

COUNCIL MINUTES

March 20, 2023

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on March 20, 2023, at 5:45 p.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Holly Moseley
Jim Smith

Mayor's Welcome.

Mayor Giles conducted a roll call.

A moment of silence was led by Mayor Giles.

The Pledge of Allegiance was led by Girl Scout Troop 2195.

Mayor Giles declared March National Women's History Month. He stated that this month is a celebration of women's contributions to history, culture, and society. He reported that there are women working at the City of Mesa at every level and playing a large role in City operations. He pointed out that for the first time in history, there are three women serving on Council.

Councilmembers Duff, Spilsbury, and Goforth commented on the importance of having women on Council and in leadership roles.

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 Freeman, seconded by Councilmember Somers, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

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

Carried unanimously.

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

Minutes from the January 12, 2023, Strategic Planning Session, the January 19 and February 2, 2023, Study Sessions, and the March 6, 2023, Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. Super Stop Liquor

A convenience store is requesting an ownership transfer of a Series 9 Liquor Store License for Rising Star Liquor LLC, 321 West McKellips Road Suites 101 & 102; Paramjit Singh, agent. The existing Series 9 Liquor Store License held by Shammass Jando, Inc. will revert to the State for modification. **(District 1)**

*3-b. American Patriots Riders Club

This is a three-day event to be held on Friday, March 24, 2023, from 5:00 P.M. to 9:00 P.M. and Saturday, March 25, 2023, and Sunday, March 26, 2023, from 11:00 A.M. to 3:00 P.M. at 922 South Country Club Drive. **(District 4)**

*3-c. Ultimate Imaginations, Inc.

This is a one-day event to be held on Saturday, April 1, 2023, from 11:00 A.M. to 2:00 P.M. at 55 North Center Street. **(District 4)**

*3-d. Ultimate Imaginations, Inc.

This is a one-day event to be held on Saturday, April 15, 2023, from 12:00 P.M. to 10:00 P.M. at 1 North Macdonald. **(District 4)**

*3-e. Rustic Glow Events

An event venue is requesting a location and ownership transfer of a Series 7 Beer and Wine Bar License for Rustic Glow Events by MV LLC, 1458 East Main Street Suite 1; Theresa June Morse, agent. There is no existing license at this location. **(District 4)**

*3-f. Circle K Store #2709557

A convenience store is requesting a location transfer of a Series 9 Liquor Store License for Circle K Stores Inc., 824 West Broadway Road; Maria Danielle Burgess, agent. The existing Series 9 Liquor Store License held by Circle K Stores, Inc. will remain inactive at the location until it has been sold or transferred. **(District 4)**

*3-g. East Valley Firefighter Charities, Inc.

This is a one-day event to be held on Saturday, April 1, 2023, from 10:00 A.M. to 5:00 P.M. at 4927 East Falcon Drive. **(District 5)**

4. Take action on the following contracts:

- *4-a. Mesa City Hall Project - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 2. **(District 4)**

This GMP No. 2 will advance the project from procurement to construction, and ultimately occupancy. The scope includes construction of the new Mesa City Hall building; re-envisioning of select areas on the 1st and 2nd floors of the existing Mesa City Plaza tower; construction of the community gathering spaces between the existing Mesa City Plaza tower and Main Street; ancillary site, landscape, and utility improvements.

Staff recommends awarding a construction services contract to the CMAR, Okland Construction, in the amount of \$27,402,000 (GMP No. 2), and authorizing a change order allowance in the amount of \$2,740,200 (10%), for a total amount of \$30,142,200. This project is funded by The Capital General Fund.

- *4-b. Southern Avenue and Country Club Drive Roadway Improvements - Construction Manager at Risk. (CMAR). **(Districts 3 and 4)**

This project includes the reconstruction of approximately 2.5 miles of existing roadway, installing raised medians, sidewalk ramps, and driveways to meet the Americans with Disabilities Act (ADA) requirements, Intelligent Transportation System (ITS) improvements, retrofitting existing streetlights with new LED lamps, upgrading transit stops, and other associated improvements. The scope of work also includes utility improvements to the City gas and sewer systems.

