



COUNCIL MINUTES

December 8, 2020

The City Council of the City of Mesa met in a Regular Council Meeting via a virtual format streamed into the lower-level meeting room of the Council Chambers, 57 East 1st Street, on December 8, 2020 at 5:45 p.m.

COUNCIL PRESENT

John Giles*
Mark Freeman*
Jennifer Duff*
Francisco Heredia*
David Luna*
Kevin Thompson*
Jeremy Whittaker*

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Dee Ann Mickelsen
Jim Smith

(*Council participated in the meeting through the use of video conference equipment.)

Mayor's Welcome.

Mayor Giles conducted a roll call.

Invocation by Rabbi Laibel Blotner with the Chabad Jewish Center of Mesa.

Pledge of Allegiance was led by Mayor Giles.

Awards, Recognitions and Announcements.

Councilmember Thompson recognized a group of teenagers from the Mountain Ranch community in Mesa who took the time to clean up some of the surrounding parks.

1. Take action on all consent agenda items.

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

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

Upon tabulation of votes, it showed:

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

Carried unanimously.

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

Minutes from the October 1 and October 15, 2020 Study Sessions, and the December 1, 2020 Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. Cocos Power

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Cocos Power LC LLC, 540 West Broadway Road, Suite 101-102; Beatrice Adriana Soto, agent. There is no existing license at this location. **(District 4)**

4. Take action on the following contracts:

*4-a. Three-Year Term Contract with Two Years of Renewal Options for Presort Mail Services for the Business Services Department (Single Response). **(Citywide)**

This vendor will merge the City's mail with other entities' mail for a postage savings. The first class metered postage rate is \$0.50. The presort meter postage rate is \$0.419, which includes postage and our contractor cost; an \$0.081 per piece savings. The City mails out between 150,000 and 200,000 pieces per month through this service.

An evaluation committee recommends awarding the contract to the single and qualified proposal from Pitney Bowes Presort Services, LLC, at \$50,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

*4-b. Purchase of Res-Q Jack Systems (Replacements) for the Mesa Fire and Medical Department (Sole Source). **(Citywide)**

This purchase will provide five Res-Q Jacks, a stabilization, and lifting strut capable of stabilizing and lifting large vehicles, as well as structural collapse.

The Mesa Fire and Medical Department and Purchasing recommend authorizing the purchase with the sole source vendor, DiamondBack Fire & Rescue Inc., at \$56,309.60. This purchase is funded by the Capital General Fund.

*4-c. Dollar-Limit Increase to the City of Mesa's Website Upgrades, Updates, and Annual Maintenance/Hosting for Various City Departments. **(Citywide)**

The recommended contract amounts account for the City's main website, as well as the sites for the Economic Development Department; Parks, Recreation and Community Facilities Department; the Arizona Museum of Natural History; Falcon Field Airport; and Library Services. It also includes unique subsites designs for Mesa Fire/Police, and a

possible new site for the Mesa Convention Center. The additional funding will cover the costs of the main website, subsites, upgrades, and design enhancements.

The Public Information and Communications Office and Purchasing recommend increasing the contract amount for annual hosting and support services at \$84,661.16 for Year 7, with an annual 5% increase, thereafter; and for website upgrade/design projects, at \$82,496.25 for Years 7 through 10, with Granicus, LLC, based on estimated usage.

- *4-d. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Transportation Amenity Cleaning and Repair Services for the Transportation Department. **(Citywide)**

Transportation is responsible for cleaning and maintaining numerous amenities within the City public right-of-way, which include benches, bike racks, concrete pads, trash cans, etc. installed along multi-use paths and pocket parks. This contract addresses these ongoing maintenance needs.

The Transportation Department and Purchasing recommend authorizing the renewal with A Mind for Detail Inc. (a Mesa business), at \$87,180 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-e. One-Year Renewal with a One-Year Renewal Option to the Term Contract for Transportation Landscape Maintenance and Refurbishment Services for the Transportation Department. **(Citywide)**

The contractor maintains landscapes, multi-use paths, transit centers, and selected bus stops. The contractor also renovates landscape areas designated for refurbishment.

