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CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, January 22, 2007
5:45 P.M.

Invocation by Pastor David Schorejs, Parkway Baptist 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. Arizona Wing Commemorative Air Force

This is a one-day charitable event to be held on Saturday, March 17, 2007 from 4:00 P.M. to 12:00 Midnight at 2017 N. Greenfield Road. (District #5).
 - *3b. SPG Enterprises – Banner Health Foundation

This is a one-day charitable event to be held on Friday, January 26, 2007 from 7:00 P.M. to 10:00 P.M. at 3426 E. Baseline Road, Suite #101. (District #2).
 - *3c. Barta Market

New Beer & Wine Store License for Barta Market, 1241 E. Broadway Road, Suite 20, AEM Enterprises LLC – Applicant, Ali E. Barta Manassia – Agent. The previous Beer & Wine Store license held at this location by Grewal Harpal LLC will revert back to the State. (District #4).
 - *3d. Circle K Store #3365

New Beer & Wine Store for Circle K Store #3365, 1959 S. Greenfield Road, Circle K Stores Inc. – Applicant, Kim Kenneth Kwiatkowski – Agent. The previous Beer & Wine Store license held at this location by Reays Ranch Investors LLC will revert back to the State. (District #6).
 - *3e. George's Gyros & Pasta

New Restaurant License for George's Gyros & Pasta, 205 N. Country Club Drive, Mario's LLC – Applicant, Angel Mikha – Agent. The previous Restaurant license held at this location by Ma Knew Her Inc., closed 01/16/2004. (District #4).

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*3f. Long Wong's

New Restaurant License for Long Wong's, 1455 S. Stapley Drive, Suite 23-24, JD3 LLC – Applicant, John Alfred Calderon – Agent. This is an existing business with no previous liquor licenses at this location. (District #4).

*3g. Mama Maria Mexican Food

New Restaurant License for Mama Maria Mexican Food, 118 E. McKellips Road, Suite #105, Mama Maria Restaurant Inc – Applicant, Rogelio G. Laris – Agent. The previous Restaurant license held at this location by Frank & Lupe III LLC will revert back to the State. (District #1).

*3h. Zu Tokyo

New Restaurant License for Zu Tokyo, 1120 S. Dobson Road, Zu Tokyo Inc – Applicant, Soo Hyun Ju – Agent. This is an existing business with no previous liquor license at this location. (District #3).

4. Take action on the following bingo application:

*4a. BINGO APPLICATION – CLASS A

Fellowship Square Brown & Center (District #1)
Karen C. Jacobson
35 W. Brown Road

5. Take action on the following contracts:

*5a. One Replacement 10/12-Yard Dump Truck as requested by the Transportation Department.

The Procurement Services Department recommends accepting the low responsive bid meeting specifications from McCandless of Arizona at \$161,139.92, including applicable sales tax.

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- *5b. Personal Computer Equipment for Various City departments as requested by the Information Services Department. (Tax-Exempt Lease.)

The Procurement Services Department recommends authorizing purchase of 59 Notebook Computers, 1,081 Personal Computers, 351 Monitors and associated hardware from the Western States Contracting Alliance (WSCA) contract with Dell, Inc., for a total of \$1,469,706.31, including applicable sales tax.

- *5c. Regional Data Sharing Project (Mesa-Owned Fiber Optic Route) as requested by the Information Services Department. (Fully Grant Funded SHSGP/LETPP Federal Homeland Security Program.)

The Procurement Services Department recommends authorizing purchase of materials and services from Arizona state contract with Tel Tech Networks, Inc, for a total of \$406,197.49, including applicable taxes.

- *5d. 2006/2007 Crack Sealing Project, City of Mesa Project No. 06-903-001.

Each year the Transportation Department identifies roadway segments that require some measure of pavement maintenance. This project will crack seal approximately 1,953,000 square yards of street pavement citywide.

Recommend award to the Low Bidder, CPC Construction, Inc., in the amount of \$483,620.00 plus an additional \$48,362.00 (10% allowance for change orders) for a total award of \$531,982.00. Funding for this project is available from the 06/07 Transportation Field Operations budget.

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- 5e. 2006/2007 Surface Seal Project, City of Mesa Project No. 06-904-001.

Each year the Transportation Department identifies roadway segments that require some measure of pavement maintenance. This project will fog seal over 922,000 square yards of street pavement citywide.

Recommend award to the Low Bidder, Cactus Transport, Inc., in the amount of \$414,810.00 plus an additional \$41,481.00 (10% allowance for change orders) for a total award of \$456,291.00. Funding for this project is available from the FY 06/07 Transportation Field Operations budget.

- 5f. Waterline Replacements at Various Locations, City of Mesa Project No. 01-557-003.

