

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, December 4, 2006
5:45 P.M.

Invocation by Dr. Brad Bryant, Gold Canyon United Methodist Church.

Pledge of Allegiance.

Mayor's Welcome.

Presentation of a grant from the Gila River Indian Community to A.T. Still University and the City of Mesa.

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.

1. Take action on all consent agenda items.
- *2. Approval of minutes of previous meetings as written.

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3. Conduct a public hearing and take action on an amendment to the land use map for the following Major General Plan Amendment:

*3a. Public Hearing on General Plan Amendment
GPMajor06-01 (District 6) (See Item 3b). (Continued to the December 18th Council Meeting)

*3b. Take action on the following resolution:

GPMajor06-01 (District 6) Proposed General Plan Land Use Amendment: From Medium Density Residential (4-6 du/ac), Community Commercial, Light Industrial, Mixed Use Employment and Mixed Use Residential (30% at 15+ du/ac) to Medium Density Residential (4-6 du/ac), Mixed Use Employment, Regional Commercial, Community Commercial, Business Park and Light Industrial for approximately 1699 ± acres just east of the Williams Gateway Airport generally bounded by Ellsworth Road to the west, Signal Butte Road to the east, Ray Road alignment to the north and Pecos Road to the south. The proposed amendment includes realignment of the Ellsworth Road as identified in the exhibits submitted by the applicant. Pacific Proving LLC, (Andrew Cohn) owner; Paul E. Gilbert, Beus Gilbert PLLC, applicant. ***(Notified property owners, registered neighborhood associations and interested parties.) (Continued to the December 18th Council meeting).***

P&Z Recommendation: Denial. (Vote: 5-0 with Boardmembers Finter and Salas absent.)

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4. Conduct a public hearing and take action on an amendment to the land use map for the following Minor General Plan Amendment:

4a. Public Hearing for General Plan Amendment **GPMInor06-02TC (District 4) (See Item 4b).**

4b. Take action on the following resolution:

GPMInor06-02TC (District 4) Generally located between Grand and Drew Street on the north side of University Drive (approx. 1.5 acres). Request for General Plan Amendment Land Use designation from Single-Family Residential to Single-Family Residential with Office Overlay. Joseph Anthon Mclaws, owner; Joseph Anthon McLaws, applicant. ***(Property owners within 300 feet and registered neighborhoods within ½ mile were notified by mail. Historic District representatives for the Robson, West Second, and Evergreen Historic Districts were also notified by mail. Held neighborhood meeting on August 16, 2006.)***

DDC Recommendation: Approval (Vote: 6-0)

5. Conduct a public hearing on the continuation of the Mesa Town Center Improvement District No. 228. **(See Item 10f for backup information)**
6. Conduct a public hearing concerning a request from Eagle West Communications, Inc. to renew its license to provide cable service in the City of Mesa. **(See Item 10a for backup information)**
7. Take action on the following liquor license applications:

*7a. Papillons Too!

New Bar License for Papillons Too, 525 S. Gilbert Road, Kristen Kimberly Kahm – Applicant. The Restaurant License previously held at this location by Lockman-Hersch LLC, issued 10/03/2005, will revert back to the State. District #2.

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*7b. CVS Pharmacy #3436

Location Transfer Liquor Store License for CVS Pharmacy #3436, 2809 S. Sossaman Road, CVS 3436 Mesa LLC – Applicant, Jason Barclay Morris – Agent. The Beer & Wine Store License previously held at this location by CVS 3436 Mesa LLC, issued 01/02/2003, will revert back to the State. District #6.

*7c. CVS Pharmacy #04795

Location Transfer Liquor Store License for CVS Pharmacy #04795, 6015 E. Brown Road, Brown Recker CVS LLC – Applicant, Jason Barclay Morris – Agent. The Beer & Wine Store License previously held at this location by Brown Recker CVS LLC, issued 06/19/2003, will revert back to the State. District #5.

