

COUNCIL MINUTES

June 6, 2022

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 6, 2022, at 5:45 p.m.

COUNCIL PRESENT

Jennifer Duff
Francisco Heredia
Mark Freeman
David Luna*
Julie Spilsbury
Kevin Thompson

COUNCIL ABSENT

John Giles

OFFICERS PRESENT

Christopher Brady
Holly Moseley
Jim Smith

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

Vice Mayor's Welcome.

Vice Mayor Duff conducted a roll call.

Vice Mayor Duff excused Mayor Giles from the entire meeting.

Invocation by Brooke Isingoma with St. Matthew United Methodist Church.

Pledge of Allegiance was led by Vice Mayor Duff.

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 Spilsbury, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

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

NAYS – None

ABSENT – Giles

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

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

Minutes from the March 31, April 14, April 18, and May 16, 2022, Study Sessions; and the May 16, 2022, Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. Sertoma Club of Mesa

This is a one-day event to be held on Monday, July 4, 2022, from 4:00 P.M. to 11:00 P.M., 201 North Center Street. **(District 4)**

*3-b. Board & Batten

A restaurant is requesting a new Series 7 Beer and Wine Bar License for Palm Street Culinary LLC, 4012 East Palm Street; Michael Jon Mills, agent. The existing Series 12 Restaurant License at this location will remain active and stack with the new Series 7 Beer and Wine Bar License. **(District 1)**

*3-c. Copper Stop Mini Mart

A convenience store is requesting a new Series 9 Liquor Store License for KRH LLC, 2111 South Alma School Road, Suite 104; Basim Hanna, agent. The existing license held by Fiesta Palms Groceries Inc., will revert to the State. **(District 3)**

*3-d. Go Puff

A liquor delivery store is requesting a new Series 9 Liquor Store License for GB License LLC, 225 South Hibbert, Suite 101; Andrea Dahlman Lewkowitz, agent. The existing license held by GB License LLC, will revert to the State. **(District 4)**

*3-e. Copper Stop Mini Mart

A convenience store is requesting a new Series 10 Beer and Wine Store License for KRH LLC, 2111 South Alma School Road, Suite 104; Basim Hanna, agent. The existing license held by Fiesta Palms Groceries Inc., will revert to the State. **(District 3)**

*3-f. Don Fito's Taqueria

A restaurant that serves dinner is requesting a new Series 12 Restaurant License for Don Fito's Taqueria LLC, 1853 S Power Road; Jeffrey Craig Miller, agent. There is no existing license at this location. **(District 6)**

4. Take action on the following contracts:

*4-a. Three-Year Term Contract with Two Years of Renewal Options for Printing and Mailing of Publicity Pamphlets for the City Clerk's Office. **(Citywide)**

The City Clerk's Office uses an outside vendor for the printing and mailing of election publicity pamphlets. These services will be needed for the City's General Election that

will be held November 8, 2022. In that election, the City may refer issues to the voters for consideration and any District run-off election. This contract will then be in place for any further elections during the contract term.

An evaluation committee recommends awarding the contract to the highest scored proposal from Cereus Graphics, Inc., at \$60,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- *4-b. Dollar-Limit Increase to the Term Contract for Private Security Guard Services for Various City Facilities. **(Citywide)**

This contract provides unarmed physical security services, mobile patrol using a golf cart, shuttle services for employees between City buildings and parking structures, and security for special events and festivals that are hosted by the City. The dollar-limit increase is for security officer salary increases based on industry standards for security guards and patrol services which are allowable per the contract.

Arts and Culture, Business Services, Library Services, Mesa Police Department, and Purchasing recommend increasing the dollar-limit with Universal Protection Service, LP, dba Allied Universal Security Services, by \$240,000, from \$1,300,000 to \$1,540,000 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 Drip Drop Oral Rehydration System for the Mesa Fire and Medical Department. (Sole Source). **(Citywide)**

In performing their job duties, firefighters often need dehydration relief. After performing a pilot program MFMD's Safety Committee has recommended moving forward with Drip Drop rehydration powder packets. It contains a blend of electrolytes (magnesium, calcium, and chloride) and sugar and has a higher sodium content compared to Gatorade.

