

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, October 16, 2006
5:45 P.M.

Invocation by Pastor Ottley Holmes, Shiloh Missionary Baptist Church.

Pledge of Allegiance.

Mayor's Welcome.

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. Take action on the following liquor license applications:

*3a. Brambley Hedge Rabbit Rescue

This is a one-day charitable event to be held on Saturday, October 21, 2006 from 8:00 P.M. to 12:00 Midnight at Mesa Skateland, 7 E. Southern Avenue. District #4.

*3b. Chandler Compadres

This is a two-day charitable event to be held on Friday November 3, 2006 from 5:00 P.M. to 12:00 Midnight and Saturday, November 4, 2006 from 5:00 P.M. to 12:00 Midnight at 1855 S. MacDonald. District #4.

*3c. Villa Del Sol Mexican Food

Person to Person Transfer Beer & Wine Bar License for Villa Del Sol Mexican Food, 1340 S. Country Club Drive, Villa Del Sol Mexican Food LLC -- Applicant, Consuelo Rodriguez De Ibarra -- Agent. The Beer & Wine Bar License previously held at this location by Villa Del Sol Mexican Food LLC, issued 04/29/2004, will transfer to the applicant. District #3.

*3d. Native New Yorker

New Restaurant License for Native New Yorker, 318 E. Brown Road, Suite 112, Hot Toys LLC -- Applicant, Amy S. Nations -- Agent. The Restaurant License previously held at this location by Brown & Mesa Drive Inc., issued 08/13/1992, will revert back to the State. District #1.

4. Take action on the following contracts:

- *4a. High-Speed Communications Ring Equipment for the Transportation Management Center Intelligent Transportation System as requested by the Transportation Division – Development Services Department. (FHWA Funding through ADOT (\$278,185.00) and HURF Contingencies (\$14,041.61).

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The Purchasing Division recommends authorizing purchase from the ADOT Contract with Darcomm Network Solutions at \$292,226.61, including applicable sales tax.

- *4b. Radio Communications/Field Equipment for the Transportation Management Center Intelligent Transportation Systems as requested by the Transportation Division – Development Services Department. (FHWA Funding through ADOT (\$366,695.00) and HURF Contingencies (\$50,244.36).

The Purchasing Division recommends authorizing purchase off the ADOT Contract with Access Technologies, Inc. at \$416,919.36, including applicable use tax.

- *4c. Three-year Contract for Landscape Maintenance Services for Parks and Retention Basins, in an Area Designated as Zone 6 as Requested by the Community Services Department.

The Purchasing Division recommends award to the lowest responsive bidder, Artistic Land Management, Inc., at \$296,166.98 annually, based on estimated requirements.

- *4d. Capnography Field Upgrade for 34 Medtronic Lifepak Cardiac Monitors/Defibrillators as requested by the Mesa Fire Department.

The Purchasing Division recommends accepting the Sole Source bid from Medtronic Emergency Response Systems for \$115,103.92, including use tax.

- *4e. One Dynex DSX™ Automated Enzyme Linked Immunoassay (ELISA) Processing System for DUI drug cases as requested by the Mesa Police Department. (Fully ACJC Grant Funded.)

The Purchasing Division recommends award to the lowest responsive bidder, Diagnostixx of California dba Immunalysis Corp., at \$54,912.00, including use tax.

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- *4f. Computer Infrastructure Hardware and Software as Requested by the Information Services Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with CompuCom at \$114,932.03, award to the Sole Source bidder, AppWorx Corp., in the amount of \$38,118.43, project contingencies in the amount of \$15,305.05, for a total of \$168,355.51, including use tax.

- *4g. 50 Police Squad Cars and Emergency Equipment as requested by the Police Department. (44 Replacement Vehicles / 6 Additions) (Quality of Life Funding)

The Purchasing Division recommends authorizing purchase off the State of Arizona Contract with Five Star Ford and the City of Tempe Contract with Arizona Emergency Products, Inc. at \$1,507,887.13, including sales tax.

