



# COUNCIL MINUTES

November 1, 2021

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on November 1, 2021, at 5:45 p.m.

## COUNCIL PRESENT

John Giles  
Jennifer Duff  
Francisco Heredia  
David Luna  
Mark Freeman  
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.

Invocation by Pastor Jose Luis Amaya with Iglesia de Cristo Elim Betel Church.

Pledge of Allegiance was led by Mayor Giles.

Awards, Recognitions and Announcements.

Mayor Giles recognized Nancy Para-Quinlan, a STEM teacher at Kino Junior High School, for receiving the 2022 Arizona Teacher of the Year award from the Arizona Education Foundation. He introduced Keiko Hasebe-Dilbeck, Kino Junior High School principal.

Principal Hasebe-Dilbeck stated introducing Nancy Para-Quinlan as the 2022 Arizona Teacher of the Year is one of her proudest moments as an administrator. She remarked that Kino is an ingrained part of the City of Mesa's landscape and many of their students have gone on to great careers because of the efforts of the teachers at Kino. She acknowledged Ms. Para-Quinlan's efforts for building opportunities for students of color and females and the amazing experiences she has given her students. She said Kino's students have a bright future because of teachers like Ms. Para-Quinlan.

Ms. Para-Quinlan commented it is an honor and privilege to be a Mesa resident and a Mesa Public Schools (MPS) teacher for the past 27 years, the last 15 at Kino Junior High. She said her students mean the world to her and everything she does is for the students.

Mayor Giles congratulated Ms. Para-Quinlan for the award.

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 September 16 and October 18, 2021, Study Sessions, the October 18, 2021, Regular Council meeting, and the October 21, 2021, Special Council meeting.

3. Take action on the following liquor license applications:

\*3-a. One Step Beyond, Inc.

This is a one-day event to be held on Saturday, November 13, 2021, from 7:00 P.M. to 10:00 P.M. at 456 West McLellan Road. **(District 1)**

\*3-b. B.R.I. Taproom & Arcade

A brewpub with an arcade is requesting a new Series 7 Beer and Wine Bar License for B.R.I. Beercade LLC, 213 West Main Street; Matthew David Trethewey, agent. There is no existing license at this location. **(District 4)**

\*3-c. Lone Spur Café

A restaurant that serves breakfast, lunch and dinner is requesting a new Series 12 Restaurant License for Lone Spur Café Mesa LLC, 1859 South Stapley Drive, Suite 107; Cory Dean Farley, agent. There is no existing license at this location. **(District 3)**

4. Take action on the following bingo applications:

\*4-a. Apache Wells Bingo, LLC

Ardis Zaier, manager, 2247 North 56th Street. **(District 5)**

\*4-b. Encore at Eastmark Homeowner's Association

Colleen Lindstrom, supervisor, 5620 South Encore. **(District 6)**

5. Take action on the following contracts:

- \*5-a. Four Year Renewal for the Use of a Cooperative Contract for 3M Radio Frequency Identification (RFID) Equipment and Maintenance for the Library Services Department (Sole Source). **(Citywide)**

This contract provides labor, parts and equipment modifications to maintain 3M RFID equipment at the Mesa library branches. With the lifecycle projects of replacing Library's automated material handler/sorters and security gate replacements being approved for this fiscal year and potentially next fiscal year, this renewal will allow Library to streamline large one-time purchases at a fair and competitive price.

The Library Services Department and Purchasing recommend authorizing the renewal using the Maricopa County cooperative contract with Bibliotheca LLC, at \$440,000 annually, based on estimated usage, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*5-b. Three-Year Term Contract with Two Years of Renewal Options for Chiller Maintenance and Repair Services for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide the inspection, preventative maintenance, and repair of water chillers and associated equipment located at City-owned and operated facilities. It will also support services related to the replacement of parts on a pre-planned schedule, prior to the failure of key components related to cooling plants, closed loops, cooling towers, and fluid coolers, as scheduled. Inspection and preventative maintenance services will be scheduled on a quarterly and annual basis.

An evaluation committee recommends awarding the contract to the highest scored proposal from W.D. Manor Mechanical Contractors, Inc., at \$221,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*5-c. Dollar-Limit Increase and One-Year Renewal to the Term Contract for Temperature Controlled Drug Locking Cabinets for the Mesa Fire and Medical Department. **(Citywide)**

Mesa Fire and Medical Department (MFMD) has been using refrigerated locking drug cabinets on their apparatus for 19 years to hold pharmaceuticals for emergency responses. Many pharmaceuticals cannot tolerate the intense Arizona heat and require a temperature-controlled environment. MFMD is requesting a dollar-limit increase for Year 3, due to the nine additional ambulances purchased or being purchased this contract period that were unforeseen at the time of the original award, and an early ordering request from Budd Medical, due to COVID challenges on materials availability.

The Mesa Fire and Medical Department and Purchasing recommend increasing the dollar-limit by \$95,000, from \$130,700 to \$225,700 for Year 3; and authorizing the renewal with Budd Medical and Fire Equipment, LLC, at \$200,000 annually; with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. This purchase is funded by General Fund operating budget and Capital General Fund.

