

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

MEMBERS PRESENT

Mayor Lopez Rogers and Council Members

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

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Ken Sowers, Building Official
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

1) ROLL CALL BY THE CITY CLERK

2) PROPOSED AMENDMENTS TO AVONDALE MUNICIPAL CODE - CHAPTER 4 – BUILDING REGULATIONS

Discussion regarding amendments to Chapter 4 of the City Code, Buildings and Building Regulations, the 2009 Editions of the International Building Code, the International Residential Code, the International Mechanical Code, the International Plumbing Code, the International Fuel Gas Code, the International Energy Conservation Code, the 2008 Edition of the National Electrical Code, and the Avondale Amendments to these codes.

Charlie McClendon, City Manager, introduced Ken Sowers, the City's Building Official to present this item. He indicated that the codes used to guide the construction process have been updated and cities throughout the valley will be reviewing them and adopting over the next few months. He indicated Ken would review proposed changes and answer questions. Adoption by Council is scheduled for February 7, 2011.

Ken Sowers, Building Official, indicated that the purpose of tonight's presentation was to update the Council regarding the proposed amendments to Chapter 4 of the Municipal Code which will adopt the 2009 versions of the Residential, Mechanical, Plumbing, Fuel Gas and Energy Conservation Code as well as the 2008 Edition of the National Electric Code. He indicated the codes are developed by the International Code Council and have been reviewed by the Arizona Building Officials Association which in turned submitted a recommendation for approval to the MAG Building Codes Committee.

Mr. Sowers indicated that normally by this time the Council would have already considered the Codes for adoption, however, the State Legislature placed a moratorium on the enforcement of any new Codes until July 2011.

He reviewed some of the highlights of the amendments as they are more specifically described in the Council report. He indicated the amendments now accommodate live/work units which are becoming more popular throughout the country. He pointed out that the International Residential Code (IRC) now requires automatic fire sprinklers in all new single family residential units, however, due to the referendum on this requirement

approved by the Avondale voters, the adopting ordinance will include a provision to exclude that requirement in Avondale. The IRC also requires lamps in permanent light fixtures to be a minimum 50% high efficiency lamps and tamper resistant receptacles for the safety of children.

Council Member Buster questioned if there were any controversial issues included in the codes. Mr. Sowers said that the requirement for fire sprinklers caused some debate, however the requirement does not apply to Avondale.

Council Member Scott asked how the information is disseminated to the City's Building Inspectors. Mr. Sowers indicated that there is a book published with all of the updates and added that many of the amendments are simply clarifications on already existing requirements. He indicated that there is training provided by the Arizona Building Association and he has funds allocated in his budget for this purpose.

Council Member Karlin asked how often the codes are updated. Mr. Sowers responded that they are updated every three years. They are currently using the 2006 codes; the next update will take place in 2012 and Council will consider their adoption in 2013. He clarified that the lag between publication and adoption is to allow time for review and clarification by the stakeholders. Mr. Sowers added that the codes need to be updated frequently in order to accommodate new procedures and building products that become available in the market.

City Manager, Charlie McClendon, pointed out that the adopting ordinance will come back to Council on February 7, 2011. He added that the required notice giving notice of the associated fee increase will be posted on the City's homepage for 60 days in accordance with new legislation.

3) ADJOURNMENT

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

Meeting adjourned at 6:15 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 6th day of December 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 December 6, 2010 at 7:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Lopez-Rogers and Council Members

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

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Chief Paul Adams, Fire Department
Chief Kevin Kotsur, Police Department
Ken Galica - Development Services
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) UNSCHEDULED PUBLIC APPEARANCES

There were no requests to speak.

3) 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.

