

## **CITY COUNCIL AGENDA**

### **COUNCIL CHAMBERS – 57 EAST FIRST STREET**

Monday, June 26, 2006  
5:45 P.M.

Invocation by President Jerry Lewis, Mesa Arizona Maricopa Stake of the Church of Jesus Christ of Latter-day Saints.

Pledge of Allegiance.

Mayor's Welcome.

Recognize outgoing board and committee members.

### **CITIZEN PARTICIPATION**

All citizens are permitted and encouraged to speak on agenda items. If you are interested in speaking on 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.

### **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.

1. Take action on all consent agenda items.
- \*2. Approval of minutes of previous meetings as written.

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3. Conduct a public hearing on the proposed Fiscal Year 2006-07 Budget Plan
4. Conduct a public hearing concerning the Five-year Capital Improvement Program for Fiscal Years ending 2006-2011.
5. Conduct a public hearing concerning water, wastewater, natural gas, solid waste rates, rate components fees and/or service charges increases.
6. Take action on an ordinance and resolution modifying water rate schedules and charges.
7. Take action on an ordinance and resolution modifying wastewater rate schedules and charges.
8. Take action on an ordinance and resolution modifying natural gas rate schedules and charges.
9. Take action on an ordinance and resolution modifying solid waste rate schedules and charges.
- \*9.1. Take action on an ordinance and resolution modifying the Terms and Conditions for the Sale of Utilities, City of Mesa's Code of Conduct (Electric Utility), Terms and Conditions for Direct Access Services, Terms and Conditions for Standard Offer and Direct Access and Rules and Regulations (Electric Utility).
- \*9.2. Take action on resolution adopting fees and charges to partially offset costs incurred to meet Federal Environmental Compliance requirements.

**At this time the Mayor and Council will recess the Regular Council meeting and convene a Special Council meeting for the purpose of budget adoption.**

**RECONVENE THE REGULAR COUNCIL MEETING**

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10. Conduct a public hearing prior to release the petition for signatures for the following proposed annexations:

10a. **A06-10 (District 6)** Annexing land located on Broadway Road east of Crismon Rd. (2.3 ± ac.). Initiated by the property owner, John Brauchler.

10b. **A06-11 (District 6)** Annexing land located on Broadway Road east of Sossaman Rd. (0.17 ± ac.). Initiated by the property owner, Spencer Vanderpool.

10c. **A06-12 (District 6)** Annexing land located on Broadway Road west of Hawes Rd. (0.39 ± ac.). Initiated by the property owner, Spencer Vanderpool.

11. Take action on the following liquor license applications:

11a. Az Wine Outlet

New Beer & Wine Store License for Az Wine Outlet, 1300 W. University Drive, Az Wine Outlet, Party Rentals and Appliances, LLP – Applicant, Edward Wayne Powell – Partner. This is an existing building with no previous liquor license at this location. District #1.

This location is within 34 feet of two churches. Arizona law prohibits a retailer's license to be issued for any premises within 300 feet of a church.

\*11b. M&M Market

New Beer & Wine Store License for M&M Market, 810 S. Stapley, Miller Food Mart, Inc. – Applicant, Zarah Avadisian – Agent. This is an Agent Change and an Acquisition of Control Change. The Beer & Wine Store license previously held at this location by CFM 15-002 Miller Inc., issued 08/14/78, will revert back to the State. District #4.

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\*11c. Café Rumba

New Restaurant License for Cafe Rumba, 1315 S. Gilbert Road, Suite 102, Tulios Restaurant Concepts Inc. – Applicant, Randy D. Nations – Agent. This is an existing building with no previous liquor license at this location. District #2.

\*11d. China City Buffet

New Restaurant License for China City Buffet, 2235 S. Power Road, Suite 101, China Olive Inc.– Applicant, Cheng Ho – Agent. This is an existing building with no previous liquor license at this location. District #6.

