

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, November 7, 2005
5:45 P.M.

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

Pledge of Allegiance.

Mayor's Welcome.

1. Consider all consent agenda items.

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 so requests, in which event the item will be removed from the Consent Agenda and considered as a separate item.

- *2. Approval of minutes of previous meetings as written.

3. Consider the following liquor license applications:

*3a. Harold N. Hansen, Chairman

Ten Special Event License applications for Harold N. Hansen, Chairman, Back to School Clothing Drive Association, ten one-day charitable events to be held Friday, November 18, 2005, from 11:00 a.m. to 2:00 p.m., Friday, December 2, 2005, from 11:00 a.m. to 2:00 p.m., Friday, December 23, 2005, from 11:00 a.m. to 2:00 p.m., Friday, January 13, 2006, from 11:00 a.m. to 2:00 p.m., Friday, January 27, 2006, from 11:00 a.m. to 2:00 p.m.,

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Friday, February 10, 2006, from 11:00 a.m. to 2:00 p.m.,
Friday, February 24, 2006, 11:00 a.m. to 2:00 p.m.,
Thursday, March 9, 2006, from 6:00 p.m. to 9:00 p.m.,
Friday, March 17, 2006, from 11:00 a.m. to 3:00 p.m.,
Wednesday, March 29, 2006, from 5:00 p.m. to 9:00
p.m., at 1101 S. Ellsworth Road, The Resort. District #6.

*3b. Gerald D. Buck, Chairman

Special Event Liquor application for Gerald D. Buck,
Chairman, St. Bridget's Catholic Church, a one-day religious
event to be held on Saturday, November 19, 2005, from
4:30 p.m. to 9:30 p.m. at 2213 N. Lindsay Rd. District #5.

*3c. Larry Leo Tillman, Agent

New Restaurant License for Benjarong Thai Restaurant,
1440 S. Country Club Drive #10. This is an existing
business. No current liquor license at this location. District
#3.

*3d. Carol Joan Davison, Agent

New Restaurant License for Hornblowers, 6209 E. Main
Street. This is an existing building. No current liquor license
at this location. District #5.

*3e. Horst Aquilin Schlembach, Individual

New Restaurant License for Zur Kate German Restaurant,
4815 E. Main Street. This is an existing business. The
license previously held at this location by Guenther Erwin
Krause, Etal, Zurkate Northern German Restaurant will
revert back to the State. District #5.

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4. Consider the following contracts:

- *4a. Three-year Service Contract for Facilities Landscape Maintenance Services for Grounds adjacent to City Buildings and Facilities as requested by the Facilities Maintenance Division. (2005167)

The Purchasing Division recommends accepting the low bid by The Groundskeeper at \$566,073.00 annually, based on estimated requirements.

- *4b. Additional Purchase of Self-Contained Breathing Apparatus as requested by the Fire Department. (Contract 2005106)

The Purchasing Division recommends authorizing an additional purchase option with the original bidder, First In, Inc., in the amount of \$384,794.92, including applicable sales tax.

- *4c. One Class 8 Conventional Semi Tractor as requested by the Fire Department. (2005166)

The Purchasing Division recommends accepting the low bid meeting specification by I-10 International at \$99,150.35, including warranties, maintenance and operation manuals and applicable sales tax. This purchase is funded by a grant from the U.S. Department of Justice.

- *4d. New and Replacement Vehicles for the Electric Utility Division, Electric Generation; the Water Utility Division, Wastewater Services; and the Transportation Division, Field Operations. (State Contract AD 040004)

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Five Star Ford at \$104,535.16, including applicable sales tax.

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- *4e. Two-year Renewal of Supply Contract for Steel Refuse Containers as requested by the Environmental Management Division, Solid Waste Collection Services. (2002178)

The Purchasing Division recommends authorizing the two-year renewal with Auerbach Products at \$162,146.55 annually, based on estimated requirements and including applicable sales tax.

- 4f. 42-inch and 16-inch Reclaimed Waterlines, Southeast Water Reclamation Plant (SEWRP) to Greenfield Water Reclamation Plant (GWRP) – Phase II, City of Mesa Project No. 02-416-002.

This project will construct the second segment of the reclaimed waterline between the Southeast Water Reclamation Plant (SEWRP) and the Greenfield Water Reclamation Plant (GWRP). This segment will run from Ray Road south along Recker Road to Pecos Road.

Improvements include the installation of 10,330 lineal feet of 42-inch and 10,330 lineal feet of 16-inch reclaimed water line.

Recommend award to low bidder, T & T Construction, Inc., in the amount of \$4,287,260.00 plus an additional \$428,726.00 (10% allowance for change orders) for a total award of \$4,715,986.00.

- *4g. Property and Liability Insurance Coverage as requested by the City Attorney's Office.

Recommend purchase of a property and boiler/machinery insurance policy from Hartford Fire Insurance Company with coverage of \$165,000,000 per occurrence. The cost is \$369,640.

