

## **CITY COUNCIL AGENDA**

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

Monday, April 21, 2008  
5:45 P.M.

Invocation by Pastor Dr. James E. Adams, Cornerstone 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 all consent agenda items.
- \*2. [Approval of minutes](#) of previous meetings as written.
3. Take action on the following liquor license applications:
  - \*3a. [Hohokam Park Cinco De Mayo](#)

This is a two-day charitable event to be held on May 3 and 4, 2008 from 2:00 P.M. to 10:00 P.M. at 1235 N. Center Street. **(District 1)**
  - \*3b. [Circle K Store #6357](#)

New Beer & Wine Store License for Circle K Store #6357, 1850 S. Stapley Drive, Circle K Stores Inc. – Applicant, Kim Kenneth Kwiatkowski – Agent. Circle K Stores, Inc. will retain the Liquor Store license held at this location. **(District 4)**
  - \*3c. [Cobblestone Auto Spa & Market V](#)

New Beer & Wine Store License for Cobblestone Auto Spa & Market V, 1855 S. Signal Butte Road, Cobblestone Auto Spa & Market V LLC – Applicant, Randy D. Nations – Agent. This is new construction with no previous liquor license at this location. **(District 6)**
  - \*3d. [Bennett's Tavern](#)

New Restaurant License for Bennett's Tavern, 1762 S. Greenfield Road, Suite #111, Bennett Hospitality LLC – Applicant, Eric Christopher Bennett – Agent. The previous Restaurant License held at this location by Rotelli's Pizza & Pasta closed 6/15/2007. **(District 6)**
  - \*3e. [Kwan's Sampan Restaurant](#)

New Restaurant License for Kwan's Sampan Restaurant, 1927 N. Gilbert Road, Suite #14, C1 Enterprise Inc – Applicant, Wilson Woo – Agent. The previous Restaurant License held at this location by Lucky Feng Corporation, issued 05/19/1998, will revert back to the State. **(District 1)**

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3f. [Cornish Pasty Co.](#)

New Restaurant License for Cornish Pasty Co., 1941 W. Guadalupe Road, Suite #101, Thomas Arnold Inc. – Applicant, Dean Lloyd Thomas – Agent. This is an existing building with no previous liquor license at this location.  
**(District 3)**

3g. [Fraternal Order of Eagles #4508](#)

New Club License for Fraternal Order of Eagles #4508, 4210 E. Main Street, Suite #3, East Mesa Aerie #4508 Fraternal Order of Eagles – Applicant, Brian Roy Atwell – Agent. The previous Restaurant License held at this location by Popos Too, issued 06/03/04, will revert back to the State.  
**(District 2) (The applicant has requested this application be withdrawn)**

4. Take action on the following bingo application:

\*4a. [BINGO – CLASS A](#)

Sun Life Resort **(District 5)**  
Bernard Garren  
5055 E. University Drive  
Mesa, AZ 85205

5. Take action on the following contracts:

\*5a. Two-year Renewal [Contract for Landscape Maintenance Services](#) for Parkway Medians and Rights-of-Way, in an Area Designated as Section V, for the Transportation Department, Field Operations.

The Procurement Services Department recommends authorizing renewal with The Groundskeeper at \$192,147.51 annually, based on estimated requirements.

\*5b. [One Light-Duty Replacement Truck](#) with Utility Body for the Transportation Department, Field Operations.

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The Procurement Services Department recommends authorizing purchase from Avondale Dodge, Inc. at \$30,866.52, including applicable sales tax.

- \*5c. Three-Year Supply [Contract for Replacement Street Sweeper Brooms](#) for the Fleet Services Department.  
**(Single Bid)**

The Procurement Services Department recommends awarding the contract to the single bidder, West Coast Equipment Inc. at \$63,771.09 annually, including contingencies and applicable sales tax, based on estimated requirements.

- \*5d. Purchase of Three (3) [Replacement Heavy-Duty Chassis Vehicles](#) with Roll-Off Container System for the Solid Waste Department (Funded through Fleet Services' Vehicle Replacement Program and Solid Waste FY07/08 Budget).

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, Inland Kenworth at \$647,993.56, including sales tax.

- \*5e. Purchase of [Computer Security Software](#) for the Information Technology Department.

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, En Pointe Technologies Sales, Inc. at \$39,177.60, including applicable use tax.

- \*5f. Purchase of [One \(1\) Replacement Heavy-Duty, Solid Waste Container Carrier Truck](#) for the Solid Waste Department.

The Procurement Services Department recommends authorizing purchase from the lowest, responsive and responsible bid from Rush Truck Center of dba AZ Rush Truck Center, Phoenix at \$100,762.32, including applicable sales tax.

