

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Wednesday, July 12, 2006
5:45 P.M.

Invocation.

Pledge of Allegiance.

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.

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

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3. Take action on the City Manager's recommendation to appoint George Gascon as Police Chief.
4. Conduct a public hearing prior to release the petition for signatures for the following proposed annexation:
 - 4a. **A06-14 (District 5)** Annexing land located on Main Street east of Ellsworth Road (0.17 ± ac.). Initiated by Geff Gunsalus, representing the property owner.
5. Take action on the following liquor license applications:
 - *5a. Albertson's #942

Person-to-Person Transfer Liquor Store License for Albertson's #942 at 1919 W. Main Street, Albertson's LLC – Applicant, Glenn Allen Edmondson – Agent. The Liquor Store license previously held at this location by Albertson's, Inc., issued 08/11/1989, will transfer to the applicant. District #3.
 - *5b. Albertson's #948

Person-to-Person Transfer Liquor Store License for Albertson's #948 at 441 N. Val Vista Drive, Albertson's LLC – Applicant, Glenn Allen Edmondson – Agent. The Liquor Store license previously held at this location by Albertson's, Inc., issued 09/24/1990, will transfer to the applicant. District #2.
 - *5c. Albertson's #958

Person-to-Person Transfer Liquor Store License for Albertson's #958 at 325 S. Power Road, Albertson's LLC – Applicant, Glenn Allen Edmondson – Agent. The Liquor Store license previously held at this location by Albertson's, Inc., issued 01/06/1993, will transfer to the applicant. District #6.

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*5d. Albertson's #980

Person-to-Person Transfer Liquor Store License for Albertson's #980 at 1951 W. Baseline Road, Albertson's LLC – Applicant, Glenn Allen Edmondson – Agent. The Liquor Store license previously held at this location by Albertson's, Inc., issued 09/10/1997, will transfer to the applicant. District #3.

*5e. Albertson's #989

Person-to-Person Transfer Liquor Store License for Albertson's #989 at 2727 N Power Road, Albertson's LLC – Applicant, Glenn Allen Edmondson – Agent. The Liquor Store license previously held at this location by Albertson's, Inc., issued 05/24/1999, will transfer to the applicant. District #5.

*5f. Albertson's #993

Person-to-Person Transfer Liquor Store License for Albertson's #993 at 445 N. Stapley, Albertson's LLC – Applicant, Glenn Allen Edmondson – Agent. The Liquor Store license previously held at this location by Albertson's, Inc., issued 01/18/2000, will transfer to the applicant. District #2.

*5g. Albertson's #1002

Person-to-Person Transfer Liquor Store License for Albertson's #1002 at 9243 E. Baseline Road, Albertson's LLC – Applicant, Glenn Allen Edmondson – Agent. The Liquor Store license previously held at this location by Albertson's, Inc., issued 02/27/2001, will transfer to the applicant. District #6.

*5h. Wal-Mart Store #2482

New Liquor Store License for Wal-Mart Store #2482 at 1305 W. Main Street, Wal-Mart Stores, Inc. – Applicant, Clare Hollie Abel – Agent. This is an existing business with no previous Liquor license at this location. District #3.

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*5i. Albertson's Express #948

New Beer & Wine Store License for Albertson's Express #948 at 461 N. Val Vista Drive, Albertson's LLC – Applicant, Glenn Allen Edmondson – Agent. The Beer & Wine Store license previously held at this location by Albertson's, Inc., issued 08/27/1999, will revert back to the State. District #2.

*5j. Albertson's Express #993

New Beer & Wine Store License for Albertson's Express #993 at 415 N. Stapley, Albertson's LLC – Applicant, Glenn Allen Edmondson – Agent. The Beer & Wine Store license previously held at this location by Albertson's, Inc., issued 01/20/2000, will revert back to the State. District #2.

