



COUNCIL MINUTES

May 17, 2021

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on May 17, 2021 at 5:45 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
Dee Ann Mickelsen
Jim Smith

Mayor's Welcome.

Mayor Giles conducted a roll call.

Mayor Giles asked everyone to stand and observe a moment of silence.

Pledge of Allegiance was led by Mayor Giles.

Awards, Recognitions and Announcements.

There were no awards, recognitions, or announcements.

Mayor Giles reported the Centers for Disease and Control Prevention (CDC) revised and updated the COVID-19 mitigation policies, as did the City of Mesa. He announced a proclamation has been issued today lifting the face covering measures in the City of Mesa beginning May 24, 2021. He noted reports show that 50% of eligible individuals in Mesa have received at least one dose of the vaccine and encouraged those who have not yet received the shot to take advantage of the local or state vaccination sites.

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 March 18, March 25, April 1, and April 5, 2021 Study Session and the May 3, 2021 Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. Si Se Puede Foundation

This is a one-day event to be held on Saturday, September 4, 2021 from 10:00 A.M. to 7:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

*3-b. The Greater Cause

This is a one-day event to be held on Saturday, June 5, 2021 from 12:00 P.M. to 9:00 P.M. at East Mark, 10100 East Ray Road. **(District 6)**

*3-c. Unit 1 Bravo AOMA

This is a one-day event to be held on Thursday, June 3, 2021 from 5:00 P.M. to 9:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

*3-d. Unit 1 Bravo AOMA

This is a one-day event to be held on Thursday, June 17, 2021 from 5:00 P.M. to 9:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

*3-e. Unit 1 Bravo AOMA

This is a one-day event to be held on Thursday, June 19 and 20, 2021 from 11:00 A.M. to 4:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

*3-f. Turbo Beverage & Grocery

A grocery store is requesting a new Series 10 Beer and Wine Store License for Turbo Beverage & Grocery Limited, 2760 East Main Street, Suite 104; Oina Barte Friedman, agent. There is no existing license at this location. **(District 2)**

*3-g. Fuddruckers

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Black Titan Holdings AZ LLC, 6455 East Southern Avenue; Andrea Dahlman Lewkowitz, agent. The existing license held by Luby's Fuddruckers Restaurants LLC will revert to the State. **(District 6)**

*3-h. El Pacifico

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for El Pacifico Mesa LLC, 1130 West Grove Avenue, Suite 106; Jeffrey Craig Miller, agent. The existing license held by Draft Sports Grill LLC will revert to the State. **(District 3)**

*3-i. Harbor Seafood Cajun House & Asian Cuisine

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Chens Development LLC, 2711 South Alma School Road, Suite 14; Guohui Chen, agent. There is no existing license at this location. **(District 3)**

4. Take action on the following contracts:

*4-a. 26-Month Term Contract with a One-Year Renewal Option for Scoreboard Maintenance and Repairs for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide maintenance and repair services for the scoreboards used for Major League Baseball programs, the Oakland Athletics at the Hohokam Stadium. The failure of the scoreboard is imminent, as the repair service calls have significantly increased this season, in comparison to years prior. This contract will facilitate necessary timely upgrades and reduce the possibility of critical failures.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the purchase using the Sourcewell cooperative contract with Daktronics, at \$250,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

*4-b. 29-Month Term Contract with a One Year Renewal Option for Sports Lighting with Related Supplies and Services for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide stadium lighting components, including poles, lamps, and hoods, for the City's sports fields. PRCF's main goal through this contract is to supply stadium lighting components to the North Center, Red Mountain, Monterey Park, and Crismon and Elliot sports fields expansion projects. This is expected to create a savings by purchasing direct and supplying the general contractor with the necessary supplies.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the purchase using the Sourcewell cooperative contract with Musco Sports Lighting, at \$3,500,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. This purchase is funded by Parks Infrastructure and 2018 authorized Parks Bonds.

- *4-c. Three-Year Term Contract with Two Years of Renewal Options for F-500 Encapsulating Agent for the Mesa Fire and Medical Department (Sole Source). **(Citywide)**

The F-500 Encapsulator Agent provides one product for all fire suppression applications and will replace the current Class A and Class B foams and is a cost savings to the City. F-500 is non-hazardous and contains no PFAS or PFOS (fluorinated) chemicals, providing better firefighter safety. Also, during large events with the City's regional partners, Fire and Medical would be able to provide the F-500 product to the other agencies, if needed.

The Mesa Fire and Medical Department and Purchasing recommend awarding the contract to the sole source vendor, FDC Rescue, LLC, at \$65,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-d. 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 Police Training Facility, Pollard Classroom, replacing outdated equipment.

The Police Department and Purchasing recommend authorizing the purchase using the Mohave cooperative contract with Corporate Technology Solutions, at \$45,000, based on estimated requirements.

