

Minutes of the Regular Meeting held October 15, 2007 at 7:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Lopez-Rogers and Council Members

Chuck Wolf, Vice Mayor

Jim Buster

Ken Weise

Betty Lynch

MEMBERS EXCUSED

Council Member Scott

Council Member Earp

Council Member Buster – Noted excused from October 8, 2007 meeting

ALSO PRESENT

Charlie McClendon, City Manager

Andrew McGuire, City Attorney

John Vater, Planner I, Development Services Department

Ken Galica, Planner II, Development Services Department

Linda Farris, City Clerk

Mayor Lopez-Rogers called the meeting to order, and Delaney Weise, Junior Runner-Up for Little Miss Avondale, led those present in the Pledge of Allegiance.

1) STATEMENT OF PARTICIPATION BY THE CITY CLERK

2) RECOGNITION ITEMS (MAYOR PRESENTATIONS)

a. The Council considered a resolution honoring Representative John Nelson and Certificates of Appreciation for other State Legislators. The Council will take appropriate action.

Mayor Lopez Rogers stated the Council was honored to have representatives from Legislative Districts 12, 13, and 23 present tonight, and elaborated that for two years the City of Avondale had been working with the State lawmakers to ensure the safety of the commuters traveling through Avondale on Interstate 10. She stated that accelerating the widening of the I-10 has been a priority of Avondale, as it has been for the Legislators present tonight. Mayor Lopez Rogers explained that in June 2006 it was believed that the I-10 would qualify for STAN funds, but sections of the I-10 running through Avondale were determined ineligible for STAN funds. Mayor Lopez Rogers reported that thanks to the hard work of the Legislators and their willingness to work together, they were instrumental in getting the freeway accelerated. She stated for this reason, the Avondale City Council would like to honor each Legislator tonight and call attention to the leadership of Representative John Nelson who successfully negotiated the interest policy provisions and the sum of 10 million dollars into the House Transportation Budget Reconciliation Bill (HB 2793). Mayor Lopez Rogers asked Andrew McGuire, City Attorney, to read the resolution.

Andrew McGuire read Resolution 2690-1007 by title only. Vice Mayor Wolf moved to adopt the resolution. Council Member Lynch seconded the motion.

Mayor Lopez Rogers invited discussion or comments from the Council.

Council Member Buster stated he appreciates the work of the entire delegation, as they worked very hard and he knows from his involvement with the legislature that these things are accomplished through long hours of work and through the efforts of many people, and he mentioned Intergovernmental Affairs Manager, Shirley Gunther; Representative Nelson; Senator Blendu; Representative Weiers; Senator Miranda; Senator Rios; and Representative McGuire.

Council Member Weise thanked everyone for their work. He stated the City of Avondale has had probably close to \$200,000 invested in staff time, resources, and lobbying trips to Washington, and he cannot imagine the time the legislators have put into this issue. He stated the West Valley flexed their muscle this year and it was a coalition led by Representative Nelson that made this happen.

Council Member Lynch echoed the statements made and stated she knew personally that she could contact Representative Nelson at any time and she would get an answer from him. She stated she recognized it was a team effort and she really appreciated that.

Vice Mayor Wolf stated that when the four cities entered into the agreement a couple of years back, they had a much larger component of this project through to Buckeye to the western extent of the project. He stated it is important to recognize the two years of very hard work on both STAN accounts and the value that it is bringing to the entire West Valley.

Vice Mayor Wolf moved to adopt the resolution. Council Member Lynch seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

Mayor Lopez Rogers invited Representative Nelson to come forward. Mayor Lopez Rogers read a statement of gratitude, followed by a round of applause.

Representative John Nelson echoed the Council, in that no one person gets anything done, particularly at the Legislature. He stated they had a great team and made a great effort from the beginning all the way through, and it did take both sides of the aisle and it was a bipartisan effort.

Mayor Lopez Rogers invited Senator Blendu to come forward and thanked him for his efforts. He was received by a round of applause.

Senator Robert Blendu stated it was proper to honor Representative John Nelson tonight as he really worked hard on this issue. Senator Blendu stated the lesson to be learned from this was that if we work together, we can accomplish a lot more and he would view this as a great beginning. He stated he cannot thank Senator Rios enough, as Senator Rios and he were fortunate enough to be on the budget negotiating team and they were able to include this item in the budget.

Mayor Lopez Rogers thanked Senator Richard Miranda for his hard work.

Senator Richard Miranda stated that here in the West Valley we are fortunate to have great quality leaders in the Legislature, both in the House and the Senate, and they are always fighting for West Valley issues. Senator Miranda reminded everyone not to forget the seniors in the West Valley and he stated he knows the City of Avondale cares about their seniors and he makes it a point to visit the Senior Center in Avondale, and he hopes for continued support for that center.

Mayor Lopez Rogers thanked Senator Rebecca Rios for her hard work.

Senator Rebecca Rios stated that Avondale and the West Valley are truly blessed to have representation by both Democrats and Republicans, so that this issue could not be called partisan and that it was a nice opportunity for everyone to partner together and do it the right way on behalf of the constituents.

Mayor Lopez Rogers thanked Representative Jerry Weiers for his hard work.

Representative Jerry Weiers stated the bottom line he would like everyone to remember is that the widening of I-10 would save lives, it was easy to do the right thing.

Mayor Lopez Rogers thanked Representative Barbara McGuire for her hard work.

Representative Barbara McGuire stated this was an honor and she was so proud to be the Representative for District 23 and to have Avondale be a part of that district. She stated

she looks forward to many more successful endeavors in the upcoming session. Representative McGuire congratulated Mayor Lopez Rogers on her reelection this term.

Mayor Lopez Rogers thanked Representative Steve Gallardo, Representative Martha Garcia, and Representative Pete Rios, as they also worked to make this happen. She stated there cannot be enough said for the work they have done throughout their lifetimes and it is appreciated as a City Council, as a City, and as a Government.

Mayor Lopez Rogers took a five minute photo recess.

3) UNSCHEDULED PUBLIC APPEARANCES

There were no requests to speak cards.

4) CONSENT AGENDA

Items on the Consent Agenda are of a routine nature or have been previously studied by the City Council at a Work Session. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

Council Member Lynch asked to pull Item 4f.

a. APPROVAL OF MINUTES

- Regular meeting of September 17, 2007
- Work Session of September 17, 2007

b. SPECIAL EVENT LIQUOR LICENSE - AMERICAN LEGION POST 61 – BILLY MOORE DAYS CELEBRATION

Special Event liquor license for the American Legion Post #61, 35 North 8th Street, Avondale, Arizona, for October 27, 2007 to be used in conjunction with the Billy Moore Days Celebration.

LIQUOR LICENSE – GAME TIME SPORTS GRILL, LLC

Series 16 (State Series 12) Restaurant license to sell all spirituous liquors at Game Time Sports Grill, 1729 North Dysart Road, Suite 107-109, Avondale.

c. FINAL PLAN FOR RILEY PROPERTY

Final plat approval for the Riley Property subject to conditions of approval, 9.95 acres located on the northwest corner of 10th Street and Western Avenue.

d. AMENDMENT NO. 1 – PROFESSIONAL SERVICES AGREEMENT – DYETT & BHATIA – CITY CENTER SPECIFIC AREA PLAN

Amendment No. 1 to the Professional Services Agreement with Dyett & Bhatia for the City Center Specific Area Plan in the amount of \$72,957, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

- g. CONTRACT FOR DRILLING AND INSTALLATION OF WELLS 22 AND 25**
Contract to Beeman Drilling for the purpose of drilling and installing Wells 22 and 25 for an amount not to exceed \$971,728, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.
- h. RESOLUTION 2696 – 1007 GRANTING A PARTIAL TERMINATION OF THE PREANNEXATION AGREEMENT FOR ROOSEVELT PARK FOR THE PURPOSE OF A SALT RIVER PROJECT IRRIGATION EASEMENT DEDICATION.**
Resolution granting a partial termination of the Preannexation Agreement for Roosevelt Park for the purpose of a Salt River Project Irrigation Easement, and authorizing the Mayor, or City Manager and City Clerk to execute the necessary documents.
- i. RESOLUTION 2693-1007 AMENDING COUNCIL RULES OF PROCEDURE – SELECTION OF VICE MAYOR**
Resolution amending Section 14 of the Council Rules of Procedure relating to the selection of a Vice-Mayor.
- j. RESOLUTION 2692-1007 AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT – MARICOPA COUNTY – TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS AT INDIAN SCHOOL ROAD AND EL MIRAGE ROAD**
Resolution authorizing an Intergovernmental Agreement with Maricopa County for Traffic Signal and Intersection Improvements at Indian School Road and El Mirage Road, and authorizing the Mayor, or City Manager and City Clerk to execute the necessary documents.
- k. RESOLUTION 2691-1007 AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT – MARICOPA COUNTY – TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS AT INDIAN SCHOOL ROAD AND WESTWIND PARKWAY**
Resolution authorizing an Intergovernmental Agreement with Maricopa County for traffic signal and intersection improvements at Indian School Road and Westwind Parkway, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.
- l. RESOLUTION 2695-1007 AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF AVONDALE AND FLOOD CONTROL**

DISTRICT OF MARICOPA COUNTY FOR COST SHARING DRAINAGE IMPROVEMENTS ON CENTRAL AVENUE AND ELM LANE

Resolution authorizing an intergovernmental agreement with Flood Control District of Maricopa County allowing payment of \$1,000,000 from FCDMC to the City of Avondale for cost sharing drainage improvements on Central Avenue and Elm Lane.

m. RESOLUTION 2694-1007 AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR BRIDGE INSPECTIONS

Resolution authorizing an intergovernmental agreement with the Arizona Department of Transportation for the inspection of city bridges, and authorizing the Mayor, or City Manager and City Clerk to execute the necessary documents.

n. RESOLUTION 2688-1007 AUTHORIZING THE DECLARATION OF A NOTICE OF INTENTION TO INCREASE WATER USER CHARGES OR RATE COMPONENTS

Resolution authorizing a Notice of Intent to increase water and wastewater rates or rate components.

o. ORDINANCE 1270-1007 ACCEPTING RIGHT-OF-WAY – 128TH AVENUE SOUTH OF ILLINI STREET

Ordinance accepting the dedication of right-of-way by Mr. Perez for 128th Avenue south of Illini Street and authorizing the Mayor, or City Manager and City Clerk to execute the appropriate documentation.

p. ORDINANCE 1721-1007 GRANTING AN IRRIGATION EASEMENT TO SALT RIVER PROJECT

Ordinance granting an irrigation easement to the Salt River Project at 111th Avenue and Van Buren Street and at Roosevelt Parkway and Van Buren Street for the Roosevelt Park 2 subdivision.

Andrew McGuire, City Attorney, read the resolutions and ordinances by title only. Council Member Lynch moved to approve the Consent Agenda, including the resolutions and ordinances, as amended. Vice Mayor Wolf seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Council Member Weise Aye

Motion carried unanimously.

PURCHASE CONTRACT – FLUORESCO LIGHTING AND SIGNS INDUSTRIES – LIGHTED STREET NAME SIGNS REPLACEMENT

Purchase contract to Fluoresco Lighting and Signs Industries (Fluoresco) to manufacture and install lighted street name signs at four (4) intersections in the amount of \$99,051.

Council Member Lynch stated she does not agree with this expense and does not condone it because spending this amount of money in this economy is not justified, as this amount of money would pay for a staff person and their benefits, or it could have paid for the Risk Management Study, which the staff has decided not to do. Council Member Lynch stated she believes that the economy is not such that that City should be spending \$100,000 on this item and she cannot vote in favor of this item.

Vice Mayor Wolf moved to approve Item 4f. Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion failed 3 to 2.

5) PUBLIC HEARING AND ORDINANCE 1273-1007 – FOR AVONDALE CROSSING REZONING (Z-07-2)

John Vater, Planner I, Development Services Department, presented Avondale Crossing Rezoning (Z-07-2) for the Council, a request for rezoning from AG to PAD, with Commerce Park and Light Industrial uses. He stated the subject property is currently zoned AG and is located at the northeast corner of El Mirage Road and future West Corporate Drive. Mr. Vater showed the Council slides of the property and described the zoning surrounding the subject property as a mix of AG and C-2 and described the vehicular access. He informed the Council the subject property is designated as Employment in the General Plan, which is intended for general office, enclosed industrial

uses, and commercial retail that supports the primary employment uses, and the subject property is also within the Freeway Corridor Specific Plan area and is visible from I-10. Mr. Vater stated the development was planned for three phases, with Phases I and II with proposed Light Industrial uses and Phase II with Commerce Park uses. He stated the applicant will build and dedicate a public road north from W. Corporate Drive through the center of the site to provide access to the residentially zoned property abutting to the north.

