

## **CITY COUNCIL AGENDA**

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

Monday, November 21, 2005  
5:45 P.M.

Invocation by Pastor William Hudson, Shield of Faith Christian Center.

Pledge of Allegiance.

Mayor's Welcome.

Presentation from Mark Woodward, Past President of the Golf Course Superintendents Association of America.

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. Consider the following liquor license applications:

\*3a. Jennifer Claire Whalley, Chairperson

Special Event Liquor application for Jennifer Claire Whalley, Chairperson, East Valley Partnership, a one-day civic event to be held on Wednesday, November 30, 2005, from 8:00 a.m. to 8:00 p.m. at 7001 E. Williams Field Road. District #6.

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\*3b. Thomas Lee Bruder, Chairperson

Special Event Liquor application for Thomas Lee Bruder, Chairperson, Knights of Columbus Council #9485, a one-day fundraising event to be held on Saturday, January 14, 2006, from 7:00 p.m. to 11:00 p.m. at 1534 N. Recker Road. District #5.

\*3c. Lauren Kay Merrett, Agent

New Beer and Wine Store License for Classic Car Spa, 5245 E. Southern Ave. This is new construction. No current liquor license at this location. District #6.

\*3d. Jermi Rasshad Brown, Agent

New Restaurant License for Big City BBQ, 1425 S. Alma School Road, Ste. 105. This is an existing business. The license previously held at this location by Mary L. Matta, Agent, Dos Matta's closed 12/01/03. District #3.

\*3e. Frank Joseph Holdraker, Agent

New Restaurant License for Comstock Jake's, 2015 N. Power Road, #106. This is an existing business. The license previously held at this location by Kenneth E. Higginbotham, Agent, Mexi-Kenny's closed 12/08/04. District #5.

\*3f. John Richard Emery, Agent

New Club License for Loyal Order of Moose Mesa 1961, 961 W. Main St. This is an existing building. No current license at this location. District #4.

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4. Consider the following contracts:

- \*4a. Emergency Response Database System as requested by Information Services.

The Purchasing Division recommends approving the following:

\$72,263.18 for Emergency Response Database Software from the State of Arizona contract with ASAP Software;  
\$35,713.06 for Server and Printer Hardware from the State of Arizona contract with Hewlett Packard; and,

\$32,259.21 for Desktop Hardware from the State of Arizona contract with Dell Computers.

The combined total award for the recommended purchases is \$140,235.45. Funds for this purchase are from 2003 Urban Area Securities Initiative (UASI) grant funding.

- \*4b. Three-year Supply Contract for Traffic Signal Equipment and Cabinet Assemblies for Warehouse Inventory as requested by Development Services, Transportation Division. (2005168)

The Purchasing Division recommends accepting the low bids as follows:

Group A – JTB Supply Co. Inc., at \$26,413.20 including contingencies and applicable use tax;

Group B – Phoenix Highway Products, Inc., at \$22,936.12 including contingencies and applicable sales tax; and

Group C – Econolite Control Products, Inc., at \$148,678.99 including contingencies and applicable sales tax.

The combined award is then \$198,028.31.

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- \*4c. Replacement Vehicles for the Transportation Division, Traffic Engineering. (State Contract AD 040004)

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Five Star Ford at \$41,935.63, including applicable sales tax.

- \*4d. Two-year renewal of Supply Contract for Large Gas Meters for Warehouse Inventory as requested by the Utilities Department, Gas Utility Division. (2002177)

The Purchasing Division recommends authorizing the two-year renewal as follows:

Item 1 to Actaris US Gas at \$31,646.05, including contingencies and applicable use tax; and

Items 3 through 10 to Dresser ROOTS Meters & Instruments at \$477,582.23, including contingencies and applicable use tax.

The combined total award is then \$509,228.28.

- 4e. 42-inch Reclaimed Waterline, Southeast Water Reclamation Plant (SEWRP) to Greenfield Water Reclamation Plant (GWRP) – Phase III, City of Mesa Project Nos. 01-671-001. & 02-416-001

This project will construct the third and final segment of the reclaimed waterline between the Southeast Water Reclamation Plant (SEWRP) and the Greenfield Water Reclamation Plant (GWRP). This segment will run from Pecos Road south along Higley Road to Germann Road, then from Higley Road west along Germann Road to Greenfield Road, and then from Germann Road south along Greenfield Road to the GWRP. Improvements include the installation of 12,920 lineal feet of 42-inch reclaimed water line.

Recommend award to low bidder, Highland Engineering, LLC, in the amount of \$3,476,685.00 plus an additional \$347,668.50 (10% allowance for change orders) for a total award of \$3,824,353.50.

