

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Tuesday, January 22, 2008
5:45 P.M.

Invocation by Reverend Paul Whitlock, Desert Heritage 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. Discuss, take public comment and take action on the following Minor General Plan Amendment and zoning case:
 - 3a. Public Hearing on Minor General Plan Amendment **GPMInor07-15 (District 6)**
 - 3b. Take action on the following resolution:

[GPMInor07-15 \(District 6\)](#) The 3100 block of South Power Road (east side). Located south of Guadalupe Road on the east side of Power Road (15.6± acres). General Plan Minor Amendment to change the General Plan Land Use Map from Mixed Use/Employment to High Density Residential 15+ and Neighborhood Commercial. This request will allow for the development of multi-residential, office, and retail uses. Gabriel Saia, Jr., Saia Enterprises, Inc., owner; Jason Ottman, Trammell Crow Residential, applicant; Timothy Huval, Kland Consulting Civil Engineers, L.L.C., engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.) COMPANION CASE Z07-117.***

P&Z Recommendation: Adoption. (Vote: 7-0).
 - 3c. Take action on the following ordinance introduced at a prior Council meeting:

[Z07-117 \(District 6\)](#) The 3100 block of South Power Road (east side). Located south of Guadalupe Road on the east side of Power Road (15.6± acres). Rezone from R1-43 to R-4 PAD and C-2 PAD, and Site Plan Review. This request will allow for the development of multi-residential, office, and retail uses. Gabriel Saia, Jr., Saia Enterprises, Inc., owner; Jason Ottman, Trammell Crow Residential, applicant; Timothy Huval, Kland Consulting Civil Engineers, L.L.C., engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.) COMPANION CASE GPMInor07-15.***

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

4. Discuss, take public comment and take action on the following Minor General Plan Amendment and zoning case:

4a. Public Hearing on Minor General Plan Amendment
GPMInor07-17 (District 4)

4b. Take action on the following resolution:

GPMInor07-17 (District 4) The 200 block of West Vine Avenue (south side) and the 500 block of south Robson (west side). Located south of Broadway Road and east of Country Club Drive (6± acres). General Plan Minor Amendment to change the General Plan Land Use Map from Medium Density Residential 4-6 du/acre to Mixed Use Employment. This request will allow for the development of an auto storage yard. City of Mesa and Mark Vandevier, owners; Richard Thompson, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)*** **COMPANION CASE Z07-123.**

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

- 4c. Take action on the following ordinance introduced at a prior Council meeting:

Z07-123 (District 4) The 200 block of West Vine Avenue (south side) and the 500 block of south Robson (west side). Located south of Broadway Road and east of Country Club Drive (6± acres). Rezone from R-2 to M-1 and Site Plan Review. This request will allow for the development of an auto storage yard. City of Mesa and Mark Vandevier, owners; Richard Thompson, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)*** **COMPANION CASE GPMInor07-17.**

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

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5. Take action on the following liquor license applications:

*5a. [Circle K Store](#)

New Beer & Wine Store License for Circle K Store, 1202 N. Power Road, Circle K Stores Inc. – Applicant, Kim Kenneth Kwiatkowski – Agent. This is new construction with no previous liquor license at this location. **(District 5)**

*5b. [Indigo Joe's Sports Pub & Restaurant](#)

New Restaurant License for Indigo Joe's Sports Pub & Restaurant, 2855 N. Power Road, Suite #101, Hero 29 LLC – Applicant, Raymond Henry Dunn – Agent. The previous Restaurant license held at this location by O'Neill Five Inc., issued 07/28/2005, will revert back to the State. **(District 5)**

*5c. [Sam Bella's](#)

New Restaurant License for Sam Bella's, 3440 E. Baseline Road, Suite #102, Topp Hat Inc. – Applicant, Carmen Joseph Sabia III – Agent. The previous Restaurant License held at this location by Gregory Wesley Selman, issued 06/29/2007, will revert back to the State. **(District 2)**

*5d. [Venezia's NY Style Pizzeria](#)

New Restaurant License for Venezia's NY Style Pizzeria, 2721 S. Ellsworth Road, Suite #7, Venezia's NY Style Pizza - Mesa No. 1, Inc. – Applicant, Domenick Joseph Montanile – Agent. This is an existing business with no previous liquor license at this location. **(District 6)**

6. Take action on the following contracts:

*6a. [Supply Contract for Replacement Wood Poles](#) for the Utilities Department, Electric Division

The Procurement Services Department recommends awarding the contract to the lowest responsive, responsible bidder, Pacific Wood Preserving dba Nevada Wood Preserving at \$94,957.44 annually, based on estimated requirements.

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- *6b. [Purchase of Hardware and Software](#) to Support Technology Infrastructure Improvement and Stability for the Information Technology Department (Funded by Outstanding Credit)

The Procurement Services Department recommends approving purchase off the U.S. Communities Contract with GTSI Corp. in the amount of \$77,438.73, including applicable taxes.

- *6c. [Purchase of Network Hardware and Cabling](#) for the Police Technical Services Building

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Insight at \$121,065.50; Maricopa County contract with CSC (Communication Supply Corporation) at \$72,455.88, and U.S. Communities contract with Graybar at \$18,471.38, for a combined total of \$211,992.76, including applicable taxes.

- *6d. [One \(1\) Replacement Vehicle](#) for the Information Technology Department (Funded through Fleet Services' Vehicle Replacement Program)

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Courtesy Chevrolet at \$21,563.90.

- *6e. [One \(1\) Replacement Medium-Duty Truck](#) with Service Body for the Transportation Department, Field Operations Division (Funded through Fleet Services' Vehicle Replacement Program)

The Procurement Services Department recommends awarding the contract to the lowest responsive bidder, Bill Heard Chevrolet at \$50,690.08, including sales tax.

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- *6f. [Purchase of Fire System Water Meters](#) and Backflow Assemblies for the Utilities Department, Water Division

The Procurement Services Department recommends awarding the contract to the lowest responsive, responsible bidders, Badger Meter Inc. in the amount of \$145,305.60 and Backflow Apparatus & Valve Co. dba BAVCO in the amount of \$58,153.92, for a total of \$203,459.52, including applicable taxes.

- *6g. [Three-year Contract for Landscape Maintenance Services](#) for Parkway Medians and Right-of-Way, in an Area designated as Section 6, for the Transportation Department, Field Operations Division

The Procurement Services Department recommends accepting the lowest responsive, responsible bid from Mariposa Horticultural Enterprises, Inc. at \$214,948.18 annually, based on estimated requirements.

- *6h. [Fire Station No. 209 Renovation](#), 7035 East Southern Avenue, City of Mesa Project No. 06-911-001. **(District 6)**

This project will convert a garage bay (intended for the Battalion Chief's vehicle, but currently unused) into living and office space for the Battalion Safety Officer.

Recommend award to the low bidder, Caymus Corporation, in the amount of \$57,752.00, plus an additional \$5,775.20 (10% allowance for change orders), for a total award of \$63,527.20. Funding is available from the approved FY 07/08 Fire Capital Program.

- *6i. [Fire Station No. 210 New Exhaust Fans](#), 1504 South 24th Street, City of Mesa Project No. 06-909-001. **(District 2)**

This project will construct exhaust fans within Fire Station No. 210 to remove unpleasant and potentially unhealthy diesel fumes that accumulate within the bays from the fire trucks.

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Recommend award to the low bidder, Femcon Inc., in the amount of \$53,600.00, plus an additional \$5,360.00 (10% allowance for change orders), for a total award of \$58,960.00. Funding is available from the approved FY 07/08 Fire Capital Program.

7. Introduction of the following ordinances and setting February 4, 2008, as the date of the public hearing on these ordinances:
 - *7a. [Z08-02 \(District 5\)](#) The 5400 and 5500 blocks of E. Thomas Road (north side) (13+/- ac.±) Modification of Ordinance 4050. This request is to amend and delete certain conditions within the ordinance to facilitate development of the Red Mountain Commerce Center. Tres Hijos LLC, Inez Boyle and Cindy Brady, Managers, owner; James Passey, applicant. **(Notified property owners.)**

PHO Recommendation: Approval with Conditions.
8. Take action on the following resolutions:
 - *8a. [Extinguishing three Temporary Drainage Easements](#) at 1756, 1810 and 1842 South Crismon Road **(District 6)**

These easements are no longer required as the design of the property has changed and new easements have been dedicated.
 - *8b. [Extinguishing a Storm Drain Easement](#) at 1855 South Country Club Drive. **(District 3)**

This easement is being extinguished to correct an error in recording.
 - *8c. [Extinguishing a Public Utility Easement](#) at 1951 East 8th Avenue. **(District 4)**

Because this property is being redesigned and there are no utilities in this easement area, the easement is no longer needed.

