



## COUNCIL MINUTES

June 17, 2013

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on June 17, 2013 at 5:47 p.m.

### COUNCIL PRESENT

Scott Smith  
Alex Finter  
Christopher Glover  
Dina Higgins  
Dennis Kavanaugh  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Dee Ann Mickelsen

Invocation by Pastor Tony Frazee, Gateway Bible Church.

Pledge of Allegiance was led by Councilwoman Higgins.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Awards, Recognitions and Announcements.

Mayor Smith remarked that Mesa is fortunate to have many citizens who take pride in their property. He introduced Deputy Director of Development and Sustainability Laura Hyneman, who provided a brief history on the Extraordinary Properties campaign.

Ms. Hyneman explained that nominations for Extraordinary Properties are received from the City Council, employees and residents and noted that the winners are selected by a citizen panel. She stated that the winners are announced on a quarterly basis and receive a yard sign and certificate. She added that each of this year's winners will also be nominated for the Mayor's Award for Building a Better Mesa.

Ms. Hyneman, Mayor Smith and Councilmember Glover presented awards to the Extraordinary Properties winners as follows:

- Commercial Property – Glen Blackmore, Owner of the Eclectic Monkey
- Residential Property – Ruben and Gina Serna

- Residential Property – Gabriel Ortiz
- Residential Property – Jose Martinez (not present)

Ms. Hyneman congratulated the recipients and thanked Administrative Supervisor Trudi Arledge and the City's Code Compliance Officers for their efforts. She also acknowledged the following members of the Extraordinary Properties Citizen Panel: Linda Flick, Cynthia Dunham, Pat Gilbert, Kirsten Howe and Stephanie Wright. She added that nominations are being accepted for the next group of Extraordinary Properties winners.

Mayor Smith thanked staff and the winners for their efforts.

Mayor Smith introduced Edward Podal, Southwest Ambulance Division General Manager, who provided a brief history of Southwest Ambulance's partnership with the City of Mesa.

Mr. Podal stated that Southwest Ambulance invests heavily in the community and noted that for the fourth consecutive year, the company is proud to be the title sponsor of the Arizona Celebration of Freedom event. He presented a \$40,000 check to the Sertoma Club for this year's event, which will be held on Saturday, June 29, 2013.

Mayor Smith commented that the Celebration of Freedom is a community event that is manned entirely by volunteers. He thanked Southwest Ambulance and the Sertoma Club for their ongoing commitment in this regard.

1. Take action on all consent agenda items.

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.

Mayor Smith announced that at the Study Session prior to this meeting, item 11-a was continued to the July 1, 2013 Regular Council meeting. He noted, however, that since that time, the parties have requested that this item remain on the agenda.

It was moved by Councilwoman Higgins, seconded by Councilmember Glover, that the consent agenda items be approved.

Councilmember Somers commented on items 8-a and 8-b, which relate to the Development Agreement with Matheson Tri-Gas, Inc. He said that it is anticipated that the area surrounding the Phoenix-Mesa Gateway Airport will one day support over 100,000 high-wage jobs. He added that companies like Matheson Tri-Gas will help drive growth in that area.

Mayor Smith called for the vote.

Carried unanimously.

\*2. Approval of minutes of previous meetings as written.

Minutes from the April 4, May 9, 23, and 30 and June 3, 2013 Council meetings.

3. Take action on the following liquor license applications:

\*3-a. Groggy's

Person-to-person transfer of a Bar License for Groggy's, 2207 West Main Street, Papoulias, LLC, Pamela Siavelis Panopoulos, agent. This location has a Bar License held by JRG Management, Inc., that will be transferred to the applicant. **(District 3)**

\*3-b. Super Carniceria Los Primos

New Beer and Wine Store License for Super Carniceria Los Primos, 635 North Country Club Drive, Suite 10, Super Carniceria Los Primos, Inc., Samir G. Shiha, agent. This is an existing building without an active liquor license at this location. **(District 1)**

\*3-c. Luke-Greenway Post Number 1 The American Legion

This is a one-day charitable event to be held on Thursday, June 27, 2013, from 11:00 a.m. to 9:00 p.m. at 4155 East Virginia Street. **(District 5)**

4. Take action on the following off track betting license application:

\*4-a. Turf Paradise, TP Racing LLLP

New Off Track Betting License for Turf Paradise, TP Racing, LLLP, to telecast at Glencar Restaurant LLC, RT O'Sullivan's, located at 1610 South Stapley Drive. Applicant: Vincent A. Francia. **(District 3)**

5. Take action on the following contracts:

\*5-a. Six-Month Renewal of the Term Contract for Automotive Hydraulic Hose and Fittings for the Fleet Services Department. **(Citywide)**

This contract provides hydraulic hoses and fittings required for the repair and maintenance of City vehicles and equipment. This is a six-month renewal to supply materials, while the City rebids the 2010 Automotive Hydraulic Hose and Fittings contract.

Fleet Services and Purchasing recommend authorizing a six-month renewal with FleetPride (a Mesa business), at \$50,000, based on estimated requirements.

\*5-b. Purchase of Two Replacement CNG Roll-Off Container Trucks to replace Two Diesel Powered Roll-Off Container Trucks for the Solid Waste Management Department. **(Citywide)**

This contract will provide two CNG roll-off container trucks (additions) for the replacement of two diesel powered roll-off trucks. Each CNG vehicle will be a 60,000 GVWR chassis equipped with a Heil LowLift roll-off container system. The proposed vehicles will replace Solid Waste Management vehicles that have met established criteria for replacement. The vehicles being replaced will be traded in with the awarded vendor.

Fleet Services, Solid Waste Management and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidder, Inland Kenworth, Inc., at \$528,827.64. This purchase is funded by the Utility Replacement Extension and Renewal Fund.

\*5-c. Three-Year Term Contract for Replacement Parts and Supplies for the Greenfield Water Reclamation Plant. **(Sole Source) (Citywide)**

This contract will provide replacement parts (ultra-violet lamps, ballasts and other components) on an as-needed basis for the Wedeco Wastewater Disinfection System at the Greenfield Wastewater Reclamation Plant (GWRP). These parts are necessary for the wastewater disinfection for regulatory compliance of cleaner wastewater.

Water Resources requests a sole source contract with Xylem (formerly ITT Water & Wastewater USA and ITT Wedeco). Wedeco parts are necessary to maintain the disinfection system's performance guarantee by the manufacturer. Water Resources evaluated the option of purchasing after-market parts, but does not believe there would be enough cost savings to risk manufacturer support and the performance guarantee for this plant's system. Xylem is the sole source manufacturer/supplier of Wedeco replacement parts.

Water Resources and Purchasing recommend awarding the contract to the sole source manufacturer, Xylem Water Solutions USA, Inc., at \$213,421 annually, based on estimated requirements. This purchase is 58% (\$123,784) funded by the Towns of Gilbert and Queen Creek and 42% (\$89,637) funded by the Enterprise Fund – Greenfield WRP Joint Venture.

\*5-d. Three-Year Term Contract for Storm Drain Pump Maintenance and Repair for the Transportation Department. **(Citywide)**

This contract will provide a qualified contractor to perform storm pump repair and maintenance for the City's 34 storm water pump sites (51 total pumps) that are essential to Mesa's storm drain system, ensuring public safety and preventing property damage. These pumps need preventative maintenance checks annually and inspection and repair as needed. In addition, the City has a wash rack wastewater treatment system located at the East Mesa Service Center, which requires routine maintenance and repair work that is included in this contract.

Transportation and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders, Phoenix Pumps, Inc., at \$131,100.50, and Foster Electric Motor Services, at \$99,740.00, based on estimated requirements. The combined total award is \$230,840.50 annually.

\*5-e. Three-Year Term Contract for Traffic Signal Uninterruptible Power Systems and Components for the Transportation Department. **(Citywide)**

This contract will provide the Traffic Signal Uninterruptible Power Systems (UPS) and Traffic Signal Network Switch UPS to provide temporary power to the network at signalized intersections in the event of a utility power interruption and replacement components to support the maintenance and operation of the equipment. Without a UPS,

in the event of a power outage, traffic signals will go dark requiring a uniformed Police Officer (if available) to control traffic. Communications may also be lost to the City's Traffic Management Center, which would result in the loss of intersection status information at that location, as well as at any downstream intersection.

Transportation and Purchasing recommend awarding the contract to the lowest, responsive and responsible bidders, JTB Supply Co., Inc., at \$90,160 and AM Signal, Inc., at \$15,110, based on estimated requirements. The combined total award is \$105,270.

\*5-f. Oakland A's Spring Training Facility Project. **(Districts 1 and 4)**

This contract is to recommend the Construction Manager at Risk (CMAR) for the Oakland A's Spring Training Facility project. Also, to present the first Guaranteed Maximum Price package (GMP #1) for the purchase of five (5) hydrotherapy tanks for the project.

Recommend award of the design phase services contract to W.E. O'Neil Construction Company of Arizona, in the amount of \$274,992.

Recommend GMP #1 for five hydrotherapy tanks to W.E. O'Neil Construction Company of Arizona, in the amount of \$284,957. These expenditures are funded by the Spring Training Bond Program.

6. Take action on the following resolutions:

- \*6-a. Approving and authorizing the City Manager to accept funding made available through a Highway Safety contract with the Governor's Office of Highway Safety. This contract provides \$25,000 to the Police Department to purchase equipment to enhance and support DUI Enforcement in the City of Mesa **(Citywide)** – Resolution No. 10267.
- \*6-b. Approving and authorizing the City Manager to accept funding made available through a Highway Safety contract with the Governor's Office of Highway Safety. This contract provides \$80,000 to the Police Department for overtime expenses to enhance and support DUI Enforcement in the City of Mesa **(Citywide)** – Resolution No. 10268.
- \*6-c. Approving and authorizing the City Manager to accept funding made available through a Highway Safety contract with the Governor's Office of Highway Safety. This contract provides \$275,000 to the Police Department's Traffic Section to purchase one DUI Enforcement van **(Citywide)** – Resolution No. 10269.
- \*6-d. Approving and authorizing the City Manager to accept funding made available through a Highway Safety contract with the Governor's Office of Highway Safety. This contract provides \$94,000 to the Police Department's Traffic Section to purchase two DUI Enforcement vehicles **(Citywide)** – Resolution No. 10270.
- \*6-e. Approving and authorizing the City Manager to execute the Airport Development Reimbursable Grant Agreement with the State of Arizona, in the amount of \$3,938.00 for the Falcon Field Airport. The grant funds will be used for the design of a runway guard light system. The approved project cost is \$88,100.00, with \$80,224.00 funded by the

Federal Aviation Administration and the remaining \$3,938.00 funded by a City match **(District 5)** – Resolution No. 10271.

- \*6-f. Approving and authorizing the City Manager to accept \$33,000 in grant funding from the Arizona Commission on the Arts. This funding directly supports festivals, classes and free and/or low-cost programs at the Mesa Arts Center **(Citywide)** – Resolution No. 10272.
- \*6-g. Approving and authorizing the City Manager to accept \$58,000 in grant funding from the National Endowment for the Arts/Arts Learning to directly support the “Jazz from A to Z” educational program, in concert with Mesa Public Schools and Arizona State University **(Citywide)** – Resolution No. 10273.
- \*6-h. Approving and authorizing the City Manager to accept a \$300,000 grant award from ArtPlace America. These funds will be directly invested in the design and installation of an interactive, multi-media screen and an interactive photo booth kiosk at the north patio of the Mesa Arts Center and as part of the “21<sup>st</sup> Century Café Society” project **(District 4)** – Resolution No. 10274.
- \*6-i. Vacate a portion of North Stapley Drive alignment at East Lehi Road **(District 1)** – Resolution No. 10275.

This right-of-way was dedicated at no cost to the City and has not been used, planned or surveyed as a public street. The size of the requested area to be vacated is 30 feet by 150 feet (4,500 sq. ft.).

