

CITY COUNCIL AGENDA

CITY COUNCIL CHAMBERS . 11465 WEST CIVIC CENTER DRIVE . AVONDALE, AZ 85323

WORK SESSION
August 13, 2007
6:00 PM

CALL TO ORDER BY MAYOR ROGERS

1 ROLL CALL BY THE CITY CLERK

2 QUARTERLY UPDATE ON COUNCIL GOALS

The City Manager will provide an update to the City Council on progress made on the Goals and Objectives developed by the Council at their November 2006 planning retreat. For information, discussion and direction.

3 DEVELOPMENT SERVICES IMPROVEMENT PROCESS

The Development Services Director will update the City Council on the progress of department operational improvements. For information, discussion and direction.

4 UPDATE ON THE GENERAL ENGINEERING GUIDELINES

Staff will present information to the City Council regarding the proposed revision and replacement of the General Engineering Guidelines for information, discussion and direction.

5 VAN BUREN STREET CORRIDOR STUDY

Staff will update the City Council regarding the results of the recent Van Buren Street Corridor Study project from 107th Avenue to 99th Avenue. For information, discussion and direction.

6 FREEWAY PYLON SIGN REGULATIONS

The City Council will review and discuss the City's freeway pylon sign regulations and provide staff with appropriate direction. The information, discussion and direction.

7 2008 LEAGUE OF ARIZONA CITIES & TOWNS PROPOSED RESOLUTIONS

The Council will review and discuss proposed 2008 League of Arizona Cities & Towns Resolutions. For information, discussion and direction.

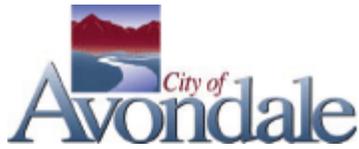
8 ADJOURNMENT

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda M. Farris".

Linda Farris, CMC
City Clerk

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Clerk at 623-333-1200 at least 48 hours prior to the council meeting.



CITY COUNCIL REPORT

SUBJECT:
Quarterly Update on Council Goals

MEETING DATE:
August 13, 2007

TO: Mayor and Council
FROM: Charlie McClendon
THROUGH: Charlie McClendon, City Manager

PURPOSE:

The City Manager will provide an update to the City Council on progress made on the Goals and Objectives developed by the Council at their November 2006 planning retreat.

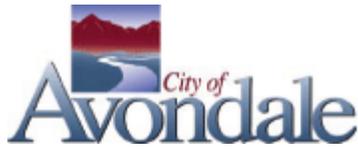
RECOMENDATION:

The Council will discuss the material provided and give direction to staff.

ATTACHMENTS:

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CITY COUNCIL REPORT

SUBJECT:
Development Services Improvement Process

MEETING DATE:
August 13, 2007

TO: Mayor and Council
FROM: Brian Berndt, Development Services Director (623)333-4011
THROUGH: Charlie McClendon, City Manager

PURPOSE:

In an effort to promote the City Council's goals and objectives, Development Services has begun modifying how we perform our daily business. Our primary objective is to look at different opportunities where we can make significant and/or subtle changes to our day-to-day operations resulting in an increased level of customer service and respond more timely and efficiently to the requests of our customers. This report includes an update of the progress Development Services has made or is in the process of making. This item is being presented for information and discussion purposes only.

DISCUSSION:

The key strategic issue for Development Services is to instill a philosophy of "customer first." The department has taken the initiative to revise all development applications, how we process development projects, who needs to be involved in each phase of a project's review, and finally, selecting, training and hiring the right staff to address the needs of the City. While this certainly involves hiring qualified personnel, it also requires that managers review existing policy, operational plans, and deployment strategies to ensure the resources allocated to the department are used to their full potential. This is pivotal in order to ensure staff spend time working on processing proactively, not just reactively, in order to respond to the needs of the customer. The following items are steps towards furthering the Council's goals:

- **Applications** - All the development applications have been revised and updated to reflect current needs and submittal requirements, thus ensuring the plan reviewer has everything necessary to complete the project review in a timely manner and advance the project's success.

- **Processes** – Every development process has been reviewed and scrutinized to make necessary refinements and ultimately reduce redundancy in each process. This includes:
 - **Simultaneous plan review** – This new plan review methodology is a basic shift for Development Services. In the past, we would take in plans randomly. For example, a person would submit building plans without the necessary fire or engineering plans which would be submitted later. The plan review time would then be varied and each plan would be completed at different times. To exacerbate the situation further, each discipline had a different review time. Fire would review plans in 10 working days, Building and Planning would review their plans in 15 working days and Engineering would be around 20 working days. This process has led to customer confusion and frustration. Development Services is proposing that all plans (building, planning, engineering and fire) be submitted, reviewed and returned to the customer at the same time resulting in a simultaneous plan review. This would not only help us collectively maintain our files, it would give the customer a one-time plan submittal and pick up.

 - **Improve processing review time to reduce redundancy** – The plan review submissions for

each project have been tightened up to ensure each plans examiner receives exactly what is needed to complete their review. For example, some divisions were requiring the applicants to submit very specific, detailed information for very broad plan analysis. Each division has discussed what they need in order to adequately review the development proposals and now can give the necessary comments to our clients to move the projects forward in a timely manner.

- **Define staff responsibilities** – Determining who is doing what and why they are doing it has become a priority to the department. Development Services must be on the “cutting edge” of staff efficiency including understanding how each discipline interacts and works with the development community to ensure project success. Defining each person’s role in the organization is key to making certain we are flexible enough to revise processes and practices to be ready for these opportunities. We have evaluated each position within every division in the department to ensure everyone understands their role and that we have consistency in review times and cooperative relationships.
- **Staff Training** – The department has implemented an ongoing staff training which includes:
 - o Working toward a better understanding of architecture. The Planning Division has been striving to gain an overall, comprehensive understanding of architecture as well as the ability to identify architectural components, themes and proper use and placement of appropriate materials. Our primary goal is to ensure new projects complement the city and add value to the existing character in Avondale.
 - o Cross training – Each person at the Development Services Center (counter) is being cross trained to be proficient in each of the department’s disciplines. These include Building, Planning, Engineering and Fire.
 - o Public presentations - The Planning Staff is now presenting their projects to the City Council.
- **Technical Updates** – Development Services is working on the following information:
 - o Comprehensive Zoning ordinance updates
 - o Commercial / Employment / Multi-family design guidelines
 - o Single Family Residential design guidelines
 - o Reviewing the potential implementation of a Green Building Program or parts thereof
- **Strengthen interdepartmental cooperation and citywide department partnerships** – Working together as a team is the only way to ensure long-term success. Once people recognize the value of this kind of team concept, greater things are possible. We are proactively working toward making departmental (and interdepartmental) cooperation and coordination a priority by discussing strategies and issues with each department and how each can interact more positively with the other.
- **Creation of a department Mission Statement** – The department has been meeting monthly with HR to discuss and strategize the creation of a department mission statement that reflects the thoughts, desires and long-term visions of each member in the department that embrace the City Council’s goals.

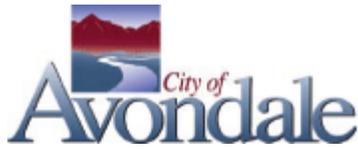
RECOMENDATION:

This item is being presented for information and discussion purposes only.

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CITY COUNCIL REPORT

SUBJECT:
Update on the General Engineering Guidelines

MEETING DATE:
August 13, 2007

TO: Mayor and Council
FROM: David Fitzhugh, PE, Interim City Engineer, 623-333-4211
THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff will update the City Council regarding the proposed revision and replacement of the General Engineering Guidelines and seeks comment.

BACKGROUND:

Most local agencies have design guidelines and special construction details to guide the consistent preparation of plans, specifications and construction of public infrastructure. The City's Engineering Department currently has two (2) outdated manuals which act as guidelines to the engineering, development, and construction community. The Engineering Design Standards Manual was last revised in 1997. The Construction Specifications Manual was last revised in 1999. Since both manuals are over eight (8) years old, and that the standards and practices included in each are outdated, staff determined it necessary to totally revise each of the manuals.

On October 2, 2006 Council approved a Professional Services Agreement with Entellus Engineering, Inc. to revise the General Engineering Guidelines.

Staff has established the following goals in creating the new guidelines:

- Consistency with other municipalities in the State of Arizona.
- Ensure the Guidelines are reasonable and will not encumber developers anymore than other municipalities.
- Ensure the Construction Specifications conform to Maricopa Association of Governments (MAG) Format.
- Make the documents as user friendly as possible to ensure a good working experience with the City.
- Develop Supplemental Standard Details unique to the City of Avondale.
- Provide two (2) separate, yet comprehensive documents to guide CIP Engineers, Development Engineers, and contractors in the development and implementation of capital projects.

DISCUSSION:

Staff has made significant progress to date. The General Engineering Guidelines consist of two (2) manuals. Both will assist users during the design phase, however only one (1) of them will be referenced during the construction phase. The first manual is entitled, "City of Avondale General Engineering Requirements." The second manual is entitled, "City of Avondale Supplement to MAG Specifications and Standard Details." This method is consistent with most other municipalities in the Valley.

The General Engineering Guidelines have gone through a first staff review and will soon go through a final review by key city staff and external stakeholders from the engineering, development, and construction community. Key chapters in the General Engineering Requirements are:

- Engineering Plan Review Process (Development Services & CIP)
- Land Surveying

- Grading and Drainage
- Traffic and Transportation
- Water System Design
- Wastewater System Design
- Landscaping and Irrigation
- As-Builts Private Utilities
- Variance Process

The Supplement to MAG Specifications and Standard Details contains two (2) parts. The first part is the construction specifications, which has been converted to MAG format and currently undergoing a draft review. The second part is the standard details which have been redlined and will be transmitted to the consultant for drafting in the near future. Some of the key Standard Details being considered for the City Supplement to MAG are as follows:

- Typical Roadway Sections
- Major Arterial Intersection
- Major Arterial Intersection w/Dual Lefts
- Curb Returns w/Dual Ramps
- Designated Bus Stop Locations
- Arterial Signage
- Trombone Style Signals
- Illuminated Street Name Signs
- Butterfly Operator Manhole
- Pressure Reducing Valve
- Air Release Valve
- Wet Barrel Fire Hydrant
- Locations for New Fire Hydrant
- Chlorine Injection Tap
- Nonpotable Water Valve Box and Cover
- Force Main Discharge Manhole
- Sanitary Sewer Manhole Cover
- Drop Sewer Connection
- Scupper & Spillway Detail
- Concrete Catch Basin
- Storm Drain Inlet Marker
- Irrigation Controller
- Minimum Tree Size Requirements
- Irrigation Emitters

BUDGETARY IMPACT:

There is no immediate financial impact. However, there will be a change order in the near future due to the need to create two (2) separate manuals and additional details outside the scope of work.

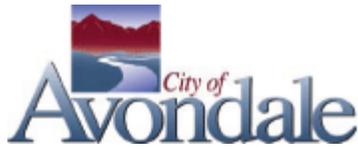
RECOMENDATION:

This item is presented for information, discussion and Council direction.

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CITY COUNCIL REPORT

SUBJECT:

Van Buren Street Corridor Study

MEETING DATE:

August 13, 2007

TO: Mayor and Council

FROM: Kelly LaRosa, PE, Traffic Engineer, 623-333-4229

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff will update the City Council regarding the results of the recent Van Buren Street Corridor Study project from 107th Avenue to 99th Avenue.

BACKGROUND:

The City of Avondale entered into a Professional Services Agreement with Wilson & Company for the "Van Buren Street Corridor Study" project from 107th Avenue to 99th Avenue. The Notice to Proceed was issued in February 2007, and the project was completed August 1, 2007. An agreement between the City of Avondale and the City of Tolleson to cost-share the proposed project at 50 percent each was also signed in support of the study.

Van Buren Street from 107th Avenue to 99th Avenue falls between the City of Avondale and the City of Tolleson boundary limits with Avondale bordering the north side of the road and Tolleson on the south side. The City of Avondale has jurisdiction and maintenance over Van Buren Street.

Development requirements between the two (2) agencies are inconsistent throughout this corridor regarding right-of-way widths and traffic signal locations. Staff from both cities determined that this segment of Van Buren Street should be studied to identify future needs including right-of-way widths and access control.

DISCUSSION:

The City of Avondale Transportation Plan was adopted by City Council in October 2006 and demonstrated the need to widen Van Buren Street throughout the City from four (4)-lanes to six (6)-lanes. Due to inconsistent right-of-way widths along Van Buren Street between 107th Avenue and 99th Avenue, and uncertainty of appropriate locations for future traffic signals, staff from Avondale and Tolleson met and determined that a corridor study was warranted to analyze these issues and develop alternative solutions to be shared by the two (2) cities.

The study documented existing conditions in the corridor, analyzed alternative alignments and roadway cross-sections to meet future growth demands, evaluated right-of-way needs to meet City of Avondale standards for a future roadway, and proposed access management solutions within the corridor, including median openings and traffic signal locations.

The study also included the following:

- Mapping of future opportunities and existing constraints.
- Coordinating with existing development to determine traffic circulation patterns and develop and evaluate alternatives.
- Meeting with stakeholders.
- Analyzing truck route issues.
- Developing implementation strategies to move pursue the recommended alternative.

Analysis of existing conditions showed that Van Buren Street between 107th Avenue and 99th Avenue does not meet arterial roadway section standards or right-of-way standards. There is very little access control with driveway locations that do not align at standard spacings. An assessment of future conditions and review of planned development in the corridor reveal the need to widen the roadway and develop access management standards for safety and efficient traffic operations.

Three (3) alternative cross-sections were evaluated for the future roadway:

1. Maintain the existing four (4)-lane section with no improvements.
2. Widen to City of Avondale six (6)-lane roadway standard for major arterial.
3. Widen to a modified five (5)-lane section.

The third alternative, widening the roadway to five (5)-lanes, is the recommended alternative. This includes three (3) westbound through lanes, a median, two (2) eastbound through lanes, and bike lanes. This alternative requires minimum right-of-way and has the least drastic impact to adjacent development. In addition, it accommodates future plans by the City of Tolleson to reduce the cross-section of Van Buren Street from four (4)-lanes to two (2)-lanes east of 99th Avenue through their downtown area. The four (4)-lane option was eliminated because it would not provide the necessary capacity to meet projected traffic volumes for the corridor. The six (6)-lane option was also not chosen because it provided no greater operational capacity to meet future growth needs, yet had a greater impact on right-of-way, adjacent developments, and cost estimates. The recommended five (5)-lane alternative addresses the need for additional capacity for the year 2030 conditions, considering Van Buren Street will be reduced to four (4)-lanes east of 99th Avenue, and then to two (2)-lanes through downtown Tolleson.

Four (4) alternative alignments were developed and analyzed for the future widened roadway:

1. Hold the future roadway at the southern right-of-way line.
2. Hold the future roadway at the existing southern back-of-curb line.
3. Hold the existing centerline.
4. Hold the existing southern back-of-curb line between 105th Avenue and 101st Avenue, and shift roadway south on the approaches to the intersections at 107th Avenue and 99th Avenue.

The fourth alternative was determined to provide the best compromised solution. It minimizes impacts to existing infrastructure and facilities, minimizes additional right-of-way that would be needed, and provides the best operational solution for the existing intersections at 107th Avenue and 99th Avenue.

Two (2) access control scenarios were also analyzed for the corridor:

1. Maximum access control which would limit the number of future driveways, restrict several existing driveways to right-in/right-out access, and limit three-quarter and full access points.
2. Minimum access control which would allow more driveway locations, more right-in/right-out locations, and provide safe spacing standards are met.

The minimum access control scenario was selected due to the best balance of safety and access for adjacent development.

Two (2) potential signal locations were also analyzed:

1. Van Buren Street at 104th Avenue.
2. Van Buren Street at 103rd Avenue, at the existing off-set location.

The proposed location at the slightly off-set 103rd Avenue provided the most reasonable location due to planned development to the north, support from adjacent property owners, minimal impact to adjacent land, best routing options for truck traffic, and optimal spacing.

All of the recommended alternatives have the backing of both the City of Avondale and the City of Tolleson. Representatives from adjacent planned development projects to the north also support the recommended alternatives. The City of Tolleson will meet with representatives of development on the south side of the corridor. The design and construction of the recommended alternative is expected to cost approximately \$4,534,000. This cost estimate does not include alternative funding sources, such as developer contributions and improvements built as part of upcoming projects.

To move forward with implementing the recommended alternative, the following strategies are proposed:

- Coordinate with future City of Tolleson plans to improve the intersection of Van Buren Street and 99th Avenue.
- Coordinate rerouting truck movements away from Van Buren Street to use the designated truck route via 107th Avenue.
- Coordinate with ADOT on the proposed improvements to the 99th Avenue corridor between I-10 and Van Buren Street.
- Coordinate with adjacent developers regarding future access points, future signal location at 103rd Avenue, and proposed minor realignment of 103rd Avenue to accommodate the slight offset, and cost-sharing opportunities.

BUDGETARY IMPACT:

The contract fee was a lump sum of \$81,800. It was funded out of Street Fund Line Item, 304-1207-00-8001, Van Buren Street Corridor Study. The City of Tolleson will reimburse the City of Avondale for their share of the cost.

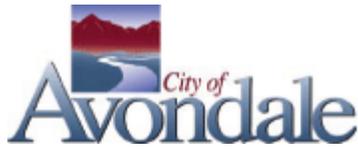
RECOMENDATION:

This item is provided for information, discussion and direction.

ATTACHMENTS:

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CITY COUNCIL REPORT

SUBJECT:
Freeway Pylon Sign Regulations

MEETING DATE:
August 13, 2007

TO: Mayor and Council
FROM: Dean Svoboda, Long Range Planning Director (623)333-1036
THROUGH: Charlie McClendon, City Manager

PURPOSE:

The City Council is being asked to review and discuss the City's freeway pylon sign regulations. No formal action is requested, but the City Council may provide staff with appropriate direction.

BACKGROUND:

The maximum height for freeway pylon signs was discussed by the City Council during the rezoning hearings for the southeast and southwest corners of Interstate 10 and Avondale Boulevard. At that time, several council members expressed an interest in increasing the maximum sign height. Staff was directed to explore the issue and bring it back to Council for further consideration (Exhibits A and B). The Development Services Department recently received preliminary sign proposals on two parcels within the freeway corridor. Both proposals include 75' high freeway pylon signs with electronic message displays (Exhibits C and D). One also includes an electronic message display on an arterial street monument sign (Exhibit E). Electronic message displays on freeway pylon signs and other multi-tenant monument signs are not currently permitted by the Zoning Ordinance.

