



COUNCIL MINUTES

June 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 June 1, 2020 at 6:23 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 commented the Country, State, and City are hurting from the global pandemic, followed by an incident of police brutality. He stated the combination of events has exposed feelings of anger and fear across cities, especially in communities of color. He thanked Mesa residents for keeping the peace and supporting one another through these rough times. He expressed appreciation for the Mesa Police Department who have monitored the current situation both day and night. He continued by saying the Police Department has been actively building relationships with communities of color with events and programs designed to strengthen understanding and promote safety. He noted a statewide curfew was set in place from 8:00 p.m. to 5:00 a.m. daily until June 8, 2020 with the exceptions of traveling to and from work, religious services, caring for a person or animal, operating a private business, seeking medical care, or fleeing from a dangerous situation. He announced the City of Mesa is filming a two-part series to give the communities of color a platform to discuss the impacts of George Floyd's death and ask questions to Police Chief Ken Cost. He added the videos will also address community concerns, training of Police, and programs in place at the Mesa Police Department that are designed to ensure the safety of the public and police.

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

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 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 April 14, April 16, 2020 Study Sessions, May 18, 2020 Special Council meeting, and May 18, 2020 Regular Council meeting.

3. Take action on the following recommendation made by the Judicial Advisory Board:

*3-a. Reappointing City Magistrate, Alicia Lawler, to a two-year term beginning July 1, 2020 and ending June 30, 2022.

4. Take action on the following contracts:

*4-a. Purchase of Field Lighting for Skyline Park (Replacement) for the Parks, Recreation and Community Facilities (PRCF) Department. **(Citywide)**

PRCF is looking to replace the field lights at Skyline Softball Field this summer. The existing lights no longer have readily available replacement parts and bulbs, and the poles cannot be confirmed to have structural integrity for use with a new lighting system.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the purchase using the Sourcewell cooperative contract with Musco Sports Lighting LLC, at \$338,803.55, based on estimated requirements.

*4-b. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Police Motorcycle Maintenance and Repair Services for the Police Department. **(Citywide)**

This contract provides maintenance and repair of the Police Department motorcycle fleet which currently consists of 23 Kawasaki Concours 1400 motorcycles. Fleet Services now has an in-house motorcycle repair technician to handle a majority of the routine services.

The Police Department and Purchasing recommend authorizing the renewal with Arizona Kawasaki, Inc. dba Kelly's Kawasaki (a Mesa business), at \$70,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-c. Purchase of One Automated Extraction Instrument (Addition) for DNA Analysis for the Police Department. **(Citywide)**

The QIAsymphony SP Instrument is an automated extraction system that has the capability of extracting up to 96 samples from up to four analysts at the same time. An additional instrument will increase the existing capacity and provide a redundancy if the current instrument needs to be taken off-line for service or upgrades. All DNA analysts have passed a competency test in the use of this instrument and detailed procedures have been developed for use in the laboratory. Using a different extraction instrument would require separate supplies and reagents.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, QIAGEN, Inc., at \$132,164.42, based on estimated requirements. This purchase is funded by the National Institute of Justice Capacity Enhancement and Backlog Reduction Grant.

- *4-d. Three-Year Term Contract with Two Years of Renewal Options for Police Service Dogs for the K9 Unit for the Mesa Police Department. **(Citywide)**

The Mesa Police Department K9 Unit uses Police Service Dogs for both patrol and detection (explosives, narcotics, etc.) purposes. The K9 Unit assists Police members in duties including, but not limited to, searching and apprehension of persons suspected of criminal behavior, lost persons, evidence, stolen property, or other articles.

An evaluation committee recommends awarding the contract to the highest-scored proposal from Adlerhorst International Inc., at \$71,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-e. Purchase of One Airborne Video Downlink Solution (Replacement) for the Mesa Police Department. **(Citywide)**

Enhanced technology, such as a video downlink system, provides real-time, direct video between airborne and ground units, allowing safer and more effective coordinated efforts during routine and emergency events and situations by giving emergency managers greater real-time situational awareness.

An evaluation committee recommends awarding the contract to the highest-scored proposal from Vislink Technologies, at \$156,000, based on estimated requirements. This award recommendation requests capacity for two helicopters should additional funding be identified. The initial purchase is funded by 2019 Homeland Security Grant (\$72,179) and 2017 Reallocated Funds - Homeland Security Grant (\$16,981.)

- *4-f. Dollar-Limit Increase to the Term Contract for Polyethylene Natural Gas Pipe and Fittings for the Materials and Supply Warehouse (for the Energy Resources Department). **(Citywide)**

Energy Resources - Gas Utility uses polyethylene natural gas pipe and fittings for newly installed intermediate natural gas mains and services and to replace aging infrastructure.

The Business Services and Energy Resources Departments and Purchasing recommend increasing the dollar-limit with Border States; Georg Fischer Central Plastics LLC; and Western Water & Gas Products Ltd; by \$40,000, for Years 2 and 3, from \$832,000 to \$872,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-g. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Utility Adjustment Services for the Transportation Department. **(Citywide)**

This contract provides minor concrete work and the adjustment of gas and water valves, survey monuments, sewer cleanouts, and manholes associated with utility cut repairs and/or failed utility frames and other related services.

