



COUNCIL MINUTES

October 3, 2022

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 3, 2022, at 5:45 p.m.

COUNCIL PRESENT

John Giles
Jennifer Duff
Mark Freeman
Francisco Heredia
David Luna*
Julie Spilsbury
Kevin Thompson

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Holly Moseley
Jim Smith

(*Participated in the meeting through the use of video conference equipment.)

Mayor's Welcome.

Mayor Giles conducted a roll call.

Invocation by Pastor Mike Cash with East Valley Free Will Baptist Church.

Pledge of Allegiance was led by Mayor Giles.

There were no Awards, Recognitions or Announcements.

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 Spilsbury, 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 19, 2022, Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. Asian Chamber of Commerce Inc.

This is a two-day event to be held on Saturday, October 8, 2022, from 5:00 P.M. to 12:00 A.M. and Sunday, October 9, 2022, from 11:00 A.M. to 4:30 P.M., 1920 West Broadway Road. **(District 3)**

*3-b. Chicanos Por La Causa Inc.

This is a one-day event to be held on Saturday, October 22, 2022, from 7:00 A.M. to 9:00 P.M., 922 South Country Club Drive. **(District 4)**

*3-c. St. Bridget Roman Catholic Parish

This is a one-day event to be held on Saturday, October 29, 2022, from 5:30 P.M. to 8:30 P.M., 2213 North Lindsay Road. **(District 1)**

*3-d. St. Timothy Roman Catholic Parish Mesa

This is a one-day event to be held on Saturday, October 22, 2022, from 6:00 P.M. to 10:00 P.M., 2520 South Alma School Road. **(District 3)**

*3-e. Chupacabra Taproom

A taproom is requesting a new Series 7 Beer and Wine Bar License for Thirsty LLC, 14 North Robson; Eric James Cady, agent. The existing license held by Thirsty LLC will remain active. Once issued, the new license will remain inactive at the location until it has been sold or transferred. **(District 4)**

*3-f. Grab & Go Food Mart

A convenience store is requesting a new Series 10 Beer and Wine Store License for Grab & Go Food Mart 2 LLC, 66 South Mesa Drive; Jeffrey Craig Miller, agent. The existing license held by Sole Proprietor, Mustafa Manassra, will revert to the State. **(District 4)**

*3-g. Hanshin Pocha AZ

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Hanshin Pocha Arizona Inc., 1130 West Grove Avenue, Suite 106; Myung Joo Shin, agent. The existing license held by El Pacifico Mesa LLC will revert to the State. **(District 3)**

*3-h. Lucky Lou's American Kitchen

A restaurant that serves breakfast, lunch, and dinner is requesting a new Series 12 Restaurant License for BYOBO LLC, 1850 South Val Vista Drive, Suite 103; Jeffrey Craig Miller, agent. There is no existing license at this location. **(District 2)**

*3-i. Native Grill & Wings

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Kind Native LLC, 1837 West Guadalupe Road, Suite 119 - 122; Navayogasingam Thuraisingam, agent. The existing license held by Venture 29 Enterprise LLC, will revert to the State. **(District 3)**

4. Take action on the following contracts:

- *4-a. Three-Year Term Contract with Two Years of Renewal Options for T-Shirts, Artwork, and Graphics for the Parks, Recreation and Community Facilities Department (PRCF). **(Citywide)**

This contract will provide pre-qualified vendors to supply screened t-shirts, artwork, and graphics for PRCF. Approximately 20,000 t-shirts will be purchased throughout the year in varying quantities and colors with a variety of artwork styles and furnished to support special events, program participants, volunteers, officials, and administrative staff.

An evaluation committee recommends awarding the contract to the four, highest scored proposals from Billy E. Hancock Jr., dba F&B Graphics; Kimball Concepts, Ltd.; Vida Ventures, Inc., dba Rainbow Graffixx (all Mesa businesses); and Koehler Parker Inc., dba LogoWear Express at \$45,000 annually, based on estimated usage.

- *4-b. Dollar-Limit Increase to the Term Contract for Urban Lake Maintenance for Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract provides water testing and analysis, mechanical equipment maintenance, and fish management for Red Mountain Lake, Riverview Lake, Carriage Lane Lake, Dobson Ranch Lake, Greenfield Lake, Eastmark Lake, and Emerald Park Lake. The increase is for the additional lake monitoring and maintenance services for a newly built pond at Eastmark Phase IV.

The Parks, Recreation and Community Facilities Department and Purchasing recommend increasing the dollar-limit with Aquatic Consulting & Testing, Inc., Year 3 by \$2,888.40, from \$59,361.60 to \$62,250 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-c. Three-Year Term Contract with Two Years of Renewal Options for Custodial Services for Parks and Sports Field Facilities for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This contract will provide custodial services so City Parks and Sports Field patrons have safe, clean (floor to ceiling), and sanitary restroom facilities that are free from trash and debris. This contract also ensures the restroom facilities are sufficiently stocked with soap and paper goods.

An evaluation committee recommends awarding the contract to the highest scored proposal from Historic Palm, LLC, dba Oranje Commercial Janitorial, at \$417,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-d. Ratification of an Emergency Purchase and Establishment of a Term Contract Using a Cooperative Contract for the Purchase of Gasoline and Diesel Fuel for the Fleet Services Department. **(Citywide)**

This purchase provided emergency gasoline and diesel fuel deliveries from Senergy Petroleum due to the current contracted vendor not being able to deliver in September. Staff is requesting to establish this second contract to ensure availability of fuel for the City's fleet operations.

The Fleet Services Department and Purchasing recommend ratifying the purchase using the State of Arizona contract with Senergy Petroleum. for \$2,100,000.

- *4-e. Three-Year Term Contract with Two Years of Renewal Options for Light and Medium Duty Automotive Body Shop Repair Services for the Fleet Services Department. **(Citywide)**

This contract will provide a qualified vendor list of automotive body repair firms to provide non-exclusive repair service, on an as-needed basis. The vendors provide all labor, tools, materials, garage facility, and insurance to perform body and related mechanical repair work for the City's fleet of light and medium duty vehicles as directed by the City.

An evaluation committee recommends awarding the contract to the qualified proposals from Hunterz LLC, LP'S Body & Paint Center LLC, and 2nd Gen, LLC, dba Maaco Collision Repair & Auto Painting (all Mesa businesses), at \$700,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-f. Use of a Cooperative Contract for the Purchase of One Heavy-Duty Dump Truck (Replacement) for the Transportation Department as requested by the Fleet Services Department. **(Citywide)**

This dump truck will haul material, asphalt, and tow heavy equipment to job sites to support the Transportation Department's daily field operations. It will also be used to respond to storm related emergencies to deliver equipment, haul sand, and haul off debris. The vehicle that is being replaced has met established criteria and will be either traded, auctioned, sold, or deployed to special uses as part of the ongoing vehicle replacement program.

The Fleet Services and Transportation Departments and Purchasing recommend authorizing the purchase using the State of Arizona Department of Transportation cooperative contract with Freightliner of Arizona for \$288,917.60.

- *4-g. Dollar-Limit Increase and One-Year Renewal to the Term Contract for CCure Security and Closed-Circuit Television (CCTV) Parts, Service and Licensing for Various City Departments as requested by the Mesa Police Department. **(Citywide)**

This contract provides CCure and CCTV related equipment, services, and licensing for the Police Department - Information Technology (PDIT), and other City Departments for CCure and CCTV projects. The Department is requesting a one-year renewal (Year 5), and increases for Years 4 and 5, needed to complete PDIT's current and future projects, and to continue ordering equipment that is already severely impacted by supply issues.

The Police Department (PD) and Purchasing recommend increasing the dollar-limit with ADT Inc., dba MSE Corporate Security (Primary); and APL Access & Security, Inc. (Secondary); Year 4 by \$250,000, from \$525,000 to \$775,000, and a one-year renewal at \$775,000.

- *4-h. One-Year Term Contract for Virtual Police Officer Recruit Testing Services for the Mesa Police Department (Sole Source). **(Citywide)**

The Police Department's Hiring Unit is requesting approval to migrate to the National Testing Network (NTN) Virtual Law Enforcement Selection System. NTN specializes in public safety personnel selection and the platform provides an effective way to reach out-of-state and in-state individuals who are interested in applying for Police Officer Recruit with the Mesa Police Department. The NTN system is the only online testing platform that provides a proctored entrance exam. It is the only machine scored, objective, validated, video-based, situational judgement selection test for law enforcement.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, National Testing Network, at \$45,000 annually, based on estimated usage.

- *4-i. Use of a Cooperative Contract for Project Management and Development of Computer Aided Dispatch (CAD) Hazards and Live911 Integration for the Mesa Police Department. **(Citywide)**

In June 2021, Council approved the purchase of Insight's Citgraf software system that organizes, consolidates, and analyzes all data sources to gain real-time insights, crime analysis, automation, and collaboration across all City departments. The software provides situational intelligence required to facilitate informed decision-making. The Police Department is requesting continued support of the Real Time Crime Center (RTCC) through this purchase of Insight architecture services, project management services, and development of CAD hazards, Live911 and resulting product for Live911 integration. The tools and services provided by Insight, will allow RTCC personnel to monitor evolving risks, increase officer safety and protect the Mesa community and citizens.

The Police Department and Purchasing recommend authorizing the purchase using the Omnia Partners / Fairfax County, Virginia cooperative contract with Insight Public Sector, for \$142,000, based on estimated requirements. This purchase is grant funded by American Rescue Plan Act Funds.

- *4-j. Use of a Cooperative Contract for a Six-Year Service and Capital Expenditure Agreement for Motorola System Upgrade II (SUA II) for the TOPAZ Regional Wireless Cooperative (TRWC) as requested by the Department of Innovation and Technology (Sole Source). **(Citywide)**

This new SUA II agreement will span six years and provide software upgrades every two years, upgrades of the radio network core hardware to support the software upgrades, technical support services, and include upgrades to partner agency dispatch consoles, at \$11,700,000 (standard services agreement \$6,898,721, and capital dispatch console upgrade \$4,801,278).

The Department of Innovation and Technology (DoIT) and Purchasing recommend authorizing the sole source purchase using the State of Arizona cooperative contract with Motorola Solutions, Inc. (Motorola), for \$12,647,700, based on estimated requirements. Costs of software and hardware upgrades and technical services of the new SUA II are shared between the TRWC members operating budgets and cost of the dispatch console replacements for member agencies are funded by DoIT Capital Lifecycle budget.

- *4-k. Water Transfer Station No. 02 Upgrades Project - Pre-Construction Services and Construction Manager at Risk (CMAR). **(District 5)**

This project will upgrade the current electrical equipment and site configuration, as well inspecting and upgrading the water line along Brown Road from Water Transfer Station No. 02 to the Brown Road Water Treatment Plant, including a manway and dewatering standpipe.

Staff recommends selecting J.R. Filanc Construction, Inc. as the CMAR for this project, and awarding a pre-construction services contract in the amount of \$62,163.13. This project is funded by Utility Systems Revenue Obligations.

- *4-l. Greenfield Water Reclamation Plant (GWRP) Blower System Electrical Improvements Project - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP) No. 1. **(District 6)**

This is the first of two GMPs for the project. GMP No. 1 will include early procurement of electrical equipment items including medium voltage switchgears, transformers, medium voltage vacuum interrupter switchgears, RVSS (Reduced Voltage Soft Starter), ATC (Automatic Transfer Controller), and 480V Switchgear.

Staff recommends awarding a construction services contract to Ludvik Electric in the amount of \$3,319,449.54 (GMP No. 1) and authorizing a change order allowance in the amount of \$165,972.48 (5%), for a total amount of \$3,485,422.02.

This project is funded by the Greenfield Water Reclamation Plant Joint Venture Fund, with contributions coming from its members based on usage. Funding will be split amongst the three partners, Mesa: \$1,387,529.91 (41.8%); Gilbert: \$1,321,140.92 (39.8%); and Queen Creek: \$610,778.72 (18.4%).

- *4-m. Approving and authorizing the Mayor to sign an amendment to the employment contract with the City Clerk.
- *4-n. Approving and authorizing the Mayor to sign an amendment to the employment contract with the City Auditor.
- *4-o. Approving and authorizing the Mayor to sign an amendment to the employment contract with the City Attorney.

- *4-p. Approving and authorizing the Mayor to sign an amendment to the employment contract with the City Manager.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to enter into an Award Agreement with the State of Arizona Office of Attorney General to accept \$37,200 in grant funds from the FY 2023 Victims' Rights Program, which will be used for salaries and benefits of two Victim Notification Clerks at the Police Department's Mesa Family Advocacy Center. **(Citywide)** – Resolution No. 11946
- *5-b. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement (IGA) with the City of Tempe the Arterial Street Overlay, Rio Salado Drive: Price Road to Dobson Project, for asphalt maintenance and replacement along Rio Salado Parkway, within the municipal boundary of Tempe. The total fiscal impact of this IGA is \$251,199, which Mesa will be fully reimbursed by Tempe at the completion of the project. This project is funded by local street sales tax revenue. **(District 1)** – Resolution No. 11947
- *5-c. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement with the Salt River Pima Maricopa Indian Community for the receipt and distribution of \$895,000 in Proposition 202 Funds. **(Citywide)** – Resolution No. 11948

Under this Agreement, \$300,000 is awarded to the following City of Mesa programs: Fire and Medical Department, Immunization Program (\$100,000); Water Resources Department, Hydration Stations (\$10,000); City Manager's Office, Special Projects - Downtown Business Improvements Signage (\$100,000), Mesa K-Ready, Kindergarten Readiness Program (\$40,000); and Arts and Cultural Department, Mesa Arts Center, Arts in Service (\$50,000).

The balance of the funds will be distributed to other local community agencies as pass-through grants.

- *5-d. Approving and adopting the Mesa Parks, Recreation and Community Facilities Comprehensive Master Plan 2022. **(Citywide)** – Resolution No. 11949

6. Introduction of the following ordinances and setting October 17,2022 as the date of the public hearing on these ordinances:

- *6-a. Amending Title 1 of the Mesa City Code (Administrative), Chapter 20 (City Manager), Section 4 (Duties) to delegate authority to the City Manager to enter into and accept certain grant agreements without prior City Council approval. **(Citywide)**
- *6-b. Amending Title 5 of the Mesa City Code (Business Regulations) by adding a new Chapter 15, entitled "Short-Term Rentals", enacting reasonable regulations and licensing requirements on short-term rentals and vacation rentals operating in Mesa. **(Citywide)**
- *6-c. Amending Title 6 of the Mesa City Code (Police Regulations) by repealing Chapter 21 entitled "Fireworks", and replacing it in its entirety with a new Chapter 21 entitled "Fireworks and Permissible Consumer Fireworks", including changes such as, clarifying terms and definitions, revising dates and times of use and sale of permissible consumer

fireworks, and updating fines and creating criminal penalties for the sale and use of prohibited fireworks. **(Citywide)**

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

- *7-a. ZON21-00966 **(District 2)** Within the 6100 block of East Main Street (south side). Located east of Recker Road on the south side of Main Street (4.5± acres). Rezone from Limited Commercial (LC) to Multiple Residence 3 with a 'U' designation and a Planned Area Development overlay (RM-3U-PAD) and Site Plan Review. This request will allow for a multiple residence development. David Bohn, The BFH Group, applicant; BFH HOLDINGS LLC, owner. – Ordinance No. 5730

Staff Recommendation: Approval with conditions

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

- *7-b. ZON22-00436 **(District 5)** Within the 10500 block of East Hampton Avenue (north side) and within the 1300 block of South 105th Place (west side). Located west of Signal Butte Road and south of Southern Avenue (2± acres). Rezone from Limited Commercial with a Planned Area Development Overlay (LC-PAD) to Multiple Residence 3 with a Planned Area Development Overlay (RM-3-PAD-PAD) and Site Plan Review. This request will allow for a multiple residence development. Shaine T. Alleman, Tiffany & Bosco, P.A., applicant; Signal Butte BFC, LLC., owner. – Ordinance No. 5731

Staff Recommendation: Approval with conditions

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

- *7-c. Repealing the existing Personnel Rules applicable to City of Mesa employees and adopting new Personnel Rules. **(Citywide)** – Ordinance No. 5732

8. Take action on the following subdivision plat:

- *8-a. SUB22-00069 "Mesa Gateway 202" **(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). Sandy Hayden, Hilgartwilson, LLC., applicant; Scannell Properties, owner.

9. Items from citizens present.

Carey Davis, a Mesa resident, expressed concern regarding Questions 1 and 2 on the November 2022 ballot, as he believes the City has not demonstrated its ability to operate within its means, and believes the City should contemplate spending an additional \$826 million over the state's limitation.

10. Adjournment.

Without objection, the Regular Council Meeting adjourned at 5:59 p.m.

JOHN GILES, MAYOR

ATTEST:

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 3rd day of October. 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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