

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, November 19, 2007
5:45 P.M.

Invocation by Pastor John Debnam, Crosswalk Christian Church.

Pledge of Allegiance by Red Mountain High School Senior and Mayor's Youth Committee member, Eric Wrightson.

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. Discuss, take public comment and take action on the following Minor General Plan Amendment and zoning case:

3a. Public Hearing on Minor General Plan Amendment
GPMInor07-13 (District 6)

3b. Take action on the following resolution:

[GPMInor07-13 \(District 6\)](#) 9565 East Southern Avenue. Located west of Crismon Road on the south side of Southern Avenue. (16.17± ac.). General Plan Minor Amendment to change the General Plan Land Use Map from High Density Residential 10-15 du/ac (HDR 10-15 du/ac) to High Density Residential 15+ du/ac (HDR 15+). This request will allow the development of apartments. George F. Tibsherany, owner; Don Cox, WRG Design Inc. applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.) COMPANION CASE Z07-101.***

P&Z Recommendation: Adoption. (Vote: 5-0 with Boardmembers Esparza and Langkilde absent.)

3c. Take action on the following ordinance introduced at a prior Council meeting:

[Z07-101 \(District 6\)](#) 9565 East Southern Avenue. Located west of Crismon Road on the south side of Southern Avenue. (16.17± ac.). Rezone from R-3 PAD to R-3 PAD and C-1 and Site Plan Review. This request will allow the development of apartments and office/retail space. George F. Tibsherany, owner; Don Cox, WRG Design Inc. applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.) COMPANION CASE GPMInor07-13.***

P&Z Recommendation: Approval with conditions. (Vote: 5-0 with Boardmembers Esparza and Langkilde absent).

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4. Discuss, take public comment and take action on the following Minor General Plan Amendment and zoning case:

4a. Public Hearing on Minor General Plan Amendment
GPMInor07-14 (District 4)

4b. Take action on the following resolution:

GPMInor07-14 (District 4) 1137 East Broadway Road. Located west of Stapley Drive on the south side of Broadway Road (1.9± ac.). General Plan Minor Amendment to change the General Plan Land Use Map from Medium Density Residential 4-6 du/acre and High Density 15+ du/acre to Medium Density Residential 6-10 du/acre. This request will allow the development of a supportive housing project. Wayne Neil Evans and Jeanine Salmon, owner; Michael Knisely, Distyle Design, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***
COMPANION CASE Z07-106.

P&Z Recommendation: Adoption. (Vote: 5-0 with Boardmembers Esparza and Langkilde absent.)

4c. Take action on the following ordinance introduced at a prior Council meeting.

Z07-106 (District 4) 1137 East Broadway Road. Located west of Stapley Drive on the south side of Broadway Road (1.9± acres). Rezone from R1-6 to R-2 and Site Plan Review. This request will allow the development of a supportive housing project. Wayne Neil Evans and Jeanine Salmon, owner; Michael Knisely, Distyle Design, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)*** **COMPANION CASE GPMInor07-14.**

P&Z Recommendation: Approval with conditions. (Vote: 5-0 with Boardmembers Esparza and Langkilde absent).

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5. Take action on the following liquor license application:

*5a. [Fresh & Easy Neighborhood Market](#)

New Beer & Wine Store License for Fresh & Easy Neighborhood Market, 1045 S. Gilbert Road, Fresh & Easy Neighborhood Market Inc – Applicant, Randy D. Nations – Agent. The previous Liquor Store license held at this location by Richmar Foods, Inc. closed 12/02/2003. **(District 2)**

5b. [Ranch Market #7](#)

New Beer & Wine Store License for Ranch Market #7, 1138 E. Southern Avenue, Provenzano's LLC – Applicant, Randy D. Nations -- Agent. This is new construction with no previous liquor license at this location. **(District 4)**

*5c. [Wal-Mart Store #5904](#)

New Beer & Wine Store License for Wal-Mart Store #5904, 7561 E. Baseline Road, Wal-Mart Stores, Inc. – Applicant, Clare Hollie Abel – Agent. The previous Liquor Store License held at this location by CVS 3436 Mesa LLC closed 12/26/2006. **(District 6)**