Staff recommends the selection of Hunter Contracting Co. as the CMAR for this project and award a Pre-Construction Services contract in the amount of \$217,188.83. This project is funded by Gas and Wastewater Utility Systems Revenue Obligations and the Transportation Fund.

- *4-c. Water Transfer Station No. 02 Upgrades - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 2. **(District 5)**

This GMP No. 2 includes the purchase and temporary storage of equipment and materials that have long-lead times, including pumps, electrical equipment, and valves.

Staff recommends awarding a construction services contract to the CMAR, J.R. Filanc Construction, in the amount of \$1,335,375.97 (GMP No. 2), and authorizing a change order allowance in the amount of \$66,768.80 (5%), for a total amount of \$1,402,144.77. This project is funded by Water Utility Systems Revenue Obligations.

- *4-d. Dollar Limit Increase for the Purchase of Microwave Radio Communications Equipment and Services for the Topaz Regional Wireless Cooperative (TRWC) H60 Public Safety Radio Expansion Site. **(Citywide)**

The H60 Public Safety Radio Expansion Site will expand radio coverage to areas in the south/east portion of the TRWC as coverage needs have outgrown the original radio

system design. The dollar limit increase is needed for additional purchases of public safety grade radio/network equipment, including antennas, cabling, 800 Mhz sub-site, VHZ radio equipment, and installation services for the tower site in Apache Junction.

The Department of Innovation and Technology and Purchasing recommend increasing the dollar limit by \$400,000, from \$870,000 to \$1,270,000, using the State of Arizona cooperative contract with Motorola Solutions, Inc.; and authorizing a purchase from the sole source vendor, Aviat Networks for \$50,000; for the combined total of \$1,320,000. The cost is shared between members of the TRWC: City of Mesa 67.55%, Town of Gilbert 19.60%, City of Apache Junction 9.22%, Fort McDowell Yavapai Nation 2.23%, Superstition Fire & Medical District 0.72%, Town of Queen Creek 0.65%, and Rio Verde Fire District 0.03%.

- *4-e. Dollar Limit Increase to the Term Contract for Electrical Services for Utilities Infrastructure for the Water Resources Department. **(Citywide)**

The department is requesting a one-time dollar limit increase for the Northwest Water Reclamation Plant (NWWRP) Breaker Replacement Project. There is a known issue with the five existing main breakers at the NWWRP which may cause the breakers to trip and not be reset. In the event of breaker failure, plant operations could be interrupted resulting in regulatory non-compliance. This contract will provide for the ordering of breakers and related equipment and labor costs.

The Water Resources Department and Purchasing recommend increasing the dollar limit with Swain Electric, Inc. by \$400,000 through May 18, 2025, based on estimated project requirements.

- *4-f. Purchase of Two Cable Haulers (Replacements) for the Energy Resources Department (as requested by the Fleet Services Department). **(Citywide)**

This purchase will provide two Altec arm driven self-propelled cable haulers that will replace trailers that have met established criteria and will be either traded, auctioned, sold, or deployed for special uses. The new cable haulers will be used for the installation and removal of underground cables by Electric line crews.

The Fleet Services and Energy Resources Departments and Purchasing recommend authorizing the purchase using the Sourcewell cooperative contract with Altec Industries for \$456,268.74. This purchase is funded by the Utility Replacement Extension & Renewal Fund.

- *4-g. Dollar Limit Increase and One-Year Renewal to the Term Contract for Emergency Vehicle Equipment and Installation Services for the Fleet Services and Mesa Fire and Medical Department (MFMD). **(Citywide)**

This contract provides for the purchase and installation of emergency vehicle equipment and lighting at an established hourly labor rate. Arizona Emergency Products (vendor) has agreed to renew the contract maintaining last year's pricing and LSH Lights (vendor) asked for a modest increase to their labor rate. Fleet Services and MFMD anticipate the need to upfit a greater number of vehicles over the next year as both departments catch up from manufacturer vehicle delivery delays.

