



COUNCIL MINUTES

November 16, 2020

The City Council of the City of Mesa met in a Regular Council Meeting via a virtual format streamed into the lower level meeting room of the Council Chambers, 57 East 1st Street, on November 16, 2020 at 5:57 p.m.

COUNCIL PRESENT

John Giles*
Mark Freeman*
Jennifer Duff*
Francisco Heredia*
David Luna*
Kevin Thompson*
Jeremy Whittaker*

COUNCIL ABSENT

OFFICERS PRESENT

Christopher Brady
Dee Ann Mickelsen
Jim Smith

(*Council participated in the meeting through the use of video conference equipment.)

Mayor's Welcome.

Mayor Giles conducted a roll call.

Invocation by Executive Director Luke Douglas with Humanist Society of Greater Phoenix.

Mayor Giles led the Pledge of Allegiance.

Awards, Recognitions and Announcements.

Mayor Giles announced the City of Mesa had the most improved self-response rate for the 2020 Census out of the five largest cities in the State of Arizona. He added during a pandemic the City and State were also able to achieve a higher response rate than the 2010 U.S. Census. He expressed gratitude for the Census Bureau, Complete Count Committee, community partners, and the City's internal team which was led by Economic Development Project Manager Jeffrey Robbins. He introduced Luis Cardenas Camacho, a representative from the U.S. Census Bureau.

Mr. Cardenas Camacho congratulated the City of Mesa for having one of the most successful Census response rates in the past 20 years. He mentioned the City had a 66.3% response rate, which was higher than the State of Arizona and just shy of the national average response rate. He mentioned the investment dollars and time put into the Census was a huge help in the return response rate. He reported this year was the first time the residents could complete the Census form online. He commented the census was able to establish partnerships within the community once the City Council began promoting the importance of the census to Mesa residents and the

community. He thanked the City of Mesa on behalf of the U.S. Census Bureau for all the City's hard work in promoting and participation in the Census.

Mayor Giles congratulated Mr. Cardenas Camacho and the U.S. Census Bureau team for doing a great job with the 2020 Census.

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 Vice Mayor Freeman, seconded by Councilmember Luna, 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 of previous meetings as written.

Minutes from the October 22, 2020 Special Study Session, November 2, 2020 Study, and the November 2, 2020 Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. Copper Stop Mini Mart

A convenience store is requesting a new Series 10 Beer and Wine Store License for Fiesta Palms Groceries Inc., 2111 South Alma School Road, Suite 4; Samer Mufid Kashou, agent. There is no existing license at this location. **(District 3)**

4. Take action on the following contracts:

*4-a. One-Year Term Contract with Four Years of Renewal Options for Vehicle Glass Repair and Replacement for the Fleet Services Department. **(Citywide)**

This contract will provide goods and services related to vehicle glass replacement, repair, and tinting for the City's fleet. This may include larger construction equipment and heavy equipment, as well as automobiles and light duty vehicles.

The Fleet Services Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Safelite Fulfillment Inc., at \$70,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-b. 11-Month Term Contract with Four Years of Renewal Options for Heavy Duty Truck, Construction, Industrial Fleet and Equipment Parts, Services and Accessories for the Fleet Services Department. **(Citywide)**

This contract will provide a full line of parts, accessories, and service for City-owned heavy-duty trucks, construction and industrial fleet, equipment parts, services and accessories.

The Fleet Services Department and Purchasing recommend authorizing the purchase using the Maricopa County cooperative contract with Drake Truck Bodies, LLC, dba Drake Equipment of Arizona; Empire Southwest, Inc., dba Empire Truck and Trailer; Kenz & Leslie of Arizona, Inc.; Lubrication Equipment & Supply Company; Sanderson Ford; and Titan Machinery, Inc., at \$500,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-c. Three-Year Term Contract with Two Years of Renewal Options for Fiberglass Waterslide and Water Feature Maintenance and Repairs for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contractor will provide annual inspections, maintenance, and repairs for the City's nine full-size fiberglass slides, two fiberglass kiddie slides, one cementitious/vinyl kiddie slide, and eight splash pad and pool facilities with water feature amenities.