Mr. McClendon requested that items 3C and 3H be considered separately.

a. APPROVAL OF MINUTES

1. Goal Setting Meeting of November 8, 2010
2. Work Session of November 15, 2010
3. Regular Meeting of November 15, 2010
4. Special Meeting of November 22, 2010

b. SPECIAL EVENT LIQUOR LICENSES – RACEWAY ELKS – FUNDRAISING EVENT

City Council considers two special event liquor license applications from Mr. Gary Bruce on behalf of the Raceway Elks #2852 for fundraising events to be held on December 11, 2010 and December 31, 2010 at the Masonic Temple located 1015 North 8th Street in Avondale.

d. PAYMENT AUTHORIZATION – SOUTHWEST GAS CORPORATION FOR LINE RELOCATIONS FOR THE ELM LANE DRAINAGE IMPROVEMENT PROJECT

City Council considers a request to authorize payment to Southwest Gas Corporation for gas line relocations in the amount of \$130,405.91, authorize the transfer of \$130,405.91 from 304-1274-00-8420, Thomas-107th Avenue to Avondale Boulevard to 304-1158-00-8420, Elm Lane Drainage Improvements, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

e. PURCHASE OF FOUR PATROL CARS FOR THE NEW NORTHWEST PUBLIC SAFETY FACILITY

City Council considers a request to authorize the purchase of four additional police cars to assist in the deployment of officers out of the Northwest Public Safety Substation from Five Star Ford in the amount of \$194,396.68 by attaching to the State of Arizona Contract SCC070008-2-A5, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

f. CONSTRUCTION CONTRACT AWARD – STANDARD CONSTRUCTION COMPANY, INC. – WELL 5 WELL SITE IMPROVEMENTS

City Council considers a request to award a construction contract to Standard Construction Company, inc. for construction of Well 5 well site improvements in the amount of \$167,667.71, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

g. PURCHASE AGREEMENT – POLYDYNE, INC.

City Council considers a request to approve a Purchase Agreement with Polydyne, inc. for the purchase of polymer coagulant for an amount not to exceed \$90,000 annually, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

City Manager requested that items 3c and 3h be removed from the consent agenda to be considered separately.

Vice Mayor McDonald moved to approve the consent agenda with the exception of items 3C and 3H. Council Member Karlin seconded.

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.

c. FIRST AMENDMENT TO FINANCIAL ASSISTANCE AGREEMENT – CARE1ST HEALTH PLAN ARIZONA, INC.

City Council considers a request to approve the first amendment to the Financial Assistance Agreement with Care1st Health Plan Arizona, Inc. for its funding of the Care1st Avondale Resource and Housing Center and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Mr. McClendon explained that one of the financial numbers detailed in this agreement had to be changed and requested that the item be postponed for one week.

Vice Mayor McDonald moved to postpone item 3C for one week. Council Member Weise seconded.

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.

h. RESOLUTION 2936-1210 – INTERGOVERNMENTAL AGREEMENT – TOLLESON UNION HIGH SCHOOL DISTRICT NO. 214 – TRAFFIC SIGNAL AT WESTVIEW HIGH SCHOOL

City Council considers a resolution authorizing an Intergovernmental Agreement with the Tolleson Union High School District No. 214 for the construction and installation of a traffic signal at Westview High School's northeastern driveway, authorize the transfer of \$97,000 from CIP Street Fund 304-1265, Dysart/McDowell Intersection Improvements to CIP Street Fund 204-1273, 107th Ave-Indian School to RID, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Mr. McClendon responded to four questions submitted by a citizen on this item:

1. Avondale and the School District have worked on a possible signal for the Westview parking lot for some time. At the time of the Citizens CIP Committee meeting in February, staff believed it likely that an alternative to a traffic signal might come about, and was pointed out that even if a signal were installed, it would not be the City's financial responsibility. Therefore, it was not an issue related to the CIP. Ultimately, the other alternatives did not work out, and a traffic consultant was hired and paid for by the School District. Their study supported the signal. The City's traffic engineers concurred with the report and subsequently, work began on an IGA to outline the terms. The public process involves approval of the IGA at a City Council meeting and approval by the School District's Governing Board at a public meeting. The contract will be publicly bid and awarded at a future City Council meeting.
2. The traffic signal's design is consistent with section 3.32 of the General Engineering Requirements (GER). Therefore, a variance was not

necessary. If the concern relates to the ¼ mile spacing, the GER says it would be done where possible but it also provides for an individual agency to consider situations where the spacing could be less due to specific circumstances. The City may place traffic signals as deemed necessary to regulate traffic under the relevant traffic laws. There is no public process required outside of the normal review. It is possible to apply signal timing that will not hinder operation of the County signal at 107th and Indian School.

