

## CITY COUNCIL AGENDA

### COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, November 15, 2004

5:45 P.M.

Invocation by Pastor Tony Frazee, Gateway Bible 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 and consider an amendment to the land use map for the following Major General Plan Amendment and possible adoption of the corresponding resolution:
  - a. **GPMajor 04-01** Conduct a public hearing and consider an amendment to the land use map. Proposed General Plan Land Use Amendment: From Mixed Use/ Residential (30 % at 15+ du/ac) to Medium Density Residential 2-4 (2-4 du/ac),

MESA CITY COUNCIL  
November 15, 2004  
Page 2

Medium Density Residential 6-10 (6-10 du/ac), High Density Residential 10-15 (10-15 du/ac), Office and Community Commercial for approximately 314.5 ± acres generally located south of Thomas Road between Val Vista Drive and Lehi Road. Various owners; Paul Gilbert; Beus Gilbert PLLC, applicant.

P&Z Recommendation: 3 Approval (Boardmembers Cowan, Adams and Esparza), 3 Denial (Boardmembers Saemisch, Carpenter and Finter). (Vote 3-3-1; Mizner absent).

- b. **GPMajor 04-01** Consider adoption of the corresponding resolution.
  
- c. **GPMajor 04-02 (District 6)** Conduct a public hearing and consider an amendment to the land use map. Proposed General Plan Land Use Amendment: From Business Park to Mixed Use/Residential (30% at 15+ du/ac), Medium Density Residential 4-6 (4-6 du/ac), Community Commercial and Public/Semi-Public for approximately 293 ± acres bounded by Ellsworth Road to the west, Crismon Road alignment to the east, Elliot Road to the south, and transmission line corridor to the north. Various owners; Clare Abel and Ed Bull, Burch and Cracchiolo, applicant.

P&Z Recommendation: Denial. (Vote: 5-0-2; Boardmembers Carpenter and Mizner absent).

- d. **GPMajor 04-02 (District 6)** Consider adoption of the corresponding resolution.
  
- e. **GPMajor 04-03 (District 6)** Conduct a public hearing and consider an amendment to the land use map. Proposed General Plan Land Use Amendment: From Business Park to Medium Density Residential 4-6 (4-6 du/ac) and Community Commercial for approximately 283 ± acres bounded by Signal Butte Road to the east, Elliot Road to the south, Crismon Road alignment to the west and transmission line corridor to the north. Various owners; Stephen C. Earl, Earl, Curley and Lagarde, applicant.

MESA CITY COUNCIL  
November 15, 2004  
Page 3

P&Z Recommendation: Denial. (Vote: 5-0-2;  
Boardmembers Carpenter and Mizner absent).

- f. **GPMajor 04-03 (District 6)** Consider adoption of the corresponding resolution.
4. Consider the following liquor license applications:
    - \*a. KIM KENNETH KWIATKOWSI, AGENT  
  
New Beer & Wine Store License for Circle K #6641, 4353 S. Power Road. This is an existing building. The license previously held at this location by Stephen Mark Horton, Agent, Horton Brothers II (Northgate) LLC, will revert back to the State. District #6.
    - \*b. KIM KENNETH KWIATKOWSI, AGENT  
  
New Beer & Wine Store License for Circle K #6642, 425 S. Crismon Road. This is an existing building. The license previously held at this location by Stephen Mark Horton, Agent, Horton Brothers One LLC, will revert back to the State. District #6.
    - c. TIMOTHY RAYMOND O'SULLIVAN, AGENT  
  
Person and Location Transfer Bar License for R.T. O'Sullivan, 6646 E. Superstition Springs Blvd. This is an existing building. This is a person and location transfer from Everett Thomas Lee, Agent, Arizona Golf Outfitters, LLC at 18439 S. Arizona Avenue, Chandler. This license will transfer to the applicant. District #6.
  5. Consider the following contracts:
    - \*a. Covert video equipment for the Police SWAT team members as requested by the Fire Department Emergency Services Section.  
  
The Purchasing Division recommends accepting the only bid by Everest VIT, Inc. at \$55,308.00. (Sole source, 100% funded by a federal Urban Area Security Initiative grant).

MESA CITY COUNCIL  
November 15, 2004  
Page 4

- \*b. DNA Quantitation System for the Police Department Crime Lab.

