

## **CITY COUNCIL AGENDA**

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

Monday, May 5, 2008  
5:45 P.M.

Invocation by President Terry Turk, Church of Jesus Christ of Latter-Day Saints.

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. [Best Western Dobson Ranch Inn & Resort](#)  
  
New Hotel-Motel License for Best Western Dobson Ranch Inn & Resort, 1644 S. Dobson Road, Geysers Dobson Ranch MT LLC – Applicant, Kevin Patrick Thorpe – Agent. No previous Hotel-Motel License at this location. **(District 3)**
  - \*3b. [Best Western Dobson Ranch Inn & Resort](#)  
  
New Restaurant License for Best Western Dobson Ranch Inn & Resort, 1644 S. Dobson Road, Geysers Dobson Ranch MT LLC – Applicant, Kevin Patrick Thorpe – Agent. The previous Restaurant license held at this location by The Other Place will revert back to the State. **(District 3)**
  - \*3c. [Hodori Soon Tofu Restaurant](#)  
  
New Restaurant License for Hodori Soon tofu Restaurant, 1116 S. Dobson Road, Suite #111, Tae Jin Inc – Applicant, Kuk Eui Kim – Agent. The previous Restaurant License held at this location by Hodori Korean Restaurant will revert back to the State. **(District 3)**
4. Take action on the following bingo application:
  - \*4a. [BINGO – CLASS A](#)  
  
Coronado Park Club **(District 2)**  
Patricia A. Thiele, Manager  
2700 E. Allred  
Mesa, AZ 85204

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5. Take action on the following contracts:

- 5a. [Purchase of Tire Rubber](#) Modified Surface Sealant (TRMSS) as requested by the Transportation Division, Field Operations.

The Procurement Services Department recommends authorizing purchase from the City of Glendale contract with Musgrove Enterprises LLC (dba) SealMaster AZ at \$311,362.50 annually, based on estimated purchases, including contingencies and applicable sales tax.

- \*5b. [Dollar Limit Increase to the Supply Contract for Gasoline](#) and Diesel Fuel for City Vehicles for the Fleet Services Department.

The Procurement Services Department recommends increasing the dollar limit of the contract to Phoenix Fuel Companies by \$1,200,000.00 to \$5,102,600.00, for the remainder of this contract period (through 7/31/08).

- \*5c. Three-Year Supply Contract for Traffic Signal LED Modules for Warehouse Inventory. **Deleted.**

- \*5d. [Dollar Limit Increase to the Supply Contract for Traffic Signal](#) Equipment and Cabinet Assemblies for Warehouse Inventory.

The Procurement Services Department recommends increasing the dollar limit of the Mesa contract to Econolite Control Products, Inc. by \$100,000.00 to \$248,678.99, for the remainder of this contract period (through 11/30/08).

- \*5e. [Purchase and Installation of Sixty-seven \(67\) Workstations](#) and Twelve (12) Office Furniture Systems for the Police Technical Services Building.

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Goodman's Interior Structures at \$329,374.38 including design, installation, delivery and applicable sales tax.

- \*5f. [Dollar Limit Increase to the Supply Contract for Fire Department Uniform Purchases.](#)

The Procurement Services Department recommends increasing the dollar limit of the contract to United Fire Equipment by \$58,000.00 to \$268,000.00, for the remainder of this contract period (through 6/30/08).

- \*5g. [Three-Year Supply and Service Contract for Precast Electric Vaults for the Utilities Department, Electric Division. \(Single Bid\)](#)

The Procurement Services Department recommends awarding contracts to the lowest, responsive and responsible bid from Oldcastle Precast, Inc. at \$413,877.93 including contingencies and sales tax.

- \*5h. [Information Technology Building Data Center Chiller Replacement, 59 East 1<sup>st</sup> Street, City of Mesa Project No. 06-052-001. \(District 4\)](#)

This project will remove the existing cooling system and will replace it with a new cooling system that is more reliable and energy-efficient. The new system will also provide additional flexibility to meet the cooling needs of the Data Center.

Recommend award to the low bidder, H.A.C.I. Mechanical Contractors, Inc., in the amount of \$422,210.00 plus an additional \$42,221.00 (10% allowance for change orders) for a total award of \$464,431.00. Funding is available from the approved FY 07/08 Capital Improvement and Operational Budget.

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- \*5i. [New Floors in Ikeda Theatre at Mesa Arts Center \(MAC\)](#),  
City of Mesa Project No. 07-003-001.

This project will remove the existing flooring in the Ikeda Theatre and replace the surface with a new hardwood maple floor.

Recommend award to the low bidder, SDB Contracting Services in the amount of \$110,944.00 plus an additional \$11,094.40 (10% allowance for change orders) for a total award of \$122,038.40. Funding is available from the approved FY 07/08 Arts & Cultural Capital Program.

