

Minutes of the Regular Meeting held January 24, 2011 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  
Eric Morgan, 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**

Curtis Nielson addressed the Council regarding graffiti. He informed the Council that his HOA as well as other HOAs around the City have been battling graffiti. He thanked the Police Department for their efforts which resulted in the arrest of fifteen youths. The graffiti stopped but it returned during the school breaks which HOA members painted over. He indicated he is not knowledgeable of the local laws and penalties, but referred to an article he read in a Tucson newspaper regarding a program being implemented there whereby parents and guardians may be ordered to pay the fine and do community service on behalf of a juvenile offender. He suggested the Council consider the Tucson program and adapt the City's laws to make parents responsible.

Mayor Rogers directed City Manager to report back to Council regarding current procedures and the proposed program.

**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. Regular Meeting of January 3, 2011
2. Work Session of January 10, 2011

**b. FINAL PLAT FOR REPLAT LOT 4, AVONDALE CITY CENTER PHASE 1**

A request to approve the final plat for the "Re-plat of Lot 4, Avondale City Center Phase 1".

**c. PURCHASE AGREEMENT - IKON OFFICE SOLUTIONS**

A request to approve a purchase agreement with Ikon Office Solutions to purchase 12 copiers in the amount of \$88,809, enter into an annual maintenance agreement for \$14,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**d. PROFESSIONAL SERVICES AGREEMENT - KIMLEY-HORN AND ASSOCIATES, INC. - SOUTH AVONDALE CADD SERVICES**

A request to approve a Professional Services Agreement with Kimley-Horn and Associates for South Avondale CADD Services in the amount of \$58,797, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**e. PROFESSIONAL SERVICES AGREEMENT - BROWN & CALDWELL, INC. – PHOENIX INTERNATIONAL RACEWAY LIFT STATION STUDY & DESIGN**

A request to approve a Professional Services Agreement with Brown and Caldwell for the Phoenix International Raceway Lift Station Study, Preliminary and Final Design in an amount not to exceed \$148,279, 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; 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 PUBLIC HEARING, PAD ZONING EXTENSION, AVONDALE CROSSING (PL-10-0104)**

A public hearing and a request by Ms. Lisa Chasteen of LaPour Partners, Inc. for extension of Planned Area Development (PAD) zoning for Avondale Crossing, located on approximately 29.64 acres of land at the northeast corner of El Mirage Road and Corporate Drive.

City Manager Charlie McClendon introduced Eric Morgan from the Development Services Department to present this item.

Eric Morgan, Planner, reviewed the particulars of this item as more specifically described in the Council report. He indicated that staff is recommending approval of the application subject to the following stipulation:

1. The property shall be subject to Ordinance 1324-808, the Public Art Ordinance.

Vice Mayor McDonald commented on the excess inventory the City has of this type of development and asked if the applicant is planning to move forward with the development within the next year.

Mr. Darren Tappen, Voit Real Estate Services, spoke on behalf of the developer and responded by saying that his company is not interested in speculative development but believes there will opportunities for build to suit projects within the next twelve months.

Vice Mayor McDonald commented that he does not feel comfortable with a granting the extension for a project that is uncertain under the current economic climate.

In response to a question from Vice Mayor McDonald, Eric Morgan indicated that, optimistically, the project could be under construction within six months, however if the extension is not granted the rezoning process would add another four months to the project.

In response to a question from Council Member Scott, Mr. Morgan indicated that the only progress that has been done on this project in the last three years is a pre-application. Council Member Scott commented he is not in favor of granting the extension due to the uncertain.

Mr. Tappen commented that the owner owns the property outright and there are no loans on the property, which is an advantage when seeking financing for the development.

Council Member Vierhout commented that the city already has a surplus of the type of development that would be built at this location and is not in favor of granting the extension.

Council Member Buster commented that it is his recollection from a previous council meeting that the majority of the cities in the valley do not have PADs that expire. He added that in his opinion the city is not positioning itself in a competitive position by denying the extension. He agreed it could be two to three years before the development gets built, but there have been some positive signs of recovery.

In response to a question from Council Member Weise, Mr. Tappen indicated that he has represented the property owner for the last three months and has shown the property once. He added that in his opinion the demand is increasing for this type of project.

Mayor Lopez Rogers agreed that granting a one-year extension will not help in the limited use of the property and is not in favor of granting the extension.

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 approve application PL-10-0104, a request for a one year extension of PAD zoning for Avondale Crossing to expire October 15, 2011, subject to one recommended condition of approval; Council Member Weise seconded the motion.

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

