

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, June 4, 2007
5:45 P.M.

Invocation by Dr. James Adams, Cornerstone Church.

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 on the proposed Fiscal Year 2007-08 Budget Plan.
4. Take action on the tentative adoption of the proposed Fiscal Year 2007-08 Budget Plan.
5. Take action on the following liquor license applications:
 - *5a. Friendly Irish Pub

Person Transfer Bar License for Friendly Irish Pub, 1423 S. Country Club Drive, Suite 12, Subgenius Entertainment LLC – Applicant, Jason Glen Marke – Agent. The Bar License currently held at this location by Friendly Irish Pub, Inc. will transfer to the applicant. **(District 4)**
 - *5b. Fresh & Easy Neighborhood Market

New Beer & Wine Store License for Fresh & Easy Neighborhood Market, 1228 S. Sossaman Road, Fresh & Easy Neighborhood Market, Inc. – Applicant, Randy D. Nations – Agent. This is new construction with no previous liquor license at this location. **(District 6)**
 - *5c. Hacienda Mercado #5

New Beer & Wine Store License for Hacienda Mercado #5, 351 N. Country Club Drive, Hacienda Mercado #5, Inc. – Applicant, Juan Maria Rivas – Agent. The previous Beer & Wine Store License held at this location by Early June Enterprises LLC will revert back to the State. **(District 4)**
 - *5d. Pasta Brioni

New Restaurant License for Pasta Brioni, 2905 S. Ellsworth Road, Suite #101, Brioni To Go LLC – Applicant, Robert A. Giannini, Sr. – Agent. This is an existing building with no previous liquor license at this location. **(District 6)**

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*5e. Peter Piper Pizza

New Restaurant License for Peter Piper Pizza, 1906 W. 8th Street, Peter Piper, Inc. – Applicant, Steven David Dunsire – Agent. This is new construction with no previous liquor license at this location. **(District 1)**

*5f. Streets of New York

New Restaurant License for Streets of New York, 1959 S. Signal Butte Road, Suite #105, New York Pizza 3:16 LLC – Applicant, David Joseph Peterson – Agent. This is new construction with no previous liquor license at this location. **(District 6)**

6. Take action on the following contracts:

*6a. Ten (10) Light Duty Trucks for the Utilities Department (5 Additions to the Fleet and 5 Replacements)

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Midway Chevrolet at \$142,680.30, and authorizing an additional purchase off the Mesa contract with Bill Heard Chevrolet at \$115,716.96, including applicable sales tax, for a total award of \$258,397.26.

*6b. Additional Purchase of Coated Steel Gas Pipe for the Utilities Department, Gas Division.

The Procurement Services Department recommends authorizing the additional purchase to J.D. Fields & Company, Inc. at \$38,808.00, including use tax.

6c. 2006/2007 Street Improvements, Brown Road from Greenfield Road to Recker Road, City of Mesa Project No. 04-841-007.

This project will include approximately 83,000 square yards of asphalt pavement reconstruction and the replacement of damage sidewalks, sidewalk ramps, adjustment of utilities and miscellaneous street improvements.

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Recommend award to the low bidder, Nesbitt Contracting Co., Inc., in the amount of \$2,006,861.00 plus an additional \$200,686.10 (10% allowance for change orders) for a total award of \$2,207,547.10. Funding is available from Transportation sales tax funds.

- 6d. Wastewater Manhole Rehabilitation Project, City of Mesa Project No. 01-476-005. **(Districts 3 and 4)**

This project will rehabilitate 26 wastewater manholes that have deteriorated to below acceptable condition by repairing damaged concrete walls and removing and replacing damaged corrosion resistant linings with new coating systems.

Recommend award to low bidder, Joseph Painting Company (JPCI), Inc, in the amount of \$396,018.00 plus an additional \$39,601.80 (10% allowance for change orders) for a total award of \$435,619.80. Funding is available in the approved FY06/07 Capital Budget utilizing wastewater bonds.

- *6e. Re-Roof Southwest Museum Annex (112 West Pepper Place), City of Mesa Project No. 06-906-002.

This project will remove and replace the tile roofing on the Southwest Museum Annex Building as well as a small portion of the modified bitumen roofing.

Recommend award to low bidder, Meridian Roofing, LLC, in the amount of \$45,570.00 plus an additional \$4,557.00 (10% allowance for change orders) for a total award of \$50,127.00. Funding is available from the approved Facility Maintenance Operating Budget.

