

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, August 29, 2005
5:45 P.M.

Invocation by Dr. Blaine C. Mays, Community Church of New Thought.

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. Conduct a public hearing to release the petition for signatures for the following proposed annexations:
 - 3a. **A05-03 (District 5)** Annexing land located on the southwest corner of Meridian Drive and Brown Road. (3.61± ac.). Initiated by the property owner, Wilfred Klingsat for the development of a service (gas) station.
4. Conduct a public hearing and consider an amendment to the land use map for the following Minor General Plan Amendment and possible adoption of the corresponding Resolution:

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- 4a1. **GPMInor05-04 (District 5)** Conduct a public hearing and consider an amendment to the land use map. The 2600 to 2700 block of North Power Road (east side). Located south of the southeast corner of McDowell Road and Power Road (15.8± ac.) Minor General Plan Amendment to change the General Plan land use map from Office (OS) to High Density Residential 10-15 dwelling units per acre (HDR 10-15) and Neighborhood Commercial (NC). Power and McDowell, LLC (Edwin Gutzman), owner; Martin Hazine of HGN, LLC, applicant. ***(held neighborhood meeting and contacted registered neighborhoods and homeowners associations)*** **COMPANION CASE Z05-79.**

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

- 4a2. **GPMInor05-04 (District 5)** Consider adoption of the corresponding Resolution. The 2600 to 2700 block of North Power Road (east side). Located south of the southeast corner of McDowell Road and Power Road (15.8± ac.) Minor General Plan Amendment to change the General Plan land use map from Office (OS) to High Density Residential 10-15 dwelling units per acre (HDR 10-15) and Neighborhood Commercial (NC). Power and McDowell, LLC (Edwin Gutzman), owner; Martin Hazine of HGN, LLC, applicant. ***(held neighborhood meeting and contacted registered neighborhoods and homeowners associations)*** **COMPANION CASE Z05-79.**

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

5. Consider the following liquor license applications:

*5a. DANIEL LEE BALES, CHAIRPERSON

Special Event License application for Daniel Lee Bales, Chairperson, East Valley Harley Owners Group, a two-day charitable event to be held on Friday, September 30, 2005 and Saturday, October 1, 2005, from 10:00 a.m. to 10:00 p.m. at 922 S. Country Club Drive. District #3.

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*5b. JOHN E. FLORES, CHAIRPERSON

Special Event License application for John E. Flores, Chairperson, Knights of Columbus, Council #9485, a one-day fraternal event to be held on Saturday, October 15, 2005 from 10:00 a.m. to 8:00 p.m. at 1534 N. Recker Road. District #5.

*5c. TEDDY BERNAL, AGENT

New Restaurant License for Frank & Lupe's Old Mexico of Mesa, 118 E. McKellips Road, Suite 105. This is an existing building. No previous liquor license have been issued to this location. District # 1.

6. Consider the following contracts:

*6a. Three-year Supply Contract for Uniform Garment Rental for various City Departments. (Contract 2005156)

The Purchasing Division recommends accepting the low bid by Ameripride Services for annual expenditures estimated at \$81,173.22, including applicable sales tax.

*6b. One Emergency Response Trailer as requested by the Fire Department. (Contract 2005154)

The Purchasing Division recommends accepting the sole responsive proposal from Utility Trailer Sales Co. at \$43,288.87, including options and applicable sales tax.

*6c. Three-year Contract for Custodial Services for Peripheral Facilities and Downtown Facilities as requested by the Development Services Department. (Contract 2005148 and 2005149)

The Purchasing Division recommends accepting the lowest priced proposal by Management Cleaning Controls LLC as follows:

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Peripheral Facilities at \$302,204.01, annually.
Downtown Facilities at \$327,677.44, annually.

The total recommended award is \$629,881.45 annually,
based on estimated requirements.

- *6d. Four-year Supply Contract for Solid Waste Disposal or Transfer and Disposal as requested by the Environmental Management Division, Solid Waste Collection Services (Contract 2005157)

The Purchasing Division recommends accepting the bids from all three responsive vendors, Allied Waste/Apache Junction Landfill, Waste Management Inc. and Waste Services of AZ, Inc. Cactus Transfer, dividing the contract as follows:

Allied Waste/Apache Junction Landfill – \$431,260.00 annually for 4.0 – 7.9% of the total trash at \$21.25 per ton.
Waste Management Inc. – \$233,096.00 annually for 0.5 – 3.9% of the total trash at \$23.00 per ton.
Waste Services of AZ, Inc. Cactus Transfer – \$212,827.00 annually for 0.5 – 3.9% of the total trash at \$21.00 per ton.

