

Minutes of the Work Session held November 15, 2010 at 6:01 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
Rogene Hill, Assistant City Manager
Kevin Kotsur, Avondale Police Chief
Richard Lynch, Avondale City Judge
Ken Galica, Development Services Department
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

1) ROLL CALL BY THE CITY CLERK

2) PROPOSED INTERGOVERNMENTAL AGREEMENT WITH TOLLESON TO PROVIDE DETENTION SERVICES

Staff seeks direction from Council regarding a proposed Intergovernmental Agreement with the City of Tolleson to provide prisoner booking, transportation and misdemeanor sentence service at the Avondale Detention Facility. In exchange, the City of Tolleson will provide funds to pay for one full-time Detention Officer and a monthly stipend to the Avondale City Court.

Mr. McClendon stated that Avondale recently completed a six-month pilot program to partner with the City of Tolleson to provide detention services. An IGA is being prepared to make the arrangement permanent.

Police Chief Kevin Kotsur presented the findings of the pilot program. In April of 2010, Avondale started processing and transporting Tolleson's misdemeanor and felony prisoners. Prior to this arrangement, it cost Tolleson about \$177 a day to house a prisoner with the County, and \$188 per booking. The Tolleson PD was also responsible for transferring those prisoners to and from court. Avondale began to handle that process for them, in an effort to determine what impact it would have on staff workload, and the City's liability and budget.

Over a six-month period, Avondale booked 159 prisoners from Tolleson. Misdemeanor sentences were also served in Avondale. Major felons were still transported to the County. Avondale handled 371 transports to and from court and to jail, and 55 initial court appearances. It is estimated that through this arrangement Tolleson will save over \$168,000 annually; over \$61,000 from prisoner transport costs, \$70,000 on prisoner housing and about \$36,000 from staff time required for transportation.

Judge Lynch stated that Avondale has been able to absorb the extra workload during the trial period. The City would be fairly compensated for the extra work required. Chief Kotsur explained that in exchange for Avondale providing these services, the City of Tolleson would provide the Avondale Police Department with one full time detention officer, costing \$89,360 in salary and benefits. The first year cost would include an initial \$10,150 for the officer's equipment, weapon, training academy, and associated costs. The annual cost would decrease to \$72,200 per year for one full-time detention officer. The City of Tolleson would pay the Avondale's court an annual stipend of \$17,160. Chief Kotsur, Chief Rodriguez, and Judge Lynch recommended that Council accept the partnership.

In response to inquiry by Vice Mayor McDonald, Chief Kotsur confirmed that Tolleson's prisoners are treated the same as Avondale's. In the future, Tolleson anticipates a new facility that would allow them to do their own arraignments.

Council Member Vierhout said he supports these types of arrangements in general, and encourages more of them. He inquired about the time required for prisoner transports to the County jail. Chief Kotsur responded that once booked, prisoners have to see a judge within 24 hours. In most cases, Avondale's judge now handles that process. Felony prisoners are transported to County within 24 hours, and depending on the outcome, can be held over for a longer sentence or released on their own recognizance. Council Member Vierhout queried the capacity of Avondale's jail. Chief Kotsur explained that it could comfortably hold 36 prisoners. The jail has been close to reaching capacity on several occasions.

Mayor Lopez Rogers said it is important for the City to reduce costs wherever possible, while still providing quality service. She queried how the arrangement affects family visits. Chief Kotsur said Avondale's facility offers sufficient space for prisoner visitations. Mayor Lopez Rogers requested a breakdown of the cost savings to the Court. Judge Lynch explained that the estimate was based on the number of hours paid to the pro tem judge to handle arraignments on Fridays, Saturdays, and Sundays, at a wage of \$55 per hour for a three hour minimum. It takes into account instances where the only detainee comes from Tolleson.

Mr. McClendon announced that Council would consider the actual IGA on December 6, 2010.

3) REVISIONS TO ZONING ORDINANCE SECTION 1, ADMINISTRATION AND PROCEDURES (TA-08-6)

Staff seeks City Council direction regarding revisions to Section 1, Administration and Procedures of the Zoning Ordinance pertaining to site plan expirations and extensions.

