



COUNCIL MINUTES

March 17, 2008

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on March 17, 2008 at 5:45 p.m.

COUNCIL PRESENT

Vice Mayor Claudia Walters
Kyle Jones
Tom Rawles
Scott Somers
Darrell Truitt
Mike Whalen

COUNCIL ABSENT

Mayor Keno Hawker

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

(Vice Mayor Walters excused Mayor Hawker from the entire meeting.)

Invocation by Pastor David Land, New Life Assembly of God.

Pledge of Allegiance was led by Jeremy Ray, Scout Troop # 996.

At the request of Vice Mayor Walters and Councilmember Somers, everyone in the Council Chambers remained standing for a moment of silence to honor the memory of Mesa Fire Captain John Delaney who passed away today while on duty.

Councilmember Truitt congratulated City Council Assistant Marquisha Griffin for recently being elected to the Maricopa City Council.

Mayor's Welcome.

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

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 Councilmember Somers, seconded by Councilmember Jones, that the consent agenda items be approved.

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

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

Minutes from the December 13, 2007, March 3 and March 6, 2008 Council meetings.

3. Conduct a public hearing prior to the release of the petition for signatures for the following proposed annexation:

- 3a. **A07-33 (District 6)** Annexing land located north and west of Southern Avenue and Ellsworth Road (3.36 ± ac). Initiated by one of the property owners, Stephen Hagerman.

Vice Mayor Walters announced that this is the time and place for a public hearing regarding **A07-33**, annexing land located north and west of Southern Avenue and Ellsworth Road.

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

4. Discuss, take public comment and take action on the following Minor General Plan Amendment and zoning case:

- 4a. Public Hearing on Minor General Plan Amendment **GPMinor08-04 (District 1)**

Vice Mayor Walters announced that this is the time and place for a public hearing regarding Minor General Plan Amendment **GPMinor08-04**.

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

- 4b. Take action on the following resolution:

GPMinor08-04 (District 1) 1010 North Country Club Drive. Located west of Country Club Drive and south of Brown Road (20± acres). General Plan Minor Amendment to change the General Plan Land Use Map from Public/Semi-Public to Business Park. This will allow for the redevelopment of a hospital building into offices and training facilities and the construction of a technology center. Kip Edwards, Banner Health, owner; Beth Harmon-Vaughan, Gensler, applicant; David V. Pickens, KPFF Consulting Engineers, engineer – Resolution No. 9208. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.) COMPANION CASE Z08-06.***

P&Z Recommendation: Adoption. (Vote: 7-0).

It was moved by Councilmember Rawles, seconded by Councilmember Somers, that Resolution No. 9208 and Ordinance No. 4816 (Item 4c) be adopted.

Vice Mayor Walters stated that this project has the potential to bring between 1,000 and 1,400 jobs to the site. She expressed appreciation to Banner Health for their efforts and hard work in this regard.

Vice Mayor Walters called for the vote.

Vice Mayor Walters declared the motion carried unanimously by those present and Resolution No. 9208 and Ordinance No. 4816 adopted.

4c. Take action on the following ordinance introduced at a prior Council meeting:

Z08-06 (District 1) 1010 North Country Club Drive. Located west of Country Club Drive and south of Brown Road (20± acres). Rezone from R-4 and C-1 to PEP-BIZ, Site Plan Review and Council Use Permit. This will allow for the redevelopment of a hospital building into offices and training facilities and the construction of a technology center. Kip Edwards, Banner Health, owner; Beth Harmon-Vaughan, Gensler, applicant; David V. Pickens, KPFF Consulting Engineers, engineer – Ordinance No. 4816 ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)*** **COMPANION CASE GPMInor08-04.**

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

(See item 4b for the Council's motion and vote.)

5. Discuss, take public comment and take action on the following Minor General Plan Amendment and zoning case:

5a. Public Hearing on Minor General Plan Amendment **GPMInor08-05 (District 5)**

Vice Mayor Walters announced that this is the time and place for a public hearing on Minor General Plan Amendment **GPMInor08-05**.