*5k. Albertson's Express #1002

New Beer & Wine Store License for Albertson's Express #1002 at 9241 E. Baseline Road, Albertson's LLC – Applicant, Glenn Allen Edmondson – Agent. The Beer & Wine Store license previously held at this location by Albertson's, Inc., issued 02/27/2001, will revert back to the State. District #6.

*5l. 7-Eleven #26330B

New Beer & Wine Store License for 7-Eleven #26330B at 2810 E. Baseline Road, Vaneet Sapra – Applicant. The Beer & Wine Store license previously held at this location by John Lonsinger, issued 09/15/2003, will revert back to the State. District #2.

*5m. Speedsmart Chevron

New Beer & Wine Store License for Speedsmart Chevron at 1951 E. Brown Road, Speedsmart 117, Inc. – Applicant, Mahmoud Hassan Majed – Agent. The Beer & Wine Store License previously held at this location by Lane Petroleum, Inc., issued 03/30/2000, will revert back to the State. District #2.

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*5n. Chili's Grill & Bar #1243

New Restaurant License for Chili's Grill & Bar #1243 at 1951 S. Signal Butte Road, Brinker Restaurant Corporation – Applicant, Clare Hollie Able – Agent. This is new construction. No previous liquor license at this location. District #6.

*5o. Chili's Grill & Bar #1282

New Restaurant License for Chili's Grill & Bar #1282 at 1025 N. Dobson Road, Brinker Restaurant Corporation – Applicant, Clare Hollie Able – Agent. This is new construction. No previous liquor license at this location. District #1.

*5p. Jeepers Jungle Jim's Playland

New Restaurant License for Jeepers Jungle Jim's Playland at 2726 S. Alma School Road, Omni Group Productions, LLC – Applicant, Lisa Marie Mason, Agent. This is an existing business. No previous liquor license at this location. District #3.

*5q. Sunnyside Up

New Restaurant License for Sunnyside Up at 9937 E. Baseline Road, Sunnyside Up LLC – Applicant, Terri Lynn Eleneski – Agent. This is an existing business. No previous liquor license at this location. District #6.

6. Take action on the following contracts:

*6a. Two Vehicles as requested by the Development Services Department, Transportation Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Five Star Ford at \$39,575.56, including applicable sales tax.

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- *6b. One-year renewal of the Supply Contract for Thermoplastic Striping Material for Warehouse Inventory as requested by the Development Services Department, Transportation Division.

The Purchasing Division recommends authorizing a one-year renewal through the ADOT contract with Susannah Dobbs Company dba Dobco at \$187,561.46, including contingencies and applicable use tax.

- *6c. Coated Steel Gas Pipe as requested by the Utilities Department, Gas Division.

The Purchasing Division recommends award to the lowest responsive bidder, J.D. Fields & Co. for \$454,433.60.

- 6d. 2005/2006 Street Improvements, 64th Street, Power Road, Sossaman Road, Lindsay Road, City of Mesa Project No. 04-841-006.

This project will rehabilitate roadway segments that require some measure of pavement maintenance. Improvements include 70,000 square yards of asphalt pavement reconstruction and 14,000 square yards of asphalt pavement overlay. Street segments included in this project are 64th Street from McLellan Road to Evergreen Street; Power Road from Adobe Road to University Drive; Sossaman Road from Inverness Avenue to Baseline Road; and Lindsay Road from Main Street to Broadway Road. The work will also include the construction of sidewalk ramps along the improved street and other minor street improvements.

Recommend award to the low bidder, Nesbitt Contracting Company, in the amount of \$2,506,149.00 plus an additional \$250,614.90 (10% allowance for change orders) for a total award amount of \$2,756,763.90. Funding is available from FY 05/06 Highway User Revenue Fund (HURF) bonds budgeted in the Transportation Capital Program.

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- *6e. Southern Avenue Interceptor Rehabilitation, City of Mesa
Project No. 01-656-004.