Mr. McClendon stated that Council reviewed revisions to this ordinance before, but there have been subsequent discussions with applicants regarding the ability to extend site plans.

Mr. Galica said Council would consider this revision for adoption in February of 2011. Staff requests direction on the City's site plan expiration and extensions procedures. The primary reason that site plans expire is to make sure that the plan has a good chance of

still being in compliance with the City's code. Without an expiration date, a plan approved in 1987 could get built in 2012, even if it no longer reflects the City's vision. The current zoning ordinance allowances for site plan offers an initial validity period of one year, vested upon approval of a building permit. The applicant has a year to submit construction documents for review. If nothing is built in that time, the permit and site plan expire. There are no site plan extension procedures currently outlined in the zoning ordinance. Absent clear direction, staff has allowed extensions on a case-by-case basis for periods of one year, with no limit on the number of extensions allowed. The primary concern is that requests for extensions have increased dramatically over the last four years, primarily due to the ongoing economic problems. Potential amendments to Section 1 could include extending the initial validity period, outlining a process for extensions, and placing standard conditions on extensions.

Mr. Galica displayed models used by several Valley cities, as well as Alameda, California. Initial validity periods typically range from 180 days to 2 years. Tempe and Scottsdale use initial periods of one year, but allow extensions via stipulation at the time of original approval. Most cities outline a process for extensions, typically lasting one year. The approving body varies as well but typically falls to administrative review. Goodyear requires City Council approval for an extension. Conditions could include not allowing extensions when the code has changed, or only allowing them when the delay was caused by special circumstances.

Staff identified three options. The first would be to retain Section 1 regarding site plan extensions and expirations in its current form. The second would be to increase the initial validity period to two years, with up to two one-year extensions. This second option is the one recommended by staff. The third option would be to revise the initial validity period and extensions using examples from the other city models.

Council Member Weise said this proposal makes sense, given the current economic conditions. He felt Tempe's model was the best, since it works on a case-by-case basis and offers one-year extensions with a maximum of three years. He preferred that the approving body have a say on the extension.

Council Member Scott said the City should offer extensions in light of the economic downturn. He preferred two one-year extensions. Administrative approval would be acceptable since the Building Department has displayed common sense in the past, although applicants should have a chance to appeal to the Council if they are denied. If the code change involves safety issues, plans should be made current, otherwise they should be left alone. The Building staff should deny site plans that no longer fit.

Council Member Vierhout agreed with the option to use one initial year, with two one-year extensions. If the City approves a plan, it should not be changed unless a safety issue emerged. He did not feel that it would be necessary to have Council approve extensions. Allowing case-by-case extensions could be dangerous.

Vice Mayor McDonald preferred the second alternative, and agreed that code changes should be made current only if they involve safety issues. Mayor Lopez Rogers also expressed a preference for the second alternative. Two one-year extensions would help

developers deal with the economic problems. Extensions should be approved by administrative review, and should not be allowed if the code is changed.

Council Member Weise clarified that alternative two is similar to what Tempe uses and he would be comfortable with staff's recommendation.

Mr. McClendon reviewed that Council seemed to express a preference for allowing administrative review if nothing was changed in the code. If the code were changed, Council would prefer to look at it again. Mr. Galica reiterated that the second alternative allows for an initial period of two years, followed by two one-year extensions.

4) 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 6:35 p.m.


Marie 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 15th day of November 2010. I further certify that the meeting was duly called and held and that the quorum was present.


Carmen Martinez
City Clerk

Minutes of the Regular Meeting held November 15, 2010 at 7:00 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

Council Member Stephanie Karlin

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Eric Morgan, Development Services Department
Ken Galica, Development Services Department
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

Carmen Martinez, City Clerk, read a statement of participation regarding public appearances.

2 SCHEDULED PUBLIC APPEARANCES

a. Kathi Soria - Ballet Folklorico Esperanza

Belen Moreno reported that Ballet Folklorico Esperanza has been raising money for the Goodyear Farms Cemetery. She presented a check on behalf of the group to the City of Avondale in the amount of \$3,676.22 to be used for cemetery maintenance.