3. Avondale reviewed security aspects related to the signal and the Police Chief is satisfied that a signal at the existing entrance to the high school would not negatively affect security there and would not complicate a lockdown situation. In fact, the signal could prove helpful if a situation developed that required to quickly empty the parking lot.
4. Mr. McClendon advised that he could not comment on the fourth question because the School District can use their money at their discretion. He assumed that the Board would reprogram their finances in accordance with any legal restrictions on the use of such funds.

Mayor Lopez Rogers invited public comments.

Mr. Taniguchi expressed opposition, conveying that he was assured during the CIP that the item was not about putting a traffic signal on 107th. If there were going to be any changes, he was told he would be informed. Because the signal is so close to a major intersection, traffic could be blocked, especially if a pedestrian crosswalk is included. On many occasions he has witnessed drivers incapable of making right turns at the light because of the number of people occupying the crosswalk. This causes significant backup on Indian School during afternoon rush hour. There seem to be some inconsistencies in the process.

There were no additional public comments.

Mayor Lopez Rogers noted the amount of planning that has gone into this item. The District is looking to address safety issues associated with student drivers. This situation is similar to a signal at Agua Fria High School. Mr. McClendon added that the signal would be demand activated; most of the time 107th Avenue would work as it currently does.

Council Member Weise commented there is a similar situation at Agua Fria High School and does not think there is a problem with that light because most of the students walk along Dysart Road and cross on Van Buren and assumes the same would occur at Westview. He queried whether Tolleson has had any public meetings on this issue. Mr. McClendon noted that the IGA has to be adopted at a public School Board meeting and the community will have the opportunity to comment on the issue at that time. He noted that since the signal is specifically designed to serve the school, the school is expected to pay the capital cost, which they have agreed to.

Council Member Buster asked whether the \$97,000 that Avondale is spending would be reimbursed. Mr. McClendon confirmed that all of the capital costs associated with the project would be. The cost would appear as an expense, and the money from the District would appear as revenue. In response to a further inquiry from Council Member Buster, Mr. McClendon explained that only one traffic warrant analysis study was commissioned. The District's study found that the signal did meet warrants, and the City's engineers concurred. The District instigated the entire project, and the City responded to that.

Council Member Vierhout recalled that in 2005, the section on 107th Avenue between Indian School and Thomas Road was ranked the fourth worst high crash roadway sections in the Avondale Transportation Plan. He asked whether anything was done to improve that record. Mr. Fitzhugh explained that a road widening project was completed from the RID bridge south to Thomas Road. At the time the counts were taken, the road was one lane in each direction. The speed limit was also lowered to 35 m.p.h. Mr. Fitzhugh was uncertain of recent crash data, but added that the risks students were taking to beat traffic motivated the District to pursue a signal. Mr. McClendon identified that Dysart and Van Buren and Dysart and McDowell continue to see Avondale's highest accident rates. These are the highest volume intersections. Council Member Vierhout stated that the City has apparently followed through with the recommendations of the 2006 study.

Council Member Weise clarified that the Tolleson School District Board approved the traffic signal at their November 23 meeting. They provided 24-hour notice of that meeting. Once the Avondale City Council votes for it, the deal will be approved.

Vice Mayor McDonald moved to adopt a resolution authorizing the IGA between the City of Avondale and Tolleson Union High School District for the construction and installation of a traffic signal at Westview High School's northeastern driveway. Council Member Vierhout seconded.

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.

- 4) APPOINTMENT OF MEMBERS TO THE CITY'S BOARDS, COMMISSIONS AND COMMITTEES AND TO THE POSITIONS OF CHAIR AND VICE CHAIR OF THE PLANNING COMMISSION.**

City Council considers the Council Subcommittee's recommendations for appointment to the City's Boards, Commissions and Committees and the appointment of two members to serve as Chair and Vice Chair of the Planning Commission.

Mr. McClendon reported that the Council Subcommittee met the candidates on November 18 and made recommendations to fill current and upcoming vacancies.

Council Member Vierhout recused himself from this discussion.

Mayor Lopez Rogers said it was good to see so many qualified candidates for the vacancies. Council Member Karlin noted that many of the candidates are new residents of Avondale with a desire to participate in the city's future.

Vice Mayor McDonald moved to approve the Subcommittee's recommendations for the appointment of members to the City's Boards, Commissions, and Committees, including Mr. Michael Long as Chair and Ms. Angela Catera as Vice Chair of the Planning Commission. Council Member Karlin seconded.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 6-0.

