

## COUNCIL MINUTES

December 1, 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 December 1, 2020 at 7:01 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

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

Mayor's Welcome.

Mayor Giles conducted a roll call.

Mayor Giles led a moment of silence, followed by the Pledge of Allegiance.

Awards, Recognitions and Announcements.

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 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 of previous meetings as written.

Minutes from the September 17, September 24, and October 22, 2020 Study Sessions, the November 16, 2020 Regular Council meeting, and the November 19, 2020 Special Council meeting.

3. Take action on the following liquor license applications:

\*3-a. Fast Market #4598

A convenience store is requesting a new Series 10 Beer and Wine Store License for GPM Southeast LLC, 7542 East Southern Avenue; Joey Jerome Danielson, agent. The existing license held by Quik-Way Retail Associates II LTD will revert to the State. **(District 5)**

\*3-b. Fast Market #4599

A convenience store is requesting a new Series 10 Beer and Wine Store License for GPM Southeast LLC, 7060 East Baseline Road; Joey Jerome Danielson, agent. The existing license held by Quik-Way Retail Associates II LTD will revert to the State. **(District 6)**

\*3-c. Fast Market #4600

A convenience store is requesting a new Series 10 Beer and Wine Store License for GPM Southeast LLC, 9151 East Guadalupe Road; Joey Jerome Danielson, agent. The existing license held by Quik-Way Retail Associates II LTD will revert to the State. **(District 6)**

\*3-d. Speedway #1509

A convenience store is requesting a new Series 10 Beer and Wine Store License for Western Refining Retail LLC, 7226 South Ellsworth Road; Andrea Dahlman Lewkowicz, agent. There is no existing license at this location. **(District 6)**

\*3-e. Grab & Go

A convenience store is requesting a new Series 10 Beer and Wine Store License for Grab & Go Food Mart LLC, 1605 West Broadway Road; Vikram Singh Cheema, agent. The existing license held by Arizona Land Owners LLC will revert to the State. **(District 3)**

\*3-f. Old School Grub

A restaurant that serves breakfast, lunch and dinner is requesting a new Series 12G Restaurant License with growler privileges for Carlotta Ranae Wheeler, sole proprietor, 6555 East Southern Avenue, Suite 1544; Carlotta Ranae Wheeler, agent. There is no existing license at this location. **(District 6)**

4. Take action on the following contracts:

- \*4-a. Eight-Month Renewal to the Term Contract for PC Cycle Replacement and Dollar-Limit Increase for Supplemental Computers, Ruggedized Laptops and Tablets for various City Departments as requested by the Department of Innovation and Technology. **(Citywide)**

This contract provides for the City's PC Cycle Replacement Program and provides supplemental purchases of computer equipment. Supplemental computer purchases are made for departments to meet their current and future technology needs.

The Department of Innovation and Technology and Purchasing recommend renewing the PC Cycle contract through July 31, 2021 using the State of Arizona cooperative contracts with Dell Marketing LP; Apple Computer, Inc.; Panasonic Solutions; and adding Microsoft Corporation; at \$1,600,000, based on projected usage for scheduled device replacement; and increasing the dollar-limit for supplemental computer purchases by \$500,000, from \$400,000 to \$900,000, to be used by Citywide departments, with the above listed vendors, through July 31, 2021.

- \*4-b. Purchase of Storage Infrastructure (Upgrade/Replacement) for the Department of Innovation and Technology. **(Citywide)**

The current storage system contains critical data used by computer applications that serve both citizens and internal City business needs. The current storage system is reaching capacity and needs to be expanded to ensure continued reliable operation. The upgrade will add an additional 23TB of storage and will provide supportable and sustainable data storage into the future.

The Department of Innovation and Technology and Purchasing recommend authorizing the purchase using the Mohave cooperative contract and lowest-quote vendor, iT1 Source, at \$29,423.10, based on estimated requirements. This purchase is funded by Department of Innovation and Technology Lifecycle Program budget.