- *4-e. Amendment to the Term Contract for Legal Process Service for the Photo Safety Program for the Mesa Police Department. **(Citywide)**

In June 2015, Council awarded a contract to Hot Shot Delivery for Legal Process Service for the Photo Safety Program. Per that contract, payment to Hot Shot Delivery was based on payment post adjudication by the court, regardless of the date of service; therefore, the Police Department could be charged for cases that are years old. The 2015 contract has expired. The amount requested herein is needed for past legal process service, and continuing payment of the remaining legal process cases. No new cases are being assigned to the vendor under this contract. Service cost is included in the payment to the Court, so the program is cost neutral to the City.

The Police Department and Purchasing recommend amending the contract with Hot Shot Delivery, Inc. to allow settlement payments up to \$500,000 annually until all cases have been resolved.

- *4-f. Purchase of One Triple Quadrupole Mass Spectrometer (Replacement) for the Mesa Police Department (Sole Source). **(Citywide)**

This purchase is for an Agilent Triple Quadrupole Mass Spectrometer (MSMSMS) that will replace an older system that is 13 years old, no longer manufactured, and past its life expectancy of 10 years. The new equipment will assist with implementing an effective blood/urine drug testing program by being the most efficient and cost-effective drug testing system. With this system, Forensic Services will have two systems for testing Narcotic Analgesics.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, Agilent Technologies, at \$258,540. This purchase is fully grant funded by the Governor's Office of Highway Safety.

- *4-g. Dollar-Limit Increase to the Term Contract for Motorola and Kenwood Radio Equipment, Parts, Network and Services for the Mesa Police Department. **(Citywide)**

The Police Department is requesting to use this contract to purchase new mobile radios for Police vehicles that are being purchased each year, and for additional equipment, repairs, and services, as needed.

The Police Department and Purchasing recommend increasing the dollar-limit using the State of Arizona and Maricopa County cooperative contracts with Motorola Solutions, Inc.; Durham Communications, Inc.; and JVCKenwood USA Corporation; by \$320,000 for Years 2 through 5, from \$700,000 to \$1,020,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-h. Purchase of One PM-10 Compact Path Sweeper (Addition) for the Transportation Department. **(Citywide)**

This purchase will provide a compact sweeper that will primarily be used for maintaining shared use pathways in the City. The compact street sweeper is a more maneuverable sweeper and better suited to the challenges of shared use pathways sweeping. It can sweep in the presence of pedestrians, pets, cyclists, and other modes of transport on a pathway, and is also able to operate in tunnels, low overhead areas, ADA ramps, and other narrow passageways.

The Fleet Services and Transportation Departments and Purchasing recommend authorizing the purchase using the Sourcewell cooperative contract with Balar Equipment, at \$227,847.92. This purchase is funded by the Environmental Compliance Fee.

- *4-i. Five-Year Term Contract with Two, Five-Year Renewal Options for an Outage Management Solution (Addition) for the Energy Resources Department. **(Citywide)**

The purchase is the first purchase as part of the City's Advanced Meter Infrastructure (AMI)/Smart Metering initiative. The contract will provide an Outage Management Solution to be used to track, provide notifications, and help manage electric outages for City of Mesa electric customers.

An evaluation committee recommends awarding the contract to the highest scored proposal from Sensus USA Inc., at \$535,011.11 for the initial five-year term, not including applicable sales tax. This purchase is funded by the Utility Replacement and Renewal Fund.

- *4-j. Purchase of One Tractor with Cab (Addition) for the Water Resources Department. **(Citywide)**

The purchase will provide one Tractor with Cab which will be used to support daily operations at the Signal Butte Water Treatment Plant.

The Fleet Services and Water Resources Departments and Purchasing recommend authorizing the purchase using the National NIPA/Tucson cooperative contract with Empire Caterpillar (a Mesa business), at \$57,857.98. This purchase is funded by the Capital - Utility Fund.

- *4-k. Seven-Month Term Contract with Three Years of Renewal Options for Water, and Wastewater Industrial Plumbing Supplies for the Water Resources Department. **(Citywide)**

This contract will provide pipe, fittings, valves, backflow devices, and other related products and equipment for the City's Water and Wastewater treatment facilities.

The Water Resources Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Best Plumbing Specialties Inc.; Browns Partsmaster Inc.; and Ferguson Enterprises Inc., at \$100,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-l. Public Safety Training Facility Driving Track - Rehabilitation and Expansion Project. **(District 5)**

This project will rebuild and expand the existing training driving track surface. The track rehabilitation includes milling and reusing the existing pavement as a base for a new asphalt surface. The track will also be expanded to the north to provide a larger training area.

Staff recommends awarding the contract for this project to the lowest, responsible bidder, Nesbitt Contracting, in the amount of \$2,713,605.50, and authorizing a change order allowance in the amount of \$271,360.55 (10%), for a total amount of \$2,984,966.05. This project is funded by Public Safety Sales Tax and Capital General Fund.

