

## **CITY COUNCIL AGENDA**

### **COUNCIL CHAMBERS – 57 EAST FIRST STREET**

Monday, May 16, 2005

5:45 P.M.

Invocation by Reverend Martin Jacobs, Desert Haven Community Church.

Pledge of Allegiance.

Mayor's Welcome.

Presentation of 2005 Historic Preservation Awards.

1. Consider all consent agenda items.

### **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 so requests, in which event the item will be removed from the Consent Agenda and considered as a separate item.

- \*2. Approval of minutes of previous meetings as written.
3. Conduct a public hearing on the Mesa Town Center Improvement District No. 228 annual assessment.

This District provides enhanced municipal services for the Town Center. (See backup for Item #7a).

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4. Consider the following liquor license applications:

\*4a. CHRISTOPHER MATTHEW CARPENTER, PASTOR

Special Event License application for Christopher Matthew Carpenter, Pastor, Christ the King Catholic Church, a two-day religious event to be held on Friday May 20, 2005 from 5:00 P.M. to 8:00 P.M. and Saturday, May 21, 2005 from 11:00 A.M. to 2:00 P.M. at 1551 E. Dana Avenue. District #4.

\*4b. DANIEL ROBERT CAREY, INDIVIDUAL

New Wholesale License for High Altitude Performance, 258 E. 10<sup>th</sup> Drive, Ste 101. This is an existing building. No current license at this location. District #4.

\*4c. THOR OTTO SKOGAN, JR., AGENT

Person Transfer Beer & Wine Bar License for Main Street Billiards, 1749 W. Main Street, Ste 11. This is a person transfer from John Harry Deshetler, Owner, Main Street Billiards, 1749 W. Main Street, Ste #11. This license will transfer to the applicant. District #3.

\*4d. RANDY D. NATIONS, AGENT

New Restaurant License for BJ's Restaurant & Brewery, 6622 E. Superstition Springs Blvd. This is new construction. No previous liquor licenses at this location. District #6.

\*4e. RANDY D. NATIONS, AGENT

New Restaurant License for Outback Steakhouse 0314, 1650 S. Clearview. This is an existing business. The Restaurant License previously held at this location by Randy D. Nations, Agent, Outback Phoenix LP #2, will revert back to the State. District #6.

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\*4f. CHARLES F. DEVLIN, INDIVIDUAL

New Restaurant License for String Chemistry Café Blues Jazz & Other Good Things, 2655 W. Guadalupe Road, Ste 17. This is an existing building. The Restaurant License previously held at this location by Ronald D. Lancaster, Agent, Storyteller Café, LLC, was cancelled on 08/05/03 due to non-renewal of license. District #3.

\*4g. H. J. LEWKOWITZ, AGENT

New Restaurant License for Tutti Santi Restorante by Nina, 1859 W. Guadalupe Road, Ste 101. This is an existing business. The Restaurant License previously held at this location by H. J. Lewkowitz, Agent, Tutti Santi III, LLC, will revert back to the State. District #3.

5. Consider the following contracts:

\*5a. Three-year supply contract for Automotive Hydraulic Hose and Fittings as requested by Fleet Support Services. (Contract 2005127)

The Purchasing Division recommends accepting the low bid by Kaman Industrial Technologies at \$46,962.10, based on estimated annual requirements.

\*5b. Computer Servers for Advanced Traffic Management System as requested by the Development Services Department Transportation Division. (Contract 2005131)

The Purchasing Division recommends accepting the bid submitted by Econolite Control Products, Inc. at \$53,833.05, including applicable taxes. (Sole Source).

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- \*5c. Dollar limit increase to the contract for a new citywide Telecommunications System, as requested by the Information Services Division. (Contract 2002201)

The Purchasing Division recommends authorizing an additional \$56,432.86 for equipment to be purchased under the contract with Norstan Communications increasing the dollar limit to \$3,609,635.83.

- 5d. High Pressure Gas Main Extension 80<sup>th</sup> Street & University Drive to Central Arizona Project Water Treatment Plant; and District Regulator Station, East McLellan Road and North Ellsworth Road, City of Mesa Project No. 02-12.1.

This project will extend a high-pressure gas main to provide service to the Central Arizona Project (CAP) Water Treatment Plant for on-site generators and to complete a portion of the gas distribution system in the area of 80<sup>th</sup> Street and University Drive.

This project will also include the construction of a regulator station that will improve service to the northeast portion of the City's gas distribution system.

Recommend award to low bidder Mastec North America, in the amount of \$587,542.59 plus an additional \$58,754.26 (10% allowance for change orders) for a total award of \$646,296.85.

- 5e. Apache Wells Water and Gas Replacement Project-Phase 1, City of Mesa Project No. 01-607-001.

This project will upgrade the water and gas systems in Apache Wells to provide better service and improve fire protection for the customers in the area.

Recommend award to the Construction Manager at Risk, Achen Gardner Engineering, LLC., in the amount of \$4,979,801.44 plus an additional \$250,000.00 (5% allowance for change orders) for a total award of \$5,229,801.44.

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- \*5f. Additional Purchase of One Heavy-Duty Rescue Vehicle as requested by the Fire Department. This vehicle is an addition to the fleet. (Contract 2004164)

The Purchasing Division recommends authorizing an additional purchase option with the original bidder, Pierce Manufacturing, Inc. at \$541,720.45, including options and applicable sales tax. (100% Grant Funded)

- 5g. North-South Downtown Pedestrian Path, Phase 1 – Main Street to 1<sup>st</sup> Street, City of Mesa Project No. 01-235-001.

This project will create a more pedestrian friendly Environment, add new landscaping, and improve lighting and Directional signage. The new pedestrian path will provide improved connectivity between the various parking facilities and the Mesa Arts Center.

Recommend award to low bidder Visus, Inc., in the amount Of \$561,742.00 plus an additional \$56,174.20 (10% Allowance for change orders) for a total award of \$617,916.20.

6. Introduction of the following ordinances and setting June 6, 2005, as the date of 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 the north side of Hope Street from Lindsay Road to the east leg of Hale Street (west of Lindsay Road and north of Brown Road, Council District 1).

On the east side of Parkcrest from Broadway Road to a point 222 feet south of Broadway Road (east of Greenfield Road and south of Broadway Road, Council District 6).

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No Parking: 10-3-24 (F7) (No Parking between 8:00 am and 5:00 pm, Monday – Friday)

On the south side of Hackamore Street from Gilbert Road to a point 284 feet east of Gilbert Road and on the north side of Hackamore Street from Gilbert Road to a point 251 feet east of Gilbert Road (east of Gilbert Road and north of Brown Road, Council District 1).

\*6b. Modifying utility deposit fees.

\*6c. **Z05-41 (District 1)** The 1700 block of North Lindsay Road (west side) Located south of McKellips Road and west of Lindsay Road (1.07 ac). Rezone O-S to C-2 and Site Plan Modification. This request is to allow inline retail. Russ Watson, Sterling Realty Group, owner; Sean Lake, Pew & Lake, P.L.C.

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

\*6d. **Z05-42 (District 1)** The 2700 block of East McKellips Road (south side) Located south of McKellips Road and west of Lindsay Road (11.92 ac). Site Plan Modification. This request is to allow Wal-Mart Neighborhood Market and inline retail. Russ Watson, Sterling Realty Group, owner; Sean Lake, Pew & Lake, P.L.C.

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

\*6e. **Z05-43 (District 1)** The 800 block of South Greenfield Road (west side). Located north of Southern and west of Greenfield Road (1.8 ac). Rezone from O-S to R1-35. This request is to allow two single residential lots. Ross N. Farnsworth, owner; Tim Nielson, applicant.

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

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- 6f. **Z05-44 (District 6)** 14403 and 14435 South Power Road. Located south of Ray Road and east of Power Road (5± ac). District 6. Rezone from R1-43 to C-2 and M-1. This request is to establish commercial and industrial zoning districts. Jesse & Ann Udall, Dwight & Jori Udall, owners; Wayne Balmer, City of Mesa, applicant.

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

- \*6g. **Z05-45 (District 6)** The 1100 block of South Ellsworth Road (west side). Located north of Southern Avenue and west of Ellsworth Road (3.37 ac). Rezone from Maricopa County Rural 43 and C-2 to City of Mesa R1-43 and C-2. This case is to establish City zoning on recently annexed property. City of Mesa (northern parcel), Cynthia Taylor Trust (southern parcel), owners; City of Mesa Real Estate Division, applicant.

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

- \*6h. **Z05-46 (District 6)** The 3800 block of South Mountain Road (west side). Located south of Elliot Road and east of Signal Butte Road (14.86 ac). Rezone from Maricopa County R1-8 PD to City of Mesa PF. This case is to establish City zoning on recently annexed property. Gilbert Unified School District, owner; G. Keith Vaughan, Planning and Development Director, Gilbert Public Schools, applicant.

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

- 6i. **Z05-48 (District 6)** 14207 South Power Road. Located south of Ray Road and east of Power Road (4± ac). Rezone from R1-43 to C-2. This request is to establish a commercial zoning district. John Gaines Trust ETAL (Ricky Fowler), owners; Wayne Balmer, City of Mesa, applicant.

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

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- 6j. **Z05-49 (District 6)** 14247 South Power Road.  
Located south of Ray Road and east of Power Road (2.74± ac). Rezone from R1-43 to C-2. This request is to establish a commercial zoning district. Mark L. & Vicki L. Talbot, owners; Wayne Balmer, City of Mesa, applicant.

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

- 6k. **Z05-50 (District 6)** 14223 South Power Road.  
Located south of Ray Road and east of Power Road (1.3 ac). Rezone from R1-43 to C-2. This request is to establish a commercial zoning district. Southwest Auto Care, LLC (Mike Cahill), owner; Wayne Balmer, City of Mesa, applicant.

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

- 6l. **Z05-51 (District 6)** 14215 South Power Road.  
Located south of Ray Road and east of Power Road (0.78 ac). Rezone from R1-43 to C-2. This request is to establish a commercial zoning district. Joseph Kestner, owner; Wayne Balmer, City of Mesa, applicant.

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

- 6m. **Z05-52 (District 6)** The 14000 block of South Power Road. Located at the southeast corner of Ray Road and Power Road (4± ac). District 6. Rezone from R1-43 to C-2. This request is to establish a commercial zoning district. Robert & Julie Galvin, owners; Wayne Balmer, City of Mesa, applicant.

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

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7. Consider the following resolutions:

- 7a. Approving the final assessments for the Mesa Town Center Improvement District No. 228.

This district provides enhanced municipal services for the Mesa Town Center.

- \*7b. Authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Lindsay Park Townhomes, LLC, an Arizona Limited Liability Company, and the City of Mesa, for the reimbursement of regional offsite improvements that are being required by Mesa, in conjunction with the proposed development of Lindsay Park Townhomes, which is located at 2565 East Southern Avenue.
- \*7c. Authorizing the City Manager to amend an Intergovernmental Agreement between the Arizona Department of Economic Security (DES), for State and Federal Community Action Program funds for FY 2004-2005.
- \*7d. Extinguishing a portion of an easement for highway purposes located on Thomas Road, east of Higley Road and north of the Red Mountain Freeway.
- This easement is no longer required.
- \*7e. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Pima County Sheriff's Department to fund overtime costs for an officer assigned to a joint drug task force.
- \*7f. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Oversight Council on DUI Abatement to pay for equipment for testing of blood alcohol levels in suspected impaired drivers in Mesa. The amount of the grant funding is \$68,000.
- \*7g. Modifying the Housing fees.
- \*7h. Modifying the Engineering Services fees.

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- \*7i. Modifying the Transportation Division fees.
- \*7j. Modifying the Airport fees.
- \*7k. Modifying parking fees.
- \*7l. Extinguishing a portion of a Public Utility Easement located at 1746 East Grandview Street.  
  
This portion of the easement is not necessary and is in the footprint area of a new workshop.
- \*7m. Extinguishing a Temporary Retention Easement near the southwest corner of Higley Road and McKellips Road.  
  
This easement is no longer necessary as a new retention area has been redesigned under the new plat at "Higley-McKellips Business Center".
- \*7n. Modifying Fire Department Fees.
- \*7o. Authorizing the City Manager to execute an agreement between the City of Mesa and Maricopa County Animal Care & Control for after hours kennel service.
- \*7p. Authorizing the sale of City property to M & F Property Holdings, LLC.  
  
This is excess City-owned property located at 9197 East Florian Avenue (the southwest corner of Florian Avenue and Ellsworth Road).
- \*7q. Ordering the sale of \$91,200,000 principal amount of City of Mesa Utility Systems Revenue Bonds, Series 2005; and authorizing the reimbursement from bond proceeds of certain advances on utility construction projects.
- \*7r. Ordering the sale of \$11,705,000 principal amount of City of Mesa General Obligation Bonds, Series 2005; and authorizing the reimbursement from bond proceeds of certain advances on construction projects.

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- \*7s. Ordering the sale of \$10,225,000 principal amount of City of Mesa Street and Highway User Revenue Bonds, Series 2005; and authorizing the reimbursement from bond proceeds of certain advances on construction projects.
- \*8. Consider a resolution and ordinance amending Section 10-5-1 of the Mesa City Code by adding 10-5-1(J) relating to the ability to charge for event parking.
- \*9. Consider adopting 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 20, 2005 as the date for the public hearing.
- 10. Consider the following ordinances:
  - \*10a. Amending Section 11-13-2 of the Mesa City Code by adding 11-13-2 (V) relating to temporary parking lots.
  - 10b. **A04-04 (District 6)** Annexing the east side of Power Road between Ray and Williams Field Road. (67.7± acres). Initiated by the property owners (list of property owners attached.) **CONTINUED FROM THE FEBRUARY 22, 2005 AND MARCH 7, 2005 CITY COUNCIL MEETING.** (List of owners included in packet).
  - \*10c. **A04-15 (District 5)** Annexing the location west and north of the NWC of Main and Power Road. Initiated by Associated Asset Management Company, the property management company for the Desert Cove subdivision. (List of owners included in packet).
  - \*10d. **A04-16 (District 5)** Annexing the location west and north of the NWC of Main and Power Road. Initiated by Associated Asset Management Company, the property management company for the Apache Cove subdivision. (List of owners included in packet).
- 11. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances.

- 11a. **Z03-64 (District 3)** Northwest corner of Sycamore and Main Street (14.46 ac.). Rezone from C-2 and C-3 to C-2 BIZ and C-3 BIZ and Site Plan Modification. This request is for the development of a bus/light rail transfer lot and park-and-ride facility to serve the Mesa light rail station and to reserve a site for future Transit Oriented Development (TOD). Judith A. Klein, Rising Sun, LLC., owner; Jeff Martin, City of Mesa, applicant. **CONTINUED FROM THE MAY 3, 2004, MAY 17, 2004, JUNE 7, 2004, JULY 6, 2004, AUGUST 16, 2004, SEPTEMBER 7, 2004, OCTOBER 4, 2004 AND THE DECEMBER 6, 2004, FEBRUARY 7, 2005, MARCH 7, 2005 AND APRIL 4, 2005 CITY COUNCIL MEETINGS. THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED TO THE JULY 5, 2004 CITY COUNCIL MEETING.**

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Saemisch abstaining).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.
2. All street improvements and perimeter landscaping to be installed in the first phase of construction.
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. Compliance with all requirements of the Design Review Board.
7. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
8. Transit oriented development is encouraged for the 3.67 acre lot.

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- 11b. **Z05-23 (District 4)** 851 E. Main Street. Located south and west of Main Street and Stapley Road (1± ac.). Council Use Permit. This request is to allow a day labor business. Ron Walters, owner; David Naja (Able Body Labor), applicant.

P&Z Recommendation: Denial. (Vote: Passed 6-1, Boardmember Carpenter voting nay)

1. Compliance with the operational standards and procedures as described in the project narrative dated November 9, 2004.
2. Maintenance of the property free from garbage, junk, trash and debris. The property shall also be maintained in compliance with Section 8-6-3 of the Mesa City Code.
3. All parking and loading associated with Able Body Labor shall be located only on parcel 138-18-036, also known as 851 E. Main St. There shall be no parking or loading from the adjacent street or surrounding properties.
4. Employees, customers, and clients of Able Body Labor shall not congregate or loiter outside of the premises, including, but not limited to, Able Body Labor's parking lot, the public sidewalk, public right-of-way, and adjacent properties.
5. This Council Use Permit may be suspended, revoked, or modified at any time by the City Council, upon a finding at a public hearing, that any condition, stipulation, or term of the approval of this CUP, or any provision of the Mesa City Code, has been violated.
6. Review of the program and operations of Able Body Labor by the City Council within one year from the effective date of the Ordinance.

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- 11c. **Z05-29 (District 6)** The 14000 to 15000 block of South Power Road (east side). Located south of Ray Road and east of Power Road (67.7 ac.). Rezone from Maricopa County Rural-43 PD, C-2 CUPD, C-2 PD and IND-2 IUPD to City of Mesa R1-43, C-2 and M-1. This case involves the establishment of City zoning on recently annexed property. Various owners; City of Mesa, applicant.

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

1. Compliance with the County Zoning Case #Z2004034, which includes a site plan titled “PRECISE / CONCEPT SITE PLAN BUYDIRECT / QT COMPLEX” and all of the conditions of approval.
2. Compliance with the County Zoning Case #Z2002128, which includes a site plan titled “T-J RANCH” and all of the conditions of approval.
3. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of any other future development plans.
4. Compliance with all City development codes and regulations.

12. Consider the following subdivision plats:

\*12a. “MESA FAMILY MEDICAL CONDOMINIUMS” (District 1) – 1300 block of East McKellips Road (south side) located south and east of McKellips Road and Stapley Drive. 3 C-1 PAD office condominium units (1.84 ac) **Dobrusin Investments, LLC**, Richard Dobrusin, owner; JMA Engineering Corporation, engineer.

\*12b. “SUPERSTITION SPRING RETAIL, A CONDOMINIUM” (District 6) – 6600 block of East Baseline Road (north side) located north and west of Baseline Road and Power Road. 10 O-S PAD retail units (1.179 ac) **The Village at Superstition Springs Office Investors, LLC**, Steve Bauer, Managing Member, owner; Survey Innovation Group, Inc., engineer.

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- \*12c. "VILLAGE AT SUPERSTITION SPRING, A CONDOMINIUM" (District 6) – 6600 block of East Baseline Road (north side) located north and west of Baseline Road and Power Road. 36 O-S PAD office condominium units (5.70 ac) **The Village at Superstition Springs Office Investors, LLC**, Steve Bauer, Managing Member, owner; Survey Innovation Group, Inc., engineer.
- 13. Items from citizens present. (Maximum of three speakers for three minutes per speaker).