



## COUNCIL MINUTES

April 15, 2019

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on April 15, 2019 at 5:53 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 Drew Arliskas with Mountain Vista Bible Church.

Pledge of Allegiance was led by Mayor Giles.

Awards, Recognitions and Announcements.

Mayor Giles presented a proclamation for Sonoran Desert Chorale.

Jeff Harris, founding Director of Sonoran Desert Chorale, commented that the choral group started 26 years ago and performs at the First United Methodist Church. He stated that his last concert will be held on May 4, 2019 at First United Methodist Church and is called "Sing On." He thanked Council for the support.

John Page, President of Sonoran Desert Chorale, remarked that he is a singing member of the chorale and thanked Jeff Harris for his 25 years of dedication and for the experiences he has provided. He added that the Sonoran Desert Chorale will continue performing in Mesa and throughout Arizona.

Mayor Giles presented a proclamation for Arbor Day to Conservation Coordinator, Donna DiFrancesco and Christian Stumpf, Director of External Affairs of the Nature Conservancy, Johanna Richards, Residential Service Specialist of the Catholic Charities Community Services, and Melissa Guardaro, P.h.D. Candidate from the School of Sustainability, read the proclamation.

Ms. DiFrancesco reported that the 2018 Tree City USA application has been approved and the City has been a Tree City USA for nine years and is sponsored by the Arbor Day Foundation that provides cities with direction, technical assistance, and the public attention on trees and urban forest health in the communities. She commented that the Nature Conservancy, Maricopa County Department of Public

Health, Urban Resilience to Extreme Research Network, and the Arizona State University's Urban Climate Research Center launched a preceptory heat action planning effort to identify both mitigation and adaptation strategies to reduce heat directly and improve the ability of the residents to deal with heat. She added that the Arbor Day tree planting will be held at the Aripine Park.

Mayor Giles acknowledged the loss of former Mayor Wayne Pomeroy and in commemoration asked everyone to stand in a moment of silence.

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 Luna, seconded by Councilmember Thompson, 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 1, 2019 Council meeting.

3. Take action on the following liquor license applications:

\*3-a. American Legion Luke Greenway Post 1

This is a one-day event to be held on Saturday, April 20, 2019 from 2:00 P.M. to 11:00 P.M. at Riverview Park, 2100 West Rio Salado Parkway. **(District 1)**

\*3-b. Blue Thunder Law Enforcement Motorcycle Club

This is a one-day event to be held on Thursday, April 18, 2019 from 5:00 P.M. to 9:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

\*3-c. East Valley Community Foundation

This is a three-day event to be held on Friday, April 26, 2019 from 4:30 P.M. to 6:30 P.M., Saturday, April 27, 2019 from 4:30 P.M. to 9:00 P.M., and Sunday, April 28, 2019 from 4:30 P.M. to 6:30 P.M. at Kino Junior High School, 848 North Horne. **(District 1)**

\*3-d. Dos Gringos Mexigrille

A bar with a restaurant that serves lunch and dinner is requesting a new Series 6 Bar License for Dosgringosmesa LLC, 1958 South Greenfield Road – Andrea Dahlman Lewkowicz, agent. The previous license held by DG Baseline LLC will transfer to the new owner. **(District 2)**

\*3-e. Macayo Restaurant

A bar with a restaurant that serves lunch and dinner is requesting a new Series 6 Bar License for Kind Macayo LLC, 1920 South Dobson Road - Navayogasingam Thuraisingam, agent. The previous license held by Macayo Restaurants LLC will transfer to the new owner. **(District 3)**

4. Take action on the following contracts:

- \*4-a. Purchase of a Digital Signage Solution (Upgrade) for the Mesa Convention Center as requested by the Parks, Recreation and Community Facilities Department. **(Citywide)**

This purchase will modernize and implement the digital signage solution at the Mesa Convention Center at the entrance of all meeting spaces and in high traffic areas to assist in alerting and directing patrons.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with ExhibitOne Corporation, at \$69,919.21, based on estimated requirements. This purchase is funded by Capital Enterprise Fund – Convention Center sub-fund.

- \*4-b. One-Year Renewal to the Term Contract for Performance Cooling Water Treatment Program for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract provides water treatment on the District Cooling Loop, multiple building chiller closed loops and cooling tower loops, and multiple boiler loops. This water treatment prevents microbial growth in the chilled water systems used to provide air conditioning. Microbial growth in these systems would cause them to deteriorate exponentially faster and could cause a public safety hazard.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the renewal with Water & Energy Systems Technology Inc. (W.E.S.T. Inc.) (a Mesa business), at \$73,816, based on estimated usage.