3 UNSCHEDULED PUBLIC APPEARANCES

Michael Carribon spoke on behalf of the Arizona Real Estate Investment Association and the Arizona Rental Property Owners and Landlord Association and explained that these two groups comprise almost 3,000 real estate investors, managers, entrepreneurs, and professionals. The groups promote professionalism and education in real estate. Their members would like to become more involved in Avondale, and can serve as a resource for any ordinances and development projects that the City might be involved in.

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.

a. APPROVAL OF MINUTES

1. Work Session of November 1, 2010
2. Regular Meeting of November 1, 2010

b. RESCHEDULING OF CITY COUNCIL MEETINGS

A request to reschedule three City Council meetings to accommodate scheduling conflicts and in observance of legal holidays that fall on the days of regularly scheduled meetings.

c. SPECIAL EVENT LIQUOR LICENSE - FASTACTION SPORTS ANNUAL TURKEY BOWL AND FAMILY FUN FEST

A request from Julia Corbin on behalf of FastAction Sports Charities, Inc. for a Special Event Liquor License to be used in conjunction with the organization's Annual Turkey Bowl and Family Fun Fest to be held on Saturday, November 27, 2010 at Friendship Park.

d. SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT - CAPITALEDGE ADVOCACY, LLC

A request to approve the second amendment to the Professional Services Agreement with CapitalEdge Advocacy, LLC to extend the term by six months to coincide with the fiscal year and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

e. PURCHASE AGREEMENT - DELL MARKETING LIMITED PARTNERSHIP

A request to approve a Purchase Agreement with Dell Marketing Limited Partnership for the purchase of computer replacement equipment for Police and Public Works from Dell Inc. in the amount of \$198,303.28 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

f. AMENDMENT 1 TO PROFESSIONAL SERVICES AGREEMENT - KIMLEY-HORN & ASSOCIATES - DESIGN OF SCHOOL CROSSING IMPROVEMENTS

A request to approve Amendment 1 to the Professional Services Agreement with Kimley-Horn & Associates, Inc. for the design of school crossing improvements at Michael Anderson Elementary, Rancho Santa Fe Elementary, and Garden Lakes Elementary in the amount of \$15,504 for a new contract total of \$86,949 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

g. PURCHASE AGREEMENT - JAMES, COOKE & HOBSON, INC.

A request to award a purchase agreement to James, Cooke & Hobson, Inc. as the exclusive authorized provider of pumps, parts, and service for Aurora, Flygt, and Pulsafeeder manufactured equipment in the state of Arizona in an amount not to exceed \$100,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

h. RESOLUTION 2938-1110 - INTERGOVERNMENTAL AGREEMENT WITH THE FIRST THINGS FIRST SOUTHWEST MARICOPA REGIONAL PARTNERSHIP COUNCIL

A resolution authorizing an amendment to the Intergovernmental Agreement with First Things First Southwest Maricopa Regional Partnership Council which increases the agreement amount by \$48,249 to implement additional public health insurance and enrollment assistance activities and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

i. RESOLUTION 2937-1110 - INTERGOVERNMENT AGREEMENT WITH GOVERNOR'S OFFICE OF ECONOMIC RECOVERY

A resolution authorizing an Intergovernmental Agreement with the Governor's Office of Economic Recovery for the acceptance of a Public Safety Stabilization Program Grant in the amount of \$62,250 for the purchase of cardiac monitoring equipment for the Fire Department and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

j. ORDINANCE 1429-1110 - DEDICATION OF EASEMENT TO SOUTHWEST GAS FOR THE HILL DRIVE IMPROVEMENT PROJECT

An ordinance dedicating a gas line easement to Southwest Gas for the Hill Drive Improvement Project and authorize the Mayor or City Manager, and City Clerk to execute the necessary documents.

Vice Mayor McDonald moved to approve the consent agenda as presented including the resolutions and ordinance. 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 PUBLIC HEARING – CONDITIONAL USE PERMIT FOR A QUIK TRIP GAS STATION WITH A CONVENIENCE STORE (PL-10-0027)

A public hearing and a request by Mr. Juan D. Romero for a Conditional Use Permit to construct and operate a gas station with a convenience store on property zoned PAD. The Council will take appropriate action.