The total award is \$877,183.00 annually, based on estimated expenditures.

- *6e. Two-year renewal of Supply Contract for Traffic Signal LED Modules for Warehouse Inventory as requested by the Transportation Division. (Contract 2002169)

The Purchasing Division recommends authorizing the two-year contract renewal with Dialight Corporation at \$352,907.07 annually, based on estimated requirements. The vendor has offered to decrease their prices with an average overall decrease of 5%.

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- *6f. One Replacement 2,500 Gallon Water Truck as requested by the Transportation Division, Field Operations. (City of Scottsdale Contract # 05RP024)

The Purchasing Division recommends authorizing purchase from the City of Scottsdale contract with Cunningham Commercial Vehicles, LTD for \$151,042.70, including applicable taxes and extended warranties.

- *6g. Replacement of Compressed Natural Gas (CNG) Dispensers as requested by Fleet Support Services. (Contract 2005146)

The Purchasing Division recommends authorizing purchase from Tulsa Gas Technologies to supply and install two (2) CNG Dispensers at a cost of \$82,145.56, including use tax.

- *6h. Fuel Monitoring System as requested by the Fleet Support Services Division. (Contract 2005158)

The Purchasing Division recommends accepting the low bid received by Weber Group LC at \$80,358.11, including applicable taxes and contingency.

- *6i. Fuel Management System for Fleet Support Services as requested by the Information Services Division. (Contract 2004204)

The Purchasing Division recommends accepting the proposal from Multiforce Systems Corporation for an amount not to exceed \$324,653.15.

The Purchasing Division further recommends authorizing the purchase of network hardware from the State of Arizona contract with Ames Business and Learning in an amount not to exceed \$42,287.78.

The combined total award for this project is not to exceed the amount of \$366,940.93, including taxes and contingency.

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- *6j. Public Housing Agency Information Management System for the Housing Division as requested by the Information Services Division. (Contract 2004188)

The Purchasing Division recommends accepting the proposal from HAPPY Software, Inc. for an amount not to exceed \$45,513.86, including contingencies.

- 6k. East Mesa Interceptor – Phase V, Elliot Road, East Maricopa Floodway to Santan Freeway, City of Mesa Project No. 01-671-004.

This project will construct a section of the wastewater line known as the East Mesa Interceptor (EMI), from the East Maricopa Floodway to the Santan Freeway along Elliot Road. Additionally, this project will install E-Streets conduit and vault infrastructure. The cost for the E-Streets component is estimated at \$459,182.00 and will be funded with General Fund Municipal Lease-Purchase financing handled by the Financial Services Department.

Recommend award to low bidder SJL Construction, Inc., in the amount of \$2,420,000.00 plus an additional \$242,000.00 (10% allowance for change orders) for a total award of \$2,662,000.00.

- 6l. 2005/2006 Surface Seal Project, City of Mesa Project No. 05-902-001 (**ONLY ONE BID RECEIVED**).

This Project will fog seal 550,000 square yards of street pavement citywide.

Recommend award to low bidder American Asphalt Paving and Seal Coating, Inc., in the amount of \$241,391.93 plus an additional \$24,139.19 (10% allowance for change orders) for a total award of \$265,531.12.

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- *6m. 2005/2006 Crack Seal Project, City of Mesa Project No. 05-901-001 (**ONLY ONE BID RECEIVED**).

This Project will crack seal over 2,220,000 square yards of street pavement citywide.

Recommend award to low bidder CPC Construction, Inc., in the amount of \$598,404.50 plus an additional \$59,840.45 (10% allowance for change orders) for a total award of \$658,244.95.

- 6n. Holmes Park Parking Lot, City of Mesa Project No. 04-075-001.

This project will construct a new paved parking lot on the north side of Holmes Park and a paved access road connecting the parking lot to the intersection of Holmes Avenue and Greenfield Road. Additional improvements include landscaping, sidewalks to improve pedestrian access, and improved park and parking lot lighting.

