



COUNCIL MINUTES

June 17, 2019

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 17, 2019 at 5:48 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 Cayman and Cason Treptow, Scout Troop #451

Awards, Recognitions and Announcements.

Mayor Giles introduced David Fabiano, American Public Works Representative for Arizona who is here to present the American Public Works Association Top Ten Public Works Leaders of the Year Award to City Engineer, Beth Huning. He mentioned Ms. Huning has served as Mesa's City Engineer since 2007 and currently leads a team of over 100 engineers and professional staff.

Mr. Fabiano briefly spoke about the American Public Works Association's (APWA) history and mentioned he serves as the Town Engineer for Gilbert. He noted APWA recognizes ten individuals from across the United States and Canada every year and Ms. Huning had been chosen as one of those ten individuals. He stated he is honored to have known and worked with Ms. Huning throughout his career.

Ms. Huning commented that in her 40-year career the last 12 at the City of Mesa have been her favorite. She also stated that to be a leader you must have a great staff and that she is privileged to have worked with the best.

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 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.

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

Minutes from the June 3, 2019 Council meeting.

3. Take action on the following liquor license applications:

*3-a. Palace Nail Lounge

A nail salon with a bar is requesting a new Series 7 Beer and Wine Bar license for Phoenix Blue Sky LLC., 1940 West Rio Salado Parkway, Suite 101 – Van Ho Davis, agent. The previous license held by Paris Nail Lounge LLC, will transfer to the new owner. **(District 1)**

*3-b. Safeway #2644

A grocery store is requesting a new Series 9 Liquor Store license for Safeway Inc., 1855 North Power Road - Nicholas Carl Guttilla, agent. This is a location transfer. The existing license held by Safeway Inc., will be modified by the State to an inactive status. The transfer license will be the active liquor license at this location. **(District 5)**

*3-c. La Patrona Mexican Cuisine

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for La Patrona Mexican Cuisine LLC, 1526 East Main Street - Ciro Tulio Garcia Jr., agent. The previous license held by Casa Ramos II 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 Overhead Door Preventative Maintenance and Repair Services for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide preventative maintenance functions on overhead doors located at City-owned and operated facilities. These large doors are used primarily as vehicle entrances in fire stations, police stations, and fleet service Locations. Other locations on this contract include storage areas, stages, and concession stand entrances.

An evaluation committee recommends awarding the contract to the highest-scored proposal from DH Pace Company, Inc., at \$193,100 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

*4-b. 14-Month Term Contract for Patient Gurneys for the Mesa Fire and Medical Department. **(Citywide)**

This contract will provide medical transport gurneys manufactured by Ferno for Mesa Fire and Medical Department's transport program. The Department has determined that the Ferno gurney best meet their long-term needs. As the program expands, the gurneys will see higher usage for a more diverse range of crews, patients, and physical environments. The initial purchase will be for three gurneys (additions) and others may be purchased as needed.

The Mesa Fire and Medical Department and Purchasing recommend authorizing the purchase using the National Purchasing Partners cooperative contract with Ferno, at \$180,000. This purchase is funded by the Capital - General Fund.

*4-c. Purchase to Remodel/Reconfigure the Sixth Floor of the Mesa City Plaza Building. **(District 4)**

This purchase will provide the components and installation of 33 workstations, four offices, three conference/work rooms, three team spaces, and three collaboration spaces at the Mesa City Plaza building on the 6th floor. This project is the first in a series of projects within the building to better suit existing space to current and modern functionality for the workgroups.

The Office of Management and Budget and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Goodmans Interior Structures, at \$365,000, based on estimated requirements.

*4-d. Three-Year Term Contract with Two Years of Renewal Options for Helicopter Engine Parts, Repair, and Overhaul Services for the Police Department. **(Citywide)**

This contract will provide aviation turbine engine overhauls, repairs, modifications, furnishing parts, tooling, rental, technical assistance and/or labor for complete engines, engine modules, engine components, and engine accessories for the maintenance of the Aviation Unit's three, MD helicopters. Parts and services are ordered on an as-needed basis, and the contract covers costs associated with scheduled and unscheduled repairs.

An evaluation committee recommends awarding the contract to the highest-scored proposal from H.E.R.O.S., at \$500,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

*4-e. Three-Year Term Contract with Two Years of Renewal Options for Ballistic Helmets for the Police Department. **(Citywide)**

This contract will provide ballistic helmets, face shields, bags and name strips. Ballistic helmets are used by officers for ballistic barrier protection for Police situations. The Police Department has estimated that during the first year of the contract, an estimated 430 helmets will be purchased.