- \*4-c. Three-Year Term Contract with Two Years of Renewal Options for Entertainment Production Services for the Parks, Recreation and Community Facilities Department, and the Arts and Culture Department. **(Citywide)**

This contract will establish a non-exclusive, pre-qualified list of entertainment production firms to perform production services on an as-needed basis for the Mesa Arts Center and Mesa Amphitheatre. Entertainment production services include professional concert production services, such as stage, sound, lighting, and artist-specified backline. Other services include professional sound and lighting operators and sound engineers, as well as production supervisors.

An evaluation committee recommends awarding the contract to the six qualified and responsive proposals from Clearwing Productions; Creative Backstage, LLC; Inter Technologies Corporation; J-Dot Productions, dba Living Energy Events and Productions; Studio Instrument Rentals of Arizona, dba SIR Arizona; and Video West, Inc.; at \$400,000 annually, based on estimated usage. This purchase is funded by the Enterprise Fund - Convention Center sub-fund (\$200,000) and the Arts and Culture Department - Mesa Arts Center operating budget (\$200,000).

- \*4-d. Three-Year Term Contract with Two Years of Renewal Options for Backstage Catering Services for the Arts and Culture and Parks, Recreation and Community Facilities Departments. **(Citywide)**

This contract will establish a non-exclusive, pre-qualified list of catering firms to provide backstage catering/hospitality services for performers, stagehands, and other tour and production personnel for concerts and events that take place at Mesa Arts Center and Mesa Amphitheatre.

An evaluation committee recommends awarding the contract to the three, qualified and highest-scored proposals from Facility Concession Services Inc., dba Arizona Catering (a Mesa business); Heidi's Events & Catering; and Straight to The Plate Catering (a Mesa business); at \$115,000 annually, based on estimated usage. This purchase is funded by the Enterprise Fund - Convention Center and Arts and Culture Department - Mesa Arts Center operating budget.

- \*4-e. One-Year Renewal to the Term Contract for Jet A Aviation Fuel for the Police Department. **(Citywide)**

This contract provides Jet A Aviation Fuel for the Police Department, Aviation Unit's three helicopters, which are based at Falcon Field Airport.

The Police Department and Purchasing recommend authorizing the renewal with MercFuel, Inc., dba Mercury Fuels, Inc., at \$275,000 annually, based on estimated usage.

- \*4-f. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Controlled Substance Screening for the Police Department. **(Citywide)**

In 2016, the Police Department requested a term contract for controlled substance screening of their Department members. This service is required to meet the high standards of performance, professionalism, and personal conduct required of those involved in the police profession. This contract ensures testing procedures are in place that coincide with Police Department policies; conducting approximately 30 random tests per month.

The Police Department and Purchasing recommend authorizing the renewal with Norton Medical Industries, at \$30,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-g. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Safety and Medical Supplies for the Police Department. **(Citywide)**

This contract provides miscellaneous safety supplies for use throughout the Police Department. The supplies include items such as gloves, sanitizers, safety glasses, face masks, and bio-hazard items, which are used daily to conduct investigations, collect evidence, and ensure crime scene integrity.

The Police Department and Purchasing recommended authorizing the renewal with Henry Schein Inc.; Life-Assist, Inc., dba Life-Assist, Inc.; and Mastermans LLP.; at \$65,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- \*4-h. Purchase of a Case Management System (Replacement) for the Police Department (Sole Source). **(Citywide)**

Kaseware is an investigative case management system that will provide operational support, store and search bulletins, conduct social media queries, and quickly and automatically link information. The system will provide enhanced technology, as well as provide a platform for the East Valley Gang and Criminal Information Fusion Center to evolve and grow.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, Kaseware, Inc., at \$31,200 annually, based on estimated requirements. This purchase is funded by Fusion Center Shared Funds.

- \*4-i. Three-Year Term Contract with Two Years of Renewal Options for Aftermarket Parts for Automotive and Light-Duty Trucks (for the Fleet Services Department). **(Citywide)**

This contract will provide various aftermarket parts to support Mesa's fleet of light-duty vehicles.

An evaluation committee recommends awarding the contract to the highest-scored respondents of each group: Parts Authority Arizona, LLC (a Mesa business); FleetPride, Inc. (a Mesa Business); Parts Mart Inc.; and RWC International, dba RWC Group; at \$360,250 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-j. Three-Year Term Contract with Two Years of Renewal Options for Emergency Vehicle Equipment and Installation Services for the Fleet Services Department. **(Citywide)**

This contract will provide specialized turnkey emergency vehicle equipment (lights, sirens, push-bars, detainee cages, consoles, wiring, etc.) and installation services for the Fleet Services, Mesa Police, and Mesa Fire and Medical Departments, and other City service vehicles on an as-needed basis.

