



COUNCIL MINUTES

October 12, 2006

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 October 12, 2006 at 7:30 a.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Scott Somers
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

1. Review items on the agenda for the October 16, 2006 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflicts of interest declared: None

Items removed from the consent agenda: 7 and 8h

Items added to the consent agenda: 8c

Items deleted from the agenda: None

2. Hear a presentation, discuss and provide direction on methods to preserve the right-of-way for the future Williams Gateway Freeway.

Planning Director John Wesley reported that the purpose of today's presentation is to provide the Council with a brief overview of the Williams Gateway Freeway alignment, which is in the process of being reviewed by the Arizona Department of Transportation (ADOT). He explained that at the October 16, 2006 Regular Council meeting, the Council would be asked to adopt a resolution to amend the Mesa Transportation Plan to include the recommended alignment in the Plan (Item 6c).

Acting Transportation Director Dan Cleavenger referred to a PowerPoint presentation and offered a brief historical update of the Williams Gateway Freeway alignment. (The presentation is available for review in the City Clerk's Office.) His comments included, but were not limited to, the following: that in 2002, the initial proposed alignment was adopted by the Council as part of

the Mesa Transportation Plan and that in 2003, it was approved by ADOT as part of the Regional Transportation Plan; that the alignment begins near Hawes Road and the 202 and proceeds southeast generally between Ray Road and Williams Field Road; that following the passage of Proposition 400, the Maricopa Association of Governments (MAG), per the request of the City of Mesa, conducted the Williams Gateway Freeway Alignment and Environmental Overview Study; that the purpose of the study was to identify a preferred alignment of the Maricopa County portion of the freeway and develop preliminary information regarding facility characteristics, right-of-way needs and environmental issues; that in March 2006, the study was finalized; and that the recommended alignment now extends further southeast and has been included in MAG's 2006 update to the Regional Transportation Plan.

Mr. Cleavenger commented that amending the Mesa Transportation Plan is the first step in preserving the right-of-way for the Williams Gateway Freeway corridor until such time as ADOT conducts its Design Concept Report and obtains environmental clearance. He stated that such a process is likely to take two and a half to three and a half years to complete.

Mr. Wesley referred to maps depicting four development requests that are currently under review by Planning staff that involve a portion of the proposed Williams Gateway Freeway alignment. The applications include:

- West of Ellsworth Road, North of Ray Road. A request for rezoning only on a property that is largely out of the area needed for the right-of-way.
- Two projects in the area of Mountain Road at Frye Road. Requests for rezoning and site plan review on a property adjacent to the proposed right-of-way.
- West of Ellsworth Road, South of Ray Road. A request for a plat and site plan modification. The proposed freeway right-of-way would take most of the property.
- In addition to the above-mentioned development requests, staff is also processing a Major General Plan Amendment that would include land on both sides of the future freeway right-of-way.

Mr. Wesley further highlighted a series of options proposed by staff to guide development in the area of the freeway alignment as follows:

- Modify the Transportation Plan to include the alignment.
- Post signs to notify motorists that the area is the site of the proposed Williams Gateway Freeway.
- Require a disclosure statement with development.
- Require detailed submittals before approving zoning.
- Deny cases lacking information.
- Attach stipulations to a case limiting uses in the alignment.
- Utilize Planned Area Development (PAD) and Bonus Intensity Zone (BIZ) designations to direct development on individual parcels.
- Right-of-way dedication.
- Purchase property.
- Designate alignment in the General Plan Amendment.

Councilmember Jones expressed concern that without an "absolute" alignment being selected by ADOT, staff can only provide developers with assumptions concerning its future location.

In response to Councilmember Jones' comment, Mr. Wesley clarified that staff has apprised ADOT regarding the current applications under review in order to provide the agency with an opportunity to offer comments because it has not officially designated a specific right-of-way.

Mayor Hawker reported that the State Legislature approved approximately \$187 million in State Transportation Acceleration Needs (STAN) funds to be used in Maricopa County, of which only \$2 million has been earmarked for right-of-way acquisition. He stated that in his opinion, such an amount is "woefully inadequate." Mayor Hawker added that he is working to ensure that a portion of the STAN funds are utilized in the East Valley for "upfront right-of-way acquisition," which would include identifying the Williams Gateway area as one of Mesa's priorities for such funding.

Mayor Hawker offered a variety of suggestions concerning this item such as identifying the right-of-way for the future Williams Gateway Freeway and the City purchasing the land prior to development occurring in the area; encouraging staff to be flexible with the developers regarding their site plans in order to minimize costs if "a take" occurs; coordinating the road system, access and visibility through the design process so that it benefits the landowners along these routes; and that the Council consider a future bond election to obtain funding for Mesa to acquire freeway land, which could be sold at a later date.

Discussion ensued relative to the fact that because the Frye Road alignment is a designated alignment in the Mesa Transportation Plan, the City could ask for that portion to be dedicated as part of development proposals along the roadway; that the City cannot require the dedication of right-of-way for a regional freeway; and that dedication of such right-of-way typically carries with it the requirement to then pave the street, which staff would not want to occur with the properties in question.

Vice Mayor Walters questioned whether, because ADOT has yet to approve a final alignment for the Williams Gateway Freeway, it would be appropriate to allow "bubble" planning for site plans in this area, but not Citywide. She acknowledged that the Council is often hesitant to grant zoning without a site plan, but suggested that bubble planning would provide a more general site plan to reflect those areas where, for example, parking, open spaces and buildings would be allowed. Vice Mayor Walters also suggested that perhaps the City could assist the developers by incurring the costs associated with those site plans.