DISCUSSION:

Three separate policy issues need to be addressed. They are: 1) Should the current height limit for freeway pylon signs be raised; 2) should electronic message displays be allowed on freeway pylon signs and other multi-tenant identification signs; and 3) if electronic message displays are permitted should they be limited to static copy displays only?

Existing Zoning Ordinance Requirements

Free standing identification signs along the I-10 freeway corridor are regulated by Section 909 D, Special Purpose Signs, of the City's Zoning Ordinance (Exhibits F and G). These regulations are summarized as follows:

- Commercial centers on a minimum of 30 acres located within one mile of Interstate 10 and within one quarter (1/4) mile of a road of regional significance (Dysart Road or 99th Avenue) are allowed one multi-tenant freestanding sign per arterial street. The maximum sign height is 65 feet.
- Commercial centers and Planned Area Developments (PADs) on a minimum of 40 acres which abut Interstate 10 are allowed one freestanding multi-tenant sign with a maximum height of 65 feet. The City Council may increase the allowable sign dimensions up to 20% on a case by case basis as part of a comprehensive sign package. The maximum height that can be achieved under this provision is 78 feet.

In comparison, the Zoning Ordinance typically allows office complexes, business parks and shopping centers not within the freeway corridor to have multi-tenant monument signs with a maximum height of 14 feet.

The City Council recently amended the Zoning Ordinance to allow the limited use of variable message signs,

including electronic message displays, for certain specified land uses. These land uses were determined to have a unique need for communication and included the following: churches and similar places of worship, elementary and secondary schools and college campuses, military veteran and fraternal organization halls, motion picture and performing arts theatres, municipal uses, and vehicle fueling stations. General commercial uses were not included (Exhibits H and I).

The City's current regulations require variable message signs to have static message displays that do not change more than once every 15 seconds. Action video and special effects such as scrolling, traveling, bursting, fading, and dissolving are not permitted. Variable message displays are prohibited on multi-tenant monument signs.

Other Valley Cities

There is very little similarity between the freeway pylon sign regulations of valley cities (Exhibit J). This is due in part to the different needs within each community, the extensive reliance on PAD (Planned Area Development) zoning, and the case by case review of comprehensive sign packages. Among the cities that currently have freeway pylon signs with electronic message displays are Chandler, Gilbert, Goodyear, and Tempe.

Existing Conditions

There are currently nine freeway pylon signs within the City of Avondale. Five additional signs have been approved, but are not yet constructed. At least seven additional signs could be the subject of future approvals (Exhibit K).

The horizontal distance from the edge of the nearest travel lane to the nearest private property varies throughout the freeway corridor from about 100 feet to over 400 feet. The large drainage channel that runs along the north side of the freeway is a significant factor. The distance also increases adjacent to interchanges and frontage roads. Some typical sections of the freeway are shown by Exhibits L and M.

The freeway alignment moves north-south between El Mirage Road and 107th Avenue. This minor change in alignment does not have any significant effect on pylon sign visibility or minimum viewing distances. A driver's "cone of vision" (what the driver sees while looking ahead without using peripheral vision) naturally follows the roadway.

The vertical height of the freeway also varies as it crosses the City. Some portions are almost at grade while the height increases at interchanges and overpasses. Exhibit N shows a typical cross section of the freeway at Avondale Boulevard. Here, the grade difference between the eastbound freeway lanes and the Avondale Gateway property to the south is about 24 feet. The grade difference between the westbound freeway lanes and the private property to the north is similar.

Issues for Discussion

The City Council may wish to consider the following as it discusses the issues:

1. Eighty (80) feet is the maximum height requested for a freeway pylon sign to date. Taller signs are rarely constructed in the Phoenix metropolitan area due to their cost.
2. Freeway pylon signs are landmarks that influence the perceived character of the community.
3. Increasing the allowed height of freeway pylon signs may make them more prominent.
4. Increasing the height of freeway pylon signs may help to minimize the potential for landscaping, grade changes, and other vehicles on the freeway to obstruct sign view angles.
5. Sign height is only one of many factors that affect viewing distance and message comprehension.
6. Electronic message displays have the potential to be used for more than basic business identification. Public service messages, civic event notification, personal and holiday greetings, current time and temperature, travel directions, and specific product or service advertising are among the many uses. Regulating the content of these displays is generally outside the scope of the City's authority.

7. Electronic message displays tend to attract attention because of the intensity of the light source and the use of special effects. This raises some unique concerns regarding traffic safety, land use compatibility, and the quality of the visual environment.
8. The freeway corridor has a different character than other portions of the community. Will the addition of electronic message displays on freeway pylon signs help to further the City's overall objectives for this area?
9. The effectiveness of electronic message displays is influenced by several factors including: the duration of message on-time; the duration of message off-time; the message change interval; the total length of the information cycle; the rate of intensity or contrast change; the overall level of brightness and contrast; animation and message flow; and how well the display is maintained.
10. Additional items that will need to be considered if electronic message displays are allowed include the following:
 - The percentage of the total sign area that can be devoted to electronic message displays.
 - The maximum height allowed for the electronic message display component.
 - The appropriate level of brightness in the day-time vs. the night-time.
 - Whether or not an automatic phased proportional dimmer is required to reduce night-time brightness and if so, whether or not a factory certified pre-set is required.
 - The minimum interval for each message display to remain illuminated.
 - Whether or not action video is permitted.
 - Whether or not the City should require that a minimum amount of display time is devoted to public service messages.

RECOMENDATION:

Staff recommends that the City Council discuss the issues and provide staff with appropriate direction.

ATTACHMENTS:

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- [📄 Exhibit A](#)
- [📄 Exhibit B](#)
- [📄 Exhibit C](#)
- [📄 Exhibit D](#)
- [📄 Exhibit E](#)
- [📄 Exhibit F](#)
- [📄 Exhibit G](#)
- [📄 Exhibit H](#)
- [📄 Exhibit I](#)
- [📄 Exhibit J](#)
- [📄 Exhibit K](#)
- [📄 Exhibit L](#)
- [📄 Exhibit M](#)
- [📄 Exhibit N](#)

**EXCERPT
CITY COUNCIL MEETING MINUTES
JUNE 20, 2005**

**10) PUBLIC HEARING – ORDINANCE – DEVELOPMENT PLAN FOR
AVONDALE GATEWAY PAD (Z-05-5)**

Public hearing on an ordinance approving Case Z-05-5, a request for development plan approval in the PAD (Planned Area Development) District, subject to the 11 stipulations recommended by staff.

Dean Svoboda, Planning and Building Services Director, explained the PAD zoning on the subject property was approved in 1988 and was planned at that time to accommodate hotel, restaurant, office, retail and convention centers. He said the property never developed and the plan lapsed and, as a result, Council is charged with approving a new development plan to establish the permitted uses and required development standards for the property. He stated the General Plan splits the property in half, with half intended for freeway commercial and the other half intended for employment uses. He stated the proposal would allow commercial, retail, hotel, office and business park uses and divides the property into three separate areas, a commercial core immediately adjacent to Avondale Boulevard; mixed use office in the center, and a business park on the eastern half. He stated, generally speaking, the proposed zoning is intended to reflect the desired characteristics called for along Avondale Boulevard and the nature of the proposed uses are typical for general retail, commerce park and office developments. He noted, however, automotive related uses and drive-thru restaurants, with the possible exception of a coffee shop with a drive-thru window, will not be permitted. He stated hotels and conference facilities will be permitted in the Mixed Use Office Park and manufacturing or assembly of finished products will be permitted in the Business Park. He said traditional neighborhood uses, such as gas stations, freestanding pharmacies, and conveniences stores are not permitted; however, there are some provisions for retail, subject to size limitations. He stated commercial uses are not permitted in the Business Park. He reviewed access to and circulation on the site, stating a full turning movement will be available at Roosevelt Street and a traffic signal will be installed at that location during the first phase of development. He said a loop road and additional access out to Avondale Boulevard will also be provided during the first phase of construction. He stated additional street improvements to Roosevelt will be made to 111th Avenue and a portion of 111th Avenue will be completed. Mr. Svoboda stated the development standards are consistent with the Specific Area Plan and General Plan as it relates to the frontage of Avondale Boulevard. He stated the PAD will require master site plan approval for a minimum of five acres and the design guidelines associated with the PAD vary as they relate to the commercial portion, mixed use office and business park. He said the developer intends to have cohesive architecture and quality materials and the business park is intended to be high-end.

Mr. Svoboda reported the Planning Commission recommended approval on May 19, subject to 11 stipulations. He said, since that time, staff has worked with the applicant on a number of issues and, as a result, some of the stipulations recommended by the

Planning Commission are no longer needed. He stated Stipulations 10 and 11 can be deleted and Stipulations 1, 2 and 6 can be modified. He said staff also identified a number of additional stipulations necessary to clarify the request. He stated, therefore, staff recommends approval subject to 17 stipulations.

Mr. Svoboda stated the proposed rezoning is consistent with the General Plan and Specific Plan and will result in compatible land use relationships and ensure a level of development that meets City objectives for Avondale Boulevard.

Mayor Drake opened the public hearing and asked for comments. As no comments were received, he closed the public hearing.

Vice Mayor Lynch asked if the 65 foot high sign is high enough, noting previous signs of that height have had to be raised. Mr. Svoboda said they believe 65 feet is adequate given the height of the buildings to be developed, the vertical alignment of the freeway, and the property's location. Vice Mayor Lynch suggested a higher sign would give visitors to the hotel more notice that they need to exit the freeway. Mr. Svoboda said the hotel itself will be quite prominent and, in his opinion, the site will have adequate signage even without a pylon sign. He stated, however, the sign will help identify the property as a whole and provide additional signage for other tenants.

Vice Mayor Lynch asked if the drive-thru coffee shop will attract a lot of transient traffic. Mr. Svoboda said one of their concerns was that they not underutilize the site and encourage a freestanding convenience use. He stated a coffee shop, in relationship to hotels and offices, should receive a lot of pedestrian and vehicular traffic. He noted the conditions require that the coffee shop be an end-cap. He stated, while he cannot guarantee people will not drive across the freeway for coffee, the use is not expected to change the character of the area. He said safeguards can be put in place to ensure congestion issues do not arise.

Vice Mayor Lynch referenced Page 5 of the Permitted and Other Uses, pointing out it states a financial institution will be permitted only if it does not have a drive-thru facility. She said she cannot imagine in today's world a financial institution is going to build and not have a drive-thru. Mr. Svoboda explained the types of uses for the commercial core were a source of great debate and they were intent on not duplicating the situation at Gateway Pavilions where the prime corner is occupied by a bank. He explained in terms of exposure, community visibility and sales tax generation, banks are not considered an optimum use. He said the subject corner is considered to be equally prime and, while they did not want to eliminate the potential of a credit union or small loan office of some type, they do not believe it is a good location for a major financial institution.

Vice Mayor Lynch asked that Pay Day Loan type uses be added to the list of prohibited uses. Mr. Svoboda said, given the nature of the uses, staff most likely would have interpreted the list to include Pay Day Loan uses. He stated, however, he will add the use to the list. Mr. McGuire cautioned against using a specific trade name.

Councilman Carroll stated, while the freeway in that area is raised somewhat, he agrees increasing the height of the sign will give travelers some warning that their exit is approaching. Mr. Svoboda said the height of the sign is left to the discretion of the Council, however, the applicant has requested that the height be set at 65 feet. He stated staff believes the request is reasonable and he would caution the Council against indiscriminately adding a great deal of height to pylon signs along the freeway, both because of the precedence that could be set and the impact it could have on the community. He expressed his opinion there would not be much benefit to be had by increasing the height to 80 or 90 feet. He pointed out signage regarding services and facilities should be provided by ADOT. He explained the hotels they anticipate attracting to the site will be destination facilities and, while he agrees the pylon sign will help identify the development as a whole, he questions the need for extra height. Councilman Carroll asked if Avondale will pay for the signage provided by ADOT. Mr. Svoboda said he would anticipate the developer and ultimate owner of the hotel, rather than the city, would have those conversations with ADOT.

Mayor Drake asked if the Council has established a sign height policy. Mr. Svoboda said, generally speaking, 65 feet is consistent with the city's policy. He stated, given the scale of the development and its location, staff believes 65 feet is appropriate. He confirmed the applicant is aware of and comfortable with the proposed maximum height. Mayor Drake said, given that the city has set a sign height policy and the applicant appears to be in agreement with the proposed maximum height, he does not believe the Council should dictate anything different with regard to the pylon sign.

Council Member Leitner said when the case came before the Planning and Zoning Commission there was some concern about the piece that lies up against the freeway. She asked if anything more has transpired since then. Mr. Svoboda said the only thing that has transpired since the Planning and Zoning Commission hearing is that the applicant's narrative has been amended to specifically address the fact that appropriate access provisions will be made when they come in for the master site plan.

Andrew McGuire, City Attorney, read Ordinance 1115-05, by title only. Vice Mayor Lynch moved to adopt the ordinance. Council Member Leitner seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Earp	Absent
Council Member Rogers	Aye
Council Member Wolf	Aye
Council Member Carroll	Aye
Gail Leitner	Aye
Vice Mayor Lynch	Aye
Mayor Drake	Aye

Motion carried unanimously.

**EXCERPT
CITY COUNCIL MEETING MINUTES
SEPTEMBER 6, 2005**

7) PUBLIC HEARING – ORDINANCE 1140-05 – PAD – SHOPS AT AVONDALE BLVD

Public Hearing and consideration of an ordinance rezoning from AG (Agricultural) to PAD (Planned Area Development) 33.15 acres at the southwest corner of Avondale Boulevard and Interstate 10.

Council Member Leitner recused herself on this item. Mr. McGuire indicated that Council Member Leitner is choosing to recuse herself because of the possible appearance of impropriety rather than a statutory conflict of interest; therefore her vote will be cast as an affirmative vote regardless of the motion made.

Nathan Crane, Planning Manager, explained the subject property was annexed into Avondale in March 2005 and zoned AG upon annexation. He said the property is designated in the City's General Plan and Freeway Corridor Specific Plan as a Freeway Commercial Land Use, which is intended to provide for regional retail office and employment uses. He said the area is also part of the Avondale Boulevard Commercial Corridor. He explained proposed uses are similar to those found in CO (Commercial Office) and C-2 (Community Commercial) Districts, but are modified to be consistent with the vision for Avondale Boulevard. He said the modifications include prohibition of automotive-related uses, check cashing, bondsmen, and pawn shops. He said the conceptual Master Development Plan divides the property into two primary areas, a 24-acre Mixed Use Office Park and a nine-acre retail/restaurant area. He noted the Master Site Plan, encompassing a minimum of 12 acres will be reviewed and approved by City Council prior to development. Mr. Crane explained the development standards are designed to support the goals of the General Plan, Freeway Corridor Specific Plan and Avondale Boulevard concept. He said the increased height allowance will ensure the intense land uses can capitalize on their proximity to and visibility from I-10. He stated the proposal requests an increase in building height of up to 225 feet, which is not consistent with the Freeway Corridor Specific Plan, noting it represents a 50 percent increase in building height and would require a minor amendment to the Freeway Corridor Specific Plan. He pointed out staff included a stipulation limiting the height of the buildings to ten stories, but if a Freeway Corridor Specific Plan amendment is approved by the City Council, the stipulation would allow an increased building height of up to 225 feet. Mr. Crane stated the site design and architectural standards included in the PAD will ensure high quality architecture, noting all buildings will feature four-sided architecture with particular emphasis placed on buildings adjacent to Avondale Boulevard and I-10. He said buildings in the retail/restaurant area will feature a pedestrian friendly design and the design guidelines place particular emphasis on creating a friendly appearance by providing differences in material height and building entries. He explained access to the site will be provided primarily from Avondale Boulevard and has been pre-planned to ensure adequate on and off-site circulation. He stated the first access point will be on Roosevelt Street and will provide east/west circulation. He said the second point of access will be located along the south property line and will also allow for

east/west circulation. He stated two additional access points are proposed along Avondale Boulevard and will allow right-in, right-out movements only. He explained extension of 117th Avenue will provide for north/south circulation. Mr. Crane stated the PAD includes provisions for freestanding and building-mounted signs, with an allowance for additional signage and an increased height and area allowance. He said a comprehensive sign package will be required with the Master Site Plan. He stated the proposal includes a request for a freeway pylon sign and, while the property does not currently qualify for such signs, staff believes the sign is warranted due to the proximity of I-10 and the goals of the General and Freeway Corridor Specific Plans. He noted the applicant has agreed to a height limitation for the signs of 65 feet which is consistent with zoning ordinance standards. He said two freestanding monument signs and two multi-tenant monument signs are proposed adjacent to Avondale Boulevard and building-mounted signage is proposed for all sides of buildings equal to or greater than three-stories in height.

Mr. Crane reported the Planning Commission conducted a public hearing and recommended approval of the case on August 18, subject to 21 stipulations. He said staff believes the PAD is in substantial conformance with the General Plan and Freeway Corridor Specific Plan, that the proposed PAD will result in compatible land use relationships, ensure quality development, and provide a level of development that is consistent with the community's objectives for Avondale Boulevard. He said the applicant has requested several modifications to the stipulations since the Planning Commission meeting, most of which have been included in the staff recommendation. He stated staff has also recommended additional stipulations to clarify requirements related to building heights, signs and the requirement of a traffic study with the Master Site Plan. He said staff recommends approval, subject to the 24 modified stipulations.

Vice Mayor Lynch said the city was initially going to require a 33-acre development site, asking why that was later reduced to 12 acres. Mr. Crane explained the applicant requested the change to allow greater flexibility in planning the site and indicated that staff felt 12-acres was appropriate. He added that the 12 acres could include portions of the retail and mixed use office park.

Vice Mayor Lynch expressed her opinion the height of the freeway pylon signs should be increased to improve their visibility from I-10.

In response to a question from Vice Mayor Lynch, Mr. Crane indicated that a view study has been prepared looking from Crystal Gardens to the Estrella Mountains and explained the results on the slide. Vice Mayor Lynch asked if a view line taken from the vantage point of I-10 showing the proposed project's impact on the Hilton site was available. Mr. Crane responded that it wasn't and confirmed that it is therefore not known what impact the higher site would have on the Hilton site.