5. Take action on the following resolutions:

- *5-a. Authorizing and supporting the submittal of a grant application by Arizona Educational Foundation to the Tohono O'odham Nation in the amount of \$25,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No.11670
- *5-b. Authorizing and supporting the submittal of a grant application by Save the Family Foundation of Arizona to the Tohono O'odham Nation in the amount of \$25,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant. – Resolution No.11671
- *5-c. Extinguishing a drainage easement and releasing a restrictive drainage covenant located at 5129 South Power Road to accommodate the new development of Gallery Park; requested by the property owner. **(District 6)** – Resolution No.11672
- *5-d. Extinguishing a portion of a 20-foot non-exclusive public utilities easement located at 6361 South Power Road to accommodate a new development called Cabana on Power; requested by the property owner. **(District 6)** – Resolution No.11673

- *5-e. Extinguishing a drainage easement located at 9321 E Warner Road to accommodate the multi-family development of The Springs at Eastmark; requested by the property owner. **(District 6)** – Resolution No.11674
- *5-f. Authorizing the sale of certain City-owned real property located at the southwest corner of West First Street and North Macdonald to Meldrum Mortuary, and authorizing the City Manager to enter into a Purchase and Sale Agreement for the sale, and to amend the existing lease for the property. **(District 4)** – Resolution No.11675
- *5-g. Approving and authorizing the City Manager to enter into a Project Agreement with Maricopa Association of Governments for an Arterial Life Cycle Program Project on Ellsworth Road for the Germann Road to Ray Road corridor, specifically the Ellsworth Road and Williams Field Road Intersection Improvements and Spine Road Improvement Project. **(District 6)** – Resolution No.11676
- *5-h. **See: Items not on the Consent Agenda.**
- *5-i. Modifying fees and charges for the Development Services Department. **(Citywide)** – Resolution No.11677
- *5-j. Modifying fees and charges for the Business Services Department. **(Citywide)** – Resolution No.11678
- *5-k. Approving and authorizing the submittal to the U.S. Department of Housing and Urban Development of the Third Substantial Amendment to the City of Mesa Annual Action Plan for Fiscal Year 2019/2020 and the Fourth Substantial Amendment to the Five-Year Consolidated Plan for Fiscal Years 2015/2016 through 2019/2020 for the receipt of Emergency Solutions Grant COVID-19 program (ESG-CV-2) funds in the amount of \$4,052,229, in response to the Coronavirus pandemic, and authorizing the City Manager to expend, disburse, and enter into agreements for disbursement of the ESG-CV-2 funds. The funds will be used to serve homeless populations in Mesa during and impacted by the pandemic, and to clarify recommended appropriations for eligible programs. **(Citywide)** – Resolution No.11679

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

- *6-a. **See: Items not on the Consent Agenda.**
- *6-b. Amending Title 5 of the Mesa City Code (Business Regulations) by repealing Chapter 8, entitled “Peddlers, Solicitors, and Transient Merchants”, in its entirety and replacing it with a new Chapter 8, entitled “Peddlers and Solicitors”, clarifying the regulations and licensing requirements for peddlers and solicitors operating in Mesa including amendments to the processes for applications, violations, revocations and suspensions, and appeals. **(Citywide)** – Ordinance No. 5621
- *6-c. Amending Title 5 of the Mesa City Code (Business Regulations) by repealing Chapter 1, entitled “Special Event License”, in its entirety and replacing it with a new Chapter 1, entitled “Special Events”, clarifying the regulations and licensing requirements for special events in Mesa including amendments to the processes for applications, revocations, and appeals. **(Citywide)** – Ordinance No. 5622

7. Take action on the following subdivision plats:

- *7-a. "Replat of Siena Springs Office Condominium" (**District 6**) Within the 7200 block of East Baseline Road (south side). Located east of Power Road on the south side of Baseline Road (6.23± acres). Siena Springs Office Condominium Association and GSS Partners, LLC, developer; William H. Standage, Standage & Associates, surveyor.
- *7-b. "Mercado Fiesta Amended Condominium" (**District 3**) Within the 1300 and 1400 blocks of West Southern Avenue (south side) and within the 1200 block of South Longmore. Located west of Alma School Road on the south side of Southern Avenue (6.3± acres). BPC Larkspur Mercado, LLC, developer; A.L. Slater, Survey Innovation Group, Inc., surveyor.

8. Take action on the tentative adoption of the following proposed FY 2021/2022 budget:

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

Items not on the Consent Agenda.