This project will replace approximately 6,600 feet of older waterlines that have experienced an excessive break and repair history. Improvements include removal and abandonment of sections of existing waterlines and installation of new waterlines, valves, fittings, and fire hydrants.

Recommend award to the Low Bidder, Visus Engineering Construction, Inc., in the amount of \$728,420.00 plus an additional \$72,842.00 (10% allowance for change orders) for a total award of \$801,262.00. Funding for this project is available from the Water Bond program.

- *5g. Lead Based Paint Stabilization Contract for Escobedo Housing Complex (General Fund).

The Development Services Department recommends awarding the contract to the low bidder, KNK Diversified Inc. in the amount of \$100,000 including \$96,500 for paint stabilization activities and \$3,500 for contingency. In addition, the cost for an environmental consultant will be \$17,843 for a total cost of \$117,843. The General Fund will be reimbursed with any proceeds generated by the future disposition of Escobedo Apartments.

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- 5h. Park and Ride No. 1 – Power Road at U.S. 60, City of Mesa
Project No. 01-507-001.

This project will construct a new park and ride facility on the north side of U.S. 60 (Superstition Freeway) between Power Road and Superstition Springs Boulevard. Improvements include a paved parking lot, and access connections from Power Road to Superstition Spring Boulevard and to the Superstition Springs Mall. This project will provide a park and ride lot for bus users to access bus routes that run along U.S. 60.

Recommend award to the Low Bidder, Nesbitt Contracting Co., Inc., in the amount of \$3,515,722.20 plus an additional \$351,572.22 (10% allowance for change orders) for a total award of \$3,867,294.42. Funding for this project is available from Federal Transit Administration (FTA) Grant funds (\$2,162,572.00), Quality of Life Sales Tax funds (\$540,645.00), and Highway User Revenue Fund (HURF) Bond funds (\$1,164,077.42).

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

- *6a. **Z07-01 (District 5)** The 2169-2183 block of North Sossaman Road (east side). Located on the northeast corner of Sossaman and McKellips Roads (4.7 ±ac.). Rezone from Maricopa County R1-35 RUPD to City of Mesa R1-35 PAD. For the establishment of City of Mesa zoning on recently annexed property. Glen Duke, Michael Parish, Borbala Csaki & Carl Lytikainen, owners; City of Mesa, applicant.

PHO Recommendation: Approval with conditions.

- *6b. **Z07-02 (District 6)** The 10202-10238 block of East Broadway Road (north side). Located on the northeast corner of Broadway and Crismon Roads (2.3±ac.). Rezone from Maricopa County R1-8 to City of Mesa R1-9. For the establishment of City of Mesa zoning on recently annexed property. John Brauchler, owner; City of Mesa, applicant.

PHO Recommendation: Approval with conditions.

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- *6c. **Z07-03 (District 5)** The 9310-9346 block of East Main Street (north side). Located on the northeast corner of Main Street and Ellsworth Road (20.1±ac.). Rezone from Maricopa County C-3 & R-5 to City of Mesa C-3 & R-4. For the establishment of City of Mesa zoning on recently annexed property. Silver Spur MHP, LLC, Geff Gunsalas, General Manager, owner; City of Mesa, applicant.

PHO Recommendation: Approval with conditions.

- *6d. **Z07-04 (District 6)** The 9030-9112 block of East Southern Avenue (north side). Located on the northwest corner of Southern Avenue and Ellsworth Road (3.17±ac.). Rezone from Maricopa County Rural-43 & R1-7 to City of Mesa R1-43 & R1-7. For the establishment of City of Mesa zoning on recently annexed property. Mark Kohner, owner; City of Mesa, applicant.

PHO Recommendation: Approval with conditions.

- *6e. **Z07-05 (District 5)** The 6000-6400 Block of East Evergreen Road (south side). Located south and east of the southeast corner of Recker and Brown Roads (6.85±ac.). Rezone from Maricopa County R1-6 SC to City of Mesa R1-6 AS. For the establishment of City of Mesa zoning on recently annexed property. Robert Dethlefs, Joseph Dziejdzic, Alfred Ellis, Scott Erdman, Richard Fessler, Donald Forness, Oscar Gansky, Clayton Gourley, Ricky Hanson, Robert Jandeczek, Robert Karraker, Phyllis Kowaluk, Joseph Kuka, Sandra Legrand, Robert Lenhart, Albert Loucks, Cheesman McIntosh, David Leo Meyer, James Partida, Kathryn Pugnier, Gaither Robinson, Raymond Roslan, Victoria Rovenko, Clarence Schilperoort, Frank Shirey, Michael Stone, Darlene Taylor, Delbert Tice, Claude Torbit, Jaunita White, Joseph Wilson, owners; City of Mesa, applicant.

