



# COUNCIL MINUTES

July 3, 2023

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on July 3, 2023, at 5:53 p.m.

## COUNCIL PRESENT

John Giles  
Francisco Heredia\*  
Jennifer Duff  
Mark Freeman  
Scott Somers  
Julie Spilsbury\*

## COUNCIL ABSENT

Alicia Goforth

## OFFICERS PRESENT

Scott Butler  
Holly Moseley  
Jim Smith

(\*Participated in the meeting through the use of video conference equipment.)

Mayor's Welcome.

Mayor Giles conducted a roll call.

Mayor Giles excused Councilmember Goforth from the entire meeting.

Invocation by Bishop William Hudson with Shield of Faith Christian Center.

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 Duff, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

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

Mayor Giles declared the motion carried unanimously by those present.

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

Minutes from the May 15 and June 5, 2023, Study Sessions; June 5, 2023, Special; and June 19, 2023, Regular Council meeting.

3. Take action on the following liquor license applications:

\*3-a. Music2Live

This is a one-day event to be held on Saturday, July 15, 2023, from 6:00 P.M. to 9:00 P.M. at Eastmark's "The Mark" pool located at 10100 East Ray Road. **(District 6)**

4. Take action on the following contracts:

\*4-a. Warner Road Lift Station - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP). **(District 6)**

This request is for a project change order allowance increase of \$460,000 (12%) to cover unforeseen improvement costs for the pump station wet well, pumps, inlet sewer pipe, and radio communications for the project. This will increase the original authorized allowance from \$391,593 (10%) to \$851,593 (22%).

Staff recommends the approval of a new total project amount of \$4,767,518.97 comprised of the original authorized amount of \$3,915,925.97 (GMP) and the increased change order allowance amount of \$851,593 (22%). This project is funded by Water Revenue Obligations, Wastewater Revenue Obligations, and Gas Utility Revenue Obligations.

\*4-b. Central Mesa Reuse Pipeline - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 2. **(District 2)**

GMP No. 2 includes the replacement of existing waterlines that are in conflict with the proposed alignment of the 36-inch Central Mesa Reuse Pipeline. The waterlines require relocation prior to the construction of the 36-inch reuse pipeline installation.

Staff recommends awarding a construction services contract to Garney Companies, in the amount of \$12,719,521 (GMP No. 2), and authorizing a change order allowance in the amount of \$635,976 (5%), for a total amount of \$13,355,497. This project is funded by the Water Utility Systems Revenue Obligations.

\*4-c. Upgrade of the City's Existing Capital Improvement Program (CIP) Project Management Solution for the Engineering Department (Sole Source). **(Citywide)**

The system upgrade will provide advanced functionality and allow for customizations needed to manage the City's portfolio of CIP projects from inception to completion and effectively manage capital project delivery and associated budgets. The City's current CIP software solution expires in May 2024.

An evaluation committee recommends awarding the contract to the highest-scored proposal from Keenology dba CIP Planner Corporation, Years 1 and 2 for \$1,872,673; and Years 3 through 10 for \$3,915,702, for a combined total of \$5,788,376, based on estimated requirements.

- \*4-d. Midfield Crossover Taxiway East and Realignment of Taxiways D7 and D8 at Falcon Field Airport. **(District 5)**

This project will remove the current D7 and D8 Taxiways and reconstruct them with new alignments that meet Federal Aviation Administration (FAA) requirements and restrict direct access from ramps to the Runway 4R/22L. In conjunction with the realignment, the Midfield Crossover Taxiway East will be constructed, providing additional aircraft movement options for aircraft exiting Runway 4L/22R.

Staff recommends awarding the contract for this project to the lowest responsible bidder, J Banicki Construction, Inc., in the amount of \$3,471,931.80, and authorizing a change order allowance in the amount of \$347,193.18 (10%), for a total amount of \$3,819,124.98. The FAA will reimburse the City for 91.06% of the eligible project costs. Falcon Field is also applying for a matching grant from the Arizona Department of Transportation MPD/Aeronautics Group to pay for 50% of the Airport's contribution. The City's portion is funded from the Falcon Field Airport Enterprise Fund.

- \*4-e. Dollar Limit Increase to the Cooperative Use Term Contract for Motorola and Kenwood Radio Equipment, Parts, Network, and Services for the Mesa Police Department. **(Citywide)**

This contract is used by the Police Department to purchase radios, equipment, repairs, and services. The Police Department and the Department of Innovation Technology have identified the need to replenish the department's radio inventory and to purchase a service agreement. Additional capacity is being requested for Years 4 and 5 to accommodate handheld, vehicle, and motorcycle radios; maintenance support; and capacity for unknown future needs.

