



# COUNCIL MINUTES

February 28, 2022

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on February 28, 2022, at 6:11 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  
Holly Moseley  
Jim Smith

Mayor's Welcome.

Mayor Giles conducted a roll call.

Invocation by Pastor Tony Frazee of the Gateway Bible Church.

Pledge of Allegiance was led by Mayor Giles.

Awards, recognitions, or announcements.

There were no awards, recognitions, or announcements.

### 1. Appointment and swearing-in of David Allen as City Magistrate.

It was moved by Councilmember Luna, seconded by Councilmember Heredia, that David Allen be appointed as City Magistrate.

Upon tabulation of votes, it showed:

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

NAYS – None

Carried unanimously.

City Magistrate David Allen was sworn in by Mayor Giles.

Magistrate Allen thanked Mayor Giles and the Councilmembers for the appointment, and stated he is truly honored to serve the community.

2. 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.

\*3. Approval of minutes of previous meetings as written.

Minutes from the January 13, February 3, February 7, 2022, Study Sessions, and the February 7, 2022, Regular Council meeting.

4. Take action on the following liquor license applications:

\*4-a. Arizona Sports and Entertainment Commission

This is a one-day event to be held on Saturday, March 12, 2022, from 1:00 P.M. to 7:00 P.M. at Sloan Park Spring Training Fields, 2560 West Rio Salado Parkway. **(District 3)**

\*4-b. College Bound

This is a one-day event to be held on Saturday, March 19, 2022, from 2:00 P.M. to 9:30 P.M. at 359 North Center Street. **(District 4)**

\*4-c. Ultimate Imaginations Inc.

This is a one-day event to be held on Saturday, March 12, 2022, from 2:00 P.M. to 9:00 P.M. on Main Street, from Center Street to Country Club Drive, and Macdonald, from Pepper Place to Main Street. **(District 4)**

\*4-d. Dashmart

A convenience store delivery service is requesting a new Series 10 Beer and Wine Store License for Doordash Essentials LLC, 3512 East Southern Avenue; Andrea Dahlman Lewkowitz, agent. There is no existing license at this location. **(District 2)**

\*4-e. Flights Wine and Taproom

A bar is requesting a new Series 7 Beer and Wine License for Flights Wine & Taproom LLC, 2613 North Thunderbird Circle; Kreg David Marshall Bahm, agent. The existing license held by Flight Wine & Taproom will remain active. Once issued, this new license will remain inactive at the location until it has been sold or transferred. **(District 5)**

\*4-f. Kwik Corner 2015

A convenience store is requesting a new Series 10 Beer and Wine Store License for T & B Stores LLC, 2015 West University Drive; Subhash Kumar Thathi, agent. The existing license held by T & B Holdings LLC will revert to the State. **(District 3)**

\*4-g. Turbo Beverage & Grocery

A convenience store is requesting a new Series 10 Beer and Wine Store License for Ruinard Stores LLC, 2760 East Main Street, Suite 104; Theresa June Morse, agent. The existing license held by Turbo Beverage & Grocery Limited will revert to the State. **(District 1)**

\*4-h. The Stone Korean Tofu House

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Kims Enterprise LLC, 6910 East Hampton Avenue; Cookie Kim Sohn, agent. There is no existing license at this location. **(District 6)**

5. Take action on the following contracts:

\*5-a. 60-Month Lease Agreement for a Color Copier (Replacement) for the Business Services Department. **(Citywide)**

This lease agreement will provide Konica Minolta high-production color copier. The machine is used to print postcards, brochures, marketing materials, and other documents that require color. Documents that do not require color are printed on lower cost per click black-and-white printers.

The Business Services Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Pacific Office Automation, at \$27,300 annually, 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 Language Translation Services for various City Departments. **(Citywide)**

This contract will provide qualified foreign language interpreters and/or translators to provide services for non-English speaking community members involved in City business matters. This includes in-person, over the phone, as well as document interpretation and translation services for the Municipal Court, Police, and Parks, Recreation and Community Facilities Departments.