- 5j. [Water Meter Assembly Rehabilitation](#), City of Mesa Project No. 01-603-004.

This project will replace twenty-six (26) six-inch commercial water meters in locations throughout the City.

Recommend award to the low bidder, Ellison-Mills Contracting, LLC, in the amount of \$270,613.54 plus an additional \$27,061.35 (10% allowance for change orders) for a total award of \$297,674.89. Funding is available from the approved FY 07/08 Water Bond Program.

- 5k. [Cured-in-Place Wastewater Lining](#) on Horne, Extension, Broadway and Power Roads, City of Mesa Project Nos. 04-858-001, 04-864-001, 04-865-001; and Southern Avenue Interceptor Rehabilitation, City of Mesa Project No. 01-682-001. **(Districts 3, 4, 5, 6)**

This project will rehabilitate the existing pipe by installing new "trenchless" interior lining systems within the existing pipe.

Recommend award of the construction phase services contract to Achen-Gardner Engineering as the Construction Manager at Risk (CMAR) for this project with a Guaranteed Maximum Price (GMP) of \$3,367,513.72, plus a 10% change order allowance of \$336,751.37, for a total award of \$3,704,265.09. Funding is available from existing bond proceeds in the Wastewater Bond Program.

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- 5l. [FY 08/09 Residential Street Overlays](#) – Phase 1, City of Mesa Project No. 06-044-005. **(Districts 1 and 3)**

This project includes more than 265,000 square yards of asphalt pavement mill and overlay. Additional improvements include the installation of A.D.A. compliant sidewalk ramps and other miscellaneous street improvements.

Recommend award to the low bidder, Construction 70 Inc., in the amount of \$2,594,321.00 plus an additional \$259,432.10 (10% allowance for change orders) for a total award of \$2,853,753.10. Funding is available from the approved FY 07/08 Transportation Operating budget.

- 5m. [McKellips Road Waterline](#) (Val Vista Drive to Higley Road), City of Mesa Project No. 06-055-001. **(District 5)**

This project will install a 30-inch waterline along McKellips Road from Val Vista Drive to Higley Road.

Recommend award to the low bidder, Hunter Contracting Company, in the amount of \$2,273,195.00 plus an additional \$227,319.50 (10% allowance for change orders) for a total award of \$2,500,514.50. Funding is available in the adopted FY 07/08 Water Capital Bond Program.

- 5n. [Municipal Court Building](#), City of Mesa Project No. 01-850-001. **(District 4)**

This project will construct a new Municipal Court Building with approximately 100,000 square feet on three floors.

Recommend award of the construction phase services contract to Sundt Construction, Inc., as the Construction Manager at Risk (CMAR) for this project with a Guaranteed Maximum Price (GMP) of \$25,000,947.00, plus a 5% change order allowance of \$1,250,047.00, for a total award of \$26,250,994.00. Funding is available from Public Safety Bonds, Quality of Life Funds, and Court Construction fees.

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6. Introduction of the following ordinances and setting May 19, 2008, as the date of the public hearing on these ordinances:

\*6a. [Amending the Mesa Tax Code](#) (MTC) as a result of the adoption of changes to the Model City Tax Code (MCTC) as follows:

Exemption of Solar Energy Devices (Sections 5-10-100, 415,416,417,465)

Exemption of Architectural and Engineering Fees (Sections 5-10-415,416,417)

Revision of the definition of Out-of-State Sales (Section 5-10-100, Regulation 5-10-350.3)

\*6b. [Amending Section 5-10-445](#) of the Mesa City Code regarding lowering the threshold of residential properties owned for taxation from three properties to two properties.

6c. [Amending Section 11-1-6](#) of the Mesa Zoning Ordinance by adding definitions for "Auto Title Lenders," "Deferred Presentment Lenders," and "Non-chartered Financial Institutions." (aka "Payday Loan Stores".) Also amending Chapter 11-6 of the Mesa Zoning Ordinance pertaining to permitted uses within commercial zoning districts, including "Auto Title Lenders", "Deferred Presentment Lenders" and "Non-chartered Financial Institutions"; requirements for separations between these uses and residential uses; requirements for separations between these uses and like uses; and requirements related to the review, evaluation and processing of requests for proposed locations of these uses.

P&Z Recommendation: To be heard May 1, 2008.

DDC Recommendation: To be heard May 1, 2008.