The Transportation Department and Purchasing recommend authorizing the renewal with Lincoln Constructors Inc., at \$515,120 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-h. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Class 400 Gas Meters for the Materials and Supply Warehouse (for the Energy Resources Department). **(Citywide)**

This contract provides gas meters used for new service installations and repairs. These meters are used for monitoring volume of customer gas usage and for billing of residential and commercial services.

The Business Services and Energy Resources Departments and Purchasing recommend authorizing the renewal with Border States Industries, Inc., at \$265,500 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- *4-i. Robson Electrical Substation East Bay Transformer - Switchgear Replacement CMAR Project - GMP No. 2 **(District 2)**

Council approved GMP No. 1 for this project in April 2019, which included furnishing, installing, and constructing the conduits, foundations, structural steel, and switches necessary to support the replacement of the transformer and associated switchgear.

GMP No. 2 is the final GMP for the project. The scope of work includes furnishing, installation, and construction of the high voltage electrical bus and electrical relaying necessary to commission the new substation transformer and switchgear, which were installed in GMP No.1. New electrical cable will also be installed from the switchgear to connect to the electrical distribution grid and site modifications, including fencing and resurfacing, will also be completed.

Staff recommends awarding the contract for this portion of the CMAR project to ESS Corporation in the amount of \$1,279,817.55 and authorizing a change order allowance in the amount of \$127,981.75 (10%), for a total GMP award of \$1,407,799.30. Project funding by 2014 authorized Electric bonds.

5. Take action on the following resolutions:

- *5-a. Authorizing the City Manager to suspend enforcement, temporarily modify, or approve alternatives to requirements or specifications in the Mesa City Code, related to outdoor seating and services for eating and drinking establishments and temporary signage for all businesses and organizations, to mitigate the health and economic effects of the COVID-19 pandemic during the Declaration of Emergency. This resolution is intended to assist businesses and other organizations that are operating in a limited capacity due to the pandemic, or otherwise effected by the pandemic. **(Citywide)** – Resolution No. 11514
- *5-b. Designating the General Election date as November 3, 2020 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 the times that polls will be open. **(Citywide)** – Resolution No. 11515
- *5-c. Approving and authorizing the submittal to the U.S. Department of Housing and Urban Development of the Second Substantial Amendment to the City of Mesa Annual Action Plan for Fiscal Year 2019/2020 and the Third Substantial Amendment to the Five-Year Consolidated Plan for Fiscal Years 2015/2016 through 2019/2020 for the receipt of Emergency Solutions Grant COVID-19 program (ESG-CV) and the reprogramming of Fiscal Year 2019/2020 Community Development Block Grant (CDBG) funds in response to the Coronavirus pandemic, and authorizing the City Manager to expend, disburse, and enter into agreements for disbursement of the ESG-CV and CDBG funds. **(Citywide)** – Resolution No. 11516
- *5-d. Approving and authorizing the City Manager to disburse Fiscal Year 2020/2021 Human Services funds to non-profit organizations for activities approved by City Council and to enter into agreements for disbursement of the funds. **(Citywide)** – Resolution No. 11517
- *5-e. Vacating a portion of road right-of-way along Old Lehi Road between North Gilbert Road and East McDowell Road located at 2126 East Lehi Road to allow the property owner ingress and egress from the west side of the property; requested by the property owner. **(District 1)** – Resolution No. 11518
- *5-f. Extinguishing a public utilities and facilities easement located on the southwest corner of South Pomeroy and East Main Street to accommodate the construction of a building as part of the GRID Project; requested by the developer. **(District 4)** – Resolution No. 11519
- *5-g. Authorizing the defeasance and redemption of a portion of the City's outstanding Taxable Utility Systems Revenue Bonds, Series 2010 (Build America Bonds - Direct Pay), and Utility Systems Revenue Refunding Bonds, Series 2014, not to exceed \$17,000,000. **(Citywide)** – Resolution No. 11520
- *5-h. Levying the amount to be collected by a secondary property tax and the rate upon each one hundred dollars (\$100) of assessed valuation of property subject to taxation within the City of Mesa for the fiscal year ending June 30, 2021. **(Citywide)** – Resolution No. 11521

The FY 2020-21 secondary property tax rate of \$1.1171 represents a 6% reduction from the prior year's tax rate, while maintaining a tax levy of \$41.7 million.

