



COUNCIL MINUTES

January 27, 2020

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on January 27, 2020 at 5:53 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Dee Ann Mickelsen
Jim Smith

Mayor's Welcome.

Mayor Giles asked everyone to stand and observe a moment of silence.

Pledge of Allegiance was led by Vice Mayor Freeman.

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 Duff, 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 December 2, 2019, January 13, 2020 Study Sessions and January 13, 2020 Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. Mesa Association of Sports for the Disabled Inc.

This is a four-day event to be held on Thursday, February 13, 2020 from 8:00 A.M. to 7:00 P.M., Friday, February 14, 2020 from 8:00 A.M. to 7:00 P.M., Saturday, February 15, 2020 from 8:00 A.M. to 7:00 P.M., and Sunday, February 16, 2020 from 8:00 A.M. to 7:00 P.M. at the Mesa Tennis Center at Gene Autry Park, 4125 East McKellips Road. **(District 5)**

4. Take action on the following contracts:

*4-a. Purchase of a Rear Load Refuse Truck (Addition) for the Transportation Department as requested by the Fleet Services Department. **(Citywide)**

This purchase of a new rear load refuse truck will be utilized to support the City's dedicated debris clean-up program that was created as a result of a Council initiative. The rear loader is designed to compact debris to reduce trips to the landfill and maximize productivity and will be operated by a two-person crew.

The Fleet Services and Transportation Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Freightliner of Arizona, LLC, at \$194,286.86, based on estimated requirements. This purchase is funded by the Local Streets Fund.

*4-b. Contract Amendment and Dollar-Limit Increase to the Term Contract for Fire Apparatus and Parts for the Mesa Fire and Medical Department (Sole Source). **(Citywide)**

This amendment is to add OEM fire apparatus repair services to the existing contract. These services are for unexpected repairs that require factory certification and cannot be performed by City staff. The amendment will provide a readily available source for the department to obtain these services.

The Mesa Fire and Medical Department and Purchasing recommend authorizing a contract amendment and increasing the dollar-limit with Pierce Manufacturing Inc. through their designated, local dealer, Hughes Fire Equipment Inc., by \$150,000, from \$205,000 to \$355,000 annually, based on estimated usage.

*4-c. Purchase of Six Pumper Trucks (Five Replacements and One Addition) for the Mesa Fire and Medical Department (Sole Source). **(Citywide)**

The five replacement pumpers fall in line with MFMD's ongoing apparatus replacement schedule and will be used as emergency response frontline units. The five apparatus that are being replaced have met established replacement criteria and will be sold by a sealed bid process or traded-in as part of the City's fire apparatus purchase agreement with Pierce Manufacturing. The one addition supports frontline apparatus during training to help mitigate current and future call volumes within the City of Mesa.

The Mesa Fire and Medical Department and Purchasing recommend awarding this purchase to Pierce Manufacturing Inc., through their designated local dealer, Hughes Fire Equipment Inc., at \$4,657,084.37. This purchase is funded by 2018 Public Safety Bonds and Public Safety Sales Tax.

- *4-d. Three-Year Term Contract with Two Years of Renewal Options for Automated Driveway Gate Operators and ADA Doors Preventative Maintenance and Repair Services for the Parks, Recreation and Community Facilities Department (Single Response). **(Citywide)**

This contract will provide preventative maintenance and repair services on automated driveway gates and ADA doors at various City facilities. Quarterly maintenance will be performed on the City's automated driveway entrance/exit gate operators and annual maintenance on ADA accessible entrances.

An evaluation committee recommends awarding the contract to the single and qualified proposal from DH Pace Company, Inc., at \$97,000 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 Interpreter/Translation Services for the Mesa Police, Mesa Municipal Court, City Clerk and Community Services Departments. **(Citywide)**

This contract will provide multiple certified foreign language interpreters and translators to departments on an as-needed basis including in-person, over the phone, document translation, and American Sign Language services.

The Mesa Police, Mesa Municipal Court, City Clerk and Community Services Departments, and Purchasing recommend authorizing the renewal with AZ Language Solutions LLC; CyraCom International, Inc., dba Voiance Language Services, LLC; Finger Works, Inc.; Language Connection; Spanish Media & Translation Services, LLC (a Mesa business); and Topete/Stonefield, Inc.; at \$100,000 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 for Software Service for the Hosted Customer Relationship Management (CRM) and Box Office Ticketing System for the Mesa Arts Center. **(Citywide)**

The Mesa Arts Center has been successfully using this hosted solution ticketing system for the past six years. The system provides ticket sales, theatre access management, fund reconciliation and accounting, customer information management, and marketing. It uses social media for ticket purchases, allows ticket buyers to share content related to a specific event, and provides a distribution channel for online ticketing through Facebook.

