

Minutes of the Work Session held October 18, 2010 at 6:00 p.m. in the Council Chambers.

**MEMBERS PRESENT**

Mayor Lopez Rogers and Council Members

Jim McDonald, Vice Mayor  
Jim Buster  
Frank Scott  
Charles Vierhout  
Ken Weise

**EXCUSED ABSENCE**

Stephanie Karlin

**ALSO PRESENT**

Charlie McClendon, City Manager  
David Fitzhugh, Assistant City Manager

**1) ROLL CALL BY THE CITY CLERK**

**2) SR 801 ALIGNMENT DISCUSSION**

Information regarding the proposed alignments of the proposed I-10 Reliever freeway, State Route 801.

City Manager, Charlie McClendon, noted that the conditions regarding the State Route 801 alignment had recently changed, and Council has decided to revisit the issue. A third alignment option was added. The future of the General Plan update hinges on this matter.

Assistant City Manager, David Fitzhugh, stated that in 2003, the Maricopa Association of Governments (MAG) commissioned a number of transportation studies around the Valley as part of Proposition 400. The Southwest Area Transportation Study projected that because of anticipated regional growth, the I-10 freeway and Avondale's local arterial streets would become gridlocked. MAG came up with an alternative reliever corridor that would run parallel to, and about five miles south of the I-10. It was included in the final transportation plan. Voters approved prop 400 in November of 2004.

Staff believes that it would be in Avondale's best interest to help guide the Arizona Department of Transportation's (ADOT's) alignment selection process. The objectives of the General Plan, adopted in 2002, were used to assess the type of impact that a freeway would have on Avondale's ability to implement the plan. A study was commissioned in 2005 to understand where these corridors might logically go, and what kind of constraints existed in the area. Mr. Fitzhugh used a map to display some of the physical challenges that a freeway would encounter. The northern alignment would cut through a development in Phoenix, the Hillcrest development, and the planned development of Lakin Ranch. The middle alignment would impact existing and proposed developments, while the southern alignment would avoid the majority of those problems. An Avondale study revealed that a northern alignment would return about \$560 million less in City, County and State revenue than a southern alignment, because of the higher densities in the north.

Mr. Fitzhugh said ADOT's corridor alignment analysis looked at the conceptual design, noise, land use, socio-economic, environmental justice, air quality, water quality, cultural resources, civil rights, Title VI, and biological resource issues. The initial engineering draft

and environmental report were to have been done by early 2009, but Avondale has not seen anything yet. MAG evaluated the three corridors with variations, and in 2007 recommended eliminating the middle alignment, since it did not add anything significantly different to the northern alignment. Avondale agreed with that recommendation. Avondale expected a recommendation from ADOT in 2008, but this has not been sent yet. There has been little activity since 2009, but ADOT has indicated an interest in reintroducing the middle alignment to the environmental assessment. S.R. 801 is now part of the fifth phase, and no longer will be funded by Prop 400. If the project stays in the fifth phase, it would be subject to a future revenue authorization. It could also be a candidate for a public/private partnership as a toll road.

The northern alignment has a number of attractive features. It would be the least expensive option, at about 10% less than the southern alignment. It has the best engineering design, the best geometry, and the least right of way cost. It has fewer proximity impacts to the river, and is farthest away from residents who live around Southern Avenue. On the other hand, it has the highest existing resident displacement. It would require revision to the existing proposed General Plan. Four school sites would be impacted, one existing and three planned. It would have the highest economic impact because of the loss of revenue and density. It would isolate a significant portion of Avondale, and might impact historic sites.

The middle alignment is about 5% to 7% less expensive than the southern alignment. It would not directly impact Gila River activities. It could incorporate a portion of the Durango channel, providing an advantage to future development. It could act as a separator, preserving the low-density area to the south St. John's canal. This alignment would have the second highest planned development acreage impact and second highest cost. It would impact an existing school.

The southern alignment would not impact potential master planned development, and would impact the fewest number of existing homes. It would not isolate a sector of the city. This alignment would have the least economic impact on future revenues, and would not impact any schools. This is the most expensive option. It would impact development around Southern Avenue, and have an environmental impact. All three alignments would require residential sound walls.

