

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, May 7, 2007
5:45 P.M.

Invocation by Reverend Al Wilsey, Paloma Community 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 prior to release of the petition for signatures for the following proposed annexation:
 - 3a. **A06-28 (District 6)** Annexing land located at the northwest corner of Broadway Road and 82nd Way (0.20± ac). Initiated by James Vanderpool, the property owner.
 - 3.1 Conduct a public hearing concerning the recommended changes to the development impact fees.
4. Take action on the following liquor license applications:
 - *4a. Organizacion Maya Guatemala

This is a one-day civic event to be held on Saturday, May 12, 2007 from 6:00 P.M. to 1:00 A.M. at 3929 E. Main Street. **(District 2)**
 - *4b. Fresh & Easy Neighborhood Market

New Beer & Wine Store License for Fresh & Easy Neighborhood Market, 1202 W. University Drive, Fresh & Easy Neighborhood Market, Inc. – Applicant, Randy D. Nations – Agent. Arizona CVS Stores LLC previously held a Liquor Store License which they will be retaining. **(District 1)**
 - *4c. Bench Warmers

New Restaurant License for Bench Warmers, 801 S. Power Road, Suite 101, Bench Warmers Enterprises Inc. – Applicant, Michael John Ryan – Agent. The previous Restaurant License held at this location by Brabeion LLC will revert back to the State. **(District 6)**

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*4d. Brunello's

New Restaurant License for Brunello's, 1954 S. Dobson Road, The Village Idiot Incorporated – Applicant, Todd Andrew Tischer – Agent. The previous Restaurant License held at this location by Brunello Enterprises Inc will revert back to the State. **(District 3)**

*4e. Chicago Boys Pizza

New Restaurant License for Chicago Boys Pizza, 3440 E. Baseline Road, Suite 102, Gregory Wesley Selman – Individual. This is an existing business with no previous liquor license at this location. **(District 2)**

*4f. Dragonfly Vietnamese Kitchen

New Restaurant License for Dragonfly Vietnamese Kitchen, 1116 S. Dobson Road, Suite 113, MLN LLC – Applicant, Mike N. Nguyen – Agent. This is an existing business with no previous liquor license at this location. **(District 3)**

*4g. Garcia's Mexican Restaurant

New Restaurant License for Garcia's Mexican Restaurant, 1940 E. University Drive, Fiesta Holdings of Eateries, LLC – Applicant, H.J. Lewkowitz – Agent. The previous Restaurant License held at this location by Fiesta LLC will revert back to the State. **(District 2)**

*4h. Logan's Roadhouse

New Restaurant License for Logan's Roadhouse, 945 N. Dobson Road, Logan's Roadhouse, Inc – Applicant, Deborah Lynne Canez – Agent. This is a new business with no previous liquor license at this location. **(District 1)**

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5. Take action on the following contracts:

- *5a. Dollar Limit Increase to the Service Contract for Facilities Landscape Maintenance Services for Grounds Adjacent to City Buildings and Facilities for the Facilities Maintenance Department.

The Procurement Services Department recommends increasing the dollar limit of the Mesa contract to The Groundskeeper by \$33,209.30 to \$547,288.30 annually for 2006/07.

- *5b. One Replacement Vehicle for the Procurement Services Department, Materials & Supply Division.

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Courtesy Chevrolet at \$57,577.60, including sales tax.

- *5c. Two Replacement Pick-Up Trucks as requested by the Fire Department.

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Midway Chevrolet at \$50,014.34, including sales tax.

- *5d. Two Heavy Duty Trucks with Sewer and Catch Basin Cleaning Systems (One Replacement and One Addition) for Utilities and Transportation Departments.

The Procurement Services Department recommends awarding the Mesa contract to the lowest responsive bidder, I-10 International Trucks dba McCandless of Arizona/AWI at \$657,714.36, including sales tax.

- *5e. One Replacement Advanced Relay Test Set for the Utilities Department, Electric Division. (**Sole Source**)

The Procurement Services Department recommends awarding the sole source contract to Omicron Electronics Corp. USA at \$53,121.60, including use tax.

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- *5f. RSA SecurID Authentication System for the Police Department. (Qualify of Life Funding)

The Procurement Services Department recommends awarding the Mesa contract to the lowest responsive bidder, Accuvant, Inc. at \$40,938.69, including sales tax.

- *5g. Cured-in-Place Wastewater Lining on Horne, Extension, Broadway and Power Roads, and Southern Avenue Interceptor Rehabilitation (Phase 2), City of Mesa Project No. 04-858-001 and 01-682-001.

This project will rehabilitate the existing pipe by installing a new interior lining system that will strengthen the existing pipe and improve the flow capacity of the main.

Recommend award to Achen Gardner Engineering LLC as the Construction Manager at Risk for the Design Phase Services contract in the amount of \$62,087.80. Funding is available from existing bond proceeds in the Wastewater Bond Program.

- 5h. Bus Stop Mini-Shelter Site Preparations, City of Mesa Project No. 01-505-003.

