



# COUNCIL MINUTES

November 4, 1999

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on November 4, 1999 at 7:30 a.m.

## COUNCIL PRESENT

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

## STAFF PRESENT

C.K. Luster  
Wayne Balmer  
Neal Beets  
Dennis Compton  
Linda Crocker  
Bob DeLeon  
Jack Friedline  
John Gendron  
Mike Hutchinson  
Barbara Jones  
Karen Kille  
Karl Kohlhoff  
Wayne Korinek  
Ron Lisonbee  
Rich Lorig  
Tom Mattingly  
Patrick Murphy  
Keith Nath  
Joe Padilla  
Ellen Pence  
David Plumb  
Bryan Raines  
Andrea Rasizer  
Tom Remes  
Becky Richardson  
Regan Robbins  
Sharon Seekins  
Doug Tessoroff  
Kim West  
Mindy White  
Paul Wilson

## OTHERS PRESENT

Barrett Marson  
Joan Newth  
Michael Northum  
Malcolm Ross  
Marilynn Wennerstrom  
Marty Whalen  
Others

## COUNCIL ABSENT

Pat Pomeroy

## OTHERS PRESENT

Barrett Marson  
Robbie Sherwood  
Others

(Items were discussed out of order but for purposes of clarity will remain as listed on the agenda.)

Mayor Brown excused Councilmember Pomeroy from the meeting, and Vice Mayor Giles from the beginning of the meeting. Vice Mayor Giles joined the meeting at 7:34 a.m.

1. Further discussion and consideration concerning adopting an ordinance submitting to the voters a Charter Amendment establishing additional ethics standards for elected officials and citizen advisory board members.

Councilmember Kavanaugh provided background information relative to this agenda item and noted that this item is the last segment of the recommendations that the Committee believes are necessary to fully implement a Code and process that will provide confidence in the system of working with our elected officials and advisory board members. Councilmember Kavanaugh pointed out that the expectations have changed as far as public officials and added that the "raising of the bar" necessitates the development of a Code of Ethics. Councilmember Kavanaugh noted that over the one-year period of time that the Committee reviewed this matter, they determined that the Charter was deficient in several respects in terms of the definition of "misconduct" for public officials, whether the Code even pertained to public officials, and in terms of available sanctions to deal with instances of ethical misconduct. Councilmember Kavanaugh said that the Committee's recommendations expand and clarify the term "misconduct" and the range of sanctions that are available for violations of misconduct.

Discussion ensued relative to the Committee's opinion that misconduct can range in severity and the importance of having responses in place to address those various levels, a recommendation to establish a citizen advisory board to oversee the entire process in conjunction with the action taken by the Council, the Committee's opinion that the proposed citizen advisory board will help develop a body of opinion and guidance in learning how to comply with the Code, and the fact that the appointment of the Committee will result in the creation of a process for review and investigation of allegations of misconduct of the Code by elected and appointed officials.

Councilmember Kavanaugh emphasized the importance of implementing an extended public process to foster public confidence in the process. Councilmember Kavanaugh noted that the Committee's recommendations are the result of extensive discussions of all the issues among themselves and in conjunction with City staff, including the City Attorney's Office, and requested that the Council move forward to initiate the process and place this issue on the ballot of the next Spring election for voter approval.

Councilmember Hawker posed questions and requested clarification relative to a variety of questions pertaining to the proposed Code and recommended that the City Attorney be delegated the person in charge of investigating potential ethics violations rather than the appointed members of a 15 member board as recommended by the Ethics Committee. Councilmember Hawker expressed concerns regarding the formation of the proposed Board and said that should the members of the Council support this recommendation, he would prefer that the issue be placed on the ballot for voter consideration. Councilmember Hawker added that two elected ethics board members should be selected from each of the districts to ensure equal and fair representation and allow the other three members to be appointed by the Mayor.

Councilmember Hawker expressed concern regarding language in the draft ordinance pertaining to unexcused absences and arrests and said that both of these crucial areas require extensive clarification. Councilmember Hawker also pointed out specific language in the proposal that he believes to be vague, such as the phrase "conduct demonstrating a lack of fitness for office," and stressed the importance of avoiding broad definition such as this in the Code. Councilmember Hawker also recommended that should the Council support the recommendation to form the proposed board, that the members serve at the will of the Council and not be appointed to carry out a specific term.