*5d. [Atomic 29](#)

New Restaurant License for Atomic 29, 1910 S. Gilbert Road, Mesa Roadhouse LLC – Applicant, Randy D. Nations – Agent. The previous Restaurant License held at this location by Pablo V. Reynoso closed 08/20/2006. **(District 4)**

*5e. [Grill El Quetzal](#)

New Restaurant License for Grill El Quetzal, 1933 W. Main Street, Suite 1-H, Nicolas O. Rodriguez, Individual. This is an existing business with no previous liquor license at this location. **(District 3)**

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*5f. [Monte Cello's Italian Restaurant & Pizza](#)

New Restaurant License for Monte Cello's Italian Restaurant & Pizza, 2015 N. Power Road, Suite #106, Monte Cello's AZ01 LLC –Applicant, Katrina Albright – Agent. The previous Restaurant License held at this location by Basil LLC will revert back to the State. **(District 5)**

*5g. [Pepper's](#)

New Restaurant License for Peppers, 6209 E. Main Street, Suites #1 and #2, EZ Pepper's LLC – Applicant, Harvey M. Yee – Agent. The previous Restaurant License held at this location by Rock N Skies will revert back to the State.
(District 5) (Continued from the November 5, 2007 Council Meeting)

*5h. [Tacos & Mariscos Playa Bonita](#)

New Restaurant License for Tacos Y Mariscos Playa Bonita, 816 S. Stapley Drive, Odon Mojica Delgado, Individual. The previous Restaurant License held at this location by Francisco Calderon-Cazares, Individual will revert back to the State. **(District 4)**

6. Take action on the following contracts:

*6a. [Three \(3\) Light Duty Replacement Vehicles](#) for the Parks, Recreation & Commercial Facilities Department (Vehicle Replacement Program Funding and Budgeted Contingency Funds)

The Procurement Services Department recommends authorizing purchase from contracts with Bill Heard Chevrolet at \$114,095.41, including applicable sales tax.

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- *6b. [One Light Duty Vehicle](#) (Addition to the Fleet) for the Utilities Department, Water Division

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Midway Chevrolet at \$30,818.40, including applicable sales tax.

- *6c. [Five \(5\) Replacement Vehicles](#) for the Police Department (Budgeted Vehicle Replacement Program Funding)

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Midway Chevrolet at \$90,090.55, including applicable sales tax.

- *6d. [Two-Year Renewal of Supply Contract](#) for Manhole Insecticidal Coatings for the Utilities Department, Water Division

The Procurement Services Department recommends authorizing renewal of the contract with JABCO at \$26,100.00 annually, based on estimated requirements.

- *6e. [Replacement Server Hardware](#) for the Laboratory Information Management Solution (LIMS) System as requested by the Mesa Police Department (Fully Grant Funded Full Service Forensic Crime Laboratory Grant Program)

The Procurement Services Department recommends authorizing purchase from Hewlett Packard Company in the amount of \$71,970.62, including applicable use tax.

- *6f. [Three-Year Supply Contract for Steel Refuse Containers](#) (4, 6, and 8 Cubic Yard) for the Solid Waste Management Department

The Procurement Services Department recommends awarding the contract to AG Truck Sales, Inc. at \$139,481.43, including applicable taxes.

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- *6g. [Re-Drill City Well No. 12](#), City of Mesa Project No. 05-056-001 (**District 4**)

This project will re-drill an existing well, which has deteriorated and become unusable.

Recommend award to Stewart Brothers Drilling Company, in the amount of \$849,075.00 plus an additional \$84,907.50 (10% allowance for change orders) for a total award of \$933,982.50. Funding is available from the approved FY 2007/08 Water Bond Program.

- 6h. [Miscellaneous Drainage Improvements](#), City of Mesa Project No. 01-477-005 (**Districts 1 and 5**)

This project will install minor storm drain system improvements in three areas of the City to minimize street drainage and impacts on the surrounding properties. The project includes the installation of a drainage inlet and connection to the storm drain on North Norwalk, an additional inlet near Kramer Street and Lazona Drive and a control gate and inlet near 38th Street and Hermosa Vista Drive.