Right-of-way to be taken out of the City’s street system and the land returned to private use; the property address is 1161 East Lehi Road.

- \*6-j. Extinguish a Twenty (20) foot wide Easement for Water Line at Phoenix-Mesa Gateway Airport between 5945 South Sossaman Road and 6035 South Sossaman Road **(District 6)** – Resolution No. 10276.

This easement was dedicated and recorded in 2010 to accommodate the utilities needed for the development of the property. The property was developed in such a manner that the easement is not being used for utilities and needs to be extinguished to allow for the development of the site.

- \*6-k. Access Agreement for Communication Facilities – Charter School Property, 2345 North Horne **(District 1)** – Resolution No. 10277.

Staff recommends authorizing an Access Agreement with New Cingular Wireless to allow ingress/egress over City-owned property at 2345 North Horne (Charter School).

- \*6-l. Modifying fees and charges for the Development and Sustainability Department – Resolution No. 10278.
- \*6-m. Modifying fees and charges for the Engineering Department – Resolution No. 10279.
- \*6-n. Modifying fees and charges for Falcon Field Airport – Resolution No. 10280.

- \*6-o. Modifying fees and charges for the Fire and Medical Services Department – Resolution No. 10281.
- \*6-p. Modifying fees and charges for the Transportation Department – Resolution No. 10282.

7. 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 City 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 City Clerk before Council votes on the Consent Agenda.

- \*7-a. **A13-01 (District 5)** Annexing land located at 8840 East Sunland Avenue, 35.79± acres, which is north of East Southern Avenue and west of South Ellsworth Road. This annexation is initiated by the property owner – Ordinance No. 5151.
- \*7-b. **Z13-17 (District 5)** 8840 East Sunland Avenue. Located north of Southern Avenue and west of Ellsworth Road (35.79± acres). Rezone from Maricopa County R1-6 to City of Mesa RM-4 for an existing manufactured home park. This request will establish City of Mesa zoning on recently annexed property. George McGavin, owner/applicant – Ordinance No. 5152.

Staff Recommendation: Approval with conditions

P&Z Recommendation: Approval with conditions (Vote: 4-0, Boardmembers Coons, DiBella and Arnett absent.)

8. Take action on the following resolution and ordinance introduced at a prior Council meeting:

- \*8-a. Approving and authorizing the City Manager to execute the Development Agreement with Matheson Tri-Gas, Inc., for the development of property located on the northwest corner of Meridian Road and Pecos Road (**District 6**) – Resolution No. 10283.
- \*8-b. **Z13-23 (District 6)** The 11500 block of East Pecos Road (north side) and 6700 block of South Meridian Road (west side). Located on the northwest corner of Pecos and Meridian (10± acres). Rezone from GI-AF to GI-AF-BIZ and Site Plan Review. This request will allow the development of a manufacturing facility. PM Industrial Holdings, owner; Tom Larson, Matheson Tri-Gas, applicant – Ordinance No. 5153.

Staff Recommendation: Approval with conditions

P&Z Recommendation: Approval with conditions (Vote: 4-0, Boardmembers Coons, DiBella and Arnett absent.)

9. Take action on the following subdivision plat:

- \*9-a. “Southern Avenue Marketplace” (**District 6**) The 7400-7600 blocks of East Southern Avenue (north side) located north and west of Southern Avenue and Sossaman Road. 7 LC-PAD commercial lots (11.5± ac.) Arizona Real Estate Fund II, LLC, owner; Hubbard Engineering, engineer.

**Items not on the Consent Agenda**

**10. Conduct a Public Hearing and take action on the following Minor General Plan Amendment GPMInor 13-02 and Zoning Ordinance introduced at a prior Council meeting:**

- 10-a. **GPMInor13-02 (District 2)** The 40 to 100 block of South Val Vista Drive (east side) (10.9± acres). Located south of Main Street on the east side of Val Vista Drive. Minor General Plan Amendment to adjust the boundaries of the existing Mesa 2025 General Plan Land Use designation from Mixed Use Residential (MUR) to Medium Density Residential 4-6 du/acre (MDR 4-6). This request will allow future single residence development on the site. The Estate of Angela K. Coleman, owner; Ralph Pew, applicant – Resolution No. 10284.

Staff Recommendation: Adoption

P&Z Recommendation: Adoption (Vote: 4-0, Boardmembers Coons, DiBella and Arnett absent.)

Mayor Smith announced that this was the time and place for a public hearing regarding the Minor General Plan Amendment to adjust the boundaries of the existing Mesa 2025 General Plan Land Use designation from Mixed Use Residential (MUR) to Medium Density Residential 4-6 du/acre (MDR 4-6) on the 40 to 100 block of South Val Vista Drive (east side) (10.9± acres).

There being no citizens wishing to speak on this issue, the Mayor declared the public hearing closed.

- 10-b. **Z13-14 (District 2)** The 40 to 100 block of South Val Vista Drive (east side). Located south of Main Street on the east side of Val Vista Drive (10.9± acres). Rezone from RS-9 to RSL4.5. This request will allow the development of single-residence lots. The Estate of Angela K. Coleman, owner; Ralph Pew, applicant – Ordinance No. 5154.

Staff Recommendation: Approval with conditions

P&Z Recommendation: Approval with conditions (Vote: 4-0, Boardmembers Coons, DiBella and Arnett absent.)

Planning Director John Wesley briefly summarized the rezoning of the 10.9 acres located on the east side of Val Vista Drive, which will allow for the development of a single-family subdivision. He noted that staff recommends Council approval of the Minor General Plan Amendment and the rezoning.

Mayor Smith indicated that items 10-a and 10-b will be voted on in one motion.

It was moved by Vice Mayor Finter, seconded by Councilmember Somers, that Resolution No. 10284 and Ordinance No. 5154 be approved.

Carried unanimously.



11. Take action on the following Ordinance introduced at a prior Council meeting:

11-a. **Z13-21 (District 6)** 1350 and 1408 South Ellsworth Road. Located west of Ellsworth Road, south of Southern Avenue (14.3± acres). Rezone from AG and RM-3-PAD to RM-3-PAD and Site Plan Review. This request will allow the development of a condominium project. Ellsworth & US 60, LLC, owner; Reese Anderson, applicant (LEGAL PROTEST ¾ VOTE REQUIRED) – Ordinance No. 5155.

Staff Recommendation: Approval with conditions

P&Z Recommendation: Approval with conditions (Vote: 4-0, Boardmembers Coons, DiBella and Arnett absent.)

Mayor Smith stated that this item was introduced a few weeks ago and noted that it was determined that the parties would meet to discuss various issues in an attempt to resolve their differences.

Planning Director John Wesley provided brief background information regarding the rezoning of the 14.3± acres located west of Ellsworth Road and south of Southern Avenue. He explained that the property is currently zoned as RM-3 and has a site plan for residential development. He reported, however, that since receiving previous approval, an additional five acres currently zoned as AG were included on the south side of the development. He said that the rezoning will allow for the development of a condominium project.

Mr. Wesley explained that the neighbors expressed concern relative to the development's close proximity to the south and west sides of the property lines. He stated that initially, some of the buildings only had a 10-foot setback from the property line. He noted that without the Planned Area Development (PAD) overlay, the Zoning Ordinance requires a 30-foot setback.

Mr. Wesley further commented that in response to the neighbors' concerns, the applicant has revised the site plan and said that the buildings will now have at least a 15-foot setback. He stated that the 15-foot setback is the minimum distance and added that the second floor and various portions of the building will be set back farther.

Reese Anderson, an attorney with Pew and Lake and the applicant in this case, indicated that he was prepared to move forward with his presentation at this time. He stated, however, that his client was not opposed to a continuance as long as it was clear that the deadline to file the legal protest has passed.

City Attorney Debbie Spinner commented that it was her understanding that Mr. Anderson was withdrawing the challenge to the protest in order to allow the case to move forward with the protest in place.

In response to a series of questions from Mayor Smith, Ms. Spinner clarified that the Council was not required to take action on this matter tonight and that it could be continued for two weeks. She recounted that at 12:30 p.m. today, staff received a letter from Mr. Anderson stating his objection to the protest filed by Cal-Am Properties, which he believed was an invalid protest. She advised that staff contacted the attorneys for the neighbors who, in turn, filed a response to Mr. Anderson's objection at 3:30 p.m. this afternoon.

Ms. Spinner pointed out that staff has not had an opportunity to thoroughly review the two documents or determine whether the protest is or is not valid. **(See Attachment 1)** She stated that for those reasons, staff would recommend that this item be continued to the July 1, 2013 Council meeting. She noted that if it is determined to be a legal protest, six votes of the Council would be required in order for the motion to pass, whereas if the protest is not legal, only four votes are required for the motion to pass.

Mr. Anderson reiterated that his client was not prepared to withdraw their opposition to the legal protest. He stated, however, that if it is clear that the protest deadline has passed (which is noon Monday one week ago, per City ordinance) and is not reset by the continuance, his client would agree to such a continuance.

Ms. Spinner responded that this is the first time she has heard that was the issue and stated that she has not reviewed the City ordinance or State law to make such a determination. She suggested that if the Council wanted to hear from Mr. Anderson and the neighbors who were present in the audience, she would review the law and advise the Council whether she can make such a determination tonight.

Discussion ensued relative to the fact that the Council determined it was appropriate to hear from both parties and the neighbors tonight and then decide whether to take action or continue the matter for two weeks; and if there is a chance that the parties would be able to reach an agreement if the matter was continued for two weeks.

Mr. Anderson displayed a PowerPoint presentation **(See Attachment 2)** highlighting the site plan of the Bella Victoria condominium project. He referenced a series of aerial photographs and zoning maps illustrating the proposed development. (See Pages 2 through 7 of Attachment 2) He pointed out that since the original filing of the case, the orientation of the exterior buildings has been rotated 90 degrees. He added that the modification has improved the parking and street layout.

Mr. Anderson explained that after meeting with the Planning Department, representatives from Valle del Oro, and the architect, a revised site plan was developed and the building setbacks adjusted. (See Pages 8, 9 and 10 of Attachment 2) He said that the setbacks for the Type B and C buildings located along the perimeter will be as follows:

- Type B buildings: 15-foot setback
- Type C buildings: 20-foot setback

Responding to a question from Councilmember Somers, Mr. Anderson clarified that the developer was able to increase the setbacks by slightly reducing the size of the interior spaces and roadways. He said that the road requirements, amenities, high quality architecture, and open spaces were not compromised by increasing the setbacks. He also noted that the changes to the site plan have been approved by the Fire Marshal.

Mr. Anderson reviewed the landscaping plan and described the types of trees that will be planted in order to screen the view of the neighbors. He also displayed a series of photographs that illustrate the current landscaping along the Amador neighborhood property line. He noted that the Amador homes are located approximately 12 feet from the property line. (See Pages 14 through 17 of Attachment 2)

Mr. Anderson referred to a series of architectural renderings that illustrate the elevation and design of the buildings that will be located at Bella Victoria. He pointed out that the side of the Type B buildings that faces the perimeter will have faux windows. He also discussed the varying heights and setbacks of each of the building types. (See Pages 19, 20 and 21 of Attachment 2)

In response to a question from Councilmember Somers, Mr. Wesley explained that a 40-foot building would be the allowable height at this location.

Mr. Anderson displayed a drawing that illustrated the distance of each of the wall planes from the property line. (See Pages 22, 23 and 24 of Attachment 2)

Further discussion ensued relative to how landscaping and faux or clerestory windows will be used to help maintain privacy.

Mr. Anderson, in addition, displayed a series of photographs of the Valle del Oro property line. (See Pages 25 through 28 of Attachment 2) He pointed out that currently, there is little or no landscaping behind the properties and stated that many of the residents have sheds that are less than 10 feet away from the property line.