Recommend purchase of excess liability insurance from Princeton Surplus Lines for \$10,000,000 in excess of the City's \$2,000,000 Self Insured Retention. The cost is \$590,177.

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Recommend purchase of 2nd layer excess coverage of \$5,000,000 from Clarendon America Insurance Company. The cost is \$119,770.

Recommend purchase of 3rd layer excess coverage of \$10,000,000 from Westchester Excess & Surplus Lines Insurance Company. The cost is \$136,290.

5. Introduction of the following ordinances and setting November 21, 2005 as the date of public hearing on these ordinances:

- *5a. Amending City Code Title 2 Chapter 1 "Planning and Zoning Board" and Amending City Code Title 11, Chapter 18 "Zoning Ordinance – Administration and Procedures" providing for a Planning Hearing Officer.

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

- *5b. Amending various sections of the Mesa City Code regarding the following traffic modifications:

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

Establishing a full time parking prohibition on Mountain Road from Elliot Road to Ray Road and change the City Code to reflect a full time parking prohibition on Mountain Road from Elliot Road to the south City limits, (Mountain Road south of Elliot Road, Council District 6)

Speed Limits: 10-4-3 (45 mph)

Establishing a 45 mph speed limit on Elliot Road from Signal Butte Road to Mountain Road and change the City Code to reflect a 45 mph speed limit on Elliot Road from the west City limits to the east City limits (Elliot Road east of Signal Butte Road, Council District 6)

Speed Limits: 10-4-5 (35 mph)

Establishing a 35 mph speed limit on Mountain Road from Elliot Road to Ray Road. (Mountain Road south of Elliot Road, Council District 6)

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- 5c. Amending Title 5, Chapter 17, Table 6 of the Mesa City Code relating to Fire Development Impact Fees.
- 5d. Amending Title 5, Chapter 17, Table 7 of the Mesa City Code relating to Public Safety Development Impact Fees.
- *5e. Amending Title 7, Chapter 2 of the Mesa City Code to add a new Chapter 47 addressing excavations and confined spaces.
- *5f. Amending Title 7, Chapter 2 of the Mesa City Code to add a new Section 915 requiring firefighter breathing air replenishment systems be installed in all buildings 5 or more stories tall that are constructed in the future.
- *5g. Amending Title 7, Chapter 2 of the Mesa City Code to add additional reference standards to Chapter 45.
- *5h. Z05-89 (District 5) The 1100-1200 block of North Recker Road (west side). Located south of the southwest corner of Recker Road and Brown Road (2.1 ac). Site Plan Review. This request will allow for the development of a retail complex. Michael Pollack, owner; Dave Gibson, applicant. **(Contacted property owners, homeowners associations and registered neighborhoods.)**

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

- *5i. Z05-91 (District 6) The 8300-8400 block of East Baseline Road (south side). Located at the southeast corner of East Baseline Road and South Hawes Road (4.86± ac). Rezone from AG to O-S-PAD and Site Plan Review. This request will allow for the development of office condominiums. Castelain Development Group, LLC, applicant; Roger Steill, applicant. **(Held neighborhood meeting with property owners, registered neighborhood associations and the Mesa Unified School District.)**

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

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- *5j. Z05-92 (District 6) The 3720-3760 blocks of South Power Road (east side). Located south of the southeast corner of Power Road and Elliot Road (2.5± ac). Site Plan Review. This request will allow for the development of a swim school and a retail building. Michael Troy, Gold Medal Swim School, owner; Jeffrey Wogan, Jeffrey Wogan Architects, applicant. **(Mailed notifications to property owners, homes, apartments, homeowners associations, schools and neighborhood associations.)**

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

- *5k. Z05-93 (District 5) 862 North Power Road. Located at the southwest corner of North Power Road and East Encanto Street (5.89± ac). Rezone from R1-7 (conceptual O-S) to R1-7-PAD. This request will allow for the development of a single residence subdivision. Steven J. Hall, owner/applicant. **(Held neighborhood meetings with property owners, registered neighborhood associations and homeowners association.)**

P&Z Recommendation: Approval. (Vote: 5-1 with Adams nay and Carpenter abstaining)

- *5l. Z05-95 (District 2) 1905 South Lindsay Road (east side). Located between East Inverness Avenue and East Baseline Road (0.86± ac). Rezone from O-S to O-S-PAD. This request will allow for the sale of office condominiums. Michael Manetta, owner/applicant. **Held neighborhood meetings with property owners.)**

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

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- *5m. Z05-96 (District 5) The 8400 -8700 block of East Range Rider Trail (north and south side). Located at the southeast corner of Thomas Road and Hawes Road (69.88 ac). Rezone from R1-35 to R1-35 PAD DMP and Modification of the Las Sendas Development Master Plan. This request will allow the development of a gated single residence subdivision. Sonoran Desert Holdings, LLC; Paul Dugas, owner; City of Mesa, applicant. **(Held neighborhood meetings with property owners, registered neighborhood associations and homeowners association.)**

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

- 5n. Creating a Select Due Date Program for residential utility customers; amending the Terms and Conditions for the Sale of Utilities; establishing a new date to assess the late fee as recommended by the Finance Committee. (See agenda Item 9.1a)

6. Consider the following resolutions:

- *6a. Ordering work for the construction of the Crismon Business Park Special Improvement District No. 241.