The Purchasing Division recommends accepting the only bid by Applied Biosystems, Inc. (ABI) at \$50,519.04. (This purchase is 100% funded by a federal grant for the DNA Backlog Reduction Program) (Sole Source)

- \*c. Replacement of microwave equipment as requested by the Communications Division.

The Purchasing Division recommends authorizing purchase from the Western States Contracting Alliance (WSCA) contract with Harris Corporation for \$249,073.21.

- \*d. Additional funds to be added to the previously approved contract for a new citywide telecommunications system, as requested by the Communications Division

The Purchasing Division recommends authorizing an additional \$275,640.82 for additional equipment to be purchased under the previously approved contract with Norstan Communications. The original award in October 2003 was \$3,277,562.15 and would be increased by this action to \$3,553,202.97.

- \*e. 1,000 Personal Protective Equipment (PPE) kits for Police personnel as requested by the Fire Department Emergency Services Section.

The Purchasing Division recommends accepting the only bid by Aramsco at \$49,726.00. (Sole source, 100% funded by State Homeland Security grant funds).

- \*f. Additional Hardware for the Police (PD) Records Management System (RMS) Network Encryption Upgrade as requested by the Information Services Division (ISD).

The Purchasing Division recommends the purchase of additional hardware from the State of Arizona contract with Qwest Communications for a total of \$66,155.58.

MESA CITY COUNCIL  
November 15, 2004  
Page 5

- \*g. Robson Substation relay panels as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bid for item one by Electrical Power Products at \$60,234.43.

- \*h. Twenty Tactical Ballistic vests for the SWAT team members within the Police Department as requested by the Fire Department Emergency Services Section.

The Purchasing Division recommends accepting the only bid by Arizona Tactical Inc. at \$36,780.00. (Sole source, 100% funded by a federal Urban Area Security Initiative grant).

- i. 6<sup>th</sup> Street Fleet Support Building Expansion and Remodel, City of Mesa Project No. 01-847-001.

This project will add a new parts room that is approximately 1,300 sq. ft., remodel the existing administration area, and provide code upgrades for the entire building approximately 26,000 sq. ft.

Recommend award to low bidder, Niche Contractors, Inc. in the amount of \$997,648.00 plus an additional \$99,764.00 (10% allowance for change orders) for a total award of \$1,097,412.00.

- \*j. Communications Building Cooling Towers Replacement; 161 East 6<sup>th</sup> Place; City of Mesa Project No. 03-909-001.

This project will replace two approximately seventy (70) ton cooling towers at the Communications Building with two new cooling towers, including associated piping, electrical and other work per the approved plans and specifications.

Recommend award to low bidder, Jay Pacific Corporation, in the amount of \$51,864.80, plus an additional \$5,186.00 (10% allowance for change orders) for a total award of \$57,050.80.

- \*k. Deleted.

MESA CITY COUNCIL  
November 15, 2004  
Page 6

- \*1. Property and liability insurance coverage as requested by the City Attorney's Office.

Recommend award of a property insurance policy from Hartford Fire Insurance Company for up to \$165,000,000 in property insurance. The cost is \$294,303.00.

Recommend purchase of a liability insurance policy from Munich-American Reinsurance Company in the amount of \$10,000,000. The cost is \$366,538.00.

Recommend purchase of an additional \$5,000,000 in excess liability insurance from Clarendon America Insurance Co. The cost is \$92,295.00.

Recommend purchase of an additional \$10,000,000 in excess liability insurance from Arch Specialty Insurance Co. The cost is \$97,425.00.

6. Introduction of the following ordinances and setting December 6, 2004 as the date of public hearing on these ordinances:
- \*a. Amending various sections of the Mesa City Code regarding the following traffic modifications.
- No Parking: 10-3-24 (D) (Full Time No Parking)
- On the north side of Main Street from Stapley Drive to a point 373 feet east of Stapley Drive and on the south side of Main Street from Stapley Drive to a point 290 feet west of Stapley Drive (at the intersection of Main Street and Stapley Drive, Council Districts 1, 2, and 4).
- \*b. Amending Chapter 10 of Title 6 of the Mesa City Code relating to consumption of spirituous liquor in public parks.
- \*c. **A04-11** Annexing the northwest corners of Ray and South Mountain Roads (412 ± acres). Initiated by the property owner (See attached list in packet).