An evaluation committee recommends awarding the contract to the highest scored proposals from Foreign Language Service Corp., dba A Foreign Language Service (a

Mesa business); Jennifer Adele Morse, dba Jennifer Morse, LLC; Language Connection; Spanish Media & Translation Services, LLC (a Mesa business); and AZ Language Solutions LLC; at \$100,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- \*5-c. Purchase of Furniture and Chairs (Additions) for the Mesa Police Department Special Operations Unit. **(Citywide)**

This furniture includes HON work surfaces, desks, file cabinets, chairs, and other fixtures for the remodel of the SWAT unit.

The Police Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with AZ Furnishings at \$59,877.10, based on estimated requirements. This purchase is funded by Public Safety Sales Tax Fund.

- \*5-d. Purchase of One Liquid Chromatograph Triple Quadrupole Mass Spectrometer (Replacement) for the Mesa Police Department (Sole Source). **(Citywide)**

The new instrument will assist with effectively screening and testing blood/urine drug samples on criminal drug recognition expert cases, which have increased significantly. The scientific analyses conducted with this equipment allows Mesa, Tempe, and Gilbert police officers to conduct or redirect investigations; provides evidentiary information needed by City and Town prosecutors, as well as County Attorneys, in determining when to prosecute; and provides judges and jury members with scientific data to aid in determining a verdict.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, Agilent Technologies, at \$299,989.31. This purchase is funded by the Mesa Police Department, Town of Queen Creek, Town of Gilbert, and City of Tempe.

- \*5-e. Purchase of a 3D Scanner (Addition) for the Mesa Police Department (Sole Source). **(Citywide)**

The Homicide Unit will use the FARO 3D Scanner for crime scene diagramming. Scanners are extremely accurate in documenting scenes and creating a 3D virtual environment with capabilities to measure objects and evidence in a scene. This technology produces a 3D virtual environment that can be provided to prosecutors. The Traffic Division will also use the 3D scanner to diagram collision scenes. Additionally, several partnering agencies of the East Valley Critical Incident Response Team utilize the FARO 3D scanner in conjunction to scanning large scenes and pre-planning special events at large venues. The purchase of this FARO 3D scanner will maintain equipment consistency within the Department and with neighboring agencies.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, FARO Technologies, Inc., at \$130,000. This purchase is funded by Lifecycle Funds and Non-Asset Forfeiture Funds.

- \*5-f. Purchase of Furniture and Workstations (Additions) for the Mesa Police Department Aviation Unit. **(Citywide)**

This furniture includes Herman Miller work surfaces, shelves, tackboards, LED lighting, pedestal files, lateral files, tables, and other fixtures for the remodel of the unit flight area and pilots' office.

The Police Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Goodmans Interior Structures, at \$32,052.88, based on estimated requirements. This purchase is funded by Public Safety Sales Tax Fund.

- \*5-g. Three-Year Term Contract with Two Years of Renewal Options for Video Laryngoscopes for the Mesa Fire and Medical Department (Sole Source). **(Citywide)**

Mesa Fire and Medical has been purchasing video laryngoscopes and blades for their service delivery model and currently has a sole source agreement for AirTraq video laryngoscopes. The distributor has changed, but it still remains a sole source. Purchasing is entering into a new agreement with the new vendor, Mercury Medical.

The Fire and Medical Department and Purchasing recommend awarding the contract to the sole source distributor, Mercury Enterprises, Inc., dba Mercury Medical, at \$150,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

- \*5-h. Purchase of High Availability Data Storage (Upgrade Replacement) for the Department of Innovation and Technology. **(Citywide)**

Secure, efficient file storage and reliable backup appliances are necessary to store and protect critical City data. The data stored on these devices is vital to the reliable provision of City services. The backup appliance used by the SCADA environment has reached the serviceable end of life and needs to be replaced. The requested devices are state-of-the-art technology that will provide supportable and sustainable high availability data storage into the future.

Department of Innovation and Technology (DoIT) and Purchasing recommend authorizing the purchase using the Mohave cooperative contract and the lowest quoted vendor, iT1 Source, LLC, at \$93,000, based on estimated requirements. This purchase is funded by American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds.

- \*5-i. Three-Year Renewal for the Use of a Cooperative Contract for Expansion of the Very High Frequency (VHF) Fire Hazard Zone Radio System for the TOPAZ Regional Wireless Cooperative (TRWC) as requested by the Department of Innovation and Technology (Sole Source). **(Citywide)**

The Very High Frequency (VHF) Fire Hazard Zone Communications System was implemented to enable consistency across the Valley for operations in Fire Hazard Zones. The current system consists of eight transmit-receive sites and four receive-only sites.

