

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

January 12, 2009
5:45 P.M.

Invocation by Pastor Mike Cash, East Valley Free Will Baptist 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).

MESA CITY COUNCIL
January 12, 2009
Page 2

1. Take action on all consent agenda items.
- *2. Approval of minutes of previous meetings as written.
3. Conduct a public hearing prior to the release of the petition for signatures for the following proposed annexations:
 - 3a. [A08-07 \(District 5\)](#) Annexing land located south of University Drive and east of Higley Road (29.60 +/- ac). Initiated by Craig Ahlstrom for the property owner, Dreamland Golf Ltd. Partnership.
 - 3b. [A08-14 \(District 5\)](#) Annexing land located south of McDowell Road and east of Higley Road (0.08 +/- ac). Initiated by Michael Gallego for the property owner, Ronald Barney.
 - 3c. [A08-38 \(District 6\)](#) Annexing land located north of Southern Ave. and west of Ellsworth Road (1.11 +/- ac). Initiated by Carlos Dominguez for the property owner, Masjid Abu Baker.
4. Take action on the following liquor license applications:
 - *4a. [Dobson Ranch Woman's Club](#)

This is a one day charitable event to be held on Saturday, February 21, 2009 from 7:00 P.M. to 10:00 P.M. at 2719 S. Reyes. **(District 3)**
 - *4b. [Hyatt Place Phoenix-Mesa](#)

New Beer & Wine Bar License for Hyatt Place Phoenix-Mesa, 1422 W. Bass Pro Drive, Mesa Food & Beverage LLC – Candace Lee Greff, Agent. This is new construction with no previous liquor license at this location. **(District 1)**
 - *4c. [Carniceria El Porton](#)

New Beer & Wine Store License for Carniceria El Porton, 1316 W. University Drive, – Martin Roberto Reyes, Individual. The previous Beer & Wine Store License held at this location by Carniceria El Rodeo 2 will revert back to the State. **(District 1)**

MESA CITY COUNCIL
January 12, 2009
Page 3

*4d. El Bucanero

New Restaurant License for El Bucanero, 35 N. Country Club Drive, El Bucanero LLC -Julio Albert Guerrero, Agent. The previous Restaurant License held at this location by Centro Botanero will revert back to the State. **(District 4)**

*4e. Native New Yorker

New Restaurant License for Native New Yorker, 1559 S. Gilbert Road, Gilbert 60 Powers LLC - Amy S. Nations, Agent. The previous Restaurant License held at this location by Native New Yorker will revert back to the State. **(District 2)**

5. Take action on the following contracts:

*5a. Purchase of One (1) Urban Tactical Robot for the Mesa Police Department. (Fully Grant Funded UASI Federal Homeland Security Program) **(Sole Source as required by Grant)**

The Business Services Department recommends accepting the sole source bid from Automatika/Foster-Miller, Inc. at \$69,132.10, including applicable use tax.

*5b. Purchase of One (1) Bomb Robot for the Mesa Police Department (Fully Grant Funded UASI Federal Homeland Security Program) **(Sole Source as required by Grant)**

The Business Services Department recommends accepting the sole source bid from ICOR Technology, Inc. at \$65,498.40, including applicable use tax.

*5c. Purchase of Two (2) Explosive Device Protection Suits for the Mesa Police Department. (Fully Grant Funded State Homeland Security Grant Program) **(Single Bid)**

The Business Services Department recommends awarding the purchase to the single bidder, Mar-Vel International, Inc. at \$49,449.50, including applicable use tax.

MESA CITY COUNCIL
January 12, 2009
Page 4

- *5d. Purchase of Additional DNA Analysis Equipment for the Police Department (Mesa Contract #2008195) (Fully Funded National Institute for Justice DNA Backlog IV Grant and State of Arizona Crime Lab Assessment Fund) (**Sole Source**)

The Business Services Department recommends accepting the sole source bid from Life Technologies Corporation dba Applied Biosystems Group at \$104,157.50, including applicable use tax.

- *5e. Cancellation and Re-award of the Term Contract for Uniform Garments for the Fire Department

The Business Services Department recommends cancelling the award to Larada's Army Surplus and re-awarding the remainder of the contract (Group A only) to the second lowest, responsive and responsible bidder, Surf & Ski Enterprises at \$119,835.93 annually, including applicable sales tax.

- *5f. Term Contract for Replacement Fire Hydrant Water Meters for the Utilities Department, Water Division

The Business Services Department recommends awarding the contract to the lowest responsive, responsible bidder, Badger Meter Inc. at \$45,302.40 annually, including applicable use tax.

- *5g. One-Year Renewal of the Term Contract for Bulk Methanol for the Utilities Department, Water Division

The Business Services Department recommends authorizing renewal of the contract with Western States Petroleum at \$310,000.00 annually, based on estimated requirements.

