



COUNCIL MINUTES

September 17, 2007

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on September 17, 2007 at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Scott Somers
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

STAFF PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Invocation by Pastor Paul Covert, Central Christian Church of the East Valley.

Pledge of Allegiance was led by Kyle Patterson, a student at Surrey Garden Christian School.

Mayor's Welcome.

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.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that the consent agenda items be approved.

Carried unanimously.

Vice Mayor Walters stated that if anyone is interested in obtaining information concerning the October 20, 2007 G.A.I.N. (Getting Arizona Involved in Neighborhoods) event, they can contact City staff at 480-644-3921.

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

Minutes of the June 21, August 27 and September 4, 2007 Council meetings.

3. Take action on the following liquor license applications:

*3a. East Valley Partnership

This is a one-day civic event to be held on Thursday, November 8, 2007 from 3:00 p.m. to 7:00 p.m. at 7001 E. Williams Field Road. **(District 6)**

*3b. St. Bridget Catholic Church

This is a one-day religious event to be held on Friday, November 16, 2007 from 6:00 p.m. to 12:00 Midnight at 2213 N. Lindsay Road. **(District 5)**

*3c. United Food Bank

This is a one-day charitable event to be held on Saturday, November 3, 2007 from 6:00 p.m. to 11:00 p.m. at 358 E. Javelina Avenue. **(District 4)**

*3d. Fox's Pizza

New Restaurant License for Fox's Pizza, 2706 E. University Drive, Suite F11, FPDZ LLC – Applicant, Karen L. Banks – Agent. This is an existing building with no previous liquor license at this location. **(District 2) (CONTINUED TO THE OCTOBER 1, 2007 COUNCIL MEETING.)**

*3e. Taquitos Jalisco #3

New Restaurant License for Taquitos Jalisco #3, 1245 W. Guadalupe Road, Suite 88, Juarez Family – Applicant, Benito Juarez Ruvalcaba – Partner. This is an existing business with no previous liquor license at this location. **(District 3)**

*3f. Zushi Deleted (Withdrawn by applicant.)

4. Take action on the following bingo application:

BINGO – CLASS A

Red Mountain Multigenerational Center **(District 5)**
Alaina McCormick
7550 E. Adobe
Mesa, AZ 85207

5. Take action on the following contracts:

- *5a. One-Year Extension of Authorization to Purchase Refuse Truck Parts for the Fleet Services Department.

The Procurement Services Department recommends authorizing a one-year extension to purchase off the City of Scottsdale contract with Arizona Refuse Sales at \$125,396.00 annually based on estimated requirements, including applicable sales tax.

- *5b. Fifty-nine (59) Vehicles (51 Replacement and 8 Additions) for Various City Departments. (Budgeted Vehicle Replacement Program Funding)

The Procurement Services Department recommends authorizing purchase from the State of Arizona contract with Midway Chevrolet at \$530,193.36, Courtesy Chevrolet at \$497,413.46, Five Star Ford at \$53,769.24 and Larry Miller Toyota at \$24,312.37, including applicable sales tax, for a total award of \$1,105,688.43.

- *5c. Addendum to Employment Contract for the City Attorney.

6. Introduction of the following ordinances and setting October 1, 2007 as the date of the public hearing on these ordinances:

- *6a. Amending Section 8-6-8 of the Mesa City Code increasing the civil sanctions for violations of the Neighborhood Preservation Ordinance and mandating the imposition of Code Compliance fees and charges.
- *6b. Amending Section 8-6-9 of the Mesa City Code increasing the civil sanctions for violations of the Neighborhood Preservation Ordinance and mandating the imposition of Code Compliance fees and charges.
- *6c. Amending Section 8-6-11 of the Mesa City Code to increase the time period for which prior violations can be considered in determining when a person becomes a habitual offender and subject to criminal charges.
- *6d. Amending the Mesa City Code modifying the streetlighting requirements for the Mountain Bridge development.
- *6e. **Z07-83 (District 2)** 4225 East University Drive. Located on the southwest corner of University Drive and Greenfield Road (24.9+/- acres). Rezone from R-4 to R-4 PAD and Site Plan Review. This request will allow for the conversion of apartments to townhomes for sale. D. Gregory Hales, Carlsbad Development Inc. LLC, owner; Mark Tomcak, applicant. **(Notified property owners). CONTINUED FROM THE SEPTEMBER 4, 2007 COUNCIL MEETING.**

PHO Recommendation: Approval with conditions.

