

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

November 3, 2008
5:45 P.M.

Invocation by Pastor Glen Stadler, Spirit of Hope Lutheran Church.

Pledge of Allegiance.

Mayor's Welcome.

Presentation of the Historic Preservation Awards.

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.

(Members of the Mesa City Council will attend either in person or by telephone conference call).

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1. Take action on all consent agenda items.
- *2. [Approval of minutes](#) of previous meetings as written.
3. Take action on the following liquor license application:
 - *3a. [Nando's Mexican Cafe](#)

New Restaurant License for Nando's Mexican Cafe, 6715 E. McDowell Road, Suite #101, Nando's of Mesa LLC. – Timothy Michael Shaughnessy, Agent. This is new construction with no previous liquor license at this location.
(District 5)
4. Take action on the following contracts:
 - *4a. [Three-Year Supply Contract](#) for Magnesium Anodes for Warehouse Inventory (Utilities, Gas Division)

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, Corpro Companies at \$78,092.88 annually, including applicable sales tax, based on estimated requirements.
 - *4b. [Three-Year Supply Contract](#) for Yellow LED Modules for Warehouse Inventory (Transportation)

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, Phoenix Highway Products at \$43,449.96 annually, including applicable sales tax, based on estimated requirements.
 - *4c. [Dollar Limit Increase to the Supply Contract](#) for Residential Refuse & Recycling Containers for the Solid Waste Department

The Procurement Services Department recommends increasing the dollar limit of the contract with Rehrig Pacific by \$111,151.94 to \$675,671.71 for the remainder of this contract, based on estimated requirements.

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- *4d. One-Year Renewal Supply Contract for Automotive Lubricant and Oil Products for Fire (Vehicle) Maintenance and the Fleet Services Department

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Brown/Evans Distributing Company at an estimated \$229,000.00 annually.

- *4e. Robin Lane Waterline Replacement, City of Mesa Project No. 01-557-006. **(District 2)**

This project will install 1,400 linear feet of new 8-inch ductile iron pipe (DIP) and will replace all existing water meters. All existing water services and fire hydrants will be replaced.

Recommend award to the low bidder, R.K. Sanders, Inc., in the amount of \$142,475.00 plus an additional \$14,247.50 (10% allowance for change orders) for a total award of \$156,722.50. Funding is available in the FY 08/09 Water Capital Bond Program.

- *4f. Excess Liability Insurance

Recommend purchase of Excess Liability Insurance from Insurance Company of the State of Pennsylvania/AIG Insurance for \$10,000,000 liability coverage in excess of the City's \$2,000,000 Self-Insured Retention (SIR). The cost of this policy is \$411,166.

Recommend purchase of 2nd layer excess liability insurance from Great American Assurance Company for an additional \$25,000,000 in liability coverage. The cost of this policy is \$252,200.

The total combined award is \$663,366

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*4g. Property Insurance

Recommend purchase of Property Insurance from Allianz Global with coverage of \$200,000,000 per occurrence with a \$50,000 deductible. This includes coverage for Boiler & Machinery. The cost of this policy is \$205,807.

*4h. Aviation Insurance

Recommend purchase of Airport Liability Insurance from National Union Fire Insurance Company of Pittsburgh PA (AIG) with \$0 SIR and \$50,000,000 per occurrence coverage. The cost of this policy is \$15,758.

Recommend purchase of Aircraft Hull and Liability Insurance from National Union Fire Insurance Company of Pittsburgh PA (AIG) at an annual premium of \$98,545.

The total combined award is \$114,303.

5. Take action on the following resolutions:

*5a. Approving and authorizing the City Manager to execute an Amendment to an Intergovernmental Agreement (IGA) between the Maricopa County Department of Transportation and the City of Mesa for the operation, maintenance and future capital improvements for Ellsworth Road from Warner Road to Elliot Road. The estimated annual operation and maintenance cost for this section of roadway is \$23,000. **(District 6)**

*5b. Granting an Overhead Power Distribution Easement to Salt River Project on City-owned property at 7002 South Sossaman Road. **(District 6)**

This easement is necessary to provide electrical facilities and power to the water utility facilities at this location.

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- *5c. Granting a Power Distribution Easement to Salt River Project on City-owned property at 9802 East Elmwood Street. **(District 5)**

This easement is necessary to provide electrical facilities and power to the water utility facilities at this location.

- *5d. Approving and authorizing the City Manager to execute a Memorandum of Understanding between the City of Tempe, Valley Metro Rail, Inc., and the City of Mesa providing for the security of the METRO light rail system and Sycamore park-and-ride facility. **(District 3)**

- *5e. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona, Department of Public Safety and the City of Mesa for reimbursement of 75% of officer's salary assigned to the Arizona Vehicle Theft Task Force.

- *5f. Approving and authorizing the City Manager to execute a Grant Agreement between the Arizona Department of Homeland Security and the City of Mesa to secure grant funds in the amount of \$280,640 to improve security at the Communications Building and Police Headquarters.