*7d. CVS Pharmacy #05026

Location Transfer Liquor Store License for CVS Pharmacy #05026, 1212 S. Greenfield Road, Southern Greenfield CVS LLC – Applicant, Jason Barclay Morris – Agent. The Beer & Wine Store License previously held at this location by Southern Greenfield CVS LLC, issued 12/11/2003, will revert back to the State. District #6.

*7e. CVS Pharmacy #05779

Location Transfer Liquor Store License for CVS Pharmacy #05779, 360 N. Val Vista Drive, University Mesa CVS LLC – Applicant, Jason Barclay Morris – Agent. The Beer & Wine Store License previously held at this location by University Mesa CVS LLC, issued 10/01/2004, will revert back to the State. District #2.

*7f. Wal-Mart Supercenter #3799

Person-to-Person and Location Transfer Liquor Store License for Wal-Mart Supercenter #3799, 240 W. Baseline Road, Wal-Mart Stores, Inc – Applicant, Clare Hollie Abel – Agent. This is new construction. No current liquor license at this location. District #4.

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*7g. Wal-Mart Supercenter #3833

Person-to-Person and Location Transfer Liquor Store License for Wal-Mart Supercenter #3833, 1606 S. Signal Butte Road, Wal-Mart Stores, Inc – Applicant, Clare Hollie Abel – Agent. This is new construction. No current liquor license at this location. District #6.

*7h. Country Club 76 LLC

New Beer & Wine Store License for Country Club 76 LLC, 2816 S. Country Club Drive, Country Club 76 LLC – Applicant, Sharbiel Mohammed Abdullah – Agent. The Beer & Wine Store License previously held at this location by Country Club Express LLC will revert back to the State.

8. Take action on the following contracts:

*8a. Two (2) Tactical Ballistic Shielding Systems as recommended by the Mesa Police Department. (Fully Grant Funded UASI Federal Homeland Security Program) **(Sole Source)**

The Procurement Services Department recommends accepting the Sole Source bid from Instant Armor, Inc. for \$75,936.98, including applicable use tax.

*8b. Seventeen (17) Replacement Ballistic Vests for the Tactical Team as requested by the Mesa Police Department. (Fully Grant Funded UASI Federal Homeland Security Program) **(Sole Source)**

The Procurement Services Department recommends accepting the Sole Source bid from Arizona Tactical, Inc. for \$33,795.30, including applicable sales tax.

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- *8c. Three (3) Hand-held Thermal Imaging Cameras and One (1) Transmitter as requested by the Mesa Police Department. (Fully Grant Funded SHSGP State Homeland Security Grant Program)

The Procurement Services Department recommends accepting the low bid from Camelback Uniforms, LLC at \$29,898.73, including applicable sales tax.

- *8d. Eighty-seven (87) Programmable Logic Controllers (PLCs) as requested by the Utilities Department, Water Division. (Fully Grant Funded SHSGP State Homeland Security Grant Program)

The Procurement Services Department recommends authorizing purchase from Summit Electrical Supply at \$73,953.86, including applicable taxes.

- *8e. Replacement Carpeting for the Mesa Convention Center as requested by the Parks, Recreation & Commercial Facilities Department. (State of Arizona Contract #EPS060077-1)

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Continental Flooring Company at \$200,849.42, including applicable sales tax.

- *8f. Loss Repair of One Damaged 2001 Pierce Quantum Pumper Truck as Requested by the Mesa Fire Department. (Third-Party Insurance Reimbursement)

The Procurement Services Department recommends authorizing payment to Pierce Manufacturing in the amount of \$50,000.00 for a loss deductible to be reimbursed to the City of Mesa by third-party insurance.

9. Introduction of the following ordinances and setting December 18, 2006, as the date of the public hearing on these ordinances:

- *9a. **A06-19 (District 5)** Annexing land located at the Northwest corner of Ellsworth Road and Southern Avenue (3.17 ± ac.). Initiated by Lisa Luther, representing the property owner.

