

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, August 28, 2006
5:45 P.M.

Invocation by Pastor W. Randy Visconti, Celebration Christian Center.

Pledge of Allegiance.

Mayor's Welcome.

Presentation of the 2006 Spirit of Mesa Neighborhood Awards.

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 prior to release the petition for signatures for the following proposed annexation:

- 3a. **A06-19 (District 6)** Annexing land located on the northwest corner of Ellsworth Road and Southern Avenue (3.17 ± ac.). Initiated by Lisa Luther representing the property owners.

4. Conduct a public hearing for Minor General Plan Amendment **GPMInor06-03 (District 6)** to change the General Plan Land Use Map from Medium Density Residential 4-6 dwelling units per acre (MDR 4-6) to Medium Density Residential 6-10 dwelling units per acre (MDR 6-10). The 2400–2700 blocks of South Signal Butte Road (west side) and the 10200–10700 blocks of East Guadalupe Road (north side). Located north and west of Guadalupe and Signal Butte Roads (80± ac). Randall Jackson; JP175, LLC, owner/applicant. **COMPANION CASE Z06-45 (Related to Item No. 5 and 12d)**

5. Take action on the following resolution:

GPMInor06-03 (District 6). The 2400–2700 blocks of South Signal Butte Road (west side) and the 10200–10700 blocks of East Guadalupe Road (north side). Located north and west of Guadalupe and Signal Butte Roads (80± ac). Minor General Plan Amendment to change the General Plan Land Use Map from Medium Density Residential 4-6 dwelling units per acre (MDR 4-6) to Medium Density Residential 6-10 dwelling units per acre (MDR 6-10). Randall Jackson; JP175, LLC, owner/applicant. **COMPANION CASE Z06-45 (Related to Item No. 12d).** *(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)*

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

6. Take action on the following liquor license applications:

- *6a. Organizacion Maya Guatemalteca

Special Event License Application: Jaime Diego Gaspar – Applicant. This is a one-day civic event to be held on Saturday, September 16, 2006 from 6:00 P.M. to 1:00 A.M. at 3929 E. Main Street, Suite #12. District 2.

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*6b. Arco AM/PM

New Beer & Wine Store License for Arco AM/PM, 363 S. Gilbert Road, BPG Station LLP – Applicant, Sukmdev Singh Gill -- Partner. The Beer & Wine Store license previously held at this location by Sigma USA LLP, issued 05/15/2003, will revert back to the State. District #2.

*6c. Thai Hut Restaurant

New Restaurant License for Thai Hut Restaurant, 1245 W. Baseline Road, Suite 101, Tammasak Rojchankakasetchai – Applicant. The Restaurant license previously held at this location by Los Portales Mexican Restaurant LLC, issued 09/08/2004, will revert back to the State. District #3.

7. Take action on the following contracts:

*7a. 400 Wireless Computer Modems – **Deleted.**

*7b. Two Replacement Pick-up Trucks and Four Replacement Light-Duty Emergency Response Vehicles as requested by the Fire Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Courtesy Chevrolet at \$274,059.62, including applicable sales tax.

*7c. Three-year Supply Contract for Automotive Fasteners, Related Hardware and Electrical Supplies as requested by the Financial Services Department, Fleet Support Services Division.

The Purchasing Division recommends authorizing a three-year contract to Southwestern Supply Co., Inc. at \$42,000.00 annually, based on estimated requirements, including contingencies and applicable sales tax.

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- *7d. Three-year Supply Contract for Children's Pre-Bound Books as requested by the Community Services Department, Library Division.

The Purchasing Division recommends authorizing three-year contracts to PermaBound at \$20,000; Children's Plus at \$5,000; and Bound to Stay Bound at \$5,000 for a combined total award of \$33,000 annually, based on estimated purchases, including contingencies and applicable sales tax.

- *7e. Three-year Supply Contract for Large Print Books as requested by the Community Services Department, Library Division.

The Purchasing Division recommends authorizing a three-year contract to Thomson Gale at \$60,500 annually, based on estimated purchases, including contingencies and applicable sales tax.

- *7f. Three-year Supply Contracts for Library Books, Educational CDs/Video Tapes/DVDs and Audio Books as requested by the Community Services Department, Library Division.

The Purchasing Division recommends authorizing a three-year contract to Baker and Taylor, Inc. at \$750,000 and Ingram Library Services, Inc. at \$35,000 for a combined total award of \$863,500 annually, based on estimated purchases, including contingencies and applicable sales tax.

- *7g. Three-year Supply Contract for Children's Paperback Books as requested by the Community Services Department, Library Division.

