

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Tuesday, July 5, 2005

5:45 P.M.

Invocation by Reverend Steve Weston, St. Mark's Episcopal Church.

Pledge of Allegiance.

Mayor's Welcome.

Presentation by MARC Center.

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.

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3. Conduct a public hearing to release the petition for signatures for the following proposed annexation:
 - 3a. **A05-04 (District 6)** Located on the southeast corner of Elliot and Signal Butte Roads. (236.32± ac). Initiated by the property owner, GBGM Limited Partnership, LLLP for Nova Vista Development by US Homes/Greystone Homes.
- 4a. Conduct a public hearing and consider an amendment to the land use map for the following Minor General Plan Amendment and possible adoption of the corresponding Resolution:
 - 4a1. **GPMInor05-03 (Maricopa County, between Districts 1 and 5)** Conduct a public hearing and consider an amendment to the land use map. The 3000-3600 blocks of N. Val Vista Drive (west side) and the 2800 – 3500 blocks of E. Lehi Road (south side). Generally located south of Thomas Road between Lehi Road and Val Vista Drive (299.6 ac).. Minor General Plan Amendment to change the General Plan Land Use Map from Medium Density Residential 2-4 dwelling units per acre (MDR 2-4), Medium Density Residential 6-10 dwelling units per acre (MDR 6-10), High Density Residential 10-15 dwelling units per acre (HDR 10-15) and Office to Medium Density Residential 2-4 dwelling units per acre (MDR 2-4), Medium Density Residential 4-6 dwelling units per acre (MDR 4-6) and Community Commercial. Engle Enterprises Limited Partnership (Rodney E. Engle, Jr. & Janelle A. Yancey), Richard K. Winslow & Marjorie Shreeve, Robert M. & Priscilla Clark, owners; Paul Gilbert, Beus, Gilbert, PLLC, applicant. **THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED TO THE AUGUST 15, 2005 CITY COUNCIL MEETING.**

PZ Recommendation: Approval. (Vote: 6-0 with Carpenter absent)

- 4a2. **GPMInor05-03 (Maricopa County, between Districts 1 and 5)** Consider adoption of the corresponding Resolution. The 3000-3600 blocks of N. Val Vista Drive (west side) and the 2800 – 3500 blocks of E. Lehi Road (south side). Generally located south of Thomas Road between Lehi Road and Val Vista Drive (299.6 ac). Maricopa County, between Districts 1 and 5. Minor General Plan Amendment to change the General Plan Land Use Map from Medium Density Residential 2-4 dwelling units per acre (MDR 2-4), Medium Density Residential 6-10 dwelling units per acre (MDR 6-10), High Density Residential 10-15 dwelling units per acre (HDR 10-15) and Office to Medium Density Residential 2-4 dwelling units per acre (MDR 2-4), Medium Density Residential 4-6 dwelling units per acre (MDR 4-6) and Community Commercial. Engle Enterprises Limited Partnership (Rodney E. Engle, Jr. & Janelle A. Yancey), Richard K. Winslow & Marjorie Shreeve, Robert M. & Priscilla Clark, owners; Paul Gilbert, Beus, Gilbert, PLLC, applicant. **THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED TO THE AUGUST 15, 2005 CITY COUNCIL MEETING.**

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

5. Consider the following liquor license applications:

*5a. PAUL JAMES MARCIANTI, AGENT

Person Transfer Bar License for Hambone, 903 E. Main Street. This is an existing business. This is a Person Transfer from Milenko Djukic, Agent, Djukic Enterprises, LLC. This license will transfer to the applicant. District #4.

*5b. VINAY K. BINJRAJKA, AGENT

New Beer & Wine Store License for Shell 1166, 1166 N. Higley Road. This is an existing business. The license previously held at this location by Amy S. Nations, Agent, C&M Convenience Stores, Inc., will revert back to the State. District #5.

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*5c. DAVID RUDOLFO AGADO, AGENT

New Restaurant License for Buffalo Wild Wings Grill & Bar, 4425 E. McKellips Road, Ste 109. This is new construction. No previous liquor license at this location. District #5.

*5d. DONNA MARIE SALIM AGENT

New Restaurant License for Giordano's Italian Restaurant, 2909 S. Dobson Road. This is an existing business. The Restaurant license previously issued to Patrick McMullen, Agent, Giordano's, was terminated by the State on 03/31/05. District #3.

*5e. RANDY D. NATIONS, AGENT

New Restaurant License for Sauce Pizza & Wine, 3426 E. Baseline Road, Ste 120. This is an existing building. No previous liquor licenses at this location. District #2.

6. Consider the following contracts:

*6a. Three-year supply contract for DNA Crime Lab Supplies as requested by the Police Department. (Contract 2005140).

The Purchasing Division recommends accepting the bid by Applied Biosystems at \$99,974.94, based on estimated annual requirements.

*6b. Additional Purchase of Dual Voltage Pole Top Transformers as requested by the Electric Division of the Utilities Department. (Contract 2004151)

The Purchasing Division recommends authorizing an additional purchase option with the original bidders as follows:

Items 1 and 2 to Border States at \$19,474.22, including sales tax; and

Item 3 to WESCO at \$12,006.72, including applicable use tax.

The combined award is then \$31,480.94.

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- *6c. One-year renewal of the supply contract for Large Type Books, as requested by the Mesa Public Library. (Contract 2002142).

The Purchasing Division recommends exercising the one-year renewal with the primary contract to Gale Groups for annual purchases estimated at \$40,000.

Also, renewing the secondary contract to Baker & Taylor for annual purchases estimated at \$5,000.

The combined award is then \$45,000 based on estimated annual purchases.

- 6d. Mesa City Plaza Parking Lot, City of Mesa Project No. 04-918-001.

This project will provide improvements that include demolishing the former bank teller building and asphalt paving this area, fog sealing the north half of the parking lot, and constructing new curbs and striping. These improvements will provide an additional eleven parking spaces.

Recommend award to low bidder Breinholt Contracting Company, Inc., in the amount of \$47,550.92 plus an additional \$4,755.09 (10% allowance for change orders) for a total award of \$52,306.01.

- *6e. Sewer Replacement on Mesa Drive North of Brown Road, City of Mesa Project No. 01-656-002.

This project will replace a section of sewer line that is in poor condition and has been a source of repeated operational problems. The project will install approximately 100 lineal feet of new 8-inch sewer line.

Recommend award to low bidder Roto Rooter Plumbers, in the amount of \$39,969.80 plus an additional \$3,996.98 (10% allowance for change orders) for a total award of \$43,966.78.

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- 6f. Sewer Line Video Inspection, City of Mesa Project No. 04-919-001.

This is an annual contract to perform video inspection on development and City projects for the upcoming fiscal year to verify that new lines being taken into the City system from developers are ready to receive sewer flows.

Recommend award to low bidder Professional Pipe Services, Inc., in the amount of \$77,350.00 plus an additional \$7,735.00 (10% allowance for change orders) for a total award of \$85,085.00.

7. Introduction of the following ordinances and setting July 11, 2005, as the date of public hearing on these ordinances:

- *7a. **Z05-60 (District 2)** The 1600-1700 blocks of South Val Vista Drive (west side). Located at the northwest corner of Val Vista Drive and Baseline Road (14.3 ac. ±) Site Plan Review. This request is for a retail tenant building and future commercial / retail development. Mike Clements, owner; Paul Gilbert, applicant.

P&Z Recommendation: Approval with conditions. (Vote: 4-1-1-1 Esparza voting nay, Saemisch abstaining, Mizner absent)

8. Consider the following resolutions:

- *8a. Approving and authorizing the City Manager to execute a City Share Reimbursement Agreement for the reimbursement of regional offsite street lighting improvements that are being required by Mesa in conjunction with the proposed development of Huber and Val Vista, Lot 9 Oasis Citrus Groves located at 1301 North Val Vista Drive.

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- *8b. Extinguishing three temporary retention easements adjacent to Hampton Avenue in Crismon Business Park.

The right-of-way and Public Utility and Facility Easements are no longer needed as a new alignment has been designed pursuant to a new development plan.

- *8c. Vacating right-of way for Hampton Avenue and extinguishing Public Utility and Facility Easements in Crismon Business Park.

The right-of-way and Public Utility and Facility Easements are no longer needed as a new alignment has been designed pursuant to a new development plan.

- *8d. Extinguishing a portion of a 1-foot Vehicular Non-Access Easement at 2919 North Oakland Street.

The extinguishment of a portion of this easement will allow a driveway onto Greenfield for the development of this property.

- 9. Consider the following ordinances:

- 9a. Adding a new Chapter 19 to Title 6, of the Mesa City Code pertaining to recovery of costs for Police services; second or subsequent response to disruptive parties, gatherings or events as recommended by the Police Committee.

- *9b. Amending the City of Mesa Zoning Ordinance, by adding a new Subsection 11-6-3 (D) permitting "Commercial Recreation/Entertainment Uses", such as pool and dance halls, night clubs, cocktail lounges, bars, and similar uses in the C-2 District, subject to a Council Use Permit.

P&Z Recommendation: Split vote. (Vote: 3-3 Finter, Mizner, and Cowan voting nay, Carpenter absent)

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10. Consider the following recommendations from the Police Committee:
 - *10a. Implementing an annual fee of \$50 per officer be charged to outside agencies utilizing the Mesa Firing Range.
 - 10b. Maintaining the current level fee structure for the Police Training Academy, except that future incremental direct costs for staff or staff time which are incurred as a result of training outside agency recruits would be assessed to the outside agency, or the outside agency would supplement training staff in lieu of paying the assessment. In addition to the incremental direct costs, increases in the cost of materials above the current level of \$500 should be charged to the outside agency.
- 10.1. Consider authorizing the execution of a new professional services contract between the City of Mesa and the Greater Phoenix Economic Council (GPEC) in the amount of \$174,264.00 for Fiscal Year 2005-2006.
11. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:
 - 11a. **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 AND THE DECEMBER 6, 2004, FEBRUARY 7, 2005, MARCH 7, 2005, APRIL 4, 2005, AND MAY 16, 2005 CITY COUNCIL MEETINGS. THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED TO THE OCTOBER 10, 2005 CITY COUNCIL MEETING.**

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

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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.

*11b. **Z05-47 (District 6)** The 8800 – 9100 block of East Baseline Road (south side) and the 2100 – 2400 block of South Ellsworth Road (west side). Located south and west of Baseline Road and Ellsworth Road (145± ac). Modification of the Monte Vista Village Resort Development Master Plan, modification of an approved PAD, and site plan modification. This request is to allow for Monte Vistas' second phase of development of a manufactured home and RV resort. Monte Vista Two (Scott Brown), owner; David Evans and Associates (Eric Toll), applicant.

P&Z Recommendation: Approval. (Vote: 6-0 Carpenter absent)

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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. 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. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
8. 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 subdivision map, prior to the issuance of a building permit).
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.
11. Lots 1-238 of the Recreational Vehicles section of the development, located at the southern portion of the subject site (the "Temporary Residence Area"), shall only be used by Class A Motor homes, Fifth Wheels, or similar recreational vehicles designed to be driven or pulled on a highway (collectively, "Recreational Vehicles").

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- a. The Temporary Residence Area shall have no above ground lot improvements or structures other than those improvements shown on the approved construction plans; and
 - b. There shall be no permanent additions or build-
ons to the Recreational Vehicles including, but
not limited to, Arizona rooms, or other similar
structures; and
 - c. Recreational Vehicles in the Temporary
Residence Area shall be of a maximum width
(with pop outs) no greater than 26-feet wide;
and
 - d. The Temporary Residence Area shall not be
used for manufactured or modular housing,
factory built buildings, or park models.
12. No two-story homes along Ellsworth Road or adjacent
to the commercial development along the northeast
corner of the subject site.

*11c. **Z05-53 (District 6)** The 10800 – 11200
block of East Ray Road (north and south side). Located
between the Signal Butte Road alignment and Mountain
Road north and south of the Ray Road alignment (138± ac).
Rezone from R1-43 and R1-6 (conceptual R-2) to R1-6 PAD
and R-2 PAD and modification of the Mountain Horizons
Development Master Plan. This request is to allow for the
further development of a residential master planned
community. Pulte Homes, Tim Loughrin, owner; Sean
Lake, Pew & Lake, PLC, applicant.

P&Z Recommendation: Approval. (Vote: 6-0 Carpenter
absent)

1. Compliance with the basic development as described
in the project narrative and as shown on the site plan,
preliminary plat, (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.

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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.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
8. Written notice to be given to future residents that this subdivision is within one (2) miles of Williams Gateway Airport.
9. 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 subdivision map, prior to the issuance of a building permit).
10. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.

*11d. **Z05-54 (District 5)** The 9800 – 10000 block of East Brown Road (north side). Located at the northwest corner of Brown Road and Crismon Road (23± ac). Rezone from R1-43 to R1-15 PAD and site plan review. This request is to allow for the development of a single residence subdivision. Warren Peterson, VIP Construction, Inc., owner; Kimberly Acton, Hoskin-Ryan Consultants, Inc.

P&Z Recommendation: Approval. (Vote: 6-0 Carpenter 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.

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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.
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 Native Plant Preservation Ordinance #3693 requiring submittal of a Native Plant Preservation Plan.
9. Compliance with Ordinance #3694 requiring a grading permit.
10. Lots along the western property line are to be single story only.
11. Front yards to maintain a natural desert theme with landscaping palette from the Preferred Desert Plant List of the Desert Uplands Ordinance.

*11e. **Z05-55 (District 4)** 805 North Country Club (east side). Located at the northeast corner of Country Club Drive and 8th Street (4± ac). Rezone from R1-6 and C-2 to O-S, and site plan review. This request is to allow for the development of the Family Enrichment Center, which will be an extension of the Child Crisis Center's shelter program. First Christian Church of Mesa, owner; Ralph Pew – Pew & Lake PLC, applicant.

P&Z Recommendation: Approval. (Vote: 5-0-1 Saemisch abstaining, Carpenter absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, elevations and landscape plan submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.

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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 Regulations.
5. Compliance with all requirements of the Design Review Board.
6. Full compliance with all current Code requirements, except for the modifications outlined in this staff report, which will be permitted through the approval of a Substantial Conformance Improvement Permit.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*11f. **Z05-57 (District 5)** The 1650 to 1750 block of North Power Road (east side) through to the 1650 to 1750 block of North 72nd Street (west side). Located south and east of McKellips Road and Power Road (38± ac). Rezone from R1-35 to R1-15 PAD and site plan review. This request is to allow for the development of a residential subdivision. Cornerstone Homes (Scott Hironaka), owner/applicant.

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

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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 or on the site plan.
 7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
 8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
 9. Housing elevations on lot 19 (lot located at far northeast corner of subject site) of the subject site not to exceed one-story in elevation.
12. Consider the following subdivision plats:
- *12a. "63RD PROFESSIONAL CENTER OFFICE CONDOMINIUMS" (Council District 5) – 6300 - 6400 block of East Main Street (south side) and the 200 - 300 block of South 63rd Street (east side) through to 64th Street (west side) located south of Main Street and east of Recker Road. 2 C-2 PAD office condominium units (1.64 ac) Sixty Third Professional Center, LLC, Michael Hamberlin, member, owner; Hunter Engineering and Survey, engineer.
 - *12b. "SUNLAND SPRINGS VILLAGE UNIT 5" (Council District 6) – 10900 - 11200 block of East Guadalupe Road (north and south sides) located east of Signal Butte Road and north and south of Guadalupe Road. 150 R1-6 DMP single residence lots (51.62 ac) Transnation Title Insurance Company, trustee; Clouse Engineering, Inc., engineer.
13. Items from citizens present. (Maximum of three speakers for three minutes per speaker).