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- \*6d. [Amending Sections 11-1-6, 11-5-3, 11-6-3 and 11-6-4](#) of the Zoning Ordinance regarding Group Homes for the Handicapped and Supervised Living Facilities. The amendment revises and deletes existing definitions related to “Group Homes for the Handicapped (GHHS)” and “Supervised Living Facilities (SLFs).” It adds a definition for “Correctional Transitional Housing Facilities (CTHFs).” The amendment revises Sections 11-5-3, 11-6-3 and 11-6-4 regarding permitted uses in the R-4 and all Commercial Zoning Districts, permitted locations of SLF/CTHFs, required spacing between similar SLF/CTHF land uses and criteria for evaluating land uses requiring Council Use Permits.
- \*6e. [Repealing Title 5, Chapter 2](#) of the Mesa City Code regarding licensing of group homes for the handicapped and supervised living facilities.
- \*6f. [Amending Section 6-4-20 through 6-4-31](#) of the Mesa City Code relating to livestock restrictions in the City. This amendment will transfer the livestock restrictions from Title 6 of the Code (Police Regulations) to Title 8 of the Code (Health, Sanitation and Environment). The effect of the proposed amendments and changes would be to allow for the Code Compliance Division to enforce the livestock restrictions; to impose a civil penalty, rather than a criminal penalty for the violation of the livestock restrictions; and allow for the pre-existing exercise of livestock privileges to remain in compliance when improvements to adjacent properties are made as recommended by the Public Safety Committee. (Approval. Vote: 3-0)
- \*6g. [Amending Title 9, Chapters 6 and 8](#) of the Mesa City Code and the Engineering and Design Standards of the City to modify the requirements for public street improvements adjacent to developing properties as recommended by the Transportation and Infrastructure Committee. (Approval. Vote: 3-0)

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- \*6h. [Z07-74 \(District 5\)](#) Parcel 51 at Las Sendas. The 7100 and 7200 blocks of East McDowell Road (north side). Located east of Power Road on the north side of McDowell Road (51± ac). Rezone from R1-90 DMP to R-2 (20± ac), C-2 (9± ac) and PEP (21± ac), and PEP with a Council Use Permit (2± ac), all part of a P.A.D. overlay and a modification to the Las Sendas Development Master Plan. This request will allow the development of a mixture of multi-family, retail, resort, and office uses. (**Held neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.**) **Legal protest filed, ¾ Vote required.**

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

- \*6i. [Z08-14 \(District 6\)](#) The 8800 to 9200 block of East Elliot Road (north side) and 3200 to 3600 block of South Ellsworth Road (west side). Located west of Ellsworth Road and north of East Elliot Road (127± ac). Rezone from R1-43 to C-2 DMP (11± ac.) and PEP DMP (30± ac.); and a Rezone from R1-43 to C-2 DMP with Site Plan Review (86± ac). All part of the Elliot Fiesta Development Master Plan. This request will allow for the development of a retail power and employment 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. (**Notified property owners, homeowners associations and registered neighborhoods.**)

P&Z Recommendation: To be heard May 1, 2008.

- \*6j. [Z08-21 \(District 6\)](#) 5524 East Baseline Road. Located on the north side between Higley Road and Recker Road (2.34± ac). Site Plan Modification. This request will allow for construction of a new warehouse addition to an existing office building. (**Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.**)

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

- \*6k. [Z08-22 \(District 5\)](#) The 4200 to 4300 blocks of East McKellips Road (north side) and the 2000 to 3900 blocks of North Greenfield Road (west side). Located north of McKellips Road and west of Greenfield Road (151.93± ac). Rezone from M-1 to PEP (63.59± ac) and PF (88.34± ac), and approval of a Development Master Plan. This request will allow Falcon Field Airport to protect the land southwest of the runways and to lease the land north of that area to commercial developers. (***Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.***)

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

- \*6l. [Z08-23 \(District 5\)](#) 3845 North Higley Road. Located on the east side of Higley Road and north of Thomas Road (1.60± ac). Rezone from R1-90 to M-1 and Site Plan Review. This request will allow the expansion of a metal fabrication shop. (***Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.***)

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

- \*6m. [Z08-24 \(District 1\)](#) 1310 East McKellips Road. Located north of McKellips Road and east of Stapley Drive (2.1± ac). Rezone from O-S to C-1 (1.1± ac) and Site Plan Review. This request will allow the development of a neighborhood fitness center and office development. (***Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.***)

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

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- 6n. [Z08-25 \(District 1\)](#) 1150 North Alma School Road. Located north of University Drive on the west side of Alma School Road (34.54± ac). Rezone from PEP DMP to PEP PAD DMP. This request will allow modifications to a previously approved site plan and the creation of an office subdivision. ***(Notified property owners, homeowners associations and registered neighborhoods.)***

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

- 6o. [Z08-28 \(District 2\)](#) 2860 East Main Street. Located north of Main Street and east of Lindsay Road (.20± ac). Council Use Permit. This request will allow the use of a pawn shop in an existing shopping center. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

7. Take action on the following resolutions:

- \*7a. [Granting a Public Utilities Easement](#) at 2745 North Greenfield Road. **(District 5)**

The easement is needed for the installation of Cox Communications facilities for the Reilly Aviation Project at Falcon Field.

