



COUNCIL MINUTES

August 19, 2024

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on August 19, 2024, at 5:45 p.m.

COUNCIL PRESENT

Francisco Heredia
Jennifer Duff
Mark Freeman
Alicia Goforth
Scott Somers
Julie Spilsbury

COUNCIL ABSENT

John Giles

OFFICERS PRESENT

Christopher Brady
Holly Moseley
Jim Smith

Vice Mayor's Welcome.

Vice Mayor Heredia conducted a roll call.

Vice Mayor Heredia excused Mayor Giles from the entire meeting.

Invocation by Pastor Albert Bolden with The Lawrence Memorial AME Zion Church.

Pledge of Allegiance was led by Vice Mayor Heredia.

There were no awards, recognitions, or announcements.

1. Appointment and swearing-in of Amy Haley as City Magistrate.

It was moved by Councilmember Somers, seconded by Councilmember Spilsbury, that Amy Haley be appointed as City Magistrate.

AYES – Heredia–Duff–Freeman–Goforth–Somers–Spilsbury

NAYS – None

ABSENT – Giles

Vice Mayor Heredia declared the motion carried unanimously by those present.

Amy Haley was sworn in as City Magistrate by Presiding Magistrate Stephen Umpleby.

2. Appointment and swearing-in of Geoffrey Balon as City Magistrate.

It was moved by Councilmember Spilsbury, seconded by Councilmember Freeman, that Geoffrey Balon be appointed as City Magistrate.

AYES – Heredia–Duff–Freeman–Goforth–Somers–Spilsbury
NAYS – None
ABSENT – Giles

Vice Mayor Heredia declared the motion carried unanimously by those present.

Geoffrey Balon was sworn in as City Magistrate by Presiding Magistrate Stephen Umpleby.

3. 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 Spilsbury, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

AYES – Heredia–Duff–Freeman–Goforth–Somers–Spilsbury
NAYS – None
ABSENT – Giles

Vice Mayor Heredia declared the motion carried unanimously by those present.

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

Minutes from the May 23, June 6 and 27, July 1 and 8, 2024, Study Sessions; and July 8, 2024, Regular Council meeting.

5. Take action on the following liquor license applications:

*5-a. DZO BBQ

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for JL Hotpot & BBQ LLC, 4459 South Power Road Suite 101 - Oanh Thi Le, agent. There is no existing license at this location. **(District 6)**

6. Take action on the following contracts:

*6-a. Dollar Limit Increase to the Term Contract for Custodial Services - Zone 6 for the Facilities Management Department. **(Citywide)**

This increase is to add custodial services to Alston House and to the 2nd floor and basement of the Studios.

The Facilities Management Department and Procurement Services recommend increasing the dollar limit with Kellermeyer Bergensons Services, LLC (KBS) by \$77,968.89 from \$1,419,371.72 to \$1,497,340.61 through February 28, 2025.

- *6-b. Two-Year Term Contract with Two-Year Renewal Options for Non-Functional Turf Removal Conversion Project for the Parks, Recreation, and Community Facilities Department. **(Citywide)**

This grant funded Water Conservation project will provide the removal of 221,683 square feet of non-functional turf in 54 parks and retention basins within the eligible grant funding areas; installation of a concrete curbing border and granite in these areas; and modifications to the existing sprinkler systems for the remaining turf area. This project will save approximately 5.7 million gallons of CAP water annually, improve the aesthetics of the parks and basins, and reduce conflicts and issues that arise from having turf directly adjacent to residential block walls.

A committee representing the Parks, Recreation, and Community Facilities and Environmental and Sustainability Departments, and Procurement Services evaluated responses and recommend awarding the contract to the highest scored proposal from Mariposa Landscape Arizona, Inc. at \$1,985,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index. This contract is funded by the Water Infrastructure Finance Authority (WIFA) Grant and Environmental Compliance Fee.

- *6-c. One-Year Term Contract with Two-Year Renewal Options for Grounds Maintenance Equipment for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide new and replacement equipment used for the maintenance of Riverview Park and citywide sports field maintenance including contour mowers, deck mowers, heavy-duty utility carts, medium-duty utility carts, bunker rakes, sprayer rigs, tractors, spreaders, and other equipment as needed.