Mr. Vater informed the Council that the proposed uses are consistent with the Commerce Park and General Industrial zoning districts and are the same as the RDB Development abutting to the west. He stated this request for rezoning meets the requirements of the Zoning Ordinance, will result in compatible land use relationships, and will produce a quality development which is consistent with the desired character of the area, and with the recommended stipulations, the Avondale Crossing Pad is consistent with the goals and objectives of the General Plan and the Freeway Corridor Specific Plan. He informed the Council that the Planning Commission has recommended approval of this application subject to 11 stipulations. He noted that since the report was given to Council, Staff noted a discrepancy: A deviation from the Planning Commission's standard approved land uses in Commerce Park and General Industrial regarding warehouse and storage. He pointed out that the application states warehouse and storage with loading dock facilities and Staff is asking for a 12th stipulation from the Council tonight which will state "Warehouse storage shall be limited to warehouse storage with loading dock facilities that are ancillary to a permitted use, not to include dead vehicle storage, trucking companies, and moving storage companies." Mr. Vater explained that is normally what is in the applications the Council has approved in the past and this is what this application should have stated as well.

Mayor Lopez Rogers opened the public hearing. There were no requests to speak.

Council Member Lynch pointed out Stipulation No. 10 (Retail commercial operations directly related to the primary industrial use shall not exceed ten (10) percent of the gross floor area of any single tenant except with a Conditional Use Permit, where up to thirty (30) percent may be allowed), and stated that this Council was not very happy with CUPs. She asked if Stipulation No. 10 could be changed so that it would not require a CUP. Mr. Vater explained they had requested the CUP because if the issue was left open to the zoning, retail could go up to 30% and with a CUP, retail space could be considered on a case-by-case basis. Council Member Lynch stated those people need to have places to eat and shops to visit on their lunch hours. She asked if any consideration had been given to that as these sites were developed in that area. Mr. Vater replied he believed the plan was to stick to the zoning categories and the uses within them.

Charlie McClendon, City Manager, interjected that one of the things in adopting the General Plan that the Council and the public agreed to was to reserve some of the areas

along Van Buren Street that will allow commercial uses to provide places to eat and shops to visit in those areas.

Council Member Lynch asked if the open space areas would have any shaded areas for people to use, such as at the industrial park off of Glendale Avenue. Charlie McClendon responded that this item, as well as the next item, was before the Council for zoning, so the site plans provided are only conceptual. He stated as the applicants come in for site plan approval, Staff will make sure as the plans go through the approval process, that those issues are addressed. Council Member Lynch stated there were 45 foot tall buildings at the other end of this site, and on this project, 35 foot tall buildings are the maximum, and she hoped Staff would be addressing building heights so there would be some variety and not a straight line building horizon.

Vice Mayor Wolf asked if any stipulations needed to be amended by Council and was assured that was not the case by Charlie McClendon, but that Stipulation No. 12 needed to be added.

Mayor Lopez Rogers closed the public hearing. City Attorney, Andrew McGuire, read Ordinance 1273-1007 for Avondale Crossing rezoning (Z-07-2) by title only.

