

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, May 2, 2005

5:45 P.M.

Invocation by Chaplain Deede Scott, Church of Scientology of Arizona.

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.

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3. Consider the following liquor license applications:

*3a. JOHNNY CHEN, AGENT

New Restaurant License for China Palace, 5761 E. Brown Road, Ste 1. This is an existing business. The Restaurant License previously held at this location by Dick Jao Fu Hu, Individual, China Palace Chinese Restaurant, will revert back to the State. District #5.

*3b. NOBUMICHI SAWAI, AGENT

New Restaurant License for Sakana Sushi & Grill, 1853 S. Power Road, Suite B. This is new construction. No previous licenses at this location. District #6.

*3c. JAMES ANDREW KOESTNER, YOUTH PASTOR

Special Event License application for James Andrew Koestner, Youth Pastor, St. Bridget Catholic Church, a one-day religious event to be held on Saturday, May 14, 2005 from 5:30 p.m. to 10:00 p.m. at 2213 North Lindsay Road. District #5.

4. Consider the following contracts:

*4a. Three-year supply contract for Modified Asphalt Binder as requested by the Transportation Division Field Operations. (Contract 2005125)

The Purchasing Division recommends accepting the only responsive bid by Paramount Petroleum Corp., at \$229,510.35 based on estimated annual requirements.

*4b. Network Hardware, as requested by the Information Services Division. (State Contract #AD000187-002, -003, and -016)

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The Purchasing Division recommends approving:

\$31,406.24 for Cisco hardware from the State of Arizona contract with Qwest Communications Corporation, including tax;

\$168,439.76 for F5 hardware from the State of Arizona contract with Calence, including tax;

\$131,454.02 for Enterasys hardware from the State of Arizona contract with Ames Business and Learning, including tax; and,

\$66,592.03 for CyberGuard hardware from the Mesa Public Schools SAVE contract with Enterprise Network Solutions, including tax.

The combined total award for the recommended purchases is \$397,892.04.

- 4c. 2005 Street Improvements – Phase I, City of Mesa Project No. 04-841-001.

This project will reconstruct over 69,000 square yards of asphalt pavement. Improvements will result in an operationally and aesthetically improved roadway.

Recommend award to low bidder, Nesbitt Contracting Company, Inc., in the amount of \$1,630,923.75 plus an additional \$163,092.38 (10% allowance for change orders) for a total award of \$1,794,016.13.

- 4d. 2005 Street Improvements – Phase III, City of Mesa Project No. 04-841-003.

This project will reconstruct over 52,000 square yards of asphalt pavement. Improvements will result in an operationally and aesthetically improved roadway.

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Recommend award to low bidder, Achen-Gardner Engineering, LLC, in the amount of \$1,108,131.64 plus an additional \$110,813.16 (10% allowance for change orders) for a total award of \$1,218,944.80.

- *4e. Hermosa Vista Sewage Lift Station Rehabilitation, City of Mesa Project No. 01-664-001.

This project will rehabilitate the lift station to prevent the occurrence of non-permitted discharges and to improve the City's sanitary sewer collection system.

Recommend award to low bidder, Hunter Contracting Company, in the amount of \$329,500 plus an additional \$32,950.00 (10% allowance for change orders) for a total award of \$362,450.00.

- 4f. Falcon Well No. 15 – Equipment and Piping, City of Mesa Project 01-627-001

This project will provide the necessary equipping at the well site for groundwater production and supporting infrastructure for the installation of a future arsenic treatment system. Improvements will also include a new perimeter site block wall and site perimeter landscaping.

Recommend award to low bidder, Quest Civil Constructors, Inc., in the amount of \$657,657.00 plus an additional \$65,765.70 (10% allowance for change orders) for a total award of \$723,422.70.

- 4g. Municipal Building Remodel, City of Mesa Project 02-415-002.

This project will allow the Building Safety and Financial Services Divisions to expand their operations into the space where Planning vacated and make other necessary improvements.

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Recommend award to low bidder, SDB, Inc., in the amount of \$2,241,332.52 plus an additional \$224,133.25 (10% allowance for change orders) for a total award of \$2,465,465.77.

5. Introduction of the following ordinances and setting May 16, 2005, as the date of public hearing on these ordinances:

*5a. **A04-15 (District 5)** Annexing west and north of the NWC of Main and Power Road. Initiated by Associated Asset Management Company, the property management company for the Desert Cove subdivision.

*5b. **A04-16 (District 5)** Annexing west and north of the NWC of Main and Power Road. Initiated by Associated Asset Management Company, the property management company for the Apache Cove subdivision.

*5c. Amending Section 10-5-1 of the Mesa City Code by adding 10-5-1(J) relating to the ability to charge for event parking.

*5d. Amending Section 11-13-2 of the Mesa City Code by adding 11-13-2 (V) relating to temporary parking lots.