The Parks, Recreation and Community Facilities Department and Procurement Services recommend awarding the contract to the lowest, responsive, and responsible bidders, Bingham Equipment Company (a Mesa business) and Horizon Distributors Inc. at \$610,000 with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *6-d. Three-Year Term Contract with Two-Year Renewal Options for Chlorine and Sodium Hypochlorite Chemicals for the Water Resources and Parks, Recreation, and Community Facilities Departments. **(Citywide)**

Chlorine is a disinfectant used in the water treatment process to kill harmful pathogenic microorganisms such as bacteria, viruses, and parasites at the City's aquatic facilities, splashpads, water and wastewater plants. Chlorine is also fed into the water distribution system at various points to maintain a residual disinfectant value. Sodium hypochlorite eliminates harmful pathogenic microorganisms such as bacteria, viruses, and parasites and is used in the treatment of water to meet permit requirements at the City's aquatic facilities, splash pads, and three water reclamation plants.

The Water Resources and Parks, Recreation, and Community Facilities Departments, and Procurement Services recommend awarding the contract to the three lowest, responsive, and responsible bidders, Hills Brothers Chemical Company; PVS DX, Inc.; and Thatcher Company of Arizona, Inc.; at \$3,050,349, annually with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *6-e. Two-Year Term Contract with Two-Years of Renewal Options for Traffic Control Sign Materials and Sign Imaging for the Transportation Department. **(Citywide)**

This contract provides reflectorized sign sheeting, acrylic-colored film, and protective overlay film used by Transportation's Sign Shop for the fabrication of traffic control, street name, and way finding signs installed and maintained throughout the City.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, Interwest Safety Supply, LLC at \$325,000 annually, with an annual increase allowance of up to 5% or the adjusted Producer Price Index. This contract is funded by the Local Streets Fund.

- *6-f. Use of a Cooperative Contract for the Purchase of Three Aerial Bucket Trucks (Replacements) for the Fleet Services and Transportation Department. **(Citywide)**

These trucks will replace three aerial bucket trucks that have reached the end of their useful life and that meet the established criteria for replacement. Transportation Field Operations utilizes aerial bucket trucks for streetlight fixture replacements and maintenance, signal repair, sign maintenance, and for the high-pressure sodium to LED streetlight conversion project.

The Fleet Services and Transportation Departments and Procurement Services recommend authorizing the purchase using the Sourcewell cooperative contract with Altec Industries, Inc. at \$850,000, based on estimated requirements. This contract is funded by Local Streets Sales Tax.

- *6-g. Three-Year Term Contract with Two-Year Renewal Options for Heavy-Duty Truck Brake and Wheel Parts for the Fleet Services Department. **(Citywide)**

This contract will provide brake and wheel parts for the repair of heavy-duty City vehicles.

The Fleet Services Department and Procurement Services recommend awarding the contract to the lowest, responsive, and responsible bidders: Freightliner of Arizona, LLC; Kal Partz, Inc.; RWC International LTD; and Truck Pro, LLC; at \$325,000, annually, with an annual increase allowance of up to 5% or the adjusted Producer Price Index.

- *6-h. Ratification of an Emergency Purchase and Dollar Limit Increase to the Term Contract for Tires for the Materials and Supply Warehouse for Fleet Services and Mesa Fire and Medical Departments. **(Citywide)**

This contract primarily provides large tires for heavy-duty vehicles such as solid waste trucks and fire apparatus. Different brands of tires are required to meet the needs of varying vehicles and applications and to match existing tires on vehicles and equipment.

Both Southern Tire Mart and Purcell are National Association of State Procurement Officials (NASPO)/State of Arizona cooperative vendors. NASPO is in the process of rebidding and negotiating the contract, without a definite timeline for award. This increase is necessary to cover departments' needs until a new contract is in place.

The emergency purchase was approved by the City Manager's office as provided in the City Code during the Council break for the immediate preservation of public safety.

The Business Services Department and Procurement Services recommend ratifying the emergency purchase using the contract with Southern Tire Mart, LLC (formerly Redburn Tire Company) and Purcell Tire Company (a Mesa business) at \$234,000 and a dollar limit increase of \$291,000, with a new upper limit at \$1,075,000.

- *6-i. One-Year Renewal to the Term Contract for In-Vehicle Routers for Medical Response Vehicles for the Mesa Fire and Medical Department (MFMD). **(Citywide)**

This contract will provide routers to engines and ambulances added to MFMD's fleet over the next two fiscal years. These routers allow staff to seamlessly switch between either ATT FirstNet or Verizon, based on which carrier has the best signal strength in the area, and ensures crews always stay connected.

MFMD and Procurement Services recommend authorizing a one-year renewal to the term contract with Discount Cell, Inc., at \$800,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index. This contract is funded by Capital General Funds.

