

Minutes of the Regular Meeting held August 8, 2011 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
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 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.

a. LIQUOR LICENSE TEMPORARY EXTENSION OF PREMISES - HENRY'S JACKS PLACE

A request from Ms Carmen Beltran for a Temporary Extension of Premises to the Series 6 Bar License to sell all spirituous liquors at Henry's Jacks Place located at 613 E Western Avenue in Avondale to be used in conjunction with an Outside Dance One Night Only event on October 8, 2011.

b. COOPERATIVE PURCHASING AGREEMENT - GRAFFITI PROTECTIVE COATINGS

A request to approve a Cooperative Purchasing Agreement with Graffiti Protective Coatings to provide graffiti abatement services in the amount of \$90,720 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents

c. COOPERATIVE PURCHASING AGREEMENT- C.W. CARTER COMPANY

A request to approve a Cooperative Purchasing Agreement with C.W. Carter Co. to purchase heavy duty truck, construction and agricultural/industrial fleet and equipment parts, service and accessories for a maximum aggregate amount not to exceed \$200,000, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

d. COOPERATIVE PURCHASING AGREEMENT - FALCON POWER, INC.

A request to approve a Cooperative Purchasing Agreement with Falcon Power Inc. to purchase heavy duty truck, construction and agricultural/industrial fleet and equipment parts, service and accessories for a maximum aggregate amount not to exceed \$50,000,

and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

e. COOPERATIVE PURCHASING AGREEMENT - FREIGHTLINER, STERLING, WESTERN STAR OF ARIZONA, PHOENIX, INC.

A request to approve a Cooperative Purchasing Agreement with Freightliner Sterling WS of AZ to purchase Heavy Duty Truck, Construction & Agricultural/Industrial Fleet & Equipment Parts, Service & Accessories for a maximum aggregate amount not to exceed \$300,000, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

f. RESOLUTION 2998-811 - INTERGOVERNMENTAL AGREEMENT WITH NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS AND MARKETING AGREEMENT WITH UTILITY SERVICE PARTNERS PRIVATE LABEL, INC.

A resolution approving an Intergovernmental Agreement with North Central Texas Council of Governments and a Marketing Agreement with Utility Service Partners Private Label, Inc. relating to a National League of Cities sponsored water and sewer line warranty program, 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 Resolution 2998-811. Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

4 PUBLIC HEARING AND RESOLUTION 2997-811 – PHOENIX INTERNATIONAL RACEWAY MAJOR GENERAL PLAN AMENDMENT (PL-11-0017)

A public hearing and consideration of a request by Ms. Carolyn Oberholtzer, Rose Law Group, PC, to adopt Resolution 2971-811, amending the General Plan Land Use Map for approximately 590 acres of real property (618 gross acres) from a combination of Employment, Rural Low Density Residential, and Open Space to Mixed Use. The property is generally located at the southwest corner of Avondale Boulevard and Indian Springs Road and intermittently abuts both sides of Indian Springs Road, extending roughly 2 ¼ miles to the west from the Avondale Boulevard bridge. As required by the City's 2002 General Plan, Major General Plan Amendments must receive two-thirds majority vote of the Council for approval.

Charlie McClendon indicated Ken Galica of the Development Services Department would present items #4 and 5 together, however separate actions are needed for each of the

items. He indicated this is the final step in a yearlong process to reevaluate the zoning and land use maps for the area around Phoenix International Raceway.

Ken Galica, Development Services Department reviewed the specifics of this item as more particularly described in the Council report. He reviewed the required findings for approval of the General Plan Amendment commenting that PIR is an asset to the community and contributes not only to the City's but also the State's economy.

Council Member Karlin asked if this amendment would be incorporated into the 2030 plan. Mr. Galica indicated that if approved tonight, it would be an interim condition and would be fully integrated into the 2030 General Plan.

Council Member Weise commented that the public hearings had a good turnout and asked what is the City's responsibility to neighbors who choose to live in the county islands. Mr. Galica responded that the City takes residents' concerns, whether in the City or County, seriously. He indicated that to the extent possible their concerns are addressed in a manner that is satisfactory to all involved and cited the signage as one where residents' comments were addressed.

Council Member Weise asked if the general plan amendment would allow for other types of racing such as dirt track racing similar to what is done at other track locations in the country. Mr. Galica commented that at this point there have been no discussions for a separate track facility at this time but it would be possible. Council Member Weise asked if it would be possible to hold other types of entertainment activities such as concerts either concurrently with the racing events or as standalone events. Mr. Galica indicated it would be possible.

Mayor Rogers opened the public hearing.