This project will install street improvements along portions of South Crismon Road, East Hampton Avenue, and South Cheshire Street. The costs for the proposed improvements will be assessed to the adjacent property owners under the Special Improvement District laws.

- *6b. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between the State of Arizona Department of Transportation (ADOT) and the City of Mesa for the Landscape Enhancements and Maintenance along the Red Mountain Freeway from Country Club Drive to Gilbert Road (ADOT JPA File No. 01-71).

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- *6c. Vacate Rights-of-Way at N. Santa Anna Avenue and N. Santa Barbara Avenue, in the 2000 block of West Main Street.

These portions of the rights-of-way are not needed or necessary. A Public Utility Easement is being retained over the area.

- *6d. Designating the election date for the Primary Election (March 14, 2006) and the purpose of the election; designating the deadline for voter registration; designating the place and the last date for candidates to file nomination papers; and establishing the times that polls will be open.
- *6e. Authorizing the City Manager to execute a 800 MHz Two-Way Radio Communications Agreement between the City of Mesa and SW General, Inc., dba Southwest Ambulance.

7. Consider the following ordinances:

- *7a. **A04-09 (District 6)** Annexing the southeast corner of Elliot and Sossaman Roads. (59.94± acres). Initiated by the property owner (Thomas Dodd).
- *7b. **A05-08 (District 5)** Annexing land located on the SEC of Hawes and Thomas Roads. (71.76 ± ac.). Initiated by Paul Gilbert representing City View Properties, LLC for the development of a residential subdivision. **CONTINUED FROM THE OCTOBER 24, 2005 CITY COUNCIL MEETING.**
- *7c. Amending Section 11-18-8 of the Zoning Ordinance by adding a fee for Section 106 Reviews, which are required by the National Historic Preservation Act of 1966.

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

- *8. Consider a resolution and ordinance repealing the existing Personnel Rules applicable to City of Mesa Employees and adopting by reference new Personnel Rules.

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9. Consider the following recommendation from the Fire Committee:
 - *9a. Approving the proposal for the formation of a Mesa Citizen Corps Council.
- 9.1 Consider the following recommendations from the Finance Committee:
 - *9.1a. Creating a Select Due Date Program for residential utility customers.
 - *9.1.b. Implementing Budget Payment Programs for residential utility customers
10. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinance:
 - *10a. **Z05-88 (District 5)** The 8400 -8700 block of East Range Rider Trail (north and south side). Located at the southeast corner of Thomas Road and Hawes Road (71.76 ac). Rezone from Maricopa County Rural 35 to City of Mesa R1-35. Establishment of city zoning. **CONTINUED FROM THE OCTOBER 24, 2005 CITY COUNCIL MEETING.**

P&Z Recommendation: Approval. (Vote: 7-0)
11. Consider the following subdivision plats:
 - *11a. "SUPERSTITION GATEWAY WEST", – (Council District 6) – 1600-1900 block of South Signal Butte Road (west side) located south and west of Signal Butte Road and Superstition Freeway/US 60. 11 C-2 DMP commercial lots (66.7 ac) CTW-Superstition Gateway West, LLC, Chris Hinkson, Tim Dollander and Walt Brown, managing partners, owners; WRG Design, Inc., engineer.
 - *11b. "FRY'S SHOPPING CENTER AT STAPLEY & McKELLIPS", – (Council District 1) – 1200-1300 block of East McKellips Road (south side) located south and east of McKellips Road and Stapley Drive. 3 C-2 commercial lots (10.1 ac) Smith Food & Drug Centers, Inc. and Barclay Holdings XXXVI, LLC, Ryan Gaston, owners; Superior Surveying Services, Inc., engineer.

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- *11c. “IMAGINATION ACRES”, – (Council District 1) – 2711 North Horne (east side) located south and east of Red Mountain Freeway/Loop 202 and Horne. 3 R1-43 PAD single residence lots (3.2 ac) Martin Porter and Luisa Porter, owners; Advanced Land Survey, engineer.
 - *11d. “HERMOSA ESTATES TWO”, – (Council District 5) – 9800 block of East McKellips Road (south side) located south and west of East McKellips Road and North Crismon Road. 36 R1-35 PAD single residence lots (36.02 ac) U.S. Development Land, LLC, Michael Nicholas, manager, owner; Sunrise Engineering, engineer.
12. Items from citizens present. (Maximum of three speakers for three minutes per speaker).