



COUNCIL MINUTES

June 7, 2021

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 7, 2021 at 5:47 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Holly Moseley
Jim Smith

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

Mayor's Welcome.

Mayor Giles conducted a roll call.

Invocation by Mr. Paul Langness with Local Spiritual Assembly of the Baha'is of Mesa.

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

Upon tabulation of votes, it showed:

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

Carried unanimously.

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

Minutes from the April 15, April 29, and May 17, 2021, Study Session and the May 17, 2021 Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. Residence Inn Phoenix Mesa

A hotel is requesting a new Series 07 Beer and Wine Bar License for Collective Hospitality Mesa LP, 941 West Grove Avenue; Jeffrey Craig Miller, agent. This is an ownership transfer; therefore, the existing license held by CSM Hotel Management LLC will revert to the State for modification. **(District 3)**

*3-b. Buddha's Brew Coffee Café

A café that serves breakfast and lunch is requesting a new Series 12 Restaurant License for Old Town Ink Mesa LLC, 710 East Main Street; Joshua C. Murphy, agent. There is no existing license at this location. **(District 4)**

*3-c. Grab N Go

A convenience store is requesting a new Series 10 Beer & Wine Store License for Kahpachi LLC, 9202 East Main Street; Luay Hanna, agent. The existing license held by Sagra Enterprises LLC will revert to the State. **(District 5)**

*3-d. Home 2 Suites by Hilton Mesa Longbow

A hotel is requesting a new Series 10 Beer and Wine Store License for Nortex Hotel Operating Company LLC, 5643 East Longbow Parkway; Andrea Dahlman Lewkowitz, agent. There is no existing license at this location. **(District 5)**

*3-e. Pick N Go

A convenience store is requesting a new Series 10 Beer and Wine Store License for JR Retail LLC, 1530 North Country Club Drive, Suite 20; Jared Michael Repinski, agent. The existing license held by Running with Wolves LLC will revert to the State. **(District 1)**

4. Take action on the following contracts:

*4-a. Purchase of Audio/Visual Equipment (Replacement/Upgrade) for the Mesa Police Department. **(Citywide)**

The Police Training Division is requesting to make a purchase for audio/visual upgrades at the Mesa Public Safety Training Facility - Maltese Classroom and Multipurpose Classroom. The Police Department and Purchasing recommend authorizing the

purchase using the Mohave cooperative contract with Corporate Technology Solutions, at \$91,100, based on estimated requirements.

- *4-b. Purchase of 24 Duty Lockers (Replacements) for the Mesa Police Department. **(Citywide)**

This purchase will provide 24, new duty lockers for the Police Department, Airport Unit personnel assigned to Phoenix Mesa Gateway Airport. The existing lockers were transferred to the Police Department from the Fire Department over ten years ago. The current used lockers are well past their life expectancy.

The Police Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Arizona Furnishings, at \$47,773.71, based on estimated requirements.

- *4-c. Purchase of One 3D Scanner (Addition) for the Mesa Police Department (Sole Source). **(Citywide)**

The Vehicular Crimes Unit will use this 3D scanner technology to accurately scan and document collision and crime scenes to produce a 3D virtual environment with capabilities to measure objects and evidence in a scene that can be provided to investigators and City Prosecutors.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, FARO Technologies, Inc., at \$69,103.29. This purchase is funded by the General Fund - Special Programs Fund.

- *4-d. Purchase of an Officer Training Simulator (Addition) for the Mesa Police Department (Sole Source). **(Citywide)**

The APEX Officer Virtual Reality Training System will provide interactive testing and assessment and immersive hands-on scenario-based exercises with detailed debriefing and after-action review. The APEX system is designed to increase knowledge, skills and confidence in a safe, challenging environment that is interactive and engaging. The system will be an additional tool to train officers consistently and safely in the areas of decision making and threat recognition.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, Govred Technology, Inc., at \$66,000.

- *4-e. Two-Year Term Contract with Three Years of Renewal Options for Household Hazardous Materials Facility Operational Support for the Environmental Management and Sustainability Department. **(Citywide)**

This contract will provide operational support for the Household Hazardous Materials Facility to include facility staffing, technical support, transportation, and disposal of hazardous materials, and various containers and supplies for hazardous materials sorting.

An evaluation committee recommends awarding the contract to the highest scored proposal from Clean Harbors Environmental Services, Inc., at \$450,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-f. Dollar-Limit Increase to the Term Contract for the Streetlight Monitoring System for the Transportation Department (Sole Source). **(Citywide)**

Philips City Touch is a lighting management system for public lighting in support of Mesa's Smart Cities Initiative. In the City's efforts to save energy and further customer service, Transportation Field Operations has expanded the pilot project with the Philips City Touch System to a complete citywide installation.