Council Member Lopez-Rogers asked about the intent of stipulation 16. Mr. Crane explained the requirement that each letter of the signs be individually mounted is intended to enhance the quality of the signs.

Councilman Carroll asked if any signage will be located on the buildings. Mr. Crane explained that only buildings that are greater than three stories would have signage, lower buildings will not be allowed to have signage, but there will be an opportunity for free-standing signs.

There was a discussion regarding the height of the pylon signs with Councilman Carroll commenting that the inadequate height could lead to accidents as people's attention is redirected from traffic to searching for the signs. Mayor Drake commented that if the freeway is about 30 feet high in that area that only leaves 25-30 feet visible to travelers on I-10 depending on what side of the freeway they are traveling on and indicated that the visible area is reduced even further depending on the height of the vehicles traveling on I-10. Vice Mayor Lynch added that businesses listed towards the bottom of the signs would not be visible at all from I-10.

Mr. McClendon stated staff will look at the city's sign ordinance specifically as it related to signs along the freeway.

Vice Mayor Lynch asked if the applicant in this case, as well as the Hilton Hotel property, would be able to adjust the heights of their signs if the city ultimately modified its sign ordinance. Mr. Crane said everyone within the category would be allowed to increase the height of their signs if the code is subsequently amended to allow higher signs.

Mr. Dustin Jones, representative for Avondale Commercial, introduced members of his team. He said the front nine acres of the site is designated for retail and restaurant uses while the western portion of the site is designated as Mixed Use Office Park. He stated they agree with most of the stipulations recommended by staff and that the proposed Mixed Use Office Park portion of the site is consistent with the area plan for the freeway corridor. He indicated that they understand the city's vision for the corridor and have chosen not to propose any drive-thru fast-food uses. He said the retail and restaurant uses are intended to support the office and hotel uses. Mr. Jones reviewed objectives they attempted to achieve with the development, including a dramatic street presence along Avondale Boulevard. In response to Vice Mayor's earlier question regarding acreage, Mr. Jones indicated that in order to avoid delays, the project will be done in two phases and a master plan will be submitted for the retail and restaurant portion of the site along Avondale Boulevard as well as the hotel site to the south and the office building along the freeway. A separate master plan will be submitted for another potential hotel user at a later time.

Don Mudd of Trammel Crow, gave some statistical data demonstrating how the the office market in Avondale and the Phoenix metro area has changed dramatically over the last three years, and the obvious demand for quality office space. He indicated that currently there is no construction occurring in the core market in the Phoenix metro area and said that this presents a golden opportunity for this development to attract meaningful and credit worthy employers who have not previously considered looking into establishing in the west valley. He noted their office has received numerous calls from prospective tenants asking about the type of office space that will be offered and when the project will be completed. He agreed signage will be an issue, stressing the need to have signage that will be attractive to potential users. He estimated their Class A office building to have a 7-10 percent vacancy rate by mid-2006 and indicated that the traffic counts on I-10 are definitely going to be a selling point.

Mayor Drake pointed out traffic counts on I-10 and the Loop 101 have increased by about 100,000 since the city was pursuing the football stadium six years ago.

Mayor Drake referenced a contentious case the city is currently considering, asking Mr. Mudd what impact he foresees that project having on their site. He said the other project is a retail development and to some degree irrelevant to their use and, while the project will increase traffic count in the area, it is how it will impact this project.

Mr. Jones explained the applicant is requesting that Stipulation 14 be deleted or modified to allow a maximum height for the freeway pylon signs of 80 feet. He said they would also like Stipulation 17 modified to allow signs for buildings that are equal to or greater than three stories with tenant signs permitted only for those tenants greater than 10,000 square feet. He stated the applicant is amenable to the language staff proposed for Stipulation 7 and 9. He expressed concern that Stipulation 12, which prohibits drive-thru windows from facing any streets, will make it impossible to orient potential drive-thru windows. He said, while they understand staff's desire to not have drive-thru windows facing Avondale Boulevard, they are asking that the words "or any streets" be deleted from staff's recommended language for Stipulation 12.

Mayor Drake opened the meeting up for public comment.

Vice Mayor Lynch expressed her opinion drive-thru windows belong behind buildings, not along a street.

Vice Mayor Lynch asked if the applicant is requesting tenant signs on all sides of the buildings for tenants over 10,000 square feet. Mr. Jones said they will come back to Council with a comprehensive sign package outlining where the signs will be located on the buildings. He explained the modification to Stipulation 17 will allow them to place signs on the building as long as the tenant is larger than 10,000 square feet. Vice Mayor Lynch agreed with the applicant's recommended modification to Stipulation 17, stating Avondale needs to recognize what large corporations want in order to have them locate in the city.

Vice Mayor Lynch said she supports the modifications staff has made to the remaining stipulations.

Councilman Carroll expressed his displeasure with the aesthetic qualities of the hotel, suggesting it be made to look more like the other buildings. Mr. Jones took note of Councilman Carroll's comments.

Council Member Wolf suggested that a more innovative design be prepared for the hotel and added that the high quality appearance of the office building will make the hotel pale in comparison.

Council Member Wolf agreed staff should work with the applicant on Stipulation 12. He said he has no problem rewording Stipulation 14 as proposed by the applicant. He noted the building where his office is located allows building mounted signs for tenants greater than 10,000 square feet, stating the building is beautiful and that the signs don't get in the way.

Council Member Wolf asked for a clarification of the language for Stipulation 9. Mr. Crane said the purpose of the stipulation is to provide staff and the applicant with flexibility at the time of Master Site Plan approval to determine right-of-way width for dedication. He indicated the stipulation will read “shall be dedicated as determined at the time of the master site approval”.

Council Member Earp agreed Stipulation 12 should be modified so as not to prohibit all drive-thru windows. He also agreed Stipulation 14 should be deleted and that Stipulation 17 should permit users greater than 10,000 square feet to have building-mounted signage.

Andrew McGuire, City Attorney suggested Council delete Stipulation 14 which will allow the applicant to increase the height of the sign if the city ultimately modifies the sign ordinance to allow freeway pylon signs of greater height. Mr. Jones clarified their request is for the height to be capped at 80 feet. He asked that the stipulation be modified to indicate the applicant’s ability to deviate from the current zoning ordinance. Mr. McGuire said the most prudent way to proceed would be to leave it at 80 feet in the PAD which can be amended at the time the comprehensive sign package is considered by Council. Mr. Crane said that while staff will support Council’s decision should they decide to increase the sign height to 80 feet, he feels strongly the issue should be addressed on a citywide basis.

Vice Mayor Lynch directed staff to make sure that when the sign package is received they address Council’s concerns, namely the height of the freeway and the type and size of vehicles traveling on I-10 relative to the height of the signs. She emphasized that this should be addressed very soon so as to ensure that the City offers what the corporations are looking for and attracts them to locate in Avondale. She indicated that we should not limit ourselves with respect to height of signs or buildings, but rather be flexible and offer what the tenants want. She agreed that at this point the height should be left at 80 feet and look at it again with the sign package. Mr. McGuire said staff will return with a staff initiated sign ordinance amendment.

Council Member Earp asked how Stipulation 12 should be modified to accommodate the applicant’s request. Mr. McGuire suggested they simply remove the words “or any street”.

Council Member Wolf asked if staff finds the proposed change to Stipulation 12 acceptable. Mr. Crane said staff feels the drive-thru's can be addressed through site plan review and recommends the stipulation remain as it is currently worded. He indicated that flexibility still remains.

Vice Mayor Lynch clarified the stipulation simply restricts drive-thru’s on the street, stating they can still be accommodated on the site.

Mayor Drake asked staff to work with the applicant on the design of the Cambria Suites building, describing its current design as being similar to a 1940’s dorm building.

Mr. Jones expressed concern that leaving Stipulation 12 worded as it is will essentially eliminate their ability to locate a drive-thru on the property. Mayor Drake disagreed, stating staff has indicated a willingness to work with the applicant to identify appropriate locations.

Mr. McGuire summarized, stating Stipulations 7, 9, and 12 will remain as recommended by staff, Stipulation 14 will be deleted, and Stipulation 17 will be modified as presented in the staff memo dated September 6, 2005.

Council Member Wolf questioned whether Stipulation 12 accurately reflects the city's intent. He said the city is actually worried about having a drive-thru sitting directly on a street. He suggested the stipulation be reworded to say a drive-thru shall not be located adjacent to Avondale Boulevard or any street. Mr. McGuire expressed his opinion that loosening the language any further would diminish the city's ability to grant flexibility during site plan review.

Councilman Carroll pointed out ATM drive-thru's have moved further toward the street to offer customers a greater margin of safety. He urged staff to keep the safety of citizens in mind when determining the appropriate location for certain types of drive-thru facilities.

Mayor Drake asked if fast-food restaurants will be permitted. Mr. Crane responded no.

Mayor Drake closed the public hearing.

Andrew McGuire, City Attorney, read Ordinance 1140-05 by title only. Vice Mayor Lynch moved to adopt the Ordinance, subject to the stipulations recommended by staff except deleting Stipulation 14 and modifying Stipulation 17 as defined by the applicant. Council Member Wolf seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Earp	Aye
Council Member Rogers	Aye
Council Member Wolf	Aye
Council Member Carroll	Aye
Council Member Leitner	Aye
Vice Mayor Lynch	Aye
Mayor Drake	Aye

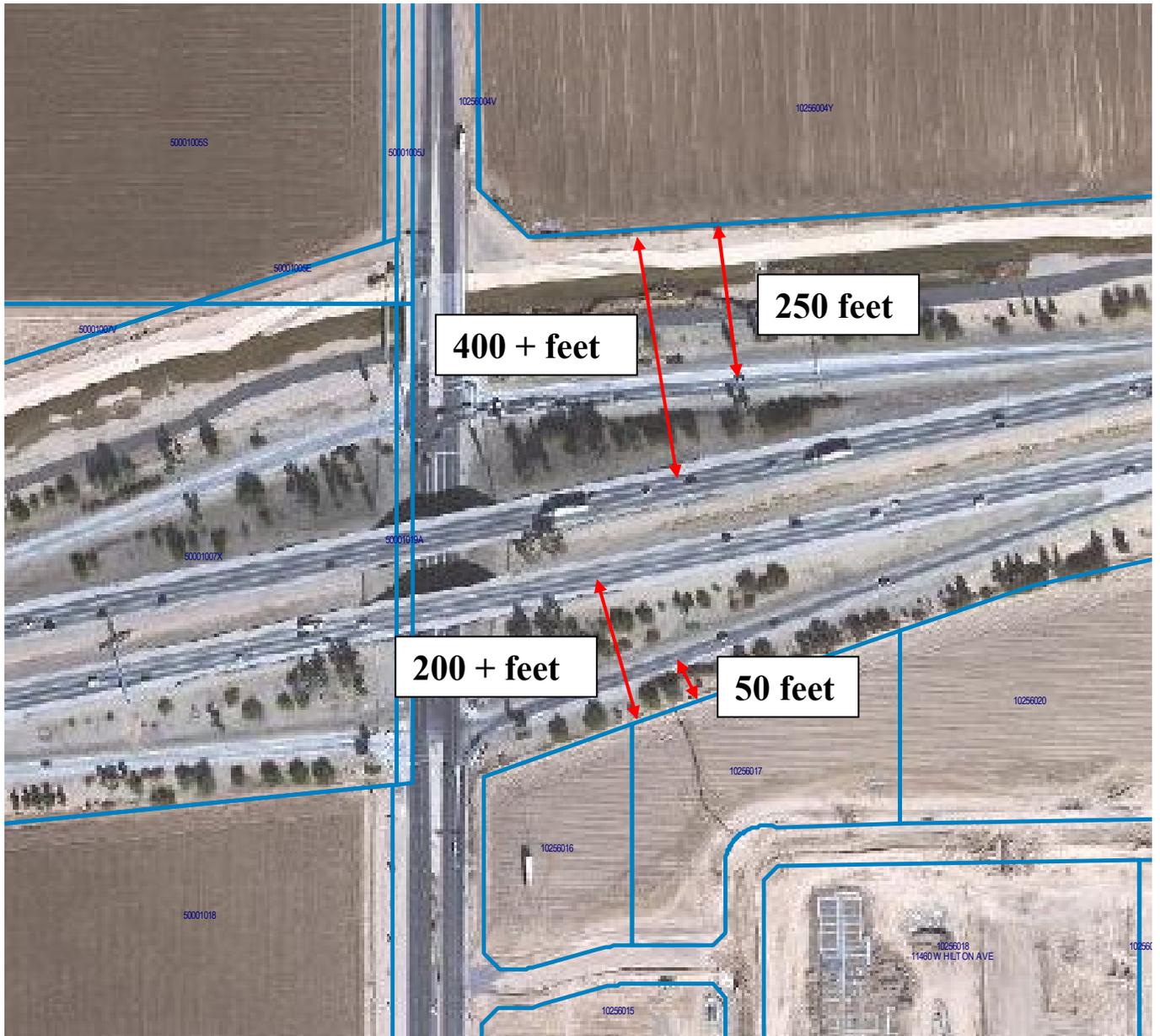
Motion carried unanimously.



**EXISTING / APPROVED
FREEWAY CORRIDOR PYLON SIGNS**

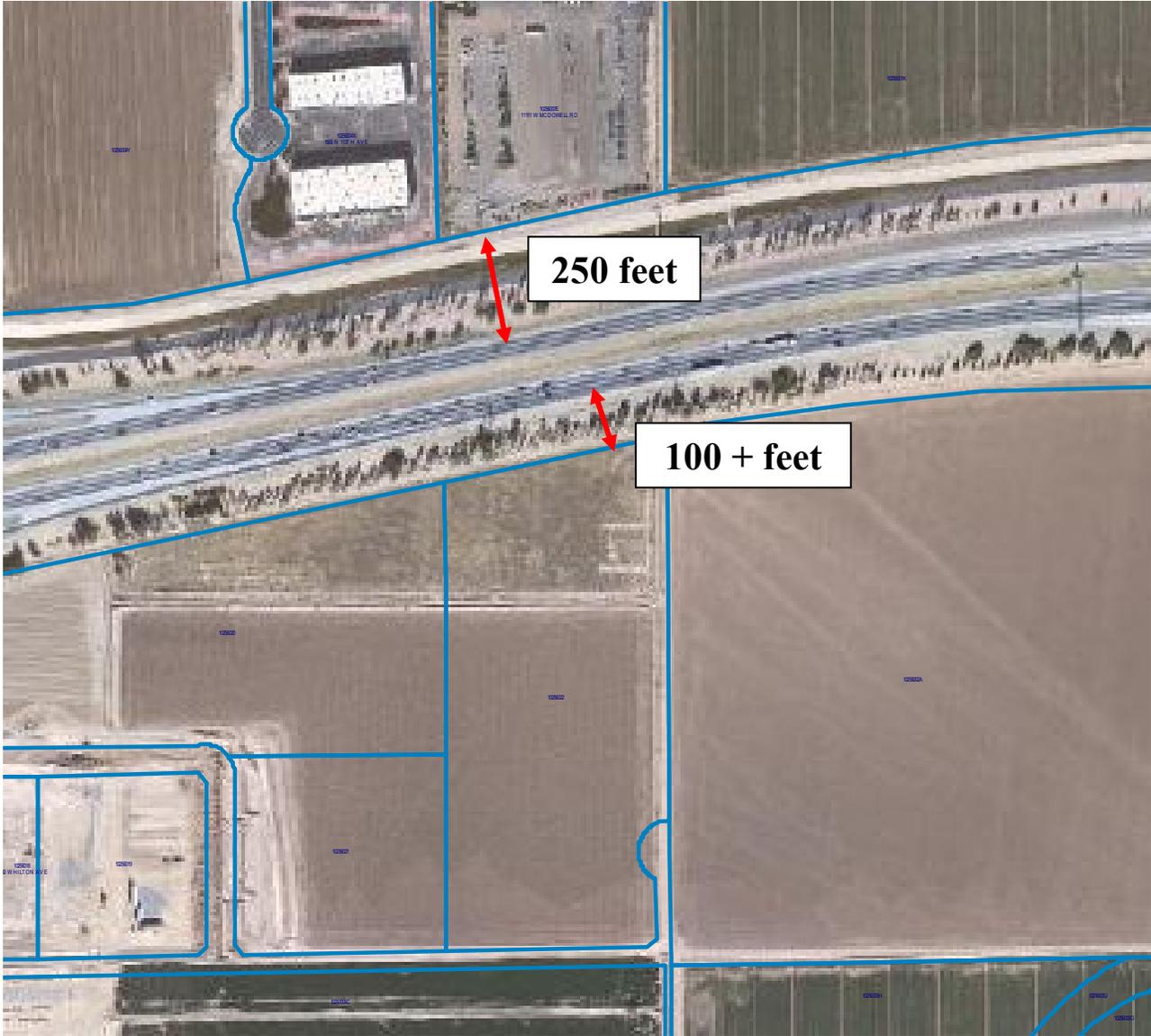
Location	Development	Zoning	Height	Approved	Existing
A	Coldwater Plaza	C-2	78 ft.	1	1
B	Palmilla Center	C-2	65 ft.	2	2
C	Summit at Avondale	PAD	80 ft.	1	0
D	Avondale Gateway	PAD	65 ft.	1	0
E	West 10 Corporate Center	PAD	65 ft.	2	0
F	Gateway Pavilions	PAD	70 ft.	3	2
G	Gateway Crossing	PAD	70 ft.	2	2
H	Avondale Auto Mall	PAD	75 ft.	2	1
I	Williams Travel Center	PAD	79 ft.	1	1

Note: (?) indicates potential future locations.