Recommend award to Standard Construction Company, Inc., in the amount of \$37,580.00 plus an additional \$3,758.00 (10% allowance for change orders) for a total award of \$41,338.00. This project is funded with existing storm sewer bond proceeds.

- *6i. [One-year Stoploss Reinsurance Policy](#) for the Employee Benefit Trust Fund as requested by Employee Benefits.

Recommend that Council approve the recommendation of the Employee Benefits Advisory Committee to accept the proposal from Matrix Group Benefits for an estimated annual premium of \$1,344,457.

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7. Introduction of the following ordinances and setting December 3, 2007, as the date of the public hearing on these ordinances:
 - *7a. [A07-28 \(District 6\)](#) Annexing the north half of the existing and future Germann Road right-of-way between Signal Butte Road and Meridian Drive (6.28 ± ac). Initiated by the City of Mesa.
 - *7b. [Z07-98 \(District 6\)](#) The 4200 and 4300 blocks of South Power Road (east to the Roosevelt WCD canal) (52± ac.). The northeast corner of Warner and Power Roads. Modification of Council Ordinance 3787. This request is to amend the ordinance allowing flexibility of future processing development requests. Custom Homes by Via, LLC, Michael Licano and others, owner; Michael Licano, applicant. ***(Notified property owners, homeowners associations and registered neighborhoods.)***

PHO Recommendation: Approval with conditions.
 - *7c. [Amending Title 7, Chapter 2](#) of the Mesa City Code relating to the Mesa Fire Code.
 - *7d. [Amending Title 4, Chapters 2, 3, 4 and 5](#) relating to the Mesa Building Codes.
8. Take action on the following resolutions:
 - *8a. Approving and authorizing the City Manager to execute an amendment to an existing [Intergovernmental Agreement \(IGA\) between Maricopa County Department of Transportation, Town of Gilbert and the City of Mesa](#) for proposed street improvements to Power Road from the East Maricopa Floodway just south of Guadalupe Road to Baseline Road. The purpose of the amendment is to outline the change in the Regional Transportation Plan (RTP) reimbursement process and allow the parties to the agreement to collect RTP funds earlier than anticipated from the Maricopa Association of Governments. It should be noted that the amendment does not change Mesa's cost share of \$2,805,197 as outlined within the previously approved IGA.

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- *8b. [Extinguishing a portion of an Easement](#) for Highway Purposes in the 1800 block of the North Hobson Street alignment. **(District 1)**

This easement is no longer necessary, as Hobson Street will not be constructed in this area.

- *8c. [Dedicating two Public Utility Easements](#) at the Sycamore Light Rail Park and Ride Facility at 1804 West Main Street.

These easements are required for the installation of fire hydrants. **(District 3)**

- *8d. Approving and authorizing the City Manager to enter into a [Development Agreement for City Share reimbursement between VIP Construction, Inc. and the City of Mesa](#) for reimbursement of \$36,183.94 for regional street lighting improvements that are being required by Mesa in conjunction with a proposed residential subdivision known as Whisper View located at 1342 N. Crismon Road. Mesa's estimated share will be funded from existing Street HURF Bond proceeds.

- *8e. Approving and authorizing the City Manager to enter into an [Intergovernmental Agreement with the Regional Public Transportation Authority \(RPTA\)](#) for Mesa's portion of the *RIDE* Choice program for fiscal year 2007-08. Funding in the amount of \$350,000 is available through Local Transportation Assistance Funds (LTAF).

- *8f. Approving and authorizing the City Manager to execute an [Intergovernmental Agreement between Mesa Unified School District #4 and the City of Mesa](#) to secure funds in the amount of \$498,634 for 6 School Resource Officers assigned to high schools in the City.

- *8g. Approving and authorizing the City Manager to accept grant funds in the amount of \$13,140 from the [Arizona Internet Crimes Against Children Task Force](#) for training and equipment in the Computer Forensic Unit of the Center Against Family Violence.