The Transportation Department and Purchasing recommend increasing the dollar-limit with the sole source vendor, Arizona Electrical Distributors (a Mesa business), by \$2,082,067.50 for Year 3, from \$81,225 to \$2,163,292.50 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index. This purchase is funded by the Local Streets Fund.

- *4-g. Purchase of One Compact Track Loader (Replacement) for the Transportation Department. **(Citywide)**

This compact track loader will be a versatile piece of equipment that will enhance multiple Field Operations work groups. The primary use will be storm drain maintenance, which includes cleaning channels, mowing, and vegetation removal. In addition, this track loader can be used as a back-up for the alley clean-up program, right-of-way maintenance and any other areas where larger equipment is not an option. The skip loader that is being replaced has met established criteria and will be either traded, auctioned, sold, or deployed to special uses.

The Fleet Services and Transportation Departments and Purchasing recommend authorizing the purchase using the Omnia Partners through the City of Tucson cooperative contract with Empire CAT (a Mesa business), at \$119,127.86. This purchase is funded by the Local Streets Fund.

- *4-h. Three-Year Term Contract with Two Years of Renewal Options for Spray Marking Paint for the Materials and Supply Warehouse (for the Energy Resources Department). **(Citywide)**

This contract provides marking spray paint for the Gas Division for utilities locators. Materials and Supply places orders and maintains stock inventory as needed.

The Business Services Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, Copper State Bolt & Nut Co., at \$75,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- *4-i. Purchase of a Total Organic Carbon Analyzer and Autosampler (Addition) for the Water Resources Department (Sole Source). **(Citywide)**

This Total Organic Carbon (TOC) analyzer will be used to calibrate existing instrumentation performance to ensure regulatory compliance at the City's two Central Arizona Project Water Treatment Plants (Brown Road Water Treatment Plant and Signal Butte Water Treatment Plant). Reliability of the TOC instruments are vital to the water treatment operations of the plants.

The Water Resources Department and Purchasing recommend awarding the contract to the sole source vendor, SUEZ WTS Analytical Instruments, Inc., at \$40,000.

- *4-j. Three-Year Term Contract with Two Years of Renewal Options for Hayward Gordon Water and Wastewater Treatment Pumps, Equipment, Parts, and Services for the Water Resources Department. **(Citywide)**

This contract will provide Hayward Gordon equipment, parts, and services needed to maintain critical water and wastewater infrastructure.

An evaluation committee recommends awarding the contract to the highest scored proposal from Hayward Gordon ULC, at \$150,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-k. Purchase of a Total Kjeldahl Nitrogen Analyzer (Replacement) and Term Contract for Supplies and Annual Maintenance for the Water Resources Department. **(Citywide)**

The Compliance Laboratory will utilize the TKN Analyzer to perform analysis on microbial and inorganic compliance samples from the City's wastewater, biosolids, and pre-treatment programs. The current TKN Analyzer in use in the Laboratory was purchased in 2011 and is approaching the end of its useful life. The initial purchase includes the device and subsequent years are for annual maintenance and supplies.

An evaluation committee recommends awarding the contract to BUCHI, Corporation for Year 1, at \$140,000, and Years 2 through 11, at \$25,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-l. Three-Year Term Contract with Two Years of Renewal Options for Technical Retro Commissioning of City Buildings for Citywide Departments. **(Citywide)**

Retro commissioning is a component of the Smart Cities Initiative. Existing energy management systems will be assessed and building systems will be optimized to save energy, while maintaining current operational needs and comfort of building occupants.

Environmental Management and Sustainability and Parks, Recreation and Community Facilities will use services provided by these qualified firms to evaluate conditions and efficiency of existing facilities, make quick fixes to improve conditions, and prepare a list of recommended capital improvements that reduce energy consumption and improve existing conditions.

An evaluation committee recommends awarding the contract to the five, highest scored proposals from Bath Group, Inc., dba, Bath Commissioning Corporation (a Mesa business); McKinstry Essention, LLC; GLHN Architects & Engineers, Inc.; Stantec Consulting Services Inc., dba Stantec; and ETC Group, at \$150,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. This purchase is funded by the Environmental Compliance Fee.

- *4-m. The Studios @ Mesa City Center - Third Guaranteed Maximum Price (GMP No. 3). **(District 4)**

This is the final GMP for The Studios @ Mesa City Center building renovation. The scope of work includes procurement and installation of finishes, concrete, materials, and other associated tasks.

Staff recommends awarding the contract for GMP No. 3 to the selected Construction Manager at Risk, Okland Construction, in the amount of \$3,480,733 (GMP) and authorizing a change order allowance in the amount of \$174,037 (5%), for a total amount of \$3,654,770. This project is funded by the Economic Investment Fund and General Fund - Capital.

