

Minutes of the Work Session held December 5, 2011 at 6:05 p.m. in the Council Chambers.

**MEMBERS PRESENT**

Mayor Lopez Rogers and Council Members

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

**EXCUSED ABSENCE**

Stephanie Karlin

**ALSO PRESENT**

Charlie McClendon, City Manager  
David Fitzhugh, Assistant City Manager  
Rogene Hill, Assistant City Manager  
Shirley Gunther, Intergovernmental Affairs  
Andrew McGuire, City Attorney  
Carmen Martinez, City Clerk

**1) ROLL CALL BY THE CITY CLERK**

**2) PROPOSED AMENDMENT TO CITY CODE CHAPTER 26 – DEVELOPMENT FEES**

Andrew McGuire, City Attorney, reviewed the required changes to the ordinance and impact fee schedule that resulted from the passage of S.B. 1525, which restricted the City's ability to levy impact fees. He stated that this bill gave Arizona developers everything they were asking for and more. Of the original 14 pages of the statute, only 18 lines were kept. The rest of the document was cobbled together from portions of the statutes for Nevada, New Mexico, and Texas. Internal references frequently do not match. Cities were only given an opportunity to provide input after the bill passed the House, and they were unable to add an amendment that would have brought the bill back into a sensible format using Arizona law. While the effort attempted to minimize the damage created by bad legislation, the bill will likely create hundreds of unintended consequences.

Mr. McGuire said that Avondale has been meeting with city attorneys, planners, and development fee specialists to put together a model ordinance to try to remove as many variations as possible. The model ordinance is an attempt to get cities working together to avoid having numerous interpretations of the same statute, which could easily happen based upon the resulting language. The first important deadline comes on January 1; when Avondale will no longer be able collect certain development fees.

Mr. McGuire said the new statute defines necessary public services. Prior to this time, the courts had universally upheld the cities' determinations about what was best for them. The list of definitions is an odd one. It contains things that cities normally do, like water, sewer, streets, fire, police, but also things cities typically do not do, such as storm water and drainage. It also restricts certain things which will now have to be done in a different way. Parks over 30 acres have to demonstrate a benefit to the new development. Pools are allowed, but aquatic centers are not, even though no distinction is drawn between the two.

In the City of Avondale, some fees, for instance sanitation and administrative vehicles, will be completely gone. General government as a fee category will no longer be collectible;

however, an exemption exists for prior pledges of revenues for debt. The buildings for city hall, the courthouse, and the library, all have prior financing that can be carried over until they are paid off. After the library is paid off, the City will only be able to collect fees for the first 10,000 feet of new libraries. Any portion that exceeds that size will have to be paid for by existing residents. Likewise, development fees can only be collected for the first 30 acres of new parks.

Mr. McGuire said the bill requires that cities adopt a new fee study by September of 2014. The bill created a tremendous amount of due process as well as a complicated mechanism for refunds. City Council will have to take action to adopt Avondale's version of the model ordinance, to consider a contract with a consulting firm for an infrastructure improvement plan, and adopt a new development fee program based upon the new statute. If the City fails to do that, it will not be able to collect fees after 2014.

Vice Mayor McDonald asked whether the developers believe they have to pay developer fees, instead of simply passing them onto the homebuyer. Mr. McGuire responded that developers believe that if one community has lower development fees, they have to drop the price of their houses in all communities to compete, which they argue reduces their profits. He felt that in reality, the market drives the prices of houses, not the development fees. Infrastructure makes neighborhoods viable in the first place. Under the old statute, if a developer built in a remote area, they could use development fees to pay for the infrastructure to connect it to the rest of the world. By making development fees difficult to use or inadequate, it will create an incentive for infill. Vice Mayor McDonald said the developers wanted the bill because it will increase their profit margins. If Avondale finds a way around the legislation, developers will brand the City as a troublemaker.

Mr. McGuire reminded them that City Council will always know Avondale's needs better than the State legislature, and nothing about a development fee can change that. The homebuilders are convinced that lower development fees will reignite construction, but cities and towns will not extend infrastructure to create opportunities for developers. Costs will be passed onto the homebuilders through the lot prices. There seems to be a stunning lack of understanding about how different pieces fit together, and the legislature was focused only on one segment of a broad industry.

Council Member Weise inquired how rural cities are expected to satisfy the requirements of the bill with limited resources. Mr. McGuire responded that all cities hire professional fee consultants, mostly because it is too great a burden to handle in a short period, and the conclusions have to be defensible. There are four major independent firms that do this in Arizona, and some smaller ones. Only a few cities have done this so far, and the rest will have to do it in the next two years. Council Member Weise noted that some legislators and developers are convinced that homebuilding will bring Arizona out of its economic mess, even though this is one of the problems that created the mess. It will be interesting to see whether the legislators who supported the bill will ever admit they were wrong.