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- *9b. Amending the fee structure in Section 11-18-8 of the Mesa City Code to provide separate fees for rezoning, rezoning with site plan review, site plan review or modification.

P&Z Recommendation: Approval of Fee Structure. (Vote: 6-0 with Boardmember Adams absent.)

DDC Recommendation: Approval (Vote: 6-0 with Boardmembers Jarvis, Close and Riekema absent.)

- *9c. **Z06-78 (District 1)** The 2300 block of North Harris Drive (east side) and the 1600 block of East Hermosa Vista Drive (south side). Located north of McKellips Road and west of Gilbert Road (6.2± acres). Rezone from R1-43 to R1-43-PAD and Site Plan Review. This request will allow the development of a single-residential subdivision. Gary Stapley, NGB Development LLC, owner; Jeff Welker, Welker Development Resources LLC, applicant. ***(Held three neighborhood meetings, notified property owners, interested parties, registered neighborhoods, homeowners associations and Mesa Public Schools.)***

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

- 9d. **Z06-79 (District 6)** The 1000 to 1100 block of South Higley Road (east side). Located north of Southern Avenue on the east side of Higley Road (2.44± acres). Rezone from R1-7 (conceptual C-2) to R-2-BIZ and Site Plan Review. This request will allow the development of a townhome subdivision. Ross N. Farnsworth, Jr., RSB Partners LLC, owner; Jeff Welker, Welker Development Resources LLC, applicant. ***(Held two neighborhood meetings, notified property owners, interested parties, registered neighborhoods and homeowners associations.)***

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

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- *9e. **Z06-84 (District 5)** The 2500 to 3400 blocks of East Lehi Road (south side, south to the canal, except for 150' west of the mid-section line) and the 3100 to 3400 blocks of East Thomas Road (south side, south to 150' north of the ¼ section line). Located west of Val Vista Drive and south of Thomas Road (283± acres). Rezone from R1-43 to R1-9 PAD, R1-15 PAD and C-2 and the establishment of the Lehi Crossing Development Master Plan. This case will allow for the development of a residential master planned community. Rob Ryan, William Lyon Homes and others (Kristen, Robert, Robert Jr. and Jeffrey Clark; Walton Shreeve, Richard Winslow, Marjorie Winslow, Rodney Engle, Janelle Yancey), owners; Paul Gilbert, Beus Gilbert PLLC, applicant. **(Notified property owners, interested parties, registered neighborhoods and homeowners associations.)**

P&Z Recommendation: Approval with conditions. (Vote: 3-1 with Boardmember Langkilde nay and Boardmembers Esparza, Finter and Salas absent.)

- *9f. **Z06-89 (District 6)** The 4400 to 4500 blocks of South Mountain Road (east side). Located south of Warner Road and west of Meridian Road (5.27± ac). Rezone from R1-43 to C-2 and Site Plan Review. This request will allow for the development of a commercial development. Heritage Development, Inc., Brad Weekes, President, owner; Ralph Pew, Pew & Lake, PLC, applicant. **(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)**

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

- 9g. **Z06-90 (District 5)** The 1400 to 1500 blocks of North Alta Mesa Drive (west side). Located north of Brown Road and east of Higley Road (7.06± ac.). Rezone from R-4 DMP and a portion of the C-2 DMP to R-2 PAD DMP and Site Plan Modification. This request will allow for the development of a residential townhome subdivision and modify the site plan for an existing clubhouse. Steve Dallas, Alta Mesa Clubhouse President, John W. Perkinson, Perkinson Investment Corporation, owner; Randolph L. Carter, Dreamcatchers Planning and Design, applicant. **(Held a neighborhood**

meeting, notified property owners, registered neighborhoods and homeowners associations.)

