

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, January 6, 2003

5:45 P.M.

Invocation by Reverend Howard Diamond, Newlife Foursquare Church
Mesa.

Pledge of Allegiance.

Mayor's Welcome.

State of the City message by Mayor Hawker.

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.
- 2.1 Consider the City Manager's recommendation to appoint Bryan Raines as Neighborhood Services Manager.

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3. Conduct a public hearing for the following annexations.
 - a. **A01-3** Annexing areas south of Broadway Road to Wier Avenue, west of 110th Street to Mountain Road (38± acres). Initiated by various property owners in the proposed annexation area.
 - b. **A02-5** Annexing areas east of Signal Butte Road to Mountain Road, and south of Elliot Road to Williams Field Road (943± acres). Initiated by the property owners.
4. Conduct a public hearing adopting the new drainage and general government development impact fees, and amending the existing park development impact fees.
5. Consider the following liquor license applications:
 - *a. GREGORY M. SARGOVETZ, AGENT

New Beer and Wine Store License for Texaco Star Mart, 6806 E. Brown Road. This is an existing business. The license previously held at this location by Bruce W. Holbrook, Agent, Texaco Star Mart, will revert back to the State.
 - *b. AMY S. NATIONS, AGENT

New Restaurant License for McGrath's Fish House, 1610 S. Stapley Drive. This is a new building currently under construction. No previous liquor licenses at this location.
 - *c. JOHN WONG, OWNER

New Restaurant License for SN Pacific Rim Asian Kitchen, 1236 E. Baseline Road, #102. This is a new building currently under construction. No previous liquor licenses at this location.

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*d. ERNESTO AMAYA RASCON, AGENT

New Restaurant License for Sonora Steak and Bar, 1328 W. University Drive. This is an existing business. The license previously held at this location by Esmeralda Jerez, Agent, Casa De La Cruz Mexican Grille, will revert back to the State.

6. Consider the following contracts:

*a. Two-year renewal of the supply contract for sodium hypochlorite as requested by the Utilities Department.

The Purchasing Division recommends exercising the two-year renewal option with the original low bid by HASA, Inc. at \$144,872.40 based on estimated annual requirements. HASA, Inc. has agreed to a 5% decrease in price for this renewal term due to higher estimated usage.

*b. Three-year supply contract for communications power systems as requested by the Communications Division

The Purchasing Division recommends accepting the low bid by Power Conversion Products LLC for annual purchases estimated at \$92,058.51.

*c. Three-year supply contract for "Intercom" Newsletter as requested by the Printing & Graphics Services Division.

The Purchasing Division recommends accepting the low bid by Ash & Associates for annual purchases estimated at \$27,592.49.

*d. One year supply of utility bill/envelopes as requested by the Printing & Graphics Services Division.

The Purchasing Division recommends accepting the low bid meeting specification by Atlantic Envelope at \$32,424.48 (**sole source**).

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- *e. Three-year supply contract for 48-Volt communications system backup batteries as requested by the Communications Division.

The Purchasing Division recommends accepting the low bid by C & D Technologies, Inc. c/o NGH Battery Service Company, Inc. at \$52,812.26.

- *f. Noche De Paz Lift Station Rehabilitation. City of Mesa Project No. 02-33.

This project proposes to rehabilitate the lift station located at the intersection of Naranja Ave. and Noche De Paz, just northeast of the Price and Guadalupe intersection. Work includes replacing the pumps, piping, stand-by generator, electrical service, station controls, wet well access, ferrous chloride tank and containment basin, and perimeter wall, and restoring wet well surface coatings.

Recommend award to low bidder, Hunter Contracting Company, in the amount of \$510,200.00 plus an additional \$51,020.00 (10% allowance for change orders) for a total award of \$561,220.00.

- *g. Taylor Junior High School Dive System Renovations. City of Mesa Project No. 02-209-001.

This project proposes to replace the dive system and repair the deck at Taylor Junior High pool. **(Only bid received).**

Recommend award to low bidder, Shasta Industries Inc., in the amount of \$66,050.00 plus an additional \$6,605.00 (10% allowance for change orders) for a total award of \$72,655.00.

