

## COUNCIL MINUTES

January 8, 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 January 8, 2004 at 7:32 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 excused Councilmember Whalen from the first part of the meeting. He arrived at 7:36 a.m.)

### 1. Presentation by Chandler Mayor Boyd Dunn.

Mayor Hawker introduced Chandler Mayor Boyd Dunn who was present with Hamilton High School Football Coach John Wrenn and two of the high school football players. In recognition of Hamilton High School's victory over Mesa's Mountain View High School for the State Football Championship, Mayor Hawker wore a Hamilton High School jersey during the meeting.

Mayor Dunn expressed the opinion that the championship game was one of the best games ever played.

Mayor Hawker stated that the East Valley was privileged to have two teams compete for the State Championship. He also noted that regional collaboration extends beyond sports and expressed his appreciation for the cooperation that exists between East Valley community governments.

### 2. Hear a presentation on freeway monument sign technology.

Zoning/Civil Hearing Administrator John Gendron noted that as a result of the Council's discussion in November, a consensus was reached that a Council Use Permit would be utilized to approve freeway monument signs. He advised that the proposed ordinance included in the Council packet outlines the approval process. Mr. Gendron noted that the penalty clause listed

in the ordinance was incorrect and advised that the proper language would be inserted prior to introduction if the Council decides to proceed with the ordinance.

Mr. Gendron stated that the Council reached a consensus that the parameters for the location and design as well as the operational characteristics of the signs be established as guidelines in order to provide flexibility to the Council when considering a sign request. He advised that the Freeway Landmark Guidelines are provided in the packet along with a copy of the resolution to introduce and adopt the Guidelines. (A copy is available for review in the City Clerk's Office.)

Mr. Gendron stated that at the time the Sign Code provision was adopted to permit message changes for all electronic signs, Councilmembers and members of the Planning and Zoning (P&Z) Board expressed concern regarding the brightness and intensity of electronic signs. He advised that staff met with sign industry representatives in an effort to determine the desired maximum intensity, and the result is an intensity chart located on page 9 of the draft ordinance.

Mayor Hawker referred to page 5 of the Freeway Landmark Guidelines and noted that the language enables the Council to consider many factors when determining "modifications and alternatives" to the Guidelines. He expressed concern that the Council may have an excessive amount of discretion when considering a sign request.

Mr. Gendron advised that as a result of a Supreme Court decision twelve years ago, the State Legislature requires all cities to include language in their codes that affords an opportunity for appeals of discretionary decisions made by staff. He explained that the language was not required in the Guidelines due to the fact that the language presently exists in the City Code.

In response to Mayor Hawker's request for an example of the effect of land ownership on an appeal, Mr. Gendron noted that two parcels of land could be utilized as one development site under common ownership.

Discussion ensued relative to the fact although the Guidelines stipulate that the site must be a minimum of 30 acres, a sign on a 29-acre parcel could be approved if the Council determined that the intent of the regulations was met; that when a freeway sign is part of a PAD (Planned Area Development), the information will be highlighted and require a separate staff report; that any sign higher than 12 feet and greater than 80 square feet in area would be processed through P&Z and Design Review prior to consideration by the Council; and that the Guidelines provide for the same neighborhood notification requirements that presently exist for a Council Use Permit.

In response to concerns expressed by Councilmember Thom, Mr. Gendron stated that a freeway landmark monument is defined as a sign structure of architectural quality that exceeds 12 feet in height and 80 square feet in area that is intended to be visible from an adjacent freeway to identify an associated commercial or non-commercial development. He explained that the Guidelines propose a form, texture and finish that is complementary to the features of the development with low-maintenance, architectural surfacing and a horizontal to vertical ratio not to exceed one to three; i.e., the horizontal dimension should not exceed one-third of the vertical height of the sign. Mr. Gendron advised that the P&Z Board and the Design Review Board would review the proposed sign prior to Council consideration.

Councilmember Thom advised that 50% of the customers for the Superstition Springs business area travel from communities to the east. She stated that due to the fact that many of the westbound exit ramps from the Superstition Highway have been closed, customers of businesses along the freeway are required to exit further west and then backtrack to reach their destination. She explained that these businesses require signage on another piece of property in order to provide their customers with exit information and access comparable to that of eastbound traffic. Councilmember Thom requested information regarding the manner in which this problem could be addressed.

Mr. Gendron advised that an amendment to the Sign Code would be required to permit off-premise signs in certain circumstances. He noted that such an amendment could pose a problem from a legal perspective due to the fact that in the past billboard companies have sued the City when off-premise signs were prohibited. Mr. Gendron noted that litigation in Federal court continued for seven years, but the City eventually prevailed. He stated that the issue would require careful review prior to consideration of an amendment.

In response to questions from Councilmember Thom, Mr. Gendron stated that at a special meeting with the stakeholders from the business community held in October to discuss the freeway signs, the issue of off-premise signs was not mentioned.