\*5g. Purchase of an [Automated Data Backup and Restoration System](#) for the Transportation Department, Traffic Engineering. **Deleted.**

\*5h. Purchase of [Hardware and Software to Upgrade the Enterprise Document Management System](#) for the Information Technology Department, (Tax-Exempt Lease) **(Single Bid)**

The Procurement Services Department recommends authorizing purchase from the State of Arizona Contract with ASAP Software Express, Inc. at \$4,938.01 and awarding the single bid from ICI Solutions at \$244,604.64, along with additional miscellaneous items at \$6,457.35, for a combined award of \$256,000.00, including contingencies and applicable taxes.

5i. Three-Year Supply [Contract for Asphalt and Crack Sealant](#) for the Transportation Department, Field Operations (Partially HURF Funded).

The Procurement Services Department recommends awarding contracts to the lowest, responsive and responsible bids as follows: Groups I, II & III - Quality Emulsions, LLC, primary at \$3,051,916.42 annually; Ergon Asphalt Products, Inc., secondary at \$381,551.77 annually; and Group IV - Crafcoc, Inc., primary at \$142,044.83 annually; Superior Supply, Inc., secondary at \$25,183.00 annually. The total combined award is then \$3,600,696.02 annually, based on estimated purchases, including contingencies and applicable taxes.

5j. [Pressure Reducing Valve Station](#) (PRV 31), 1834 East Lehi Road, City of Mesa Project No. 04-067-001. **(District 1)**

This project will construct a pressure reducing valve that will be enclosed within a new masonry screen wall and upgrades the electrical and instrumentation facilities. The PRV is needed in order to provide adequate fire flow capabilities and to improve water quality.

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Recommend award to the low bidder, Sallaway Development LLC, in the amount of \$127,813.00 plus an additional \$12,781.30 (10% allowance for change orders) for a total award of \$140,594.30. Funding is available from the approved FY 2007/2008 Capital Water Bond Program.

- 5k. [Sossaman Road Waterline](#) (Pecos Road to Velocity Way) and Pressure Reducing Valve Station (PRV 34), 7002 South Sossaman Road, City of Mesa Project No. 06-035-001. **(District 6)**

This project includes approximately 3,300 feet of 16-inch waterline, a pressure reducing valve station (PRV 34), a new masonry wall enclosure, and associated electrical and instrumentation facilities for the pressure reducing valve station.

Recommend award to the low bidder, Visus Engineering Construction, Inc., in the amount of \$408,000.00 plus an additional \$40,800.00 (10% allowance for change orders) for a total award of \$448,800.00. Funding is available from the approved FY 2007/2008 Water Capital Bond Program.

- 5l. [FY 2007/2008 Residential Street Overlays](#), City of Mesa Project No. 06-044-002. **(Districts 1 and 6)**

This project includes more than 290,000 square yards of asphalt pavement mill and overlay. The work will also include the installation of ADA compliant sidewalk ramps and other miscellaneous street improvements.

Recommend award to the low bidder, M.R. Tanner Development and Construction, Inc., in the amount of \$2,853,000.00 plus an additional \$285,300.00 (10% allowance for change orders) for a total award of \$3,138,300.00. Funding is available from the approved FY 2007/2008 Transportation Operating Budget.

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- 5m. [FY 2007/2008 Street Improvements](#) (Road Segments: McKellips Road from Gilbert Road to Val Vista Drive and Recker Road from Adobe Road to McKellips Road), City of Mesa Project No. 06-044-003. **(Districts 1 and 5)**

This project includes more than 100,000 square yards of asphalt pavement reconstruction along McKellips Road from Gilbert Road to Val Vista Drive and along Recker Road from Adobe Road to McKellips Road. The project will also install approximately 3,000 feet of storm drain in Recker Road, sidewalk, sidewalk ramps and other miscellaneous street improvements.

Recommend award to the low bidder, Nesbitt Contracting Company, in the amount of \$2,994,276.55 plus an additional \$299,427.66 (10% allowance for change orders) for a total award of \$3,293,704.21. Funding is available from the approved FY 2007/2008 Transportation Operating Budget.

- 5n. [FY 2007/2008 Arterial/Collector Overlays, Phase II](#) (Road Segments: Baseline Road from Power Road to SR 202, Lindsay Road from Main Street to University Drive, Val Vista Drive from Main Street to University Drive, 40<sup>th</sup> Street from Brown Road to McLellan Road and Baywood Avenue from 63<sup>rd</sup> Street to Power Road), City of Mesa Project No. 06-044-004. **(Districts 2, 5 and 6)**

This project includes more than 120,000 square yards of rubber asphalt overlay and 30,000 square yards of asphalt pavement reconstruction. The work will also include sidewalk, sidewalk ramps and other miscellaneous street improvements.

