



COUNCIL MINUTES

October 5, 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 October 5, 2020 at 5:45 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.)

(Items were discussed out of order, but for purposes of clarity, will remain as listed on the agenda.)

Mayor's Welcome.

Mayor Giles conducted a roll call.

Invocation by Reverend Robert Saik, Episcopal Church of the Transfiguration.

Mayor Giles led the Pledge of Allegiance.

Awards, Recognitions and Announcements.

Mayor Giles proclaimed October 24-31 as "A Week Without Violence." He stated in partnership with the Mesa Police Department and the Children's Benefit Foundation, this week is designed to create awareness, educate, and strengthen the commitment to ending violence, promoting peace, and making the community a safer place to live. He introduced Mesa Police Commander William Peters.

Commander Peters described himself as a member of the task force for A Week Without Violence which is a community advocacy event created by the Children's Benefit Foundation. He highlighted that Dr. Ruth Lim founded the Children's Benefit Foundation to instill a culture of peace and non-violence in our youth, adding the mission of A Week Without Violence is to promote that culture of peace. He listed the organizations who have leaders on the task force, including Boys and Girls Clubs of America, City of Mesa, Chandler Domestic Violence

Commission, among others. He expressed his gratitude for the proclamation from Mayor Giles and the City of Mesa.

Mayor Giles thanked Commander Peters for his work with the task force.

Councilmember Thompson reported Eastmark's sign on Elliot Road and Ellsworth Road will be lit up in purple to show support of domestic violence month.

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-Freeman-Duff-Heredia-Luna-Thompson-Whittaker

NAYS – None

Carried unanimously.

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

Minutes from the September 10, September 14, 2020 Study Sessions, and the September 21, 2020 Regular Council meeting.

*3. Take action on the following liquor license applications:

*3-a. Courtyard by Marriott

A hotel is requesting a new Series 10 Beer and Wine Store License for Gateway Hospitality Group LLC, 6907 East Ray Road; Brian Daley Welker, agent. The existing Series 11 Hotel/Motel License at this location will remain active and stack with the new Series 10 Beer and Wine Store License. **(District 6)**

*3-b. Tacos Chiwas

A restaurant that serves breakfast, lunch, and dinner is requesting a new Series 12 Restaurant License for Tacos Chiwas 3 LLC, 127 West Main Street; Armando Hernandez, agent. The existing license held by Team Hayes LLC, will revert to the State. **(District 4)**

*4. Take action on the following contracts:

- *4-a. Three-Year Term Contract with Two Years of Renewal Options for Fabrication and Installation of Parks and Facility Signs for the Parks, Recreation and Community Facilities Department (PRCF). **(Citywide)**

This purchase will provide a contractor to fabricate and install new signs in various parks throughout the City. PRCF uses park and basin identification signs, rules signs and other signs throughout the City's parks system to inform and assist patrons in the use of park properties.

The evaluation committee recommends awarding the contract to the highest scored proposal from Sierra Signs & Service, Inc. (a Mesa business), at \$298,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- *4-b. Purchase for Fiber Installation for the Mesa Amphitheater as requested by the Parks, Recreation and Community Facilities Department and Department of Innovation and Technology. **(Citywide)**

This purchase will provide City fiber installation that is necessary for the immediate interconnectivity of a new fire detection and alarm system at the Mesa Amphitheater. This fiber will also provide future capabilities in the following areas: City network connectivity for Amphitheater staff, high speed internet, and Wi-Fi access for hired entertainers, building automation systems, state of the art security cameras, and physical security systems.

Parks, Recreation and Community Facilities Department, Department of Innovation and Technology and Purchasing, recommend authorizing using the State of Arizona cooperative contract with the qualified and lowest quoted vendor, BPG Technologies, at \$45,000, based on estimated requirements.

- *4-c. Three-Year Term Contract with Two Years of Renewal Options for Patient Gurneys for the Mesa Fire and Medical Department (Sole Source). **(Citywide)**

The initial purchase will provide up to nine gurneys (additions) for the expanding Mesa Fire and Medical Department's transport program at \$165,504.93. The department has standardized with Ferno equipment. MFMD has requested an annual contract amount for Years 2 and 3 to allow capacity for as-needed future purchases.

The Mesa Fire and Medical Department and Purchasing recommend awarding the contract to the sole source vendor, Ferno-Washington, Inc., at \$166,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index. The initial purchase is funded by the Ambulance Transport Fund.

