

COUNCIL MINUTES

November 18, 2019

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 18, 2019 at 5:51 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. Appointment of Raymond Schumacher as a City Magistrate.

Mayor Giles stated Mr. Schumacher was admitted to the State Bar in 1991 and to the Federal District Court of Arizona in 2004. He noted Mr. Schumacher has over 28 years' experience in criminal defense law and has handled and successfully tried countless misdemeanor and felony cases. He explained, in addition to his law practice, Mr. Schumacher has contracted with the City of Mesa providing indigent defense since July of 2018. He noted Mr. Schumacher is involved in community service through his church and part of the Fruth Group in partnership with Paz de Cristo outreach and feeding the homeless in Mesa.

It was moved by Vice Mayor Freeman, seconded by Councilmember Luna, that Raymond Schumacher be appointed as City Magistrate.

Upon tabulation of votes, it showed:

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

NAYS – None

Carried unanimously.

Mr. Schumacher was sworn in as City Magistrate by Mayor Giles.

Mr. Schumacher thanked Mayor Giles and Council. He stated he is honored and humbled at the selection knowing there were many great applicants to choose from. He advised he didn't get to this point without the help of many people and is thankful for the assistance. He added the City of Mesa has excellent judges and staff; he is delighted to join them and hopes to be a great addition.

Mayor Giles congratulated Mr. Schumacher on his appointment and stated he was overwhelmed with the amount of support received from the legal community for the appointment. He announced the City is proud of the magistrates at the Mesa Municipal Court.

2. 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 Heredia 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.

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

Minutes from the November 4, 2019 Regular Council meeting.

4. Take action on the following liquor license applications:

*4-a. Arizona Humane Society

This is a three-day event to be held Monday, December 2 - Wednesday, December 4, 2019, from 11:00 A.M. to 12:00 A.M. each day, at Uncle Bear's Brewery Grill & Tap, 1110 South Greenfield Road, Suite 101. **(District 2) – REMOVED FROM AGENDA**

*4-b. Desert Lotus Healing Sanctuary Inc.

This is a one-day event to be held on Saturday, December 7, 2019 from 6:30 P.M. to 10:00 P.M. at Desert Lotus Healing Sanctuary, 6239 East Brown Road, Suite 112. **(District 5)**

*4-c. St. Timothy Catholic Church

This is a one-day event to be held on Friday, January 24, 2020 from 4:00 P.M. to 9:00 P.M. at St. Timothy Catholic Church, 1730 West Guadalupe Road. **(District 3)**

*4-d. Southwest Arizona Sisters Incorporated

This is a one-day event to be held on Saturday, December 7, 2019 from 8:00 P.M. to 2:00 A.M. on Sunday, December 8, 2019 at Versailles Hall, 1422 East Main Street. **(District 4)**

*4-e. Southwest Arizona Sisters Incorporated

This is a one-day event to be held on Tuesday, December 31, 2019 from 8:00 P.M. to 2:00 A.M. on Wednesday, January 1, 2020 at Versailles Hall, 1422 East Main Street. **(District 4)**

*4-f. AJ's #61

A grocery store is requesting to add sampling privileges to the existing Series 9 Liquor Store License for Bashas' Inc., 1836 South Val Vista Drive – Michael Joseph Basha, agent. The existing license held by Bashas' Inc. will revert to the State for modification. **(District 2)**

*4-g. El Tuky Taco

A market with an indoor dining area is requesting a new Series 10 Beer and Wine Store License for El Tuky Taco Inc., 1706 North Country Club Drive - Guadalupe Cruz Medina, agent. The existing license held by Bitu, LLC will revert to the State. **(District 1)**

*4-h. Uncle Bear's Brewery Grill & Tap

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for UB Greenfield LLC, 1110 South Greenfield Road, Suite 101 - Jeffrey Craig Miller, agent. There is no existing license at this location. **(District 2)**

*4-i. Quick & Easy Shell

A convenience store is requesting a new Series 10 Beer and Wine Store License for P&S Proprietorship, 6806 East Brown Road - Praneel Ritesh Ram, agent. The existing license held by Quick & Easy Shell II will revert to the State. **(District 5) – REMOVED FROM AGENDA**

5. Take action on the following contracts:

*5-a. Purchase of Antenna and Ancillary Equipment (Replacement/Upgrade) for the TOPAZ Regional Wireless Cooperative (TRWC) Radio System as requested by the Information Technology Department. **(Citywide)**

This purchase will provide equipment and services to replace the antennas and transmission lines at nine of the radio sites in the TOPAZ network and retune the system with the new antenna configuration. The antenna systems for the TOPAZ Public Safety

Radio Network are 18 years old and deteriorating. There are a total of 27 antennas that require replacement.

