

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, June 7, 2010
5:45 P.M.

Invocation by Pastor Rich Wisely, Mountain Vista Bible Church.

Pledge of Allegiance.

Mayor's Welcome.

Awards, Recognitions and Announcements.

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. Conduct a public hearing concerning the Home Rule adjustment to the State expenditure limitation.
4. Conduct a public hearing on the proposed Fiscal Year 2010-11 Budget Plan.
5. Take action on the adoption of the tentative proposed Fiscal Year 2010-11 Budget Plan.
6. Take action on the following liquor license applications:
 - *6a. Marc Center of Mesa Inc.

This is a one day charitable event to be held on Tuesday, June 15, 2010 from 4:00 p.m. to 8:00 p.m. at 525 W. Brown Road. **(District 1)**
 - *6b. El Tarro Dorado Bar

Person to Person Location to Location Transfer of a Beer & Wine Bar License for El Tarro Dorado Bar, 111 S. Dobson Road, Suite 109, El Tarro Dorado Restaurant & Bar LLC – Nidia M. Vasquez, Agent. The previous Beer & Wine Bar License held at this location by Kathleen Concepcion Frias, became inactive with the State on 04/13/2010. **(District 3)**
 - *6c. CVS Pharmacy 5303

Person to Person Location to Location Transfer of a Liquor Store License for CVS Pharmacy 5303, 9152 E. Brown Road, German Dobson CVS LLC – Jason Barclay Morris, Agent. This location presently has a Beer & Wine Store License held under Mesa Brown CVS LLC that will revert back to the State. **(District 5)**

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*6d. CVS Pharmacy 5812

Person to Person Location to Location Transfer of a Liquor Store License for CVS Pharmacy 5812, 5954 E. McDowell Road, German Dobson CVS LLC – Jason Barclay Morris, Agent. This location presently has a Beer & Wine Store License held under Recker Mesa CVS LLC that will revert back to the State. **(District 5)**

*6e. Wal-Mart Marketside 5904

Person to Person Location to Location Transfer of a Liquor Store License for Wal-Mart Marketside 5904, 7561 E. Baseline Road, Wal-Mart Stores Inc – Clare Hollie Abel, Agent. This location presently has a Beer & Wine Store License held under Wal-Mart Stores Inc that will revert back to the State. **(District 6)**

*6f. P&M

New Beer & Wine Store License for P&M, 2737 N. Power Road, P&M LLC – Cyrus Mohammadzadeh, Agent. The previous Beer & Wine Store License held at this location by Star #2 Property Holdings II LLC, will revert back to the State. **(District 5)**

*6g. Shell 76

New Beer & Wine Store License for Shell 76, 756 W. Southern Avenue, Carioca Company – Randy D. Nations, Agent. The previous Beer & Wine Store License held at this location by Mahaymi & Salem Inc, will revert back to the State. **(District 3)**

*6h. Azucar

New Restaurant License for Azucar, 1440 S. Country Club Drive, Suite 3, Alain Calderon, Individual. The previous Restaurant License held at this location by April Louise Hansen, will revert back to the State. **(District 3)**

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7. Take action on the following contracts:

- *7a. Purchase of 23 Standard Laptops for the Facilities Maintenance Department for use with Computerized Maintenance Management System (CMMS) **(Citywide)**

The Purchasing Division recommends authorizing purchase from the Western States Contracting Alliance (WSCA) contract with Dell, Inc. at \$39,129.51, including applicable sales tax.

- *7b. Purchase of One (1) Replacement Mobile Bomb Command Vehicle (Fully Funded by Federal Homeland Security Grant Program, Law Enforcement Terrorism Prevention Activities Grant) **(Citywide)**

The Purchasing Division recommends awarding the contract to SAA at \$224,400, including applicable use tax.

- *7c. Term Contract for DNA Crime Lab Supplies for the Police Department **(Single Bid) (Citywide)**

The Purchasing Division recommends authorizing purchase from the single bidder, Applied Biosystems, LLC at \$216,427.47 annually, based on estimated requirements.

- *7d. Term Contract for Fertilizers for the Parks, Recreation and Commercial Facilities Department **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsible and responsive bidders, Fertizona at \$98,137.60 annually and Simplot Partners at \$29,614.64 annually, including applicable sales taxes, for a combined total award of \$127,752.24.

