

## **CITY COUNCIL AGENDA**

### **COUNCIL CHAMBERS – 57 EAST FIRST STREET**

Monday, March 21, 2005

5:45 P.M.

Invocation by Cal Jernigan, Central Christian Church.

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.

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3. Consider the following liquor license applications:

3a. JACK WILLIAM SELLERS, PRESIDENT

Special Event License application for Jack William Sellers, President, Sister City Association of Mesa, a two-day civic event to be held on Friday, April 29, 2005 from 5:00 P.M. to 10:00 P.M. and Saturday, April 30, 2005 from 10:00 A.M. to 10:00 P.M. at Pioneer Park, 530 E. Main Street. District #4.

\*3b. HARJEET KAUR, AGENT

New Beer & Wine Store License for Mesa Mart, 1510 S. Country Club Drive. This is an existing business. The Beer & Wine Store License previously held at this location by Eleanor Maria Garcia, Agent, Express Stop Inc., will revert back to the State. District #3.

\*3c. KHALDOON PETRUS RABAN, INDIVIDUAL

New Beer & Wine Store License for Texaco, 16 W. McKellips Road. This is an existing business. The Beer & Wine Store License previously held at this location by Rodney Scott Herbert, Agent, Reays Ranch Investors, LLC, will revert back to the State. District #1.

3d. RANDY D. NATIONS, AGENT

New Restaurant License for Anzio Landing Restaurant, 2613 N. Thunderbird Circle. This is an existing business. The license previously held at this location by Rex Hamilton Griswold, Agent, R&R Restaurants, Inc., will revert back to the State. District #5.

\*3e. BRUCE ALAN DUNLAP, AGENT

New Restaurant License for Manny's Original New York Deli & Restaurant, 2837 N. Power Road. This is new construction. No previous liquor licenses at this location. District #5.

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\*3f. DONDRA DIANE MAZA, AGENT

New Restaurant License for Zocalo Spanish Fusion, 2831 N. Power Road. This is new construction. No previous liquor licenses at this location. District #5.

4. Consider the following contracts:

- \*4a. Six one-half ton pickup trucks as requested by Transportation Division Field Operations, Environmental Management Division Solid Waste Services, and Neighborhood Services Code Compliance Division. (State Contract AD 040004)

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Five Star Ford at \$110,255.38.

- \*4b. Additional purchase of traffic signal controller units for warehouse inventory to be used by the Transportation Division. (Contract 2002152)

The Purchasing Division recommends a dollar limit increase to the contract for traffic signal controller units to Econolite Control Products, Inc. at \$40,000.00, including applicable tax and based on estimated annual requirements.

- \*4c. Three-year supply contract for Laptop Computer Docking Stations as requested by Communications for the Fire and Police Departments. (Contract 2005110)

The Purchasing Division recommends accepting the low bid from Precision Mounting Technologies of \$160,842.42 based on estimated annual requirements.

- \*4d. Three-year supply contract for Fire Department Uniform Purchases. (Contract 2005109)

The Purchasing Division recommends accepting the low bids meeting specification as follows:

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Groups A; Primary Supplier United Fire Equipment at \$105,839.93, Group B; Primary Supplier Martins Uniforms at \$71,998.51, based on estimated annual requirements. In order to guarantee continuity, it is recommended that Secondary suppliers also be awarded, Group A; Surf & Ski Enterprises and Group B; United Fire Equipment.

The combined total of the award would be \$177,838.52.

- 4e. East McLellan Road Improvements from North Val Vista Drive to North Maple Street, City of Mesa Project No. 04-004-001.

This project will widen East McLellan Road from North Val Vista Drive to North Maple Street and install new curb and gutter, sidewalk, and street lighting on both sides of the road. Improvements will also include the extension on a water line and storm drain and provide sewer services to adjacent parcels.

Recommend award to low bidder, Visus, Inc., in the amount of \$375,375.00 plus an additional \$37,537.50 (10% allowance for change orders) for a total award of \$412,912.50.

- 4f. Transfer Stations #1 and #3 Improvements, City of Mesa Project No. 03-070-001.

This project will install additional pumps, pressure reducing valves, piping and other necessary improvement to meet future demands.

Recommend award to low bidder, Quest Civil Constructors, Inc., in the amount of \$2,069,069.00 plus an additional \$206,906.90 (10% allowance for change orders) for a total award of \$2,275,975.90.

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5. Introduction of the following ordinances and setting April 4, 2005, as the date of public hearing on these ordinances:

\*5a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

Prohibiting Left Turns From Driveways: 10-3-15 (B)

The east side of Center Street from driveway with centerline approximately 100 feet north of 1<sup>st</sup> Street (Town Center Area, Council District 4).