12. Take action on the following bingo application:

\*12a. BINGO LICENSE APPLICATION – CLASS B

American Legion Post #27  
Thomas Baxstrom  
1018 S. Meridian  
District #6

13. Take action on the following contracts:

\*13a. Court Digital Recording System for Mesa’s City Court as requested by the General Services Department, Information Services Division. (Grant Funded - Arizona Supreme Court - Judicial Collection Enhancement Funds)

The Purchasing Division endorses the evaluation team’s recommendation to accept the proposal from AV Innovations, Inc. for an amount not to exceed \$103,561.41 including contingencies and applicable taxes.

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- \*13b. Two-year renewal of the Supply Contract for Gasoline and Diesel Fuel for City Vehicles as requested by the General Services Department, Fleet Support Services Division.

The Purchasing Division recommends exercising a two-year renewal with Phoenix Fuel Company. This is a cooperative bid with Mesa Unified School District #4 who estimates their annual purchase amount at \$2,000,000. The City's portion of the total purchases is estimated at \$3,902,600 annually, including applicable taxes.

- \*13c. Three-year Contract for Custodial Services for Parks Restrooms as requested by the Community Services Department, Parks and Recreation Division.

The Purchasing Division recommends accepting the lowest responsive bid from Capitol Cleaning Contractors, Inc. at \$134,431.50 annually based on estimated requirements.

- \*13d. Three-year Supply Contract for Landscape Sprinkler Parts & Supplies for the Community Services, Parks and Recreation Division and the Development Services, Facilities Maintenance and Field Operations Divisions.

The Purchasing Division recommends awarding the contract to Sprinkler World of AZ Inc. for \$140,000.00.

- \*13e. Two-year renewal contract for Custodial Services at Secured City Buildings as requested by the Development Services Department, Facilities Maintenance Division.

Purchasing recommends exercising the two-year renewal option with Management Cleaning Controls for \$550,711.98 annually based on estimated requirements and including contingencies.

- \*13f. Three-year Supply Contract for Street Light Lamps, Luminaries and Components for Warehouse Inventory as requested by the Development Services Department, Transportation Division.

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The Purchasing Division recommends accepting the lowest responsive bids as follows:

North Coast Electric Co. for Group A at \$57,778.84,  
Border States Electric Supply for Groups B and G at  
\$32,254.69,  
Hughes Utilities Ltd. for Groups C and D at \$165,747.71;  
and  
Statewide Wholesale Electric Supply for Group E at  
\$8,039.45.

The combined award is then \$263,820.69 annually based on estimated requirements, including contingencies and applicable taxes.

- \*13g. Truck-Mounted TV Inspection System as requested by the Utilities Department, Water Division.

The Purchasing Division recommends authorizing the use of the City of Peoria contract with ELXSI dba CUES for \$159,528.34, including options and applicable taxes.

- \*13h. Six Vehicles as requested by the Utilities Department, Water Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Five Star Ford at \$301,089.70, including applicable sales tax.

- \*13i. Police Emergency Towing Services

The Council is requested to approve the assignment of the City's Police Emergency Towing Services Contracts for Zones 2 and 3 to ACT Towing, LLC, the new owners of Cactus Towing as recommended.

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- \*13j. Desert Well No. 17 – Drilling Phase, City of Mesa Project No. 01-616-001.

This project will drill a new well to expand the City's water supply capabilities and system reliability in the southeast portion of the Desert Wells Zone. The City of Mesa maintains and operates numerous groundwater wells throughout the City to provide drinking water to Mesa citizens.

Recommend award to the low bidder, Zim Industries, Inc., in the amount of \$700,464.00 plus an additional \$70,046.40 (10% allowance for change orders) for a total award amount of \$770,510.40. Funding is available from the existing Water Bond authorization.

14. Introduction of the following ordinances and setting July 5, 2006, as the date of the public hearing on these ordinances:

- \*14a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

Prohibit Left Turns From Driveways: 10-3-15 (B)

On the east side of Lindsay Road from the driveway with centerline approximately 380 feet north of Southern Avenue (northeast corner of Lindsay Road and Southern Avenue, Council District 2).