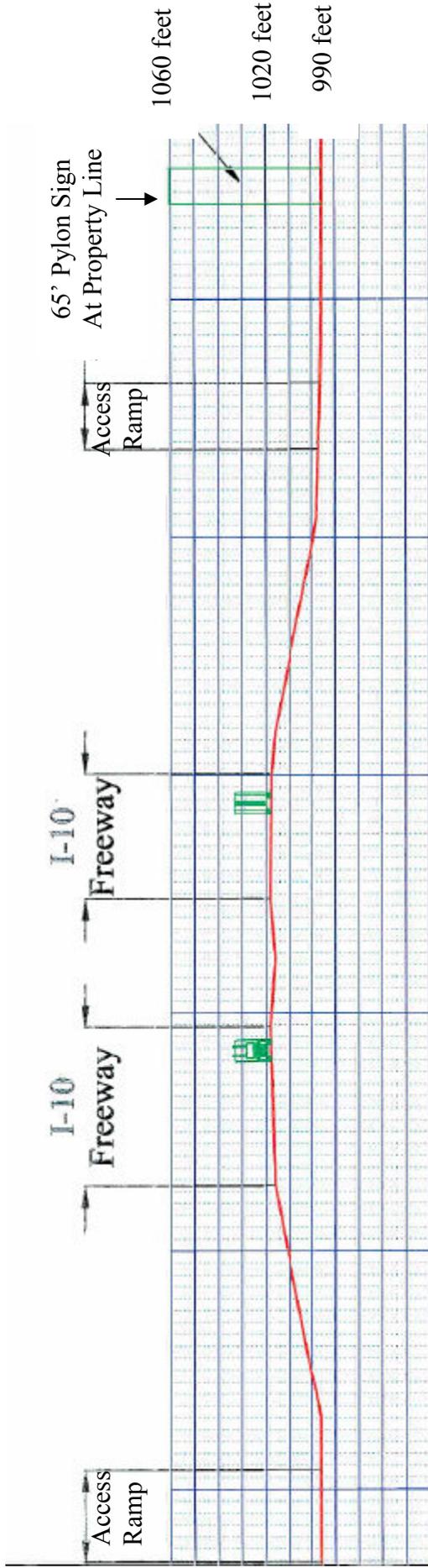


DISTANCE FROM NEAREST FREEWAY TRAVEL LANE TO PRIVATE PROPERTY

I-10 AND AVONDALE BOULEVARD

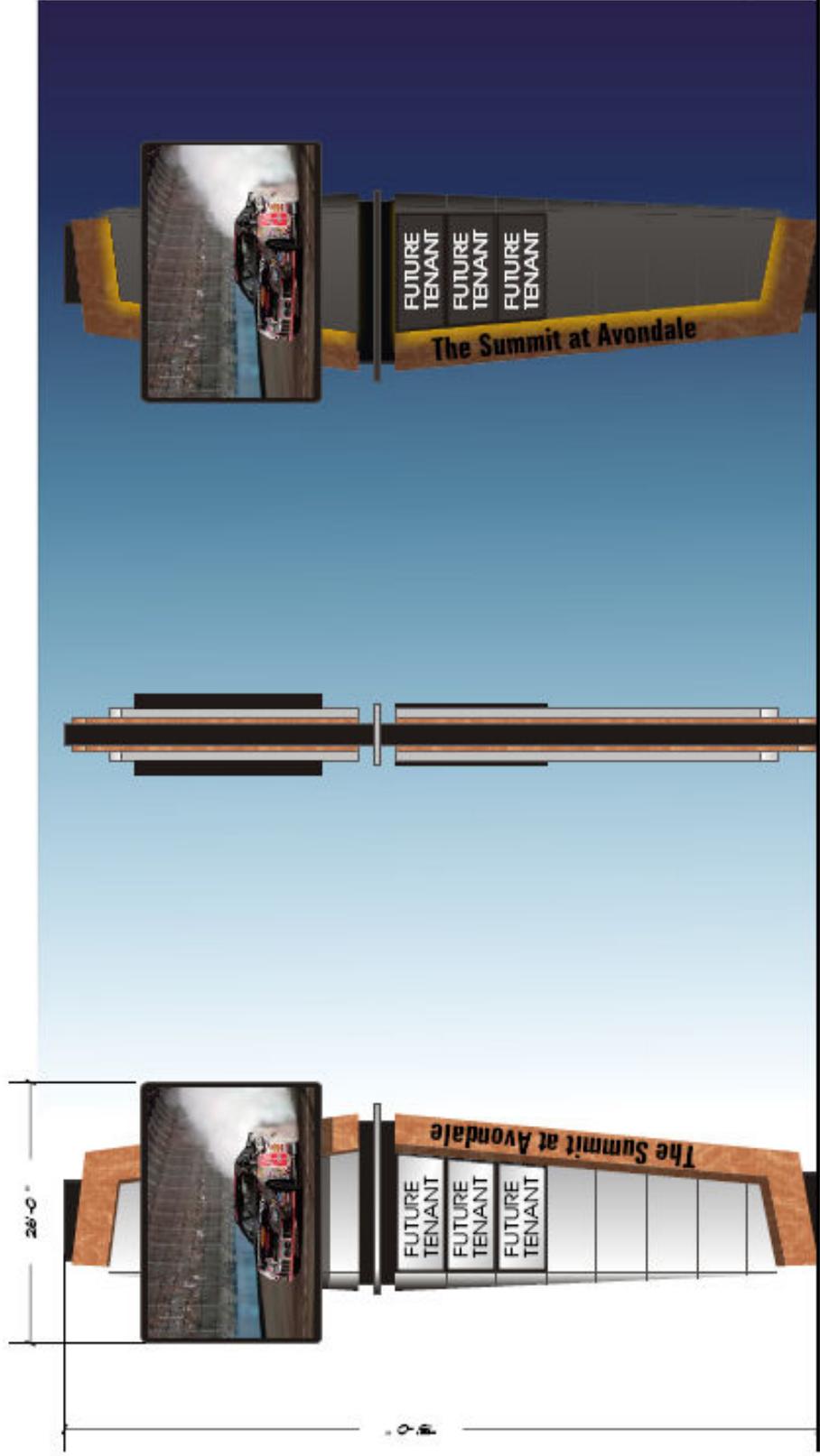


DISTANCE FROM FREEWAY TO PRIVATE PROPERTY
NEAR 111TH AVENUE



**FREWAY CROSS SECTION AT AVONDALE BOULEVARD
(LOOKING EAST)**

EXHIBIT C



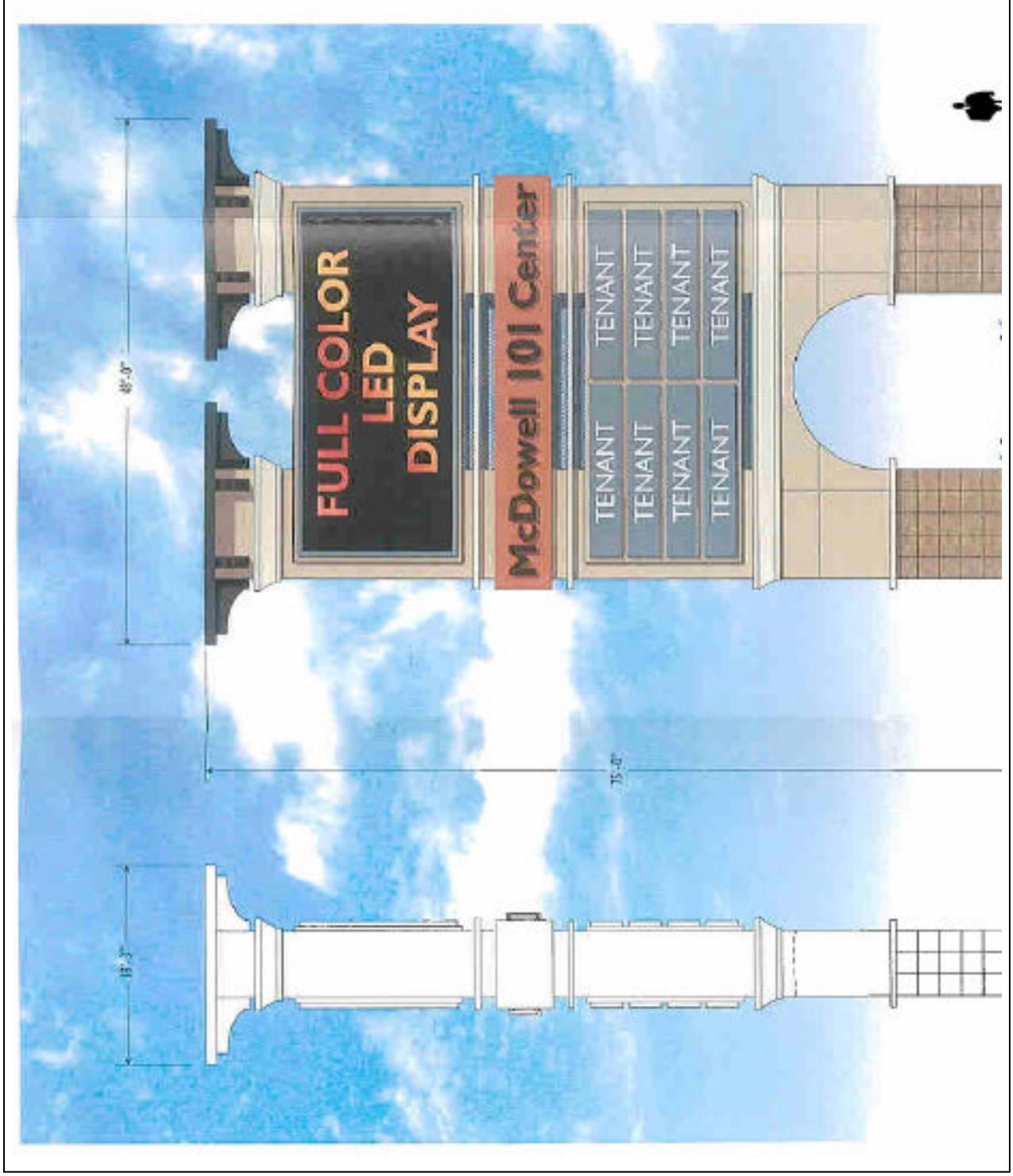
OBVERSE W/ NIGHT SHOT

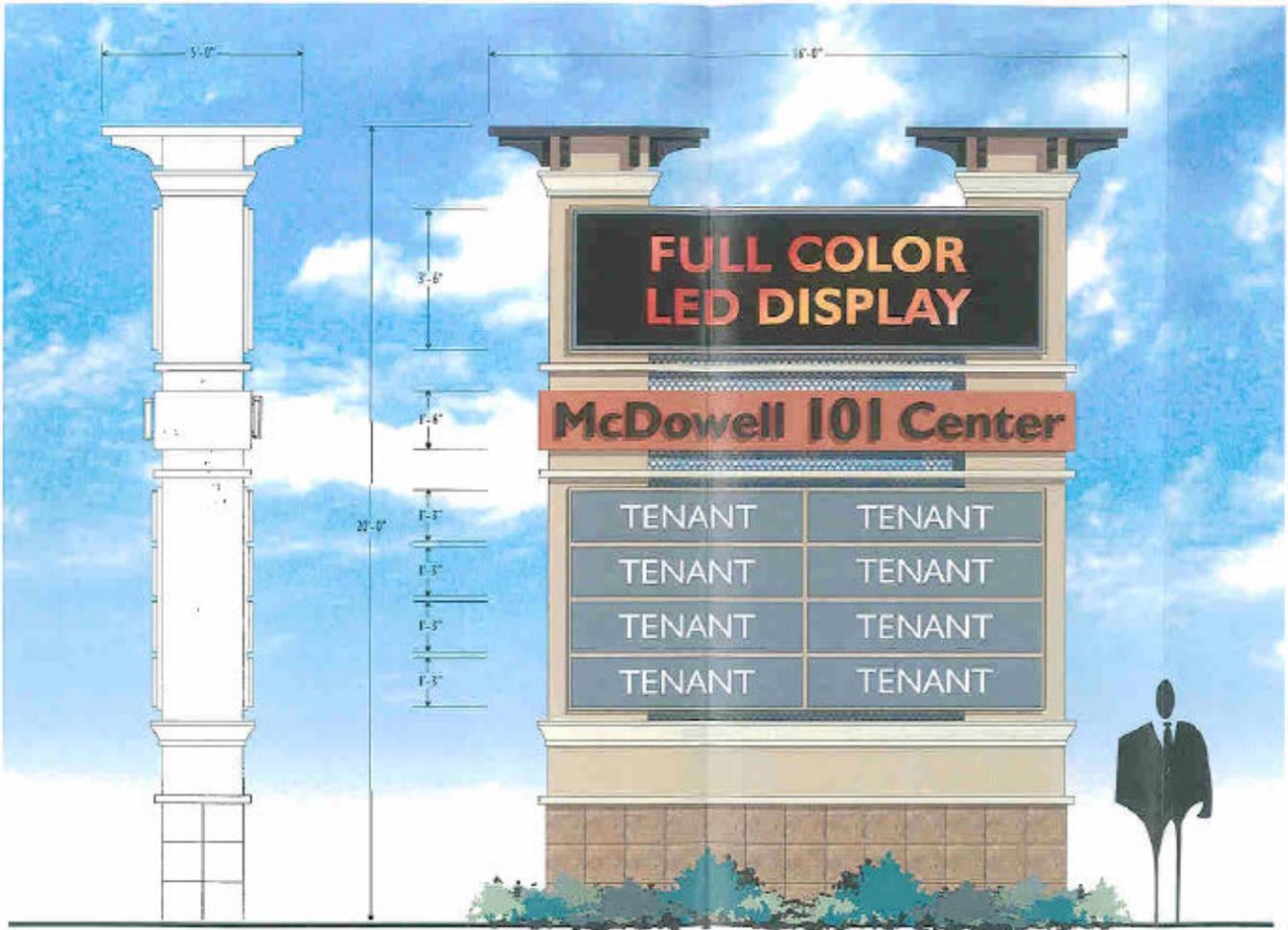
INTERNAL ILLUMINATED D/F PYLON DISPLAY

SCALE: 3/32" = 1' - 0"

YESCO TO MANUFACTURE AND INSTALL ONE (1) INTERNAL ILLUMINATED D/F PYLON DISPLAY. 25mm FULL COLOR LED, AND ACCENT HALO.







**PROPOSED
MULTI-TENANT MONUMENT SIGN**

**EXCERPTS
CITY OF AVONDALE ZONING ORDINANCE
“FREEWAY PYLON SIGNS”**

Section 9.08 Definitions

“Freeway Commercial Corridor” shall mean those areas located within Commercial and PAD Districts, which abut the right-of-way of Interstate 10 and extend to a depth of up to one thousand (1,000) feet.

Section 909 Signs Allowed With Permit

D. Special Purpose Signs

1. Commercial centers.

- a. A commercial center whose land area is a minimum of thirty (30) acres and whose property line is within one (1) mile of Interstate 10, and within one-quarter (1/4) mile of a road of regional significance (Dysart Road and 99th Avenue) shall be permitted one (1) free standing double sided, monument type sign per arterial street, identifying the name of the center and the individual tenants, subject to the following restrictions:

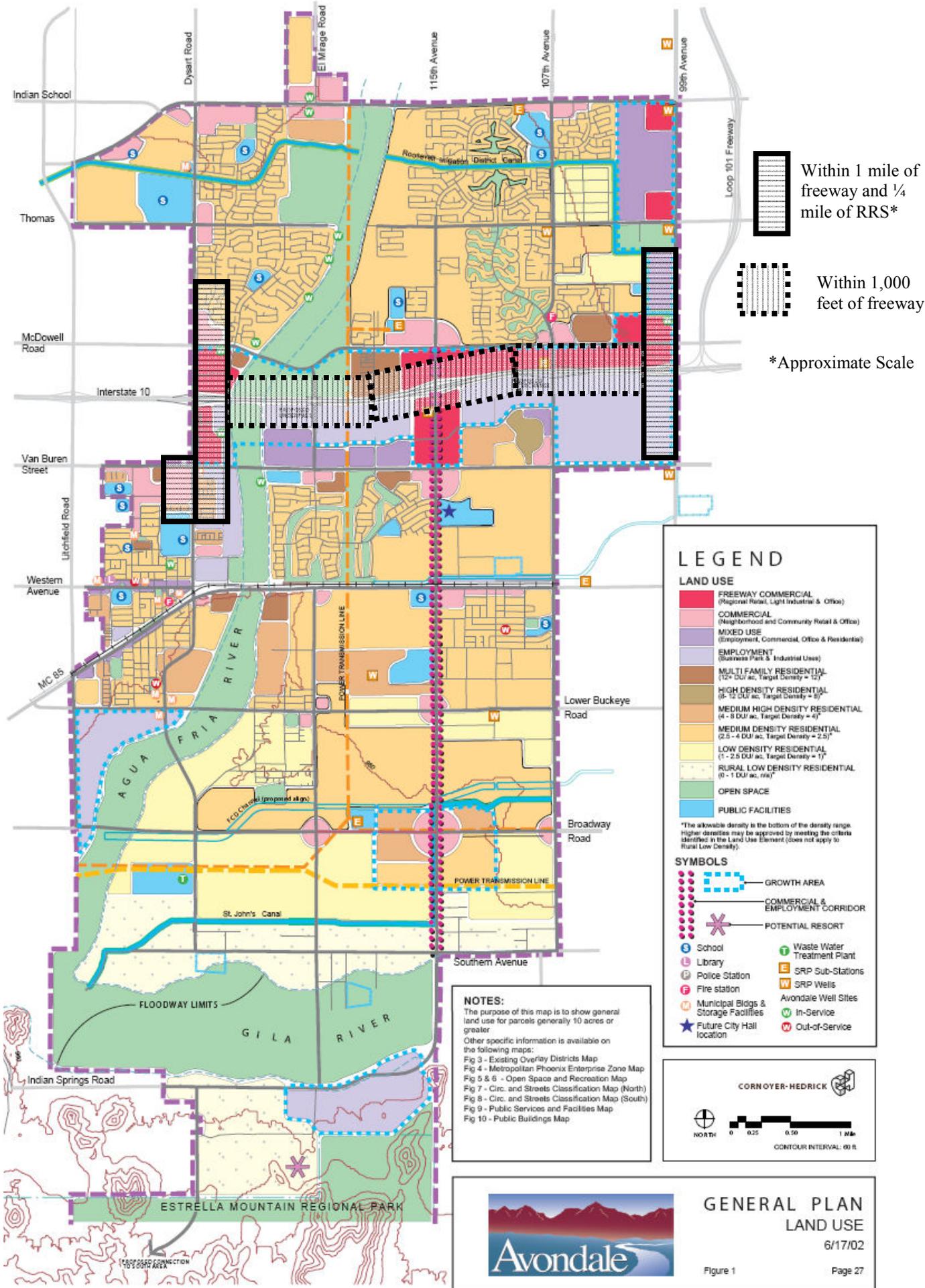
- (1) The ratio of height to width shall not exceed 2.8:1, with a maximum overall height of sixty-five (65) feet, and a maximum overall width of twenty-three (23) feet.
- (2) The total signage area, per face, shall not exceed forty-five (45) percent of the gross sign area.
- (3) The sign must be designed and constructed in architectural conformity with the overall design of the commercial center.
- (4) At the base of the freestanding sign, a landscape area must be provided, extending to a minimum of four (4) feet beyond the perimeter section of the sign structure at its widest point.

