

# CITY COUNCIL AGENDA

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

**SPECIAL MEETING**  
**June 9, 2008**  
**6:00 PM**

**CALL TO ORDER BY MAYOR ROGERS**  
**PLEDGE OF ALLEGIANCE**  
**MOMENT OF REFLECTION**

**1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK**

**2 SCHEDULED PUBLIC APPEARANCES**

- a. Letter of support to Boeing for Air Force Contract
- b. Maricopa County Flood Control District Project Update
- c. Presentation by the Southwest Valley YMCA

**3 UNSCHEDULED PUBLIC APPEARANCES**

(Limit three minutes per person. Please state your name.)

**4 ORDINANCE FOR PUBLIC ART**

Staff will update the Council regarding a proposed ordinance to require public art for public and private developments, with an option for private developers to pay a fee in lieu of artwork on site to the Public Art Fund. For information, discussion and direction.

**5 STATEWIDE TRANSPORTATION PLANNING INITIATIVES UPDATE**

The Mayor and Council will receive an update from the Maricopa Association of Governments regarding various statewide transportation planning efforts. For information and discussion only.

**6 ORDINANCE 1316-608 - AUTHORIZING THE PURCHASE OF REAL PROPERTY**

Staff is requesting adoption of an ordinance authorizing the Purchase of Real Property at NEC of Avondale Boulevard and Van Buren Street. The Council will take appropriate action.

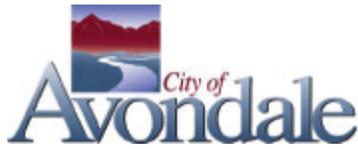
**7 ADJOURNMENT**

Respectfully submitted,

A handwritten signature in cursive script that reads "Carmen Martinez".

Carmen Martinez, CMC  
Acting 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:**

Letter of support to Boeing for Air Force Contract

**MEETING DATE:**

June 9, 2008

**TO:** Mayor and Council

**FROM:** Sammi Curless

**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

Representatives of Mario E. Diaz & Associates will be presenting a request on behalf of Boeing, regarding support to conduct Congressional hearings and a General Accountability Office examination of the procurement process surrounding the US Air Force's award of a \$35 billion contract to European Aeronautic Defense and Space (EADS) for the next fleet of tanker refueling aircraft.

**RECOMENDATION:**

Following the presentation, Council may discuss this item and take possible action on a letter, to be signed by all members of the City Council, to Representative Ike Skelton, the Chariman of the House of Representatives Committee on Armed Services.

**ATTACHMENTS:**

Click to download

 [Draft Letter](#)

June 9, 2008

The Honorable Ike Skelton  
Chairman, Committee on Armed Services  
United States House of Representatives  
Washington, D.C. 20515

Dear Representative Skelton:

The City of Avondale City Council is writing to express our concern over the recent awarding of a \$35 billion tanker contract to foreign-based firm EADS over domestic firm Boeing. Given the actions taken by EADS against the U.S. in the past and the nature of the procurement process, we urge you to reconsider this choice.

EADS has been on the receiving end of \$100 billion in illegal subsidies from the European Union to undermine America's share in the commercial airline market. In retaliation, the U.S. Trade Representative went before the World Trade Organization and filed the largest-ever lawsuit against the violating countries. While the decision earned praise from lawmakers on both sides of the aisle, the U.S. Air Force allowed EADS to use the subsidies to finance the air frame used in the current refueling tanker prototype.

The Air Force initially countered these subsidies with a provision in the procurement criteria that countered EADS' use of subsidies. However, the provision was quickly dropped. Furthermore, the Air Force exempted EADS from the Berry Amendment which requires specialty materials such as titanium to be processed domestically for national security reasons.

In addition, the Air Force made further changes to their rules at the behest of EADS, eliminating a provision that prevents the firms in the bidding process from exporting new technology that may be developed during the contract process to rogue nations like Iran and North Korea, leaving countries like France to build on their already strong ties with Iran with new weapons systems.

Finally, the Air Force executed a last-minute change to their requirements for the size of the tanker. After initially telling both firms that a middle-sized tanker would be sufficient to land on various runways, the Air Force changed their conditions to favor the larger EADS tanker and putting the Boeing tanker at a severe disadvantage.

All of these ninth-inning changes resulted in the scales tipping hard in favor of EADS even though Boeing had scored higher on the Department of Defense evaluation criteria. If the changes had not been made to favor the bid by EADS, Boeing would be providing the Air Force with a superior tanker.

The end result in all of this is a potential risk of national security and the future of our military being placed in the hands of a firm that has never manufactured a tanker before. More than that, our Department of Defense has told the rest of the world that we will overlook serious violations of international trade law and even reward companies with lucrative military contracts. We must do right by our taxpayers and reconsider the Air Forces' decision.