5. Take action on the following resolution:

- 5-h. Approving and authorizing the City Manager to enter into a Development Agreement and Sustainable Water Service Agreement with Redale LLC, for the development of approximately 396 acres of property generally located at the southeast corner of Elliot and Ellsworth Roads. The Agreements facilitate the phased development of a large data center that will generate economic benefits to the City of Mesa and authorize the development to be a MLM Customer (large water customer) under Title 8, Chapter 10 of the Mesa City Code. (**District 6**) – Resolution No.11680

Vice Mayor Duff indicated opposition to this item. She stated as the City forms the Climate Action Plan and embarks upon the first phase of the seven-state drought contingency plans, she opposes the mega data center that will sit on 396 acres using 1.7 million gallons of water per day on build out. She quoted an article released from AZ Central called *Our own survival is at stake*.

Mayor Giles indicated his support for the project and noted Redale LLC was informed from the start of the project about the sensitivity to water issues, and that they would have to work with Salt River Project (SRP) to acquire water rights and then transfer those rights to the City of Mesa.

It was moved by Councilmember Freeman, seconded by Councilmember Thompson, that Resolution No. 11680 be approved.

Upon tabulation of votes, it showed:

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

Mayor Giles declared the motion carried by majority vote.

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

- 6-a. Amending Title 5 of the Mesa City Code (Business Regulations) by adding a new Chapter 4, entitled "Mobile Food Vendors", enacting reasonable regulations and licensing requirements on mobile food vendors and mobile food units operating in Mesa. **(Citywide)** – Ordinance No. 5623

Ted Sparks, a Mesa resident, submitted comments to be read and indicated support for the proposed food truck regulations, but feels the regulations should be amended to include the following provisions to help avoid chaos caused by the current food truck operation within his neighborhood:

- A limited number of food trucks that can park in a specific location without being considered a Special Event.
- Prohibiting food trucks from operating on an unpaved lot.

Craig Vossler, a Mesa resident, submitted comments to be read and expressed opposition to the item for the following reasons:

- Allowing for a 25-foot minimum distance from residential areas for operating a mobile food truck, when Arizona Revised Statute states 250 feet.
- Allowing a food park to open along Power Road while the City is making changes to the mobile food truck code.
- Creating a City Ordinance when the City could be enforcing the Arizona State Statute for Mobile Food Vendors.

Mayor Giles pointed out the City is known for being strict when it comes to food vendors and food trucks. He believes the changes being made to the ordinance will address many concerns and make things easier for food vendors and food truck operators to work in the City of Mesa.

It was moved by Councilmember Freeman, seconded by Councilmember Thompson, that Ordinance No. 5623 be approved.

Upon tabulation of votes, it showed:

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

Carried unanimously.

8. Take action on the tentative adoption of the following proposed FY 2021/2022 budget:

- 8-a. Take action on the tentative adoption of the proposed FY 2021/2022 budget.

Councilmember Freeman asked City Manager Christopher Brady to provide a brief review of the budget and the fire personnel compensation.

Mr. Brady reported last Thursday, the proposal related specifically to firefighter salary increases was reviewed by Council. He stated specific fire personnel with six to ten years of experience would receive a pay modification above and beyond what is already

scheduled in the base budget. He mentioned each of the identified individuals would be notified of the change. He shared the majority of Mesa firefighters by the second year on the job will be making more than the highest paid firefighter in Chandler and will also be making more than firefighters in three out of the five cities that were compared. He added the average pay increase is \$10,000 to \$13,000 to the base pay.

Councilmember Freeman commented Council took a lead to support Public Safety personnel and stated his appreciation for all firefighters and the work that they do for the City of Mesa.

It was moved by Councilmember Luna, seconded by Councilmember Thompson, that the tentative adoption of the proposed FY 2021/2022 budget be approved.

Upon tabulation of votes, it showed:

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

Carried unanimously.

9. 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:

9-a. Conduct a public hearing.

Mayor Giles announced that this is the time and place for a public hearing regarding the 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.

9-b. A resolution approving the 2021 District Assessments for Mesa Town Center Improvement District No. 228. The proposed final assessments do not include any rate increases. **(District 4)** – Resolution No. 11681

It was moved by Councilmember Luna, seconded by Councilmember Spilsbury, that Resolution No. 11681 be adopted.

Upon tabulation of votes, it showed:

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

Carried unanimously.

10. Conduct a public hearing and take action on the following resolution relating to the proposed Five-Year Capital Improvement Program for fiscal years ending 2022-2026.

10-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 2022-2026.

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

- 10-b. A resolution approving a Five-Year Capital Improvement Program for fiscal years ending 2022-2026. **(Citywide)** – Resolution No.11682

It was moved by Councilmember Thompson, seconded by Councilmember Luna, that Resolution No. 11682 be adopted.

Upon tabulation of votes, it showed:

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

Carried unanimously.

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:15 p.m.

JOHN GILES, MAYOR

ATTEST:

DEE ANN MICKELSEN, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 17th day of May 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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