The no-build option would have no cost. Avondale could develop property as intended through the General Plan. There would be no direct environmental impact, but gridlocked streets could produce air quality issues. It would not impact revenue either way. The street network would be negatively impacted. There are currently no plans to mitigate traffic with alternative modes of transportation. This option does not meet the intent of the Regional Transportation Plan (RTP). Resistance to this plan from neighboring communities and the region would be likely.

Mr. Fitzhugh noted that MAG staff unofficially presented a super arterial parkway concept as a potential interim replacement. These roads are very efficient, but can carry fewer cars per day than a freeway. They are cheaper to build, but they have a larger footprint, requiring a 200-foot wide corridor. He requested Council direction. Mr. McClendon noted that Council expressed disappointment that the proposed southern alignment left so little

room on the south side for office parks that could serve as a transition zone between the Gila River and the freeway.

Council Member Buster questioned why the middle alignment was eliminated. Mr. Fitzhugh responded that there were a number of options that were being considered. Avondale chose Option 2C3, which left a fairly substantial amount of room between the freeway and the river, however, there were a few issues that came together resulting in the elimination of that alignment.

Council Member Buster inquired about the initial concerns with the northern alignment. Mr. Fitzhugh explained that in addition to the required densities outlined in the General Plan, there are power lines, effluent lines, drainage channel, and floodplain which make it very economically challenging for a developer to make the property work. Council Member Buster inquired whether a parkway would be an acceptable compromise. Mr. Fitzhugh said it would create some of the same problems, but would not have the same impact that a freeway would.

Council Member Buster commented that the West Valley supported Prop 400 but has received very little in return. The South Mountain Freeway has not been built, and SR 801 has no funding. If another growth spurt occurs, the region would likely be asked for another half-cent sales tax. While he would not like to see gridlock or Los Angeles style traffic, the West Valley cannot allow itself to be taken advantage of again.

Vice Mayor McDonald said the southern alignment was moved so far south that it would create more environmental problems. The plan was to create a beautiful riparian area where people could go to enjoy the natural river. The sound of cars rushing by would significantly detract from that appeal. The southern alignment would avoid cutting through developed areas like the other alignments do, but it should be moved somewhat further north to allow some development that would buffer freeway noise. He inquired whether the extra cost of the southern alignment took into account the cost of residential displacement. Mr. Fitzhugh responded that the cost estimate included construction, right of way, and engineering. The cost of acquiring homes and raw land are part of the right of way cost.

Vice Mayor McDonald commented the southern alignment was the best option considering the lost revenue over the long term and agreed with Council Member Buster's assessment of the West Valley lack of return on investment in Prop 400. Phoenix's weighted vote nullifies the West Valley. He felt the parkway option was better than the no build option, though it might not move the required amount of traffic. Cars idling on a parkway could create more pollution than a larger number of cars moving quickly on a freeway.

Council Member Scott agreed that the West Valley did not get a fair deal in Prop 400. Avondale envisioned a nice recreational corridor with water frontage and without the sound of cars going by. While the northern alignment would be most cost-effective in the short term, a southern alignment would benefit the future growth of the city. The no-build option is not an option. Phoenix has to take action considering the amount of traffic on I-10. More cars going 60 m.p.h. are better for air pollution than fewer cars idling at intersections. The northern alignment would force Avondale to face two large physical barriers, the I-10 and SR 801.

Council Member Vierhout asked about the preferences of neighboring communities. Mr. Fitzhugh responded that Goodyear, Buckeye, Litchfield Park, and Tolleson have passed resolutions for the southern alignment. The City of Phoenix's Transportation Subcommittee has sent a letter in support of the southern alignment. There are 150 letters from residents in the Farmington Glen subdivision in Phoenix supporting the southern alignment. The Mayors of all those cities have also sent letters of support for that option. He said the parkway is not an official alignment and therefore has not been studied to the level of the others. It was floated as an idea by MAG to find some middle ground, but has not gone anywhere since it was first presented.

Council Member Vierhout acknowledged the concerns about dividing Avondale yet again. If the southern alignment were pushed up against the river, Avondale would be giving up all development opportunities on the south side of the road, which could be substantial. He liked the parkway option best. In response to an inquiry from Council Member Vierhout, Mr. Fitzhugh said the 20-year study was completed in 2003. Council Member Vierhout noted that growth was at its peak at that time and questioned whether things would turn out as planned. Mr. Fitzhugh clarified that the Avondale's study was based on existing land use, and did not take into account any future opportunities that a freeway might bring. There has been no analysis of alternatives, if the freeway were moved someplace else.