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5. Introduction of the following ordinances and setting December 5, 2005 as the date of public hearing on these ordinances:
  - \*5a. Z05-96 (District 5) The 8400 -8700 block of East Range Rider Trail (north and south side). Located at the southeast corner of Thomas Road and Hawes Road (69.88 ac). Rezone from R1-35 to R1-35 PAD DMP and Modification of the Las Sendas Development Master Plan. This request will allow the development of a gated single residence subdivision. Sonoran Desert Holdings, LLC; Paul Dugas, owner; City of Mesa, applicant. **(Held neighborhood meetings with property owners, registered neighborhood associations and homeowners association.) CONTINUED FROM THE NOVEMBER 7, 2005 CITY COUNCIL MEETING.**

P&Z Recommendation: Approval. (Vote: 6-0 with Carpenter absent)
6. Consider the following resolutions:
  - \*6a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona Department of Transportation (ADOT) and the City of Mesa for the design and construction of freeway upgrades and fiber optics along the Red Mountain Freeway (202L) from Power Road to University Drive (ADOT JPA FILE No. 05-017).
  - \*6b. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Criminal Justice Commission to obtain funds to provide training and enhance forensic laboratory services.
  - \*6c. Approving the submittal of a grant application to the Fort McDowell Yavapai Nation for Proposition 202 funds.

This application is submitted by the MARC Center to assist in the construction of a vocational training facility.

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- 6d. Authorizing and directing that fee title, easements or other interest in and possession of certain real property be acquired by the City of Mesa by dedication, donation, purchase, exchange, or under the power of eminent domain as a matter of public necessity for the Valley Metro Rail project.
  - \*6e. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and Mesa Unified School District Number 4 for the disbursement of Indian gaming revenues received by the City of Mesa to assist Mesa Public Schools in creating an education fund for providing after school programs.
7. Consider the following ordinances:
- \*7a Amending City Code Title 2 Chapter 1 “Planning and Zoning Board” and Amending City Code Title 11, Chapter 18 “Zoning Ordinance – Administration and Procedures” providing for a Planning Hearing Officer. (See Agenda Item 7.1)
  - 7b. Amending various sections of the Mesa City Code regarding the following traffic modifications:
    - No Parking: 10-3-24 (D) (Full Time No Parking)
    - Establishing a full time parking prohibition on Mountain Road from Elliot Road to Ray Road and change the City Code to reflect a full time parking prohibition on Mountain Road from Elliot Road to the south City limits, (Mountain Road south of Elliot Road, Council District 6)
    - Speed Limits: 10-4-3 (45 mph)
    - Establishing a 45 mph speed limit on Elliot Road from Signal Butte Road to Mountain Road and change the City Code to reflect a 45 mph speed limit on Elliot Road from the west City limits to the east City limits (Elliot Road east of Signal Butte Road, Council District 6)

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

Establishing a 35 mph speed limit on Mountain Road from Elliot Road to Ray Road. (Mountain Road south of Elliot Road, Council District 6)

- 7c. Amending Title 5, Chapter 17, Table 6 of the Mesa City Code relating to Fire Development Impact Fees.
- 7d. Amending Title 5, Chapter 17, Table 7 of the Mesa City Code relating to Public Safety Development Impact Fees.
- \*7e. Amending Title 7, Chapter 2 of the Mesa City Code to add a new Chapter 47 addressing excavations and confined spaces.
- \*7f. Amending Title 7, Chapter 2 of the Mesa City Code to add a new Section 915 requiring firefighter breathing air replenishment systems be installed in all buildings 5 or more stories tall that are constructed in the future.
- \*7g. Amending Title 7, Chapter 2 of the Mesa City Code to add additional reference standards to Chapter 45.
- \*7h. **A05-08 (District 5)** Annexing land located on the SEC of Hawes and Thomas Roads. (71.76 ± ac.). Initiated by Paul Gilbert representing City View Properties, LLC for the development of a residential subdivision. **CONTINUED FROM THE OCTOBER 24, 2005 AND NOVEMBER 7, 2005 CITY COUNCIL MEETINGS.**
- \*7.1 Discuss and consider Planning Hearing Officer Guidelines.
- \*8. Approving an ordinance and resolution creating a Select Due Date Program for residential utility customers; amending the Terms and Conditions for the Sale of Utilities; establishing a new date to assess the late fee as recommended by the Finance Committee.

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9. Consider the following recommendations from the General Development Committee:
  - 9a. Approving possible changes to portable sign regulations.
  - \*9b. Approving possible changes in regulations governing conversion of residential rental properties to condominiums.
  
10. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances:
  - \*10a. **Z05-89** (District 5)                      The 1100-1200 block of North Recker Road (west side). Located south of the southwest corner of Recker Road and Brown Road (2.1 ac). Site Plan Review. This request will allow for the development of a retail complex. Michael Pollack, owner; Dave Gibson, applicant. **(Contacted property owners, homeowners associations and registered neighborhoods.)**  
  
P&Z Recommendation: Approval. (Vote: 6-0 with Carpenter absent)
  
  - \*10b. **Z05-91** (District 6)                      The 8300-8400 block of East Baseline Road (south side). Located at the southeast corner of East Baseline Road and South Hawes Road (4.86± ac). Rezone from AG to O-S-PAD and Site Plan Review. This request will allow for the development of office condominiums. Castelain Development Group, LLC, applicant; Roger Steill, applicant. **(Held neighborhood meeting with property owners, registered neighborhood associations and the Mesa Unified School District.)**  
  
P&Z Recommendation: Approval. (Vote: 6-0 with Carpenter absent)
  
  - \*10c. **Z05-92** (District 6)                      The 3720-3760 blocks of South Power Road (east side). Located south of the southeast corner of Power Road and Elliot Road (2.5± ac). Site Plan Review. This request will allow for the development of a swim school and a retail building. Michael Troy, Gold Medal Swim School, owner; Jeffrey Wogan, Jeffrey Wogan Architects, applicant. **(Mailed notifications to property owners, homes, apartments, homeowners associations, schools and neighborhood associations.)**

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P&Z Recommendation: Approval. (Vote: 6-0 with Carpenter absent)

- \*10d. **Z05-93** (District 5) 862 North Power Road. Located at the southwest corner of North Power Road and East Encanto Street (5.89± ac). Rezone from R1-7 (conceptual O-S) to R1-7-PAD. This request will allow for the development of a single residence subdivision. Steven J. Hall, owner/applicant. **(Held neighborhood meetings with property owners, registered neighborhood associations and homeowners association.)**

P&Z Recommendation: Approval. (Vote: 5-1-1 with Adams nay and Carpenter abstaining)

- \*10e. **Z05-95** (District 2) 1905 South Lindsay Road (east side). Located between East Inverness Avenue and East Baseline Road (0.86± ac). Rezone from O-S to O-S-PAD. This request will allow for the sale of office condominiums. Michael Manetta, owner/applicant. **Held neighborhood meetings with property owners.)**

P&Z Recommendation: Approval. (Vote: 6-0 with Carpenter absent)

- \*10f. **Deleted.**

- \*10g. **Z05-88 (District 5)** The 8400 -8700 block of East Range Rider Trail (north and south side). Located at the southeast corner of Thomas Road and Hawes Road (71.76 ac). Rezone from Maricopa County Rural 35 to City of Mesa R1-35. Establishment of city zoning. **CONTINUED FROM THE OCTOBER 24, 2005 AND NOVEMBER 7, 2005 CITY COUNCIL MEETINGS.**

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

11. Consider the following subdivision plats:

- \*11a. "COBBLESTONE AT THE GROVES", – (Council District 5) – 3700 block of East McLellan Road (west side) located south and east of McKellips Road and Val Vista Drive. 18 R1-35 PAD single residence lots (20.60 ac) Sonoran Desert Holdings, L.L.C., Jeff Blandford, manager and Ahmed A.

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Hassan and Jennifer L. Hassan, owners; HEC Engineering, LLC, engineer.

- \*11b. "EAGLE CANYON AT LAS SENDAS", – (Council District 5) – 6900 block of East Eagle Crest Drive (north side) located north and east of Thomas Road and Power Road. 30 R1-15 PAD single residence lots (39.12 ac) Sonoran Desert Holdings, L.L.C., Jeff Blandford, manager, owner; Wood/Patel, engineer.
  - \*11c. "PIERPONT COMMERCE CENTER, A CONDOMINIUM", – (Council District 6) – 4800 block of East Baseline Road (north side) located north and west of Baseline Road and Higley Road. 45 PEP PAD office/warehouse condominium units (11.01 ac) Pierpont Commerce Group, L.L.C., Franklin D. Richards, III, managing member, owner; Brooks Engineers & Surveyors, Inc., engineer.
  - \*11d. "HEC OFFICE COMPLEX", – (Council District 6) – 4704 East Southern Avenue (north side) located north and east of Southern Avenue and Greenfield Road. 11 O-S PAD office condominiums (2.22 ac) HEC Building, L.L.C., Jared Cox, member, owner; HEC Engineering, L.L.C., engineer.
12. Items from citizens present. (Maximum of three speakers for three minutes per speaker).