The Information Technology Department and Purchasing recommend authorizing the sole source purchase with Motorola Solutions, at \$356,348.16, based on estimated requirements. The cost is shared between all members of the TRWC (City of Mesa 68.69%, Town of Gilbert 18.05%, City of Apache Junction 9.80%, Ft. McDowell Yavapai Nation 2.29%, Superstition Fire & Medical District 0.75% and Town of Queen Creek 0.40%.)

- *5-b. Five-Year Term Contract with Five Years of Renewal Options for Banking Services (Service Group 3 - Institutional Custody) for the Financial Services Department. **(Citywide)**

The City makes extensive use of banking services to collect, disburse, and manage its cash and investments. Institutional custody services represent the safekeeping of the assets/securities in the City's investment portfolio.

An evaluation committee recommends awarding the contract to the highest-scored proposal from U.S. Bank National Association, dba U.S. Bank, at \$25,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-c. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Fingerprinting Services for the Human Resources Department. **(Citywide)**

This contract will provide fingerprinting services for prospective employee, volunteer, contract worker and temporary agency workers.

The Human Resources Department and Purchasing recommend authorizing the renewal with SecureOne, Inc., dba SecureOne Security Services, at \$83,150 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-d. Purchase of Audio System (Replacement/Upgrade) for the Mesa Convention Center as requested by the Parks, Recreation and Community Facilities Department. **(Citywide)**

This purchase will upgrade the existing audio system in all three Buildings of the Mesa Convention Center. The upgrade will replace the existing outdated system with new technology allowing Mesa Convention Center greater capabilities.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with AV Innovations (a Mesa business), at \$218,763.18, based on estimated requirements. This purchase is funded by the Capital Enterprise Fund - Convention Center Modernization Fund.

- *5-e. Three-Year Term Contract with Two Years of Renewal Options for Electrical Maintenance, Installations, and Lighting Repairs for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide routine, preventative, and emergency maintenance of all components of the lighting and electrical systems in the Parks and Recreation Division. The scope of work is divided in two major categories: 1) low voltage electrical services;

and 2) lighting maintenance, repairs, and installation, for the City's parks, basins, sports fields, and aquatic facilities.

An evaluation committee recommends awarding the contract to the highest-scored proposal from Henry Bros., Inc., dba DECA Southwest, at \$85,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-f. Two-Year Term Contract with Three Years of Renewal Options for Street Sweeping Services for the Transportation Department. **(Citywide)**

This contract provides street sweeping services, including routine scheduled sweeping, special event sweeping, emergency responses, and emergency response - spills, sealcoat sweeping.

An evaluation committee recommends awarding the contract to the highest-scored proposal from Precision Sweeping Services, LLC, at \$760,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *5-g. Six-Month Contract Renewal to the Term Contract for Fiberglass Waterslide Repair for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract provides for the repair, waxing, and buffing of the City's nine full-size fiberglass waterslides, two fiberglass kiddie slides, and one cementitious/vinyl kiddie slide, at various locations. Each year, preventative maintenance and repairs are necessary to ascertain the fiberglass is safe and will not cause injury to a potential rider. The six-month renewal will allow the department time to complete the needed work at the end of this year and rebid for a time frame appropriate to meet their operational needs.

The Parks, Recreation and Community Facilities Department, and Purchasing recommend authorizing the renewal with 8 Blocks Maintenance Co., LLC, at \$56,884.50, based on estimated usage.

