

## **CITY COUNCIL AGENDA**

### **COUNCIL CHAMBERS – 57 EAST FIRST STREET**

Monday, April 2, 2007  
5:45 P.M.

Invocation by Pastor Ottley Holmes, Shiloh Missionary Baptist Church.

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.

***(Members of the Mesa City Council will attend either in person or by telephone conference call).***

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1. Take action on all consent agenda items.
- \*2. Approval of minutes of previous meetings as written.
3. Take action on the following recommendation from the Judicial Advisory Board:
  - \*3a. Reappointment of Magistrate Norine Richardson for a four-year term beginning July 1, 2007 and ending June 30, 2011.
4. Take action on the following liquor license applications:
  - \*4a. St. Bridget's Catholic Church

This is a one-day religious event to be held on Saturday, May 5, 2007, from 5:30 P.M. to 10:00 P.M. at 2213 N. Lindsay Road. **(District 5)**
  - \*4b. TJ's Bar and Grill

Person Transfer Bar License for TJ's Bar and Grill, 1734 E. Main Street, Suite 5, SL Wright Gilbert LLC – Applicant, Stephen R. Wright – Agent. The previous liquor license held at this location by Bruna Antoinette Eastman will transfer to the applicant. **(District 2)**
  - \*4c. Cajun Seafood Corner

New Restaurant License for Cajun Seafood Corner, 2051 S. Dobson Road, Suite 18, HP Family LLC – Applicant, Paul Thanh Pham – Agent. No current liquor license at this location. **(District 3)**
  - \*4d. Rock 'N' Skies

New Restaurant License for Rock "N" Skies, 6209 E. Main Street, Suite #1, Nugent Family Holdings – Applicant, Virlie Louise Nugent – Agent. The previous license held at this location by Hornblowers LLC will revert back to the State. **(District 5)**

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5. Take action on the following contracts:

- \*5a. Thirty (30) Vehicles for Various City Departments (2 Additions to the Fleet and 28 Replacements) (Budgeted Contingency Funds specifically reserved for vehicle acquisitions) (State Contracts #SCC070002-4 & SCC07002-1)

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Midway Chevrolet at \$655,453.20, and Five Star Ford at \$27,179.69, including applicable sales tax, for a total award of \$682,632.89.

- \*5b. Eight Pick-Up Trucks as requested by the Fire Department. (Additions to the Fleet) (State Contract #SCC070002-4) (Fire Prevention Inspection Fees)

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Midway Chevrolet at \$166,331.64, including sales tax.

- \*5c. One Fire Pumper Truck as requested by the Fire Department. (Addition to the Fleet) (Mesa Contract #2007103) (Single Proposal)

The Procurement Services Department recommends authorizing purchase from Pierce Manufacturing, Inc. at \$563,860.70, including applicable use tax.

- 5d. Gas System Replacement Quarter Section 30A, **Deleted.**

- 5e. Jefferson Park Lighting Improvements, City of Mesa Project No. 01-336-001.

This project will improve the lighting conditions at Jefferson Park by upgrading the existing lighting and installing new fixtures, poles, and electrical service.

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Recommend award to AV Electric Company, in the amount of \$483,754.50 plus an additional \$48,375.45 (10% allowance for change orders) for a total award of \$532,129.95. Funding is available in the Neighborhood Services Department approved FY 06/07 Capital Program – CDBG Funds.

- 5f. CAP Water Treatment Plant Shade Structure, City of Mesa Project No. 02-395-001.

This project will install a shade structure that is needed to provide some relief to maintenance staff from the extreme summer temperatures at the CAP Water Treatment Plant while providing routine maintenance such as fabricating new plant equipment, repairing existing equipment, and shading the racks of stored materials at the site.

Recommend award to EMC Builders, in the amount of \$41,845.00 plus an additional \$4,184.50 (10% allowance for change orders) for a total award of \$46,029.50. Funding is available from the FY 06/07 approved water bonds.

- 5g. Force Main Air Relief Valve Repair/Replacement Project, City of Mesa Project No. 05-062-001.

Three wastewater force mains exist between the Greenfield Water Reclamation Plant and the Southeast Water Reclamation Plant. These force mains are partially owned by the Town of Gilbert and the Town of Queen Creek. Many locations throughout these lines require an air release valve to release air that becomes trapped in the force mains. The valves and associated piping has become unreliable and prone to breaks. Therefore, the valves are in need of an overhaul or replacement. This project will result in a more reliable wastewater system by allowing trapped air to be release automatically from the force mains.

Recommend award of the construction phase service contract to the Contract Manager at Risk, B & F Contracting, Inc., with the Guaranteed Maximum Price (GMP) of \$882,943.16 plus an additional \$88,294.32 (10% allowance for change orders) for a total award of \$971,237.48. Funding is available from the Utilities Wastewater Capital Bond Program. The City will be reimbursed from the project

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partners in the amount of \$301,083.57 (31%) from the Town of Gilbert and \$139,858.17 (14.4%) from the Town of Queen Creek.