This project repaired a section of partially collapsed wastewater line on Southern Avenue west of Stapley Drive. The repairs consisted of the installation of a structural liner inside the existing pipe. This liner is considered a permanent repair. The Construction Manager at Risk (CM@Risk) completed these emergency repairs on May 9, 2006.

Recommend Council ratification of the contract with the CM@Risk, Sundt Corporation, and the final contract amount of \$586,124.80. Funding is available from existing wastewater bond authorization.

- *6f. Nine new workstations and four new offices for the Greenfield Water Reclamation Plant as requested by the Utilities Department.

The Utilities Department recommends authorizing purchase from the State of Arizona contract with Goodman's at \$35,233.11, including design, installation, delivery and applicable sales tax. The City will be reimbursed approximately 40% from Town of Gilbert and approximately 18% from the Town of Queen Creek.

- *6g. Furniture Installation for Phase IV of the Municipal Building Remodel as requested by the Development Services Department.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goodmans at \$47,347.72, including design, installation, delivery and applicable sales tax. Funding in the form of building permit fees are budgeted for this purchase.

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7. Introduction of the following ordinances and setting August 14, 2006, as the date of the public hearing on these ordinances:

- *7a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

Safety Devices for Neighborhood Block Parties; 10-3-13 (L)

The Development Services Manager shall furnish and erect necessary barricades and traffic-control signs for block parties on public streets, pursuant to section 10-3-18 (K) (DELETE Section 'L' from City Code, Citywide, all Council Districts).

Authority to Close Streets for Block Parties; 10-3-13 (K)

The Development Services Manager or His designee is hereby authorized to grant temporary street closures for block parties (MODIFY Section 'K', Citywide, all Council Districts).

No Parking: 10-3-24 (D) (Full Time No Parking)

On the south side of Main Street from a point 162 feet west of South Lazona Drive to a point 78 feet east of South Lazona Drive (Main Street east of Stapley Drive, Council District 4).

- *7b. Amending Section 11-18-7 and 11-18-8 of the Zoning Ordinance pertaining to site plan review including review and approval by the Planning and Zoning Board and the Planning Hearing Officer, implementation, appeals, and protest requirements.

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

- *7c. Amending Mesa City Code Building Regulations Title 4, Chapter 1, 2, 3 and 5 to make minor modifications to the requirements for building permits and to correct/clarify several building and related code requirements as recommended by the General Development Committee.

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8. Take action on the following resolutions:
- *8a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between the State of Arizona Department of Transportation (ADOT) and the City of Mesa for the design and construction of freeway upgrades and fiber optics along the Red Mountain Freeway (202L) from University Drive to Southern Avenue. Mesa's estimated share of the improvement cost is \$2,103,939.36.
 - *8b. Approving and authorizing the City Manager to execute all documents necessary to request a change to the FAA's designation from aeronautical to non-aeronautical purposes of the Falcon Field Airport Citrus Groves Property.
 - *8c. Extinguishing a portion of a Public Utilities Easement at 4401 E. McKellips Road.

This easement is being extinguished to allow the development of a new bank and office building.
 - *8d. Extinguishing a Public Utilities Easement at the Las Maderas Subdivision.

This easement is no longer required as there are no utilities in the easement area and will allow for the construction of enclosed RV garages.
 - *8e. Extinguishing two Drainage Easements located at 2826 E. Baseline Road.

The extinguishments are no longer required as new easements have been dedicated for a retail/commercial development.
 - *8f. Approving and authorizing the City Manager to execute Amendment No. 1 to the Amended and Restated Gila River Indian Community Water Rights Settlement Agreement.