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

5b. Take action on the following resolution:

GPMInor08-05 (District 5) South of the 8600 and 8800 blocks of East McKellips Road and west of the 1700 and 1800 blocks of North Ellsworth Road (12.38± acres). General Plan Minor Amendment to change the General Plan Land Use Map from Education to Low Density Residential 1-2 du/ac. This request will allow for the development of residential subdivisions. Pinnacle Ridge Holdings, LLC, Jeff Blandford, manager, owner; Paul Dugas, applicant; Darrell D. Smith, P.E., Wood, Patel & Associates, Inc. engineer – Resolution No. 9209. ***(Held three neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)*** **COMPANION CASE Z08-09.**

P&Z Recommendation: Adoption. (Vote: 7-0).

It was moved by Councilmember Rawles, seconded by Councilmember Whalen, that Resolution No. 9209 and Ordinance No. 4817 (Item 5c) be adopted.

Vice Mayor Walters declared the motion carried unanimously by those present and Resolution No. 9209 and Ordinance No. 4817 adopted.

5c. Take action on the following ordinance introduced at a prior Council meeting:

Z08-09 (District 5) The 2200 and 2400 blocks of North Hawes Road (east side) and the 8400 to 9000 blocks of East McLellan Road (north side). Located west of Ellsworth Road and north and south of McKellips Road (109.67± acres). Modification of the Stone Bridge Mountain Development Master Plan (DMP). Rezone from R1-35 (conceptual R1-15 and R1-9) to R1-9 PAD and R1-35 PAD and Site Plan Review. This will allow for the development of residential subdivisions. Pinnacle Ridge Holdings, LLC, Jeff Blandford, manager, owner; Paul Dugas, applicant; Darrell D. Smith, P.E., Wood, Patel & Associates, Inc. engineer – Ordinance No. 4817. ***(Held three neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)*** COMPANION CASE GPMInor08-05.

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

(See Item 5b for the Council's motion and vote.)

6. Discuss, take public comment and take action on the following Minor General Plan Amendment and zoning case:

6a. Public Hearing on Minor General Plan Amendment **GPMInor08-06 (District 3)**

Vice Mayor Walters announced that this is the time and place for a public hearing on Minor General Plan Amendment **GPMInor08-06**.

There being no citizens present wishing to speak, the Vice Mayor declared the public hearing closed.

6b. Take action on the following resolution:

GPMInor08-06 (District 3) 805 and 913 West Southern Avenue. Located east of Alma School Road and south of Southern Avenue (19± acres). General Plan Minor Amendment to change the General Plan Land Use Map from RC to HDR 15+ (15.5± acres) and CC (3.5± acres). This request will allow for the development of residential and commercial/office uses. Edward B. Frankel, Trustee of the Frankel Family Trust, owner; Reese Anderson, Pew and Lake, PLC, applicant; Robert Byall, PE, David Evans and Associates Inc., engineer – Resolution No. 9210. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)*** COMPANION CASE Z08-11.

P&Z Recommendation: Adoption. (Vote: 6-0 with Boardmember Carter absent).

It was moved by Councilmember Rawles, seconded by Councilmember Jones, that Resolution No. 9210 and Ordinance No. 4818 (Item 6c) be adopted.

Vice Mayor Walters declared the motion carried unanimously by those present and Resolution No. 9210 and Ordinance No. 4818 adopted.

6c. Take action on the following ordinance introduced at a prior Council meeting:

Z08-11 (District 3) 805 and 913 West Southern Avenue. Located east of Alma School Road and south of Southern Avenue (19± acres). Site Plan Review for the entire 19± acres, which is part of the “Fiesta Quadrant” DMP, Council Use Permit and Rezone from C-2 and C-2 [conceptual BIZ] to C-2-BIZ (0.25± acres), R-4-BIZ (15.25± acres) and C-2-BIZ (3.5± acres). This request will allow for the development of residential and commercial/ office uses. Edward B. Frankel, Trustee of the Frankel Family Trust, owner; Reese Anderson, Pew and Lake, PLC, applicant; Robert Byall, P.E., David Evans and Associates Inc., engineer – Ordinance No. 4818. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.) COMPANION CASE GPMInor08-06.***

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

(See Item 6b for the Council’s motion and vote.)

