

CITY COUNCIL AGENDA
COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, April 19, 2004

5:45 P.M.

Invocation by Reverend Steve Weston, St. Mark's Episcopal Church.

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:

*a. D J. POMYKALA, AGENT

New Beer and Wine Store License for Cigarette & Cigar Outlet, 2753 E. Broadway Road, Suite A109. This is an existing business. The license previously held at this location by Mitchell Fox, Agent, Opus Industries will revert back to the State. District #2.

MESA CITY COUNCIL
April 19, 2004
Page 2

*b. LISA IRENE KHAN, AGENT

New Beer and Wine Store License for East Mesa Liquors, 723 E. Main Street. This is an existing business. The Liquor Store license previously held at this location by Lisa Irene Khan, Agent, K-2 Market LLC this license will remain with the applicant. District #4.

4. Consider the following contracts:

- *a. Three-year supply contract for construction materials used by Street Maintenance, Utility Construction, Electric, Parks Maintenance and other departments.

The Purchasing Division recommends accepting the bidders who offered the lowest overall total as follows:

PRIMARY CONTRACTS FOR ZONE A, B, & C:

Zone A:

Rinker Materials for Group I (misc. rock products) at \$34,870.00 plus 8.1% sales tax of \$2,824.47 for a total of \$37,694.47.

Red Mountain Mining for part of Group II (decorative granite) at \$2,222.50 plus 7.8% sales tax of \$173.36 for a total of \$2,395.86.

T.J.S. Hauling, Inc. for part of Group II (decomposed granite) at \$1,075.00 plus 7.8% sales tax of \$83.85 for a total of \$1,158.85.

Vulcan Materials Company – CalMat Division for Group III (concrete products) at \$317,899.50 plus 8.1% sales tax of \$25,749.86 for a total of \$343,649.36.

Mesa Materials for Group IV (asphalt products) at \$43,925.00 plus 7.8% sales tax of \$3,426.15 for a total of \$47,351.15.

MESA CITY COUNCIL
April 19, 2004
Page 3

The combined award for Zone A contracts is \$432,249.69 based on estimated requirements.

Zone B:

Rinker Materials for Group I (misc. rock products) at \$80,187.50 plus 8.1% sales tax of \$6,495.19 for a total of \$86,682.69.

Red Mountain Mining for part of Group II (decorative granite) at \$3,316.25 plus 7.8% sales tax of \$258.67 for a total of \$3,574.92.

T.J.S. Hauling, Inc. for part of Group II (decomposed granite) at \$3,785.00 plus 7.8% sales tax of \$295.23 for a total of \$4,080.23.

Vulcan Materials Company – CalMat Division for Group III (concrete products) at \$71,810.75 plus 8.1% sales tax of \$5,816.67 for a total of \$77,627.42.

Mesa Materials for Group IV (asphalt products) at \$37,312.50 plus 7.8% sales tax of \$2,910.38 for a total of \$40,222.88.

The combined award for Zone B contracts is \$212,188.14.

Zone C:

Rinker Materials for Group I (misc. rock products) at \$190,287.50 plus 8.1% sales tax of \$15,413.29 for a total of \$205,700.79.

T.J.S. Hauling, Inc. for Group II (decomposed granite) at \$647.50 plus 7.8% sales tax of \$50.51 for a total of \$698.01.

Rinker Materials for Group III (concrete products) at \$13,795.00 plus 8.1% sales tax of \$1,117.40 for a total of \$14,912.40.

The combined award for Zone C contracts is \$221,311.20.

The combined award for Zones A, B and C is \$865,749.03 based on estimated annual requirements.

SECONDARY CONTRACT FOR ZONE A, B & C:

In order to assure continuity of supply, the following vendors are recommended as secondary suppliers, to be called when the primary supplier is unable to fill a particular order or when the plant location is more convenient for materials pickup:

Zones A, B & C:

T.J.S. Hauling, Inc. for Group I (Zones A-C) and Group II (Zones A & B); Rinker Materials for Groups II (Zone C) and Group III (Zones A & B); and Vulcan Materials Company for Group IV (Zones A & B)

- *b. Replacement magnetic flow meters for the Brooks and Lindsay pump stations as requested by the Utilities Department.

The Purchasing Division recommends accepting the bid by ABB c/o Instrumentation & Controls at \$28,133.03 including applicable sales tax. **(Sole Source)**

- *c. Two-year renewal of the supply contract for Repair and Maintenance of Aerial Equipment as requested by Fleet Support Services.

The Purchasing Division recommends exercising a two-year renewal with Terex Utilities West (formerly Pacific Utility Equipment) as the primary contractor, and Sav-Trac of Arizona as the secondary contractor for combined annual purchases estimated at \$40,000.00.

MESA CITY COUNCIL
April 19, 2004
Page 5

- *d. One new hazardous duty law enforcement robot for use by the Bomb Squad as requested by the Police and Fire Departments.