Recommend award to low bidder Concast Corporation, in the amount of \$306,650.00 plus an additional \$30,665.00 (10% allowance for change orders) for a total award of \$337,315.00.

- 6o. Falcon Well No. 4 Arsenic Treatment, City of Mesa Project No. 01-626-002.

This project will provide the necessary equipping and infrastructure for the installation of an arsenic treatment system at Falcon Well No. 4. Improvements will also include increasing the size of the well site to accommodate the arsenic treatment equipment and extending a new 18-inch sewer line from the well site to the City's sewer system.

Recommend award to low bidder Hunter Contracting, in the amount of \$2,578,210.00 plus an additional \$257,821.00 (10% allowance for change orders) for a total award of \$2,836,031.00.

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7. Introduction of the following ordinances and setting September 6, 2005 as the date of public hearing on these ordinances:
- *7a. Amending sections of the Mesa City Code pertaining to the National Flood Insurance program, adopting the revised Flood Insurance Study and Flood Insurance Rate Maps, and Floodplain Management Regulations.
 - *7b. Amending various sections of the Mesa City Code regarding the following traffic modifications:
 - No Parking: 10-3-24 (D) (Full Time No Parking)

On the west side of Hobson from McKellips Road to a point 330 feet south of McKellips Road. (east of Mesa Drive and south of McKellips Road, Council District 1)

 - On Inverness Avenue from Stapley Drive to Solomon. (west of Stapley Drive and south of the Superstition Freeway (U.S. 60), Council District 4)

 - On Eighth Avenue from Daley to Sierra. (east of Stapley Drive and north of Southern Avenue, Council District 4)

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

On Inverness Avenue from Stapley Drive to Solomon. (west of Stapley Drive and south of the Superstition Freeway (U.S. 60), Council District 4) (Remove Prohibition)

 - No Parking: 10-3-24 (F 10) (No Parking between 11:00 am and 5:00 pm)

On the north side of Fraser Drive East from Fraser Drive to a point 195 feet east of Fraser Drive, on the west side of Fraser Drive East from a point 405 feet south of 2nd Street to a point 835 feet south of 2nd Street, and on the south/east side of Fraser Drive East from Fraser Drive to a point 280 feet south of 2nd Street. (west of Stapley Drive and north of Main Street, Council District 1) (Remove Prohibition)

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Speed Limits: 10-4-3 (45 mph) and 10-4-4 (40 mph)

Reduce the speed limit from 45 mph to 40 mph on Recker Road from a point 1,000 feet south of Thomas Road to the Red Mountain Freeway (Loop 202). (Recker Road south of Thomas Road, Council District 5)

- *7c. **Z04-105 (District 6)** The 1600 block of South Signal Butte Road (west side). Located south of US 60 and west of Signal Butte Road (66.7 ac.). Requesting a Council Use Permit to allow the development of a Freeway Landmark Monument sign in conjunction with the construction of group commercial center. (**Contacted registered neighborhoods**)

P&Z Recommendation: Approval with conditions. (Vote: Passed 5-1-1 with Finter nay and Carpenter absent)
DRB Recommendation: Approval with conditions. (Vote: Passed 5-0-1 with DiBella abstaining)

- *7d. **Z05-73 (District 5)** The 4600 to 4800 block of East McKellips Road (south side). Located south and east of McKellips Road and Greenfield Road (33± ac.). Council Use Permit and Site Plan Review. This request is to allow for the development of a Sam's Club anchored retail center. Marsha G. Greene, owner; Sean Lake, Pew & Lake PLC, applicant. (**Held neighborhood meeting and contacted registered neighborhoods and homeowners associations**)

P&Z Recommendation: Approval with conditions. (Vote: Passed 5-0-2 with Adams and Salas absent)

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8. Consider the following resolutions:

8a. Approving and authorizing the City Manager to execute an agreement for Fiscal Year 2005-2006 for the Downtown Banner System Management, Downtown Holiday Decorative Program Coordination, and Downtown Sculpture Program (Agreement) with Ultimate Imaginations Inc. (UII).

*8b. Approving and 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 the crime laboratory automated reporting system for laboratory results from criminal incidents in the City of Mesa.

*8c. Approving the Plans 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 Chesire Street.

The costs for the proposed improvements will be assessed to the adjacent property owners under the Special Improvement District Laws (1st of 3 Resolutions required).