- \*4-c. Three-Year Term Contract with Two Years of Renewal Options for Fingerprinting Services for various City Departments. **(Citywide)**

This contract will provide fingerprinting services for the City of Mesa for prospective employees, volunteers, contractors, temporary agency workers, permits, and licenses.

An evaluation committee recommends awarding the contract to the highest scored proposal from Secureone Inc., dba Secureone Livescan Fingerprinting (a Mesa business), at \$92,150 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-d. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Air Filters for Citywide Facilities for the Materials and Supply Warehouse as requested by the Parks, Recreation and Community Facilities Department. **(Citywide)**

Air filters are installed in Citywide facilities by Facilities Maintenance. Materials and Supply orders and maintains inventory as needed.

The Business Services Department and Purchasing recommend authorizing the renewal with American Air Filter, dba AAF/Aire Filter Products (a Mesa business), at \$30,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-e. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Elevator/Vertical Transportation Unit Maintenance for the Parks, Recreation and Community Facilities Department (PRCF). **(Citywide)**

PRCF is responsible for maintaining 60 elevators/vertical lift units at various City buildings. This contract provides preventative maintenance and repair services.

The Business Services Department and Purchasing recommend authorizing the renewal with Arizona Elevator Solutions Inc., at \$190,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- \*4-f. Three-Year Term Contract with Two Years of Renewal Options for Waste Pumping and Hydro-Jetting Services for the Parks, Recreation and Community Facilities Department (PRCF). **(Citywide)**

PRCF is responsible for maintaining approximately 62 wastewater tanks at various locations. This contract will establish and provide a proper preventive maintenance schedule for these tanks through regularly scheduled inspections and pump outs.

The Parks, Recreation and Community Facilities Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, TKS Contracting, dba Priority Pumping, at \$61,850 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-g. Seven-Month Term Contract with Four Years of Renewal Options for Automatic Transmission Repairs and Services for the Fleet Services and Mesa Fire and Medical Departments. **(Citywide)**

This contract will provide automotive transmission parts, repairs, and replacement services for the City's heavy-duty vehicles (fire apparatus, refuse trucks, and heavy-duty trucks) and light-duty vehicles (medium trucks and passenger cars).

The Fleet Services Department and Purchasing recommend authorizing the purchase using the Mesa Public Schools cooperative contract with RWC International, dba, RWC Group; The WW Williams Company LLC; Don Sanderson Ford, Inc.; AAMCO Transmissions Total Car Care Mesa, aka AZ Transmissions Systems; Courtesy Chevrolet; Jasper Engines & Transmissions; and Sun Devil Auto; at \$375,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

**\*4-h. Purchase of Crime Scene Reporting Hardware and Software (Addition) (Competition Exemption). (Citywide)**

The Crime Scene Unit responds to approximately 6,500 crime scenes annually. The detailed notes taken at the scene are used to generate reports. This data is entered into the Laboratory Information Management System (LIMS) and often required to be entered into the Records Management System (RMS). This purchase of 30 CrimePads, a tablet computer device, and supporting software will facilitate productivity, accuracy, and the ability to interface with Forensics Services report writing and both LIMS and RMS. It will allow real-time data entry at crime scenes that will auto-populate into the LIMS, as well as minimize typos, data entry errors, and reviewed corrections.

City staff recommends authorizing the purchase with the sole source vendor, Visionations, at \$64,917.12, based on estimated requirements. This purchase is grant funded by the Arizona Criminal Justice Commission.

**\*4-i. Purchase of a Dispatch Audio Recording System (Upgrade/Replacement) for the Mesa Police Department (Sole Source). (Citywide)**

The Police Department's dispatch audio recording system last updated in 2012 is nearing end of life and requires new equipment and software. The system maintains call recordings for the 911 Center and will integrate with the new Computer Aided Dispatch (CAD) system to include CAD screen activity recordings and provide call service quality assessment to aid in employee training and development. This upgrade will provide three new servers, new application software, and system installation and conversion.

