



## COUNCIL MINUTES

May 22, 2017

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on May 22, 2017 at 5:45 p.m.

### COUNCIL PRESENT

John Giles  
Mark Freeman  
Christopher Glover  
David Luna  
Kevin Thompson  
Jeremy Whittaker

### COUNCIL ABSENT

Ryan Winkle

### OFFICERS PRESENT

Christopher Brady  
Michael Claspell  
Jim Smith

Mayor Giles excused Councilmember Winkle from the entire meeting.

Mayor's Welcome.

Invocation by Dr. Clyde Chilton with Shiloh Missionary Baptist Church.

Pledge of Allegiance was led by Councilmember Thompson.

Awards, Recognitions and Announcements.

There were no awards, recognitions or announcements.

Mayor Giles announced that item 9 has been removed from the consent agenda.

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

#### 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 Freeman, seconded by Councilmember Glover, that the consent agenda items be approved.

Mayor Giles declared the motion carried unanimously by those present.

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

Minutes from the April 13, April 17, April 20, May 4 and May 8, 2017 Council meetings.

3. Take action on the following liquor license applications:

\*3-a. Beijing Noodle House

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for HYZM Restaurant Inc., 1440 South Country Club Drive, Suite 3 – Tao Mei, agent. There is no existing license at this location. **(District 3)**

\*3-b. Manna Korean BBQ

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Manna Dobson Inc., 1135 South Dobson Road, Suite 101 – Song Kun Mun, agent. There is no existing license at this location. **(District 3)**

\*3-c. Pink Pepper Thai Cuisine

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Pink Pepper LLC, 1941 West Guadalupe Road, Suite 105 – Nathan Sisamephone Chanthavong, agent. The existing license held by Tiffany Tavee Inc., will revert to the state. **(District 3)**

\*3-d. Planet Sub

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Apollo Pack LLC, 1641 South Stapley Drive, Suite 101 – Lynette Ann Oglesby, agent. There is no existing license at this location. **(District 3)**

\*3-e. Roberto's At Springdale Village

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Allegiant Restaurant LLC, 7255 East Broadway Road – Kevin Arnold Kramber, agent. The existing license held by Springdale Restaurant IL/AL LLC will revert to the state. **(District 5)**

4. Take action on the following contracts:

\*4-a. One-Year Renewal Contract for the Safety Shoe Program for the Human Resources Department. **(Citywide)**

This contract provides a list of qualified vendors for safety shoes/boots for 750 City employees who perform jobs where safety shoes are required. The City provides an allowance for approximately 900 pairs of shoes/boots purchased annually.

The Human Resources Department and Purchasing recommend authorizing the renewal contract with American Safety Shoe Co. Inc.; Boot Barn (a Mesa business); Bound Tree Medical LLC; International Corporate Apparel; J.R.'s Shoes and Boots; LeHigh

Outfitters; Red Wing Shoes (a Mesa business); United Fire Equipment; and Universal Police Supply; cumulatively not to exceed \$150,000, based on estimated requirements.

- \*4-b. One-Year Renewal Contract for Heavy-Duty Automotive Body Repair Services for the Fleet Services Department. **(Citywide)**

The awarded vendors are pre-qualified to provide all labor, tools, materials, garage facility and insurance to perform body and related mechanical repair work for the City's fleet of approximately 300 heavy-duty trucks.

The Fleet Services Department and Purchasing recommend authorizing the renewal contract with Rush Truck Center – Phoenix; Vanguard Truck Center; Freightliner of Arizona; and MAACO Collision Repair (a Mesa business); cumulatively not to exceed \$150,000, based on estimated requirements.

- \*4-c. Term Contract for Network Equipment for the Mesa Public Libraries as requested by the Library Services Department. **(Citywide)**

Cisco Ethernet switches, Ruckus wireless access points and uninterrupted power supply (UPS) equipment are used to support wired and wireless network connectivity at all City of Mesa library locations. The existing wired network connectivity is at the end of life and out of product and maintenance support.

The Library Services Department and Purchasing recommend authorizing the contract with the lowest, responsive and responsible bidders, Sentinel Technologies, Inc., at \$256,464.42; and ManCom Inc., at \$17,845.50. This purchase is 80% (\$219,447.94) funded by the E-Rate Program and 20% (\$54,861.98) funded by the Information Technology Department operating budget.

- \*4-d. One-Year Renewal Contract for Roll-Off Refuse Containers for the Environmental Management and Sustainability Department. **(Citywide)**

This contract provides roll-off containers used to service residential and commercial customers requesting refuse service to keep up with Mesa's customer demand. The department plans to purchase approximately 18 roll-off containers as needed during this second-year renewal contract.

The Environmental Management and Sustainability Department and Purchasing recommend authorizing the renewal with Wastebuilt Southwest LLC, at \$85,000, based on estimated requirements.

- \*4-e. Purchase of Additional and Upgraded Wireless Network Analysis and Security Tools for the Information Technology Department. **(Citywide)**

The City has a growing investment in Wi-Fi infrastructure, providing it to many municipal facilities as well as providing public Wi-Fi. This purchase will allow the City to monitor wireless traffic between access points and the exterior switches leading into the internal network. This is the first of three phases to implement sensors in locations where they do not exist and replace aging sensors that are limited in what frequency bands they can monitor or what rogue services they can detect.

The Information Technology Department and Purchasing recommend authorizing the purchase from the lowest, responsive and responsible bidder, PacketLogix Inc., at \$87,618.23.

- \*4-f. Three-Year Term Contract for Asbestos and Lead-Based Paint Abatement Services for the Environmental Management and Sustainability Department. **(Citywide)**

This contract will provide pre-qualified contractors for the abatement of hazardous materials primarily containing asbestos and lead-based paint in both emergency and planned responses at City facilities or with City projects on an as-needed basis. The services ensure the City's projects are completed in a safe manner that adheres to regulations.