5. Take action on the following resolutions:

- *5-a. Vacating a portion of right-of-way, extinguishing two City utilities and facilities easements, and extinguishing an easement authorizing municipal and commercial vehicles to operate on private property, located at 950 East Main Street, to accommodate the development of Valleywise Health Center; requested by the property owner. **(District 4)** – Resolution No. 11683
- *5-b. Approving and authorizing the City Manager to accept, expend, and distribute grant funds from the U.S. Department of Housing and Urban Development, Continuum of Care Shelter Plus Care Grant, in the amount of \$115,988. The City partners with Save the Family in the Continuum of Care Shelter Plus Care Program by providing rental assistance and related administrative services (funded by this grant), and case work and supported services that are funded through Save the Family. **(Citywide)** – Resolution No. 11684
- *5-c. Approving and authorizing the City Manager to enter into Amendment #2 to the Telecommunications License Agreement with Teleport Communications America, LLC, to allow for two additional five-year renewal terms for the continued use of the public rights-of-way for construction, placement, operation, and maintenance of a telecommunications network. **(Citywide)** – Resolution No. 11685
- *5-d. Authorizing the City Manager to sign an application letter to the Foreign Trade Zones Board to reorganize Mesa Foreign Trade Zone #221 under the Alternative Site Framework. **(District 6)** – Resolution No. 11686
- *5-e. Designating the Chief Fiscal Officer with the authority to submit the City's 2021/2022 fiscal year Expenditure Limitation Report to the Arizona Auditor General on behalf of the City Council, as required by state statute. **(Citywide)** – Resolution No. 11687
- *5-f. Adopting a pension funding policy and accepting the employer's share of assets and liabilities under the Public Safety Personnel Retirement System as required by A.R.S. §38-863.01. **(Citywide)** – Resolution No. 11688
- *5-g. Approving and authorizing the City Manager to enter into a First Amendment to the Agreement to Purchase Real Property and Escrow Instructions and a revised Development Agreement with EV Development, LLC for the development of approximately 0.9± acres of property generally located at the southeast corner of Pepper Place and Robson for a mixed-use project. The Amendment and revised Development Agreement modify development compliance dates and incorporate a requirement for entering into a separate Electric Distribution Facilities Design and Construction Agreement. **(District 4)** – Resolution No. 11689

6. Introduction of the following ordinances and setting June 21, 2021, as the date of the public hearing on these ordinances:

*6-a. **ANX21-00095 (District 1)** Annexing property located north of McDowell Road and west of Lehi Road (41.5± acres). Initiated by the applicant, Sean Lake, Pew and Lake, P.L.C. for the owner, Cemex USA Construction Materials, Inc.

*6-b. **ZON21-00089 (District 1)** Within the 2600 to 2800 blocks of East Lehi Road (west side). Located north of McDowell Road and east of the 202 Red Mountain Freeway (41.8± acres). Rezone from Single Residence 43 (RS-43) to Single Residence 15 (RS-15) with a Planned Area Development Overlay (PAD). This request will allow the development of a single-residence subdivision. Sean Lake, Pew and Lake, PLC, applicant; Cemex USA Construction Materials, Inc., owner.

Staff Recommendation: Approval with conditions

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

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

*6-d. **ZON20-00786 (District 6)** Within the 9700 block of East Southern Avenue (south side). Located west of Crismon Road on the south side of Southern Avenue (8.1± acres). Rezone from Planned Employment Park (PEP) to Multiple Residence 5 (RM-5) with a Planned Area development Overlay (PAD); and Site Plan Review. This request will allow for a multiple residence development. Sean Lake, Pew and Lake, PLC, applicant; Sunny Acres/Montgomery 320 LLC, owner.

Staff Recommendation: Approval with conditions

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

*6-e. **ZON20-00872 (District 6)** Within the 3800 to 4000 blocks of South Power Road (east side). Located south of Elliot Road on the east side of Power Road (overall 41.85± acres). Modification to an approved Planned Area Development Overlay (PAD) on a 41.85± acre property; rezone 10.8± acres of the 41.85± acre property from General Industrial (GI) PAD to Light Industrial (LI) PAD; and Site Plan Review on 39.5± acres of the 41.85± acre property. Jack Gilmore, Gilmore Planning and Landscape Architecture, applicant; Power Lender Partners LLC & Rockall Power LLC, owner.

Staff Recommendation: Approval with conditions

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

*6-f. **ZON19-00507 (District 6)** Within the 4000 block of South Power Road (east side). Located north of Warner Road on the east side of Power Road (25± acres). Rezone from Limited Commercial (LC) and Light Industrial (LI) to Light Industrial with a Planned Area Development Overlay (LI-PAD); and Site Plan Review. This request will allow for the development of a large-scale commercial recreation development. Pew & Lake, PLC, applicant; Cono Vertuccio and Vertuccio Family Limited Partnership, owners.