- *7e. Term Contract for Fire Hose for the Fire Department **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsible and responsive bidders, L.N. Curtis at \$65,521.50 annually, and The Mallory Company, Inc. at \$9,883.95 annually, including applicable sales and use taxes, for a combined total award of \$75,405.45.

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*7f. Dollar Limit Increase to the Term Contract for Replacement Badger Fire System Water Meters for the Water Resources Department **(Sole Source) (Citywide)**

The Purchasing Division recommends increasing the dollar limit of the contract with BadgerMeter, Inc by \$170,000, from \$198,413.96 to \$368,413.96, for the remainder of the contract period, based on estimated project requirements.

*7g. Dollar Limit Increase to the Term Contract for Reduced Pressure Principle Backflow Prevention Assemblies for the Water Resources Department **(Citywide)**

The Purchasing Division recommends increasing the dollar limit of the contract with Arizona Waterworks Supply by \$65,000, from \$85,664.93 to \$150,664.93, for the remainder of the contract period, based on estimated project requirements.

*7h. Term Contract for Jet Aviation Fuel for the Police Department **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsive and responsible bidder, Mercury Fuels, Inc. at \$175,000 annually, based on estimated requirements.

*7i. Renewal of the Term Contract for Traffic Paint for the Transportation Department **(Citywide)**

The Purchasing Division recommends authorizing purchase from the State/ADOT contract with Pervo Paint Company at \$175,000, based on estimated requirements.

*7j. Purchase of Two (2) Replacement Black & White Photocopier/Network Printers for the Business Services Department **(Citywide)**

The Purchasing Division recommends authorizing purchase from the Mohave Educational Services Cooperative contract with Konica Minolta Corporation at \$90,980.67, including applicable sales tax.

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*7k. Real Time Adaptive Traffic Signal System, Superstition Springs Mall Area **(District 6)**

City Project 01-422-001. This project will install an improved, real-time adaptive, traffic signal system at 19 existing signalized intersections along Southern Avenue, Power Road, Baseline Road, Clearview Avenue and Superstition Springs Boulevard.

Recommend award to the low bidder, AJP Electric, Inc., in the amount of \$986,692, plus an additional \$98,669.20 (10% allowance for change orders) for a total award of \$1,085,361.20. This project will be completely funded with a Federal Congestion Mitigation and Air Quality (CMAQ) transportation improvements grant.

*7l. Water Meter Assembly Rehabilitation **(Citywide)**

City Project 01-603-008. This project will replace 36 commercial water meters that range in size from four-inches to six-inches in diameter. The meters are beyond their service life and are located underground in concrete vaults, which create access and confined space concerns for field maintenance staff.

Recommend award to the low bidder, Ellison Mills Contracting, in the amount of \$393,466.77, plus an additional \$39,346.68 (10% allowance for change orders) for a total award of \$432,813.45. Funding is available in the tentative FY 10/11 Water Bond Capital Program.

*7m. Southeast Water Reclamation Plant Security Improvements, 6308 E. Baseline Road **(District 6)**

City Project 05-011-001. This project will install new drainage improvements consisting of a concrete block and wrought iron walls around three sides of the Plant site, repairs to the existing retaining wall, improvements to the wall drainage, and installation of a new automatic, electric, motorized roll type gate. Covered parking canopies will be installed to protect City vehicles from damage.

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Recommend award to the low bidder, B & F Contracting, Inc., in the amount of \$751,882.40, plus an additional \$75,188.24 (10% allowance for change orders) for a total award of \$827,070.64. Funding is available in the tentative FY 10/11 Wastewater Bond Capital Program.

*7n. Falcon Field Airport South Hangar Area Pavement Replacement (**District 5**)

City Project 07-040-001. The existing pavement to be replaced is approximately 20 years old and is at the end of its service life. This project will replace approximately 21,600 square yards of existing asphalt pavement in the south area of the existing T-Hangar complex at Falcon Field Airport.

Recommend award to the low bidder, Gunsight Construction Companies, LLC, in the amount of \$693,804, plus an additional \$69,380.40 (10% allowance for change orders) for a total award of \$763,184.40. Funding is available in the tentative FY 2010/11 Falcon Field Airport Capital Program.