Mr. Anderson further referenced a chart that illustrates the first floor and second floor setback calculations of the buildings that will be constructed at Bella Victoria. (See Page 29 of Attachment 2) He noted that the average first floor setback is 25.6 feet as compared to 26.5 feet for the average second floor setback.

Mr. Anderson commented that the residents of Valle del Oro believe that this project will be a detriment to their community. He assured the Council, however, that the condominiums will be a high-quality development that will complement and increase the property values of the entire neighborhood.

Mr. Anderson pointed out that the setbacks of the Valle del Oro properties are 10 feet from the property line. (See Page 30 of Attachment 2) He stated that the rules that have been established for Bella Victoria should be equitable to those established for Valle del Oro.

Mr. Anderson explained that per the Council's request, the developer met with the representatives from Valle del Oro and attempted to reach a compromise. He pointed out that the developer has offered setbacks of 15 to 20 feet, with an average setback of 25 to 26 feet. He added that the Amador neighborhood, the City's Planning Department, the Design Review Board and the Planning and Zoning Board are in support of the project.

Mark Franklin, Chief Operating Officer for Cal-Am Properties, addressed the Council and provided statistical information related to the number of Cal-Am residents who live in Mesa and the tax revenues generated by those individuals. He stated that Cal-Am Properties purchased Valle del Oro approximately 10 years ago and noted that today it is worth an estimated \$60 million. He added that 90% of Cal-Am's residents are winter visitors.

Mr. Franklin explained that the concerns that have been raised regarding the Bella Victoria development relate to how close the large buildings will be to the property line. He displayed a large photograph of a simulated 30-foot building next to a park model home. He said that the photograph illustrates how the development will ruin the views and livability of the Valle del Oro community.

Mayor Smith commented that the area has remained undeveloped for a long period of time. He remarked that the Valle del Oro residents would have the same complaints regardless of what type of development occurred at this location.

Mr. Franklin responded to Mayor Smith's comments by noting that the Valle del Oro residents would not have a valid argument if the development was built within the City Code. He said that zoning codes are put in place in order to prevent the impact that two-story buildings will have on the neighbors.

Additional discussion ensued relative to what would be gained if the buildings were 30 feet from the property line and the overall height of the buildings was increased to 40 feet.

Mayor Smith acknowledged that after many years of a person living in one area, it would be a change to have a development built behind that individual's home. He inquired as to whether the real issue is that a development is being proposed for the area or rather that the development will have a 15-foot setback as opposed to a 30-foot setback.

Mr. Franklin stated that with a 30-foot setback, some of the views would be maintained. He concluded his comments by saying that the proposed development will be a huge detriment to the community and respectfully requested that the Council ask the developers to adjust the setbacks.

Kathy Snider, Arizona Regional Sales Manager for Cal-Am Homes, voiced concern regarding the negative impact that the development will have on the home sites near the property line. She said that the sites that will be impacted the most by the development are currently the most desirable lots. She added that the curb appeal and resale value of the homes will be dramatically affected.

Teresa Auteri, Valle del Oro Resort Manager, explained that only 10% of the residents live at the park throughout the year. She stated that correspondence was mailed to those individuals who currently are not residing at the park to advise them of the proposed Ordinance. She reported that 331 residents responded, all of whom requested that their names be added to a petition opposing the development. She noted that the residents of Valle del Oro believe that this development will cause the value of their homes to decline.

In response to a question from Councilmember Richins, Ms. Auteri explained that the Red Mountain Freeway was constructed in close proximity to the park. She noted, however, that rubberized asphalt was used to minimize the freeway noise. She commented that in her opinion, the freeway was approximately 40 to 50 feet away from the park's property line. She added that Valle del Oro has not experienced a reduction in sales due to its close proximity to the freeway.

Responding to a question from Councilwoman Higgins, Ms. Auteri clarified that the Arizona Department of Transportation (ADOT) constructed a wall between the park and the freeway and noted that the setback from that wall is approximately 12 feet. She indicated that the park has not experienced any difficulties with respect to leasing properties that are situated near the ADOT wall.

Carl Montgomery, a Mesa resident, stated that Ordinances are put in place so that people can live together in a respectful manner. He said that if an Ordinance is changed, it should be for the benefit of the tenants and not the developers.

Steve Komar, a Mesa resident, expressed concern regarding the effect that the development will have on home values. He also noted that the area will become quite confined once the buildings are constructed.

Dixie Walljasper, a Mesa resident, stated that the large buildings will be intrusive and negatively affect their property values. She urged that the buildings be moved farther away from the property line.

Harmon Cadus, a Mesa resident, and Manager of the Amador Homeowners Association (HOA), voiced support for the Ordinance. He said that the HOA supports the development and believes that it will enhance the Amador neighborhood. He noted that the setbacks on the northern boundary of the proposed development will be approximately 30 feet.

Robert Shull, an attorney representing Cal-Am Properties, addressed the Council and said that Cal-Am owns seven resorts and has 10,000 spaces located in the City of Mesa. He said that "in season," Valle del Oro has nearly 3,000 residents. He added that Cal-Am has made a significant investment in the City of Mesa and noted that in 2012, Cal-Am paid \$1,225,000 in real estate taxes.

Mr. Shull noted that the revised plan was only presented to Cal-Am last week and stated that a resolution may be possible if the parties were allowed more time to address their differences. He added that the proposed development will be massive and significantly impact the Valle del Oro property.

In response to a question from Councilmember Somers, Mr. Shull clarified that before the Council meeting commenced, his client (Cal-Am Properties) indicated that they would accept a 25-foot setback. He stated that Cal-Am was not included in the process until after the design was completed and noted that it was unrealistic to begin negotiations at 10 feet.

Mayor Smith commented that change is always difficult and said that even if the setback were at 30 feet, there would still be limitations.

Mr. Shull reiterated that Cal-Am was not a partner in the process until after the design was completed.

Mayor Smith thanked the speakers for their comments.

Vice Mayor Finter stated that the following citizens submitted speaker cards in opposition to the Ordinance, but did not wish to address the Council:

Glenn Volkenant  
Donna Volkenant  
Karen Schoeler  
Marvin Schoeler  
Virginia Komenda  
William Reiter  
Robert Konradt, Sr.  
Donna McGuire  
Christopher Paine  
Violet Ferneace

Marion Maloney  
Patricia Tom  
Mary Jane Cuda  
Arnie Holmgren  
Diane Coffey  
Beverly Criswell  
Harvey Estarno  
Brad Sherburne  
Lisa Sherburne  
Ardath Brown  
Ruth Anderson  
EG Criswell  
Patty Stevens  
John Jones  
Richard Brown

The following card was submitted in opposition to the Ordinance, but not read into the record:

Norman Ortega

Mayor Smith thanked the individuals who submitted speaker cards for being part of the process.

Ms. Spinner indicated that a challenge was filed by Mr. Anderson stating that the protest is invalid because it was not submitted by the property owner. She explained that the statute does require that the protest be submitted by the property owner. She stated that she was not prepared at this time to provide an answer as to whether the protest is or is not valid.

Ms. Spinner remarked that a response was submitted by the attorney for Cal-Am, who also represents the owner, stating that it is held in trust and that Cal-Am is the manager of the property. She stated that at this time, she is not able to determine what authority the owner has given to Cal-Am. She added that she would need more time to review the documentation and discuss this issue with the attorneys before making a determination.

Ms. Spinner further advised that Mr. Anderson requested that the City make a statement that if this item was continued, it would not extend the time for the owner to file another valid protest in the interim. She stated that Zoning Ordinance 11-67-4(E.3) states: "A written protest filed in the office of the Planning Director by no later than 12:00 noon on the Monday of the week prior to the Council meeting at which the proposal is scheduled to be considered..."

Ms. Spinner explained that "considered" would mean when the Council is going to act on the proposal and "scheduled to be considered" could mean tonight. She noted, however, that if the matter was continued, it could mean that the neighbors would be provided an additional week to file a protest.

Ms. Spinner, in addition, commented that the Ordinance is unclear and noted that the City Code states that if the issue is unclear, it would be up to Zoning Administrator Gordon Sheffield to interpret and apply the Code. She advised that Mr. Sheffield was unavailable, but indicated that after discussing the issue with Mr. Wesley, he stated and she did not disagree, that "scheduled to be considered" would allow the neighboring property owner an additional week to file a valid

protest. She added that if the Council were to continue this item, it could allow for a new protest to be filed.

Mayor Smith remarked that it seems “a little strange” that the Ordinance would be used to correct a default and “allow somebody to correct their error by coming back.”

Ms. Spinner further commented that if staff had received the challenge to the protest last week, they would have had an opportunity to resolve the issue before tonight.

In response to a series of questions from Mayor Smith, Mr. Anderson clarified that his client would prefer to proceed with the vote tonight, despite Ms. Spinner’s reluctance to make a determination. He stated that if a vote occurs tonight and it is less than 6 – 1, there could be an action by either side. He added that the best solution would be to have either a 6 –1 or 7 – 0 vote.

Mr. Anderson reiterated that this is a high-quality and well-designed project. He said that the information related to the project was sent to Cal-Am well in advance and noted that the only response was the filing of the legal protest. He pointed out that the changes that Cal-Am has requested will impact the property to such a degree, that it would be nothing more than a “typical apartment-style complex.”

Ms. Spinner summarized the Council’s options as follows: 1.) Continue the matter for two weeks to allow staff time to research and determine whether the protest is valid. If the protest is valid, it would require six votes to pass; or 2.) Move forward with the vote tonight. If there are less than six votes, however, it would remain unclear whether the action is valid.

Mayor Smith stated that it was the consensus of the Council to proceed with a vote on the Ordinance tonight.

It was moved by Councilmember Somers, seconded by Councilmember Richins, that Ordinance No. 5155 be approved.

Councilmember Somers commented that these types of zoning cases are difficult and noted that he understands what it means to “lose the view of the mountains.” He said that the proposed condominium development is a high-quality project with many amenities that will be located on a site that is difficult to develop. He said that while single-family homes might be more desirable, the property is more suited for multi-family housing considering its close proximity to the freeway.

Councilmember Somers further remarked that the amenities that will be included in the center of the development are what will make it a high-quality project. He added that if the motion fails, another project will be brought back, which may not be a similar level of quality.

Vice Mayor Finter thanked the speakers for taking the time to address the Council this evening.

Mayor Smith expressed support for the motion and stated that the City will ensure that the developer builds the project to the level and quality they have proposed. He noted that if the setback was at 30 feet, the project would be of a lower quality. He also remarked that this will be a positive project for the area and added that he hoped the neighbors would find a way to coexist.

Councilmembers Somers commented that he was involved in the conversations regarding the amenities and investments that were made at the Valle del Oro Resort. He said that those types of investments will be what increase the property values in the neighborhood.

Mayor Smith called for the vote.

Carried unanimously.

Mayor Smith thanked the speakers for their participation in this process.

12. Items from citizens present.

Dan Reeb, a Mesa resident, addressed the Council and said that now that the economy has improved, there has been an increase in activity in southeast Mesa. He requested that the City develop a "fast track" type of system to assist businesses that are looking to develop in the southeast portion of the City.

Mr. Reeb suggested that having a single point of contact to coordinate the interactions with the Planning Department and the City Manager's Office would be beneficial. He also urged that meetings that focus on industrial development and employment in southeast Mesa be held and that the landowners and developers be included at those events. He thanked the Council for their support regarding the freeway interchange and added that it will be a viable asset to the area.

Councilmember Somers commented that he would be available to speak with Mr. Reeb after the meeting.

13. Adjournment.

Without objection, the meeting adjourned at 7:52 p.m.

---

SCOTT SMITH, MAYOR

ATTEST:

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DEE ANN MICKELSEN, CITY CLERK

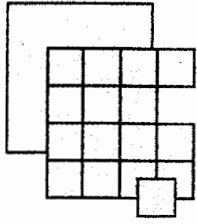
I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 17<sup>th</sup> day of June, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

---

DEE ANN MICKELSEN, CITY CLERK

bdw/pag  
(attachments – 2)





Pew & Lake, P.L.L.C.  
Real Estate and Land Use Attorneys

W. Ralph Pew  
Certified Real Estate Specialist  
Sean B. Lake  
Reese L. Anderson

June 17, 2013

VIA E-MAIL (john.wesley@mesaaz.gov)

John Wesley, AICP  
Planning Director  
City of Mesa  
55 N. Center Street  
Mesa, Arizona 85201

*Re: Bella Victoria Condominiums  
Case No. Z13-21  
Response to Cal-Am Legal Protest Letter*

Dear John:

I am writing in response to the legal protest letter dated May 13, 2013, and submitted to the City of Mesa by the law firm of Dickinson Wright / Mariscal Weeks ("Dickinson Wright") on behalf of their client, Cal-Am Properties ("Cal-Am"), relative to the above-referenced zoning case (hereinafter the "Legal Protest Letter"). For the various reasons stated below, we believe that the Legal Protest Letter fails to meet the legal requirements to trigger a super majority vote by the City Council.

Legal Protests Must be Signed by the Property Owner, Not their Agent

It is well understood law in Arizona that in order to trigger the ¾-vote requirement, a written protest, signed by the actual property owner, not an agent, must be submitted to the City. A.R.S. § 9-462.04(H) provides the following:

If the owners of twenty per cent or more either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending one hundred fifty feet therefrom, or of those directly opposite thereto extending one hundred fifty feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths of all members of the governing body of the municipality. (Emphasis added.)

John Wesley, AICP  
June 17, 2013  
Page 2 of 3

Similar language appears in the Mesa Zoning Ordinance in § 11-67-4(E)(1). In this instance, the Legal Protest Letter was signed by Cliff Mattice, an attorney for Dickinson Wright. Based on information and belief, neither Mr. Mattice nor Dickinson Wright owns the Valle del Oro property. Accordingly, the protest fails because it was signed by the owner's attorney and not the actual owner.

We note that case law from other jurisdictions exists that allows attorneys to sign a legal protest on behalf of a client. However, we are unaware of any such case law from Arizona courts and have not found any court opinions to this end that are binding on Arizona courts. Nevertheless, the protest clearly fails for another, and more salient, reason.

#### Cal-Am Properties Does Not Own Valle del Oro

In the Legal Protest Letter, Mr. Mattice of Dickinson Wright wrote the following: "This firm represents Cal-Am Properties. Cal-Am owns the Valle del Oro Resort . . . ." A review of the public records, however, shows that Cal-Am does not own the Valle del Oro Resort. To the contrary, the Maricopa County Assessor's site shows that the Valle del Oro Resort is owned by "Norton S. Karno, Trustee of the Norton S. Karno, a Professional Corporation, Amended and Restated Employees' Retirement Plan and Trust," hereinafter referred to as the "Karno Trust."

To confirm such ownership, we asked a local title company to review ownership of the Valle del Oro Resort property. As evidence of their research, we have attached the following:

- (1) Email from Carol Rieger, Senior Commercial Escrow Officer, Clear Title of Arizona, dated June 10, 2013, stating that their review showed "the ownership of the RV Park as Norton S. Karno", not Cal-Am Properties, and
- (2) Copy of the vesting deed and affidavit of property value for the Valle del Oro property, recorded on September 26, 2008 as Instrument No. 2008-0833019, again showing the owner as the Karno Trust, not Cal-Am. Such copy being provided to us by Clear Title of Arizona and was attached to the email.

In short, even if Dickinson Wright, as the attorney for Cal-Am, was able to sign a legal protest on behalf of its client, which we strongly dispute, to the best of our knowledge, the current owner is the Karno Trust, not Cal-Am. Accordingly, the legal protest submitted by Dickinson Wright was not signed by the "owner" as required by the statute and City ordinance. We are also attaching a copy of a "Corporate Inquiry" relative to Cal-Am from the Arizona Corporation Commission. In comparing this document to the information found in the deed, the only similarity is that both the Karno Trust and Cal-Am are located in the State of California.

We recognize that Cal-Am will likely counter that some connection exists between Cal-Am and the Karno Trust. Even if this is true, neither the recognition of such by the City nor the reality of such works to correct the improper filing of the current Legal Protest Letter. Additionally, even if such connection does exist, that connection was not stated, recognized,

John Wesley, AICP  
June 17, 2013  
Page 3 of 3

proved, nor is it readily apparent in the Legal Protest Letter. In fact, and as noted previously, a contrary statement was made in the Legal Protest Letter when it named the owner as "Cal-Am Properties."

#### The Deadline to File a Legal Protest has Passed

Mesa Zoning Code § 11-67-4(E)(3) states that all "written protests [are to] be filed in the office of the Planning Director by no later than 12:00 noon the Monday of the week prior to the City Council meeting at which the proposal is scheduled to be considered . . . ." While there is no dispute that the defective Legal Protest Letter was filed prior to the Monday, June 10<sup>th</sup> deadline, there can also be no dispute that no additional protests have been filed with the City on behalf of the Karno Trust, who, based on the evidence before us, owns the property. Accordingly, the Legal Protest Letter filed with the City fails to trigger the ¾-vote requirement.

Even if Dickinson Wright is the legal representative of the Karno Trust, the Legal Protest Letter still fails for the simple reason that the legal representative of the Karno Trust did not protest the zoning case. Moreover, it would be improper for Dickinson Wright to now try to shoehorn their representation of Cal-Am into being a valid legal protest on behalf of the Karno Trust. In other words, evidence submitted past the deadline should not resurrect a faulty filing. If such has been the case, Dickinson Wright would have stated from the beginning that its client is the Karno Trust and not Cal-Am.

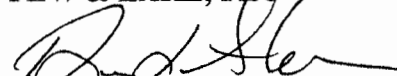
#### Conclusion

For the foregoing reasons, the Legal Protest Letter should not be accepted as a valid legal protest and the City Council vote on Monday, June 17<sup>th</sup> should follow traditional majority rules rather than those of a ¾ supermajority.

Thank you for your consideration relative to this matter. We hope that you have found the foregoing information helpful in making your determination. If you would like additional information, or would like to discuss these matters further, please contact me. We look forward to hearing from you.

Sincerely,

**PEW & LAKE, PLC**



Reese L. Anderson

cc: Mr. Hudd Hassell, Ellsworth & US60 (via e-mail)  
Jeff McVay, AICP, Project Manager, City of Mesa (via e-mail)  
Margaret Robertson, Esq., City of Mesa (via e-mail)  
Fredda Bisman, Esq., Dickinson Wright / Mariscal Weeks (via e-mail)

**Reese Anderson**

---

**From:** Hudd Hassell [huddh@cox.net]  
**Sent:** Monday, June 10, 2013 4:58 PM  
**To:** Reese Anderson  
**Subject:** Fwd: Maricopa County Deed and Liens (Property West of US 60 and Ellsworth)  
**Attachments:** image003.jpg; ATT00001.htm; SWD.PDF; ATT00002.htm; APV.PDF; ATT00003.htm

Sent from my iPhone

Begin forwarded message:

**From:** Carol Rieger <[crieger@cleartitleaz.com](mailto:crieger@cleartitleaz.com)>  
**Date:** June 10, 2013, 4:28:14 PM MST  
**To:** "huddh@cox.net" <[huddh@cox.net](mailto:huddh@cox.net)>  
**Subject:** **FW: Maricopa County Deed and Liens (Property West of US 60 and Ellsworth)**

Hi, Hudd,  
Attached is the Research from our Customer Service Department showing the ownership of the RV Park as Norton S. Karno.  
Thanks!

**Carol Rieger**  
[CRieger@cleartitleaz.com](mailto:CRieger@cleartitleaz.com)  
D:480.278.8425 C:602.502.8762 F:866.522.1710

OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
20080833019 09/26/2008 11:16  
ELECTRONIC RECORDING

**WHEN RECORDED, RETURN TO:**

Kenneth L. Friedman, Esq.  
Karno, Schwartz & Friedman  
16255 Ventura Boulevard, Suite 1200  
Encino, California 91436-2363

9262008-3-2-1--  
fraustoj

**SPECIAL WARRANTY DEED**

For valuable consideration, receipt of which is hereby acknowledged, **VALLE DEL ORO ASSOCIATES, L.P.**, an Arizona limited partnership (the "Grantor"), does hereby convey to **NORTON S. KARNO, Trustee of the NORTON S. KARNO, A PROFESSIONAL CORPORATION, AMENDED AND RESTATED EMPLOYEES' RETIREMENT PLAN AND TRUST** (the "Grantee") the following described real property (the "Property") situated in Maricopa County, Arizona.

**SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE**

**SUBJECT TO** all matters presently of record, Grantor binds itself and its successors, legal representatives and assigns, **TO WARRANT UNTO AND FOREVER DEFEND** Grantee and Grantee's successors, legal representatives and assigns, title to the Property unto Grantee and its successors, legal representatives and assigns, solely against all acts of Grantor and no other.

DATED: September 24, 2008

GRANTOR: VALLE DEL ORO ASSOCIATES, L.P., an Arizona limited partnership

By: VALLE DEL ORO, INC., an Arizona corporation, its sole General Partner

By: *Norton S. Karno*  
Norton S. Karno, President

K:\NSK\Valle Del Oro\Dissolution\SpecialWarrantyDeed-v1.wpd

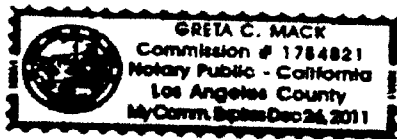
STATE OF CALIFORNIA       )  
  ) ss.  
COUNTY OF LOS ANGELES   )

On September 24, 2008, before me, Greta C. Mack, Notary Public, personally appeared NORTON S. KARNO who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) (s) are subscribed to the within instrument and acknowledged to me that (he) (she) (they) executed the same in (his) (her) (their) authorized capacity(ies), and that by (his) (her) (their) signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(SEAL)



Greta C. Mack  
Notary Public in and for said County and State  
My Commission Expires: 12/26/2011

**EXHIBIT "A"**

Lots 1 through 1802, inclusive and Tracts A through M, inclusive, VALLE DEL ORO AMENDED, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 477 of Maps, page 5, and Certificate of Correction recorded in Document No. 2001-0894911;

EXCEPTING therefrom any portion of said lots lying within the following two exceptions:

EXCEPT BEGINNING at the Northwest corner of said Valle Del Oro Amended; THENCE South 89 degrees 50 minutes 26 seconds East, along the North line thereof, 316.83 feet;  
THENCE South 00 degrees 30 minutes 46 seconds West, 55.00 feet to a point on the South right-of-way line of Southern Avenue;  
THENCE South 00 degrees 07 minutes 33 seconds West, 64.54 feet;  
THENCE North 89 degrees 52 minutes 27 seconds West, 139.90 feet;  
THENCE South 15 degrees 11 minutes 42 seconds West, 672.42 feet to a point on the West line of said Valle Del Oro Amended;  
THENCE North 00 degrees 02 minutes 06 seconds East, along said West line, 770.96 feet to the POINT OF BEGINNING; and

EXCEPT BEGINNING at the Southwest corner of Tract "G" of said Valle Del Oro Amended, said Southwest corner also being the Northwest corner of the Southerly 600.00 feet of the East half of the Southeast quarter of the Northwest quarter of Section 33;  
THENCE North 00 degrees 02 minutes 43 seconds West, along the west line of said Tract "G", 39.05 feet;  
THENCE South 80 degrees 11 minutes 50 seconds East, 232.50 feet to a point on the South line of said Tract "G";  
THENCE North 89 degrees 51 minutes 57 seconds West, along the South line, 229.14 feet to the POINT OF BEGINNING.





Attachment to  
Affidavit of Property Value  
(DOR Form 82162)

4. Buyer is the holder of all of the partner interests in Seller and the Property is being deeded to Buyer by Seller in connection with the dissolution, liquidation and winding up of the Seller. No consideration is being paid. The "Sales Price" reflected in item 11 is the present fair market value of the Property.

20080833019

STATE OF CALIFORNIA        )  
  ) ss.  
COUNTY OF LOS ANGELES    )

Subscribed and sworn to (or affirmed) before me this 25<sup>TH</sup> day of September,  
2008, by NORTON S. KARNO, proved to me on the basis of satisfactory  
evidence to be the person(s) who appeared before me.

WITNESS my hand and official seal.

(SEAL)



Greta C. Mack  
Notary Public in and for said County and State  
Print Name: GRETA C. MACK  
My Commission Expires: 12/26/2011

**EXHIBIT "A"**  
**(Legal Description)**

Lots 1 through 1802, inclusive and Tracts A through M, inclusive, VALLE DEL ORO AMENDED, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 477 of Maps, page 5, and Certificate of Correction recorded in Document No. 2001-0894911;

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THENCE South 80 degrees 11 minutes 50 seconds East, 232.50 feet to a point on the South line of said Tract "G";  
THENCE North 89 degrees 51 minutes 57 seconds West, along the South line, 229.14 feet to the POINT OF BEGINNING.

06/04/2013

Arizona Corporation Commission  
State of Arizona Public Access System

10:46 AM

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[E-FILE An Annual Report Online << Click Here](#)

[FORMS For Annual Reports To Be Printed And Mailed << Click Here](#)

<b>Corporate Inquiry</b>	
<b>File Number:</b> F-0972065-4	<a href="#">Check Corporate Status</a>
<b>Corp. Name:</b> CAL-AM PROPERTIES, INC.	

**Domestic Address**

385 CLINTON STREET
COSTA MESA, CA 92626

**Foreign Address**

233 N VAL VISTA DR
MESA, AZ 85213

**Statutory Agent Information**

<b>Agent Name:</b> C T CORPORATION SYSTEM
<b>Agent Mailing/Physical Address:</b>
2390 E CAMELBACK RD
PHOENIX, AZ 85016
<b>Agent Status:</b> APPOINTED 12/12/2000
<b>Agent Last Updated:</b> 04/02/2012

**Additional Corporate Information**

<b>Corporation Type:</b> BUSINESS	<b>Business Type:</b> REAL ESTATE
<b>Incorporation Date:</b> 12/12/2000	<b>Corporate Life Period:</b> PERPETUAL
<b>Domicile:</b> CALIFORNIA	<b>County:</b> MARICOPA

**DICKINSON WRIGHT**  
MARISCAL WEEKS

2901 NORTH CENTRAL AVENUE, SUITE 200  
PHOENIX, AZ 85012-2705  
TELEPHONE: (602) 285-5000  
FACSIMILE: (602) 285-5100  
<http://www.dickinsonwright.com>

ROBERT A. SHULL  
RShull@dickinsonwright.com  
(602) 285-5010

June 17, 2013

**VIA E-MAIL DELIVERY**

John Wesley, AICP  
Planning Director  
City of Mesa  
55 N. Center Street  
Mesa, Arizona 85201  
(John.Wesley@mesaaz.gov)

Re: Bella Victoria Condominiums, Case No: Z13-21  
Valle del Oro Resort Legal Protest letter May 20, 2013 ("Protest Letter")

Dear Mr. Wesley:

The law firm of Dickinson Wright/Mariscal Weeks acts as attorneys at law for Norton S. Karno, Trustee of the Norton S. Karno, a Professional Corporation, Amended and Restated Employee's Retirement Plan and Trust ("Owner"), which holds title to the Valle del Oro Resort, which is the subject of the Protest Letter. At the time the Protest Letter was issued and delivered to the City of Mesa, this law firm was the attorney for, and the agent of, Owner in connection with the Protest Letter. The Protest Letter was issued by the lawyers for the Owner, with the authorization of the Owner. The Owner ratifies and adopts all actions of its attorneys taken in connection with Protest Letter.<sup>1</sup>

In addition, Cal Am Properties, Inc. ("Cal-Am") is employed by Owner as the manager of Valle del Oro Resort. As such, it is the agent of Owner and was authorized to issue the Protest Letter on the Owner's behalf. Owner, a trust, can only act through its agents. In this case, Owner acted through its property manager and attorneys.

A challenge to Cal-Am's standing to issue the Protest Letter should come from the City, not adjacent property owner. This is because it is the City that must adjudicate the protest. And, the City should err on the side of caution and allow the protest to be considered. Ariz. Rev. Stat.

---

<sup>1</sup> A lawyer's act is considered to be that of the client in proceedings before a tribunal . . . if the tribunal or third person reasonably assumes that the lawyer is authorized to do the act. Restatement (3d) of the Law Governing Lawyers, § 27. "Common law agency principles hold that an attorney, by virtue of the attorney-client relationship, has implied authority to perform acts incident or necessary to the purpose for which he was retained." *Wyatt v. Wehmuller*, 167 Ariz. 281, 284, 806 P.2d 870, 873 (Ariz. 1991). Where the client expressly so authorizes the attorney, the attorney may enter into an agreement on the client's behalf and his action binds the client. *Hays v. Fischer*, 161 Ariz. 159, 164, 777 P.2d 222, 227(Ct. App. 1989).

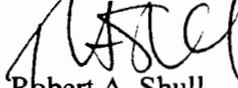
DICKINSON WRIGHT/MARISCAL WEEKS

John Wesley, AICP  
June 17, 2013  
Page 2

§9-462.04 protects concerned owners of land adjacent to property that is being considered for a zoning variance. Ordinances that are passed without substantial compliance with the controlling statute are void. *Manning v. Reilly*, 2 Ariz. App. 310, 408 P.2d 414 (1965). If the City disregards the protest, that action will be susceptible to challenge in the courts and may ultimately be declared void. By addressing the protest, per Section 9-462.04, the City avoids these pitfalls.

Very truly yours,

DICKINSON WRIGHT/MARISCAL WEEKS

  
Robert A. Shull  
For The Firm

Cc: Margaret Robertson, Esq., City of Mesa (via email, [Margaret.Robertson@MesaAZ.gov](mailto:Margaret.Robertson@MesaAZ.gov))  
Debra Skinner, Esq., City of Mesa (via email, [Debbie.spinner@mesaaz.gov](mailto:Debbie.spinner@mesaaz.gov))  
Reese Anderson (via email, [Reese.anderson@pewandlake.com](mailto:Reese.anderson@pewandlake.com))  
Marc Franklin (via email, [Marcf@cal-am.com](mailto:Marcf@cal-am.com))