- *6-j. Purchase of Filter Media for Four Tertiary Filters (Replacement) for the Water Resources Department (Sole Source). **(Citywide)**

This purchase will replace four of the tertiary filters at the Greenfield Water Reclamation Plant have reached the end of their operational life. Plant staff has determined that the normal backwash cycle is no longer sufficient, and the filter media will need to be replaced.

The Water Resources Department and Procurement Services recommend awarding the contract to the sole source vendor, Aqua-Aerobics Systems, Inc. at \$131,000 based on estimated requirements. This purchase is funded by the Greenfield Water Reclamation Plant Joint Venture Fund.

- *6-k. Four-Year Term Contract with up to Six-Years Renewal Options for Museum Collections Solutions for the Arts and Culture Department as requested by the Department of Innovation and Technology. **(Citywide)**

This contract will replace the current collections systems for the Arizona Museum of Natural History and the Mesa Contemporary Arts Museum with a modern system. Some features of the new system will include the ability to capture an object's present condition, and deaccession history, track specimens and/or objects on exhibits or have been on exhibits, capture the name and institution of the lender, location description and location coordinates of the item's original discovery, as well as track lending and exhibition history.

A committee representing the Arizona Museum of Natural History and the Mesa Contemporary Arts Museum and Procurement Services evaluated responses and recommend awarding the contract to the highest-scored proposal from Gallery Systems, LLC, at \$197,000 for the first year and up to \$75,000 annually thereafter, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *6-l. Three-Year Term Contract with Two-Year Renewal Options for Concrete Materials for Various Departments. **(Citywide)**

This contract will supply concrete materials for the Parks, Recreation and Community Facilities, Water Resources, and Transportation Departments.

The Parks, Recreation, and Community Facilities, Water Resources, and Transportation Departments and Procurement Services recommend awarding the contract to the single responsive, and responsible bidder, King Concrete, Inc. (a Mesa business) at \$337,000 annually, with an annual increase allowance of up to 5% or the adjusted Producer Price Index

- *6-m. Use of a Cooperative Contract for Asbestos, Lead, and Mold Abatement Services for the Environmental and Sustainability Department. **(Citywide)**

This contract will provide asbestos, lead, and mold abatement services for City facilities and occasional orders for abatement of blighted residential structures. Most abatement services are performed during engineering CIP projects and under contract through a general contractor.

The Environmental and Sustainability Department and Procurement Services recommend authorizing the purchase using the Arizona Department of Environmental Quality (ADEQ) cooperative contract with Native Environmental, LLC; Southwest Hazard Control; Kary Environmental Services, Inc. (a Mesa business); Circadian Enterprises, Inc. dba American Abatement; Spray Systems of America, Inc.; Viking Specialty Contracting; East Valley Disaster Services, Inc. (a Mesa business); Phoenix Environmental Group, LLC; and Comprehensive Risk Services; at \$150,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *6-n. Four-Year Term Contract with up to Six-Year Renewal Options for Website Redesign for the Arts and Culture Department as requested by the Department of Innovation and Technology. **(Citywide)**

This contract will redesign the websites for the Arts and Culture Department to provide user-friendly navigation on all devices, including mobile phones and tablets, have the ability to log a user off after a predefined period of inactivity, require a specific minimum level of password strength, and improve overall aesthetics.

A committee representing the Arts and Culture and Innovation and Technology Departments and Procurement Services evaluated responses and recommend awarding the contract to the highest-scored proposal from Dream Warrior Group, Inc. at \$159,430 for the first year and \$40,000 annually thereafter, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *6-o. Use of a Cooperative Two-Year Term Contract with Renewal Options for Audio Visual Products and Services for Various Departments as requested by the Department of Innovation and Technology. **(Citywide)**

This contract provides for City departments to install and upgrade/update conference rooms to meet their current and future technological needs as well as to maintain current public-facing spaces such as The Post and The Studios.

The Department of Innovation and Technology and Procurement Services recommend authorizing the use of City of Tucson cooperative contract with Artisan Systems at \$1,500,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *6-p. Use of a Cooperative Four-Year Term Contract with Renewal Options for Rubicon Route Planning and Mapping Solution for the Solid Waste Department as requested by the Department of Innovation and Technology. **(Citywide)**

The Rubicon Route Planning and Mapping Solution will provide the tools needed to manage the refuse routes in a more efficient and timely manner. This route management solution includes hardware, software, databases, and other devices and equipment used to measure, generate, store, manage, and transfer data and incident occurrences in the field related to operations.

