

# COUNCIL MINUTES

March 25, 2004

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 March 25, 2004 at 7:30 a.m.

## COUNCIL PRESENT

Mayor Keno Hawker  
Rex Griswold  
Kyle Jones  
Dennis Kavanaugh  
Janie Thom  
Claudia Walters  
Mike Whalen

## COUNCIL ABSENT

None

## OFFICERS PRESENT

Mike Hutchinson  
Debbie Spinner  
Barbara Jones

Mayor Hawker welcomed Mayor Roberto Espejo of Mesa's Sister City Caraz, Peru and his delegation to the City of Mesa. He presented Mayor Espejo with a proclamation declaring March 25, 2004 as Caraz, Peru Day. Mayor Hawker also welcomed Mesa physician Dr. Raul Osorio, a native of Caraz, Peru, to the Study Session.

Mayor Espejo spoke in appreciation of the unique relationship between Caraz and the City of Mesa and thanked Mayor Hawker for his hospitality. He also introduced the members of his delegation and his family who accompanied him to Mesa.

1. Discuss and consider issues associated with Freeway Landmark Monument signage.
  - a. Options pertaining to the display of electronic changeable messages and video animation.
  - b. Proceeding with adoption process for Freeway Landmark Monument Guidelines.

City Manager Mike Hutchinson reported that at the January 22, 2004 joint meeting of the City Council and the Economic Development Advisory Board (EDAB), Mayor Hawker requested input from the Board relative to the proposed Freeway Landmark Monument Ordinance. He explained that on March 2, 2004, EDAB voted unanimously that the Council support the adoption of the proposed Ordinance. Mr. Hutchinson advised that action on the issue has been delayed due to public concerns raised regarding the electronic changeable message displays and video animation and suggested that it may be appropriate not to include this component in the first phase of the Ordinance/Resolution change. He added that several local businesses have expressed interest in utilizing freeway landmark monuments and are awaiting the Council's decision prior to implementing their plans.

Zoning Administrator John Gendron addressed the Council and briefly highlighted the following alternatives for consideration relative to the display of electronic changeable message panels on freeway landmark monuments:

**Alternative A:** Development, Business or Product Identification only.

- Display of text, logos, trademarks, letters, numerals, figures, emblems, color bands or combinations thereof, used solely for the purpose of development, product or business identification.
- May include exterior illumination such as exposed neon, argon or krypton tubing, exposed incandescent lighting or other artificial lighting.
- No electronic (LED) changeable message boards.
- No advertising copy or messages.

**Alternative B:** Alternative A, plus electronic (LED) changeable message boards.

- Text messages only, may not change more frequently than once per hour.
- No crawling, scrolling, flashing or streaming video.

**Alternative C:** Full video and animation.

- Scrolling or crawling messages, and streaming video subject to City Council review and approval during the Council Use Permit process.

Mr. Hutchinson stated that staff is anxious to proceed with this matter and recommended that Alternative B would provide the present and future Councils with the greatest flexibility to modify various sign components in the event that, for example, electronic changeable message displays and video animation were desired in the future.

Discussion ensued relative to the provisions contained in the Freeway Landmark Monument Guidelines with reference to the location and siting of signs.

Mayor Hawker commented that under limited circumstances, such as businesses that once displayed signage along the Superstition Freeway and were subsequently required to remove it as a result of freeway construction, it would be appropriate for those entities to utilize some form of signage to apprise motorists of the respective establishments. He stressed, however, that he would prefer that the freeway corridors appear uncluttered and attractive to the motoring public, especially in the Red Mountain and Desert Uplands areas. Mayor Hawker also questioned the potential location of a sign as a proposed land use component of an approved Planned Area Development (PAD) overlay district.

Councilmember Walters expressed a series of concerns regarding this item including the fact that the Council has never given staff formal direction to prohibit businesses from using these types of signs; that in her opinion, the City should discontinue a policy that is silent on the issue of the signs and would allow it in a comprehensive sign plan; that she does not believe the Council should prohibit the signs outright; and that just because the current Council adopts certain provisions for freeway landmark monuments does not mean that modifications/changes could not be made by future Councils if deemed appropriate. She also questioned whether the Council could proceed in an incremental manner, by first adopting stringent qualifications on the location of a sign and then subsequently consider the PAD option in the future.

Councilmember Jones emphasized the fact that the type of signs the Council is considering are not “monster signs,” but simply large enough to be visible along the freeway by traveling motorists. He also stressed the importance of placing a limit on the width of freeway signs. Councilmember Jones added that although he does not endorse a proliferation of signs along the freeway, a limited number of signs is necessary in order to advise motorists of their destinations within a sufficient period of time so that they can exit the freeway in a safe manner.