6. Introduction of the following ordinances and setting June 15, 2020 as the date of the public hearing on these ordinances:

- *6-a. Repealing and replacing Title 1, Chapter 7 of the Mesa City Code pertaining to City Magistrates to formalize the term of office for the Presiding City Magistrate and clarify the term of office for City Magistrates, and amending Title 2, Chapter 3 of the Mesa City Code pertaining to the Judicial Advisory Board to formalize the appointment and reappointment process for the Presiding City Magistrate, clarify the appointment and reappointment process for City Magistrates, and clarify the Presiding City Magistrate's authority to appoint Magistrates Pro Tem. **(Citywide)**

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

- *7-a. See: **Items not on the Consent Agenda.**
- *7-b. Amending Sections 9-11-3 through 9-11-5 of the Mesa City Code pertaining to Floodplain Regulations and the National Flood Insurance Program, and adopting by reference Floodplain Management Regulations, a Flood Insurance Study, and Flood Insurance Rate Maps. The revisions are to comply with current state and federal floodplain regulations under the National Flood Insurance Program. **(Citywide)** – Ordinance No. 5572
- *7-c. **ZON20-00030 (District 6)** Within the 9500 block of East Southern Avenue (south side) and within the 1200 block of South 96th Street (west side). Located west of Crismon Road on the south side of Southern Avenue (1.6± acres). Rezoning from NC to RM-3 and Site Plan Review. This request will allow for a multi-residence development. Sean Lake, Pew and Lake PLC, applicant; Holualoa Superstition Canyon Land LLC, owner. – Ordinance No. 5573

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 7-0)
- *7-d. Modifying rates for residential water utility services. Establishing a 30% discount rate off the water service charge for qualified low-income senior residents. **(Citywide)** – Ordinance No. 5574

8. Discuss, receive public comment, and take action on the following zoning ordinance and take action on the following development agreement regarding property located on the west side of South Ellsworth Road, and north of Ray Road:

- *8-a. **ZON18-00483 (District 6)** Within the 4800 to 5000 blocks of South Ellsworth Road (west side). Located on the west side of Ellsworth Road north of Ray Road (74± acres). Rezoning from AG, LI, and PEP-BIZ-PAD to LI-PAD, LC-PAD and RM-4-PAD. This request will allow for a mixed-use development. Jeffery Blilie, Beus, Gilbert, McGroder PLLC, applicant; Sun Belt Land Holdings LP, owner. – Ordinance No. 5575

Staff Recommendation: Approval with conditions

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

- *8-b. Approving and authorizing the City Manager to enter into a Development Agreement with Sunbelt Land Holdings, LP, relating to approximately 73.7 acres of property located at the northwest corner of Ellsworth Road and Point Twenty-Two Boulevard for the purpose of developing a mixed-use development. **(District 6)** – Resolution No. 11522

Items not on the Consent Agenda.

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

- 7-a. Amending Chapter 58 of Title 11, the Zoning Ordinance, of the Mesa City Code to remove the limitation that certain land uses in the T5MS Transect Zone are not allowed on the ground floor and to allow certain Land Uses in the T5MS Transect Zone to occupy up to fifty percent of the ground floor if the development meets specific criteria. **(Citywide)** – Ordinance No. 5576

Staff Recommendation: Approval

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

The following citizens spoke in support of agenda item 7-a:

- Dean Newins, a Minnesota resident
- Ryan Wozniak, a Mesa resident

The speakers offered a series of comments including, but not limited to, the following:

- Bringing living, working, and socializing together within connected neighborhoods
- Help activate streetscape as the market evolves

The following citizens spoke in opposition to agenda item 7-a:

- Terry Benelli, a Mesa resident
- Augie Gastelum, a Mesa resident
- David Crummey, a Mesa resident

The speakers offered a series of comments including, but not limited to, the following:

- Building will not be interesting or engaging to walk by
- Community does not want a suburban development with less density
- Concerns about the vagueness of language
- Lack of community engagement
- Reduction of the amount of retail space along East Main

Councilmember Duff stated she is in opposition to the code amendment change and would like to see more outreach and discussion done within the community.

Councilmember Thompson mentioned he is in support of the code amendment after talking with staff and having assurance of a development agreement in place to allow the City to have some control with the phasing of the project.

Vice Mayor Freeman commented he is in support of changing the form-based code and would like to see templates of the project as it begins to be built out. He hopes retail and commercial will be the focal point to the Downtown Mesa area.

Councilmember Luna remarked he is in support of the changes to the form-based code and understands the development agreement is in place so the City can work with the developer to ensure the lower floors evolve into thriving businesses.

Mayor Giles reminded Council that they are voting for the change to the form-based code, and not the zoning case. He stated the reason for adopting the updated code is to give flexibility to the types of commercial activities that are allowed. He hoped the different types of activities allowed will bring excitement and a dense urban core atmosphere to Downtown Mesa.

It was moved by Councilmember Thompson, seconded by Vice Mayor Freeman, that the modifications to the form-based code for zoning districts in Downtown Mesa be approved.

Upon tabulation of votes, it showed:

AYES – Giles-Freeman-Heredia-Luna-Thompson

NAYS – Duff-Whittaker

Mayor Giles declared the motion carried by majority vote and Ordinance No. 5576 adopted.

9. Items from citizens present.

Queen Najwa Johnson, a Mesa resident expressed concerns with the ongoing riots, racism, and police brutalities happening, especially in the City of Mesa and asked for Council to support the Mesa community in these tough times.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:05 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 1st day of June 2020. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK