

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, September 17, 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. Take action on the following liquor license applications:
 - *3a. [East Valley Partnership](#)

This is a one-day civic event to be held on Thursday, November 8, 2007 from 3:00 P.M. to 7:00 P.M. at 7001 E. Williams Field Road. **(District 6)**
 - *3b. [St. Bridget Catholic Church](#)

This is a one-day religious event to be held on Friday, November 16, 2007 from 6:00 P.M. to 12:00 Midnight at 2213 N. Lindsay Road. **(District 5)**
 - *3c. [United Food Bank](#)

This is a one-day charitable event to be held on Saturday, November 3, 2007 from 6:00 P.M. to 11:00 P.M. at 358 E. Javalina Avenue. **(District 4)**
 - *3d. [Fox's Pizza](#)

New Restaurant License for Fox's Pizza, 2706 E. University Drive, Suite F11, FPDAZ LLC – Applicant, Karen L. Banks – Agent. This is an existing building with no previous liquor license at this location. **(District 2) CONTINUED TO THE OCTOBER 1, 2007 COUNCIL MEETING.**
 - *3e. [Taquitos Jalisco #3](#)

New Restaurant license for Taquitos Jalisco #3, 1245 W. Guadalupe Road, Suite 88, Juarez Family – Applicant, Benito Juarez Ruvalcaba – Partner. This is an existing business with no previous liquor license at this location. **(District 3)**

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*3f. [Zushi](#)

Deleted. (Withdrawn by applicant)

4. Take action on the following bingo application:

*4a. BINGO - CLASS A

Red Mountain Multigenerational Center **(District 5)**
Alaina McCormick
7550 E. Adobe
Mesa, AZ 85207

5. Take action on the following contracts:

*5a. One-Year Extension of Authorization to Purchase [Refuse Truck Parts](#) for the Fleet Services Department.

The Procurement Services Department recommends authorizing a one-year extension to purchase off the City of Scottsdale contract with Arizona Refuse Sales at \$125,396.00 annually based on estimated requirements, including applicable sales tax.

*5b. [Fifty-nine \(59\) Vehicles](#) (51 Replacement and 8 Additions) for Various City Departments. (Budgeted Vehicle Replacement Program Funding)

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Midway Chevrolet at \$530,193.36, Courtesy Chevrolet at \$497,413.46, Five Star Ford at \$53,769.24 and Larry Miller Toyota at \$24,312.37, including applicable sales tax, for a total award of \$1,105,688.43.

*5c. Addendum to [Employment Contract](#) for the City Attorney.

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6. Introduction of the following ordinances and setting October 1, 2007, as the date of the public hearing on these ordinances:
- *6a. [Amending Section 8-6-8](#) of the Mesa City Code increasing the civil sanctions for violations of the Neighborhood Preservation Ordinance and mandating the imposition of Code Compliance fees and charges.
 - *6b. [Amending Section 8-6-9](#) of the Mesa City Code increasing the civil sanctions for violations of the Neighborhood Preservation Ordinance and mandating the imposition of Code Compliance fees and charges.
 - *6c. [Amending Section 8-6-11](#) of the Mesa City Code to increase the time period for which prior violations can be considered in determining when a person becomes a habitual offender and subject to criminal charges.
 - *6d. Amending the Mesa City Code modifying the [streetlighting requirements](#) for the Mountain Bridge development.
 - *6e. [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). CONTINUED FROM THE SEPTEMBER 4, 2007 COUNCIL MEETING.**

PHO Recommendation: Approval with conditions.
 - *6f. [Z07-89 \(District 6\)](#) The 10400 to 10700 block of East Southern Avenue. Located north and west of the US 60 Freeway and Signal Butte Road. Council Use Permit. This request will allow the development of a Freeway Landmark Monument Sign. Erin Nellis, DeBartolo Development, owner; Paul E. Gilbert, Beus Gilbert, PLLC, applicant. **(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)**

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

DRB Recommendation: Approval with Conditions (Vote: 6-0 with Boardmember Clark absent).