Vice Mayor Wolf moved to approve Ordinance 1273-1007 for Avondale Crossing Rezoning subject to the 12 stipulations:

- 1) Development shall be in substantial conformance with the development plan and narrative for Avondale Crossing dated September 4, 2007. 2) All public improvements, including all half-street improvements on El Mirage Road and West Corporate Drive, shall be completed during the first phase of the development. Roadway cross-sections shall be required per Chapter 4 of the Avondale Transportation Plan. Required improvement standards are determined by the City of Avondale Engineering Design Guidelines for Site Development and Infrastructure Development. 3) The proposed development shall conform to the Avondale Commercial Design Guidelines (upon adoption). 4) Full Traffic Impact Analysis reports shall be required at Master Site Plan. Additional comments will be forthcoming based on review and results of the Traffic Study. A full revised Traffic Study will be required at Final Site Plan submittal. 5) Pedestrian-friendly design elements shall be required with the proposed major collector roadways. 6) Additional right-of-way may be required at Site Plan approval for improvements based upon the results of the revised Traffic Study and the Site Plan application, as determined by the City Engineer. 7) All water rights on the property shall be conveyed to the City of Avondale prior to recordation of the final plat. 8) An area not less than 5,000 square feet and roughly square in shape shall be provided on the subject property for a municipal well. Said site shall be

within 660 feet of the present location of the irrigation well on the subject property. The exact site and dimension shall be determined at final site plan. 9) A Master Site Plan and Comprehensive Sign Program for the development shall be approved by the City Council prior to development. Subsequently, plans and permits may be administratively approved by Staff for this development in accordance with the Council-approved Master Site Plan and Comprehensive Sign Program. 10) Retail commercial operations directly related to the primary industrial use shall not exceed ten (10) percent of the gross floor area of any single tenant except with a Conditional Use Permit, where up to thirty (30) percent may be allowed. 11) The architectural design and building materials shall conform to Figure 6 within the approved Avondale Crossing Development Plan dated September 4, 2007. 12) Warehouse storage shall be limited to warehouse storage with loading dock facilities that are ancillary to a permitted use, not to include dead vehicle storage, trucking companies, and moving storage companies.

Council Member Lynch seconded the motion.

Mayor Lopez Rogers invited further discussion, and hearing none, called for a vote.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

**6) PUBLIC HEARING AND ORDINANCE – CONTINUATION – HILLCREST
REZONING – Z-06-12**

Charlie McClendon, City Manager, stated this item should be opened for a public hearing, and then the applicant has requested and the City agrees to continue this item to November 5, 2007.

Mayor Lopez Rogers opened the item for public hearing. There were no requests to speak. Mayor Lopez Rogers closed the public hearing.

Vice Mayor Wolf moved to continue the Public Hearing and Ordinance for Hillcrest Rezoning (Z-06-12) to the November 5, 2007 agenda. Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

7) **PUBLIC HEARING AND ORDINANCE 1272-1007 – PAPAGO COMMERCE CENTER REZONING (Z-07-5)**

Ken Galica, Planner II, Development Services Department, explained this item was a rezoning application for Papago Commerce Center, approximately 11 acres located at the southeast corner of I-10 and El Mirage Road, currently zoned AG. Mr. Galica showed the Council an aerial photo of the subject property, pointing out vehicular access. He stated the subject property is designated as Employment by the General Plan and it falls within the Freeway Corridor Specific Plan, and the Employment land use encourages office and enclosed industrial uses, as well as modest amounts of retail which support the office and industrial uses. Mr. Galica informed the Council that the proposed office, distribution, and light manufacturing uses are consistent with the Commerce Park zoning district and the Employment land use designation, and the proposed Conditional Uses are consistent with the PADs approved in the vicinity. He reported the PAD development plan contains standards designed to encourage outstanding architecture through the inclusion of landscaping, signage and building design standards which will ensure a quality development of the subject property, and all development standards proposed for the property are identical to those in the Commerce Park district with the exception of an increase in building height from 35 to 45 feet. Mr. Galica explained that Staff feels this building height increase is appropriate considering the parcel location is adjacent to the freeway. He stated a Master Site Plan for the site, which will include reviews of materials, colors, landscaping, etc., will come before the City Council at a later date.

Mr. Galica reported this request for rezoning meets the requirements of the Zoning Ordinance, will result in compatible land use relationships, and will produce the quality of development which is consistent with the desired character for the area. He stated that with the recommended stipulations, the Papago Commerce Center PAD is consistent with

the objectives of the General Plan and the Freeway Corridor Specific Plan. He reported that on September 20, 2007, the Planning Commission recommended approval of the application subject to 10 stipulations.

Mayor Lopez Rogers opened the item for public hearing. There were no requests to speak.