- *h. Sossaman Road Wall and Landscaping. City of Mesa Project No. 02-53.

This project proposes to construct improvements including a new 5-foot wide sidewalk, landscaping, and an 8-foot high block screen wall from Hopi Ave (just north of US60) to Southern Avenue.

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Recommend award to low bidder, W. L. Emshoff, in the amount of \$231,912.00, plus an additional \$23,191.20 (10% allowance for change orders) for a total award of \$255,103.20.

7. Consider the following resolutions:

- *a. Granting an Irrigation Easement to Salt River Project along Gilbert Road between Southern Avenue and University Drive.

This easement covers irrigation facilities relocated for the Gilbert Road Improvement Project.

- *b. Extinguishing two Temporary Retention Easements and a portion of a Controlled Vehicle Access Easement at 4620 East Baseline Road.

These easements are no longer required and conflict with the approved plat.

- *c. Petitioning the Arizona State Land Commissioner and the State Selection Board to authorize the annexation of certain State Trust Lands located contiguous to the City of Mesa.

- *d. Authorizing the approval of the Assessment Diagram Map on the final assessments for the McKellips Road Scalloped Street Assessment project.

This project improved portions of McKellips Road from Country Club Drive to Gilbert Road.

- *e. Setting February 3, 2003 as the date for the public hearing on the final assessments for the McKellips Road Scalloped Street Assessment project.

This project improved portions of McKellips Road from Country Club Drive to Gilbert Road.

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- *f. Authorizing the City Manager to execute an Intergovernmental Agreement between the Arizona Department of Water Resources and the City of Mesa regarding the East Valley Water Forum.
- *g. Authorizing the sale to Salt River Project of easements over two City-owned parcels near 80th Street and Adobe.

These easements were requested by Salt River Project for transmission lines.

8. Consider the following ordinances:

- *a. Parking: 10-3-24 (F) (9). Prohibiting parking between the hours of 10:00 p.m. and 4:00 a.m. on Date between 8th Drive and 8th Avenue.
- *b. Amending Section 11-2-2 of the Mesa City Code to rezone property at 420 W. Dana Avenue, Rezoning Case No. CZ02-002TC, from TCB-1 to TCB-2.
- *c. Amending Section 11-18-5 of the Zoning Ordinance, by providing for alternate members of the Board of Adjustment.
- *d. Relating to a Council Use Permit; repealing Ordinance 2769 and 3493 establishing the conditions for issuance of a Council Use Permit to Paz de Cristo.
- e. Amending Section 5-10-300 of the Mesa City Code pertaining to licensing requirements for privilege and excise taxes.

9. Consider the following recommendations from the Utility Committee:

- *a. Moved to Item No. 9.1a.
- b. Approving a request for water and sewer services outside Mesa's corporate limits for property on Recker Road, south of Baseline.

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- 9.1. Introduction of the following ordinances and setting January 27, 2003, as the date of public hearing on these ordinances:

Note: City Council introduction of ordinances does not necessarily reflect City Council approval of these ordinances. Introduction of ordinances sets in motion the public posting and advertising process for ordinances so that the City Council can hear from concerned citizens at the public hearing.

- *a. Amending Section 8-4-10 of the Mesa City Code pertaining to sewer charges set by separate ordinance as recommended by the Utility Committee.
- b. Adopting the new drainage and general government development impact fees, and amending the existing park development impact fees.

10. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances:

- *a. **Z02-32** The northeast corner of Power Road and McDowell Road (11.28 ac). Rezone from R1-90 DMP (conceptual C-2) to C-2 BIZ DMP. This case involves the development of a retail shopping center including an Eckerd's Drugstore and various retail and office space. Power and McDowell Associates, LLC, owner; Ralph Pew, Pew & Lake P.L.C., applicant.