- *4h. 543 TASER Model X26 Devices and Accessories as requested by the Mesa Police Department. (Quality of Life Funding)

The Purchasing Division recommends accepting the Sole Source bid from Davidson's, Inc. for \$512,902.08, including sales tax.

- *4i. Six Month Extension of Supply Contract for Tires for Warehouse Inventory as requested by the Fleet Support Services Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodyear Tire & Rubber Company, through Wingfoot Commercial Tire at \$108,000 and Purcell's Western States Tire at \$72,000 for a total amount of \$180,000.00.

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- *4j. Sewer Line Video Inspection, City of Mesa Project No. 04-919-002.

This is an annual contract to perform video inspection on new development and City projects for the fiscal year. The City inspects sewer lines to verify compliance and verify that new lines being taken into the City system are ready to receive sewer flows.

Recommend award to the low bidder, Valley Hydrovac, Inc., in the amount of \$64,100.00 plus an additional \$6,410.00 (10% allowance for change orders) for a total award of \$70,510.00. Funding is available from the FY 06/07 Engineering Operating Budget, Engineering Inspection Services – Sewer.

5. Introduction of the following ordinances and setting November 6, 2006, as the date of the public hearing on these ordinances:

- *5a. Amending Sections 11-17-2 and 11-17-3 of the Mesa City Code with regard to allowing Accessory Retail Activities (aka: Country Stores) in RV and manufactured home parks.

The draft amendment would revise the Manufactured Home and RV Chapter of the Zoning Ordinance by adding a definition of “accessory retail events” in Section 11-17-2. The effect of passing this amendment would be to expressly allow country store activities on a once a week, four hour per event basis without the need for any additional reviews by City staff, outside of applications for sales tax licenses. The number of events would also be limited, based on the stated frequency requirements. Other restrictions would also be added to assure that such activities are primarily for the benefit of park residents, and are not intended to attract residents from outside the park.

- *5b. Amending Title 4 of the Mesa City Code to allow some building permit applications to be submitted prior to finalization of the public review processes on an “at risk” basis. **(Related to Item 5c)**

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- *5c. Amending Title 11 of the Mesa City Code to allow some building permit applications to be submitted prior to finalization of the public review processes on an “at risk” basis. **(Related to Item 5b)**

P&Z Recommendation: Approval. (Vote: 6-0 with Boardmember Adams absent)

DDC Recommendation: Approval. (Vote 6-0)

- *5d. Amending Section 9-6-7 and 9-8-4 of Title 9 of the Mesa City Code authorizing the Development Services Manager to allow modified or reduced off-site improvements to encourage re-development of properties if off-site improvements costs have been previously paid as recommended by the General Development Committee.

- *5e. **A06-16 (District 5)** Annexing land located on the southwest corner of Thomas Road and Val Vista Drive (202.18 ± ac.). Initiated by Susan Demmitt representing the property owners. **CONTINUED FROM THE OCTOBER 3rd COUNCIL MEETING. THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED TO THE NOVEMBER 6, 2006 CITY COUNCIL MEETING.**

- *5f. **Z06-70 (District 6)** 7932 East Broadway Road. Located east of Sossaman Road and north of Broadway Road (0.17± ac.). Rezone from Maricopa County R1-6 to City of Mesa R1-6. For the establishment of City of Mesa zoning on recently annexed property. Spencer Vanderpool, owner; City of Mesa, applicant.

PHO Recommendation: Approval with conditions.

- *5g. **Z06-71 (District 6)** The 8222-8230 block of East Broadway Road (north side). Located on Broadway Road west of Hawes Road (0.39± ac.). Rezone from Maricopa County R1-6 to City of Mesa R1-6. For the establishment of City of Mesa zoning on recently annexed property. Spencer Vanderpool and James Vanderpool, owners; City of Mesa, applicant.

PHO Recommendation: Approval with conditions.

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- *5h. **Z06-72 (District 5)** Deleted.
- *5i. **Z06-73 (District 5)** The 3400-3600 block of North Val Vista Drive and the 3000-3600 block of East Lehi Road. Located west of Val Vista Drive south of Thomas Road (202.18± ac.). Rezone from Maricopa County Rural-43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property. Robert Engel, owner; City of Mesa, applicant. **THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED TO THE NOVEMBER 6, 2006 CITY COUNCIL MEETING.**

PHO Recommendation: Approval with conditions.

