

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

October 6, 2008
5:45 P.M.

Invocation by Pastor Tony Frazee, Gateway Bible 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.

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

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1. Take action on the appointment of Valerye Boyer-Wells as a City Magistrate.
2. Swearing in of new City Magistrate by Mayor Scott Smith.
3. Take action on all consent agenda items.
- *4. [Approval of minutes](#) of previous meetings as written.
5. Take action on the following liquor license applications:
 - *5a. [Christ the King Catholic Church](#)

This is a one day charitable event to be held on October 18, 2008 from 4:00 P.M. to 11:00 P.M. at 1551 E. Dana Avenue.
(District 4)
 - *5b. [United Food Bank](#)

This is a one day charitable event to be held on November 1, 2008 from 6:00 P.M. to 11:00 P.M. at 245 S. Nina Street.
(District 4)
 - *5c. [M & R Market](#)

New Beer & Wine Store License for M & R Market, 1231 S. Mesa Drive, A and C Convenience Mart LLC – Christina Sayegh, Agent. The previous Beer & Wine Store License held at this location by M&R Market will revert back to the State. **(District 4)**
 - *5d. [Speedy Food N Gas](#)

New Beer & Wine Store License for Speedy Food N Gas, 804 N. Country Club Drive, Speedy Food N Gas LLC – Johnny Edward Pole, Agent. The previous Beer & Wine Store License held at this location by Fast Tracks Gas N Go will revert back to the State. **(District 1)**

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*5e. East Mesa Aerie #4508 Fraternal Order of Eagles

New Club License for Fraternal Order of Eagles #4508, 6209 E. Main Street, Suite 1 & 2, Robert Charles Blackburn, Agent. The previous Restaurant License held at this location by Peppers will revert back to the State. **(District 5)**

*5f. St. Bridget Catholic Church

This is a one day charitable event to be held on October 18, 2008 from 12:00 P.M. to 8:00 P.M. at 2213 N. Lindsay Road. **(District 5)**

6. Take action on the following bingo application:

*6a. Bingo – Class A

St Bridget Catholic Parish **(District 5)**
Carolyn Pietraszewski, Activities Director
2213 N. Lindsay Road
Mesa, AZ 85213

7. Take action on the following contracts:

*7a. Purchase of Eight (6 Replacement and 2 Additional) Hand-held Thermal Imaging Cameras and Accessories for the Mesa Fire Department

The Procurement Services Department recommends authorizing additional purchase from LN Curtis & sons at \$99,636.00, including applicable sales tax.

*7b. Two-Year Renewal Supply Contract for Natural Gas Regulators for Warehouse Inventory for the Utilities Department, Gas Division

The Procurement Services Department recommends authorizing a two-year renewal contract to Actaris U.S. Gas, Inc. at \$110,771.23 annually, including applicable sales tax, based on estimated requirements.

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- *7c. [Purchase of Steel Casing and Natural Gas Pipe](#) for the Utilities Department, Gas Division

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible bid from JD Fields & Company, Inc. at \$65,033.40, based on estimated requirements. This purchase is exempt from sales/use tax.

- *7d. [Purchase of a Replacement Fairway Mower](#) for the Parks, Recreation and Commercial Facilities Department, HoHoKam Stadium

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Arizona Machinery, LLC at \$45,075.22, including applicable sales tax.

- *7e. [Purchase of a Ground Aerifier Unit](#) for the Parks, Recreation and Commercial Facilities Department, HoHoKam Stadium

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Golf Ventures West, LLC at \$34,650.59, including applicable sales tax.

- *7f. [Purchase of Preventative, All-Purpose, Scientific, Solutions \(PASS\) Liquid Emulsion for the Transportation Department, Field Operations \(HURF Funded\)](#)

The Procurement Services Department recommends authorizing purchase from the City of Tucson contract with Western Emulsions, Inc. at \$132,800.85, including applicable sales tax, based on estimated requirements.

- *7g. [Purchase of an Oil Distributor Truck](#) (Replacement in lieu of Slurry Truck) for the Transportation Department, Field Operations

The Procurement Services Department recommends authorizing purchase from the Maricopa County Contract with Freightliner, Sterling, Western Star of Arizona at \$162,646.21 including applicable sales tax.

