

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, May 21, 2007
5:45 P.M.

Invocation by Pastor Paul Covert, Central Christian Church of the East Valley.

Pledge of Allegiance.

Mayor's Welcome.

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 and take action on an amendment to the land use map for the following Minor General Plan Amendment:

3a. Public Hearing on Minor General Plan Amendment
GPMInor07-03 (District 3) (Related to Item 3b).

3b. Take action on the following resolution:

GPMInor07-03 (District 3) 1350 West Main Street. Located west of Alma School Road and north of Main Street (3.32± ac.). Minor General Plan Amendment to change the General Plan Land Use Map from Mixed-Use Residential 30 percent at 15+ dwelling units per acre (MUR 15+) to High Density Residential 15+ dwelling units per acre (HDR 15+). Dan Randal/Mulberry Business Park, LLC, owner; Fred Woods/Fred Woods Architecture, applicant. **COMPANION CASE Z07-28 (See item 15i). (Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)**

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

4. Conduct a public hearing and take action on an amendment to the land use map for the following Minor General Plan Amendment:

4a. Public Hearing on Minor General Plan Amendment
GPMInor07-04 (District 6) (Related to Item 4b)

4b. Take action on the following resolution:

GPMInor07-04 (District 6) The 1300 to 1500 block of South Sossaman Road (west side). Located south of Southern Avenue and west of Sossaman Road (19.98± ac.). Minor General Plan Amendment to change the General Plan Land Use Map from Business Park (BP) to Community Commercial (CC). John D. Kothe, Vice President of T. Wall Properties Arizona L.L.C. manager of Superstition Springs Commerce Park, LLC, owner; Steven Ybarra, applicant.

COMPANION CASE Z07-30. (See item 15j) (Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)

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

5. Conduct a public hearing and take action on an amendment to the land use map for the following Minor General Plan Amendment:

- 5a. Public Hearing on Minor General Plan Amendment **GPMInor07-05 (District 6) (Related to Item 5b).**

- 5b. Take action on the following resolution:

GPMInor07-05 (District 6) The 1200 block of South Sossaman Road (west side). Located southwest of Southern Avenue and Sossaman Road (5± ac.). Minor General Plan Amendment to change the General Plan Land Use Map from Business Park (BP) to Neighborhood Commercial (NC). Michael A. DeBell, Executive Vice President of Superstition Springs Investors LP, owner; Shelly McTee, applicant.
COMPANION CASE Z07-34. (See item 15n) (Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)

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

6. Conduct a public hearing and take action on the annual assessments for the Mesa Town Center Improvement District No. 228.
 - 6a. Public hearing on the proposed annual assessments for the Mesa Town Center Improvement District No. 228. **(Related to Item 6b)**

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- 6b. Take action on the following resolution:

Approving the annual assessments for the Mesa Town Center Improvement District No. 228. The proposed annual assessments for the FY 2007/2008 do not include any rate increases. This District was established to provide enhanced municipal services to the Mesa Town Center.

7. Conduct a public hearing concerning the recommended changes to the development impact fees. **(Related to Items 11a and 11b)**

8. Take action on the following liquor license applications:

- *8a. Fresh & Easy Neighborhood Market

New Beer & Wine Store License for Fresh & Easy Neighborhood Market, 5943 E. Brown Road, Fresh & Easy Neighborhood Market, Inc. – Applicant, Randy D. Nations – Agent. Brown Recker CVS LLC previously held a Liquor Store License, which they will retain. **(District 5)**

- *8b. Super Dollar Discount

New Beer & Wine Store License for Super Dollar Discount, 1340 E. Broadway Road, Suite #1, Super Dollar Discount LLC. – Applicant, Khalid Said Mahboob – Agent. This is an existing business with no previous liquor license at this location. **(District 4)**

- *8c. Neighbors Garden Café, Gift & Floral Shop

New Restaurant License for Neighbors Garden Café, Gift & Floral Shop, 2740 S. Alma School Road, Suite #13, The Natick Group Inc. – Applicant, Shaun Cory Gidney – Agent. The previous Restaurant License at this location, issued to Neighbors Garden Cafe, Inc., will revert back to the State. **(District 3)**

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*8d. Restaurante Real

New Restaurant License for Restaurante Real, 909 E. Main Street, Cuauhtemoc Armenta Bojorquez – Individual. The Beer & Wine Store License currently held at this location by Cuauhtemoc Armenta Bojorquez will revert back to the State. **(District 4)**

