

Minutes of the Work Session held December 13, 2010 at 6:30 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
Shirley Gunther, Intergovernmental Affairs Manager
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

1) ROLL CALL BY THE CITY CLERK

2) 2011 STATE AND FEDERAL LEGISLATIVE AGENDA

Information and review of the proposed 2011 City of Avondale Federal and State legislative agenda.

Ms. Gunther, Intergovernmental Affairs Manager reported that the November elections produced a supermajority of Republicans in both the State Senate and House. The majority is 21 to 9 in the Senate and 40 to 20 in the House. With the Governor also being from the same party, Republicans clearly control the Legislative agenda in Arizona for the next session. The 112th U.S. Congress starts on January 3, 2011. U.S. Senators McCain and Kyl represent Arizona. The state's House of Representatives delegation is majority Republican, while House District 7 continues to be represented by Representative Grijalva, a Democrat.

Three State Legislative districts cover Avondale: Districts 12, 13, and 23. John Nelson represents LD 12. He will chair the Transportation Committee. Jerry Wiers, also from LD 12, chairs the powerful Rules Committee. Richard Miranda, Anna Tovar, and Steve Gallardo represent Avondale in LD 13, while Frank Pratt represents Avondale in LD 23.

Ms. Gunther advised that the State Legislature intends to focus on the budget deficit during the next session, noting a \$825 million deficit in the beginning of 2011, and \$1.4 billion in FY2012. They anticipate making cuts to Education, AHCCCS, and Corrections because these areas comprise the bulk of the budget and are offered little protection from initiatives. Many are concerned that the costs will be shifted to counties and cities.

Avondale is not looking to advance any new measures, preferring to focus on efforts to ensure that state shared revenue is continued and that the distribution amount is maintained. Another Avondale priority is to protect local authority by opposing Legislative attempts at preempting local control through more regulation or unfunded mandates. Avondale also supports continuing the economic benefits derived from the Motion Picture Tax Credit. The current credit expires on December 31 of 2010. Senator Nelson intends to introduce a new bill to provide tax incentives to individuals who want to invest in the motion

picture industry in Arizona. The Speaker has plans to reintroduce a jobs package that failed last year because of Republican division over whether to shift corporate income and commercial property taxes onto local governments and homeowners. The issue of enterprise zones is another important issue to Avondale. They are being repealed on July 31, 2011. Enterprise zones provide tax incentives in specific areas for specific types of businesses. She suggested that Avondale continue to weigh the benefits of any jobs packages that are introduced while considering the long-term economic benefits.

On the Federal level, Avondale's legislative priorities are the UZA extension, the Federal Transit Reauthorization, and the mission to protect Luke Air Force Base. The UZA extension would extend funding for a minimum of two years. Avondale will have to start over on the effort to get the City Center Park and Ride facility included in the transit reauthorization bill. The protection of Luke AFB has always been a goal of the City.

Ms. Gunther noted that Council recently passed an ordinance regarding water billing. The Realtor's Association is unhappy with ordinances recently passed by several cities. They do not favor Avondale's provision that allows the City to recoup any funds from property owners when the tenant failed to pay. Several other cities included the same provision. She noted that State Representative Elect Steve Urie, who is a property investor himself, intends to reintroduce legislation preempting cities from recouping these funds unless the cities reconsider the laws.

Council Member Weise took issue with Arizona leaders who complain about the Federal government stepping over the authority of states, but then turn around and step over the authority of cities. This has occurred recently with the fireworks issue, with sign walkers, and now with the water bills. This is an obvious conflict of interest on Steve Urie's part; if the general public were aware of this, they would likely be upset. He questioned whether Representative Urie has given any indication on where he believes cities should turn to get the money. Ms. Gunther responded that Mr. Urie believes that the unpaid fees are the responsibility of cities, since property owners do not incur the debt.

Council Member Weise said the State Legislature appears to be willing to move forward with bills that are flawed by nature. City Council should look closely at every bill to determine whether it would be harmful to the City or not. The State of Arizona must balance its budget without placing the burden on cities, and ultimately citizens. If residents have to take more money out of their pockets to fund the State government, it will be harder to live their day-to-day lives. City Council has strived to make citizen's lives easier by refraining from raising taxes and fees, and by making cuts on the City's side first. He offered his assistance in dealing with the Legislature.

Council Member Buster agreed with Council Member Weise on the water bill issue. Powers not delegated to the Federal government should be reserved for the states, and city prerogatives should be protected without interference from states. That maxim has been broken on many occasions, but cities need to continue fighting against it. He questioned whether Avondale's strategy regarding the motion picture tax credit legislation is changing this year. Ms. Gunther explained that there were many divergent parties that diluted the effort last year. Senator Nelson held five strategy meetings with stakeholders over the summer. The differences have been worked out and the effort is much more cohesive this time, although there are many freshmen legislators that need to be educated

on the importance of the tax credit. Council Member Buster inquired about lobbying. Ms. Gunther acknowledged that there are a number of private sector lobbyists who will likely help advance the measure.