- *7h. [Waterless Fire Suppression System Communications](#)
Building, 161 East 6th Place, City of Mesa Project No. 04-
853-001. **(District 4)**

This project will install a waterless fire suppression system in the server, electrical, and telephone rooms of the Communications Building. This contract was previously awarded on August 18, 2008. The low bidder has notified the City they are unable to enter into the contract.

Recommendation is to reject previous award and award to second low bidder, Aidant Fire Protection Company, in the amount of \$187,990.00 plus an additional \$18,799.00 (10% allowance for change orders) for a total award of \$206,789.00. Funding is available from the approved FY 08/09 Law Enforcement Bond Program.

- *7i. [Mesa Riverview Two Bus Shelters](#), City of Mesa Project No. 07-048-001. **(District 1)**

This project will provide a traditional bus shelter complete with two benches and shade screens for the bus stop on Mesa Riverview Drive. It will also provide a mini bus shelter complete with one bench and shade screens for the bus stop on Bass Pro Drive.

Recommend award to the low bidder, Woods Construction Company, in the amount of \$24,011.25 plus an additional \$2,401.13 (10% allowance for change orders) for a total award of \$26,412.38. Funding is available from the approved FY 08/09 Mass Transit Capital budget – Quality of Life funds.

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- *7j. [Rhodes Junior High School Pool Rehabilitation](#), 1860 South Longmore, City of Mesa Project No. 01-861-001.
(District 3)

This project will demolish the existing pool, pool deck, and associated buildings. A new swimming pool with eight (25-yard long) racing lanes, a dive tank with one and three-meter diving boards, a zero-depth entry, and a destination attraction known as FlowRider® will be constructed. A splash pad with several aquatics spray features will be installed along the north of the new pool. In addition, a new bathhouse with lockers, offices, and a classroom will be constructed and a new concession building will be built at the northwest corner of the site.

Recommend award of the construction phase services contract to Sun Eagle Corporation as the Construction Manager at Risk (CMAR) for this project with a Guaranteed Maximum Price (GMP) of \$6,152,307.00, plus an additional \$307,615.35 (5% allowance for change orders) for a total award of \$6,459,922.35. Funding is available from the approved FY 08/09 Aquatics Capital Program, Quality of Life Funds.

8. Introduction of the following ordinances and setting October 20, 2008, as the date of the public hearing on these ordinances:

- *8a. [Amending various sections of the Mesa City Code](#) regarding the following traffic modifications:

Prohibiting Left Turns From Driveways: 10-3-15 (B)

On the west side of Red Mountain with centerline approximately 65 feet north of Portia Street. (East of Power Road and north of McDowell Road) **(District 5)**

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Prohibiting Left Turns During Posted Hours From Driveways:
10-3-15 (C)

On the south side of Southern Avenue between 7:30 am and 3:30 pm, Monday through Friday from the driveways with centerlines approximately 210 feet east of Pima and 355 feet east of Pima. (Southern Avenue west of Mesa Drive)
(District 4)

Speed Limits (45 mph): 10-4-3 and Speed Limits (35 mph):
10-4-5

Increase the speed limit from 35 mph to 45 mph on Signal Butte Road from a point 450 feet south of Elliot Road to the south City limits. (Signal Butte Road south of Elliot Road)
(District 6)

- *8b. **Z08-59 (District 5)** The 7300 to 7400 blocks of East Hermosa Vista Drive (south side). Located north of McKellips Road and west of Sossaman Road (12.74± ac.). Rezone from R1-15 to R1-15 PAD and Site Plan Review. This request will allow for the development of a single residential subdivision. Don Sutherland, owner; Danny Perkinson, applicant; Clint Garner, Allen Consulting Engineers, Inc., engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 6-0-1 with Boardmember Perkinson absent.)

- *8c. **Z08-60 (District 6) - Deleted**

- *8d. **Z08-61 (District 6)** 4908 South Ellsworth Road. Located south of Warner Road on the west side of Ellsworth Road (10±acres). Rezone from AG to M-1 and Site Plan Review. This request will allow the construction of a plumbing supply company and other related industrial and commercial uses. Ross N. Farnsworth, owner; Reese L. Anderson, Pew and Lake, PLC, applicant. ***(Held a neighborhood meeting, notified property owners.)***

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P&Z Recommendation: Approval with conditions. (Vote: 5-0-2 with Boardmember Perkinson absent and Coons abstaining.)

*8e. **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.