The Mesa Fire and Medical Department and Purchasing recommend awarding the contract to the sole source vendor, Drip Drop Hydration, Inc., at \$60,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-d. Award of Two Additional Vendors and Dollar-Limit Increase to the Three-Year Term Contract with Two Years of Renewal Options for Ammunition and Related Products for the Mesa Police Department. **(Citywide)**

In December 2021, the City issued a Request for Bid for Ammunition and Less Lethal Products. Mesa had cooperatively solicited this agreement, acting as the lead agency for Gilbert, Queen Creek, Maricopa County Community Colleges, Scottsdale, and Avondale. On March 7, 2022, Council awarded the contract to seven, responsive and responsible vendors, at \$2,000,000 annually. However, due to COVID-19 and supply chain disruptions, there were several products on the original bid that did not receive any vendor responses. This award is for those resolicited products.

The Police Department and Purchasing recommend awarding the contract to additional responsive and responsible bidders, Proforce Marketing, Inc. and San Diego Police Equipment Co., Inc., and recommend increasing the dollar-limit by \$850,000, from

\$2,000,000 to \$2,850,000 annually, based on estimated usage, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- *4-e. One-Year Term Contract for DNA Lab Supplies for the Mesa Police Department (Sole Source). **(Citywide)**

The Biology Unit of the Forensic Services Division completes DNA analysis of samples from criminal investigations conducted by the Mesa and Gilbert Police Departments. These supplies enable the division to process evidence and conduct forensic DNA testing and include reagents and consumables (plastics) to determine the quantity of DNA present, to make copies of the DNA, and to detect the DNA on genetic instruments.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, Life Technologies Corporation, at \$100,000 annually, based on estimated usage.

- *4-f. Three-Year Term Contract with Two Years of Renewal Options for Chemical Detectors and Radionuclide Identification Devices for the Mesa Police Department. **(Citywide)**

The Bomb Team will use this equipment to quickly respond to and address hazardous substances/materials. The Chemical Detectors/Identifiers can test solids, liquids, chemicals, and powders with minimal risk of igniting the substance. The Handheld Radionuclide Identification Devices will locate and measure radioactive sources. This equipment can be used at large gatherings to protect attendees.

An evaluation committee recommends awarding the contract to the highest scored proposals from Pendar Technologies, Inc. and Safeware, Inc., at \$225,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. The initial purchase funded by Arizona Department of Homeland Security grant funds.

- *4-g. Purchase of One Mechanical Street Sweeper (Replacement) for the Transportation Department. **(Citywide)**

The new street sweeper will replace an existing sweeper that has reached the end of its useful life, has met the established criteria for replacement, and will be either traded, auctioned, sold, or deployed to special uses.

The Fleet Services and Transportation Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Freightliner of Arizona, at \$345,196.83. This purchase is funded by the Environmental Compliance Fee.

- *4-h. Extension and Dollar-Limit Increase to the Term Contract for Light-Duty Automotive Body Repair Services for the Fleet Services Department. **(Citywide)**

The contract extension is needed to complete the rebid process/contract award, and a dollar-limit increase is needed to get Fleet Services through August 31, 2022.

The Fleet Services Department and Purchasing recommend extending the contract through August 31, 2022, and increasing the dollar-limit with Caliber Bodyworks of Arizona, Inc., dba Caliber Collision Mesa-East Main St.; East Valley Collision LLC; LP's

Body & Paint Center LLC; and 2nd GEN LLC, dba Maaco Collision Repair & Auto Painting (all Mesa businesses), by \$135,000, from \$525,000 to \$660,000.

- *4-i. Use of Two Additional Cooperative Contracts, Award of an Additional Vendor and Dollar-Limit Increase to the Term Contract for Lubricants, Oils, and Grease for the Fleet Services Department. **(Citywide)**

The City is terminating its current lead agency cooperative contract for lubricants for convenience (no fault) because there was little interest from other agencies. This contract amendment, adding both the State of Arizona and City of Tucson cooperative contracts, will make available the types of lubricants needed by Fleets Services, as well as make more lubricating products available to Water Resources.