This project will prepare 27 sites with the necessary concrete surface improvements so the mini-shelters can be installed by City crews.

Recommend award to the low bidder, Talis Construction Corporation, in the amount of \$95,225.00 plus an additional \$9,522.50 (10% allowance for change orders) for a total award of \$104,747.50. This project will be funded with the Local Transportation Assistance Fund (LTAF II) (50%) and Quality of Life Funds (50%).

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6. Introduction of the following ordinances and setting May 21, 2007, as the date of the public hearing on these ordinances:

*6a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

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

On Second Avenue from Mesa Drive to Pomeroy (north of Broadway Road and west of Mesa Drive) **(District 4)**

On the east side of Pomeroy from Broadway Road to a point 198 feet north of Broadway Road and on the west side of Pomeroy from Broadway Road to a point 210 feet north of Broadway Road (3rd Avenue alignment) (north of Broadway Road and west of Mesa Drive) **(District 4)**

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)**

*6b. **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.

*6c. **A06-33 (District 5)** Annexing land located on Sossaman Road north of McDowell Road (1.16 ± ac). Initiated by the property owner, Julie Preder.

*6d. **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: 4-1 with Boardmembers Carter abstaining and Langkilde, Salas absent)

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- *6e. **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)

- *6f. **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. ***(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)

- *6g. **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 LLC manager of Superstition Springs Commerce Park, LLC, owner; Steven Ybarra, 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)

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- *6h. **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)

- *6i. **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)

- *6j. **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.)***

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

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- *6k. **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. ***(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)

- *6l. Amending Titles 3 and 10 of the Mesa City Code to allow a private contractor to perform parking enforcement of civil traffic violations.
- 6m. **(Deleted)** Amending Title 5, Chapter 17 of the Mesa City Code relating to development impact fees.

7. Take action on the following resolutions:

- *7a. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Ferguson Holdings, LLC, and the City of Mesa for the reimbursement of \$12,001.25 for regional street improvements that are being required by Mesa in conjunction with a proposed commercial subdivision known as Amberwood Plaza Condominiums, located at 4320 E. Brown Road. Mesa's estimated share will be funded from existing Street HURF Bond proceeds. **(District 5)**
- *7b. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between PCH Southern Properties, LLC and Higley Medical Properties, LLC, and the City of Mesa for the reimbursement

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of \$7,192.25 for regional street lighting improvements that are being required by Mesa in conjunction with a proposed commercial development known as Phoenix Children's Hospital Ambulatory Clinic located at 5131 E. Southern Avenue & 1220 S. Higley Road. Mesa's estimated share will be funded from existing Street HURF Bond proceeds.

(District 6)

- *7c. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between V J Crismon LLC and the City of Mesa for the reimbursement of \$7,790.00 for regional street lighting improvements that are being required by Mesa in conjunction with a proposed commercial subdivision known as Lots 1, 2 and 5 of Crismon Business Park Amended, located at 10025 E. Southern Avenue. Mesa's estimated share will be funded from existing Street HURF Bond proceeds. **(District 6)**

- *7d. Extinguishing a Public Utilities and Facilities Easement at 4115 S. Clancy Street. **(District 6)**

The easement is being extinguished to allow the construction of a new backyard improvement.

- *7e. Extinguishing a Drainage Easement located near the northeast corner of Sun Valley Boulevard and Main Street. **(District 5)**

This easement is being extinguished to allow the construction of a new development.

- *7f. Vacating a portion of right-of-way to 1457 N. 94th Place (aka Lansing Street). **(District 5)**

This right-of-way is being vacated at the request of the adjacent property owners to meet the Planning Division's conditions of setback requirements.

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- *7g. Extinguishing two Temporary Construction Easements for Gas Line near Queen Creek Road and Pecos Road.
(District 6)

These easements are no longer needed as the design of the road has been completed.

- *7h. Extinguishing a Public Utility Easement at 1553 S. Crismon Road. **(District 6)**

This easement is not necessary as new construction dedicated another easement as per site plan requirements.

- *7i. Extinguishing a Public Utility Easement at 7257 E. Greenway Street. **(District 5)**

This easement is being extinguished to allow the construction of a new backyard improvement.

- *7j. Extinguishing a Public Utility Easement at 5030 E. Falcon Drive and dedicate to the public two new easements.
(District 5)

The easement is being extinguished to allow the construction of a new development. New easements are necessary for the installation of a waterline and driveway.

- *7k. Extinguishing Temporary Retention Easements at 1919 S. Greenfield Road. **(District 6)**

These easements are being extinguished to allow the construction of a new development.

- *7l. Extinguishing easements and vacating rights-of-way at 925 N. Harris Street. **(District 2)**

The extinguishing of the easements and vacating of the rights-of-way are to correct City maps.

- *7m. Approving and authorizing the City Manager to execute the Motorola Customer Support Plan for the 800 MHz Radio System.

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This plan will provide network monitoring, technical support and security services for the period July 1, 2007 through June 30, 2008 in the amount of \$244,405.92.

