

# COUNCIL MINUTES

July 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 July 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  
  
David Klein

## OFFICERS PRESENT

C.K. Luster  
Neal Beets  
Barbara Jones

The Invocation was given by Pastor Bruce E. Miller, Central Christian Church.

The Pledge of Allegiance was led by Tommy Merrill, Wolverine Troop # 503.

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

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of July 6 and 13, 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 concerning water, irrigation, wastewater natural gas and solid waste utility rate and rate component increases.

Mayor Brown announced that this is the time and place for a public hearing regarding water, irrigation, wastewater, natural gas and solid waste utility rate and rate component increases. Mayor Brown encouraged the

members of the audience to provide input and/or address questions to the Council and staff regarding this agenda item.

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

4. Consider the following liquor license applications.

\*a. SAWSAN P. ASFOUR, AGENT

New Beer and Wine Store License for J & M Market, 1350 W. University Drive. This is an existing business and building. The Beer and Wine Store License previously held at this location by Lulu Hasou, Individual, J & M Market, will revert back to the State.

\*b. STYLIANOS PISSAS, AGENT

New Restaurant License for Monsoon Chinese Bistro & Satay Bar, 2048 E. Baseline Road, #1. This is an existing business and building. The Restaurant License previously held at this location by Richard M. Jullo, Agent, Unity Food, LLC, will revert back to the State.

5. Consider the following contracts.

\*a. One-year renewal of the annual supply contract for helicopter engine parts and repair as requested by the Police Department.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original low bid by Dallas Airmotive (formerly UNC Airwork Corp.) for annual purchases estimated at \$250,000.00.

\*b. Two-year supply contract for perennial ryegrass seed used by the Parks and Recreation Division and the Golf Courses.

The Purchasing Division recommends accepting the low bid meeting specification by Turf Partners at \$91,105.00 plus 7.0% sales tax of \$6,377.35 for a total of \$97,482.35 based on estimated annual requirements.

\*c. Two emergency shut-off systems for chlorine containers as requested by Utility Operations.

The Purchasing Division recommends accepting the low bid meeting specification by Halogen Valve Systems, Inc. at \$20,400.00 plus 5.0% use tax of \$1,020.00 for a total of \$21,420.00.

\*d. One digital publication scanner for the Mesa Room at the main Library. This equipment is used to scan and reproduce documents from large books, magazines and archival materials.

The Purchasing Division recommends accepting the low bid meeting specification by Lason at \$12,300.00 plus 7.0% sales tax of \$861.00 for a total of \$13,161.00.

\*e. Oracle Database Licenses for the Equipment Management Information System Year 2000 Upgrade as requested by the Information Services Division (ISD). These licenses are needed for Phases II and III of this project.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Oracle Corporation for 35 Oracle full use licenses in the amount of \$57,610.00 plus 7% sales tax, for a total of \$61,642.70.

- \*f. Digital Aerial Photography Services related to the City's Geographic Information Systems Project as requested by the Information Services Division (ISD). The resulting photographs and CDs will enhance the City's ability to provide accurate census data, as well as provide better decision-making tools for City staff.

The Purchasing Division recommends accepting the low bid from Kenney Aerial Mapping, Inc. for digital aerial photography services (including 77 digital photographs and image data on CDs) for a total of \$16,543.00, plus 7% sales tax, for a total of \$17,701.01.

- \*g. Twenty-four portable radios for the Fire Department as requested by the Communications Division.

The Purchasing Division recommends authorizing purchase from State of Arizona Contract with Motorola Communications & Electronics at \$18,505.52 including accessories, sales tax and two-year express service maintenance/repair plan.

- h. Brimhall Junior High School Pool, City of Mesa Project No. 99-20.

This project involves the construction of a new pool facility at an existing junior high school.

Recommend award to low bidder, MTV General Contractors in the amount of \$2,050,600.00.

Councilmember Davidson noted that this project was completed significantly under budget and commended staff on their efforts.

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

Carried unanimously.

- \*i. ISD Building Security System, City of Mesa Project No. 99-93.

This project involves the installation of a new, upgraded security system in the ISD building located at 59 East First Street.