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- *8g. Approving and authorizing the City Manager to execute an Intergovernmental Agreement among the cities of Chandler, Glendale, Mesa, and Scottsdale and the contract for legal services with the Law Firm of Engleman Berger, P.C. relating to joint legal representation in the Gila River General Stream Adjudication.
- *8h. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between Arizona Game and Fish Commission and the City of Mesa regarding the stocking of fish at Mesa's urban fishing lakes.
- *8i. Approving and authorizing the City Manager to execute a Preconstruction Engineering and Design Agreement among City of Mesa, U.S. Army Corps of Engineers, and the Salt River Pima-Maricopa Indian Community for the Va Shly'ay Akimel Salt River Ecosystem Restoration project.
- *8j. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Phoenix and the City of Mesa for receipt of Federal Transit Administration (FTA) grant funds for a Park-and-Ride lot at Red Mountain Freeway and Power Road. The agreement amount of \$869,456 includes a \$695,565 federal share and a \$173,891 local share (Quality of Life funds).

- *9. Take action on the adoption of a Notice of Intent to enter into a retail development tax incentive agreement with Robert Crist and Company for the retention, relocation and expansion of Robert Crist R.V. and World Wide R.V. dealerships for the development of a 60 acre office, industrial and retail center.
- *9.1. Take action on ordinance and resolution modifying wastewater rate schedules and charges.
- *9.2. Authorize the City Attorney to file an amicus brief in the Arizona Court of Appeals case, *Town of Gilbert v. Maricopa County Board of Supervisors*, 1CA-CV06-0309.

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10. 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.

- *10a. **Z06-42 (District 6)** The 1300 to 1500 block of South Sossaman Road (west side). Located south and west of Southern Avenue and Sossaman Road. (39.12± ac.). Site Plan Modification. This request will allow for the development of office and warehouse/industrial buildings. Superstition Springs Investors Limited Partnership (Michael DeBell), owner; Terrence R. Wall, T. Wall Properties, applicant. ***(Held a neighborhood meeting, notified property owners, neighbors, registered neighborhoods and homeowners associations.)***

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

- *10b. **Z06-43 (District 5)** The 8700 block of East Range Rider Trail (north side). Located southeast of the Southeast corner of Hawes and Thomas Roads. (4.73± ac.) Rezone from Maricopa County Rural-35 to City of Mesa R1-35. For the establishment of City of Mesa zoning on recently annexed property. Ruth Irvine, owner; City of Mesa, applicant.

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

- *10c. **Z06-46 (District 6)** The 6200 block of South Mountain Road (west side). Located southwest of Williams Field Road and Mountain Road. (15± ac.). Rezone from AG to M-1 PAD and Site Plan Review. This request will allow the development of an industrial subdivision. Cameron Williams, owner; Dorothy Shupe, Dream Catchers Planning & Design LLC, applicant. ***(Notified property owners, and homeowners associations.)***

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

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- *10d. **Z06-47 (District 6)** The 1600 block of South Greenfield Road (east side) extending east to South 48th Street and the 4700 block of East Baseline Road extending north to US 60. Located south of US 60 between Greenfield Road and 48th Street. (59.24+ac.). Rezone from AG to M-1-PAD, M-1 to C-2, and M-1 to M-1-PAD. This request will allow for the development of a RV dealership and office/industrial buildings. Robert C. Crist, owner; Stephen C. Earl, applicant. ***(Held a neighborhood meeting, notified property owners, registered neighborhoods and homeowners associations.)***

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

11. Take action on the following recommendations from the Planning and Zoning Board:
- *11a. **Z06-36 (District 5)** **Deleted.** (Applicant Withdrew)
- *11b. **Z06-44 (District 5)** **Deleted.** (Applicant Withdrew)
12. Take action on the following subdivision plats:
- *12a. "LA COSTA", (**District 3**) 1800 block of West Lindner Avenue (north side) located south and east of Baseline Road and Dobson Road. 196 R-3 DMP condominium units (8.55 ac) Unit 194, LLC, Matt Burrow, managing member, owner.
- *12b. "FALCON COMMERCE PARK", (**District 5**) 1600-1800 blocks of North Higley Road (west side) located south and west of Higley Road and McKellips Road. 17 M-1 industrial lots. (31.04 ac) LGE Corporation, Frank Pettit, Vice President, owner.
13. Items from citizens present. (Maximum of three speakers for three minutes per speaker).