Due to the growth of the TRWC, a study was performed to evaluate the existing radio coverage and future needs. The report indicated there were areas where radio coverage may not meet the criteria for a Public Safety radio system. The solution would be to either add or move receive and or receive/transmit sites to find the best possible

coverage, while minimizing the number of sites needed for said coverage. This project to expand and improve to Fire Hazard Zone System Coverage is expected to take approximately five years.

The Department of Innovation and Technology and Purchasing recommend authorizing use of the State of Arizona cooperative contract with the sole source vendor, Motorola Solutions, at \$390,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. This purchase is funded by the members of the TRWC: Mesa 68.68%, Gilbert 17.16%, Superstition Fire and Medical District 10.01%, Queen Creek 3.22%, and Rio Verde Fire District 0.93%.

\*5-j. **See: Items not on the Consent Agenda.**

\*5-k. Three-Year Term Contract with Two Years of Renewal Options for LED Modules for Traffic Control Signals for the Transportation Department. **(Citywide)**

This contract will supply LED modules used for replacements and routine maintenance on traffic signals and school zone flashers. The LED modules include round ball indication signals, arrow indication signals, and pedestrian indication signals.

The Transportation Department and Purchasing recommend awarding the contract to the sole, responsive and responsible bidder, JTB Supply Company, Inc., at \$181,000 annually, with an annual increase allowance of up to 5%, or the adjusted Producer Price Index.

\*5-l. Award of One Additional Vendor Using the Cooperative Contract for the Term Contract for Heavy Duty Truck, Construction, Industrial Fleet and Equipment Parts, Services and Accessories for the Fleet Services Department. **(Citywide)**

This contract provides a full line of parts, accessories and service for City heavy duty trucks, construction and industrial fleet, equipment parts, services and accessories. The City utilizes the Maricopa County cooperative contract with eight vendors. The County recently added Norwood Equipment to their contract. Fleet Services requires Norwood Equipment's services to support Elgin and Vactor equipment; their services are necessary as the department currently does not have a service contract with this vendor.

The Fleet Services Department and Purchasing recommend awarding an additional vendor using the Maricopa County cooperative contract with the sole source vendor, Norwood Equipment. No change is requested to the overall contract dollar limit.

\*5-m. Red Mountain Park Expansion - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 1. **(District 5)**

The expansion of Red Mountain Park is needed for additional sports fields, parking lots, irrigation system improvements, new restroom/storage buildings, and landscape/miscellaneous improvements. This GMP No. 1 project includes the CMAR work required to connect the irrigation booster pump station into the influent structure at the Brown Road Water Treatment Facility, site clearing, mass grading, and other associated work. A second GMP will be presented to council at a future date to include the remainder of the project scope.

Staff recommends awarding a construction services contract to the CMAR, Valley Rain Construction Corp., in the amount of \$2,681,042.22 (GMP), and authorizing a change order allowance in the amount of \$134,052.11 (5%), for a total amount of \$2,815,094.33. This project is funded by 2018 General Obligation bonds and Capital General Funds.

- \*5-n. Authorizing the Mayor to sign an amendment to the employment contract with the City Auditor.
- \*5-o. Authorizing the Mayor to sign an amendment to the employment contract with the City Attorney.
- \*5-p. Authorizing the Mayor to sign an amendment to the employment contract with the City Manager.

6. Take action on the following resolutions:

- \*6-a. ZON21-01090 (**District 4**) Within the 1000 block of South County Club Drive (west side). Located north of Southern Avenue on the west side of Country Club Drive (.66± acres). Site Plan Modification. This request will allow for a restaurant with a drive-thru. Holly Keilman, Eegees, applicant; Red Mountain Asset Fund I, LLC, owner. – Resolution No. 11798

Staff Recommendation: Approval with conditions

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

- \*6-b. ZON21-01064 (**District 6**) Within the 6900 to 7300 blocks of the South Crismon Road alignment (east side). Located south of Pecos Road on the east side of the Crismon Road alignment (85.8± acres). Site Plan Review. This request will allow for an industrial development. George Pasquel, Withey Morris, PLC, applicant; WILLIAMS GATEWAY LAND INV LP, owner. – Resolution No. 11799