Council Member Scott agreed with the proposed priorities. He offered his assistance with the Legislature. As a fellow businessman and landlord, Council Member Scott observed that a business owner is responsible for his property. If someone fails to pay their water bill, that should be considered the price of doing business. Landlords are reasonably expected to accept that responsibility.

Vice Mayor McDonald agreed that Avondale should advocate for the transit facility, noting that it is so critical for the city. He also agreed that Avondale has to stand firm against unfunded mandates. The water bill ordinance was a good compromise. Landlords hold some of their tenants' money to protect against non-payment. The landlord can also turn the water off immediately when they suspect something is wrong, while cities cannot.

Mayor Lopez Rogers commented that many City Council Members spent many hours at the capital last year focusing on two priorities: protecting local authority and protecting state shared revenues. Those two priorities remain. The water billing issue is about local control. It is important that Council Members take time to explain these issues to Legislators. She volunteered to help with the Legislature.

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 6:54 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 13th day of December 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 December 13, 2010 at 7:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor 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
Chris Reams, Parks, Recreation and Libraries Director
Ken Galica, Development Services Department
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

2 UNSCHEDULED PUBLIC APPEARANCES

Matthew Velasquez, a 16 year old student at Desert Edge High School, requested that he be granted two hours of programming on the City's cable channel. If granted, he plans to feature sports, news, community events, etc. He would focus on the positive that is happening in Avondale and feature short films, comedies, etc. He would have live broadcasting that would serve as a community poster board for Avondale. There is a lot happening in the city and he wants to highlight it. He commented that it is important for government to facilitate venues for the free artistic expression of young people.

Mayor Lopez Rogers thank the speaker and directed City Manager to follow up with Mr. Velasquez.

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.

a. APPROVAL OF MINUTES

1. Work Session of December 6, 2010
2. Regular Meeting of December 6, 2010

b. FIRST AMENDMENT TO FINANCIAL ASSISTANCE AGREEMENT - CARE1ST HEALTH PLAN ARIZONA, INC.

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.

c. RESOLUTION 2942-1210 - ADOPTION OF COUNCIL GOALS FOR FY 2011-2012

A resolution establishing Council goals for fiscal year 2011-2012. The Council will take appropriate action.

d. RESOLUTION 2944-1210 – INTERGOVERNMENTAL AGREEMENT WITH ADOT FOR THE UNDERDECK LIGHTING AT THE I-10 OVERPASS AT DYSART ROAD

A resolution authorizing an Intergovernmental Agreement with the Arizona Department of Transportation for the underdeck lighting at the I-10 overpass at Dysart Road, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

e. RESOLUTION 2941-1210 - INTERGOVERNMENTAL AGREEMENT TO PROVIDE DETENTION SERVICES TO THE CITY OF TOLLESON

A resolution approving an Intergovernmental Agreement with the City of Tolleson to provide detention services in exchange for funding one full-time Detention Officer and pay a monthly stipend to the Avondale City Court for services and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

f. RESOLUTION 2946-1210 - INTERGOVERNMENTAL AGREEMENT WITH CITY OF PHOENIX FOR THE PURPOSE OF JOINING COPLINK

A resolution authorizing an Intergovernmental Agreement with the City of Phoenix for the purpose of joining the COPLINK program to enhance the effectiveness of law enforcement by increasing information sharing related to crime and criminal activities and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

g. RESOLUTION 2945-1210 - INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY RELATING TO THE URBAN AREA SECURITY INITIATIVE GRANT PROGRAM

A resolution approving an Intergovernmental Agreement with Maricopa County for the purpose of accepting grant funding from Arizona Department of Homeland Security in the amount of \$12,543 to purchase COPLINK equipment and services related to law enforcement information sharing and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

h. ORDINANCE 1435-1210 - ACCEPTING DEDICATION OF REAL PROPERTY FOR USE AS PUBLIC RIGHT-OF-WAY

An ordinance accepting the conveyance of certain real property as right-of-way along the west side of 107th Avenue from Van Buren Street to a point approximately one-half mile south and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

i. ORDINANCE 1433-1210 – ACCEPTING THE DEDICATION OF REAL PROPERTY FOR USE AS PUBLIC RIGHT-OF-WAY FOR THE HILL DRIVE IMPROVEMENT PROJECT

An ordinance accepting the dedication of real property for use as public right-of-way for the Hill Drive Improvement Project and authorize the Mayor or City Manager and City Clerk to execute the appropriate documentation.

Vice Mayor McDonald moved to approve the consent agenda as presented including Resolutions 2941-1210, 2942-1210, 2944-1210, 2945-1210 and 2946-120 and Ordinances 1433-1210 and 1435-1210. 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	Aye
Council Member Buster	Aye

Motion carried unanimously.