The Environmental Management and Sustainability Department and Purchasing recommend awarding the contract to the highest-scored respondents: Builders Enviro Services, Inc.; Comprehensive Risk Services, LLC; East Valley Disaster Services, Inc. (a Mesa business); Kary Environmental Services, Inc. (a Mesa business); Sagebrush Restoration, LLC; Southwest Hazard Control; and Spray Systems of Arizona, Inc., dba Spray Systems Environmental; cumulatively not to exceed \$150,000 annually, based on estimated requirements. This annual contract is funded by the Environmental Compliance Fee and Capital Improvement Program – CIP Funds.

- \*4-g. Purchase of Four Replacement Forensic Computers for the Police Department. **(Citywide)**

The Police Department's Computer Forensics Unit is comprised of detectives who conduct forensic analysis of computers and phones for evidentiary purposes. These investigations vary in type from homicide to sexual exploitation of minors. To achieve results as quickly as possible, specialized forensic computers that can withstand a tremendous workload are required. The Police Department purchased four forensic workstations for \$21,165.00 in March of 2017, and is requesting the purchase of four more workstations to replace three forensic computers that were manufactured between 2009 and 2011, which are well past the 5-year lifecycle replacement; and to replace a fourth forensic computer that is rapidly approaching the 5-year recommended replacement.

The Police Department and Purchasing recommend authorizing the purchase using the Arizona Department of Public Safety cooperative contract with Technology Partners, Inc., at \$20,956.44.

- \*4-h. Three-Year Term Contract for Heavy Duty Ballistic Body Armor for the Police Department (SWAT). **(Citywide)**

SWAT Team members require specialty body armor systems that provide coverage protection from small weapons fire and the ability to carry extra equipment for these situations. The SWAT Team will be replacing ten sets that have exceeded their warranted service life of five years. This contract will also be used to purchase additional vests as necessary.

The evaluation committee recommends awarding the contract to the highest-scored proposal from Tyr Tactical, LLC, at \$80,000 annually, based on estimated requirements.

The initial purchase (\$36,248.20) is grant funded by Arizona Department of Homeland Security.

- \*4-i. Ratification of the Emergency Purchase of a 911 Back-up Recording System as requested by the Mesa Fire and Medical Department. **(Citywide)**

This system will provide a redundant 911 recording system. The system is necessary because the City is required to record all dispatch communications. The current system must occasionally go off-line. This redundant system will ensure dispatch communications are recorded without interruption. The purchase was expedited to comply with regulations.

Mesa Fire and Medical, and Purchasing recommend ratifying the emergency purchase with Goserco Inc. (a Mesa business), at \$54,793.08. This purchase is funded by authorized 2013 Public Safety bonds.

- \*4-j. One-Year Renewal Contract for Advanced Traffic Controllers and Software for the Transportation Department. **(Citywide)**

This contract provides Linux-based Advanced Traffic Controllers and controller firmware that runs on the controllers. This equipment has advanced light rail transit features absent in other software options and has been deployed at signalized-intersections in the light rail corridor and will likely expand to other signalized locations throughout the City.

The Transportation Department and Purchasing recommend authorizing the renewal with Clark Electric Sales, Inc., dba Clark Transportation Solutions; and Advanced Traffic Solutions, LLC, dba Fourth Dimension Traffic; cumulatively not to exceed \$120,000, based on estimated requirements.

- \*4-k. Purchase of Five Light-Duty Cab and Chassis Vehicles – Two Replacements for the Transportation Department and Two Replacements and One Addition for the Environmental Management and Sustainability Department. **(Citywide)**

Three of the vehicles that are being replaced have met established criteria and will be either traded, auctioned, sold, or deployed for special uses as part of the ongoing vehicle replacement program. One vehicle that is being replaced for Transportation was involved in a theft and an accident resulting in a total loss. Environmental Management and Sustainability's addition to the fleet of barrel delivery and appliance pickup trucks will allow current service levels to be maintained, keep up with the increased demand and growth and maintain a proper spare ratio.

The Fleet Services, Transportation, and Environmental Management and Sustainability Departments, and Purchasing recommend authorizing purchase from the contract with Berge Ford (a Mesa business), at \$117,423.22; and awarding the contract to the lowest, responsive and responsible bidder, Midway Chevrolet, at \$215,902.53; for the total purchase of \$333,325.75. Transportation's purchase is funded by the Local Street Sales Tax Fund and Environmental Management and Sustainability's purchase is funded by the Capital – Enterprise Fund.

- \*4-l. Two-Year Term Contract for Sludge Screen Machine Rental for the Water Resources Department. **(Citywide)**

This contract will provide the long-term rental of a Sludge Strain Press Unit at the Greenfield Water Reclamation Plant. The pilot use of the technology has far exceeded the expectations of the plant staff in reducing/stopping current hair and ragging issues. Staff will continue to use the technology and will integrate it into the solids process on a semi-permanent scale, with full implementation at the Phase III expansion, which is in approximately 24 months.

The Water Resources Department and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Huber Technology, Inc., at \$134,956.80 for a 24-month term. This contract is 58% (\$78,274.94) funded by the Towns of Gilbert and Queen Creek and 42% (\$56,681.86) funded by Mesa.

\*4-m. Purchase of One Replacement Pickup Truck for the Energy Resources Department.  
**(Citywide)**

The vehicle that is being replaced has met established criteria and will be either traded, auctioned, sold, or deployed for special uses as part of the ongoing City of Mesa vehicle replacement program.

The Fleet Services and Energy Resources Departments, and Purchasing recommend authorizing the purchase from the contract with Berge Ford (a Mesa business), at \$36,974.74. This purchase is funded by the Utility Replacement Extension and Renewal Fund.

\*4-n. Job Order Master Contract for Water and Wastewater Construction Services.  
**(Citywide)**

This contract is for the selection of two Job Order Master Contracts for water and wastewater construction services to include minor construction improvements related to water and wastewater plants, systems and related infrastructure improvements throughout the City.

Staff recommends awarding the contracts to Garney Construction, Inc., and PCL Construction, Inc., for a period of one full year, with the option to extend the contract for two additional one-year periods, based on successful contractor performance and City concurrence. These two master contracts allow for the issuance of multiple individual job orders with an upper maximum limit of \$1,000,000.00 per job order. The total contract value per year will not exceed \$10,000,000.00 per contract.