The Fleet Services and MFMD Departments and Purchasing recommend increasing the dollar limit for Year 4 by \$369,000, from \$1,127,500 to \$1,496,500, and authorizing the renewal for Year 5 at \$1,847,500 annually with Arizona Emergency Products and Kenco OR LLC dba LSH Lights based on estimated usage.

- *4-h. Use of a Cooperative Contract for Emergency Vehicle Equipment and Installation Services for the Fleet Services and Fire and Mesa Medical Department (MFMD). **(Citywide)**

Fleet Services has seen a significant increase in the number of vehicles received this year and projects next year that will require emergency lighting and equipment upfitting. Additionally, due to the volume of vehicles expected, our current vendors are unable to keep up with the workload. The use of this contract will allow our vehicles to be sent to several vendors for upfitting alleviating further delays in delivering vehicles to departments.

The Fleet Services and MFMD and Purchasing recommend authorizing the use of Maricopa County cooperative contracts with United Truck & Equipment, Inc.; Balar Holding Corp. dba Balar Equipment; JB Poindexter & Company, Inc. dba Reading Truck Equipment, LLC; RWC International dba RWC Group; PFVT Motors, LLC dba Peoria Ford; Sun Country Truck Equipment; Don Chalmers Ford, Inc. dba MHQ of Arizona; Drake Truck Bodies, LLC dba Drake Equipment of Arizona; JAR Capital Group, Inc. dba Quality Vans and Specialty Vehicles; Norwood Equipment, Inc.; Nescon, LLC (a Mesa business); Braun Northwest; Hypercustoms, Inc. dba Arizona Truck Pros; and Pride Outfitting, LLC; for \$500,000, based on estimated usage.

- *4-i. Use of Cooperative Contracts for the Dollar Limit Increase to the Term Contract for Motorola and Kenwood Radio Equipment, Parts, Network and Services for the Mesa Fire and Medical Department (MFMD). **(Citywide)**

MFMD is requesting an increase for their radio equipment purchases used to outfit all fire response vehicles and dispatch equipment. Due to price increases for materials and the number of annual fire vehicle replacements, MFMD estimates an increase of \$350,000 will be adequate for their upcoming radio and equipment purchases.

MFMD 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; Years 4 and 5 by \$350,000 annually, from \$1,020,000 to \$1,370,000 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *4-j. Use of a Cooperative Contract for the 15-Month Term Contract with Five Years of Renewal Options for Smart City Parking Solution Service for Downtown Mesa for the Department of Innovation and Technology. **(Citywide)**

This purchase is part of the Smart City Initiative and will provide a smart parking solution service. Cox will provide Detect, Count, Occupancy (DCO), and License Plate Recognition (LPR) analytics for cameras and streams of video for parking including garages, surface lots, and street parking in the downtown area.

The Department of Innovation and Technology and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Cox Arizona Telcom,

LLC dba Cox Communications at \$54,540 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *4-k. Use of a Cooperative Contract for the Purchase of Public Wi-Fi Project Design and Installation for the Department of Innovation and Technology. **(Citywide)**

This contract will provide the study and design required to identify optimal locations to install outdoor wireless Access Points (APs), backhaul devices, and required installations for areas of Mesa with the greatest identified need for reliable internet access.

Department of Innovation and Technology, Project Executive Team of the Public Wi-Fi Project, and Purchasing recommend authorizing the purchase using the City of Tucson Strategic Alliance for Volume Expenditures (S.A.V.E) cooperative contract with SmartWAVE Technologies, LLC for up to \$5,000,000, based on estimated requirements. \$3,000,000 funded by America Rescue Plan Act Funds Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funding through Federal allocations to Mesa.

- *4-l. Five-Month Renewal of the Term Contracts for PC Cycle Replacement and Supplemental Computers, Ruggedized Laptops, and Tablets for various City Departments as requested by the Department of Innovation and Technology. **(Citywide)**

This contract provides for the City's PC Cycle Replacement program and supplemental computer equipment purchases for current and future technology needs both known and unknown. The State of Arizona extended its cooperative contract through July 31, 2023 to allow time to complete the evaluation process and award new contracts.