- 5h. Air Sparging and Soil Vapor Extraction Remediation at the 6<sup>th</sup> Street Service Center, City of Mesa Project No. 05-909-001.

This project will remediate the soil and groundwater contamination that resulted from leaking underground fuel storage tanks at the 6<sup>th</sup> Street Service Center.

Recommend award of the construction phase service contract to Conestoga-Rovers and Associates with a Guaranteed Maximum Price (GMP) of \$896,848.61 plus an additional \$89,684.86 (10% allowance for change orders) for a total award of \$986,533.47. Funding is available from the established Environmental Programs 6<sup>th</sup> St. Leaking Underground Storage Tank Remediation capital project fund.

6. Introduction of the following ordinances and setting April 16, 2007, as the date of the public hearing on these ordinances:

- \*6a. **Z07-17 (District 2)** 1744 South Val Vista Drive. Located south of the US 60 Freeway on the west side of Val Vista Drive (66± ac.). Council Use Permit. This request will allow the development of a Freeway Landmark Monument sign for Dana Park Village Square. Village Square Dana Park, LLC/Mike Clements, owner; Mike Clements/Vince DiBella, applicant. ***(Notified property owners, registered neighborhoods and homeowners associations.)***

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

DRB Recommendation: Approval with Conditions. (Vote: 5-1 with Boardmember DiBella abstaining)

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- \*6b. **Z07-20 (District 6)** The 3300 block of South Power Road (east side). Located east of Power Road and north of Elliot Road (8.43± ac). Rezone from R1-43 to M-1 PAD and Site Plan Review. This request will allow for the development of a self-storage facility. Mike McDaniel, owner; Jeff Welker, Welker Development Resources, L.L.C., applicant. ***(Held two neighborhood meetings, notified property owners, registered neighborhoods and homeowners associations.)***

P&Z Recommendation: Approval with Conditions. (Vote: 5-1 with Boardmember Finter nay)

- \*6c. **Z07-21 (District 6)** 457 South Higley Road. Located south of Broadway Road and north of Southern Avenue (2.57 ac.). Rezone from C-2 PAD to C-2 and Site Plan Modification. This request will allow for the development of a medical office complex. Michael Hamberlin, owner; Lesley L. Partch applicant. ***(Notified property owners, registered neighborhoods, homeowners associations and the Mesa Public School District.)***

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

- \*6d. **Z07-22 (District 6)** The 10400 block to 10700 block of East Southern Avenue (south to the freeway). Located at the southwest corner of Southern Avenue and Signal Butte Road (110± acres). Rezone from R1-43 DMP (conceptual O-S, C-2, and M-1) to R-4, C-2 PAD and C-2 PAD BIZ and Site Plan Review. This request will allow the development of a regional commercial shopping center with associated residential, office, and hotel uses. Erin Nellis; Signal Butte 114, LLC by DeBartelo Development, owner; Paul Gilbert, Beus Gilbert, applicant. ***(Held two neighborhood meetings, notified property owners, and registered neighborhoods.)***

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

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- \*6e. **Z07-23 (District 5)** 8000 to 8225 Blocks of East Thomas Road alignment and areas south to East Redberry Road. Located west of Hawes Road and south of Thomas Road (39± acres). Rezone from Maricopa County R1-35 to City of Mesa R1-35. For the establishment of City of Mesa zoning on recently annexed property. Frank/Sheri Allen, Jerry/Mary Barron, Deland Bentz, Joseph/Dorothy Coia, Desert Castle Inc, Dennis/Heather Duncan, G Brent Stolworthy LLC, Austin/Lynn Goodale, Jacob/Rebecca Hansen, Eunice Holaren, Michelle Holaren, James/Janae Jarnagin, JP Custom Home, Earl/Nancy Labovitz, Jason/Kaya Laos, Lawlor Construction, Timothy/Carmen Murphy, Nichole Shaffer, Schell Alla Tr, Southwest Commercial Real Estate, Ronald/Joni Trout, Calvin/Marilyn Uhl, City of Mesa, owners; City of Mesa, applicant. **(Related to 8a)**

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

- \*6f. **Z07-25 (District 5)** 2725, 2701 and 2661 North Ogden Road. Located south of McDowell Road and east of Greenfield Road (1.26± acres). Site Plan Review. This request will allow for the development of three office warehouse buildings. Charles Klees, Jr., owner, Michael P. Monroe, applicant. ***(Held one-neighborhood meeting and notified property owners.)***

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

- \*6g. Amending Section 1-21-1 of the Mesa City Code entitled City Purchase of Tangible Personal Property to allow the Utilities Department to enter into a Base Contract for Sale and Purchase of Natural Gas and related Transaction Confirmation for supplies of natural gas.

