

## **CITY COUNCIL AGENDA**

### **COUNCIL CHAMBERS – 57 EAST FIRST STREET**

Monday, June 5, 2006  
5:45 P.M.

Invocation by Elder Joe Pollitt, Gateway Bible Church.

Pledge of Allegiance given by Tyler Scott Somers and Caitlin Rose Somers.

Mayor's Welcome.

1. Remarks by District 6 Councilmember Janie Thom.
2. Swearing in and seating of new and returning Councilmembers:  
  
District 4 Councilmember Jones sworn in by Amy Jones  
District 5 Councilmember Griswold sworn in by Judge Walter Switzer  
District 6 Councilmember Somers sworn in by Janell Somers.
3. Remarks and introductions by the Mayor and Councilmembers.
4. Election of Vice Mayor.

### **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.

5. Take action on all consent agenda items.
- \*6. Approval of minutes of previous meetings as written.
7. Conduct a public hearing on the proposed Fiscal Year 2006-07 Budget Plan.
8. Take action on tentative adoption of the proposed Fiscal Year 2006-07 Budget Plan.
9. Take action on the following liquor license applications:
  - \*9a. T-Squared Imports  
  
New Wholesale Liquor License for T-Squared Imports, 945 E. Juanita, Suite 105, Troiann Marie Clawitler – Applicant. This is an existing building with no previous liquor license at this location. District #4.
  - \*9b. Broadway Gas Mart  
  
New Beer & Wine Store Liquor License for Broadway Gas Mart, 1959 E. Broadway Road, Broadway Gas Mart LLC – Applicant, Elizabeth Eileen Shinohara – Agent. This is an existing building with no previous liquor license at this location. District #4.

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10. Take action on the following contracts:

- \*10a. Computer Infrastructure Hardware and Software as requested by the Information Services Division.

The Purchasing Division recommends authorizing purchase from Hewlett Packard, Inc. at \$129,021.22, including applicable sales tax and contingencies.

- \*10b. North Pasadena CNG Facility Electrical Upgrades, City of Mesa Project No. 01-516-001 (**ONLY ONE BID RECEIVED**).

This project will install a new electrical service cabinet at the North Pasadena CNG facility. This electrical cabinet will provide service to a compressor and other equipment that were relocated by city staff from the East Mesa Service Center to the North Pasadena facility. This additional compressor is a cost-effective way to increase the reliability of fuel distribution at the Pasadena facility. Improvements also include installing additional lighting and upgrades to the existing electrical system at the CNG facility.

Recommend award to the low bidder, Code Electric, in the amount of \$60,030.00 plus an additional \$6,003.00 (10% allowance for change orders) for a total award amount of \$66,033.00. Funding is available from the General Fund budgeted in the FY 05/06 Fleet Support capital program.

- \*10c. Air Sparging and Soil Vapor Extraction Remediation, City of Mesa Project No. 05-909-001.

This project will remediate soil and groundwater contamination that resulted from leaking underground storage tanks at the 6<sup>th</sup> Street Service Center. This project will utilize the Construction Manager at Risk (CM@Risk) delivery method. This initial phase is the Design Phase Services. During this phase the CM@Risk will work with City staff and the design professional to develop the project design.

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Recommend award to the Construction Manager at Risk, Conestoga-Rovers and Associates, in the amount of \$20,078.00 for Design Phase Services. Funding is available from the General Fund budgeted in the FY 05/06 Environmental Programs capital budget.

- \*10d. ADA Upgrades to Council Chambers (CDBG No. 8659), City of Mesa Project No. 03-060-001.

This project will upgrade the restroom facility located in the lower level Council Chambers. The work includes construction of a new separate ADA-compliant restroom by remodeling and decreasing the size of the existing restroom. Other improvements include new ADA-compliant drinking fountains and other minor modifications to the plumbing and electrical systems.

Recommend award to the low bidder, Command Construction, in the amount of \$200,000.00 plus an additional \$20,000.00 (10% allowance for change orders) for a total award of \$220,000.00. Funding is available from the General Fund (\$170,000.00) and Community Development Block Grant (CDBG) funds (\$50,000.00).

- \*10e. **Deleted.** Contract to Construct Two Bus Shelter Prototypes.

- \*10f. Airport liability insurance for Falcon Field as requested by the City Attorney's Office.

Recommend accepting the proposal by ACE Property & Casualty Company for airport liability at Falcon Field for \$28,002.00.

- \*10g. Aircraft Hull and Liability coverage for Police Department aircraft as requested by the City Attorney's Office.