Mr. Gendron advised that requiring manufacturers to preset and certify the light intensity of a sign would provide assurance to the Council that the ultimate user of the sign could not alter the intensity. He added that City enforcement of light intensity levels would be difficult if each owner was able to alter the intensity.

Mr. Gendron responded to Councilmember Walters' concern by clarifying that the approval process for a freeway monument sign included a public hearing before the P&Z Board with neighborhood notification and an evaluation by the Design Review Board. He stated that the recommendations of both Boards would be provided to the Council at the time the sign application was to be considered.

Additional discussion ensued relative to the fact that fees are reviewed annually; that the present proposal is a reasonable first step; and that changes may be required in the future.

In response to questions from Councilmember Whalen, Mr. Gendron stated that the responsibilities of the P&Z Board relative to freeway monuments signs include: holding a public hearing to obtain neighborhood input; insuring that the intent of the Freeway Landmark Guidelines are met; and forwarding a recommendation to the Council. He added that P&Z does not have the same latitude as the Council, and that the Council could accept or reject the recommendation of the P&Z Board. Mr. Gendron advised that the applicant for a Council Use Permit could propose a change to the ordinance or the Guidelines, and then the P&Z Board could consider the proposal and forward a recommendation to the Council.

In response to questions from Mayor Hawker, Mr. Gendron advised that possible sites for freeway monument signs include ten locations along the Superstition Freeway, one or two along the San Tan, and one at the confluence of the 101 and 202. He added that General Plan designations of regional commercial and semi-public/public limit the number of locations along the 202.

Mr. Gendron introduced David Jones, Vice President of YESCO (Young Electric Sign Company), who was present as an industry representative to provide the Council with information on electronic signs. He noted that YESCO was a pioneer in the design and construction of electronic signs, and added that Mr. Jones' prior experience as an attorney included representation of the Arizona Sign Association.

Mr. Jones expressed his appreciation for the open dialogue with City staff and stated that he also consulted with other electronic sign manufacturers in an effort to develop a model sign code. He noted that many codes were developed when electronic signs were of the "big light bulb" type, and that regulations across the country have not kept pace with advances in technology.

Mr. Jones explained that the two types of signs typically utilized in Mesa are a "flip disc" that magnetically changes to display the message and the other is a Light Emitting Diode (LED), a very small pinpoint type of light source. He stated that a number of small light sources are combined to create an LED type of sign that is the current state of the art. Mr. Jones noted that LED signs could be operated at different levels or with a number of different transitions: the basic level is static with no change to the message; the next level displays the message for a specific period of time before the message dissolves or fades to reveal the next message; at the third level, the message appears to travel across the screen; and the most active level is streaming video with a television type of display or animated graphics.

Mr. Jones advised that in a joint effort with City staff, the types of controls that could be placed on levels one through three were determined. He cited examples of signs in the metropolitan area that have varying times such as Arizona Department of Transportation (ADOT) signs that change messages every two to four seconds, the Tempe Autoplex sign that changes every one to two seconds and the Gila River Casino sign that displays full animation. Mr. Jones explained that the Council could establish a minimum time per message, and he demonstrated a range of display times using a PowerPoint presentation. He stated that the Council could also specify the various transition modes that are allowed. Mr. Jones advised that the Code stipulates that a Special Use Permit can be requested for message displays of less than one hour and for display modes other than "fade" or "dissolve."

Mr. Gendron confirmed that a request to display a message on a non-freeway sign for less than an hour or to incorporate scrolling or crawling would require a Special Use Permit through the Board of Adjustment. He stated that the Council could approve the same features for a freeway sign by considering each request on an individual basis.

Mr. Jones stated that his discussions with City staff addressed concerns of the Council regarding the brightness or intensity of a display. He advised that the problem could be resolved by requiring that the manufacturer program the software at a specific brightness or intensity level established by City regulation that could not be altered by the owner. He explained that the software could be programmed for the different settings required for daytime and nighttime. Mr. Jones stated that recommended settings for various signs have been provided to City staff. He added that if the Council stipulated that each sign owner was responsible for setting the brightness or intensity level, the City could purchase the tool with which to measure the brightness and his firm would be willing to train City employees in the equipment operation.

Mr. Jones stated that electronic signs are capable of a wide range of operations and that the City has regulations in place to control the signs. He expressed the opinion that if the Council adopted the proposed Freeway Landmark Guidelines, Mesa would have one of the most sophisticated and enforceable sign codes in the country.

3. Discuss and consider possible amendments to the Freeway Landmark Monument ordinance.

Discussion ensued relative to the intensity levels of different colors and the fact that the eye reads individual colors and a combination of colors (full color) differently; that a full color display of 2,500 nits (the units of measure for light intensity levels) would provide adequate brightness that can be read by the eye, but a red only display of 2,500 nits would be far too bright; that displays are either a full color or a single color type of display; and that blue is not easily read by the eye at night.

