

# COUNCIL MINUTES

January 19, 1999

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level meeting room of the Council Chambers, 57 East 1st Street, on January 19, 1999 at 5:45 p.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Jim Davidson  
John Giles  
Keno Hawker  
Bill Jaffa  
Dennis Kavanaugh  
Pat Pomeroy

## COUNCIL ABSENT

None  
  
POLICE OFFICER  
PRESENT  
  
Marc Therre

## OFFICERS PRESENT

C.K. Luster  
Neal Beets  
Barbara Jones

Invocation by Rabbi Bonnie Koppell, Temple Beth Sholom.

Pledge of Allegiance led by Greg Adams, Joshua Dunn, Dwight Lane and Glenn Merrill of Boy Scout Troop #659.

Presentation of the results of the 1998 City of Mesa Community Spirit Program.

Mike Comstock, Chairman of the Community Spirit Executive Team, highlighted a variety of volunteer projects, fund raising events, and community programs that the employees of the City of Mesa participated in during the past year. Mr. Comstock presented Mayor Brown on behalf of the Council a token of the Executive Team's appreciation for the Council's continued support.

Mayor Brown congratulated the employees on their tremendous voluntary/charitable contributions and expressed appreciation to the Executive Team for the presentation.

### 1. Approval of the minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy, that the minutes of January 5, 1999 be approved.

Carried unanimously.

### 2. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified in these minutes with an asterisk (\*) were approved with one Council action.

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

Carried unanimously.

3. Conduct a public hearing for the following proposed annexation.

- a. **A98-9** The northeast corner of Warner and Power Roads (80.94± acres). Initiated by the property owner.
- b. **A98-14** Area extending from the southeast corner of South Mountain Road and East Elliot Road (156.81± acres). Initiated by the property owner.

Mayor Brown advised that this is the time and place for a public hearing regarding both of the above listed proposed annexation cases.

There being no citizens present wishing to speak on either annexation case, Mayor Brown declared the public hearing closed.

4. Consider the following liquor license applications.

\*a. CHARLENE AMADORE, TREASURER

Special Event License application of Charlene Amadore, Treasurer, Mickey Hatcher Celebrity Golf Classic, a one-day charitable event to be held Monday, February 1, 1999 from 8:00 a.m. to 4:00 p.m. at 1460 N. Alta Mesa Drive, Alta Mesa Country Club.

5. Consider the following contracts.

- \*a. Electric substation control panels for the Lewis Substation as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bid by Arizona Sun Sales at \$83,112.50 plus 7.0% sales tax of \$5,817.88 for a total of \$88,930.38.

- \*b. Two-year supply contract for 120,000 monthly "Openline" newsletters for Public Information as requested by the Printing & Graphics Services.

The Purchasing Division recommends accepting the low bid by G & G Printers at \$61,164.00 plus 7.0% sales tax of \$4,281.48 for a total of \$65,445.48 based on estimated requirements

- \*c. 5 sedans, 13 trucks, 8 vans and 4 utility vehicles for various City departments. 21 vehicles are replacements; 9 are additions to the fleet.

The recommendation is to authorize purchase from the following State of Arizona contracts:

Items 1, 2, 3, 8 and 10 to Courtesy Chevrolet for \$195,812.92;  
Items 4 and 7 to Ed Moses Dodge for \$198,714.79;  
Items 5 and 6 to Chapman Chevrolet for \$58,057.04;  
Item 9 to O'Reilly Chevrolet for \$31,720.52;  
Item 11 to Healy Auto Center for \$80,270.90.

All totals include applicable sales tax. The combined total is then \$564,576.17.

\*d. Deleted.

- e. Police Department Addition and Police/Court Parking Garage. City of Mesa Project Nos. 97-76 and 97-77.

This project consists of the construction of a new Police building and a new parking garage at the Police/Court complex located at 120 North Robson Street.

Recommend award to low bidder, Haydon Building Corporation, in the amount of \$7,957,000.00.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

City Engineer Keith Nath and Engineering Design Director Peter Knudson highlighted a brief presentation on the proposed addition.

Councilmember Davidson commented that citizens have expressed their support of the project and clarified that the project does not include an expansion of the holding facility.

It was moved by Councilmember Davidson, seconded by Councilmember Pomeroy, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES - Brown, Davidson, Giles, Jaffa, Kavanaugh, Pomeroy  
NAYS - None  
ABSTAIN - Hawker

Mayor Brown declared the motion carried unanimously by those voting.