- *5g. Approving and authorizing the City Manager to execute a Grant Agreement between the Arizona Department of Homeland Security and the City of Mesa to secure grant funds in the amount of \$8,000 for equipment and training for the Police Department's Terrorism Liaison Officer Program.

- *5h. Approving and authorizing the City Manager to execute a Grant Agreement between the Arizona Department of Homeland Security and the City of Mesa to secure grant funds in the amount of \$20,000 for equipment and training for a Terrorism Liaison Officer.

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- *5i. Approving and authorizing the City Manager to execute a [Grant Agreement between the Arizona Department of Homeland Security and the City of Mesa](#) to secure grant funds in the amount of \$56,905 for equipment for the Police Department's Explosive Ordnance Device Team.
- *5j. Approving and authorizing the City Manager to execute a [Grant Agreement between the Arizona Department of Homeland Security and the City of Mesa](#) to secure grant funds in the amount of \$270,000 for equipment and training for the Police Department's Rapid Response Team.
- *5k. Approving and authorizing the City Manager to execute a [Grant Agreement between the Arizona Department of Homeland Security and the City of Mesa](#) to secure grant funds in the amount of \$58,333 for equipment for the Police Department's Tactical Response Team.
- *5l. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement](#) to update the participation process, duties of the parties and management of the East Valley Gang and Criminal Information Fusion Center.
- *5m. Amending Resolution 9148 regarding a [Memorandum of Understanding with Immigration and Customs Enforcement](#) to provide one detective to the Immigration and Customs Enforcement Task Force.
- *5n. Approving and authorizing the City Manager to execute a [Memorandum of Understanding with Immigration and Customs Enforcement](#) for reimbursement up to \$15,000 per year for officer assigned to the Immigration and Customs Enforcement Task Force.
- *5o. Approving and authorizing the City Manager to execute a [Task Force Agreement between the Drug Enforcement Administration and the City of Mesa](#) for reimbursement up to \$16,328.57 per officer for three officers assigned to the task force.

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- *5p. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement between the Arizona Department of Health Services and the City of Mesa](#) for the use of a Base-X System (tent system to be used during hospital surge or other situations that may call for climate controlled sheltering).
 - *5q. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement between the City of Tempe and the City of Mesa](#) to accept RadEye PRD pocket-size personal radiation detectors.
 - *5r. Approving and authorizing the City Manager to execute a [North American Energy Standards Board Base Contract](#) and Transaction Confirmation for supplies of natural gas and an Associated Services Agreement for gas supply and transportation administration, and the Base Contracts and Transaction Confirmations for supplemental supplies of natural gas.
6. Introduction of the following ordinances and setting November 17, 2008, as the date of the public hearing on these ordinances:
- *6a. [A06-26 \(District 5\)](#) Annexing land located south of Thomas Road and east of Hawes Road (11.07 +/- ac). Initiated by Reese Anderson, Pew & Lake, PLC representing the property owner. Staff Recommendation: Approval.
 - *6b. [A07-26 \(District 5\)](#) Annexing land located north of Adobe Road and west of Crismon Road (1.07 +/- ac). Initiated by the property owner, John Webster. Staff Recommendation: Approval.
 - *6c. [A07-37 \(District 6\)](#) Annexing land located south of Main Street and east of Sossaman Road (0.21 +/- ac). Initiated by the property owner, Susan C. Dillman. Staff Recommendation: Approval.

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- *6d. **Z08-63 (District 5)** The 2800 to 3100 blocks of North Higley Road (east to Recker Road) and the 3200 to 3300 blocks of North Recker Road (west side). Located north of McDowell Road between Higley Road and Recker Road. (313.42± ac.). Modification of the Longbow Business Park and Golf Club Development Master Plan (313.42± ac.). Rezone from M-1 DMP and M-1 DMP (Conceptual BIZ) to C-2 DMP (Conceptual BIZ) (49.08± ac.). This request will modify the existing Development Master Plan to reconfigure the zoning to align with the approved subdivision plat and allow for future commercial and employment uses. Associates, LLC, Robert M. McNichols, managing member, owner; Sean Lake, Pew and Lake, PLC, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

- *6e. **Z08-64 (District 6)** 5460 South Mountain Road. Located South of Ray Road and east of Signal Butte Road (62± ac.). Rezone from R-2 PAD DMP to R1-9 PAD DMP and Modification to the Mountain Horizons Development Master Plan. This request will allow for the development of a single residential subdivision. Pulte Homes, Tim Loughrin, owner; Ralph Pew, Pew & Lake, PLC, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

- *6f. **Amending Section 11-6-3 of the Zoning Ordinance.** The amendment proposes minor wording revisions to clarify language used to describe standards and evaluation criteria related to land uses requiring Council Use Permits in the C-1, C-2, and C-3 zoning districts.

