



COUNCIL MINUTES

December 1, 2021

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 1, 2021, at 6:54 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Dee Ann Mickelsen
Jim Smith

Mayor's Welcome.

Mayor Giles conducted a roll call.

Invocation by Pastor Ramon Valencia with Spanish United Pentecostal Church.

Pledge of Allegiance was led by Mayor Giles.

Awards, Recognitions and Announcements.

There were no awards, recognitions, or announcements.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

It was moved by Councilmember Luna, seconded by Councilmember Thompson, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

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

NAYS – None

Carried unanimously.

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

Minutes from the September 30, October 14, and October 21, 2021, Study Sessions; and the November 15, 2021, Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. Superstition Farm Inc.

This is a one-day event to be held on Saturday, December 11, 2021, from 6:00 P.M. to 2:00 A.M on Sunday, December 12, 2021, 3440 South Hawes Road. **(District 6)**

*3-b. Aldi #163

A grocery store is requesting a new Series 10S Beer and Wine Store License with sampling privileges for Aldi (Arizona) LLC, 2737 South Signal Butte Road; Jeffrey Craig Miller, agent. There is no existing license at this location. **(District 6)**

*3-c. La Casa De Las Flores Gourmet

A restaurant that serves breakfast, lunch, and dinner is requesting a new Series 12 Restaurant License for La Casa De Las Flores Gourmet Kitchen LLC, 2050 West Guadalupe Road, Suite 9-12; Enrique Martinez, agent. The existing license held by QM Investments Group LLC will revert to the State. **(District 3)**

*3-d. Worth Takeaway

A restaurant that serves breakfast, lunch, and dinner is requesting a new Series 12 Restaurant License for Worth AZ LLC, 218 West Main Street; Kelsey Anne Strothers, agent. There is no existing license at this location. **(District 4)**

*3-e. Rosati's Pizza

A restaurant that serves breakfast, lunch, and dinner is requesting a new Series 12 Restaurant License for Copperbrand Inc., 1035 North Ellsworth Road, Suite 104; Jeffrey Craig Miller, agent. The existing license held by SRG Restaurants LLC will revert to the State. **(District 5)**

4. Take action on the following contracts:

*4-a. Three-Year Term Contract with Two Years of Renewal Options for Wire and Cable for the Materials and Supply Warehouse (for Various City Departments). **(Citywide)**

This contract will provide common and specialty wire for various Citywide departments. It will establish a list of qualified contractors who will respond to quotes for wire and cable on an as-needed basis.

An evaluation committee recommends awarding the contract to the qualified proposals from American Wire Group; Anixter, Inc.; Border States Industries, Inc., dba Border

States Electric Supply; Cybergear, Inc. (a Mesa business); Independent Electric Supply, Inc.; and Wesco Distribution, Inc., dba Brown Wholesale, at \$814,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-b. Purchase of Five CNG-Powered Automated Side-Loader Refuse Trucks (One Addition and Four Replacements) and One Front-Loader Refuse Truck (Replacement) for the Environmental Management and Sustainability Department. **(Citywide)**

Four automated side-loaders (ASL) and one front-loader are being replaced as part of the ongoing vehicle replacement program. These trucks have met the established criteria and will be either traded, auctioned, sold, or deployed to special uses. One ASL will be an addition to the fleet to handle City growth. Environmental Management and Sustainability will have a total of 55 ASL vehicles. This purchase of CNG vehicles supports the City's Climate Action Plan.

The Fleet Services and Environmental Management and Sustainability Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Rush Truck Centers of Arizona, dba Rush Truck Center Phoenix, at \$2,862,079.67. The five ASL's are funded by the Capital - Utility Fund and the front-loader is funded by the Utility Replacement Renewal and Extension Fund.

- *4-c. Purchase of 2,500 Resin Chairs (Additions) for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This purchase will provide white resin chairs for the Mesa Convention Center and Mesa Amphitheater. Purchasing these chairs will eliminate the need to outsource seating and will give greater flexibility for labor and staffing at the Convention Center and Amphitheater. Return on this investment will be reached after 10 full rentals, which is estimated to be obtained within two years.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the purchase using the Buyboard cooperative contract with Mitylite, at \$122,000, based on estimated requirements.

- *4-d. Purchase of Three Thermal Cyclers (Two Replacements and One Addition) for the Mesa Police Department (Sole Source). **(Citywide)**

The Forensic Services Division completes DNA analysis of samples from criminal investigations and uses its two Veriti thermal cyclers in the amplification step of this analysis. Of the three cyclers being purchased, one will replace an obsolete and non-functioning unit, and one will replace an existing unit that the manufacturer will stop supporting in 2025. The third unit is an addition and will expand the current capacity.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, Life Technologies Corporation, at \$25,628.10. This purchase is grant funded by Department of Justice FY19 Capacity Enhancement and Backlog Reduction Program.