3. For commercial centers and planned area developments located within the freeway commercial corridor, supplemental to the provisions of subsection 909.C.1. of this ordinance, the following are permitted:

- a. For commercial centers whose land area is a minimum of forty (40) acres, one free standing double sided, monument type, freeway facing sign,

identifying the name of the center and the individual tenants, subject to the following restrictions:

- (1) The ratio of height to width shall not exceed 2.8:1, with a maximum overall height of sixty-five (65) feet, and a maximum overall width of twenty-three (23) feet.
 - (2) The total signage area, per face, shall not exceed forty-five (45) percent of the gross sign area.
 - (3) The sign must be designed and constructed in architectural conformity with the overall design of the commercial center.
 - (4) At the base of the freestanding sign, a landscaped area must be provided, extending to a minimum of four feet beyond the perimeter section of the sign structure at its widest point.
- c. Within a commercial center whose land area exceeds forty (40) acres, the Council may grant an increase of up to twenty (20) percent in the allowable signage heights, areas and ratios, subject to the following restrictions:
- (1) Any increase shall be considered on a case-by-case basis as part of a proposal for all signage for the entire commercial center.
 - (2) Such increase shall not violate the purpose and intent of this ordinance.



**EXCERPT
CITY COUNCIL MEETING MINUTES
MAY 7, 2007**

10) PUBLIC HEARING AND ORDINANCE 1257-507 – VARIABLE MESSAGE SIGNS (TA-07-02)

Dean Svoboda, Long Range Planning Director, stated this amendment is a Council initiative to accommodate variable message signs for a very select number of land uses that were non-commercial in nature. Mr. Svoboda showed Council slides of types of message signs and stated the proposal would amend the Sign Ordinance by deleting and adding some definitions and then further defining types of message signs, and it would deal with Special Purpose Signs. He stated the amendment would allow certain uses such as churches and similar places of worship, military veteran and fraternal organization halls, and municipal uses, and they would be allowed to use up to 50 percent of their freestanding identification signs for a variable message sign. Mr. Svoboda outlined other uses allowed, in that addition to normal freestanding identification signs parties can have a second variable message sign at elementary and secondary schools and colleges, the Avondale Civic Center, and at community level parks. A third type of selected uses Mr. Svoboda covered is a variable message sign on a wall or marquee of a building that would apply to motion picture theaters and performing arts theaters. Mr. Svoboda stated a gas station that is part of a planned development where they are not permitted to have their own freestanding identification sign, the proposal would allow them to have a separate freestanding fuel price sign up to 16 square feet. He stated a gas station that is not part of a planned development where they would be permitted to use up to 50 percent of the sign area for their freestanding sign or a maximum of 24 square feet, whichever is less, for their fuel price sign. Mr. Svoboda stated additional regulations were being proposed, to include a variable message sign cannot be incorporated as part of a multi-tenant sign; replaceable lettering must have a secured, clear plastic or lexan cover; electronic signs must have static displays; and the static display interval must be a minimum of 15 seconds. Mr. Svoboda stated the Planning Commission saw the application and recommended approval by a vote of 5-2. He stated Staff recommends approval, and because this is an ordinance amendment, a public hearing would need to be conducted. Mr. Svoboda summarized, stating Council needed to make two policy decisions: One, does Council wish to allow the limited use of variable message signs for the types of uses proposed. He clarified that with the exception of fuels price signs and theaters, these were non-commercial uses. Two, he stated the second policy decision had to do with the electronic changes that can occur with electronic messaging, and Staff recommends that to minimize the clutter on the streets and avoid distractions for traffic, that the interval be imperceptible. Mr. Svoboda stated a representative from the American Legion was present in the audience this evening, as the American Legion had brought this issue to Council's attention initially.

Mayor Lopez-Rogers opened the item for public hearing.

Ron Crowan, 13396 W. Virginia Ave., Goodyear, AZ, stated he represented Post 61, American Legion, and that in 2003 the American Legion had requested to have a sign out

EXHIBIT H

front to advertise free Thanksgiving dinner, open to the public, and bingo, as the newspaper does not bring the people in like a sign out front does.

Mr. Svoboda stated that attached to Council's report is a summary of the various regulations that other cities have and that the types of restrictions on variable message signs differ from community to community based on community values and needs and based on when the ordinance was written. He explained to Council that because of the rapid changes in technology that have occurred, most of the ordinances do not do a very good job of addressing electronic variable message signs, so it would be unusual to find a hard definition of a static display. He stated staff has simplified it to a basic policy decision uniformly across the board that either everything is static or uniformly across the board it can move. He stated if it is Council's desire to have the ability to have moving signs, Staff could suggest an interval or standards for that, but to be consistent with the traditions of the sign ordinances, which is to minimize distractions and not encourage people to try to read something that is changing as they go by, Staff felt it was in the best interest of the community to have a static display. Mr. Svoboda stated there were other variable message signs in town from grandfathered rights, but they were not all that prevalent.

Mayor Lopez-Rogers asked for further comments and questions, and there being none, closed the public hearing and asked that the ordinance be read.

City Attorney, Andrew McGuire, read Ordinance 1257-507 – Variable Message Signs (TA-07-02) by title only. Council Member Scott moved to accept the Ordinance as presented. Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Earp	Aye
Council Member Scott	Aye
Council Member Buster	Aye
Mayor Lopez-Rogers	Aye
Vice Mayor Wolf	Aye
Council Member Lynch	Nay
Council Member Weise	Aye

Motion carried 6 to 1.

ORDINANCE NO. 1257-507

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE CITY OF AVONDALE ZONING ORDINANCE, SECTION 9, SIGNS, SECTION 908, DEFINITIONS, AND SECTION 909, SIGNS ALLOWED WITH PERMIT, AS SHOWN IN FILE NAME TA-07-02, RELATING TO VARIABLE MESSAGE SIGNS.

WHEREAS, all due and proper notices of public hearings on this Ordinance held before the City of Avondale Planning and Zoning Commission (the "Commission") and the Council of the City of Avondale (the "City Council") were given in the time, form, substance and manner provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-462.04, the Commission held a public hearing on this Ordinance on April 19, 2007; and

WHEREAS, the Commission recommended to the City Council that this Ordinance be approved; and

WHEREAS, the City Council held a public hearing on this Ordinance on May 7, 2007.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That the City of Avondale Zoning Ordinance, Section 908, Definitions, is hereby amended by (i) deleting the definitions for "Change Panel Sign" and "Reader Board" and (ii) adding the following new definitions:

"Variable Message Sign" shall mean a sign or portion of a sign designed to allow the immediate and frequent change of copy by manual, mechanical, or electronic means.

"Fuel Price Sign" shall mean a variable message sign used by commercial vehicle fueling stations to identify the type, grade, and price of fuel being sold.

"Theater Sign" shall mean a variable message sign used by motion picture and performing arts theaters to announce current attractions, show times and on-site events.

"Time and Temperature Sign" shall mean a variable message sign used to display the current time and air temperature.

SECTION 2. That the City of Avondale Zoning Ordinance, Section 909, Signs Permitted With A Permit, Subsection 909 (D), Special Purpose Signs, is hereby amended by adding a new subsection 5 as follows:

5. Variable Message Signs.
 - a. General.
 - i. Variable message signs are prohibited unless specifically authorized by this section. This includes time and temperature signs.
 - ii. A variable message sign shall not be included in any multi-tenant freestanding sign.
 - iii. Any sign using plastic zip track or other method of replaceable lettering shall have a secured, clear plastic or lexan cover.
 - iv. All variable message signs shall have static displays. Video screens, animation and special effects such as traveling, scrolling, fading, dissolving and bursting shall not be permitted.
 - v. Static message displays shall not be changed more than once every fifteen (15) seconds.
 - b. Churches and Similar Places of Worship. Up to fifty percent (50%) of the sign area of an allowed freestanding identification sign may be used for a variable message sign.
 - c. Elementary and Secondary Schools and College Campuses.
 - i. One (1) freestanding variable message sign shall be permitted in addition to any allowed freestanding identification signs.
 - ii. The maximum sign area shall be thirty-two (32) square feet.
 - iii. The maximum sign height shall be fourteen (14) feet.
 - d. Military Veteran and Fraternal Organization Halls. Up to fifty percent (50%) of the sign area of an allowed freestanding identification sign may be used for a variable message sign.
 - e. Motion Picture and Performing Arts Theater.
 - i. One (1) theater sign may be located on the wall or marquee of the building.

EXHIBIT I

- ii. The sign shall not exceed seventy-five (75) square feet or the maximum allowed wall sign area, whichever is less.
- f. Municipal Uses.
 - i. Up to fifty percent (50%) of the sign area of an allowed freestanding identification sign may be used for a variable message sign.
 - ii. One freestanding variable message sign shall be permitted at the Civic Center and each community park, subject to City Council approval.
- g. Vehicle Fueling Stations.
 - i. Vehicle fueling stations on independent parcels may use up to fifty percent (50%) of the allowed freestanding identification sign area or twenty four (24) square feet, whichever is less, for a fuel price sign.
 - ii. Vehicle fueling stations that are part of a shopping center or other planned development where businesses are not permitted to have individual freestanding identification signs shall be allowed one (1) freestanding fuel price sign on each adjacent street frontage, subject to the following:
 - 1. The maximum sign area shall be sixteen (16) square feet.
 - 2. The maximum sign height shall be six (6) feet.

SECTION 3. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 4. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

EXHIBIT I

PASSED AND ADOPTED by the Council of the City of Avondale, May 7, 2007.

Marie Lopez-Rogers, Mayor

ATTEST:

Linda M. Farris, City Clerk

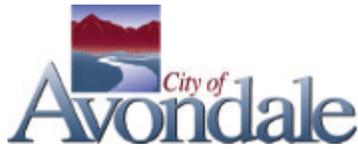
APPROVED:

Andrew J. McGuire, City Attorney

**COMPARISON OF OTHER VALLEY CITIES
FREEWAY PYLON SIGN REGULATIONS**

City	Maximum Number of Signs per Parcel	Minimum Parcel Size	Minimum Freeway Frontage	Minimum Distance Between Signs	Maximum Height	Variable Message Signs Permitted	Notes
Avondale	1	40 acres	NA	NA	65 ft.*	No	* 78 feet on a case by case basis
Chandler	1 sign per 300 ft. (max. 2)	NA	NA	300 ft. (on parcel)	14 ft.*	Yes	* 70 feet with PAD sign package approval
Gilbert	1 sign per 400 ft.	15 acres	NA	NA	60 ft.*	Yes	* 60 feet or 30 feet above grade of closest freeway lane whichever is greater
Glendale	*	*	*	*	*	No	* Ordinance does not address freeway pylon signs
Goodyear	1	30 acres	300 ft.	½ mile	80 ft.	Yes	* City Council may vary standards on case by case basis
Peoria	3	NA	1,320 ft.	200 ft. (on parcel)	45 ft.	Yes	
Phoenix	???	NA	Not Specified	100 ft. (on parcel)	35 ft.*	Yes	*48 feet subject to design review approval
Mesa	NA	30 acres	NA	1,320 ft.	Computer Simulation Required	Yes**	* No greater than necessary for drivers on both sides of freeway to view sign and safely exit. ** Electronic message displays not including video, scrolling, traveling, etc.
Tempe	???	NA	1,000 ft. min.	300 ft. (on parcel)	35 ft.	Yes	
Scottsdale	*	*	*	*	*	*	*Ordinance does not address freeway pylon signs

*Note: Maximum sign area and other sign dimensions not included.



CITY COUNCIL REPORT

SUBJECT:
2008 League of Arizona Cities & Towns Proposed
Resolutions

MEETING DATE:
August 13, 2007

TO: Mayor and Council
FROM: Shirley Gunther
THROUGH: Charlie McClendon, City Manager

PURPOSE:

To seek direction from the Mayor and Council on the twenty-five proposed League Resolutions to be voted on at the August 28, 2007 League of Arizona Cities and Towns Resolutions Committee meeting.

BACKGROUND:

Each year, the League of Arizona Cities and Towns requests draft resolutions from all municipalities for discussion by the League Resolutions Committee at the League's Annual Conference. Earlier this year, the Council agreed to be the Primary sponsor on three resolutions and the co-sponsors on two.

Mayor Lopez Rogers has appointed Council Member Lynch to serve on the Committee as Avondale's representative. The annual League Conference will be held August 28 - 31, 2007.

Resolutions approved by the Resolutions Committee will become both part of the League's Municipal Policy and draft legislation to be introduced during the upcoming legislative session.

DISCUSSION:

The League Resolution's sub-committee met on August 2, 2007 to prioritize the twenty-five issues for the purpose of making recommendations to the full Resolutions Committee. The members identified four categories in which to group the Resolutions. The following categories and priorities are *recommendations* to the full Committee and can be changed in during the Resolutions process.

Consent

- Resolution 3: Continue Small Town Revenue Appropriation
- Resolution 6: Allow Requests for Process Ranges on Fees in RFQ
- Resolution 9: Protect State Shared Revenues from Tax Cuts
- Resolution 11: Maintain Heritage Funding Levels
- Resolution 16: Support Initiative to Exempt Municipalities from STL Auctions for Public Rights of Way
- Resolution 21: Allow Code Enforcement Employees to Issue Citations
- Resolution 22: Support Funding for the State Telecom. Revolving Fund
- Resolution 22: Allow Local Governments to Create Development Rights Transfer Programs

Critical Issues

- Resolution 2: Encourage Economic Development Incentives
- Resolution 5: Increase Municipal Input on Liquor Licenses
- Resolution 18: Withhold Critical Infrastructure Information/ Public Utility Mapping (Federal Issue)

Amend Discuss

- Resolution 1: Obtain Funding for Air Quality

Resolution 13: Consider Impacts on rural areas in Transportation Fund Decisions
Resolution 19: Support funding for commuter rail
Resolution 24: Support Increased Transportation Funding
(Resolutions 13, 19 & 24 will be combined into one)

Not Recommended

Resolution 4: Mandate Native Plan Standards (Best Practices)
Resolution 7: Approve Private utilities in Unincorporated Areas (Federal Issue)
Resolution 10: Regulate Pseudoephedrine Sales Statewide
Resolution 12: Preserve and Protect the CDGB Program (Federal Issue)
Resolution 14: Allow Local Watershed Decision Making
Resolution 15: Support Funding for Water Quality
Resolution 17: Encourage Cooperation between Counties and Municipalities
Resolution 20: Exempt Courts From Weapon Storage Laws
Resolution 23: Establish the State as the P.I.L.T. Pass through Entity

BUDGETARY IMPACT:

None.

RECOMENDATION:

None.

ATTACHMENTS:

Click to download

 [2008 Proposed Resolutions for Consideration](#)

2008 RESOLUTIONS
OF THE
LEAGUE OF ARIZONA CITIES AND TOWNS

RESOLUTIONS FOR CONSIDERATION
BY THE
LEAGUE RESOLUTIONS COMMITTEE

on

August 28, 2007

(The following resolutions were received by July 2, 2007 for consideration by the League Resolutions Committee.)

RESOLUTION #1

Arizona State Legislature provide funding to Nonattainment Area A for paving dirt roads, shoulders and alleys and provide a funding source to local governments for the enforcement of non permitted sources, such as unpaved parking and unpaved vehicle staging areas, unpaved roads, unpaved shoulders, vacant lots and open areas. The legislature would also provide funding to Maricopa County for additional inspectors for the enforcement of county Rule 310.

Submitted by:

City of El Mirage, City of Goodyear, City of Surprise, City of Avondale, City of Peoria, Town of Buckeye

A. Purpose and Effect of Resolution

The Phoenix nonattainment area continues to violate the 24 hour PM-10 standards during both windblown and stagnant conditions. On March 23, 2007, EPA proposed to find that the area failed to attain the PM-10 standard by the required attainment date of December 31, 2006. Maricopa Association of Governments (MAG) is working with the Arizona Department of Environmental Quality (ADEQ) and the Maricopa County Air Quality Department (MCADQ) to develop a new PM-10 plan (the 5% plan) for submittal to EPA by December of 2007. All Cities in the Phoenix nonattainment area are working on measures to reduce PM-10 particulate matter and participate in the new PM-10 plan. Measure 53 was approved by the MAG Regional Council on May 23, 2007. This measure requests the Arizona State Legislature to provide funding that is necessary for cities and towns to implement and enforce measures 21, 22, 31,32,35,38 and 39.

B. Relevance to Municipal Policy

The measures 21,22, 31,32,35,38 and 39 rely heavily on the cities and towns aggressively paving dirt roads, shoulder and alleys as well as the enforcement of non permitted sources in the nonattainment area. The support of the legislature for funding for these measures and funding additional inspectors to Maricopa County for the enforcement of rule 310 is needed to meet the new PM-10 plan. The emissions reduction goal for the new plan is five percent each year until the standard is met plus five percent as a contingency, for a total of 13,782 tons.

C. Fiscal Impact to Cities and Towns

Each city and town is demonstrating the fiscal impact through resolution of the measures that their council has agreed to commit to in addressing the reduction of PM-10 within the nonattainment area.

D. Fiscal Impact to the State

The transportation infrastructure in the Nonattainment Area A (Maricopa County) is the backbone for commerce in the State of Arizona. With out the state providing the funding resources to MAG, Cities and Towns and Maricopa County to implement PM-10 measures and rule 310, the Phoenix nonattainment area has the potential of loosing over 6 billion dollars in Federal transportation dollar as well as all the transportation projects will come to a halt until the EPA evaluates and creates a plan for the nonattainment area.

E. Contact Information

Name: Pat Dennis
Phone: (623) 867-2942

Title: Intergovernmental Affairs Administrator
Email: pdennis@cityofelmirage.org

RESOLUTION #2

Recommend the State of Arizona identify, fund and implement economic development programs to provide support to Arizona communities to enable them to compete with cities in other states that are receiving substantial assistance for their recruiting effort from their state government.

Submitted by:

City of Flagstaff , City of Wilcox, Town of Buckeye, Town of Queen Creek, City of Yuma

A. Purpose and Effect of Resolution

Attracting new, high wage jobs to Arizona is critical to our economic health. Yet, at a time of fierce competition for these jobs, Arizona lacks adequately funded tools to be successful. Cities and towns need additional support from the State for new job attraction because they frequently must compete with not only with a city in another state but also with a state government.