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- *8d. [Vacating an alley](#) between East Glade Avenue and East Hampton Avenue, east of South Mesa Drive. **(District 4)**

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.

- *8e. Approving and authorizing the City Manager to execute a [Development Agreement for City Share Reimbursement](#) between Newcastle Development, LLC, and the City of Mesa for the reimbursement of \$112,000.00 for regional street and street lighting improvements that are being required by Mesa in conjunction with a proposed residential development known as Keighley Place, located at 11246 East Ray Road. Mesa's estimated share will be funded from the approved FY07-08 Streets Capital Program. **(District 6)**

- *8f. [Supporting Affordable Rental Movement \(A.R.M.\)](#) of Save the Family's Application to the Maricopa HOME Consortium for Community Housing Development Organization (CHDO) Funding in the amount of \$450,000 to purchase one four-plex to provide affordable rental housing for low-income families.

- 8g. Approving and authorizing the City Manager to execute necessary documents to [transfer property located at 635 E. Broadway Road \(MesaCAN Building\)](#) from the City of Mesa to Prehab of Arizona dba A New Leaf.

- 8h. Approving and authorizing the City Manager to execute necessary documents to [transfer property located at 2254 West Main Street \(La Mesita\)](#) from the City of Mesa to Prehab of Arizona dba A New Leaf.

- 8i. Approving and authorizing the City Manager to execute necessary documents [to transfer property located at 2345 North Country Club Drive \(East Valley Men's Center\)](#) from the City of Mesa to Prehab of Arizona dba A New Leaf.

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- *8j. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement with the Fort McDowell Yavapai Nation](#) to accept a grant for \$110,184 to support projects in the Mesa Fire Department (\$5,000), Mesa Arts Center (\$14,184) and to provide pass-thru grants to Mesa Public Schools (\$71,000) and the East Valley Child Crisis Center (\$20,000).
- *8k. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement between the City of Mesa and East Valley Institute of Technology](#) to provide a school resource officer as provided by the Safe Schools Program.
- *8l. Approving and authorizing the City Manager to execute a [Grant Agreement with the Arizona Criminal Justice Commission](#) to secure grant funds in the amount of \$30,005 for overtime earned by Mesa Police Department DUI Motor Officers.
- *8m. Authorizing the City Manager to negotiate and enter into a [lease between the City of Mesa and the Arizona Rattlers](#) for the Gene Autry Clubhouse and Practice Field. **(District 5)**
- 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:
 - Prohibiting Left Turns From Driveways: 10-3-15
On the east and west sides of Power Road with centerlines approximately 530 feet south of McDowell Road and to install a raised median. **(District 5)**
 - Special Stops Required: 10-3-17
On Ray Road from the west City limits to the east City limits. **(District 6)**

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

On Ray Road from the west City limits to the east City limits.
(District 6)

Speed Limits: 10-4-3 (45 mph)

Establishing a speed limit of 45 mph on Ray Road from
Signal Butte Road to Mountain Road. **(District 6)**

Establishing a speed limit of 45 mph on Warner Road from
Signal Butte Road to Mountain Road. **(District 6)**

- *9b. [A07-03 \(District 5\)](#) Annexing Maricopa County Right-of-Way for Ellsworth Road between Princess Drive and Adobe Road upon consent for such annexation by Maricopa County's governing body, as required by ARS §9-471 (N). (8.90± ac).
- *9c. [A07-04 \(District 6\)](#) Annexing Maricopa County Right-of-Way for Ellsworth Road between Portabella Avenue and Elliot Road upon consent for such annexation by Maricopa County's governing body, as required by ARS §9-471 (N). (7.11± ac).
- *9d. [A07-05 \(District 6\)](#) Annexing Maricopa County Right-of-Way for Ellsworth Road between Warner Road and Ray Road upon consent for such annexation by Maricopa County's governing body, as required by ARS §9-471 (N). (11.66± ac).
- *9e. [A07-09 \(District 5\)](#) Annexing Maricopa County Right-of-Way for a portion of Ellsworth Road north of University Drive upon consent for such annexation by Maricopa County's governing body, as required by ARS §9-471 (N). (0.80± ac).
- *9f. [A07-10 \(District 6\)](#) Annexing Maricopa County Right-of-Way for Ellsworth Road between Pecos Road and Germann Road upon consent for such annexation by Maricopa County's governing body, as required by ARS §9-471 (N). (11.72± ac).