An evaluation committee recommends awarding the contract to the highest scored proposal from Dale Cooper LLC, dba Safe Slide Restoration, at \$72,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-d. Three-Year Term Contract with Two Years of Renewal Options for Public Restroom Furnishings Equipment/Parts for the Parks, Recreation and Community Facilities Department (Single Response). **(Citywide)**

The Parks, Recreation and Community Facilities Department currently maintains 43 public restroom facilities. This contract will provide multiple brands of public restroom furnishings and equipment for routine maintenance, repair, and replacement. The contract requires the contractor to provide a full range of equipment to meet the needs of the City.

An evaluation committee recommends awarding the contract to the single, responsive, and responsible proposal from Partitions & Accessories (a Mesa business), at \$80,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-e. Three-Year Term Contract with Two Years of Renewal Options for Emergency Generator Rental Services for the Parks, Recreation and Community Facilities and Water Resources Departments. **(Citywide)**

This contract will provide emergency and non-emergency generator rentals. PRCF uses rental generators during generator replacements or to supply emergency backup power in the event of a power failure. Water Resources uses rental generators for a portion, or all, of the summer months to supply emergency backup power to pump stations without

a redundant power system. The majority of the services will be for stand-by generators that will be on-site for use during a power failure.

An evaluation committee recommends awarding the contract to the highest scored proposals from Empire Southwest, LLC, dba Empire Cat Power Systems (a Mesa business); Herc Rentals, Inc.; and Valleywide Generator Service, LLC (a Mesa business), at \$200,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-f. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Commercial Electrical Contractor Services for the Parks Recreation and Community Facilities Department. **(Citywide)**

This contract provides a list of pre-qualified electrical contractors to perform commercial electrical maintenance and repair work on various City facilities and projects on an as-needed basis.

The Parks Recreation and Community Facilities Department and Purchasing recommend authorizing the renewal with Swain Electric Inc.; Spectra Electrical Services; Kearney Electric, Inc., dba Kearney Electric and Communications; Commonwealth Electric Company of the Midwest; Jenco, Inc., dba Jen Electric, Jen Service, Control Engineering; and JFK Electrical Contracting Enterprises, Inc., at \$1,200,000 annually, based on estimated usage.

- *4-g. Purchase of 25 Cameras and Accessories (Replacements) for the Police Department. **(Citywide)**

The Police Department's Forensic Services Division requires the purchase of new cameras to replace older cameras used to document investigations.

City staff and Purchasing recommend authorizing the purchase using the Omnia Partners cooperative contract and lowest-quoted vendor, B&H Photo, at \$66,260.96, based on estimated requirements.

- *4-h. One-Year Term Contract of Excess Workers' Compensation Insurance and Workers' Compensation Self-Insurance Surety Bond. **(Citywide)**

As a self-insured entity, state statute requires the City to obtain excess workers' compensation insurance and to provide a security deposit based on the total unpaid losses of open compensable workers' compensation claims, which is accomplished through securing a surety bond.

Staff recommends the purchase of an excess workers' compensation insurance policy from Safety National Casualty Corporation with a self-insured retention for \$1.25 million per accident/injury/illness policy premium (with exceptions), at \$443,981. Staff recommends the purchase of a workers' compensation self-insurance surety bond through Travelers Casualty and Surety Company of America for the rate of \$8.00 per every \$1,000 of unpaid losses.

- *4-i. Amendment and Contract Value Increase to the Term Contracts for Solid Waste Disposal, Recyclable Material Processing, and Vegetative Waste Processing Services

as requested by the Environmental Management and Sustainability Department.
(Citywide)

The Department made changes to their operations and contracts this year. Transportation started an illegal dumping collection program, and the City has seen an increase to the barrel tonnage by approximately 8%. The contract value increase of \$325,000 is necessary for the combined changes and the City's landfill and disposal costs, and a one-year renewal with United Fibers, LLC.