Councilmember Walters expressed support for the light intensity level to be pre-programmed by the manufacturers.

Additional discussion ensued relative to the fact that a sign message can change once an hour but exemptions can be requested; that the owner of a non-freeway sign could apply for a Special Use Permit through the Board of Adjustment; that the owner of a freeway sign must obtain City Council approval; and that consideration could be given to shortening the minimum time for the message change to something less than one hour.

Mr. Gendron noted that the Code is a work in progress that could be refined and changed over time.

Further discussion ensued relative to the fact that regulations and statutes change constantly to adjust to the advances in technology; that the proposal would offer the City flexibility in adjusting to future changes; that the proposed Code would assist the City with economic development; that the sign for the East Valley Institute of Technology (EVIT) does not conform to the proposed Code, but school districts are exempt from the Code; that all businesses could have electronic changeable message signs by applying for a Special Use Permit for a non-freeway location or by requesting Council approval for a freeway location.

Councilmember Whalen expressed support for freeway monument signs, but suggested that the Sign Code be reviewed to ensure consistency.

In response to a series of questions from Councilmember Thom, Mr. Gendron advised that the Building Safety Division issues permits and the fee is based on the valuation of the sign (3% of the valuation plus 30 cents per square foot of sign area). He stated that an application process for an electronic message changer sign could take one to two weeks. Mr. Gendron noted that the Council Use Permit approval process for the installation of a freeway monument sign as proposed in the Guidelines would take four to six months.

Mr. Jones stated that a freeway monument sign could cost in the range of \$150,000 to \$1 million depending on the size of the electronic component. He added that a substantial freeway monument sign without electronics costs between \$150,000 and \$200,000.

In response to a question from Councilmember Whalen, Mr. Gendron advised that installation of a new sign would not impact the existing signs of a business unless the existing signs did not conform to Code. He explained that the installation of a new sign requires that all existing signs be brought into compliance with the Code.

Additional discussion ensued relative to the fact that new technology utilized on freeway signs could also be permitted in non-freeway locations; that non-freeway locations can employ new technology with a Special Use Permit through the Board of Adjustment; that the only appeal of a Special Use Permit denial is through Superior Court due to the fact that a Board of Adjustment decision cannot be appealed within the City; and that changes to the Sign Code may be necessary to retain those non-freeway location businesses that compete with businesses eligible for freeway monument signs.

Mayor Hawker noted that the City of Mesa was proposing freeway monument signs in order to compete with the signs allowed by other Valley cities, but he expressed the opinion that the freeway corridors should appear uncluttered and attractive to the motoring public.

Councilmember Griswold noted that the high cost to install a freeway monument sign would preclude a proliferation of freeway signs in Mesa. He expressed the opinion that responding to modern technology was fundamental to the existence of a modern city.

Councilmember Walters expressed the opinion that the Freeway Monument Guidelines prepared by staff addresses the concerns previously discussed by the Council and provides flexibility to the approval process.

In response to a question from Councilmember Whalen, Mr. Jones stated that a few mortgage companies are utilizing electronic features on billboards. He noted that electronic billboards are new to the sign industry, and advertisers have not yet determined the type of display that is visually effective. Mr. Jones added that many electronic billboards are more visually attractive than the standard billboard.

It was moved by Councilmember Walters, seconded by Vice Mayor Kavanaugh, that this item be brought forward to the full Council for further discussion and consideration.

Carried unanimously.

4. Acknowledge receipt of minutes of boards and committees.

- a. General Development Committee meeting held December 8, 2003

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

Carried unanimously.

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

The following members of the Council provided brief updates on various meetings/conferences they attended as follows:

Councilmember Whalen

Mesa Convention & Visitors Bureau Meeting

Mayor Hawker

Banner Baywood Hospital 20-Year Celebration

6. Scheduling of meetings and general information.

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

Friday, January 9, 2004, 8:30 a.m. – Tour of Phoenix Housing sites

Wednesday, January 14, 2004, 4:00 p.m. – Ad Hoc Committee to Study Police Oversight

Thursday, January 15, 2004, 7:30 a.m. – Study Session

Thursday, January 15, 2004, TBA – Tour of Escobedo Public Housing

Tuesday, January 20, 2004, TBA – Study Session

Tuesday, January 20, 2004, 5:45 p.m. – Regular Council Meeting

Thursday, January 22, 2004, 7:30 a.m. – Study Session

Thursday, January 22, 2004, 9:30 a.m. – General Development Committee Meeting

Wednesday, January 28, 2004, 4:00 p.m. – Ad Hoc Committee to Study Police Oversight

Thursday, January 29, 2004, 7:30 a.m. – Study Session

7. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the Study Session adjourned at 8:47 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 8<sup>th</sup> day of January 2004. I further certify that the meeting was duly called and held and that a quorum was present.

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

baa