- \*5-d. Three-Year Term Contract with Two Years of Renewal Options for Crack Seal Services, Materials, and Rental Equipment for the Transportation Department. **(Citywide)**

This contract will provide full-service crack seal application services on five types of City street classifications (arterial, collector, residential streets, signalized intersections, and parking lots), and also provide materials and rental equipment to aid in pavement preservation of the City's street inventory.

The Transportation Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidders: Choice Maintenance and Asphalt Services, LLC; Morgan Pavement Maintenance (a Mesa business); Crafcro, Inc.; Superior Supply, Inc.; and Maxwell Products, Inc, at \$4,117,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. This purchase is funded by Highway User Revenue and Local Streets Funds.

- \*5-e. Five-Year Renewal for the Use of a Cooperative Contract for Maintenance, Repair, Operating Supplies for Citywide Use. **(Citywide)**

This contract supplies various City departments with Maintenance, Repair, and Operating (MRO) Supplies in a retail and wholesale (internet) environment. It supplements the City's current term contract for Industrial Supplies with Grainger. The provision of both cooperative and vendor options is advantageous to the City leveraging two nationally bid contracts for the best price and availability on these products.

The Business Services Department and Purchasing recommend authorizing the renewal using the Maricopa County/Omnia Partners cooperative contract with Home Depot U.S.A., Inc. (six local Mesa locations), at \$400,000 annually, based on estimated usage, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*5-f. South Canal Shared Use Path Project - Consolidated Canal to McKellips Road. **(District 1)**

This project will construct a new paved pathway along the east side of the South Canal between the existing pathway along the Consolidated Canal and McKellips Road. The pathway will include a rectangular rapid-flashing beacon (RRFB) at the crossing of Horne and a pedestrian crossing signal at McKellips Road. The project also includes lighting adjacent to the pathway for increased safety.

Staff recommends awarding the contract for this project to the lowest responsible bidder, Combs Construction Company, in the amount of \$1,750,748.70, and authorizing a change order allowance in the amount of \$175,075 (10%), for a total amount of \$1,925,823.70. This project is funded by the ADOT (federal) grant under the TA-MAG program.

- \*5-g. Authorizing the Mayor to sign an amendment to the employment contract with the City Auditor.
- \*5-h. Authorizing the Mayor to sign an amendment to the employment contract with the City Clerk.
- \*5-i. Authorizing the Mayor to sign an amendment to the employment contract with the City Attorney.

- \*5-j. Authorizing the Mayor to sign an amendment to the employment contract with the City Manager.

6. Take action on the following resolutions:

- \*6-a. Approving and authorizing the City Manager to enter into a Highway Safety Contract with the Arizona Governor's Office of Highway Safety to accept \$84,100 in grant funds. The funds will be used by the Police Department's Traffic Division for overtime, employee related expenses, materials and supplies for the Selective Traffic Enforcement Program in the City of Mesa. **(Citywide)** – Resolution No. 11751
- \*6-b. Approving and authorizing the City Manager to enter into a Highway Safety Contract with the Arizona Governor's Office of Highway Safety to accept \$100,537 in grant funds. The funds will be used by the Police Department's Traffic Division for overtime, employee related expenses, materials and supplies for DUI/impaired driving enforcement in the City of Mesa. **(Citywide)** – Resolution No. 11752
- \*6-c. Approving and authorizing the City Manager to enter into a Highway Safety Contract with the Arizona Governor's Office of Highway Safety to accept \$50,726 in grant funds. The funds will be used by the Police Department's Traffic Division for overtime, employee related expenses, materials and supplies for pedestrian and bicycle safety throughout the City of Mesa. **(Citywide)** – Resolution No. 11753
- \*6-d. Approving and authorizing the City Manager to enter into a Subrecipient Agreement with the Arizona Department of Homeland Security to accept \$198,285 in grant funds for equipment and training to support and sustain the Police Department's Rapid Response Task Force. **(Citywide)** – Resolution No. 11754
- \*6-e. Approving and authorizing the City Manager to enter into a Subrecipient Agreement with the Arizona Department of Homeland Security to accept \$136,000 in grant funds for equipment to support the Police Department's Hazardous Device Team. **(Citywide)** – Resolution No. 11755
- \*6-f. Approving and authorizing the City Manager to enter into a Subrecipient Agreement with the Arizona Department of Homeland Security to accept \$39,650 in grant funds for equipment and training to support and sustain the Police Department's Terrorism Liaison Program. **(Citywide)** – Resolution No. 11756
- \*6-g. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Town of Queen Creek to accept \$125,000 in funding in exchange for forensic laboratory services provided by the Police Department's Forensic Services Division. **(Citywide)** – Resolution No. 11757

7. Introduction of the following ordinances and setting November 15, 2021, as the date of the public hearing on these ordinances:

- \*7-a. Repealing and replacing Ordinance 5314 relating to compensation, vehicle, and communication allowance and City benefits for the Mayor and City Council, effective January 2023, and acknowledging receipt of the report and recommendations of the Independent Commission on Compensation for Elected Officials (ICCEO).