Council Member Buster stated he received a call regarding a lack of the ability for churches to buy property and to expand which had occurred since the housing boom and the gobbling up of real estate by large developers. While he is not sure the call was in reference to this item or the last item, he pointed out a church had looked at a parcel in terms of leasing space. Mr. Galica responded this issue regarded the phase that is currently under construction just to the west of El Mirage Road where a church had looked at moving in, and the zoning does not allow for churches. He explained that churches were not considered compatible with employment types of uses because of the differences in parking requirements, pointing out that employment type uses require 1 space for every 500 square feet, and even less for areas that are strictly for warehousing and inventory storage; whereas, churches require much more parking. He added that churches were allowed in all commercial zoning districts, in some residential districts, and in some PAD districts, some subject to a Conditional Use Permit.

Council Member Buster stated this was an ongoing problem and perhaps he needs to talk with Staff about it because it was becoming all too common.

Charlie McClendon, City Manager, suggested that Council Member Buster refer the caller to the Economic Development staff or the Planning staff who are very familiar with inventory of property that might be available in the community that would be suitable for a church and they would be happy to work with the caller.

Mayor Lopez Rogers closed the public hearing.

Andrew McGuire, City Attorney, read Ordinance 1272-1007 – Papago Commerce Center Rezoning (Z-07-5), by title only.

Vice Mayor Wolf moved to approve the Ordinance subject to the 10 stipulations recommended by Staff.

- 1) Development shall conform to the Papago Commerce Center General Development Plan date stamped August 9, 2007, except as modified by these stipulations.
- 2) Retail commercial operations directly related to the primary industrial use shall not exceed ten (10) percent of the gross floor area of any single tenant except with a Conditional Use Permit, where up to thirty (30) percent may be allowed.
- 3) Freestanding freeway identification signage shall not be allowed.
- 4) A Master Site Plan shall be approved

by the City Council prior to development. Subsequently, plans and permits may be administratively approved by staff or this development in accordance with the Council-approved Master Site Plan and Comprehensive Sign Program. 5) Right-of-way dedication and street improvements shall be required as follows: Street right-of-way required street improvements - El Mirage Road 60' half street adjacent to property. (Major Collector) 2 travel lanes, bike lane, curb and gutter, sidewalks, street lights and landscaping. 6) Additional right-of-way may be required at Site Plan approval for improvements based upon the results of the revised Traffic Study and the Site Plan application, as determined by the City Engineer. 7) A full Traffic Impact Analysis shall be required at the time of Master Site Plan approval. 8) All water rights on the property shall be conveyed to the City of Avondale prior to issuance of a building permit or approval of a final plat, whichever is first. 9) Development of the eastern half of the Papago Commerce Center property may not commence until a secondary access point can be built. 10) The Master Site Plan shall be approved by ADOT prior to Site Plan approval by the City of Avondale.

Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

8) EXECUTIVE SESSION

Vice Mayor Wolf moved to hold an executive session pursuant to (i) ARIZ. REV. STAT § 38-431.03 (3) for discussion and consultation for legal advice with the City Attorney regarding project development agreements and (ii) pursuant to ARIZ. REV. STAT. § 38-431.03 (A)(4) for discussion or consultation with the City's attorney in order to consider its position and instruct the City's attorney regarding the Council's position regarding negotiations for acquisition of the Rigby Water Company.

Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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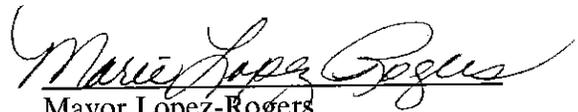
Council Member Scott	Excused
Council Member Buster	Aye
Mayor Lopez-Rogers	Aye
Vice Mayor Wolf	Aye
Council Member Lynch	Aye
Council Member Weise	Aye

Motion carried unanimously.

9) **ADJOURNMENT**

There being no further business to come before the Vice Mayor Wolf moved to adjourn. Council Member Weise seconded the motion. Motion carried unanimously.

Meeting adjourned at 8:24 p.m.



Mayor Lopez-Rogers



Linda M. Farris, CMC
City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Council of the City of Avondale held on the 15th day of October, 2007. I further certify that the meeting was duly called and held and that the quorum was present.



City Clerk