The Purchasing Division recommends accepting the only bid by Remotec, Inc. at \$148,819.50 including applicable use tax. (This purchase is 100% grant funded by the Homeland Security). **(Sole Source)**

- *e. Two-year renewal of the supply contract for recapping of truck tires in the warehouse inventory as requested by the Fleet Support Services Division.

The Purchasing Division recommends exercising a two-year renewal with Bridgestone/Firestone dba GCR Tire Service Center for annual purchases estimated at \$112,000.00.

- *f. Fifteen month contract for dust and erosion control services as requested by the Environmental Management Division.

The Purchasing Division recommends authorizing purchase from the Maricopa County contract with EarthCare Consultants, LLC for purchases estimated at \$25,000.00 for the remaining fifteen months of the contract.

- *g. One new Candidate Physical Ability Test Trailer (C.P.A.T.) for firefighter applicant testing as requested by the Fire Department.

The Purchasing Division recommends accepting the only bid by C.P.A.T. Distribution, Inc. at \$14,114.00. **(Sole Source)**.

- h. Grand Street Sewer Line Improvements. City of Mesa Project No. 01-108.

This project will install new sewer and gas mains and new sewer and gas services from the new mains to the individual residential meters.

MESA CITY COUNCIL
April 19, 2004
Page 6

Recommend award to low bidder, Fusion Engineering, LLC, in the amount of \$438,087.00 plus an additional \$43,808.00 (10% allowance for change orders) for a total award of \$481,895.00.

- i. 2004 Residential Street Rehabilitations. City of Mesa Project No. 01-841-003.

This project will reconstruct over 76,000 square yards and overlay over 222,000 square yards of residential street pavement. Pavement maintenance varies from crack sealing, fog sealing, pavement overlays and pavement reconstruction depending on the age and condition of the asphalt pavement.

Recommend award to low bidder, FNF Construction, Inc., in the amount of \$2,177,530.00 plus an additional \$217,753.00 (10% allowance for change orders) for a total award of \$2,395,283.00.

- *j. City Water Zone Split, PRV Installation Project. City of Mesa Project No. 02-201-001.

This is a request for Council ratification to increase the contract amount of this project to pay for unforeseen items discovered during construction.

Recommended Contract Change Order, to ratify this increase in the Contract amount of \$23,707.85. With this increase the total Contract amount is \$313,517.15.

- 5. Introduction of the following ordinances and setting May 3, 2004, as the date of public hearing on these ordinances:

- *a. **Z03-64 (District 3)** Northwest corner of Sycamore and Main Street (14.46 ac.). Rezone from C-2 and C-3 to C-2 BIZ and C-3 BIZ and Site Plan Modification. This request is for the development of a bus/light rail transfer lot and park-and-ride facility to serve the Mesa light rail station and to reserve a site for future Transit Oriented Development (TOD). Judith A. Klein, Rising Sun, LLC., owner; Jeff Martin, City of Mesa, applicant.

MESA CITY COUNCIL
April 19, 2004
Page 7

- b. **Z04-01 (District 6)** Northeast and northwest corner of Ellsworth Road and Germann Road (320 ac.). Rezone from R1-43 to M-1 and M-1 (conceptual C-2). This request is to bring zoning into conformance with Mesa 2025 General Plan. Various owners; Wayne Balmer, Project Manager WGAA, applicant. (2 ordinances)
- *c. **Z04-23 (District 4)** 809 West Main Street. Southwest corner of Main Street and Extension Road (0.58 ac. ±). Rezone from C-3 to C-3HL. This request is for the Historical designation of the Landmark restaurant. Don and Candy Ellis, owners and applicants.
- *d. **Z04-24 (District 5)** The 6300 to 6400 block of East Main Street (south side) and the 200 to 300 block of 63rd Street (east side) through to 64th Street (west side). Located south and east of Main Street and Recker Road (1.64 ac. ±). Rezone from C-2 to C-2 PAD. This request is for the development of office condominiums. Michael Hamberlin, owner; Steven Nevala, applicant. Also consider the preliminary plat "63rd Professional Center".
- *e. **Z04-25 (District 1)** 2310 and 2320 East Brown Road. Located north and east of Gilbert Road and Brown Road (1.22 ac. ±). Rezone from R-4 to O-S. This request is for the development of two medical office buildings. Dr. Jerry R. Shockey, owner; Vince Dalke, applicant.
- *f. **Z04-26 (District 5)** The 9200 and 9300 block of East Main Street (north side) and the 50 to 100 block of North Ellsworth Road (east side). Located north and east of Main Street and Ellsworth Road (5.73 ac ±). Site Plan Review. This request is for the development of a commercial development. Mike Pearlstein, owner and applicant.

MESA CITY COUNCIL
April 19, 2004
Page 8

6. Consider the following resolutions:

- *a. Granting an easement for an Overhead and Underground Power Distribution to Salt River Project at 2738 South Noche de Paz.

This easement is necessary for the rehabilitation of the lift station which requires a new electrical service to the facilities.