5) PUBLIC HEARING – ORDINANCE – USE OF FIREWORKS

City Council considers an ordinance prohibiting the use of fireworks, with the exception of novelty items, within the corporate limits of the City of Avondale.

Mr. McClendon reminded Council that a recently passed State law allows the sale of fireworks in Arizona. The law gives cities the ability to regulate their use, however. In a recent work session, Council directed staff to return with an ordinance. Mr. McClendon introduced Fire Chief Paul Adams to present this item.

Chief Adams explained that the League of Cities and Towns developed a model ordinance. The majority of the cities in the Valley have adopted the ordinance that bans the use of fireworks. Gilbert employed a limited use option, allowing use just prior to New Year's and the Fourth of July. Mesa and Glendale are expected to follow the Gilbert ordinance. Avondale's proposed ordinance would completely prohibit use within the city's limits. It re-emphasizes the sales restriction to those aged 16 and older, requires signs at the point of sale indicating the City's use prohibition, provides for civil and criminal penalties, and provides a liability for costs associated with emergency response. Staff's recommendation is to adopt the ordinance as presented.

Council Member Weise noted that fireworks in the hands of responsible users are not a problem, but he found the law to be flawed since it does not limit use based on age. There are a myriad of laws in effect designed to protect people who are unable to responsibly use certain products or devices, and fireworks should not be any different. If the State law had placed limitations on use, he would have supported a limited use option. He queried whether the ordinance does anything to control the sale of fireworks, as the City of Phoenix is attempting to do. Chief Adams responded that according NFPA 1124, the storage and configuration of fireworks sales are under the purview of the Fire Marshall. There are questions whether Phoenix's effort would infringe on the statute to the point where sales are being prohibited.

Council Member Weise asked whether the law addresses damage caused by negligent use. Mr. McGuire explained that the ordinance is designed to assess some of the cost of emergency response stemming from negligent use. Most cities are adopting the same model so that people have a clearer sense of what their liability might be in a particular community. Council Member Weise questioned whether the City would require increased human resources to respond to complaints or accidents during peak use times. Chief Adams felt that a use ban ordinance without the ability to effectively control sales is an exercise in futility. It is unfortunate that the Legislature took this approach. The Department does not plan on increasing resources to catch people using fireworks illegally. If a response involves the use of fireworks, public safety would deal with the effects of the ordinance at that time.

Chief Kotsur cited that the State approved an unfunded mandate without providing appropriations. The Police Department will have to absorb the cost of enforcing firework violations with the existing resources, and the work will be prioritized accordingly.

Council Member Buster opined that the State law should allow a local option on both sale and use. Cities should be able to pursue their own destinies. Legislators rarely make the distinction since few have served at the local level. He questioned whether the language in the State law allowing cities to "regulate use" could reasonably be interpreted to mean a ban. Mr. McGuire responded that he could not say for certain whether "regulate" could mean "ban," but stated that the City would have written the law differently. Council Member Buster said he was unable to determine legislative intent from reading the bill's fact sheet. He noted that many more children are injured riding bicycles and playing sports than are injured by fireworks, but those activities are not banned. There were only 40 injuries and one death associated with fireworks nationally in 2008. Only four states ban fireworks completely. People face the potential for accidents every day.

Council Member Vierhout noted that the law prohibits sales to those under 16, but the fireworks are intentionally marketed to nine year olds. It is a flawed law. Until it is fixed, he would vote for a ban.

Vice Mayor McDonald said Council has worked to help make the city as safe as possible, but public safety will have to spend a great deal of time dealing with the effects of this law. Statistics can say many things. In addition to death and injuries, fireworks caused \$42 million in damages, and 22,000 fires last year. By adding more opportunities, those

numbers will only rise. Safety standards for sports and activities are not being lowered. The City is not putting any controls on what happens with the fireworks once they leave the store. There is nothing stopping purchasers from sharing fireworks with smaller children. He is opposed to the State law.

Council Member Weise agreed that statistics can say many things. There have been over 5,400 injuries related to fireworks over the last five years in Washington, and over 1,000 fires costing \$5.6 million. Many other products have age restrictions. Fireworks are a minor concern compared to the dangers faced everyday, but cities have a responsibility to send the Legislature a message that they passed a flawed law. Cities should work with the Legislature to ensure they get the laws right the first time.