Council Member Scott inquired whether the cities have reached consensus on a course of action to lessen the impact of the bill. Mr. McGuire responded that this statute had a fairly major overhaul only three years ago. Cities spent as much as \$60,000 on development fee studies for that update, and now they are required to do it again. At the current pace of

collecting fees, it will take a while to cover the cost of the study. Avondale is reluctant to start making the changes without first seeing how it will be implemented. The Governor has stated that she does not want to see this issue anymore without good reason. If anything happens in the next session, it will be for the purpose of clarification. He would prefer to see the statute play out to demonstrate the true impact. The cities have decided not to tinker with a bill that was so badly written, because doing so would not fix anything.

Council Member Scott said he does not see cities being willing to tax current residents to build infrastructure for new neighborhoods that will not be paying their share. Mr. McGuire said cities still have discretion on whether or not to approve rezoning and land entitlements, but they will not want to do that if a large amount of inventory is available already and the infrastructure cannot be fully repaid. Development fees have enabled leapfrog development.

Mayor Lopez Rogers stated that the League of Cities worked very hard on this issue to no avail. It is frustrating that cities have to spend more money on another study for no reason other than to put money in the pockets of homebuilders.

### 3) 2012 STATE AND FEDERAL LEGISLATIVE AGENDA

Shirley Gunther, Intergovernmental Affairs, provided a preview of the 2012 legislative action. The effort to modify H.B. 1525 consumed a large amount of energy and resources last year. Cities anticipate a very challenging time in the State legislature in 2012 as well. For FY2013, a budget surplus is expected, but a 1-cent sales tax will expire on July 1, 2013, and a shortfall of between \$130 million to \$414 million is estimated for 2014. Last year's jobs bill created the Arizona Commerce Authority, removed the Commerce Department, passed a corporate income tax reduction, a property tax assessment ratio reduction, a personal property tax reduction, and created an incentive for research and development. Since this is an election year, additional tax reductions are likely to be an issue. This will be a short session, possibly lasting no more than 100 days. On the one hand, this gives the legislature less time to do damage, but this also means there will be less time to get favorable bills passed.

Ms. Gunther reviewed Avondale's 2012 legislative agenda. Avondale's guiding principles will be more important than ever this session. The first goal is maintaining local control. The State legislature continues to pass many bills that usurp City Council authority, like S.B. 1614, the Arizona Department of Water Resources (ADWR) assessment fee, which forced Avondale to pass \$95,000 on to local residents through their water bill.

The second principle is to maintain and enhance fiscal sustainability by protecting State shared revenue that belongs to the cities. HURF was swept this year, which caused a \$250,000 hit to the City of Avondale. One bill to be introduced this session is designed to stop HURF sweeps. The organization called We Build Arizona argues that the more the fund is swept, the less money is available for the construction of buildings, roads, streets and bridges. They have launched a campaign to push for passage of this bill.

Ms. Gunther said economic development is another issue important to cities. Last year's jobs bill created tools to incentivize businesses to locate in the state. Many of those

provisions will not be implemented until 2014. The multi-media tax bill that was introduced last year has been tweaked and will be reintroduced this year by Sen. John Nelson. The tweaked version has the Arizona Commerce Authority administer the tax incentive instead of the Department of Revenue. There is also discussion of a jobs bill, but no draft language has emerged yet. Avondale's federal lobbyist is working to get non-earmarked funding for a regional transit facility, and is seeking additional grants that might qualify for that funding.

Ms. Gunther discussed a new program called Avondale Legislative Link (ALL). The idea is to give interested residents a way to learn more about the legislative process. The first phase would be an education effort to explain how a bill becomes a law. They will be taught how to use the Arizona Legislative Information System (ALIS). Phase one will also be used to gather information on the municipal issues that are important to residents, and inform residents of the issues that City Council feels are important. Residents can sign up for a listserv that will give them weekly updates on some of the key bills going through the legislature.

The second phase will give residents a chance to meet their legislators, and they can join a tour of the senate or house floor. Residents on the listserv will receive a call to action at key moments, such as when the legislature attempts to take part of the State shared revenue. Citizens who want to sign up in favor or opposition to bills during a legislative session must register in person at the beginning of each session.