Recommend accepting the proposal by Westchester Fire Insurance Company for aircraft hull and liability coverage for \$163,544.00. It is also recommended to purchase a "War Liability" endorsement at an annual cost of \$6,271.00. The total cost for this coverage is \$169,845.

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11. Introduction of the following ordinances and setting June 26, 2006, as the date of the public hearing on these ordinances:

- \*11a. Amending Title 6, Chapter 1 of the Mesa City Code by adding a new Section 6-1-21 entitled Sale and Display of Pseudoephedrine Products.
- \*11b. **Z06-32 (District 5)** The 100 to 200 block of North Sunvalley Boulevard (east side). Located north of Main Street, west of Sossaman Road. (2.60± ac.). Rezone from O-S to R-2 PAD and Site Plan Review. This request will allow for the development of a residential townhouse subdivision. RSB Partners, L.L.C. (Ross Farnsworth), owner; Jeff Welker, Welker Development Resources, L.L.C., applicant. ***(Held two neighborhood meetings, notified property owners, neighbors, registered neighborhoods and homeowners associations.)***

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

- \*11c. **Z06-35 (District 6)** The 7600 to 7800 block of East Elliot Road (south side). Located at the southeast corner of Elliot Road and Sossaman Road (59.94± ac.). Rezone from R1-43 to C-2 and M-1. This request will bring the zoning of the property into conformance with the Mesa 2025 General Plan. Susan C Dodds, Susan C Dodds Trust and Thomas M Dodds, Elliot & Sossaman Ltd., owners; City Staff, City of Mesa, applicant. ***(Notified property owners and interested neighbors.)***

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

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- \*11d. **Z06-37 (District 1)** The 300 to 400 block of North Stapley Drive (west side) and the 1100 to 1200 block of East University Drive (south side). Located at the southwest corner of Stapley Drive and University Drive (2.05± ac.). Site Plan Modification. This request will allow for the development of a commercial center. Kumar 'Mark' Sahajwani, Jones Executive Accounting and Payroll System, Inc. and PREHAB of Arizona; owners; Zamir Hasan, applicant. ***(Held two neighborhood meetings, notified property owners and neighbors.)***

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

- \*11e. **Z06-38 (District 5)** The 240-260 Block of North Power Road (west side). Located south of the southwest corner of Power Road and University Drive (.41± ac.). Rezone from Maricopa County R1-8 to City of Mesa R1-9. For the establishment of City of Mesa zoning on recently annexed property. Dennis Callison; owner; City of Mesa, applicant.

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

- \*11f. **Z06-39 (District 1)** The 600 block of East Jasmine Circle (north side). Located south of McKellips Road and east of Mesa Drive (1.00± ac.). Rezone from R1-43 to R1-6 BIZ. This request will allow for the development of a single residential subdivision. Mark Gunning, H & G Enterprises, LLC, owner; Jeff Welker, Welker Development Resources, LLC, applicant. ***(Held a neighborhood meeting, notified property owners, neighbors, registered neighborhoods and homeowners associations.)***

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

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- \*11g. **Deleted.** (See Agenda Item 11.1a)
- \*11h. **Z06-41 (District 3)** The 1200 through 1500 block of South Dobson Road (west side). Rezone from C-1-BIZ and R-4 to C-1-DMP and Site Plan Modification (72± ac.). This request is to allow a phased development at the Banner Desert Medical Center with patient towers, children's hospital, medical office buildings and associated structures. Jay Stallings, BDMC, owner; Joseph D. Goforth, Berry & Damore, applicant. ***(Held two neighborhood meetings, notified property owners, neighbors, registered neighborhoods and homeowners associations.)***

P&Z Recommendation: Approval with Conditions. (Vote: 6-0-1 with Boardmember Langkilde abstaining due to a potential conflict of interest).

- \*11i. Modifying rates for the following utility services:
1. Water
  2. Wastewater
  3. Natural Gas
  4. Solid Waste - Residential
- \*11j. Modifying the Terms and Conditions for the Sale of Utilities, City of Mesa's Code of Conduct (Electric Utility), Terms and Conditions for Direct Access Services, Terms and Conditions for Standard Offer and Direct Access and Rules and Regulations (Electric Utility).
- \*11k. Increasing the car allowance for Mayor and Councilmembers to \$200.00 per month.

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11.1 Introduction of the following ordinance and setting July 5, 2006, as the date of the public hearing on this ordinance:

- \*11.1a. **Z06-40 (District 3)** 2950 South Alma School Road, Suite #6. Located south of Guadalupe Road on the west side of Alma School Road (978 s.f.). Council Use Permit. This request will allow a tattoo parlor to operate at this location. Mesa Shopping Center, LLC (MPB Realty Services, Inc.), owner; Kelly Garnett, applicant. ***(Held three neighborhood meetings, notified property owners, neighbors, registered neighborhoods, homeowners associations and schools in the vicinity.)***

P&Z Recommendation: Approval with Conditions. (Vote: 4-2-1 with Boardmembers Langkilde and Mizner nay and Boardmember Saemisch abstaining due to a potential conflict of interest).