P&Z Recommendation: Approval with conditions. (Vote: 5-0-1 with Boardmember Salas abstaining due to a potential conflict of interest and Boardmember Adams absent.)

- *9h. **Z06-91 (District 3)** The 2000-2400 block of West Broadway Road (north side). Located north of Broadway Road and west of Dobson Road (52.62 ac. ±). Site Plan Modification, PAD modification and a Council Use Permit. This request will allow modification to an existing Business Park and will allow an increase in the allowable retail square footage. Broadway 101 Venture, LLC, David Krumwiede, owner; Manjula Vaz, Gammage & Burnam, applicant. ***(Held a neighborhood meeting, notified property owners.)***

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

- *9i. **Z06-92 (District 6)** The 5500 to 5600 blocks of East Inverness Avenue (north side). Located east of Higley Road and north of Baseline Road (17.2 ac.). Site Plan Review and Modification. This request will allow for the expansion of an existing UPS Distribution Facility. United Parcel Service, owner; Keith Green, applicant. ***(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)***

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

- *9j. **Z06-93 (District 6)** 8924 East Germann Road. Located west of Ellsworth Road and north of Germann Road (48.69 acres). Amendment of Ordinance #4470. This case will amend the conditions of approval of an existing ordinance for the site. Brent Payne, Gateway Airport Property Investors LP, owner; Ralph Pew, Pew & Lake PLC, applicant. ***(Held a neighborhood meeting, notified property owners, and registered neighborhoods.)***

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

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- *9k. **Z06-86 (District 5)** The 8400 to 9200 blocks of East McKellips Road (north to Hermosa Vista Drive) and the 8200 to 9200 blocks of East McKellips Road (south to McLellan Road) (717 ac.±). Amend a part of the original Development Master Plan (ordinance conditions and conceptual districts), rezone from R1-35 DMP (conceptual R1-6, R1-9, R-2, R-3, C-2, and O-S) to R1-15 PAD, and establish the Stonebridge Development Master Plan. Allow development of the Stonebridge Mountain DMP. Jeff Blandford, Pinnacle Ridge Holdings LLC, owner; Paul Dugas, applicant. ***(Held thirteen neighborhood meetings, notified property owners, interested parties, registered neighborhoods and homeowners associations.)***

Per the applicant's request, this ordinance is being introduced and reflects a change in the DMP plan (location of the school) made after the Planning and Zoning Board hearing.

10. Take action on the following resolutions:

- 10a. Approving and authorizing the City Manager to execute the City of Mesa, Arizona Nonexclusive 2006 Cable Television Renewal License with Eagle West Communications, Inc. **(Related to Item 6)**
- *10b. Extinguishing all easements dedicated on the Final Map and Map of Dedication for Villages at Country Club located in the 1300 block of South Country Club Drive. **(Related to Item 10c)**
- These easements are no longer needed as an amended plat will dedicate any needed easements for the new development.
- *10c. Vacating all rights-of-way dedicated on the Final Map and Map of Dedication for Villages at Country Club located in the 1300 block of South Country Club Drive. **(Related to Item 10b)**

These rights-of-way are no longer needed as an amended plat will dedicate any needed right-of-way for the new development.

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- *10d. Granting a Power Distribution Easement to Salt River Project over City property adjacent to South Signal Butte Road, north of Elliot Road.

This easement is necessary to replace SRP's prior right that is being quit-claimed to the City that was previously located in the Signal Butte Road right-of-way.

- *10e. Approving and authorizing the City Manager to execute the Amendment to the Intergovernmental Agreement with the Arizona Department of Commerce increasing the City of Mesa's Low-Income Home Energy Assistance Program (LIHEAP) award in the amount of \$24,833.00.
- 10f. Approving the continuation of the Mesa Town Center Improvement District No. 228 for an additional five (5) years. **(Related to Item 5)**
- *10g. Authorizing the issuance and sale of Utility Systems Revenue Refunding Bonds, Second Series 2006, on behalf of the City and approving related documents.

