



COUNCIL MINUTES

March 21, 2022

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on March 21, 2022, at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Holly Moseley
Jim Smith

Mayor's Welcome.

Mayor Giles conducted a roll call.

Invocation by Pastor Mark Burns with Redemption Church Gateway.

Pledge of Allegiance was led by Mayor Giles.

Awards, recognitions, or announcements.

Mayor Giles announced several Councilmembers attended the National League of Cities convention in Washington, D.C., where Mesa was awarded the 2022 Cultural Diversity Award for the Día de los Muertos celebration. He mentioned for almost two decades thousands of community members have gathered each year in Mesa to celebrate this rich Mexican tradition.

Councilmember Luna stated last October was the most successful year with more than 30,000 people attending the two-day Día de los Muertos festival which featured local artists and a variety of food options. He said he appreciates everyone who supports the City's programs that reflect our diverse Mesa community and the Día de los Muertos festival is just one example of the equity and inclusion that the City of Mesa strives for.

Mayor Giles presented the award to Diversity and Special Projects Manager Andrea Alicoate and Arts and Culture Director Cindy Ornstein.

Mayor Giles acknowledged another reason to live in Mesa is for spring training. He added he is thankful the labor dispute was resolved, and spring training games are open at the two stadiums in Mesa now through April 4, 2022.

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-Duff-Freeman-Heredia-Luna-Spilsbury-Thompson
NAYS – None

Carried unanimously.

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

Minutes from the January 20, 2022, Study Session; February 10, 2022, Mesa Public Schools Joint Meeting; and the March 7, 2022, Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. American Patriots Riders Club

This is a one-day event to be held on Saturday, April 2, 2022, from 11:00 A.M. to 3:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

*3-b. Perimeter Bicycling Association of America, Inc.

This is a one-day event to be held on Saturday, April 2, 2022, from 6:00 A.M. to 5:00 P.M. at Red Mountain Park, 7745 East Brown Road. **(District 5)**

*3-c. Tres Amigos

A convenience store is requesting a new Series 10 Beer and Wine Store License for Tres Amigos at Mesa LLC, 253 East Broadway Road; Issam Hasan Awad, agent. The existing license held by H&S Amigos LLC will revert to the State. **(District 4)**

4. Take action on the following contracts:

*4-a. Six-Month Extension and Dollar-Limit Increase to the Term Contract for Medical Billing Services for the Business Services and Mesa Fire and Medical Departments. **(Citywide)**

Currently, this contract is on a month-to-month basis. The City is billing 77% of the transports and increasing, as staff is hired and trained. It is anticipated Daisy Mountain's services will no longer be needed at some point in the coming months. Staff estimates the increase is sufficient through 6/30/2022.

The Business Services and Fire and Medical Departments and Purchasing recommend increasing the dollar-limit with Daisy Mountain Fire District by \$60,000, from \$340,000 to \$400,000 through June 30, 2022, based on estimated usage. The purchase is funded by the Ambulance Transport Fund.

- *4-b. Purchase of a Capital Improvement Program Project Management Solution for the Engineering Department (Replacement). **(Citywide)**

This purchase will provide a Capital Improvement Program (CIP) management solution needed to manage the City's portfolio of CIP projects from inception to completion. The services recommended for purchase provide for a cloud-hosted Capital Improvement Program Project Management (CIPPM) software solution that will improve Engineering's ability to manage CIP projects more effectively and improve Engineering communication to its customers and contractors.

The Engineering Department and Purchasing recommend awarding the contract to the highest scored proposal from Procore Technologies Inc., Year 1 at \$803,240 and Years 2 through 5 at \$321,100 annually, based on estimated requirements.

- *4-c. Dollar-Limit Increase to the Term Contract for Front Load Refuse and Roll-Off Containers for the Environmental Management and Sustainability Department. **(Citywide)**

The dollar-limit increase is needed to purchase an additional 42, 8-cubic yard front load containers to keep up with the demand for Mesa residents/customers. The increase will cover what is needed for the purchase. No additional roll-off containers are needed for the remainder of the year.