The Transportation Department and Purchasing recommend authorizing the renewal with BrightView Landscape Services, Inc., a subsidiary of BrightView Landscapes, LLC, at \$3,184,250 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. This purchase is funded by the Local Streets Fund and Capital Improvement Lifecycle program.

- *4-f. Three-Year Term Contract with Two Years of Renewal Options for Backflow Inspection and Repairs for the Transportation Department. **(Citywide)**

This contract will provide full-service backflow testing consisting of annual backflow inspection, repair, replacement, and reporting of approximately 500 assemblies.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidders, American Backflow and Fire Prevention (Primary); and TDIndustries (Secondary); at \$75,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. This purchase is funded by the Highway User Revenue Fund.

- *4-g. One-Year Term Contract with Four Years of Renewal Options for Backflow Assemblies and Related Parts for the Materials and Supply Warehouse (for the Water Resources Department). **(Citywide)**

This contract will provide backflow assemblies, ductile pipe, valves, fittings, and other related parts for the City's Meter Vault Rehab Program, and corrugated metal pipe for the Las Sendas Manhole Access Improvement Project.

The Business Services and Water Resources Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Ferguson Enterprises, Inc.; and Brown's Partsmaster, Inc., at \$150,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. This purchase is funded by authorized 2014 Water and Wastewater Bonds.

- *4-h. Four-Year Term Contract with a One Year Renewal Option for Uninterruptible Power Supply Maintenance, Repairs, Related Services, Equipment, and Parts Purchases for the Water Resources Department. **(Citywide)**

This contract will provide uninterruptible power supply preventative system maintenance, repairs, related services, and purchase of equipment and parts to support approximately 23 City installations.

An evaluation committee recommends awarding the contract to the highest scored proposal from Titan Power, Inc., at \$100,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-i. Main Library Improvements - Kids' Zone. **(District 4)**

The Main Library currently has a children's area that is smaller than desired and in need of expansion and an update. The project will provide additional programmable space, improve group play and learning areas, and update various other amenities. This project will also create a new pre-teen area, along with improved separation from the adult areas of the Library.

Staff recommends awarding the contract for this project to Chasse Building Team in the amount of \$830,835, (Guaranteed Maximum Price) and authorizing a change order allowance in the amount of \$83,084 (10%), for a total amount of \$913,919. This project is funded by 2018 authorized Arts and Culture bonds.

- *4-j. Fiber Network Expansion Project (Phase 2) - Construction Manager at Risk (CMAR) and Pre-Construction Services Contract. **(Citywide)**

This pre-construction phase of the expansion project consists of working closely with the project team in the development of the project design. The CMAR and project team will review the project design for constructability, prepare cost estimates, and develop the project schedule and project phasing plan. This phase will also include the development of the construction phasing in two Guaranteed Maximum Price (GMP) packages. GMP 1 will be for construction work on the Downtown Loop and Western Inner Loop. GMP 2 will be for the remainder of the construction work.

Staff recommends the selection of CS Construction, Inc. (Mesa business), as the CMAR for this project and awarding a pre-construction contract in the amount of \$266,341.55. This project is funded by the 2018 authorized Public Safety Bonds.

- *4-k. **See: Items not on the Consent Agenda.**

5. Take action on the following resolutions:

- *5-a. Minor General Plan amendment repealing and replacing the existing Chapter 7: Community Character and the existing Chapter 16: Plan Implementation and Amendment in their entirety and replacing them with the exhibits attached to case no: ZON20-00735. These amendments include but are not limited to, clarifying permitted zoning districts and land uses for each character type, adding minimum primary land use and zoning districts within the community character areas, revising the definition for major and minor character area map amendments, and adding approval criteria for character area map amendments. **(Citywide)** – Resolution No. 11612

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (Vote: 6-0)

- *5-b. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Salt River Pima Maricopa Indian Community for the receipt and distribution of \$520,000 in Proposition 202 Funds. The funds will be distributed to local community agencies, including A New Leaf, U.S. Vets, Child Crisis Center, Bogden House, Visit Mesa, and United Food Bank as pass-through grants. **(Citywide)** – Resolution No. 11613
- *5-c. Extinguishing a portion of a drainage easement on Lot 8, on The Final Plat for Rock Canyon at Las Sendas, located at 3461 North Ladera Circle to allow for the construction of a backyard swimming pool; requested by the property owner. **(District 5)** – Resolution No. 11614
- *5-d. Extinguishing a portion of a 20-foot waterline easement located at 8046 East Ray Road to allow for construction of a commercial warehouse building; requested by the property owner. **(District 6)** – Resolution No. 11615