The Department of Innovation and Technology and Purchasing recommend renewing the use of the State of Arizona cooperative contracts with Dell Marketing LP; Apple Computer, Inc; Panasonic Solutions; and Microsoft Corporation; at \$1,894,850 for the City's PC Cycle Replacement, based on projected usage for scheduled device replacement; and \$720,000 for supplemental computer purchases through July 31, 2023.

- *4-m. Term Contract with Renewal Options for Line Clearance Tree Trimming Services for Mesa's Electric Service Area (ESA) for the Energy Resources Department. **(Citywide)**

This contract will provide services to keep trees and vegetation clear of high voltage transmission lines, primary and secondary distribution lines, and secondary service drops in order to maintain safety and to minimize and prevent electric service outages for customers in all quadrants of Mesa's ESA.

The Energy Resources Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, Asplundh Tree Expert, LLC at \$351,615 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *4-n. Three-Year Term Contract with Two Years of Renewal Options for Transportation Amenity Cleaning and Repairs for the Transportation Department. **(Citywide)**

The Transportation Department is responsible for numerous amenities including benches, bike racks, concrete pads, trash cans, etc. located along multi-use paths and

pocket parks within the City's right-of-way and a contract is necessary to address ongoing maintenance and cleaning needs.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, A Mind for Detail Inc. at \$117,500 annually, with an annual increase allowance of up to 5% or the adjusted Consumer Price Index.

- *4-o. One-Year Term Contract and Four Years of Renewal Options for Traffic Signposts for the Materials and Supply Warehouse (for the Transportation Department). **(Citywide)**

This contract will provide traffic signposts (galvanized metal posts, signs, rivets, and anchors) for the Transportation Department. The materials are for the installation, replacement, and/or relocation of traffic control and street name signs throughout the City. Materials and Supply orders and maintains stock inventory as needed.

The Business Services and Transportation Departments and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, Canuck Power Inc. at \$39,100 annually, with an annual increase allowance of up to 5% or the adjusted Producer Price Index.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to enter into an Amended and Restated Development Agreement with Chicanos Por La Causa, Inc. for the development of approximately 2.5 acres of property on the northwest corner of Country Club Drive and Main Street. The Amended and Restated Development Agreement will facilitate the development of a mixed-use, transit-oriented development. **(District 4)** – Resolution No. 12011
- *5-b. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) concerning the maintenance responsibilities within ADOT right of way for the Sossaman Road: Ray Road to Warner Road Arterial Improvement Project. **(District 6)** – Resolution No. 12012
- *5-c. Extinguish two Public Utilities and Facilities Easements (PUFEs), and a portion of easements for ingress/egress for refuse and emergency vehicles, PUFE and drainage dedicated on Tract B of the Final Plat of Mariposa Estates, Unit 2, all located within the 3800 block of East McLellan Road to accommodate a new residential subdivision; requested by the property owner. **(District 2)** – Resolution No. 12013

6. Introduction of the following ordinances and setting April 3, 2023 as the date of the public hearing on these ordinances:

- *6-a. ZON22-01263 "Home Away from Home" **(District 2)** Within the 4600 block of East Banner Gateway Drive (north side) and within the 1700 block of South Pierpont Drive (west side). Located east of Greenfield Road and south of the US 60 Superstition Freeway (13± acres). Rezone from Light Industrial (LI) and Light Industrial with a Planned Area Development overlay (LI-PAD) to Light Industrial with a Planned Area Development overlay (LI-PAD) and Site Plan Review. This request is associated with Banner Gateway Medical Center to provide housing accommodations for patients and

their families during treatment and while in recovery. Alex Steadman, RVI Planning + Landscape Architecture, applicant; Banner Health, owner.

Staff Recommendation: Approval with conditions

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

*6-b. **See: Items not on the consent agenda.**

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

*7-a. ZON22-01270 "Copa Health" (**District 4**) Within the 600 block of West Jerome Avenue (north side). Located west of Country Club Road and north of Baseline Road (2± acres). Rezone from Light Industrial with a Bonus Intensity Zone overlay (LI-BIZ) to General Commercial with a Bonus Intensity Zone overlay and Council Use Permit (GC-BIZ-CUP) and Site Plan Review. This request will allow for a social service facility. John Moore, Copa Health, applicant; Accel Properties LLC, owner. – Ordinance No. 5771

Staff Recommendation: Approval with conditions

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

8. Take action on the following subdivision plat:

*8-a. SUB22-00325 "Power 42" (**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 (39.5± acres). Johnson Development Associates, Inc., developer; Gabriel S. Rios, Wood Patel & Associates, surveyor.