MESA CITY COUNCIL
January 12, 2009
Page 5

- *5h. Term Contract for Replacement [Automotive Deep Cycle Batteries](#) for the Fleet Services Department

The Business Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, Copperstate Battery, Inc. at \$100,234.72 annually, including applicable sales tax.

- *5i. [Purchase of One \(1\) Replacement Medium-Duty Truck](#) with Flatbed Body and Crane for the Utilities Department, Water Division.

The Business Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, Altec Industries at \$180,813.60, including applicable use tax.

- *5j. [Kingsborough Park ADA Modifications Playground Renovation](#), 2311 East Holmes Avenue, City of Mesa Project No. 06-004-001. **(District 2)**

This project includes installing new play equipment, fully ADA-accessible engineered wood fiber for the playground surfacing, new accessible ramps and walkways, trash receptacles, benches, drinking fountains, barbeque grills and picnic tables. The two existing ramadas will remain in-place and will be re-used. Parks, Recreation and Commercial Facilities (PRCF) Department staff will be doing landscape and irrigation adjustments, and lighting improvements to accommodate the renovated park areas.

Recommend rejection of the September 22, 2008 award of \$262,660.20 to Comcast Corporation and award to the current low bidder, R.K. Sanders, Inc., in the amount of \$180,412.00 plus an additional \$18,041.20 (10% allowance for change orders) for a total award of \$198,453.20. Funding is available in the approved FY 08/09 Community Development Capital Program – Community Development Block Grant (CDBG) Funds.

MESA CITY COUNCIL
January 12, 2009
Page 6

- *5k. [69kV Rebuild Project](#), University Drive from Extension to Stapley Drive, City of Mesa Project No. 06-025-001.
(Districts 1, 2 and 4)

This project includes the replacement of 54 wood poles with 41 concrete poles and 13 steel poles. The steel poles will act as “stopper” poles to minimize catastrophic failure during severe wind storms (micro-bursts). Also included in the work is the installation 2.5 miles of new conductors (wires) to help improve the capacity of the electric system. All materials for this project are to be provided by the Electric Division.

Recommend award to the low bidder, Sturgeon Electric Company, Inc., in the amount of \$647,763.10 plus an additional \$64,776.31 (10% allowance for change orders) for a total award of \$712,539.41. Funding is available from the approved FY 08/09 Budget, Electric Bond Program.

6. Take action on the following resolutions:

- *6a. [Modifying fees and charges](#) for the Arizona Museum of Natural History.
- *6b. Approving and authorizing the City Manager to execute a [Grant Agreement with the National Children’s Alliance](#) to secure grant funds in the amount of \$10,000 to purchase computer equipment for the Police Department’s Computer Forensic Unit.
- *6c. Approving an [Agricultural Property Master Lease](#) for key terms and parameters set and conditioned by the Council and authorizing the City Manager, or his designee, to provide annual updates/negotiating of the terms, rental rates and non-material additional provisions to these Master Lease terms for the City’s “water farms” and citrus groves.

MESA CITY COUNCIL
January 12, 2009
Page 7

- *6d. Approving and authorizing the City Manager to execute an amendment to a Development Agreement between Pinnacle Holdings, LLC, and the City of Mesa for a change in the construction completion for the McLellan Road ½ street improvements that are being required by Mesa in conjunction with the Mountain Bridge residential development located at 8402 East McKellips Road.
(District 5)
- *6e. Extinguishing a portion of a Public Utilities Easement at 1106 South Signal Butte Road. **(District 5)**
- This portion of the easement is no longer needed as the design of the property has changed and the developer has dedicated a new easement.
- *6f. Approving the sale of excess City-owned property located at the southeast corner of Higley Road and Red Mountain Freeway Loop 202.
- This parcel has been determined to be excess city-owned property.
- *6g. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with Valley Metro Rail, Inc. for Mesa to provide real estate services to obtain options to lease property for additional commuter vehicle parking adjacent to the Sycamore Park-and-Ride.
- *6h. Approving and authorizing the City Manager to execute a Letter of Understanding with the Arizona Department of Water Resources regarding appropriate regulatory accounting for non-potable water deliveries for turf irrigation purposes.
- *6i. Approving and authorizing the City Manager to execute the White Mountain Apache Tribe Water Rights Quantification Agreement.