The Purchasing Division recommends authorizing a three-year contract to Book Wholesalers, Inc. dba BWI at \$27,500 annually, based on estimated purchases, including contingencies and applicable sales tax.

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- *7h. Three-year Supply Contract for Traffic Paint as requested by the Development Services Department, Transportation Division.

The Purchasing Division recommends authorizing the purchase from the State ADOT contracts with Pervo Paint Company at \$116,992.19 annually, based on estimated requirements, including contingencies and use tax.

- 7i. Falcon Field Airport Runway Safety Area (RSA) Improvements, City of Mesa Project No. 02-397-003.

This project will make necessary improvements to the runways and signage at Falcon Field to meet Federal Aviation Administration (FAA) standards. Improvements include installing asphalt blast pads on both ends of the runways and upgrading the existing runway guidance signage. These improvements were recommended by the FAA's Runway Safety Action Team (RSAT).

Recommend award to the low bidder, Nesbitt Contracting Company, in the amount of \$645,050.00, plus an additional \$64,505.00 (10% allowance for change orders) for a total award amount of \$709,555.00. An FAA grant will fund 95% of the construction cost. An Arizona Department of Transportation (ADOT) grant will fund 2.5%. The remaining 2.5% local match is budgeted in the FY 06/07 Falcon Field Airport capital budget. **(Related to Item No. 9m).**

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8. Introduction of the following ordinances and setting September 5, 2006, as the date of the public hearing on these ordinances:

*8a. **Z06-57 (District 1)** The 1800-1900 block of West 8th Street (north side). Located north and east of West 8th Street and North Dobson Road (9.02 ac. ±). Site Plan Modification. This request will allow for the development of a retail building. DeRito/Kimco Riverview, LLC – Doug Himmelberger, owner; Vince DiBella, Saemisch DiBella Architects, applicant. ***(Held a neighborhood meeting with the Mesa Grande Community Alliance, notified property owners and homeowners associations.)***

Planning Hearing Officer Recommendation: Approval with Conditions.

*8b. **Z06-01TC (District 4)** 270 N. Country Club Drive (parcel number 135-59-073). Generally located on the southwest corner of Country Club Drive and 3rd Street (0.15 +/- acres). Rezone from TCR-3 to TCB-1. This request is to expand the existing Carwasher business, currently located at 324 N. Country Club Drive. They are building a new detail carwash facility on the south side of 3rd Street at 270 N. Country Club Drive and will also keep their existing facility at 324 N. Country Club Drive. Kenneth Bond, owner; Boyd Thacker, applicant. **(Property owners within 300 feet and registered neighborhoods within ½ mile were notified). (Related to Item No. 8c).**

DDC Recommendation: Approval with conditions.
(Vote:Passed 5-0)

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- *8c. **CUP06-01TC (District 4) – 270 N. Country Club Drive.** Located on the southwest corner of Country Club Drive and 3rd Street (0.55 +/- acres). Request to obtain a Council Use Permit to allow a car wash facility in the TCB-1 Zoning District for The Carwasher located at 270 N. Country Club Drive. Kenneth Bond, owner; Boyd Thacker, applicant. **(Property owners within 300 feet and registered neighborhoods within ½ mile were notified) (Related to Item No. 8b).**

DDC Recommendation: Approval with conditions.
(Vote:Passed 5-0)

9. Take action on the following resolutions:

- *9a. Approving and authorizing the City Manager or his designated representative to execute an Intergovernmental Agreement (IGA) between the State of Arizona Department of Transportation (ADOT) and the City of Mesa for the freeway interchange improvements at the Superstition Freeway and Higley Road. The City's estimated share for the enhancement costs is \$337,334.00.

- *9b. Approving the submittal of a grant application to the Gila River Indian Community.

This application in the amount of \$240,000 is submitted by the City of Mesa – Police Department to assist in upgrading to a wireless communications system.

- *9c. Approving the submittal of a grant application to the Gila River Indian Community.

This application in the amount of \$300,000 (over three years) is submitted by the City of Mesa – Utilities Department for a home weatherization program.

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- *9d. Approving the submittal of a grant application to the Gila River Indian Community.

This application in the amount of \$192,300 is submitted by the City of Mesa – Fire Department for equipment to upgrade current cardiac monitoring for emergency medical teams.

- *9e. Approving and supporting the submittal of a grant application to the Gila River Indian Community.

This application in the amount of \$200,000 is submitted by the Marc Center for the construction of a vocational training facility that will provide training and job placement services to school-aged children and adults with severe physical and developmental disabilities who reside in eastern Maricopa County.

- *9f. Approving and supporting the submittal of a grant application to the Gila River Indian Community.

This application in the amount of \$300,000 (over three years) is submitted by A.T. Still University to develop and conduct a project to address the retention of minority graduates from their undergraduate programs to graduate school.