The Environmental Management and Sustainability Department and Purchasing recommend increasing the dollar-limit with Galfab LLC, Year 3 by \$60,000 from \$110,000 to \$170,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-d. Dollar-Limit Increase to the Term Contract for Park Playground and Aquatics Facility Poured-In-Place Surfacing and Synthetic Turf Repairs, Maintenance and Installation for the Parks Recreation and Community Facilities Department. **(Citywide)**

This increase is requested for the Riverview Park Pour-in-Place project. Flexground has provided a quote for the project in the amount of \$510,865.61. The current contract threshold is \$300,000, and the increase is needed to cover the difference for the project. This is the final term of the contract.

The Parks Recreation and Community Facilities Department and Purchasing recommend increasing the dollar limit with Flexground LLC, Year 5 by \$250,000 from \$300,000 to \$550,000.

- *4-e. Three-Year Term Contract with Two Years of Renewal Options for Turf Renovation, Removal, Preparation and Installation Services for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will facilitate the installation of new turfgrass in the form of sod, seed, and stolons. Park and Sports Field areas with high traffic or high impact type of use need to

have new turfgrass installed on a regular basis. These turf services allow sports facilities and sports fields to be safe for game play year-round, and replacement of turfgrass in dog parks that have received damage.

An evaluation committee recommends awarding the contract to the qualified and responsive proposals from West Coast Turf and Underwood Bros. Inc., dba AAA Landscape, at \$388,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-f. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Asphalt Materials for the Transportation, Water Resources and Energy Resources Department. **(Citywide)**

This contract provides hot asphalt material per specifications to pave, patch and fill potholes throughout the City.

The Transportation Department and Purchasing recommend authorizing the renewal with Hanson Aggregates, LLC, dba Hanson Aggregates and Calmat Company, dba Vulcan Materials Company, at \$2,000,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index. This purchase is funded by the Local Streets Fund, Capital Project Funds, and Utilities operating budgets.

- *4-g. Two-Year Term Contract with Three Years of Renewal Options for Itron FC300 Handheld Annual Maintenance, Parts, and Refurbished Handhelds for the Water Resources Department (Single Response). **(Citywide)**

The City has been using the FC300 handheld devices manufactured by Itron to record monthly meter reads from City-owned meters. This contract will provide for the ongoing annual maintenance, replacement parts, and ability to purchase remanufactured/refurbished handhelds, as needed.

The Water Resources Department and Purchasing recommend awarding the contract to the single, responsive, and responsible bidder, JPW Associates, Inc., at \$50,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-h. One-Year Term Contract for Argon Gas and Tank Rental for the Water Resources Department (Competition Exemption). **(Citywide)**

The Water Resources Department entered into an agreement with Air Products and Chemicals, Inc. in 2009 for the rental of 450L Argon tank for the Compliance lab. In 2014, the agreement was revised and extended through October 2019 and thereafter in accordance with the evergreen provision. During the term of the agreement, the City is required to purchase all Argon gas from Air Products and Chemicals, Inc. Removing and replacing the tank is difficult. Approval of this 12-month contract will allow the City to review options and issue a solicitation to acquire the needed product and services.

The Water Resources Department and Purchasing recommend awarding the contract to Air Products and Chemicals, Inc., at \$55,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-i. Three-Year Term Contract with Two Years of Renewal Options for Weed Abatement and Landscaping Services for the Water Resources Department. **(Citywide)**

This contract will provide qualified contractors to perform various methods of weed abatement, tree and shrub trimming, removal of debris, weeds, and dead vegetation at various City well sites, booster stations, lift stations, and other related facilities on an as-needed basis.

