

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, August 18, 2008
5:45 P.M.

Invocation by Pastor Gregory Dansby, Holy Temple Church of God In Christ.

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. Conduct a public hearing and take action on the following resolution:
 - 3a. Conduct a public hearing on the Community Development Block Grant (CDBG) FY 2008/2009 Annual Plan Amendment adding funding for operation of the Washington Activity Center.
 - 3b. [Take action on a resolution](#) authorizing the City Manager to execute documents to amend the FY 2008/2009 Annual Action Plan to add funding for the Washington Activity Center in the amount of \$110,000.
4. Conduct a public hearing on an application for a [Section 108 Loan Guarantee](#) from the U.S. Department of Housing and Urban Development (HUD) on behalf of the City of Mesa for an Economic Development Loan Fund and related amendments to the FY 2008/2009 Annual Action Plan and FY 2005-2009 5-Year Strategic Plan.
5. Conduct a public hearing prior to the release of the petition for signatures for the following proposed annexations:
 - 5a. [A06- 26 \(District 5\)](#) Annexing land located south of Thomas Road and east of Hawes Road (11.07 +/- ac). Initiated by Reese Anderson, Pew & Lake, PLC representing the property owner. Staff recommendation: Considering Approval.
 - 5b. [A07-27 \(District 6\)](#) Annexing land located south of Main Street and east of Hawes Road (0.17 +/- ac). Initiated by the property owner, Jan Olson. Staff recommendation: Considering Denial.
 - 5c. [A07-29 \(District 5\)](#) Annexing land located south of Broadway Road and west of Crismon Road (0.30 +/- ac). Initiated by two property owners, Carrol Dean Cathey and Karl C. Conover. Staff recommendation: Considering Denial.

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- 5d. **A07-30 (District 5)** Annexing land located south of Broadway Road and west of Crismon Road (0.16 +/- ac). Initiated by the property owner, Christian Jones. Staff recommendation: Considering Denial.
- 5e. **A07-31 (District 5)** Annexing land located south of Broadway Road and west of Crismon Road (0.19 +/- ac). Initiated by the property owner, Carrol Dean Cathey. Staff recommendation: Considering Denial.
- 5f. **A07-32 (District 5)** Annexing land located south of Broadway Road and west of Crismon Road (0.15 +/- ac). Initiated by a property owner, Karl Conover. Staff recommendation: Considering Denial.
- 5g. **A07-34 (District 5)** Annexing land located south of University Drive and west of Power Road (0.22 +/- ac). Initiated by the property owner, Jamal N. Whitney. Staff recommendation: Considering Denial.
- 5h. **A07-35 (District 5)** Annexing land located south of Brown Road and west of Power Road (0.17 +/- ac). Initiated by the property owners, Gloria R. Rogers and Paul T. Rogers. Staff recommendation: Considering Denial.
- 5i. **A07-37 (District 6)** Annexing land located south of Main Street and east of Sossaman Road (0.21 +/- ac). Initiated by the property owner, Susan C. Dillman. Staff recommendation: Considering Approval.
- 5j. **A07-40 (District 5)** Annexing land located south of Thomas Road and east of Hawes Road (1.26 +/- ac). Initiated by the property owners, Barbara and Frederick Tucker. Staff recommendation: Considering Denial.
- 5k. **A08-02 (District 5)** Annexing land located north of University Drive and west of Recker Road (0.19 +/- ac). Initiated by the property owner, Leslie C. Owen. Staff recommendation: Considering Denial.

