

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Tuesday, September 4, 2007
5:45 P.M.

Invocation by Pastor Steven A. Kunkel, Christ the King Catholic 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. Take action on the following liquor license applications:
 - *3a. [7-Eleven #19613H](#)

New Beer & Wine Store license for 7-Eleven #19613H, 2010 W. Guadalupe Road, 7-Eleven, Inc.– Applicant, Nicholas Carl Guttilla – Agent. The Beer & Wine Store license previously held at this location by Sandhu Corporation, issued 03/21/2002, will revert back to the State. **(District 3)**
 - *3b. [Bar Tepo New American Tapas](#)
New Restaurant license for Bar Tepo New American Tapas, 1652 S. Val Vista Drive, Bar Tepo LLC – Applicant, Steve Lynn Short – Agent. This is new construction with no previous liquor license at this location. **(District 2)**
4. Take action on the following contracts:
 - 4a. [One Emergency Response Trailer](#) for the Fire Department. (Fully Grant Funded 2006 UASI Federal Homeland Security Grant Program)

The Procurement Services Department recommends authorizing purchase from Utility Trailer Sales Company of Arizona at \$46,591.10, including sales tax.
 - *4b. Purchase of [One Replacement Electronic Message Center Marquee Sign](#) for the Parks, Recreation and Commercial Facilities Department, Mesa Convention Center. (Mesa Convention & Visitors Bureau Funding)

The Procurement Services Department recommends authorizing the purchase off the MCCCDC contract with Young Electric Sign Company in the amount of \$184,399.09, including applicable sales tax, removal of current sign and installation of the new sign.

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- *4c. [Northwest Water Reclamation Plant UV Disinfection Upgrade](#) at 960 North Riverview, City of Mesa Project No. 03-082-001.

This project will upgrade the UV disinfection equipment at the Northwest Water Reclamation Plant.

Recommend award to Garney Construction, in the amount of \$2,554,810.00 plus an additional \$255,481.00 (10% allowance for change orders) for a total award of \$2,810,291.00. Funding is available from the adopted FY 07/08 Wastewater Capital Bond Program.

5. Introduction of the following ordinances and setting September 17, 2007, as the date of the public hearing on these ordinances:

- *5a. [Amending Title II, Chapter 2](#), of the Mesa City Code by deleting all references to the City of Mesa as a Community Action Program Board, including membership requirements and powers and duties of the Human Services Advisory Board. Mesa relinquished its Community Action Agency (CAA) designation. The State approved A New Leaf as the CAA.
- *5b. [A06-32 \(District 5\)](#) Annexing land located on Sossaman Road north of McDowell Road (1.13 ± ac). Initiated by the property owner, Bela Bunkoczy.
- *5c. [Z07-57 \(District 6\)](#) The 8700 to 9200 block of East Warner Road (south side) and the 4400 to 4800 block of South Ellsworth Road (west side). Located south of Warner Road and west of Ellsworth Road (216± ac). Rezone from M-1 AF to M-1 and C-2 with a BIZ overlay on the M-1 on the western portion of the site as part of the approval for the "Entrada" Development Master Plan (an exhibit is available for review in the Planning Division). This request will establish the development pattern for a regional employment center. Via West Properties, Steven Schwarz, owner; Jason Morris, applicant. ***(Held a neighborhood meeting and notified property owners.)***

P&Z Recommendation: Approval with conditions. (Vote:6-0 with Boardmember Salas absent.)

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- *5d. [Z07-85 \(District 2\)](#) 845 and 851 North Gilbert Road. Located north of the northeast corner of Gilbert Road and Adobe Street (1.83 acres). Site Plan Review and rezone 851 N. Gilbert Road from R1-9 to O-S. This request will allow the development of a professional office condominium building. ***(Held two neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 6-0 with Boardmember Salas absent.)

- *5e. [Z07-88 \(District 6\)](#) 5850 East Still Circle. Located west of Recker Road and north of Baseline Road. (17.38± acres) Rezone from PEP-PAD to M-1-PAD-CUP, Site Plan Modification and modification of a PAD overlay. This request will allow the development of a new student housing/assisted living complex and new YMCA facility within the A.T. Still University campus. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

PHO Recommendation: Approval with conditions.

- *5f. [Z07-83 \(District 2\)](#) 4225 East University Drive. Located on the southwest corner of University Drive and Greenfield Road (24.9+/- acres). Rezone from R-4 to R-4 PAD and Site Plan Review. This request will allow for the conversion of apartments to townhomes for sale. D. Gregory Hales, Carlsbad Development Inc LLC, owner; Mark Tomecak, applicant. ***(Notified property owners)***.

PHO Recommendation: Approval with conditions.

6. Take action on the following resolutions:

- *6a. [Extinguishing a Drainage Easement](#) at 1940 North Rosemont Avenue. **(District 5)**

This easement is no longer required, as the design of the property has changed and a new drainage easement will be dedicated.