- *6f. **Z07-89 (District 6)** The 10400 to 10700 block of East Southern Avenue. Located north and west of the U.S. 60 Freeway and Signal Butte Road. Council Use Permit. This request will allow the development of a Freeway Landmark Monument Sign. Erin Nellis, DeBartolo Development, owner; Paul E. Gilbert, Beus Gilbert, PLLC, applicant. **(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)**

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

DRB Recommendation: Approval with Conditions (Vote: 6-0 with Boardmember Clark absent).

7. Take action on the following resolutions:

- 7a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between the City of Mesa and the Arizona Board of Regents acting for and on behalf of Arizona State University for the cost sharing of the design, construction and project management fees for the Phase 1 water and wastewater improvements to the ASU Polytechnic Campus located at Williams Gateway. Mesa's share of the improvement cost is \$3,261,671 and will be funded with approved water and wastewater bonds – Resolution No. 9092. **(District 6)**

Councilmember Somers declared a potential conflict of interest and said he would refrain from discussion/consideration of this agenda item.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that Resolution No. 9092 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Rawles-Walters-Whalen
NAYS - None
ABSTAIN - Somers

Mayor Hawker declared the motion carried unanimously by those voting and Resolution No. 9092 adopted.

- *7b. Approving and authorizing the City Manager to execute a Task Force Agreement between the United States Department of Justice, Drug Enforcement Administration and the City of Mesa to accept funds in the amount of \$15,854.25 per officer for overtime earned by three officers assigned to the Task Force – Resolution No. 9083.
- *7c. Approving and authorizing the City Manager to execute a Reimbursement Agreement between the Maricopa County Sheriff's Office and the City of Mesa for reimbursement of \$95,944 for an officer to participate in the Maricopa County High Intensity Drug Trafficking Area Meth Task Force – Resolution No. 9084
- *7d. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Department of Public Safety and the City of Mesa for reimbursement of 75% of salary and 100% of overtime for the officer assigned to the Vehicle Theft Task Force – Resolution No. 9085.
- *7e. Approving and authorizing the City Manager to execute a Grant Agreement between the Arizona Criminal Justice Commission and the City of Mesa for overtime in the amount of

\$10,085 earned by a detective assigned to the Maricopa County Sheriff's Office High Intensity Drug Trafficking Area Task Force – Resolution No. 9086.

- *7f. Granting an easement to QWEST on a City-owned retention basin located east of South Price Road, just north of the Western Canal – Resolution No. 9087. **(District 3)**

This easement is necessary for QWEST to supply service to Cricket Communications.

- *7g. Vacating an alley north of Main Street between North Hunt Drive and North Harris Drive – Resolution No. 9088. **(District 2)**

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

- *7h. Vacating an alley between East 2nd Street and East 1st Place, east of North Lazona Drive – Resolution No. 9089. **(District 2)**

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

- *7i. Vacating an alley between East 1st Street and East 1st Place, east of North Lazona Drive – Resolution No. 9090. **(District 2)**

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

8. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen who 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. Amending Title II, Chapter 2, of the Mesa City Code by deleting all references to the City of Mesa as a Community Action Program Board, including membership requirements and powers and duties of the Human Services Advisory Board. Mesa relinquished its Community Action Agency (CAA) designation. The State approved A New Leaf as the CAA – Ordinance No. 4757.

- *8b. **A06-32 (District 5)** Annexing land located on Sossaman Road north of McDowell Road (1.13 ± ac). Initiated by the property owner, Bela Bunkoczy – Ordinance No. 4758.