In response to a question from Vice Mayor Walters, Mr. Cleavenger stated that with the City's assistance, ADOT's timeline to identify the alignment could possibly be accelerated. He noted, however, that it would still take a minimum of two and a half years before the process could be completed.

Councilmember Griswold expressed concern regarding property owners "being held hostage" and not knowing the location of the future alignment for the Williams Gateway Freeway. He also voiced support for the City requiring the dedication of the Frye Road right-of-way and purchasing the existing land around it. Councilmember Griswold added that he would oppose "an Ahwatukee model," in which the State would be required to purchase homes and businesses in order to build a freeway through the area.

City Manager Christopher Brady emphasized the fact that staff is doing their best to disclose to the property owners what might happen with regard to the Williams Gateway Freeway alignment, even though it is years in the future. He stated that ultimately, the alignment is an

ADOT project and the agency would make a final decision regarding the most appropriate manner in which to purchase the right-of-way.

Mr. Brady further indicated that relative to Mesa buying the right-of-way, he would caution the Council that the City does not have the funds in the immediate term even to leverage dollars from Proposition 400 for such a purchase. He commented that Mayor Hawker has established an excellent reputation of working hard on a regional level to bring dollars to Mesa and said he would prefer that the City move in that direction. Mr. Brady added that a bond election may be something to consider in the future, but said that staff would take the Council's direction to work with the property owners regarding their site plans.

Councilmember Rawles expressed concern regarding Mesa taking dedication for a City street (Frye Road) that is never going to be built. He said that the City does not have the authority to demand a dedication from a property owner for a regional freeway.

Councilmember Whalen concurred with Councilmember Rawles with regard to requiring the dedication of the Frye Road right-of-way unless the City actually builds the road.

Further discussion ensued relative to the General Motors (GM) Proving Grounds and future commercial and residential development at that site; and the 303 alignment in west Phoenix.

Vice Mayor Walters stated that it is her understanding of the right-of-way dedication process that the value of properties situated along such right-of-ways increase because they become more accessible to the public. She also noted that the dedication of the Frye Road right-of-way should take place and commented that it would be shortsighted on the City's part if that were not to occur. Vice Mayor Walters suggested that it might be appropriate for Mesa to enter into an intergovernmental agreement (IGA) with ADOT, with the understanding that the land could be acquired either for frontage road or freeway usage.

Mayor Hawker concurred with Vice Mayor Walters' suggestion to pursue the dedication of the Frye Road right-of-way.

Councilmember Somers expressed support for the dedication of the Frye Road right-of-way. He also stressed the importance of balancing the needs of the public and the construction of the Williams Gateway Freeway alignment because the road is an essential component of Mesa's future economic development in that area of the community.

Councilmember Rawles requested that City Attorney Debbie Spinner provide the Council with a legal opinion regarding whether the City has the legal authority to require the dedication of property for the Frye Road alignment, a road not expected to be built because the Council has already approved a freeway alignment at that location.

Ms. Spinner advised that she would research Councilmember Rawles' inquiry. She noted, however, that the City does not know for certain that ADOT is going to build the freeway, even though staff believes and expects that they will. Ms. Spinner added that the State statute does indicate that the City can require dedications that are reasonably required by or related to the effect of a rezoning.

In response to an inquiry from Councilmember Griswold, Mr. Wesley stated that staff would provide the Council with a cost analysis to build Frye Road. He also briefly reviewed the ongoing process that staff would undertake concerning the four development requests.

Mayor Hawker expressed appreciation to staff for the presentation.

3. Acknowledge receipt of minutes of various boards and committees.

- a. Economic Development Advisory Board meetings held on August 1, 2006 and September 7, 2006
- b. Museum and Cultural Advisory Board meeting held on August 9, 2006
- c. General Development Committee meeting held on September 28, 2006

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

Carried unanimously.

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

Councilmember Somers: Banner Baywood Medical Center New Patient Tower Grand Opening.
Vice Mayor Walters: US Bank's Light Rail Assistance Program.
Councilmember Jones: Wells Fargo Bank Ribbon Cutting Ceremony; Pancake Breakfast; Family-to-Family Community Awareness Meeting.
Councilmember Griswold: Meeting with Boeing's new site leader; Tonto National Forest Meeting; Chamber of Commerce Meeting.

5. Scheduling of meetings and general information.

City Manager Christopher Brady stated that the meeting schedule is as follows:

Monday, October 16, 2006, 3:30 p.m. – Fire Committee Meeting

Monday, October 16, 2006, TBA – Study Session

Monday, October 16, 2006, 5:45 p.m. – Regular Council Meeting

Wednesday, October 18, 2006, 7:30 a.m. – Joint Meeting with Mesa Public Schools

Thursday, October 19, 2006, 7:30 a.m. – Study Session

Thursday, October 19, 2006, 8:30 a.m. – Utility Committee Meeting

Tuesday, October 24, 2006, 6:00 p.m. – Dinner Meeting with ASU representatives

Friday, November 17, 2006, 8:30 a.m. – Council Retreat

Mr. Brady stated that in anticipation of the October 31st retirement of Housing Director Ruth Anne Norris, he is announcing the appointment of Kit Kelly as Acting Community Revitalization

and Housing Director. He also advised that Williams Gateway AREA Manager Wayne Balmer's retirement celebration would take place on October 18th at 3:00 p.m.

6. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

7. Items from citizens present.

There were no items from citizens present.

8. Adjournment.

Without objection, the Study Session adjourned at 8:45 a.m.

KENO HAWKER, MAYOR

ATTEST:

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 12th day of October 2006. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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