Items not on the Consent Agenda:

*6-b. Amending Title 1 of the Mesa City Code (Administrative), Chapter 21 (Procurement of Materials, Non-Professional Contract Services and Capital Improvements) to revise the formal procurement and Council approval threshold and update and modernize the language. (**Citywide**)

Carey Davis, a Mesa resident, declared his opposition to revising the procurement threshold. He emphasized the importance of Council's ability to exercise prudent fiscal oversight of government expenditures. He discussed concerns about the City's finances, debt, and spending patterns.

Peter Anello, a Mesa resident, stated his opposition to the referenced item and emphasized the importance of Council oversight and providing input into City Management spending.

Mayor Giles clarified the vote today is for the introduction and setting April 3, 2023, as the date of the public hearing at the Council meeting.

Councilmember Somers noted he is continuing to collect information to make an informed decision on the proper policy level.

It was moved by Councilmember Freeman, seconded by Councilmember Spilsbury, for the introduction of the ordinance and setting April 3, 2023 as the date of public hearing to amend

Title 1 of the Mesa City Code (Administrative), Chapter 21 (Procurement of Materials, Non-Professional Contract Services and Capital Improvements).

Upon tabulation of votes, it showed:

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

NAYS – None

ABSENT – None

Carried unanimously.

- 9-a. Public hearing prior to the release of the petition for signatures for the proposed annexation case ANX22-01007, located north of East Williams Field Road on the west side of State Route (SR) 24 Gateway alignment (10.7± acres). This request has been initiated by the applicant, Gammage and Burnham PLC, for the owners, Mesa BA Land LLC. **(District 6)**.

Mayor Giles announced that this was the time and place for a public hearing regarding proposed annexation case ANX22-01007.

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

10. Introduction of the following annexation and zoning ordinances relating to the proposed development “Legacy Gateway Hotels”, and setting April 3, 2023 as the date of the public hearing on these ordinances:

Mayor Giles stated that pending no objection from Council, Agenda Items 10-a and 10-b will be voted on in one motion.

- 10-a. ANX22-01007 **(District 6)** Annexing property located north of East Williams Field Road on the west side of State Route (SR) 24 Gateway Alignment (10.7± acres). Initiated by the applicant, Gammage and Burnham PLC, for the owners, Mesa BA Land LLC.
- 10-b. ZON22-01010 “Legacy Gateway Hotels” **(District 6)** Within the 9600 to 9900 blocks of East Williams Field Road (north side). Located north of Williams Field Road and west of the State Route (SR) 24 Gateway Freeway (10.7± acres). Council Use Permit and Site Plan Review. This request will allow for the development of multiple hotels and a retail pad. Gammage and Burnham, applicant; Mesa BA Land, LLC, owner.

Staff Recommendation: Approval with conditions

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

Councilmembers Somers reported that one public comment was received online in support of the Legacy Gateway Hotels.

It was moved by Councilmember Somers, seconded by Councilmember Spilsbury, that ANX22-01007 and ZON22-01010 be introduced, setting April 3, 2023, as the date of the public hearing.

Upon tabulation of votes, it showed:

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

Carried unanimously.

11. Items from citizens present. (Maximum of three speakers for three minutes per speaker.)

Verl Farnsworth, a Mesa resident, commented on claims regarding several City of Mesa elected officials and employees. He stressed that an investigation must be done to restore the confidence and trust in Mesa residents and declared he would provide a list* to the City Clerk.

*Referenced document available for review in the City Clerk's Office.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:11 p.m.

ATTEST:



HOLLY MOSELEY, CITY CLERK





JOHN GILES, MAYOR

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 20th day of March 2023. I further certify that the meeting was duly called and held and that a quorum was present.



HOLLY MOSELEY, CITY CLERK

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