An evaluation committee recommends awarding the contract to the highest-scored proposal from Propper International Sales, Inc., Year 1 at \$140,000 annually; and Years 2 and 3 at \$70,000 annually. This purchase is funded by \$103,000 of Restricted - Officer Safety Equipment Funds and \$37,000 by the Police Department operating budget, 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 Gasoline and Diesel Fuel for Citywide Departments as requested by the Fleet Services Department. **(Citywide)**

This contract provides gasoline and diesel fuel for the City of Mesa, Mesa Unified School District, Town of Gilbert, Gilbert Public Schools, Tempe Union High School District, and City of Glendale. The agency's cost is the contract markup or discount plus the Oil Price Information Service weekly index price.

The Fleet Services Department and Purchasing recommend authorizing the renewal with Western States Petroleum, Inc., at \$6,800,000 annually, based on estimated requirements.

- *4-g. Three-Year Term Contract with Two Years of Renewal Options for Electric Line Clearance Tree Trimming and Removal Services for the Energy Resources Department (Single Response). **(Citywide)**

This contract will provide services to keep trees and vegetation clear of high voltage electric primary and secondary distribution lines and secondary service drops to maintain safety and help reduce electric service outages for Mesa's electric customers.

The Energy Resources Department and Purchasing recommend awarding the contract to the single, responsive, and responsible bidder, West Coast Arborists, Inc., at \$84,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-h. Dollar-Limit Increase to the Term Contract for Mechanical Fittings for the Materials and Supply Warehouse (for the Energy Resources Department). **(Citywide)**

This contract provides Lycofit mechanical fittings for new construction projects and the maintenance and repair of existing gas utilities. Gas Utility's usage was more than originally estimated, and prices have increased over the last year.

The Business Services and Energy Resources Departments and Purchasing recommend increasing the dollar-limit with Border States Industries, Inc., from \$112,500 to \$185,000, for Year 3, based on estimated usage.

- *4-i. Three-Year Term Contract with Two Years of Renewal Options for Pavement Preservation Materials for the Transportation Department. **(Citywide)**

This contract will provide pavement preservation materials per technical specifications for use by Transportation's in-house crews to maintain the City's roadways.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidders: Wright Asphalt Products Company, LLC; Quality Emulsions, LLC; Musgrove Enterprises, LLC, dba SealMaster - Arizona; Guardtop, LLC; and Holbrook Asphalt, LLC; at \$2,735,000 annually, with an annual increase allowance of up to 5%, or based on the market indexes identified in the contract. This purchase is funded by the Highway User Revenue Fund.

- *4-j. Three-Year Term Contract with Two Years of Renewal Options for Pavement Preservation Services for the Transportation Department. **(Citywide)**

This contract will provide pavement preservation services to be performed by contractors to maintain the City's roadways.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidders: ViaSun Corporation; Southwest Slurry Seal, Inc.; Cactus Asphalt, A Division of Cactus Transport, Inc.; Sunland Asphalt & Construction, Inc.; Ace Asphalt of Arizona, Inc.; and Regional Pavement Maintenance of Arizona, Inc.; at \$15,000,000 annually, with an annual increase allowance of up to 5%, or based on the market indexes identified in the contract. This purchase is funded by the Local Streets Fund.

- *4-k. Dollar-Limit Increase to the Term Contract for Ultraviolet Lamp Assemblies for the Water Resources Department. **(Citywide)**

The Northwest Water Reclamation Plant utilizes an ultra-violet disinfection system to aid in wastewater disinfection. The annual usage has increased as the plant has been changing out complete banks of 450 lamps at a time, and there are several banks of lamps that are nearing their end of life and will also need to be changed.

The Water Resources Department and Purchasing recommend increasing the dollar-limit with UV Superstore, Inc., from \$54,700 to \$104,700 for Year 2; and from \$29,700 to \$79,700 for Year 3, based on estimated usage.

- *4-l. Dollar-Limit Increase to the Term Contract for Hach Bench Service and Replacement Equipment and Supplies for the Water Resources Department (Sole Source). **(Citywide)**

This contract provides equipment, laboratory and analyzer supplies, laboratory consumables, reagents and standards, maintenance and repair services, Flodar data hosting, and wireless services, that are used throughout the City's Water Treatment Plants, Water Reclamation Plants, and Wastewater collections. The requested increase is due to underestimating the need of the products and services the contract provides. Water Resources has polled users throughout the department for the new estimate.

The Water Resources Department and Purchasing recommend increasing the dollar-limit with the sole source vendor, Hach Company, from \$150,000 to \$400,000 for Year 2, and from \$160,000 to \$400,000 for Year 3, based on estimated requirements.

- *4-m. Dollar-Limit Increase to the 16-Month Term Contract for Water and Wastewater Equipment Repairs and Maintenance for the Water Resources Department. **(Citywide)**

Usage has been more than expected over the past year as some vendors on the City's other contracts have not been able to handle the volume of repairs. The Chandler cooperative contract provided other vendors for the City to obtain quotes for the required repair services. The Water Resources Department and Purchasing are currently working on a new contract to replace this Chandler contract.