PHO Recommendation: Approval with conditions.

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7. Take action on the following resolutions:

- *7a. Extinguishing a Drainage Retention Easement at 6735 E. Encanto Street.

This easement is no longer required as the site plan on the property has changed and a new drainage easement has been established.

- *7b. Extinguishing a Temporary Easement for Roadway Purposes (Turn Around Easement) at East Renfield Avenue in the Mountain Horizons Unit 1 Subdivision.

The temporary condition for this easement is no longer needed as the development is expanding to extend East Renfield Avenue.

- *7c. Vacating an alley located in the 1900 block between West Second Place and West Second Street.

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.

- *7d. Providing support for the application of Affordable Rental Movement of Save the Family Foundation of Arizona (ARM) to the Maricopa Home Consortium for funding through the Federal Home Investment Partnerships CHDO Program in the amount of \$425,000.

- *7e. Providing support for the application of Housing Our Communities, Inc., formerly known as Housing for Mesa Inc. to the Maricopa Home Consortium for funding through the Federal Home Investment Partnerships CHDO Program in the amount of \$303,000.

- *7f. Ratifying fees and charges for the Arts and Cultural Division to remove the reference to free second Sundays at Mesa Contemporary Arts, Arizona Museum for Youth and Mesa Southwest Museum.

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- *7g. Approving and supporting the submittal of a grant application to the Ak-Chin Indian Community.

This application in the amount of \$100,000 per year over the next three years is submitted by A.T. Still University to utilize in their training of emergency medical personnel and first responders.

- *7h. Approving and supporting the submittal of a grant application to the Ak-Chin Indian Community.

This application in the amount of \$117,000 is submitted by A.T. Still University to initiate a Writing Assistance Laboratory on behalf of all enrolled students.

- *7i. Approving and supporting the submittal of a grant application to Ak-Chin Indian Community.

This application in the amount of \$80,000 is submitted by the Child Crisis Center for the construction of a new Family Resource Center to house the Children's Behavioral Health Program.

- *7j. Approving and supporting the submittal of a grant application to the Yavapai Prescott Indian Community.

This application in the amount of \$50,000 is submitted by the Child Crisis Center for the construction of a new Family Resource Center to house the Children's Behavioral Health Program.

- 7k. Approving and authorizing the City Manager to execute a second amendment to the development agreement between De Rito/Kimco Riverview, LLC and De Rito/Kimco Mesa, LLC, and the City of Mesa for the development of Phase II of the Riverview at Dobson development.

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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 various sections of the Mesa City Code regarding the following traffic modifications:

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

On Bridlewood from Guadalupe Road to a point 275 feet south of Guadalupe Road (south of Guadalupe Road and east of Sossaman Road, Council District 6).

On Indigo Street from 48th Street to a point 925 feet east 48th Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Ingram Street from 46th Street to 48th Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Ingram Street from 48th Street to a point 900 feet east of 48th Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Ivy Street from a point 330 feet east of Greenfield Road to 48th Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Jasmine Street from 48th Street to Rochester (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

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On Jensen Street from Parkcrest to 46th Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Julep Street from 48th Street to Rochester (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Parkcrest from Ivy Street to Jensen Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Quail from Ivy Street to Ingram Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Rochester from Jasmine Street to Julep Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On San Jose from Southern Avenue to a point 220 feet north of Southern Avenue (north of Southern Avenue and west of Dobson Road, Council District 3).

On 46th Street from Ivy Street to Jensen Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On 48th Street from McKellips Road to Ivy Street (street is located within the Mesa Commerce Center east of Greenfield Road and south of McKellips Road, Council District 5).

On Maple from Palm Street to Presidio Street (street is located in the Commons Industrial Park north of McDowell Road and west of Greenfield Road, Council District 5).

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On Norfolk from Palm Street to Presidio Street (street is located in the Commons Industrial Park north of McDowell Road and west of Greenfield Road, Council District 5).

On Palm Street from Maple to Norfolk (street is located in the Commons Industrial Park north of McDowell Road and west of Greenfield Road, Council District 5).

On Presidio Street from Maple to Norfolk (street is located in the Commons Industrial Park north of McDowell Road and west of Greenfield Road, Council District 5).

On the east side of 40th Street from Presidio Street to a point 78 feet north of Presidio Street (street is located in the Commons Industrial Park north of McDowell Road and west of Greenfield Road, Council District 5).

On the west side of 40th Street from Presidio Street to a point 108 feet north of Presidio Street (street is located in the Commons Industrial Park north of McDowell Road and west of Greenfield Road, Council District 5).