Sincerely,

Marie Lopez Rogers  
Mayor

Ken Weise  
Vice Mayor

Jim Buster  
Councilmember

Stephanie Karlin  
Councilmember

Jim McDonald  
Councilmember

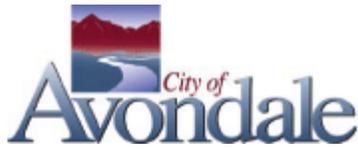
Frank Scott  
Councilmember

Dr. Charles M. Wolf  
Councilmember

cc:

The Honorable Robert M. Gates  
Secretary of Defense  
The Pentagon  
Washington, DC 2030

The Honorable Michael W. Wynne  
Secretary of the Air Force  
The Pentagon  
Washington, DC 20301



# CITY COUNCIL REPORT

**SUBJECT:**  
Maricopa County Flood Control District Project Update

**MEETING DATE:**  
June 9, 2008

**TO:** Mayor and Council

**FROM:** David Fitzhugh, Assistant City Manager (623)333-1014

**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

Representatives of the Maricopa County Flood Control District will update the City Council on current and future projects which affect Avondale.

**BACKGROUND:**

The Flood Control District has indicated that they would like to update the City Council on the following items:

- The District's mission and background
- The District's CIP program
- Durango Regional Conveyance Channel
- Loop 303 Area Drainage Master Plan
- Agua Fria Water Course Master Plan
- McMicken Dam rehabilitation project
- Tres Rios
- Rainbow Valley
- El Rio.

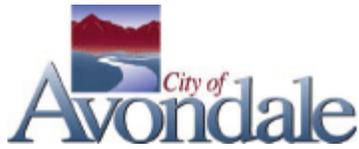
**RECOMENDATION:**

For information and discussion only.

**ATTACHMENTS:**

[Click to download](#)

No Attachments Available



# CITY COUNCIL REPORT

**SUBJECT:**

Presentation by the Southwest Valley YMCA

**MEETING DATE:**

June 9, 2008

**TO:** Mayor and Council

**FROM:** Carmen Martinez, Acting City Clerk (623)333-1214

**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

The Southwest Valley YMCA Executive Committee will update the City Council on the role the YMCA plays in the communities it serves. For information and discussion only.

**RECOMENDATION:**

For information and discussion only.

**ATTACHMENTS:**

Click to download

 [Request](#)

May 21, 2008

Charles McClendon, City Manager  
City of Avondale  
11465 W Civic Center Drive  
Avondale, AZ 85323

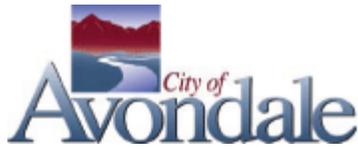
Re: June 2<sup>nd</sup>, 2008 City Council Meeting

Dear Charlie,

The Southwest Valley YMCA Executive Committee has authorized me to write to you requesting time on the above Agenda. We believe it is important to explain to the City Council the role that we play in the entire communities we serve. Our presentation should take about 15 minutes and leave time for questions, if any from the Council members.

Thank you in advance,

Betty S. Lynch  
Chair, Board of Management



# CITY COUNCIL REPORT

**SUBJECT:**  
Ordinance for Public Art

**MEETING DATE:**  
June 9, 2008

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

**PURPOSE:**

Staff will update the council regarding an ordinance proposed by The Avondale Municipal Art Committee that would require public art for public and private developments, with an option for private developers to pay a fee in lieu of artwork on site to the Public Art Fund.

**BACKGROUND:**

The Avondale Municipal Art Committee was created two years ago and tasked with selecting, recommending and procuring public art for the City of Avondale. After completing a Public Art Master Plan and preparing a priority list of sites and artists, the AMAC purchased three public art pieces, the Solar Continuum Sun Dial, Elephant Walk and Family at Play.

In researching the ways other cities build extensive public art collections, it became clear that the most acceptable and widely used approach was to establish an ordinance that requires public art be included in development projects. It is a straightforward approach that recognizes public art as an essential element of a quality development. Public Art is also an essential element in meeting the Council Goal of enhancing Quality of Life.

Public art creates a unique sense of community and a public image that presents the city as one that cares about art and culture, which positively affects property owners and property values.

Development Services staff drafted the ordinance after reviewing sample ordinances from other cities, including Tempe, Scottsdale and Glendale. In addition, Valley Partnership provided input from the development community. These comments were incorporated into this draft.

**DISCUSSION:**

The proposed ordinance exempts developments of less than 50,000 square feet and general industrial (A-1 zoning) projects. Although municipal buildings are included, the ordinance recognizes the annual general fund contribution to the Municipal Art Committee Public Art Fund, and therefore allows for the exemption of specific municipal projects. The value of the public art is correlated with the value of the project in a tiered manner that imposes caps.

All Public Art required shall have a minimum valuation equal to 0.25% (1/4%) of the total construction cost (hereinafter "Art Valuation"), subject to the following maximum investment caps based upon the net floor area of the development:

- 0.25% of the total construction cost for projects of 50,000 to 250,000 square feet with a cap of \$100,000;
- 0.25% of the total construction cost for projects of 250,001 to 350,000 square feet with a cap of \$125,000;
- 0.25% of the total construction cost for projects of 350,001 and greater square footage with a cap of \$150,000.