MESA CITY COUNCIL
January 12, 2009
Page 8

7. Introduction of the following ordinances and setting January 26, 2009, as the date of the public hearing on these ordinances:
- *7a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

Speed Limits (30 mph): 10-4-6

Establishing a speed limit of 30 mph on Hampton Avenue from Cheshire to Signal Butte Road. (South of Southern Avenue and west of Signal Butte Road) (**District 6**)
 - *7b. Amending Section 10-5-1 of the Mesa City Code relating to City-owned parking lots and garages to authorize the City Manager to determine if the event parking fee should be assessed for specific events and granting the City Council the ability to authorize the City Manager to enter into licenses, lease or other agreements that modify or waive daily and event parking fees.
 - *7c. Z08-69 (District 6) 8825, 8837 and 8911 E Sunland Avenue. Located north and west of Ellsworth Road and Southern Avenue. (3.36± ac) Rezone from Maricopa County R1-43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property. Stephen and Susan Hagerman, James and Jean Winters, James and Cynthia McClafferty, owners; City of Mesa, applicant.

PHO Recommendation: Approval with conditions.
 - *7d. Z08-72 (District 4) 513 South Morris Street. Located south of Broadway Road and east of Country Club Drive. Rezone from R-4 to M-1. This request will allow the current business operation to be brought into conformance with the M-1 zoning district. . Lance Willis, Orange Street Mechanical, LLC., owner; Tyler Wright, Pew & Lake, PLC., applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (5-1-1 with Boardmembers Carter abstaining and Salas absent)

MESA CITY COUNCIL
January 12, 2009
Page 9

- *7e. **Z08-73 (District 2)** The 1000 to 1100 blocks of North Stapley Drive (east side). Located south of Brown Road and east of Stapley Drive. (1.15± ac.). Rezone from R1-9 to O-S and Site Plan Review. This request will allow the development of an assisted living facility. Chad Rogers, owner; Dan Brock – Brock, Craig and Thacker Architects, applicant. ***(Held two neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)***

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

- *7f. **Z08-74 (District 5)** 2041 North Recker Road. Located north of Mckellips Road on the east side of Recker Road (1.43± ac). Rezone from R1-9 to C-2 and Site Plan Review. This request will allow for the development of an auto service facility with a car wash. Angela N. Dotty, PFA Enterprises, LLC, owner; Richard Clutter, EMC2 Architects, applicant. ***(Notified property owners, homeowners associations and registered neighborhoods.)***

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

- *7g. **Z08-75 (District 6)** 5358 East Baseline Road. Located east of Higley Road on the north side of Baseline Road. (3.47± ac). Site Plan Modification. This request will allow the development of a skilled nursing facility in the C-1 district. Kelly Hanrahan, Trustee of The William Lee Hanrahan Trust, owner; Mark Hansen, Member of Sante Partners, LLC applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

- *7h. **Amending Title 5, Chapter 7, Section 3 of the Mesa City Code** to implement a fee involving all pawnshop and secondhand dealer transaction reports filed within the Mesa Police Recovered Property Unit.

MESA CITY COUNCIL
January 12, 2009
Page 10

8. 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.
- *8a. **A06-26 (District 5)** Annexing vacant 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. **(Continued from the December 8, 2008 Council meeting). (Consent Agenda: To continue to January 26, 2009 Council meeting)**
- *8b. **Z08-67 (District 5)** 6750 East Baywood Avenue. Located north of Broadway Road on the west side of Power Road (4.8± ac). Site Plan Modification and Modification of BIZ Overlay. This request will allow an addition to an existing hospital. Banner Health Systems, owner; Deva Powell, HKS Inc, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***
- P&Z Recommendation: Approval with conditions. (Vote: 7-0)
- *8c. **Z08-68 (District 6)** The 7400 to 7500 blocks of East Southern Avenue (north side). Located west of Sossaman Road on the north side of Southern Avenue (11.57± ac). Rezone from C-2 DMP to C-2 PAD DMP and Site Plan Review. This request will allow for the development of a group commercial center. Kevin Page, Vice President, The Arizona Real Estate Fund II, LLC., owner; David Calcaterra, Deutsch Architecture Group, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***
- P&Z Recommendation: Approval with conditions. (Vote: 7-0)

MESA CITY COUNCIL
January 12, 2009
Page 11

9. Take action on the following recommendation from the Audit and Finance Committee:
 - *9a. Accept the City's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2008.

Committee Recommendation: Approval. (Vote: 3-0)
- *10. Assign delinquent accounts to collection services for the three-month period ending September 30, 2008, totaling \$991,362.
11. Discuss and take action on compensation issues:
 - *11a. **Deleted.**
 - *11b. **Deleted.**
 - *11c. Reduce the compensation of the City Manager, City Attorney, City Clerk and City Auditor by an amount equal to 2% of their bi-weekly base salary and authorize the Mayor to sign revised contracts for the City Manager and City Attorney reflecting this change.
12. Items from citizens present. (Maximum of three speakers for three minutes per speaker).