

CITY COUNCIL AGENDA
COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, May 3, 2004

5:45 P.M.

Invocation by Pastor Reverend Paul A. Whitlock, Desert Heritage Church.

Mayor's Welcome.

Presentation of 2004 Historic Preservation Awards.

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:

*a. DAVID G. CISIEWSKI, AGENT

New Beer and Wine Store License for Quiktrip #417, 3563 E. Main Street. The license previously held at this location by David G. Cisiewski, Agent, Quiktrip Corp. will revert back to the State. District #2.

MESA CITY COUNCIL
May 3, 2004
Page 2

*b. MARK E. CRAIG, AGENT

New Restaurant License for Double G Steakhouse & Saloon, 7000 E. Main Street. This is an existing business. The license previously held at this location by Robert Michael Gregory, Owner, Double G Steakhouse will revert back to the State. District #5.

*c. HECTOR LOMELI, AGENT

New Restaurant License for Jalisiencie Mexican Food, 1948 W. Broadway Road Ste. 106. This is an existing building. No previous liquor licenses at this location. District #3.

*d. MICHAEL E. JARAMILLO, AGENT

New Restaurant License for Popo's Too!!, 4210 E. Main Street. This is an existing business. The license previously held at this location by Christine Gray, Individual, The Panhandler Restaurant was cancelled December 1998. District #2.

4. Consider the following contracts:

*a. 100 Britax child safety seats as requested by the Fire Department.

The Purchasing Division recommends accepting the low bid by Bellini Juvenile Furniture at \$18,917.50 including applicable sales tax. (This purchase is 100% funded by the Fire Act Grant).

*b. Two-year renewal of the supply contract for drafting print paper as requested by the Engineering Division.

The Purchasing Division recommends exercising the two-year renewal with the original overall low bidder as follows:

Sections A –D to Media Paper Company at \$63,785.44 based on estimated requirements.

MESA CITY COUNCIL
May 3, 2004
Page 3

In order to assure continuity of supply, it is also recommended to renew the secondary contracts as follows: Sections A, C and D to ScottBlue Reprographics, and Section B to Thomas Reprographics.

- *c. Two replacement fairway mowers as requested by the Parks and Recreation Division.

The Purchasing Division recommends accepting the low bid by Arizona Machinery Company at \$62,457.16 including applicable sales tax.

- *d. Two-year renewal of the supply contract for fertilizers as requested by the Parks & Recreation Division.

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

Items 1, 2, 3, 4 and 5 to Fertizona Casa Grande LLC at \$105,751.86;

Items 6, 7 and 8 to Ewing Irrigation at \$37,443.16; and

Item 10 to Global Organics at \$18,494.93.

The combined award is then \$161,689.95 based on estimated requirements.

- *e. Three-year supply contract for magnesium anodes for warehouse inventory to be used by the Utility Construction Division.

The Purchasing Division recommends accepting the low bid by Mountain States Pipe & Supply at \$16,635.21 based on estimated annual requirements.

- *f. Replacement carpeting at the Center Against Family Violence as requested by Development Services.

The Purchasing Division recommends authorizing purchase from Arizona State Contract with Continental Flooring Company at \$19,143.61.

MESA CITY COUNCIL
May 3, 2004
Page 4

- *g. Sun Microsystems Hardware as requested by Information Services.

The Purchasing Division recommends authorizing purchase from the lowest overall bidder, Agile IT Solutions, Inc., for a total of \$19,893.98, including applicable sales tax.

- *h. One-year supply contract for traffic paint as requested by the Transportation Division.

The Purchasing Division recommends authorizing purchase from the State ADOT contract with TMT-Pathway, LLC as the primary contractor, and Pervo Paint Company as the secondary contractor, for combined annual purchases estimated at \$142,551.00 based on estimated annual requirements.

- *i. Brown Road Sanitary Sewer – 40th Street to Greenfield Road. City of Mesa Project No. 02-368-001.

This project will increase sewer capacity for the northeast area. Improvements to be constructed by this project include over 2,500 feet of 15-inch sewer line, manholes, pavement and traffic signal fiber optic conduit.

Recommend award to low bidder, Pierson Construction, in the amount of \$274,808.00 plus an additional \$27,480.00 (10% allowance for change orders) for a total award of \$302,288.00.

- *j. Centennial Hall lighting Dimmer Replacement. City of Mesa Project No. 01-902-001.

This project will replace the existing dimming control system with newer and more functional equipment. The new system will allow staff to better accommodate their customers.

MESA CITY COUNCIL
May 3, 2004
Page 5

Recommend award to low bidder, Corbins Electric, in the amount of \$71,688.00 plus an additional \$7,168.00 (10% allowance for change orders) for a total award of \$78,856.00.

*k. Extending Coral Energy's current natural gas supply contract until March 31, 2005.

*l. Centennial Hall Cooling Tower Replacement. City of Mesa project 02-315-001

This project will replace the existing cooling tower with a new cooling tower. This new equipment will ensure a reliable air conditioning system in the building.

Recommend award to low bidder, Interstate Mechanical Co., in the amount of \$25,678.00 plus an additional \$2,567.00 (10% allowance for change orders) for a total award of \$28,245.00.

5. Consider the following resolutions:

*a. Authorizing the City Manager to execute an Intergovernmental Agreement between the Ellsworth Ward Street Lighting Improvement District (10305 East Southern Ave) and the City of Mesa for the operation and maintenance of street lights outside of the Mesa City limits.

b. Authorizing the City Manager to enter into a Development Agreement between the City of Mesa and the Superstition Springs Investors Limited Partnership, d.b.a. DMB Associates, Inc. (SSILP) for a 36-acre parcel auto center at the southwest corner of Hampton Avenue and Sossaman Road north of the Superstition Freeway. **(Continued from the April 19, 2004 Council Meeting)**

*c. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Governor's Office of Highway Safety to provide for funds to pay overtime to officers for education and enforcement of safety belt use.

MESA CITY COUNCIL
May 3, 2004
Page 6

- *d. Modifying fees and charges for the Parks and Recreation Division and declaring this resolution and said fees and charges to be a public record.
- 5.1. Introduction of the following ordinances and setting May 17, 2004 as the date of public hearing on these ordinances:
- *a. Adjusting the Transient Occupancy Tax (Bed Tax) from 2.5% to 3.0% of the gross revenue, effective July 1, 2004 as approved by voters in the March 2004 Primary Election.
 - *b. Pertaining to the sign regulations of the zoning ordinance of the Mesa City Code; amending Sections 11-19-5 and 11-19-8 creating a definition of and establishing provisions regarding the regulation of Freeway Landmark Monuments; and providing penalties for the violation thereof.
- 5.2. Consider the following recommendation from the Utility Committee:
- a. Recommend staff be directed to enter into a contract with Uptown Services, LLC to perform a telecommunications feasibility study to deploy fiber optics in downtown Mesa for broadband services.
6. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances:
- *a. **Z03-64 (District 3)** Northwest corner of Sycamore and Main Street (14.46 ac.). Rezone from C-2 and C-3 to C-2 BIZ and C-3 BIZ and Site Plan Modification. This request is for the development of a bus/light rail transfer lot and park-and-ride facility to serve the Mesa light rail station and to reserve a site for future Transit Oriented Development (TOD). Judith A. Klein, Rising Sun, LLC., owner; Jeff Martin, City of Mesa, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Saemisch abstaining).
 - 1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.

MESA CITY COUNCIL
May 3, 2004
Page 7

2. All street improvements and perimeter landscaping to be installed in the first phase of construction.
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. Compliance with all requirements of the Design Review Board.
7. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
8. Transit oriented development is encouraged for the 3.67 acre lot.

- *b. **Z04-01 (District 6)** Northeast and Northwest corners of Ellsworth Road and Germann Road (320 ac.). Rezone from R1-43 to M-1 and M-1 (conceptual C-2). This request is to bring zoning into conformance with Mesa 2025 General Plan. Various owners; Wayne Balmer, Project Manager WGAA, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0-2, Finter and Adams absent)

1. Compliance with all requirements of the Mesa Zoning Ordinance and land development regulations. This includes (but is not limited to) the following:
 - a. Provision of all required infrastructure including, but not limited to, street, water, sewer, fire protection and other improvements at the time of development.
 - b. Recordation of avigation easements, overflight easements and overflight disclosure statements with all subdivision plats approved and/or building permits issued.

MESA CITY COUNCIL

May 3, 2004

Page 8

- c. Recordation of Covenants, Conditions and Restrictions (CC&R's) to address land use, property maintenance, landscaping, etc., with any new subdivision plats approved.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of the development plans for all uses proposed for the property. Site Plan Review documentation may include, but is not limited to, presentation of a citizen participation plan, exhibits detailing the proposed land use(s), site plans, design guidelines, landscape plans, and building elevations.

Note: Items 1 and 2 apply to both the properties on the east and west sides of Ellsworth Road. Conditions 3 through 10 apply to the 160 acres on the west side of Ellsworth Road only.

3. No vehicular access to South 88th Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) from the property to either the north or east.
4. Completion of the pavement of the east half of South 88th Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) in conjunction with of the development of the property to the east. In addition to the right-of-way needed to complete south 88th Street, a fifteen-foot (15') Public Utilities and Facilities Easement (PUFE), to enhance the area to be landscaped, will also be required.
5. Installation of an eight-foot decorative masonry wall on the east side of the future PUFE on the east side of South 88th Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) as part of the development of the property to the east. Landscaping shall be installed in the South 88th Street right-of-way and the public utilities and facilities easement, east of the completed street and west of the wall, per City

MESA CITY COUNCIL

May 3, 2004

Page 9

Code at the time of development. The City of Mesa will maintain the landscaping in both the dedicated right-of-way and public utilities and facilities easement, once completed. The designs for both the decorative masonry wall and landscaping in the right-of-way and PUFÉ will be reviewed and approved by the Design Review Board prior to construction.

6. All buildings constructed within 200 feet of the east side of South 88th Street between Germann Road and East Woodland Avenue (adjacent to Queens Park subdivision) to be limited to 30 feet in height. In addition, a 40-foot building setback would be required for all future buildings from the new property line on South 88th Street.
7. No open storage of construction or other materials, heavy equipment or commercial vehicles (other than standard passenger vehicles) will be allowed on the western 200 feet of those properties on the east side of South 88th Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) nor on those properties on the north side of Germann Road to a depth of 200 feet between South 88th Street and Ellsworth Road.
8. Buildings constructed within 200 feet of Germann Road between South 88th Street and Ellsworth Road to be limited to 30 feet in height. In addition, a 30-foot building setback would be required for all future buildings from the new property line on Germann Road.
9. Site Plan Review requests, rezoning requests and/or subdivision plats located west of Ellsworth Road should, if possible, be at least 10 acres in size, pursuant to Resolution 7838.
10. When development is proposed on the area identified in conditions 6, 7 and 8 above, the applicants will be asked to consider the proximity of the homes to the west and the south in the project design process in order to

identify and incorporate proposed compatibility measures. Examples of compatibility measures might include: locating future storm water retention basins on the west and south sides of the property, no bay doors facing west adjacent to 88th Street and south adjacent to Germann Road, placing loading docks on the east or north sides rather than the west or south sides of the buildings, locating compressors and air conditioning units in noise attenuated surroundings, etc.

- *c. **Z04-23 (District 4)** 809 West Main Street. Southwest corner of Main Street and Extension Road (0.58 ac. ±). Rezone from C-3 to C-3HL. This request is for the Historical designation of the Landmark restaurant. Don and Candy Ellis, owners and applicants.

P&Z Recommendation: Approval (Vote: Passed 5-0-2, Finter and Adams absent)

- *d. **Z04-24 (District 5)** The 6300 to 6400 block of East Main Street (south side) and the 200 to 300 block of 63rd Street (east side) through to 64th Street (west side). Located south and east of Main Street and Recker Road (1.64 ac. ±). Rezone from C-2 to C-2 PAD. This request is for the development of office condominiums. Michael Hamberlin, owner; Steven Nevala, applicant. Also consider the preliminary plat "63rd Professional Center".

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0-2, Finter and Adams absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

MESA CITY COUNCIL
May 3, 2004
Page 11

4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. All street improvements and landscaping to be installed in the first phase of construction.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*e. **Z04-25 (District 1)** 2310 and 2320 East Brown Road. Located north and east of Gilbert Road and Brown Road (1.22 ac. ±). Rezone from R-4 to O-S. This request is for the development of two medical office buildings. Dr. Jerry R. Shockey, owner; Vince Dalke, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0-2, Finter and Adams absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Recordation of cross-access and reciprocal parking easements between parcels 141-11-091 and 141-11-092.
4. Recordation of cross-access easement between parcels 141-11-091 and 141-11-092.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.
6. All street improvements and landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Design Review Board.

MESA CITY COUNCIL
May 3, 2004
Page 12

8. Full compliance with all current Code requirements, unless modified through the Development Incentive Permit.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
10. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City prior to the issuance of a building permit.

*f. **Z04-26 (District 5)** The 9200 and 9300 block of East Main Street (north side) and the 50 to 100 block of North Ellsworth Road (east side). Located north and east of Main Street and Ellsworth Road (5.73 ac ±). Site Plan Review. This request is for the development of a commercial development. Mike Pearlstein, owner and applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0-2, Finter and Adams absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans for Pad "A" and Pad "B".
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. All street improvements and perimeter landscaping to be installed in the first phase of construction.

MESA CITY COUNCIL
May 3, 2004
Page 13

7. Compliance with all requirements of the Subdivision Technical Review Committee.
 8. Compliance with all requirements of the Design Review Board.
 9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
7. Items from citizens present. (Maximum of three speakers for three minutes per speaker).