The Solid Waste Department and Department of Innovation and Technology and Procurement Services recommend authorizing the purchase using the City of Tucson cooperative contract with Rubicon Global, LLC at \$390,000 for the first year and \$295,000 annually thereafter with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

7. Take action on the following resolutions:

- *7-a. Canvassing, declaring, and adopting the results of the Primary Election held on July 30, 2024. **(Citywide)** – Resolution No. 12241

- *7-b. Approving the Proposed Municipal Incorporation of a certain area known as "San Tan Valley, Arizona." – Resolution No. 12242

Based on state statutory requirements, the City of Mesa is required to adopt by resolution the approval of allowing a public vote for the incorporation of San Tan Valley, Arizona.

- *7-c. Approving and authorizing the City Manager to accept Proposition 202 funds from the Gila River Indian Community in the amount of \$540,000 and administer awarded funds as pass-through grants to designated awardees. **(Citywide)** – Resolution No. 12243

Under this agreement \$540,000 is awarded to City of Mesa programs in the Arts and Cultural Department: Mesa Arts Center (\$40,000) and the i.d.e.a. Museum (\$500,000).

- *7-d. Approving and authorizing the City Manager to enter into Contract No. 17-SLC-0802 with the United States Department of Energy Western Area Power Administration (WAPA) Salt Lake City Area Integrated Projects from October 1, 2024 through September 30, 2057, to purchase firm electric power for the City of Mesa Electric Utility. **(Citywide)** – Resolution No. 12244

- *7-e. Approving and authorizing the City Manager to enter into contracts for the purchase of firm natural gas supplies for the City of Mesa natural gas distribution system, for a period of up to ten years and in the amounts up to the full requirements of the system, as well as an agreement for asset management. **(Citywide)** – Resolution No. 12245

- *7-f. Approving and authorizing the City Manager to enter into a Telecommunication License Agreement with Maricopa Community College District on behalf of Mesa Community College for the placement of fiber optic cable network in City rights-of-way. **(Citywide)** – Resolution No. 12246

- *7-g. Approving and authorizing the City Manager to enter into a Right of Way Occupancy License with Light Source Communications, LLC for the placement of fiber optic cable network. **(Citywide)** – Resolution No. 12247
- *7-h. Approving and authorizing the City Manager to enter into a Master Tenant Lease with Salt River Project Agricultural Improvement and Power District (SRP) for approximately 5 acres of vacant land located at Falcon Field Airport for the purpose of constructing an aircraft hangar and maintenance facility, aircraft parking ramp, and ancillary office space for SRP's aviation operations. **(District 5)** – Resolution No. 12248
- *7-i. Approving and authorizing the City Manager to enter into an amendment of an Intergovernmental Agreement with Flood Control District of Maricopa County to extend the funding deadline from June 30, 2024 to June 30, 2026, for the design and construction of a drainage and improvement project on Baseline Road east of Signal Butte Road. **(Districts 5 and 6)** – Resolution No. 12249
- *7-j. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with Flood Control District of Maricopa County for Elliot Road Drainage Improvements from East Maricopa Floodway to Ellsworth Road. **(District 6)** – Resolution No. 12250
- *7-k. Extinguish a portion of a 12-foot Public Utilities and Facilities Easement located at 1605 South Stapley Drive and 1645 South Stapley Drive to allow for the construction of a new restaurant and the relocation of a fire hydrant; requested by the property owner. **(District 4)** – Resolution No. 12251
- *7-l. Extinguish a portion of a 20-foot Public Utility and Facilities Easement located at 1330 South Sossaman Road to allow for construction of a new automotive oil change facility; requested by the property owner. **(District 6)** – Resolution No. 12252

8. Introduction of the following ordinances and setting August 26, 2024, as the date of the public hearing on these ordinances:

- *8-a. ZON24-00277 "Atwood and Winnston." **(District 6)** Within the 7400 block of South 89th Place (west side), within the 8900 block of East Winnston Avenue (north side), and within the 7400 block of South Atwood (east side). Located west of Ellsworth Road and north of Germann Road (2.4± acres). Rezone from Light Industrial with a Planned Area Development overlay and a Bonus Intensity Zone overlay (LI-PAD-BIZ) to Light Industrial with a PAD overlay and a new Bonus Intensity Zone overlay (LI-PAD-BIZ) and Major Site Plan Modification. Tyco Metal Works LLC, owner; Alex Hayes, Withey Morris Baugh PLC, applicant. – Ordinance No. 5865

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 5-0)