MESA CITY COUNCIL  
November 15, 2004  
Page 7

- \*d. **Z04- 80 (District 6)** Southwest corner of Southern Road and Crismon Road (1.15± ac.). Site Plan Review. This request is to allow for the development of a bank. Southern & Crismon Road Property II, owner (J. White); Paul Gilbert, Applicant.
- \*e. **Z04-89 (District 6)** The 4300 Block of East Southern Avenue (south side). Located south and west of Southern Avenue and Greenfield Road (1.86± ac.). Site Plan Modification. This request is for the development of a neighborhood commercial building. Paul Mathews, Lexon Developer Services, LLC, owner; Mark Bowker, K&I Architects, applicant.
- \*f. **Z04-90 (District 3)** The 450 Block of West Holmes Avenue. Located west of Country Club Road and north of US 60 (2.4± ac.). Rezone from C-2 BIZ to C-2 and Site Plan Modification. This request is to allow the development of a church. Rajeshwar Sharma, owner; Vincent P. DiBella, Saemisch, DiBella Architects, applicant.
- \*g. **Z04-91 (District 6)** The 1200 Block of South Greenfield Road (west side). Located south and west of Southern Avenue and Greenfield Road (1.72± ac.). Site Plan Modification. This request is for the development of a neighborhood commercial building. Paul Mathews, Lexon Developer Services, LLC, owner; Mark Bowker, K&I Architects, applicant.
- \*h. **Z04-92 (District 6)** 4704 East Southern Avenue. Located north and east of Southern Avenue and Greenfield Road (2.2± ac.). Rezone from AG to O-S PAD and Site Plan Review. This request is for the development of office buildings. James Hold, owner; Daniel Brock, Brock, Craig, Thacker, applicant.
- \*i. **Z04-93 (District 4)** The 100 – 400 Block of West Baseline Road (north side). Located north of Baseline Road and east of Country Club Drive (32.82± ac.). Site Plan Modification. This request is to allow for the development of a commercial shopping center. John E. Clarke / Wal-Mart Stores, Inc., owner; Sean B. Lake, Pew & Lake, applicant.

MESA CITY COUNCIL  
November 15, 2004  
Page 8

- \*j. **Z04-94 (District 4)** 1511 South Mesa Drive. Located north of the Superstition Freeway and east of Mesa Drive (2.39± ac). Rezone from R1-6 to C-1 and Site Plan Review. This case is to allow for the development of a retail center. Venancio Macias, owner; Robert Gomez, applicant.
- \*k. **Z04-95 (District 4)** The 1100 block of West Birchwood Avenue. Located east of Alma School Road and north of Broadway Road (0.79± ac.). Council Use Permit and Site Plan Review. This request is to allow for the development of a recycling center. E.W. Buehner, Jonathon Buehner, owners; Ralph Pew, Pew and Lake, PLC, applicant.
- \*l. **Z04-96 (District 5)** The 3600 Block of North Power Road (west side). Located north of Thomas Road and west of Power Road (5.5± ac.). Rezone from C-2-DMP to C-2-PAD-DMP and Site Plan Modification. This case is to allow for the development of an office condominium complex. Brendan Lundy / SPB Commercial, LLP, owner; Erik Peterson / Peterson Architecture, applicant.
- \*m. **Z04-98 (District 6)** The 10700 Block of East Pecos Road (north side). Located north and west of Pecos Road and the Signal Butte Road alignment (40± ac.). Rezone from R1-43 to M-1. This request is to bring the existing zoning into conformance with the General Plan. Dave Jarvis, owner; Wayne Balmer, applicant.
- \*n. **Z04-99 (District 6)** The 7600 to 7800 Blocks of East Baseline Road (north side). Located north of Baseline Road and east of Sossaman Road (8.7± ac.). Rezone from C-2 to R-3-PAD and Site Plan Review. This request is to allow for a townhouse / condominium development. Baseline Sossaman II Partnership, Charles Clausen, owner; Del Pueblo Homes, Elizabeth Ross, applicant.

MESA CITY COUNCIL  
November 15, 2004  
Page 9

- \*o. **Z04-101 (District 4)** 1152 East Broadway Road. Located at the northwest corner of Broadway Road and Stapley Drive (0.5± ac.). Rezone from C-1 and R-2 to C-1 and Site Plan Review. This request is to allow for the development of a retail building. Ken Crane, owner; Tim Rasnake, Archicon, applicant.

7. Consider the following resolutions:

- \*a. Extinguishing a Drainage Easement and a portion of Public a Utility and Facilities Easement in the 1300 block of North Greenfield Road.