Recommend award to low bidder, Nelson-Holland, Inc., in the amount of \$47,860.09.

6. Introduction of the following ordinances and setting August 2, 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. **CZ99-002TC** 131 West University Drive. Rezone from TCR-1 to TCB-1. This case will allow for the use of a small office at this location within the block bounded by University Drive, West Third Place, North Macdonald Street and North Robson Street. **A 3/4 VOTE IS REQUIRED TO APPROVE THIS**

**REQUEST. THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED TO THE OCTOBER 18, 1999 CITY COUNCIL MEETING.** (Introduction of this ordinance will occur at the October 18, 1999 City Council Meeting).

- \*b. **Z99-31** Parcel 6B of Red Mountain Ranch. Rezone from R1-9-DMP to R1-9-PAD-DMP and Site Plan Review (6.9± acres). This case involves the development of a single residence subdivision.
- \*c. **Z99-47** 1655 North Stapley Drive. Rezone from O-S to R1-9 (.5± acre). This case involves the change of land use of an existing structure.
- \*d. **Z99-55** The southwest corner of McKellips Road and 48th Street. Requesting a Council Use Permit (33± acres). This case involves the development of a Super Wal-Mart.
- \*e. **Z99-56** Parcel 8 at Las Sendas. Rezone from R1-90-DMP to R-2-PAD-DMP (21± acres). This case involves the development of condominiums and townhouses.
- \*f. **Z99-57** Parcel 1 at Las Sendas. Rezone from R1-90-DMP to R1-35-PAD-DMP (56.5 acres). This case involves the development of a 51 lot subdivision.
- \*g. **Z99-58** Parcel 3 at Las Sendas. Rezone from R1-90-DMP to R1-35-PAD-DMP (39.5 acres). This case involves the development of a 39 lot subdivision.
- \*h. **Z99-59** Parcels 5 and 6 at Las Sendas. Modification of the DMP from patio home development to single family detached and rezone from R1-90-DMP to R1-9-PAD (32.7 acres). This case involves the development of a 76 lot subdivision.
- \*i. **Z99-60** Parcel 31 at Las Sendas. Rezone from R1-90-DMP to R1-35-PAD-DMP (76.6 acres). This case involves the development of a 71 lot subdivision.
- \*j. **Z99-61** Parcel B at Las Sendas Mountain. Rezone from R1-90-DMP to R1-35-PAD-DMP (33.8 acres). This case involves the development of a 32 lot subdivision.
- \*k. **Z99-62** Parcel E at Las Sendas Mountain. Rezone from R1-90-DMP to R1-9-PAD-DMP (26.8 acres). This case involves the development of a 58 lot subdivision.
- \*l. **Z99-63** Parcel F at Las Sendas Mountain. Rezone from R1-90-DMP to R1-9-PAD-DMP (26± acres). This case involves the development of a 59 lot subdivision.
- \*m. **Z99-64** Parcels H and I at Las Sendas Mountain. Modification of the DMP to incorporate a new parcel (I) and rezone from R1-90-DMP to R1-35-PAD-DMP (41 acres). This case involves the development of a 41 lot subdivision.
- \*n. **Z99-65** Parcel J at Las Sendas Mountain. Rezone from R1-90-DMP to R1-35-PAD-DMP(44.5 acres). This case involves the development of a 40 lot subdivision.
- \*o. **Z99-66** Parcels K and L at Las Sendas Mountain. Modification of the DMP to combine two parcels with one subdivision and rezone from R1-90-DMP to R1-9-PAD-DMP (55.6 acres). This case involves the development of a 129 lot subdivision.

- \*p. **Z99-67** The Southeast corner of Southern Avenue and Clearview. Rezone from AG (conceptual P.E.P. and M-1)-DMP to P.E.P. and M-1 with a DMP overlay and a Council Use Permit (24± acres). This case involves the development of a commercial/office/industrial complex.
- \*q. **Z99-68** The southwest corner of Brown and Recker Roads. Site Plan Modification (4± acres). This case involves the development of an Osco Drug store.
- r. Modifying rate schedules for the following utility services:
  - 1. Water and irrigation utility service.
  - 2. Wastewater utility service.
  - 3. Gas utility service.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that introduction of ordinances modifying rate schedules for the three (3) above listed utility services be introduced.