5. Take action on the following resolutions:

- \*5-a. **Z17-011 (District 6)** The 5400 block of South Power Road (east side). Located south of Ray Road, on the east side of Power Road (2.43± acres). Site Plan Review. This request will allow for the development of a medical marijuana facility. Dixon Oates, Vending Logistics, LLC, applicant; Dwight and Jori Udall, owner – Resolution No. 10959.

Staff Recommendation: Approval with conditions.

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

- \*5-b. Approving and authorizing the City Manager to enter into a Memorandum of Understanding with 3W Management, LLC, for a mixed-use development of

approximately 2.75 acres of City-owned property located at the southwest corner of Main Street and Pomeroy. **(District 4)** – Resolution No. 10960.

- \*5-c. Approving and authorizing the City Manager to enter into an Agreement with the Hickey Family Foundation to accept \$140,000 for overtime, equipment and training for the Police Department to combat domestic minor sex trafficking, and to comply with the requirements set forth in the award notice. **(Citywide)** – Resolution No. 10961.
- \*5-d. Supporting the submittal of a grant application by Child Crisis Arizona to the Tohono O’odham Nation in the amount of \$15,000 for the Arizona Kinship Services Program and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. **(Citywide)** – Resolution No. 10962.
- \*5-e. Supporting the submittal of a grant application by Mesa Arts Center to the Tohono O’odham Nation in the amount of \$25,000 for their Creative Aging: Arts Engagement for Adults with Dementia and their Care Partners program and authorizing the City Manager to accept and administer subsequent awarded funds. **(Citywide)** – Resolution No. 10963.
- \*5-f. Supporting the submittal of a grant application by East Valley Adult Resources to the Tohono O’odham Nation in the amount of \$15,000 for their Meals on Wheels program and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. **(Citywide)** – Resolution No. 10964.
- \*5-g. Supporting the submittal of a grant application by Gene Lewis Boxing Club to the Tohono O’odham Nation in the amount of \$12,500 for their “Every Child a Champion” after-school program and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. **(Citywide)** – Resolution No. 10965.
- \*5-h. Modifying fees and charges for the Arts and Culture Department. **(Citywide)** – Resolution No. 10966.
- \*5-i. Modifying fees and charges for the Business Services Department. **(Citywide)** – Resolution No. 10967.
- \*5-j. Modifying fees and charges for the Development Services Department. **(Citywide)** – Resolution No. 10968.
- \*5-k. Modifying fees and charges for the Engineering Department. **(Citywide)** – Resolution No. 10969.
- \*5-l. Modifying fees and charges for the Mesa Municipal Court. **(Citywide)** – Resolution No. 10970.
- \*5-m. Modifying fees and charges for the Transportation Department. **(Citywide)** – Resolution No. 10971.

6. Introduction of the following ordinance and setting June 5, 2017 as the date of the public hearing on this ordinance:

- \*6-a. **Z17-013 (District 6)** The 6800 to 9200 blocks of East Pecos Road (north and south sides). Located east of Power Road and west of Ellsworth Road on the north and south

sides. The southern boundary is defined by the current city limit line, which runs along the rail road alignment from Power Road to Sossaman Road, then follows Germann Road to the Hawes Road alignment then north to Pecos Road and east to Ellsworth Road. The northern boundary follows the quarter section that is adjacent to the north right of way line of Pecos Road from Power Road to Sossaman Road, then north to the southern boundary of Phoenix-Mesa Gateway Airport east to Ellsworth Road (1,030± acres). Rezoning from LC, LI, AG, PS and GI to EO to create the Pecos Road Employment Opportunity Zone. This request will establish zoning to guide future development of employment and industrial uses. JD Beatty, City of Mesa, applicant; City of Mesa, owner.

Staff Recommendation: Approval with conditions.

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

7. Take action on the following subdivision plat and resolution relating to the property on the northeast corner of Main Street and Lindsay Road:

- \*7-a. "Northeast Corner of Main Street and Lindsay Road" (**District 2**) The 2800 to 2900 blocks of East Main Street (north side). Located on the northeast corner of Main Street and Lindsay Road. 6 LC commercial lots (15± acres). Red Mountain Asset Fund I, LLC, owner; David Bohn, Westwood Professional Services, Inc., engineer.
- \*7-b. Approving and authorizing the City Manager to enter into a Development Agreement with Red Mountain Asset Fund I and the Red Mountain Asset Fund II to facilitate the redevelopment of a retail commercial center located at 2840 East Main Street. (**District 2**) – Resolution No. 10972.

8. Take action on the following subdivision plat:

- \*8-a. "Mesa Technology Business Park" (**District 6**) The 9600 block of East Elliot Road (north side) and the 3400 to 3600 blocks of South 96<sup>th</sup> Street (east side). Located east of the northeast corner of Ellsworth and Elliot Roads. 2 LI industrial lots (38.2± acres). Sunbelt Land Holdings, L.P., owner; Jerry Heath, Hunter Engineering, surveyor.

9. Take action on the tentative adoption of the following proposed FY 17/18 budget.

- \*9-a. See: **Items not on the Consent Agenda.**

Items not on the Consent Agenda

9. Take action on the tentative adoption of the following proposed FY 17/18 budget.

- 9-a. Take action on the tentative adoption of the proposed FY 17/18 budget.

Nathan Schlitz, a Mesa resident and former Mesa Police Officer, stated that he is the Executive Director of the Mesa Police Association (MPA), which represents over 650 sworn and civilian police department personnel. He read an excerpt of an email sent by City Manager Christopher Brady to City employees, stating that the City is experiencing increased economic growth. He highlighted the increases in various tax revenues, including Spring training. He noted that the email states that Public Safety must sacrifice and cut their budget.



Mr. Schlitz commented that the most recent budget cut of 5% hurts Public Safety, which hurts the service that the department provides to the community. He stated that the MPA has been told many times there is only so much of the pie to go around, but believes the Public Safety pie continues to be diminished. He remarked that the MPA is requesting support from City leadership as these budget discussions continue and are voted on. He pointed out that as the City grows, Public Safety cannot be left behind. He mentioned that everyone has the same vision of keeping the City of Mesa safe and providing the quality customer service that the City deserves, unfortunately that comes with ever increasing costs as the City grows. He requested that they work together to keep Mesa safe.