The Fleet Services and Water Resources Departments and Purchasing recommend authorizing the use of the State of Arizona cooperative contract with Cummins Sales and Service and the City of Tucson contract with Senergy Petroleum, LLC, and recommend increasing the dollar limit by \$458,000 annually, from \$100,000 to \$558,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *4-j. Purchase for Three Surface Lifts and Six Mobile Equipment Lifts (All Replacements) for the Fleet Services Department. **(Citywide)**

This contract will provide for the purchase and installation of three (3) two post surface equipment lifts, removal of the current in-ground lifts for Fleet Services' West Shop, and the purchase and set-up of six (6) mobile equipment lifts for the Fleet Services' East Shop.

The Fleet Services Department and Purchasing recommend authorizing the purchase using the Sourcewell cooperative contract with Rotary Lift, at \$84,764.35; and the State of Arizona cooperative contract with Mohawk Resources, LTD, at \$70,981.70.

- *4-k. Three-Year Term Contract with Two Years of Renewal Options for Landscape Refurbishment Services for the Transportation Department. (Single Response). **(Citywide)**

Transportation refurbishment projects are designed in-house and replace existing deteriorated streetscapes. The Contractor will be responsible for completing these refurbishment projects, leaving them in turnkey condition for the department.

The Transportation Department and Purchasing recommend awarding the contract to the single, responsive, and responsible bidder, Brightview Landscape Services, Inc., at \$1,447,700 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-l. Purchase of Two CNG Powered Roll-Off Refuse Trucks (Replacements) for the Environmental Management and Sustainability Department. **(Citywide)**

The new CNG powered roll-off trucks will be used for solid waste collection for the City's commercial customers. The City currently has a total of nine roll-off trucks. The department has been replacing diesel refuse collection trucks with CNG trucks as part of the conversion of the fleet to CNG, which also supports the City's Climate Action Plan.

The refuse trucks being replaced have met the established criteria for replacement, and will be either traded, auctioned, sold, or deployed to special uses.

The Fleet Services and Environmental Management and Sustainability Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Freightliner of Arizona, for \$685,298.76. This purchase is funded by the Utility Replacement and Renewal Fund.

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

Job order master contracts for landscaping construction services include renovations and repairs, additions, demolitions, and facility improvements for a broad range of landscape-related projects.

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

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

Job order master contracts for utility construction services includes construction improvements of city infrastructure related to underground utilities such as water, sewer, gas, storm sewer, and other city owned facilities.

Staff recommends the selections of B&F Contracting, Inc., Garney Construction (a Mesa business), and Hunter Contracting, Inc for job order master contracts for utility construction services. These three master contracts allow for the issuance of multiple individual job orders with a not-to-exceed limit of \$1,500,000 per job order, and a total contract value not-to-exceed \$5,000,000 for each year of the contract, per contractor.

- *4-o. Brown Road Water Treatment Plant Network and Control System Upgrades - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 1. **(District 5)**

The Brown Road Water Treatment Plant is in need of upgrades to the existing communication network, control systems, and motor controls. GMP No. 1 includes a portion of the electrical and control equipment in preparation for the project.

Staff recommends awarding a construction services contract to Sturgeon Electric Company, Inc., in the amount of \$1,082,823.77 (GMP), and authorizing a change order allowance in the amount of \$108,282.38 (10%), for a total amount of \$1,191,106.15. This project is funded by Utility Systems Revenue Obligations.

- *4-p. Northwest Water Reclamation Plant Process Improvements - Pre-Construction Services and Construction Manager at Risk (CMAR). **(District 3)**

The Northwest Water Reclamation Plant (NWWRP) was originally constructed in 1988 and expanded in 2000. A recent facility study performed an in-depth evaluation of all the

treatment processes for the current capabilities and future needs and developed recommendations to upgrade the facility.

Staff recommends selecting Archer Western Construction, as the CMAR for this project, and awarding a pre-construction services contract in the amount of \$950,769. This project is funded by Utility Systems Revenue Obligations.