- *4-d. Three-Year Term Contract with Two Years of Renewal Options for Mesa Community Court Navigators for the Community Services Department and Municipal Court (Competition Exemption). **(Citywide)**

This contract will provide support services from three contracted navigators to function in direct support of the Mesa Community Court program. This is an immediate and critical need due to the large population currently being served by this program and the sudden

volume of additional cases being generated by Mesa Police Department in homelessness preventative efforts. The role and activity of navigators are essential by providing a variety of services for those experiencing homelessness through ongoing street-level contact, supervision of services, and compliance management.

The Community Services Department, Mesa Municipal Court and Purchasing recommend authorizing the purchase using non-profit corporation, Community Bridges, Inc., at \$204,061 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-e. Purchase of a DNA Mixture Interpretation Software License and Maintenance (Addition and Upgrade) (Sole Source). **(Citywide)**

This software program assists the Forensics Services Division in identifying suspects and aids in solving crimes when there are low levels and mixtures of DNA from two or more individuals. Two software licenses are in use and this purchase will provide for an additional third license and includes maintenance for a 12-month period and a required upgrade.

City staff recommends authorizing the purchase from the sole source vendor, Niche Vision Forensics, LLC, at \$30,465.60. This purchase is grant funded by the National Institute of Justice (\$29,715) and the Department's operating budget (\$750.60).

- *4-f. Purchase of a 3D Imaging and Analysis System (Addition) (Single Response). **(Citywide)**

This purchase will provide a 3D Imaging System for firearm comparative work for the Forensic Services Division. It will be used as a supplemental tool in the examination and comparison of firearm components, such as fired cartridge cases by the Firearms Unit. The system will provide 3D scanning of evidence. It can scan cartridge cases, including chamber marks, magazine lip marks, tornado marks; bullets including fragments; and tool marks. The system can also scan pristine and damaged evidence and samples can be exported to be used at another lab or direct connect with another station for comparison.

An evaluation committee recommends awarding the contract to the qualified, single respondent, Leeds Precision Instruments, Inc., at \$276,165, based on estimated requirements. This purchase is funded by Public Safety Sales Tax (\$145,000) and Crime Lab Assessment Funds (\$131,165).

- *4-g. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Fence, Gate and Safety Rail Repair/Installation for the Transportation Department. **(Citywide)**

This contract will provide for the installation, maintenance and repair of fences, safety rails and bollards including all labor, equipment, and materials at various City locations.

The Transportation Department and Purchasing recommend authorizing the renewal with Biddle & Brown Fence Company (Primary); and Western Fence Co Inc. (Secondary); at \$167,100 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-h. Four-Year Term Contract with Six Years of Renewal Options for Inductively Coupled Plasma - Optical Emission Spectrometry for the Water Resources Department. **(Citywide)**

The initial purchase will provide one, Inductively Coupled Plasma-Optical Emission Spectrometer (ICP-OES), for the Water Resources Department - Compliance Laboratory, including installation, training, proprietary supplies and consumables, and maintenance. This instrument purchase is a lifecycle replacement. Years 2 and further will be sole source purchases of consumables, maintenance, and support.

The Compliance Laboratory will utilize the instrument to analyze microbial and inorganic samples from the City's drinking water, wastewater, and pre-treatment programs. The current spectrometer, purchased in 2009, has reached the end of its useful life.

An evaluation committee recommends awarding the contract to the highest scored respondent, PerkinElmer Health Sciences, Inc., Year 1, at \$143,000, Years 2 through 4, at \$43,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. The initial purchase is funded by Lifecycle Replacement Funds.

- *4-i. Alma School Road Arterial Reconstruction Project. **(Districts 3 and 4)**

This project will reconstruct approximately 26,000 square yards of existing asphalt on Alma School Road between Broadway Road and Main Street and includes the installation of Americans with Disabilities Act (ADA) improvements for driveways and sidewalk ramps, replacement of existing striping, including bike lanes and other miscellaneous roadway work as indicated on plans and specifications. The project also includes utility improvements of water line replacements, meter boxes, fire hydrants, and associated valves and appurtenances, and gas line replacements to include new meters, valves, service lines, and associated appurtenances.

Staff recommends awarding the contract for this project to the lowest, responsible bidder, The Fishel Construction Company, in the amount of \$3,425,587.10 and authorizing a change order allowance in the amount of \$342,558.71 (10%), for a total award of \$3,768,145.81. This project is funded by the 2013 Streets Bonds, 2010 Gas Bonds, and 2014 Water Bonds.