The last phase of the program will recap all the bills that passed during the session. City Council will also have an opportunity to show their appreciation for the residents who took action during the legislative process. The program will also be assessed to determine if it was successful, and potentially what could be improved next year.

Council Member Buster inquired about a proposed regulatory reform bill and how it would affect cities. Ms. Gunther explained that there was an attempt last year to create uniformity among cities for processing permits and fees. A stakeholders group is organizing to complete what was left incomplete last session, but they have not yet released their wish list. Depending on what they decide to pursue, it might impact Avondale.

Vice Mayor McDonald said the Arizona Legislative Link is a great idea. Beyond the opportunity to educate people, it will be a good way to nurture grassroots actions. People will be able to see the behind the scenes effort that really makes government work. Council Member Vierhout agreed, adding that it would be good to approach the high schools to get young people involved in the legislative process early. Once youth are involved, their parents will be too.

Mayor Lopez Rogers said the Link program would give residents an understanding of how the decision making process affects them. She felt that Avondale's priorities have not changed since last year. They are crucial to everything the City is doing.

4) ADJOURNMENT

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

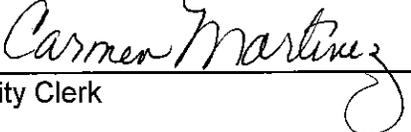
Meeting adjourned at 6:49 p.m.

  
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 5th day of December 2011. 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 5, 2011 at 7:00 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

**ABSENT/EXCUSED**

Stephanie Karlin

**ALSO PRESENT**

Charlie McClendon, City Manager  
David Fitzhugh, Assistant City Manager  
Rogene Hill, Assistant City Manager  
Ken Galica, Planner I  
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**

(Limit three minutes per person. Please state your name.)

**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. SPECIAL EVENT LIQUOR LICENSE – RACEWAY ELKS – CASINO NIGHT**

A request from William B. Veith on behalf of the Raceway Elks #2852 for a special event liquor license for a Casino Night fundraiser to be held on January 28, 2012 from 5:00 p.m. to 11:00 a.m. at the Masonic Temple located at 1015 N 8th Street in Avondale.

**b. COOPERATIVE PURCHASING AGREEMENT - WEBER GROUP LLC**

A request to approve a Cooperative Purchasing Agreement with Weber Group, LLC for deep well and well pump repair and maintenance services in an amount not to exceed an annual total of \$100,000.00 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**c. COOPERATIVE PURCHASING AGREEMENT - UTILITY SERVICE CO., INC.**

A request to approve a Cooperative Purchasing Agreement with Utility Services Company, Inc. for reservoir preventative and corrective maintenance services in an amount not to exceed an annual total of \$100,000.00 and to authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**d. SUBRECIPIENT AGREEMENT - NEIGHBORHOOD HOUSING SERVICES OF PHOENIX, INC.**

A request to approve a Subrecipient Agreement with Neighborhood Housing Services of Phoenix, Inc. in the amount of \$300,000 to provide homebuyer education and counseling services for the Neighborhood Stabilization Program 3 Homebuyer Assistance program in Avondale and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**e. FIRST AMENDMENT TO PURCHASE AGREEMENT - CRAFTCO, INC.**

A request to approve the First Amendment to the Purchase Agreement with Craftco, Inc. to purchase asphalt crack sealing compound in an annual amount not to exceed \$50,000 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

**f. RESOLUTION 3016-1211 - ACCEPTANCE OF A GRANT FROM THE ARIZONA DEPARTMENT OF HOMELAND SECURITY FOR SHELTERING/VOLUNTEER RECEPTION CENTER**

A resolution authorizing the acceptance of an Urban Area Security Initiative Grant in the amount of \$3,200 from the Arizona Department of Homeland Security to support Sheltering/Volunteer Reception Center equipment and supplies and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**g. RESOLUTION 3017-1211 - ACCEPTANCE OF A GRANT FROM THE ARIZONA DEPARTMENT OF HOMELAND SECURITY FOR A TERRORISM LIAISON OFFICER**

A resolution authorizing the acceptance of a grant in the amount of \$8,000 from the Arizona Department of Homeland Security relating to Terrorism Liaison Officers Sustainment and Enhancement and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**h. RESOLUTION 3018-1211 - ACCEPTANCE OF GRANT FROM THE ARIZONA DEPARTMENT OF HOMELAND SECURITY RELATING TO COMMUNITY EMERGENCY RESPONSE TEAM TRAINING**