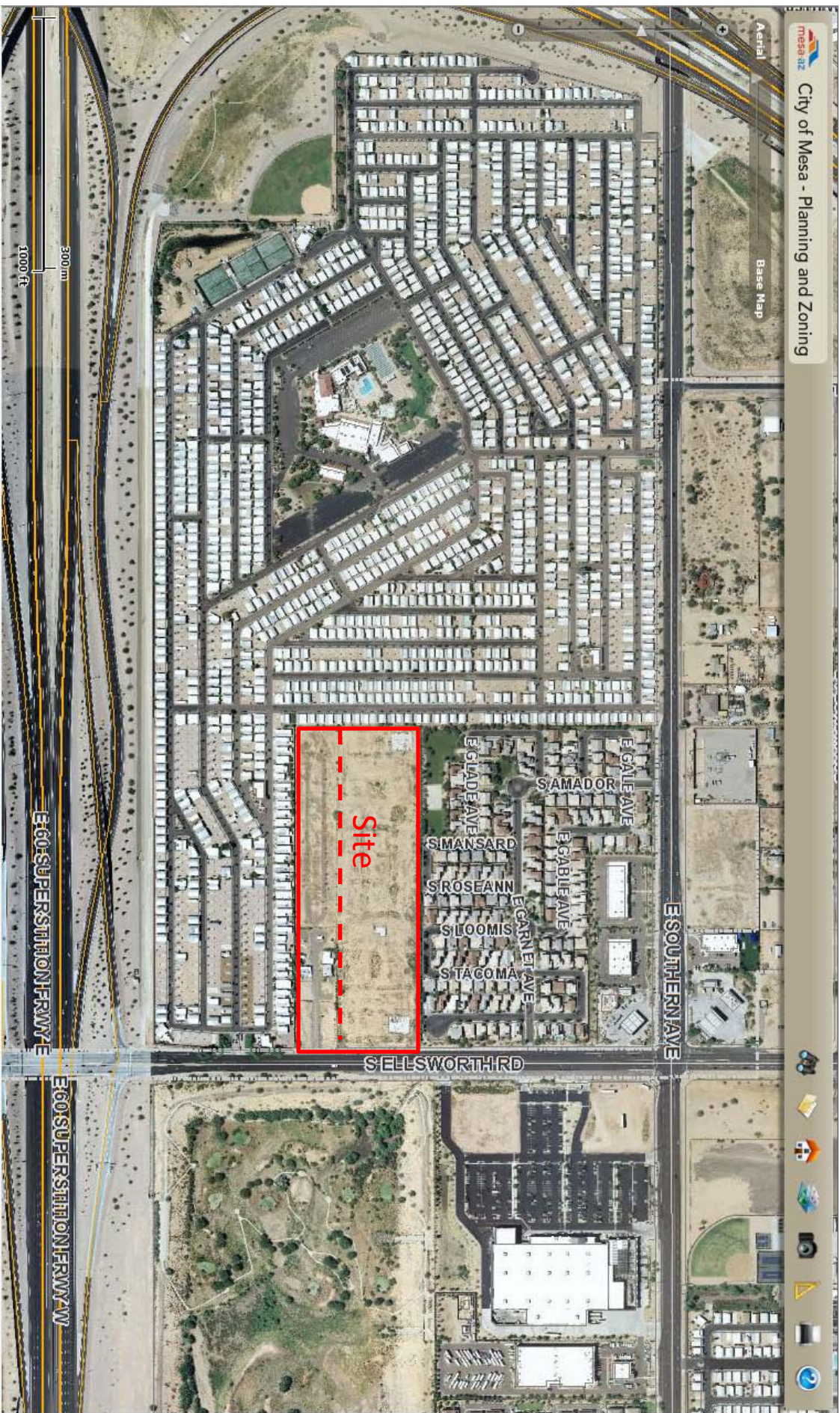
68403

**Bella Victoria**

**Case No. Z13-021**

**Mesa City Council Presentation**  
**June 17, 2013**

# Aerial Photo

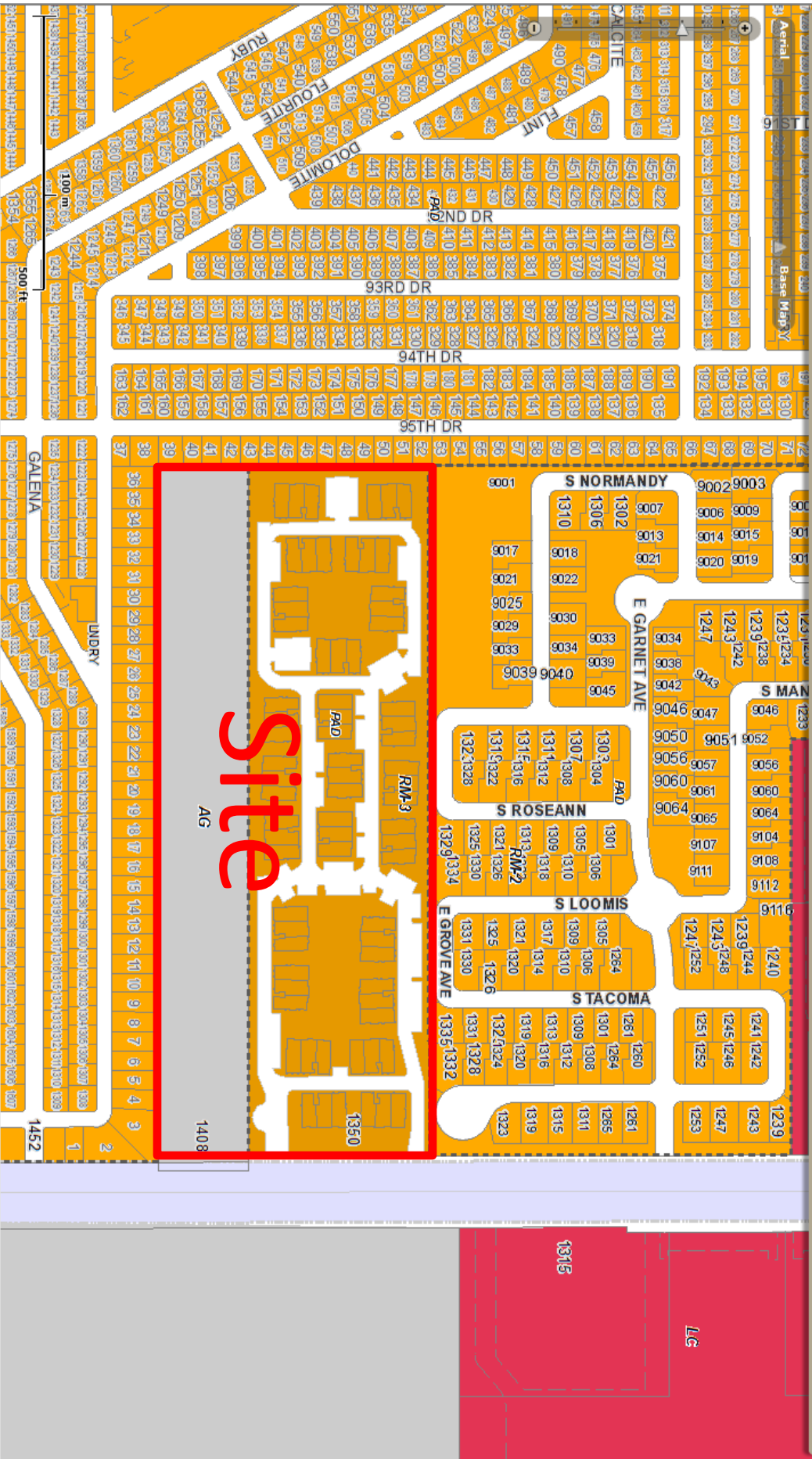




# Enlarged Aerial Photo



# Zoning Map





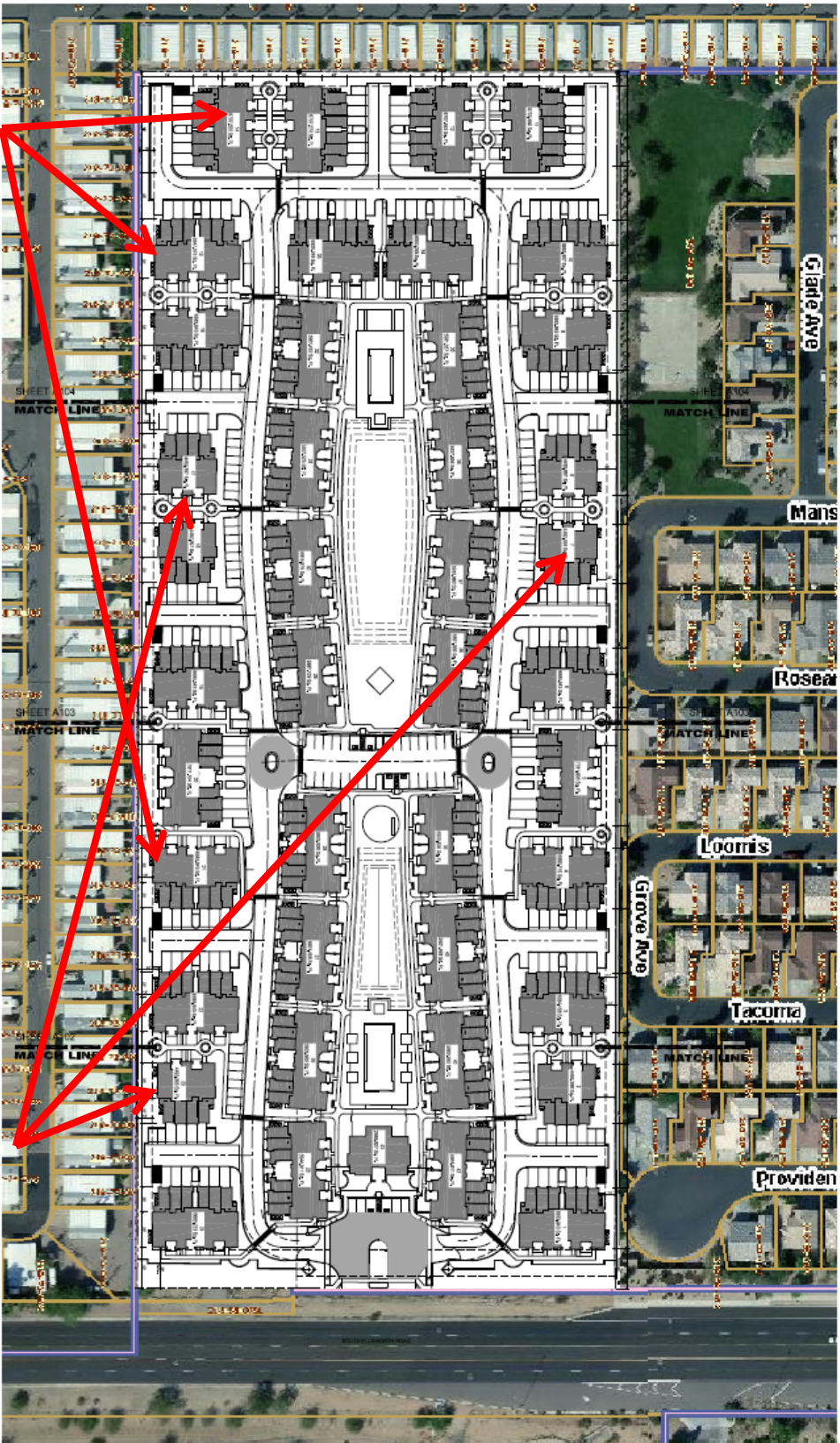








# Proposed (revised) Site Plan for Council



Type B Buildings = 15 ft Setback

Type C Buildings Setback = 20 ft

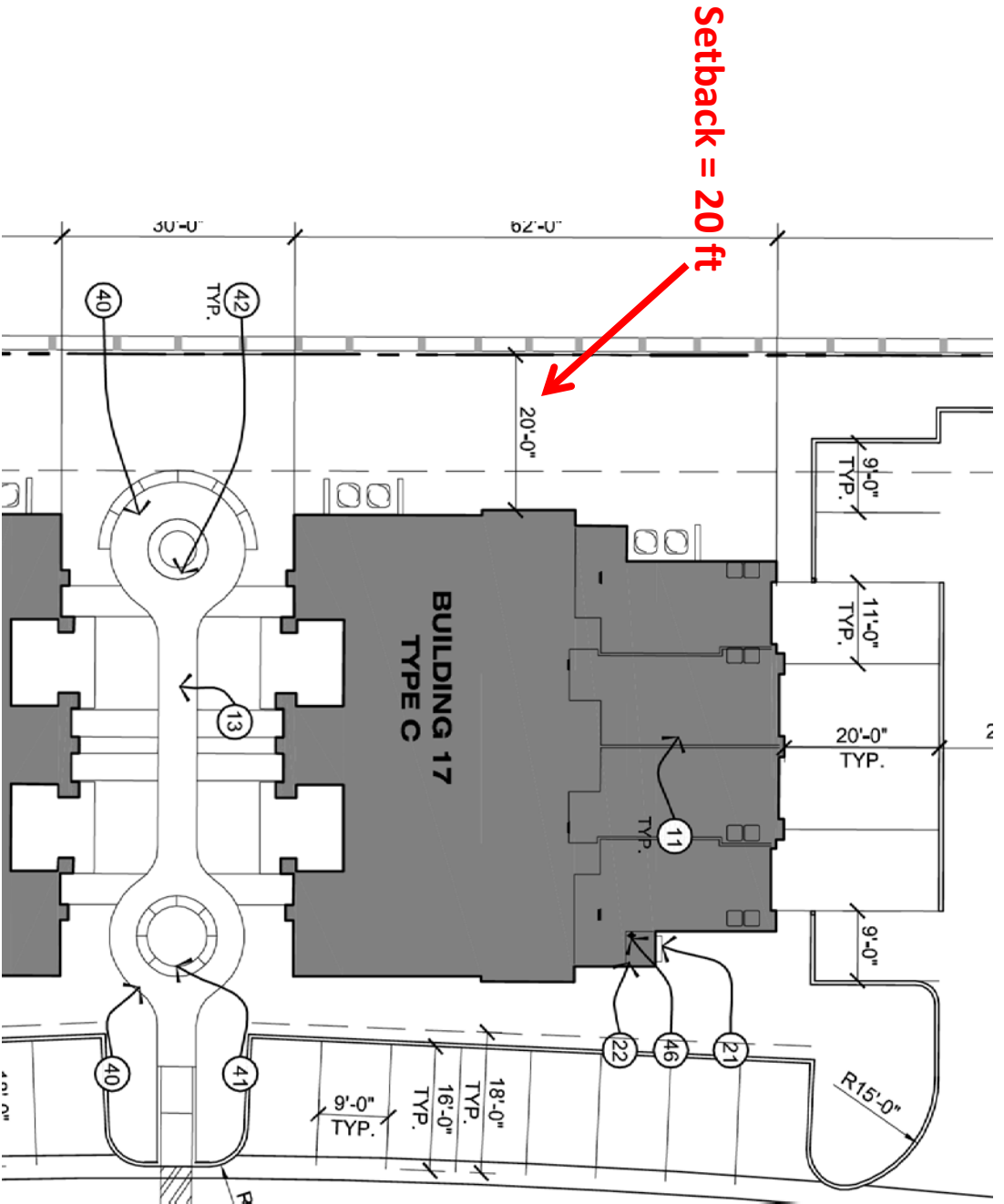
OVERALL SITE PLAN

SCALE: 1" = 60'

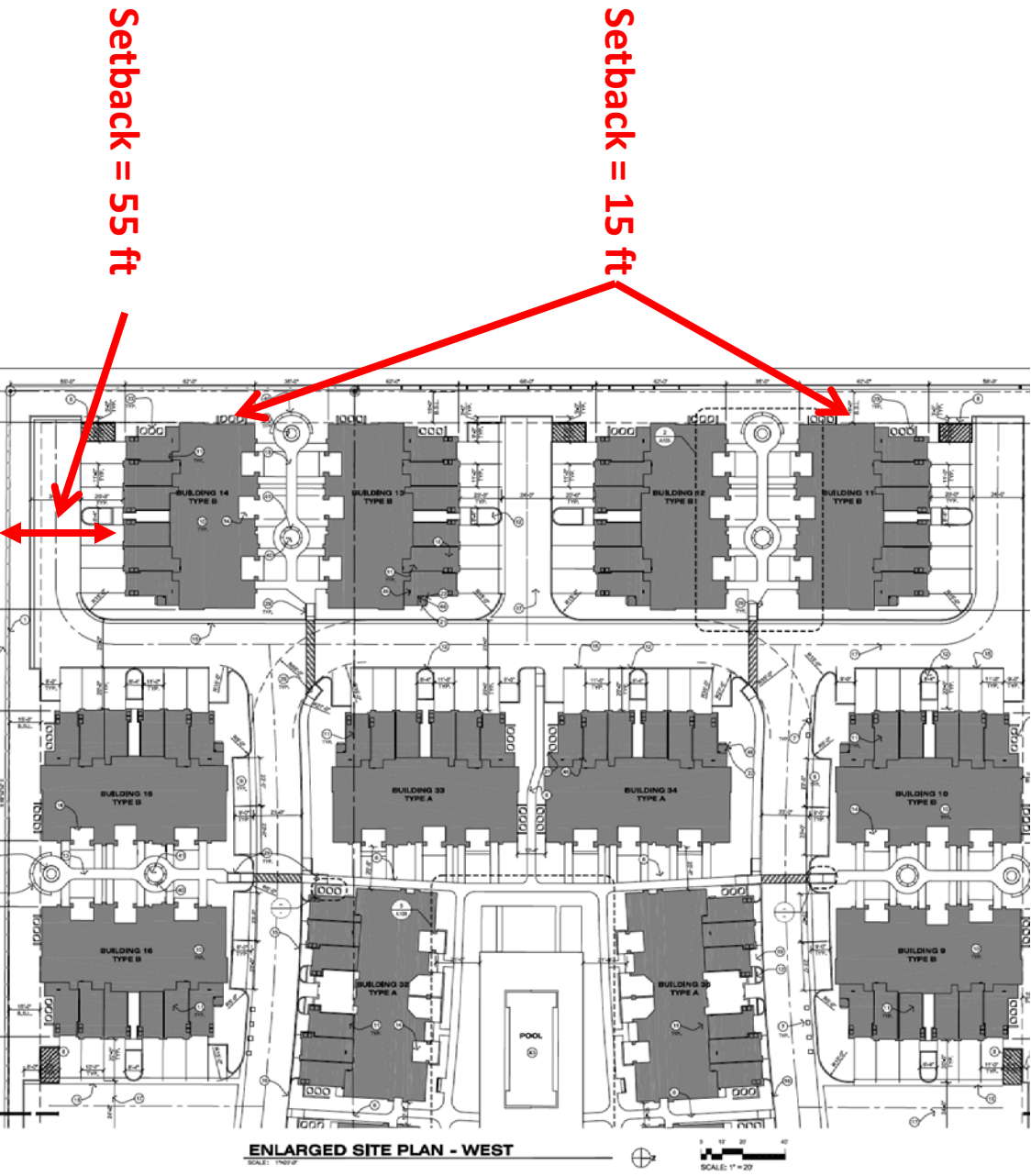




# Type C Buildings - North & South



# Site Plan Enlarged – West

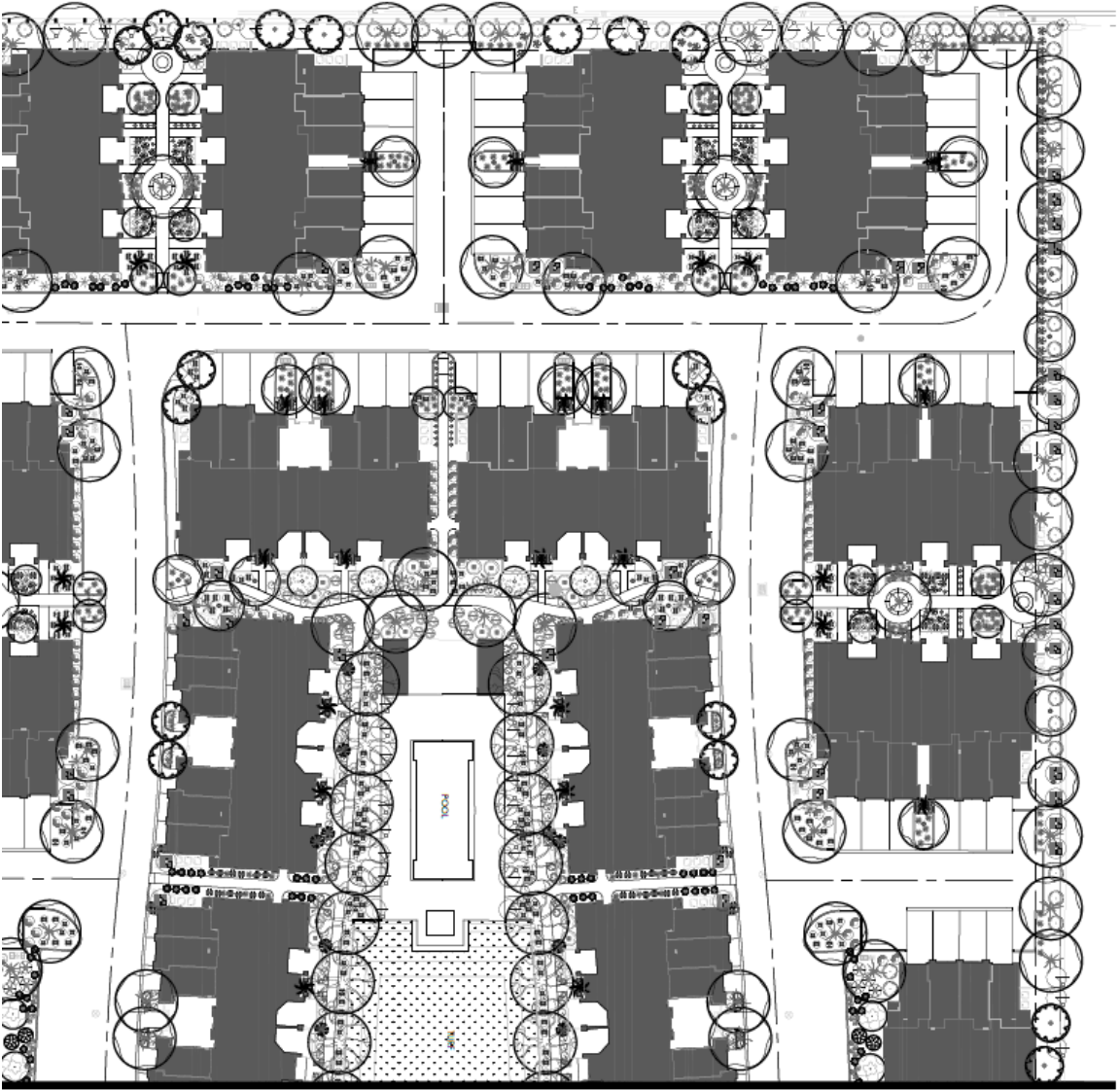




# 2-Story House in Amador (Approx. 12 ft from Property Line)



# Landscape Plan (cont'd)



MITCHLINE - A-SEE SHEET L04

## Plant Legend

Tree	Botanical Name	Size	Qty	Comm
	ACACIA SALICINA	15 GAL / 70 24" BOX		H. W. STAKE
	WILLOW ACACIA			H. W. STAKE
	CEANOTHUS CALIFORNICUS	15 GAL / 66		H. W. STAKE
	SMOOTHIE			H. W. STAKE
	CORDIA ROBERTSONII	15 GAL / 30		H. W. STAKE
	EVOLVENSIS			H. W. STAKE
	DALEA GREGGII	15 GAL / 107		H. W. STAKE
	SEEDO TREE	24" BOX		H. W. STAKE
	PARSONSIA V. DESERT MUSEUM	15 GAL / 99		H. W. STAKE
	DESERT MUSEUM	24" BOX		H. W. STAKE
	EUCALYPTUS GIBBERULE	15 GAL / 40		H. W. STAKE
	REDBONNET			H. W. STAKE
	RED HON PINEAPPLE	15 GAL / 44		H. W. STAKE
	CHANGES			H. W. STAKE
	SOUTHERN LIVE OAK	15 GAL / 6		H. W. STAKE
	YUCONDA			H. W. STAKE
	BRASILENSIS	5 GAL	90	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	BRASILENSIS	5 GAL	27	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	86	H. W. STAKE
	HUMULUS			H. W. STAKE
	MEDICINALE			H. W. STAKE
	BIHARRI	5 GAL	53	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	28	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	25	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	34	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	242	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	47	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	313	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	521	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	148	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	439	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	114	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	64	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	55	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	184	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	181	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	431	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	540	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
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	NOBILIS			H. W. STAKE
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	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
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	BIHARRI			H. W. STAKE
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	NOBILIS			H. W. STAKE
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	NOBILIS			H. W. STAKE
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	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE
	CHAMBERLAINII	5 GAL	24	H. W. STAKE
	NOBILIS			H. W. STAKE
	BIHARRI			H. W. STAKE

# Amador Landscaping Screen (2-Story Home Hidden Behind Trees)





# View from Ellsworth Road





# Bldg Type B – 6 Units – Perimeter Bldgs



**FRONT ELEVATION**

SCALE: 1/4" = 1'-0"



**LEFT ELEVATION**

SCALE: 1/4" = 1'-0"

**MATERIALS  
 FINISH SCHEDULE**

	PF-1	Blond Color Dove Eggshell OC 6131
	PF-2	Accent Color DRY COGNAC SC 6122
	PF-3	Accent Color *Tones, Greens, Browns, Whites 900112, 9247 SCN 326
	PF-4	Accent Color Dove Eggshell OC 6131
	K-1	Red Tile Engel Mosaic Products C24750002 A48
	S1-1	Chiquitoosa 3/8" Ceramic Landscape 2" x 6" DRAGON C2V-200002CM-2042

**Project**

17174 Kellen Rd., Phoenix, AZ 85024  
 Project: 000111-0001 (Rev. 06/20/12)  
 Date: 06/21/2013

Rev.	Date	Author	Description
01	06-21-13	ED	Initial
02	06-21-13	PF, DRG	Submittal
03	06-21-13	ED	Change Description
04	06-21-13	ED	Change Description
05	06-21-13	ED	Change Description

EXHIBIT ON DATE: 06/20/2013  
 ELEVATIONS  
 17174 Kellen Rd., Phoenix, AZ 85024

**Professional Seal:**  
 State of Arizona  
 License No. 12345  
 Name: [Signature]  
 Title: Architect

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*Bella Victoria*

1350 S. Ellsworth Rd. Mesa, AZ

**Elevations  
 building Type "B"**

Date: 06-21-2013  
 Project No: 3912  
 Drawn By: ED  
 Checked By: ED  
 Approved By: ED

Scale: 1/4"=1'-0"

**A382**

PS13-021    PLN2013-00059

# Bldg Type C - 4 Units - Perimeter



**FRONT ELEVATION**

SCALE - 1/4" = 1'-0"



**REAR ELEVATION**

SCALE - 1/4" = 1'-0"

**MATERIALS  
 FINISH SCHEDULE**

- PF10 Solid Color  
 Solid Color  
 DE 8117N
- PF72 Accent Color  
 Dark Espresso  
 DE 8122
- PF12 Accent Color  
 Dark Espresso  
 DE 8122
- PF14 Accent Color  
 Dark Espresso  
 DE 8122
- PF15 Solid Color  
 Solid Color  
 DE 8117N
- R4 Solid Color  
 Solid Color  
 DE 8117N
- RF15 Customary Per County  
 1.000127000 / 2001.010100  
 CIVIL/2000/01/01/01/01/01

**Project**

Arch:	Chen
Arch. Firm:	Chen Architecture
Client:	Chen Architecture
Contract No.:	2012-013
Contract Date:	02/27/13
Contract Value:	\$2,500,000
Contract Status:	Final Design



**Chen Architecture**  
 4218 N. GIGAWATT  
 MESA, AZ 85204  
 TEL: 480.941.1111  
 FAX: 480.941.1112  
 WWW.CHENARCHITECTURE.COM

*Bella Victoria*  
 1350 S. Ellsworth Rd. Mesa, AZ

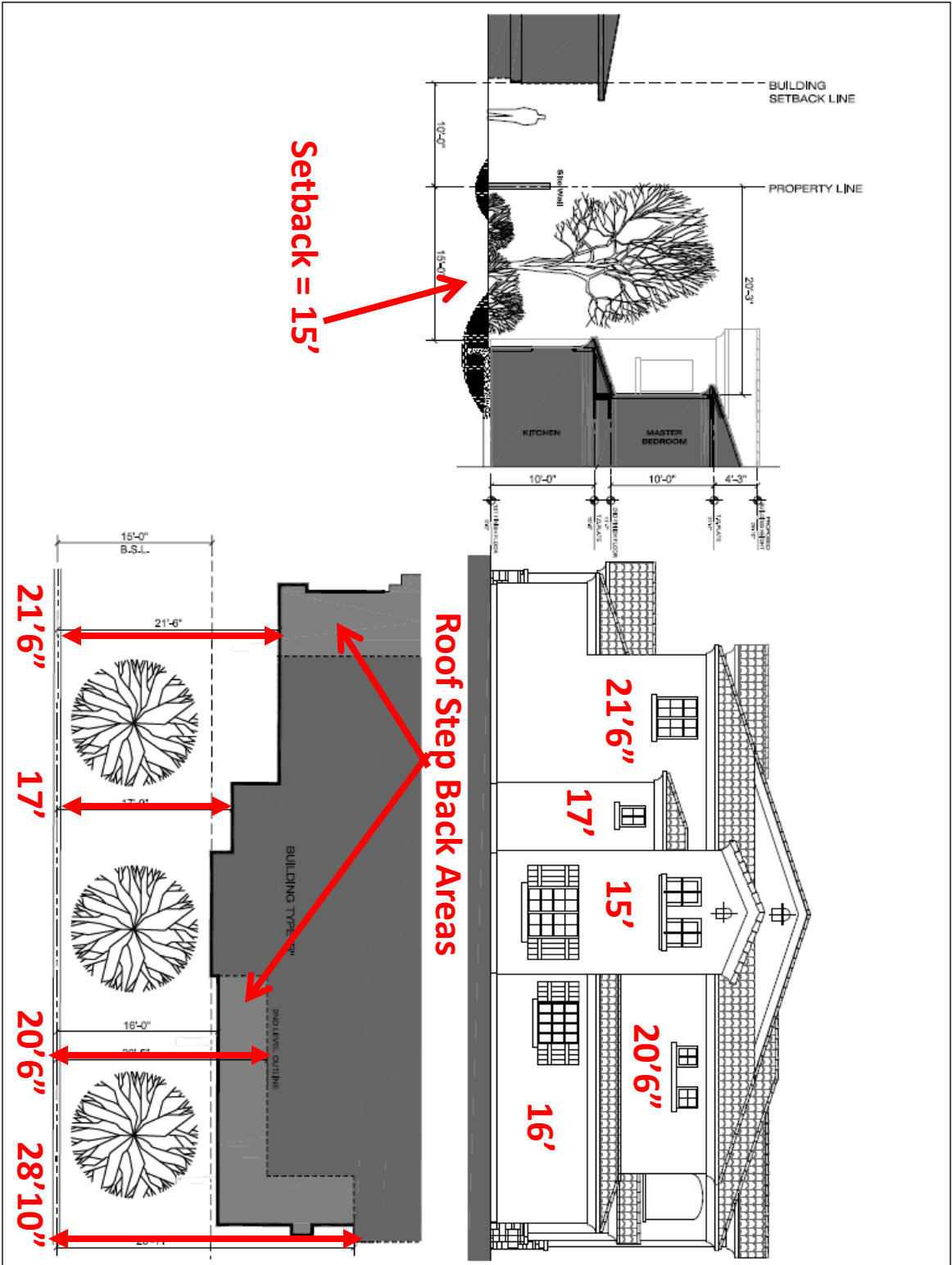
**Elevations  
 Building Type "C"**

Date: 06-05-2013  
 Project No.: 2012  
 Drawn By: EB  
 Checked By: EB  
 Approved By: EB

Scale: 1/4" = 1'-0"  
**A384**

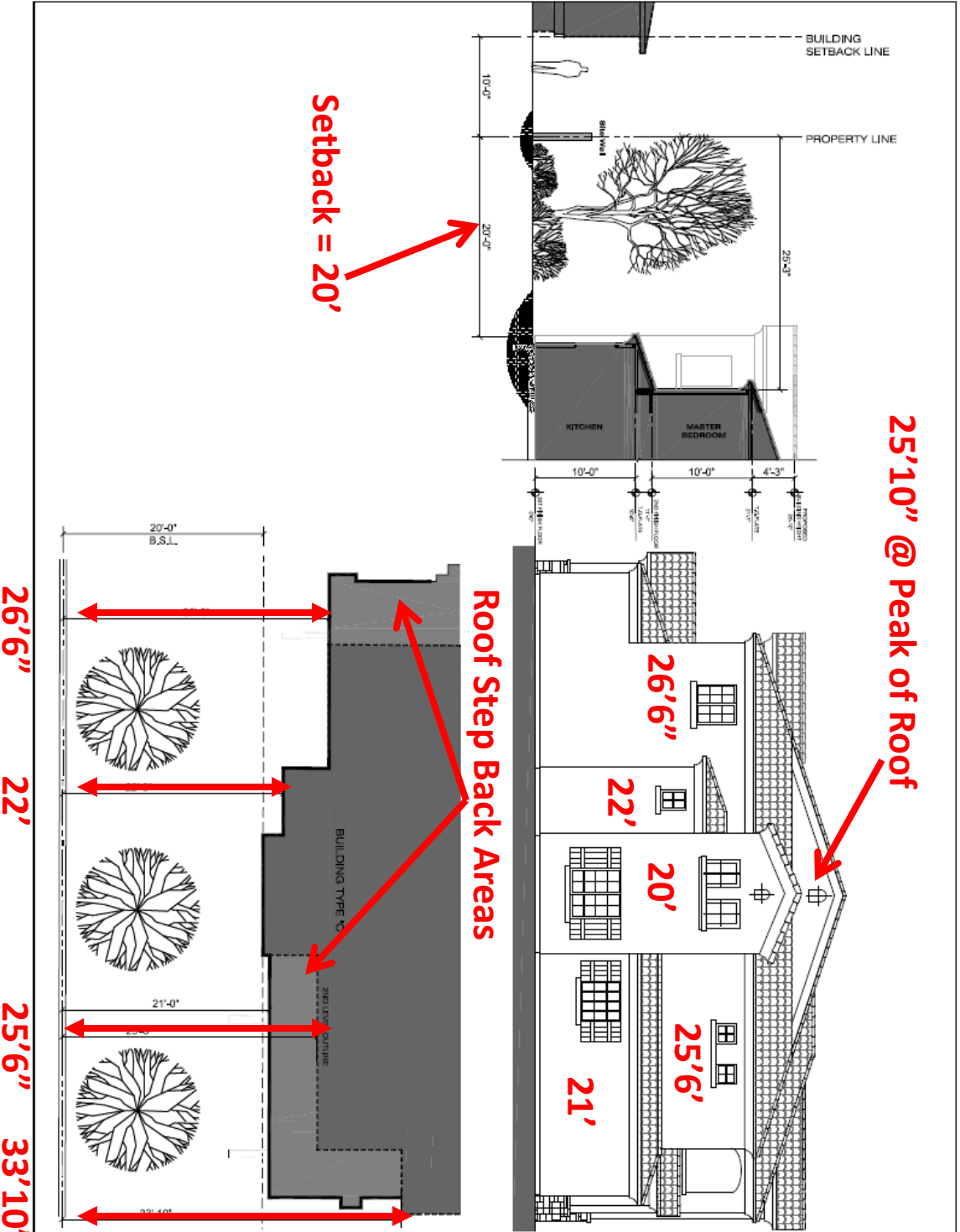


# Building B – Wall Section (cont'd)



<p><b>Wall Sections</b>  <b>Building Type "B"</b></p>		<p><i>Bella Victoria</i></p> <p>1350 S. Ellsworth Rd. Mesa, AZ</p>		<p>PROJECT NO. 130013-00059              130013-00059-00001              130013-00059-00001</p>		<p><b>e project</b></p> <p>130013-00059-00001</p>	
<p>Sheet No. A323-1</p>	<p>Scale: 1/8" = 1'-0"</p>	<p>Project No. 130013-00059</p>	<p>Revision No. 001</p>	<p>Drawn By: JES</p>	<p>Checked By: JES</p>	<p>Approved By: JES</p>	<p>Date: 6/17/13</p>

# Building C – Wall Section



<b>project</b> <small>PLANNING &amp; DESIGN SERVICES, INC.</small> <small>1000 N. CENTRAL AVENUE, SUITE 100, MESA, AZ 85201</small> <small>TEL: 480.981.2200 FAX: 480.981.2201</small> <small>WWW.PROJECTPSI.COM</small>		
<b>Wall Sections</b> <b>Building Type "C"</b>		
<i>Bella Victoria</i> 1360 S. Ellsworth Rd Mesa, AZ		
<small>DATE: 06/17/13</small> <small>PROJECT NO: A323-2</small> <small>SCALE: AS SHOWN</small> <small>DESIGNED BY: [Name]</small> <small>CHECKED BY: [Name]</small> <small>DATE: 06/17/13</small>		
<b>A323-2</b>		

# View of Valle del Oro Property Line



# View of Units Along Property Line

**Note: Minimal to No  
Rear Yard Landscaping**





# Existing Valle del Oro Units

**Note Sheds located in Rear Yard Less than 10 feet from Property Line**



# Existing Valle del Oro Units (cont'd)



**Note Shed/Addition  
Located in Rear Yard**

## BELLA VICTORIA SETBACK CALCULATIONS

FIRST FLOOR SETBACK CALCULATIONS		
Setback	Distance	Percentage of Property Line
0-15 ft	156 ft	8.8%
16-20 ft	401 ft	22.7%
21-25 ft	251 ft	14.2%
25+ ft	176 ft	10%
Open Space	789 ft	44.2%
<b>AVERAGE FIRST FLOOR SETBACK = 25.6 Ft</b>		

SECOND FLOOR SETBACK CALCULATIONS		
Setback	Distance	Percentage of Property Line
0-15 ft	156 ft	8.8%
16-20 ft	87 ft	4.9%
21-25 ft	413 ft	23.4%
25+ ft	239 ft	13.6%
Open Space	870 ft	49.3%
<b>AVERAGE SECOND FLOOR SETBACK = 26.5 Ft</b>		

## VALLE DEL ORO SETBACK COMPARISON

Number of Adjacent Lots =	49
Typical Lot Width =	35
Side Setback @ 3ft Each Side =	6
Building Envelope Width =	29
Distance Allowed 10 ft Setback =	1421
Total Distance =	1,765
<b>Percentage Distance Allowed 10 ft Setback =</b>	<b>80.50%</b>

## Steps Taken By Developer in Last 2 Weeks

- Request by Council to Attempt Compromise
- Met with Valle del Oro Representatives
- Valle del Oro insisted on 30 foot setbacks
- Developer Offered Setbacks of 15 & 20 feet with a 25 to 26 foot average setback
  - Talked With: Architects, Engineers, Mesa Planning, Mesa Fire, & Mesa Civil
- Obtained by Scraping and Scratching Inches

# Support for Project

- Amador Neighborhood
- Planning Staff
- Design Review Board
- Planning & Zoning Board

# Bella Victoria









## FRONT ELEVATION

SCALE : 1/8" = 1'-0"



### MATERIALS FINISH SCHEDULE

	PF-1	Light Color Paint Exterior DUE 0212
	PF-2	Accent Color FINE SAND DUE 0214
	PF-3	Accent Color DARK GREEN DUE 0213
	PF-4	Accent Color DARK GREEN DUE 0213
	PF-5	Accent Color DARK GREEN DUE 0213
	PF-6	Accent Color DARK GREEN DUE 0213

CHASSEREAU, 88% CHERRY  
 FINESTONE, 20% DRESSING  
 DDA-20090207-2012