- \*7-b. ZON20-00210 (District 5) Within the 6800 to 7000 blocks of East University Drive (south side). Located east of Power Road on the south side of University Drive (1.6± acres). Rezone from Limited Commercial (LC) to LC with a Bonus Intensity Zone Overlay (BIZ); and Site Plan Review. This request will allow for the development of a commercial center. John Reddell, Reddell Architects, applicant; ETR Enterprises LLC and United States Department of Interior Bureau of Land Management, owners.

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 4-1)

8. Take action on the following subdivision plat:

- \*8-a. "Los Nietos" (District 1) Within the 2400 block of North Old Gilbert Road (east side) and within the 2000 block of East Hermosa Vista Drive (north side). Located south of 202 Red Mountain Freeway and east of Gilbert Road (4.55 ± acres). Sotein Solares, LLC, developer; Daniel D. Armijo, AW Land Surveying, LLC, surveyor.

Items not on the Consent Agenda.

9. Introduction of the following ordinance and setting November 15, 2021, as the date of the public hearing on this ordinance:

- 9-a. Amending Title 5 of the Mesa City Code (Business Regulations) by adding a new Chapter 5, entitled "Business License", requiring all persons conducting business in Mesa to obtain a business license. **(Citywide)**

Mayor Giles stated this is the introduction of the business license ordinance which will require a business license in the City of Mesa, adding the hearing to consider the adoption will be held at the November 15, 2021, Council meeting. He said the item was taken off the consent agenda to further publicize the public hearing.

Business License and Revenue Collections Administrator Tim Meyer mentioned some of the benefits that the business license will offer include being able to identify clustering of businesses, as well as having the ability to communicate with businesses and gave the example of the COVID-19 CARES funding that was available and the City had no way to contact businesses to inform them of the available assistance. He mentioned the gathering of business information will help the business community, as well as first responders.

City Manager Christopher Brady elaborated several other surrounding communities currently collect business information and require business licenses. He indicated the ordinance will be effective January 1, 2022. He pointed out the initial fee will be \$10 the first year; however, there will be no penalty for non-collection the initial year and the emphasis will be to collect the information from Mesa businesses.

In response to a question from Councilmember Freeman regarding the proposed fees, Mr. Meyer clarified the application fee will be \$10 and the annual renewal fee thereafter will be \$25.

Councilmember Freeman compared Mesa's fees to other communities which range anywhere from \$25 to \$60. He mentioned the difficulties that came up trying to share the federal funding with the business community based on the time constraints and said having a list will simplify the process.

Responding to additional questions from Councilmember Freeman about the data being collected, Mr. Meyer said the data collected will be the type of business, number of employees, the location, and contact information. He noted the data will be available publicly, but information tied to a specific person will be protected. He remarked at this time the application will be available in English and Spanish.

Councilmember Duff requested an example of how the information available online would appear to the public. She said her concern is what information will be made public.

Mr. Meyer responded the application will be a simple process consisting of one page of questions asking for basic information and that most of the information is already available online. He added staff will be available for assistance if needed.

Mr. Brady reminded Council that during the budget process an economic development position was added to take the information gathered to better educate and inform Mesa businesses of opportunities or programs that could help. He mentioned there are already businesses who are coming to the City to provide the information.

In response to a question posed by Councilmember Freeman asking for an estimate of the number of businesses that are in Mesa, Mr. Brady said based off a database used by economic development, an estimate was 12,000 to 14,000 businesses.

Mr. Meyer elaborated the City has not collected data on service businesses or home-based businesses so the City does not have an exact number.

Mayor Giles recommended having a slide to show the public at the next meeting and reminded the public that the October 28, 2021, Study Session had a presentation that explained which business categories are exempt.

It was moved by Councilmember Freeman, seconded by Councilmember Spilsbury, to set November 15, 2021, as the hearing date for the proposed ordinance.

Upon tabulation of votes, it showed:

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

Mayor Giles declared the motion carried by majority vote.

10. Conduct a public hearing on the following annexation case:

10-a. Public hearing prior to the release of the petition for signatures for the proposed annexation case ANX21-00728, located north of Pecos Road and west of Signal Butte Road (71.3± acres). This request has been initiated by the applicant, Josh Tracy, Ryan Companies; for the owner, Tucker Properties, LTD. **(District 6)**

Mayor Giles announced that this was the time and place for a public hearing regarding annexation case ANX21-00728.

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

11. Items from citizens present.

Mark Low, a Mesa resident, submitted comments to be read that stated his belief that Mayor Giles signing a proclamation to lock down and mask the citizens of Mesa was unconstitutional and unlawful. He said he has been asking for the Viral Cycle Threshold data that was used to make the decision to sign the proclamation and has not received an answer. He referenced an email he received from Chief of Staff Melissa Randazzo.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:14 p.m.

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JOHN GILES, MAYOR

ATTEST:

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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 1<sup>st</sup> day of November 2021. I further certify that the meeting was duly called and held and that a quorum was present.

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DEE ANN MICKELSEN, CITY CLERK

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