The Police and Innovation and Technology Departments and Purchasing recommend increasing the dollar limit using the State of Arizona and Maricopa County cooperative contracts with Motorola Solutions, Inc.; Durham Communications, Inc.; and JVKenwood USA Corporation Year 4 by \$740,000, from \$1,370,000 to \$2,110,000 annually, and Year 5 by \$640,000, from \$1,370,000 to \$2,010,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- \*4-f. Use of a Cooperative Contract for the Purchase of 13 CNG Powered Automated Side Loader (ASL) Refuse Trucks (10 Replacements and 3 Additions) for the Solid Waste Department. **(Citywide)**

The ASLs will be used to collect materials in the City's Solid Waste barrel program. The 10 ASLs have met the established criteria for replacement and will be either traded, auctioned, sold, or deployed for special uses, and the 3 ASLs will be additions to the fleet. These are growth trucks to the fleet and with these additions, the Solid Waste Department will have a total of 60 ASL vehicles.

The Fleet Services and Solid Waste Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Rush

Truck Centers of Arizona dba Rush Truck Center Phoenix for \$7,371,606.58. This purchase is funded by the Capital Utility Fund and the Utility Replacement Extension and Renewal Fund.

- \*4-g. Four-Year Term Contract for the Purchase of Electric and Water Meters and Related Equipment for the Energy Resources and Water Resources Departments. **(Citywide)**

This action will allow the use of the City's existing Advanced Meter Infrastructure Solution contract for the purchase of electric and water meters and related equipment to support the daily needs of the Energy Resources and Water Resources Departments. These meters are needed for replacements due to failures, damage, and vandalism, and for new installations for the City's residential and commercial customers.

The Water Resources and Energy Resources Departments, and Purchasing recommend authorizing the purchase with Sensus USA, Inc. at \$1,420,000 annually, based on estimated requirements. This purchase is funded by Utility Obligation Bond Funds.

- \*4-h. Three-Year Term Contract with Two Years of Renewal Options for Caterpillar Generator Diagnostic, Maintenance, and Repair Services for the Water Resources and Energy Resources Departments. **(Citywide)**

This contract will provide required original equipment manufacturer (OEM) scheduled maintenance, diagnostic, and repair services for Caterpillar emergency generators as needed at utility department facilities throughout the City.

An evaluation committee recommends awarding the contract to the single, qualified respondent, Empire Southwest, LLC dba Empire Power Systems at \$450,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- \*4-i. Use of a Cooperative Contract for a Seven-Month Term with Four Years of Renewal Options for lubricants, oils, and grease for the Water Resources and Fleet Services Departments. **(Citywide)**

This contract will provide lubricants, oils, and grease for the maintenance of pumps, motors, and other equipment located at the City's various water and wastewater treatment facilities. It will also provide lubricants required by Fleet Services to maintain the City's fleet of vehicles and equipment.

The Water Resources and Fleet Services Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Reladyne West, LLC; Senegy Petroleum, LLC; and Colorado Petroleum - Arizona Petroleum at \$500,000 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 Fiberglass Tank Maintenance and Repair Services for the Water Resources Department. **(Citywide)**

This contract will provide fiberglass hydrogen stacks, piping and ductwork, scrubber, tank maintenance, and repair and replacement services for the Water Resources Department. The Department has approximately 88 fiberglass chemical tanks, ranging from 3,000 to 88,000 gallons, located at the City's water and reclamation plants and remote sites.

An evaluation committee recommends awarding the contract to the single, qualified respondent, American Fiberglass, Inc. at \$400,000 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 Faux Trees for Pole Treatments for the Department of Innovation and Technology (Single Bid Response). **(Citywide)**

This contract will provide the purchase of faux palm tree cell phone tower treatments, including installation, maintenance, repair services, and related products as part of the City's Wi-Fi project. The initial purchase is for three installations at Pioneer Park, Reed Skate Park, and Acacia Park.

The Department of Innovation and Technology and Purchasing recommends awarding the contract to the single, responsive, and responsible bidder, Cell Trees, Inc., Year 1 at \$179,000; and Years 2 and 3 at \$50,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index. This purchase is funded by Lifecycle Program and various Capital Improvement Program Funds.