- *b. Authorizing the City Manger to execute an Intergovernmental Agreement between the Arizona Department of Transportation and the City of Mesa for the Design and Construction for enhancements to the Santan Freeway from Elliot Rd to Baseline Road (ADOT JPA #03-043).

- *c. Authorizing the City Manager to execute an Intergovernmental Agreement between the Arizona Department of Transportation and the City of Mesa for the Design and Construction for enhancements to the Santan Freeway from Power Road to Elliot Road (ADOT JPA #03-046).

- *d. Authorizing the City Manager to execute an Intergovernmental Agreement between the Arizona Department of Transportation and the City of Mesa for the construction of the Multi Use Path along the consolidated Canal from 8th Street to Lindsay Road (City of Mesa Project No. 00-002 and ADOT JPA # 01-159).

- e. Setting May 17th, 2004 as the public hearing date on the annual assessments for the Mesa Town Center Improvement District No. 228.

This district provides funding for planning, promotion, marketing and enhanced municipal services for the Mesa Town Center.

MESA CITY COUNCIL
April 19, 2004
Page 9

- *f. Authorizing the City Manager to execute an Intergovernmental Agreement between the Arizona Department of Health Services and the City of Mesa allowing the Mesa Fire Department to participate in a grant funded demonstration project for Central Medical Direction.
 - *g. Approving the application for Historic Preservation Heritage Funds for a Building Conditions Assessment Report for the Irving School and National Register Nominations for Fraser Fields and West Side Clark Addition Districts.
 - *h. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Criminal Justice Commission to pay for equipment to improve crime laboratory results in firearms cases committed in the City of Mesa.
 - i. Authorizing the City Manager to enter into a Development Agreement between the City of Mesa and the Superstition Springs Investors Limited Partnership, d.b.a. DMB Associates, Inc. (SSILP) for a 36-acre parcel auto center at the southwest corner of Hampton Avenue and Sossaman Road north of the Superstition Freeway.
7. Consider the following ordinance:
- *a. Amending Title 3, Chapter 6 of the Mesa City Code by adding a new section pertaining to volunteer parking enforcement as recommended by the Police Committee.
- *8. Write-off of utility and miscellaneous accounts in the amount of \$513,460.00.
9. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinance:
- a. **Z04-22 (District 5)** The 6000 – 6200 block of East McKellips Road (north side) and the 6200 – 6400 block of East Hermosa Vista Drive (south side). Located north of McKellips Road and east of Recker Road (47± ac.). Rezone from R1-6 DMP and R-4 PAD-DMP to R1-6 PAD-DMP; also Modification of a Development Master Plan. This

MESA CITY COUNCIL
April 19, 2004
Page 10

case involves the development of a residential community. Shelby Futch, owner; Ray Mehan, Mehan Construction, and Shelby Futch, applicants. **(Continued from the April 5, 2004 Council meeting).**

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

1. Compliance with the basic development as described in the project narrative and as shown on the revised site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with the Residential Development Guidelines.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
8. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of Falcon Field Airport.
9. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
10. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

MESA CITY COUNCIL
April 19, 2004
Page 11

11. The applicant has further stipulated and agreed to the following terms and conditions:
 - a. Review and approval of product elevations and exterior color schemes, which are to be earth tones, by the Design Review Board.
 - b. The applicant shall enter into a deed restriction for the benefit of the property owners adjacent to the development reflecting the stipulations found in paragraphs 1, 2, 3, 6, 9, 11, 12, 13, 14, and 15 of the Neighborhood Agreement For Painted Mountain Townhome Project dated February 15, 2004.
 - c. The height of the architectural elevations of the homes not to exceed 22 feet from finish floor elevation.
 - d. For that portion of the subdivision located on the existing nine-hole golf course, all homes are to be one story only above finish floor elevation.
 - e. Walls and fences along the Golf Course shall be wrought iron over a masonry wall. Height of masonry wall portion not to exceed 1.5 feet and overall fence height not to exceed 6 feet.
 - f. For that portion of the subdivision located on the existing nine-hole golf course, provide no more than five standard product plans with multiple elevations.

10. Consider the following subdivision plats:
 - *a. "SUPERSTITION SPRINGS PROFESSIONAL PARK", – (Council District 6) – 7255 East Hampton Avenue (south side) located south and west of Southern Avenue and Sossaman Road. 6 M-1 PAD office condominium units (3.14 ac) Sunridge Properties, Inc., an Arizona Limited Liability Company, Paul Welker, President, owner; Standage & Associates, Ltd., engineer.

MESA CITY COUNCIL

April 19, 2004

Page 12

- *b. "MUIRFIELD VILLAGE, A CONDOMINIUM PLAT", –
(Council District 6) – 9500 block of East Southern Avenue
(south side) located south and east of Southern Avenue and
Ellsworth Road. 366 R-2 PAD condominium units (30.54 ac)
KB Home Phoenix Inc., an Arizona Corporation, owner;
Brooks Engineers & Surveyors, Inc., engineer.
11. Items from citizens present. (Maximum of three speakers for three
minutes per speaker).