*5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to accept Proposition 202 funds from the Gila River Indian Community and administer awarded funds as pass-through grants to designated awardees. **(Citywide)** – Resolution No. 11566
- *5-b. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with Maricopa County and the City of Phoenix for the distribution of grant funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) program under which the City will receive \$134,747 to be used on or before September 30, 2023. The funds will be used by the Police Department for case management software at the Mesa Advocacy Center and conversion of Video Oversight interview videos for evidence storage. **(Citywide)** – Resolution No. 11567

- *5-c. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with Maricopa County Department of Public Health to accept up to \$50,000 in reimbursement to the Mesa Fire and Medical Department for administering influenza vaccinations (approximately 900 adult and 1,900 child) to Mesa residents. **(Citywide)** – Resolution No. 11568
- *5-d. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with Maricopa County Department of Transportation regarding acquisition of right-of-way and temporary construction easements within unincorporated Maricopa County for the construction of Signal Butte Road from Williams Field Road to Pecos Road. **(District 6)** – Resolution No. 11569
- *5-e. Approving and authorizing the City Manager to enter into a funding agreement with Valley Metro Rail, Inc., for the current light rail operations in the City of Mesa. After receiving \$8,920,000 in CARES Act funding, the City will pay \$3,880,000 for operations, maintenance, and landscaping of the existing light rail line for fiscal year 2020/21. The City anticipates receiving \$2,115,264 in light rail fares, advertising, and preventive maintenance, as well as \$1,280,000 in Arizona Lottery Funds, for a net impact to the City's General Fund of \$484,736. **(Districts 3 and 4)** – Resolution No. 11570
- *5-f. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Regional Public Transportation Authority for fixed bus, Dial-a-Ride and RideChoice, ADA Platinum Pass transit services and mutual aid in the event of an emergency. The estimated cost of transit services for FY 2020/21 is \$23,289,777. Regional funds and CARES Act funding provide \$20,201,508 for the services and the City's General Fund covers the remaining \$3,088,269. **(Citywide)** – Resolution No. 11571
- *5-g. Approving and authorizing the City Manager to enter into the Second Amendment to the Intergovernmental Agreement with the cities of Avondale, Glendale, Mesa, Scottsdale, and Tempe related to joint legal representation with Engelman Berger, P.C. in the Gila River Adjudication. The Amendment is to add the City of Tempe, which elected to join in the joint legal representation as a party. **(Citywide)** – Resolution No. 11572

6. Introduction of the following ordinances and setting October 19, 2020 as the date of public hearing on these ordinances:

- *6-a. **See: Items not on the Consent Agenda.**
- *6-b. ZON20-00377 **(District 1)** Within the 3500 block of East Brown Road (north side) and the 1200 block of North Val Vista Drive (west side). Located at the northwest corner of Brown Road and Val Vista Drive (1.2± acres). Rezone from AG to OC-BIZ; and Site Plan Review. This request will allow for the development of a medical and professional office building and use. Sean Lake, Pew & Lake, PLC, applicant; Makana LP, owner.

Staff Recommendation: Approval with conditions

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

7. Take action on the following subdivision plat:

- *7-a. "Greenfield Industrial" (**District 5**) Within the 3400 to 3600 blocks of North Greenfield Road (east side) and within the 4400 block of East Virginia Street (north side). Located at the southeast corner of the 202 Red Mountain Freeway and Greenfield Road (10.8± acres). Majestic Greenfield Partners, LLC., developer; Robert A. Johnston, EPS Group INC., surveyor.

Items not on the Consent Agenda.

- *6-a. ZON20-00283 (**District 2**) Within the 6000 block of East Baseline Road (north side) and within the 1900 block of South Recker Road (east side). Located at the northeast corner of Recker Road and Baseline Road (6.7± acres). Rezone from AG to RM-2-PAD; and Site Plan Review. This request will allow a multiple residence development (town homes) on the property. Ralph Pew, Pew & Lake, PLC, applicant; Pacific Rim Mesa 2 LLC, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 3-2)

Mysti Brown, a Mesa resident, submitted comments to be read that included that she is 100% opposed to the project because of the additional traffic that will be added on Recker Road which will result in a greater number of collisions. She requested that Council put themselves in the shoes of the residents who live in the area before casting their votes.

It was moved by Councilmember Luna, seconded by Councilmember Duff, that Agenda Item 6-a be introduced, setting October 19, 2020 as the date of the public hearing.

Upon tabulation of votes, it showed:

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

Carried unanimously.

8. Items from citizens present.

Nathan Phelps, a Mesa resident, submitted comments to be read which questioned when the Mayor's proclamation requiring face coverings in public places will be rescinded. He expressed his concern that the mask mandate has become a symbol of tyranny and to keep the measure in effect indefinitely is a usurpation of power. He requested the mandate be put to an official vote of City Council for a better representation by all Councilmembers.

9. Adjournment.

Without objection, the Regular Council meeting adjourned at 6:02 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 5th day of October 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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