City Manager Charlie McClendon introduced Eric Morgan to present this item.

Eric Morgan, Planner, reviewed the particulars of this item as more specifically described in the Council report noting that if approved, a conditional use permit would be valid for two years and would be specific to the gas station with a convenience store. The Planning Commission voted to recommend approval of the request subject to the following nine stipulations:

1. Two years for expiration.
2. Deliveries of fuel and merchandise prohibited between 10 p.m. and 6 a.m., and must be conducted in the rear of the building.
3. The minimum size of trees is increased to three inches to mitigate potential offsite impacts.
4. Improve the median on Coldwater Springs Boulevard.
5. Enhance the corner in some substantial way.
6. Match the landscaping to the north and the south.

7. Remove excessive dirt piles on the 8-acre property.
8. Complete all offsite perimeter improvements along the boulevards.
9. Drive access to be paved to allow access to Van Buren.

Council Member Scott inquired about the distance between the entrance on Coldwater Boulevard and the traffic signal on Avondale Boulevard. Mr. Morgan said it was approximately 300 feet, providing enough room for 6 to 7 cars.

Council Member Buster inquired about the necessary road improvements. Mr. Morgan explained that the developer would install the deceleration right turn lanes in the driveways and landscape the median. No other driving lane improvements are required. Council Member Buster inquired about public art requirements. Mr. Morgan said the small size of the development does not trigger the public art ordinance. In response to further inquiry from Council Member Buster, Mr. Morgan explained that the original master site plan called for residential and retail uses. The applicant now proposes something different. The old master site plan is no longer valid, though the applicant has used many of those ideas.

Council Member Buster requested a chronology of events and how the project would interplay with the development of the City Center Plan. Mr. Morgan explained that the Coldwater Springs neighborhood was rezoned to PAD and this area was identified as C-2 in 1999. In 2007, the applicant/owner of the entire eight-acre portion submitted a master site plan that was approved, but he did not pull a building permit within one year. The City Center Plan, which included the area south of Van Buren, was approved at about the same time as the master site plan for the eight acres. The applicant subsequently requested a conditional use permit for a gas station on the site. Council Member Buster asked whether the PAD ever expired. Mr. Morgan explained that the PAD was vested several years ago because a portion was constructed. The conditional use is compatible with the PAD granted in 1999.

Mayor Lopez Rogers requested an explanation as to why the conditional use permit was not submitted at the same time as the site plan. Mr. Morgan explained that the applicant chose not to bring the site plan forward because QuikTrip is introducing a new generation of store design so the architectural elevations were not ready at the time as headquarters had not given permission to proceed with it. The developer wanted to know whether the City would grant the conditional use before going any further. Mayor Lopez Rogers said approval of the conditional use permit could be easier if people were able to see the architectural details. The public is mostly concerned about the type of gas station that would go on that corner. She queried whether they could submit the site plan and the conditional use permit at the same time. Mr. Morgan indicated the zoning ordinance does not preclude an applicant from bringing forward a conditional use permit separately from the site plan.

Council Member Weise said the public is mainly concerned with the amount of traffic that could go through their neighborhood. More traffic congestion would likely come from the school, the golf course and the apartments than from the station. The station will not be a destination like those other places, yet would provide a convenient benefit to the neighborhood. There are approximately 2,000 homes in Coldwater Springs, yet there seems to be little outcry against this project. The calls he received were to ask questions about the project. The Planning Commission unanimously recommended approval, and there has been adequate time for public comment.

Mayor Lopez Rogers noted that she received several calls in support of the project. She invited opened the public hearing noting that Dennis Anderson submitted a comment card expressing his opposition to the project.

Mark Dahl identified that he lives within walking distance of the project. The property values in the area plummeted when all the investors left. The current renters don't care, and many houses are empty. When he purchased his home he was told the property in question would always be residential. He said he is not opposed to QT, but their customers will cause disturbances at all hours of the day and night. He questioned whether the Council would want to see such a business go up near their house. Council Member Weise responded by noting that he has the same investor problem in his neighborhood and the same concerns over nearby commercial development. He empathized with Mr. Dahl's situation, but said that as a Council Member, he has to make decisions based on all the facts. This project would generally benefit the City.

