

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, March 3, 2003

5:45 P.M.

Invocation by President Terry D. Turk, The Church of Jesus Christ of Latter-day Saints.

Pledge of Allegiance.

Mayor's Welcome.

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 for the following proposed annexation:
 - a. **A03-1** The intersection of Ellsworth Road and University Drive. (58.2± acres). Initiated by the property owners.
- 3.1. Conduct a public hearing on the proposed CDBG/HOME/ESG recommendations for FY 03/04.

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4. Consider the following liquor license application:

*a. HILDA CONSTANZA ARANA, INDIVIDUAL

New Restaurant License application for Peruvian Palace Restaurant, 120 S. Alma School Road, C-103. This is an existing building. No previous liquor licenses at this location.

5. Consider the following contracts:

*a. Printing and distribution of 218,000 Water Quality Brochures as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bid by Onsite Business Service at \$14,097.01. In addition, Council is advised that the costs for Spanish translation and bulk mailing charges will bring the total estimated cost to \$41,847.01.

b. Sidewalk Ramp Installations at Various Locations (CDBG #8321). City of Mesa Project No. 02-48.

This project proposes to install 65 sidewalk ramps and 130 feet of sidewalk in three neighborhoods. This is a Community Development Block Grant Funded Project.

Recommend award to low bidder, Down to Earth Contracting, Inc., in the amount of \$62,550.55 plus an additional \$6,255.06 (10% allowance for change orders) for a total award of \$68,805.61.

6. Consider the following resolutions:

*a. Approving the Assessment Diagram Map for the East McDowell Road Scalloped Street Assessment Project No. 99-54.

This project installed street improvements along East McDowell Road from Lehi Road to Greenfield Road. A portion of the improvement costs are being assessed to the adjacent property owners under the Scalloped Street Assessment Laws.

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- *b. Fixing April 7, 2003 as the Public Hearing date on the proposed final assessments for the East McDowell Road Scalloped Street Assessment Project No. 99-54.
- *c. Approving the Assessment Diagram Map for the East Hermosa Vista Drive Scalloped Street Assessment Project No. 00-105.

This project installed street improvements along portions of East Hermosa Vista Drive from Harris Drive to the east 1,307 feet plus or minus.

A portion of the improvement costs are being assessed to the adjacent property owners under the Scalloped Street Assessment Laws.

- *d. Fixing April 7, 2003 as the Public Hearing date on the proposed final assessments for the East Hermosa Vista Drive Scalloped Street Assessment Project No. 00-105.
- *e. Extinguishing a portion of a Public Utilities and Facilities Easement at 1610 South Stapley Drive.

This easement is no longer needed and conflicts with the approved development plans for the site.

7. Consider the following ordinances:

- *a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

- * Prohibiting parking on Hermosa Vista Drive from Gilbert Road to Kachina.

- * Prohibiting parking between the hours of 8:00 a.m. to 4:00 p.m. on school days at the following locations:

On the west side of 26th Street from a point 110 feet north of Hale Street to a point 275 feet south of Hope Street.

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On the east side of 26th Street from Highland Street to a point 290 feet north of Highland Street.

On the east side of 26th Street from a point 330 feet south of Hope Street to a point 290 feet north of Hope Street.

On the north side of Hale Street from 26th Street to a point 35 feet west of 25th Street.

On the south side of Hale Street from 26th Street to 25th Street.

On Hale Street along the east side frontage of 2624 East Hope Street, and the frontages of 2619, 2622, 2628, 2634, 2640, 2646, 2715, 2727, 2739, 2751, and 2763 East Hale Street.

On the north side of Hope Street from 26th Street to a point 490 feet east of 26th Street and along the south side frontage of 2763 East Hale Street.

On the south side of Hope Street from 26th Street to a point 655 feet east of 26th Street.