- *8c. **Z07-57 (District 6)** The 8700 to 9200 block of East Warner Road (south side) and the 4400 to 4800 block of South Ellsworth Road (west side). Located south of Warner Road and west of Ellsworth Road (216± ac). Rezone from M-1 AF to M-1 and C-2 with a BIZ overlay on the M-1 of the western portion of the site as part of the approval for the "Entrada" Development Master Plan (an exhibit is available for review in the Planning Division). This request will establish the development pattern for a regional employment

center. Via West Properties, Steven Schwarz, owner; Jason Morris, applicant – Ordinance No. 4759. ***(Held a neighborhood meeting and notified property owners.)***

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

- *8d. **Z07-85 (District 2)** 845 and 851 North Gilbert Road. Located north of the northeast corner of Gilbert Road and Adobe Street (1.83 acres). Site Plan Review and rezone 851 North Gilbert Road from R1-9 to O-S. This request will allow the development of a professional office condominium building – Ordinance No. 4760. ***(Held two neighborhood meetings, notified property owners, homeowners' associations and registered neighborhoods.)***

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

- *8e. **Z07-88 (District 6)** 5850 East Still Circle. Located west of Recker Road and north of Baseline Road. (17.38± acres) Rezone from PEP-PAD to M-1-PAD-CUP, Site Plan Modification and modification of a PAD overlay. This request will allow the development of a new student housing/assisted living complex and new YMCA facility within the A.T. Still University campus – Ordinance No. 4761. ***(Held a neighborhood meeting, notified property owners, homeowners' associations and registered neighborhoods.)***

PHO Recommendation: Approval with conditions.

- 8f. **Z07-43 (District 6)** 8659 East Pecos Road. Located south and east of Hawes Road and Pecos Road (10.59± ac.). Rezone from AG to O-S-PAD for the southern 110' of the site, and M-1-PAD for the remainder of the site, and Site Plan Review. This request will allow for the development of an office/warehouse development. Jeff Phillippe, Pecos 77, LLC, owner; Reese Anderson, Pew & Lake, PLC, applicant – Ordinance No. 4763. ***(Held neighborhood meetings, notified property owners, homeowners' associations and registered neighborhoods.) LEGAL PROTEST FILED – ¾ VOTE REQUIRED. (CONTINUED FROM THE AUGUST 27, 2007 AND SEPTEMBER 4, 2007 COUNCIL MEETINGS.)***

P&Z Recommendation: Approval with conditions. (Vote: 4-2-1 with Boardmembers Esparza and Langkilde nay; Carter abstaining due to a potential conflict of interest).

Reese Anderson, an attorney with Pew & Lake, 1930 East Brown Road, addressed the Council and stated that the property owners were also present in the audience. He reported that since appearing before the Council two weeks ago, the developer is prepared to commit to providing the following features as a compromise to the Queens Park residents:

- The screen wall would be moved back 80 feet from the southern property line.
- Buildings H & I would be moved back 140 feet from the southern property line.
- The development would include the same type of landscaping (i.e., trees, turf, groundcover, grass and shrubs) as the property to the east.

- The screen wall would be constructed with the same design, materials and colors as the property to the east.
- A “radius design” would be installed at the corners of the screen to facilitate the transition, and the developer has met with the fence contractor of the property to the east to ensure that the fencing at both locations would be built at the same time in order to maintain a similar design.
- The developer has volunteered to enter into private property deed restrictions with the Queens Park residents to control the types of uses that would be allowed on the property (specifically on the southern edge).

Mr. Anderson further commented that he submitted a letter to the Planning Division indicating that the property owners to the east, who are also his clients but not parties to this case, have agreed to redesign their screen wall so that it also has a “radius design.” He displayed a revised schematic of the project (dated 9-11-07) and said that with the above-referenced revisions, there would be approximately 3,200 square feet less of developable area and 50 parking spaces eliminated. Mr. Anderson noted, however, that the changes are in response to certain requests made by the Council, consistent with the General Plan, and hopefully satisfy a number of concerns expressed by the Queens Park neighborhood.