The total construction cost shall be based on the cost of construction established by the Building Division for purposes of calculating the building permit fees.

The Art Valuation is determined when the applicant submits an application for a building permit. If the construction cost increases or decreases by ten percent (10%) or more, due to project modifications, additions or deletions, the Art Valuation shall be revised to reflect the revised construction cost as determined by the Building Division.

The developer may elect to make an in lieu of art work on site contribution to the Public Art Fund. The Art in Public Spaces Fund will be a separate fund, where monies will be pooled. All public art purchases or temporary exhibits that require the expenditure of these funds requires Council approval.

If the developer elects to provide public art on site, a public art application must be part of the development site plan to assure that the artwork is well integrated with the overall site plan. It shall include:

1. Landscape site plan indicating the location and orientation of the artwork and the landscaping and architectural treatment integrating the piece into the overall project design;
2. A sample, model, photograph or drawings of the proposed artwork;
3. Material samples and finishes if appropriate;
4. A resume of the proposed artist;
5. Slides and/or photographs of the proposed artist's past work which demonstrates like work to the proposal;
6. A written statement by the artist describing any theme or development of the artwork.
7. A written statement or invoice by the artist declaring the valuation of the artwork.
8. Statement of the ongoing maintenance requirements.

The completed application along with the recommendation of staff and/or consultants is forwarded to the Avondale Municipal Art Committee for review and action. Timeliness is a concern for developers. Therefore, prompt review and response will be provided. Staff will strive to manage this process so that it moves in tandem to the development review process.

The AMAC considers public art to be any work of art created by visual or public context artists or designer that is sited in a public place for people to experience. The required artwork that may be used to satisfy the requirements of this Chapter shall include but are not limited to, the following:

1. Sculpture: in the round, bas-relief, mobile, kinetic, electronic, in any material or combination of materials;
2. Painting: All media, including, but not limited to, murals;
3. Mosaics;
4. Artwork: in clay, wood, metal, plastics and other materials;
5. Mixed Media: any combination of forms or media, including collage;
6. Any other form of work of artwork determined by the Avondale Municipal Art Committee or City Council on appeal, to satisfy the intent of this Chapter.
7. Preference may be given to local artist; however, all artists must be able to provide a portfolio of accomplished public artwork projects showcasing their experience.

Public art is art that is located in public spaces. It is art that people encounter on a daily basis in the public sphere.

Excluded Items: The following shall not be included as part of the Art Valuation, but shall be born separately by the developer/ property owner:

1. The cost of locating the artist;
2. Architect and landscape architect fees;
3. Land costs;

4. Mass produced objects such as playground equipment, services or utilities necessary to operate or maintain the artwork over time;
5. Landscaping around sculpture, not integral to sculpture design;
6. Publicity, public relations, photographs or dedication ceremonies;
7. Utility fees associated with activating artwork;
8. Logo and identifying signage.

The AMAC will use the following objectives in reviewing public art on site applications. The committee is also amenable to considering functional art.

Is the proposed art work:

1. A unique or thematic design;
2. Appropriate in scale, form, content, materials, textures, colors and design to the site and surrounding environment;
3. Compatible with the design character or historic character of the site;
4. Integrate and complement the surrounding environment;
5. Preserve and integrate natural features;
6. Consider the public's safety;
7. Durable in material and easy of maintenance
8. Demonstrate quality, artistic excellence and originality.

A developer may appeal a denial of proposed art work on site to the City Council.

**RECOMENDATION:**

For Council review, discussion and direction.

**ATTACHMENTS:**

Click to download

 [Public Art Ordinance 060208](#)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ORDINANCE OF THE CITY OF AVONDALE, SECTION 11, Reserved, BY ADDING 1101 THROUGH 1110 RELATING TO PUBLIC ART.

**WHEREAS**, all due and proper notices of public hearings on this Ordinance held before the City of Avondale Planning Commission and the Council of the City of Avondale were given in the time, form, substance, and manner provided by Ariz. Rev. Stat. 9-462.04; and

**WHEREAS**, pursuant to the required notices under ARIZ. REV. STAT. § 9-462.04, the Commission held a public hearing on this Ordinance on (date) 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 (date);

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

SECTION 1. CONTENT. That the City of Avondale Zoning Ordinance, Section 11, Reserved, is hereby deleted in its entirety and replaced by the Section 11 Required Public Art for New Planned Area Developments (PAD), Commercial, Office, Employment and Municipal Construction Ordinance (Exhibit A), which shall be inserted into the Zoning Ordinance as a new Section 11, Required Public Art for New Planned Area Developments (PAD), Commercial, Office, Employment and Municipal Construction.

SECTION 2. EXECUTION. 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 3. VALIDITY. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 4. EFFECTIVE DATE This ordinance shall become effective thirty (30) days from and after the date of its adoption.