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

- *6-a. **ZON20-00398 (District 1)** Within the 3400 block of East University Drive (north side). Located west of Val Vista Drive on the north side of University Drive (2.3 acres). Rezone from RM-3 to RM-3-BIZ; and Site Plan Review. This request will allow for the development of a multiple residence on the site. Tim Boyle, Tim Boyle Design, applicant; AM Properties & Investments, LLC, owner. – Ordinance No. 5600

Staff Recommendation: Approval with conditions

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

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

7. Take action on the following subdivision plat:

- *7-a. “Reserve at Red Rock” **(District 5)** Located within the 5600 to 6000 blocks of East Thomas Road (north side) and within the 3600 to 4000 blocks of North Recker Road (west side). Located north of Thomas Road and west of Recker Road (117.3± acres). Desert Vista 100, LLC, developer; Brian Diehl, Wood, Patel & Associates, Inc., surveyor.

8. Take action on the following subdivision plat and development agreement pertaining to a proposed development with Desert Vista 100, LLC:

- *8-a. "Monteluna" (**District 5**) A subdivision plat located within the 8000 through 8100 blocks of East McKellips Road (south side). Located west of Hawes Road on the south side of McKellips Road (±40 acres). Desert Vista 100, LLC, developer; Richard G. Alcocer, Coe & Van Loo Consultants, Inc., surveyor.
- *8-b. A resolution approving and authorizing the City Manager to enter into a Development Agreement with Desert Vista 100, LLC, relating to approximately 40 acres of land located west of Hawes Road and south of McKellips Road for the purpose of facilitating the construction of a public sewer line for a single residence development. (**District 5**) – **Resolution No. 11616**

Items not on the Consent Agenda.

- 4-k. The Studios @ Mesa City Center - Second Guaranteed Maximum Price (GMP No. 2). (**District 4**)

This project is the second of three that will renovate and revitalize the vacant City-owned building at 59 East 1st Street into an academic building in conjunction with Arizona State University (ASU). City Council approved an Intergovernmental Agreement with ASU in February 2018 which, in part, commits the City to the renovation of 6,000 to 12,000 square-feet of the existing 26,500 square foot building into The Studios @ Mesa City Center.

Staff recommends awarding the contract to the selected Construction Manager at Risk (CMAR), Okland Construction, in the amount of \$3,419,587 (GMP) and authorizing a change order allowance in the amount of \$170,979.35 (5%), for a total amount of \$3,590,566.35. This project is funded by the Economic Investment Fund and General Fund - Capital.

Vice Mayor Freeman commented it is important to facilitate higher education in the community. He expressed support for higher education and stated the partnership with Arizona State University (ASU) will be very important for Downtown Mesa.

Councilmember Luna indicated support for the Second Guaranteed Maximum Price (GMP No. 2). He pointed out that ASU coming to Mesa is allowing students to innovate and be positive for themselves and for the community.

Mayor Giles expressed enthusiasm for ASU coming to Downtown Mesa and that the building renovation will be greatly appreciated in the community.

Councilmember Duff commented the building is not being renovated for the benefit of ASU, it is being remodeled for the interest of the Mesa community.

It was moved by Vice Mayor Freeman, seconded by Councilmember Luna that the Studios @ Mesa City Center – Second Guaranteed Maximum Price be approved.

Upon tabulation of votes, it showed:

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

NAYS – Whittaker

Mayor Giles declared the motion carried by majority vote.