Staff Recommendation: Approval with conditions

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

- \*6-c. Extinguishing a 20-foot storm drain easement located at 2044 West Riverview Auto Drive, which is no longer needed by the “Union Mesa at Riverview” development; requested by the property owner. (**District 1**) – Resolution No. 11800
- \*6-d. Adjusting the compensation for the positions of City Magistrate and Presiding City Magistrate, effective January 31, 2022. – Resolution No. 11801
- \*6-e. **See: Items not on the Consent Agenda.**
- \*6-f. Calling the Primary Election for August 2, 2022; designating election dates; and providing the last date for candidates to file nomination papers. (**Citywide**) – Resolution No. 11797

7. Introduction of the following ordinances and setting March 7, 2022, as the date of the public hearing on these ordinances:

- \*7-a. ANX21-00802 (**District 1**) Annexing property located within the 3300 to 3400 blocks of North Val Vista Drive (east side). Located south of Thomas Road and east of Val Vista Drive (2.76± acres). Initiated by the applicant, Sean Lake on behalf of Pew & Lake PLC, Burden Family Trust, Raymond T and Deniece Burden Trust, and Burden East LP, LLP, owners.
  
- \*7-b. ZON21-00797 (**District 1**) Within the 3500 to 3800 blocks of East Thomas Road (south side), within the 3300 to 3600 blocks of North Val Vista Drive (east side), and within the 3300 to 3600 blocks of North Val Vista Drive (west side). Located south of Thomas Road on the east and west sides of Val Vista Drive (46.76± acres total). Rezone 8.95± acres from Single Residence 43 (RS-43) to Multiple Residence 2 with a Planned Area Development overlay (RM-2-PAD); Rezone 13.8± acres from Agricultural (AG) to Multiple Residence 2 with a Planned Area Development overlay (RM-2-PAD); Rezone 20.12± acres from Agricultural (AG) and Single Residence 43 (RS-43) to Multiple Residence 2 with a Planned Area Development overlay (RM-2-PAD); and Rezone 3.89± acres from Single Residence 43 (RS-43) to Mixed Use with a Planned Area Development overlay (MX-PAD) and Single Residence 6 with a Planned Area Development overlay (RS-6-PAD). This request will allow for a mixed-use development. Pew & Lake, PLC, applicant; Burden West Limited Partnership, LLP; Todd R and Lisa K Burden; Reserve 100, LLC; Burden East LP, LLP; Burden Family Trust; and Raymond T and Deniece Burden Trust, owners.

Staff Recommendation: Approval with conditions

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

- \*7-c. ZON21-01212 (**District 1**) Within the 3700 to 3800 blocks of North Val Vista Drive (east side). Located north of the 202 Red Mountain Freeway on the east side of Val Vista Drive (41± acres). Rezone from General Industrial (GI) and Agricultural (AG) to Single Residence 7 with a Planned Area Development overlay (RS-7-PAD). This request will allow for the development of a single residence subdivision. Pew & Lake, PLC, applicant; Reserve 100, LLC, owner.

Staff Recommendation: Approval with conditions

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

- \*7-d. ZON21-00930 (**District 6**) Within the 4500 block of the South Hawes Road alignment (west side). Located north of the 202 Santan Freeway on the west side of the Hawes Road alignment (24.6± acres). Rezone from Agriculture (AG) to Light Industrial with a Planned Area Development overlay (LI-PAD) and Site Plan Review. This request will allow for an industrial development. Jason Sanks, Iplan Consulting, applicant; LLC BILLY W AND NORA D MAYNARD LIVING TRUST, owner.

Staff Recommendation: Approval with conditions

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



- \*7-e. ZON21-01133 (**District 6**) Within the 4500 block of the South Hawes Road alignment (west side) and within the 8100 to 8400 blocks of East Warner Road (south side). Located south of Warner Road and west of the Hawes Road alignment (25.9± acres). Rezone from Small Lot Residential 2.5 with a Planned Area Development overlay (RSL-2.5-PAD) and General Commercial with a Planned Area Development overlay (GC-PAD) to Light Industrial with a Planned Area Development Overlay (LI-PAD) and Site Plan Review. This request will accommodate an industrial development.