The following citizens addressed the Council in opposition to the project:

Mark Underwood, 8625 East Woodland Avenue
Colene White, 8561 East Waterford Circle
Bruce Tunncliff, 8612 East Winnston Circle
Rosanne Casterton, 8745 East Waterford Circle
Roger Trinko, 8626 East Waterford Circle
Ann Call, 8660 East Waterford Circle
Kent McClure, 8615 East Woodland Avenue
Craig Merkley, 8559 East Woodland Avenue
Ladell Call, 8660 East Waterford Circle
Steve Vaughn, 8744 East Waterford Circle
Doug Chapman, 8715 East Woodland Avenue

Comments made in opposition to the development include the following:

- The screen walls for future developments west of the neighborhood could result in less of a buffer and impact the residents’ quality of life.
- Queens Park residents are joined in a common goal of maintaining the safety, value and ambience of the neighborhood.
- The City Council is in the job of “making money” for the City.
- Why should the proposed development be allowed to build closer to the neighborhood than the project immediately to the east.
- There must be “a hidden agenda” behind the neighbor’s releasing the legal protest.
- The only thing that would protect the Queens Park neighborhood from M-1 encroachment is distance and consistency.
- The neighbors are not anti-development, nor unwilling to compromise; however, they are willing to consider legal action to prevent the proposed development.
- A 120-foot setback for the screen wall is a reasonable request.

- The role of the City Council is to protect property rights, but not to be “an advocate” and “push” its own agenda.
- The City Council should not be swayed/misled by the misrepresentations of the developer’s attorney.
- The fence would provide a hiding place for the criminal element.
- A suggestion was made that the developer’s site plan could be modified by combining the buildings on the north side of the project, which would provide a greater setback for the neighbors and reduce the overall cost of the project.
- 13 zoning districts separate industrial from residential and the placement of those two zoning districts next to each other represents “the definition of conflict.”
- More than 150 individuals have signed petitions protesting this case.
- The development would reduce property values in the area and has already dramatically decreased the value of one home in the neighborhood.

The following citizens completed speaker/comment cards in opposition to the project, but indicated they did not wish to address the Council:

Dan Sundstrom, 8672 East Waterford Circle
Teresa Fraizer, 8731 East Waterford Circle
Steve Plant, 8663 East Winnston Circle
Barbara Trinko, 8626 East Waterford Circle
Brant Rogers, 8747 East Winnston Circle
Sue Buscaglio, 8610 East Waterford Circle
Henry Salas, 8641 East Woodland Avenue
Bonnie Vaughn, 8744 East Waterford Circle
Karla Chapman, 8715 East Woodland Avenue
Jason McNeil, 8727 East Woodland Avenue
Heidi McNeil, 8727 East Woodland Avenue
Benito Juarez, 1245 West Guadalupe Road, Suite B-8
Todd Wyman, 8662 East Winnston Circle
Peggy Underwood, 8625 East Woodland Avenue
Diane Ware, 8642 East Waterford Circle
Brian Ware, 8642 East Waterford Circle
Trent Underwood, 8625 East Woodland Avenue
Lori Dobrowski, 8644 East Winnston Circle
Kathryn Plant, 8663 East Winnston Circle
Elaine McIntyre, 8548 East Winnston Circle
JoAnn Wright, 8549 East Winnston Circle
Renee St. Joseph, 8629 East Winnston Circle
LeAnn Merkley, 8559 East Woodland Avenue
Betty Merkley, 8559 East Woodland Avenue
Darryl Darger, 20472 Colt Drive
Deanne Darger, 20472 Colt Drive
Jeff Black, 8545 East Woodland Avenue
Sheila Black, 8545 East Woodland Avenue
Jenny Stevens, 903 South Farmer Avenue

Mr. Anderson further commented that the proposed redesign includes a 140-foot setback to the O-S section of the project, which is seven times greater than what is required in the Zoning Code. He stressed the importance of balancing private property rights, including not only those of the neighbors, but also the developer's. Mr. Anderson explained that O-S zoning is immediately adjacent to the neighborhood (as opposed to M-1) and questioned how the Queens Park residents could attribute a decrease in property values to the project when it has not even been built. He added that the developer has worked hard with City staff and neighborhood representatives to reach a compromise and stated that in his opinion, the current proposal balances those interests.

City Attorney Debbie Spinner referred the Council to her September 11, 2007 memorandum, which addresses several legal questions concerning this item. (See Attachment 1.) The pertinent components of the memo include the following:

- The Zoning Code does not prohibit locating O-S and M-1 next to a residential zone.
- Mesa City Code (MCC) 11-4-1 (A)(2) states that it is *the intent* of the R1-43 district to "allow for areas where semi-rural residential and agricultural uses can be maintained without conflict from commercial, industrial or high-density residential development."
- MCC 11-15-2(B)(1) applies to this project and requires a minimum landscape/parking setback of 20 feet.
- The revised site plan, which includes an 80-foot setback, meets the Zoning Code requirement.
- Proposition 207 (codified as A.R.S. Section 12-1134) does not create a Cause of Action for the adjacent landowners. (Note: Currently, there is no case law interpreting the statute).
- The Zoning Code does not contain any "legally limiting language" for the Council and it is up to their discretion to determine what is in the best interest of the City of Mesa with regard to the case.

Vice Mayor Walters stated that it was her understanding that deed restrictions are private agreements entered into between the developer and the neighbors. She stated that if the developer failed to adhere to those restrictions, the neighbors could initiate a Cause of Action in that regard. Vice Mayor Walters added that because the deed restrictions are private agreements (as opposed to conditions contained in the Zoning Ordinance), the Council could not come back at a later time and change the restrictions.

Discussion ensued relative to the fact that Mr. Anderson has not yet drafted the deed restrictions with regard to the case; that examples of the kind of uses that would be prohibited include junkyards, fat-rendering stockyards, flophouses, slaughterhouses, and the processing of sugar beets; that last Friday, the developer of the property to the east (Zoning Case Z07-15) recorded their deed restrictions; that by combining the buildings on the north side of the project and moving Buildings G, H, and I north, as suggested by Mr. Call, would result in the loss of approximately 16 to 18 parking spaces and the open spaces between the buildings; and that the beginning measurement point of the 80-foot setback is the north edge of the Woodland Avenue right-of-way.

Mayor Hawker thanked the speakers for their courtesy and civility during tonight's meeting. He also commended the Queens Park residents for their efforts to protect and maintain the unique lifestyle of the neighborhood. Mayor Hawker stated that he is sorry the neighborhood is situated

in an area where the City is focused on the creation of a job center and the development of Williams Gateway Airport. He added that it is important that the developer's rights are defended just as vigorously as those of the neighbors.

It was moved by Mayor Hawker, seconded by Councilmember Rawles, that Zoning Case Z07-43 be approved and Ordinance No. 4763 adopted.

Councilmember Rawles acknowledged the Queens Park residents for exercising their rights with regard to this case and noted that such rights go beyond the Council's decision this evening. He noted that with regard to the deed restrictions, if Mr. Anderson fails to record such agreements, he would lose all credibility not only with this Council but any other City Council that he may appear before. Councilmember Rawles further stated that the compromises agreed to by the developer are reasonable and appropriate. He also concurred with Mayor Hawker that the same rights the neighbors are claiming apply "with equal vigor" to the developer.

Vice Mayor Walters commented that the representatives of the Queens Park neighborhood are some of the most passionate, articulate, and polite individuals she has ever dealt with during her tenure as a Councilmember. She also acknowledged that there is "a fine balancing act" between the property rights of the neighbors and the developer. Vice Mayor Walters advised that although it has been a difficult negotiation process for all concerned, the final project is "far better" than it would have been if the neighbors had not been so diligent in their efforts. She added that she did not believe that the kind of businesses that would locate to the development would be "making money" for the City.

Councilmember Griswold inquired whether the current residents of the Queens Park neighborhood would have any legal recourse against the original developer of the residential subdivision with regard to the building of homes in an area that was planned for industrial use near an airport.

Ms. Spinner responded that per the historical information provided by the Planning Department, she can only assume that the developer followed the proper legal process with regard to the zoning in the area being established as residential. She stated that if that were the case, she did not believe the residents would have a viable Cause of Action; however, she would urge them to consult an attorney to obtain additional legal advice.

Councilmember Somers expressed appreciation to Mr. Call, Mr. Vaughn and Mr. Chapman for their efforts and hard work with regard to this case. He offered a series of comments which included, but were not limited to, the following: that the revised design and landscape elements would create greater continuity between the proposed project and the existing development to the east; that the 80-foot setback of the screen wall is more desirable than the originally proposed 50-foot setback; that the deed restrictions would provide greater protection to the neighbors; and that the Council has made a concerted effort to "fend off" residential development near Williams Gateway Airport because the area has been identified in the General Plan for industrial use. He added that although he is not coming away from this case "feeling good," it is not for a lack of trying by all of the parties involved.

Councilmember Jones expressed support for the 80-foot setback of the screen wall, although he would have preferred a larger buffer between the neighborhood and the project. He also

commented that with regard to future developments to the west of the current project, he would support nothing less than an 80-foot setback.

Councilmember Whalen voiced support for the motion. He also voiced appreciation to the Queens Park representatives for their efforts and hard work and also acknowledged Mr. Anderson and the developer for their willingness to compromise in this matter.

Mayor Hawker called for the motion.

Carried unanimously.

9. Take action on the following resolution and ordinance:

*9a. Approving and authorizing the City Manager to execute a Development Agreement between Pinnacle Ridge Holdings, LLC and the City of Mesa for the development of Mountain Bridge (fka Stone Bridge Mountain) generally located northwest of the intersection of McLellan and Ellsworth Roads – Resolution No. 9091.

*9b. **Z07-66 (District 5)** North side of McKellips from Hawes to the alignment of 92nd Street and the south side of McKellips from the alignment of 80th Street to the alignment of 92nd Street. Modification of the Stone Bridge Mountain DMP. Site Plan Review and rezone of parcel 23 from R1-35 DMP (conceptual R1-9) to R1-15 PAD. Pinnacle Ridge Holdings, LLC, Jeff Blandford, owner; Paul Dugas, applicant – Ordinance No. 4762. **(Held neighborhood meetings and notified property owners.)**

P&Z Recommendation: Approval with conditions. (Vote: 4-0 with Boardmembers Salas and Carter absent).

10. Take action on the following subdivision plat:

*10a. "MAP OF DEDICATION FOR MOUNTAIN BRIDGE – PHASE I", **(District 5)** – 8400 block of East McKellips Road (south side) located south and east of McKellips Road and Hawes Road. Pinnacle Ridge Holdings, LLC, Jeff Blandford, manager, owner.

10.1 Hear, discuss and take action on the appeal of the following Design Review Board case:

10.1a. **ADR07-58 (District 1)** Nissan Riverview Project, located at the southwest corner of Dobson Road and Riverview Auto Drive. Approval of a 49,871 square foot automobile dealership. Miller Family Real Estate, LLC, owner; Trent Jones, FFKR Architects, applicant.

Design Review Board Decision: Denial. Vote: 4-1-1 (Boardmember Boswell voting nay, Boardmember DiBella abstained, Boardmember Clark excused)

Mayor Hawker and Councilmember Rawles declared potential conflicts of interest and said they would refrain from discussion/consideration of this agenda item. Mayor Hawker yielded the gavel to Vice Mayor Walters for action on this agenda item.

It was moved by Councilmember Griswold, seconded by Councilmember Somers, that the case be approved.

Vice Mayor Walters offered a brief overview of this item. She explained that the above-referenced project has already been designed and noted that there are three buildings of a similar design under construction nearby. Vice Mayor Walters stated that the applicant wanted to enlarge certain structures and commented that the Design Review Board (DRB) had, in fact, agreed that it was a superior design to what they had previously seen. She noted, however, that it was the opinion of the DRB that the design changes did not meet the original conditions of approval and the Board voted to deny the request. She added that the current case is an upgrade of the design, which staff recommended for approval.

Planning Director John Wesley confirmed that Vice Mayor Walters' analysis of the case was accurate.

Councilmember Whalen requested clarification with regard to the motion.

Vice Mayor Walters clarified that the motion was to overturn the decision of the DRB and to approve the case as recommended by staff.

Councilmembers Griswold and Somers concurred with Vice Mayor Walters' clarification.

Vice Mayor Walters called for the vote.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Somers-Walters-Whalen
NAYS - None
ABSTAIN - Hawker-Rawles

Vice Mayor Walters declared the motion carried unanimously by those voting.

With action on this agenda item being completed, Vice Mayor Walters yielded the gavel back to Mayor Hawker.

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the meeting adjourned at 7:30 p.m.

KENO HAWKER, MAYOR

ATTEST:

LINDA CROCKER, 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 17th day of September 2007. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

pag
attachment (1)