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- *6b. [Extinguishing two Public Utility Easements](#) at 4827 East McKellips Road. **(District 5)**

These easements are no longer required, as the development of the property will dedicate new easements.

- *6c. [Extinguishing a Roadway Easement](#) at 4520 and 4534 East Fairfield Circle. **(District 2)**

This easement is no longer required, as the adjacent development did not require the street to be extended.

- *6d. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement between the Mesa Unified School District and the City of Mesa](#) for cooperative planning services. This agreement allows the School District and Mesa to share the cost of a planning staff position. Mesa Unified School District's cost share is \$67,932 and Mesa's cost share is \$25,144.

- *6e. Approving and authorizing the City Manager to execute an [agreement between the City of Mesa and the Arizona Department of Public Safety Victims of Crime Act \(VOCA\)](#) to secure grant funds in the amount of \$47,207 for salaries and fringe benefits for the City Prosecutor's Office Victim Assistance Program assisting restitution-eligible victims of crime.

- *6f. Approving and authorizing the City Manager to execute an [agreement between the City of Mesa and the Arizona Criminal Justice Commission \(Crime Victim Assistance\)](#) to secure grant funds in the amount of \$30,600 for salaries and fringe benefits for the City Prosecutor's Office Victim Services Program assisting all crime victims.

- *6g. Approving and authorizing the City Manager to execute an [agreement between the City of Mesa and the Arizona Department of Public Safety Victims of Crime Act \(VOCA\)](#) to secure grant funds in the amount of \$45,942 for salaries and fringe benefits for the City Prosecutor's Office Victim Services Program assisting domestic violence victims of crime.

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- *6h. Approving and authorizing the City Manager to execute an [agreement between the City of Mesa and AGL Networks](#) LLC for construction and joint use of a fiber optics communication network as recommended by the Transportation and Infrastructure Committee. (Approval. Vote: 3-0)
- *6i. Approving and authorizing the City Manager to execute an [Amendment to the Intergovernmental Agreement between Mesa Unified School District No. 4 and the City of Mesa](#) for the joint use of facilities in the event of a major emergency or catastrophic event that requires temporary shelter or evacuation.
- *6j. [Approving and supporting the submittal of four grant applications to the Gila River Indian Community.](#)

These applications are submitted for Police, Fire, Utilities and Neighborhood Services. Police: \$22,600 for public safety outreach programs. Fire: \$211,900 for paramedic heart monitors and high-risk injury education. Utilities: \$300,000 over three years for residential AC upgrades for low income residents. Neighborhood Services: \$30,000 for tool lending trailer and equipment for neighborhood clean up projects.
- *7. [Approving the expenditure](#) of Local Transportation Assistance Funds (LTAF II) for FY07-08 in the amount of \$732,010 to be utilized for transit operations and maintenance.
- 8. Take action on the following ordinance and resolution:
 - *8a. [Amending the City of Mesa Zoning Code](#) to provide the remaining seven (7) of forty-four (44) Level 1 Historic Structures identified in a 1984 Historical Survey of the City of Mesa the opportunity to apply for a Special Use Permit to allow office use.
 - *8b. [Adopting guidelines](#) for Office Uses in a Level 1 Historic Structures.

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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. [A07-16 \(District 5\)](#) Annexing land located on Crismon Road north of Brown Road (0.15 ± ac). Initiated by the property owner, Warren Petersen.

9b. [Z07-43 \(District 6\)](#) 8659 East Pecos Road. Located south and east of Hawes Road and Pecos Road (10.59± ac.). Rezone from AG to O-S-PAD for the southern 110' of the site, and M-1-PAD for the remainder of the site, and Site Plan Review. This request will allow for the development of an office/warehouse development. Jeff Phillippe, Pecos 77, LLC, owner; Reese Anderson, Pew & Lake, PLC, applicant. ***(Held neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)*** **LEGAL PROTEST FILED – ¾ VOTE REQUIRED. CONTINUED FROM THE AUGUST 27, 2007 COUNCIL MEETING.**

P&Z Recommendation: Approval with conditions. (Vote: 4-2-1 with Boardmembers Esparza and Langkilde nay; Carter abstaining due to a potential conflict of interest).

*9c. [Z07-84 \(District 5\)](#) 2759 North Val Vista Drive. Located at the southeast corner of Val Vista Drive and McDowell Road (2.62 ± ac). Rezone from O-S PAD to O-S. Jennifer Hassan, owner; City of Mesa, applicant. ***(Notified property owners and homeowners associations.)***

PHO Recommendation: Approval with Conditions.

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10. Take action on the following subdivision plat:
 - *10a. ["GATEWAY AIRPORT BUSINESS CENTER, A CONDOMINIUM"](#) (District 6) – 7200-7300 blocks of South 89th Place (west side) located south and west of Pecos Road and Ellsworth Road. 30 M-1 PAD industrial condominium units (6.03 ac) Gateway Airport Business Center I, LLC, Brent Payne, manager, owner.
11. Items from citizens present. (Maximum of three speakers for three minutes per speaker).