7. Take action on the following liquor license applications:

*7a. Christ the King Catholic Church

This is a one-day charitable event to be held on April 12, 2008 from 4:00 p.m. to 11:00 p.m. at 1551 East Dana Avenue. **(District 4)**

*7b. The Office Sports Bar

Person-to-Person Transfer Bar License for The Office Sports Bar, 330 South Gilbert Road, Suite 2-3, 3 Smokies LLC – Applicant, Charles Albert Jenkins – Agent. The previous Bar license held at this location by Champion Sports Bar & Nite Club, issued 01/16/2003, will transfer to the applicant. **(District 2)**

*7c. Residence Inn by Marriott Mesa

Person-to-Person Transfer Beer & Wine Bar License for Residence Inn by Marriott Mesa, 941 West Grove Avenue, CSM RI Mesa LLC – Applicant, Cris Allen Kolls – Agent. The previous Beer & Wine Store License held at this location by CSM Lodging II LLC, issued 12/22/1999, will transfer to the applicant. **(District 3)**

*7d. 101 Exchange

New Beer & Wine Store License for 101 Exchange, 2259 West Broadway Road, North Star of Arizona LLC – Applicant, Lauren Kay Merrett – Agent. The previous Beer & Wine Store license held at this location by Circle K Stores Inc. closed on 12/08/2004. **(District 3)**

*7e. Circle K Store #1343

New Beer & Wine Store License for Circle K Store #1343, 1550 North Country Club Drive, Circle K Stores Inc. – Applicant, Kim Kenneth Kwiatkowski – Agent. The Liquor Store license previously held at this location by Circle K Stores Inc., issued 01/01/1993, will be retained by Circle K Stores Inc. **(District 1)**

*7f. Fat Willy's

New Restaurant License for Fat Willy's, 9937 East Baseline Road, Suite #101, Fat Willy's LLC – Applicant, Christopher Robert Gelenites – Agent. The previous Restaurant License held at this location by Sunnyside Up, issued 09/19/2006, will revert back to the State. **(District 6)**

*7g. Flancer's

New Restaurant License for Flancer's, 1902 North Higley Road, Smooth Sailing LLC – Applicant, Jeffrey Flancer – Agent. This is new construction with no previous liquor license at this location. **(District 5)**

*7h. Que Pachangas

New Restaurant License for Que Pachangas, 1749 West Main Street, Suite #10, Adan Mendez, Owner. The previous Restaurant License held at this location by Average Joe's Bar & Grill, Inc., issued 09/21/2007, will revert back to the State. **(District 3)**

8. Take action on the following contracts:

*8a. Three-Year Supply Contract for Large Gas Meters for Warehouse Inventory.

The Procurement Services Department recommends awarding contracts to the lowest, responsive and responsible bidders as follows: Item 1 to Actaris U.S. Gas at \$40,301.71; and Items 3 through 9 to Dresser Roots Meters & Instruments at \$520,021.60. The combined total award is then \$560,323.31 annually, including contingencies and applicable use tax, based on estimated purchases.

*8b. Purchase of Five (5) Refrigerated Temperature Controlled Locking Drug Cabinets for the Mesa Fire Department.

The Procurement Services Department recommends accepting the lowest, responsive and responsible bid from First In, Inc. at \$35,051.02, including applicable sales tax.

*8c. Two-Year Renewal Supply Contract for Pipe Repair Clamps for Warehouse Inventory.

The Procurement Services Department recommends authorizing a two-year renewal contract to Arizona Water Works Supply at \$50,257.19 annually, including contingencies and applicable sales tax, based on estimated requirements.

*8d. One (1) Replacement Heavy-Duty Truck with Slurry Body for the Transportation Department, Field Operations Division **(Single Bid)**.

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, Rayner Equipment Systems, Inc. at \$316,629.98, including applicable use tax.