Council Member Scott said he supports the recommendation of the two Chiefs, since they would have to deal with it. The law is a bad one, but he agreed that efforts to banning use would be futile.

Council Member Karlin said she would go with the expert recommendation. Since Arizona is a very dry state, allowing fireworks here is potentially more dangerous than it is elsewhere. Enforcement resources are already stretched and this will just make it even tougher. By having the City ban their use, it sends a message to the Legislature that they need to think a bit harder before enacting unfunded mandates.

Mayor Lopez Rogers invited public comments.

Jason Colt asked whether Council would change their vote if the law specified a minimum age of use. Council Member Weise responded that if the law were changed to restrict use to 16 years of age or older, he would be much more inclined to support it. In 26 years of living in Avondale, he has not heard a huge clamoring to change the fireworks law. Jason Colt stated that Mississippi allows those 14 and older to purchase fireworks and it is the safest state to use them. He suggested Council restrict use to two days a year. Ninety percent of fireworks are used on the Fourth of July. He said fireworks are safer now than they've ever been and there are many common items that kill more people each year. Many voters want this to pass and would like an opportunity to demonstrate responsibility. The public should be able to decide by a popular vote. The police have to observe fireworks being lit in order to enforce the law anyway. He declared that he does not intend to obey the law. The City will likely get more revenue from fines than from sales. He invested money in three locations in Avondale, assuming the Chief's October recommendation would pass. Council should wait until the fireworks companies can strike a deal like they did in Mesa.

There were no further comments.

Mayor Lopez Rogers acknowledged that cities continue to struggle for local control and this is not the law Avondale would have written, if allowed to. She expressed concern that fireworks are being marketed to children. The fireworks issue will come up again in the Legislature, and the firework company lobbyists will certainly have a say.

Mr. McGuire noted one addition to section 10-48(a) indicating that City Park Rangers be included in the list of those allowed to enforce the ordinance.

Vice Mayor McDonald moved to adopt an ordinance prohibiting the use of fireworks, with the exception of novelty items, within the corporate limits of the City of Avondale, amending section 10-48(a) to include Park Rangers. Council Member Vierhout seconded.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 5-2.

Mr. McGuire explained that since the ordinance has an emergency clause, it would require six votes to pass with the emergency clause. The ordinance will now be in effect 30 days from December 6, 2010, rather than immediately. He noted that someone in the majority opinion could make a motion to reconsider, which would result in another vote.

Council Member Vice Mayor McDonald moved to reconsider the vote. Council Member Weise seconded.

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.

Vice Mayor McDonald moved to adopt an ordinance prohibiting the use of fireworks, with the exception of novelty items, within the corporate limits of the City of Avondale, amending section 10-48(a) to include Park Rangers. Council Member Vierhout seconded.

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	Nay

Motion carried 6-1.

6) MASTER AND FINAL SITE PLAN APPROVAL EXTENSION – AVONDALE PHOENIX CHILDREN'S HOSPITAL

City Council considers a request by Mr. Ivan Hilton, Ensemble Devman of Arizona, to extend the validity of the Master and Final Site Plans for the Phoenix Children's Hospital – Avondale Campus for one year from the date of expiration, until October 20, 2011.

Mr. Galica advised that the Phoenix Children's Hospital has requested an extension of approval to application PL-10-0094 for an additional year from the date of previous expiration. This is the second one-year extension request for this project. The property is located at the northeast corner of Avondale and McDowell. It is zoned PAD and the surrounding zones are R1-6, C-2, the Avondale Marketplace PAD, and an undeveloped PAD. Approval means the application would be extended to October 20, 2011. There are three entrances into the site. The project is to be built in three phases. The first phase would transition from an urgent care facility to an emergency room once the full hospital began operation. Plenty of surface parking is available. The minimum separation from residences is 50 feet and there is a tree line perimeter on each side.

Mr. Galica noted that the justification for the request is primarily due to the poor regional and national economic conditions. The applicant indicates that conditions are improving and development of the site is expected to occur within the next twelve months. Permits are to be picked up in March 2011, construction starts in April, and the first phase is to be completed in December 2011. The site plan remains in conformance with the General Plan, and the City's goals for development. It also remains in conformance with the PCH PAD, which does not expire for another year. Staff's recommendation is for approval of the item, with no stipulations.