Designating One-Way Streets, Alleys, and Driveways  
10-3-16

The driveway on the east side of Center Street with centerline approximately 100 feet north of 1<sup>st</sup> Street (Town Center Area, Council District 4).

The driveway on the east side of Center Street with centerline approximately 337 feet north of 1<sup>st</sup> Street (Town Center Area, Council District 4).

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

On the east side of Center Street from Main Street to a point 152 feet south of Main Street (Town Center Area, Council District 4).

On the north side of Jerome Avenue from Extension Road to a point 157 feet east of Extension Road (west of Country Club Drive and north of Baseline Road, Council District 3).

On Juanita Avenue from Greenfield Road to Valley Auto Drive (west of Greenfield Road and north of Baseline Road, Council District 6).

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Remove the prohibition from Valley Auto Drive between Greenfield Road and a point approximately 525 feet north of Juanita Avenue (west of Greenfield Road and north of Baseline Road, Council District 6) (Valley Auto Drive has been abandoned in this area in conjunction with the Super Wal-Mart development).

- \*5b. **Z05-03 (District 1)** The 1300 block of East McKellips Road (south side). Located south and east of McKellips Road and Stapley Drive (8.7 ac.). Rezone from O-S to C-1 PAD and site plan review. This request is for the development of a medical office building and a restaurant. Nupetco Association (Albert Petty), owner; Paul Devers, Jr. – Cawley Architects, applicant.
- \*5c. **Z05-04 (District 5)** 5702 East Main Street. Located south and west of Main Street and Recker Road (8.3 ac.). Rezone from C-2 to R-2 PAD and site plan review. This request is for the development of a town home development. Dan Mikalacki, owner/applicant.
- \*5d. **Z05-15 (District 6)** 8320 E. Germann Road. Located on the northwest corner of Germann and Hawes Roads (6.93 ac.). Rezone from AG to M-1 and site plan review. This request is to allow for the operation of a Chas Roberts Air Conditioning business. Christopher Derken, owner; Michelle Dahlke, Pew & Lake, PLC, applicant.
- \*5e. **Z05-16 (District 6)** The 2500 – 2700 block of South Signal Butte Road (east side). Located south and east of Baseline Road and Signal Butte Road (20± ac.). Rezone from R-2 PAD-DMP, R1-6 DMP, and AG to R1-6 PAD-DMP and R1-6 DMP and Site Plan Review and expansion of the Sunland Springs Village Development Master Plan. This request is for the development of a residential community and accessory RV storage. Craig Ahlstrom, owner; Tim Nielsen, applicant.

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- \*5f. **Z05-18 (District 5)** The 5600 block of East McKellips Road (south side). Located south of McKellips Road and east of Higley Road (3.24 ac.). Site Plan Review. This case is to allow development of two retail/restaurant buildings. Mark Gibbons, Property Reserve Arizona LLC, owner; Bill McDermott, LEADS, Inc., applicant.
- \*5g. **Z05-19 (District 5)** The 5600 block of East McKellips Road (south side). Located south of McKellips Road and east of Higley Road (10.52 ac.). Site Plan Review. This case is to allow development of an assisted living facility. Mark Gibbons, Property Reserve Arizona, LLC, owner; Neal Pascoe, Beus Gilbert, PLC, applicant.
- \*5h. **Z05-21 (District 5)** The 200 block of North Power Road (west side). Located north of Main Street and west of Power Road (0.6 ac.). Rezone from R1-9 to O-S and Site Plan Review. This case is to allow for the development of an office building. Gene Gin, owner; Shawn M. Clow, applicant.
- \*5i. **Z05-24 (District 6)** The 6200 block of South Mountain Road (west side). Located south and west of Williams Field Road and Mountain Road (25± ac.). Rezone from AG to M-2. This request is to bring zoning into conformance with the Mesa 2025 General Plan. G M 50 LLC; El Dorado Holdings, Admin. Agent Debra Bricker, owner; Dasia Equities, LLC, James Cullumber, applicant.
- \*5j. **Z05-25 (District 6)** The 1600 to 1900 block of South Signal Butte Road (both sides). Located on the northeast and northwest corners of Signal Butte and Baseline Roads (91 ac.). Rezone from R1-43 to C-2 DMP and C-2 to C-2 DMP and Site Plan Review. This request is to allow for a regional commercial center. John Perkinson, Bojer Land/Signal Butte Limited Partnership, owner; Elizabeth Gaston, Diversified Partners, applicant.