5. Take action on the following resolutions:

- *5-a. ZON22-00154 (**District 6**) Within the 7300 to 7500 blocks of the South Crismon Road alignment (east side) and within the 10000 to 10300 blocks of East Germann Road (north side). Located north of Germann Road on the east side of the Crismon Road alignment (64± acres). Site Plan Review. This request will allow for an industrial development. Adam Baugh, Withey Morris, PLC, applicant; The Cubes at Mesa Gateway, LLC, owner. – Resolution No. 11868

Staff Recommendation: Approval with conditions

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

- *5-b. Extinguishing an 8-foot public utility easement located at 4611 East Fairbrook Circle to accommodate the construction of a new storage shed; requested by the property owner. (**District 2**) – Resolution No. 11869
- *5-c. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) concerning ADOT right-of-way north of the northeast corner of Val Vista Drive and Thomas Road. (District 1) – Resolution No. 11870
- *5-d. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Arizona Department of Transportation for the construction and maintenance of the Lehi Loop Shared Use Pathway - Phase 1. The pathway extends for 2.2 miles along the SRP South Canal and the ADOT SR202 freeway right-of-way, from McDowell Road to Val Vista Drive. The City is responsible for the maintenance, operation, and associated costs for the construction and upkeep of the pathway. (**District 1**) – Resolution No. 11871
- *5-e. Approving and authorizing the sale of certain City-owned real property (approximately 1,288 square feet) located at 1956 East Marilyn Avenue, to the adjacent property owner for the sale price of \$1,500. (**District 4**) – Resolution No. 11872
- *5-f. Authorizing the City Manager to execute an individual job order currently under a Job Order Master Contract with a value up to \$2,000,000 for the Sewer Quarter Section Rehabilitation Project to accommodate for escalated Projects costs due to inflation and several unforeseen conditions, such as, offset joints, root penetrations, and non-conforming repairs. (**District 4**) – Resolution No. 11873
- *5-g. Authorizing the City Manager to execute an individual job order currently under a Job Order Master Contract with a value up to \$2,000,000, for the 120 North Center Street Building Remodel project, to include, energy efficient lighting and heating, ventilation, and air conditioning (HVAC) systems in accordance with the City's Climate Action Plan, and other interior and exterior improvements. (**District 4**) – Resolution No. 11874

- *5-h. Authorizing the City Manager to execute an individual job order currently under a Job Order Master Contract with a value up to \$1,800,000 for the signalization, widening, and improvement of the intersection of Sossaman and Baseline Roads. **(District 6)** – Resolution No. 11875
- *5-i. Modifying fees and charges for the Development Services Department. **(Citywide)** – Resolution No. 11876
- *5-j. Modifying fees and charges for the Economic Development Department. **(Citywide)** – Resolution No. 11877
- *5-k. Modifying fees and charges for the Falcon Field Airport. **(Citywide)** – Resolution No. 11878
- *5-l. Approving and adopting the City of Mesa Hazard Mitigation Plan. This 5-year plan developed in collaboration with regional partners and Maricopa County Department of Emergency Management (MCDEM) will be included in MCDEM's 2021 Maricopa County Multi-Jurisdictional Multi-Hazard Mitigation Plan. **(Citywide)** – Resolution No. 11879
- *5-m. Adopting a pension funding policy and accepting the employer's share of assets and liabilities under the Public Safety Personnel Retirement System as required by A.R.S. §38-863.01. **(Citywide)** – Resolution No. 11880
- *5-n. Calling a special bond election to submit to the qualified electors of the City of Mesa, in conjunction with the General Election to be held on November 8, 2022, the question of authorizing the issuance and sale of general obligation bonds of the City for the purposes of public safety, law enforcement, fire and medical services, and related communications systems and facilities, equipment, apparatuses and vehicles, and to acquire land and interests in land related thereto, and designating the manner in which the election is conducted, the translation of election materials, voter registration deadlines and early voting dates. **(Citywide)** – Resolution No. 11881
- *5-o. Designating the General Election date as November 8, 2022, and the purpose of the General Election including providing the deadline for filing arguments for and against ballot measures, deadline for voter registration, and providing times that polls will be open. **(Citywide)** – Resolution No. 11882

6. Introduction of the following ordinances and setting June 20, 2022, as the date of the public hearing on these ordinances:

- *6-a. ZON21-01285 **(District 6)** Within the 4900 to 5200 blocks of South Power Road (east side) and within 6800 to 7000 blocks of East Ray Road (north side). Located north of Ray Road on the east side of Power Road (41± acres). Site Plan Modification. This request will allow for the development of a hotel. Jose Pombo, Vivo Development Partners, applicant; Power 202 Mixed Use, LLC., owner.