An evaluation committee recommends awarding the contract to the highest-scored proposals from Kenco, OR LLC, dba LSH Lights (Primary); and Arizona Emergency Products (Secondary); at \$1,000,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-k. Three-Year Term Contract with Two Years of Renewal Options for APG-Neuros Turbo Blower Parts and Services for the Water Resources Department (Single Response). **(Citywide)**

This contract will provide blower parts and a service program, from an authorized firm, for the Southeast Water Reclamation Plant's three APG-Neuros blowers.

An evaluation committee recommends awarding the contract to the qualified, single proposal from APGN, Inc., dba APG-Neuros, at \$150,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. This purchase is funded by Wastewater Operations and Maintenance budget and the Utility Replacement Extension and Renewal Fund.

- \*4-l. Purchase of Five Light-Duty Pickup Trucks (Replacements) for the Mesa Fire and Medical Department. **(Citywide)**

This purchase is for one pickup truck to be used as an on-scene response unit to fire and medical calls, and four to be used as Battalion Chief response units. The vehicles that are being replaced are part of the ongoing vehicle replacement program managed by Mesa Fire and Medical. These vehicles have met established criteria and will be either traded, auctioned, sold, or deployed to special uses.

The Mesa Fire and Medical Department and Purchasing recommend authorizing the purchase from the existing contract with Larry H. Miller Ford (formerly Berge Ford) (a Mesa business), at \$36,831.33; and PFVT Motors, LLC, dba Peoria Ford at \$180,679.84; for the combined total of \$217,511.17. This purchase is funded by the Capital - General Fund.

- \*4-m. Three-Month Extension with a Three-Month Extension Option and Dollar-Limit Increase to the Term Contract for Bridgestone Tires for the Materials and Supply Warehouse (for the Fleet Services and Mesa Fire and Medical Departments). **(Citywide)**

The contract provides Bridgestone tires, primarily the large tires for heavy-duty vehicles, such as solid waste trucks and fire apparatus.

The Business Services Department and Purchasing recommend extending the contract using the Maricopa County cooperative contract through June 30, 2019; and increasing the dollar-limit with Redburn Tire Company (Mesa location); by \$75,000, from \$300,000 to \$375,000 annually, with an increase allowance of up to \$75,000 should the County opt to extend for a second additional three-month term.

- \*4-n. Purchase of 36 Mobile Vehicle Routers (Additions), Related Equipment and Services for the Mesa Fire and Medical Department (MFMD). **(Citywide)**

This purchase will enable MFMD to outfit the remaining fleet of pumpers, ladders, chief vehicles, and other emergency vehicles, with mobile dispatch computers. These routers allow MFMD to seamlessly switch between either AT&T FirstNet or Verizon, based on which LTE carrier has the best signal strength in the area, making sure crews always stay connected to the Mesa Regional Dispatch Center.

The Mesa Fire and Medical Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Discount Cell, Inc., at \$94,202.66, based on estimated requirements. This purchase is funded by the Capital General Fund.

- \*4-o. Purchase of Two Utility Trailers (Replacement) for the Transportation Department (as requested by the Fleet Services Department). **(Citywide)**

The two trailers will be used to haul two new rollers that were purchased by the Transportation Department. Fleet Services evaluated and determined the current trailers are not configured correctly to meet the requirements. The two trailers that are being replaced will be either traded, auctioned, sold, or deployed to special uses.

The Transportation Department and Purchasing recommend authorizing the purchase using the National Joint Powers Alliance (NJPA) cooperative contract with Empire Truck and Trailer (a Mesa business), at \$30,467.56. This purchase is funded by the Local Streets Fund.

- \*4-p. Three-Year Term Contract with Two Years of Renewal Options for Philips City Touch Streetlight Monitoring System (Additions) for the Transportation Department (Sole Source). **(Citywide)**

The Philips City Touch system was originally installed for the dimming pilot study during the Streetlight Master Plan because of its ease of use and reliability. The contractor will supply Touch Nodes streetlight monitoring and dimming systems with a ten-year service plan and web application access and training.

The Transportation Department and Purchasing recommend awarding the contract to the sole source vendor, Arizona Electrical Distributors (a Mesa business), at \$81,225 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index. This purchase is funded by the Local Streets Fund.

- \*4-q. Three-Year Term Contract with Two Years of Renewal Options for Illuminated Street Name Signs Supply and Maintenance for the Transportation Department (Single Response). **(Citywide)**

This contract will provide new internally illuminated street name signs for replacement of existing signs and illuminated signs. It will also provide maintenance services for internally illuminated street name signs located at signalized intersections to include electrical repair such as ballast and lamp replacement, replacing sign faces due to fading and peeling, and modifying existing fluorescent type signs to LED.