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- *8h. Approving and authorizing the City Manager to execute a [Grant Agreement with the Arizona Peace Officer Standards and Training Board](#) to secure funds in the amount of \$86,000 for installation of two motorized canopies at the Police Department Firearms Range.
 - *8i. Approving and authorizing the City Manager to execute a [Grant Agreement with the Arizona Peace Officer Standards and Training Board](#) to secure funds in the amount of \$77,000 to construct a tactical shooting facility and relocating and existing shoot house at the Police Department Firearms Range.
 - *8j. Approving and authorizing the City Manager to execute a [Grant Agreement with the Arizona Peace Officer Standards and Training Board](#) to secure funds in the amount of \$10,000 to expand the current Defensive Tactics Training House at the Public Safety Training Facility.
 - *8k. Approving and authorizing the City Manager or his designated representative to execute [Gas Supply Agreements](#) with the Central Plains Energy Project, Minnesota Municipal Gas Agency and Main Street Natural Gas, Inc.
 - *8l. Canvassing, declaring and adopting the [results of the Special Election](#) held on November 6, 2007.
9. 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.
- *9a. [Amending Title 9, Chapters 6 and 8 of the Mesa City Code](#) regarding deferral of off-site improvements.
 - *9b. [Z07-103 \(District 6\)](#) 10309 East Hampton Avenue. Located east of Crismon Road and south of Southern Avenue (5.91± ac.). Rezone from M-1 to M-1-BIZ, and Site Plan Modification. This request will allow for the development of two hotels. Vance H. Marshall, VJ Crismon LLC, owner;

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Elisabeth Hunt, TAAG (The Allred Architectural Group P.C.), applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 5-0 with Boardmembers Esparza and Langkilde absent).

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- *9c. [Z07-104 \(District 3\)](#) 922 South Country Club Drive. Located north and west of Country Club Drive and Southern Avenue (7.17± ac.). Site Plan Modification, and rezone from C-2 and C-3 to C-3-PAD. This request will allow for the expansion of a motorcycle dealership. E. B. Chester, owner; Carl F. Schaffer, AIA, Ideation Design Group, applicant. ***(Held two neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with conditions. (Vote: 5-0 with Boardmembers Esparza and Langkilde absent).

- *9d. [Z07-105 \(District 6\)](#) 7551 East Pecos Road. Located south and east of Pecos Road and Sossaman Road (9.57± ac.). Site Plan Review. This request will allow the development of 3 shell industrial buildings. Roger Buttrum, Buttrum Westside Commerce Center LLC, owner; Michael Hill, RDB Management & Construction. ***(Notified property owners.)***

P&Z Recommendation: Approval with conditions. (Vote: 5-0 with Boardmembers Esparza and Langkilde absent).

- *9e. [Z07-107 \(District 6\)](#) 8230 East Broadway Road. Located on the north side of Broadway Road east of Hawes Road (0.20± ac.). Rezone from Maricopa County R1-6 to City of Mesa R1-6. For the establishment of City of Mesa zoning on recently annexed property. James and Karla Vanderpool, owner; City of Mesa, applicant.

P&Z Recommendation: Approval with conditions. (Vote: 5-0 with Boardmembers Esparza and Langkilde absent).

- *9f. [Z07-108 \(District 5\)](#) 9621 East McKellips Road. Located on the south side of McKellips Road west of Crismon Road (1.06± ac.). Rezone from Maricopa County Rural-43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property. Alan and Jan Saquella, owner; City of Mesa, applicant.

P&Z Recommendation: Approval with conditions. (Vote: 5-0 with Boardmembers Esparza and Langkilde absent).

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10. Take action on the following subdivision plat:
 - *10a. ["SUPERSTITION SPRINGS COLLISION CENTER"](#) (District 6) The 7500 block of East Hampton Avenue (north side) located south and west of Southern Avenue and Sossaman Road. 2 M-1 DMP industrial lots (3.67 ac) DJSS Ventures, LLC, Eric Muilenberg, manager, owner; JMA Engineering Corporation, engineer.
11. Items from citizens present. (Maximum of three speakers for three minutes per speaker).