Jason McVeigh said he owns a home near the proposed site. There is a QT near where he works as a firefighter and he has never seen traffic problems associated with the business there. The QT would provide Coldwater Springs residents with a convenient place to get fuel, and he is in favor of the project.

Philip Kozloski said he is neither for nor against the project, even though he lives next door to it. The vacant lot attracts kids who want to play there. There is no way to know whether the project would cause a traffic problem until it is built. He suggested eliminating one traffic element, which could reduce the potential for problems. Mr. Morgan responded that the element is not a City requirement and the applicant requested it for full access onto his property. The traffic study was done with this element as an integral part of the site. In response to further inquiry from Mr. Kozloski, Mr. Morgan said the developer is currently planning to build a two-story office or retail building for the rest of the property. He assured him that it would not remain vacant forever.

Mr. William Lally, on behalf of QuikTrip, responded to questions about the appearance of the station. He displayed slides of the new QT design that the store would use. The company wants to bring the new generation of store to Arizona. The board approved the new design for Avondale on November 12, but it was not ready in time for the application deadline.

In response to inquiry by Council Member Scott, Mr. Lally explained that the photos he showed depicted how the new store would look with lighting that conforms to Avondale's lighting ordinance. More details would be available once the site plan was submitted. Council Member Scott expressed concern about late night deliveries. He has heard many business make promises that they later break. Mr. Lally responded that QT redesigned the site to allow for a rear delivery of all merchandise, which differs from most QT stores. The company fully intends to work closely with the City in complying with the restriction on night deliveries.

Mayor Lopez Rogers asked about QT's community partnership with non-profit organizations. Mr. Lally explained that QT has the Safe Place Program in effect at all stores, and contributes to many local charitable organizations.

Blanca Caballero expressed concern with increased traffic, especially the turn onto Coldwater Springs. If that aspect could be altered, the project would be more palatable. Increased traffic brings the potential for increased crime, which works against the neighborhood's block watch program. Mr. Lally said the secondary access off of Coldwater Springs Boulevard is a crucial feature. Corner developments have dual access points for fire safety and delivery access purposes. The other access points on the site would not function quite as well without multiple access points. Extending the median past the drive aisle would create more traffic heading west into the neighborhood. The access points heading north would alleviate some concerns about Coldwater Springs Boulevard.

Lorenzo Guerrero said the access from Coldwater is the crux of the problem. There is only room for six cars and the potential for congestion is very real. Other nearby gas stations are situated so that residents do not have to drive adjacent to the station. One station has a dedicated signal. This plan would utilize a residential street to create access for a business. Mr. Lally clarified that the traffic standard allows 25 feet for cars, which means that 12 cars could stack between the access point and the signal. The traffic report did not identify any potential problems.

Ms. Tortorici said the existing traffic flow into the neighborhood is a problem. Should the City approve this project, access improvements will be required.

Council Member Vierhout acknowledged that the people who live right up against the station have reasons to be concerned, but if the buildings are well-located they could serve as a sound barrier. He agreed that access north to Van Buren is tricky. Council Member Weise felt that most of the traffic to the QT would come from people living in the neighborhood. Mr. Lally noted that the driveway and the turning movements were in the same place when the master site plan was approved in 2007.

Mayor Lopez Rogers reiterated that people are concerned about cars constantly accessing the gas station, which generates different traffic patterns than an office building would. She expressed concern about the left turn onto Avondale going north. City Engineer Sue McDermott responded that the applicant provided a traffic study, which was not required for a conditional use permit. The City's consultant reviewed the report and determined that during peak hours, the eastbound to northbound queue would be eight vehicles long, which equates to 200 feet. The traffic signal could also be adjusted to accommodate traffic.

Mayor Rogers closed the public hearing.

Vice Mayor McDonald moved to accept the findings of the Planning Commission and approve the application PL-10-0027 request for a conditional use permit subject to the nine stipulations. 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
Council Member Buster

Excused
Aye

Motion carried 6-0.