For example, the City of Flagstaff made a generous bid to become the new location of the Tesla Motors manufacturing plant. Tesla is the manufacturer of high-end, technologically advanced electric automobiles. The opportunity to add 400 high wage jobs to the State’s economy was lost to Albuquerque, New Mexico. The State of New Mexico provided a number of incentives to the company. While the State of Arizona made an extraordinary effort to help Flagstaff, the additional support that the State of New Mexico provided for Albuquerque overwhelmed Flagstaff’s bid.

The result of this Resolution would be an examination of what types of tools and funding states are using to assist local government’s efforts to attract new business or to keep business expansion in state and implementation of the funding and programs best suited to this state.

B. Relevance to Municipal Policy

The disparity between the cost of living and available jobs with good pay in Flagstaff and many Arizona cities is significant. High wage jobs are critical for the economic health of Arizona’s cities and towns. However, as the Tesla experience demonstrates, the State of Arizona lacks the economic tools and funding to assist municipalities in attracting high-wage employers. Individual municipalities require significantly more financial incentives than can be provided solely through local funding if we want to succeed.

C. Fiscal Impact to Cities and Towns

Economic growth of Arizona’s cities is reliant on the creation of new high-wage jobs. If a city can attract a high wage paying business, it improves the local economy and creates tax dollars for the city, state, schools and other public agencies. Increased state assistance can make the difference in the effort to attract business to Arizona or to assist a company that is considering expanding in another state to expand in Arizona instead. However, funding statewide economic assistance through the use of existing city and state shared revenues for cities would be self defeating because it would reduce the local funds available for economic development.

D. Fiscal Impact to the State

The creation of new, high wage jobs is vital to economic success of this state. By creating and funding economic development programs to support local government’s efforts to bring business to Arizona, the state, cities and towns would experience increased employment and tax revenues. A funding mechanism would have to be developed for this program.

E. Contact Information

Name: John Holmes
Phone: (928) 779-7604

Title: Interim City Manager
Email: jholmes@ci.flagstaff.az.us

Encourage Economic Development Incentives

RESOLUTION #3

Urges the Legislature to enact legislation that will continue the fiscal year 2007-2008 state budget appropriation of \$850,000 to be distributed to the state's towns with populations under 1,500.

Submitted by:

Town of Patagonia, Town of Hayden, Town of Jerome, Town of Duncan

* * * * *

A. Purpose and Effect of Resolution

The purpose of the proposed Resolution is to minimize the harm that occurs when Arizona's smallest towns with limited tax bases and little or no growth experience declines or only marginal increases in the amount of state shared revenues that they receive. State law currently requires a community to have a population of at least 1,500 to become incorporated. Last year's League Priority Resolution to address this issue resulted in another one-time state budget appropriation of \$850,000 that will equalize state funding distributed to these communities to the approximate amount of state sales tax and urban revenue sharing that would be distributed to an incorporated community of 1,500. The effect of the proposed Resolution is to establish a longer-term appropriation that will provide a more predictable revenue base for the state's towns with populations under 1,500 to allow them the time necessary to continue planning for annexation, economic development, or other local, sustainable revenue sources.

B. Relevance to Municipal Policy

The proposed Resolution will preserve local control and the municipal services provided in six small towns by ensuring them approximately the same amount of funding from the state as is enjoyed by a town of 1,500 population. Without this funding, these small municipalities will be forced to continue reducing services and may not survive the decade.

C. Fiscal Impact to Cities and Towns

Under the current revenue sharing statutes, the amount of shared revenues distributed to these municipalities is insufficient to cover the rising costs of fuel, health insurance for employees, municipal liability insurance, state retirement contributions, worker's compensation insurance and inflation. The fiscal year 2007-2008 appropriation provides additional funding to meet the rising costs of providing local government services in these communities and the funding needed to address a host of issues deferred due to the lack of adequate funding in the past. If legislation providing for a long-term appropriation is not enacted, the positive effects of the current appropriation will be negated and the financial distress that could place these communities at the edge of dis-incorporation will be restored. It is therefore essential that this Resolution go before the Legislature again in 2008.

D. Fiscal Impact to the State

The proposed Resolution would cost the state approximately \$850,000 annually from the state general fund. If the appropriation is continued as proposed, the funds will continue to be distributed based proportionately on the difference between each town's DES population estimate and the population of an incorporated municipality of 1,500 persons.

E. Contact Information

Name: Randy Heiss
Phone: (520) 394-2229

Title: Town Clerk/Treasurer
Email: patagoniagov@qwest.net

RESOLUTION #4

Urges the Arizona State Legislature to mandate all Arizona cities and towns in desert regions include/adopt Native Plant Standards to protect native plants that are indigenous to their area and (2) Urges the Arizona State Legislature to provide the Arizona Department of Agriculture proper enforcement mechanisms to enforce Native Plant Standards.

Submitted by:

City of Apache Junction, Town of Queen Creek

* * * * *

A. Purpose and Effect of Resolution

The purpose of a Native Plant Standards resolution is to protect native plants and to ensure appropriate re-vegetation for all development projects. Under Arizona’s native plant law, native plants cannot be removed or destroyed without following the required notice to the state. Desert plants that are considered protected include: all of the cacti, exotic plants like ocotillo, and protected trees (ironwood, palo verde, mesquite, and acacia). The Arizona Department of Agriculture relies on property owners to comply with procedures to remove or destroy protected plants but does not currently have the proper staffing to enforce and/or inspect all the notices it receives. Native Plant Standards provide for in-place preservation protection of existing plants and the transplanting of native plant materials indigenous to Arizona. There are four deserts in North America that all extend into parts of Arizona: Sonoran, Mojave, Great Basin, and Chihuahuan. The size, form, or location of certain mature specimen plants, such as the Saguaro or the Ironwood tree, make finding a comparable nursery-grown tree for replacement difficult or impossible. Leaving such plants in place or salvaging them for incorporation into landscaping is beneficial both from a financial and practicable application. Native vegetation within the specified size requirements enhances a city or town’s aesthetic appeal by conserving the mature desert habitat and providing unique picturesque opportunities. By mandating all towns and cities in desert regions adopt Native Plant Standards, the Arizona Legislature can protect Arizona’s valuable resources; preserve the organic characteristics of the desert regions; preserve desert wildlife habitat and food sources; encourage the use of native plants that are drought tolerant; and reduce the potential for erosion of water, wind, or subsidence. The proposed resolution will require cities and towns in desert regions to assist the Department of Agriculture by having efforts in place at the local level to ensure that property owners and developers are preserving and protecting native plants. In addition, the purpose of the resolution is to provide the Department of Agriculture proper enforcement mechanisms to enforce Native Plant Standards.

B. Relevance to Municipal Policy

Residents of all Arizona cities and towns either live in or visit Arizona’s desert regions. Several cities and towns in Arizona have adopted Native Plant Standards. By mandating all cities and towns in desert regions adopt such standards, they can protect the land in which residents reside and enjoy.

C. Fiscal Impact to Cities and Towns

None.

D. Fiscal Impact to the State

Unknown: The Arizona State Legislature would need to make a determination as to how to provide the Arizona Department of Agriculture proper enforcement mechanisms.

E. Contact Information

Name: George Hoffman
Phone: (480) 474-5066

Title: City Manager
Email: ghoffman@ajcity.net

RESOLUTION #5

Urges the Legislature to modify state liquor laws to enhance the ability of municipalities to address community-related problems associated with liquor establishments, such as requiring the Department of Liquor Licenses and Control and the State Liquor Board give greater consideration to city recommendations on proposed liquor licenses.

Submitted by:

City of Prescott, Town of Prescott Valley, City of Avondale

* * * * *

A. Purpose and Effect of Resolution

This resolution proposes to modify state liquor laws to improve the ability of municipalities to address public safety and quality of life concerns associated with problem liquor establishments, primarily through the State Liquor Department and Board. Some examples are as follows:

- 1) Allow cities to request a hearing of the State Liquor Board at the time of renewal for existing licenses when sufficient reason exists to request the Board to not renew the license; and/or
- 2) Create a 12-month provisional permit for licenses when a municipality recommends denial of a license but the Board grants approval; and/or
- 3) Modify the definition of licensed premises to include parking lots of bars and liquor stores; and/or
- 4) Hold license applicants accountable to commitments made during the application process.
- 5) Modify the membership of the State Liquor Board to include a municipal law enforcement representative.

B. Relevance to Municipal Policy

Poorly managed liquor establishments pose considerable problems for law enforcement and surrounding neighborhoods, such as crime, noise violations and parking issues. Reforms to liquor laws increasing the consideration of impacts to neighborhoods would greatly enhance the ability of municipalities to protect public safety and quality of life in these neighborhoods.

C. Importance of Resolution to Your City or Town

Legislation addressing problem liquor establishments and changes to Arizona liquor laws have been an ongoing challenge for cities and towns. Cities and towns should have the ability to plan their communities as they believe best, including the location and operation of liquor establishments. The proposed provisions allow cities to have a greater role in the liquor licensing process for liquor establishments to ensure that are addressed.

D. Fiscal Impact to Cities and Towns

These provisions should result in less police calls for liquor establishment-related incidents reducing the need for law enforcement resources and increased costs to cities and towns.

E. Fiscal Impact to the State

Anticipated costs to the State would be minimal, primarily one time administrative implementation costs by the State Liquor Department and Board.

F. Contact Information

Name: Connie Tucker
Phone: (928) 777-1144

Title: Management Analyst
Email: connie.tucker@cityofprescott.net

RESOLUTION #6

Urges the Legislature to modify State Statutes to allow cities and towns to request a price range in a Request for Proposal or Statement of Qualification solicitation for Professional Services.

Submitted by:

City of Prescott, Town of Prescott Valley

A. Purpose and Effect of Resolution

This resolution proposed to modify State Statute 41-2578 to allow municipalities to request a price range for the fees associated with the services listed in a Request for Proposal/Statement of Qualifications (RFP/SOQ) solicitation.

B. Relevance to Municipal Policy

41-2578 does not allow a municipality to consider fees for services in the selection process for certain professional services. This has led to many instances where municipalities spend weeks in the selection process and find that the fees charged by the #1 rated firm far exceed the budgeted amount. The municipality is then required to restart the negotiation process with the #2 firm, and so on until a fee within the budgeted amount is agreed upon. In some cases, the municipality has to reissue the RFP/SOQ because they are unable to reach an agreement on fees, resulting in months of delay in starting a project and increasing the costs associated with the project.

C. Importance of Resolution to Your City or Town

The RFP/SOQ process is an important component of any municipality’s Capital Improvement Program. Any delay to the process will ultimately result in increased costs to the citizens of the municipality. Having the ability to evaluate the fee structure range at the beginning of the process will enable a municipality to save time and start the project sooner.

D. Fiscal Impact to Cities and Towns

This provision should allow municipalities more timely completion of their needed capital projects and other projects requiring professional services, as well as ultimately saving the taxpayers money.

E. Fiscal Impact to the State

There should be no increased fiscal impact to the State.

F. Contact Information

Name: Connie Tucker,
Phone: (928) 777-1144

Title: Management Analyst
Email: connie.tucker@cityofprescott.net

RESOLUTION #7

Arizona Corporation Committee must require private utilities applying to establish within an unincorporated county area to get approval from municipalities within a 6-mile radius of such utility.

Submitted by:

Town of Queen Creek, Town of Buckeye, Town of Florence, Town of Star Valley

A. Purpose and Effect of Resolution

The purpose of this resolution is to help prevent leapfrog development caused by private utilities and help municipalities implement and effective infrastructure plan for their commuters.

Currently, private utilities can establish in the unincorporated county areas with little or no input from cities and towns that are adjacent to these sites. There are instances in the state in which development has leapfrogged communities and created a financial hardship on cities and towns due to insufficient infrastructure to accommodate this development.

Mirroring the incorporation requirements of the state, an area must get approval from communities within a 6-mile radius of the proposed incorporation, or in this case constructing a utility. If approval of adjacent cities and towns was required, notification would allow cities and towns to review and implement an infrastructure plan that would be more effective. Requiring such approval would encourage communication between all parties in order to address population as well as other future demands in these areas.

B. Relevance to Municipal Policy

41-2578 does not allow a municipality to consider fees for services in the selection process for certain professional services. This has led to many instances where municipalities spend weeks in the selection process and find that the fees charged by the #1 rated firm far exceed the budgeted amount. The municipality is then required to restart the negotiation process with the #2 firm, and so on until a fee within the budgeted amount is agreed upon. In some cases, the municipality has to reissue the RFP/SOQ because they are unable to reach an agreement on fees, resulting in months of delay in starting a project and increasing the costs associated with the project.

C. Importance of Resolution to Your City or Town

This resolution will provide the economic and financial security necessary to maintain the upkeep of current infrastructure and keep pace with future needs in a region.

D. Fiscal Impact to Cities and Towns

None.

E. Fiscal Impact to the State

None.

F. Contact Information

Name: Mark Young
Phone: (480) 358-3150

Title: Intergovernmental Liaison
Email: mark.young@queencreek.org

RESOLUTION #8

(1) Urges the Federal Government to adopt policies that will enable proper timber culture to assist in managing our forests to create a healthy condition and (2) Urges the Federal Government to facilitate viable economic uses of renewable forest resources in an environmentally sound manner.

Submitted by:

Town of Payson, Town of Pinetop- Lakeside, Town of Duncan, Town of Star Valley, City of Apache Junction

A. Purpose and Effect of Resolution

Improved forest health in Arizona’s mountainous areas remains a major concern to residents and visitors alike. Each year our national forests are subject to devastating wild fires. There is a body of scientific evidence that suggests thinning of Arizona’s forest in an environmentally friendly way that respects larger and old growth timber would facilitate return of the forests to the more natural conditions that existed before large-scale settlement of the West. Modern timber culture accomplished in accordance with the National Environmental Policy Act can foster economic vitality of Arizona’s mountain communities and greatly improve the health of our forests. This resolution call upon the Federal government to adopt policies that will facilitate the goal of reducing wild fires while encouraging utilization of renewable resources and improving the economic health of rural communities.

B. Relevance to Municipal Policy

Residents of all Arizona cities and towns either live in or visit Arizona’s mountain communities. Improving forest health promotes economic diversity within those communities, which are within or adjacent to forests while helping to ensure the forests will be there in the future for all Arizonans to enjoy.

C. Fiscal Impact to Cities and Towns

None.

D. Fiscal Impact to the State

Meeting the goals of the resolution requires no additional State or Federal expenditure, although full implementation of all healthy forest initiatives would require dedication of both State and Federal funds.

E. Contact Information

Name: Fred Carpenter
Phone: (602) 254-0481 ext 262

Title: Town Manager, Payson
Email: fcarpenter@ci.payson.az.us

RESOLUTION #9

Urges the Legislature to implement a system that will hold harmless cities and towns which rely heavily on the State Shared Revenue in the event of tax cuts (i.e. raise State Shared Revenue percentages to municipalities to compensate for tax cuts).

Submitted by:

Town of Camp Verde, Town of Jerome, Town of Duncan, City of Yuma, City of Douglas

A. Purpose and Effect of Resolution

Some cities and towns, particularly small rural communities, rely heavily on State Shared revenue to supply services, such as police, administration, planning and zoning, recreation, maintenance, libraries, and senior services. While tax cuts are beneficial to Arizona citizens, a reduction in State Shared Revenues would severely impact local services.

B. Relevance to Municipal Policy

This would keep local revenues at an acceptable level without having to cut services to local citizens.

C. Importance of Resolution to Your City or Town

Some communities, especially those without other revenue sources, rely heavily on State Shared Revenues for their maintenance and operating budgets to provide essential services to their citizens.

D. Fiscal Impact to Cities and Towns

There would be no cost to cities and towns.

E. Fiscal Impact to the State

There would be a fiscal impact to the State equal to portion of Shared Revenues eliminated by the proposed tax cut.

F. Contact Information

Name: Tony Gioia,
Phone: (928) 567-6631 ext 103

Title: Mayor, Town of Camp Verde
Email: towncouncil@cvaz.org

RESOLUTION #10

Urges the Legislature to modify the statues that regulate the sale of pseudoephedrine products in all forms by requiring a statewide electronic database in addition to photo identification, the signing and maintenance of not only a written log, but also a statewide computerized record listing the persons purchasing the product and quantity. This electronic database must be required and utilized by all establishments selling pseudoephedrine products listing the persons purchasing the product and quantity.

Submitted by:

Town of Camp Verde, City of Douglas

* * * * *

A. Purpose and Effect of Resolution

In 2005, the legislature adopted rules on the sale of cold and allergy medication containing pseudoephedrine. The main provision of the adopted legislation required that these products be sold from behind the counter. The legislature passed additional rules requiring photo identification and the signing and maintenance of a written log to further reduce the use of pseudoephedrine the manufacturing of illicit drugs. A statewide electronic database to enter purchases will further reduce the easily available product necessary for the production of methamphetamines. This electronic tracking database will curtail the efforts of those producing methamphetamine products from going store-to-store to purchase enough pseudoephedrine to produce methamphetamine.

B. Relevance to Municipal Policy

Pseudoephedrine is one of the primary ingredients used in the production of methamphetamine. The number of methamphetamine labs that are being discovered by law enforcement throughout the state is growing at an alarming rate. Not only are these labs fabricating a drug that destroys lives and invites crime into our communities, but also the chemical residue associated with the production of methamphetamine creates a hazardous and toxic situation within neighborhoods. Local law enforcement personnel are usually tasked with the hazardous and expensive duty to secure and clean these labs. By adopting additional regulations, the goal is to make it more difficult to create methamphetamine, thereby mitigating its negative impacts within our communities.

C. Importance of Resolution to Your City or Town

Curtailling the availability of pseudoephedrine products will reduce the number of "meth" labs in our area, thereby reducing the availability of the drug. Illegal drug use is related to many violent and non-violent crimes such as domestic violence, identify theft, burglary and theft.

D. Fiscal Impact on Cities and Towns

The manufacturing and use of methamphetamines is directly or indirectly contributing to a significant percentage of crime. With the reduction of the availability of methamphetamines, the cost for arrests and incarcerations are reduced.

E. Fiscal Impact to the State

The manufacturing process of methamphetamines produces toxic waste, which is expensive to dispose. The reduction of "meth" labs will reduce the amount of money that is spent statewide to clean up the toxic waste that is left behind when the labs are discovered.