- \*4-l. Dollar Limit Increase to the Term Contract with Two Years of Renewal Options for Public Wi-Fi Equipment and Products for the Department of Innovation and Technology (DoIT) (Replacement/Upgrade). **(Citywide)**

The dollar-limit increase accounts for Police Department IT and the DoIT's current and upcoming projects, as well as upcoming lifecycle replacement. In 2021, the City replaced aging Wireless Access Points, and to extend broadband options to undeserved areas of the City, the scope was expanded to add nine square miles that were identified for the use of ARPA funding. This contract will also be used by City departments and DoIT to update or expand Wi-Fi within public buildings.

The Department of Innovation and Technology and Purchasing recommends increasing the dollar limit with Enterprise Networks Solutions (a Mesa business) and Sentinel Technologies, Inc., by \$2,000,000, from \$3,000,000 to \$5,000,000 annually, with an increase allowance of up to 5% or the adjusted Consumer Price Index. This purchase is funded by American Rescue Plan Act Grant Funds, General Operating Funds, and Capital Improvement Project Funds.

5. Take action on the following resolutions:

- \*5-a. Approving and authorizing the City Manager to enter into a funding agreement with Valley Metro Rail, Inc. for the current light rail operations in the City of Mesa. The estimated cost of service for operations, maintenance, and facility landscaping of the existing light rail line for fiscal year 2023/24 is \$17,526,410. The City anticipates receiving \$2,945,000 in light rail fares, advertising, preventive maintenance grant, and Arizona Lottery Funds for a net impact to the City's General Fund of \$15,561,410. **(Districts 3 and 4) – Resolution No. 12064**
- \*5-b. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Regional Public Transportation Authority (RPTA) for fixed-route bus, paratransit and RideChoice, services. The estimated cost of transit services for FY 2023/24 is \$33,152,095. Public Transportation Funds (PTF) from Proposition 400 will

- fund \$29,104,035 and the City's General Fund will fund \$4,048,060. **(Citywide)** – Resolution No. 12065
- \*5-c. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Flood Control District of Maricopa County for Stapley Drive and Broadway Road Drainage Improvements. The improvement costs will be shared with the County funding 65%, estimated at \$2,275,000, and the City funding the remaining 35%, estimated at \$1,225,000, plus costs associated with design and land acquisition. This project will be funded by the FY 23/24 Street Bond Program. **(District 4)** – Resolution No. 12066
  - \*5-d. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with Maricopa County that permits the sharing of radio communications sites and facilities when it is beneficial, cost effective, and technically feasible. **(Citywide)** – Resolution No. 12067
  - \*5-e. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with Mesa Public Schools for the AARP Foundation Experience Corps. This is a community-based volunteer program that empowers people over 50 to serve as tutors to help students become better readers by the end of third grade. **(Citywide)** – Resolution No. 12068
  - \*5-f. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) concerning maintenance responsibilities within ADOT's right-of-way for the Ray Roads Connections at Ellsworth Road Arterial Improvement Project, which is part of Mesa's Arterial Life Cycle Program. **(District 6)** – Resolution No. 12069
  - \*5-g. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement, effective June 15, 2023, with the City of Chandler to establish a partnership with Chandler to accept and administer federal funding allocated by Maricopa County Human Services to fully fund the 2023 East Valley heat relief programs in Chandler and Mesa. In this model, both Mesa and Chandler coordinate their local heat relief program, but Chandler manages the contract and reimburses Mesa service providers with the appropriated federal funding. **(Citywide)** – Resolution No. 12070
  - \*5-h. Approving and authorizing the City Manager to enter into a Funding Agreement with the Arizona Department of Housing to receive up to \$1,000,000 in federal funding in order to provide temporary, transitional housing and support services in Mesa for the period of FY 23/24. **(Citywide)** – Resolution No. 12071
  - \*5-i. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with Maricopa County to accept \$4,000,000 in Coronavirus State and Local Fiscal Recovery funds, to be applied towards the purchase price of a hotel at 6733 East Main Street, Mesa, AZ, that will be used to provide temporary emergency housing and support services to people who are experiencing homelessness. **(Citywide)** – Resolution No. 12072

6. Introduction of the following ordinances and setting July 10, 2023 as the date of the public hearing on these ordinances:

- \*6-a. ANX23-00215 "Power Road Right-of-Way De-Annexation" (**District 6**) Ordinance de-annexing public right-of-way to Maricopa County, consisting of  $\pm 0.2$  acres located within the 3800 to 3900 blocks of South Power Road, subject to approval by the Maricopa County Board of Supervisors. The de-annexation of public right-of-way is allowed pursuant to A.R.S. § 9-471.02 and § 9-471.03. – Ordinance No. 5797

In 1990,  $154\pm$  acres of land were annexed into the city, including the land that is the subject of this proposed de-annexation ordinance. Since 1990, Maricopa County has determined that it needs an additional 10 feet of right-of-way in the area, specifically for Power Road. This de-annexation is to accommodate Maricopa County's right-of-way requirements.