Staff Recommendation: Approval with conditions

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

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

- \*8-a. ZON21-01025 (**District 5**) Within the 2100 block of North Power Road (east side). Located north of McKellips Road on the east side of Power Road (2.3± acres). Rezone from Residential 35 (RS-35) to Limited Commercial (LC). This request will establish commercial zoning for future development. Benjamin Tate, Withey Morris, applicant; Arizona Agribusiness and Equine Center Inc., owner. – Ordinance No. 5676

Staff Recommendation: Approval with conditions

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

- \*8-b. ZON21-00595 (**District 6**) Within the 4400 to 4700 blocks of South Ellsworth Road (west side) and within the 8700 to 9200 blocks of East Warner Road (south side). Located south of Warner Road and west of Ellsworth Road (165.7± acres). Rezone from Light Industrial with a Planned Area Development overlay (LI-PAD) and Limited Commercial with a Planned Area Development overlay (LC-PAD) to Light Industrial with a Planned Area Development overlay (LI-PAD) and Limited Commercial with a Planned Area Development overlay (LC-PAD) and Site Plan Review. This request will allow for a mixed-use development including commercial, office and industrial uses. Sean Lake on behalf of Pew & Lake PLC, applicant; Scannell Properties, owner. – Ordinance No. 5677

Staff Recommendation: Approval with conditions

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

- \*8-c. ZON21-00393 (**District 6**) Within the 3200 blocks of South Hawes Road (west side), within the 3200 to 3500 blocks of the South 82nd Street alignment (both sides), and within the 3200 to 3500 blocks of South 80th Street (east side). Located north of Elliot Road on the west side of Hawes Road (81.17± acres). Rezone from Multiple Residence 5 with a Planned Area Development Overlay (RM-5-PAD) to RM-5-PAD-PAD, Single Residence 6 with a Planned Area Development Overlay (RS-6-PAD) to RS-6-PAD-PAD, and Small Lot Single Residence 2.5 with a Planned Area Development Overlay (RSL-2.5-PAD) to RSL-2.5-PAD-PAD. This request will accommodate the development of a single residence subdivision. Christina Shaw, Hilgartwilson, LLC, applicant; John and Brenda Van Otterloo Family Trust, owner. – Ordinance No. 5678

Staff Recommendation: Approval with conditions

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

- \*8-d. ZON21-00831 (**District 6**) Within the 2800 block of South Signal Butte Road (west side). Located south of Guadalupe Road on the west side of Signal Butte Road (1± acres). Site Plan Modification. This request will allow for the development of a restaurant with a drive thru. Tina Heinbach, Garrett Development Corporation. – Ordinance No.5679

Staff Recommendation: Approval with conditions

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

9. Take action on the following subdivision plats:

- \*9-a. “THE CUBES AT MESA GATEWAY” (**District 6**) Within the 10100 to 10200 blocks of East Pecos Road (south side) and within the 6800 to 7500 blocks of South Crismon Road (east side) and within the 10100 to 10300 blocks of East Germann Road (north side). Located south of Pecos Road and north of Germann Road on the east side of Crismon Road (257.2± acres). The Cubes at Gateway, LLC, developer; Benedict J. Bautista, surveyor.
- \*9-b. “ZEN ON RECKER” (**District 2**) Within the 6000 block of East Baseline Road (north side) and within the 1900 block of South Recker Road (east side). Located at the northeast corner of Recker Road and Baseline Road (6.7± acres). Pacific Rim Mesa 2, LLC, developer; David J. Buchli, Buchli Engineers, Inc, surveyor.

Items not on the Consent Agenda.

- 5-j. Three-Year Term Contract with Two Years of Renewal Options for Tire Maintenance and Repair Services for the Fleet Services Department. (**Citywide**)

This contract will provide tire maintenance and repair services for all wheeled equipment maintained by Fleet Services. The contractor will perform inspections, scheduled maintenance, and repairs for approximately 1,800 units at Fleet’s Sixth Street and East Mesa facilities, and also provide 24/7 emergency call-out service for all vehicles covered under this contract.