P&Z Recommendation: Approval with conditions (Vote passed 6-0)

- 1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot coverage) except as noted below.
- 2. Compliance with all City development codes and regulations.
- 3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

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4. All street improvements, including entire Power Road and McDowell Road frontages, and perimeter landscaping for the Eckerd Drugstore parcel to be installed in the first phase of construction.
5. Compliance with all requirements of the Design Review Board, to include citizen participation: Notification to include The Board of Directors of the Las Sendas and Spookhill Homeowners Associations. This shall include full compliance with the landscape requirements for arterials.
6. 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.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Review and approval of a Special Use Permit by the Board of Adjustment for a Comprehensive Sign Plan.
9. Plant material within the right-of-way shall meet the requirements of Section 11-15-3-A.
10. Compliance with the following terms of the letter from Ralph Pew to Frank Mizner dated November 20, 2002; this letter is incorporated into the ordinance by reference. The property owner agrees to prohibit the following land uses:
 - a. Auto service car wash and gas dispensing facilities.
 - b. "Drive-in Restaurants" and restaurants with "Drive-thru Facilities" as defined in Mesa Code Section 11-1-6. This restriction shall not prohibit restaurants that serve food primarily for on-site consumption and that have a "pick-up window" or a "take-away" area as a subordinate and ancillary convenience to customers.
 - c. Storage buildings or storage of recreational vehicles and boats.
 - d. Adult oriented retail and/or entertainment facilities as defined in Mesa City Code, Title 6, Chapter 16.

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11. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport, which will be prepared and recorded by the City (prior to the issuance of a building permit).

*b. **Z02-33** The northwest corner of Southern Avenue and Greenfield Road (1.55 ac.). Site Plan Modification. This case involves the development of an Eckerd Drugstore. Unicorp National Developments, Inc., owner; Matthew Seaman, applicant; represented by Sean Lake, Pew and Lake P.L.C.

P&Z Recommendation: Approval with conditions (Vote passed 5-1)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. 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.
5. All street improvements for the entire frontages of Southern Avenue and Greenfield Road for Greenfield Court and perimeter landscaping for this parcel to be installed in the first phase of construction.
6. Compliance with all requirements of the Design Review Board,
7. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
9. The final plat for Greenfield Court is to be recorded prior to the issuance of any building permits.

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- *c. **Z02-34** The 200 block of South 63rd Street, west side-through to Arbor Avenue, (3.6 ac.). Site Plan Modification. This case involves the development of office buildings. Jere Planck, owner; Tim Rasnake, applicant.

P&Z Recommendation: Approval with conditions (Vote passed 6-0)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication whichever comes first.
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Design Review Board.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *d. **Z02-35** The 400 block of East McKellips Road, south side, (3.36 ac.). Rezone from C-2 to C-2 P.A.D. This case involves the development of an office complex. Devin Warren, owner; Sherman Cawley, Cawley Architects, Inc., applicant.

P&Z Recommendation: Approval with conditions (Vote passed 6-0)

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1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. 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.
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Design Review Board.
7. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variations outlined in the staff report.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
9. Compliance with all requirements of the Subdivision Technical Review Committee.

*e. **Z02-36** The northwest corner of McDowell Road and Recker Road (2.47 ac). Site Plan Modification. This case involves the development of a CVS Pharmacy. Brian J. Jordan, Kutck Rock LLP, owner; Susan Stewart, L.E.A.D.S., applicant.

P&Z Recommendation: Approval with conditions (Vote passed 6-0)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot coverage) except as noted below.

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2. Compliance with all City development codes and regulations.
 3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
 4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication whichever comes first.
 5. Compliance with all requirements of the Design Review Board.
 6. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City.
 7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
 8. Provide future vehicular cross- access to property to north along the Recker Road frontage, upon redevelopment of the current mini-storage facility and with the agreement of the adjacent property owner.
 9. Building elevations and materials to comply with design guidelines for adjacent Longbow Project as submitted with case Z02-01.
 10. Landscaping for this development to match the Longbow landscaping palette as shown in case Z02-01.
11. Consider the following subdivision plat:
- *a. "TIVOLI AT AUGUSTA RANCH, – (Council District 6) – 2024 South Baldwin (west side) 171 R-3 PAD DMP condominium units (13.19 ac) D.R. Horton, Inc., a Delaware Corporation, owner; Infinity Engineering Services, Ltd., engineer.
12. Items from citizens present. (Maximum of three speakers for three minutes per speaker).