- \*6-b. ZON22-01003 "Western Semi Solutions" (**District 1**) Within the 2800 to 2900 blocks of North Greenfield Road (west side), within the 4300 block of East McDowell Road (north side), and within the 4300 block of East Oasis Street (south side). Located west of Greenfield Road and north of McDowell Road ( $5.7\pm$  acres). Rezone from Light Industrial (LI) to Light Industrial with a Planned Area Development overlay (LI-PAD) and Site Plan Review. This request will allow for an industrial development. – Ordinance No. 5798

Staff Recommendation: Approval with conditions

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

- \*6-c. ZON22-01168 "Edge on Main Apartments" (**District 4**) Within the 100 block of South Morris (east side) and the 200 block of West Mahoney Avenue (north side). Located east of Country Club Drive and south of Main Street ( $.5\pm$  acres). Rezone from T4 Neighborhood Flex (T4NF) to T5 Main Street (T5MS) within the Form Based Code Regulating Plan. Scott Harwood, OZ Development, applicant; OZ16 QOZB LLC, owner. – Ordinance No. 5799

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. ZON22-01340 "Residences at Dobson and Cubs Way" (**District 3**) Within the 900 block of North Dobson Road (west side) and within the 2000 block of West Riverview Auto Drive (east side). Located north of Rio Salado Parkway and west of Dobson Road ( $6.6\pm$  acres). Rezone from General Commercial with a Planned Area Development overlay (GC-PAD) to Multiple Residence-4 with a Bonus Intensity Zone overlay (RM-4-BIZ) and Site Plan Review. This request will allow for a multiple residence development. – Ordinance No. 5793

Staff Recommendation: Approval with conditions

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

- \*7-b. ZON22-01344 "La Mesita - Phase 4" (**District 3**) Within the 2200 block of West Main Street (north side). Located north of Main Street and west of Dobson Road (1± acre). Rezone from General Commercial (GC) and Multiple Residence-4 (RM-4) to General Commercial with a Bonus Intensity Zone (GC-BIZ), Council Use Permit, and Site Plan Review. This request will allow for a multiple residence development. Earl and Curley, applicant; A New Leaf Inc, owner. – Ordinance No. 5794

Staff Recommendation: Approval with conditions

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

- \*7-c. ZON22-01216 "Salad and Go" (**District 4**) Within the 1900 block of South Country Club Drive (west side) and within the 400 block of West Baseline Road (north side). Located north of Baseline Road on the west side of Country Club Drive (2.0± acres). Major Site Plan Modification and amending the conditions of approval on case Z99-070. This request will allow for a restaurant with a drive-thru facility. Travis Bousquet, Atwell, LLC, applicant; Avalon Base Country LLC, owner. – Ordinance No. 5795

Staff Recommendation: Approval with conditions

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

- \*7-d. ZON22-01178 "Take 5 @ Ellsworth" (**District 5**) Within the 1200 to 1300 blocks of South Ellsworth Road (east side). Located south of Southern Avenue on the east side of Ellsworth Road (2.7± acres). Site Plan Modification and amending the conditions of approval on case Z05-033. This request will allow for a minor automobile/vehicle repair facility. Jesse Macias, M3 Design, LLC, applicant; LOWES HIW INC, owner. – Ordinance No. 5796

Staff Recommendation: Approval with conditions

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

8. Take action on the following subdivision plats:

- \*8-a. SUB23-00170 "Brown Road Pavilions" (**District 5**) Within the 6200 block of East Brown Road (south side). Located east of Recker Road on the south side of Brown Road (2.35± acres). Country Club Ventures, LLC and Winnie 88, LLC, developers; Joseph A. Gervasio, Gervasio & Associates, Inc, surveyor.
- \*8-b. SUB23-00328 "Elliot Tech Center 1" (**District 6**) Within the 3500 to 3600 blocks of South Signal Butte Road (west side) and within the 10500 to 10800 blocks of East Elliot Road (north side). Located west of Signal Butte Road and north of Elliot Road (25.49± acres). TTRG Industrial AZ Mesa Elliot Signal Ph 1, LLC and TTRG Mesa Elliot Signal AZ, LLC, developers; James A. Brucci, Hunter Engineering, surveyor.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:03 p.m.

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JOHN GILES, MAYOR

ATTEST:

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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 3<sup>rd</sup> day of July 2023. 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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