The Water Resources Department and Purchasing recommend increasing the dollar-limit using the City of Chandler cooperative contract with DXP Enterprises, Inc.; Foster Electric Motor Service, Inc.; Hennesy Mechanical Sales, LLC; James, Cooke & Hobson, Inc.; Layne Christensen; Phoenix Pumps, Inc.; Southwest Waterworks Contractors, Inc.; and Weber Water Resources, LLC; from \$300,000 to \$400,000, based on estimated requirements.

- *4-n. Ratification of the Emergency Purchase of Pump Rentals, Pump Control Panel, and Related Services for the Greenfield Water Reclamation Plant as requested by the Water Resources Department. **(Citywide)**

The Greenfield Water Reclamation Plant (GWRP), Headworks Building flooded on April 15, 2019 due to an equipment failure at the plant. An emergency purchase for the needed services and equipment to get the Headworks Building operable was crucial to the operations of the plant.

The Water Resource Department and Purchasing recommend ratifying the emergency purchase of equipment, materials, and services from various vendors and service providers, at \$101,894.62. This purchase is 58% funded by the Towns of Gilbert and Queen Creek, and 42% funded by the Enterprise Fund - Greenfield WRP Joint Venture.

5. Take action on the following resolutions:

- *5-a. **See: Items not on the Consent Agenda**
- *5-b. 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, 2020. **(Citywide)** – Resolution No.11357
- *5-c. Approving and authorizing the City Manager to adopt a form of Uniform Video Service License Agreement and a Standard Form of Application and Affidavit for the City of Mesa. **(Citywide)**

Changes to State law require that by July 1, 2019, local governments adopt a uniform video service license agreement and standard form of application and affidavit for such license that is consistent with recent changes to Title 9, Chapter 13 of the Arizona Revised Statutes relating to video services. – Resolution No. 11358

- *5-d. Approving and authorizing the City Manager to sign an Agreement for the Mitigation of Reductions to NIA Priority CAP Water under the Drought Contingency Plan. **(Citywide)**

This Agreement governs how the Central Arizona Water Conservation will undertake mitigation of reductions in Non-Indian Agricultural priority Central Arizona Project water by making available certain specified water supplies or funding to impacted parties,

including the City of Mesa, under the Colorado River Drought Contingency Plans and associated Agreements. – Resolution No.11359

- *5-e. Endorsing the creation of the Fraser Fields Irrigation Water Delivery District that is generally bound by East University Drive on the north, East Pepper Place on the south, North Fraser Drive W. on the west, and North Fraser Drive E. on the east. **(District 4)**

The formation of an irrigation water delivery district allows the District to make improvements and perform maintenance and operations of their irrigation system. Final designation of the District is determined by the Maricopa County Board of Supervisors. – Resolution No. 11360

- *5-f. Authorizing the City Manager to enter into an Intergovernmental Agreement with the Phoenix-Mesa Gateway Airport Authority. The Intergovernmental Agreement will provide reimbursement for three years of aircraft rescue and firefighting services provided by the Fire and Medical Department beginning July 2019 through June 2022. **(District 6)** – Resolution No. 11361
- *5-g. Approving and authorizing the City Manager to prepare, sign, and submit applications to the U.S. Department of Housing and Urban Development to receive FY 2019/2020 entitlement funds under the Housing and Community Development Act of 1974 (CDBG), as amended, to fund activities approved by the City Council and authorizing disbursement of program funds if received. **(Citywide)** – Resolution No. 11362
- *5-h. Approving and authorizing the City Manager to prepare, sign, and submit applications to the U.S. Department of Housing and Urban Development to receive FY 2019/2020 entitlement funds under the HOME Investment Partnerships program (HOME), as amended, to fund activities approved by the City Council and authorizing disbursement of program funds if received. **(Citywide)** – Resolution No. 11363
- *5-i. Approving and authorizing the City Manager to prepare, sign, and submit applications to the U.S. Department of Housing and Urban Development to receive FY 2019/2020 entitlement funds under the Stewart B. McKinney Homeless Assistance Act of 1987 (ESG), as amended, to fund activities approved by the City Council and authorizing disbursement of program funds if received. **(Citywide)** – Resolution No. 11364
- *5-j. Approving and authorizing the City Manager to disburse FY 2019/2020 Human Services funds for activities by non-profits approved by the City Council and to enter into agreements for the disbursement of Human Services funds. **(Citywide)** – Resolution No. 11365
- *5-k. Approving the FY 2019/2020 Annual Action Plan for submittal to the U.S. Department of Housing and Urban Development (HUD) and authorizing the City Manager to amend, sign, and submit the Annual Action Plan for FY 2019/2020. **(Citywide)** – Resolution No. 11366

6. Introduction of the following ordinance and setting July 1, 2019 as the date of the public hearing on this ordinance:

- *6-a. **ZON19-00064 (District 2)** Within the 6000 and 6100 blocks of East Baseline Road (north side). Located west of Power Road, on the north side of Baseline Road (6.8 ± acres). Rezoning from RS-43, LC-AF and GC-AF to RM-2-PAD-AF; and Site Plan Review. This request will allow for the development of a multi-residential use. Ralph Pew, Pew and Lake, PLC, applicant; Anthony Miachika, Pacific Rim Group, owner.