Council Member Weise inquired about the distance between the most southern part of the southern alignment and the edge of the river. Mr. Fitzhugh identified that it would be right on the edge of the river at Avondale Boulevard. The improvements proposed by the City of Phoenix and the Corps of Engineers affect land at the confluence of the three rivers. Council Member Weise noted that Avondale would not be able to take advantage of development opportunities along the river if the freeway were placed on it. He questioned how would ADOT's decision be affected if the project is pushed out 20 or 30 years because of the lack of funds and Avondale's Estrella Foothills plan started to happen and wondered if developers would stay away from the area due to uncertainty. Mr. Fitzhugh hesitated to predict what developers would do, but there is nothing in any of the proposed corridors that would prevent anyone from developing their property. Until the right of way is acquired for the freeway, developers could build according to City approval. Development could change the dynamics of the freeway, however. Council Member Weise said none of the alignments would stop Avondale from developing the General Plan. Mr. McClendon agreed. He said Council intended Avondale to be a good regional player by accommodating the freeway and figuring out how to make the best of it so that future development could take advantage of the positives, and mitigate the negatives. Developing a General Plan that would not put houses right along the freeway would be part of that. He felt it would be wise for Council to work with the region and reflect where the freeway would be in the General Plan.

Council Member Weise opined that the northern alignment is not a good option. A parkway would bring something to Avondale that is rare in Arizona. The development along the parkway would go a long way to determining its aesthetic quality. The river is Avondale's best chance for unique development. The southern alignment could kill those plans, but the middle alignment borders the Lakin property. He prefers the southern alignment to the middle alignment, noting that neither option was ideal.

Mayor Lopez Rogers expressed frustration in listening to MAG's promises that never amount to anything. Avondale had to fight to get issues resolved on the I-10. An 801 freeway would be a pass through. A parkway might or might not encourage people to stop in Avondale. She would prefer that the route not be built at all. The West Valley cannot be counted on to pass another tax until something can be shown for the taxes that have already been paid. Avondale is not getting bus or rail service either. If Federal money were available, she would prefer that those transit options be developed instead of a freeway. The southern alignment that Council proposed was already a compromise. The new proposal is not working in the best interest of Avondale's residents. MAG is only pushing projects far to the east or west of Avondale.

Council Member Weise recalled hearing about all the freeways that were being planned in 1987. Many of them have never been built. Avondale needs to move forward with a plan that meets the needs of its residents, without waiting for another entity to decide what is best for the city.

Council Member Buster concurred with the frustration expressed by Mayor Lopez Rogers. He questioned why Avondale had to accept the southern alignment the way MAG drew it, as opposed to the way it was envisioned. Mr. Fitzhugh responded that MAG's considered a number of different alternatives to the three alignments. There were historical sites in the way in some cases. An idea to place it on Southern Avenue violated MAG's policy of locating freeways on mile streets, and it would require building an equivalent street. MAG tried to avoid as many issues as they could while going through that area. Council Member Buster said all three alternatives are unsatisfactory and he indicated he would be in favor of either the original southern alignment or a parkway.

Mayor Lopez Rogers reiterated that Council prefers the original southern alignment. Mr. McClendon said the original southern alignment would have made much of the Estrella Foothills Plan feasible, but the same is not true of the new southern alignment. If necessary, a parkway option might need to be re-evaluated.

### 3) ADJOURNMENT

With no further business before the Council, Council Member Weise moved to adjourn the work session. Council Member Vierhout seconded the motion. The motion carried unanimously.

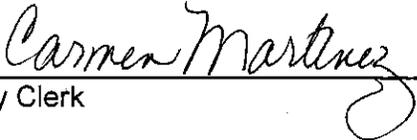
Meeting adjourned at 6:57 p.m.

  
Mayor Lopez Rogers

  
Carmen Martinez, CMC  
City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of the Council of the City of Avondale held on the 18th day of October 2010. I further certify that the meeting was duly called and held and that the quorum was present.

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

Minutes of the Regular Meeting held October 18, 2010 at 7:02 p.m. in the Council Chambers.