Staff Recommendation: Approval with conditions

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

- *6-g. **ZON21-00050 (District 6)** Within the 1800 to 2000 blocks of South Sossaman Road (west side). Located north of Baseline Road on the west side of Sossaman Road (1.2± acres). Rezone from Single Residence 6 with a Planned Area Development overlay (RS-6-PAD), Office Commercial (OC), and Neighborhood Commercial (NC) to Multiple Residence 4 with a Planned Area Development (RM-4-PAD); and Site Plan Review. This request will allow for the development of a multiple residence development. Brian Sandstrom, ARCHISTRUCT, applicant; Superstition & Sossaman Road and Sossaman & Baseline Rd LTD Partnership, owners.

Staff Recommendation: Approval with conditions

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

Items not on the Consent Agenda.

6. Introduction of the following ordinances and setting June 21, 2021, as the date of the public hearing on these ordinances:

- 6-c. **ZON21-00191 (District 1)** Within the 2200 block of North Center Street (west side). Located north of McKellips Road and east of Country Club Drive (24.42± acres). Rezone from Agricultural (AG) and Light Industrial (LI) to Public/Semi Public (PS). This request will allow for development of a public facility. Valerie Ahyong - Engineering Department, City of Mesa, applicant; City of Mesa, owner.

Staff Recommendation: Approval with conditions

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

Morgan Roberts, a Mesa resident expressed concerns about the rezoning of the property in Lehi and wished to preserve the agricultural community. She believes by rezoning the property the City and community will drastically change.

City Manager Christopher Brady clarified the action proposed is to rezone the property from Agricultural (AG) and Light Industrial (LI) to Public/Semi Public (PS) for parks.

The following citizens submitted comment cards to be read in opposition to Agenda Item 6-c:

- Sandy Greenley, a Mesa resident
- Oby Dunn, a Mesa resident
- William King, a Mesa resident
- Kimberly Van Riper, a Mesa resident
- Gillian Hetzel, a Mesa resident
- Mary Martin-Preece, unknown
- Marilyn Crosby, a Mesa resident
- Kim Warden, a Mesa resident
- Cindi Kincaid, a Mesa resident

The speakers offered a series of comments including, but not limited to, the following:

- There was a lack of communication and transparency with the Lehi community members.
- The community does not want the lights, noise, or traffic that will be generated from the sports fields.
- There are much better, more suitable properties for the sport fields.
- Traffic will increase to the point it will be unmanageable and endanger the lives of the youth and children who live and play in the area.
- Request to reconsider the sport fields proposal for a Lehi Equestrian FFA and 4-H Field.
- There are other properties available which have the infrastructure to accommodate sports fields.
- This project will have a major and negative impact on the Lehi community.

The following citizens submitted comment cards to be read in support to Agenda Item 6-c:

- Stephanie Wright, a Mesa resident
- Lynn Burnham, a Mesa resident
- W. Dea Montague, a Mesa resident
- Christopher Jones, a Mesa resident
- Tiffany Jennings, a Mesa resident
- Kirk Musgrave, a Mesa resident
- Delight Clark, a Mesa resident

The speakers offered a series of comments including, but not limited to, the following:

- Federal funds were used to create sports fields that have been repurposed but not replaced.
- Creating a public space would keep this land from being sold to developers.
- The sport fields are badly needed.
- Currently, West Mesa youth have to travel routinely to the fields on North Greenfield which limits participation.
- We look forward to having sports fields in District 1.

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

- Rolland Shill, a Mesa resident
- Michael Wright, a Mesa resident
- Josh Brown, a Mesa resident

Councilmember Freeman commented the project site was previously farmed but has sat vacant for many years. He mentioned the City owns five-acres in front of the land and used eminent domain to work with the current owners to purchase the property, which sold for approximately \$4,200,000. He recognized traffic is an issue within the community and mentioned once the sports fields are open, the City will conduct traffic studies and look at additional traffic mitigation issues. He reported if an equestrian facility were to be built, it would generate more traffic in the Lehi area.

Mayor Giles recognized Councilmember Freeman for being a zealous advocate for the Lehi community throughout the planning process. He mentioned the City has been continually fighting off development for this property because the City felt it was not consistent with the character of the Lehi community.

It was moved by Councilmember Thompson, seconded by Councilmember Luna, that Agenda Item 6-c be introduced, setting June 21, 2021 as the date of the public hearing.

Upon tabulation of votes, it showed:

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

Carried unanimously.

7. Items from citizens present.

There were no items from citizens present.

8. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:23 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 7th day of June 2021. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK