

CITY COUNCIL AGENDA
COUNCIL CHAMBERS – 57 EAST FIRST STREET

Tuesday, September 7, 2004

5:45 P.M.

Invocation by Dr. Blaine C. Mays, Senior Minister, Community Church of New Thought.

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.
- 2.1. Conduct a public hearing on implementing a home detention program in the City of Mesa.
3. Consider the following liquor license applications:

I

MESA CITY COUNCIL
September 7, 2004
Page 2

*a. JOE SPADARO, CHAIRPERSON

Special Event License application for Joe Spadaro, Chairperson, St. Bridget Catholic Church, a one-day fundraiser event to be held on Saturday, September 18, 2004, from 5:00 to 10:00 p.m. at 2213 N. Lindsay Road. District #5.

*b. ROBERT JEFFERY BENTON, AGENT

New Beer & Wine Store License for Target #1429, 1230 S. Longmore. This is new construction. No previous liquor licenses at this location. District #3.

4. Consider the following contract:

*a. Center Street 12-Inch Water Line Replacement from Broadway Road to First Ave. City of Mesa Project No. 01-636-001. (Water Bonds)

This project will install approximately 1,900 LF of new 12-inch ductile iron water line to improve the reliability of the downtown water distribution system. In addition, the project will install approximately 300 feet of new 12-inch water line on the east side of Ellsworth Rd, north of University Dr to close a gap in the water distribution system at that location.

Recommend award to low bidder, S.J.L. Construction of Arizona, L.L.C., in the amount of \$398,860.92 plus an additional \$39,886.00 (10% allowance for change orders) for a total award of \$438,746.92.

5. Consider the following resolutions:

*a. Extinguishing a portion of a Public Utility Easement and a portion of a Sanitary Sewer Easement located at 2146 West Dixon Street.

These easements are no longer required.

MESA CITY COUNCIL
September 7, 2004
Page 3

- *b. Approving and authorizing the City Manager to execute a Development Agreement for City Share reimbursement between Woodmansee Bros., L.L.C. and the City of Mesa for regional street lighting improvements that are being constructed in conjunction with the development of Pro Auto Parts at 7220 East Main Street.
- *c. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Arizona Department of Transportation and the City of Mesa for the Design of the Real Time Adaptive Signal System.
- *d. Extinguishing a portion of a Public Utilities Easement 2625 North 24th Street.

This easement was dedicated as part of an earlier plat and is no longer required. It is currently in the area of a planned swimming pool and there are no utilities within this easement.
- *e. Approving and Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Transportation extending grant expiration dates of eight existing grants. **ADOT Grant Number E9023.**
- *f. Approving and Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Transportation extending grant expiration dates of eight existing grants. **ADOT Grant Number E9081.**
- *g. Approving and Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Transportation extending grant expiration dates of eight existing grants. **ADOT Grant Number E1145.**
- *h. Approving and Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Transportation extending grant expiration dates of eight existing grants. **ADOT Grant Number E3F49.**

MESA CITY COUNCIL
September 7, 2004
Page 4

- *i. Approving and Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Transportation extending grant expiration dates of eight existing grants. **ADOT Grant Number E3S02.**
 - *j. Approving and Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Transportation extending grant expiration dates of eight existing grants. **ADOT Grant Number E3F48.**
 - *k. Approving and Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Transportation extending grant expiration dates of eight existing grants. **ADOT Grant Number E0116.**
 - *l. Approving and Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Transportation extending grant expiration dates of eight existing grants. **ADOT Grant Number E2F43.**
 - *m. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Governor's Office of Highway Safety, to pay for equipment for testing of blood alcohol levels in suspected impaired drivers in the City of Mesa.
 - *n. Approving the execution by the City of Mesa Municipal Development Corporation of a petition to change the voting rights with respect to the Hohokam Irrigation District to a per acre voting system.
 - o. Adopting the City of Mesa Home Detention Program as recommended by the Police Committee.
6. Consider the following ordinances:
- *a. Pertaining to the zoning ordinance of the Mesa City Code, amending Section 11-17-2 (definition of terms) and Section 11-17-6 (general provisions) correcting the references to the Uniform Building Code and to the Superintendent of Building Inspections and other clerical corrections to reflect current organizational structure and nomenclature.

MESA CITY COUNCIL
September 7, 2004
Page 5

- *b. Pertaining to the zoning ordinance of the Mesa City Code, amending Section 11-18-3 (construction permits and plan review: Superintendent of Building Inspections) correcting the references to the Building Inspection Division and the Superintendent of Building Inspections and other clerical corrections to reflect current organizational structure and nomenclature.
 - *c. Pertaining to the zoning ordinance of the Mesa City Code, amending Section 11-19-8 (general provisions) correcting the references to the Uniform Building Code, Electrical Code, the Superintendent of Building Inspections and other clerical corrections to reflect current organizational structure and nomenclature.
 - *d. Amending Chapter 10 of Title 6 of the Mesa City Code relating to public park regulations.
7. Deleted.
- 7.1. Consider the following recommendations from the Police Committee:
- *a. Directing staff to proceed with the development of a Request for Proposal (RFP) for the continuation of the Photo Safety Program after the current contract expires in April, 2005.
 - *b. Approving a proposal for the acquisition of new Glock service revolvers for sworn Police personnel.
8. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:
- *a. **Z03-64 (District 3)** Northwest corner of Sycamore and Main Street (14.46 ac.). Rezone from C-2 and C-3 to C-2 BIZ and C-3 BIZ and Site Plan Modification. This request is for the development of a bus/light rail transfer lot and park-and-ride facility to serve the Mesa light rail station and to reserve a site for future Transit Oriented Development (TOD). Judith A. Klein, Rising Sun, LLC., owner; Jeff Martin,

MESA CITY COUNCIL
September 7, 2004
Page 6

City of Mesa, applicant. **CONTINUED FROM THE MAY 3, 2004, MAY 17, 2004, JUNE 7, 2004 AND JULY 6, 2004, AND AUGUST 16, 2004 CITY COUNCIL MEETINGS.**

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Saemisch abstaining).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.
2. All street improvements and perimeter landscaping to be installed in the first phase of construction.
3. 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.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. Compliance with all requirements of the Design Review Board.
7. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
8. Transit oriented development is encouraged for the 3.67 acre lot.

- *b. **Z04-43 (District 6)** Southeast corner of South Power Road and East Pecos Road (105± ac.). Rezone from R1-43 to M-1. This request is to bring zoning into conformance with the Mesa 2025 General Plan. Power Enterprises, Richfield Investment Co., City of Mesa, Rhonda Raper, Patrick & Carolyn Tuffly, owners; Wayne Balmer, Project Manager WGAA, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0, Adams and Finter absent)

MESA CITY COUNCIL
September 7, 2004
Page 7

1. Compliance with all requirements of the Mesa Zoning Ordinance and land development regulations. This includes (but is not limited to) the following:
 - a. Provision of all required infrastructure including, but not limited to, street, water, sewer, fire protection and other improvements at the time of development.
 - b. Recordation of avigation easements, overflight easements and overflight disclosure statements with all subdivision plats approved and/or building permits issued.
 - c. Recordation of Covenants, Conditions and Restrictions (CC&R's) to address land use, property maintenance, landscaping, etc., with any new subdivision plats approved.
2. Site Plan Review and approval by the Planning and Zoning Board, Design Review Board and City Council of the development plans as to all aspects of future developments. Site Plan Review documentation may include, but is not limited to, presentation of a citizen participation plan, exhibits detailing the proposed land use(s), site plans, design guidelines, landscape plans, and building elevations.
3. Prior to obtaining a building permit, an archaeological survey, testing and data recovery program from an independent archaeological consulting group using the standards of the Secretary of the Interior shall be presented to, and approved by, the City of Mesa Historic Preservation Officer.

*c. **Z04-52 (District 3)** The 1100 block of West Grove Avenue (north side). Located south and east of Southern Avenue and Alma School Road (3.76± ac.) Modification of a Development Master Plan and Site Plan Review. This request is for the development of two commercial retail buildings. ABV Development Partners, L.L.C. (Paul Klink), owners; RHL Design Group, Inc. (Brent Fike), applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0, Adams and Finter absent)

MESA CITY COUNCIL
September 7, 2004
Page 8

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as 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.

*d. **Z04-53 (District 3)** 134 North Beverly Lane. Located north and east of Main Street and Alma School Road (1.59+ ac.). Rezone from C-2, R-2, and R-4 to R-3 PAD and Site Plan Review. This request is for the development of a single-residence development. John L. Holt, owner; Fred E. Woods, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0, Adams and Finter absent)

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. Compliance with the Residential Development Guidelines.
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. Compliance with all requirements of the Subdivision Technical Review Committee.
6. For lots 13-18 as shown on the submitted preliminary plat: provide a minimum rear yard of 5 feet.

MESA CITY COUNCIL
September 7, 2004
Page 9

- *e. **Z04-55 (District 5)** 3607 East McKellips Road.
Located at the southeast corner of Val Vista Drive and McKellips Road (1.15± ac.). Modification of Ordinance #4139. This request is to consider the deletion of existing Condition 9 of the previous zoning case Z03-62, which references the Citrus Sub Area Plan. Ottawa, Inc. (Mike Saager), owner; City of Mesa, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0, Adams and Finter absent)

1. Compliance with the basic development of case Z03-62, as described in the Z03-62 project narrative and as shown on the Z03-62 site plan, preliminary plat and elevations 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. 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with all requirements of the Design Review Board.
8. Provide or retain two rows of citrus trees along the arterial street frontage, between the subdivision wall and the street.
9. 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).

MESA CITY COUNCIL
September 7, 2004
Page 10

10. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*f. **Z04-56 (District 5)** The 9200 to 9300 block of East Main Street (north side). Located east of the northeast corner of Main Street and Ellsworth Road (1.5± ac.) This request is to rezone from Maricopa County C-2 to City of Mesa C-2. W M Grace Development Company, owner; City of Mesa, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0, Adams and Finter absent)

1. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.

*g. **Z04-58 (District 6)** The 1300 to 1400 block of North Greenfield Road (east side). Located north and east of Greenfield Road and Brown Road (0.1± ac). Rezone from C-2 to C-2 PAD and Site Plan Review. This request is to allow individual condominium ownership of commercial buildings. Brown Field Condominium Corporation, owner; Glenwood Development (Jeff Kost), applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0, Adams and Finter absent)

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 requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

MESA CITY COUNCIL
September 7, 2004
Page 11

3. 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.
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*h. **Z04-59 (District 3)** 525 West Southern Avenue. Located south and west of Southern Avenue and Country Club Drive (1.29± ac). Rezone from O-S to O-S PAD and Site Plan Review. This request to allow individual condominium ownership for existing buildings. Joe Porter, owner; William Standage, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0, Adams and Finter absent)

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 requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. 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.
4. Compliance with all requirements of the Subdivision Technical Review Committee.

MESA CITY COUNCIL
September 7, 2004
Page 12

9. Consider the following subdivision plats:
 - *a. “HORNE INDUSTRIAL CONDOMINIUMS”, – (Council District 4) – 1100 block of South Horne (west side) located north and east of Southern Avenue and Mesa Drive. 6 M-1 PAD industrial condominium units (2.66 ac) DCSJ, Ltd., an Arizona Limited Partnership, owner; Standage & Associates, Ltd., engineer.
 - *b. “FOUNDERS RANCH AT LAS SENDAS”, – (Council District 5) – 7100 block of East Saddleback Street (south side) located north and east of Thomas Road and Power Road. 27 R1-7 PAD DMP single residence lots (9.39 ac) Sonoran Desert Holdings, L.L.C., Jeff Blandford, President, owner; Wood/Patel, engineer.
 - *c. “STONELEDGE AT LAS SENDAS”, – (Council District 5) – 3400 block of North Red Mountain (west side) located south and east of Thomas Road and Power Road. 42 R1-7 PAD DMP single residence lots (10.12 ac) Sonoran Desert Holdings, L.L.C., Jeff Blandford, President, owner; Wood/Patel, engineer.
 - *d. “VINTAGE HILLS AT LAS SENDAS”, – (Council District 5) – 3000 block of North Red Mountain (west side) located south and east of Thomas Road and Power Road. 68 R1-7 PAD DMP single residence lots (13.36 ac) Sonoran Desert Holdings, L.L.C., Jeff Blandford, President, owner; Wood/Patel, engineer.
10. Items from citizens present. (Maximum of three speakers for three minutes per speaker).