*7o. Utility Locating and Potholing by Vacuum Extraction (**Citywide**)

City Project 07-904-003. This project will retain contractors to perform non-destructive location and potholing of underground utilities in order to identify and avoid conflicts with existing utilities during construction.

Recommend award to the primary contractor, HMS Conco Inc., in the amount of \$363,570, plus an additional \$36,357 (10% allowance for change orders) for a total award of \$399,927 and to the second low bidder, Paramount Designs Inc., as the secondary contractor, in the amount of \$199,963.50.

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*7p. City Well 8 and 9 Discharge Lines to Pasadena Reservoir,
6th Street and Pasadena (**Districts 1 and 4**)

City Project 09-053-002. This project will replace the discharge line from City Wells 8 and 9 to the Pasadena Reservoir, and also will install fiber optic conduit and upgrade the existing electrical controls, allowing the City to monitor and control the well remotely from the control room.

Recommend award to the low bidder, R.K. Sanders, Inc., in the amount of \$385,257.50, plus an additional \$38,525.75 (10% allowance for change orders) for a total award of \$423,783.25. Funding is available in the tentative FY 10/11 Water Bond Capital Program.

*7q. Air Conditioning and Evaporative Cooler Replacements
(**Citywide**)

City Project 09-927-001. This project will replace outdated air conditioning units and evaporative coolers at various City buildings located throughout the city.

Recommend award to the low bidder, J.E. Bowen Construction LLC, in the amount of \$261,661.24, plus an additional \$26,166.12 (10% allowance for change orders) for a total award of \$287,827.36. Funding is available in the tentative FY 10/11 Facilities Maintenance Operating Budget.

8. Introduction of the following ordinances and setting June 21, 2010 as the date of the public hearing on these ordinances:

*8a. Modifying rates for natural gas utility services.

*8b. Modifying rates for water utility services.

*8c. Modifying rates for wastewater utility services.

*8d. Modifying rates for solid waste utility services.

*8e. Modifying fees and charges for Utility Customers.

*8f. Modifying the Terms and Conditions for the Sale of Utilities.

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- *8g. Amending Title 5, Chapter 10 of the Mesa City Code to adopt a tax rate for wastewater services.
- *8h. Amending Title 5, Chapter 3, Chapter 7 and Chapter 11 of the Mesa City Code to modify the fees and charges for Park and Swap Operations, Auctioneers, Pawnbrokers, Scrap Metal Dealers, Secondhand Dealers and Teenage Dance Halls.
- *8i. Modifying the fees and charges for Revenue Collections Operations of the Business Services Department.
- 8j. **Z10-10 (District 6)** 1455 South Power Road. Located north of the Superstition Freeway and east of Power Road. Council Use Permit. This request will allow the development of a Freeway Landmark Monument Sign. KIMCO Realty Corp. owner, Doug Atkins, applicant.
- DRB Recommendation: Approval with Conditions.
(Vote 5 – 0, Boardmember Boswell absent)
- P&Z Recommendation: Approval with Conditions.
(Vote: 4 – 0, Boardmembers Mizner and Coons absent)
- *8k. **A07-36 (District 6)** Annexing land located on Pueblo Avenue just west of Crismon Road (19.3± acres). Initiated by the property owner, Jeffrey Tang/Rancho Reata LLC.
- *8l. **Z10-13 (District 6)** 9828 East Pueblo Avenue. Located west of Crismon Road and south of Broadway Road (19.3± acres). Rezone from Maricopa County R1-43 to City of Mesa R1-43. This request will establish City of Mesa zoning on recently annexed property. Rancho Reata, owner; City of Mesa applicant.

P&Z Recommendation: Approval with Conditions.
(Vote 4 – 0, Boardmembers Mizner and Coons absent)

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*8m. **Z10-14 (District 6)** 9828 East Pueblo Avenue. Located west of Crismon Road and south of Broadway Road (19.3± acres). Rezone from R1-43 to R-4 for a Manufactured Home Park. This request will bring the zoning of the property into conformance with the existing land use. Rancho Reata, owner; David Cisiewski, applicant.

P&Z Recommendation: Approval with Conditions.
(Vote 4 – 0, Boardmembers Mizner and Coons absent)

9. Take action on the following resolutions:

*9a. Approving the Intergovernmental Agreement with the City of Apache Junction, Arizona State University, City of Chandler, Town of Gilbert, City of Tempe and City of Scottsdale regarding the creation and participation in the East Valley Domestic Violence Review Team.

