

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, May 1, 2006
5:45 P.M.

Invocation by Reverend Stewart Lewis, Velda Rose United Methodist Church.

Pledge of Allegiance.

Mayor's Welcome.

Hear a presentation by Maricopa County Elections Director Karen Osborne regarding Proposition 200, which requires voter identification at the polls.

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.

1. Take action on all consent agenda items.

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- *2. Approval of minutes of previous meetings as written.
3. Take action on the following recommendations from the Judicial Advisory Board:
 - *3a. Reappointment of Presiding Magistrate Matias Tafoya for a two-year term beginning July 1, 2006 and ending June 30, 2008.
 - *3b. Reappointment of Magistrate Michelle Lue Sang for a four-year term beginning July 1, 2006 and ending June 30, 2010.
4. Conduct a public hearing prior to release of the petition for signatures for the following proposed annexations:
 - 4a. A06-01 (District 5) Annexing land on Sossaman Rd. north of McKellips Rd. (5.31 ± ac.) Initiated by Paul Kessler, representing the property owners.
 - 4b. A06-03 (District 5) Annexing land on Hawes Rd. north of McDowell Rd. (19.47 ± ac.) Initiated by Jenny Nedergaard, one of the property owners.
 - 4c. A06-06 (District 6) Annexing land on Broadway Rd. east of Hawes Rd. (3.98 ± ac.) Initiated by Roy McGuire, one of the property owners.
 - 4d. A06-08 (District 5) Annexing land on Thomas Rd. west of Hawes Rd. (44.34 ± ac.) Initiated by Nathan Palmer, one of the property owners.
5. Take action on the following liquor license application:
 - *5a. PAUL ALLEN COLLINSWORTH, AGENT

Person-to-Person Transfer Club License for Sunland Village Golf Club, 725A S. Rochester. The Club License previously held at this location by Dennis Patrick Cavanaugh, Agent, Fozzles at Sunland Village, LLC, issued 01/21/04. This license will transfer to the applicant.

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6. Take action on the following contracts:

- *6a. Additional Purchase of 208 Steel Refuse Containers to replenish inventory used to meet new contractual obligations as requested by the Development Services Department, Environmental Management Division.

The Purchasing Division recommends increasing the contract with Auerbach Products by \$157,894.78, including applicable taxes.

- *6b. Two-year renewal of Supply Contract for Optically Controlled Traffic Control Equipment as requested by the Development Services Department, Transportation Division.

The Purchasing Division recommends exercising a two-year renewal option with 3M Company for \$178,491.30 annually based on estimated requirements.

- *6c. Dollar Limit Increase for Asphalt as requested by the Development Services Department, Transportation Division.

The Purchasing Division recommends increasing the contract dollar limit to Mesa Materials Inc. by \$212,425.97 to \$300,000.00 annually for 2005/06 and 2006/07.

- *6d. Two Crew Trucks as requested by the Utilities Department, Water Utility Division.

The Purchasing Division recommends award to I-10 International Trucks for \$148,296.44, including options, warranties and applicable sales tax.

- *6e. Eight Month Supply Contract for Water Treatment Chemicals for Warehouse Inventory as requested by the Community Services Department, Parks and Recreation Division and the Utilities Department, Water Division.

The Purchasing Division recommends authorizing purchase from a cooperative bid with the City of Chandler, as follows: Los Angeles Chemical Company at \$29,882.16 and DPC Enterprises at \$60,961.91, both including applicable sales tax.

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The combined award is \$90,844.07 based on estimated purchases during the remaining eight months of the contract.

- *6f. Four Self-Check Machines as requested by the Community Services Department, Library Services Division. (Sole Source) (2 Machines Grant-funded)

The Purchasing Division recommends ratifying the purchase from Dynix at \$41,543.04, including applicable sales tax.

- *6g. Computer Infrastructure Hardware and Software Requested by the Information Services Division. (Partially funded by Tax-Exempt Lease)

The Purchasing Division recommends authorizing the purchase from the State of Arizona contracts as follows: Hewlett Packard, Inc. at \$815,035.57, including applicable sales tax and contingencies.

ASAP Software at \$51,591.41, including applicable sales tax and contingencies.

The combined recommended purchase is \$866,626.98, to be financed through a tax-exempt lease and budgeted funds.

- 6h. Apache Wells Water & Gas Replacement Project – Phase II, City of Mesa Project No. 01-607-001.

This project will replace the water and gas systems in the Apache Wells development. Phase I was completed and included the area of the development south of Hermosa Vista Drive. Phase II includes the area north of Hermosa Vista Drive. This project is being completed using the Construction Manager at Risk delivery method.