In response to questions posed by Councilmember Whittaker, Mr. Schlitz replied that budget cuts should not come from a department that is already operating at "bare bones" and that Public Safety must be a priority for the City. He also commented that pension reform is due to mismanaged policies from the past.

Jeff Cross, a Gold Canyon resident and a City of Mesa employee, stated that the City has moved from the 32nd largest city to the 38th due, in his opinion, to the previous City Council not pursuing businesses and a property tax. He commented that the budget for Public Safety has been cut over the last five years and understands budget constraints. He suggested that the City Council look at Public Safety's pension and the recent House Bill that was passed to extend the payments from 20 years to 25 or 30 years. He pointed out that Eastmark has land for a fire station and that the residents deserve that fire station. He requested that the City Council look at other solutions and additional ways to raise funds, in addition to looking at the extension of Public Safety pension funds.

Discussion ensued relative to the Pension Plan liability specific to extension of payments beyond 20 years and the potential impact of the Hall case.

It was moved by Councilmember Glover, seconded by Vice Mayor Luna, that the tentative adoption of the proposed FY 17/18 budget be approved.

Mayor Giles declared the motion carried unanimously by those present.

10. Take action on the following contract:

10-a. **Three-Year Term Contract for Private Jail Services for the Police Department. (Citywide)**

The Mesa Police Department's Holding Facility is a temporary holding facility and processing center located in the Police headquarters building. Subjects that are arrested and waiting for an initial court appearance before a Mesa City magistrate, are held in the holding facility for no longer than 24 hours. Currently, subjects who have been arrested on misdemeanor and/or felony charges, or have been ordered to remain in-custody by a judge, are transported by Mesa Police Department personnel to the Maricopa County Jail.

Through this contract, the Police Department will establish an agreement with CoreCivic to provide jailing services to include booking, transportation, maintenance and operations of the temporary housing of misdemeanor offenders for the City of Mesa. CoreCivic will provide care and treatment, including the furnishing of subsistence, all necessary medical care and applicable social service programs.

The annual expenditure is estimated to be \$4,000,000. With additional capacity for variances within the number of misdemeanants processed, the Police Department and Purchasing recommend awarding the contract to the highest-scored proposal, CoreCivic, at \$5,000,000 annually.

Mayor Giles welcomed everyone and stated that he has received a large number of speaker cards from citizens who are opposed to the contract. He requested that the number of speakers be limited to 12 and noted that he would read the remaining names into the record.

Mayor Giles recommended the dialogue begin by addressing questions posed at the study session. He requested that Police Chief Michael Dvorak and Carlos Melendez, Managing Director of CoreCivic come forward and be available to respond to questions.

In response to a question posed by Mayor Giles, Chief Dvorak stated that the Request for Proposals (RFP) was issued in 2012, seeking alternatives to sending misdemeanor inmates to the County Jail. He confirmed that the current proposed contract addresses the current conditions, numbers, as well as the history of the rates that the department has paid. He added that the process took time and was complex and is ready for Council consideration.

In response to a question from Mayor Giles, City Attorney Jim Smith replied that liability insurance in the proposed contract mimics the provisions within the current state contract that involves the housing of felons. He noted this includes the requirement of \$20 million of liability coverage and broad form indemnity provisions. He added that CoreCivic has provided proof of liability coverage for \$25 million even though \$20 million is required.

In response to questions posed by Mayor Giles, Presiding City Magistrate Judge J. Matias Tafoya remarked that work release is determined by state statute and by judicial discretion. He noted that in some cases home detention is used instead of jail time. He explained that officers retrieving prisoners for their court hearings must leave at 3:00 a.m. to transport inmates from the County jail to the City courtroom for 8:00 a.m. hearings. He further explained that the officers must collect ten to twelve inmates in different facilities of the County jail system. He stated that many prisoners do not respond to the order or refuse to return, and prisoners would benefit by being housed in one area. He concluded that once in court, the discussion of release could commence which should translate to less jail time.

In response to questions from Councilmember Whittaker, Judge Tafoya confirmed that the Mayor and City Council appoint the Judge and agreed that political donations do influence politics in America. He commented that he has been a judge for 34 years in limited jurisdiction courts, and the City has the Judicial Advisory Board, which interviews and provides recommendations to the City Council. He explained that the Board is comprised of a Superior Court Judge, Court of Appeals Judge, two lawyers, and three residents and is the buffer to protect the independence of the judiciary.

In response to questions posed by Councilmember Thompson, Judge Tafoya responded that the executive branch files the laws of the court. He stated that the judge follows the state law and city code to determine judgement for violations. He stated that the Mesa City Court is the only limited jurisdiction court in Arizona that has electronic monitoring to release a person if they are unable to post a bond. He added that moving the competency hearings to the Mesa court has reduced the failure to appear rate from 40% to 5%.

In response to questions from Vice Mayor Luna, Judge Tafoya stated that he has not toured the private jail in Florence and he does not know how an inmate's family would get to the private jail.

In response to questions posed by Mayor Giles, Chief Dvorak explained that visitation at the Florence jail could be done in person, or by video conference which the Police Department would setup in the lobby of the main Police Station.

In response to a question posed by Mayor Giles, Police Commander Michael Beaton responded that CoreCivic was asked to research the number of deaths at the Eloy prison. He stated that there were five deaths total at the Eloy facility from 2012-2016 and three deaths total at the Florence facility from 2012-2016, which are broken down to suicides, natural death causes, and one other which was a homicide.

Mr. Melendez confirmed that all deaths were federal prisoners.

In response to a question from Councilmember Glover, Commander Beaton stated that the number of deaths that occurred at Maricopa County Sheriff's Office (MCSO) from 2012-2016, was 42 and was broken down to suicides, natural death causes, and other. He added that the figures were broken down per 1,000 for comparison. He reported that MCSO had 1.06 deaths per 1,000 inmates and Florence had .32 deaths per 1,000 inmates.