- *5-h. Three-Year Term Contract with Two Years of Renewal Options for a Portable Vehicle Barrier System for the Mesa Police Department. **(Citywide)**

This contract will provide a mobile vehicle barrier system, consisting of portable vehicle barricades, transportation trailers, and related equipment, for deployment throughout the East Valley for specific high-risk, complex law enforcement incidents, such as highly-populated special events, tactical situations, protests, natural caused emergencies, or any other large-scale public safety incident where vehicle barriers and crowd safety need to be considered.

The Police Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, Perimeter Security Products, dba Spirit of America Corporation, at \$72,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index. The initial purchase of \$35,425.67 is funded by Homeland Security Grant Funds.

- 5-i. Dollar-Limit Increase for the Term Contract for Private Security Officer Services for Various City Facilities as requested by the Police Department. **(Citywide)**

This contract provides private security officer services for several City facilities, a security officer for mobile patrol for the Mesa City Plaza building, as well as an account manager. The dollar-limit increase is needed to add an additional mobile patrol unit including a 6-seat golf cart.

The Police Department and Purchasing recommend increasing the dollar-limit with Trident Security Services, Inc., by \$54,000, from \$950,000 to \$1,004,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- 5-j. Dollar-Limit Increase to the Term Contract for Trailer Parts, Automotive Lighting, Mirrors, and Safety Supplies for the Fleet Services Department. **(Citywide)**

This contract provides trailer parts, automotive and truck lighting parts, mirrors, and safety supplies required for the various 1,600 pieces of rolling stock equipment owned by the City. The increase is needed to add labor services for repair, service, and installation at the vendor's location to the existing contract.

The Fleet Services Department and Purchasing recommend increasing the dollar-limit with FleetPride, Inc. (a Mesa business); Parts West Heavy Duty LLC, dba Light House of Arizona; Polygon Investment Group, Inc., dba Spectrac Suspension Center; RWC International LTD, dba RWC Group; The WW Williams Company LLC, dba Auto Safety House; by \$60,000, from \$150,000 to \$210,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- 5-k. Five-Year Term Contract with Five Years of Renewal Options for Vehicle Tires, Accessories, and Related services for Citywide Departments as requested by the Business Services and Fleet Services Departments. **(Citywide)**

This contract will provide vehicle tires, accessories, and related services for the Fleet Services' and Mesa Fire and Medical's Fleet Divisions. The Michelin contract will be used by many participating public agencies nationally. The Goodyear Tire contract is for the City of Mesa use only as they declined to participate in a national contract. Orders are fulfilled by local dealers for each manufacturer.

An evaluation committee recommends awarding the contract to the highest-scored proposal from The Goodyear Tire and Rubber Company; and Michelin North America, Inc.; at \$900,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- 5-l. Eastern Canal Shared Use Path Project - Lindsay Road to Brown Road. **(District 1)**

This project is the construction of a new shared use path for pedestrians and cyclists on the Eastern Canal between Lindsay Road and Brown Road. The path will connect residential areas with businesses and provide opportunities for recreational and exercise activities. The project also includes signalized pedestrian crossings at Lindsay Road and McKellips Road, which will increase the safety for pedestrians and cyclists who already use the canal on a frequent basis.

Staff recommends awarding a contract for this project to the lowest, responsible bidder, The Fishel Company, in the amount of \$864,077.29, and authorizing a change order allowance of \$86,407.72 (10%), for a total amount of \$950,485.01. The total cost of this project is funded through reimbursement by the SRP Municipal Aesthetic Program.

6. Take action on the following resolutions:

- *6-a. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Salt River Pima Maricopa Indian Community for the receipt and distribution of \$1,695,000 in Proposition 202 Funds. **(Citywide)**

Under this Agreement, \$800,000 is awarded to the following City of Mesa programs: Fire and Medical Department, Immunization Program (\$85,000) and Radios for Special Operations and Outreach (\$125,000); Community Services Department, Housing Authority, Affordable Housing Landlord Outreach and Retention (\$75,600); Parks, Recreation and Community Facilities Department, Cemetery Historic Document Archival (\$60,500); Police Department, Mobile Force PA Speaker System (\$2,778), 21st Century Police Training (21CPT) Equipment (\$62,760), Community Engagement Academies (\$4,680), Digital Forensics Unit Training (\$63,406), Microfiche Transfer (\$90,580), Community Engagement Activities Equipment (\$8,696); City Manager's Office, Special Projects, Barricading for Community Event Safety (\$50,000), Mesa K-Ready, Kindergarten Readiness Program (\$45,000), Mesa Counts on College, American Dream Academy (\$27,000); Arts and Cultural Department, Mesa Arts Center, Arts in Service (\$54,000), and i.d.e.a. Museum, Barriers to Access (\$45,000).

