

CITY COUNCIL AGENDA
COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, June 2, 2003

5:45 P.M.

Invocation by Pastor Gerald Gettis, Calvary Free Lutheran Church.

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 on the proposed Fiscal Year 2003-04 Budget Plan.
4. Consider tentative adoption of the proposed Fiscal Year 2003-04 Budget Plan.

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5. Consider the following liquor license applications:

*a. JANICE MARTIN, AGENT

Person & Location transfer Liquor Store License for Safeway Food & Drug #2676, 9101 E. Baseline Road. This is a new business currently under construction. This transfer is from Randy Allen Guse, Agent, Walgreen Arizona Drug Co., 34402 N. Scottsdale Road, Scottsdale. This license will transfer to the applicant.

*b. JANICE MARTIN, AGENT

Person & Location transfer Liquor Store License for Safeway Food & Drug #2644, 1855 N. Power Road. This is a new business currently under construction. This transfer is from George K Sim, Food Star Market, 10943 W. Buckeye, Avondale. This license will transfer to the applicant.

*c. KIM KWIATKOWSKI, AGENT

New Beer and Wine Store License for Circle K Store #6361, 2760 E. Baseline Road. This is an existing business. The Beer and Wine Store License previously held at this location by Kenneth Joseph Zarnowiec, Agent, Phillips Petroleum Co., will revert back to the State.

*d. KIM KWIATKOWSKI, AGENT

New Beer and Wine Store License for Circle K Store #6346, 1810 S. Country Club Drive. This is an existing business. The Beer and Wine Store License previously held at this location by Kenneth Joseph Zarnowiec, Agent, Phillips Petroleum Co., will revert back to the State.

*e. KIM KWIATKOWSKI, AGENT

New Beer and Wine Store License for Circle K Store #6461, 2808 S. Dobson Road. This is an existing business. The Beer and Wine Store License previously held at this location by Kenneth Joseph Zarnowiec, Agent, Phillips Petroleum Co., will revert back to the State.

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*f. KIM KWIATKOWSKI, AGENT

New Beer and Wine Store License for Circle K Store #6287, 4425 E. Main Street. This is an existing business. The Beer and Wine Store License previously held at this location by Kenneth Joseph Zarnowiec, Agent, Phillips Petroleum Co., will revert back to the State.

*g. KIM KWIATKOWSKI, AGENT

New Beer and Wine Store License for Circle K Store #6356, 1203 E. Southern Avenue. This is an existing business. The Beer and Wine Store License previously held at this location by Kenneth Joseph Zarnowiec, Agent, Phillips Petroleum Co., will revert back to the State.

*h. KIM KWIATKOWSKI, AGENT

New Beer and Wine Store License for Circle K Store #6357, 1850 S. Stapley Drive. This is an existing business. The Beer and Wine Store License previously held at this location by Kenneth Joseph Zarnowiec, Agent, Phillips Petroleum Co., will revert back to the State.

*i. KIM KWIATKOWSKI, AGENT

New Beer and Wine Store License for Circle K Store #6459, 1557 S. Val Vista Drive. This is an existing business. The Beer and Wine Store License previously held at this location by Kenneth Joseph Zarnowiec, Agent, Phillips Petroleum Co., will revert back to the State.

*j. RUSSELL OWENS, AGENT

New Restaurant License for Pei Wei Asian Diner, 3426 E. Baseline Rd., #121. This is a vacant lot. No previous liquor licenses at this location.

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6. Consider the following contracts:

- *a. Airport and aircraft liability insurance as requested by the City Attorney's office.

The Purchasing Division recommends accepting the proposal by Arthur J. Gallagher for aircraft hull and aircraft liability insurance at an initial annual premium of \$172,124 and airport liability insurance at an initial annual premium of \$35,852. The total award is then \$207,976.

In addition, the Purchasing Division recommends appointing Arthur J. Gallagher as the broker to market the City's aircraft and airport liability insurance for the 2004 and 2005 renewal periods.

- *b. Replacement network hardware for City buildings, as requested by the Information Services Division (ISD).

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Ames Business and Learning Environments, Inc. for purchases totaling \$139,411.27.

- *c. Computer Aided Dispatch (CAD) I/Dispatcher Software License for Police Municipal Security, as requested by the Information Services Division (ISD).

The Purchasing Division recommends accepting the only bid from Intergraph Public Safety (IPS) for the software totaling \$15,840.00. **(Sole Source)**

- *d. Digital camera equipment as requested by the Police Department.

The Purchasing Division recommends accepting the low overall bid by B & H Photo Video Pro-Audio at \$100,968.54 including applicable use tax.

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- *e. Noritsu digital printer and film processor as requested by the Police Department.

The Purchasing Division recommends accepting the bid by Noritsu America Corporation at \$199,558.66. **(Sole Source)**

- *f. Self-contained breathing equipment as requested by the Fire Department for police personnel assigned to the Weapons of Mass Destruction First Responder's Team.