- *9g. Approving and adopting the City of Mesa Hazard Mitigation Plan. This plan was approved by Council on August 16, 2004. The County requires adoption of a resolution to allow the City of Mesa to take advantage of Stafford Act funding and to receive Federal mitigation funds in the event of a disaster.

- *9h. Granting an Aerial Easement to Salt River Project at the McLellan Road alignment, east of the proposed Loop 202 of the Red Mountain Freeway.

This easement is necessary to relocate electrical lines for the construction of the Loop 202 Red Mountain Freeway.

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- *9i. Granting an Power Distribution Easement to Salt River Project for the Town of Gilbert Water Reservoir Pump Station Facility at 19662 S. Greenfield Road.

This easement is necessary for electrical service to be installed for the construction of the new pump station.

- *9j. Extinguish a Public Utility and Irrigation Easement at 733 W. Main/51 S. Extension Road.

This easement is no longer necessary as the new development has provided the needed easements for the project.

- *9k. Vacate Right-of-Way at 414 S. Stapley Drive.

This right-of-way is not needed at this time and will allow the developer to better position their monument sign and offsite landscaping.

- *9l. Approving and authorizing the City Manager or his designated representative to execute Airport Improvement Program (AIP) Grant Agreement No. 3-04-0023-014-2006 between the Federal Aviation Administration (FAA) and the City of Mesa for the installation of perimeter fencing (Phase I).

- 9m. Approving and authorizing the City Manager or his designated representation to execute Airport Improvement Program (AIP) Grant Agreement No. 3-04-0023-014-2006 between the Federal Aviation Administration (FAA) and the City of Mesa for runway safety area improvements and taxiway guidance signs. **(Related to Item No. 7i).**

- 10. Take action on the following recommendations from the Transportation Committee:

- *10a. Approving the results of the corridor modeling studies for Southern Avenue, Mesa Drive and McKellips Road.

- *10b. Approving a City-funded Speed Hump Program.

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11. Discuss and take action on the streetlight request from Kensington Grove Homeowner's Association.
12. 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.
 - *12a. **A06-11 (District 6)** Annexing land located on Broadway Road east of Sossaman Road. (0.17 ± ac.). Initiated by the property owner, Spencer Vanderpool.
 - *12b. **A06-12 (District 6)** Annexing land located on Broadway Road west of Hawes Road. (0.39 ± ac.). Initiated by the property owner, Spencer Vanderpool.
 - *12c. Adoption of the 2006 amendments to the Privilege and Excise Tax Code of the City of Mesa as required by the Municipal Tax Code Commission. Establishes retroactive applicability and provides for severability.
 - 12d. **Z06-45 (District 6)** The 2400–2700 blocks of South Signal Butte Road (west side) and the 10200–10700 blocks of East Guadalupe Road (north side). Located north and west of Guadalupe and Signal Butte Roads (175± ac). Rezone from AG to R1-9 PAD R1-6 PAD and R-2 PAD and the establishment of the Desert Vista Development Master Plan. This case will allow the development of a residential master planned community. Randall Jackson; JP175, LLC, owner/applicant. **COMPANION CASE GPMInor06-03. (Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)**

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

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- *12e. **Z06-48 (District 3)** 1010 West Southern, Suite 1. Located east of Alma School Road and north of Southern Avenue (6500±sf). Council Use Permit. This request is to allow a bar in a C-2 zoning district. Ray O'Sullivan, owner/applicant. ***(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)***

P & Z Recommendation: Approval with Conditions. (Vote: 5-2 with Boardmembers Finter and Langkilde nay.)

- *12f. **Z06-49 (District 5)** 5761 East Brown Road Suites 9, 14, 19 & 21. Located west of Recker Road and south of Brown Road (16,734sf). Council Use Permit. This request will allow the operation of a charter school in an existing retail center. David Allen, owner; Evelyn Taylor, applicant. ***(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)***

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

- *12g. **Z06-50 (District 5)** 6420 to 6450 block of East Broadway Road (north side). Located west of the northwest corner of Broadway Road and Power Road (2± acres). Site Plan Review. This request will allow for the development of a day care center with accessory outdoor play yards. Steve Ellis, Banner Baywood Medical Center, owner; Robert Short, Studio One Architecture, Inc., applicant. ***(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)***

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

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- *12h. **Z06-51 (District 6)** 10800 to 11000 block of East Baseline Road (south side). Located on the southeast corner of Signal Butte Road and Baseline Road (5.9± ac.). Rezone from R1-6 DMP to C-2 DMP and Site Plan Review. This request will allow for the development of a retail center. DTCREH, LLC, Trustee: Desert Trust Co., owner; Joe Murray, DFD CornnoyerHedrick, applicant. **LEGAL PROTEST FILED, ¾ VOTE REQUIRED. (TO BE CONTINUED TO THE SEPTEMBER 18 COUNCIL MEETING)**