- *6f. Fleet Support Services West, Lighting Renovations (310 East 6th Street), City of Mesa Project No. 06-003-002.

This project will improve the existing lighting conditions at the Fleet Support Services West Building by removing the existing lighting and installing new overhead lighting.

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Recommend award to Ferrin Electric Co., Inc, in the amount of \$46,986.00 plus an additional \$4,698.60 (10% allowance for change orders) for a total award of \$51,684.60. Funding is available from the approved Facility Maintenance Operating Budget.

7. Introduction of the following ordinances and setting June 25, 2007, as the date of the public hearing on these ordinances:
 - *7a. Modifying rates for water utility services as recommended by the Audit & Finance (Approval. Vote: 2-1, Rawles nay) and Transportation & Infrastructure Committees.
 - *7b. Modifying rates for wastewater utility services as recommended by the Audit & Finance (Approval. Vote: 2-1, Rawles nay) and Transportation & Infrastructure Committees.
 - *7c. Modifying rates for natural gas utility services as recommended by the Audit & Finance (Approval. Vote 2-1, Rawles, nay) and Transportation & Infrastructure Committees.
 - *7d. Modifying rates for solid waste utility services as recommended by the Audit & Finance (Approval. Vote 2-1, Rawles nay) and Transportation & Infrastructure Committees.
 - *7e. Modifying the Electric Energy Cost Adjustment Factor as recommended by the Audit & Finance (Approval. Vote: 2-1, Rawles nay) and Transportation & Infrastructure Committees.
 - *7f. Modifying the Terms and Conditions for the Sale of Utility Services, Terms and Conditions for Standard Offer and Direct Access Services and Rules and Regulations (Electric Utility) as recommended by the Audit & Finance (Approval. Vote: 3-0) and Transportation & Infrastructure Committees.

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- *7g. Modifying the fees and charges for the Financial Services Operations Division (Customer Service and Revenue Collections Operations) as recommended by the Audit and Finance (Approval. Vote 3-0) and Transportation & Infrastructure Committees.
- *7h. Repealing Section 5-17-8(E) of the Mesa City Code pertaining to the Landscape Rebate Program as recommended by the Audit & Finance Committee (Approval. Vote 3-0).
- 7i. **Deleted.**
- *7j. Amending Sections 11-18-2, 11-18-6, 11-18-8, 11-18-9 and 11-18-10 of the Mesa City Code to provide that fees for planning services be adopted by Council resolution following review and recommendation by the Planning and Zoning Board.

P&Z Recommendation: Approval. (Vote: 5-2 with Boardmembers Langkilde and Carter nay)

- *7k. Repealing the existing Personnel Rules applicable to City of Mesa employees and adopting new Personnel Rules.
- *7l. **Z06-97 (District 6)** The 11000 to 11300 block of East Pecos Road (north side) and the 6700 to 6800 block of South Mountain Road (east side). Located at the northeast corner of Pecos and Mountain Roads (12.70± ac.). Rezone from AG to M-1-PAD and Site Plan Review. This request will allow for the development of industrial offices/warehouses. Justin Dupuy, Braided Cord Enterprises, Michael Hickey, Ocotillo Gilbert Road LP, owners; Randolph Carter, Dream Catchers Planning and Design, LLC, applicant. **(Notified property owners.)**

P&Z Recommendation: Approval with conditions. (Vote: 6-0-1 with Boardmember Carter abstaining due to a potential conflict of interest)

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- *7m. **Z07-38 (District 3)** 129 North Alma School Road. North and east of Main Street and Alma School Road (0.20± ac.). Rezone from R-2 to R-3 PAD and Site Plan Review. This request will allow the addition of an open space area to a residential subdivision. Tim Holt, owner/applicant. **(Notified property owners.)**

PHO Recommendation: Approval with conditions.

- *7n. **Z07-39 (District 6)** The 9000 to 9100 block of East Southern Avenue (north Side). Located east of Ellsworth Road and north of Southern Avenue (3.2± ac). Rezone from R1-43 and R1-7 to C-2 and Site Plan Review. This request will allow the development of an office structure and two restaurant facilities. Mark Kohner, owner; Lisa Luther, Arcadis-US, Inc., applicant. **(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)**

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

- *7o. **Z07-42 (District 6)** 9641 East Hampton Avenue (south side). Located south of Southern Avenue and west of Crismon Road (7.41± ac). Rezone from R1-43 and AG to C-1 BIZ and Site Plan Review. This request will allow the development of two medical office buildings. George F. Tibsherany, owner; Martin M. Hazine, applicant. **(Held three neighborhood meetings, notified property owners, interested parties, registered neighborhoods and homeowners associations.)**

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

- *7p. **Z07-44 (District 6)** 11537 East Warner Road. Located south and west of Meridian Road and Warner Road (8± ac). Rezone from R1-43 to C-2 and Site Plan Review. This request will allow for the development of a two-story indoor self-storage facility and a neighborhood retail center. Also consider the preliminary plat of "Superstition Vistas Square". Tom Billings, Billings Family, LLC, owner; Reese L. Anderson, Pew & Lake, PLC, applicant. **(Held two**

neighborhood meetings, notified property owners and all registered homeowners associations.)

P&Z Recommendation: Approval with conditions. (Vote: 5-0 with Boardmembers Finter & Esparza absent)

- *7q. **Z07-45 (District 6)** 10630 East Pecos Road. Located north and west of Pecos Road and Signal Butte Road (5.53± ac). Site Plan Review. This request will allow for the development of two buildings to be used for the wholesale distribution of building materials. Tom Leahy, Van Co. Properties LLC, owner; J. Joseph Diemer, Diemer Associates, applicant. ***(Notified property owners and neighborhoods associations.)***

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

- *7r. **Z07-46 (District 5)** 6759 East Albany Street, 6756 East Akron Street, and 160 North Power Road. Located north and west of Power Road and Main Street (1.22± ac). Site Plan Review. This request will allow for the development of an office building. Cameron Dana, owner; Randolph L. Carter, Dream Catchers Planning and Design, LLC, applicant. ***(Notified property owners, interested parties, registered neighborhoods and homeowners associations.)***

P&Z Recommendation: Approval with conditions. (Vote: 4-0-1 with Boardmember Carter abstaining due to a potential conflict of interest and Boardmembers Finter & Esparza absent)

- *7s. **Z07-47 (District 6)** The 10600 to 10800 blocks of East Southern Avenue (north side) and the 1100 to 1200 block of South Signal Butte Road (west side). Located at the northwest corner of Signal Butte Road and Southern Avenue (15.76± ac). Site Plan Review. This request will allow for the development of a retail shopping center. Jeffrey Tucker, Weingarten/Investments, Inc., owner; W. Ralph Pew, Pew and Lake, PLC, applicant. ***(Held a neighborhood meeting, notified property owners, interested parties and registered neighborhoods.)***

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

- *7t. **Z07-49 (District 1)** 1166 North Alma School Road. Located west and south of Alma School Road and the Loop 202 Freeway (6.6± ac.). Rezone from PEP to PEP-BIZ for the northern portion of the site (5.68± ac.) and Site Plan Review. This request will allow for the development of a four-story hotel and a restaurant pad. David Strong, Wolf Urban Development, owner; Jim Larson, Gensler, applicant. ***(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)***

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

- *7u. **Z07-50 (District 6)** 14207 South Power Road. Generally located southeast of Power Road and Ray Road (4.04 ac.). Site Plan Review. This request will allow for the development of retail buildings including a Goodwill store. Dennis Sadler, Piedmont Development of Arizona, LLC, owner; Steven Nevala, Cawley Architects, Inc., applicant. ***(Notified property owners, registered neighborhoods and homeowners associations.)***

PHO Recommendation: Approval with conditions.

- *7v. **Z07-54 (District 4)** The 1300 block of East Baseline Road (north side). Located north of Baseline Road and east of Stapley Drive (1.61± ac.). Site Plan Modification. This request will allow the development of a new self-storage building. Ryan Desmond, owner; Tarik Williams, applicant. ***(Notified property owners and interested parties.)***

PHO Recommendation: Approval with conditions.

- *7w. Amending Section 5-13-2 of the Mesa City Code to increase the Residential Development Tax as recommended by the Audit & Finance Committee. (Approval. Vote 3-0)

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8. Take action on the following resolutions:
- *8a. Modifying fees and charges for Falcon Field Airport as recommended by the Audit & Finance Committee (Approval. Vote: 3-0)
 - *8b. Modifying fees and charges for the Parks, Recreation and Commercial Facilities Department as recommended by the Audit & Finance Committee (Approval. Vote: 3-0)
 - *8c. Modifying fees and charges for the Library Department as recommended by the Audit & Finance Committee (Approval. Vote: 3-0)
 - *8d. Modifying fees and charges for Code Compliance Division as recommended by the Audit & Finance Committee. (Approval. Vote: 2-1, Rawles nay)
 - 8e. Modifying fees and charges for the Engineering Department as recommended by the Audit & Finance Committee (Approval. Vote: 2-1, Rawles nay)
 - 8f. Modifying fees and charges for the Building Safety Division as recommended by the Audit & Finance Committee (Approval. Vote: 2-1, Rawles nay)
 - *8g. Modifying fees and charges for the Mesa Arts Center and Arizona Museum for Youth as recommended by the Audit & Finance Committee (Approval. Vote: 3-0)
 - *8h. Approving and authorizing the City Manager to execute an Intergovernmental Agreement among the cities of Mesa, Chandler, Glendale, Goodyear and Scottsdale and the contract for legal services with the Law Firm of Engleman Berger, P.C. relating to joint legal representation in the CAP litigation and the settlement of the Gila River Indian Community's water rights claims.

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9. 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.
- 9a. Amending Title 5, Chapter 17 of the Mesa City Code relating to development impact fees to adopt new impact fees.
- *9b. 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.

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

Audit & Finance Recommendation: Approval. Vote 3-0

- *9c. **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. ***(Held a neighborhood meeting and notified property owners.)***

PHO Recommendation: Approval with conditions.

- *9d. **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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10. Discuss, take public comment, and take action on the following items regarding the Waveyard Development project:

10a. Conduct a Public Hearing on Minor General Plan Amendment **GPMInor07-06 (District 1) (Related to Item 10b)**.

10b. Take action on the following resolution:

GPMInor 07-06 (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). Minor General Plan Amendment of the Mesa 2025 General Plan Land Use Map from Parks and Public/Semi Public to Mixed Use / Residential. This request will allow a future mixed-use development. Owners: City of Mesa, Christopher J. Brady, City Manager; Maricopa County, Fulton Brock, Chairman Maricopa County Board of Supervisors; Ralph Pew, applicant. ***(Held three neighborhood meetings, notified property owners, interested parties, registered neighborhoods and homeowners associations.)***
COMPANION CASE Z07-35 (See Item 10c).

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

10c. Take action on ordinance for zoning case **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. ***(Held three neighborhood meetings, notified property owners, interested parties, registered***

neighborhoods and homeowners associations.)
COMPANION CASE GPMInor07-06. (See Items 10a and 10b) This ordinance was introduced at a prior Council meeting.

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

- 10d. Take action on Findings of Fact relating to the Retail Development Tax Incentive Agreement between the City of Mesa and Waveyard Development, LLC. **(2/3 vote required)**
- 10e. Take action on a resolution authorizing the City Manager to enter into agreements for the sale and lease of City property located in the 2000 through 2600 blocks of West 8th Street – north side, north to 202 Freeway and City of Mesa Reclamation Plant (125 +/- acres).
- 10f. Take action on a resolution authorizing the City Manager to enter into a Retail Development Tax Incentive Agreement with Waveyard Development LLC for the development of an Entertainment, Resort, and Retail Complex. **(2/3 vote required)**
- 11. Take action on the following subdivision plats:
 - *11a. “IVY GLEN CONDOMINIUMS” **(District 1)** 1645 North Date (east side) located south and west of McKellips Road and Country Club Drive. 8 R-3 residential condominium units (0.44 ac) RDR, LLC, Richard Gill, president, owner.
 - *11b. “SUPERSTITION SPRINGS COMMERCE CENTER” **(District 6)** 7200 block of East Hampton Avenue (south side) located south and west of Southern Avenue and Sossaman Road. 14 M-1 DMP industrial condominium units (3.82 ac) Superstition Springs Hospitality Group, LLC, Brent Ellsworth, agent, owner.

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- *11c. “BELLE CORTE” (**District 6**) 3135 South Eastridge (east side) located south and east of Guadalupe Road and Hawes Road. 18 R1-6 single residence lots (4.51 ac) LCM Development, LLC, John Prins, member, owner.
- 12. Items from citizens present. (Maximum of three speakers for three minutes per speaker).