- *4-e. Purchase and Installation of Two Communications 911/Dispatch Consoles (Additions) for Public Safety Communications as requested by the Mesa Police Department. **(Citywide)**

The consoles are needed to accommodate staff required to handle the increase in call volume for providing dispatching services for Queen Creek through an Intergovernmental Agreement (IGA).

The Police Department and Purchasing recommend authorizing the purchase using the H-GAC Buy cooperative contract with Russ Bassett Corporation, at \$41,000, based on estimated requirements. This purchase will be reimbursed by the Town of Queen Creek as part of the initial investment costs included in the IGA.

- *4-f. Use of a Cooperative Contract for a Two-Year Term and Renewal Options for IDEMIA LiveScan Workstations and Equipment (Replacement) for the Mesa Police Department (Sole Source). **(Citywide)**

The Police Department first purchased these types of machines in 2004 and replaced them in 2012. The equipment is used in the booking process, for identification purposes, and other criminal justice functions. The current software used in these machines will no longer be supported by Arizona Department of Public Safety (AZDPS). AZDPS has only approved IDEMIA software to capture photos and communicate with law enforcement agencies. IDEMIA provides a fully integrated LiveScan solution including an AFIS interface, digital image capture, compliance with AZDPS AFIS, FBI IAFIS/NGI EBTS, and ANSI/NIST image standards. The initial purchase will be three LiveScan workstations for the Holding Unit and the Department has requested additional capacity to purchase more units as funds are identified.

The Police Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Morpho USA, Inc./IDEMIA, at \$100,000 annually, based on estimated requirements.

- *4-g. Dollar-Limit Increase to the Three-Year Term Contract with Two Years of Renewal Options for Structural/Extrication Personal Protective Equipment for the Mesa Fire and Medical Department (Funded by the Mesa Fire and Medical operating budget and Public Safety Sales Tax Fund). **(Citywide)**

The dollar-limit increase is needed for an immediate purchase due to the long lead time of extrication gear, and for the City to continue making extrication gear purchases.

The Mesa Fire and Medical Department and Purchasing recommend increasing the dollar-limit by \$75,000 from \$500,000 to \$575,000 annually with Freightliner of Arizona, LLC dba Velocity Fire Equipment; L.N. Curtis & Sons; Matlick Enterprises dba United Fire Equipment Company; and Municipal Emergency Services, Inc., based on estimated usage, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the City of Phoenix and various partnering agencies within Maricopa County for the distribution of \$136,382 in grant funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The funds will be used towards a joint broadband radio project between the Police Department and the Department of Innovation and Technology. The broadband service project will support technology for

the Real Time Crime Center and allow citizens access to online Police Department resources. **(Citywide)** – Resolution No. 11773

- *5-b. Approving and authorizing the City Manager to enter into contracts for the purchase of firm natural gas supplies for the City's natural gas distribution system for the current winter season through April 2022. **(Citywide)** – Resolution No. 11774

6. Introduction of the following ordinances and setting December 8, 2021, as the date of the public hearing on these ordinances:

- *6-a. ZON21-00566 **(District 5)** Within the 6400 block of East McDowell Road (north side) and within the 2800 block of North Ramada (west side). Located west of Power Road on the north side of McDowell Road (4.1± acres). Rezone from Office Commercial (OC) to Single Residence 9 with a Planned Area Development Overlay (RS-9-PAD). This request will allow for the development of a single residence subdivision. Grant Taylor, applicant; DeMichele Family, LLC, owner.

Staff Recommendation: Approval with conditions

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

- *6-b. ZON21-00892 **(District 6)** Within the 4400 to 4700 blocks of South Power Road (east side) and within the 6800 to 7000 blocks of East Warner Road (south side). Located at the southeast corner of Power Road and Warner Road (40± acres). Modification of the Planned Area Development Overlay (PAD) and Site Plan Modification. This request will allow for commercial development. Sean Lake, Pew & Lake, PLC, applicant; Power 40, LLC, owner.

Staff Recommendation: Approval with conditions

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

- *6-c. ZON21-00540 **(District 6)** An ordinance within the 10500 to 10800 blocks of East Elliot Road (north side) and within the 3500 block of South Signal Butte Road (west side). Located on the northwest corner of Signal Butte Road and Elliot Road (25.7± acres). Rezone from Agriculture (AG) to Light Industrial (LI) with a Planned Area Development (PAD) Overlay, Site Plan Review, and Special Use Permit. This request will allow for a commercial and industrial development. Adam Baugh, Withey Morris, PLC, applicant; Whane of Mesa, LP, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 5-1)

- *6-d. ANX21-00799 **(District 6)** Annexing property located within the 4200 to 4400 blocks of South Sossaman Road (west side). Located west of Sossaman Road and north of the Warner Road alignment (101.1± acres). Initiated by the applicant, Sean Lake, on behalf of Pew & Lake, PLC; The Dale C. Morrison Trust, owner.