An evaluation committee recommends awarding the contract to the single, qualified, and responsible proposal from Fluoresco Services, LLC, at \$522,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-r. Robson Electrical Substation East Bay Transformer - Switchgear Replacement CMAR Project - GMP No. 1. **(District 2)**

The scope of work for this project includes furnishing, installing, and constructing the conduits, foundations, structural steel, and switches necessary to support the replacement of the transformer and associated switchgear.

Staff recommends awarding the CMAR contract to ESS Corporation, based on the Guaranteed Maximum Price of \$1,007,901, plus an additional \$100,790 (10%) as a change order allowance, for the total award of \$1,108,691. Project funding by 2014 authorized Electric bonds.

\*4-s. Southern Avenue, Greenfield Road to Higley Road - Arterial Roadway Improvements Project. **(District 2)**

The project will upgrade the asphalt pavement, underground utilities, ADA facilities, and sidewalks along Southern Avenue. The project will also reconstruct the intersection at Southern Avenue and Higley Road, widening the west leg of the intersection and providing improved bike and pedestrian connectivity.

Staff recommends awarding the contract for this project to the lowest, responsible bidder, Nesbitt Contracting Company, Inc., in the amount of \$5,571,298.15, and authorize a change order allowance in the amount of \$557,130 (10%), for a total award of \$6,128,428.15. This project is funded by 2013 authorized Street bonds and 2010 authorized Gas bonds.

\*4-t. Venture Out Drainage Improvements Project. **(District 2)**

The project consists of constructing approximately 1,700 linear feet of new storm drain improvements in Broadway Road east of Greenfield Road. The new storm drain improvements are consistent with the City of Mesa Storm Drain Master Plan and will extend the storm drain east of 48th Street. The extension of the storm drain will include new laterals and eight new catch basins to reduce flooding in Broadway Road and in 48th Street. The drainage improvements also provide downstream relief to the residents of the Venture Out Community and will provide the community improved storm water management opportunities including a new bleed off line. In addition, this project will disconnect Broadway Road drainage from the RWCD irrigation line in the area.

Staff recommends awarding the contract for this project to the lowest, responsible bidder, Fishel Construction Company, dba Team Fishel, in the amount of \$1,208,883.91, and authorize a change order allowance in the amount of \$120,888.39 (10%), for a total project amount of \$1,329,772.30. This project is funded by a FCDMC Grant (\$250,000) and Highway User Revenue Funds (\$1,079,772.30).

\*4-u. One-Year Term Contract with Two Years of Renewal Options for Five Master Job Order Contracts; three contracts for the General Utility Construction Services and two contracts for Specialty Utility Construction Services. **(Citywide)**

Job Order Master Contracts for general utility construction services will be utilized for projects that are larger in scale, higher in cost, and require more detailed design. The specialty utility construction services will be used for projects that are smaller in scope, are repetitive in nature, and require limited, or no design.

Staff recommends the selections of Talis Construction Corporation; Garney Companies, Inc.; and Hunter Contracting Company for general utility construction services. These contracts will be limited to \$1,500,000 per job order; a total contract value not-to-exceed \$10,000,000 for each year of the contract, per contractor.

Staff recommends the selections of Hunter Contracting Company and Garney Companies, Inc., for specialty utility construction services. These contracts will be limited to \$1,500,000 per job order; a total contract value not-to-exceed \$3,000,000 for each year of the contract, per contractor.



- \*4-v. One-Year Term Contract with Two Years of Renewal Options for Two Master Job Order Contracts for Landscape Construction Services. **(Citywide)**

Job Order Master Contracts for landscape construction services include renovations and repairs, additions, demolition, and facility upgrades for a broad range of City landscaping improvement projects.

Staff recommends the selections of Valley Rain Construction Corporation and Haydon Building Corporation for landscape construction services. These contracts allow for the issuance of multiple individual job orders with a not-to-exceed limit of \$1,500,000 per job order; a total contract value not-to-exceed \$5,000,000 for each year of the contract, per contractor.

- \*4-w. Water Line and Gas Line Replacement Project (Various Locations throughout the City) - CMAR Selection and Pre-Construction Services Contract. **(Districts 3, 4, and 6)**

This project will include replacing existing waterlines at five separate locations throughout the City. The line replacements are needed due to age, a history of breaks, and lines being undersized for the current usage level, which could limit the fire-flow capacities. Also, existing gas lines at certain locations are being replaced because they have exceeded their useful life.