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- 5l. [A08-12 \(District 5\)](#) Annexing land located south of Brown Road and west of Power Road (0.56 +/- ac). Initiated by a property owner, Grace M. Cokeley. Staff recommendation: Considering Denial.
- 5m. [A08-17 \(District 4\)](#) Annexing land located south of US 60 and east of Country Club Drive (44.11 +/- ac). Initiated by Dana Belknap, Gallagher and & Kennedy PA representing the property owner. Staff recommendation: Considering Approval.
6. Take action on the following liquor license applications:
- *6a. [Southeast Valley Regional Association of Realtors Inc.](#)
- This is a one-day event to raise money for charity to be held on September 5, 2008 from 5:00 P.M. to 10:00 P.M. at 1363 S. Vineyard. **(District 3)**
- *6b. [Waste Not Inc.](#)
- This is a one-day charitable event to be held on August 29, 2008 from 7:00 P.M. to 10:00 P.M. at 2233 S. Springwood Blvd. **(District 6)**
- *6c. [Combos Club](#)
- New Bar License for Combos Club, 1241 E. Broadway Road, Suite 17, Applicant, Eduardo Carreon-Rascon - Individual. The previous Bar Liquor License held at this location by Combos Club will revert back to the State. **(District 4)**
- *6d. [Circle K Store #3381](#)
- New Liquor Store License for Circle K Store #3381, 1202 N. Power Road, Circle K Stores Inc - Applicant, Kim Kenneth Kwiathowski - Agent. This is new construction with no previous liquor license at this location. **(District 5)**

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*6e. [DenMart Convenience Stores](#)

New Beer & Wine Store License for DenMart Convenience Stores, 2733 N. Recker Road, Denmar Corporation - Applicant, Dennis Lynn Austin - Agent. The previous Beer & Wine Store License held at this location by Chevron Food Mart will revert back to the State. **(District 5)**

*6f. [Valero Corner Store #1707](#)

New Beer & Wine Store License for Valero Corner Store #1707, 2011 S. Ellsworth Road, Diamond Shamrock Arizona Inc. - Applicant, Timothy Lee Holeman - Agent. The previous Beer & Wine Store License held at this location by Albertsons Express #1002 will revert back to the State. **(District 6)**

*6g. [Doublestone Market](#)

New Beer & Wine Store License for Doublestone Market, 756 W. Southern Avenue, Mahaymi & Salem Inc. - Applicant, Osama Mahaymi - Agent. The previous Beer & Wine Store License held at this location by Doublestone Market will revert back to the State. **(District 3)**

*6h. [Baci Italian Bistro](#)

New Restaurant License for Baci Italian Bistro, 8830 E. Germann Road, Baci Hospitality Group Inc - Applicant, Francesco Greco, Agent. This is new construction with no previous liquor license at this location. **(District 6)**

*6i. [Michael's Fairway Grill](#)

New Restaurant License for Michael's Fairway, 2250 S. Buttercup, Suite B, - Applicant, Michael McKean Thornton, Individual. The previous Restaurant License held at this location by Sossaman's, closed on 2/06/2008. **(District 6)**

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7. Take action on the following contracts:

- *7a. [Two-Year Renewal Supply Contract](#) for DNA Crime Lab Supplies for the Police Department

The Procurement Services Department recommends authorizing a two-year renewal contract to Applied Biosystems at \$165,219.91 annually, including applicable use tax, based on estimated requirements.

- *7b. [Purchase of Crime Laboratory Equipment](#) for the Police Department, Forensic Services Section

The Procurement Services Department recommends authorizing purchase from the City of Phoenix contract with Fisher Scientific at \$33,295.30, including applicable use tax.

- *7c. [One-Year Renewal Supply Contract](#) for Tires for Warehouse and Fire Maintenance Inventory

The Procurement Services Department recommends authorizing a one-year renewal through the State of Arizona contract with Goodyear Tire & Rubber Company at \$630,000.00 annually, including applicable sales tax, based on estimated requirements.

- *7d. [Three-Year Supply Contract for Rye Grass Seed](#) for the Parks, Recreation & Commercial Facilities Department

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible bid from Wilbur-Ellis Co. at \$117,894.13 annually, based on estimated quantities, including contingencies and applicable sales tax.

- *7e. [Dollar Limit Increase to the Supply Contract](#) for Ultraviolet Disinfection System Parts and Supplies for the Utilities Department, Water Division

The Procurement Services Department recommends increasing the dollar limit of the contract with Wedeco, Inc. dba ITT/Wedeco by \$70,000.00 to \$136,971.68 annually, based on estimated requirements.