- f. Fluoride Feed Systems at the CAP Water Treatment Plant and Three Booster Pump Stations. City of Mesa Project No. 99-86.

This project consists of the installation of fluoride feed systems at four City potable water facilities.

Recommend award to low bidder, RDH Environmental Services, in the amount of \$499,816.00.

In response to a request from Mayor Brown, Utilities Manager David Plumb highlighted a brief presentation on the fluoride issue.

Mayor Brown commented that fluoride has been the subject of extensive discussion and indicated his intention to limit speakers in support of and opposition to this matter to ten minutes total per side.

Louis Stradling, former Councilmember and long-time resident of Mesa, indicated that he will be the sole speaker and utilize the full ten-minute allocation. Mr. Stradling presented data to the audience in opposition to the addition of fluoride to the City's water supply. Mr. Stradling stated the opinion that government should not be involved in this issue and stressed the importance of allowing citizens to choose themselves whether or not to ingest fluoride into their bodies. Mr. Stradling expressed the opinion that fluoride constitutes a health hazard and urged the Council to stipulate a 90-day delay on this matter and conduct public hearings/open forums to gain input and provide facts.

Mayor Brown thanked Mr. Stradling for his remarks.

Mayor Brown advised that five citizens in favor of fluoridation will now address the Council and speak for two minutes each.

Laurie Buckles, a dental hygienist, stated the opinion that a majority of Mesa's citizens are in support of fluoridation and commented that millions of people suffer from preventable oral diseases. Ms. Buckles urged the Council not to deny citizens the benefits of fluoride.

Jerry Jones, a dentist and citizen of Mesa, addressed the Council and noted that the City's water supply currently contains fluoride levels but said that the increased amount will be of substantial benefit to everyone within the community. Dr. Jones stated that the respected medical and scientific community accept and encourage the fluoridation of water.

Dr. Clifford Harris addressed the Council regarding this matter and said that the addition of fluoride into the water will benefit the entire community. Dr. Harris added that fluoride increases bone strength and is important in the treatment of osteoporosis. Dr. Harris commented that no proof exists to support the premise that fluoride causes cancer or cardiovascular disease and urged the Council to approve this item.

Bev Tittle-Baker informed the Council that she had e-mailed them and requested that they contact Community Information and Referral and request that they identify available resources for people with poor oral health. Ms. Baker reported that only two such resources exist and commented that an opportunity such as this to prevent oral decay must not be missed.

Dr. Keith Crandall noted that he is speaking in opposition to the addition of fluoride into the City's water supply and questioned why the Federal Drug and Food Administration has not approved fluoride. Dr. Crandall requested that the Council either vote in opposition to this matter or grant a 90-day delay before committing to a contract and implementing the program.

Mayor Brown advised that in view of the fact that Dr. Crandall spoke in opposition to this issue, he will allow one more speaker representing those in support of the item.

Jerry Jones readdressed the Council and expressed the opinion that fluoride does reduce dental cavities and will benefit both the young and the old in our community. Dr. Jones spoke in opposition to the requested 90-day delay and urged the Council to cast their vote in support of fluoridation.

Mayor Brown thanked the speakers for their input.

Councilmember Jaffa stated that he supports fluoridation and stated that in his opinion the most crucial benefit of fluoridation will be providing the poor in our community with a proven defense against tooth decay.

Councilmember Pomeroy advised that the addition of fluoride into the water is an extremely controversial issue. Councilmember Pomeroy added that he does not support compelling citizens to ingest fluoride and indicated he would not support the measure.

Mayor Brown concurred with Councilmember Pomeroy's comments and said that the ingestion of fluoride should be a personal rather than government dictated choice.

Vice Mayor Giles expressed the opinion that the addition of fluoride into the City's water supply will greatly benefit the citizens of Mesa and added that in his opinion significant evidence exists to warrant this measure.

Councilmember Kavanaugh commented that a function of government is to protect the public health and said that is the reason why he supports fluoridation.

Councilmember Hawker stated the opinion that this is an issue that should not be dictated by a governmental body and said he will vote in opposition to fluoridation.