SECTION 5. PUBLICATION This Ordinance shall be published once within fifteen (15) days of its passage and adoption, in the West Valley View, a newspaper of general circulation circulated in the City of Avondale and printed and published nearest the City of Avondale.

**INTRODUCED** on the \_\_\_\_ day of \_\_\_\_\_, 2008

**PASSED AND ADOPTED** as an ordinance of the City of Avondale at a regular meeting of said Council on the \_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

APPROVED:

\_\_\_\_\_  
Marie Lopez-Rogers, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## Section 11

### REQUIRED PUBLIC ART FOR NEW PLANNED AREA DEVELOPMENTS (PAD), COMMERCIAL, OFFICE, EMPLOYMENT AND MUNICIPAL CONSTRUCTION

#### Sections:

- 1101 Purpose
- 1102 Definitions
- 1103 Findings
- 1104 Property Subject to Requirements
- 1105 Public Art On Site
- 1106 Public Art Valuation
- 1107 Fee In Lieu of Public Art On Site
- 1108 Procedure For Public Art On Site
- 1109 Guidelines For Approval
- 1110 Appeal to the City Council

#### 1101 Purpose

The purpose of this Ordinance is to beautify the community with a wide variety of quality artistic elements. Residents and visitors may enjoy the artistic elements and will often return to experience them again while shopping or conducting business. This section includes provisions to regulate and establish standards for inclusion of publicly visible Public Art in Planned Area Development (PAD), commercial, office, employment and municipal development projects.

#### 1102 Definitions

"Public Art:" Any work of art created by visual or public context designer that is sited in a public place for people to experience. This can include murals, outdoor sculptures, or infrastructure such as public fixtures or furniture and other functional elements that are designed and/or built by **visual or public context designers**. Public art is art that is located in public spaces. It is art that people encounter on a daily basis in the public sphere.

"Interior:" The inner part of a building, including the foyer and internal court yard. Exterior is defined as the region that is outside and in front of a building where representations of visual Public Art are suitably situated. Public Art may be exterior to the building but interior to the project site.

"Net Floor Area:" The sum of all floor areas, including mezzanines, outdoor retail and dining areas, **devoted to an activity**, excluding exterior walkways and the thickness of exterior walls.

### **1103 Findings**

The City Council makes the following findings:

- A. The visual and aesthetic quality of development projects in the City has a significant impact on property values, the economic well-being of the City and its orderly development;
- B. Public art plays a role in creating opportunities for cultural tourism, economic development and image building;
- C. The incorporation of publicly visible Public Art in PAD, commercial, office, employment, and municipal development projects will enhance the visual and aesthetic quality of such developments, enhance property values and the orderly development of the City,
- D. Public Art creates a unique sense of community and self-image, as well as a public image presented to others which, in turn, can positively affect property owners' willingness to maintain their property and its value;
- E. Requiring the incorporation of such Public Art is in the public interest and welfare.

### **1104 Property Subject to Requirements**

- A. All new construction of non-residential PAD, commercial, office, and employment development projects of 50,000 square feet net floor area or greater that will require site plan approval, and all municipal buildings shall be subject to the requirements of this Section.
- B. All such developments in excess of 50,000 square feet that expand or are remodeled to the extent of 50% or more of the replacement cost of the building, will be considered newly constructed are subject to the provisions hereof.
- C. All residential, general industrial (A-1 zoning), non-profit and/or non-municipal governmental development shall be exempt from the requirements of this Chapter, provided that non-profit status is not obtained for the sole purpose of avoiding the requirements of this Section.
- D. Nothing contained in this Section shall prevent the City Council and/or the Planning Commission from imposing

requirements for inclusion of Public Art in a particular project not mentioned in this section by means of specific plan, conditional use permit, or other discretionary review where it is determined that facts particular to the proposed development warrant such a conditional approval. Where the Planning Commission or the Council deems it appropriate, several small projects may pool resources to provide one larger Public Art piece.

- E. The City Council may exempt any Municipal building from the provisions and requirements of this Ordinance by a majority vote of the City Council.

### **1105 Public Art On Site**

All Subject Property developments of 50,000 square feet net floor area and above shall provide for the installation and maintenance of exterior Public Art on the property being developed, which must be visible or accessible to the public, except where a Fee In Lieu of Public Art On Site is elected pursuant to **Section 1107**. Smaller projects are encouraged to incorporate artistic functional design elements.

- A. **General.** Before installation, the owner of the Subject Property will obtain approval of a Public Art On Site application demonstrating the placement of the Public Art on the site. In addition, the owner of the Subject Property shall maintain the Public Art, or cause it to be maintained, in good condition continuously after its installation in accordance with **Section 1108.F**. No piece of required Public Art approved pursuant to this Section may be removed, except for required maintenance or repair, except with the written approval of the City, which may be conditioned upon replacement of the piece.
- B. **Media.** The required Public Art that may be used to satisfy the requirements of this Section shall include but are not limited to, the following:
  - 1. Sculpture: in the round, bas-relief, mobile, kinetic, electronic, in any material or combination of materials;
  - 2. Painting: all media, including, but not limited to, murals;

3. Mosaics: a picture or decorative design made by setting small colored pieces, such as stone or tile, into a surface.
4. Artwork: in clay, wood, metal, plastics and other materials;
5. Mixed Media: any combination of forms or media, including collage;
6. One-of-a-kind building features and site enhancements such as gates, benches, water features, walkways or bridges, and public use items including decorative trash receptacles provided that it has been commissioned by a visual or public context designer.

Any other form of Public Art determined by the Avondale Municipal Art Committee or City Council to satisfy the intent of this Section. Preference may be given to local visual or public context designers; however, all artists must be able to provide a portfolio of accomplished Public Art projects showcasing their experience.

- C. **Identification.** Each Public Art piece shall be identified by a plaque stating the visual or public context designer's name, Public Art piece title, and date the work was dedicated. The plaque will be placed in an appropriate location near the Public Art piece that can be easily accessed by pedestrians.
- D. **Installation.** Except as otherwise provided in this Section, no Certificate of Occupancy shall be issued for the subject property until the required Public Art piece has been installed on the property. If such installation prior to the anticipated date of occupancy is impractical, the Development Services Director may allow occupancy of the building or portion thereof prior to installation of the Public Art piece; provided, however that the applicant has filed adequate security with the City to guarantee installation of the Public Art piece as required in the form of a bond, letter of credit, cash deposit, or similar security instrument, along with an agreement to install the required Public Art piece, in such amount and form as is acceptable to the Development Services Director and the City Attorney. Such funds will transfer to the Municipal Art Committee Fund if after one (1) year the Public Art is not installed. (check with Legal)

### 1106 Public Art Valuation

All Public Art required by this Section shall have a minimum valuation equal to 0.25% (1/4%) of the total construction cost (hereinafter "Art Valuation"), subject to the following maximum investment caps based upon the net floor area of the development:

- ❖ 0.25% of the total construction cost for projects of 50,000 to 250,000 square feet with a cap of \$100,000;
- ❖ 0.25% of the total construction cost for projects of 250,001 to 350,000 square feet with a cap of \$125,000;
- ❖ 0.25% of the total construction cost for projects of 350,001 and greater square footage with a cap of \$150,000.

The total construction cost shall be based on the cost of construction established by the Building Division for purposes of calculating the building permit fees.

The Art Valuation is determined when the applicant submits an application for a building permit. If the construction cost increases or decreases by ten percent (10%) or more, due to project modifications, additions or deletions, the Art Valuation shall be revised to reflect the revised construction cost as determined by the Building Division.

A. **Included Items.** The following expenses may also be included as part of the Art Valuation:

1. The Public Art piece itself, including the visual or public context designer's fee for design, structural engineering, materials, and fabrication;
2. Transportation and installation of the Public Art at the site;
3. Identification plaque(s);
4. Mountings, anchorages, containments, pedestals, bases, or materials necessary for installation of the Public Art.
5. Illumination of the Public art as appropriate.

B. **Excluded Items.** The following items shall not be included as part of the Art Valuation, but shall be born separately by the developer/property owner:

1. The cost of locating the visual or public context designer;
2. Architect and landscape architect fees;
3. Land costs;
4. Mass produced objects such as playground equipment, services or utilities necessary to operate or maintain the Public Art piece over time;
5. Landscaping around sculpture, not integral to sculpture design;
6. Publicity, public relations, photographs or dedication ceremonies;
7. Utility fees associated with activating the Public Art piece;

#### 1107 Fee In Lieu of Public Art On Site

A. **Payment and Amount of Fee.** The applicant may elect to pay a Fee In Lieu of Public Art On Site to the Public Art Fund established by the City, in lieu of procuring and placing public art on the applicant's project. The fee shall be equal to the Art Valuation determined under Section 1106.

B. **Maintenance of Account.** Any monies collected by the City in accordance with the in lieu contribution provisions of this Chapter shall be deposited in a separate account denominated as the "Art in Public Places Account" and used at the sole discretion of the City.

C. **Use of Account.** The Art in Public Places Account shall be used for the following purposes:

1. To provide Public Art in public places, including permanent and temporary exhibits, to further the intent and purpose of the Public Art Master Plan;
2. To hold pooled monies;

3. To pay for the administration of the Art in Public Places Account activities.

D. **Distribution of Funds.** The Avondale Municipal Art Committee shall make recommendations to the City Council regarding the use of Art in Public Places funds in keeping with the parameters of the Guidelines referenced in **Section 1107**.