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- *7f. Rhodes Junior High School Pool Rehabilitation (CMAR - Construction Phase), City of Mesa Project No. 01-861-001. **(District 3)**

This project will include demolishing the existing pool and pool decking and building a new swimming pool with eight, twenty-five yard long, racing lanes, a dive tank with 1 and 3 meter diving boards, and a zero-depth entry. A splash pad with several aquatics toys will be installed along the north side of new pool. A standing wave feature known as FlowRider® will be installed that will allow riders to surf on a thin sheet of fast moving water. The existing bathhouse will be demolished and a new bathhouse with lockers, offices, and a classroom will be constructed. A new Concession Building will be built at the northwest corner of the Site. The existing pool mechanical/maintenance building will be expanded to accommodate additional pool equipment. A second mechanical / maintenance building will be constructed to support the FlowRider® wave feature.

Recommend award of the Construction Phase service contract to Sun Eagle Corporation, with the Guarantee Maximum Price of \$6,152,307.00 plus an additional \$307,615.35 (5% allowance for change orders) for a total award of \$6,459,922.35. Funding is available from the FY 08/09 Aquatics Capital Program, Quality of Life Funds.

- *7g. Twin Knolls Reservoir Erosion and Overflow Control, City of Mesa Project No. 02-354-001. **(District 5)**

This project will install new overflow piping within an easement to avoid causing erosion or other damage to the adjacent private properties.

Recommend award to the low bidder, Citywide Contracting, in the amount of \$84,007.00 plus an additional \$8,400.70 (10% allowance for change orders) for a total award of \$92,407.70. Funding is available in the adopted FY 2008/09 Capital Water Bond Program.

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- *7h. Waterless Fire Suppression System - Communications Building, City of Mesa Project No. 04-853-001. **(District 4)**

This project will install a waterless fire suppression system in the server, electrical, and telephone rooms of the Communications Building.

Recommend award to the low bidder, Nexus Alarm and Suppression, LLC, in the amount of \$184,911.00 plus an additional \$18,491.10 (10% allowance for change orders) for a total award of \$203,402.10. Funding is available from the approved FY 08/09 Law Enforcement Bond Program.

- *7i. Northwest Water Reclamation Plant Miscellaneous Rehabilitation Improvements (CMAR – Design Phase), City of Mesa Project No. 07-010-001. **(District 1)**

This project will repair the existing bar screens in the headworks, replace the existing pumps in the Solids Building, and other miscellaneous improvements.

Recommend award of the Design Phase services contract to the Contract Manager at Risk, Garney Construction, in the amount of \$44,810.00. Funding is available in the approved fiscal year 08/09 Wastewater Bond Program.

8. Introduction of the following ordinances and setting August 25, 2008, as the date of the public hearing on these ordinances:

- *8a. Amending Section 2-18-2 of the Mesa City Code – **Deleted.**

- *8b. **Z08-42 (District 1)** 1614 North Mesa Drive. Located south of McKellips Road and west of Mesa Drive (1.09± acres). Rezone from R1-6 to O-S and Site Plan Review. This request will allow for the development of an assisted living facility. Gregory D. Link, CSOM – Link, LLC., owner/applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

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- *8c. **Z08-44 (District 6)** The 6800 block of East Elliot Road (south side) and the 3600-3700 blocks of South Power Road (east side). Located south of Elliot Road and east of Power Road (14.46± acres). Rezone from C-2-DMP to C-2-BIZ-DMP and Site Plan Review. This request will allow the development of a multiple-use center including a 4-story hotel. George, Gilbert, "The Commons", L.L.C., owner; Ralph Pew, Pew and Lake, PLC, applicant; Eugene S. Cetwinski, ESCA Environmental, Inc. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

- *8d. **Z08-45 (District 1)** 2304 North Center Street. Located on the west side of the Center Street and north of McKellips Road (2± acres). District 1. Site Plan Modification. This request will allow the construction of an industrial shell building. Joe Boyle, Boyle Family, L.L.C., owner; J. Joseph Diemer, Diemer & Associates, applicant; William H. Standage, Standage & Associates, Ltd., engineer. ***Notified property owners, homeowners associations and registered neighborhoods.)***

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

- *8e. **Z08-46 (District 6)** 4730 & 4750 East Baseline Road. Located on the north side of Baseline Road and east of Greenfield Road (5± acres). District 6. Rezone from AG (Conceptual M-1) to PEP PAD and Site Plan Review. This request will allow the development a group office center. Gary R. Claybaugh, Baseline 2005, L.L.C., owner; Gary R. Claybaugh, Midiron Development Group, L.L.C., applicant; Cameron B. MacDonald, Site Solutions, L.L.C. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