Councilmember Davidson expressed the opinion that mistruths and inconsistencies exist on both sides of the issue but added that in the interest of public health he will support fluoridation.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES - Davidson-Giles-Jaffa-Kavanaugh  
NAYS - Brown-Hawker-Pomeroy

Mayor Brown declared the motion carried by majority vote.

6. Introduction of the following ordinance and setting February 1, 1999 as the date for the public hearing on these ordinances.

(Note: City Council introduction of ordinances does not necessarily reflect City Council approval of these ordinances. Introduction of ordinances sets in motion the public posting and advertising process for ordinances so that the City council can hear from concerned citizens at the public hearing.)

- a. **HP98-001** Historic Preservation Overlay District for the Evergreen District (generally bordered on the south by University Drive; on the north by 8<sup>th</sup> Street; on the west by Robson St; and on the east by Macdonald St.)

Vice Mayor Giles indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Councilmember Pomeroy, seconded by Councilmember Davidson, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Hawker-Jaffa-Kavanaugh-Pomeroy  
NAYS - None  
ABSTAIN - Giles

Mayor Brown declared the motion carried unanimously by those voting.

7. Consider the following resolutions.

- \*a. Authorizing the City Manager to execute an agreement between the State of Arizona Department of Transportation and the City of Mesa for construction design, and design for bike rest areas along 8<sup>th</sup> Street/Adobe Road from Riverview Park to Red Mountain Park. **CONTINUED FROM THE JANUARY 5 COUNCIL MEETING** - Resolution No. 7307.
- b. Authorizing the City Manager to execute an Intergovernmental Agreement between the Flood Control District of Maricopa County and the City of Mesa for Cost Sharing the Design and Rights-of-Way Acquisition of the Elliot Road Detention Basin and Outfall Channel from Crismon Road to Ellsworth Road – Resolution No. 7312.

Engineering Design Director Peter Knudson presented a brief overview of the proposed Intergovernmental Agreement and stated that staff recommends Council approval.

It was moved by Councilmember Davidson, seconded by Vice Mayor Giles, that Resolution No. 7312 be adopted.

Carried unanimously.

- \*c. Authorizing the City Manager to execute an Intergovernmental Agreement with the Maricopa County Flood Control District pertaining to storm water sampling, as required by the City of Mesa NPDES Permit – Resolution No. 7308.
- \*d. Authorizing the City Manager to execute an Intergovernmental Agreement among the Cities of Mesa, Chandler, Glendale, and Scottsdale for joint legal representation in the Gila River General Stream Adjudication – Resolution No. 7309.
- e. Adopting an Ethics Code and Handbook for Elected Officials and Advisory Board Members Resolution No. 7313.

Councilmember Kavanaugh, who serves as Chairman of the Mayor's Ad Hoc Committee on Ethics, provided the audience with background information on the development of an Ethics Code and Handbook for Elected Officials and Advisory Board Members. Councilmember Kavanaugh reported that the Committee forwarded three recommendations to the Council: 1) enact the Ethics Code; 2) allocate staff and resources necessary to implement same; 3) charter changes.

Councilmember Kavanaugh stated that the proposed resolution contains recommendations one and two and said that the Committee will revisit the issue of charter changes in the future. Councilmember Kavanaugh expressed the opinion that the Code represents higher standards for elected officials and advisory board members and thanked the members of the Committee for their ongoing efforts.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that Resolution No. 7313 be adopted.

Carried unanimously.

Councilmember Hawker commented that he will support this issue on a one-year trial basis and added that he will present questions to the Committee regarding Code interpretation.

- \*f. Extinguishing a portion of a public utility in Las Sendas Phase 2A and 2B – Resolution No. 7310.

Final improvements have been installed and this temporary drainage area is no longer necessary.

- g. Granting an irrigation easement to Salt River Project for the Baseline Road and Stapley Drive widening project – Resolution No. 7314.

Salt River Project is relocating their existing irrigation lines to this new area.

Councilmember Davidson indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that Resolution No. 7314 adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Hawker-Jaffa-Kavanaugh-Pomeroy  
NAYS - None  
ABSTAIN - Davidson

Mayor Brown declared the motion carried unanimously by those voting and Resolution No. 7314 adopted.

- h. Granting an underground power easement to Salt River Project at the City of Mesa County Line Reservoir – Resolution No. 7315.

Easement is necessary for the installation of underground power lines to Mesa's water reservoir.