No Parking: 10-3-24 (D) (Full Time No Parking)

On the south side of Juanita Avenue from the south leg of Revere to Vineyard (north of Baseline Road and East of Extension Road, Council District 3).

On 39<sup>th</sup> Street from Flossmoor Avenue to Gable Avenue (north and south of Southern Avenue east of Val Vista Drive, Council District 6).

No Parking: 10-3-24 (F 9) (No Parking between 10:00 pm and 4:00 am)

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On the south side of Juanita Avenue from Revere to Vineyard (north of Baseline Road and east of Extension Road, Council District 3) (Remove Prohibition).

- \*14b. Amending Mesa City Code Building Regulations Title 4, Chapters 1, 2 3 and 5 to make minor modifications to the requirements for building permits and to correct/clarify several building and related code requirements as recommended by the General Development Committee.
  - \*14c. Amending Mesa City Code Public Ways and Property Title 9, Chapters 1, 2, 5, 6 and 8 to modify the requirements for street improvements and rights-of-way dedication as recommended by the General Development Committee.
15. Take action on the following resolutions:
- \*15a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between Salt River Project Agricultural Improvement and Power District and the City of Mesa for the relocation of power poles and power lines along East University Drive and North Gilbert Road.
  - \*15b. Approving and authorizing the City Manager to execute a City Share Reimbursement Agreement between Sam's West, Inc., and the City of Mesa for the reimbursement of regional offsite improvements that are being required by Mesa in conjunction with the proposed development known as Sam's Club, located at 4663 East McKellips Road. Mesa's estimated City Share is \$14,390.00
  - \*15c. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Mesa Unified School District No. 4 relating to the design and construction of the Neighborhood Aquatic Complex at Carson Junior High School.
  - \*15d. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the State of Arizona through the Department of Commerce for an award of \$62,231 to support the provision of weatherization services provided through the Mesa Community Action Network.

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- \*15e. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the State of Arizona through the Department of Commerce for an award of \$4,750 to support the provision of weatherization services provided through the Mesa Community Action Network.
- 15f. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and Maricopa County for funding in the amount of \$250,000 for crime prevention programs for at risk youth.
- \*15g. See Agenda Item 9.2.
- \*16. See Agenda Item 9.1.
- \*17. Authorizing the City Manager to enter into an agreement with the Mesa Convention & Visitors Bureau to continue promoting tourism and convention business in Mesa.
- \*18. Approve write-off of utility and miscellaneous accounts for the quarter ending February 28, 2006 in the amount of \$392,376. Collection efforts will continue with respect to all of these accounts.
- 19. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (\*), a blue card must be given to the Clerk before Council votes on the consent agenda.
- \*19a. Amending Title 6, Chapter 1 of the Mesa City Code by adding a new Section 6-1-21 entitled Sale and Display of Pseudoephedrine Products.

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- \*19b. **Z06-32 (District 5)** The 100 to 200 block of North Sunvalley Boulevard (east side). Located north of Main Street, west of Sossaman Road. (2.60± ac.). Rezone from O-S to R-2 PAD and Site Plan Review. This request will allow for the development of a residential townhouse subdivision. RSB Partners, L.L.C. (Ross Farnsworth), owner; Jeff Welker, Welker Development Resources, L.L.C., applicant. ***(Held two neighborhood meetings, notified property owners, neighbors, registered neighborhoods and homeowners associations.)***

P&Z Recommendation: Approval with Conditions. (Vote: 5-0 with Boardmembers Saemisch and Salas absent.)