The Department of Innovation and Technology, Mesa Police Department, and Purchasing recommend authorizing the purchase with Gosserco, Inc., at \$250,000, based on estimated requirements. This purchase is funded by Department of Innovation and Technology Lifecycle Funds.

**\*4-j. Three-Year Term Contract with Two Years of Renewal Options for Slurry Seal Sand for the Transportation Department. (Citywide)**

The Transportation Department has been using slurry seal sand for over 20 years to seal Mesa's road surfaces. The sand seals, enriches weathered pavements, fills fine cracks in the pavement surface, and provides additional skid resistance to the pavement while inhibiting raveling.

The Transportation Department and Purchasing recommend awarding the contract to the single, responsive, and responsible bidder, Calmat Company, dba, Vulcan Materials Company, at \$690,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

**\*4-k. Three-Year Term Contract with Two Years of Renewal Options for Traffic Signal Loop Detection Installation Services for the Transportation Department. (Citywide)**

This contract will provide for the installation of inductive loops to detect vehicles at signalized intersections at various locations within the City. It will typically be used for maintenance purposes to replace existing detectors that are defective but may also be used for the installation of new detectors.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, Kimbrell Electric, Inc., at \$171,200 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*4-l. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Residential Refuse and Recycling Containers for the Environmental Management and Sustainability Department. **(Citywide)**

This contract provides a supply of 35, 65, and 95-gallon plastic refuse and recycling containers for residential and commercial use on an as-needed basis.

The Environmental Management and Sustainability Department and Purchasing recommend authorizing the renewal with Otto Environmental Systems North America, Inc. (Primary); and Schaefer Systems International, Inc. (Secondary); at \$1,300,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. In addition, Rotational Molding, Inc. is a third vendor award for the 300-gallon containers to be used by the municipal partner agencies.

5. Take action on the following resolutions:

- \*5-a. Approving and authorizing the City Manager to accept a \$476,527 grant from the U.S. Department of Justice for the Justice and Mental Health Collaboration Program, Embedding Clinicians in Law Enforcement Agencies, for the Police Department's Crisis Response Team. **(Citywide)** – Resolution No. 11610
- \*5-b. Approving and authorizing the City Manager to enter into an agreement with the Office of Justice Programs to accept \$250,025 in grant funds for personnel services and software for the Police Department's Forensic Services Division for DNA capacity enhancement and backlog reduction. **(District 6)** – Resolution No. 11611

6. Introduction of the following ordinances and setting December 8, 2020 as the date of the public hearing on these ordinances:

- \*6-a. ZON20-00398 **(District 1)** Within the 3400 block of East University Drive (north side). Located west of Val Vista Drive on the north side of University Drive (2.3 acres). Rezone from RM-3 to RM-3-BIZ; and Site Plan Review. This request will allow for the development of a multiple residence on the site. Tim Boyle, Tim Boyle Design, applicant; AM Properties & Investments, LLC, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 4-0)

- \*6-b. **See: Items not on the Consent Agenda**

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

- \*7-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)** – Ordinance No. 5591

Staff Recommendation: Adoption

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

- \*7-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)** – Ordinance No. 5592

Staff Recommendation: Adoption

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

- \*7-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)** – Ordinance No. 5593

Staff Recommendation: Adoption

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

- \*7-d. 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. – Ordinance No. 5594

Staff Recommendation: Adoption

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

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

- 6-b. Amending Title 6 of the Mesa City Code (Police Regulations) by adding a new Chapter 25 entitled “Marijuana Prohibitions” prohibiting certain activities and facilities related to marijuana including: recreational marijuana retail establishments, except for retail sales by a state dual licensee at a shared location; marijuana testing facilities; delivery of marijuana unless delivered by a nonprofit medical marijuana dispensary in accordance with state regulations; and the consumption of marijuana on City property, certain prohibited property, and in vehicles/transportation. **(Citywide)**

Casey Halling, a Mesa resident, wrote comments in support of this item stating he is concerned that the new marijuana law at the state level will have a negative impact on Mesa unless tightly regulated. He commented Mesa needs to regulate and manage the sale and distribution of marijuana. He urged the Council to implement the proposed regulations in the interest of the residents of Mesa who deserve safe communities without the incessant and unabated influence of an uncontrolled marijuana industry.