- *6-e. ZON21-00798 **(District 6)** Within the 4200 to 4400 blocks of South Sossaman Road (west side). Located west of Sossaman Road and north of the Warner Road alignment (101.1± acres). Rezone from Agriculture (AG) to Light Industrial with a Planned Area

Development Overlay (LI-PAD) and Site Plan Review. This request will allow for an industrial development. Sean Lake, on behalf of Pew & Lake, PLC, applicant; The Dale C. Morrison Trust, owner.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 6-0)

*6-f. **See: Items not on the Consent Agenda.**

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

*7-a. ANX21-00728 (**District 6**) Annexing property located north of Pecos Road and west of Signal Butte Road (71.3± acres). Initiated by the applicant, Josh Tracy, Ryan Companies; for the owner, Tucker Properties, LTD. – Ordinance No. 5652

*7-b. ZON21-00730 (**District 6**) Within the 10300 to 10600 blocks of East Pecos Road (north side) and within the 6400 to 6800 blocks of South 222nd Street (west side). Located west of Signal Butte Road on the north side of Pecos Road (71.3± acres). Rezone from Agriculture (AG) to Light Industrial (LI); Site Plan Review and Special Use Permits. This request will allow for industrial development. Josh Tracy, Ryan Companies, applicant; Tucker Properties, LTD., owner. – Ordinance No. 5653

Staff Recommendation: Approval with conditions

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

*7-c. ZON20-00840 (**District 1**) Within the 1000 block of East McKellips Road (south side). Located west of Stapley Drive on the south side of McKellips Road (4.5± acres). Rezone from Single Residence 9 (RS-9) and Multiple Residence 4 (RM-4) to Multiple Residence 2 (RM-2) with a Planned Area Development Overlay (PAD); and Site Plan Review. This request will allow for a multiple residence development. Victoria Snively, United Realty MTA, applicant; Thomas Adhoot, owner. – Ordinance No. 5654

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 6-0)

Items not on the Consent Agenda.

6-f. Amending Title 5 of the Mesa City Code (Business Regulations), Chapter 4 entitled "Mobile Food Vendors" to exempt mobile food vendors who are operating at special events from licensing requirements on a limited basis, and to modify requirements for the location of mobile food vendor operations, including distance requirements and related exemptions for operation in or near areas zoned for residential use, effective March 1, 2022. (**Citywide**)

Craig Vossler, a Mesa resident living in the neighborhood near the Power Food Park, stated he agrees with the City following the State's lead on the 250-foot separation requirement; however, he feels the way the ordinance is written will be grandfathering in the park that is already there with a lack of zoning. He noted the food trucks have been in business for a year and do not have the correct zoning. He suggested the first item under exceptions needs to be removed

stating, "Operation is pursuant to a Council-approved ordinance or resolution with a site plan or development agreement." He said he does not believe the business should be grandfathered in when it is not operating within the zoning ordinance.

Mayor Giles replied that assuming the agenda item passes, there will be a hearing at the next Council meeting to delve into the details of the ordinance, and there is a pending zoning case regarding the park where there will be additional discussion.

Councilmember Luna announced there will be a meeting with staff and some residents regarding the issue and he invited Mr. Vossler to attend.

Mr. Vossler added a neighborhood meeting is taking place on December 13, 2021, from 4:00 to 6:00 p.m., at the Red Mountain Library in the Roadrunner room.

Vice Mayor Duff asked if staff would give a brief answer to the question to provide the information to those listening.

City Attorney Jim Smith indicated the ordinance is not intended to grandfather in an existing use; rather the intent is to marry up with another process that is occurring. He said the language says you must be 250 feet away or fall under the exceptions; or go through the zoning process with a site plan for Council approval. He mentioned the site is going through the zoning process currently, which is the reason the case was moved to January.

It was moved by Councilmember Thompson, seconded by Councilmember Freeman, that the above-referenced ordinance be introduced and that December 8, 2021, be set as the date of the public hearing on the ordinance.

Upon tabulation of votes, it showed:

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

Carried unanimously.

8. Items from citizens present.

Mark Low, a Mesa resident, called in to speak regarding Mayor Giles signing the unconstitutional and unlawful proclamation to lock down and mask the citizens of Mesa. He said he has asked Mayor Giles for the WuFlu Covid-19 Viral Cycle Threshold scientific data that was used to make his decision to sign the proclamation for many months and has not received an answer. He referenced an email that Chief of Staff Melissa Randazzo sent him. He remarked on the importance of knowing what happened to prevent that from happening in the future. He respectfully requested that Mayor Giles provide the data he relied upon to mask and lock down the citizens of Mesa.

9. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:14 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 1st day of December 2021. 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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