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- \*5k. **Z05-26 (District 5)** The 7800 block of East University (south side). Located south of University Drive and east of Sossaman Road. (23.5 ac.). Rezone from R1-43 to R1-6 PAD and preliminary plat. This case is to allow for development of a single-family residential subdivision. Tom Couey, owner; Michelle Dahlke, Pew and Lake, PLC, applicant.
- \*5l. **Z05-27 (District 5)** The 1900 block of North Higley (west side). Located west of Higley Road and south of McKellips Road (8.87 ac.). Rezone from M-1 to M-1 PAD, M-2-PAD and Site Plan Review. This case is to allow for development of an office/industrial/commercial center. Corey Smith, DCSJ Ltd., owner/applicant.
- \*5m. **Z05-28 (District 6)** The northeast corner of Ray Road and South Mountain Road. (73.54 ac.) District 6. This case involves the establishment of City zoning on recently annexed property. Rezone from County R1-35 to City of Mesa R1-35. This case involves the establishment of City zoning on recently annexed property. John Poulsen, President of Providence Homes, Inc., owner/applicant.
- \*5n. **Z05-29 (District 6)** The 14000 to 15000 block of South Power Road (east side). Located south of Ray Road and east of Power Road (67.7 ac.). Rezone from Maricopa County Rural-43 PD, C-2 CUPD, C-2 PD and IND-2 IUPD to City of Mesa R1-43, C-2 and M-1. This case involves the establishment of City zoning on recently annexed property. Various owners; City of Mesa, applicant.
- \*5o. **Z05-30(a) (District 5)** Parcel 2 at Las Sendas. Located north of Thomas Road and east of Power Road (39± ac.). Rezone from R1-90 DMP to R1-15 PAD-DMP and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Roger Steill, CRM Holding LLC, owner; Gary King, Early, Curley & Lagarde, P.C., applicant.

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- \*5p. **Z05-30(b) (District 5)** Parcel 7 at Las Sendas. Located north of Thomas Road and east of Power Road (6± ac.). Rezone from C-2 DMP to R1-35 PAD-DMP and modification of the Las Sendas Development Master Plan. This case is for the development of a single residence subdivision. Roger Steill, CRM Holding LLC, owner; Gary King, Early, Curley & Lagarde, P.C., applicant.
- \*5q. **Z05-30(c) (District 5)** Parcel 46 at Las Sendas. Located east of Power Road and south of McDowell Road (22± ac.). Rezone from R1-90, R1-35, R1-90 DMP, and R1-35 DMP to R1-7 PAD-DMP and modification to the Las Sendas Development Master Plan. This case is for the development of a single residence subdivision. Roger Steill, CRM Holding LLC, owner; Gary King, Early, Curley & Lagarde, P.C., applicant.

6. Consider the following resolutions:

- \*6a. Approving and authorizing the City Manager to execute a City Share Reimbursement Agreement for the reimbursement of regional offsite improvements that are being required by Mesa, in conjunction with the proposed development of a residential subdivision known as LaFortina located at 924 South Crismon Road.
- \*6b. Approving and authorizing the City Manager or his designated representative to execute an Intergovernmental Agreement between the City of Mesa and the City of Goodyear for training of Goodyear recruits by the Mesa Police Department Academy
- \*6c. Approving and authorizing the City Manager to execute agreements authorizing participation in the Lower Colorado River Multi-Species Conservation Program.
- \*6d. Extinguishing a portion of an easement for a water line at 740 North Power Road.

The easement was dedicated in 1989 and a portion of the easement is in conflict with the new development of this property.

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- \*6e. Extinguishing a portion of a Public Utilities Easement at 523 South Roanoke Street.

This easement contains no utilities and the extinguishment will allow the property owner to construct a swimming pool.

- \*6f. Approving and authorizing the City Manager to execute an agreement to jointly engage legal counsel for common litigation in the Dos Rios LLC v. Buckeye Irrigation District, Buckeye Water Conservation & Drainage District, City of Phoenix, City of Tempe, Town of Buckeye, City of Mesa, City of Glendale, and City of Scottsdale, No. CV2004-019064.

- \*6g. Approving and authorizing the City Manager to execute Agreement No. 05-GI-00010 between the Bureau of Reclamation and the City of Mesa as fiscal agent for the East Valley Water Forum.

- \*6h. Approving the submittal of a grant application to the Gila River Indian Community for Proposition 202 funds.

This application is for the Mesa Fire Department to provide a Fire and Life Safety Planner to work with the Williams Gateway Airport Authority for one year.

- \*6i. Approving the submittal of a grant application to the Gila River Indian Community for Proposition 202 funds.

This application is submitted by the MARC Center to construct a vocational training facility.

- \*6j. Approving the submittal of an application for Proposition 202 funds from the Gila River Indian Community.

This application is submitted by the East Valley Institute of Technology for establishing a Health Education Center.

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- 6k. Approving the submittal of a grant application for Proposition 202 funds from the Gila River Indian Community.