The Arts and Culture Department and Purchasing recommend authorizing the renewal with AudienceView Ticketing Corp., at \$150,000 annually, based on estimated usage.

- *4-g. Purchase of Network Packet Collection Hardware (Replacement/Upgrade) for the Information Technology Department. **(Citywide)**

This purchase will provide for the replacement of aging devices that enable the City to proactively monitor network data traffic to ensure continued system performance and security. The lifecycle upgrade of this network hardware will allow the City to take

advantage of current monitoring tools and provides future expandability to support future network upgrades.

The Information Technology Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract and the lowest-quoted vendor, Enterprise Network Solutions (a Mesa business), at \$92,000, based on estimated requirements.

- *4-h. Purchase of a High Availability Data Storage System (Replacement) for the Information Technology Department. **(Citywide)**

The high availability data storage system contains critical data used by computer applications that serve both Mesa citizens and internal City business needs. The data stored on these systems is vital to the provision of City services. The current data storage system has reached the end of the serviceable life and needs to be replaced to ensure continued reliable operation.

The Information Technology Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract and the lowest-quoted vendor, iT1 Source, LLC, at \$164,796.33, based on estimated requirements.

- *4-i. Purchase for the Expansion of the Very High Frequency (VHF) Fire Hazard Zone Radio System for the TOPAZ Regional Wireless Cooperative (TRWC) (Sole Source). **(Citywide)**

Due to the growth of the TRWC, a study was performed to evaluate the existing radio coverage and the future needs as the area continues to grow. The report indicated that there were areas where the radio coverage may not meet the criteria for a Public Safety radio system. Two of the areas were identified as having an impact on communication during fire operations. The addition of these two receiver systems will address those areas. This equipment will be located at Superstition Fire & Medical District Stations 261 and 263. The equipment will consist of five receivers at each site and a point-to-point wireless link to connect each site to the VHF Fire Hazard Zone Communications System.

The Information Technology Department and Purchasing recommend authorizing the sole source purchase with Motorola Solutions at \$187,535.50, based on estimated requirements. The costs for these additional sites will be shared among the Fire and Medical members of the TRWC (City of Mesa, 68.68%; Town of Gilbert, 17.16%; Superstition Fire & Medical District, 10.01%; Town of Queen Creek 3.22% and Rio Verde Fire District, 0.93%.)

- *4-j. Purchase of a One-Year Research and Advisory Subscription Service from Info-Tech Research Group Inc. for the Information Technology Department. **(Citywide)**

This subscription service will include actionable tools, vendor agnostic information, and unlimited direct consultation with subject matter experts that enables the City to see what is possible and practical given the state of current and emerging technology. The service will improve the efficiency of IT support through identification and implementation of industry best practices, including data analytics, cybersecurity, and other critical topics.

The Information Technology Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Info-Tech Research Group Inc., at \$61,100, based on estimated usage.

- *4-k. Dollar-Limit Increase to the Term Contract for Industrial Supplies for the Materials and Supply Warehouse (for Citywide Departments). **(Citywide)**

This contract expired on 12/31/2019, however the contract balance is insufficient to pay for the remaining invoices. These supplies are heavily used and there has been an overall increase in spending across all departments. Staff estimates this increase will provide the amount needed to finalize these invoices.

The Business Services Department and Purchasing recommend increasing the dollar-limit using the City of Tucson / Omnia Partners (formerly National IPA) cooperative contract with Grainger by \$13,000, from \$721,000 to \$734,000 annually, for Year 5 of the term contract.

- *4-l. Three-Year Term Contract with Two Years of Renewal Options for Trench Shoring Safety Equipment Rental Services for the Water Resources and Energy Resources Departments (Single Response). **(Citywide)**

This contract will provide trench shoring safety rental equipment and related services including delivery.

An evaluation committee recommends awarding the contract to the single and qualified proposal from United Rentals (North America), Inc., at \$200,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-m. 1st Avenue Right-of-Way Improvements Project - Phase 1 (Hibbert to LeSueur), Construction Manager at Risk (CMAR), Second (of two) Guaranteed Maximum Price (GMP). **(District 4)**

GMP No. 2 will complete the roadway improvements on 1st Avenue which include: 1) Mesa Drive to LeSueur; new asphalt pavement, sidewalk improvements, a raised median, a new storm drain, electrical undergrounding, and rehabilitated street lighting. Landscape and tree enhancements, as well as gas and water relocations will be completed by an adjacent developer; and 2) Hibbert to Mesa Drive; new asphalt pavement, American's with Disabilities Act (ADA) sidewalk improvements, a new curb return at the northwest corner of Pomeroy/1st Avenue, landscaping, water, gas, sewer line installations and rehabilitation, electrical undergrounding of mains and services in various areas, improved storm drains, and relocation of the City's flood irrigation facilities from Hibbert Street to Mesa Drive.