- *b. Amending Chapter 2, Section 4, Title 5 of the Mesa City Code regarding the licensing provisions for group homes for the handicapped.
 - c. Pertaining to firearms; amending Ordinance No. 3582; prescribing a disposal policy for firearms seized by the Mesa Police Department.
8. Consider the following recommendations from the Utility Committee:
- a. Approving funding for Phase II expansion design costs for the South Water Reclamation Plant in the amount of \$2.5 million of Wastewater Bonds.

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- *b. Approving Alternative 2 which would allow the City to continue to operate and maintain a full-service irrigation system, but would increase irrigation service rates by 16% to all customers to cover direct program expenditures.

- 8.1. Introduction of the following ordinances and setting March 17, 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 Ordinance 4020, the nonexclusive cable television license of CableAmerica Corporation.
- *b. Amending Ordinance 4021, the nonexclusive cable television license of Cox Cable Phoenix, Inc.

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

- *a. **Z02-41** 542 North Alma School Road (5.25± acres). Rezone from C-2 to R-2 P.A.D. This case involves the development of a patio home development with a Planned Area Development (P.A.D.) overlay district. Diogenese 32, LLC (John Vatistas, Manager), owner; Duane Von Fang, applicant.

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

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 the Residential Development Guidelines.

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3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. 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.
6. All street improvements and perimeter landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *b. **Z03-01** The southwest corner of McKellips Road and Stapley Drive (1.07± acres) Site Plan Modification. This case involves the development of an Eckerd's pharmacy. Unicorp National, owner; Brandon Lowe, Andrews Design Groups, Inc., applicant.

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

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.).
4. Compliance with all requirements of the Design Review Board, including landscaping, pedestrian connections and elevations.

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5. Compliance with all condition of a Substantial Conformance Improvement Permit.
6. The applicant shall either hire an archaeological contractor prior to construction to test the site and report findings to the Mesa Historic Preservation Officer or to monitor the project when trenches are open. Should any artifacts be uncovered during testing or during construction, all appropriate recovery shall take place, and reported to the Mesa Historic Preservation Officer.

- c. **Z03-03** The 5400 block of East Thomas Road (13.88± acres) Rezone from R1-90 to M-1 PAD. This case involves the development of an industrial business park. Boyle Family Limited Partnership, owner; James M. Passey, applicant.

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

1. Compliance with the basic development as described in the project narrative (including installation of landscaping along Thomas Road) and as shown on the preliminary plat 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. Compliance with all requirements of the Design Review Board, including landscaping, pedestrian connections and elevations.
5. A landscape buffer shall be provided along the eastern and northern property lines and shall be approved by the Design Review Board.
6. The applicant shall landscape that property along Thomas Road currently controlled by ADOT and to be conveyed to the City of Mesa; that landscape design is to be reviewed and approved by the Design Review Board prior to development of any industrial parcels and after conveyance to the City.

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7. All outdoor storage in parcels adjacent to the northern and southern boundaries of the development shall not be higher than the perimeter fence line.
8. Review and approval of a Special Use Permit by the Board of Adjustment for a Comprehensive sign plan.
9. Compliance with all requirements of the Subdivision Technical Review Committee.
10. 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).

*d. **Z03-04** 3829 East Huber Street (2.1± acres) Rezone from AG to R1-35 PAD. This case involves the incorporation of a new lot into the White Dove Estates subdivision. Rich Ganley, owner; Gary Finlinson, applicant.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted 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. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
6. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of Falcon Field Airport.
7. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.

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- *e. **Z03-05** 159 South Power Road (1.42± acres) Site Plan Modification. This case involves a site plan modification for the development of office buildings. John Perkinson, owner; Randy Carter, applicant.

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

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. Compliance with all requirements of the Design Review Board.
 5. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
10. Consider the following subdivision plat:
- *a. "AMENDED CONDOMINIUM PLAT FOR EAST VALLEY HEARING CENTER", – (Council District 5) – 6262 East Broadway Road (north side) 3 O-S PAD office condominium units (1.0 ac) LGE Corporation, an Arizona Corporation, developer; Brooks, Hersey & Associates, Inc., engineer.
11. Items from citizens present. (Maximum of three speakers for three minutes per speaker).