

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, March 7, 2005

5:45 P.M.

Invocation by Dr. James E. Adams, Pastor, Cornerstone 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.
3. Conduct a public hearing on the proposed FY 2005-2006 CDBG/HOME/ADDI/ESG programs.

MESA CITY COUNCIL
March 7, 2005
Page 2

4. Consider the following liquor license applications:

*4a. BILLY S. MORTON, ADMINISTRATOR

Special Event License application for Billy S. Morton, Administrator, Arizona Wing CAF, a one-day civic event to be held on Saturday, March 19, 2005, from 4:30 P.M. to 12:00 Midnight at 2017 N. Greenfield Road. District #5.

*4b. ROLAND ELMER REDELINGS, PRESIDENT

Special Event License application for Roland Elmer Redelings, President, Apache Wells Shrine Club, a one day charitable event to be held on Thursday, March 31, 2005, from 4:00 P.M. to 9:00 P.M. at 2247 N. 56th Street. District #5.

4c. MELISSA GAYLE POULSON, PRESIDENT

Special Event License application for Melissa Gayle Poulson, President, Las Sendas Elementary PTO, a one-day charitable event to be held on Friday, April 22, 2005, from 7:00 P.M. to 10:00 P.M. at 7900 E. Eagle Crest Drive. District #5.

*4d. HOWARD A. EELLS, AGENT

Person Transfer Beer & Wine Bar for Sunland Village Gold Club, 721 S. Rochester. This is a person transfer from Dennis Cavanaugh, Agent, Fozzles at Sunland Village, LLC, 721 S. Rochester. This license will transfer to the applicant. District #6.

*4e. VIRGINIA MADERA, AGENT

New Beer & Wine Store License for At Your Convenience on Broadway, 8461 E. Broadway Road. This is an existing business. The Beer & Wine Store License previously held at this location by Gregory M. Sargovetz, Agent, C&M Convenience Stores, Inc., was closed on 11/18/02. District #6.

MESA CITY COUNCIL
March 7, 2005
Page 3

*4f. ELAN SABAH ARABO, AGENT

New Beer & Wine Store License for TL Qik Stop Market, 361 S. Lindsay Road. This is an existing business. The Beer & Wine Store License previously held at this location by Debbie Lan Nguyen, Agent, TL Qik Stop Market, Inc., will revert back to the State. District #2.

*4g. RUBEN NUNEZ GUZMAN, AGENT

New Restaurant License for Chevy's Fresh Mex, 1335 S. Alma School Road. This is an existing business. The Restaurant License previously held at this location by Dawn Quevas, Agent, Chevy's Inc., a CA Corp. Qualified, will revert back to the State. District #3.

*4h. EDWIN P. BESONSON, AGENT

New Restaurant License for Molly Brannigans, 1744 S. Val Vista Drive, Ste. #101, Mesa. This is new construction. No previous liquor licenses at this location. District #2.

5. Introduction of the following ordinances and setting March 21, 2005, as the date of public hearing on these ordinances:

*5a. **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.

*5b. **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 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.

MESA CITY COUNCIL
March 7, 2005
Page 4

- *5c. **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.

6. Consider the following contracts:

- *6a. Additional purchase for 15kV aluminum electrical cable for warehouse inventory to be used by the Electric Utility Division. (Contract 2004180)

The Purchasing Division recommends a dollar limit increase to the contract for 15kV aluminum electrical cable (for item 4) to Wesco Dist. Inc. at \$76,792.32, including applicable tax and based on estimated annual requirements.

- *6b. Additional Purchase option for one replacement 85' Fire Aerial Platform Truck and two replacement Fire Pumper Trucks as requested by the Fire Department. (Contracts 2004139 and 2004173)

The Purchasing Division recommends an additional purchase option for one 85' Fire Aerial Platform Truck and two Fire Pumper Trucks by Pierce Manufacturing, Inc. at \$1,810,732.75, including applicable use tax and a steel surcharge for the Fire Aerial Platform Truck.

- *6c. Integrated Library System Software Upgrade as requested by the Information Services Division (ISD). (Contract 2005115)

The Purchasing Division recommends accepting the only bid from Dynix, Inc. for software totaling \$191,213.48. (**Sole Source**)

MESA CITY COUNCIL
March 7, 2005
Page 5

- *6d. Remodel Police Basement for City Court, City of Mesa
Project No. 03-007-001.

This remodel project will provide secured holding cells, partitions between prisoners and the administrative areas of the court facility, and improve circulation to provide secured and controlled prisoner movement. This project will also improve the facility's plumbing and ventilation systems.

Recommend award to low bidder, Niche Contractors, Inc., in the amount of \$278,188.00 plus an additional \$27,818.80 (10% allowance for change orders) for a total award of \$306,006.80.

- *6e. Live Burn Building Renovation and Expansion, City of Mesa
Project No. 01-735-001.

This project will repair concrete damage caused by repeated exposure to high temperatures and provide for safer conditions inside the building. The project will also include the installation of a natural gas burn system to provide controlled burns in new shielded areas of the building, and expand the existing mechanical and storage rooms adjacent to the building.

Recommend award to low bidder, MTV General Contractors, Inc., in the amount of \$924,145.00 plus an additional \$92,414.50 (10% allowance for change orders) for a total award of \$1,016, 559.50.

7. Consider the following resolutions:

- *7a. 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 the Saager Office Building located at 3607 East McKellips Road.

MESA CITY COUNCIL
March 7, 2005
Page 6

- *7b. Approving and authorizing the City Manager or his designee to enter into an Intergovernmental Agreement between the Maricopa County Animal Care & Control and the City of Mesa to provide kennel service after normal operating hours.
- *7c. Extinguishing a Public Utility and Facilities Easement and a Waterline Easement located near the northwest corner of Baseline and Power Road.

Due to the new development of The Village at Superstition Springs, these easements are no longer necessary.
- *7d. Deleted.
- *7e. Deleted.
- *7f. Declaring as a public record that certain document filed with the City Clerk and entitled "City of Mesa Personnel Rules."

8. Consider the following the ordinances:

- *8a. Repealing the existing Personnel Rules applicable to City of Mesa employees and adopting by reference new Personnel Rules.
- 8b. Amending the Mesa City Code Title II, Chapter 23; Mesa Housing Services Governing Board by revising Housing and Human Services Advisory Board to Housing Advisory Board.
- 8c. Amending the Mesa City Code Title II, Chapter 2; revising Housing and Human Services Advisory Board to Human Services Advisory Board, adding Meeting Section and amending all references to Housing Services.
- 8d. Creating a Housing Advisory Board; providing for the appointment of members thereon and defining the powers and duties of the Board; amending the Mesa City Code by adding to Title II a new Chapter 24; and establishing an effective date.

MESA CITY COUNCIL
March 7, 2005
Page 7

- 8e. **A04-04 (District 6)** Annexing the east side of Power Road between Ray and Williams Field Road. (67.7± acres). Initiated by the property owners. **CONTINUED FROM THE FEBRUARY 22, 2005 CITY COUNCIL MEETING.**

8.1. Consider the following recommendation from the Police Committee:

- 8.1a. Recommend directing staff to implement the training and qualification criteria for the Police Use of Force Review Board and have staff compile a list of individuals who may wish to participate as civilian members of the Police Use of Force Review Board and who would be willing to enroll in an upcoming Mesa Citizen Police Academy in order to complete certain criteria to become eligible for placement in the citizen pool.

9. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances:

- *9a. **Z04-106 (District 5)** 2759 North Val Vista Drive. Located east of Val Vista Drive and south of McDowell Road (2.47 ac.). Rezone from R1-35 to O-S-PAD and Site Plan Review to allow for the development of office buildings. Saager Development, L.L.C., (Eric Faas) owner/applicant. **(3/4 vote is required).**

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

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) 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

MESA CITY COUNCIL
March 7, 2005
Page 8

plat, or at the time of the City's request for dedication whichever comes first.

5. Compliance with all requirements of the Design Review Board.
6. 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).
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *9b. **Z05-01 (District 6)** 1825 South Val Vista Drive and Inverness Avenue. Located north and east of Baseline Road and Val Vista Drive (2.47 ac.). Site Plan Modification. This request is for the development of a bank. State Farm Mutual; Steven Kalaskie (Director), owner; Jeremy Jones, DWL Architects, applicant.

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

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) except as noted below.
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.

MESA CITY COUNCIL
March 7, 2005
Page 9

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. Compliance with all requirements of the Design Review Board.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*9c. **Z05-02 (District 5)** 2830 North Norwalk. Located north and west of McDowell Road and Greenfield Road (5.13 ac.). Site Plan Modification. This request is for the development of industrial buildings. Viewpoint Resort (Dan Reeb), owner; Gregory Hitchens, applicant.

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

1. Compliance with the conditions of Ordinance #3748 (Z99-99) and 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) 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.
5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
6. 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

MESA CITY COUNCIL
March 7, 2005
Page 10

subdivision map, prior to the issuance of a building permit).

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

*9d. **Z05-05 (District 6)** The 9000 block of East Guadalupe Road (south side). Located south and west of Guadalupe Road and Ellsworth Road (8.2 ac.). Rezone from R-2 DMP to R-2 BIZ-PAD-DMP and Site Plan Review. This request is to allow for the development of a town home development. Donald J. Zeleznail, owner; Jason P. Allen, applicant.

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

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) except as noted below.
2. Compliance with the Residential Development Guidelines.
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. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final

MESA CITY COUNCIL
March 7, 2005
Page 11

subdivision map, prior to the issuance of a building permit).

8. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
9. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
10. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *9e. **Z05-06 (District 6)** 6225 East Test Drive. Located south and west of US 60 and Superstition Springs Boulevard (3.18 ac.). Rezone from M-1 PAD to M-1 PAD BIZ and Site Plan Review. This request is to allow auto dealer facility to exceed the maximum number of permitted stories. John Stalupi Jr., owner; Barry Barcus, applicant.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Design Review Staff.
3. Compliance with all Superstition Springs Auto Park Development Guidelines (Parcel 7).
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

- *9f. **Z05-07 (District 4)** The 800 block of West Broadway Road (south side). Located on the southwest corner of Broadway and Extension Roads (0.87 ac.). Rezone from M-1 to M-1 PAD and Site Plan Review. This request is to facilitate individual building ownership in an existing industrial commercial development. R. Cutler, owner; Gary D. Wenger, applicant.

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

MESA CITY COUNCIL
March 7, 2005
Page 12

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Subdivision Technical Review Committee.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Approval and Compliance with all requirements of a Substantial Conformance Improvement Permit (SCIP).

*9g. **Z05-08 (District 5)** 6116 East Arbor Avenue.
Located south and east of Main Street and Recker Road (4.59 ac.). Rezone from C-2 to C-2 PAD and Site Plan Review. This request is to allow for medical office condominiums. Michael Hamberlin, owner; Steven Nevala, applicant.

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

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 Design Review Board.
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 Subdivision Technical Review Committee.
5. All street improvements and landscaping to be installed in the first phase of construction.
6. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*9h. **Z05-09 (District 6)** 10646 East Pecos Road.
Located north and west of Pecos Road and the alignment of Signal Butte Road (2.9 ac.). Site Plan Review. This request is to allow for a general contractors yard and associated office. Dave Jarvis, owner; Laurel Hodges, applicant.

MESA CITY COUNCIL
March 7, 2005
Page 13

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

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 Design Review Board.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. All street improvements and landscaping to be installed in the first phase of construction.
5. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (prior to the issuance of a building permit).
6. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *9i. **Z05-10 (District 5)** 6740 East University Drive.
Located north and west of University Drive and Power Road (1.08 ac.). Site Plan Modification. This request is to allow for the development of an inline general commercial center. Dan Mikalacki, owner/applicant.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Design Review Board.
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, or at the time of the City's request for dedication whichever comes first.
5. All street improvements and street frontage landscaping to be installed in the first phase of construction.

MESA CITY COUNCIL
March 7, 2005
Page 14

6. Recordation of cross-access easements between all lots shown to have cross access.

*9j. **Z05-11 (District 6)** The 5200 to 5300 Block of East Southern Avenue (south side). Located south of Southern Avenue and east of Higley Road (1.38 ac.). Site Plan Modification. This request is to allow for the development of a retail pad for a car wash. Rick Stertz, Strategic Asset Acquisition, LLC, owner; Rick Huch, Seaver Franks Architect Inc., applicant.

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

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.
5. Review and approval of a Special Use Permit by the Board of Adjustment for the car wash.

*9k. **Z05-12 (District 6)** The 4600 to 5600 blocks of South Mountain Road (west side) and the 10800-11200 blocks of East Galveston Street (north side). Located east of the Signal Butte Road alignment, north and south of Ray Road. (572.71 ac.). Rezone from Maricopa County Rural-43 to City of Mesa R1-43. This case involves the establishment of City zoning on recently annexed property. Pulte Homes (Andrew E. Moore with Earl, Curley & Lagarde, P.C.), owner; City of Mesa, applicant.

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

1. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.

MESA CITY COUNCIL
March 7, 2005
Page 15

2. Compliance with all City development codes and regulations.

*9l. **Z05-13 (District 6)** 4566 East Inverness Avenue.
Located north of Baseline Road and east of Greenfield Road. (2.24 ac.). Modification to the PAD overlay. This request is to allow the subdivision of an existing office building. East Valley Medical Office Building, LLC, owner; Mark Mullen, applicant.

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

1. Compliance with the preliminary plat and basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Compliance with all requirements of the Subdivision Technical Review Committee.

*9m. **Z05-14 (District 2)** 1905 South Lindsay Road.
Located north of Baseline Road and east of Lindsay Road. (0.87 ac.). Rezone from R1-9 to O-S and Site Plan Review. This request is to allow for the development of offices. Kenneth D. Russell, owner; Christian Bowers, Piping Systems, applicant.

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

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.

MESA CITY COUNCIL
March 7, 2005
Page 16

5. Compliance with all requirements of a Substantial Conformance Improvement Permit.
6. No pedestrian or vehicular access to Fontana Street.

- 9n. **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, City of Mesa, applicant.
CONTINUED FROM THE MAY 3, 2004, MAY 17, 2004, JUNE 7, 2004, JULY 6, 2004, AUGUST 16, 2004, SEPTEMBER 7, 2004, OCTOBER 4, 2004, DECEMBER 6, 2004, AND FEBRUARY 7, 2005 CITY COUNCIL MEETINGS. THE APPLICANT IS REQUESTING THIS CASE BE CONTINUED TO THE APRIL 21, 2005 CITY COUNCIL MEETING.

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.

MESA CITY COUNCIL
March 7, 2005
Page 17

10. Consider the following subdivision plat:
 - *10a. "GREENFIELD GATEWAY", – (Council District 6) – 1700 block of South Greenfield Road (west side) located north and west of Baseline Road and Greenfield Road. 5 M-1 commercial lots (18.01 ac) Sportsman's Warehouse, Inc., a Utah Corporation, owner; SKG Engineering, engineer.
11. Items from citizens present. (Maximum of three speakers for three minutes per speaker).