#### **1108 Procedure for Public Art On Site**

A. **Selection.** If the developer elects to provide a Public Art piece within the development, he or she may utilize the Avondale Municipal Art Committee catalog as a resource in selecting **visual or public context designers** and to ensure that the proposed piece is in alignment with the Public Art Master Plan and other guidelines and is appropriate to the site. However, the developer may also choose a **visual or public context designer** who is not represented in the catalog. Criteria to be considered in the selection of Public Art shall include the following:

1. **Quality:** The Public Art piece demonstrates originality, artistic excellence, and quality;
2. **Media:** All visual forms and media may be considered as outlined in **Section 1105.B**, subject to the approval of the Avondale Municipal Art Committee;
3. **Style:** Public Art of all schools, styles, and tastes should be considered;
4. **Response to Site:** Public Art and art places should be appropriate in scale, material, form, content, and value for the immediate, general, social, and physical environments with which they are to relate;
5. **Team Approach:** Encourage the early involvement of the **visual or public context designer** as a member of the project design team;
6. **Durability:** Consideration should be given to structural and surface integrity, permanence, and protection against theft, vandalism, weathering, excessive maintenance, and repair costs;

7. Elements of Design: Consider that public art, in addition to meeting aesthetic requirements, may also serve to establish focal points, terminate areas, modify, enhance, or define specific spaces, or establish identity;
8. Public Liability: Public Art and art places should be examined for unsafe conditions or factors that may bear on public liability;
9. Diversity: Strive for diversity of style, scale, media, **designers**, community values, forms of expression, and equitable distribution of Public Art throughout the City.

**B. Application.** Prior to submittal of an application, a pre-application conference with the Development Services Department as outlined in **Section 107** is required to become familiar with the requirements of this Ordinance and City procedures. The application materials will be provided to the applicant at this time. The Public Art application shall be submitted as part of the development Site Plan and Design Review application to assure that the Public Art is well integrated within the overall site plan. It shall include:

1. Landscape plan indicating the location and orientation of the Public Art and the landscaping and architectural treatment integrating the piece into the overall project design;
2. A sample, model, photograph or drawings of the proposed Public Art piece;
3. Material samples and finishes if appropriate;
4. A resume of the proposed **visual or public context designer**;
5. Slides and/or photographs of the proposed **visual or public context designer**'s past work which demonstrates like work to the proposal;
6. A written statement by the **visual or public context designer** describing any theme or development of the Public Art;

7. A written statement or invoice by the **visual or public context designer** declaring the valuation of the Public Art;

8. Statement of the ongoing maintenance requirements.

**C. Review Period.** The completed public art application shall be forwarded by the Development Services Department to the Avondale Municipal Art Committee for review and action. The Avondale Municipal Art Committee shall review the application within sixty (60) calendar days of receipt of the complete Public Art application and may make recommendations regarding possible changes, modifications or additions to the proposed Public Art. Fourteen (14) days prior written notice shall be provided to the applicant of the time and place of the meeting at which the application will be heard by the Avondale Municipal Art Committee. The applicant or applicant's representative may elect to present their proposal to the Committee; however, a presentation is not required. The applicant will be notified of the Avondale Municipal Art Committee's decision within five (5) business days.

**D. Approval.** The Avondale Municipal Art Committee shall approve or deny the Public Art application based on the Public Art Master Plan and the guidelines in **Section 1109** below. The Avondale Municipal Art Committee may conditionally approve a proposed Public Art application subject to such conditions that the Avondale Municipal Art Committee deems reasonably necessary for such Public Art to satisfy the guidelines referenced in **Section 1109**. If the application is not initially approved by the Avondale Municipal Art Committee, the Committee shall provide the applicant and the Development Services Department with review comments. The applicant shall attempt to address the review comments and resubmit the art application at least once before the appeal process outlined in **Section 1110** can be initiated.

**E. Installation.** The Public Art piece must be installed in accordance with the approved site plan prior to issuance of a Certificate of Occupancy for the new construction, unless the posting of security has been approved and made pursuant to **Section 1105.D**.

**F. Maintenance.** All privately sited Public Art pieces shall remain the property of the owner for the life of the

Certificate of Occupancy. Title and ownership of the Public Art piece shall transfer in whole or in part to any successor in interest of the structure. The owner of the Public Art piece shall provide all maintenance necessary to preserve the work in good condition. In addition, the owner of Public Art shall maintain in full force and effect fire and extended insurance coverage, including but not limited to vandalism coverage, in a minimum amount of the purchase price of the subject Public Art. Failure to maintain the Public Art will make the owner subject to possible liens against the real property.

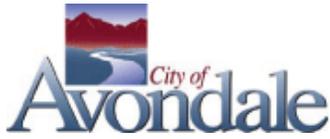
#### **1109 Guidelines For Approval**

The Guidelines for review of the Public Art on site shall be in conformance with the Public Art Master Plan and the following objectives:

- A. Portray a unique or thematic design:
- B. Be appropriate in scale, form, content, materials, textures, colors and design to the site and surrounding environment;
- C. Be compatible in design and location with the design character or historic character of the site;
- D. Create an integral and complementary unity with the environment;
- E. Preserve and integrate natural features;
- F. Consideration of the public's safety;
- G. Be durable in material and easy to maintain;
- H. Demonstrate quality, artistic excellence and originality.