F. Contact Information

Name: Tony Gioia,
Phone: (928) 567-6631 ext 103

Title: Mayor, Town of Camp Verde
Email: towncouncil@cvaz.org

RESOLUTION #11

Urges the Legislature to maintain the original funding levels and usage of the Arizona Heritage Fund, including dedicated funding from the State Lottery monies.

Submitted by:

Town of Camp Verde, Town of Jerome, City of Yuma, Town of Buckeye, City of Douglas

A. Purpose and Effect of Resolution

This resolution seeks to ensure that all Arizona communities can continue to apply for park development funding assistance. The Arizona State Parks Heritage Fund is vital to communities seeking to accomplish park development and improvement projects to accommodate both current recreational demands as well as the projected future needs created by continued urban growth. State voters have recognized the need for additional and improved recreational facilities as evidenced by their approval to have lottery moneys fund park and recreational projects. Full funding of the Heritage Fund will help preserve our natural, cultural and historic resources and act in accordance with the will of the people as expressed through support of a ballot initiative.

B. Relevance to Municipal Policy

The Arizona Heritage Fund provides revenue to local governments for land acquisition and development of local, regional, and state parks. Funding is also provided for trail construction, historic preservation projects and non-motorized trail development. The Heritage Fund is a resource that cities and towns use to assist with open space acquisition and preservation and the development of public recreational facilities. Local government performance goals include citizen perception of service delivery to the community. Residents have identified park development and improvements as an essential service to be provided by the municipality. Doing so is especially critical as urban growth continued to occur and the demand for more recreational opportunities increases.

C. Importance of Resolution to Your City or Town

Heritage Fund revenue is used to assist with the development of public recreational facilities and historic preservation. Maintaining the Heritage Fund will have an impact by allowing the cities and towns throughout Arizona to continue preservation of natural beauty, cultural and historic resources and to provide recreational opportunities for our citizens.

D. Fiscal Impact to Cities and Towns

The Arizona State Parks Board Heritage Fund provides funding for local, regional and state parks, historic preservation projects and motorized trail development. Maintaining full funding to the Heritage Fund will allow cities to leverage both public and private support for recreational areas and historic and cultural preservation.

E. Fiscal Impact to the State

As the Heritage Fund receives it's funding only from the State Lottery Fund, and this funding is specified by formula with a maximum cap, there is no impact to the State General Fund. If State Lottery revenues decrease in any given year the amount of funding for the Heritage Fund programs decreases accordingly. There is no obligation for any funding from the State's General Fund to make up the shortfall. This resolution is intended to urge the State Legislature to avoid the temptation to solve temporary budgetary problems with Heritage Funds, but instead to realize the long term benefits the State will derive from the proper, originally intended, application of these funds.

F. Contact Information

Name: Tony Gioia,
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Title: Mayor, Town of Camp Verde
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RESOLUTION #12

Urges Congress to preserve and fully fund the Community Development Block Grant Program.

Submitted by:

Town of Camp Verde, Town of Jerome, City of Yuma, City of Douglas

A. Purpose and Effect of Resolution

To authorize the League to act on behalf of all cities and towns asking the Arizona Congressional Delegation to contact Congressional leadership and ask for authorization and full appropriations for the Community Development Block Grant Program (CDBG).

B. Relevance to Municipal Policy

Cities and towns benefit from CDBG dollars either through a direct annual appropriation or through the state department of Commerce. CDBG dollars are the most flexible federal grant funds available and help communities with redevelopment and building projects as well as programs and services to support low and moderate-income citizens.

C. Importance of Resolution to Your City or Town

Small, rural areas, such as Camp Verde rely heavily on CDBG funds as the basis for comprehensive neighborhood-based stabilization and revitalization. Without CDBG monies, the Town’s budget cannot possibly provide the funds needed for housing rehabilitation, street improvements, etc.

D. Fiscal Impact to Cities and Towns

CDBG funding has been cut heavily since FY01. The program has never been adjusted for inflation, since its inception in 1974. The 2000 Census added over 100 new entitlement communities further diluting an already dwindling formula allocation. Arizona's growing population, housing overcrowding and aging infrastructure create demands for increased CDBG dollars, not less.

E. Fiscal Impact to the State

The state benefits from CDBG dollars as well and works closely with small cities and towns to distribute CDBG funds to them through the Department of Commerce.

F. Contact Information

Name: Tony Gioia,
Phone: (928) 567-6631 ext 103

Title: Mayor, Town of Camp Verde
Email: towncouncil@cvaz.org

RESOLUTION #13

Urges the Legislature to consider impacts to rural areas when allocating transportation funding.

Submitted by:

Town of Camp Verde, City of Yuma, City of Douglas

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A. Purpose and Effect of Resolution

The purpose of the resolution is to highlight that Camp Verde and other rural communities bear a disproportionate burden of funding the statewide transportation system when the roads and highways in rural Arizona benefit the state as a whole, not just the rural communities. Funding of the statewide transportation system, which serves the needs of commerce, tourism, recreation, interstate and intra-state travel, should not be treated as rural funding, but as statewide funding which benefits all citizens of Arizona. The current system of allocation hinders rural communities' efforts to obtain funds for individual, local transportation needs. Projects in their regions are frequently perceived as satisfying the need to be equitable in allocating funds when, in fact, those projects that are given priority are often of benefit to the State as a whole rather than the local community. Thus the truly local transportation needs remain unfunded.

B. Relevance to Municipal Policy

Reallocation of transportation funding to improve allocations for local projects will enable rural communities to meet local needs rather than needs which benefit the State as a whole.

C. Importance of Resolution to Your City of Town

The funding received by local communities is generally earmarked for transportation projects in their regions, which often benefit the State as a whole. For example, improvements on Interstate 40 are perceived to benefit northern Arizona when, in fact, the greater benefit accrues to the major urban areas through commerce, since this highway is primarily used for the transportation of goods and services and interstate travel, not by local travelers. As a result, the individual, local transportation needs of rural communities are frequently ignored or given low priority. Revising the transportation formula to provide rural communities with a fair share of funding for local projects will place them on a more equitable footing with large urban communities in serving the needs of their residents.

D. Fiscal Impact to Cities and Towns

Reallocation of the funding formulas will ensure that the transportation system in the rural areas of the State are built, rehabilitated and maintained as a State priority. Safe and adequate transportation in rural communities is critical to the welfare and economic vitality of the major urban areas, as goods and services are transported throughout the State utilizing the highway system.

E. Fiscal Impact to the State

The resolution recommends a reallocation of existing funds and therefore should not result in any new taxes, state appropriations or other funding increases to the State.

F. Contact Information

Name: Tony Gioia,
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Title: Mayor, Town of Camp Verde
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RESOLUTION #14

Urges the Legislature to protect the few remaining perennial Rivers and Streams in the State of Arizona by enabling local watershed decisions on water resources.

Submitted by:

Town of Camp Verde, Town of Jerome, City of Douglas, Town of Buckeye

A. Purpose and Effect of Resolution

Similar to the proposal by those concerned about the San Pedro Watershed, the Legislature is urged to enable the creation of Special Watershed Districts. Empowered by the voters, these Watershed Districts would have the authority to make local decisions (within the confines of State law) concerning water supplies, groundwater pumping, aquifer depletion, surface water protection, etc.

The Verde River is one of the five designated Wild and Scenic Rivers and one of the ten most endangered rivers in the United States. Many endangered species occupy this corridor. A large riparian ecosystem exists here and it truly sustains a large population of our human culture in this arid Southwest. In addition to these features, like the other few perennial Arizona rivers and streams, the Verde River provides recreational opportunities which contribute to the economy of the many communities through which the Verde River flows. Finally the Verde River is a substantial source of water for the communities it flows to and through.

B. Relevance to Municipal Policy

Protecting the State’s scarce renewable water resources is critical to our existence and the economic viability of our future. Formulating plans and making decisions on a local level is synonymous with setting a course for a region’s future. There certainly may be severe economic consequences for not managing water on a regional basis, along with the possible impacts of federal actions or lawsuits due to endangered species issues. Because growth and water are the biggest concerns of Arizona watersheds, municipalities should have some control over their destiny.

C. Fiscal Impact to Cities and Towns

Municipal costs are dependant on the degree of involvement in a watershed and the extent of any regional projects.

D. Fiscal Impact to the State

Depending on the structure of Special Watershed Districts the State may see a reduction in its costs and responsibilities.

E. Contact Information

Name: Tony Gioia,
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Title: Mayor, Town of Camp Verde
Email: towncouncil@cvaz.org

RESOLUTION #15

Supports state and federal funding for Arizona cities and towns that take steps to improve and preserve the quality of the waters of the state, including its groundwater, lakes, rivers and streams.

Submitted by:

Lake Havasu City, Bullhead City, City of Kingman, the Town of Parker

A. Purpose and Effect of Resolution

Recognizes and supports the efforts of communities in Arizona that must take significant steps to remediate and/or protect ground and surface waters of the state. Supports efforts of regional organizations such as the Colorado River Regional Sewer Coalition (CRRSCo) to obtain state and federal assistance for communities required by state and federal agencies to invest in infrastructure projects to protect groundwater and surface water quality. For example, the Colorado River is the most significant river of the American Southwest, providing fresh water, power, recreational opportunities and food for over 20 million Americans, including millions of Arizonans living in Mohave, La Paz, Yuma, Maricopa and Pima counties. The financial responsibility for mitigating potential threats to this significant natural resource, however, has been placed on the backs of Arizona citizens who happen to live along the River. Large numbers of septic tanks and overloaded and aging wastewater collection and treatment facilities contribute potentially harmful nitrates to groundwater systems that are used for local water supplies. Some of these aging systems have the potential to impact water quality of lakes, rivers and streams. These conditions exist in many growing rural and formerly-rural communities in Arizona. Excessive intake of nitrate contaminants can cause serious health effects, such as increased rates of cancer, birth defects, miscarriage, reduced body growth, thyroid problems, and even death. The River communities of Bullhead City, Lake Havasu City and the Buckskin Sanitary District have already taken on huge debt in order to eliminate nutrient pollution and to improve and protect the quality of groundwater adjacent to and under the influence of the Colorado River. This resolution is important to all communities, not only those that receive water from the Colorado River, but any community in the state that is forced to take on infrastructure projects that the state may deem necessary to protect its waters.

B. Relevance to Municipal Policy

Municipalities are trusted to undertake public works projects needed to protect local natural resources. Some communities, such as Bullhead City, Page and Lake Havasu City, have been mandated or were under the threat of a mandate with no financial support by the state to undertake massive infrastructure projects to improve and protect the waters of the state. All Arizonans benefit from these projects, especially those who rely on the Colorado River, including residents of Phoenix and Tucson, but the state has forced only the citizens living in a few communities to pay for them. The state and federal agencies responsible for monitoring the quality of the waters of the state must also share in financial responsibility when threats are identified and must be addressed at the local level.

C. Fiscal Impact to Cities and Towns

The CRRSCo organization stands ready to allocate federal funds to help communities offset the high cost of constructing new wastewater collection and treatment systems or to renew or replace aging systems along the Colorado River. State assistance in the form of grants, income tax credits, or simple budget allocation, would also help offset construction costs and ease the financial burden for those citizens who live in Arizona communities that are subject to a consent decree from the state.

D. Fiscal Impact to the State

Federal funding allocations have no direct fiscal impact to the state. The level of assistance authorized by the state would be limited by either statute or available budget appropriation determined via the legislative process.

E. Contact Information

Name: Charlie Cassens
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Title: Intergovernmental & Communications Affairs Manager
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RESOLUTION #16

Support statewide ballot initiative to exempt cities and towns from the auction process for the acquisition of Arizona State Trust Lands for essential public right-of-ways.

Submitted by:

Lake Havasu City, Bullhead City, City of Kingman

A. Purpose and Effect of Resolution

Arizona has over nine million acres of land currently held in trust for the common schools. Trust law is a state constitutional measure that requires Trust lands be sold or leased for their highest use and highest appraised value to the highest bidder at public auction. Earning money for Arizona’s public schools is the primary mission of the Trust; however, burgeoning values for Trust land assets renders acquisition for essential public right-of-way purposes unattainable for most municipal entities. Making the acquisition of public right-of-way less burdensome for municipalities would accelerate economic development in the state, provide efficient public transportation corridors and further enhance the value and desirability of adjacent state lands and other properties. The acquisition of Trust land for public right-of-way purposes would enable adjacent Arizona communities to actively plan for the construction of transportation corridors and connecting thoroughfares in, around and between communities. These corridors would ease growing commuter concerns, provide alternative routes for commerce and improve public access to surrounding State Trust lands, making them even more attractive to developers and increasing their value to the schools.

B. Relevance to Municipal Policy

Trust lands are a substantial component of the process under Arizona’s 1998 Growing Smarter program and are integrated into the General Plans of many communities across the state. Some communities, like Lake Havasu City for example, are virtually surrounded by Trust land that is needed for necessary public roads and infrastructure, but can only be acquired at public auction for the highest possible value. This situation holds hostage the economic development potential of those Arizona communities that simply cannot afford to pay resort property prices for land needed for a road.

C. Fiscal Impact to Cities and Towns

Fiscal benefits for cities and towns that must otherwise indebt their citizens to acquire Trust lands for needed public right-of-way. Improved access increases the development potential for undeveloped land, thereby expanding the economic base of the community and the state.

D. Fiscal Impact to the State

Any perceived loss of immediate revenue for the Trust would be offset by the economic benefits that result from the improved public access and subsequent enhanced value and development potential for the adjacent Trust lands and other properties.

E. Contact Information

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RESOLUTION #17

Urges the Governor and Legislature to recognize the distinction between County and municipal governing powers, their authority and limitations of each. Urges the Legislature to encourage better spirit of cooperation between counties and municipalities in developing solutions to conflicts that occur as a result of one governing body deferring responsibility to the other.

Submitted by:

City of Avondale, City of Peoria

A. Purpose and Effect of Resolution

To elevate the dialogue between municipal and county governments and ensure that municipalities are not negatively impacted by the failure of county governments to address issues that fall under their jurisdiction.

B. Relevance to Municipal Policy

In recent years, cities have been faced with responsibilities that counties were once provided of the county. Examples include air quality monitoring and enforcement, fire protection to county islands and the enforcement of military statutes that affect Auxiliary 1 Field at Luke Air force Base. Additionally, in recent years municipalities have incurred significant increases the cost of providing county services. A better spirit of cooperation between county and municipal governing entities will assist in developing solutions to conflicts that affect mutual constituencies and help prevent legislative intervention or action.

C. Fiscal Impact to Cities and Towns

Continued *cost transfers* from the county will further push expenses from the County onto municipalities.

D. Fiscal Impact to the State

This resolution does not require any state funding.

E. Contact Information

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RESOLUTION #18

We need a clear legislative statement allowing us to withhold critical infrastructure maps, water resource locations and/or telecommunications paths from public records requests on the basis of security. We would also want to require the utilities and telecommunication infrastructure providers to give us this information.

Submitted by:

City of Surprise, Town of Buckeye

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A. Purpose and Effect of Resolution

Telecommunications providers will not provide fiber network maps for city use. Network maps are required in order for our public safety officers to know their location and to monitor for any tampering. Qwest has stated that they would be willing to provide network maps to cities, but only if the maps are not made public. However, there is general consensus that any maps made available to us would be under the public records provisions and would have to be divulged upon request. This poses a homeland security issue regarding the protection of critical infrastructure.

Case law does seem to provide an exemption to the public records provisions, but an express declaration is needed from the Legislature to provide clarity.

B. Relevance to Municipal Policy

Cities and their public safety officials will be able to better plan for the protection of critical public infrastructure.

C. Fiscal Impact to Cities and Towns

No fiscal impact known.

D. Fiscal Impact to the State

None.

E. Contact Information

Name: Randy Jackson
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RESOLUTION #19

Urge the State Legislature to fund and collaborate with Burlington Northern-Santa Fe (BNSF) and Union Pacific (UP) railroads for the expansion of freight capacity and the development of commuter rail as part of a multi-modal solution to Arizona's growing transportation issues.

Submitted by:

City of Surprise, City of El Mirage, City of Tucson

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A. Purpose and Effect of Resolution

The purpose of this resolution is to address BNSF and UP's expansion of freight capacity and explore all the funding mechanisms to provide an alternative form of transportation. A commuter rail system that uses existing freight-train routes throughout the state and creates a multi-modal transportation system.

B. Relevance to Municipal Policy

All communities would benefit from expanding multi-modal options within the state. This system would assist in alleviating congestion in major transportation corridors and also address the state's air quality measures.

C. Fiscal Impact to Cities and Towns

Cities and towns will explore all funding mechanisms to expand freight capacity and develop a commuter rail system. Until the funding sources are identified, the fiscal impact to cities and towns cannot be estimated.

D. Fiscal Impact to the State

Until the funding sources and mechanisms are identified, the fiscal impact to cities and towns cannot be estimated.

E. Contact Information

Name: Michelle Lehman
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RESOLUTION #20

Urges the Legislature to exempt court buildings, facilities and court rooms from gun storage locker requirements prescribed in ARS 13-3102.01; and place court buildings, facilities and court rooms under the same exemption enjoyed by licensed liquor establishments as outlined in ARS 13-3102.01(B).

Submitted by:

City of Bullhead City, Lake Havasu City, City of Kingman

A. Purpose and Effect of Resolution

The purpose of this exemption is to increase the safety of any person conducting business, visiting or working in a court building, facility or courtroom. The overall effect would be a stipulation that no deadly weapons would be allowed in any court building, facility or courtroom regardless if a gun storage locker is available. Courtrooms are one of the most volatile public environments where individual’s personal rights, families and property are directly affected by court action. When people are imprisoned, families are separated or property lost, people can and do act out in violent displays up to and including shooting the other party, the court personnel and innocent bystanders. Courts in some larger jurisdictions have full-time security staff and the budget to afford to enforce such things as gun lockers and personal screening. Some mid-size jurisdictions have more limited resources and, therefore, more limited security measures. Many small jurisdictions have no security whatsoever, other than a sign on the door. Here, criminal defendant's can be appearing in the courtroom with a gun in their belt.

B. Relevance to Municipal Policy

An exemption for courts would stipulate that regardless of whether a gun storage facility was available or not, deadly weapons would not be permitted in any court building, facility or courtroom. Court officials would be empowered to require court patrons to remove any weapon prior to the commencement of any court proceeding. The safety of those inside the courtroom would be increased as the opportunity for a spontaneously violent reaction to a ruling or decision would be diminished.