A resolution authorizing the acceptance of an Urban Area Security Initiative Grant in the amount of \$17,200 from the Arizona Department of Homeland Security relating to Community Emergency Response Team training and response capability and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**i. RESOLUTION 3022-1211 - ACCEPTANCE OF GRANT FROM THE TOHONO O'ODHAM NATION FOR PHOENIX CHILDREN'S HOSPITAL**

A resolution authorizing the acceptance of a grant from the Tohono O'odham Nation on behalf of the Phoenix Children's Hospital in the amount of \$50,000 to support the construction of the West Valley Specialty and Urgent Care Center in Avondale and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**k. RESOLUTION 3021-1211 AND ORDINANCE 1481-1211 - AMENDMENT TO CHAPTER 1 OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL - INFORMATION AND COMMUNICATIONS TECHNOLOGY POLICY**

A resolution declaring as a public record the "December 5, 2011 Amendment to the City of Avondale Personnel Policies and Procedures Manual" amending Chapter 16,

Information and Communications Technology Policy, and an ordinance adopting the same.

**I. ORDINANCE 1476-1211 - AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR PUBLIC USE AT INDIAN SPRINGS ROAD AND AVONDALE BOULEVARD**

An ordinance authorizing the acquisition of real property at Indian Springs Road and Avondale Boulevard for public use and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Vice Mayor McDonald asked to pull item 3j from the consent agenda so that it can be considered separately.

Vice Mayor McDonald moved to approve the consent agenda including Resolutions 3016-1211, 3017-1211, 3018-1211, 3021-1211 and 3022-1211 and Ordinances 1476-1211 and 1481-1211 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 Rogers	Aye
Council Member Weise	Aye
Council Member Karlin	Excused
Council Member Buster	Nay

Motion carried 5-1.

**j. RESOLUTION 3019-1211 AND ORDINANCE 1479-1211 - CITY CODE CHAPTER 20 - ALARM CODE REVISIONS**

City Council will consider Resolution 3019-1211 declaring as a public record the "City of Avondale Alarm System Ordinance, Amended and Restated December 5, 2011" and Ordinance 1479-1211 adopting the same. City Council will take appropriate action.

Vice Mayor McDonald explained he wanted to have additional discussion on this item. He expressed discontent with the pressure placed by the alarm companies for Council to amend a previously adopted ordinance. He commented he does not like to be threatened by a lawsuit and cannot support it.

Council Member Weise indicated he agrees with Vice Mayor McDonald and believes this is a private industry that uses public employees to benefit the private industry. He commented that when he voted for the ordinance in March he was expecting full implementation of it at the time.

Council Member Buster commented he is willing to give the hybrid system a try, but if it becomes clear the system is not working out, then it should be reconsidered even before the twelve month period.

Mayor Rogers indicated she had speaker cards from Susan Breton, Maria Malice, John Jennings, G. Thomas Eggebrecht PhD, John Sargent, Paul Brooke and Ben Wilson who indicated they were in favor of the ordinance but did not wish to address the Council.

Council Member Weise moved to adopt Resolution 3019-1211. Council Member Scott seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 4-2.

Council Member Weise moved to adopt Ordinance 1479-1211. Council Member Scott seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 4-2.

**4 PUBLIC HEARING AND RESOLUTION 3015-1211 – COLDWATER DEPOT MINOR GENERAL PLAN AMENDMENT (PL-11-0151)**

City Council will hold a public hearing and consider a request by Ms. Catherine Thuringer, Trammell Crow Company, to adopt a Resolution amending the General Plan Land Use Map for approximately 41 gross acres of real property from Mixed Use to Employment located at the northwest corner of Van Buren Street and 127th Avenue.

City Manager Charlie McClendon indicated that items 4 and 5 are regarding the same development and Ken Galica would present both items at the same time.

Ken Galica, Planner I, reviewed the details of items 4 and 5 as more specifically described in the council reports.

Council Member Weise commented that this is a good project and will benefit Avondale residents.

In response to a question from Council Member Vierhout, Mr. Galica commented that this project will generate more traffic but not enough to significantly impact overall traffic conditions around the City. Traffic impacts will be looked at a bit more closely during the site plan approval.

In response to a question from Vice Mayor McDonald, Mr. Galica indicated that the developer has an aggressive timeline and expects to have the project completed by the end of next year.

Mayor Lopez Rogers commented she likes that use of the trail system is incorporated into this project.

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

Vice Mayor McDonald moved to accept the findings and adopt Resolution 3015-1211 approving Application PL-11-0151, a request to amend the General Plan Land Use Map from Mixed Use to Employment for approximately 41 gross acres located at the northwest corner of Van Buren Street and 127<sup>th</sup> Avenue. 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	Excused
Council Member Buster	Aye

Motion carried 6-0.