In response to questions posed by Councilmember Freeman, Commander Beaton explained the process once an arrest occurs. He stated that the individual is brought to the Mesa facility to be held until initial arraignment. If held over, the individual would be transported to MCSO for pre-booking. He confirmed that the cost for booking at MCSO is approximately \$325.65 for FY 2017/18 and CoreCivic has no booking fee. He added that the housing rate at MCSO \$101.72 in FY 2017/18, and the CoreCivic rate is \$67.96. He clarified that the prisoners taken to Florence would have a specific area that is sight and sound separate from all other prisoners. In addition, men and women are separated including recreation areas. He mentioned that in FY 2016/17 MCSO housed approximately 133.9 prisoners per day for an average of six to ten days.

In response to a question from Councilmember Freeman, Judge Tafoya reported that there are three types of diversion programs for shoplifting, assault, and minors under 21 for alcohol.

In response to questions posed by Councilmember Whittaker, Steve Owen, Public Information Officer for CoreCivic stated that one of the things that the company has undergone over the last couple of years is diversification of the services offered. He explained that in addition to the traditional correctional services, CoreCivic operates residential re-entry centers and offers real estate only solutions to government partners that seek modernized facilities. He clarified that the CoreCivic business model for expanding revenues and shareholder values is through diversification of the business offerings they provide, which is consistent with the organization mission, to affect more rehabilitation and re-entry to reduce recidivism.

Councilmember Whittaker read from the CoreCivic 2010 annual report and quoted; "our industry benefits from significant economies of scale resulting in lower operating costs per inmate as occupancy rates increase, we believe we have been successful in increasing the number of residents in our care and continue to pursue a number of initiatives intended to further increase our occupancy and revenues." He stated that the statement contradicts what CoreCivic had previously indicated.

Mr. Owen responded that the occupancy is referencing facilities with available occupancy and making them available to government partners that need the occupancy, which is beneficial to both the government that contracts with CoreCivic and the company. He continued by stating

that the budgetary situations in various state agencies can be tightened sometimes and CoreCivic would need to make cuts as well.

Councilmember Whittaker emphasized his concern that the main source for revenue increase for CoreCivic is increasing occupancy, which in his opinion directly conflicts with the goal the Council has of reducing the amount prisoners that are placed in jail.

Mr. Owen replied that is not the business model of CoreCivic, it is to diversify the services offered and the services provided are given in response to the express needs of government partners.

In response to a question posed by Councilmember Whittaker, Mr. Owen stated that CoreCivic employs several dozen lobbyists at the federal, state, and local level. He clarified that CoreCivic's sole customer is government, and they maintain lobbyists but prohibit lobbying on sentencing policies.

In response to a question from Councilmember Whittaker, Mr. Owen responded that CoreCivic owns the subsidiary service for transportation services, and is required to meet all national and local standards.

Mr. Melendez clarified that Florence staff will be handling all transportation of inmates to and from Mesa.

In response to a question posed by Councilmember Whittaker, Mr. Owen stated that research would be required to provide the number of deaths related to transportation and escapes.

In response to a question from Councilmember Whittaker, Mr. Owen stated that he does not have an exact figure on sexual assaults at the Florence facility, however, all the facilities are required to meet and exceed the Prison Rape Elimination Act (PREA) which includes annual inspections and requires the results to be posted online and made available to the public.

Discussion ensued relative to CoreCivic contracts in other states and their respective renewal status.

Mayor Giles clarified that all Mesa prisoners would only be using the Florence facility.

In response to a question posed by Councilmember Freeman, Commander Beaton reported that most of the discussions referred to the long-term felon population, not the short-term misdemeanor population. He stated that the City would be the first municipality to house only misdemeanors at the facilities.

For the record, Mayor Giles acknowledged that speaker cards were received from the following individuals in opposition to the contract:

Renaissance:	A Tempe resident
Judith Howard Ahlberg:	A Mesa resident
Sue Ellen Allen:	A Scottsdale resident
Brian Barabe:	East Valley Patriots for Social Justice
Fred Barlam:	A Mesa resident
Gail Bird:	A Mesa resident
Tom Brown:	A Scottsdale resident
Charles Caswell:	A Mesa resident

Natacha Chavez:	A Phoenix resident
Stephanie Cordel:	A Mesa resident
Jane Dacey:	A Phoenix resident
Suzanne Distaso:	A Chandler resident
Lucy Dorn:	A Mesa resident
David Douthit:	A Mesa resident
Charles Dvoracek:	A Mesa resident
Susan Dvoracek:	A Mesa resident
Renaldo Fowler:	Arizona Center for Disability Law
Julie Golding:	A Phoenix resident
Jessica Gronberg:	A Mesa resident
Ryan Gudin:	A Mesa resident
Amy Kalman:	Arizona Attorneys for Criminal Justice
Jay Gittrich:	A Mesa resident
Tom Haws:	A Mesa resident
Carolina Hernandez:	A Mesa resident
Dr. J. Hydrick:	A Chandler resident
Caroline Isaacs:	American Friends Service Committee
Karyn LaThan:	A Tempe resident
Lynda Maraby:	A Mesa resident
Joanne Markis:	A Tempe resident
Barbara Miller-Elegbede:	A Mesa resident
Daisy Minoz:	A Chandler resident
Carolyn O'Conner:	A Mesa resident
Sheila Ogea:	A Mesa resident
Jocelyn Pacheco:	A Mesa resident
Wade Peuland:	A Mesa resident
Patience Pearson:	A Mesa resident
Dr. Gerae Peten:	Arizona Justice Alliance
Dianne Post:	National Lawyers Guild
Robert Rakaric:	A Tempe resident
Redeem Robinson:	A Phoenix resident
Craig Rosenstein:	Arizona Attorneys for Criminal Justice
Danielle Russell:	A Phoenix resident
Christina Shelley:	A Gilbert resident
Gigi Soltero:	Residence unknown
Stephen Spirgis:	A Mesa resident
Benjamin Steele:	A Tempe resident
Rafael Suarez:	A Tucson resident
Dominique Van De Stadt:	A Paradise Valley resident
Elizabeth Venable:	A Mesa resident
Richard Wall:	A Mesa resident
Allyson Yoder:	A Tempe resident

Ryan Tait, representing Arizona Attorneys for Criminal Justice, commented that privatizing a jail is a bad idea. He stated that he practices criminal law and understands what meaningful visits mean to clients and that video visitations cannot be completely effective. He noted that Securus Technologies is the subject of several lawsuits in various states as the video conferences have been caught recording privileged conversations between attorneys and their clients. He further noted that it is unsettling for attorneys and does not allow attorneys to review certain types of evidence with their clients. He remarked that there is no indication that the transportation to Florence is any better than MCSO, however, the distance to Florence is longer. He expressed

the opinion that the prisoners in Florence are unable to drive or have access to transportation when on work release. He emphasized that there should never be a financial incentive for incarceration of our citizens and multiple studies have shown that is precisely what happens when private prisons take over what should be a public-sector duty.