*5e. **Z05-23 (District 1)** 851 E. Main Street. Located south and west of Main Street and Stapley Road (1± ac.). Council Use Permit. This request is to allow a day labor business. Ron Walters, owner; David Naja (Able Body Labor), applicant.

P&Z Recommendation: Denial. (Vote: Passed 6-1, Boardmember Carpenter voting nay)

6. Consider the following resolutions:

*6a. Approving the Assessment Diagram Map for the Power Road Scalloped Street Assessment Project #00-043.1. This project installed street improvements along portions of North Power Road from Adobe Road to McKellips Road.

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A portion of the project costs will be assessed to the adjacent property owners under the Scalloped Street Assessment laws.

- *6b Fixing June 6, 2005, as the Public Hearing for the proposed final assessments for the Power Road Scalloped Street Assessment Project #00-043.1.

This project installed street improvements along portions of North Power Road from Adobe Rd to McKellips Road.

A portion of the project costs will be assessed to the adjacent property owners under the Scalloped Street Assessment laws.

- *6c. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Town of Gilbert, the Town of Queen Creek and the City of Mesa for an effluent pipeline from the Greenfield Water Reclamation Plant to the East Maricopa County Floodway.
- *6d. Approving and Authorizing the City Manager to execute an Intergovernmental Agreement between the State of Arizona and the City of Mesa for the purpose of allowing Mesa to receive Federal Department of Homeland Security (DHS), Office for Domestic Preparedness (ODP) reimbursement grants from ADEM.
- *6e. Extinguishing two temporary drainage easements at Spring of Life Christian Church located at 1330 South Crismon Road.

These easements are no longer necessary as Phase II of the project is creating a permanent drainage easement.

- *6f. Extinguishing an easement for Public Utilities located at the northeast corner of Recker Road and Main Street.
- The easement was for a public sewer line and is no longer necessary as the building is being razed to make room for a new Walgreen's Pharmacy.

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7. Deleted.
8. Consider the following ordinances:
 - *8a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

Prohibiting Left Turns From Driveways: 10-3-15 (C)

The west side of Mountain Road between 7:00 am and 3:00 pm on school days from the driveway with centerline approximately 225 feet south of Dover Street (east of Signal Butte Road and north of University Drive, Council District 5).

No Parking: 10-3-24 (D) (Full Time No Parking)

On the east side of 32nd Street from Broadway Road to a point 263 feet south of Broadway Road and on the west side of 32nd Street from Broadway Road to a point 175 feet south of Broadway Road (32nd Street south of Broadway Road, Council District 2).
 - *8b. Amending Section 11-15-2 of the Zoning Ordinance (Title 11 of the Mesa City Code) pertaining to building, parking, drive aisle and landscape setbacks adjacent to arterial streets.

P&Z Recommendation: Approval. (Vote: Passed 6-0-1, Boardmember Carpenter abstaining)
9. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:
 - *9a. Moved to Item #5e.
 - *9b. **Z05-31 (District 6)** 5416 East Baseline Road.
Located north and east of Baseline Road and Higley Road (4.4 ac). Council Use Permit. This request is to allow an Everest College to operate in an existing building zoned C-1. Kurt Waltz, Diessner Development Company, owner; Ralph Pew, Pew and Lake, PLC, applicant.

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P&Z Recommendation: Approval. (Vote: Passed on consent)

1. Compliance with the basic development as described in the project narrative and as shown on the exhibits as submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

- 9c. **Z05-32 (District 1)** 2711 N. Horne. Located north and east of McKellips Road and Horne Road (3.19 ac.). Rezone from R1-43 to R1-43 PAD and Site Plan Review. This case is to allow for a 3-lot residential subdivision. Marlin Porter, owner/applicant.

P&Z Recommendation: Approval. (Vote: Passed on consent)

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

- *9d. **Z05-33 (District 6)** The 9200 block of East Southern Avenue (south side) and the 1200 block of South Ellsworth Road (east side). Located south of Southern Avenue and east of Ellsworth Road (20.83 ac.). Site Plan Modification. This case is to allow for a Lowe's home improvement store with commercial pads. Ray Downs, owner; Don Andrews, applicant.

P&Z Recommendation: Approval. (Vote: Passed on consent)

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1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Design Review Board.
4. All pad buildings to be architecturally compatible with the center and approved by the Design Review Board.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
7. 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.
8. All street improvements and street frontage landscaping to be installed in the first phase of construction.
9. Recordation of cross-access easements between all lots proposed in the subdivision plat.
10. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
11. Review and approval of a Special Use Permit by the Board of Adjustment / Zoning Administrator for a comprehensive sign plan.
12. Future Site Plan Review shall be required for Phase Three (3).

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- *9e. **Z05-34 (District 3)** 2950 South Alma School Road. Located south and west of Alma School Road and Guadalupe Roads (1.63 ac). Site Plan Modification. Development of a Dairy Queen restaurant and pad building. SWC Guadalupe and Alma School Road Ltd Partnership (Gary Davidson), owners; Paul Gilbert, applicant.

P&Z Recommendation: Approval. (Vote: Passed 5-1-1, Boardmember Esparza voting nay, Saemisch abstaining)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, and elevations submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. 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.
5. Compliance with all requirements of the Design Review Board.
6. Parking calculations for Future Pad Building B to be per Zoning Ordinance requirements, with consideration of all existing uses within the Group COI Development.
7. Review and approval of a Substantial Conformance Improvement Permit.

- *9f. **Z05-35 (District 1)** The 3000 Block of East McKellips Road. Located south and east of McKellips Road and Lindsay Road (3.7 ac). Site Plan Modification. This request is to allow development of a restaurant building. Wayne Wyatt, owner; Chris Neal, Neptune Design Group, applicant.

P&Z Recommendation: Approval. (Vote: Passed on consent)

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1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Design Review Board.
5. 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.

*9g. **Z05-36 (District 1)** The 1200 to 1300 block of East McKellips Road (south side) and the 1800 to 1900 block of North Stapley Drive (east side). Located south and east of McKellips Road and Stapley Drive (10.25 ac). Site Plan Modification. This request to development commercial retail buildings. Ryan Gaston, Barclay Group, owner; Martin Flood, applicant.

P&Z Recommendation: Approval. (Vote: Passed on consent)

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. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
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 requirements of the Subdivision Technical Review Committee.

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5. Compliance with all requirements of the Design Review Board.
6. Review and approval of a Substantial Conformance Improvement Permit.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*9h. **Z05-37 (District 5)** The 3700 block of East McLellan Road (north side). Located south and east of McKellips Road and Val Vista Drive (22.64 ac). Rezone from R1-35 to R1-35 PAD and Site Plan Review. This request is to allow for the development of a gated single-residence subdivision. Jeff Blandford, owner/applicant.

P&Z Recommendation: Approval. (Vote: Passed 6-0-1, Boardmember Mizner absent for the vote)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with the Residential Development Guidelines.
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. Compliance with all requirements of the Subdivision Technical Review Committee.
7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
8. Written notice to be given to future residents that this subdivision is within one (1) mile of Falcon Field Airport.

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9. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
10. Record a one-foot non-vehicular access easement along the cul-de-sac on Ivy Glen, except to allow access as permitted under the existing easement.
11. Provide a 20 foot landscape tract along Ivy Glen to be landscaped with existing and/or replacement citrus trees.

*9i. **Z05-38 (District 5)** The 4200 to 4400 Block of East Brown Road (north side). Located west and north of Greenfield Road and Brown Road (3.3 ac). Site Plan Modification. This request is to allow development of three office buildings. David Gillette, FCF UTAH, LLC and Dr. Douglas A. Bobb, Legacy Investments, L.L.C., owner; Allen Willis, Amberwood Homes, applicant.

P&Z Recommendation: Approval. (Vote: Passed on consent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Recordation of cross-access easement with property to the east for the shared drive entrance from Brown Road.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Compliance with all requirements of the Design Review Board.
7. Future review by the Design Review Board of "Building A" Parcel 2.

- *9j. **Z05-39 (District 6)** Properties located between the Signal Butte Road alignment and Mountain Road, and between the Galveston Road alignment and 1320' north of Warner Road (558± ac). Rezone from R1-43 to R1-6 (conceptual R-2 and PF), R1-6 PAD, R1-7 PAD, and R-2 PAD all within the Mountain Horizons Development Master Plan. This request is to allow the development of a residential master planned community. Pulte Homes (Tim Loughrin), owner; Sean Lake, Pew & Lake, PLC, applicant.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, and preliminary plat (without guarantee of lot yield, building count, lot coverage).
2. Compliance with the Residential Development Guidelines including product elevations.
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. Compliance with all requirements of the Subdivision Technical Review Committee.
7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
8. Written notice to be given to future residents that this subdivision is within one (2) miles of Williams Gateway Airport.
9. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).

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- *9k. **Z05-40 (District 6)** The 4700 to 4800 block of East Baseline Road (north side). Located north and west of Baseline Road and Higley Road (12 ac). Rezone from AG to PEP PAD and Site Plan Review. This request is to allow for the development of an industrial office complex. Frank Richards, owner; Steve Nevala – Cawley Architects, applicant.

P&Z Recommendation: Approval. (Vote: Passed on consent)

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. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
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 requirements of the Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.
6. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

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10. Consider the following subdivision plat:
 - *10a. "POWER & McKELLIPS CORRAL", – (Council District 5) – 1900 block of North Power Road (west side) located south and west of McKellips Road and Power Road. 2 C-2 commercial lots (4.82 ac) Power & McKellips Corral, LLC and Halle Properties, LLC, William L. Hawkins, Managing Partner, owner; CMX, LLC, engineer.
11. Items from citizens present. (Maximum of three speakers for three minutes per speaker).