Staff Recommendation: Approval with conditions

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

- *6-b. ZON22-00093 (**District 6**) Within the 7900 block of East Warner Road (south side). Located east of Sossaman Road and west of Hawes Road (50± acres). Rezone from Agricultural (AG) to Light Industrial with a Planned Area Development overlay (LI-PAD) and Site Plan Review. This request will allow for an industrial development. Shane Cassidy, Comunale Properties, applicant; Victor Riches, owner.

Staff Recommendation: Approval with conditions

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

- *6-c. ZON22-00160 (**District 3**) Within the 800 block of North Country Club Drive (west side), within the 400 block of West Rio Salado Parkway (north side), and within the 400 block of West 9th Street (south side). Located south of Brown Road on the west side of Country Club Drive (2.3± acres). Rezone from Multiple Residence (RM-4) and Limited Commercial (LC) to Limited Commercial with a Bonus Intensity Zone overlay (LC-BIZ), Site Plan Review. This request will allow the development of a new Child Crisis Arizona headquarters. Chris Woosley, Architectural Resource Team, applicant; SAFE KIDS STRONG FAMILIES LLC, owner.

Staff Recommendation: Approval with conditions

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

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

- *7-a Amending the Mesa City Code by repealing the existing Title 5, Chapter 14, entitled "Natural Gas Regulations" and adopting as part of Title 5, a new Chapter 14, Sections 1 through 12, entitled "Natural Gas Regulations" related to updating the City's natural gas curtailment regulations, line extension policies, and mirroring recent updates to policies and regulations for other City utilities. (**Citywide**) – Ordinance No. 5706

8. Take action on the following subdivision plats:

- *8-a. SUB21-00969 "Avalon Crossing Phase 1" (**District 6**) Within the 10000 to 10500 blocks of East Williams Field Road (south side). Located east of Crismon Road on the south side of Williams Field Road (90.2± acres). Shea Homes Limited Partnership, developers; Richard G. Alcocer, Coe and Van Loo, LLC, surveyor.
- *8-b. SUB21-01035 "Sossaman Business Campus" (**District 6**) Within the 3300 block of S. Sossaman Road (east side). Located north of Elliot Road (24.6 ± acres). SCD Sossaman, LLC., developers; David Klein, Superior Surveying Services, Inc., surveyor.
- *8-c. SUB21-01187 "Map of Dedication for Williams Field Road" (**District 6**) Within the 10200 to 10600 blocks of East Williams Field Road. Located along Williams Field Road, between Crismon and Signal Butte Roads (3.8± acres). Shea Homes Limited Partnership, developers; Richard G. Alcocer, Coe and Van Loo, LLC, surveyor.
- *8-d SUB22-01188 "Master Final Plat Avalon Crossing Development Unit 1" (**District 6**) Within the 10000 to 10200 blocks of East Williams Field Road, within the 6000 to 6100 block of South Crismon Road, within the 10000 to 10100 block of East Unity Avenue, and within the 6100 to 6200 block of South Labelle. Located east of Crismon Road and

south of Williams Field Road (34.09± acres). Pacific Proving, LLC, developers; Richard G. Alcocer, Coe and Van Loo, LLC, surveyor.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 5:58 p.m.

ATTEST:

Holly Moseley
HOLLY MOSELEY, CITY CLERK

Vince Dusk
VICE MAYOR



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 6th day of June. I further certify that the meeting was duly called and held and that a quorum was present.

Holly Moseley
HOLLY MOSELEY, CITY CLERK

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