The balance of the funds will be distributed to other local community agencies, including A New Leaf, Mesa Public Schools, Child Crisis Center, Bogden House, Visit Mesa, and the United Food Bank as a pass-through grant. – Resolution No. 11425

- *6-b. Approving and authorizing the City Manager to enter into a Highway Safety Contract with the Arizona Governor's Office of Highway Safety to accept \$59,156 in grant funds. The funds will be used by the Police Department's Traffic Division to purchase a vehicle to enhance DUI/Impaired Driving Enforcement and STEP Enforcement in the City of Mesa. **(Citywide)** – Resolution No. 11426
- *6-c. Approving and authorizing the City Manager to enter into the First Amendment to the Amended and Restated Community Maintenance Agreement with DMB Mesa Proving Grounds, LLC, and Eastmark Community Alliance, Inc., for maintenance of specialty features and materials, arterial roadway landscaping, and the Great Park, associated with the development of Eastmark. **(District 6)** – Resolution No. 11427
- *6-d. Approving and authorizing the City Manager to enter into the Second Amendment to the Amended and Restated Operations and Maintenance Agreement with Valley Metro Rail, Inc. This amendment identifies the responsibilities of Valley Metro Rail, Inc. and the City of Mesa in the operations and maintenance of the Gilbert Road Light Rail Extension. **(Districts 3 and 4)** – Resolution No. 11428
- *6-e. Authorizing the City Manager to enter into insurance agreements to obtain property, liability, cyber risk, and aviation insurance, as recommended by the City Attorney's Office, and authorizing up to four additional annual renewal periods, as long as the rate/premium of the insurance does not exceed a 2.5% increase each year. **(Citywide)** – Resolution No. 11429
- *6-f. Approving and authorizing the City Manager to enter into an Airport Development Reimbursable Grant Agreement with the Arizona Department of Transportation (ADOT) Multimodal Planning Division Aeronautics Group for the construction of two high speed exit taxiways on Runway 4L/22R at Falcon Field Airport. The total estimated cost for this

project is \$1,370,000, with the FAA paying 91.06% (\$1,247,522). Funding for the remaining 8.94% estimated cost (\$122,478) will be split between the ADOT grant at 4.47% (\$61,239), and the City. The City's 4.47% (\$61,239) is funded through the Falcon Field Airport Enterprise Fund. **(District 5)** – Resolution No. 11430

7. Introduction of the following ordinances and setting December 4, 2019 as the date of the public hearing on these ordinances:

- *7-a. Amending the Mesa City Code, Title 4, Chapter 4, Section 1; Title 9, Chapter 6, Sections 1, 4, and 5; and Title 9, Chapter 8, Section 3, pertaining to the Mesa Lighting and Electrical Code, Subdivision Regulations, and Off-site Improvement Regulations related to Adaptive Street Lighting. The amendments include removing IES standards regarding public streetlighting, adding adaptive lighting definition and ability, eliminating references to a pilot study, removing reference to waiving streetlight requirements and adding the proper reference, and minor text clean-up. **(Citywide)**
- *7-b. Amending Section 10-4-5 of the Mesa City Code to establish a speed limit of 35 mph on Channing from Baseline Road to a point 350 feet north of Baseline Road, as recommended by the Transportation Advisory Board. **(District 6)**
- *7-c. Amending the Mesa City Code, Title 8, Chapter 3, Article III Sections 28 through 32, and Article IV Section 35, pertaining to recycling. The changes include renaming Article III to "Recycling Program", adding a definition of prohibited recycle barrel waste, and replacing Sections 29, 30, and 35 to update the list of acceptable recyclable materials and to amend the consequences for noncompliance with recycling program requirements. **(Citywide)**
- *7-d. Amending the Mesa City Code, Title 1, Chapter 19, Section 3, and adding Sections 4 and 5, regarding service of process, settlement authority, and policies for the demands, claims, and lawsuits involving the City. The changes include City Attorney policies for the Public Property and Liability Trust Fund, and audit provisions for the Trust Fund. **(Citywide)**
- *7-e. Amending the Mesa City Code, Title 1, Chapter 17, Section 1 to include minor text amendments and to add the authority to correct scrivener's errors by authorizing the City Clerk to correct errors in Council-adopted resolutions, ordinances and exhibits resulting from a minor mistake or inadvertence that does not alter the sense, meaning or effect of the document. **(Citywide)**