The Environmental Management and Sustainability Department and Purchasing recommend authorizing a one-year renewal with United Fibers, LLC; and a contract dollar-limit increase of \$325,000 for the agreement (includes all vendors and covers all Solid Waste Disposal, Recyclable Material Processing, and Vegetative Waste Processing Services); from \$9,105,000 to \$9,430,000 annually, based on estimated usage.

***4-j. Mesa Gateway Pathway Project (Phase II) - Elliot Road to Hawes Road. (District 6)**

This project will provide a route for pedestrians and bicyclists with recreational and exercise activities. In addition, this pathway will provide connectivity between the City's existing and planned sidewalks, shared-use pathways, bike lanes, and routes located throughout the area. The proposed improvements include a 10-foot-wide asphalt concrete pathway on the west side of the Loop 202 freeway from Elliot Road to Hawes Road.

Staff recommends awarding the contract for this project to the lowest, responsible bidder, J. Banicki Construction, Inc., in the amount of \$1,752,688.21, and authorizing a changer order allowance in the amount of \$175,268.82 (10%), for a total award of \$1,927,957.03. This project is funded by Federal Highway Administration funds (94.3%) and Local Streets funds (5.7%).

***4-k. Water line, Gas line, and Sewer line Replacement Project - Phase 2 (Four Locations) Alma School Road and Main Street, Pueblo Avenue, Sycamore, and 8th Avenue, Construction Manager at Risk (CMAR), Second (of two) Guaranteed Maximum Price (GMP). (District 3 and 4)**

This is the second of two GMPs contracts for this project. The first GMP (Water line replacement at Main Street and Crismon Road) was previously approved by Council on April 6, 2020. The City has determined the need to replace existing ACP water, gas, and sewer lines, due to infrastructure nearing the end of its serviceable life. GMP No. 2 will complete: 1) water improvements - northwest corner of Main Street and Alma School Road; 2) water and gas improvements - Pueblo Avenue (Longmore to Alma School Road); 3) water and sewer improvements - Sycamore (Emelita Avenue to 7th Avenue); and 4) water improvements - 8th Avenue (Dobson Road to Sycamore).

Staff recommends awarding the contract for this project to Garney Construction (a Mesa business), in the amount of \$6,804,069.98 (GMP), and authorizing a change order allowance in the amount of \$170,101.75 (2.5%), for a total award of \$6,974,171.73. This project is funded by 2014 authorized Water bonds, 2014 authorized Wastewater bonds, and 2014 Gas bonds.

*4-l. Lewis East Substation Rebuild Project. **(District 4)**

The Energy Resources Department will be replacing the 45-year-old transformer and associated switchgear in the east bay of Lewis Electrical Substation with a new transformer and associated switchgear. This GMP includes the scope of work to install the conduits, foundations, structural steel, relays, transformer, cable, and switches necessary to support the substation rebuild.

Staff recommends awarding the contract for this project to Builders Guild (Mesa business), in the amount of \$2,711,081.44 (GMP), and authorizing a change order allowance in the amount of \$135,554.07 (5%), for a total award of \$2,846,635.51. This project is funded by 2014 authorized Electric Bonds.