An evaluation committee recommends awarding the contract to the two, highest scored proposals from Reyes & Sons Landscape, LLC, and Grounds Control, LLC, at \$400,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to enter into an Amended and Restated Water Transportation Agreement with the Salt River Valley Water Users' Association regarding use of Association canals, laterals, and drainage ditches. **(Citywide)** – Resolution No. 11808
- *5-b. Approving and authorizing the City Manager to accept up to \$25,000 made available through an Organizational Relief Grant by the Arizona Commission on the Arts. The grant is funded with American Rescue Plan Act relief funds and will be used for general organizational relief due to COVID. **(Citywide)** – Resolution No. 11809
- *5-c. ZON21-01238 **(District 4)** Within the 1000 block of South Stapley Drive (west side) and within the 1100 block of East Emerald Avenue (south side). Located north of Southern Avenue on the west side of Stapley Drive (.43± acres). Site Plan Review. Greg Hitchens, Hitchens Associates Architects, Inc., applicant; LRW Development, LLC, owner. – Resolution No. 11810

Staff Recommendation: Approval with conditions

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

6. Introduction of the following ordinances and setting April 4, 2022, as the date of the public hearing on these ordinances:

- *6-a. ZON21-00731 **(District 5)** Within the 2800 to 3100 blocks of North Recker Road (west side) and within the 5900 block of East Longbow Parkway (south side). Located north of McDowell Road on the west side of Recker Road (20± acres). Modification of the Longbow Park Planned Area Development Overlay (Longbow Park PAD), Rezone from Light Industrial (LI) to Limited Commercial (LC), Council Use Permit (CUP), and Site Plan Review. This request will allow for a mixed-use development. Reese Anderson, Pew & Lake, PLC, applicant; Dover Associates, LLC, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote 4-1)

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

- *7-a. Amending Title 4 (Building Regulations), Chapter 1, Sections 3 and 4 to clarify the process for reasonable modifications from the provisions of the building and technical codes, and to require permits for solar panel installation that are greater than 10,000 square feet and systems not installed by a licensed contractor. **(Citywide)** – Ordinance No. 5685
- *7-b. Amending Title 4 (Building Regulations), Chapter 2, Section 1 of the adopted International Building Code relating to applying Institutional Group I-4 to buildings and structures occupied by more than ten persons, including more than 5 infants 2 ½ years of age or less, who receive custodial care for less than 24 hours by persons other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for, and aligning the Building and Fire Protection Code in Chapter 9. **(Citywide)** – Ordinance No. 5686
- *7-c. Amending Title 4 (Building Regulations), Chapter 5, Section 4 of the Plumbing Code amending the requirement for drinking fountains to small businesses with less than 50 occupants. **(Citywide)** – Ordinance No. 5687
- *7-d. Amending Title 4 (Building Regulations), Chapter 9, Section (B) of the adopted International Energy Code relating to random testing of air duct systems for production homes. **(Citywide)** – Ordinance No. 5688
- *7-e. Amending Title 4 (Building Regulations), Chapter 10, Section 10 of the Mesa Swimming Pool and Spa Code relating to clarification of pool owner responsibility to maintain pool barrier; allowing double gates, secured windows with latches above 54- inches, and pet doors to comply with pool barrier requirements. **(Citywide)** – Ordinance No. 5689
- *7-f. ZON21-00593 **(District 5)** Within the 8800 to 9000 blocks of East University Drive (north side) and within the 8900 block of East Decatur Road (south side). Located west of the 202 Red Mountain Freeway on the north side of University Drive (14.5± acres). Rezone from Single Residence 43 (RS-43) to Small Lot Single Residence 3.0 with a Planned Area Development overlay (RSL-3.0-PAD). This request will allow for a small-lot single residence development. Sean Lake, Pew & Lake, PLC, applicant; Mars Properties Holdings, LLC; Gary and Maxine Thompson, owner. – Ordinance No. 5690

Staff Recommendation: Approval with conditions

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

- *7-g. ZON21-00644 **(District 6)** Within the 9300 to 9500 blocks of East Willis Road (south side). Located north of Germann Road on the east side of Ellsworth Road (61.2± acres). Rezone from Light Industrial (LI) to Light Industrial with a Planned Area Development overlay (LI-PAD) and Site Plan Review. This request will allow for an industrial park. Ellie Brundige, Gammage & Burnham, PLC, applicant; NEC E&G, LLC and ELLSWORTH 92, LLC, owner. – Ordinance No. 5691