Councilmember Griswold expressed support for Alternative B and noted that it is imperative that the City of Mesa permit sign visibility so that it can compete with neighboring communities and ensure the prosperity of local businesses.

Vice Mayor Kavanaugh spoke in support of Alternative B and commented that this option would offer future Councils the flexibility to make changes regarding technological advancements for the betterment of Mesa’s business community. He added that as the Council moves forward with this matter, it is important that a balance be struck between maintaining scenic view corridors along the freeway and also responding to the needs of the business community.

In response to a question from Councilmember Whalen, Mr. Gendron clarified that all requests for freeway signs under Alternatives A, B or C would go through a Council Use Permit (CUP) process. He added that the CUP process is similar to a rezoning and would require the applicant to notify the surrounding neighborhood of his/her application prior to its submittal to the City.

David Jones, Vice President of Young Electric Sign Company, responded to a series of questions from Councilmember Whalen and noted that although the local sign industry is not advocating Alternative C at this time, Alternative B is considered a more conservative approach. He added that there is currently a process for electronic signs whereby if a business wanted to change a text message more frequently than once per hour, via an approval process, it could be accomplished in a subtle manner that would not create a negative impact visually.

Councilmember Whalen noted that the freeway landmark monument process began as a result of complaints from Mesa auto dealerships and malls and commented that the City receives information on a daily basis that those entities are considering relocating to the surrounding communities. He expressed support for Alternative B and emphasized that it is imperative that the Council address this issue as expeditiously as possible.

Councilmember Thom voiced support for Alternative B and concurred with Councilmember Whalen’s comments. She stated that it is important that the business community be made aware of the Council’s position relative to this item and also voiced concerns regarding signage in conjunction with new freeway construction along US 60 and its effect on the Superstition Springs Mall.

Mr. Hutchinson emphasized that the Freeway Landmark Monument Ordinance would apply only to signs displayed along the freeway and not on arterial streets.

Vice Mayor Kavanaugh emphasized the importance of soliciting public input during the CUP process. He cited an incident in his district regarding the construction of a hotel that did not go through the CUP process and the resulting negative impact on the neighborhood. He stressed

the necessity of finding an equal balance between the needs of a business, maintaining the view from the freeway and protecting the surrounding neighborhood.

Discussion ensued relative to possible modifications to the frequency with which text messages could be changed (Alternative B); that the location of a freeway landmark monument, as part of a proposed land use component of an approved PAD overlay district, be considered further; and the potential "hardship" on certain businesses (as a result of the reconstruction of the Superstition Freeway that has changed the grade and consequently made the business no longer visible from the freeway) and the possibility of granting those businesses the use of some type of relief through different signage.

It was moved by Councilmember Whalen, seconded by Councilmember Griswold, to direct staff to prepare a final draft ordinance, guidelines and resolution for possible adoption by the Council, using Alternative B, with modifications to the changeable messages; to include the qualifying sites as contained on the "Freeway Landmark Potential Locations" map; to delete any reference in Section IV, A2 related to the location of a freeway landmark monument on property which has been included as a proposed land use component of an approved Planned Area Development (PAD) overlay district; and that the Council be provided a draft of the ordinance for review prior to Council action on the item.

Councilmember Walters stressed the fact that the Council is not adopting the ordinance today, but merely moving it forward for introduction at a Regular Council Meeting, which will provide an opportunity for public comment.

Councilmember Whalen encouraged those developers who would be impacted under a PAD to come forward during the public hearing process regarding this issue.

Carried unanimously.

2. Hear an update from Richard Simonetta, Chief Executive Officer of Valley Metro Rail, regarding the final design of the 20-mile METRO opening line.

Mayor Hawker welcomed Mr. Simonetta, Chief Executive Officer of Valley Metro Rail, to the City of Mesa and commended him for his expertise in the light rail industry.

Assistant Development Services Manager Jeff Martin and Mr. Simonetta addressed the Council relative to this agenda item. Mr. Simonetta provided a brief historical overview of the progression of public transportation in the United States and highlighted a number of significant milestones in 2003 and 2004 regarding the 20-mile METRO opening line.

(Vice Mayor Kavanaugh left the Study Session at 8:30 a.m.)

Mr. Simonetta reported that the Final Design process of the METRO opening line has been a comprehensive process with public involvement, the disclosure of findings and the incorporation of those ideas into the design. He explained that the community interest and involvement in the project has been unprecedented and that over 1800 meetings have been conducted to receive stakeholder and public input. He also briefly outlined some of the major issues addressed during the final design phase including, among others, changing the location of the end-of-line station in Phoenix to address property owner concerns at Spectrum Mall; providing amenities that will

increase shade and landscaping; changing the location of the end-of-line station in Mesa to an improved site; modifying the design to preserve historical features of the community and the conversion from open track to paved track along portions of the alignment.

Discussion ensued relative to the type of vehicle that will be utilized for the METRO; the fact that the 95% final design level has been reached; that in 2002, the Board adopted a three-phased timetable for the implementation of the project, with the Phoenix Central Station to Tempe Transit Center being completed in December 2006, the Phoenix Central Station to 19<sup>th</sup> Avenue and Montebello completed by April 2007, and the Tempe Transit Center to Mesa completed by August 2007; that the total project cost is estimated at \$1.3 billion; that with a single-line opening date of December 2008, ridership service to Phoenix, Tempe and Mesa will occur simultaneously; that right-of-way acquisition and utility relocation must be completed consistent with the construction schedule; and the risk assessment process mandated by the Federal Transit Administration.

In response to a question from Mayor Hawker, Mr. Simonetta clarified that if the November 2004 half-cent sales tax election fails, it will not impact the construction of the 20-mile METRO opening line. He noted that the half-cent sales tax renewal addresses only future rail expansion and is a completely separate issue from the 20-mile segment that Valley Metro is anticipating to build as a result of receiving a Full Funding Grant Agreement.

Additional discussion ensued relative to the fact that it is not anticipated that more significant changes will occur now that the final design has reached the 95% level; the coordination of joint projects (i.e., installation of fiber optics) between Mesa and the Valley Metro Rail staff; and the fact staff will make a presentation to the Council in the near future relative to numerous issues associated with the opening line construction.

In response to a series of questions from Councilmember Thom, Mr. Simonetta stated that public transportation is generally not profitable anywhere in the United States or throughout the world. He explained that it requires public support and that rail lines cannot charge the type of fares necessary to generate a profit. Mr. Simonetta estimated that the cost of ridership on the METRO would be approximately \$2 per passenger trip; that the fare will be applied to operating costs; and that the participating municipalities will subsidize the operating costs as well. He also provided a brief overview of the Federal requirements regarding the calculations for new ridership in relation to the capital cost for the construction of the rail system.

Councilmember Whalen thanked Mr. Simonetta for his informative presentation. He also commented that small Mesa businesses have expressed concerns relative to the impact that the rail system may have on their establishments, especially if they are located along the rail line. He stressed the importance of providing more outreach to those entities to address their concerns.

In response to Councilmember Whalen's comments, Mr. Simonetta clarified that not only has it been crucial for Valley Metro Rail to seek community involvement regarding the design and construction of the METRO, but also to work with those businesses adjacent to the rail line. He commented that Valley Metro Rail has divided the 20-mile line into segments and that managers and staff have been assigned to each area to respond to business owners' concerns.

Further discussion ensued relative to the current business outreach program in the City of Mesa regarding the construction of the light rail.

Mayor Hawker thanked everyone for the presentation.

3. Hear an update, discuss and consider the Va Shly'ay Akimel Salt River Restoration Project.

Assistant to the City Manager Jim Huling and Kayla Eckert, Water Resources Planner with the U.S. Army Corps of Engineers, addressed the Council relative to this agenda item.

Ms. Eckert displayed graphics in the Council Chambers and provided a brief Power Point presentation relative to a chronological overview of the Va Shly'ay Akimel Salt River Restoration Project up to the present time. She explained that the report being provided to the Council is an update on the status of the draft feasibility study (now nearing completion and anticipated for release and public review in early April), which will hopefully lead to a recommendation for construction authorization in the upcoming Water Resources Act of 2004. Ms. Eckert noted that the objectives include restoring the riparian ecosystem, establishing a functional flood plain once again in this portion of the river, and providing passive recreational opportunities.

Ms. Eckert commented that as part of the feasibility study, an array of alternative plans were examined and the project delivery team, which consisted of City staff, the Army Corps of Engineers and the Salt River Pima-Maricopa Indian Community (SRPMIC) determined that it would be easier to break the 14-mile stretch of the river into reaches. She explained that the reaches are determined based on the availability of water to the reach, geomorphic features for each reach and similar hydraulic features. She also stated that subsequent to the initial screening of preliminary alternative plans, a second array of 32 more refined alternative plans were developed and that three action plans outperformed the other alternatives in environmental outcomes relative to cost benefits and a No Action Alternative. She added that after additional analysis and comparison, Alternative O was recommended as the plan for implementation. Ms. Eckert displayed an artistic rendering of Alternative O (including the different types of vegetation and wetland areas) and highlighted Recreation Options A, B and C.