*8d. Approving the Specifications and a Statement of Cost and Expenses 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 Chesire Street. The costs for the proposed improvements will be assessed to the adjacent property owners under the Special Improvement District Laws (2nd of 3 Resolutions required).

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- *8e. Approving the resolution of Intention for 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 Chesire Street.

The costs for the proposed improvements will be assessed to the adjacent property owners under the Special Improvement District Laws (3rd of 3 Resolutions required).

- *8f. Modifying fees and charges for the Parks and Recreation Division services.
- *8g. Granting the sale of City property located at 2040 N. Sossaman Road.
- *8h. Granting the sale of City property located at 650 N. 90th Street, and granting a temporary construction easement.
- *8i. Approving and authorizing the City Manger to execute an agreement between the City of Mesa and the Arizona Police Officer Standards and Training Board (AZPOST) to pay for equipment to update firearms training for the City of Mesa Police Department.
- *8j. Approving and authorizing the City Manager to execute an Agreement between the Arizona Department of Public Safety and the City of Mesa for the purpose of obtaining two police bicycles with equipment for reduction of burglary activity.
- *8k. Approving and authorizing the City Manager to execute an Agreement between the Arizona Department of Public Safety and the City of Mesa for the purpose of obtaining a laptop computer with software tracking system for use toward the reduction of burglary activity.

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- *8l. Approving and authorizing the City Manager to execute an Agreement between the City of Mesa and the Arizona Criminal Justice Commission (Crime Victim Assistance) to secure grant funds for salaries and fringe benefits for the City Prosecutor's Office Victim Assistance Program assisting all crime victims.
- *8m. Extinguish a Drainage Easement at 1930 S. Vineyard Street

The easement is no longer necessary as the drainage area has been relocated to accommodate the proposed improvements and a new easement has been executed.
- 8n. Authorizing and directing the City Manager to execute necessary documents to acquire certain real property located at 221 West Vine Avenue.
- *8o. Authorizing and directing the City Manager to execute an agreement between the Arizona Department of Public Safety and the City of Mesa for the purpose of obtaining Financial Investigations Resource Grant (FIRG) funds.
- 9. Consider the following ordinances:
 - *9a. Amending Section 10-3-25 of the Mesa City Code by amending sanctions for vehicles parked in violation of City ordinance, and increasing the amount of days to respond to the violation notice; and providing penalties for the violation thereof.
- *10. Consider adopting a Notice of Intention to adjust Fire and Public Safety Development impact fees and establishing November 7, 2005 as the date for the public hearing.
- *11. Consider write-off of utility and miscellaneous accounts in the amount of \$265,848 (0.31%).

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12. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances:

12a. **Z05-65 (District 6)** The 2850 to 2900 block of South Power Road (east side). Located north and east of Guadalupe Road and Power Road (2.3 ac ±) Rezone from R1-7 (conceptual C-2) to C-2 and Site Plan Review. This request is to allow for the development of a gas station with a convenience store. Karl Kohlhoff, owner; Craig Boswell, applicant. ***(held neighborhood meeting and contacted registered neighborhoods)***

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

*12b. **Z05-70 (District 6)** The 11200 to 11600 block of East Ray Road (north side) and the 4800 to 5200 block of South Meridian Road (west side) and the 5000 to 5200 block of South Mountain Road (east side). Located north and east of Ray Road and South Mountain Road (99± ac.). Rezone from R1-35 to R1-6 and R1-9 and site plan review. This request is to allow for the development of a single-residence subdivision. Nyssa Land Company, Inc (Paul R. Skogebo), owner; Nyssa Land Company, Inc (John Poulsen), applicant. ***(held neighborhood meeting and contacted registered neighborhoods and homeowners associations)***

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

*12c. **Z05-71 (District 6)** The 7200 to 7300 block of East Baseline Road (south side). Located east and south of Superstition Springs Boulevard and Baseline Road (6± ac.). Rezone from C-2 to C-2 PAD and Site Plan Review. This request is to allow for the development of retail/office condominiums. Boyd Anderson, owner; Randolph Carter, Dream Catchers, applicant. ***(contacted registered neighborhoods and homeowners associations)***