Staff recommends the selection of Garney Construction as the Construction Manager at Risk (CMAR) for this project and award a Pre-Construction Services contract in the amount of \$58,541.

5. Take action on the following resolutions:

- \*5-a. Authorizing and supporting the submittal of a grant application by A New Leaf to the Fort McDowell Yavapai Nation in the amount of \$10,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 11300.
- \*5-b. Authorizing and supporting the submittal of a grant application by A. T. Still University's National Center for American Indian Health Professions to the Fort McDowell Yavapai Nation in the amount of \$11,450 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 11301.
- \*5-c. Authorizing and supporting the submittal of a grant application by Child Crisis Arizona to the Fort McDowell Yavapai Nation in the amount of \$10,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 11302.
- \*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. 11303.
- \*5-e. Authorizing and supporting the submittal of a grant application by Helen's Hope Chest to the Fort McDowell Yavapai Nation in the amount of \$20,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 11304.

- \*5-f. Authorizing and supporting the submittal of a grant application by Junior Achievement to the Fort McDowell Yavapai Nation in the amount of \$10,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 11305.
- \*5-g. Authorizing and supporting the submittal of a grant application by Mesa Public Schools Westwood High School to the Fort McDowell Yavapai Nation in the amount of \$60,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 11306.
- \*5-h. Authorizing and supporting the submittal of a grant application by St. Joseph the Worker to the Fort McDowell Yavapai Nation in the amount of \$5,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 11307.
- \*5-i. Authorizing and supporting the submittal of a grant application by Save the Family Foundation of Arizona to the Fort McDowell Yavapai Nation in the amount of \$10,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 11308.
- \*5-j. Authorizing and supporting the submittal of a grant application by City of Mesa’s i.d.e.a. Museum to the Fort McDowell Yavapai Nation in the amount of \$25,000 and authorizing the City Manager to accept and administer subsequent awarded funds to use to help underwrite a preschool-age art and literacy program. **(Citywide)** – Resolution No. 11309.
- \*5-k. Authorizing and supporting the submittal of a grant application by City of Mesa’s Parks, Recreation and Community Facilities Department to the Fort McDowell Yavapai Nation in the amount of \$25,000, and authorizing the City Manager to accept and administer subsequent awarded funds to provide new bicycles and storage renovation for the Park Ranger Squad. **(Citywide)** – Resolution No. 11310.
- \*5-l. Authorizing and supporting the submittal of a grant application by City of Mesa’s Police Department to the Fort McDowell Yavapai Nation in the amount of \$70,000 and authorizing the City Manager to accept and administer subsequent awarded funds to be used for a Mobile Field Force Team transport vehicle. **(Citywide)** – Resolution No. 11311.
- \*5-m. Authorizing and supporting the submittal of a grant application by City of Mesa’s Transportation Department to the Fort McDowell Yavapai Nation in the amount of \$30,000 and authorizing the City Manager to accept and administer subsequent awarded funds to be used for bike and pedestrian safety training video and booklet development. **(Citywide)** – Resolution No. 11312.
- \*5-n. Authorizing and supporting the submittal of a grant application by Arizona Museum of Natural History Foundation to the Ak-Chin Indian Community in the amount of \$5,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 11313.
- \*5-o. Authorizing and supporting the submittal of a grant application by Child Crisis Arizona to the Ak-Chin Indian Community in the amount of \$10,000 and authorizing the City

Manager to accept and administer subsequent awarded funds as a pass-through grant.  
– Resolution No. 11314.

- \*5-p. Authorizing and supporting the submittal of a grant application by East Valley Adult Resources, Inc. to the Ak-Chin Indian Community in the amount of \$20,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 11315.
- \*5-q. Authorizing and supporting the submittal of a grant application by Gene Lewis Boxing Club to the Ak-Chin Indian Community in the amount of \$55,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 11316.
- \*5-r. Authorizing and supporting the submittal of a grant application by Mesa United Way Mesa Veterans Resource Center to the Ak-Chin Indian Community in the amount of \$20,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 11317.
- \*5-s. Authorizing and supporting the submittal of a grant application by Save the Family Foundation of Arizona to the Ak-Chin Indian Community in the amount of \$50,000 and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No. 11318.
- \*5-t. Approving and authorizing the City Manager to enter into a Grant Agreement with the Arizona Criminal Justice Commission to accept \$62,925 in grant funds to be used for training, equipment, and supplies for the Police Department's Forensic Services Division. **(Citywide)** – Resolution No. 11319.
- \*5-u. Approving and authorizing the City Manager to enter into a Subrecipient Agreement with the Arizona Department of Homeland Security to accept \$104,000 in grant funds to purchase a replacement SUV and bomb suit for the Police Department's Rapid Response Task Force. **(Citywide)** – Resolution No. 11320.
- \*5-v. Requesting approval for Staff to continue negotiations to acquire certain property located in the 2200 block of North Center Street for the construction of athletic fields, and in order to avoid construction delays, authorizing and directing Staff, that fee title, or other interests in, and possession of, certain property, be acquired by the City of Mesa through eminent domain, as a matter of public necessity. **(District 1)**