6 PUBLIC HEARING AND ORDINANCE 1431-1110 – ZONING ORDINANCE TEXT AMENDMENT TO SECTION 3, COMMERCIAL DISTRICTS

A public hearing and consideration of an ordinance amending the City of Avondale Zoning Ordinance, Section 3, Commercial Districts.

City Manager Charlie McClendon introduced Mr. Ken Galica of the Development Services Department to present items 6 and 7.

Ken Galica reviewed the particulars of this item as more specifically described in the Council report noting that the Planning Commission has reviewed the proposed text amendment and are recommending adoption of the same by the City Council and for the corridor to be extended to 107th Avenue.

In response to an inquiry from Mayor Lopez Rogers, Mr. Galica explained that in most areas, dwelling units above the ground floor of commercial buildings require a conditional use permit. The current units are not zoned correctly and are grandfathered in, assuming they were built legally under Maricopa County jurisdiction. The rights become forfeited if the use ceases for more than one year, and they would have to conform to current requirements if resumed. Council Member Scott agreed with the Planning Commission's recommendation.

Mayor Lopez Rogers opened the public hearing. There being no requests to speak, Mayor Lopez Rogers closed the public hearing.

Vice Mayor McDonald moved to adopt the zoning ordinance 1431-1110, a text amendment to Section 3. Council Member Vierhout 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.

7 PUBLIC HEARING, RESOLUTION 2939-1110 AND ORDINANCE 1430-1110 – ZONING ORDINANCE TEXT AMENDMENT TO SECTION 307, OLD TOWN AVONDALE BUSINESS DISTRICT

A public hearing and consideration of a resolution declaring as a public record a document entitled "The Old Town Avondale Business District Regulations, Amended and Restated November 15, 2010", and an ordinance adopting the same.

Ken Galica reviewed the particulars of this item as more specifically described in the Council report.

Mayor Lopez Rogers said it is important for the City to look into expanding the OTAB borders. She questioned whether the arcade use would include businesses that feature physical recreation activities. Mr. Galica said the amendment does not specifically identify other types of indoor recreational facilities, but it could be open to interpretation. Mayor Lopez Rogers said that would be helpful.

Council Member Weise said Old Town is developing naturally. Cities often try to do too much by envisioning something and pushing the residents towards that vision. The neighborhood had a huge part in creating what they wanted. Mobile food trucks do not fit in the area and the amendment properly prohibits them. Mayor Lopez Rogers queried the proper place for mobile food vendors. Mr. Galica responded that large mobile food vendors are allowed for special events, but are not allowed on a permanent basis. Smaller pushcart vendors are allowed on Western Avenue and have to follow a large set of rules. Council Member Weise clarified that his concern about large mobile food vendors is not that they cause harm to the city. He feels they diminish the value of brick and mortar buildings and the investment that those people have made in those areas. Mobile vendors do not have the same investment. Mr. Galica noted that anyone who was issued a business license before the regulations were in effect would be grandfathered.

Vice Mayor McDonald moved to adopt Resolution 2939-1110 declaring as a public record a document entitled "The Old Town Avondale Business District Regulations, Amended and Restated November 15, 2010", Council Member Vierhout 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.

Vice Mayor McDonald moved to adopt Ordinance 1430-1110 adopting a text amendment to Section 307, Old Town Avondale Business District. Council Member Vierhout seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Vice Mayor McDonald	Aye
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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.

8 PROPOSED DEVELOPMENT AGREEMENT - PHOENIX INTERNATIONAL RACEWAY

Information to the City Council regarding a proposed development agreement between the City of Avondale and Phoenix International Raceway regarding facility improvements and extension of public utilities.

Mr. McClendon explained that PIR would like to expand and improve their facilities. To accomplish this, they need the participation of the City in the form of providing water and sewer service. He indicated Assistant City Manager David Fitzhugh will present this item and if Council gives direction to proceed with the Development Agreement, staff will bring back for Council action at the special meeting of November 22, 2010.