Staff Recommendation: Approval with conditions

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

- *7-h ZON21-00620 (**District 6**) Within the 7800 to 8100 blocks of East Pecos Road (north side), and within the 6800 to 7000 blocks of South Sossaman Road (east side). Located north of Pecos Road and East of Sossaman Road (155+ acres). Rezone from Agriculture (AG) to General Industrial with a Planned Area Development Overlay (GI-PAD) and Site Plan Review. This request will allow for an industrial development. George Pasquel III, Withey Morris PLC, applicant; GERMANN INVESTMENTS NO 1; GI 20 LLC; GI 30 LLC; and PR20 LLC, owners. – Ordinance No. 5692

Staff Recommendation: Approval with conditions

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

8. Discuss, receive public comment, and take action on the following annexation and zoning ordinances relating to the development, EastPoint:

- *8-a **See: Items not on the Consent Agenda**

- *8-b **See: Items not on the Consent Agenda**

Items not on the Consent Agenda.

8. Discuss, receive public comment, and take action on the following annexation and zoning ordinances relating to the development, EastPoint:

- 8-a ANX21-00649 (**District 6**) Annexing property located within the 5600 block of South Mountain Road (west side). Located north of Williams Field Road on the west side of Mountain Road (11.05± acres). Initiated by the applicant, Blake McKee, Skybridge Companies, and MARILYN A LANDE REVOCABLE TRUST, owner. – Ordinance No. 5693

- 8-b ZON21-00651 (District 6) Within the 5600 block of South Mountain Road (west side). Located north of Williams Field Road on the west side of Mountain Road (11.45± acres). Rezone from Agriculture (AG) to Residential Small Lot 4.5 (RSL-4.5). This request will allow for a single residence small lot development. Blake McKee, Skybridge Companies, applicant; MARILYN A LANDE REVOCABLE TRUST, owner. – Ordinance No. 5694

Staff Recommendation: Approval with conditions

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

Wayne Stebelski, a Mesa resident, called in to ensure that the items discussed with the developer were agreed upon and put into motion regarding the arrangements of the houses along the south side of the property.

Mayor Giles stated that pending no objection from the Council, Agenda Items 8-a and 8-b will be voted on in one motion.

It was moved by Councilmember Thompson, seconded by Councilmember Luna, that Ordinance Nos. 5693 and 5694 be adopted.

Upon tabulation of votes, it showed:

AYES – Giles-Duff-Freeman-Heredia-Luna-Spilsbury-Thompson
NAYS – None

Carried unanimously.

9. Hear a presentation and take action on the City of Mesa Fiscal Year 2021 Single Audit Report:

9-a. Presenting an overview and accepting the City of Mesa's Single Audit Act Report for the Fiscal Year ended June 30, 2021.

Sandy Cronstrom, a principal with CliftonLarsonAllen, LLP, the City's external audit firm, indicated at the time of presenting the Annual Comprehensive Financial Reports (ACFR) there were no internal control findings or financial statement findings. She remarked at that point the federal compliance piece was wrapped up, which is the single audit report presented tonight. She reported there were no findings related to the federal programs. She stated the City of Mesa, in the single audit world, is considered a low-risk auditee, which means there were no material weaknesses over the internal controls of the federal programs within the last two years. She explained the requirement is to select at least 20% of the federal dollars to test; however, because of the COVID-19 funding, four separate programs were tested which totaled 76% of the dollars. She advised there were no findings and no recommendations related to the audit.

Ms. Cronstrom explained some compliance requirements did not come out from the federal government until the last minute and in order to get the financial statements issued by the December 31 deadline, the single audit portion was postponed.

It was moved by Councilmember Thompson, seconded by Councilmember Heredia, that the Fiscal Year 2021 Single Audit Report be accepted.

Upon tabulation of votes, it showed:

AYES – Giles-Duff-Freeman-Heredia-Luna-Spilsbury-Thompson
NAYS – None

Carried unanimously.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:04 p.m.

JOHN GILES, MAYOR

ATTEST:

HOLLY MOSELEY, 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 21st day of March 2022. I further certify that the meeting was duly called and held and that a quorum was present.

HOLLY MOSELEY, CITY CLERK

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