- *8-b. ZON23-01007 "Hawes Crossing Village 6 - S.F. Residential Portion." **(District 6)** Within the 8000 through 8200 blocks of East Warner Road (north side), within the 4000 through 4400 blocks of South 80th Street (east side), within the 4000 through 4200 blocks of 82nd Street alignment (both sides), and within the 4000 through the 4200 blocks of South Hawes Road (west side). Located west of Hawes Road and north of Warner Road (115± acres). Rezone 2.3± acres of the project site from Small Lot Single Residence 2.5 with a Planned Area Development overlay (RSL-2.5-PAD) to Small Lot Single Residence

4.0 with a PAD overlay (RSL-4.0-PAD), rezone 2.3± acres of the project site from RSL-4.0-PAD to RSL-2.5-PAD, rezone to establish a second PAD overlay on the entire 115± acres, and Specific Plan approval. This request will accommodate a single residence development. Keith Nichter, Kimley Horn, applicant; Reserve 100 LLC, owner. – Ordinance No. 5866

Staff Recommendation: Approval with conditions

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

- *8-c. ZON24-00137 "Metso Expansion." (**District 6**) Within the 8200 block of East Pecos Road (south side). Located west of Hawes Road on the south side of Pecos Road (10± acres). Rezone from Light Industrial (LI) to LI with a Planned Area Development Overlay (LI-PAD) and Site Plan Modification. This request will allow for an expansion to an existing industrial development. Metso Minerals Industry, Inc., owner; Gammage & Burnham, PLC, applicant. – Ordinance No. 5867

Staff Recommendation: Approval with conditions

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

9. Introduction of the following annexation and zoning ordinances relating to the development, Pacific Proving Technology Campus, and setting August 26, 2024, as the date of the public hearing on these ordinances:

- *9-a. ANX24-00192 (**District 6**) Annexing property located on the north side of East Pecos Road and on the east side of the proposed South Crismon Road Alignment (130± acres). This request has been initiated by Gammage & Burnham, PLC, for owner Pacific Proving, LLC. (**Citywide**) – Ordinance No. 5868

- *9-b. ZON24-00190 "Pacific Proving Technology Campus." (**District 6**) Within the 10000 to 10400 blocks of East Pecos Road (north side) and within the 6200 to 6800 blocks of the future South Crismon Road alignment (east side). Located north of Pecos Road and east of Ellsworth Road (177± acres). Rezone from Agricultural (AG) and Light Industrial with a Planned Area Development Overlay (LI-PAD) to LI-PAD, Site Plan Review, and Council Use Permit (CUP). This request will allow for a data center. Pacific Proving, LLC and Mesa BA Land, LLC, owners; Gammage & Burnham, PLC, applicant. – Ordinance No. 5869

Staff Recommendation: Approval with conditions

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

10. Introduction of the following annexation and zoning ordinances relating to the development, Merit Partners Legacy Business Park, and setting August 26, 2024, as the date of the public hearing on these ordinances:

- *10-a. ANX23-00800 (**District 6**) Annexing property located on the north side of East Pecos Road and on the west side of the proposed South Crismon Road Alignment (43± acres). This request has been initiated by Gammage & Burnham, PLC, for owner Pacific Proving, LLC – Ordinance No. 5870

*10-b. ZON23-00802 "Merit Partners Legacy Business Park." (**District 6**) Within the 9700 to the 10000 blocks of East Pecos Road (north side) and within the 6600 to 6800 blocks of the future South Crismon Road alignment (west side). Located north of Pecos Road and east of Ellsworth Road (43± acres). Rezone from Agricultural (AG) to Light Industrial with a Planned Area Development Overlay (LI-PAD), Site Plan Review, and Council Use Permit (CUP). This request will allow for a data center. Pacific Proving, LLC, owner; Gammage & Burnham, PLC, applicant. – Ordinance No. 5871

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 5-0)

11. Take action on the following subdivision plats:

*11-a. SUB24-00308 "Map of Dedication for Mesa Edge Connex." (**District 6**) Within the 3100 to 3400 blocks of South Hawes Road (east side). Located north of Elliot Road on the east side of Hawes Road (95.3± acres). Loop 202 & Elliot Road, LLC, developer; Adrian M. Burcham, Hubbard Engineering, surveyor.

Items not on the Consent Agenda

12. Items from citizens present.

There were no items from citizens present.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:03 p.m.

ATTEST:



FRANCISCO HEREDIA, VICE MAYOR

HOLLY MOSELEY, 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 19th day of August 2024. I further certify that the meeting was duly called and held and that a quorum was present.

HOLLY MOSELEY, CITY CLERK