Assistant City Manager David Fitzhugh reported that the City has been working with PIR for several months to enhance their operations and ensure their future viability. PIR has been in operation since 1964. Avondale annexed it in pieces between 1987 and 1990. PIR has their own water system and on-site sewage disposal system. The City's infrastructure has not been extended there yet. PIR generates over \$400 million in revenue and nearly \$1 million to the City of Avondale annually. In order to enhance the track and the experience, they need to connect to the City's water and sewer. PIR's water meets State and County standards but has a high total dissolved solids, which makes it unappealing for personal consumption. Their sewer system works fine, but it has reached capacity.

Both parties share an interest to transition the property to a new zoning district. Increased development at PIR will increase the City's tax revenue, retain a strong economic engine in Avondale, and improve the likelihood of other race-themed venues in Avondale. PIR has been working on long-range plans for the property, which could total over \$100 million. The City wants to improve public safety operations during major events. PIR aims to be the premiere showcase for IRC and NASCAR in the west.

David Fitzhugh reviewed the key points in the agreement. Avondale has to amend the zoning ordinance to accommodate the new zoning text and amend the General Plan. The City is committing to construct water and sewer lines that will cost between \$7 million and \$8 million. A sixteen-inch water line will be extended south from lower Buckeye Road to PIR, and will connect the Rigby Water customers. The sewer system must be capable of efficiently handling large and sudden increases in usage, in a cost-effective manner.

PIR is looking to make track improvements and a slight reconfiguration, while maintaining the track's unique shape and driver challenge. They are proposing a media center, and a second tunnel to improve pedestrian access to the infield. The sewer line would be configured to take sewage away from the Gila River. There are plans for new grandstands, new infield garages, fan zones, midway improvements, retail vendors, VIP parking, and a

TV compound. They also want to improve signage along Indian Springs Road. The changes are designed to make PIR more competitive with other venues.

Council Member Weise commented this would be a significant investment by the City. PIR is worth that investment, although he expressed some minor concerns. Noting that the City's investment would coincide with PIR's initial \$15 million Phase I, he questioned what would happen if economic conditions prevented PIR from completing their plan. Mr. Fitzhugh explained that the City is still negotiating some points, including the budget. If the City does not have money to do the project, PIR could build it and the City would repay them. If PIR fails to get the funding to do Phase I, the City has an option to stop the process. Both parties are obligated to complete the improvements by November 2012. He stated that the CIP water fund has approximately \$2.4 million spread over two years. The cost for the waterline should be about \$3.4 million. The plan is to request a transfer of funds from the water operating fund to cover the shortfall. There is about \$17 million in that fund balance. The sewer is not in the CIP. The recommendation is that the money to come out of the sewer operating fund balance, which has about \$9 million in it.

Council Member Weise said he would not anticipate that PIR would invest so much in Avondale only to setup their offices in Phoenix, but he expressed a desire that they agree in good faith to keep their office either at the current location in the City Center or at the racetrack. Avondale becomes the focus of the racing world twice a year. The improvements are exciting and he looks forward to seeing them completed.

Mayor Lopez Rogers said PIR is an exciting enterprise and it is critical that Avondale helps ensure their success. Council Member Buster said that for the past two years he has supported the effort to arrive at an agreement that will work for both parties. This should cement the relationship for many years to come.

9 EXECUTIVE SESSION

- a. An executive session pursuant to ARIZ. REV. STAT. § 38-431.03 (A)(7) for discussion or consultation with City representatives in order to consider its position and instruct its representatives regarding negotiations for the acquisition of real property on Avondale Boulevard.

Council Member Weise moved to adjourn into executive session; Council Member Vierhout 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

10 ADJOURNMENT

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

Meeting adjourned at 9:49 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	Aye
Council Member Buster	Aye

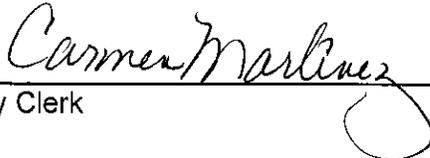
Motion carried unanimously.


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 15th day of November, 2010. I further certify that the meeting was duly called and held and that the quorum was present.


Carmen Martinez
City Clerk