Discussion ensued relative to the fact that Alternative O would use 17,100 acre-feet of water annually; that the value of the water has been estimated at \$1,282,500 annually; that almost all of the water for the project would be provided by SRPMIC; that the only water that the City would provide is for plantings around the perimeter of Mesa's percolation ponds located adjacent to the Northwest Water Reclamation Facility; that based on the preliminary results of the feasibility study, it is estimated that the construction cost for the project will reach approximately \$117.6 million; and that pending completion of the construction project, 100% of the operations and maintenance costs will be the responsibility of the local sponsor (\$1.5 million annually, with \$1.2 million of that amount for water which will be provided by the Indian Community and \$200,000 per year in operations and maintenance costs).

Ms. Eckert concluded her remarks by noting that public hearings will take place in early April to solicit feedback relative to the Environmental Impact Statement, the feasibility study, the findings and recommended alternatives.

Councilmember Walters expressed appreciation for the presentation and also thanked Ms. Eckert for the recent tour conducted by the Army Corps of Engineers of the proposed

restoration project site. She commented that she views Mesa's role in this project as the "Booster Club" for the SRPMIC and stressed that the Indian Community will make the ultimate decisions relative to the recreational amenities selected for the project. Councilmember Walters also stressed that the Salt River is owned by the Indian Community and not Mesa, and added that the City's efforts in this regard are only to assist the Indian Community in making both communities better places in which to live and work.

Further discussion ensued relative to the upcoming step of receiving a recommendation for construction authorization as part of the upcoming Water Resources Act of 2004; the proposed design and construction phase; the Indian Water Rights Settlement; possible future construction of a Dobson Road bridge; the expiration of leases on 500 KV lines which could be buried; and potential options regarding water usage during drought conditions.

Mr. Huling advised that it is the recommendation of staff that the Council: 1.) reaffirm its support of the project and the proposed recommended Alternative O; 2.) support a recently submitted request to Congress for \$1.5 million to begin to initiate the pre-construction engineering and design of the project; and 3.) authorize staff to enter into preliminary negotiations with the Indian Community regarding a cost-sharing agreement for the pre-construction engineering design and the construction phase of the project.

Mayor Hawker concurred with the verbiage in the staff report noting that "Staff recommends that the City's level of participation be reduced, given that almost the entire project is located outside the City's corporate boundary."

It was moved by Councilmember Walters, seconded by Councilmember Jones, that the above-referenced recommendations, as stated by Mr. Huling, be approved.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Thom-Walters-Whalen  
NAYS - None  
ABSENT - Kavanaugh

Mayor Hawker declared the motion carried unanimously by those present.

Mayor Hawker thanked everyone for the informative presentation.

4. Consider appointments to boards and committees.

HOUSING GOVERNING BOARD

Janet Brandon

It was moved by Councilmember Walters, seconded by Councilmember Jones, that the Council concur with the Mayor's recommendation and the appointment be confirmed.

Mayor Hawker declared the motion carried unanimously by those present.

5. Acknowledge receipt of minutes of boards and committees.

- a. Board of Adjustment meeting held March 9, 2004.
- b. Design Review Board meeting held March 3, 2004.
- c. Historic Preservation Committee meeting held February 12, 2004.
- d. Human Relations Advisory Board meetings held January 28 and February 25, 2004.
- e. Parks and Recreation Board meeting held March 11, 2004.

It was moved by Councilmember Walters, seconded by Councilmember Jones, that receipt of the above-listed minutes be acknowledged.

Mayor Hawker declared the motion carried unanimously by those present.

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

Councilmember Jones

Mesa Library Volunteers Recognition Dinner; Mesa Historical Museum Annual Barbeque; EVIT Tour

7. Scheduling of meetings and general information.

City Manager Mike Hutchinson stated that the meeting schedule is as follows:

Tuesday, March 30, 2004, 7:30 a.m. – Dobson Ranch Homeowners Association Meeting

Thursday, April 1, 2004, 7:30 a.m. – Study Session

Monday, April 5, 2004, TBA – Study Session

Monday, April 5, 2004, 5:45 p.m. – Regular Council Meeting

8. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the Study Session adjourned at 9:50 a.m.

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KENO HAWKER, 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 25<sup>th</sup> day of March 2004. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

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