Staff recommends awarding the contract for this portion of the CMAR project to Haydon Building Corp in the amount of \$4,610,542 and authorizing a change order allowance in the amount of \$230,527 (5%), for a total GMP award of \$4,841,069. This project is funded by 2013 authorized Street Bonds and 2014 authorized Gas, Electric and Water Bonds.

5. Take action on the following resolutions:

*5-a. Approving and authorizing the City Manager to enter into a Maintenance Agreement with Temple Corporation of the Church of LDS and Suburban Land Reserve for 1st Avenue between Mesa Drive and LeSueur. Through the Maintenance Agreement, Suburban Land Reserve commits to fund the design and construction of enhanced streetscape improvements beyond those originally planned and budgeted in the City's capital improvement project. The Maintenance Agreement further commits the Temple Corporation of the Church of LDS and Suburban Land Reserve to long-term maintenance responsibilities for the enhanced streetscape improvements. **(District 4)** – Resolution No. 11448

*5-b. Approving the First Substantial Amendment to the City of Mesa Annual Action Plan for FY 2019/2020 and authorizing the City Manager to sign and submit the Amendment to the U.S. Department of Housing and Urban Development. **(Citywide)**

The Amendment will reallocate five-hundred thousand dollars (\$500,000) of HOME Investment Partnerships Program (HOME) funding to the following eligible activities: City of Mesa Tenant Based Rental Assistance (TBRA) Program (\$50,000) and Homeowner Rehabilitation Program (\$450,000). – Resolution No. 11449

*5-c. Approving the transfer of ownership of a City-owned parcel of real property and improvements located in Mesa, Arizona to A New Leaf, Inc., and authorizing the City Manager to execute documents to facilitate the transfer. **(District 4)**

The property is located near the intersection of East University Drive and North Hobson ("Hobson Property"). The Hobson Property was acquired and/or improved with CDBG program funds and is currently leased by A New Leaf for use as a domestic violence shelter. The transfer of the Hobson Property is recommended by City staff and meets the City Council-approved criteria for the disposition of City-owned property encumbered by CDBG funding to a nonprofit agency. – Resolution No. 11450

*5-d. Vacating two, 33-foot portions of road right-of-way in the 1900 block of Old South Mesa Drive, between East Baseline Road and East Juanita Avenue, and reserving public utilities easements; requested by the abutting property owners. The rights-of-way are no longer necessary for a public purpose. **(District 3)** – Resolution No. 11451

6. Introduction of the following ordinance and setting February 10, 2020 as the date of the public hearing on this ordinance:

*6-a. Amending Title 11, the Zoning Ordinance, of the Mesa City Code, by adding Chapter 15: Leisure and Recreation Zone District to Article 2: Base Zone; and by adding the Leisure and Recreation Base Zone to Chapter 3: Designation of Zoning Districts, Zoning Map, and Boundaries to Article 1: Introductory Provisions. **(Citywide)**

This amendment allows for entitled property to be zoned specifically for either public or private recreational uses as a stand-alone unique zoning district, geared towards parks and open space recreational uses.

Staff Recommendation: Approval

P&Z Board Recommendation: Approval

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

- *7-a. Amending the Form-Based Code, Chapter 59, Sections 14 and 15, of Title 11, the Zoning Ordinance, of the Mesa City Code pertaining to the parking requirements for mid-rise and high-rise building types. The amendment will make the construction of structured garage parking optional. **(Citywide)** – Ordinance No. 5547

Staff Recommendation: Approval

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

- *7-b. ZON19-00473 **(District 6)** Within the 3100 block of South Eastridge (east side). Located south of Guadalupe Road and east of Hawes Road (4.2± acres). Rezone from RS-6 to RM-2 PAD; and Site Plan Review. This request will allow for the development of a single residence development. Sean Lake, Pew and Lake, P.L.C., applicant; James Render, owner. – Ordinance No. 5548

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Vote for approval failed (Vote: 2-3)

A "yes" vote is for approval of the zoning case as recommended by City Staff.