Recommend award to the low bidder, Nesbitt Contracting Company, in the amount of \$2,043,043.90 plus an additional \$204,304.39 (10% allowance for change orders) for a total award of \$2,247,348.29. Funding is available from the approved FY 2007/2008 Transportation Operating Budget.

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- \*5o. [City Well No. 12 Equipping Phase](#), City of Mesa Project No. 05-056-002. **(District 4)**

This project will install the necessary above ground piping, electrical, and chlorination equipment so the City can put this well in operation once again.

Recommend award to the low bidder, Prime Contracting, in the amount of \$485,269.00 plus an additional \$48,526.90 (10% allowance for change orders) for a total award of \$533,795.90. Funding is available from the approved FY 2007/2008 Water Bond Program.

- \*5p. [FY 2008/2009 Utility Locating and Potholing by Vacuum Extraction](#), City of Mesa Project No. 07-904-001.

This project will perform non-destructive location and potholing of underground utilities in order to identify and avoid conflicts during design and construction of capital projects. This is an annual contract with an option to extend for up to one additional year.

Recommend award to the low bidder, Arizona Pipeline Company, as the primary contractor, in the amount of \$416,170.00 plus an additional \$41,617.00 (10% allowance for change orders) for a total award of \$457,787.00; and HMS Conco, Inc. as the secondary contractor in the amount of \$208,085.00 plus an additional \$20,808.50 (10% allowance for change orders) for a total award of \$228,893.50. The total award for both contracts is \$686,680.50. Funding for these services will be charged to the individual capital projects for which the utility potholing is performed.

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- \*5q. [FY 2008/2009 Sewer Video Recording Contract](#), City of Mesa Project No. 07-916-001.

This is an annual contract to perform video recording inspections on City Capital Improvement Projects and Development Projects for the upcoming fiscal year.

Recommend award to the low bidder, TAZ Environmental Testing, Inc., in the amount of \$63,950.00 plus an additional \$6,395.00 (10% allowance for change orders) for a total award of \$70,345.00. These services will be charged to the individual Wastewater Capital Projects for which the sewer line video inspection is performed.

6. Introduction of the following ordinances and setting May 5, 2008, as the date of the public hearing on these ordinances:

- \*6a. [Z08-17 \(District 4\)](#) 54, 62, 104, and 110 South Allen Road. Located south of Main Street and east of Stapley Drive (0.96± ac.). Rezone from R-2 to R-3. This request will allow for the correct residential density for an existing multi-residential complex. Bonni Canary, Bonni Cherrick Canary Trust, owner; David K. Udall, Udall Shumway and Lyons, applicant.

PHO Recommendation: Approval with conditions.

- \*6b. [Z08-18 \(District 6\)](#) 7311 East Southern Avenue. Located west of Sossaman Avenue on the south side of Southern Avenue (2.75± ac.). Rezoning within the Superstition Springs Development Master Plan from C-2 CUP BIZ to R-4. This request will allow for the conversion of ten live/work units to apartments within the existing Waterford at Superstition Springs development. Kent Chantung, Zarembo Group, owner; David Ward, Gallagher & Kennedy, P.A., applicant.

PHO Recommendation: Approval with conditions.

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- \*6c. [Z08-19 \(District 6\)](#) 2207 South Hawes Road. Located on the east side of Hawes Road and south of Baseline Road (2.09± ac.). Rezone from R-2 and AG to O-S and Site Plan Review. This request will allow for the development of a medical office building. Mike & Lourdes Killeen, Las Casitas Properties, LLC, owner; Robert Hansen, Endevar Architecture, applicant; Shane M. Kobialka, SK Engineering, engineer.

PHO Recommendation: Approval with conditions.

- \*6d. [Amending Section 408 of the Mesa City Charter](#) to allow for the implementation of an individual residential rental inspection program as authorized by State law.
- \*6e. [Amending Section 11-18-2 of the Mesa City Code](#) regarding annexations by adding annexation guidelines, requiring an annexation agreement and establishing an Annexation Equity Fee.
- \*6f. [Amending Section 3 and Section 23](#) of the Terms and Conditions for the Sale of Utilities.
- \*6g. [Amending Section 9-8-3](#) by deleting the exceptions in sections (C) and (D) resulting in an equitable application of off-site development requirements for projects of any size.
- 6h. [Increasing the monthly vehicle reimbursement](#) to \$300.00 for the Mayor and City Councilmembers.

7. Take action on the following resolutions:

- 7a. [Setting May 19, 2008](#), as the public hearing date for the review and approval of the FY 2008/2009 annual Mesa Town Center Assessments. The proposed final assessments include a three percent (3%) rate increase that was approved by Council on March 3, 2008.