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- 8f. **Z08-47 (District 6)** The 8200 to 8500 blocks of East Baseline Road (north side). Located west of the Loop 202 on the north side of Baseline Road (53± acres). Rezone from AG (conceptual M-1, C-2, O-S, R-3, and R-2) to C-2, PEP, and R-4 and the establishment of the “Baseline Center” Development Master Plan (DMP). This request will establish a Development Master Plan to allow the creation of a mixed-use residential development. David Glimcher, GVSW 202/60 LLC, owner; Susan Demmitt, Beus Gilbert PLLC, applicant; Stuart Rayburn, RCC Design Group, LLC, engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

9. Take action on the following resolutions:

- *9a. **Extinguish a Public Utilities Easement** at 2318 W. Lompoc Circle. **(District 3)**

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

- *9b. **Extinguish a Public Utilities Easement** and a Drainage Easement at 10555 E. Hampton Avenue. **(District 6)**

These easements are no longer needed as the design of the property has changed and new easements have been dedicated.

- *9c. **Extinguish a Temporary Emergency Access Easement** at 4647 S. Antonio. **(District 6)**

This easement is no longer needed as permanent access has been established.

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- *9d. Approving and authorizing the City Manager to execute a [Development Agreement for City Share Reimbursement between Chester Real Estate, LLC](#), and the City of Mesa for the reimbursement of \$59,132.52 for street improvements that are being required by Mesa in conjunction with a proposed commercial development known as Chester's Harley-Davidson located at 922 South Country Club Drive. Mesa's share of funding for the improvements is budgeted in the FY 2008/2009 City Share Budget from Transportation Sales Tax. **(District 3)**
- *9e. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement between the City of Mesa and Maricopa County for animal control](#) impounding and shelter services in the amount of \$71,357.06.
- *9f. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement between the Regional Public Transportation Authority \(RPTA\)](#) and the City of Mesa for FY 2008-09 fixed-route bus services. Mesa's cost is \$4,752,851.
- *9g. Approving and authorizing the City Manager to execute a [Grant Agreement between the City of Mesa and the Arizona Criminal Justice Commission](#) to secure grant funds in the amount of \$7,000 for overtime earned by a detective assigned to the U.S. Marshals Service High Intensity Drug Trafficking Area Fugitive Task Force.
- *9h. Approving and authorizing the City Manager to execute a [Grant Agreement between the City of Mesa and the State of Arizona, Office of the Attorney General](#) to secure grant funds in the amount of \$64,300 to provide victim notification services through the Victims' Rights Program.
- *9i. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement between the City of Mesa and Mesa Unified School District No. 4](#) relating to the design and construction of the aquatic facilities at Rhodes Jr. High School and Kino Jr. High School. **(Districts 1 and 3)**

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10. 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.
- *10a. Amending various sections of the Mesa City Code regarding the following traffic modifications:
- Prohibiting Left Turns From Driveways: 10-3-15
- On the west side of Sossaman Road with centerline at the Hopi Avenue alignment. (Sossaman Road south of Southern Avenue) **(District 6)**
- *10b. A07-07 (District 6) Annexing land located north and west of Southern Avenue and Ellsworth Road (1.12 ± ac). Initiated by the property owner, James Ford. Staff recommendation: Denial. (Consent Agenda: **To continue to October 20, 2008 Council Meeting**)
- *10c. A07-33 (District 6) Annexing land located north and west of Southern Avenue and Ellsworth Road (3.36 ± ac). Initiated by the property owners, Stephen J. Hagerman, James T. Winters and James W. McClafferty. Staff recommendation: Denial. (Consent Agenda: **To continue to October 20, 2008 Council Meeting**)
- *10d. Z08-31 (District 6) 5341 South Power Road. Located east of Power Road and south of Ray Road (5± acres). Rezone from R1-43 and C-2 to C-2 PAD and Site Plan Review. This request will allow the development a retail center. Michael Rose, Across America Real Estate Corp., owner; Scott Lang, SKL Architects, applicant; Julie S. Rayburn, RCC Design Group, L.L.C., engineer. **(Notified property owners, homeowners associations and registered neighborhoods.)**
- P&Z Recommendation: Approval with conditions. (Vote: 6-0 with Boardmember Langkilde absent)