See: **(Items not on the Consent Agenda)**

- \*5-w. Approving an increase in the maximum dollar amount for individual job orders under existing Job Order Master Contracts for the following construction services: general, landscape, utility, water and wastewater, gas line, and transportation, from \$1,000,000 to \$1,500,000 per job order, and authorize the City Manager to approve future job orders under the Job Order Master Contracts. **(Citywide)** – Resolution No. 11321.

The City's current Job Order Master Contracts that will be affected are with the following: CORE Construction, Inc. and SDB Contracting Services (general); Valley Rain Construction Corporation and Earthscapes, Inc. (landscape); Talis Construction Corporation and B&F Contracting, Inc. (utility); Garney Companies, Inc. and PCL

Construction, Inc. (water and wastewater); RP Companies, Inc. (gas line); and Talis Construction Corporation and Nesbitt Contracting Company, Inc. (transportation).

- \*5-x. Approving and authorizing the City Manager to enter into a Development Agreement with RagingWire Data Centers, relating to approximately 86 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. 11322.
- \*5-y. Approving and authorizing the City Manager to enter into a Development Agreement with Hawk Ventures LLC, relating to approximately 63 acres of property located near the northeast corner of Elliot Road and the Crismon Road alignment for the purpose of “opting-in” to the Elliot Road Technology Corridor zoning overlay. **(District 6)** – Resolution No. 11323.
- \*5-z. Setting May 20, 2019 as the public hearing date to review the proposed FY 2019/20 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. 11324.
- \*5-aa. Endorsing the creation of the Golden Groves Irrigation Water Delivery District that is generally bounded by East Main Street on the north, East 2nd Avenue on the south, South Temple Street on the west, and South Matlock Street on the east. **(District 4)** – Resolution No. 11325.

The formation of an irrigation water delivery district allows the District to make improvements and perform maintenance and operations of their irrigation system. Final designation of the District is determined by the Maricopa County Board of Supervisors.

- \*5-ab. Modifying fees and charges for the Animal Control Division. **(Citywide)** – Resolution No. 11326.
- \*5-ac. Modifying fees and charges for the Transportation Department. **(Citywide)** – Resolution No. 11327.
- \*5-ad. Modifying fees and charges for the Business Services Department. **(Citywide)** – Resolution No. 11328.
- \*5-ae. Modifying fees and charges for the Falcon Field Airport. **(District 5)** – Resolution No. 11329.
- \*5-af. Modifying fees and charges for the Engineering Department. **(Citywide)** – Resolution No. 11330.

6. Introduction of the following ordinances and setting May 6, 2019 as the date of the public hearing on these ordinances:

- \*6-a. **ZON18-00984 (District 4)** Within the 700 block of South Stapley Drive (east side) and the 1200 block of East 8th Avenue (north side). Located south of Broadway on the east side of Stapley Drive (0.9± acres). Rezoning from RM-3 and OC to NC-BIZ; and Site Plan Review. This request will allow for a commercial development. Adaptive Architects, Inc., applicant; Pro Tax Financial Services, LLC, owner.

Staff Recommendation: Approval with conditions

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

- \*6-b. **ZON19-00070 (District 6)** Within the 8000 block of East Ray Road (north side). Located west of Hawes Road on the north side of Ray Road (36± acres). Rezone from AG-AF to LI-AF-PAD; and Site Plan Review. This request will allow for an industrial development. Jack Gilmore, Gilmore Planning & Landscape Architecture, applicant; Kay & Judy Toolson Joint Trust/Crisko, LLC, owner.

Staff Recommendation: Approval with conditions

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

- \*6-c. **ZON18-00806 (District 6)** Within the 3100 to 3400 blocks of South Ellsworth Road (west side). Located north of Elliot Road on the west side of Ellsworth Road (67.5± acres). Rezone from LC-PAD and PEP-PAD to LI; Site Plan Review; and a Special Use Permit for a reduction in parking. This request will allow for an industrial development. Jeffrey Blilie, Beus Gilbert, PLLC, applicant; Sunbelt Land Holdings, LP, owner.