- 6-b. Amending Title 6 of the Mesa City Code (Police Regulations) by adding a new Chapter 25 entitled “Marijuana Prohibitions” prohibiting certain activities and facilities related to marijuana including: recreational marijuana retail establishments, except for retail sales by a state dual licensee at a shared location; marijuana testing facilities; delivery of marijuana unless delivered by a nonprofit medical marijuana dispensary in accordance with state regulations; and the consumption of marijuana on City property, certain prohibited property, and in vehicles/transportation. **(Citywide)** – Ordinance No. 5601

Michael Peyron, a representative for GreenPharms Dispensary expressed opposition to the proposed ordinance and the prohibition on adult-use marijuana deliveries. He requested new language be added and that the amendment include adult-use marijuana delivery.

Eric Berntson, a Mesa resident, requested the following comments be read on his behalf that he is in opposition to the ordinance and expressed the opinion that Arizona voters approved recreational marijuana and for Mesa to override the desire of the voters is a joke. He stated a free and open society should allow residents to determine what is in their City.

Kevin R. requested the following comments be read on his behalf that he believes it is the responsibility of the government and state to regulate the use of recreational marijuana and that there should be strict guidelines in place to prevent people from abusing the system. He would like to see the recreational use regulated responsibly so Arizona families should not have to worry about strangers trying to force drugs upon young children.

The following citizens submitted comment cards in opposition to Agenda Item 6-b, but did not wish to have their comments read:

- Arvin Saloum
- Danson Brinkerhoff

City Attorney Jim Smith reported there are 14 medical marijuana dispensaries in Mesa, with two being in county islands. He stated the Planning and Zoning Department has researched future locations where dispensaries could be located that comply with the City’s separation requirements.

Mayor Giles commented several valley cities are contemplating creating an ordinance regulating marijuana dispensaries, which would allow the businesses to become dual licensees to sell recreational marijuana. He listed the current number of dispensaries from a few of the East Valley cities:

- Scottsdale: Four dispensaries
- Gilbert: Two dispensaries
- Chandler: Five dispensaries
- Tempe: Five dispensaries

He continued by stating the maximum number of dispensaries that could be added to Mesa would be 12, making the total amount 26. He noted Mesa does not require a Council Use Permit (CUP), so Council would not need to approve additional dispensaries.

Councilmember Duff indicated support for the ordinance. She noted the ordinance restrictions can always be loosened if needed.

Councilmember Luna expressed support for staff's recommendations. He expressed concern with the number of dispensaries spread throughout the City of Mesa.

Councilmember Whittaker commented there would not be as many dispensaries throughout Mesa if there was not a large demand for marijuana. He stated it would be logical to limit the amount of dispensary sites around the City. He indicated opposition to Proposition 207.

Vice Mayor Freeman commented the ordinance strengthens the laws for the use of marijuana in the community. He indicated support to move forward with the ordinance.

Councilmember Duff commented delivery is not allowed on marijuana until 2023.

In response to a question from Mayor Giles, Mr. Smith explained the ordinance can be modified and reassessed once the regulations come forward from the Department of Health Services.

It was moved by Councilmember Luna, seconded by Vice Mayor Freeman, that Ordinance No. 5601 be approved.

Upon tabulation of votes, it showed:

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

Mayor Giles declared the motion carried by majority vote.

9. Items from citizens present.

There were no items from citizens present.

10. Recognition/acknowledgement of Councilmember Jeremy Whittaker for his service to the City of Mesa.

Mayor Giles recognized Councilmember Whittaker who will conclude his term as Councilmember in January 2021. He indicated during Councilmember Whittaker's tenure, he supported a voter approved bond that will enable new children's library experiences to be expanded and improved in the Mesa community. He announced in honor of his service to the City of Mesa a new series of four books with a STEM (Science, Technology, Engineering, Math) theme for each year of his tenure will be dedicated to the library. He shared each book will carry the following inscription: "This book is dedicated to Councilmember Jeremy Whittaker who served Mesa from January 2017 to January 2021. Councilmember Whittaker was a member of

the governing body that approved a new children’s experience built in 2021 at Mesa’s Main Library.” He mentioned STEM programs have been an interest and passion for Councilmember Whittaker. Mayor Giles thanked Councilmember Whittaker for his dedication and commitment to the City of Mesa.

Councilmember Whittaker stated it was an honor working with City of Mesa staff and serving the residents of Mesa.

11. Adjournment.

Without objection, the Regular Council meeting adjourned at 6:26 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 8th day of December 2020. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

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