Recommend approval of guaranteed maximum price for Phase II with Achen-Gardner Engineering, LLC, in the amount of \$4,980,585.56 plus an additional \$498,058.56 (10% allowance for change orders) for a total amount of \$5,478,644.12. The total contract amount for Phase I and Phase II would be \$10,708,445.56. Funding is available from existing bond authorization in the water and gas bond programs.

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- 6i. 2005/2006 Street Improvements – Center Street, Higley Road, 40th Street, City of Mesa Project No. 05-907-001.

Each year the Transportation Division identifies street segments that require some measure of pavement maintenance. This project will rehabilitate over 215,000 square yards of asphalt pavement. Street segments included in this project are Center Street from University Drive to McKellips Road, Higley Road from McLellan Road to McDowell Road, and 40th Street from Broadway Road to Main Street. The work will also include the construction of sidewalk ramps along the improved streets and other minor street improvements.

Recommend award to the low bidder, Nesbitt Contracting, in the amount of \$2,296,620.00 plus an additional \$229,662.00 (10% allowance for change orders) for a total award of \$2,526,282.00. Funding is available from the Highway User Revenue Fund (HURF) funds budgeted in the Transportation Division.

7. Introduction of the following ordinances and setting May 22, 2006, as the date of the public hearing on these ordinances:

- *7a. **Z06-25 (District 6)** The 9600 block of East Southern Avenue (south side). Located south of east Southern Avenue and west of South Crismon Road (15.5± ac). Rezone from AG and R1-43 to R-3-PAD and Site Plan Review. This request will allow for the development of residential condominiums. M.R. Parasher, Yale Casitas Inc., owner; Martin Hazine, HGN, applicant. ***(Held two neighborhood meetings, notified property owners, neighbors, registered neighborhoods and homeowners associations and schools in the vicinity.)***

P&Z Recommendation: Approval. (Vote: 3-2 with Boardmembers Langkilde, Mizner nay, Saemisch, and Salas absent)

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- *7b. **Z06-28 (District 6)** 6859 East Rembrandt Avenue (south side). Located east of Power Road and north of Warner Road (3.66± ac.). Site Plan and PAD Modifications. This request will allow for the development of a commercial, office and light industrial business complex. Frank Richards, San Tan Commerce Park LLC, owner; Steven Nevala, Cawley Architects, applicant. ***(Notified property owners and homeowners associations.)***

P&Z Recommendation: Approval. (Vote: 5-0 with Boardmembers Saemisch and Salas absent)

- *7c. **Z06-29 (District 2)** The 4300-4330 block of East University Drive (north side). Located west of North Greenfield Road and north of East University Drive (4±ac.). Site Plan Modification. This request will allow for the development of a self-storage facility and a retail shell building. Barry Baker, owner; Jared McQuarrie, New Sun Property Investments, LLC, applicant. ***(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)***

P&Z Recommendation: Approval. (Vote: 4-1 with Boardmembers Langkilde nay, Saemisch and Salas absent)

- *7d. **Z06-30 (District 6)** 4207 South Power Road (east side). Located at the northeast corner of Power Road and Warner Road, "Parcel A" within the Gateway Norte Master Plan Subdivision (1.09± ac.). Site Plan Modification. This request will allow for the development of a retail pad with multiple tenants. Richard Garcia, owner; David Ross, Ross Design Group, LLC, applicant. ***(Notified property owners and homeowners associations.)***

P&Z Recommendation: Approval. (Vote: 5-0 with Boardmembers Saemisch and Salas absent)

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- *7e. **Z06-31 (District 3)** The 500 block of West Baseline Road (south side). Located west of the southwest corner of South Country Club Drive and West Baseline Road (6.82± ac.). Rezone from M-1 to M-1 PAD and Site Plan Modification. This request will allow for the development of medical/office condominiums. Sydney OBP Mesa, LLC – Bob Hunt, owner; William J. Patterson, Odyssey Commercial, applicant. ***(Held a neighborhood meeting, notified property owners, neighbors, registered neighborhoods and schools in the vicinity.)***

P&Z Recommendation: Approval. (Vote: 5-0 with Boardmembers Saemisch and Salas absent)

- *7f. **Z06-32 (District 5)** Deleted.

- *7g. **Z06-33 (District 5)** The 1100-1200 block of North Meridian Drive (west side). Located at the southwest corner of Brown Road and Meridian Drive (3.61± ac.). Rezone from Maricopa County Rural 43 to City of Mesa R1-43. This case involves the establishment of City of Mesa zoning on recently annexed property. Portigal Travel, LLC-Lewis Rosenberg, General Manager, owner; Wilfred Klingsat, applicant.

P&Z Recommendation: Approval. (Vote: 5-0 with Boardmembers Saemisch and Salas absent)

- *7h. **Z06-34 (District 6)** The 6800 block of East Ray Road (south side). Located at the southeast corner of Power Road and Ray Road (3.95± ac.). Site Plan Review. This request will allow for the development of a retail center. Marc Maken Baken, owner; Kurt Frimodig, Robert Kubicek Architects & Associates, Inc., applicant. ***(Notified property owners, registered neighborhoods, homeowners associations and Williams Gateway Area of Regional Economic Activity.)***

P&Z Recommendation: Approval. (Vote: 5-0 with Boardmembers Saemisch and Salas absent)

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8. Take action on the following resolutions:
- *8a. Approving and authorizing the City Manager to execute a City Share Reimbursement Agreement for the reimbursement of regional offsite street lighting improvements that are being required by Mesa in conjunction with the proposed development of Hermosa Estates II, located at 9819 East McKellips Road. Mesa's estimated City Share on this development is \$20,210.00.
 - 8b. Authorizing the conveyance of city-owned property through a Quit-Claim Deed to De Rito/Kimco Mesa, LLC, for the purpose of building and maintaining a public access road from Dobson Road to Riverview Park and the proposed Auto Loop Road.
 - *8c. Authorizing the City Manager to execute an agreement between the City of Mesa and the East Valley Institute of Technology for funding of the campus School Resource Officer as provided by Safe Schools grant in the amount of approximately \$85,000.
 - *8d. Extinguishing an Easement for Outfall Sewer Line at Dobson Road and the Loop 202 Freeway.

This easement is no longer necessary as the sewer line has been realigned along the south side of the freeway.
 - *8e. Extinguishing a Public Utility Easement at 709 N. Williams Street.

This easement needs to be extinguished to allow the construction of a swimming pool.
 - *8f. Extinguishing a portion of an Easement for Water Line at 1766 S. Signal Butte Road.

A portion of this easement needs to be extinguished to allow the construction of a new building.

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- 8g. Vacating right-of-way in the 1200 block of North Dobson Road and the 1200 block of West Brown Road.

These rights-of-way have never been used or maintained as a public street and need to be vacated.

- *8h. Approving and authorizing the Mayor to execute the Amended and Restated Joint Powers Airport Authority Agreement and the Amended and Restated Intergovernmental Agreement for Williams Gateway Airport supporting the request for Phoenix to join the Williams Gateway Airport Authority.
- *8i. Approving and authorizing the City Manager to execute a grant agreement between the City of Mesa and the Governor's Office of Highway Safety for supplemental overtime for "Sustained" DUI Task Force enforcement through December 2006 in the amount of \$40,000.
- *8j. Approving and authorizing the City Manager to execute an Intergovernmental Agreement among the cities of Chandler, Glendale, Goodyear, Mesa, Peoria and Scottsdale relating to joint representation in settlement efforts relating to Central Arizona Water Conservation District v. United States of America, et al. (No. CIV 95-625-TUC-WDB).

9. Take action on the following ordinance and resolution:

- *9a. Amending Title 7, Chapter 2 of the Mesa City Code by adding a new section 7-2-3 requiring developers and architects to submit electronic drawings for building projects in addition to blueprints as recommended by the Fire Committee. (Single family residences and other related residential projects are excluded from this ordinance).

Fire Committee Recommendation: Approval. (Vote 3-0)

- *9b. Modifying fees and charges for the Fire Department for Drawing Digitizing Fee – **Deleted.**

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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:

No Parking: 10-3-24 (F 9) (10:00 pm to 4:00 am No Parking)

On Jerome Avenue from the south leg of Vineyard to Revere (north of Baseline Road and west of Country Club Drive, Council District 3).
11. Take action on the following subdivision plats:
 - *11a. "THE PALMS AT AUGUSTA RANCH" (**District 6**) – 9335 East Baseline Road (south side) located south and east of Baseline Road and Ellsworth Road. 238 R-3 PAD DMP condominium units (14.18 ac) Augusta Ranch Venture, LLC, James O'Kane, Vice President, owner.
 - *11b. "LINDSAY OFFICE PARK, A CONDOMINIUM" (**District 2**) – 1900 block of South Lindsay Road (east side) located north and east of Baseline Road and Lindsay Road. 6 O-S PAD office condominium units (0.79 ac) BMS Holdings, LLC, Christian Bowers, member, owner.
12. Items from citizens present. (Maximum of three speakers for three minutes per speaker)