*9b. Approving and supporting the submittal of a grant application by the City of Mesa Fire Department to the Gila River Indian Community in the amount of \$69,690 over three years to support safety education and provide smoke alarms for 3,000 selected homes in Mesa.

*9c. Approving and supporting the submittal of a grant application by the City of Mesa Police Department to the Gila River Indian Community in the amount of \$11,395 to support youth programs (Making Every Student Accountable Program and Gang Awareness Training).

*9d. Approving and supporting the submittal of a grant application by the Banner Health Foundation to the Gila River Indian Community in the amount of \$1,000,000 to launch a new Pediatric and Adolescent Weight Management and Diabetes education and treatment program at Cardon Children's Medical Center in Mesa.

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- *9e. Approving and supporting the submittal of a grant application by Lutheran Social Services of the Southwest to the Gila River Indian Community in the amount of \$37,500 to purchase a twelve passenger van to transport homeless women accessing shelter services through the agency's Interfaith Homeless Emergency Lodging Program (I-HELP).
- *9f. Approving and supporting the submittal of a grant application by the Assistance League East Valley to the Gila River Indian Community in the amount of \$20,000 to continue volunteer services for multiple philanthropic programs in the East Valley.
- *9g. Approving and supporting the submittal of a grant application by the AGUILA Youth Leadership Institute to the Gila River Indian Community in the amount of \$150,000 per year for three years to initiate and support new AGUILA programs at Westwood High School and Carson Elementary School.
- *9h. Approving and supporting the submittal of a grant application by A New Leaf, Inc. to the Gila River Indian Community in the amount of \$150,000 for funding towards renovations at the Mesa Community Action Network building.
- *9i. Approving and authorizing the City Manager to execute a Grant Agreement with the City of Tucson to secure funds in the amount of \$40,000 for the Police Department's Major Felon Squad.
- *9j. Approving and authorizing the City Manager to execute a Grant Agreement with the Arizona Department of Public Safety to secure funds in the amount of \$178,898 for two Victim Services Specialists and one Domestic Violence Intervention Specialist in the Police Department Victim Services Unit.
- 9k. Approving station locations and traffic configurations for the central Mesa light rail transit extension and financial commitment for the operation of the extension. **(Districts 3 and 4)**

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*9l. Approving the use of the Scalloped Street Assessment Laws on a City project that is proposing to install roadway improvements along portions of Signal Butte Road, from Elliot Road to the north approximately 3,000 feet.
(District 6)

*9m. Extinguishing a Public Utilities Easement at 2966 East Nora Street. **(District 2)**

The extinguishment of this easement is necessary for various improvements the owner wants to install in the back yard.

*9n. Endorsing Management Policy No. 358 establishing a Meet and Confer process for sworn public safety employee groups as revised.

*9o. Supporting the placement of a ballot measure before the qualified electors of Mesa to construct and maintain a City-owned stadium, training and administration facility for Cactus League Spring Training.

10. 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.

*10a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

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

Increasing the speed limit from 35 mph to 40 mph on Signal Butte Road from Baseline Road to a point 450 feet south of Elliot Road. (Signal Butte Road south of Baseline Road).
(District 6)

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*10b. **Z10-06 (District 1)** 945 North Center Street. Located south of Brown Road on the east side of Center Street (1.35± acres). Rezone from R1-6 to R1-6 HL. This request will establish a Local Historic Landmark Overlay for the Fitch Farmhouse. Ruth Nesbitt, owner; City of Mesa, applicant.

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

11. Take action on the following subdivision plats:

*11a. “First Mesa Commerce Park – Phase 1” **(District 6)** 9602 East Elliot. Located east of Ellsworth Road and north of Elliot Road. One (1) C-2 DMP and Seven (7) M-1 DMP lots (92.99± acres). First Industrial Realty Trust, Inc., owner; M-Tech Land Surveying, LLC, surveyor.

*11b. “First Mesa Commerce Park – Phase 2” **(District 6)** 9602 East Elliot. Located east of Ellsworth Road and north of Elliot Road. Two (2) PEP DMP and Six (6) M-1 DMP lots (70.78± acres). First Industrial Realty Trust, Inc., owner; M-Tech Land Surveying, LLC, surveyor.

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