- *5j. **Z06-74 (District 6)** The 8200 block of East Germann Road (north side). Located west of Hawes Road and north of Germann Road (8.7± ac.). Site Plan Review. This case will allow the development of an RV/mini-storage facility. Gregg Sherwood, owner/applicant. **(Notified property owners, registered neighborhoods and homeowners associations.)**

PHO Recommendation: Approval with conditions.

- *5k. Amending Title 1, Chapter 6 of the Mesa City Code to change the name of the Council Finance Committee to Audit and Finance Committee and adding the City Manager as a nonvoting, ex-officio member as recommended by the Finance Committee.
- *5l. Creating a new Chapter 31 in Title 1 of the Mesa City Code establishing the Council appointed City Auditor position and designating the duties and responsibilities as recommended by the Finance Committee.

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6. Take action on the following resolutions:

*6a. Approving and authorizing the City Manager to execute an amendment to the Transit Service Agreement between the City of Mesa and the Regional Public Transportation Authority (RPTA). This amendment will extend Sunday and holiday service for Americans with Disabilities Act (ADA) eligible customers from November 7, 2006 to June 30, 2007. Mesa's estimated cost share to extend this service is estimated to be \$100,384.00 (LTAF II funds).

*6b. Approving and authorizing the City Manager to execute the Airport Development Grant Agreement #E7S26 between the Arizona Department of Transportation (ADOT) Aeronautics Division and the City of Mesa for the design and construction of a Taxi lane to the East Side Aeronautical Use Area at Falcon Field.

The State has agreed to fund up to \$270,000.00 for the project. The remaining local match will be funded with City funds. The total amount of the City's contribution will not exceed \$30,000.00. The City's local match for the project will be funded with Falcon Field Airport capital improvement program funds that are currently budgeted.

*6c. Amending the Mesa 2025 Transportation Plan to adopt an alignment for the planned Williams Gateway Freeway.

*6d. Granting the exchange of City-owned property located at 115 E. University Drive for property owned by Mesa United Way at 229 E. 1st Avenue.

The exchange of property includes a payment from the City in the amount of \$175,000.

7. Project Contract for Construction of Fifty Bus Stop Mini-Shelters.

This contract would authorize the construction of fifty bus stop mini-shelters in an effort to increase the number of passenger shelters in Mesa. These mini-shelters are smaller and less expensive than standard shelters and can be used in locations where right-of-way space is limited. Staff recommends approval to exercise a cooperative clause in a contract created by the City of Tempe, authorizing the City Manager to execute a contract with Lacor Streetscape Transit, Urban & Landscape Furnishings and a contractor selected from an open bid process to install fifty mini-shelters.

Funding is programmed in the FY 06/07 Transportation capital program. The total cost of this project is estimated at \$450,000.00 and will be funded from the Local Transportation Assistance Fund (LTAF) II \$225,000.00 and the required 50% local match (Quality of Life) \$225,000.00.

8. 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.

8a. Amending Sections 11-1-6 and 11-6-2 of the Mesa City Code regarding Non-chartered Financial Institutions (Payday Lenders).

*8b. **A06-10 (District 6)** Annexing land located on Broadway Road east of Crismon Road. (2.3 ± ac.) Initiated by John Brauchler, the property owner. **CONTINUED FROM THE OCTOBER 3rd COUNCIL MEETING. CONTINUED TO THE NOVEMBER 6TH COUNCIL MEETING.**

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- *8c. **Z06-63 (District 3)** The 310 to 320 block of North Alma School Road (east side). Located south of University Drive and east of Alma School Road. (0.99 ac.) Rezone from C-2 and R1-6 to O-S and Site Plan Review. This request will allow for the development of a daycare center. Towanda Carrigan, owner; William H. Hunse, Architectural Team Three, applicant. ***(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)*** CONTINUED FROM THE SEPTEMBER 18, 2006 CITY COUNCIL MEETING. LEGAL PROTEST FILED. $\frac{3}{4}$ VOTE REQUIRED. CONTINUED TO THE NOVEMBER 6TH COUNCIL MEETING.