- \*19c. **Z06-35 (District 6)** The 7600 to 7800 block of East Elliot Road (south side). Located at the southeast corner of Elliot Road and Sossaman Road (59.94± ac.). Rezone from R1-43 to C-2 and M-1. This request will bring the zoning of the property into conformance with the Mesa 2025 General Plan. Susan C Dodds, Susan C Dodds Trust and Thomas M Dodds, Elliot & Sossaman Ltd., owners; City Staff, City of Mesa, applicant. ***(Notified property owners and interested neighbors.)***

P&Z Recommendation: Approval with Conditions. (Vote: 7-0)

- 19d. **Z06-37 (District 1)** The 300 to 400 block of North Stapley Drive (west side) and the 1100 to 1200 block of East University Drive (south side). Located at the southwest corner of Stapley Drive and University Drive (2.05± ac.). Site Plan Modification. This request will allow for the development of a commercial center. Kumar 'Mark' Sahajwani, Jones Executive Accounting and Payroll System, Inc. and PREHAB of Arizona; owners; Zamir Hasan, applicant. ***(Held two neighborhood meetings, notified property owners and neighbors.)***

P&Z Recommendation: Approval with Conditions. (Vote: 7-0)

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- \*19e. **Z06-38 (District 5)** The 240-260 Block of North Power Road (west side). Located south of the southwest corner of Power Road and University Drive (.41± ac.). Rezone from Maricopa County R1-8 to City of Mesa R1-9. For the establishment of City of Mesa zoning on recently annexed property. Dennis Callison; owner; City of Mesa, applicant.
- P&Z Recommendation: Approval with Conditions. (Vote: 7-0)
- \*19f. **Z06-39 (District 1)** The 600 block of East Jasmine Circle (north side). Located south of McKellips Road and east of Mesa Drive (1.00± ac.). Rezone from R1-43 to R1-6 BIZ. This request will allow for the development of a single residential subdivision. Mark Gunning, H & G Enterprises, LLC, owner; Jeff Welker, Welker Development Resources, LLC, applicant. ***(Held a neighborhood meeting, notified property owners, neighbors, registered neighborhoods and homeowners associations.)***
- P&Z Recommendation: Approval with Conditions. (Vote: 7-0)
- \*19g. **Z06-41 (District 3)** The 1200 through 1500 block of South Dobson Road (west side). Rezone from C-1-BIZ and R-4 to C-1-DMP and Site Plan Modification (72± ac.). This request is to allow a phased development at the Banner Desert Medical Center with patient towers, children's hospital, medical office buildings and associated structures. Jay Stallings, BDMC, owner; Joseph D. Goforth, Berry & Damore, applicant. ***(Held two neighborhood meetings, notified property owners, neighbors, registered neighborhoods and homeowners associations.)***
- P&Z Recommendation: Approval with Conditions. (Vote: 6-1 with Boardmember Langkilde abstaining due to a potential conflict of interest).

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20. Take action on the following subdivision plats:
- \*20a. "MOUNTAIN PRESERVE AT LAS SENDAS" (**District 5**) 7500 block of East Eagle Crest Drive (south side) located north and east of Thomas Road and Power Road. 2 R1-35 PAD DMP single residence lots (6.84 ac) Sonoran Desert Holdings, LLC, Jeff Blandford, manager, owner.
  - \*20b. "TUSCANY COVE" (**District 1**) 1600 block of North 26<sup>th</sup> Street (east side) located south and west of McKellips Road and Lindsay Road. 6 R1-9 single residence lots (1.53 ac) Nowata Leasing, an Arizona Limited Partnership, Greg Hamblin, managing partner, and Mark Gunning and Kathy Gunning, owners.
  - \*20c. "RESTAURANT DEPOT" (**District 3**) 1900 block of South Extension Road (east side) located north and east of Baseline Road and Extension Road. 1 M-1 industrial lot (5.67 ac) JMDH Real Estate of Mesa, LLC, Julius Giannini, owner.
  - \*20d. "HAWES ROAD APARTMENTS" (**District 6**) 400-500 block of South Hawes Road (east side) located south and east of Broadway Road and Hawes Road. 11 R-3 PAD four-plex buildings (3.43 ac) John Bellerose, owner.
21. Items from citizens present. (Maximum of three speakers for three minutes per speaker).