Staff Recommendation: Approval with conditions

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

- \*6-d. **ZON18-00980 (District 5)** Within the 2600 block of North Power Road (east side). Located south of McDowell Road on the east side of Power Road (10.43± acres). Rezoning from RM-3-PAD to RM-3-PAD; and Site Plan Review. This request will allow for a multi-residence development. Timothy Tyson, Aquila Las Sendas, LLC, applicant; Continental 452 Fund, LLC, owner.

Staff Recommendation: Approval with conditions

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

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

- \*7-a. **ZON18-00933 (District 6)** Within the 10800 to 11600 blocks of East Williams Field Road (south side), the 6000 to 6300 blocks of South Signal Butte Road (east side), the 6000 to 6300 blocks of South Mountain Road (west side), the 6000 to 6500 blocks of South Mountain Road (east side), and the 6000 to 6300 blocks of South Meridian Road (westside). Located south of Williams Field Road east of Signal Butte Road (203± acres). Rezone to modify an existing PAD; and Site Plan Review. This request will allow for the modification of the PAD for single residential development. Sean Lake, Pew & Lake, PLC, applicant; Groh Revocable Trust, Demuro Properties, SB CLB 18, LLC, Tres Points, LLC, owners. – Ordinance No. 5501.

Staff Recommendation: Approval with conditions

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

- \*7-b. **ZON19-00016 (District 6)** Within the 7100 to 7600 blocks of East Elliot Road (north side) and the 3100 to 3500 blocks of South Sossaman Road (west side). Located north

of Elliot Road and west of Sossaman Road (187± acres). Rezone from LI-PAD-PAD and PEP-PAD-PAD to EO to create the Red Hawk Employment Opportunity Zone. This request will establish zoning to guide future development of employment and industrial uses. W. Ralph Pew, Pew & Lake, PLC, applicant; MBR Land I, an Arizona General Partnership, MBR Land I, LLP, B&K Land Investment Co., et al, and Morrison Ranch, Inc., owners. – Ordinance No. 5502.

Staff Recommendation: Approval with conditions

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

### **Items not on the Consent Agenda**

#### **5. Take action on the following resolutions:**

- 5-v. Requesting approval for Staff to continue negotiations to acquire certain property located in the 2200 block of North Center Street for the construction of athletic fields, and in order to avoid construction delays, authorizing and directing Staff, that fee title, or other interests in, and possession of, certain property, be acquired by the City of Mesa through eminent domain, as a matter of public necessity. **(District 1)** – Resolution No. 11331.

Verl Farnsworth, a Mesa resident, stated the opinion that eminent domain is the brute force of government and should only be used in the most extreme circumstances. He mentioned three sites where construction of athletic fields would be better served. He asked if an agreement with the native tribe in the north has been discussed and what other decisions occurred prior to the decision on the property. He requested that Council table the item, continue negotiations, and find a better solution.

Councilmember Whittaker expressed the opinion that when the government forces the hand of the property owner to take their land, that it should be done delicately and the use of eminent domain for park land is unnecessary. He added that he will be voting against this item.

In response to a question posed by Vice Mayor Freeman, City attorney Jim Smith responded that eminent domain is used for public use and necessity and the property owner must provide just compensation. He read from the Arizona Treatise regarding eminent domain which is a broad definition that includes roadways, parks, art centers, and police and fire stations. He stated the opinion that the property owner has no disagreement with eminent domain or the area, and that the discussion is for the just compensation or market value of the property. He added that over the last decade the City has been able to resolve every case where Council has authorized condemnation either through negotiations or mediation.

Mayor Giles remarked that the land is vacant and was purchased several years ago for \$1.2 million and the owner has attempted to rezone the property to residential and was denied several times. He added that the appraisal is three times more than the amount the owner originally paid and caused a disagreement between the buyer and seller on the value of the property. He pointed out that the eminent domain process is a transparent legal process

Councilmember Duff emphasized her frustration on the eminent domain process. She stated that she is aware the property owner is not opposing the process, however, does not like that Council is being placed in a position to make an assumption of clarity where the parties come to an agreement or is this the City expressing their right to take property for public use.

Discussion ensued relative to the fair property value of the land and the process of eminent domain.

City Manager Christopher Brady remarked that the owner is selling the land and that the dispute is on the value of the property and the owner's price is based on the assumption that the land is a residential development. He noted that the eminent domain process will assist both parties in determining the correct value of the property.

It was moved by Vice Mayor Luna, seconded by Councilmember Luna, that Resolution No. 11331 be approved.

Upon tabulation of votes, it showed:

AYES – Giles-Freeman-Duff-Heredia-Luna-Thompson

NAYS – Whittaker

Mayor Giles declared the motion carried by majority vote and Resolution No. 11331 adopted.