The Purchasing Division recommends authorizing an additional purchase option from RFB #2002191 with the low bids meeting specification as follows:

Group 1, Items 1-1 and 1-3, to First In, Inc. at \$17,381.53;

Group 3, Items 3-1 and 3-4, to Universal Police Supply Company at \$54,739.68.

**REVISED
WORDING**

The combined award is then \$72,121.21. (The Fire Department received a \$350,000 grant from the Department of Justice to cover the cost of similar supplies previously purchased, as well as these supplies).

- *g. Six replacement truck scales as requested by the Police Department for use by the Commercial Vehicle Inspection unit.

**REVISED
WORDING**

The Purchasing Division recommends accepting the bid by Loadometer Corporation at \$21,859.20 including applicable use tax. (This purchase is 100% grant funded by the Arizona Department of Public Safety.) **(Sole Source)**.

- *h. 5-year tax-exempt lease for 800 MHz subscriber equipment to be purchased during FY 2003-04, as requested by Communications. The equipment includes portable and mobile radios, control stations and related items.

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The Purchasing Division recommends authorizing purchases from the City of Phoenix contracts with Motorola, EF Johnson and Kenwood. Currently, staff is requesting approval to establish a 5-year tax-exempt lease not to exceed \$6,535,000 to pay for the equipment needed in FY 2003-04.

- *i. Re-Roof Various City Buildings. City of Mesa Project No. 02-902-001.

This project proposes to remove and replace the modified bitumen roofing on seven different buildings, including the Riverview Golf Course Clubhouse and Maintenance Building, Centennial Hall North Wing, Centennial Garage, Fire Station 215, the East Mesa Service Center Utilities Building, and Buildings 1 and 2 at the South Center Complex.

Recommend award to low bidder, Contract West Roofing, Inc., in the amount of \$703,600.00 plus an additional \$70,360.00 (10% allowance for change orders) for a total award of \$773,960.00.

- *j. Rehabilitation of Baseline Road Sewer Metering Station. City of Mesa Project No. 01-688-001.

This project proposes to rehabilitate the Baseline Road Station at Price that has deteriorated to below acceptable condition. Work includes replacing grating, repairing damaged concrete walls and slabs, and applying corrosion resistant surface coatings.

Recommend award to low bidder, Hunter Contracting Company, in the amount of \$32,300.00 plus an additional \$3,230.00 (10% allowance for change orders) for a total award of \$35,530.00.

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**OFF
CONSENT**

- k. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and ATC for fixed route bus service and vehicle maintenance.

This is a seven-year contract that will provide operation and maintenance of buses for fixed route bus service.

Recommend award to ATC in the amount of \$4,531,273.00.

7. Introduction of the following ordinances and setting June 30, 2003 as the date of public hearing on these ordinances:

Note: City Council introduction of ordinances does not necessarily reflect City Council approval of these ordinances. Introduction of ordinances sets in motion the public posting and advertising process for ordinances so that the City Council can hear from concerned citizens at the public hearing.

- *a. Modifying rate schedules for the following utility services:

1. Electric
2. Natural Gas
3. Wastewater
4. Water

- *b. Modifying rate schedules for Solid Waste Utility Service.

- *c. Authorizing a fee increase for Abandonment Fees charged for extinguishing public easements, and Vacating Public Rights of Way.

**OFF
CONSENT**

- d. Amending Section 1-27-2 of the Zoning Ordinance of the Mesa City Code regarding civil code violations; amending Sections 8-2-9, 8-2-14, 8-6-3, 8-6-7, 8-6-8, and 8-6-9 regarding responsible parties, proper service, and sanctions; amending Sections 11-1-5 and 11-19-4 regarding enforcement and sanctions.

**OFF
CONSENT**

- e. Amending Sections 11-1-6 and 11-13-2 of the Zoning Ordinance of the Mesa City Code pertaining to the regulation of portable storage containers.

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- *f. Amending Sections 11-19-5 and 11-19-8 of the Zoning Ordinance of the Mesa City Code pertaining to freeway landmark monument signs.
 - *g. Amending Sections 11-19-5 and 11-19-8 of the Zoning Ordinance of the Mesa City Code pertaining to electronic message display signs.
 - *h. Amending Section 11-15-4 of the Zoning Ordinance of the Mesa City Code pertaining to screening requirements for outdoor vehicle display.
 - *i. Amending Sections 11-18-6, 11-18-8, and 11-18-10 of the Zoning Ordinance of the Mesa City Code pertaining to fees for planning services; amending Sections 9-6-2 and 9-6-6 regarding adjustments to the required fees for subdivision plats and land splits.
 - *j. **Z03-24** (District 6) –The 3200-3300 blocks of South Sossaman Road (east side) (26.42+ acres) Rezone from R1-43 to M-1. This rezone will facilitate conformance with the Mesa 2025 General Plan. Peter Martens, owner; City of Mesa, applicant.
8. Consider the following resolutions:
- *a. Authorizing the fee increase for a “Letter of Clearance” from \$5.00 to \$10.00.
 - *b. Authorizing the City Manager to execute an Intergovernmental Agreement between the Cities of Chandler, Glendale, Goodyear, Mesa, Peoria and Scottsdale, to allow continuation of joint legal representation in the Gila River Indian Community water rights settlement negotiations.
 - *c. Authorizing the City Manager to enter into an Intergovernmental Agreement between the City of Mesa and the Arizona Department of Economic Security (DES) for the purpose of receiving financial reimbursement for support of the upcoming Summer Day Camp program session.