Councilmember Hawker also discussed the proposed duties of the board, commented on whether in accordance with the proposal the members of the Council are expected to report alleged instances of

misconduct on the part of other Councilmembers and Advisory Board members, discussed the fact that as the proposal is currently written, if 8 out of the 15 members of the board, on their own motion, agree to instigate an investigation of allegations of misconduct, the investigation will take place, the importance of including a measure of reasonableness into the Code to avoid excessive investigations, the fact that the proposal currently states that 3 out of 5 votes of the members of the board investigating an alleged violation is sufficient to remove a Councilmember from office, and the importance of defining "training in ethics."

Councilmember Hawker advised that his two major objections to the proposal are 1) the creation of a board that is not responsible to or controlled by the City Council following the initial appointment and 2) delegating that much power to five (5) people three (3) of which may remove a Councilmember from office. Councilmember Hawker commented that although the intent and direction of the proposal is appropriate, he cannot support the document in it's current form.

Councilmember Jaffa stated the opinion that the proposal places the duties and responsibilities of elected officials into the hands of non-elected officials and said that a strong perception already exists within the community that certain non-elected officials dictate the policy decisions of our City. Councilmember Jaffa commented that the proposed Charter Amendment would further suggest that non-elected board members are in some manner dictating Council policy. Councilmember Jaffa also expressed concerns regarding possible bias of a non-elected body and questioned whether an additional board should be formed and charged with the responsibility of overseeing the proposed board. Councilmember Jaffa pointed out that the Council already has the authority to initiate action in response to improper behavior on the part of fellow Councilmembers, Committee appointees and staff and has used those powers to expel individuals from public services in at least three cases in the immediate past. Councilmember Jaffa agreed that portions of the proposal are vague, particularly the section dealing with "conduct which demonstrates a lack of fitness for office" and stressed the importance of clarifying such terms. Councilmember Jaffa expressed the opinion that the current policy of adhering to the Code on a voluntary basis should continue and spoke in opposition to the formation of the proposed board.

Councilmember Davidson recommended that this item be continued to a future Council meeting to allow Councilmember Pomeroy an opportunity to provide his input regarding this issue. Councilmember Davidson commented on the fact that the proposal will impact the entire Council and said that every member should be present to vote on this issue.

Vice Mayor Giles agreed that this item should be continued to solicit input from Councilmember Pomeroy and to provide the other members of the Council additional time to review and discuss this issue. Vice Mayor Giles commented on the difficulties involved in achieving consensus among a large group of Committeemembers and said that although he endorses a large percentage of the proposal, additional time is necessary to thoroughly review and discuss this issue. Vice Mayor Giles expressed the opinion that the reporting requirements represent the most important part of the proposal and stressed the importance of exploring this area. Vice Mayor Giles questioned the practices that are being followed in other cities and said that the entire process appears to ignore the fact that recall elections are an option and can be used to remove unfit Councilmembers/Boardmembers from office.

Mayor Brown stated the opinion that a large amount of issues need to be addressed before the Council can consider placing this matter on the ballot of an election. Mayor Brown added that a review of the entire Charter may be appropriate and said that he is aware of several sections that no longer apply. Mayor Brown expressed opposition to the fact that in accordance with the current City Charter, four of the seven Councilmembers may remove a Councilmember but it takes five votes of the Council to remove the City Manager from office. Mayor Brown said that he is inclined to appoint a citizen committee that is comprised of some of the members of the original Charter Review Committee to review specific and general Charter

changes and develop recommendations that are referred back to the Ethics Committee. Mayor Brown stated his intention to actively pursue this matter and meet the deadlines for placing this issue on the ballot.