These easements are no longer required.

- \*b. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Arizona Department of Transportation and the City of Mesa for landscape maintenance and landscape enhancements along the Red Mountain Freeway from Gilbert Road to Higley Road (ADOT JPA NO. 02-138).

- c. Deleted.

- \*d. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Maricopa County Department of Transportation, the Town of Gilbert and the City of Mesa for the design and construction of a traffic signal at the intersection of Power and Monterey Road.

- \*e. Approving and authorizing the City Manager to execute a Development Agreement for City Share reimbursement between Wal-Mart Stores, Inc., a Delaware Corporation, and the City of Mesa for regional street and street lighting improvements that are being constructed in conjunction with the development of a Wal-Mart Super Center located at 1710 South Greenfield Road.

MESA CITY COUNCIL  
November 15, 2004  
Page 10

- \*f. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the United States Department of Justice, Drug Enforcement Administration (DEA) to reimburse the Mesa Police Department for overtime expenses related to the DEA Task Force.
- \*g. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and the Arizona Criminal Justice Commission to acquire a Universal Latent Workstation for the Forensic Services Unit of the Mesa Police Department.
- \*h. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and the Arizona Criminal Justice Commission to provide advanced education for the Forensic Services Unit of the Mesa Police Department.
- \*i. Approving and authorizing the City Manager to execute a Highway Safety Contract between the City of Mesa and the Governor's Office of Highway Safety to reduce the number of high-risk drivers in the City of Mesa.
- j. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Regional Public Transportation Authority and the City of Mesa for fixed-route transit services. **(Continued from the November 1, 2004 Council Meeting)**
- k. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Regional Public Transportation Authority and the City of Mesa for East Valley Dial-A-Ride Service. **(Continued from the November 1, 2004 Council Meeting)**
- \*l. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Flood Control District of Maricopa County for the discharge of treated effluent to East Maricopa Floodway on a periodic or emergency basis.

MESA CITY COUNCIL  
November 15, 2004  
Page 11

8. Consider the following ordinances:
  - \*a. Repealing Title 5, Chapter 4 of the Mesa City Code relating to the sale of jewelry at public auction.
  - \*b. Repealing Title 5, Chapter 5 of the Mesa City Code relating to going out of business sales.
- \*9. Consider a resolution and ordinance amending Title 5, Chapter 12 of the Mesa City Code relating to massage therapists and establishments.
10. Consider acceptance of the City of Mesa Bus Stop Master Plan and approve the development of an additional \$600,000 in passenger shelter, bench and bus pullout projects. **(Continued from the November 1, 2004 Council Meeting)**
11. Consider the following subdivision plats:
  - \*a. "AUGUSTA RANCH PROFESSIONAL VILLAGE", – (Council District 6) – 2900 block of South Ellsworth Road (east side) located south and east of Guadalupe Road and Ellsworth Road. 22 C-2 PAD DMP office condominium units (6.64 ac) Augusta Ranch PV Development, L.C., an Arizona Limited Liability Company, Craig Willett, President, owner; Hunter Engineering, engineer.
  - \*b. "MESQUITE CANYON PROFESSIONAL CENTER CONDOMINIUMS", – (Council District 6) – 3100 block of South Ellsworth Road (east side) located south and east of Guadalupe Road and Ellsworth Road. 6 O-S PAD DMP office buildings (2.74 ac) Mesquite Canyon Professional Center, LLC, Marshall C. Reynolds, President, owner; Landmark Engineering, Inc., engineer.
  - \*c. "MOUNTAIN VIEW PLAZA OFFICE CONDOMINIUMS", – (Council District 5) – 1300-1400 block of North Greenfield Road (east side) located north and east of Brown Road and Greenfield Road. 10 C-2 PAD office condominium units (1.98 ac) Brownfield Condominium Corporation, an Arizona Corporation, owner; HEC Engineering, L.L.C., engineer.

MESA CITY COUNCIL  
November 15, 2004  
Page 12

- \*d. “HERMOSA ESTATES”, – (Council District 5) – 2200-2400 blocks of North Hawes Road (west side) located north and west of McKellips Road and Hawes Road. 31 R1-35 single residence lots (37.15 ac) U.S. Development Land, LLC, Michael Nicholas, Manager, owner; Sunrise Engineering, Inc., engineer.
12. Items from citizens present. (Maximum of three speakers for three minutes per speaker).