4 JOINT FACILITIES USE AGREEMENT - ESTRELLA MOUNTAIN COMMUNITY COLLEGE FOR PROGRAMMING AT ASC

A request to approve a Joint Facilities Use Agreement with Estrella Mountain Community College to provide joint programming at the American Sports Center for leisure, sports, and academic purposes and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

City Manager Charlie McClendon introduced Chris Reams, Director of Parks, Recreation and Libraries to present this item.

Chris Reams reviewed the particulars of this items as more specifically described in the Council report. He indicated that the agreement would assist towards accomplishing the Council's goals and would be a win-win situation for all involved.

Council Member Karlin commented that it is always exciting when partnerships can be garnered for the benefit of all. Commended staff, ASC and EMCC for their efforts to bring this item forward.

Vice Mayor McDonald commented that this is a great partnership that would promote fitness and it is exactly what was envisioned for the ASC facility.

Council Member Scott asked if the hours used by EMCC would count towards the 40 hours allotted to the City. Mr. Reams agreed and indicated that EMCC would use 15 of those hours.

Vice Mayor McDonald moved to approve the joint facilities use agreement with Estrella Mountain Community College to provide joint programming at the American Sports Center for leisure, sports and academic purposes. Council Member Karlin 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	Aye
Council Member Buster	Aye

Motion carried unanimously.

5 PUBLIC HEARING, RESOLUTION 2943-1210 AND ORDINANCE 1434-1210 – ZONING ORDINANCE TEXT AMENDMENT TO SECTION 5, SPECIAL DISTRICTS

A public hearing and consider a resolution declaring as a public record a document entitled "City of Avondale Special Districts Regulations, Amended and Restated December 13, 2010", and an ordinance adopting the same.

Charlie McClendon introduced Ken Galica of the Development Services Department to present this item.

Ken Galica reviewed the particulars of this item as more specifically described in the council report. He concluded by saying that the Planning Commission has reviewed this item and recommended Council approval of the same.

Vice Mayor McDonald asked if there would be an opportunity for legal non-compliant businesses to become compliant and grow their business. Mr. Galica indicated that they could continue their current use but could not expand their business by adding permanent structures.

In response to a question from Council Member Buster, Mr. Galica indicated that the purpose of the zoning is for very large assembly uses and a movie studio would not meet the criteria.

Council Member Weise asked if other similar communities throughout the country already have this kind of zoning that include the amenities in the proposed zoning. Mr. Galica indicated they have working closely with the International Speedway Corporation (ISC) and their local legal counsel and commented that many of the features exist in other similar venues, but many of the amenities are cutting edge and are new and creative. Council Member Weise asked for examples of features that caused concerns for staff. Mr. Galica indicated that an example would be the conditional use for RV parking. In working through it with ISC, staff understood the vision of what ISC is seeking to accomplish. Council Member Weise further asked if there would be an opportunity for NASCAR to bring an NASCAR Hall of Fame West to Avondale. Mr. Galica commented that it would definitely be a possibility.

Mayor Lopez Rogers commended staff and the Planning Commission for all the work done to bring this before Council.

Mayor Lopez Rogers opened the public hearing.

Carolyn Oberholtzer, Rose Law Group, thanked Council for facilitating what ISC sees as a great future for Avondale. She indicated Mr. Scott Bullocks works on facilities nationwide

and has brought all his experience from working at those facilities. She complimented staff from all the work done on the text amendment.

Mayor Lopez Rogers closed the public hearing.

Council Member Karlin asked for clarification regarding the size for an entertainment facility. Ken Galica replied that a minimum of 150 acres are required in order to ensure it has the desired economic impact to the City. In response to a further question from Council Member Karlin, Mr. Galica indicated that temporary entertainment events would be permitted through the special event process handled by the City Clerk. He indicated that the purpose of this zoning is for large scale venues such as University of Phoenix Stadium, Sun Devil Stadium, etc.

Vice Mayor McDonald moved to adopt Resolution 2943-1210 declaring as a public record a document entitled "City of Avondale Special Districts Regulations, Amended and Restated December 13, 2010" 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	Aye
Council Member Buster	Aye

Motion carried unanimously.

Vice Mayor McDonald moved to adopt Ordinance 1434-1210 amending the City of Avondale Zoning Ordinance, Section 5, City Center District and adopting the document known as the "City of Avondale Special Districts Regulations, Amended and Restated December 13, 2010". 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	Aye
Council Member Buster	Aye

Motion carried unanimously.

6 ADJOURNMENT

Council Member Weise moved to adjourn the regular meeting; Council Member Buster seconded the motion. Motion carried unanimously.

Meeting adjourned at 7:42 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

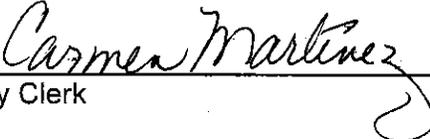
Motion carried unanimously.


 Marie Lopez-Rogers
 Mayor Rogers


 Carmen Martinez, CMC
 City Clerk

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 City Clerk