Councilmember Kavanaugh stressed the importance of putting this issue into perspective and said that the current voluntary ethics code appears to be working well and this document will not change the voluntary code, that is the responsibility of the Council. Councilmember Kavanaugh stated that the proposed Charter changes will amend the Charter with respect to defining misconduct and said that a clear problem exists in this area. Councilmember Kavanaugh also commented on the deficiencies that exist in the Charter regarding sanctions that can be applied for variations of misconduct and stated the opinion that at some point in time the Council must be given clearer authority on sanctions in the event of misconduct. Councilmember Kavanaugh discussed the proposed formation of a citizen advisory board and said that the bar has been raised as far as conduct expectations. Councilmember Kavanaugh added that the proposal seeks to ensure greater public involvement in the process. Councilmember Kavanaugh stressed that the ultimate decision maker remains the Council, noted that the proposed board would not have the power to remove someone from office and said that that authority is retained by the elected officials. Councilmember Kavanaugh said that in response to Mayor Brown's comments, the number has been changed from 4 to 5 votes required of the Council to remove a fellow Councilmember from office. Councilmember Kavanaugh informed the Council that the Committee endeavored to create a process for investigations and complaints that would be as impartial as possible.

Councilmember Kavanaugh stated the opinion that the definition of misconduct needs clarification and that greater authority for sanctions must be provided to the members of the Council. Councilmember Kavanaugh also expressed the opinion that the involvement of the public in an advisory board such as what is being proposed is beneficial to the community. Councilmember Kavanaugh recommended that the Council move forward on this issue whether as an item on the ballot of the upcoming election if deadlines can be met, or as part of an overall Charter review in order to fully provide the Ethics Code & Handbook increased enforcement authority and enhanced credibility among the citizens.

Mayor Brown discussed the Judicial Advisory Board and said that he would support having the members of that board together with one member suggested by each of the members of the Council to serve on this board and review the document and provide recommendations to the Council on the best manner in which to proceed. Mayor Brown encouraged the members of the Council to review and discuss this matter and be prepared to vote on the issue at the Wednesday, November 10, 2000 Special Council Meeting. Mayor Brown indicated his intention to direct staff to meet with the Chairman of the Judicial Advisory Board in an effort to determine whether any interest exists in serving as a member of the citizen ethics review board.

2. Consider a request from Interactive Leisure Resources for an extension of time to obtain financing for the Mesa Verde Project.

Senior Redevelopment Specialist Patrick Murphy advised that Malcolm Ross, President of Interactive Leisure Resources, Inc., and Michael Northum, representing Comfort Systems, are present to discuss to contents of an October 25, 1999 letter from Mr. Ross to City Manager Charles Luster requesting an extension of time to obtain financing for the Mesa Verde project. Mr. Murphy advised that effort is underway on the construction and development plans for the Mesa Verde project and said that a meeting was held this week with the local architect for the Mesa Verde project, who advises that the developer is spending a considerable amount of money to move the project forward. Mr. Murphy commented that with the upcoming Y2K event, the markets are in a volatile state and Mr. Ross is requesting additional time in which to secure funding for the project.

Mr. Ross addressed the Council and stated that significant progress has been accomplished towards achieving their funding objectives. Mr. Ross said that a problem has developed in dealing with the regional banks in that the banks typically do not finance redevelopment projects unless they are convinced that zero risk exists. Mr. Ross explained that in order to be approved, the banks require 100% cash to support a standby Letter of

Credit. Mr. Ross discussed effort he has expended to secure financing with banks outside of the regional market, particularly the capital markets in both Toronto and New York, and reported that significant progress has been achieved. Mr. Ross asked Mr. Michael Northum to address the Council and briefly discuss the relationship that has been established between their companies and Comfort Systems' role and scope in the project development and potentially in participation and assistance in the financing area.

Mr. Northum informed the Council that Comfort Systems is a publicly traded company on the New York Stock Exchange and has been in operation for approximately two and a half years. Mr. Northum added that the company is a national consolidator of mechanical contracting companies across the country. Mr. Northum provided a brief overview of the company's background and operations. Mr. Northum commented that the company's focus is to serve national design-build clients and said that the Mesa Verde project is a perfect example of this in its design/build approach. Mr. Northum stated the opinion that the proposed project will be successful in Mesa and will be replicated across the United States. Mr. Northum said that in order to foster projects such as this, Comfort Systems has developed a division called Comfort Capital USA, which assists developers and owners in financing the mechanical and related scope areas of their projects with various forms of financing and to move those projects forward. Mr. Northum informed the Council that Comfort Systems management is very excited about the Mesa Verde project and is in the midst of reviewing financial pro-formas with Mr. Ross. Mr. Northum added that in addition to Comfort Capital, other financial institutions are also being considered to pursue this project. Mr. Northum stressed the importance of proceeding with this proposal and expressed confidence in Mr. Ross' ability to develop a highly successful project.

Mr. Ross commented that he believes that Interactive Leisure Resources is the right project, at the right place at the right time and said that apparently the Council concurs with this assessment in view of their continued support. Mr. Ross explained that one of the barriers that has to be faced in educating lenders is the process of education and being able to garner the attention of the decision makers for a sufficient amount of time to provide them the crucial facts they need to make a decision. Mr. Ross stated the opinion that one method of eliminating any risk associated with the project is to put in place a "pre-sales" program that will demonstrate local market demand. Mr. Ross expressed the opinion that momentum exists at the current time towards achieving the financing for the project and reported that national organizations have a vested interest in the success of Mesa Verde and have expressed an interest in partnering in the future. Mr. Ross added that other banking institutions are indicating a greater amount of interest than they demonstrated six weeks ago.

Discussion ensued relative to volatility in the market at the current time and it's effect on available funding for projects, the negative ramifications of the approaching Y2K event, Mr. Ross' opinion that the requested extension would provide sufficient time in which to conduct a "pre-sales" program, should that action be appropriate, the fact that Mr. Ross is willing to abide by a month-to-month extension while actively pursuing funding for the project, financial impacts realized by Mr. Ross as a result of project delays, and the fact that Mr. Ross has a vested interest in proceeding as quickly as possible with the project.

Mayor Brown stated the opinion that the Council is familiar with this issue and requested that City Attorney Neal Beets provide a brief overview of the proposed agreement for an extension. Mr. Beets commented that the third amendment to the disposition and development agreement provides for nine one-month options to be exercised by Interactive Leisure Resources and said that each month the Council would be updated with respect to the company's continuing interest in the project and by their choice to exercise the extension option for that month. Mr. Beets added that the amendment details how the developer may exercise that option and said that one of the pre-requisites is to pay \$5,000 to the City of Mesa, through the Finance Director, to exercise the option. Mr. Beets informed the Council that if for some reason Interactive Leisure Resources decided not to pursue the project, the City would know this sooner rather than later because of the month-by-month provision. Mr. Beets said that the \$5,000 per month fee will help to offset opportunity costs that the City is losing because of the extended delays.

Councilmember Hawker stated that he will vote to approve the extension as written and added that he remains excited and optimistic about the project. Councilmember Hawker commented that considerable planning has occurred in an effort to tie the Mesa Verde project into the downtown square mile/performing arts center area with walkways and greenways. Councilmember Hawker expressed the opinion that Mesa Verde remains a viable project.

Councilmember Kavanaugh also spoke in support of granting the requested extension and stated the opinion that the request is reasonable and provides protection for both sides. Councilmember Kavanaugh said that he is disappointed that a number of the lenders are unable to visualize this project and recommended that they be invited to personally visit downtown Mesa and witness firsthand the changes that are occurring in that area.

Councilmember Davidson also indicated support for approving the extension and noted that property values continue to increase along the edges of the Town Center area in response to and anticipation of changes in the downtown area.

Vice Mayor Giles agreed with the comments of the members of the Council and stated the opinion that the project is viable and well worth the effort that is being expended. Vice Mayor Giles expressed appreciation to Mr. Ross for his continuing efforts and dedication.

Mayor Brown commended Mr. Ross on his patience and unwavering efforts to see this project to fruition and spoke in strong support of the Mesa Verde project.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Giles, that a request from Interactive Leisure Resources (third amendment) for an extension of time to obtain financing for the Mesa Verde project be approved.

Councilmember Jaffa commended Mr. Ross on his efforts to date and encouraged him to contact him if he can be of any assistance in this process. Councilmember Jaffa expressed the opinion that Mesa Verde represents one of the finest projects that has been brought to Mesa and will complement the performing arts center that will hopefully begin construction within the next year as well as other projects proposed for that area. Councilmember Jaffa also expressed the hope that this project will be followed by the resurrection of some form of Rio Salado project in the future.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those present.

3. Further discussion and consideration concerning the purchase of desktop and notebook computers.

Mayor Brown advised that in response to questions raised by him regarding this issue, City Manager Charles Luster provided extensive information and sufficiently addressed his previous concerns.

Councilmember Davidson commented that although he is supportive of the proposal, his original concern was the presence of the notebook units and whether the equipment receives significant use.

Network Planner II Dale Shaw, representing Information Services, informed the Council that the lap-top computers have been significantly utilized and provide positive benefits to the staff.

Purchasing Director Sharon Seekins noted that the lap-top computers account for approximately 3% of the entire purchase for the first year.

Councilmember Davidson said that he will present a motion for approval but requested that an annual audit be performed on the actual usage of the lap-top computers.

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

Councilmember Hawker questioned whether all of the lap-top computers are replaced after three years or whether replacement will be based on equipment use. Ms. Seekins reported that a \$1.00 buy out exists on the three-year lease and stressed the importance of remaining committed to the three-year replacement program in general based on the importance of adapting to changing technologies and emerging new software packages.

In response to a question from Councilmember Jaffa, Ms. Seekins said that the proposal is for a two-year commitment and additional purchases similar to these will be in place for the second year of the commitment.

Councilmember Jaffa concurred with Councilmember Davidson's remarks and recommended that staff pursue the leasing of a smaller number of lap-top computers to allow effective monitoring to occur prior to leasing a greater number. Ms. Seekins assured the Council that all lap-top leases must have the approval of a representative from the City Manager's office and are subject to a rigorous approval process. Ms. Seekins added that all units require available budgeted funding.

Mayor Brown declared the motion carried unanimously by those present.

4. Discuss and consider the Request for Proposals for redevelopment of Site 24 located at the northwest corner of Main Street and Country Club Drive.

Redevelopment Director Greg Marek provided the Council with a brief overview of this agenda item and said that staff is requesting approval to issue a Request for Proposals (RFP) for redevelopment of Site 24, located at the northwest corner of Main Street and Country Club Drive. Mr. Marek noted that on September 21, 1999, the Council designated this site as a redevelopment project area and directed staff to prepare an RFP. Mr. Marek added that on October 21, 1999, the Downtown Development Committee (DDC) unanimously recommended to proceed with the RFP which stipulates that there must be commercial retail office space on the ground floor, the site must be developed a "gateway" feature into the downtown area, and the materials used in the construction of the buildings must represent the high end of the market. Mr. Marek added that in response to comments from the members of the Council and members of the DDC, the RFP states that the proposal must address the residential neighborhood to the north and incorporate the existing residential uses that are present on the site. Mr. Marek informed the Council that if approved, the RFP will be issued on November 8, 1999 with a due date for proposals on January 24, 2000.

Vice Mayor Giles stated the opinion that the property under discussion represents a very significant parcel in the downtown area and stressed the importance of locating appropriate, up-scale businesses for this gateway into the Town Center. Vice Mayor Giles encouraged staff to solicit a variety of responses to the RFP.

Councilmember Davidson commented on the fact that the redevelopment boundaries in the downtown area were expanded to include this parcel of property. Councilmember Davidson stated the opinion that the concept that is being developed in the Town Center is a "family-oriented" locale where people can congregate

and where retail development opportunities exist. Councilmember Davidson added the opinion that the proposed hardware store for that location is appropriate and encouraged staff to pursue these type of small businesses with ties to Mesa and the Town Center.

Councilmember Jaffa also stressed the importance of locating appropriate businesses for the gateway location and said that should the RFP result in limited responses, rather than proceed he will recommend that the property be placed on hold for a period of time and the RFP be issued at a later date. Councilmember Jaffa instructed staff to strongly emphasize in the RFP that the City is seeking high quality design features that are compatible and consistent with Mesa's redevelopment efforts.

Councilmember Hawker commented that he did not originally vote to extend the boundaries of the redevelopment area because he is aware of the fact that once boundaries are expanded, condemnation proceedings would occur. Councilmember Hawker cautioned the City against making any financial commitment other than out-of-pocket expenses incurred as part of serving as the agent for carrying out the condemnation proceedings if the parties cannot reach an agreement. Councilmember Hawker said that he would expect that once the price has been established for the condemnation parcels, the City of Mesa would be fully reimbursed for the full cost of that property.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that staff be directed to proceed with the issuance of a Request for Proposals for redevelopment of Site 24, located at the northwest corner of Main Street and Country Club Drive.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those present.

5. Discuss and consider a scalloped street project to improve Hermosa Vista Drive east of Harris Drive.

Public Works Manager Jack Friedline discussed staff's efforts to create a scalloped street project to improve Hermosa Vista Drive, east of Harris Drive. Mr. Friedline noted that last year Harris Drive was improved from Hermosa Vista south in an effort to improve the neighborhood and said that initially Hermosa Vista Drive was included as part of the scalloped program but was separated. Mr. Friedline said that neighborhood concern regarding traffic on Hermosa Vista Drive continues to escalate and discussed staff's recommendation that the southern half requires improvement. Mr. Friedline said that initially staff will construct a street and design it similar to Hermosa Vista east of Gilbert, with a parking area, and two lanes for bicycles (one in each direction). Mr. Friedline commented on the fact that staff is proposing to do a scalloped street project and referred to a Council report which outlines the impacts of that action.

Mr. Friedline reported that all of the property owners who will be part of the scalloped street program are in agreement with the proposal except the property owner on the southeast corner of Harris and Hermosa Vista Drive. Mr. Friedline advised that the owner, Rev. Thomas Leyba, will probably be the only property owner to be affected by the scalloped assessment, as his vacant property is the only one that may be developed within the next ten years. Mr. Friedline stated that all of the other parcels have already been built on.

Discussion ensued relative to the properties that are involved in the proposal, the terms of a scalloped street project, estimated costs for the project, proposed improvements and resulting positive impacts, and staff's

intention to proceed with the notification process and the development of a resolution of intention pending Council's approval.

In response to concerns expressed by Councilmember Jaffa relative to this agenda item, Mayor Brown requested that City Manager Charles Luster provide the Council with additional information at a future meeting relative to the parcels' background and the history of the non-conforming streets. Mayor Brown added the opinion that the Council appears to have sufficient information on which to vote for this particular proposal.

It was moved by Vice Mayor Giles, seconded by Councilmember Davidson, that this item be placed on the agenda of a Regular Council Meeting for Council action.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those present.

6. Discuss and consider a proposed ordinance amending Chapter 14 of the Zoning Ordinance, Design Guidelines, regarding design criteria for signage.

Mayor Brown advised that due to time constraints, this item will be discussed at a future Study Session.

7. Hear and discuss an update on Pinal County water farm.

Real Estate Services Director Doug Tessororf provided the Council with a brief overview on the history and status of various activities associated with the City's Pinal County water farms.

8. Further discussion and consideration concerning the proposed development and zoning of the State trust land located near McKellips and Ellsworth and known as Mesa Highlands.

Community Development Manager Wayne Balmer addressed the Council relative to this agenda item and said that this parcel is one of the larger, underdeveloped pieces of property in the desert uplands area and is owned by the State.

Mayor Brown informed Mr. Balmer that at a recent Maricopa Association of Governments (MAG) meeting, a final draft was issued on their ordinance and urged staff to obtain a copy of that document.

Mr. Balmer said that this piece of property provides the City an opportunity to become involved with the State as to the disposition process of the land. Mr. Balmer noted that in 1987 the State Land Department attempt to sell the property through an auction process, however, it is staff's understanding that no bids were actually received. Mr. Balmer said that the State still owns the parcel and although it is not up for sale at the current time, the parcel will be put up for sale sometime in the future. Mr. Balmer stated the opinion that the Council should have an opportunity at this time to review the plan that was already drawn up for the parcel by the State and determine whether that plan remains appropriate for this land or whether we should forward suggestions onto the State for their consideration.

Planning Director Frank Mizner noted that the parcel in question is a prominent piece of land located in the northeast Mesa area, situated both north and south of McKellips Road, west of Ellsworth. Mr. Mizner

advised that zoning for the property was approved approximately twelve years ago and said that a great deal of interest exists among area residents and property owners regarding the development.

Discussion ensued relative to the fact that the property was approved by Council subject to 26 separate zoning conditions, the fact that the case went through a public zoning process and was then put up for sale by the State who set a minimum price at the auction, the fact that no one bid on the property and it remains available, the fact that a few months ago the City received a referral from the State that the same applicant who was involved in the planning in 1986-87 has asked the State to put this land up for auction, the fact that the City forwarded a letter to the State on August 18, 2000 stating the City's general support for the development concept for the property, informing them that the parcel is subject to a number of specific conditions, the fact that the letter pointed out that the property is conceptually zoned rather than hard zoned at this time, and the fact that in order to develop the property, every parcel will be required to proceed through a public hearing process.

Mr. Mizner informed the Council that the City of Mesa did not support the sale of this parcel in phases and discussed difficulties associated with preparing an infrastructure plan for the parcel when four separate applicants are involved. Mr. Mizner said that the land has not been formally put up for sale and noted that a variety of uses exist for this property, including a resort hotel, a golf clubhouse, a golf course, several school sites, a business park and a variety of residential densities ranging from townhomes to single-family homes on 25,000 square foot lots.

Councilmember Jaffa advised that although he owns property in the area, he does not believe that discussing this agenda item constitutes a conflict of interest on his part. Councilmember Jaffa added that the 700 acres that are involved represent a critical component of the desert uplands area and should have the benefit of full Council discussion. Councilmember Jaffa added that the land is located within his district and has special importance.

Councilmember Jaffa expressed concern regarding the fact that a letter was forwarded to the State regarding this issue without benefit of Council input and said his purpose in asking that this be placed on the agenda is to further discuss this issue and write another letter to the State which touches on the various concerns the members of the Council have regarding the development of this huge parcel of land.

Mr. Mizner pointed out that the State is under the impression that the zoning that was approved by the City Council in 1987 still has the support of the Council and added that should the Council desire to propose changes to the zoning, those revisions should be communicated to the State as quickly as possible.

Discussion ensued relative to the Master Plan, the fact that the parcel is a gateway to Utery Park, the possibility of seeking State preservation designation for this land, the viability of a proposed golf course in this area, the fact that R1-9 was appropriate in 1987 but may not meet the current goals of the Council, and Mayor Brown's suggestion that Mr. Mizner draft a letter for the Council's signature encouraging the State Land Department to delay the sale of the land.

It was moved by Vice Mayor Giles, seconded by Councilmember Jaffa, that a letter be forwarded to the State indicating the Council's concerns and interest regarding this parcel of land and requesting that the State delay the sale of the land for the current time.

Upon tabulation of votes, it showed:

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

Mayor Brown declared the motion carried unanimously by those present.

9. Discuss and consider a report on large scale retail buildings.

Mayor Brown stated that due to time constraints, this agenda item will not be discussed at this time.

10. Hear reports on meetings and/or conferences attended.

Mayor Brown stated that there were no meetings and/or conferences to report on at this time.

11. Scheduling of meetings and general information.

City Manager Charles Luster advised that the meeting schedule is as follows:

Wednesday, November 10, 1999, 2:00 p.m. – Special City Council Meeting

Monday, November 15, 1999, 5:45 p.m. – Regular Council Meeting

12. Prescheduled public opinion appearances. (Maximum of three speakers for three minutes per speaker).

Mayor Brown stated that there were no prescheduled public opinion appearances.

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

Marilynn Wennerstrom, 1112 North Center Street, addressed the Council and expressed concerns regarding the proposed Ethics Standards for elected officials and citizen advisory boards. Ms. Wennerstrom noted that she is in the process of writing a letter containing her specific thoughts on this issue and will forward it to the Council in the near future.

14. Adjournment.

Without objection, the Study Session adjourned at 9:32 a.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 Study Session of the City Council of Mesa, Arizona, held on the 4th day of November 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