*4-m. **See: Items not on the Consent Agenda.**

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to accept up to \$53,535 in grant funds from the Arizona Attorney General's Office Child and Family Advocacy Center Fund for the Police Department's Mesa Family Advocacy Center. **(Citywide)** – Resolution No. 11595
- *5-b. Approving and authorizing the City Manager to enter into a five-year Agreement with Visit Mesa, Inc., for the distribution of a portion of the City's transient lodging tax proceeds for the promotion of tourism and destination marketing in Mesa, Arizona and in accordance with Arizona Revised Statute §9-500.06. **(Citywide)** – Resolution No. 11596
- *5-c. Extinguishing a portion of an 8-foot public utility easement located at 2150 East Huber Street to allow for the construction of a swimming pool; requested by the property owner. **(District 1)** – Resolution No. 11597
- *5-d. Extinguishing two temporary drainage easements, a 35-foot easement located at 7152 East Hannibal Circle and a 28-foot easement located at 7153 East Hannibal Circle, to allow for the construction of backyard swimming pools; requested by the property owners. **(District 5)** – Resolution No. 11598
- *5-e. Extinguishing a public utilities and facilities easement located at 9641 East Hampton Avenue to allow for improvements to the Bella Encanta subdivision; requested by the property owner. **(District 6)** – Resolution No. 11599
- *5-f. Approving and authorizing the City Manager to enter into a five-year Intergovernmental Agreement with the City of Scottsdale to allow fire recruits to attend training hosted by the Mesa Fire and Medical Department. Scottsdale will pay Mesa \$4,500 per recruit trained in a Mesa Academy and provide personnel (recruit training officers) to aid in the training. **(Citywide)** – Resolution No. 11600
- *5-g. Approving and authorizing the City Manager to enter into contracts for the purchase of firm natural gas supplies for the City's natural gas distribution system for a period of up to five years and in amounts up to the full requirements of the system, as well as a contract for associated gas management balancing and scheduling services. **(Citywide)** – Resolution No. 11601

- *5-h. Authorizing the City Manager to enter into insurance agreements, as recommended by the City Attorney's Office, to obtain insurance for the City including insurance for property, liability, cyber risk, and aviation, and authorizing the ability to purchase and renew additional insurance for the City. **(Citywide)** – Resolution No. 11602

6. Introduction of the following ordinances and setting December 1, 2020 as the date of the public hearing on these ordinances:

- *6-a. Amending Chapters 67, 76, and 87 of Title 11, Zoning Ordinance, of the Mesa City Code, relating to site plan reviews, approved plans, and amendments to zoning maps. The amendments include, but are not limited to, adding public notice for administrative site plan reviews, clarifying major and minor modifications to approved plans, and adding definitions. **(Citywide)**

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (Vote: 5-0)

- *6-b. Amending Chapters 2, 5, 6, 8, 31 and 86 of Title 11, Zoning Ordinance, of the Mesa City Code, relating to assisted living and nursing and convalescent homes. The amendments include, but are not limited to, amending land use requirements and development standards, adding measuring distance from an intersection, modifying the definition of assisted living facility, and adding definitions including assisted living home and assisted living center. **(Citywide)**

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (Vote: 5-0)

- *6-c. Amending Chapters 2, 5, 6, 7, 31, 33, 50, and 86 of Title 11, Zoning Ordinance, of the Mesa City Code. The amendments include, but are not limited to, modifying residential, commercial and employment land use tables, modifying residential and commercial development standards, modifying residential uses in commercial districts requirements, adding portable storage container and boat and RV storage provisions, adding and modifying definitions, removing provisions that no longer apply, such as vehicular access to side yards, minor clarification to existing provisions, and minor revisions to wording and formatting. **(Citywide)**

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (Vote: 5-0)

7. Take action on the following resolution and introduction of the following ordinance relating to Chapter 69 of the Zoning Ordinance, and setting December 1, 2020 as the date of the public hearing on the ordinance:

- *7-a. A resolution declaring the document filed with the City Clerk entitled "2020 - Chapter 69 Site Plan Review, Title 11 Zoning Ordinance" and identified for codification as Chapter 69, Title 11, Zoning Ordinance, of the Mesa City Code, to be a public record and

providing the availability of the document for public use and inspection. – Resolution No. 11603

- *7-b. An ordinance repealing in its entirety the existing Chapter 69: Site Plan Review of Title 11, Zoning Ordinance, of the Mesa City Code and adopting by reference the public record known as “2020 - Chapter 69 Site Plan Review, Title 11 Zoning Ordinance” and identified for codification as Chapter 69, Title 11, Zoning Ordinance, of the Mesa City Code.

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (5-0)

8. Take action on the following resolutions declaring terms/rates/fees/charges to be public records and available to the public, and introducing the following ordinances to modify City-owned utility terms/rates/fees/charges and setting December 1, 2020 as the date of the public hearing on these ordinances.