7. Take action on the following resolutions:

- 7a. Approving and authorizing the City Manager to proceed with an application to the Department of Housing and Urban Development (HUD) for FY 2007-2008 funding for nonprofit organization projects through the Community Development Block Grant (CDBG) program.

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- \*7b. Approving and authorizing the City Manager to proceed with an application to the Department of Housing and Urban Development (HUD) for FY 2007-2008 funding for City department projects through the community Development Block Grant (CDBG) program.
- \*7c. Approving and authorizing the City Manager to proceed with an application to the Department of Housing and Urban Development (HUD) through the Maricopa HOME Consortium for FY 2007-2008 funding for nonprofit organization projects through the HOME Investment Partnerships (HOME) program.
- \*7d. Approving and authorizing the City Manager to proceed with an application to the Department of Housing and Urban Development (HUD) through the Maricopa HOME Consortium for FY 2007-2008 funding for City of Mesa Department projects through the HOME Investment Partnership (HOME) program.
- 7e. Approving and authorizing the City Manager to proceed with an application to the Department of Housing and Urban Development (HUD) for FY 2006/2007 funding through the Emergency Shelter Grant (ESG) program.
- \*7f. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between WL Crismon, LLC, White-Leasure-Rider/Mesa, LLC, and the City of Mesa for the reimbursement of \$112,000.00 for regional street lighting and traffic signal improvements that are being required by Mesa in conjunction with a proposed commercial subdivision known as Crismon Commons East & West, located at 1718 & 1719 South Crismon Road. Mesa's estimated share will be funded from existing Street HURF Bond proceeds.

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- \*7g. Approving the Falcon Field Sub-Area Plan, generally located in the north central portion of the City of Mesa. It is identified by its aviation driven focus, historic significance, and close proximity to the Salt River, which represents the City's corporate limits. The Red Mountain freeway passes through the Falcon Field Sub-Area.

P&Z Recommendation: Approval of the Resolution and Adoption of the Sub Area Plan. (Vote: 7-0)

- \*7h. 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, construction, operation and maintenance of a Park and Ride facility north of the Superstition Freeway and south of the State's drainage channel, between Superstition Springs Boulevard and Power Road. Mesa's share of the operation and maintenance cost is \$19,775.00.
- \*7i. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between the Maricopa County Department of Transportation and the City of Mesa for the AZTECH Smart Corridor Phase 3 along portions of Power Road (Baseline to University and McDowell to Thomas). This project will involve the design and construction of vehicle detection systems (VDS), closed circuit television (CCTV) systems, dynamic message signs (DMS), and fiber optic communications along four miles of the Smart Corridor in Mesa. The total estimated project cost is \$1,600,000.00. Mesa's share is \$145,000.00 (Quality of Life Funds).
- \*7j. 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 landscape maintenance along the Red Mountain Freeway from University Drive to Southern Avenue. The estimated annual operation and maintenance cost is \$21,150.00.

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8. 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.
- \*8a. **A07-02 (District 5)** Annexing land located on Thomas Road west of Hawes Road (39.42 ± ac). Initiated by Nathan Palmer representing the property owners. **(Related to Item 6e)**
- \*8b. Amending the City of Mesa Zoning Ordinance, Sections 11-1-6 and 11-13-2 (H) to add requirements for “Corral Fences”.  
P&Z Recommendation: Approval. (Vote: 7-0)
- \*8c. **Z07-19 (District 2)** 3155 East Southern Avenue. Located east of Lindsay Road on the south side of Southern Avenue (1.22± ac.). Site Plan Modification. This request will allow the development of a medical office building. Frank Pettit, LGE Corporation, owner; Steven Nevala, Cawley Architects, applicant. **(Notified property owners, registered neighborhoods and homeowners associations.)**  
PHO Recommendation: Approval with Conditions.
- 8d. Amending Section 11-19-7 of the Mesa City Code with regard to “Portable Business Identification Signs (aka: A-frame Signs)”. **Continued from the March 19, 2007 Council meeting.**  
P&Z Recommendation: Approval. (Vote: 4-1 with Boardmember Mizner nay and Boardmembers Adams and Langkilde absent.)  
DDC Recommendation: Denial. (Vote: 5-0)

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9. Take action on the following subdivision plat:
  - \*9a. "EL TESORO" (**District 5**) 1350-1450 blocks of North 72<sup>nd</sup> Street (west side) located north and east of Brown Road and Power Road. 6 R1-35 PAD single residence lots (4.92 ac) Blau Punkt, LLC, Kevin Kells, president, owner.
10. Items from citizens present. (Maximum of three speakers for three minutes per speaker).