*8f. **Z08-55 (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 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. Karrin Taylor, DMB Mesa Proving Grounds, LLC, owner; City of Mesa, applicant.

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

*8g. **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).

*8h. 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**)

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9. Take action on the following resolutions:

*9a. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement between the City of Mesa and the Arizona Board of Regents](#) acting for and on behalf of Arizona State University for the cost sharing of the design, construction and project management fees for the Phase II water and wastewater improvements to the ASU Polytechnic Campus located at Phoenix-Mesa Gateway Airport. Mesa's share of the improvement cost is \$3,200,000. (Water and Wastewater Bonds) **(District 6)**

*9b. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement between the City of Mesa and the Flood Control District of Maricopa County](#) for the cost sharing of the rights-of-way, utility relocation, construction, construction management, operation and maintenance of the McDowell Road Basin and Storm Drain Project. Mesa's share of the improvement cost is \$2,345,000. (Storm Sewer Bonds) **(District 5)**

*9c. [Extinguishing a Public Utilities Easement](#), a Public Utilities and Facilities Easement and an Easement for Ingress and Egress at 2815 North Norwalk Street. **(District 5)**

These easements are being extinguished at the request of the property owner as they are no longer needed as the design of the property has changed.

*9d. [Extinguishing a portion of a Public Utilities and Facilities Easement](#) at 1065 North Dobson Road. **(District 1)**

This portion of the easement is being extinguished at the request of the property owner as it is no longer needed as the design of the property has changed.

*9e. Approving and authorizing the City Manager to accept grant funds in the amount of \$46,536.60 from the [2008 Byrne Justice Assistance Grant Program](#) for equipment and software for the East Valley Gang Fusion Center.

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- *9f. Approving and authorizing the City Manager to execute a [Grant Agreement with the U.S. Department of Justice](#) to secure grant funds in the amount of \$303,973 for equipment and software for the Police Department Training Facility.
- *9g. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement between the City of Mesa and the Legacy Education Group](#) to secure funds in the amount of \$89,762 to provide a school resource officer as provided by the Safe Schools Program.
- *9h. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement between Gilbert Unified School District #41](#) and the City of Mesa to secure funds in the amount of \$174,846 for two school resource officers assigned to junior high schools.
- *9i. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement between Mesa Unified School District #4 and the City of Mesa](#) to secure funds in the amount of \$606,072 for seven school resource officers assigned to junior high schools in the City.
- *9j. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement between Mesa Unified School District #4 and the City of Mesa](#) to secure funds in the amount of \$513,606 for six school resource officers assigned to high schools in the City.
- *9k. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement between the City of Mesa and Town of Queen Creek](#) to provide fire dispatch services.
- *9l. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement with the Salt River Pima-Maricopa Indian Community](#) for the receipt and administration of grants in the amount of \$523,000. City of Mesa: \$48,000 for Mesa Library Youth Program. East Valley Child Crisis Center: \$50,000 for remodeling of Mahnah Wing/Emergency Shelter. Mesa Public Schools: \$125,000 for Native American Education Program. United Food Bank: \$300,000 for Warehouse Capital Campaign.

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10. 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.
 - *10a. **Z08-57 (District 6)** 6447 South Mountain Road. Northeast of the Pecos and Mountain Road Intersection. (13.48 ac.) Rezone from M-2 and AG to M-2 and Site Plan Review. This request is to allow development of a truck maintenance and operations facility. Jerome Stehly, owner; Doss, Allied Waste Transportation, Inc., applicant. ***(Notified property owners.)***

PHO Recommendation: Approval with Conditions.
11. Take action on the following subdivision plats:
 - *11a. **"WEST MAIN STATION VILLAGE CONDOMINIUM"** **(District 3)** 1350 West Main Street (north side) located north and west of Main Street and Alma School Road. 26 C-1 BIZ CUP live/work units (0.71 ac) Mulberry Business Park, LP, Dan Randall, owner; Robert Unger, surveyor.
 - *11b. **"WEST MAIN STATION VILLAGE TOWNHOMES"** **(District 3)** 1406 West Main Street (north side) located north and west of Main Street and Alma School Road. 42 R-4 BIZ townhome units (2.43 ac) Mulberry Business Park, LP, Dan Randall, owner; Robert Unger, surveyor.
12. Items from citizens present. (Maximum of three speakers for three minutes per speaker).