Staff Recommendation: Approval with conditions

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

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

- *7-a. **ZON19-00126 (District 2)** Within the 4500 block of East Banner Gateway Drive (south side) and within the 1700 and 1800 blocks of Old Greenfield Road (east side). Located north of Baseline Road and east of Greenfield Road (4± acres). Rezoning from AG to RM-4-PAD; Site Plan Review; and a Special Use Permit to allow for a nursing home in the RM-4 district. This request will allow for the development of an assisted living facility with a nursing home. Ralph Pew, Pew & Lake, PLC, applicant; Langley Banner Gateway, LLC, owner. – Ordinance No. 5512

At the Planning and Zoning Board meeting, this request included the consideration and approval of a Site Plan Review and Special Use Permit for a nursing home in the RM-4 district. The Site Plan Review and Special Use Permit were approved by the Planning and Zoning Board subject to Council approval of the rezoning.

Staff Recommendation: Approval with conditions

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

Items not on the Consent Agenda

- *5-a. Authorizing the City Manager to enter into an Intergovernmental Agreement with the Town of Queen Creek for the design and construction of roadway improvements to Signal Butte and Meridian Roads. The City's portion of the project costs, of up to \$12,000,000, will be reimbursed to the Town of Queen Creek. **(District 6)** – Resolution No. 11367

Andy Sarat, a Mesa resident, and Director of Operations for CMC Steel Arizona explained that employers along the industrial corridor appreciate being included in the development of the Intergovernmental Agreement (IGA). He stated the IGA will assist with the congestion on the roads, but additional access points are needed. He requested that traffic signaling, access interface between truck traffic and passenger cars, and flood control be taken into consideration with the development of the area. He asked that the southeast area businesses be included in discussions as the project is executed.

Mayor Giles noted in southeast Mesa there are many heavy industrial businesses which are critically important to the City's economy. He mentioned the Town of Queen Creek asked the City of Mesa to provide \$12,000,000 to build roads to help people get from Mesa to Queen Creek and vice versa. He stated it is an unusual scenario and it does not happen often, but the City

understands the urgency for the roads and the City is happy to partner with the Town to build out the regional infrastructure.

Councilmember Thompson commented that during the construction of the roadways he will continue to work with the community and staff to ensure the safety of those in the area.

It was moved by Councilmember Luna, seconded by Councilmember Thompson, to approve and authorize the City Manager to enter into an Intergovernmental Agreement with the Town of Queen Creek for the design and construction of roadway improvements to Signal Butte and Meridian Roads and Resolution No. 11367 be adopted.

Upon tabulation of votes, it showed:

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

NAYS – None

Mayor Giles declared the motion carried unanimously by those present and Resolution No.11367 adopted.

Carried unanimously.

8. Items from citizens present.

Verl Farnsworth, a Mesa resident stated he made a request to receive files showing that the City of Mesa could afford the Arizona State University (ASU) building. He invited all members of Council to meet with him and discuss why they had voted for the ASU building and had only received one response from Councilmember Whittaker who stated “it is just a fake return on investment and I hope I don’t smell fraud being committed on Mesa residents.” He documented over 40 inconsistencies related to the City Council and he continues to find more.

Melissa Meyers, a Mesa resident and graduate of ASU with a master’s in social work commented she would like to see the City use natural burial at funeral homes and cemeteries. She stated the name for this type of burial is Green Burial and it is non-toxic and biodegradable.

Nate Peterson, a Mesa resident explained he was speaking on behalf of the Mesa Police Association. He reported 95% of the police association voted no confidence in Chief Ramon Batista. He stated the lack of confidence was built over a year of distortions, nepotism, retaliation and poor decision making and would like Chief Batista to take responsibility for his actions. He commented that the police community will do what it takes to keep Mesa and its officers safe.

For the record Mayor Giles acknowledged the following individuals who submitted blue cards regarding the support for removal of Police Chief Ramon Batista but did not wish to speak:

- Heidi Sherrer
- Meganne Young
- Kimber Mendoza
- Ryan King
- Mary Alice King
- Yvette Campo-Friedam
- Heather Neese

- Ethan Neese
- Emily Neese

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:22 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 17th day of June 2019. I further certify that the meeting was duly called and held and that a quorum was present.



DEE ANN MICKELSEN, CITY CLERK