**MEMBERS PRESENT**

Mayor Rogers and Council Members

Jim McDonald, Vice Mayor  
Jim Buster  
Frank Scott  
Charles Vierhout  
Ken Weise

**EXCUSED ABSENCE**

Stephanie Karlin

**ALSO PRESENT**

Charlie McClendon, City Manager  
David Fitzhugh, Assistant City Manager  
Rogene Hill, Assistant City Manager  
Kevin Artz, Finance and Budget Director  
Andrew McGuire, City Attorney  
Carmen Martinez, City Clerk

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

**2 UNSCHEDULED PUBLIC APPEARANCES**

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

**3 CONSENT AGENDA**

**a. APPROVAL OF MINUTES**

Regular Meeting of October 4, 2010.

**b. LIQUOR LICENSE SERIES 12 (RESTAURANT) - CHINA CITY SUPER BUFFET**

A request from Mr. Yang Chun Lu for a Series 12 Restaurant License to sell all spirituous liquors at China City Super Buffet located at 10040 W McDowell Road in Avondale.

**c. LIQUOR LICENSE - AGENT CHANGE AND ACQUISITION OF CONTROL - PILOT TRAVEL CENTERS, LLC**

A request from Ms Andrea Dahlman Lewkowicz for approval of an Agent Change and Acquisition of Control for the Series 10-Off-Sale Retailer's License to sell beer and wine at Pilot Travel Center located at 900 N 99th Avenue in Avondale.

**d. SAMPLING LIQUOR LICENSE (9S) - SAM'S CLUB**

A request from Ms Clare Abel on behalf of Sam's Club #4830 located at 1459 N Dysart Road in Avondale for a Series 9S Liquor License which would allow sampling privileges at the location.

**e. PURCHASE AGREEMENT – INVADER PEST MANAGEMENT, INC.**

A request to approve a Purchase Agreement with Invader Pest Management, Inc. to provide pest control services and authorize the Mayor or the City Manager and City Clerk to execute the applicable contract documents.

**f. CONSTRUCTION CONTRACT - MARKHAM CONTRACTING CO., INC. – HILL DRIVE IMPROVEMENT PROJECT**

A request to award a construction contract to Markham Contracting Co., Inc. to provide construction services for the Hill Drive Improvement Project in the amount of \$215,882.17, authorize the transfer of \$131,700 from 304-1153-00-8420, 127th Ave – Lower Buckeye to Dysart to 304-1252-00-8420, Hill Drive, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

**g. RESOLUTION 2902-1010 - AVONDALE MUNICIPAL ART COMMITTEE BYLAWS**

A resolution amending the Bylaws of the Municipal Art Committee to standardize their format and update and clarify the language as needed.

Vice Mayor McDonald moved to approve the consent agenda including Resolution 2902-1010 as presented; Council Member Weise seconded the motion.

**ROLL CALL VOTE AS FOLLOWS:**

Vice Mayor McDonald	Aye
Council Member Scott	Aye
Council Member Vierhout	Aye
Mayor Lopez-Rogers	Aye
Council Member Weise	Aye
Council Member Karlin	Excused
Council Member Buster	Aye

Motion carried 6-0.

**4 ORDINANCE 1425-1010 - AMENDING CHAPTER 24 - WATER SERVICES FEES AND DEPOSITS**

An ordinance amending the Avondale City Code, Chapter 24, relating to the responsible party, an increase in security deposits, the fee to connect service, and conditions to restore service.

Charlie McClendon, City Manager, introduced Kevin Artz to present this item. He indicated that the Council has previously discussed this item and gave direction to staff to work with stakeholders to develop a solution that addresses all concerns.