8. Discuss, receive public comment, and take action on the following ordinance and take action on the following resolution relating to the property located at 535 West Baseline Road:

- *8-a. ZON18-00891 **(District 3)** Ordinance 535 West Baseline Road. Located west of Country Club Drive on the south side of Baseline Road (1.4± acres). Rezone from NC to LI. This request will allow for the development of an industrial use. Matthew Rettig, applicant; PDE Investments, LLC, owner. – Ordinance No. 5549

Staff Recommendation: Approval with conditions

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

- *8-b. Resolution approving and authorizing the City Manager to enter into a Development Agreement with PDE Investments, LLC, to limit certain land uses on property located at 535 West Baseline Road. **(District 3)** – Resolution No. 11452

9. Take action on the following recommendation from the Audit, Finance and Enterprise Committee:

- *9-a. Accepting the City's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2019.

Items not on the Consent Agenda.

10. Conduct a public hearing and take action on the following ordinances adopting modified City-owned utility terms/rates/fees/charges:

In response to a question posed by Councilmember Whittaker, Management and Budget Director Candace Cannistraro commented the Valley Cities Affordability and Homeowner

Comparison report was provided in a City Manager weekly update and is posted on the website. She explained she would have to research the last time this report was included in a Council meeting.

In response to a question from Mayor Giles regarding where the Valley Cities Affordability and Homeowner Comparison report can be viewed, Ms. Cannistraro stated it is available on the City of Mesa's website under Office of Management and Budget.

Councilmember Whittaker expressed his concern with the lack of transparency and integrity regarding the Valley Cities Affordability and Homeowner Comparison report and that he will not be supporting the ordinances.

Ms. Cannistraro stated the calculations in the report have not changed and explained the addition of Tucson was to show a more comparable city to Mesa.

Mayor Giles discussed the 1945 Council action of abolishing the City primary property tax and using utility revenue to pay for City services. He stressed the question is how Mesa compares with other cities on spending. He pointed out a recent study by the Arizona Republic that lists Mesa among the most affordable cities when it comes to spending per capita in the Valley.

Mayor Giles indicated support for Items 10-b, 10-c, 10-e, 10-f, and will make an alternative motion for 10-d to remove the increase for residential usage tiers.

Councilmember Whittaker stated the Valley Cities Affordability and Homeowner Comparison report takes into account the primary and secondary property tax which ranks Mesa as the second most unaffordable city in the Valley.

City Manager Christopher Brady explained the intent of 10-d is to make adjustments to the tiers for residents based on higher water consumption patterns to encourage water conservation. He remarked the average Mesa homeowner uses approximately 6,500 gallons of water per month, stating the proposed increase will affect residents that use 8,000 to 9,000 gallons of water per month. He suggested not taking action on 10-d today and introducing the rephrased item on February 10, 2020 with adoption on February 24, 2020.

Further discussion ensued regarding residential water usage and modification to the residential tiers.

10-a. Conduct a public hearing on modifications to terms/rates/fees/charges of City-owned utilities: Items 10-b through 10-f.

Mayor Giles announced that this is the time and place for a public hearing regarding modifications to City-owned utility terms/rates/fees/charges for electric services, natural gas services, water services, wastewater services and solid waste services.

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

10-b. An ordinance modifying terms/rates/fees/charges for electric utility services. **(Districts 1 and 4)** – Ordinance No. 5550

It was moved by Vice Mayor Freeman, seconded by Councilmember Heredia, that Ordinance No. 5550 be adopted.

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-c. An ordinance modifying terms/rates/fees/charges for natural gas utility services. **(Citywide)** – Ordinance No. 5551

It was moved by Vice Mayor Freeman, seconded by Councilmember Luna, that Ordinance No. 5551 be adopted.

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-d. An ordinance modifying terms/rates/fees/charges for water utility services. Proposed changes include rate modifications for non-residential water utility services, and adjustments for residential usage tiers without increasing the dollar amount per tier. **(Citywide)**

It was moved by Mayor Giles, seconded by Vice Mayor Freeman, that staff revise the language and submit a revised ordinance for introduction at the next Regular Council meeting.

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-e. An ordinance modifying terms/rates/fees/charges for non-residential wastewater utility services. **(Citywide)** – Ordinance No. 5552

It was moved by Councilmember Luna, seconded by Councilmember Heredia that Ordinance No. 5552 be adopted.

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-f. An ordinance modifying terms/rates/fees/charges for solid waste utility services. Proposed changes include bin, roll-off, and commercial barrel service schedule modifications. **(Citywide)** – Ordinance No. 5553

It was moved by Councilmember Luna, seconded by Vice Mayor Freeman that Ordinance No. 5553 be adopted.

Upon tabulation of votes, it showed:

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

Mayor Giles declared the motion carried by majority vote.

11. Items from citizens present:

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:24 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 27th day of January 2020. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

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