An evaluation committee recommends awarding the contract to the sole responsive and responsible proposal from Border Tire, at \$980,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

Fleet Maintenance Superintendent Mike Lewis summarized the service contract for the Fleet Services Department. He stated the contract is based on five full-time certified tire technicians: one assigned to the day shift; three assigned to the west facility and one at the east facility for night shift. He commented the tire contractors come with their own service truck and respond to road calls, flat repairs, and tire replacements. He mentioned approximately 4,600 tire replacements, 3,900 flat repairs, and over 300 road calls are conducted per year.

Councilmember Thompson expressed concern that the cost of approximately \$1 million for five tire technicians and the scope of service is excessive.

Mr. Lewis stated the number of technicians has remained the same for the last several years; however, the contract price has increased with the cost of labor almost doubling. He mentioned last year the cost to purchase tires was \$950,000.

Councilmember Thompson requested staff to review and update the language in the contract to only include fixing and changing flats.

Mr. Lewis replied to Councilmember Thompson by stating that providing inspections is written into the contract to accommodate for the time between replacements, since the technicians are on contract for eight hours a day.

In response to a question posed by Mayor Giles, City Manager Christopher Brady mentioned the service contract was competitively bid, and the other vendors failed to supply the necessary documentation. He stated there is a risk to rebid due to increased pricing.

Business Services Department Director Ed Quedens explained the Request for Proposal (RFP) requested a detailed explanation of how vendors were going to accomplish the scope of the work, employees, equipment, any exceptions to the specifications or terms and conditions and two of the three vendors responded with only a price sheet, which does not provide the information needed to score a proposal or evaluate a vendor.

In response to a question from Councilmember Freeman, Mr. Quedens explained the RFP includes detailed instructions on how to respond and the elements that are required. He added if vendors have any difficulties during the proposal process, staff are available to assist with questions. He confirmed one vendor submitted the appropriate documentation; and since the other two vendors only submitted a price sheet, going to rebid could appear unfair to the vendor who completed the requirements for the RFP.

Discussion ensued regarding the RFP process and whether to move forward with the contract or rebid.

In response to a question from Councilmember Heredia, Mr. Quedens confirmed the vendor is new to the City.

Responding to a question from Councilmember Luna regarding whether the contract could come in lower than awarded, Mr. Quedens commented the amount being asked is the upper limit and the expenditures will be based on the actual usage.

In response to a question from Mayor Giles, Mr. Brady remarked the current contract ends in March and the new contract will begin the end of March to have coverage overlap.

Mr. Quedens noted, with the timeframe, the existing contract would need to be extended to cover while rebidding.

Councilmember Freeman suggested going back to the drawing board to give Mesa businesses an opportunity to bid.

Additional discussion ensued regarding the RFP process, rebidding, and that the RFP states if the response is incomplete the submittal is considered non-responsive.

In response to a question from Mr. Brady regarding whether Fleet Services is comfortable with extending the current contractor, Mr. Lewis informed Council that the current contractor is not fulfilling their obligations, which is one of the reasons Fleet Services was seeking another contractor.

It was moved by Councilmember Spilsbury, seconded by Vice Mayor Duff, that the Three-Year Term Contract with Two Years of Renewal Options for Tire Maintenance and Repair Services for the Fleet Services Department be approved.

Upon tabulation of votes, it showed:

AYES – Giles-Duff-Heredia-Luna-Spilsbury

NAYS – Freeman-Thompson

Mayor Giles declared the motion carried by majority vote.

- 6-e. Authorizing continued negotiations for the acquisition of certain real property for the Broadway Road Phase I Mesa Drive to Stapley Drive Project, and, as a matter of public necessity, authorizing the acquisition through eminent domain of certain real property in Mesa generally located along East Broadway Road, between South LeSueur and South Spur, for right-of-way and easement purposes for the Broadway Road Phase I Mesa Drive to Stapley Drive Project. **(District 4)**

Carlos Acosta, a Mesa resident, spoke through an interpreter to express his support for the acquisition of property through eminent domain and has agreed to sell a portion of his property to improve the Broadway Street. He asked that during the project the safety of the neighbors is considered.

Mr. Brady stated the improvements to Broadway Road are to create functional space, lanes for bikes and pedestrians, as well as aesthetically improving the area.

City Engineer Beth Huning explained as part of the project, City of Mesa will be undergrounding some of the SRP overhead powerlines and a cabinet will be placed on the corner. She indicated staff will work with Mr. Acosta and ensure his concerns are alleviated.