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

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7. 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.
 - *7a. Amending the Mesa City Code by adding Title 12, Chapter 1 establishing general regulations relating to public transit vehicles necessary for the introduction of light rail transit service in the City.
 - *7b. A07-07 (District 6) Annexing land located north and west of Southern Avenue and Ellsworth Road (1.12 ± ac). Initiated by the property owner, James A. Ford. **(Continued from the August 18, 2008 and October 20, 2008 Council meetings)** Staff Recommendation: Denial. (Consent Agenda: For Denial)
 - *7c. A07-33 (District 6) Annexing land located north and west of Southern Avenue and Ellsworth Road (3.36 ± ac). Initiated by one of the property owners, Stephen J. Hagerman. **(Continued from the August 18, 2008 and October 20, 2008 Council meetings)** Staff Recommendation: Approval. (Consent Agenda: For Approval)
8. Take action on the following subdivision plat:
 - *8a. "THE VILLAS AT MONTANA VISTA" (District 5) 7800 block of East University Drive (south side) located south and east of University Drive and Sossaman Road. 145 R1-6 PAD single residence lots (25.21 ac) Eightieth & University, LLC, James F. Runner, president, owner; Jeff Giles, Clouse Engineering, Inc., engineer.
9. Take action on the following resolutions and ordinances introduced at a prior meeting regarding the Mesa Proving Grounds:
 - 9a. Take action on a resolution adopting Findings of Fact relating to the Retail Development Tax Incentive Agreement ("bed tax") with DMB Mesa Proving Grounds, LLC, and Gaylord Mesa, LLC. **(2/3 vote required)**

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- 9b. Take action on a resolution approving and authorizing the City Manager to execute a [Pre-Annexation Development Agreement \(Retail Development Tax Incentive Agreement\)](#) (“bed tax”) with DMB Mesa Proving Grounds, LLC, and Gaylord Mesa, LLC and to execute Leases for property conveyed to the City under the terms of such Development Agreement for the development of approximately 335 acres of the former General Motors Proving Grounds facility, located generally at the south of Elliot Road and east of Ellsworth Road. **(2/3 vote required)**
- 9c. Take action on resolution approving and authorizing the City Manager to execute a [Development Agreement \(for zoning entitlements and infrastructure requirements\)](#) between DMB Mesa Proving Grounds, LLC and the City of Mesa for the development of the Mesa Proving Grounds property generally located southeast of the intersection of Elliot and Ellsworth Roads.
- 9d. Take action on resolution approving and authorizing the City Manager to execute a [Development Agreement \(for zoning entitlements\) between DMB Mesa Proving Grounds, LLC, Gaylord Mesa, LLC](#) and the City of Mesa for the development of a portion of the Mesa Proving Grounds property generally located southeast of the intersection of Elliot and Ellsworth Roads.
- 9e. Take action on ordinance for [A08-08 \(District 6\)](#) Annexing land located south of Elliot Road between Ellsworth and Signal Butte Roads (3,137.43± ac). Initiated by Grady Gammage, Jr. Esq, Gammage & Burnham PLC representing the property owner. **(Continued from the October 20, 2008 Council meeting)**
- 9f. Take action on ordinance for [Z08-55 \(District 6\)](#) The 3600 to 200 blocks of South Ellsworth Road (east side), the 9200 to 10800 blocks of East Elliot Road (south side), and the 3600 to 6000 blocks of the South Signal Butte Road alignment (west side). Located south of Elliot Road between Ellsworth Road and Signal Butte Road (3200± acres). Rezone from Maricopa County Rural 43 with a Special Use Permit for a Proving Grounds to City of Mesa R1-43. This request will establish City of Mesa zoning on recently annexed property.

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Karrin Taylor, DMB Mesa Proving Grounds, LLC, owner; City of Mesa, applicant. **(Continued from the October 20, 2008 Council meeting)**

P&Z Recommendation: Approval with Conditions. (Vote: 4-0-3 with Boardmembers Roberts and Salas absent and Coons abstaining).

- 9g. Take action on ordinance for Z08-56 (District 6) The 3600 to 5200 blocks of South Ellsworth Road (east side), the 9200 to 10800 blocks of East Elliot Road (south side), and the 3600 to 6000 blocks of the South Signal Butte Road alignment (west side). Located south of Elliot Road between Ellsworth Road and Signal Butte Road (3200± acres). Rezone from R1-43 to Planned Community District (PCD). This request will establish a Community Plan for a Mixed Use Community. Karrin Taylor, DMB Mesa Proving Grounds, LLC, owner/applicant. ***(Held neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 5-0-2 with Boardmembers Coons and Salas absent).

- 9h. Take action on an ordinance amending Section 9-6-4 of the Mesa City Code to allow alternative street lighting standards in portions of the proposed Mesa Proving Grounds project. **(District 6) (Continued from the October 20, 2008 Council meeting)**
- 9i. Take action on a resolution granting a variance to DMB Mesa Proving Grounds LLC from the permit requirements restricting certain water uses of Section 4-5-2 of the Mesa City Code.
- 9j. Take action on a resolution calling a Special Election to be held on March 10, 2009 to submit to Mesa qualified electors a question relating to the approval or disapproval of certain public expenditures related to the Mesa Proving Grounds project as required by Section 613 of the Mesa City Charter.
10. Items from citizens present. (Maximum of three speakers for three minutes per speaker).