- 11. 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.

- *11a. Amending Title 4, Chapter 1 (Mesa Administrative Code) of the Mesa City Code to change the effective date for the applicability of the new 2006 Building and Technical Codes and to cross-reference the requirements for operational permits in Title 7, Chapter 2 of the Mesa City Code as recommended by the General Development Committee.
- *11b. Amending Title 4, Chapter 2 (Mesa Building Code) of the Mesa City Code to adopt the International Building Code 2006 edition with amendments as recommended by the General Development Committee.

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- *11c. Amending Title 4, Chapter 3 (Mesa Residential Code) of the Mesa City Code to adopt the International Residential Code 2006 edition with amendments as recommended by the General Development Committee.
- *11d. Amending Title 4, Chapter 4 (Mesa Electrical Code) of the Mesa City Code to adopt the National Electrical Code 2005 edition and naming Chapter 4 the Mesa Lighting and Electrical Code as recommended by the General Development Committee.
- *11e. Amending Title 4, Chapter 5 (Mesa Plumbing Code) of the Mesa City Code to adopt the International Plumbing Code 2006 edition with amendments as recommended by the General Development Committee.
- *11f. Amending Title 4, Chapter 6 (Mesa Mechanical Code) of the Mesa City Code to adopt the International Mechanical Code 2006 edition with amendments as recommended by the General Development Committee.
- *11g. Amending Title 4, Chapter 7 (Mesa Fuel Gas Code) of the Mesa City Code to adopt the International Fuel Gas Code 2006 edition with amendments as recommended by the General Development Committee.
- *11h. Amending Title 4, Chapter 8 (Mesa Existing Building Code) of the Mesa City Code to adopt the International Building Code 2006 edition as Option A, International Existing Building Code 2006 edition as Option B, and delete Option C Mesa Rehabilitation Code with amendments as recommended by the General Development Committee.
- *11i. **A06-01 (District 5)** Annexing land located on Sossaman Road north of McKellips Road (4.7 ± ac.). Initiated by Jerry Gomez, representing the property owners.
- *11j. **A06-17 (District 5)** Annexing land located on the east side of Lehi Road south of Thomas Road (106.5 ± ac.). Initiated by Susan Demmitt representing the property owners.

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- *11k. **Z06-72 (District 5)** The 2700 block of East Lehi Road (south side). Located west of Val Vista Drive south of Thomas Road (106.5± ac.). District 5. Rezone from Maricopa County Rural-43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property. Robert Engel, owner; City of Mesa, applicant. ***CONTINUED FROM THE OCTOBER 16, 2006 CITY COUNCIL MEETING.***

PHO Recommendation: Approval with Conditions.

- *11l. **Z06-87 (District 2)** 3010 East Main Street. Located north and east of Lindsay Road and Main Street. (0.8± ac.) Rezone from C-2 to C-3. This request will allow for the continued operation of an automobile dealership with outdoor display of vehicles. Anthony Verdone, owner/applicant. ***(Notified property owners.)***

PHO Recommendation: Approval with Conditions.

- *11m. **Z06-88 (District 6)** South and east of Power and Elliot Roads. (20± ac.) Rezone from C-3 DMP to C-2 PAD DMP and M1-PAD DMP, Site Plan Review. This request will allow development of an office/warehouse development with commercial/retail lots fronting the arterial streets. GOC LLC etal (Dan Reeb), owner; Greg Hitchens, applicant. ***(Notified property owners.)***

PHO Recommendation: Approval with Conditions.

12. Take action on the following subdivision plat:

- *12a. "WILLIAMS GATEWAY SELF STORAGE" **(District 6)** – The 8700-8800 block of East Pecos Road (south side) located south and west of Pecos Road and Ellsworth Road. 4 M-1 PAD mixed-use lots (9.06 ac) Stevenson Development, Bill Stevenson, president, owner

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