8. Items from citizens present.

Verl Farnsworth, a Mesa resident, reported on the land on the northwest corner of Recker and Thomas Roads and played a recording on a discussion regarding the appraisal price of the land. He stated the opinion that the appraisal price provided was a lie and received a copy from the City's Attorney office in October 2018. He pointed out that two former colleagues have requested the Council reverse the action on the property and not move forward with the land auction. He concluded by saying that the Council can rationalize all that they want but there is no one right way to do the wrong thing and asked the Council to honor the word of the Council 21 years ago.

Eddie Cook, Town of Gilbert Vice Mayor, remarked that he attended a conference and was intrigued by a presentation on civility and that he led a team to create a policy on civility where the resolution (provided to Council) passed unanimously by the Town of Gilbert Council. He noted that he is visiting 91 cities and towns throughout the state to discuss civility and he requested the Council adopt a similar resolution. **(See Attachment 1)**

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:50 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 15<sup>th</sup> day of April 2019. I further certify that the meeting was duly called and held and that a quorum was present.

---

DEE ANN MICKELSEN, CITY CLERK

js  
(Attachments – 1)



**RESOLUTION NO. ~~4026~~**

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF  
GILBERT, ARIZONA, REGARDING CIVILITY

WHEREAS, the Town Council formed a committee with the intention of reinforcing the core value of respect, and the civil behavior in which it is manifested; and

WHEREAS, the Town Council desires to promote an environment of civility, consideration, and mutual respect, and to affirm the value and inherent dignity of all persons; and

WHEREAS, the Town Council desires to outline procedures that govern civility.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the Town of Gilbert, Arizona:

1. This Resolution applies to Gilbert Elected Officials, Members of Boards and Commissions, Gilbert employees, and independent contractors, temporary personnel, volunteers, and other persons doing business for or with Gilbert, Arizona.

2. Gilbert strives to cultivate and maintain a positive, harmonious environment that is inclusive and welcoming. All employees deserve a workplace free of hostility or bullying, and should feel safe to be their authentic selves at work without fear of dismissive, humiliating, or insulting language or treatment.

3. Likewise, Gilbert residents and members of the public are entitled to civil discourse in their interactions with Elected Officials, Board and Commission members, Gilbert employees, and other Town representatives. Parties who have concerns or grievances regarding Council, Board, or Commission decisions are encouraged to share their thoughts in a respectful manner at the appropriate time and place.

4. Respect and integrity are core values of the Town of Gilbert, and we expect the conduct of our employees to be reflective of those values. Each of us is responsible for sustaining a culture of kindness in our daily interactions. Examples of civility include:

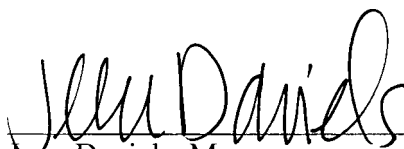
- Respect and courtesy in communication and actions
- Respectful acknowledgement of differences and resolution of conflicts
- Empathy and patience

5. It is not the intent of this Resolution to deprive any person of their right to freedom of expression. "Uncivil conduct" does not include the expression of unpopular, disagreeable, or even controversial viewpoints that may be offensive to some persons, so long as the ideas are presented in a respectful, non-disruptive manner, and at a time and place that are appropriate. Uncivil conduct that rises to the level of harassment or violence is addressed separately in the Harassment Policy.

Resolution No. 4026  
Page 2 of 2

6. Employees are expected to model civil behavior and hold each other accountable. Individuals who feel that they have been treated in an uncivil manner are urged to resolve their concerns promptly and directly with the person(s) generating the concern. When this is not possible or appropriate, employees can engage their supervisor or the Human Resources Department for assistance. Members of the public should contact the Mayor's office.

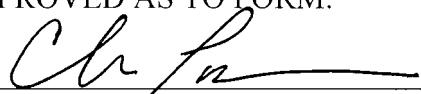
PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA THIS 20<sup>TH</sup> DAY OF DECEMBER 2018.

  
\_\_\_\_\_  
Jenn Daniels, Mayor

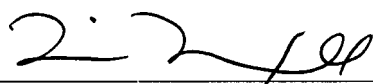
ATTEST:

  
\_\_\_\_\_  
Lisa Maxwell, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Christopher W. Payne, Town Attorney

I hereby certify the above foregoing Resolution No. 4026 was duly passed by the Council of the Town of Gilbert, Arizona, at a regular meeting held on December 20, 2018, and that quorum was present thereat and that the vote thereon was 7 ayes and 0 nays and 0 abstentions. 0 Council members were absent or excused.

  
\_\_\_\_\_  
Lisa Maxwell, Town Clerk  
Town of Gilbert