Reyna Montaya, representing Aliento, stated that there are problems using a private prison, primarily transparency, when people must file complaints regarding sexual or other types of abuse. She asked why the City is providing incentives to have more people behind bars. She asked the City Council if they want Mesa to be known as the first City to privatize, instead of focusing more on rehabilitation so prisoners can be reintroduced to society.

Kathleen Rahn, a Mesa resident, remarked that she would like Mesa to be safe for all families and individuals. She noted that research has shown that jailing without prevention efforts is ineffective and can harm communities with a high rate of poverty. She requested that the City work with Maricopa County Sheriff Penzone on the issues. She encouraged the City to lead efforts to find more creative and family centered solutions for community safety and that contracting with a private jail does not help in that effort.

Cinthia Estela, a Laveen resident, announced she would like to turn her time over to Channel Powe, a Phoenix resident. Ms. Powe read an excerpt from an op-ed piece she created for the Huffington Post. She stated that repeat offenders often think they will not be caught. She noted that there are 34 million serious crimes each year and only 3 million result in an arrest. She expressed the opinion that bringing private prisons to the City is harmful and seen as modern day slavery as there are more costs to the private prisons, which have atrocious conditions. She asked the City Council to vote no to making profit over bodies.

Ron Redlin, representing the American Civil Liberties Union (ACLU) People Power, commented that data has shown that health care in private prisons is significantly substandard and places the prisoner's lives at higher risk than publicly run facilities. He listed the following groups that had planned to speak in opposition to the contract:

- Arizona Attorneys for Criminal Justice
- Arizona Center for Disability Law
- Arizona Justice Alliance
- American Civil Liberties Union
- Abolish Private Prisons
- Americans Friends Service Committee
- Black Lives Matter
- Central Arizona National Lawyers Guild
- East Valley Patriots
- Indivisible AZCD5
- Justice That Works
- AZ LD 17 – Democrats
- AZ LD 19 – Democrats
- AZ LD 25 – Democrats
- AZ LD 29 – Democrats
- Living United for Change in Arizona (LUCHA)
- Maricopa County Democratic Party
- National Association for the Advancement of Colored People (NAACP)
- Progressive Democrats of America – East Valley Chapter

Mr. Redlin remarked that the annual balance sheets for CoreCivic list the prisoners as calculated growth commodities and added that CoreCivic has a history of understaffing guards and medical staff.

Barry McCain, an Arizona City resident, stated that private prisons are not cost effective and not safe for inmates or staff. He pointed out that Governor Ducey is requesting 2,000 beds for occupancy and the City should go in the exact opposite direction.

Ken Ahlberg, a Mesa resident, emphasized that the City should not subcontract the core correctional services to private for profit companies. He stated that the private prison does not provide goods and services to customers, but rather makes money solely from government and mainly on non-violent offenses. He commented that CoreCivic and private prison industries have actively lobbied for tougher sentencing laws and, as a member of the American Legislative Exchange Council (ALEC), CoreCivic helps bring legislators and corporations together to draft bills that are introduced at various levels of government but primarily at the state level. He highlighted an article in Forbes magazine from August 2011, which reported that ALEC helped pioneer some of the toughest sentencing laws such as mandatory minimums for non-violent drug offenders, three strikes laws, and truth in sentencing laws. He concluded by stating that the Mesa judicial system is diverting offenders away from incarceration and into programs that will restore them to active and lawful engagement in society and, if that is the case, he suggested that the City and CoreCivic are working at cross purposes.

Roman Ulman, a Mesa resident, read from his statement (**See Attachment 1**). He stated that he has served on numerous boards in the City of Mesa and owns a business in Mesa. He expressed disbelief that the City would send its citizens out of the community and place an additional hardship on the families. He added that it sends everyone a message that Mesa cares more about the money, than people and families. He mentioned that this action should be a ballot initiative and let the taxpayers decide.

Vincent Salozar, a Mesa resident, announced he would like to turn his time over to Heather Hamel, representing Justice That Works. Ms. Hamel stated that she would like to correct false statements made from CoreCivic regarding the Eloy detention facility. She remarked that the facility is an immigration detention facility and does not house convicted felons; it houses immigrants as well as families, children, and babies. She noted that the City is showing distinction between unsafe conditions in federal prisons and what the City would expect by housing the misdemeanor populations. She pointed out that on a Human Rights report on CoreCivic, the investigation of 31 deaths inside CoreCivic facilities found that all the suicides were a result of extreme medical neglect. She added that by supporting CoreCivic the City would be contributing to lobbying efforts as well.

Martin Quezada, a Phoenix resident and an elected State Senator, stated that one of his fights at the State is against the private prison industry. He commented that lobbyists may start off with savings and incentives, however, the lobby will evolve with requests for expansion, guaranteed occupancy, and elimination of safety and costs audits. He remarked that neutrality within the judicial system will further the debate on how neutral the judicial system is with the privatizing of prisons. He stated the opinion that the City of Mesa is at a critical point in the history of the City as well as the State of Arizona by setting the City and State on a good or bad path. He added that the City does not need to privatize prisons. He concluded that CoreCivic profit will always trump safety, since CoreCivic is always looking for a profit when the City's number one goal is public safety.

Mayor Giles thanked Mr. Quezada for his service in the State Legislature.