- *8e. Rental of One (1) Asphaltic Materials Distributor Truck and Qualified Operator for the Transportation Department, Field Operations Division.

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible proposer, M.R. Tanner Development & Construction, Inc., as primary rental supplier estimated at \$161,700.00 annually, including applicable sales tax, based on estimated requirements. To ensure availability of equipment and operator as needed, a secondary contract is recommended to Hawker & Evans Asphalt Company, Inc.

- *8f. Dollar Limit Increase to the Supply Contract for Deep Well Pump Repair and Maintenance for the Utilities Department, Water Division.

The Procurement Services Department recommends increasing the dollar limit of the Mesa contract to Weber Group LC by \$90,000.00 to \$190,000.00 for the remainder of the contract period, through April 30, 2008, including applicable sales tax, based on estimated requirements.

- *8g. Purchase of Network Upgrade Hardware for the Information Technology Department.

The Procurement Services Department recommends authorizing purchase from the State of Arizona Contract with Enterasys Networks at \$295,680.00, including applicable taxes.

- *8h. Three-Year Supply Contract for Conventional Pole-Mounted and Pad-Mounted Transformers for the Utilities Department, Electric Division.

The Procurement Services Department recommends awarding contracts to the lowest, responsive and responsible bidders as follows: Items 1-12 and 16-48 to Border States Electric at \$924,315.61; and Items 13, 14 & 15 to ERMCO % Gorman Company at \$67,415.67. The combined total award is then \$991,731.28, including sales tax.

- *8i. Falcon Field Airport – Echo Ramp Expansion, City of Mesa Project No. 01-496-001.

This project will add a total of 68 new aircraft tie-down spaces to the inventory at Falcon Field Airport. Improvements include asphalt pavement, a 42-inch storm drain and apron lighting. Recommend award to the low bidder, Combs Construction Company, Inc., in the amount of \$1,093,272.50 plus an additional \$109,327.25 (10% allowance for change orders) for a total award of \$1,202,599.75. ADOT Aeronautics Grant Nos. E6S22 and E8S28 will cover 90% of the construction cost, with the City of Mesa responsible for the remaining 10%. Funding is from the approved FY 2007/2008 Falcon Field Airport Capital Program.

9. Introduction of the following ordinances and setting April 7, 2008, as the date of the public hearing on these ordinances:

- *9a. **Z08-12 (District 6)** 5520 East Baseline Road. Located east of Higley Road on the north side of Baseline Road (2.5± acres). Rezone from AG to O-S and Site Plan Review. This request will allow the development of two office buildings. Kelly Morris, owner; Vincent P. DiBella, Saemisch & diBella Architects, Inc., applicant; Ramakrishna Inti, Inti, LLC, engineer. **(Notified property owners, homeowners associations and registered neighborhoods.)**

PHO Recommendation: Approval with Conditions.

- *9b. Amending Title 8, Chapter 2; Title 1, Chapter 26; and adding Title 6, Chapter 20 to the Mesa City Code; relating to compliance with State mandated Particulate Pollution (PM-10) control requirements imposed under Senate Bill 1522 (2007 Air Quality bill).

10. Take action on the following resolutions:

- *10a. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between 7115 E. Baseline Rd., LLC, and the City of Mesa for the reimbursement of \$93,312.94 for regional street lighting and City of Mesa Falcon Field Well 14 site wall improvements that are being required by Mesa in conjunction with a proposed commercial development known as Greenbrier Marlborough Phase 1 located at 7115 East Baseline Road. Mesa's estimated share of funding for street improvements will come from Street Capital Program. Mesa's share of funding for the well site improvements will come from budgeted water bonds – Resolution No. 9200.

- *10b. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between 7115 E. Baseline Rd., LLC, and the City of Mesa for the reimbursement of \$83,691.89 for regional street lighting and roadway improvements adjacent to City of Mesa Falcon Field Well 14 site that are being required by Mesa in conjunction with a proposed commercial development known as Greenbrier Marlborough Phase 2 located at 7205 East Baseline Road. Mesa's estimated share of funding for street improvements will come from Street Capital Program – Resolution No. 9201.

- *10c. Vacating an alley south of 8th Street between North Stapley Drive and North Young Street – Resolution No. 9202. **(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.

- *10d. Extinguishing a water line easement along the Hawes Road alignment, between McLellan Road and McKellips Road – Resolution No. 9203. **(District 5)**

This easement is no longer needed due to the design of the proposed development and new easements for water lines will be dedicated.

- *10e. Extinguishing a portion of a Public Utility Easement at 1118 North Val Vista Drive – Resolution No. 9204. **(District 2)**

This portion of the easement needs to be extinguished to accommodate the development of the property. A new easement will be dedicated to protect the existing utilities.

- *10f. Extinguishing a Temporary Drainage Easement at 1830 South Country Club – Resolution No. 9205. **(District 3)**

This easement is no longer needed as the design of the property has changed and a new easement will be dedicated.

- *10g. Approving and authorizing the City Manager to execute an Intergovernmental Agreement (IGA) between the Flood Control District of Maricopa County and the City of Mesa for the cost sharing of rights-of-way acquisition, utility relocation, construction, construction management, operation and maintenance of the Hermosa Vista/Hawes Road Storm Drain and Basin Project. Mesa's estimated share of the project cost is \$4,200,000 – Resolution No. 9206. **(District 5)**

- *10h. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and the Arizona Criminal Justice Commission to secure grant funds in the amount of \$99,553 to purchase equipment and software for the Police Department's Forensic Services Unit – Resolution No. 9207.

11. 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.

- *11a. **Z07-120 (District 6)** 423 South Signal Butte Road. Located on the south side of Broadway Road and the east side of Signal Butte Road (13.5+ acres). Rezone from R1-6-PAD to R1-6 and C-2 and Site Plan Review for the development of a neighborhood commercial center for the western most 4.64 acres of the property. Tom Alford, DeRito Partners Development, Inc., owner; Michelle Santoro, Whitney Morris, P.L.C., applicant; Tom Meeks, Erickson & Meeks Engineering, L.L.C., engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.) (CONTINUED FROM THE JANUARY 22, 2008 COUNCIL MEETING.) (CONTINUED TO THE APRIL 21, 2008 COUNCIL MEETING.)***

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

- 11b. **Z07-96 (District 5)** The 5600 block of East Thomas Road (south side). Located west of Recker Road on the south side of Thomas Road (25± acres). Rezone from R1-90 to PEP PAD. This request will allow for the future development of a business park. Van Bethancourt, Red Mountain Commerce Park, LLC, owner; Josh Hannon, EPS Group, Inc., applicant/engineer – Ordinance No. 4819. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

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

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

It was moved by Councilmember Jones, seconded by Councilmember Somers, that Ordinance No. 4819 be adopted.

Upon tabulation of votes, it showed:

AYES - Jones-Rawles-Somers-Walters-Whalen
ABSTAIN - Truitt
ABSENT - Hawker

Vice Mayor Walters declared the motion carried unanimously by those present and voting and Ordinance No. 4819 adopted.

- *11c. **Z08-07 (District 5)** 1527 North Greenfield Road. Located on the east side of Greenfield Road and south of McKellips Road (2.38+/- acres). Rezone from R-4 to O-S and Site Plan Review. This request will allow for the development of a medical office complex. Tom Stapley, Treehouse Joshua Office, LLC, owner; Daniel Brock, Brock, Craig and Thacker Architects, LTD., applicant; Jared Cox, P.E., Atwell-Hicks Development Consultants, engineer – Ordinance No. 4815. ***(Held two neighborhood meetings, notified property owners, homeowners associations and registered neighborhoods.)***

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

12. Take action on the following subdivision plats:

- *12a. "MOUNTAINVIEW VILLAGE CENTER" **(District 6)** 10861 East Baseline Road (south side) located south and east of Baseline Road and Signal Butte Road. 4 C-2 DMP commercial lots (8.00 ac.) CP Signal, L.L.C., Steve Cook, manager, owner; Robert J. Blake, Clouse Engineering, Inc., engineer.
- *12b. "LAS SENDAS OFFICE CONDOMINIUMS" **(District 5)** 7565 East Eagle Crest Drive (south side) located north of Thomas Road and east of Power Road. 4 C-2 DMP office condominium units (1.51 ac.) Arizona First Partners 1, L.L.C., David Haney, manager, owner; C. Steve Duryea Jr., Hook Engineering, Inc., engineer.

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

- 13a. **DR08-003 (District 6) Pecos 77** Southwest corner of Pecos and 88th Street. Approval of 11 industrial buildings. Pecos 77, LLC owner; Jeff Will, Will Architects, applicant.

Design Review Board Decision: Passed. (Vote: 6-0-1, Tom Bottomley abstained)

Vice Mayor Walters stated that she received two speaker cards regarding this item. She explained that at an earlier Study Session, there seemed to be some inclination on the part of the Council to go back to the original agreement between the developer and the neighborhood

relative to this case rather than uphold the Design Review Board's (DRB) decision. She inquired whether the citizens and applicant would still like to address the Council if the case were to proceed in that manner.

It was moved by Councilmember Rawles to uphold the Design Review Board's recommendations, with the exception of the change that was made to the tile roofs along the south side of the project.

Councilmember Rawles clarified his motion by explaining that he was unclear whether the developer's original plans included tile roofs that were removed by DRB or whether they ever existed and DRB recommended their inclusion as a design feature.

Reese Anderson, the applicant, 1930 East Brown Road, #101, explained that during the Planning & Zoning (P&Z) Board meeting and also when the zoning case was presented to the Council, the developer was asked by the neighbors to "soften" the elevations of Buildings H and I. He stated that the developer proposed using tile roofs to address such concerns. Mr. Anderson further commented that when the case was presented to the DRB, the Boardmembers expressed concern that the tile roofs were inconsistent with the overall design theme and removed the stipulation when they approved the project. He stressed the fact that the DRB, and not his client, suggested that such changes be made. Mr. Anderson added that his client has agreed to restore the tile roofs depicted in the elevations for Buildings H and I presented at the P&Z meeting.

Councilmember Rawles stated that the intent of his motion would be as outlined by Mr. Anderson.

Councilmember Somers seconded the motion.

Douglas Chapman, 8715 East Woodland Avenue, a resident of Queens Park, expressed a series of concerns relative to this item. He stated that although the neighbors are opposed to the project, they would like some assurance that if the development does move forward, that the decisions made by the Council are instituted. Mr. Chapman also noted that there is "a building consensus within the City that citizens do not want their homes encroached upon" and commented that this project would do just that. He added that the Queens Park residents will continue to pursue every legal means available to prevent the construction of the project.

Vice Mayor Walters asked staff to explain how the City would ensure that the Council's decision regarding this case is carried out.

Planning Director John Wesley advised that pending Site Plan approval, staff would review the construction documents submitted to the City to ensure that the project conforms to what was approved by the Council.

In response to a question from Councilmember Somers, Mr. Anderson displayed on the Elmo the elevations for Buildings H and I that were shown at the September 17, 2007 Regular Council meeting when the Council approved Zoning Case Z07-43. He explained that they are the same elevations that were submitted to the DRB for consideration. Mr. Anderson clarified that such a proposal was "offered" to the neighbors by the developer but, as in other instances, summarily rejected.

Vice Mayor Walters inquired if everyone understood the motion.

City Attorney Debbie Spinner restated the motion and noted that it was to affirm the DRB's decision, with the exception that the roofs on Buildings H and I would include tile.

Councilmember Rawles added that the tile roofs on Buildings H and I would be consistent with the elevations depicted on the Elmo and visible to the public at the present time.

Vice Mayor Walters called for the vote.

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

14. Items from citizens present.

There were no items from citizens present.

15. Adjournment.

Without objection, the meeting adjourned at 6:15 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 March 2008. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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