7. Take action on the following resolutions:
 - 7a. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement \(IGA\) between the City of Mesa and the Arizona Board of Regents](#) acting for and on behalf of Arizona State University for the cost sharing of the design, construction and project management fees for the Phase 1 water and wastewater improvements to the ASU Polytechnic Campus located at Williams Gateway. Mesa's share of the improvement cost is \$3,261,671 and will be funded with approved water and wastewater bonds.
(District 6)
 - *7b. Approving and authorizing the City Manager to execute an [Task Force Agreement between the United States Department of Justice, Drug Enforcement Administration and the City of Mesa](#) to accept funds in the amount of \$15,854.25 per officer for overtime earned by three officers assigned to the Task Force.
 - *7c. Approving and authorizing the City Manager to execute an [Reimbursement Agreement between the Maricopa County Sheriff's Office and the City of Mesa](#) for reimbursement of \$95,944 for an officer to participate in the Maricopa County High Intensity Drug Trafficking Area Meth Task Force.
 - *7d. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement between the Department of Public Safety and the City of Mesa](#) for reimbursement of 75% of salary and 100% of overtime for the officer assigned to the Vehicle Theft Task Force.

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*7e. Approving and authorizing the City Manager to execute a [Grant Agreement between the Arizona Criminal Justice Commission and the City of Mesa](#) for overtime in the amount of \$10,085 earned by a detective assigned to the Maricopa County Sheriff's Office High Intensity Drug Trafficking Area Task Force.

*7f. [Granting an easement to QWEST](#) on a city-owned retention basin located east of South Price Road, just north of the Western Canal. **(District 3)**

This easement is necessary for QWEST to supply service to Cricket Communications.

*7g. [Vacating an alley](#) north of Main Street between North Hunt Drive and North Harris Drive. **(District 2)**

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

*7h. [Vacating an alley](#) between East 2nd Street and East 1st Place, east of North Lazona Drive. **(District 2)**

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

*7i. [Vacating an alley](#) between East 1st Street and East 1st Place, east of North Lazona Drive. **(District 2)**

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

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8. 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.
- *8a. [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.
- *8b. [A06-32 \(District 5\)](#) Annexing land located on Sossaman Road north of McDowell Road (1.13 ± ac). Initiated by the property owner, Bela Bunkoczy.
- *8c. [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 of 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 Boardmembers Salas absent).
- *8d. [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.)***

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

- *8e. [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.

- 8f. [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 AND SEPTEMBER 4, 2007 COUNCIL MEETINGS.**

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).

9. Take action on the following resolution and ordinance:

- *9a. Approving and authorizing the City Manager to execute a [Development Agreement between Pinnacle Ridge Holdings, LLC and the City of Mesa](#) for the development of Mountain Bridge (fka Stone Bridge Mountain) generally located northwest of the intersection of McLellan and Ellsworth Roads.

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- *9b. [Z07-66 \(District 5\)](#) North side of McKellips from Hawes to the alignment of 92nd Street and the south side of McKellips from the alignment of 80th Street to the alignment of 92nd Street. Modification of the Stone Bridge Mountain DMP. Site Plan Review and rezone of parcel 23 from R1-35 DMP (conceptual R1-9) to R1-15 PAD. Pinnacle Ridge Holdings, LLC, Jeff Blandford, owner; Paul Dugas, applicant. (***Held neighborhood meetings and notified property owners.***)

P&Z Recommendation: Approval with conditions. (Vote: 4-0 with Boardmembers Salas and Carter absent).

10. Take action on the following subdivision plat:

- *10a. [“MAP OF DEDICATION FOR MOUNTAIN BRIDGE – PHASE I”](#), (**District 5**) – 8400 block of East McKellips Road (south side) located south and east of McKellips Road and Hawes Road. Pinnacle Ridge Holdings, LLC, Jeff Blandford, manager, owner.

- 10.1 Hear, discuss and take action on the appeal of the following Design Review Board case:

- 10.1a. [ADR07-58 \(District 1\)](#) Nissan Riverview Project, located at the southwest corner of Dobson Road and Riverview Auto Drive. Approval of a 49,871 sq. ft. automobile dealership. Miller Family Real Estate, LLC, owner; Trent Jones, FFKR Architects, applicant.

Design Review Board Decision: Denial. Vote: 4-1-1 (Boardmember Boswell voting nay, Boardmember DiBella abstained, Boardmember Clark excused)

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