No Parking: 10-3-24 (F 2) (No Parking between 7:00 am and 4:00 pm, on any day that the public schools of Mesa are in session)

On Abbey from Lomita Avenue to Los Lagos Vista Avenue (south of Baseline Road and east of Crismon Road, Council District 6).

On Lomita Avenue from Abbey to Labelle (south of Baseline Road and east of Crismon Road, Council District 6).

- *8b. **A06-23 (District 5)** Annexing land located on Sossaman Road north of McDowell Road (1.21 ± ac). Initiated by the property owner, Las Sendas Community Association.
- *8c. **A06-25 (District 5)** Annexing land located on McKellips Road west of Crismon Road (1.06 ± ac). Initiated by the property owner, Alan Saquella.

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- *8d. **Z06-94 (District 6)** The 7800 to 8000 block of East Pecos Road (south side). Located east of the southeast corner of Pecos and Sossaman Roads (19.11± ac.). Site Plan Review. This request will allow for the development of industrial offices/ warehouses. Roger Buttrum, owner; Michael Hill, applicant. ***(Notified property owners.)***

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

- *8e. **Z06-95 (District 6)** The 1200 block of South Crismon Road (east side). Located south and east of Southern Avenue and Crismon Road (2.9± ac.). Site Plan Modification. This request will allow for the development of two commercial buildings. VJ Crismon, LLC – Vance Marshall, owner; Saemisch DiBella Architects, Inc. – Vince DiBella, applicant. ***(Held one neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)***

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

- 8f. **Z06-96 (District 5)** The 3550 block of East McDowell Road (north side). Located at the northwest corner of McDowell Road and Val Vista Drive (1.57± ac.). Rezone from R1-35 to O-S and Site Plan Review. This request will allow for the development office condominiums. ManCo Investments (Charles J. Mannino), owner; Daniel W. Brock, applicant. ***(Held two neighborhood meetings, notified property owners, registered neighborhoods and homeowners associations.)*** **LEGAL PROTEST FILED. ¾ VOTE REQUIRED.**

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

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- 8g. **Z06-98 (District 1)** The 900 to 1100 blocks of North Dobson Road (west side). Located at the southwest corner of the Loop 202 Red Mountain Freeway and Dobson Road. (32.4± ac.) Rezone from C-3 to C-3 PAD and Site Plan Review. This request will allow the development of three auto dealers and an auto body shop. Richard L. Nelson, Vice President, owner; Trenton Jones, applicant. ***(Notified property owners, registered neighborhoods and homeowners associations.)***

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

- *8h. **Z06-99 (District 5)** The 200 to 300 block of North Power Road (east side). Located south of University Drive on the east side of Power Road (1.94± ac.). Site Plan Review. This request will allow for the development of a car wash. Michael E Scarbrough, Quick N Clean, owner/applicant. ***(Notified property owners, registered neighborhoods and homeowners associations.)***

P&Z Recommendation: Approval with conditions. (Vote: 4-2 with Boardmembers Adams and Mizner nay, Esparza absent)

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

- 8.1a. **Case DR06-113**, Falcon 7 Executive Hangars, located at the northwest corner of McKellips Road and Falcon Drive.

DRB Recommendation: Denial.

- 8.1.b. **Case DR07-01**, Riverview Auto Mall, located on the west side of the 900 to 1100 blocks of North Dobson Road.

DRB Recommendation: Approval with conditions.

- 8.1.c. **Case DR07-02**, Riverview Auto Mall, located on the west side of the 900 to 1100 blocks of North Dobson Road.

DRB Recommendation: Approval with conditions.

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- 8.1d. **Case DR07-03**, Riverview Auto Mall, located on the west side of the 900 to 1100 blocks of North Dobson Road.

DRB Recommendation: Approval with conditions.

- 8.1e. **Case DR07-04**, Riverview Auto Mall, located on the west side of the 900 to 1100 blocks of North Dobson Road.

DRB Recommendation: Approval with conditions.

9. Consider amending and give direction to staff on the South Canal Multi-Use Path Project.

The Transportation Committee recommended removing the lighting and retaining the asphalt in the plans.

10. Take action on the following subdivision plats:

10a. "SANCTUARY ON SUNVALLEY", (**District 5**) 100-200 blocks of North Sunvalley Boulevard (east side) located north and west of Main Street and Sossaman Road. 30 R-2 PAD townhome lots (2.6 ac) Ross Farnsworth, Jr., owner.

*10b. "BRIANNA ESTATES AT DANA RANCH", (**District 2**) 3300-3500 blocks of East Southern Avenue (south side) located south and west of Southern Avenue and Val Vista Drive. 11 R1-15 PAD single residence lots (7.86 ac) Curt and Lola Dana and W.C. Dana Company, Curt Dana, member, owners.

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