C. Fiscal Impact to Cities and Towns

Prior legislation has mandated that cities expend funds to provide for gun storage facilities. This exemption in policy however, would not require additional expenses beyond what was called for prior to the adoption of A.R.S. 13-3102.

D. Fiscal Impact to the State

No potential fiscal impact to the State. An appropriation or grant from the State Legislature could be a potential resource to assist smaller cities and towns with the costs of providing gun storage lockers.

E. Contact Information

Name: Rob LaFontaine
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Title: Administrative/Legislative Analyst
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RESOLUTION #21

Urges the Legislature to vest non-peace officer, municipal code enforcement employees with authority to cite ordinance violators with criminal misdemeanor and petty offense(s) using the Arizona Traffic Ticket and Complaint Form. The proposed statute attached establishes procedural safeguards and training standards. The governing board of a city or town is also required to authorize by ordinance.

Submitted by:

City of Bullhead City, Lake Havasu City, City of Kingman

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A. Purpose and Effect of Resolution

Municipalities statewide are increasing efforts to enforce nuisance, property maintenance and zoning ordinances to improve the quality of life in their communities and a time-consuming long form criminal complaint process utilizing the time of prosecutors and judges is an inefficient use of criminal justice resources. Non-peace officer municipal code enforcement employees whose duties include enforcement of any law, ordinance or rule that has criminal penalties, have no specific authority from the legislature to utilize the Arizona Traffic Ticket and Complaint Form to cite ordinance violators for criminal misdemeanor and petty offense crimes. Presently, the officers must draft a long form criminal complaint for review by a prosecutor who then swears to the charge before a judge and then the long form complaint is served on the defendant, or sent a summons by the court. This is a time-consuming process for enforcement of nuisance, zoning and property maintenance violations with misdemeanor or petty offense penalties.

The effect of the legislation would authorize municipalities the option to vest municipal code enforcement officers with the authority to use the Arizona Traffic Ticket and Complaint form to charge a person when a misdemeanor or petty offense has been committed in their presence and there is probable cause to believe the person to be cited has committed the criminal offense(s). The officer shall only cite and release a person that signs the written promise to appear and shall seek the assistance of a peace officer if a physical arrest of the person is necessary.

B. Relevance to Municipal Policy

The governing body of a city or town may provide by ordinance that municipal code enforcement officers may use the Arizona Traffic Ticket and Complaint form approved by the Arizona Supreme Court to charge municipal code violators.

Enforcement personnel need to have adequate training in the criminal justice process to avoid civil liability issues for cities and towns. The proposed statute would generally follow the requirements and procedures that law enforcement officers must observe and establishes education, training and experience qualifications. Municipal code enforcement officers who meet the following requirements for training, education or experience would be qualified to criminally cite persons with the Arizona Traffic Ticket and Complaint form so long as they have: (1) successfully completed Arizona Peace Officer Standards training (AZ POST) from a police academy as prescribed in ARS § 41-1822(A) or AZ POST acceptable equivalent within five years of the date of hire; or (2) completed sixty college credits from an accredited U.S. educational institution of higher learning with at least forty college credits in the study of U.S. Federal and State Constitutional Law, U.S. Criminal Procedure, U.S. Criminal Law including the laws of arrest, search and seizure and the American Justice System within five years of the date of hire; or (3) retired as a peace officer from an American jurisdiction, with at least twenty years of peace officer experience, within the last five years of the date of hire.

NOTE: A similar resolution was offered last year and not approved. This issue has new traction as a result of the Arizona Supreme Court case Roubos/Kttl vs. Miller, City of Tucson Real Party In Interest No. CV-06-0181-PR, March 20, 2007, which held; civil infraction proceedings constituted civil actions for purposes of a statute that allowed for an attorney fee award to the defendant, that prevailed in a civil action brought by a city.

C. Fiscal Impact to Cities and Towns

Return in costs of labor and resources for ordinance enforcement by code enforcement officers. Cities and towns would avoid the possibility of paying the defendant’s attorney’s fees in unsuccessful civil enforcement proceedings.

RESOLUTION #21

D. Fiscal Impact to the State

None.

E. Contact Information

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RESOLUTION #22

This resolution urges the State Legislature to address the funding shortfall for the state's telecommunications revolving fund.

Submitted by:

City of Phoenix, City of Litchfield Park, City of Mesa, City of Peoria, City of Tucson

A. Purpose and Effect of Resolution

New communication technologies have placed additional burdens on public safety answering points (PSAP's). In order to let 911 operators know important information such as wireless phone callback numbers and wireless user geographical locations when users dial 911, computer networks need to be upgraded.

Several years ago, the state swept the revolving fund, in the amount of \$15 million. In addition, the legislature did not act when the monthly 911 fee decreased from 37-cents to the current 20-cents during the last three years, placing additional stress on the fund balance. State legislative action is needed to restore the swept funds and/or apply the current 911 fee on other telecommunication services.

B. Relevance to Municipal Policy

The original 1984 telecommunications funding legislation falls short of meeting the needs of today's population and technological advancements. Issues such as Geographical Information Systems, Wireless Technology, Training and Education are at the forefront of today's PSAP's needs. Enhancing current revenues are needed to cover the costs of upgrading our shared emergency communication systems.

C. Fiscal Impact to Cities and Towns

This resolution does not impact municipalities. There may be a one-time impact of \$15 million to the state.

D. Fiscal Impact to the State

The restoration of the \$15 million would more than likely be appropriated via the state budget process. Other funding could come in the form of taxes placed on telecommunication services that are currently not assessed the monthly 911 fee.

E. Contact Information

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Title: Intergovernmental Liaison
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RESOLUTION #23

Urges the State Legislature to enact legislation that would establish the State of Arizona as the pass-through entity to reallocate and redistribute in whole or part any P.I.L.T. payments (payment in lieu of taxes) from the United States Secretary of the Interior which are currently ONLY made directly to counties (units of general local government). Said proposed legislation would require sharing of P.I.L.T. with eligible Arizona cities and towns and/or other smaller units of general purpose government. This legislation is authorized by 31 United States Code, Chapter 69 (also known as P.L. 97-258, as amended).

Submitted by:

Town of Quartzite, Town of Parker

A. Purpose and Effect of Resolution

"Payments in Lieu of Taxes" (or PILT) are Federal payments to local governments that help offset losses in taxes due to nontaxable Federal lands within their boundaries. Public Law 94-565 establishes these payments. This resolution is being proposed because most Arizona counties who directly receive "Payments in Lieu of Taxes" (PILT) from the federal government do not share any of these funds with cities and towns that are impacted by federal entitlement lands within their boundaries.

In actuality, it is the cities, towns, and fire districts that provide most of the services on such lands (either within or bordering the entities' boundaries). The services are typically provided out of necessity due to distances, logistics, and the failure of BLM or Forest Service to have the resources to respond in a timely manner. Emergency services personnel are trained to respond when people need help to the detriment and expense of the entities' taxpayers (e.g. Quartzsite Police Department responded to over 2,000 calls from federal lands within and without the Town boundaries last year and the Quartzsite Fire District of approximately 300 calls). Municipal roads are impacted with heavily weighted RVs, travel trailers, and buses that HURF calculations do not take into effect when weighted towards permanent population.

PILT payments are intended to help fund vital services provided by local governments such as firefighting and police protection, construction of public schools and roads, and search-and-rescue operations. The Federal government views PILT payments as one of the ways that it can be a "good neighbor to local communities". See generally- <http://www.doi.gov/pilt/summary.html>

PILT payments go directly from the Federal government to the Counties under the current system. The reason this occurs is based upon the Federal government's interpretation and definition of "local government", which is reserved exclusively to joint municipal/county governments only in Alaska and, more importantly, in the remaining States to the counties. This definition is especially interesting considering that Arizona Counties are actually an "arm of the State of Arizona". Although the federal agencies allow sharing of PILT funds between the counties and municipalities, the decision to do so is left entirely within the Counties' own discretion. Frankly, most do not share and do not intend to ever share thereby absorbing the PILT monies into their general fund. Effectually, county governments merely ignore the fact that the bulk of expenses for services are being borne solely by the affected municipalities. In other words, the counties actually can "have their cake and eat it too".

Neither Parker nor Quartzsite, being the only two incorporated entities in La Paz County receives any PILT funds from La Paz County even though in 2006 the County receives \$1,070,982 in PILT funds from BLM reflecting 1,829,124 of federal acres. The same holds true for any other special district within La Paz (i.e. Quartzsite Fire District, Quartzsite School District, etc.). This inequity is clearly evident after revealing that the Town of Quartzsite has several large Long Term Visitor Areas (LTVAs) operated by the Bureau of Land Management within its boundaries. Winter visitors primarily camp-out at these LTVAs and pay nontaxable lease amounts for far less than those charged by local RV Parks, thereby affecting the Town's local businesses and collection of local sales tax revenues. The Town not only provides services in the form of public safety, environmental, social services, and transportation to the individuals that use the federal facilities, but also, assist the BLM as "good neighbors" in providing services to areas outside the Town's jurisdictional boundaries due to exigent/emergency circumstances, as well as the distance between the LTVAs and BLM's office in Yuma. In addition, the Quartzsite Fire District (a special district) provides services to BLM land without any remuneration.

Establish the State as the P.I.L.T. Pass Through Entity

RESOLUTION #23

The same holds true for the Town of Parker, which provides law enforcement to BLM land. The Parker Fire Department (a special district) provides service to these lands also. We know that this is true within other Arizona jurisdictions, as well. (The City of Page has also indicated a concern over the refusal of the Counties to equitably share PILT monies.) There is an option in federal law/regulation that allows the State to distribute the PILT funds as a pass-through entity. The State of Wisconsin is the only state that currently opts for this alternative. Redistribution or reallocation of PILT can be more equitably and fairly shared if the State of Arizona controls such distribution. This can be accomplished through the implementation of 31 U.S.C.A., Chapter 69, P.L. 97-258-Section 6907, which states:

"State legislation requiring reallocation or redistribution of payments to smaller units of general purpose government

(a) Notwithstanding any other provision of this chapter, a State may enact legislation which requires that any payments which would be made to units of general local government pursuant to this chapter be reallocated and redistributed in whole or part to other smaller units of general purpose government which

(1) are located within the boundaries of the larger unit of general local government,

(2) provide general governmental services and

(3) contain entitlement lands within their boundaries. Such reallocation or redistribution shall generally reflect the level of services provided by, and the number of entitlement acres within, the smaller unit of general local government.

(b) Upon enactment of legislation by a State, described in subsection (a), the Secretary shall make one payment to such State equaling the aggregate amount of payments which he otherwise would have made to units of general local government within such State pursuant to this chapter. It shall be the responsibility of such State to make any further distribution of the payment pursuant to subsection (a). Such redistribution shall be made within 30 days after receipt of such payment. No payment, or portion thereof, made by the Secretary shall be used by any State for the administration of this subsection or subsection (a).

(c) Appropriations made for payments in lieu of taxes for a fiscal year may be used to correct underpayments in the previous fiscal year to achieve equity among all qualified recipients."

Counties have argued that PILT should not be shared because they feel that the municipalities do not have a legal obligation to respond to individuals on federal lands and that, if they do, the municipalities are "paid back" through the generation of local sales tax from those individuals. Although there is some minimal logic in their reasoning; however, the fact is, that most Counties do not typically supply any resources or "general governmental services" (See Section 6907(a)(2) above, supra) towards the eligible federal lands in question and only garner the rewards and monetary windfall to supplement their general fund budgets. This mode of operation is not unlike the present situation where the County (without having to lift a finger) reaps the property tax benefits from the municipality's diligence, time, and expense in attracting, courting, and processing new development within the city or town. In addition, the failure of the municipal entity or fire district to respond, goes against the training and philosophy of most emergency services personnel and can result in unnecessary defense costs in legal actions. (e.g. the Quartzsite Fire District has a perfect example of having to defend against a decision to not respond even though the victim was outside the District's).

Based upon the foregoing, this Resolution is proposing legislation for the State of Arizona to activate the federal option to distribute PILT funds as a pass-through entity. Clearly, the State would be politically inclined to distribute portions of the monies to all local entities, including not only the counties, but impacted cities and towns as well. The Counties would know that State politics may substantially affect their bottom-line in this matter. As a result, the mere action alone of the League pursuing such legislative fix would surely bring the stubborn counties to the negotiation table. Moreover, the "Fire District Association" surely would be supportive of such legislative change in the distribution of PILT and could partner with the League on lobbying this matter.

B. Relevance to Municipal Policy

According to the federal formula established by the PILT law, there are three categories of entitlement lands:

- Federal lands in the National Forest System and the National Park System, lands administered by BLM, lands in Federal water resource projects, dredge areas maintained by the U.S. Corps of Engineers, inactive and semi-active Army installations, and some lands donated to the Federal government (section 6902 payments)

- Federal lands acquired after December 30, 1970, as additions to lands in the National Park System or National Forest Wilderness Areas (section 6904 payments)

Establish the State as the P.I.L.T. Pass Through Entity

RESOLUTION #23

· Federal lands in the Redwood National Park or lands acquired in the Lake Tahoe Basin near Lake Tahoe under the Act of December 23, 1980, (Section 6904 or 6905 payments).

Several of the League's entities have these types of entitlement lands within their boundaries. Most Counties refuse to share the amounts received in PILT with smaller units of general local governments. This includes Fire Districts as well.

The BLM indicates on its website under "FAQ" that, "Eligibility for payment under the PILT program is reserved for local governments (usually counties) that provide services such as those related to public safety, environment, housing, social services, and transportation. Payment is made directly to the eligible local government unless the state government chooses to enact legislation (under guidelines prescribed in section 6907 of P.L. 97-258) to receive the payments and, in turn, pass the money on to other smaller governmental units located within the counties (Wisconsin is the only State currently employing this option)." See <http://www.doi.gov/pilt/faq.html> and <http://www.doi.gov/pilt/chapter69.html>. Section 6902 of P.L. 97-258 states that PILT payments may be used by recipients for any governmental purpose and are not required to be further distributed by recipients (usually counties) to other local government units such as school districts or cities.

Enactment of this Resolution would affect the current system of direct payments of PILT funds to Arizona Counties and require the State of Arizona to distribute these monies as a pass-through entity. Political influence of the affected cities and towns would assure that the State would equitably devise and apply a fair distribution formula to eligible entities, including municipalities.

C. Fiscal Impact to Cities and Towns

The Federal Law recognizes the inability of local governments to collect taxes on Federally-owned land, although such lands negatively impact those governments. This creates a financial impact on local entities. However, the law only recognizes county government as the "local unit of general government" in situations where the State has not specifically been designated to pass-through these funds for reallocation or redistribution to those governmental entities impacted by federal lands.

For this reason the federal law provides for the State to enact legislation as provided for in section 6907 of P.L. 97-258 to receive the payments normally made directly to the federally recognized "local government" (i.e. County) and to pass-through this money on to other smaller governmental units located within the counties. The State of Wisconsin currently applies this federal option to distribution of PILT funds. Because the State cannot retain any portion of the PILT funds for the administration of the distribution/allocation, the only fiscal impact to eligible Cities and Towns may be the need to negotiate an Intergovernmental Agreement (IGA) with the State of Arizona for subsequent reimbursement of any costs or expenses associated with said distribution.

D. Fiscal Impact to the State

P.L. 97-258-Section 6907(b), states in pertinent part that:

"No payment, or portion thereof, made by the Secretary shall be used by any State for the administration of this subsection or subsection (a)."

This would create a fiscal impact to the State; however, surely the benefiting entities could contract for such distribution services offered by the State through intergovernmental agreement. In the alternative, there may be other unrelated legislative issues that can be used in negotiations to favor the State as a means of offset for these distribution services.

Clearly, the fiscal impact would be greatly felt by the Counties that would be forced to rightfully share the funds with the entities that truly incur the costs. Obviously, the Counties' funds would drastically be reduced, and therefore, even the mention of pursuing such legislation may bring the counties to the bargaining table.

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Establish the State as the P.I.L.T. Pass Through Entity

RESOLUTION #24

Support for enhancing transportation funding.

Submitted by:

Town of Buckeye, City of Avondale, Town of Queen Creek

A. Purpose and Effect of Resolution

The purpose of the resolution is to support the enhancement of transportation funding sources. Arizona is now the fastest growing state in the nation and State transportation funding should be elevated to a level that provides adequate resources for planning and delivering additional transportation infrastructure to keep pace with the State's growth.

The effect is to alleviate the State's urgent transportation needs and prevent future areas of traffic congestion.

B. Relevance to Municipal Policy

This resolution will provide the economic security necessary to maintain the upkeep of current transportation infrastructure and keep pace with future transportation needs.

Transportation must remain an urgent priority for State lawmakers because of the impact this issue has across all State agenda items. In effect, adequate transportation infrastructure is a conduit to a strong economy.

C. Fiscal Impact to Cities and Towns

Potential to provide additional transportation funds for local, regional projects. With an improved transportation system, businesses will become more productive and will have a positive impact on the economies of the cities and towns in which they are located.

D. Fiscal Impact to the State

Potential to provide additional transportation funds for state projects. With an improved transportation system, businesses will become more productive and will have a positive impact on the State's economy.

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RESOLUTION #25

Urges the State Legislature to enable municipalities to enter into agreements with counties to provide for inter-jurisdictional transfer of development rights.

Submitted by:

City of Tucson, City of Peoria, City of Yuma

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A. Purpose and Effect of Resolution

A.R.S. section 11-821.03 enables counties to develop programs that will permit development rights (density of development) to be transferred from one piece of property to another. The county statute permits, on consent of both property owners, development rights to be transferred from a sending property to a receiving property on the condition that the sending property then be protected from certain types or amounts of development. While the sending property has its density reduced, the receiving property may develop more intensely than would otherwise be allowed.

Development rights transfer programs have been successfully implemented in many other states.

B. Relevance to Municipal Policy

In responsibly managing the health, welfare and safety of their residents, local elected representatives are charged with appropriately planning and encouraging growth while addressing the public’s call for community amenities.

A statute that would allow local governments to facilitate the transfer of development rights among property owners, would enable local governments to encourage needed infill development while simultaneously providing for open space management or neighborhood protection that is demanded by the constituents.

This transfer mechanism does so without negatively affecting property rights. A program implemented in cooperation with a county would permit rural preservation while directing development in to more appropriately suited urban areas.

C. Fiscal Impact to Cities and Towns

No anticipated fiscal impact to municipalities.

D. Fiscal Impact to the State

This legislation would not impact the State.

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