#### **1110 Appeal to the City Council**

Any final decision of the Avondale Municipal Art Committee may be appealed to the City Council. Said appeal shall be in writing stating the grounds thereof. All proceedings initiated by the action of the Avondale Municipal Art Committee shall be suspended pending a final determination by the City Council of the merit of the appeal.



# CITY COUNCIL REPORT

**SUBJECT:**  
Statewide Transportation Planning Initiatives Update

**MEETING DATE:**  
June 9, 2008

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

**PURPOSE:**

To provide Mayor and Council with an overview of recent statewide transportation initiatives and transportation planning efforts.

**BACKGROUND:**

With the continued growth in population and expansion of development in Arizona, the gap between transportation needs and funding is expected to grow significantly over the next several decades. Numerous efforts are ongoing at the state and regional levels to plan for the State's growing transportation needs.

**T.I.M.E. Coalition**

On May 6, 2008 the Transportation Infrastructure Moving Arizona Economy (T.I.M.E.) Committee filed a statewide ballot initiative. The measure was spearheaded by the Governor's Office and the business community and proposes to impose a one-cent sales tax over 30 years to address statewide transportation needs. Proponents must collect 153,365 signatures by July 3, 2008 for the measure to appear on the November, 2008 General Election ballot.

**Regional Framework Studies**

The Arizona State Transportation Board has allocated resources for a statewide collaborative process called "Building a Quality Arizona, or bqAZ" to quantify transportation needs statewide and identify the full range of options to address those needs. Executive Order 2008-02, issued by Governor Napolitano in coordination with her 2008 State of the State speech, supports this process.

The Framework Policy Committee which is made up of representatives from across the state has met regularly to provide policy guidance and information to citizens, Governor and Legislature. Working in collaboration with regional transportation planning entities, transit organizations, tribal governments, land management agencies, conservation groups, business and community leaders, and the Governor's office, the Arizona Department of Transportation (ADOT) and the Framework Policy Committee are embarking on the development of a Statewide Transportation Planning Framework that links multimodal transportation alternatives with land use and economic planning and development.

**DISCUSSION:**

The Maricopa Association of Governments (MAG) staff will provide an overview of the proposed TIME Coalition proposal, and provide an update on recent planning efforts of the Building a Quality Arizona Framework studies.

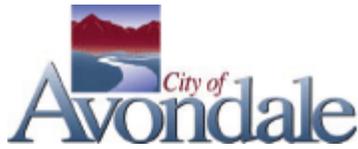
**RECOMENDATION:**

For information and discussion only.

**ATTACHMENTS:**

[Click to download](#)

No Attachments Available



# CITY COUNCIL REPORT

**SUBJECT:**

Ordinance 1316-608 - Authorizing the Purchase of Real Property

**MEETING DATE:**

June 9, 2008

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

**PURPOSE:**

Staff is requesting the City Council adopt an ordinance approving the purchase of 217,160 square feet of real property located at the NEC of Avondale Boulevard and Van Buren Street (325 N. Avondale Boulevard) for the amount of \$4,200,000 from EMM3 Development, LLC, and authorize the transfer of appropriations from 320-1210-00-8420 (Improvement District) to 101-5300-00-8200 (General Fund). EMM3 Development LLC is planning to expand and relocate its trucking business (SLT Expressway) from this current location to the SWC of Riley Drive and Eliseo C. Felix Jr. Way.

**BACKGROUND:**

On May 21, 2007, City Council authorized the sale of City Real Property located at the SWC of Riley Drive and Eliseo C. Felix Jr. Way. The City has been working with EMM3 to relocate and expand its SLT Expressway business to the new location over the past two years. EMM3 will be making an estimated \$4.5 million capital investment to improve the Riley Property. SLT Expressway currently employs more than 300 people with an annual payroll of \$20 million. The plans are to double the number of people who work for the company by 2012 with the expansion into the new facility.

The purchase of the property located at the NEC of Avondale and Van Buren will facilitate both the ability of the company to expand and relocate to the Riley Property, and the City's interest in implementing the vision of the City Center Area Plan at a key intersection. The cost to the City to purchase the property will be recouped through the sale of the Riley Property and the sale of other City owned Real Property.

**BUDGETARY IMPACT:**

The funds for the purchase of the property will initially be funded through the general fund and then substantially repaid through the sale of the Riley Property and other planned sales of City real property. The land purchase was not appropriated in the budget, as a result, a transfer of appropriations from the potential Improvement District fund is necessary. The cash for the purchase will come from Fund Balance in the General Fund.

**RECOMENDATION:**

Staff recommends that City Council adopt an ordinance authorizing the purchase of approximately 217,600 square feet of property located at the NEC of Avondale Boulevard and Van Buren Street for approximately \$4,200,000, and authorize staff to transfer appropriations from fund 320 to fund 101 in the amount of \$4,200,000.