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- *9g. [A07-06 \(District 5\)](#) Annexing land located north and west of Hawes Road and McDowell Road (1.01± ac). Initiated by the property owner, Brian Rogerson.
- *9h. [A07-23 \(District 5\)](#) Annexing land located west of Hawes Road south of McDowell Road (1.13 ± ac). Initiated by the property owner, Thomas Kane.
- *9i. [Z07-114 \(District 6\)](#) The 2800 to 3600 block of South Ellsworth Road (east side) and the 9200 to 10000 block of East Elliot Road (north side). Located east of Ellsworth Road and North of Elliot Road (288± acres). Rezone from AG, C-2, and M-1 to C-2 DMP, PEP DMP, and M-1 DMP. This request will allow the development of an Industrial/Employment Park. Paul B. Matthews, owner, Ernest Amponsah, David Evans & Associates, Inc., applicant; Robert G. Byall - David Evans & Associates, Inc., engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

- *9j. [Z07-118 \(District 5\)](#) The 3300 block of north Recker Road (west side). Located south of Thomas Road on the west side of Recker Road (25± acres). Rezone from M-1 to M-1-BIZ, and Site Plan Review. This request will allow the development of a commercial/office development. Greg P. Troast, owner; Robert Lorenzana, RKAA, Inc., applicant; Leonard J. Swartz, Olsson Associates, engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 6-1 with Boardmember Esparza nay).

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- *9k. [Z07-120 \(District 6\)](#) 423 South Signal Butte Road. Located on the south side of Broadway Road and the east side of Signal Butte Road (13.5± acres). Rezone from R1-6-PAD to R1-6 and C-2 and Site Plan Review for the development of a neighborhood commercial center for the western most 4.64 acres of the property. Tom Alford, DeRito Partners Development, Inc., owner; Michelle Santoro, Whitley Morris, P.L.C., applicant; Tom Meeks, Erickson & Meeks Engineering, L.L.C., engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

- *9l. [Z07-121 \(District 6\)](#) 5404 East Southern Avenue. Located east of Higley Road on the north side of Southern Avenue (1.20± acres). Rezone from O-S PAD to O-S BIZ and Site Plan Modification. This request will allow for the development of a hospice facility. Robb Corwin, Great Days Investment, LLC, owner; Robert Briggs, TEBO, LLC, applicant; Michael Roberts, Del Rio Engineering, engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

- *9m. [Z07-124 \(District 6\)](#) The 3900 block of south Power Road (east side). Located south of Elliot Road on the east side of Power Road (40 ± acres). Rezone from M-1 and M-2 DMP to M-1 PAD and M-2 PAD with a modification to the Development Master Plan, and Site Plan Modification. This request will allow the development of an office/warehouse complex. Tim Chester, owner; Robert B. Winton, Winton Architects, Inc., applicant. ***(Notified property owners.)***

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

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10. Discuss, receive public comment, and take action on the following ordinance introduced at a prior Council meeting and resolution:
 - *10a. Take action on the following ordinance:

[Amending Title 4, Chapter 1 of the Mesa City Code](#) relating to the Administrative Code.
 - *10b. Take action on the following resolution:

[Amending the Fees and Charges](#) for the Building Safety Division.
11. Take action on the following subdivision plat:
 - *11a. ["ODYSSEY MEDICAL AND PROFESSIONAL CENTER, A CONDOMINIUM"](#) (District 6) 1810 South Crismon Road (west side) located north and west of Baseline Road and Crismon Road. 163 C-2 office condominium units (10.94 ac) Sydney Crismon Developments, LLC, Bob Hunt, member, owner; Jason Segneri, Survey Innovation Group, Inc., engineer.
12. Items from citizens present. (Maximum of three speakers for three minutes per speaker).