and with minimal disruptions to traffic and the general public. **(Districts 3 & 4)** – Resolution No. 11885
- *6-b. Approving an increase in the maximum dollar amount for individual job orders under existing Job Order Master Contracts for the following construction services: water and wastewater, transportation, general, utility, and landscaping construction services, from \$1,500,000 to \$4,000,000 per job order, and small tenant improvements from \$250,000

per job order to \$500,000 per job order and authorizing the City Manager to approve future job orders under Job Order Master Contracts. **(Citywide)** – Resolution No. 11886

The City's current Job Order Master Contracts that will be affected are with the following: Garney Construction, Inc., and Archer Western Construction, LLC (water and wastewater); Talis Construction Corporation, Nesbitt Contracting Company, and M.R. Tanner Construction (transportation); CORE Construction, Inc., SDB Contracting Services, and ForeSite Design & Construction, Inc. (general); B&F Contracting, Inc., Garney Construction, and Hunter Contracting, Inc. (utility); Valley Rain Construction Corporation, and Haydon Building Corporation (landscape); and Builders Guild Inc., Integrity Building Corp., and SD Crane Builders, Inc. (small tenant improvements).

- *6-c. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with Queen Creek Unified School District #95 for reimbursement of the salary and benefits of a Mesa Police Officer to perform School Resource Officer duties. **(Citywide)** – Resolution No. 11887
- *6-d. Authorizing the City Manager and the City Attorney to purchase insurance for the City including property, liability, cyber risk, and aviation insurance, and authorizing additional insurance purchases and renewals. **(Citywide)** – Resolution No. 11888
- *6-e. Designating the Chief Fiscal Officer with the authority to submit the City's 2022/2023 fiscal year Expenditure Limitation Report to the Arizona Auditor General on behalf of the City Council, as required by state statute. **(Citywide)** – Resolution No. 11889
- *6-f. Levying the amount to be collected by a secondary property tax and the rate upon each one hundred dollars (\$100) of assessed valuation of property subject to taxation within the City of Mesa for the fiscal year ending June 30, 2023. **(Citywide)** – Resolution No. 11890

7. Introduction of the following ordinances and setting July 5, 2022, as the date of the public hearing on these ordinances:

- *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)**

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

- *8-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.

Staff Recommendation: Approval with conditions

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

For continuance to the July 5, 2022 City Council meeting.

- *8-b. ZON21-01285 **(District 6)** Within the 4900 to 5200 blocks of South Power Road (east side) and within 6800 to 7000 blocks of East Ray Road (north side). Located north of Ray

Road on the east side of Power Road (41± acres). Site Plan Modification. This request will allow for the development of a hotel. Jose Pombo, Vivo Development Partners, applicant; Power 202 Mixed Use, LLC., owner. – Ordinance No. 5707

Staff Recommendation: Approval with conditions

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

- *8-c. ZON22-00093 (**District 6**) Within the 7900 block of East Warner Road (south side). Located east of Sossaman Road and west of Hawes Road (50± 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. Shane Cassidy, Comunale Properties, applicant; Victor Riches, owner. – Ordinance No. 5708

Staff Recommendation: Approval with conditions

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

- *8-d. ZON22-00160 (**District 3**) Within the 800 block of North Country Club Drive (west side), within the 400 block of West Rio Salado Parkway (north side), and within the 400 block of West 9th Street (south side). Located south of Brown Road on the west side of Country Club Drive (2.3± acres). Rezone from Multiple Residence (RM-4) and Limited Commercial (LC) to Limited Commercial with a Bonus Intensity Zone overlay (LC-BIZ), Site Plan Review. This request will allow the development of a new Child Crisis Arizona headquarters. Chris Woosley, Architectural Resource Team, applicant; SAFE KIDS STRONG FAMILIES LLC, owner. – Ordinance No. 5709

Staff Recommendation: Approval with conditions

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

Items not on the Consent Agenda.

9. Take action on the following contract:

Mayor Giles yielded the gavel to Vice Mayor Duff for action on this agenda item.

- 9-a. Signal Butte Water Treatment Plant Expansion - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 1 (**District 6**)

The Signal Butte Water Treatment Plant (SBWTP) was constructed in 2018 to deliver 24 million gallons per day (MGD) to meet the growth in southeast Mesa. Because of rapid growth, additional water capacity is needed to meet demands. This project will expand the SBWTP to produce 48 MGD of treated water. The project will also include the construction of a second 8-million-gallon reservoir to store and distribute the treated water, as well as the procurement of long lead items, including large custom valves, pipe and fittings, stainless steel watertight roll up doors, large pumps, and variable frequency drives (VFDs).

Staff recommends awarding a construction services contract to McCarthy Building Companies in the amount of \$5,237,028 (GMP No. 1), and authorizing a change order

allowance of \$523,702.80 (10%), for a total of \$5,760,730.80. This project is funded by Utility Systems Revenue Obligations.

It was moved by Councilmember Freeman seconded by Councilmember Spilsbury, to approve the construction services contract for the Signal Butte Water Treatment Plant expansion.

Upon tabulation of votes, it showed:

AYES – Duff–Freeman–Heredia–Luna–Spilsbury

NAYS – None

ABSTAIN – Giles

ABSENT –Thompson

Vice Mayor Duff declared the motion carried unanimously by those present and voting.

With action on this agenda item being completed, Vice Mayor Duff yielded the gavel back to Mayor Giles.

10. Items from citizens present.

Jerry Barron, a Mesa resident, stated he has resided in Mesa for 60 years and purchased land in the Ghost rider community over 15 years ago. He requested a meeting with the Mayor and City Staff to discuss this ongoing problem and come to a conclusion. He indicated the need for a right-of-way to develop or to sell the land for which he has paid taxes on.

Ivy Coppo, a Mesa resident, discussed the annexation of the Ghost rider subdivision to the City. She stated there are eight homeowners, and most are without water, sewer, fire hydrants, roads, or easements. She remarked the community has attempted to write real estate laws, propose special tax districts, declare eminent domain, and annex back to the County. She stressed the importance of fire hydrants to ensure community safety. She referenced a letter received from the City that presented several options. She requested a meeting with the City and that this item be placed on the Council agenda.

Ron Trout, a Mesa resident, stated he has lived in Mesa since 1988 and has owned and paid taxes on his Ghost rider property since 1993. He indicated property owners were required to annex from the County to the City of Mesa and stressed the importance of meeting to ensure people can build and sell their property to move the City forward.

Mayor Giles thanked the citizens for their comments.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:07 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 20th day of June 2022. 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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