Kevin Artz, Finance and Budget Director, reviewed the process that has been followed to include feedback from all stakeholders. The highlights of the proposed ordinance are as follows:

- Increase residential deposit to \$175 (\$200 if paid in installments)
- Increase Commercial Deposit to \$300
- Property owner must sign service contract, acknowledging ultimate responsibility for the bill and any delinquencies
- Increase turn-on fee from \$20 to \$60 (\$100 for same day service)
- Eliminate provision to waive deposit and all new accounts would be required to pay a deposit. Existing accounts would be grandfathered in.
- Refund deposit when service is discontinued

- The deposit would be automatically increased to \$250 when service is disconnected for non-payment.
- Real estate agents allowed to turn-on water for three days with payment of \$100 turn-on fee
- Real estate agents with a listing will be allowed to establish service at a property

Council Member Weise asked who has the right to request service turn-off in cases where there of a landlord-tenant dispute. Mr. Artz indicated that if the account is in the tenant's name, the tenant is the only person who can request the service be turned off. The service would be turned off in cases where the account is delinquent but not at the request of the landlord. In response to a question from Council Member Weise, Kevin Artz explained that for disconnected accounts, the deposit is essentially forfeited when the service is not reinstated. In most cases the account is brought current, however, under the new ordinance, the customer will be responsible for an increased deposit of \$250.00 and would have to pay the difference from the original deposit. Council Member Weise indicated that he believes this is a good compromise and added that uncollected revenues need to be collected as it represents a burden to all residents.

Council Member Scott commended staff for working on this ordinance which represents a great compromise that is fair to both the landlords and the tenants. He asked Mr. Artz to provide him with a copy of the service contract once it is finalized. In response to a question from Council Member Scott, Mr. Artz indicated that refunds are usually provided within 20 to 30 days. Council Member Scott indicated that the proposed ordinance protects the City and added that staff needs to inform Council if they need any additional resources to make sure that delinquencies do not reach the point that they have.

Council Member Vierhout commented that the contract form prepared by the Arizona Association of Realtors allows for a 10 day period to conduct inspections and asked if the three day period proposed in the ordinance is adequate. Mr. Artz indicated that the three day period was proposed during one of the public comment sessions. During further discussions with WEMAR representatives, they have not expressed an opinion either way regarding this timeline.

Vice Mayor McDonald asked how much would the \$175 deposit cover in delinquency. Mr. Artz indicated that based on current rates it should cover a two to two-and-a-half month delinquency. He indicated that when he did an analysis of the delinquent accounts, he determined that had the City had the proposed deposit in place, approximately 70% of the outstanding receivables would have been covered. Mr. Artz further clarified that in cases of a rental property, the landlord would be responsible for the delinquent amount in excess of the deposit under the proposed ordinance.

Amanda Wright on behalf of West Maricopa Association of Realtors (WEMAR) indicated that his organization is in support of section 2420b of the proposed ordinance because it would allow realtors to turn on service on foreclosed properties. WEMAR is also in support of Section 2449a because it allows tenants to establish service in their name and protects tenants against unscrupulous landlords. Ms Wright thanked Mr. Artz and his staff for working with WEMAR to reach a compromise that works for all. In response to a question from Council Member Vierhout, Ms Wright indicated that three day period gives realtors ample time to conduct the necessary inspections.

Vice Mayor McDonald moved to adopt Ordinance 1425-1010 amending the Avondale City Code, Chapter 24 relating to the responsible party, an increase in security deposits, the fee to connect service, and conditions to restore service; Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Vice Mayor McDonald	Aye
Council Member Scott	Aye
Council Member Vierhout	Aye
Mayor Lopez-Rogers	Aye
Council Member Weise	Aye
Council Member Karlin	Excused
Council Member Buster	Aye

Motion carried 6-0.

**5 ADJOURNMENT**

There being no further business before the Council, Council Member Weise moved to adjourn the regular meeting; Council Member Vierhout seconded the motion. Motion carried unanimously.

Meeting adjourned at 7:30 p.m.

ROLL CALL VOTE AS FOLLOWS:

Vice Mayor McDonald	Aye
Council Member Scott	Aye
Council Member Vierhout	Aye
Mayor Lopez-Rogers	Aye
Council Member Weise	Aye
Council Member Karlin	Excused
Council Member Buster	Aye

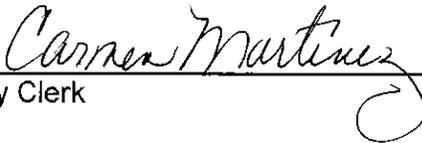
Motion carried 6-0.

  
Marie Lopez-Rogers  
Mayor Rogers

  
Carmen Martinez, CMC  
City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Session of the Council of the City of Avondale held on the 18<sup>th</sup> day of October, 2010. I further certify that the meeting was duly called and held and that the quorum was present.

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