P & Z Recommendation: Denial. (Vote: 7-0)

- *12i. **Z06-52 (District 6)** 1100 block of South Crismon Road (east side). Located at the northeast corner of Crismon Road and Southern Avenue (2.14± acres). Site Plan Review. This request will allow for the development of an automobile service station with fuel pumps and a convenience store. QuikTrip Corporation, owner; David Cisiewski, applicant. ***(Held a neighborhood meeting and notified property owners.)***

P & Z Recommendation: Approval with Conditions. (Vote: 6-0 with Boardmember Salas abstaining due to a potential conflict of interest.)

- *12j. **Z06-53 (District 6)** 10000 and 10100 blocks of East Southern Avenue (north side) and the 1100 block of South Crismon Road (east side). Located at the northeast corner of Crismon Road and Southern Avenue (16.45± acres). Site Plan Review. This request will allow for the development of a retail center. Robert A. Stave, Pros Investments, LLC, owner; Kevin Kerpan, applicant. ***(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)***

P & Z Recommendation: (Vote: 6-0 with Boardmember Salas abstaining due to a potential conflict of interest.)

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- *12k. **Z06-54 (District 6)** 3135 South Eastridge. Located south of Guadalupe Road and east of Hawes Road (4.2± ac.). Rezone from R1-43 to R1-6. This request will allow for the development of a single residential subdivision. Reese L. Anderson, Pew and Lake, PLC, owner/applicant. ***(Held a neighborhood meeting, notified property owners, registered neighborhoods, homeowners associations and Gilbert Public Schools.)***

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

- *12l. **Z06-58 (District 5)** The 1350 to 1450 block of North 72nd Street (west side). Located north of Brown Road and east of Power Road (5.18± ac.). Rezone from R1-35 to R1-35-PAD. This request will allow for the development of a single residential subdivision. Kevin Kellis, Blaupunkt, LLC, owner; Kevin Kellis, CRE Real Estate Services, applicant. ***(Held a neighborhood meeting, notified property owners, neighbors, registered neighborhoods, homeowners associations and surrounding churches and schools.)***

P & Z Recommendation: Approval with Conditions. (Vote: 6-1 with Boardmember Esparza nay.)

13. Take action on the following subdivision plats:

- *13a. “MONTEGO VILLAS CONDOMINIUMS” – **(District 3)** – 949 South Longmore (east side) located north and west of Southern Avenue and Alma School Road. 154 R-4 condominium units (6.23 ac) Montego Villas Development, LLC, Alex Zdanov, member, owner.
- *13b. “MAP OF DEDICATION FOR SOUTH PIERPONT” – **(District 6)** – 1640 – 1820 blocks of South Pierpont (both sides) located north and west of Baseline Road and Higley Road. Banner Health, Peter Fine, President and Crisko, LLC, Paul Skogebo, member, owners.

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- *13c. “KEIGHLEY PLACE” – (**District 6**) – 11200 – 11600 blocks of Ray Road (north side) and the 4800 – 5200 blocks of South Meridian Road (west side) and the 5000 – 5200 blocks of South Mountain Road (east side) located north and east of Ray Road and Mountain Road. 34 R1-9 single residence lots and 251 R1-6 single residence lots (99.4 ac) Newcastle Development, LLC, John Poulsen, owner.
 - *13d. “PLAZA WEST BROADWAY LLC” – (**District 3**) – 1720 West Broadway Road (north side) located north and east of Broadway Road and Dobson Road. 3 M-1 PAD commercial lots (17.79 ac) Plaza West Broadway, LLC, Robert Nuttal, manager and 1720 W. Broadway Commons, LLC, Robert Nuttal, manager, Broadway Mesa Commons, LLC, Robert Nuttal, manager and Patrick Bitter, owners.
 - *13e. “MARABRISA, A CONDOMINIUM” – (**District 5**) – 234 North 75th Street (west side) located south and west of University Drive and Sossaman Road. 112 R-4 condominium units (5.61 ac) WB AZ Equities, II, LLC, David Alcorn, partner, owner.
 - *13f. “WHISPER VIEW” – (**District 5**) – 9800 – 10000 blocks of East Brown Road (north side) located north and west of Brown Road and Crismon Road. 33 R1-15 PAD single residence lots (16.99 ac) VIP Construction Inc., Evelyn H. Petersen, Vice President, owner.
14. Items from citizens present. (Maximum of three speakers for three minutes per speaker).