Carried unanimously.

- s. Modifying rate schedules for solid waste utility service.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that introduction of an ordinance modifying rate schedules for solid waste utility service be approved.

Carried unanimously.

- t. Modifying rate schedules for interdepartmental utility rates and charges for other related services.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that introduction of an ordinance modifying rate schedules for interdepartmental utility rates be approved.

Carried unanimously.

- \*u. Relating to animals, public health and public nuisances; amending Title 6, Chapter 4 of the Mesa City Code by amending Section 6-4-1 and adding section 6-4-31; and providing for penalties.

7. Consider the following resolutions.

- a. Approving and authorizing the City Manager to execute a license agreement between the Salt River Project Agricultural Improvement and Power District and the City of Mesa for the purpose of making specific improvements to canal banks and using them for recreational activities - Resolution No. 7407.

Councilmember Davidson indicated that he had a potential conflict of interest in connection with the matter currently 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.

Mayor Brown and members of the Council presented comments on the extensive benefits that will be derived as a result of this project.

It was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy, that Resolution No. 7407 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. 7407 adopted.

\*b. Approving and authorizing issuance of the Industrial Development Authority of the City of Mesa, Arizona Revenue Bonds (Discovery Health System) Series 1999A and 1999B in an amount not to exceed \$500,000,000 - Resolution No. 7406.

8. Consider the following ordinances.

\*a. Relating to the Mesa Personnel Rules; amending Section 320 pertaining to salary plan; amending Section 431 pertaining to vacation leave; and repealing conflicting ordinances - Ordinance No. 3652.

9. Consider authorizing the purchase of 68 acres of land at Greenfield Road and Virginia for a future transit maintenance facility and future recreation purposes.

Vice Mayor Giles commented on the fact that the neighbors in the surrounding area have voiced support for the project and noted that youth ball fields will be incorporated into the project.

Councilmember Hawker provided the audience with a brief overview of this agenda item, including proposed financing for the project.

Councilmember Davidson expressed appreciation to staff for their efforts.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that the proposed purchase of 68 acres of land at Greenfield Road and Virginia for a future transit maintenance facility and future recreation purposes be approved.

Carried unanimously.

10. Consider authorizing the City Manager to execute a Loan Agreement with the Williams Gateway Airport Authority for the purpose of complying with FAA regulations and Congressional legislation regarding reimbursement of funds disbursed to the Airport Authority.

Councilmember Jaffa 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.

In response to a request from Mayor Brown, Community Development Manager Wayne Balmer provided a brief synopsis of the proposed loan agreement. Mr. Balmer emphasized that it was always the intent of the agreement with the Williams Gateway Airport Authority that the loans granted to the Airport by the City for upstart costs and expenses would ultimately be repaid.

Beverly Selvage, 2627 South Hibiscus, spoke in support of the proposed Loan Agreement and noted the significant amount of funding that has been expended at Williams Gateway Airport.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that the City Manager be authorized to execute a Loan Agreement with the Williams Gateway Airport Authority for the purpose of complying with FAA regulations and Congressional legislation regarding reimbursement of funds disbursed to the Airport Authority.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those voting.

10.1. Consider a second amendment to the Disposition and Development Agreement for the Mesa Verde Interactive Leisure Project (Site 17).

Mr. Balmer presented a brief overview of this agenda item and noted that the City has acquired a majority of the property required for this project, which will be located east of the Sheraton Hotel.

Mr. Balmer noted that Malcolm Ross, President of Interactive Leisure Resources, plans to develop a hotel, timeshare facility, aquatic/sports facility and parking garage on the site. Mr. Balmer noted that the proposed amendments to the Disposition and Development Agreement for the Mesa Verde Interactive Leisure project include: 1) an increase in the size of the sports facility; 2) the addition of a parking garage on the west side of the project, and 3) an extension of a 1% sales tax rebate to the developer for financing purposes from 15 years to 20 years. Mr. Balmer explained that in order to include the parking garage in the project, the additional five years' rebate is required. Mr. Balmer emphasized that the City's total participation in the project will not exceed \$9 million and added that staff supports the proposed amendments.

Mayor Brown introduced Mr. Ross to the audience and commended him on his continuing efforts to develop the Mesa Verde project in the City of Mesa.

Mr. Ross expressed appreciation to the Council and staff for their cooperation and stated that he is looking forward to a long and successful relationship with the City of Mesa.

Councilmember Hawker and Vice Mayor Giles also congratulated Mr. Ross on his efforts to date.

Councilmember Hawker commented on the benefits of the current project on the City's redevelopment efforts but indicated that in the future projects such as this should not continue to be subsidized by the City.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that the proposed second amendment to the Disposition and Development Agreement for the Mesa Verde Interactive Leisure Project (Site 17) be approved.

Carried unanimously.

10.2. Consider authorizing the purchase and exchange of Mesa Public School property at Center and Second Avenue and the Mitsui office building located at Main Street and Serrine.

Assistant City Manager Mike Hutchinson provided a brief presentation on this agenda item. Mr. Hutchinson advised that following extensive discussions and analysis, a recommendation has been made as part of a downtown redevelopment concept plan, that the property known as the East Valley Institute of Technology (EVIT) campus, owned by Mesa Public Schools, be utilized by the City for redevelopment purposes. Mr. Hutchinson noted that a variety of projects are proposed for the site, including interim City office space and the development of a proposed aquatics center and noted that a significant portion of the land will be utilized for the arts and entertainment center. Mr. Hutchinson discussed staff's recommendation that three of the four properties currently owned by Mitsui be acquired and utilized in the future as part of the arts and entertainment center complex. Mr. Hutchinson added that the City has conducted negotiations with Mitsui relative to the fourth property, referred to as the office tower building, and the possibility of the Mesa Public Schools' acquisition of the tower building for future use.

Mr. Hutchinson noted that in addition to acquiring the EVIT property for future City use, the Council is also being asked to approve the acquisition of three of the four Mitsui properties for City uses, and the acquisition of the tower, which would be traded to the Mesa Public Schools as part of the program and utilized for Mesa Public Schools' office space in the future. Mr. Hutchinson spoke in support of approving this proposal.

Vice Mayor Giles commented that the proposed resolution (agenda item 10.3) has been revised and no longer includes an emergency clause.

Members of the Council indicated their support for the project and noted that the acquisition of this site represents a key component in the City's redevelopment efforts.

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

Councilmember Hawker commented that the Mesa Public Schools will benefit significantly from the acquisition of the tower and noted the reasonable cost of the building.

In response to a question from Councilmember Hawker, Finance Director Larry Woolf discussed the project's financing and noted that an annual lease appropriation will occur over the next ten years.

Carried unanimously.

10.3. Consider a resolution authorizing the lease and lease-back of certain real property located at Center and Second Avenue and improvements thereon by the City pursuant to a ground lease and a lease-purchase agreement; approving the execution, sale and delivery of Certificates of Participation evidencing beneficial interests in the lease-purchase agreement and the entering into of necessary agreements related thereto - Resolution No. 7408.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, that Resolution No. 7408 be adopted.

In response to a request from Mayor Brown, Mr. Woolf explained that the financing is basically a lease-back process. Mr. Woolf noted that the City will grant a ground lease to the trustee for \$13.8 million and the City will then lease back the property through a lease-purchase agreement. Mr. Woolf added that the payments to be made by the City in accordance with the lease purchase agreement, are estimated at approximately \$1.8 million, which will equal the debt that the trustee will generate as a result of issuing Certificates of Participation. Mr. Woolf stated the opinion that the average interest rate will be approximately 4.9% and said that the term of the lease will be ten (10) years. Mr. Woolf commented that the agreement will contain a provision for a sub-lease and advised that it is anticipated that Mesa Public Schools will lease back the site for three to five years. Mr. Woolf informed Councilmember Hawker that a portion of the previously approved "Quality of Life" tax will be used to purchase the movie theatre and performing arts site, but will not be utilized for the purchase of the school site.

Councilmember Hawker thanked Mr. Woolf for his input.

Carried unanimously.

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

- a. **Z99-45** The 2200 block of North Center (west side). Rezone from AG to R-2-PAD (7.8± acres). This case involves the development of a residential subdivision. D.R. Horton, Inc. owner/applicant; Represented by: Mark Allen. **A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST. CONTINUED FROM THE JULY 6, 1999 CITY COUNCIL MEETING.**

P & Z Recommendation: Approval with conditions (vote: Passed 5-1, Parker nay).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below.
2. Compliance with the Residential Development Guidelines regarding building elevations, perimeter wall design and entry monumentation.
3. Compliance with all City development codes and regulations.
4. Compliance with all the requirements of the Public Works Department (Engineering and Traffic Engineering, etc.).
5. 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.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Written notice be provided to future residents, and acknowledgement received that the project is adjacent to the future freeway, Mesa's police firing range, and existing radio towers.
8. Provide an 8 foot high sound-attenuation wall along the property line shared with the future freeway; design details to be approved by the City of Mesa and the Arizona Department of Transportation prior to construction.
9. Houses adjacent to the freeway to be restricted to one story.
10. Houses on the southern perimeter to be restricted to one story.

Mark Allen, 4500 Lakeshore Drive, Tempe, owner/applicant, addressed the Council relative to this agenda item and noted that the case involves a request to rezone 8.6 gross acres from AG to R-2-PAD. Mr. Allen presented

an overview of surrounding zoning and discussed the fact that the proposed outer loop of the Red Mountain Freeway will be constructed approximately 250 feet north of the property currently under discussion. Mr. Allen also noted that the City of Mesa owns approximately 160 acres and currently the south half of that property is being used for sanitation container storage, while the north half is being utilized by the Police Department as a firing range.

Discussion ensued relative to the fact that the site is a difficult parcel to develop based on the surrounding uses, the fact that the proposal is in conformance with the Mesa General Plan, the fact that an excessive number of mobile homes and rentals exist in the area and the applicant's contention that the single family housing project would enhance that portion of the community.

Mr. Allen stated the opinion that the project is appropriate for the proposed location and urged the Council to vote in support of his request for rezoning.

Mayor Brown advised that a number of citizens have indicated their intention to address the Council relative to this agenda item.

The following citizens spoke in opposition to the approval of this case and expressed concerns regarding the fact that the project and the number of proposed owners would overwhelm the area and negatively impact traffic, safety, density levels and quality of life, the fact that complaints will be generated once the new homeowners become aware of the noises and smells associated with living in a rural area, the fact that although current Lehi residents have reached an agreement with the City regarding the Police Department's firing range, the new homeowners may not be willing to abide by the agreement and excessive noise complaints may be generated, the fact that the two previous meetings between the concerned residents and the developer have failed to generate an acceptable compromise, a potential decrease in property values and the further deterioration of Lehi's rural atmosphere: (listed in order of appearance)

Jim Middleton	1107 East Lockwood
Janet Heywood	255 East Lehi
Jill Moughler	215 East Lehi
Keven Kullberg	650 North Olive
Patricia Ainsworth	650 North Olive
Butch Moughler	215 East Lehi

The following citizens spoke in support of the approval of this case and commented that the noise from the Police Department's firing range is minimal and does not create a neighborhood disturbance, the fact that traffic should not increase to a level that would constitute a safety hazard, the fact that the parcel is a difficult site to develop and concerns that should the project not be approved, industrial and/or other inappropriate uses may be proposed for that location: (listed in order of appearance)

Thomas J. Sliskovich	2042 North Center
Spencer Price	2211 North Center

The following citizen submitted comments in support of the approval of the case but indicated that he did not wish to speak on the matter:

Paris Nadir	2245 North Center
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Mayor Brown thanked the speakers for their input.

In response to a request from Vice Mayor Giles, Community Development Manager Wayne Balmer advised that the case was reviewed by the Planning and Zoning staff and the Planning and Zoning Board and received approval from both entities. Mr. Balmer informed the Council that following a review of additional information, he personally has reservations regarding the approval of this case. Mr. Balmer commented on the fact that the Lehi area is older than the City of Mesa itself and discussed the agricultural/rural background of the Lehi community. Mr. Balmer stated the opinion that the project is inconsistent with the distinct character of the Lehi area and questioned whether the project should be developed in a more appropriate area of the City. Mr. Balmer advised that although he has reversed his opinion and no longer favors the approval of this case, the recommendations for approval from both the Planning and Zoning staff and Planning and Zoning Board remain in effect.

Responding to a request from Vice Mayor Giles, Police Chief Jan Strauss discussed the Police Department's concerns regarding the proposed project. Chief Strauss commented on the close proximity of the firing range to the proposed project and stated that although an agreement regarding the operating hours of the range is currently in existence and has been successful, staff's concern is that the additional homes in the area may result in added restrictions. Chief Strauss added that the Department's over-riding concern is that an alternate site for the facility would have to be located in response to citizen complaints.

Discussion ensued relative to existing and potential increases in noise levels in the area, the fact that a transportation corridor is being established which requires higher density levels, the fact that the proposal is in conformance with the General Plan, minimal efforts on the part of the developer to meet with the residents and address their concerns, the importance of expending extensive effort to arrive at a mutually agreeable compromise solution to concerns, and the applicant's contention that less density would negate the financial success of the project.

Councilmember Hawker recommended that an historical overview of the Lehi area be conducted in the future and stressed the importance of determining which areas will remain one-acre zoning. Councilmember Hawker added that the overview should then be included as part of the General Plan.

Additional discussion ensued among the members of the Council relative to this case and Mayor Brown commented that although he is inclined to refer the case back to the Planning and Zoning Board, in the interest of fairness to that Board he will refrain from initiating such action. Mayor Brown stated the opinion that the applicant should arrange a meeting with Mr. Stephen Earl, a citizen/attorney possessing extensive experience in working with neighborhood groups/organizations. Mayor Brown noted that Mr. Earl has successfully negotiated a variety of contentious issues.

Councilmember Davidson expressed the opinion that sufficient information exists for the Council to render a decision on this case without referring the matter back to the Planning and Zoning Board. Councilmember Davidson stated that he supports residential development in the area but concurred with Mayor Brown's remarks relative to the fact that the applicant should expend greater effort to reach a compromise resolution with the residents.

Mr. Allen requested that this case be continued to allow the developer additional time to review alternatives and expend efforts to arrive at a mutually agreeable solution to expressed concerns.

Councilmember Jaffa commented that although he supports the project in concept, he would prefer that additional consideration be given relative to reducing density levels at that site.

It was moved by Councilmember Jaffa, seconded by Vice Mayor Giles, that the applicant's request for a continuance of Zoning Case Z99-45 to the August 30, 1999 Regular Council Meeting be approved.

Carried unanimously.

12. Consider the following subdivision plats.

- \*a. "MARIPOSA ESTATES" – The 3800 block of East McLellan Road (south side) 4 R1-35 PAD single residence lots (4.9 acres) Donald T. and Kathleen Stapley, developer; Agra Infrastructure, Inc., engineer.
- \*b. "SILVERWOOD" - The 11400-11500 blocks of East Southern Avenue (north side) 129 R1-6 PAD single residence lots (27.3 acres) Great Western Communities, Inc., developer; Agra Infrastructure, Inc., engineer.

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

Marilynn Wennerstrom, 1112 North Center Street, addressed the Council and referred to an article published in the July 6, 1999 issue of the Arizona Republic relative to conflicts of interest. Ms. Wennerstrom expressed the opinion that members of the Council are receiving conflicting and inaccurate advice from the City Attorney and the City Manager relative to declarations of potential conflicts of interest and provided personal observations relative to her charges.

14. Adjournment.

Without objection, the Regular Council Meeting adjourned at 8:10 p.m.

Carried unanimously.

\_\_\_\_\_  
WAYNE BROWN, MAYOR

ATTEST:

\_\_\_\_\_  
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 July 1999. I further certify that the meeting was duly called and held and that a quorum was present.

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

\_\_\_\_\_  
BARBARA JONES, CITY CLERK