*8e. Wingstop

New Restaurant License for Wingstop, 937 N. Dobson Road, Suite B3, Los Amigos Food Service I LLC – Applicant, Jose Puchi Arriola – Agent. This is new construction with no previous liquor license at this location. **(District 1)**

9. Take action on the following contracts:

*9a. Hardware and Software Upgrade to the Aspect 200R Automated Call Distribution System for the Information Technology Department. **(Single Bid)**

The Procurement Services Department recommends awarding the Mesa contract to Black Box Network Services at \$29,176.77, including sales tax.

*9b. Radio Frequency Identification (RFID) Project Hardware, Software and Accessories for the Library. (State Grants In Aid [SGIA] Funding)

The Procurement Services Department recommends authorizing purchase from Maricopa County contract with 3M™ Library Systems at \$217,891.87, including applicable use tax.

*9c. Three (3) Light Duty Vehicles for the Utilities and Transportation Departments. (2 Additions to the Fleet and 1 Replacement)

The Procurement Services Department recommends awarding Mesa contracts to Bill Heard Chevrolet at \$38,572.32, and Avondale Dodge at \$61,165.64, including applicable sales tax, for a total award of \$99,737.96.

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- *9d. Three-year Supply Contract for Liquid Chlorine for Warehouse Inventory.

The Procurement Services Department recommends awarding the Mesa contract to the lowest responsive bidder, Hill Brothers Chemical Company at \$33,781.25 annually, based on estimated requirements.

- *9e. Tire Rubber Modified Surface Sealant (TRMSS) as requested by the Transportation Division, Field Operations. (City of Glendale Contract # 05-09)

The Procurement Services Department recommends authorizing purchase from the City of Glendale contract with Musgrove Enterprises LLC (dba) SealMaster AZ for annual purchases estimated at \$335,650.05, including contingencies and applicable sales tax.

- *9f. Two-year Supply Contract for Streetlight and Traffic Signal Poles, Mast Arms and Anchor Bolts for Warehouse Inventory.

The Procurement Services Department recommends awarding contracts to the lowest responsive bidders, Valmont at \$26,955.46 and Union Metal Corp. (UMC) at \$251,600.45.

- 9g. Police Technical Services Building, City of Mesa Project No. 01-258-001.

This project will construct a new 48,577 square foot, multi-story Police Technical Services Building that will house the Mesa Crime Lab and identification facilities. The new facility will be located on the existing Justice Complex site, between Morris Street and Robson Street and between 1st Street and 2nd Street, in the parking lot south of the existing Court Building.

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Recommend award of the construction phase service contract to D.L. Withers, Inc, with the Guaranteed Maximum Price of \$16,779,104.00 plus an additional \$1,677,910.40 (10% allowance for change orders) for a total award of \$18,457,014.40. Funding is available from existing Public Safety Bonds and Quality of Life Sales Tax.

10. Take action on the following recommendation from the Community & Neighborhood Services Committee:

*10a. Modifying the alley abandonment process. **(Related to Item 11c)**

Committee Recommendation: Approval of Alternative 2.
(Vote 3-0)

11. Introduction of the following ordinances and setting June 4, 2007, as the date of the public hearing on these ordinances:

11a. Amending Title 5, Chapter 17 of the Mesa City Code relating to development impact fees to adopt new impact fees and to eliminate impact fees for Cultural Facilities.

11b. Amending Title 5, Chapter 17 of the Mesa City Code relating to development impact fees to adopt new impact fees.

*11c. Amending Title 9, Chapter 10 of the Mesa City Code eliminating the fee for disposition of residential alley roadways as recommended by the Community and Neighborhood Services and Audit and Finance Committees. **(Related to Item 10a)**

Community & Neighborhood Services Recommendation:
Approval. Vote: 3-0

Audit & Finance Recommendation: Approval. Vote 3-0

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- 11d. **Z07-35 (District 1)** The 2000 through 2600 blocks of West 8th Street -north side, north to 202 Freeway and City of Mesa Reclamation Plant (125 +/- acres). Establish a Development Master Plan with portions of the site requested to be: Rezoned from PF to C-3; Rezoned from C-3 PAD to C-3; Rezoned with a Bonus Intensity Zone overlay; and a Council Use Permit for residential uses within the C-3 zoning district. This request is to establish the base zoning districts and land uses for the Waveyard Development Master Plan, a future mixed use development with entertainment, retail, offices and residential land uses. Owners: City of Mesa, Christopher J. Brady, City Manager; Maricopa County, Fulton Brock, Chairman Maricopa County Board of Supervisors, and; Larry Miller Automotive Group, Ken Ellergard. Applicant, Ralph Pew.

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

- *11e. **Z07-36 (District 6)** The 10100-10300 blocks of East Southern Avenue (south side, south to Hampton Avenue) and the 1300 block of South Crismon Road (east side, east to the South Cheshire alignment). South and east of Crismon Road and Southern Avenue (+/- 1 acre of the 46.9-acre hospital parcel). Site Plan Modification and Modification to the BIZ Overlay. This request will modify the existing hospital site to add a freestanding daycare facility. Joey Abney, IASIS Healthcare, owner; Ian C. Sinnett, Perkins & Will, applicant.

PHO Recommendation: Approval with conditions.

- *11f. **Z07-37 (District 5)** 6659 East University Drive. South and west of 67th Street and University Drive. (7.0± ac.). Rezone from Maricopa County Rural 43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property. Presbytery of Grand Canyon Corp., represented by Bill Duff, owner; City of Mesa, applicant.

PHO Recommendation: Approval with conditions.

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**NEW
ITEM**

- 11g. Amending the Mesa City Code regarding the following traffic modification:

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

On the east side of Terripin from McKellips Road to June Street and on the west side of Terripin from McKellips Road to a point 91 feet south of McKellips Road (south of McKellips Road and east of Power Road) **(District 5)**

12. Take action on the following resolutions:

*12a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between the Flood Control District of Maricopa County and the City of Mesa for the pre-design, design, rights-of-way acquisition and utility relocations for the Siphon Draw Drainage improvements. Mesa's share of the IGA costs is estimated at \$1,250,000 and will be funded with approved Storm Sewer Bonds.

*12b. Granting the sale of city-owned property in the 225 block of West Vine Avenue.

This land is considered excess city property and is no longer required. The sales price is \$1,300,000.

*12c. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Criminal Justice Commission for grant funds in the amount of \$53,220 to provide training and DNA analysis equipment for the Forensic Services Section of the Police Department.

**NEW
ITEM**

*12d. Approving and authorizing the City Manager to execute a development agreement between NKS Group III, LLC and the City of Mesa for the development of a regional shopping and employment center on the north side of Elliot Road between the Loop 202 and Hawes Road. **(Related to Item 15m)**

- *13. Adopt a Notice of Intention to increase rates or rate components, fees and/or service charges for irrigation water, natural gas, solid waste, wastewater and water and establishing June 25, 2007 as the date for the public hearing.

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14. Discuss and take action on the adoption of a Notice of Intent to enter into a retail development tax incentive agreement with Waveyard Development, LLC for the development of a +/-125-acre water entertainment, resort, office, commercial, retail and residential development generally located in the 2000 through 2600 blocks of West 8th Street, between 8th Street on the south and the 202 Freeway and City of Mesa Reclamation Plant on the north.
(District 1)
15. 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.
 - *15a. Amending various sections of the Mesa City Code regarding the following traffic modifications - **Deleted**
 - *15b. Amending Titles 3 and 10 of the Mesa City Code to allow a private contractor to perform parking enforcement of civil parking violations.
 - *15c. **A06-18 (District 6)** Annexing land located at the northeast corner of Broadway Road and Hawes Road (8.69 ± ac). Initiated by David Henry, representing the property owner.
 - *15d. **A06-33 (District 5)** Annexing land located on Sossaman Road north of McDowell Road (1.16 ± ac). Initiated by the property owner, Julie Preder.
 - *15e. **Z07-10 (District 3) - Deleted.**
 - *15f. **Z07-11 (District 3) – Deleted.**

- *15g. **Z07-15 (District 6)** 8743 East Pecos Road. Located west of Ellsworth Road on the south side of Pecos Road (10.5± ac.). Rezone from AG to M-1 PAD and O-S and Site Plan Review. This request will allow the development of a new office/warehouse development. Allen Marsh, Pecos Gateway, LLC, owner; Michael P. Monroe, Archicon, L.C., applicant. ***(Held two neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 5-0 with Boardmembers Langkilde, Salas absent)

- *15h. **Z07-27 (District 5)** The 3800 block of North Higley Road (east side). Located north of Thomas Road and east of Higley Road (9.84± ac.). Rezone from R1-90 (conceptual M-1) to M-1 and Site Plan Review. This request will allow the development of an industrial subdivision. Inez M. Boyle, Boyle Family Investments, LLC, owner; Jeff Welker, applicant. ***(Held two neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)***

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

- 15i. **Z07-28 (District 3)** 1350 West Main Street. Located west of Alma School Road and north of Main Street (3.32± ac.). Rezone from C-3 to C-1 BIZ CUP and R-4-BIZ and Site Plan Review. This request will allow the development of a mixed-use office/retail and townhouse development. Dan Randal/Mulberry Business Park, LLC, owner; Fred Woods/Fred Woods Architecture, applicant. **COMPANION CASE GPMInor07-03. (See Item 3a and 3b) *(Held two neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Denial. (Vote: 3-2 with Boardmembers Finter, Carter, nay; Langkilde, Salas absent)

- 15j. **Z07-30 (District 6)** The 1300 to 1500 block of South Sossaman Road (west side). Located south of Southern Avenue and west of Sossaman Road (34.5± ac.). Site Plan Modification, Modification of the Superstition Springs Development Master Plan, and rezone the eastern portion of the site from M-1-PAD-DMP to C-2-PAD-DMP. This request will allow for the development of a Costco, an industrial park and a future retail development. John D. Kothe, Vice President of T. Wall Properties Arizona L.L.C. manager of Superstition Springs Commerce Park, LLC, owner; Steven Ybarra, applicant. **COMPANION CASE GPMInor07-04. (See Item 4a and 4b) (Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)**

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

- *15k. **Z07-31 (District 4)** 337 South Nina Drive (east side). Located east of Alma School Road and north of Broadway Road (0.22± ac.). Rezone from R-4 to M-1 and Site Plan Review. This request will bring the existing use into conformance with the Zoning Ordinance and with the General Plan. Edith Mosley, owner; Devin Tietjen, applicant. **(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)**

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

- *15l. **Z07-32 (District 5)** 5747 East McKellips Road. Located west of Recker Road on the south side of McKellips Road (14± acres). Site Plan Review. This request will allow the development of a retail center. Western States Lodging, Gary K. Griffiths, Manager, owner; Dennis Price, applicant. **(Held a neighborhood meeting, notified property owners and homeowners associations.)**

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

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- 15m. **Z07-33 (District 6)** The 8400 to 8800 block of East Elliot Road (north side) and the 3200 to 3600 block of South Hawes Road (east side). Located at the northeast corner of Elliot Road and Hawes Road (170± ac.). Establishment of a Development Master Plan (±170 ac.) for a Regional Shopping and Mixed-Use Employment Center. Rezone the northern portion (±85 ac.) of the site from AG to AG DMP (Conceptual C-2) and rezone the southern portion (±85 ac.) of the site from AG to C-2 DMP. This request will facilitate the development of a Regional Shopping and Mixed-Use Employment Center. Nelson K. Stewart, NKS Group III, LP, owner; W. Ralph Pew, Pew & Lake, PLC, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.) (Related to Item 12d)***

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

- 15n. **Z07-34 (District 6)** The 1200 block of South Sossaman Road (west side). Located southwest of Southern Avenue and Sossaman Road (5± ac.). Rezone from AG (Conceptual PEP) DMP to C-2 DMP, Site Plan Review and Modification of the Superstition Springs Development Master Plan. This request will allow the development of new retail buildings. Michael A. DeBell, Executive Vice President of Superstition Springs Investors LP, owner; Shelly McTee, Buchalter Nemer, applicants. **COMPANION CASE GPMInor07-05. (See item 5a and 5b) (Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)**

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

16. Take action on the following subdivision plat:

- *16a. "EASTGATE MESA NORTH, A CONDOMINIUM" (**District 3**) 540 West Iron Avenue (north side) located north and west of Baseline Road and Country Club Drive. 17 M-1 commercial condominium units (3.64 ac) Eastgate Mesa, LLC, Cliff Cutler, managing member.

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