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

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- *12d. **Z05-72 (District 5)** The 3500 to 3600 blocks of North Power Road (west side). Located on the southwest corner of Power Road and Thomas Road (6.13±). Rezone from C-2 to C-2 PAD and Site Plan Modification. This request is to allow for the development of an office condominium project with limited commercial uses. Philip L, Ellis and David C. Ellis, owner; Craig Cote & Steve Bauer – Shea Commercial, applicant. ***(held neighborhood meeting and contacted registered neighborhoods and homeowners associations)***

P&Z Recommendation: Approval with conditions. (Vote: Passed 6-1 with Langkilde nay)

- *12e. **Z05-74 (District 6)** The 3600 to 4200 blocks of South Mountain Road (west to the Signal Butte Road alignment), excluding Gilbert School site (parcels 304-33-003B/C). Located south and west of Elliot and Mountain Roads (225 +/- ac). Site Plan Review and Rezone from R1-43 and R1-9 to R1-6 PAD, R1-7 PAD, and R1-9 PAD all within a Development Master Plan overlay. This request is to allow development of a residential community known as Nova Vista. GBGM 240 Limited Partnership LLLP (William Ring), owner. US Homes, applicant. ***(held neighborhood meeting and contacted homeowners associations)***

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

- *12f. **Z05-75 (District 5)** The 150 to 250 block of North 67th Street (west side). Located west and north of the northwest corner of Main Street and Power Road (6.3 acres). Rezone from Maricopa County R-3 RUPD to City of Mesa R1-6 PAD. This case involves the establishment of City zoning on recently annexed property. Desert Cove Subdivision Property Owners, owner; Associated Asset Management Company, applicant.

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

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- *12g. **Z05-76 (District 5)** The 50 to 150 block of North 65th Street (east side). Located west and north of the northwest corner of Main Street and Power Road (6.7 ac.). Rezone from Maricopa County R-3 RUPD to City of Mesa R1-6 PAD. This case involves the establishment of City zoning on recently annexed property. Apache Cove Subdivision Property Owners, owner; Associated Asset Management Company, applicant.

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

- *12h. **Z05-77 (District 6)** The 10800 to 10840 block of East Apache Trail (south side). Located at the southeast corner of Apache Trail and Signal Butte Road (1± ac.). Site Plan Review. This request is to allow for the development of a single-story retail stop building. Geoff Jacobs, owner; Mark A. Bowker, applicant. (***contacted registered neighborhoods, homeowners associations, and businesses***)

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

- *12i. **Z05-78 (District 5)** The 4320 to 4400 block of East Presidio Street (north side). Located north and west of McDowell Road and Greenfield Road (2.75 ac.). Rezone from M-1 to M-1 PAD. This request is to allow for individual ownership of condominium suites inside industrial buildings. H-B Dover/Office, L.L.C. By: Hewson Development Corporation – David E. Lord, owner/applicant.

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

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- *12j. **Z05-79 (District 5)** The 2600 to 2700 block of North Power Road (east side). Located south of the southeast corner of McDowell Road and Power Road (15.8± ac.) Rezone from R1-35 DMP to R-3 PAD and C-1 PAD, Site Plan Review. This request is to allow for the development of retail/office buildings and residential condominiums. Power and McDowell, LLC (Edwin Gutzman), owner; Martin Hazine of HGN, LLC, applicant. ***(Held neighborhood meeting and contacted registered neighborhoods and homeowners associations)*** **COMPANION CASE GPMInor05-04.**

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

13. Consider the following subdivision plats:

- *13a. "SUNLAND SPRINGS VILLAGE UNIT SIX", - **(Council District 6)** – 10800 block of East Guadalupe Road (south side) located east and south of Signal Butte Road and Guadalupe Road. 175 R1-6 DMP single residence lots (44.9 ac.) Transnation Title Insurance Company, trustee; Clouse Engineering, Inc., engineer.
- *13b. "BAYWOOD PROFESSIONAL PLAZA OFFICE CONDOMINIUMS", - **(Council District 5)** – 6100 block of East Arbor Avenue (north side) located south and east of Main Street and Recker Road. 4 C-2 PAD office condominium units (4.59 ac.) Baywood Professional Plaza Condominium L.L.C., Michael Hamberlin, owner; Evans, Kuhn, & Associates, Inc., engineer.

14. Items from citizens present. (Maximum of three speakers for three minutes per speaker).