Dr. Matthew Whitaker, a Mesa resident, stated that the privatization of jails is morally dubious and systematically unjust, particularly for the most vulnerable populations. He commented that the City must not sacrifice moral high ground for fiscal relief and profit motivation. He pointed out that corporations like CoreCivic thrive on recidivism and this practice sponsored by government is flawed and filled with economic conflict of interest that violate the life and liberty guarantee of the Constitution of the United States. He asked why the City is allocating funds for a private prison when the City could be allocating funds for education to solve a long-term problem so that the City does not have as many people going into our jail system.

Megan Rakaric, a Tempe resident, commented that private prisons have one goal which is to make a profit, but also need ways to cut costs. She stated that as 60-70% of their costs are employees, that private prisons have lower wages and pay entry level employees on average \$6,000 less a year and do not provide adequate training for employees. She noted that employee turnover rate has been reported to be as high as 90% while state run facilities average 25%. She complimented Mesa for the pre-trial release program and hoped it will reduce the numbers in jail. She asked what amount of occupancy the City is guaranteeing in this contract and at what point is the City not sending inmates to the facility? She questioned the costs, where those inmates are held, as well as inmates who have medical conditions that the facility cannot support.

Councilmember Whittaker requested a ten-minute recess.

Mayor Giles declared a recess at 7:34 p.m. The meeting reconvened at 7:46 p.m.

In response to a question posed by Mayor Giles, Chief Dvorak stated that currently the prisoner is taken to the MCSO and if the prisoner has medical issues they are checked out at a medical facility and determination is made for clearance or release from custody to seek medical treatment with documentation. He explained that the same process would exist at CoreCivic. If medical issues arise, the facility would contact the Mesa holding facility and if medical solutions are not resolved the department has the option to release from custody.

In response to questions by Mayor Giles, Chief Dvorak responded that the City has not agreed to guarantee occupancy levels. He noted that the history of arrests, housing, and bookings of prisoners were provided to help determine the costs for the City. He explained that currently, transportation is handled by civilian detention staff that transports prisoners with both misdemeanors and felonies to the facility in Phoenix. He pointed out that under the new contract, the department would not be transporting to Florence. He noted that the facility would transport the misdemeanor prisoners from the Mesa facility to the Florence facility and return the prisoners when eligible for release. He explained that for work release the prisoner is brought back to the Mesa facility to move onto their work release and then checked in to return to the Florence facility.

J.J. Johnson, President of Black Phoenix Institute, stated the opinion that Judge Tafoya did not fully answer the question about attorney's having face to face visits nor did anyone address the cost of people using video visitation. He commented that Securus Technologies will impose substantial charges involved with people using the video visitation and the costs are being passed on to consumers. He mentioned that the City only asked minimal questions of CoreCivic and that the City did not ask about the Saguaro facility, so the City did not hear about the murders at that facility. He detailed the murders for the City Council. He noted that CoreCivic did not explain when a prisoner needs medical attention, would that prisoner be separated from the other prisoners which include felony prisoners in that area, as well as information on transportation for those with disabilities. He concluded by saying that SB1070 was written by



Kris Kobach who is a paid lobbyist for ALEC and that CoreCivic was a major contributor to ALEC. He added that the City is rushing into this contract which demands more study and time.

Councilmember Whittaker stated that as Councilmembers, they not only have to weigh the immediate fiscal impact of the decisions for the City, they must have the foresight to understand the long-term effects of the decisions they make. He asked the other members of Council if there is anyone that believes we need more lobbyists at City Hall? He remarked that he believes money in our political system creates a form of crony capitalism that is destroying our Country. He commented that currently the unions are so powerful that they write the policies which is unacceptable and opens the door to other major lobbying groups. He added that he knows that some Councilmembers would say lobbying groups are normal and he would agree, unfortunately there is a big difference in this situation since there are human beings involved in this process, our citizens, and our residents. He stated that these are the ones that Councilmembers took an oath to protect. He emphasized that he will never support a measure that turns citizens into commodities and strongly urged his colleagues to reconsider opening Pandora's Box on this issue and wait to see what Sheriff Penzone can do to clean up the mess he was left with.

Vice Mayor Luna commented that his initial thought was to look at the viability of the private jail as he was motivated by his aversion to Tent City. He stated that Sheriff Penzone has indicated that Tent City would no longer be used to house detainees convicted of misdemeanors. He explained that he has spoken with Sheriff Penzone several times seeking relief for the costs associated with housing detainees and that Sheriff Penzone indicated that it would take approximately one year to conduct a thorough evaluation on how fees are structured and charged to cities. He remarked that he does not want to be the impetus for deciding to seek relief outside Maricopa County and asked the Council to consider waiting one year to make the final determination. He stated that he believes it is prudent of the Council to wait until all options are exhausted before embarking on this arrangement. He added that he has heard from several of his constituents, many who are present today, who voiced their concern vehemently opposing the private jail, therefore, he will not support the request to contract with CoreCivic.

Mayor Giles stated that he appreciates the input and feedback. He explained the history of the exploring an alternative to sending people to the Maricopa County jail system. He said that it was not because of an indifference to human rights. He noted that the Maricopa County jail system has been the subject of much debate and that many groups have been asking City Council's to do something about the County's jail system. He further noted that this is the context in which the current proposal was initiated. He remarked that what the people are asking for is jail reform and tonight they are arguing against it. He stated that the Council must provide a jail, and that he and several Councilmembers have toured the Florence facility. He added that during the tour of the County facility he asked the Sheriff's office if the facility complies with federal standards and industry standards. He remarked that the facility does not currently comply with any of those standards, while the opposite is true of the Florence facility. He complimented the Supervisors and Sheriff Penzone for doing the best they can at the downtown facility, but stated the opinion that it is more reminiscent of a mental health facility than a jail. He reiterated that the inmates going to the Florence facility are not high risk inmates, they are guilty of low class misdemeanors; and are housed for approximately three to five days.