- \*7b. [Granting a Power Distribution Easement](#) to Salt River Project at 2745 North Greenfield Road. **(District 5)**

This easement is necessary for Salt River Project to supply electrical power to the Reilly Aviation Project at Falcon Field.

- \*7c. [Extinguishing a portion of a Public Utility Easement](#) at 861 North Dobson Road. **(District 1)**

This portion of the easement for a sewer line is not needed as the easement area has been relocated and a new easement has been dedicated.

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- \*7d. [Extinguishing a portion of a Public Utility](#) Easement at 1150 North Alma School Road. **(District 1)**

This portion of the easement for a fire hydrant is not needed as the easement area has been relocated and a new easement has been dedicated.

- \*7e. Approving and authorizing the City Manager to execute an [Agreement between the City of Mesa and Solfocus, Inc.](#), a Delaware Corporation, regarding a demonstration solar electricity installation to be located on the grounds of the City Water Treatment Plant located at 7750 East Brown Road.

- \*7f. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement with the Williams Gateway](#) Airport Authority for the design and construction of a traffic signal at the intersection of Sossaman Road and Texas Avenue. **(District 6)**

- \*7g. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement between the Arizona Department of Revenue](#) and the City of Mesa for the exchange of confidential taxpayer information.

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

- \*7i. Approving and supporting the [submittal of four grant applications](#) to the Fort McDowell Yavapai Indian Nation.

These applications are submitted for Police (\$13,000 to continue tattoo removal program), Fire (\$120,000 for purchase of thermal imagers), Mesa Arts Center (\$25,000 for scholarship program for economically challenged youth) and Arizona Museum of Natural History (\$210,000 over three year period to provide visits to museum to 10,800 Title 1 school children).

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- 7j. Approving and supporting the [submittal of three grant applications](#) for non-profit organizations to the Fort McDowell Yavapai Indian Nation.

These applications are submitted for the Symphony of the Southwest (\$150,000 over three year period to provide basic operational support), the Child Crisis Center (\$50,000 for children's programming) and the Mesa Historical Museum (\$50,000 to assist with development of an exhibit).

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. [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. **(Notified property owners.)**

PHO Recommendation: Approval with conditions.

- 8b. [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, Zaremba Group, owner; David Ward, Gallagher & Kennedy, P.A., applicant. **(Notified property owners, homeowners associations and registered neighborhoods.)**

PHO Recommendation: Approval with conditions.

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- \*8c. [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. (***Held neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.***)  
  
PHO Recommendation: Approval with conditions.
- \*8d. [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.
- 8e. [Increasing the monthly vehicle reimbursement](#) to \$300.00 for the Mayor and City Councilmembers.
- 9. Discuss, receive public comment and take action on ordinances introduced at a prior Council meeting and resolutions:
  - \*9a. [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.
  - \*9b. [Amending Section 3 and Section 23](#) of the Terms and Conditions for the Sale of Utilities.
  - \*9c. [Amending Section 9-8-3](#) of the Mesa City Code by deleting the exceptions in sections (C) and (D) resulting in an equitable application of off-site development requirements for projects of any size.
  - \*9d. Take action on the following resolution:  
  
[Approving Annexation Guidelines](#) for annexation into the City of Mesa.

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\*9e. Take action on the following resolution:

Modifying annexation application fees and adopting a new annexation equity fee.

10. Take action on the following subdivision plats:

\*10a. “BELLEROSE OFFICE CONDOMINIUM PLAT” (District 6) 3850 East Baseline Road (north side) located north of Baseline Road and east of Val Vista Drive. 2 O-S PAD office condominium units (0.10 ac.) Bryan and Sidney Madsen, owners; Allen Consulting Engineers, Inc., Greg Allen, engineer.

\*10b. “REILLY AVIATION” (District 5) 2745 North Greenfield Road (east side) located south and east of McDowell Road and Greenfield Road. 41 M-1 lease hold condominium units (5.22 ac.) City of Mesa, owner; Allen Consulting Engineers, Inc., Anthony Zaugg, engineer.

\*10c. “CLUBHOUSE VILLAGE AT ALTA MESA” (District 5) 1508 North Alta Mesa Drive (west side) located north and west of Brown Road and Alta Mesa Drive. 36 R1-6 PAD townhome units (7.04 ac.) Clubhouse Village, LLC, Perkinson Investment Corp, manager, John Perkinson, president, owner; Allen Consulting Engineers, Inc., Greg Allen, engineer.

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