**ATTACHMENTS:**

Click to download

[Ordinance](#)

[Vicinity Map](#)

**ORDINANCE NO. 1316-608**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR PUBLIC USE.

**WHEREAS**, Article 1, Section 3 of the Avondale City Charter (the “Charter”), authorizes the City of Avondale (the “City”) to acquire real property in fee simple or any lesser interest, inside or outside its corporate limits for any City purpose, when the public convenience requires it and in accordance with the provisions of State law; and

**WHEREAS**, the City Council desires to authorize the acquisition of certain parcels necessary for public use.

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

SECTION 1. That the acquisition of  $\pm$  9.55 acres of real property, being a portion of Maricopa County Assessor’s Parcel No. 102-57-005X, generally located North of Van Buren Street, east of Avondale Boulevard (the “Acquisition Property”), as more particularly described in Exhibit A, attached hereto and incorporated herein by reference, is hereby authorized.

SECTION 2. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

SECTION 3. That, if any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision of portion hereof shall be deemed separate, distinct, and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

**PASSED AND ADOPTED** by the Council of the City of Avondale, June 9, 2008.

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Marie Lopez Rogers, Mayor

ATTEST:

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Carmen Martinez, Acting City Clerk

APPROVED AS TO FORM:

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Andrew J. McGuire, City Attorney

EXHIBIT A  
TO  
ORDINANCE NO. 1316-608

[Legal description of Acquisition Property]

See following pages.

## EXHIBIT "ONE"

A parcel in Lot 7, Section 6, Township 1 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING for a tie at the Southwest corner of Section 6;  
THENCE North 89 degrees 17 minutes 22 seconds East along the South line of said section, 33.00 feet;  
THENCE North 0 degrees 08 minutes 52 seconds East, 33.00 feet to the point of beginning;  
THENCE continuing North 0 degrees 08 minutes 52 seconds East, 362.53 feet;  
THENCE North 89 degrees 15 minutes 58 seconds East, 715.81 feet;  
THENCE South 1 degree 03 minutes 27 seconds East, 49.78 feet to a point on the North line of a parcel of land described in Docket 10170, page 83, Maricopa County Records;  
THENCE South 89 degrees 17 minutes 22 seconds West along the North line of said parcel, 0.62 feet to the Northwest corner of said parcel;  
THENCE South 1 degree 07 minutes 38 seconds East along the West line of said parcel, 313.00 feet;  
THENCE South 89 degrees 17 minutes 22 seconds West, 723.20 feet to the point of beginning;

EXCEPT the South 40 feet; and

EXCEPT the West 55 feet; and

EXCEPT that portion of land lying within the property recorded in Instrument No. 2000-0815079, being a portion of Lot 7, Section 6, Township 1 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Southwest corner of said Section 6;  
THENCE North 89 degrees 07 minutes 09 seconds East along the South line of said Lot 7, a distance of 55.01 feet;  
THENCE North 0 degrees 02 minutes 12 seconds West, a distance of 40.00 feet to the existing Northerly right-of-way line of Van Buren Street and the point of beginning;  
THENCE continuing North 0 degrees 02 minutes 12 seconds West, parallel with and 55.00 feet Easterly of the West line of said Lot 7, a distance of 20.00 feet;  
THENCE South 89 degrees 07 minutes 09 seconds West, parallel with the Southerly line of said Lot 7, a distance of 10.00 feet;  
THENCE North 0 degrees 02 minutes 12 seconds West, parallel with and 45.00 feet Easterly of the West line of said Lot 7, a distance of 335.53 feet;  
THENCE North 89 degrees 04 minutes 54 seconds East, a distance of 20.00 feet;  
THENCE South 0 degrees 02 minutes 12 seconds East, parallel with and 65.00 feet Easterly of the West line of said Lot 7, a distance of 305.55 feet;  
THENCE South 45 degrees 27 minutes 31 seconds East, a distance of 35.09 feet to a point 65.00 feet Northerly of the South line of said Lot 7;  
THENCE North 89 degrees 07 minutes 09 seconds East, parallel with and 65.00 feet Northerly of the South line of said Lot 7, a distance of 79.16 feet;  
THENCE North 0 degrees 02 minutes 12 seconds West, a distance of 82.00 feet;  
THENCE North 89 degrees 07 minutes 09 seconds East, a distance of 118.00 feet;  
THENCE South 0 degrees 02 minutes 12 seconds East, a distance of 82.00 feet;  
THENCE North 89 degrees 07 minutes 09 seconds East, parallel with and 65.00 feet Northerly of the South line of said Lot 7, a distance of 468.32 feet;

**THENCE South 1 degree 18 minutes 42 seconds East, a distance of 25.00 feet to a point 40.00 feet Northerly of the South line of said Lot 7;**  
**THENCE South 89 degrees 07 minutes 09 seconds West, parallel with and 40.00 feet Northerly of the South line of said Lot 7, a distance of 701.04 feet to the point of beginning.**

SUBJECT MAP