Mayor Giles stated that his obligation is to preserve the financial strength of the City. He indicated that the \$2 million cost savings per year for using the Florence facility is likely understated, since the cost savings of not using detention officers for transportation is not included in the calculations. He commented that the City of Mesa is experiencing financial difficulty and is the largest City in the United States that does not have a primary property tax. He noted that the Council approaches all departments, including Public Safety, to reduce their

budgets. He acknowledged that the Police Department came up with an innovative way to reduce their budget. He pointed out that incarceration of people is a necessary function of government and there are portions of criminal justice that cannot be delegated to anyone but the state. He noted that he has spoken with Maricopa County Supervisor's as well as Sheriff Penzone and the City of Mesa has attracted their attention. He concluded by stating that he will be voting in favor of the proposal.

Councilmember Whittaker commended the Police Department for finding cost savings.

Discussion ensued relative to Sheriff Penzone and the additional time that would be needed for fixing the issues in the county jail system and the cost impact to other jurisdictions if the City was to remove themselves from the County system.

It was moved by Councilmember Thompson, seconded by Councilmember Glover, that the Three-Year Term Contract for Private Jail Services for the Police Department be approved.

Upon tabulation of votes, it showed:

AYES – Giles-Freeman-Glover-Thompson

NAYS – Luna-Whittaker

ABSENT – Winkle

Mayor Giles declared the motion carried by majority vote of those present.

11. Conduct a public hearing and take action on the following resolution relating to the annual assessments for the Mesa Town Center Improvement District No 228:

11-a. Conduct a public hearing.

Mayor Giles announced that this was the time and place for a public hearing regarding the annual assessments for the Mesa Town Center Improvement District No 228.

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

11-b. A resolution approving the 2017 District Assessments for Mesa Town Center Improvement District No. 228. The proposed final assessments do not include any rate increases. **(District 4)** – Resolution No. 10973.

It was moved by Councilmember Freeman, seconded by Councilmember Thompson, that Resolution No. 10973 be adopted.

Mayor Giles declared the motion carried unanimously by those present.

12. Conduct a public hearing and take action on the following ordinances adopting modified City-owned utility terms/rates/fees/charges:

12-a. Conduct a public hearing on modifications to terms/rates/fees/charges of City-owned utilities: items 12-b through 12-g.

Mayor Giles announced that this is the time and place for a public hearing regarding the modified City-owned utility terms/rates/fees/charges.

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

- 12-b. An ordinance modifying terms/rates/fees/charges for electric utility services. **(Districts 1 and 4)** – Ordinance No. 5380.
- 12-c. An ordinance modifying terms/rates/fees/charges for natural gas utility services. **(Citywide)** – Ordinance No. 5381.
- 12-d. An ordinance modifying terms/rates/fees/charges for water utility services. **(Citywide)** – Ordinance No. 5382.
- 12-e. An ordinance modifying terms/rates/fees/charges for wastewater utility services. **(Citywide)** – Ordinance No. 5383.
- 12-f. An ordinance modifying terms/rates/fees/charges for solid waste utility services. **(Citywide)** – Ordinance No. 5384.
- 12-g. An ordinance modifying terms/rates/fees/charges for utility service fees. **(Citywide)** – Ordinance No. 5385.

It was moved by Vice Mayor Luna, seconded by Councilmember Thompson, that Ordinance Nos. 5380, 5381, 5382, 5383, 5384, and 5385 be adopted.

Mayor Giles declared the motion carried unanimously by those present.

13. Conduct a public hearing and take action on the proposed Five-Year Capital Improvement Program for fiscal years ending 2018-2022:

- 13-a. Conduct a public hearing.

Mayor Giles announced that this is the time and place for a public hearing regarding the proposed Five-Year Capital Improvement Program for fiscal years ending 2018-2022.

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

- 13-b. A resolution approving a Five-Year Capital Improvement Program for fiscal years ending 2018-2022. **(Citywide)** – Resolution No. 10974.

It was moved by Vice Mayor Luna, seconded by Councilmember Freeman, that Resolution No. 10974 be adopted.

Mayor Giles declared the motion carried unanimously by those present.

14. Items from citizens present.

There were no items from citizens present.

15. Adjournment.

Without objection, the Regular Council Meeting adjourned at 8:10 p.m.

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JOHN GILES, MAYOR

ATTEST:

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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 22nd day of May, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

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DEE ANN MICKELSEN, CITY CLERK

js  
(Attachments – 1)

**"Mr. Mayor, Mesa City Council members, and everyone involved in this effort to benefit Private Prisons. I ask that this topic be put on hold for a year. I have served Mesa on the Parks Board, the Master Plan Committee, and on many Voters Committees to bring facilities and events to Mesa. I have secured conventions and events for Mesa. I did so because Mesa is a "Families Community" and has a "Positive Image". My Family has a business in Mesa.**

**I would have never believed that our city would have stooped to doing business with a Corporation that makes profits on family's' misery. That Mesa would be so callous to send our citizens many miles out of our community and place an additional hardship on our families. I can't believe that after we voted in favor of many Mesa ballot issues our City is now investing our Taxes in PRISONS FOR PROFIT! This action is so un-American, so unchristian, so inhuman, and so negative in many, many ways. It gives everyone the message that Mesa cares more about money, than we care about our People and our Families.**

**PRISONS FOR PROFIT are less safe; inmate-on-inmate violence and violence toward staff is much higher in Private Prisons than in government prisons. Private Prisons pay employees less and have higher turnover rates. There have been many legal actions taken against Private Prisons due to violations of inmate's rights. Also, there have been many more problems in Private Prisons as a whole.**

**Churches and Religious communities are opposed to profit making from the punishment of our fellow human beings and are also against the PRISONS FOR PROFIT Industry. Communities, Institutions and Business do not want to be located near Private Prisons. So why would we spend our taxes to benefit such an operation?**

**I am certain that people will think twice before coming to Mesa, or investing in Mesa. Your action will hurt our business community, our economy, and Mesa's positive image. Do not take this harmful action; do not take this insensitive action. Do not make life more difficult for Mesa's Families to benefit an Out of State Corporation.**

**Finally, perhaps this should be a ballot initiative, and let the taxpayers decide what to do with our future and our money."**

**Roman Ulman, President**

**Democracy for America, 480-993-8799, rwulman@aol.com**