In response to an inquiry from Council Member Buster, Mr. Galica confirmed that PCH does not have a financing impediment to begin the urgent care facility.

Council Member Weise recused himself from this discussion, citing a conflict of interest.

Vice Mayor McDonald moved to grant a time extension for the Phoenix Children's Hospital master and final site plans until October 20, 2011. Council Member Vierhout seconded.

ROLL CALL VOTE AS FOLLOWS:

Vice Mayor McDonald	Aye
Council Member Scott	Aye
Council Member Vierhout	Aye
Mayor Lopez-Rogers	Aye
Council Member Weise	Abstain

Council Member Karlin Aye
Council Member Buster Aye

Motion carried 6-0.

7) PUBLIC HEARING – TIME EXTENSION FOR PAPAGO COMMERCE CENTER PAD ZONING

City Council holds a public hearing and considers a request by Mr. Erich Stiger, iStar Financial, Inc., to extend the validity of the Papago Commerce Center Planned Area Development (PAD) for one year, until October 15, 2011.

Mr. Galica advised that application PL-10-0100 is for property located at the southeast corner of the I-10 freeway and El Mirage. It was zoned PAD in 2007. Bordering properties are zoned R1-35, the Spectrum PAD, and the Avondale Commerce Center PAD. The Papago Commerce Center was processed by the same original applicant as the Avondale Commerce Center and the same owner owns both properties. The request is to extend the application for one year from the date of expiration. This would be the first of four one-year zoning extensions allowed. The site plan is consistent with the employment designation in the General Plan. The majority of development standards in this PAD remain current. The City is stipulating that the design language in the PAD be overridden by the design manuals, that it adhere to the Municipal Art Ordinance, and that it comply with the outdoor lighting standards. The justification for the request is that they have shown a commitment to the City and are still trying to fill empty tenant spaces in Avondale Commerce Project. It would be detrimental to the City and the developer to start a rezoning process from scratch. Staff recommends approval of the application.

Vice Mayor McDonald inquired about their actions to substantially move forward with the project. Mr. Galica explained that they have not submitted a site plan application, which would be the next step. There have been no discussions about development to this point. In response to his further inquiry, Mr. Galica said the adjacent Avondale Commerce Project PAD has three suites occupied out of several dozen. Vice Mayor McDonald doubted that they would break ground on the new development while there were so many empty spaces in the adjacent one and for that reason, he would be opposed to the extension.

Council Member Scott asked whether the applicant was present. Mr. Galica indicated that they were not.

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 grant a time extension for the Papago Commerce Center PAD for one year from the date of expiration, until October 15, 2011, subject to the staff recommended stipulations. Council Member Weise seconded.

ROLL CALL VOTE AS FOLLOWS:

Vice Mayor McDonald Nay

Council Member Scott	Nay
Council Member Vierhout	Nay
Mayor Lopez-Rogers	Nay
Council Member Weise	Nay
Council Member Karlin	Nay
Council Member Buster	Aye

Motion failed 1-6.

8) EXECUTIVE SESSION

The Council may hold an executive session pursuant to ARIZ. REV. STAT. § 38-431.03 (A)(3) for discussion or consultation for legal advice with the City Attorney regarding options for addressing Proposition 203 approved by Arizona voters on November 2, 2010.

Council Member Weise moved to adjourn into executive session. Council Member Vierhout seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

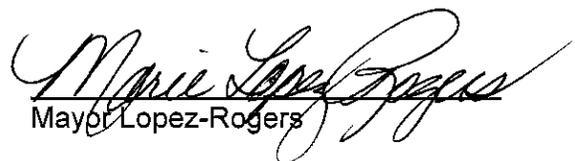
Mayor Lopez-Rogers	Aye
Vice Mayor McDonald	Aye
Council Member Buster	Aye
Council Member Karlin	Aye
Council Member Scott	Aye
Council Member Vierhout	Aye
Council Member Weise	Aye

Motion carried unanimously.

9) ADJOURNMENT

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

Meeting adjourned at 8:37 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 6th day of December 2009. I further certify that the meeting was duly called and held and that the quorum was present.

Carmen Martinez
City Clerk