It was moved by Councilmember Freeman, seconded by Councilmember Heredia, authorizing the acquisition through eminent domain of certain real property in Mesa for the Broadway Road Phase I Mesa Drive to Stapley Drive Project.

Upon tabulation of votes, it showed:

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

NAYS – None

Carried unanimously.

10. Take action on the following liquor license application:

10-a. Convenience Mart

A convenience store is requesting a new Series 10 Beer and Wine Store License for Fonecs LLC, 757 South Country Club Drive; Elizabeth Anne Olisky, agent. There is no existing license at this location. **(District 4)**

Mayor Giles advised that Council does not issue liquor licenses, only makes recommendations to the State Liquor Board.

Elizabeth Olisky, spokesperson for Arizona Care Network, detailed the improvements that have been made to the Convenience Mart and provided the history on the building. She stated crispy crunchy chicken was added to the menu and customers requested the sale of beer to be able to shop in one location. She mentioned to ensure the safety and cleanliness of the store and neighborhood, the City of Mesa Trespass Enforcement Program has been completed and signs installed on all sides of the property, along with additional lighting, a security system, and security doors to deter people from loitering when the store closes at night. She indicated the store is committed to keeping the area clean and would like to provide a one-stop shop for the customers.

Councilmember Freeman expressed concern for other business owners that are not comfortable with Convenience Mart due to the inherent problems in this area and the fact there are currently 26 beer and wine liquor applications in that area. He explained there is a lot of work for public safety personnel in the area and does not believe the Convenience Mart will improve the integrity of the area. He stated he will not support approving the liquor license.

Vice Mayor Duff commented she is in support of small business owners that are making a difference in challenged neighborhoods, working with the Police Department and neighbors to make improvements. She outlined the research she has conducted in the area and the improvements that have been made to the property. She stated the commitment to the community, and contributions to keeping the area safe for the residents and customers has changed her mind and she will vote in support of approving the liquor license.

In response to a question posed by Mayor Giles asking if the license allows for consumption on the premises, Business License and Revenue Collections Administrator Tim Meyer stated the Convenience Mart's liquor license would be for off-sale of beer and wine only and does not allow for consumption on the property. He added the establishment is take-out only.

Mayor Giles mentioned the Guerrero Park neighborhood needs assistance and having a small business investing in the community and being an active contributor to the community will help. He commented he would like to see the Convenience Mart be successful, which would be difficult for a convenience store without the sale of beer.

It was moved by Councilmember Thompson, seconded by Councilmember Freeman, that the liquor license be approved.

Upon tabulation of votes, it showed:

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

NAYS – Freeman

Mayor Giles declared the motion carried by majority vote.

11. Take action on the following contract:

Mayor Giles declared a conflict of interest and yielded the gavel to Vice Mayor Duff for action on this agenda item.

11-a. Signal Butte Water Treatment Plant Expansion - Pre-Construction Services and Construction Manager at Risk (CMAR). **(District 6)**

The Signal Butte Water Treatment Plant (SBWTP) was constructed in 2018 to deliver 24 million gallons per day (MGD) to meet the growth in southeast Mesa. As growth has continued at a rapid pace, additional water capacity is needed to meet current and future demands. This project will further expand the SBWTP to produce 48 MGD of treated water. The project will also include the construction of a second 8-million-gallon reservoir to store and distribute the treated water.

Staff recommends selecting McCarthy Building Companies, Inc. as the CMAR for this project, and awarding a pre-construction services contract in the amount of \$1,328,030. This project is funded with Utility Systems Revenue Obligations.

It was moved by Councilmember Thompson, seconded by Councilmember Simsbury, that the Signal Butte Water Treatment Plant Expansion - Pre-Construction Services and Construction Manager at Risk (CMAR) be approved.

Upon tabulation of votes, it showed:

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

Vice Mayor Duff declared the motion carried by majority vote of those voting.

With action on this agenda item being completed, Vice Mayor Duff yielded the gavel back to Mayor Giles.

12. Items from citizens present.

There were no items from citizens present.

13. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:01 p.m.

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JOHN GILES, MAYOR

ATTEST:

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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 28<sup>th</sup> day of February 2022. I further certify that the meeting was duly called and held and that a quorum was present.

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HOLLY MOSELEY, CITY CLERK

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