Duane Stewart, a Mesa resident and medical marijuana user, supplied comments which reflect his support for legalization of marijuana. He added medical marijuana should be easily obtained with no more regulations than alcohol sales. He suggested there be no expensive card or doctor requirement for obtaining medical marijuana. He stated mandating dispensaries to have special state licenses will make medical marijuana more difficult and expensive to obtain because state licensing conditions may not be in the best interest of medical marijuana users.

Councilmember Duff expressed she supports opening the public discussion regarding marijuana regulations. She stated she agrees with the public safety measures; however, does not want to overregulate the facilities.

It was moved by Councilmember Luna, seconded by Councilmember Vice Mayor Freeman, that Item 6-b 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. Conduct a public hearing and take action on the following ordinances adopting modified City-owned utility terms/rates/fees/charges:

8-a. Conduct a public hearing on modifications to terms/rates/fees/charges of City-owned utilities: Items 8-b through 8-f.

Mayor Giles announced that this was the time and place for a public hearing regarding adopting the modified City-owned utility terms/rates/fees/charges.

Councilmember Whittaker commented that he thinks it is appalling that Council is raising utility rates in the middle of the current pandemic and is continuing to build the Arizona State University (ASU) campus. He indicated food bank lines are stretching miles long, unemployment rates are through the roof, and he will be voting against the ordinances.

Mayor Giles expressed his initial concern with going forward with the utility rate increases because the City is in the middle of a large utility assistance program to help out members of the community who are delinquent on their utilities. He pointed out that Mesa has dedicated millions of dollars to provide utility assistance and that residents needing utility assistance should take advantage of these programs. He mentioned the alternative to the current moderate rate increases will be a more dramatic increase in the future. He stated the proposed 1.5% increase on water is cheaper than keeping up with the costs of providing that utility. He reminded residents that while Mesa water rates are slightly above average, Mesa electric rates are less than Salt River Project (SRP) and Mesa natural gas rates are less than Southwest Gas.

Councilmember Whittaker noted that currently Mesa has the most expensive water, wastewater, and sewer rates in the Valley. He suggested reining in the City's spending to avoid raising utility rates.

There being no citizens wishing to speak on this issue, the Mayor declared the public hearing closed.

Mayor Giles stated that pending no objection of the Council, Items 8-b through 8-f will be voted on in one motion.

- 8-b. Modifying terms/rates/fees/charges for electric utility services. **(Districts 1 and 4)** – Ordinance No. 5595
- 8-c. Modifying terms/rates/fees/charges for natural gas utility services. **(Citywide)** – Ordinance No. 5596
- 8-d. Modifying terms/rates/fees/charges for water utility services. **(Citywide)** – Ordinance No. 5597
- 8-e. Modifying terms/rates/fees/charges for wastewater utility services. **(Citywide)** – Ordinance No. 5598
- 8-f. 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)** – Ordinance No. 5599

It was moved by Councilmember Luna, seconded by Vice Mayor Freeman, that Agenda Items 8-b through 8-f 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.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the Regular Council meeting adjourned at 7:20 p.m.

  
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JOHN GILES, MAYOR



ATTEST:

*Dee Ann Mickelsen*  
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 1<sup>st</sup> day of December 2020. I further certify that the meeting was duly called and held and that a quorum was present.

*Dee Ann Mickelsen*  
DEE ANN MICKELSEN, CITY CLERK

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