Jerry Squire indicated she lives in the area and PIR has always been a good neighbor. She indicated that since the property is in the flood plain there is always a potential for flooding. She asked what would happen if due to the economy the venue was not successful. She expressed concern about lighting and suggested using environmentally friendly lighting. She expressed concern over trash and bodies being dumped in the area. She commented that PIR has done a great job of designing the area and complimented them on the design of the sign. Ms. Squire concluded by saying that she appreciates Council Member Weise asking about other types of racing as that is a concern to her.

Mayor Rogers commented that she appreciates PIR's efforts and indicated the flooding issues are being addressed.

Mayor Rogers closed the public hearing.

Vice Mayor McDonald moved to adopt Resolution 2971-811, amending the General Plan Land Use Map for approximately 590 acres of real property (618 gross acres) from a combination of Employment, Rural Low Density Residential, and Open Space to Mixed Use. Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Vice Mayor McDonald

Aye

Council Member Scott	Aye
Council Member Vierhout	Aye
Mayor Rogers	Aye
Council Member Weise	Aye
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried unanimously.

5 PUBLIC HEARING AND ORDINANCE 1466-811 – PHOENIX INTERNATIONAL RACEWAY REZONING (PL-11-0032)

A public hearing and consideration of a request by Ms. Carolyn Oberholtzer, Rose Law Group, PC, to adopt Ordinance 2466-811, amending the Zoning Atlas for approximately 590 net acres of real property (618 gross acres) from AG (Agricultural) and A-1 (General Industrial) to MSED (Major Sports & Entertainment District). The property is generally located at the southwest corner of Avondale Boulevard and Indian Springs Road and intermittently abuts both sides of Indian Springs Road, extending roughly 2 ¼ miles to the west from the Avondale Boulevard bridge.

Ken Galica reviewed the particular of this item as more specifically described in the Council report and indicated the Planning Commission is recommending approval of the request subject to the following stipulations:

1. Development shall be in conformance with the requirements of the MSED Zoning District, the PIR Rezoning Narrative date stamped May 18, 2011, and the PIR Comprehensive Sign Plan date stamped July 6, 2011, except as modified by these stipulations.
2. Water, sewer, and street improvements shall comply with the terms of the Economic Development Agreement between the City of Avondale and Phoenix Speedwa Corporation, executed on November 22, 2010.
3. Development shall be completed in accordance with the City of Avondale General Engineering Requirements (GER) Manual and the City of Avondale Supplement to the MAG Uniform Standard Specifications and Details.
4. Sight, sound, and physical impacts to the Estrella Mountains shall, to the extent possible with a project of this scale, be minimized during the planning, design, and development processes.
5. The developer shall immediately report any archaeological discoveries found on any portion of the subject property to the Gila River Indian Community Tribal Historic Preservation Office.
6. All signs featuring electrical components shall require a sign permit, even if otherwise exempted by Section 3.2 of the Comprehensive Sign Plan.

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 Ordinance 2466-811, amending the Zoning Atlas for approximately 590 net acres of real property (618 gross acres) from AG (Agricultural) and A-1 (General Industrial) to MSED (Major Sports & Entertainment District). Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

6 PUBLIC HEARING - PROPOSED ANNEXATION OF REMNANT PORTIONS OF PARCELS IN SOUTH AVONDALE

A public hearing regarding the proposed annexation of various remnant portions of parcels in South Avondale in order to close the gaps and facilitate future development of the area.

Charlie McClendon indicated that when the general area was originally annexed there were some strips that were left out. These areas have been identified and staff is seeking to close those gaps.

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

7 EXECUTIVE SESSION

- a. An executive session pursuant to ARIZ. REV. STAT. § 38-431.03 (A)(4) for discussion or consultation with the City Attorney in order to consider its position and instruct the City Attorney regarding (i) negotiations for a potential Economic Development Agreement and (ii) a potential Intergovernmental Agreement with the City of Litchfield Park regarding a potential annexation.

Vice Mayor McDonald moved to adjourn to executive session; Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

8 ADJOURNMENT

There being no further business before the Council, Council Member Buster moved to adjourn the meeting; Council Member Karlin seconded the motion.

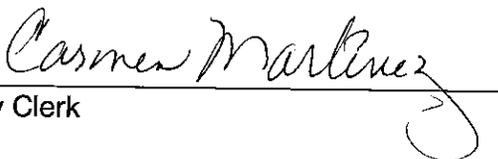
Meeting was adjourned at 8:10 p.m.


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 Regular Meeting of the Council of the City of Avondale held on the 8thth day of August 2011. I further certify that the meeting was duly called and held and that the quorum was present.


City Clerk