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- \*7b. [Vacate an alley](#) located at Lee Circle, Kay Circle, and East Hilton Avenue, south of East Holmes Avenue, east of South Mesa Drive. **(District 4)**

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

- \*7c. [Extinguish a Temporary Drainage Easement](#) at 1738 S. Crismon Road. **(District 6)**

This easement is no longer needed as the design of the property has changed and new easements have been dedicated.

- \*7d. [Authorize granting easement rights](#) to Transwestern Pipeline Company for a natural gas pipeline over City owned property in Pinal County.

These easement rights are needed for the Phoenix Expansion Project pipeline.

- \*7e. [Modifying fees and charges for the Planning Division.](#)

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

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

Decreasing the speed limit from 45 mph to 40 mph on Main Street from the west City limits to 159 feet west of Pew. (Main Street west of Alma School Road. **(District 3)**)

10-4-4 Speed Limits (40 mph) and 10-4-5 Speed Limits (35 mph)

Increasing the speed limit from 35 mph to 40 mph on Main Street from 159 feet west of Pew to Alma School Road. (Main Street west of Alma School Road. **(District 3)**)

- \*8b. [A07-38 \(District 6\)](#) Annexing land located south and east of Ellsworth Road and Pecos Road (0.01 ± ac). Initiated by the property owner, Williams Gateway Airport Authority.
- \*8c. [A07-39 \(District 6\)](#) Annexing land located south and west of Ellsworth Road and Pecos Road (0.08 ± ac). Initiated by the property owner, Williams Gateway Airport Authority.
- \*8d. [Z07-120 \(District 6\)](#) 423 South Signal Butte Road. Located on the south side of Broadway Road and the east side of Signal Butte Road (13.5+ acres). Rezone from R1-6-PAD to R1-6 and C-2 and Site Plan Review for the development of a neighborhood commercial center for the western most 4.64 acres of the property. Tom Alford, DeRito Partners Development, Inc., owner; Michelle Santoro, Whitney Morris, P.L.C., applicant; Tom Meeks, Erickson & Meeks Engineering, L.L.C., engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.) (Continued from the January 22, 2008 and March 17, 2008 Council Meetings). THE APPLICANT HAS REQUESTED TO CONTINUE THIS CASE TO THE MAY 19, 2008 COUNCIL MEETING.***

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

- \*8e. [Z08-13 \(District 5\)](#) Parcel 8 at Mountain Bridge, the 2000 to 2200 blocks of North Hawes Road (east side); Parcels 12-13 at Mountain Bridge, the 8900 to 9000 blocks of East McKellips Road (south side). Located west of Ellsworth Road and north and south of McKellips Road (70.9± ac). Rezone from R1-35 (conceptual R1-15 and R1-9) to R1-15 PAD DMP (29.6± ac) and R1-15 PAD DMP (41.3± ac) and Site Plan Review. This will allow for the development of residential subdivisions. Jeff Blandford, Manager, Pinnacle

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Ridge Holdings, LLC, owner; Paul Dugas, Pinnacle Ridge Holdings, LLC, applicant; Darrell Smith, Wood Patel and Associates, Inc., engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 6-1 with Boardmember Carter nay).

- \*8f. **Z08-14 (District 6)** The 8800 to 9200 blocks of East Elliot Road (north side) and 3200 to 3600 blocks of South Ellsworth Road (west side). Located west of South Ellsworth Road and north of East Elliot Road (127± ac). Rezone the northern portion (67± ac) from R1-43 to C-2 DMP (28± ac) and PEP DMP (39± ac); and a rezone and Site Plan Review for the southern portion (60± ac) from R1-43 to C-2 DMP. All part of a Development Master Plan. This request will allow for the development of a retail power center. Douglas Himmelberger, DeRito Partners Development, Inc., owner; Michelle Santoro, Withey Morris, PLC, applicant; Jeffery S. Erickson, Erickson & Meeks, Engineering, LLC, and Tove Christina White, Kimberly-Horn and Associates, Inc., engineers. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.) THIS CASE IS BEING REFERRED BACK TO THE PLANNING AND ZONING BOARD.***

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

- \*8g. **Z08-15 (District 5)** 4608 East Virginia Street. Located east of Greenfield Road and south of Loop 202 Freeway (19.4± ac). Rezone from M-2 to M-2 PAD and Site Plan Review. This request will allow the development of an industrial subdivision. Dorsey Abshier, Mesa Virginia Street LLC, owner; Henry Chan, Ware Malcomb, applicant; Brian Smith, Hunter Engineering, Inc., Engineer. ***(Notified property owners and the Falcon Field Area Alliance.)***

P&Z Recommendation: Approval with Conditions.  
(Vote: 6-1 with Boardmember Carter nay).

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