- *8-a. **See: Items not on the Consent Agenda.**
- *8-b. **See: Items not on the Consent Agenda.**
- *8-c. **See: Items not on the Consent Agenda.**
- *8-d. **See: Items not on the Consent Agenda.**
- *8-e. **See: Items not on the Consent Agenda.**
- *8-f. **See: Items not on the Consent Agenda.**
- *8-g. **See: Items not on the Consent Agenda.**
- *8-h. **See: Items not on the Consent Agenda.**
- *8-i. **See: Items not on the Consent Agenda.**
- *8-j. **See: Items not on the Consent Agenda.**

9. Take action on the following subdivision plat:

- *9-a. “Bella Encanta” **(District 6)** Within the 9500 through 9800 blocks of East Hampton Avenue (south side). Located north of the US-60 Superstition Freeway and west of Crismon Road (33± acres). Crismon BFC, LLC, developer; David Klein, Superior Surveying Services Inc., surveyor.

Items not on the Consent Agenda.

4. Take action on the following contracts:

- 4-m. Mesa City Center - Fourth Guaranteed Maximum Price (GMP) - The Plaza @ Mesa City Center. **(District 4)**

This GMP is the fourth of the series of GMP's relating to City Center work. It is the sole GMP for the Plaza @ Mesa City Center project. The scope of work includes all work needed to construct the proposed Plaza @ Mesa City Center site.

Staff recommends awarding the contract for GMP No. 4 to the selected Construction Manager at Risk, DPR Construction, in the amount of \$6,687,956, and authorizing a change order allowance in the amount of \$318,474 (5%), for a total amount of \$6,711,996. This project is funded by the 2018 General Obligation Bonds and the Capital General Fund.

It was moved by Vice Mayor Freeman, seconded by Councilmember Luna, that the Mesa City Center – Fourth Guaranteed Maximum Price (GMP) – The Plaza @ Mesa City Center 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.

8. Take action on the following resolutions declaring terms/rates/fees/charges to be public records and available to the public, and introducing the following ordinances to modify City-owned utility terms/rates/fees/charges and setting December 1, 2020 as the date of the public hearing on these ordinances.

- 8-a. A resolution declaring proposed terms/rates/fees/charges for electric utility services to be a public record. **(Districts 1 and 4)** – Resolution No. 11604
- 8-b. An ordinance modifying terms/rates/fees/charges for electric utility services. **(Districts 1 and 4)**
- 8-c. A resolution declaring proposed terms/rates/fees/charges for natural gas utility services to be a public record. **(Citywide)** – Resolution No. 11605
- 8-d. An ordinance modifying terms/rates/fees/charges for natural gas utility services. **(Citywide)**
- 8-e. A resolution declaring proposed terms/rates/fees/charges for water utility services to be a public record. **(Citywide)** – Resolution No. 11606
- 8-f. An ordinance modifying terms/rates/fees/charges for water utility services. **(Citywide)**
- 8-g. A resolution declaring proposed terms/rates/fees/charges for wastewater utility services to be a public record. **(Citywide)** – Resolution No. 11607
- 8-h. An ordinance modifying terms/rates/fees/charges for wastewater utility services. **(Citywide)**
- 8-i. A resolution declaring proposed terms/rates/fees/charges for solid waste utility services to be a public record. Proposed changes include bin, roll-off, commercial barrel service,

and appliance recycling and bulk item collection schedule modifications. **(Citywide)** – Resolution No. 11608

- 8-j. An ordinance modifying terms/rates/fees/charges for solid waste utility services. Proposed changes include bin, roll-off, commercial barrel service, and appliance recycling and bulk item collection schedule modifications. **(Citywide)**

It was moved by Vice Mayor Freeman, seconded by Councilmember Luna, that the Resolution Nos. 11604,11605,11606,11607 and 11608 and setting December 1, 2020 as the date of the public hearing on the ordinances 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.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council meeting adjourned at 6:14 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 16th day of November 2020. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK