



City of Mesa

*Council Chambers
57 E. First Street*

City Council Meeting Agenda - Final

Monday, May 17, 2021

5:45 PM

CITIZEN PARTICIPATION

All citizens are permitted and encouraged to speak on agenda items including and preceding "Items from citizens present." If you are interested in speaking on such an agenda item, please fill out a blue card in the back of the room and give it to the City Clerk. When the Council considers the item, you will be called to the podium to provide your comments.

The City of Mesa is committed to making its public meetings accessible to persons with disabilities. For special accommodations, please contact the City Manager's Office at (480) 644-3333 or AzRelay 7-1-1 at least 48 hours in advance of the meeting.

Si necesita asistencia o traducción en español, favor de llamar al menos 48 horas antes de la reunión al 480-644-2767.

CONSENT AGENDA

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.

***Mayor John Giles
Vice Mayor Jennifer Duff - District 4
Councilmember Mark Freeman - District 1
Councilmember Julie Spilsbury - District 2
Councilmember Francisco Heredia - District 3
Councilmember David Luna - District 5
Councilmember Kevin Thompson - District 6***

Mayor's Welcome**Roll Call**

(City Council members participate in person or by electronic means.)

Invocation: Moment of Silence**Pledge of Allegiance****Awards, Recognitions and Announcements****1 Take action on all consent agenda items.****Items on the Consent Agenda**

***2** [21-0551](#) Approval of minutes of previous meetings as written.

3 Take action on the following liquor license applications:

***3-a** [21-0521](#) Si Se Puede Foundation

This is a one-day event to be held on Saturday, September 4, 2021 from 10:00 A.M. to 7:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

***3-b** [21-0522](#) The Greater Cause

This is a one-day event to be held on Saturday, June 5, 2021 from 12:00 P.M. to 9:00 P.M. at East Mark, 10100 East Ray Road. **(District 6)**

***3-c** [21-0523](#) Unit 1 Bravo AOMA

This is a one-day event to be held on Thursday, June 3, 2021 from 5:00 P.M. to 9:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

***3-d** [21-0524](#) Unit 1 Bravo AOMA

This is a one-day event to be held on Thursday, June 17, 2021 from 5:00 P.M. to 9:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

***3-e** **[21-0525](#)** Unit 1 Bravo AOMA

This is a one-day event to be held on Thursday, June 19 and 20, 2021 from 11:00 A.M. to 4:00 P.M. at Desert Wind Harley Davidson, 922 South Country Club Drive. **(District 4)**

***3-f** **[21-0532](#)** Turbo Beverage & Grocery

A grocery store is requesting a new Series 10 Beer and Wine Store License for Turbo Beverage & Grocery Limited, 2760 East Main Street, Suite 104; Oina Barte Friedman, agent. There is no existing license at this location. **(District 2)**

***3-g** **[21-0533](#)** Fuddruckers

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Black Titan Holdings AZ LLC, 6455 East Southern Avenue; Andrea Dahlman Lewkowitz, agent. The existing license held by Luby's Fuddruckers Restaurants LLC will revert to the State. **(District 6)**

***3-h** **[21-0543](#)** El Pacifico

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for El Pacifico Mesa LLC, 1130 West Grove Avenue, Suite 106; Jeffrey Craig Miller, agent. The existing license held by Draft Sports Grill LLC will revert to the State. **(District 3)**

***3-i** **[21-0544](#)** Harbor Seafood Cajun House & Asian Cuisine

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Chens Development LLC, 2711 South Alma School Road, Suite 14; Guohui Chen, agent. There is no existing license at this location. **(District 3)**

4 Take action on the following contracts:

- *4-a** **[21-0535](#)** 26-Month Term Contract with a One-Year Renewal Option for Scoreboard Maintenance and Repairs for the Parks, Recreation and Community Facilities Department **(Citywide)**

This contract will provide maintenance and repair services for the scoreboards used for Major League Baseball programs, the Oakland Athletics at the Hohokam Stadium. The failure of the scoreboard is imminent, as the repair service calls have significantly increased this season, in comparison to years prior. This contract will facilitate necessary timely upgrades and reduce the possibility of critical failures.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the purchase using the Sourcewell cooperative contract with Daktronics, at \$250,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-b** **[21-0537](#)** 29-Month Term Contract with a One Year Renewal Option for Sports Lighting with Related Supplies and Services for the Parks, Recreation and Community Facilities Department **(Citywide)**

This contract will provide stadium lighting components, including poles, lamps, and hoods, for the City's sports fields. PRCF's main goal through this contract is to supply stadium lighting components to the North Center, Red Mountain, Monterey Park, and Crismon and Elliot sports fields expansion projects. This is expected to create a savings by purchasing direct and supplying the general contractor with the necessary supplies.

The Parks, Recreation and Community Facilities Department and Purchasing recommend authorizing the purchase using the Sourcewell cooperative contract with Musco Sports Lighting, at \$3,500,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index. This purchase is funded by Parks Infrastructure and 2018 authorized Parks Bonds.

***4-c [21-0530](#) Three-Year Term Contract with Two Years of Renewal Options for F-500 Encapsulating Agent for the Mesa Fire and Medical Department (Sole Source) (Citywide)**

The F-500 Encapsulator Agent provides one product for all fire suppression applications and will replace the current Class A and Class B foams, and is a cost savings to the City. F-500 is non-hazardous and contains no PFAS or PFOS (fluorinated) chemicals, providing better firefighter safety. Also, during large events with the City's regional partners, Fire and Medical would be able to provide the F-500 product to the other agencies, if needed.

The Mesa Fire and Medical Department and Purchasing recommend awarding the contract to the sole source vendor, FDC Rescue, LLC, at \$65,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

***4-d [21-0529](#) Purchase of Audio/Visual Equipment (Replacement/Upgrade) for the Mesa Police Department (Citywide)**

The Police Training Division is requesting to make a purchase for audio/visual upgrades at the Mesa Police Training Facility, Pollard Classroom, replacing outdated equipment.

The Police Department and Purchasing recommend authorizing the purchase using the Mohave cooperative contract with Corporate Technology Solutions, at \$45,000, based on estimated requirements.

***4-e [21-0531](#) Amendment to the Term Contract for Legal Process Service for the Photo Safety Program for the Mesa Police Department (Citywide)**

In June 2015, Council awarded a contract to Hot Shot Delivery for Legal Process Service for the Photo Safety Program. Per that contract, payment to Hot Shot Delivery was based on payment post adjudication by the court, regardless of the date of service; therefore, the Police Department could be charged for cases that are years old. The 2015 contract has expired. The amount requested herein is needed for past legal process service, and continuing payment of the remaining legal process cases. No new cases are being assigned to the vendor under this contract. Service cost is included in the payment to the Court, so the program is cost neutral to the City.

The Police Department and Purchasing recommend amending the contract with Hot Shot Delivery, Inc. to allow settlement payments up to \$500,000 annually until all cases have been resolved.

- *4-f** **21-0527** Purchase of One Triple Quadrupole Mass Spectrometer (Replacement) for the Mesa Police Department (Sole Source) **(Citywide)**

This purchase is for an Agilent Triple Quadrupole Mass Spectrometer (MSMSMS) that will replace an older system that is 13 years old, no longer manufactured, and past its life expectancy of 10 years. The new equipment will assist with implementing an effective blood/urine drug testing program by being the most efficient and cost-effective drug testing system. With this system, Forensic Services will have two systems for testing Narcotic Analgesics.

The Police Department and Purchasing recommend awarding the contract to the sole source vendor, Agilent Technologies, at \$258,540. This purchase is fully grant funded by the Governor's Office of Highway Safety.

- *4-g** **21-0534** Dollar-Limit Increase to the Term Contract for Motorola and Kenwood Radio Equipment, Parts, Network and Services for the Mesa Police Department **(Citywide)**

The Police Department is requesting to use this contract to purchase new mobile radios for Police vehicles that are being purchased each year, and for additional equipment, repairs, and services, as needed.

The Police Department 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; by \$320,000 for Years 2 through 5, from \$700,000 to \$1,020,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-h** **21-0526** Purchase of One PM-10 Compact Path Sweeper (Addition) for the Transportation Department **(Citywide)**

This purchase will provide a compact sweeper that will primarily be used for maintaining shared use pathways in the City. The compact street sweeper is a more maneuverable sweeper and better suited to the challenges of shared use pathways sweeping. It can sweep in the presence of pedestrians, pets, cyclists, and other modes of transport on a pathway, and is also able to operate in tunnels, low overhead areas, ADA ramps, and other narrow passageways.

The Fleet Services and Transportation Departments and Purchasing recommend authorizing the purchase using the Sourcewell cooperative contract with Balar Equipment, at \$227,847.92. This purchase is funded by the Environmental Compliance Fee.

- *4-i [21-0536](#)** Five-Year Term Contract with Two, Five-Year Renewal Options for an Outage Management Solution (Addition) for the Energy Resources Department **(Citywide)**

The purchase is the first purchase as part of the City's Advanced Meter Infrastructure (AMI)/Smart Metering initiative. The contract will provide an Outage Management Solution to be used to track, provide notifications, and help manage electric outages for City of Mesa electric customers.

An evaluation committee recommends awarding the contract to the highest scored proposal from Sensus USA Inc., at \$535,011.11 for the initial five-year term, not including applicable sales tax. This purchase is funded by the Utility Replacement and Renewal Fund.

- *4-j [21-0528](#)** Purchase of One Tractor with Cab (Addition) for the Water Resources Department **(Citywide)**

The purchase will provide one Tractor with Cab which will be used to support daily operations at the Signal Butte Water Treatment Plant.

The Fleet Services and Water Resources Departments and Purchasing recommend authorizing the purchase using the National NIPA/Tucson cooperative contract with Empire Caterpillar (a Mesa business), at \$57,857.98. This purchase is funded by the Capital - Utility Fund.

- *4-k [21-0538](#)** Seven-Month Term Contract with Three Years of Renewal Options for Water, and Wastewater Industrial Plumbing Supplies for the Water Resources Department **(Citywide)**

This contract will provide pipe, fittings, valves, backflow devices, and other related products and equipment for the City's Water and Wastewater treatment facilities.

The Water Resources Department and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Best Plumbing Specialties Inc.; Browns Partsmaster Inc.; and Ferguson Enterprises Inc., at \$100,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

4-l [21-0539](#) Public Safety Training Facility Driving Track - Rehabilitation and Expansion Project **(District 5)*

This project will rebuild and expand the existing training driving track surface. The track rehabilitation includes milling and reusing the existing pavement as a base for a new asphalt surface. The track will also be expanded to the north to provide a larger training area.

Staff recommends awarding the contract for this project to the lowest, responsible bidder, Nesbitt Contracting, in the amount of \$2,713,605.50, and authorizing a change order allowance in the amount of \$271,360.55 (10%), for a total amount of \$2,984,966.05. This project is funded by Public Safety Sales Tax and Capital General Fund.

5 Take action on the following resolutions:

***5-a [21-0377](#) Authorizing and supporting the submittal of a grant application by Arizona Educational Foundation to the Tohono O'odham Nation in the amount of \$25,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant.**

***5-b [21-0476](#) Authorizing and supporting the submittal of a grant application by Save the Family Foundation of Arizona to the Tohono O'odham Nation in the amount of \$25,000, and authorizing the City Manager to accept and administer subsequent awarded funds as a pass-through grant.**

5-c [21-0497](#) Extinguishing a drainage easement and releasing a restrictive drainage covenant located at 5129 South Power Road to accommodate the new development of Gallery Park; requested by the property owner. **(District 6)*

5-d [21-0540](#) Extinguishing a portion of a 20-foot non-exclusive public utilities easement located at 6361 South Power Road to accommodate a new development called Cabana on Power; requested by the property owner. **(District 6)*

5-e [21-0541](#) Extinguishing a drainage easement located at 9321 E Warner Road to accommodate the multi-family development of The Springs at Eastmark; requested by the property owner. **(District 6)*

5-f [21-0542](#) Authorizing the sale of certain City-owned real property located at the southwest corner of West First Street and North Macdonald to Meldrum Mortuary, and authorizing the City Manager to enter into a Purchase and Sale Agreement for the sale, and to amend the existing lease for the property. **(District 4)*

- *5-g** [21-0493](#) Approving and authorizing the City Manager to enter into a Project Agreement with Maricopa Association of Governments for an Arterial Life Cycle Program Project on Ellsworth Road for the Germann Road to Ray Road corridor, specifically the Ellsworth Road and Williams Field Road Intersection Improvements and Spine Road Improvement Project. **(District 6)**
- *5-h** [21-0552](#) Approving and authorizing the City Manager to enter into a Development Agreement and Sustainable Water Service Agreement with Redale LLC, for the development of approximately 396 acres of property generally located at the southeast corner of Elliot and Ellsworth Roads. The Agreements facilitate the phased development of a large data center that will generate economic benefits to the City of Mesa and authorize the development to be a MLM Customer (large water customer) under Title 8, Chapter 10 of the Mesa City Code. **(District 6)**
- *5-i** [21-0546](#) Modifying fees and charges for the Development Services Department. **(Citywide)**
- *5-j** [21-0311](#) Modifying fees and charges for the Business Services Department. **(Citywide)**
- *5-k** [21-0577](#) Approving and authorizing the submittal to the U.S. Department of Housing and Urban Development of the Third Substantial Amendment to the City of Mesa Annual Action Plan for Fiscal Year 2019/2020 and the Fourth Substantial Amendment to the Five-Year Consolidated Plan for Fiscal Years 2015/2016 through 2019/2020 for the receipt of Emergency Solutions Grant COVID-19 program (ESG-CV-2) funds in the amount of \$4,052,229, in response to the Coronavirus pandemic, and authorizing the City Manager to expend, disburse, and enter into agreements for disbursement of the ESG-CV-2 funds. The funds will be used to serve homeless populations in Mesa during and impacted by the pandemic, and to clarify recommended appropriations for eligible programs. **(Citywide)**

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

- *6-a** [21-0477](#) Amending Title 5 of the Mesa City Code (Business Regulations) by adding a new Chapter 4, entitled “Mobile Food Vendors”, enacting reasonable regulations and licensing requirements on mobile food vendors and mobile food units operating in Mesa. **(Citywide)**

- *6-b** [21-0478](#) Amending Title 5 of the Mesa City Code (Business Regulations) by repealing Chapter 8, entitled “Peddlers, Solicitors, and Transient Merchants”, in its entirety and replacing it with a new Chapter 8, entitled “Peddlers and Solicitors”, clarifying the regulations and licensing requirements for peddlers and solicitors operating in Mesa including amendments to the processes for applications, violations, revocations and suspensions, and appeals. **(Citywide)**
- *6-c** [21-0479](#) Amending Title 5 of the Mesa City Code (Business Regulations) by repealing Chapter 1, entitled “Special Event License”, in its entirety and replacing it with a new Chapter 1, entitled “Special Events”, clarifying the regulations and licensing requirements for special events in Mesa including amendments to the processes for applications, revocations, and appeals. **(Citywide)**

7 Take action on the following subdivision plats:

- *7-a** [21-0507](#) “Replat of Siena Springs Office Condominium” **(District 6)** Within the 7200 block of East Baseline Road (south side). Located east of Power Road on the south side of Baseline Road (6.23± acres). Siena Springs Office Condominium Association and GSS Partners, LLC, developer; William H. Standage, Standage & Associates, surveyor.
- *7-b** [21-0508](#) “Mercado Fiesta Amended Condominium” **(District 3)** Within the 1300 and 1400 blocks of West Southern Avenue (south side) and within the 1200 block of South Longmore. Located west of Alma School Road on the south side of Southern Avenue (6.3± acres). BPC Larkspur Mercado, LLC, developer; A.L. Slater, Survey Innovation Group, Inc., surveyor.

8 Take action on the tentative adoption of the following proposed FY 2021/2022 budget:

- *8-a** [21-0548](#) Take action on the tentative adoption of the proposed FY 2021/2022 budget.

Items not on the Consent Agenda

9 Conduct a public hearing and take action on the following resolution relating to the annual assessments for the Mesa Town Center Improvement District No 228:

- 9-a** [21-0547](#) Conduct a public hearing.
- 9-b** [21-0506](#) A resolution approving the 2021 District Assessments for Mesa Town Center Improvement District No. 228. The proposed final assessments do not include any rate increases. **(District 4)**

10 Conduct a public hearing and take action on the following resolution relating to the proposed Five-Year Capital Improvement Program for fiscal years ending 2022-2026:

10-a [21-0549](#) Conduct a public hearing.

10-b [21-0550](#) A resolution approving a Five-Year Capital Improvement Program for fiscal years ending 2022-2026. **(Citywide)**

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

12 Adjournment.¹

¹ Prior to adjournment, at this Council meeting, the City Council may vote to go into executive session for legal advice on any item listed on this agenda pursuant to A.R.S. §38-431.03(A)(3); this notice is given pursuant to A.R.S. §38-431.02 to the members of the City Council and the public.