P&Z Recommendation: Approval with conditions. (Vote: 4-1-1 with Boardmember Adams Nay, Finter abstaining due to a potential conflict of interest and Mizner absent.)

- *8d. **Z06-64 (District 6)** The 7000-7200 block of East Baseline Road (south side). Located south and east of Baseline Road and Power Road. (10± ac.). Rezone from AG, C-2 and C-2 PAD to C-2 PAD, Site Plan Review and Site Plan Modification. This request will allow for the development of two new retail/office buildings and will also allow for the integration of three commercial projects into a group commercial development. Ryan McMahan, 7115 E. Baseline LLC; Grant A. Jayrien, GSS Partners, owners, Randolph L. Carter, Dream Catchers Planning and Design LLC, applicant. ***(Notified property owners, registered neighborhoods and homeowners associations.)***

PHO Recommendation: Approval with conditions.

- *8e. **Z06-65 (District 6)** The 6900 to 7100 blocks of South 89th Place (west side). Located south of Pecos Road and west of Ellsworth Road (6.03± ac.). Site Plan Review. This request will allow for the development of office/warehouse buildings. Brent Payne, owner; Andrew Schuh, Cawley Architects, applicant. ***(Notified property owners, registered neighborhoods and homeowners associations.)***

P&Z Recommendation: Approval with conditions. (Vote: 6-0 with Boardmember Adams absent.)

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- *8f. **Z06-66 (District 6)** The 7000 to 7600 blocks of East Guadalupe Road (south side) and the 2800 to 3100 blocks of South Sossaman Road (west side). Located south of Guadalupe Road and west of Sossaman Road (213± ac.). Rezone from AG to R1-6 PAD DMP, R1-7 PAD DMP, R1-9 PAD DMP and C-1 DMP and the establishment of the Desert Place at Morrison Ranch (Residential) Development Master Plan. This case will allow the development of a residential master planned community with a neighborhood commercial element. Scott C. Morrison, Morrison Ranch, Inc., owner/applicant. ***(Held a neighborhood meeting, notified property owners, registered neighborhood associations.)***

P&Z Recommendation: Approval with conditions. (Vote: 6-0 with Boardmember Adams absent.)

- *8g. **Z06-67 (District 3)** 231 North Alma School Road. Located south of University Drive and east of Alma School Road (1.8± ac.). Rezone from R-4 to O-S. This request will allow for the development of office uses. John N. Wright, owner; Robert D. Fronske, applicant. ***(Notified property owners and registered neighborhood associations.)***

P&Z Recommendation: Approval with conditions. (Vote: 6-0 with Boardmember Adams absent.)

- 8h. **Z06-69 (District 6)** The 8200 block to 9200 block of East Pecos Road (north side) and the 9200 block to 10000 block of East Pecos Road (south side). Located north of Pecos Road, east and west of Ellsworth Road (604.8± ac.). Rezone from AG to M-1 and C-2. This request will change the zoning to allow light industrial and commercial uses. Michael Blenis, Paragon Properties, owner; Paul Gilbert, Bues Gilbert, PLLC, applicant. ***(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)***

P&Z Recommendation: Approval with conditions and recommendation that a Development Agreement be considered. (Vote: 6-0 with Boardmember Adams absent.)

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9. Take action on the following subdivision plats:
 - *9a. "AMBERWOOD PLAZA CONDOMINIUMS" (**District 5**)
4200-4400 blocks of East Brown Road (north side) located west and north of Greenfield Road and Brown Road. 4 O-S PAD condominium units (1.17 ac) Ferguson Holdings, LLC, Billy Johnson, manager, owner.
 - *9b. "WALDO ESTATES" (**District 1**) 1026 West 8th Street (north side) located north and east of Alma School Road and University Drive. 5 R1-6 single residence lots (1.08 ac) Mark and Candace Reed, owners.
10. Items from citizens present. (Maximum of three speakers for three minutes per speaker).