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- *10e. **Z08-39 (District 6)** 11464 East Germann Road. Located on the west side of the Meridian Road alignment between Pecos Road and Germann Road (229± acres). Site Plan Modification (229.25± acres) and rezone from R1-43 to M-2-BIZ with a Council Use Permit overlay (2.25± acres). This request will allow the construction of a main entry drive to a steel mill on Germann Road. Steven J. Henderson, Commercial Metals Company, owner; Stephen C. Earl, Earl, Curley & Lagarde, P.C., applicant. ***(Notified property owners.)***

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

- *10f. **Z08-40 (District 6)** 7415, 7447, and 7509 East Southern Avenue. Located west of Sossaman Road on the south side of Southern Avenue (6± acres). Council Use Permit. This request will allow retail uses in an M-1 zoning district to exceed 10,000 square feet for an individual store and 50,000 square feet in total aggregate area. Grant A. Tayrien - CSS, LLC, owner; Randolph L. Carter – Dream Catchers Planning and Design, LLC, applicant. ***(Notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 3-2 with Boardmembers Esparza and Roberts nay, Boardmember Carter abstaining and Boardmember Langkilde absent)

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11. Hear, discuss and take action on the appeal of the following Zoning Administrator Hearing Officer case:

*11a. **ZA08-037TC (District 4)** 1 East Main Street. Modification of a Special Use Permit for a Comprehensive Sign Plan. The specific appeal involves the placement of an eighteen-foot (18') high marquee with an electronic changing message panel on the Mesa Arts Center campus.

Zoning Administrator Hearing Officer Decision: Approval with Conditions. (The Hearing Officer approved a small sign on Center St. as part of the requested MAC Comprehensive Sign Plan modification and denied the larger marquee sign on Main Street) (Consent Agenda: To overturn the Hearing Officer's denial of the larger marquee sign on Main Street)

12. Take action on the following subdivision plats:

*12a. **"NORTH GILBERT ROAD BUSINESS CENTER" (District 2)** 845 North Gilbert Road (east side) located south and east of Brown Road and Gilbert Road. 9 O-S office condominium units (2.16 ac.) Floyd R. Fisher, Sr. and Janice K. Fisher, owners; Dennis F. Keogh, Keogh Engineering, Inc., land surveyor.

*12b. **"SUPERSTITION CANYON" (District 6)** 1247 South 96th Street (east and west sides) located south and west of Southern Avenue and Crismon Road. 1 R-3 PAD multi-residential lot and 1 C-1 commercial lot (16.17 ac.) The Spanos Corporation, Dean Spanos, agent, owner; Steven Burford, Rick Engineering Company, surveyor.

*12c. **"ARIZONA HEALTH & TECHNOLOGY PARK – UNIT 2" (District 6)** 5702 East Baseline Road (north side) located north of Baseline Road and west of Recker Road. 2 PEP DMP CUP lots (25.92 ac.) Dan F. Ausman, Senior Vice President of Operations, VHS Acquisition Subsidiary Number 11, Inc., owner; Evans, Kuhn & Associates, Inc., John D. Kuhn, Jr., engineer.

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- *12d. “MESA FAMILY MEDICAL CENTER II CONDOMINIUMS”
(District 1) 1353 East McKellips Road (south side) located south and east of McKellips Road and Stapley Drive. 4 C-1 PAD office condominium units (1.34 ac.) Dobrusin Investments, LLC, Richard Dobrusin, manager, owner; Robert Van Dyke, JMA Engineering Corporation, surveyor.
 - *12e. “MESA 40” **(District 6)** 3955 South Power Road (east side) located south of Elliot Road and east of Power Road. 4 M-1 PAD and 7 M-2 PAD industrial lots (41.85 ac.) Wentworth Property Company, LLC, James Wentworth, member, owner; Jason Segneri, Survey Innovation Group, Inc. surveyor.
13. Items from citizens present. (Maximum of three speakers for three minutes per speaker).