Councilmember Davidson indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that Resolution No. 7315 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Giles-Hawker-Jaffa-Kavanaugh-Pomeroy  
NAYS - None  
ABSTAIN - Davidson

Mayor Brown declared the motion carried unanimously by those voting and Resolution No. 7315 adopted.

- \*i. Approving the recommendations of the Council District Commission of the City of Mesa concerning the establishment of the initial Councilmember district boundaries – Resolution No. 7311.

8. Consider the following ordinance.

- \*a. Prohibiting parking on the west side of Sugarloaf Circle south of Lomond Circle; designating the Red Mountain Ranch Elementary School driveway on Sugarloaf Circle as a one-way driveway (exit only); and establishing a 35 mph speed limit on Signal Butte Road from Baseline Road to the south City limits; as recommended by the Traffic Safety Committee – Ordinance No. 3585.

\*9. Write-off of utility and miscellaneous accounts in the amount of \$167,522.00.

10. Consider the following recommendations from the Transportation Committee Meeting.

- a. Recommend staff's recommendation that the formation of a Special Improvement District for Ann Lynn Estates, located at Val Vista and McClellan, including Option No. 2 for the treatment of Indigo Circle, be approved.

Public Works Manager Harry Kent provided the Council with a overview of this agenda item and stated that 7 out of the 8 owners support the formation of a Special Improvement District.

Erik Kessler, 240 North Center Street, an attorney representing Mr. & Mrs. Horton, the owners who are opposed to the formation of the Special Improvement District, stated the opinion that this item requires additional study and urged the Council to delay action on this for a minimum of 30 days. Mr. Kessler stated that the proposal would require his clients to give up a portion of their land and requested that the Council not act on this matter at this time.

Jerry Shockey, 3630 East Indigo Circle, one of the existing homeowners in Ann Lynn Estates, informed the Council that over two years ago the existing homeowners in the subdivision recognized that safety problems and traffic hazards existed and initiated efforts to relocate the entrance to the subdivision and block off Val Vista Road. Mr. Shockey expressed the opinion that Mr. & Mrs. Horton would not be required to give up any of their land and added that their lot would not require any reorientation. Mr. Shockey commented that Mr. & Mrs. Horton have not lived in the community and are not aware first hand of the other residents' concerns. Mr. Shockey urged the Council to approve the formation of the Special Improvement District as outlined.

Kevin McCabe, 3645 East Indigo Circle, advised that he is the newest property owner in Ann Lynn Estates, concurred with the previous speaker's remarks and stated that the proposal represents hard work on the part of a majority of the homeowners and should be approved.

Charles Mitchell, 3636 East Indigo Circle, commented that although he agrees with Mr. Horton and would prefer that everything remain status quo, progress is impeding the homeowners' quality of life and steps must be initiated to protect this area. Mr. Mitchell commented on the extensive amount of work that has been done by the homeowners and said that the proposal will enhance the area and improve safety. Mr. Mitchell commented that Mr. & Mrs. Horton have avoided meeting with the neighbors to discuss this matter.

Lisa Tolleson, 3620 East Indigo Circle, expressed concerns regarding an increase in traffic as a result of the Red Mountain Freeway and stated that the homeowners are endeavoring to improve a 20-year old neighborhood. Ms. Tolleson expressed the opinion that the proposal will decrease noise and enhance curb appeal and urged the Council to approve the proposed plans.

John Our, a resident in Ann Lynn Estates, urged the Council to look at both sides but acknowledge that all of the people who have worked on this project for two years deserve to have their concerns recognized and addressed.

Corey Smith, 1952 North 39th Street, stated that he supports improvements along McLellan Road.

Eric Kessler readdressed the Council regarding this agenda item and reiterated his request for a postponement to allow additional study to occur.

Mayor Brown thanked the speakers for their input.

Councilmember Pomeroy commented that he personally visited the site and stated that the seven homeowners who have been involved in this project have incurred expenses, understand the problems, have taken the appropriate steps and deserve to have their request approved.

It was moved by Councilmember Pomeroy, seconded by Vice Mayor Giles, that the majority recommendation of the Transportation Committee be approved.

Vice Mayor Giles expressed the opinion that a vote in opposition to this item would send a negative message to the homeowners who have expended great effort to improve and enhance the safety of their neighborhood.

Councilmember Hawker commented that although he agrees with a number of the comments in favor of the Improvement District, Mr. Horton owns the property and his house has been designed for that particular parcel. Councilmember Hawker added that he would support a continuance but would not support taking away a person's property rights.

Councilmember Kavanaugh encouraged the parties to continue to work to arrive at a mutually agreeable solution to their concerns and added that a third party impartial negotiator may assist the parties in this regard. Councilmember Kavanaugh commented that he would support a continuance to allow the parties to further explore solutions.

Councilmember Jaffa said that he also would support a 30 day rather than 14 day continuance to allow sufficient time to address all issues. Councilmember Jaffa stated the opinion that the proposal will improve the neighborhood and recommended that the motion be amended to include a continuance.

Mayor Brown commented on staff's reports that efforts to negotiate have not been successful and indicated that he is inclined to support the motion as stated.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Pomeroy  
NAYS - Hawker-Kavanaugh-Jaffa

Mayor Brown declared the motion carried by majority vote.

- \*b. Recommend that a resolution be adopted requiring ADOT to install and maintain landscaping along the Price Freeway frontage road from Baseline to Guadalupe, be approved – Resolution No. 7316.
- \*c. Recommend staff's recommended alignment for Baseline Road from Horne to the consolidated Canal, be approved.

11. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances.

- \*a. **Z98-84** South and east of the southeast corner of Lindsay and McKellips Roads. Rezone from C-1 and R1-43 to R1-9-PAD (12± acres). This case involves the development of a 34-lot single residence subdivision. Edward Probyn James & Associates, Inc., owner/applicant. **CONTINUED FROM THE DECEMBER 21, 1998 CITY COUNCIL MEETING. A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST. REVISED ORDINANCE INTRODUCED JANUARY 5, 1999. THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED TO THE FEBRUARY 16 COUNCIL MEETING.**

P & Z Recommendations: Approval with conditions (vote: 6-1-1 Parker nay, Zaharis abstained).

1. Compliance with the basic development as shown on the revised site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first;
4. All street improvements and perimeter landscaping to be installed in the first phase of construction;
5. Compliance with all requirements of the Subdivision Technical Review Committee, including submission of subdivision CC & R's and the formation of a Homeowners Association for maintenance of common areas and amenities;
6. Compliance with the letter from Edward Probyn James dated December 23, 1998;
7. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit);
8. Notice be provided to future residents that the project is within two miles of Falcon Field Airport and including a statement that additional information pertaining to aircraft operations and airport development may be obtained by contacting the Falcon Field Airport administration office;

9. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 decibels;
  10. Compliance with the Residential Development Guidelines including staff review of elevations;
  11. Lots 11 through 16 shall be a minimum of 20,000 sq. ft. and limited to one story in height; and
  12. The fence on the south perimeter to remain at approximately current grade level.
- \*b. **Z98-104** Certain properties between Broadway Road and Southern Avenue, and 106<sup>th</sup> Street to Meridian. Establish R1-43, R1-15, R1-7, R1-6-PAD, R-2-PAD, R-4 and O-S (345± acres) – Ordinance No. 3586.

This case involves the establishment of City zoning on recently annexed land. Various owners; City of Mesa, applicant. **CONTINUED FROM THE DECEMBER 21, 1998 CITY COUNCIL MEETING.**

P & Z Recommendations: Approval with conditions (vote: 6-0-1, Brock abstained).

1. Compliance with stipulations established by the County Board of Supervisors;
  2. Compliance with the Residential Development Guidelines where applicable;
  3. Compliance with all City development codes and regulations;
  4. Review and approval by the Planning and Zoning Board and City Council of future development plans;
  5. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering etc.);
  6. Minimum lot size shall be 8,000 sq. ft. within R1-7 zoning districts; and
  7. Review and approval of a Special Use Permit by the Board of Adjustment or Zoning Administrator for any modification to the communication tower as described in Maricopa County Zoning Case Z86-108A.
- \*c. **Z98-113** 201 North Hobson. Rezone from R1-6 and R-2 to R1-6-PAD (0.5± acres). This case involves the development of a 4-lot single residence subdivision. Owner/Applicant; Damon C. Wheeler and Colleen C. Wheeler. Also consider the preliminary plat of “Wheeler Place”. **A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST. THE APPLICANT HAS REQUESTED THAT THIS CASE BE CONTINUED TO THE FEBRUARY 16, 1999 REGULAR COUNCIL MEETING.**

P & Z Recommendations: Approval with conditions (vote: 7-0).

1. Compliance with the basic development as shown on the site plan, preliminary plat and elevations submitted, except as noted below;
  2. Compliance with all City development codes and regulations;
  3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc);
  4. Compliance with all requirements of the Subdivision Technical Review Committee.
- \*d. **Z98-114** The northeast corner of Southern Avenue and Ellsworth Road. Rezone from AG to C-2 (13± acres). This case involves the development of a commercial project consisting of a mini-storage building and 3 pad uses. Raymond J. Goldstein; owner, Ralph Pew and Sean Lake; applicant – Ordinance No. 3587.

P & Z Recommendations: Approval with conditions (vote: 7-0).

1. Compliance with the basic development as shown on the site plan, preliminary plat and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first;
4. Compliance with all requirements of the Design Review Board;
5. All pad buildings to be architecturally compatible; and
6. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.

\*e. **Z98-115** Part of the 3300 block of East Main Street – north side. Rezone from C-2 to C-3 (4± acres). This case involves the development of an RV sales and repair facility. J. Fisher; owner, Norm Ultis; applicant – Ordinance No. 3588.

P & Z Recommendations: Approval with conditions (vote: 7-0).

1. Compliance with basic development as shown on the site plan, preliminary plat and elevations submitted, except as noted below;
2. Compliance with all City development codes and regulations;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first;
5. Compliance with all requirements of the Design Review Board;
6. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit; and
7. Compliance with applicant's letter of December 17, 1998 with the deletion of Item No. 9.

f. **Z98-117** Certain properties east and west of Ellsworth Road between McLellan and University. Establish R1-43, R1-15, R1-15-PAD, R1-9, R1-9-PAD, R1-7-PAD, R-1-6-PAD, and R-2-PAD zoning districts with exceptions (835± acres). This case involves the establishment of City zoning districts on recently annexed land. Various owners; City of Mesa, applicant – Ordinance No. 3589.

Carol Owens, P.O. Box 1017, Apache Junction, stated the opinion that the area referred to in this case is deteriorating rapidly and spoke in support of wash protection. Ms. Owens encouraged the members of the Council to personally visit the site and inspect the land.

Mr. Balmer provided the Council with a brief synopsis of this case and noted that the City is required to annex this property with the same conditions that were placed on it by the County.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that Ordinance No. 3589 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy  
NAYS - Hawker

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3589 adopted.

P & Z Recommendations: Approval with conditions (vote: 7-0).

1. Compliance with stipulations established by the County Board of Supervisors;
2. Compliance with the Mesa Residential Development Guidelines where applicable;
3. Compliance with all City development codes and regulations;
4. Review and approval by the Planning and Zoning Board and City Council of future development plans;
5. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering etc.);
6. Minimum lot size shall be 10,000 sq. ft. within the R1-9 zoning districts; and
7. Minimum lot size shall be 18,000 sq. ft within the R1-15 zoning districts.

12. Consider the following subdivision plats.

- \*a. "MAP OF DEDICATION FOR NORTH RIDGECREST/EAST EAGLE CREST DRIVE"  
The 7700 through 8000 blocks of E. Eagle Crest Drive and the 3200 through 3600 blocks of North Ridgecrest (both sides) Sonoran Desert Holdings, L.L.C., developer; Wood, Patel & Associates, engineer.
- \*b. "RED MOUNTAIN PROFESSIONAL PARK" The 6800 block of E. Brown Road (north side) 12 C-2 office lots (6.05 ac.) Forward Design, L.L.C., developer; Standage & Associates, Ltd., engineer.

13. Items from citizens present. (Maximum of three speakers for three minutes per speaker).

Vince Fantozzi, 1444 West 7th Street, addressed the Council regarding the Rio Salado Crossings Multipurpose Facilities District and posed several questions regarding this project.

Mayor Brown thanked Mr. Fantozzi for his input and advised that staff will pursue his questions and contact him in the near future. Mayor Brown encouraged Mr. Fantozzi to put his questions in writing and submit them for response.

14. Adjournment.

Without objection, the Regular Council Meeting adjourned at 8:02 p.m.

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WAYNE BROWN, MAYOR

ATTEST:

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BARBARA JONES, 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 19th day of January 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_ 1999

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BARBARA JONES, CITY CLERK