This application is from the National Center for American Indian Enterprise Development and is to provide business development assistance to Native American entrepreneurs and tribal enterprises.

- 6l. Authorizing the City Manager to execute the Purchase Agreement and all documents necessary for the sale of City property at the southwest corner of Recker Road and the Red Mountain Freeway, Loop 202, to Dover Associates, LLC to be included as part of the Longbow Business Park and Golf Club Development (34.37 acres).

- 6m. Authorizing the City Manager to enter into a Development Agreement with Dover Associates, LLC for the development of the Longbow Business Park and Golf Club including the formation of a Special Improvement District.

- \*6n. Approving and authorizing the City Manager or Utilities Manager to execute a Master Sales Agreement and a Letter of Confirmation for supplies of natural gas and associated services and Master Sales Agreements for supplemental supplies of natural gas and authorizing the Utilities Manager to execute Letters of Confirmation for supplemental supplies of natural gas.

- \*6o. Authorizing the sale of City property to Chris Square'd, LLC.

This is excess City-owned property located at 419 East University Drive.

7. Consider the following the ordinances:

- 7a. Amending Title 5, Chapter 17, Table 5, of the Mesa City Code, relating to Cultural Facility Development Impact Fees.

- \*7b. Amending Title 5, Chapter 17, of the Mesa City Code, relating to Development Impact Fees.

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- \*7c. **A04-08 (District 6)** Annexing the northwest corner of South Mountain Road and East Mesquite Street (14.86± ac). Initiated by the property owner – Gilbert Unified School District.
- \*8. Consider write-off of utility and miscellaneous accounts in the amount of \$305,684.
9. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:
- 9a. **Z04-94 (District 4)** 1511 South Mesa Drive. Located north of the Superstition Freeway and east of Mesa Drive (2.39± ac). Rezone from R1-6 to C-1 and Site Plan Review. This case is to allow for the development of a retail center. Venancio Macias, owner; Robert Gomez, applicant.  
**CONTINUED FROM THE DECEMBER 6, 2004 and JANUARY 18, 2005 CITY COUNCIL MEETINGS.**
- P&Z Recommendation: Approval with Conditions. (Vote: Passed 4-3, Boardmembers Mizner, Cowan, and Esparza voting nay)
1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted.
  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. No vehicular access to East Holmes Avenue from the subject property.
- \*9b. **Z05-17 (District 6)** The 10,100 - 10,300 blocks of East Southern Avenue (south side, south to Hampton Avenue) and the 1300 block of South Crismon Road (east side, east to the South Chesire alignment). Generally located south and east of the southeast corner of Crismon and Southern Roads (47± ac.). Rezone from C-2, PEP and

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M-1 to C-1 BIZ and Site Plan Review. This case is to allow development of a hospital. VJ Crismon LLC (Vance H Marshall) and IASIS Healthcare Holdings, Inc. (W Carl Whitmer), owners; Mike Withey of Withey, Anderson & Morris, applicant.

P&Z Recommendation: Approval with Conditions. (Vote: Passed 5-0-2, Boardmembers Cowan and Saemisch declared a potential conflict of interest.)

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).
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
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. Recordation of cross-access easements at locations identified on the site plan.
9. Compliance with all requirements of the Design Review Board.
10. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.

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- \*9c. **Z05-20 (District 3)** The 500 block of West Baseline Road (south side). Located south of Baseline Road and west of Country Club Drive (1.44 ac.). Site Plan Modification. This case is to allow for the development of a retail building. Steve Adams, owner; Darlene Moore, Cawley Architects, 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, as presented at the February 17, 2005 Study Session, and elevations submitted.
  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. Recordation of cross-access and reciprocal parking easements for the shared drive aisle between parcels 302-04-008L & 302-04-008K.
  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 variance(s) outlined in the staff report.
10. Consider the following subdivision plats:
- \*10a. "INVERNESS PROFESSIONAL BUILDING, A CONDOMINIUM", – (District 6) – 4500 block of East Inverness Avenue (east side) located north and east of Baseline Road and Greenfield Road. 8 M-1 PAD office condominium units (2.20 ac) ACC Inverness, LLC, of Arizona, Mark Mullen, Vice President, owner; Brady-Aulerich & Associates, Inc., engineer.

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- \*10b. "FALCON ESTATES FOURPLEX SUBDIVISION", –  
(District 5) – 4400 block of East McLellan Road (south side)  
located north and east of Brown Road and Greenfield Road.  
6 R-3 PAD four-plex buildings (1.76 ac) Big Investments  
LLC, John Bellerose, President, owner; Rosendahl &  
Associates, Inc., engineer.
- 11. Items from citizens present. (Maximum of three speakers for three  
minutes per speaker).