12. Take action on the following resolutions:

- \*12a. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Automobile Theft Authority to accept grant funds in the amount of \$15,927 to purchase equipment and fund overtime for proactive auto theft investigation.
- \*12b. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Automobile Theft Authority to accept grant funds in the amount of \$14,600 to promote education and vehicle identification number etching events.
- \*12c. Vacating a portion of alley right-of-way and convey a portion of city-owned land located north of One Macdonald Center.

This is in accordance with a previous agreement to provide an area for an equipment yard for One Macdonald Center.

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- \*12d. Approving and authorizing the City Manager to execute an amendment to an Intergovernmental Agreement between the State of Arizona through the Department of Economic Security and the City of Mesa for State and Federal Funds for FY 2005-2006.

These funds support a portion of the operating costs for Mesa Community Action Network (MesaCAN).

- \*12e. Approving and authorizing the City Manager to execute a City Share Reimbursement Agreement between Gateway Airport Property Investors Limited Partnership and W.G. Self Storage, Inc., and the City of Mesa for the reimbursement of regional offsite street lighting improvements that are being required by Mesa in conjunction with the proposed development known as Gateway Commerce Airport Park, located at 8924 East Germann Road. Mesa's estimated City Share on this development is \$24,822.24.

- \*12f. Approving and authorizing the City Manager to execute a City Share Reimbursement Agreement between CTW-Superstition Gateway West, LLC, and the City of Mesa for the reimbursement of regional offsite street improvements that are being required by Mesa in conjunction with the proposed development known as Superstition Gateway, located at 1768 and 1857 South Signal Butte Road. Mesa's estimated City Share on this development is \$100,000.00.

13. Take action on the following ordinance and resolution:

- \*13a. Modifying the fees and charges for the Financial Services Operations Division (Customer Service and Revenue Collections Operations) as recommended by the Finance Committee.

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14. 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.
- \*14a. Amending Title 7, Chapter 2 of the Mesa City Code by adding a new Section 7-2-3 that would require developers and architects to submit electronic drawings for building projects in addition to blueprints prior to issuance of certificate of occupancy. (Single family residences and other related residential projects are excluded from this ordinance.)
- \*14b. Amending Article IV and Article VI of the City Privilege and Excise Tax Code to Increase the Transaction Privilege and Use Taxes from 1.5% to 1.75%.
- \*14c. **A06-04 (District 5)** Annexing land located on Range Rider Trail east of Hawes Road. (4.73 ± ac.) Initiated by Ruth Irvine, the property owner.
- \*14d. **A06-09 (District 5)** Annexing land located south of the southwest corner of Power Road and University Drive. (0.41 ± ac.) Initiated by Dennis Callison, the property owner.
- 14e. **Z06-27 (District 6)** The 9200-9600 block of East Elliot Road (north side). Located north of Elliot Road and east of Ellsworth Road (75± ac.). Rezone from R1-43 to C-2 and M-1. This request is to bring the zoning of the property into conformance with the Mesa 2025 General Plan. The Cardon Company (Will Cardon), owner; City Staff, City of Mesa, applicant. (**Notified property owners, interested neighbors, and General Motors.**)

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

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15. Take action on the following subdivision plats:
  - \*15a. "MOUNTAIN HORIZONS UNIT 14 CONDOMINIUMS" (**District 6**) 4500-4600 blocks of South Signal Butte Road (east side) located south and east of Ray Road and Signal Butte Road. 198 R-2 PAD DMP condominium units (28.94 ac) Pulte Home Corporation, Tim Loughrin, representative, owner.
  - \*15b. "SOUTHGATE COMMERCE PARK" (**District 6**) 8800 block of East Germann Road (north side) located north and west of Germann Road and Ellsworth Road. 32 O-S PAD, C-1 PAD and M-1 PAD industrial lots (14.93 ac) ALC Builders, L.L.C., Anson L. Call, President, owner.
  - \*15c. "H-B Dover Office Condominium" (**District 5**) 4320-4400 block of East Presidio Street (north side) located north and west of McDowell Road and Greenfield Road. 36 M-1 PAD industrial condominium units (2.77 ac) H-B Dover/Office, LLC, David E. Lord, Senior Vice President, owner.
16. Items from citizens present. (Maximum of three speakers for three minutes per speaker).