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REVISED WORDING *d. Approving and authorizing the City Manager or designee to execute an Intergovernmental Agreement between the State of Arizona through the Department of Commerce and the City of Mesa for \$69,444.00 which will allow the Mesa Community Action Network to provide weatherization services for low-income households in the Mesa service area. (State funding pass through.)

REVISED WORDING *e. Approving and authorizing the City Manager or designee to execute an Intergovernmental Agreement between the State of Arizona through the Department of Commerce and the City of Mesa for \$4,750.00 which will allow the Mesa Community Action Network to provide weatherization services for low-income households in the Mesa service area. (State funding pass through.)

REVISED WORDING *f. Approving and authorizing the City Manager or his designated representative to execute an amendment to an Intergovernmental Agreement with the State of Arizona through the Department of Economic Security and the City of Mesa for \$652,382.00 which will support a portion of the operating costs for Mesa Community Action Network including the case management program, the work assistance program, the asset development program, and the utility assistance program. (State funding pass through.)

OFF CONSENT g. Authorizing the City Manager to execute an amended and restated Disposition and Development Agreement for Palm Court Investments, LLC, (Mesa Discount), Site 24 Redevelopment Project.

OFF CONSENT h. Approving and authorizing the City Manager to execute a Letter Agreement between the City of Phoenix Public Transit Department and the City of Mesa which will provide for an advance of federal funds from the City of Phoenix of \$4.5 million for a portion of Mesa's pro rata share of light rail transit expenses in FY 2002-03 and FY 2003-04.

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**REVISED
WORDING**

- *i. Authorizing the City Manager to execute an agreement between the City of Mesa and the Driving Under the Influence Abatement Council for additional funds to pay overtime for extra DUI enforcement on Sunday, Monday and Tuesday nights. (State funding.)

**NEW
ITEM**

- *j. Authorizing the sale of City property to the Arizona Department of Transportation for the Santan Freeway in the amount of \$767,400.00.

The City owns property at the northeast corner of Baseline and Hawes Roads. ADOT needs this property for the Santan Freeway as it continues south from the US 60 & Santan Interchange.

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

- *a. **Z03-15** (District 5) – 6063 East Arbor (1.12± acres) Rezone from C-2 to R-4. This case involves the expansion of an existing assisted living facility on an adjacent parcel. Arbor Rose LLC, owner; Ron Genenbacher, Arbor Rose LLC, applicant.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Compliance with the landscape palette by the Design Review planner.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

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**OFF
CONSENT**

- b. **Z03-16** (District 6) –The southwest corner of Hawes Road and Guadalupe Road. (15.84± acres) Site Plan Review. This case involves the development of a Wal-Mart Neighborhood Market. Hawes and Guadalupe Limited Partnership, owner; Enda Melvin, Kimley-Horn and Associates, applicant. **A ¾ VOTE IS REQUIRED TO APPROVE THIS CASE.**

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Compliance with all requirements of the Design Review Board, including landscaping, pedestrian connections and elevations.
3. Submittal of a photometric study for review by the Design Review Board.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (prior to the issuance of a building permit).
7. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
8. Review and approval of a Special Use Permit by the Board of Adjustment for the gas kiosk.
9. One row of trees along the west property line and at the southwest corner of the property in the first phase of development to be reviewed and approved by the Design Review Board.

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- *c. **Z03-18** (District 5) –The 200 block of South 63rd Street, west side through to Arbor Avenue, (2.4± acres). Rezone from AG to C-1 PAD. This case involves the development of office buildings. Michael Hamberlin, owner; Sherman Cawley, applicant.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with all requirements of the Design Review Board.
8. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

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- *d. **Z03-19** (District 6) –The 5400 to 5600 block of East Inverness Avenue, north side (17± acres). Site Plan Modification. This case involves the development of a UPS distribution facility. Michael F. Diessner, owner; Chanel Garner UPS, applicant.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
 2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
 3. Compliance with all City development codes and regulations.
 4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
 5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
 6. All street improvements to be installed in the first phase of construction.
 7. Compliance with all requirements of the Subdivision Technical Review Committee.
 8. Compliance with all requirements of the Design Review Board.
 9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
10. Items from citizens present. (Maximum of three speakers for three minutes per speaker).