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

- *8-a. ZON18-00891 **(District 3)** 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.

Staff Recommendation: Approval with conditions

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

For continuance to the January 27, 2020 City Council meeting.

Items not on the Consent Agenda

9. Take action on the following liquor license application:

9-a Grab N Go 606

A convenience store is requesting a new Series 10 Beer and Wine Store License for Country Club Estate, LLC, 757 South Country Club Drive – Vaneet Sapra, agent. There is no existing license at this location. **(District 4)**

Vaneet Sapra, Applicant, stated he purchased the building and would like to open a convenience store at the location. He advised that he currently operates a 7-Eleven close to this location. He described the location as a convenience store selling only beer and wine.

Jay Perkins, a Mesa business owner, provided photographs to Council. Mr. Perkins stated he and his brother Ron, owners of Perkins Diesel Service, which has been in operation since 1947, is located directly next to the proposed convenience store. He explained the neighborhood has a lot of trouble with trash, people wanting to use their restrooms and domestic disputes. He demonstrated with photographic evidence examples of issues like people sleeping in front of the building and trash, including liquor bottles and needles. He respectfully objected to an additional business selling more alcohol in the neighborhood. **(See Attachment 1)**

Marshall Ed Field, a Mesa resident and business owner, explained 25 years ago he and his wife purchased their first triplex in the area. He stated Morris Circle was the worst crime street in Mesa at the time, but with the help of the City and the Mesa Police Department it has become a nice place to live. He added there is a Circle K across the street and to add another convenience store would only complicate the problem and attract more homeless people who use the alleyways as their restroom. He commented he wants to protect his tenants and, therefore, objects to this application.

Adrian Notaro, former owner of the building, remarked he has been looking for a potential renter of the building for one year, but the zoning of property has made it difficult. He stated a convenience store is a great use for the building and feels it will lighten the congestion from the Circle K providing a second option to shop. He agreed with the homeless problem but added leaving the building vacant will not help the issue and having an owner who will be managing the store and the parking lot will minimize the homeless in the neighborhood.

Tina Newman, former owner of the building, stated there have been other businesses in the building that were short-lived, and it has been vacant for over a year. She advised they have been selective when seeking a tenant for the space by turning away a marijuana dispensary and vape shop. She indicated Mr. Sapra is a quality individual, and due to his ethics the decision was made to sell the building to him and she feels it will solve the issues around the building by having a responsible business owner.

Councilmember Duff stated she is not opposed to a convenience store, but her opposition would be the sale of liquor at this location due to the testimony of residents and businesses, and with Guerrero Park being in close proximity that would compound the issue of public safety. She declared she will be voting for a recommendation to not approve the license application because it is not in the best interest of the community.

Mayor Giles sympathized with the applicant on the difficulty of finding a suitable tenant for the building but agreed with Councilmember Duff on not wanting to add to the downward trend of

the neighborhood by adding an additional source for alcohol. He expressed his support for denial of the application.

It was moved by Councilmember Duff, seconded by Councilmember Luna, to recommend denial of the liquor license.

Upon tabulation of votes, it showed:

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

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 6:21 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 18th day of November 2019. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

1a – (Attachment 1)

Photo's of Problems on Country Club Dr in Mesa

Proposed site for Grab N Go 606 Beer and Wine sales

1. Passed out Gentleman in Flower Box "Middle of day"
2. Trash with Beer bottle and hypodermic needle
3. Homeless passed out. "Middle of day"
4. Trash with bottles and things including condoms and emergency contraceptive.
5. Crack pipe, 40 oz beer bottle and shot bottle
6. Pony tail that was cut off during a domestic dispute.