- *7n. Grant the sale of City owned property on the northeast corner of McDowell Road and Recker Road. (**District 5**)

This land is considered excess City property and is no longer needed. The sales price is \$5,549,544.00 for 14 acres.

- *7o. Approving and supporting the submittal of a grant application to the Fort McDowell Yavapai Nation.

This application in the amount of \$225,000 is submitted by the Child Crisis Center – East Valley to expand the services at the East Valley Family Resource Center.

- *7p. Approving and supporting the submittal of a grant application to the Fort McDowell Yavapai Nation.

This application in the amount of \$150,000 over two years is submitted by The National Center for American Indian Enterprise Development to provide no cost business development programs and training to American Indian small business owners.

- 7q. Endorsing the creation of the Summer Mesa Irrigation Water Delivery District.

8. Take action on the following recommendations from the Transportation and Infrastructure Committee: (**Continued from the April 16, 2007 Council Meeting**)

- 8a. Request by Terra Verde Land Management, LLC for water and wastewater service outside the city limits at southwest corner of East Main Street and South 97th Street.

Committee Recommendation: Approval of Option 3. (Vote: 2-0 with Jones abstaining due to a potential conflict of interest)

- 8b. Request by Rick Johnson – **Deleted**.

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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 various sections of the Mesa City Code regarding the following traffic modifications (**District 3**):
- No Parking: 10-3-24 (D) (Full Time No Parking)
- On the east side of San Jose from Southern Avenue to a point 245 feet north of Southern Avenue and on the west side of San Jose from Southern Avenue to a point 195 feet north of Southern Avenue. (north of Southern Avenue and west of Dobson Road)
- *9b. **Z07-14 (District 6)** The 5200 to 6700 blocks of South Sossaman Road (both sides, east to Ellsworth Road). Modification to the existing Williams Gateway Airport Development Master Plan ($\pm 3,020$ ac.). This case involves the development of Williams Gateway Airport. Lynn F. Kusy, Executive Director, Williams Gateway Airport Authority, owner; Casey Denny, Deputy Director, Williams Gateway Airport Authority, applicant. (**Notified property owners, registered neighborhoods and homeowners associations.**)
- PHO Recommendation: Approval with Conditions.
- *9c. **Z07-24 (District 5)** The 8000 to 8200 block of the East Thomas Road alignment (south side) and the 3400 to 3500 block of north 80th Street (east side). Located west of Hawes Road and south of Thomas Road (31 \pm acres). Rezone from R1-35 to R1-35 PAD. This request will allow for the development of a single residence subdivision. Robert Watson, Sim Nathan, James and Janae Jarnagin, Deland Bentz, Jason and Kala Laos, Ronald Trout, Christopher Haws, Brent Stolworthy, Heather Duncan, Timothy and Carmen Murphy, Austin and Lynn Goodale, Jake and Rebecca Hansen, Calvin and Marilyn Uhl, Ron and Cheryl Barron, Jerry and Mary Barron, Jason and Natalie Lawlor,

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Frank and Sheri Allen, Joe and Dorothy Coia, Nichole Schaffer, Darin Palmer, Clare Graves, Rick Palmer, Earl and Nancy Labovitz, owners; Nathan Palmer, applicant. ***(Held five neighborhood meetings, notified property owners, registered neighborhoods and homeowners associations.)***

P&Z Recommendation: Approval with Conditions. (Vote: 6-0)

10. Take action on the following subdivision plats:
 - *10a. "SUNSET COVE ESTATES" (**District 5**) 1500 block of North 72nd Street (west side) located north and east of Power Road and Brown Road. 3 R1-35 single residence lots (3.55 ac) Peterson Properties, LLC, Layne Peterson, member, owner.
 - *10b. "PASADENA ESTATES" (**District 1**) 2200 block of North Center Street (east side) located north and east of McKellips Road and Center Street. 18 R1-9 PAD single residence lots (6.67 ac) Jo Rose Enterprises, LLC, Nancy Mahr, manager, owner.
 - *10c. "CITADEL PLAZA" (**District 6**) 5151 East Broadway Road (south side) located south and west of Broadway Road and Higley Road. 7 C-1 office condominiums (1.06 ac) GS&E, LLC, Richard W. Gurtler, manager, owner.
 - *10d. "DESERT BLOOM CONDOMINIUM" (**District 1**) 1432 East Knoll Circle (north side) located north and east of McKellips Road and Stapley Drive. 4 R-3 residential condominium units (0.17 ac) Desert Bloom, LLC, Anette Asmaili, owner.
 - *10e. "BROADWAY 101 COMMERCE PARK PHASE II" (**District 3**) 2200 block of West Broadway Road (north side) located north and west of Broadway Road and Dobson Road. 7 M-1 PAD industrial lots (49.86 ac) Broadway 101 Venture, LLC, David Krumwiede, owner.
11. Items from citizens present. (Maximum of three speakers for three minutes per speaker).