**5 PUBLIC HEARING AND ORDINANCE 1478-1211 – COLDWATER DEPOT PAD REZONING (PL-11-0152)**

City Council will hold a public hearing and consider a request by Ms. Cathy Thuringer, Trammell Crow Company, to adopt an Ordinance amending the zoning atlas for 58.5 gross acres of real property located at the northwest corner of Van Buren Street and 127<sup>th</sup> Avenue, replacing two existing Planned Area Developments with a new Planned Area Development Zoning District.

Mr. Galica indicated that the Planning Commission recommends approval of the rezoning subject to the following 15 stipulations:

1. The development shall be in substantial conformance with the Coldwater Depot PAD General Development Plan and Program, date stamped November 17, 2011, except as modified by these conditions.
2. A sealed copy of a final ALTA Survey will be required at the time of Site Plan submittal.
3. The additional land necessary for the well site (in excess of the existing 50' x 50' site) and a separate unrestricted, continuous public utility and access easement extending

from the public right of way to the future well site shall be dedicated by the Developer as part of the Site Plan approval process.

4. The Developer will be required to submit a Traffic Impact Analysis, Water Report, Geotechnical Report, and Sewer Report as part of the Site Plan Approval process.
5. Additional requirements for improvements, traffic signals, and right-of-way for deceleration lanes, turn lanes, and transit stops, may be required during the site plan review process as determined after review of a full Traffic Impact Analysis by the City Engineer.
6. Dedication of right-of-way on 127<sup>th</sup> Avenue to provide a total half width of 40 feet shall be made prior to issuance of any permits for any part of the project.
7. Interim improvements to Van Buren Street adjacent to the applicant's property were completed by the City in 2008. As part of that project, the City purchased the required right-of-way from the property owner and paid all construction costs to complete the road work. As part of a previous agreement, the developer is required to reimburse to the City the cost of acquisition of the Van Buren Street right-of-way and the cost of construction of the interim improvements. The developer shall reimburse the City prior to issuance of a building permit.
8. The Developer will work with City and the FCDMC (Flood Control District of Maricopa County) Staff to finalize the specific design requirements of the Agua Fria trail, including but not limited to, paved trail width, location of nodes, and handrail type prior to issuance of a building permit. At this point in time merely the location and landscape theme have been determined.
9. The Developer shall continue to work with City staff to finalize the specific design requirements for the fire flow, not limited to looping criteria and the required pressures for the proposed ESFR (Emergency Suppression Fast Response) system prior to issuance of a building permit.
10. The Developer shall continue to work with City staff to finalize the specific design requirements for sewer service, not limited to service connections and lift station design prior to issuance of a building permit.
11. Financial assurance for all work within the public right-of-way shall be paid prior to issuance of any permits for the project.
12. The Developer shall complete construction of the full length of trail adjacent to the subject property prior to issuance of a Certificate of Occupancy or Certificate of Completion for any building or portion of a building on the subject property. The trail may not be phased.
13. 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.
14. The exposed downspouts depicted in the PAD Development Plan and Program are not approved. The applicant shall work with staff to finalize an acceptable downspout design prior to Site Plan approval
15. The minimum landscape setback adjacent to 127<sup>th</sup> Avenue shall be 13'.

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

Vice Mayor McDonald moved to accept the findings and adopt Ordinance 1478-1211 approving Application PL-11-0152, a request to amend the zoning atlas for approximately 58.4 gross acres to Planned Area Development, subject to the fifteen stipulations recommended by the Planning Commission.

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	Excused
Council Member Buster	Aye

Motion carried 6-0.

**6 PUBLIC HEARING – RESOLUTION 3020-1211 AND ORDINANCE 1480-1211 – COMPREHENSIVE ZONING ORDINANCE TEXT AMENDMENT (PL-11-0096)**

City Council will hold a public hearing and consider adopting a resolution declaring as a public record a document entitled "City of Avondale Zoning Ordinance, Amended and Restated December 5, 2011", and an ordinance adopting the aforementioned document as the City of Avondale Zoning Ordinance.

Completed a complete rewrite of the zoning ordinance about one year ago. The proposed amendment contains revisions based on actual practice and feedback from the development community.

Ken Galica, Planner I, reviewed the details of this item as more specifically described in the council report.

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

Vice Mayor McDonald moved to adopt Resolution 3020-1211. 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	Excused
Council Member Buster	Aye

Motion carried 6-0.

Vice Mayor McDonald moved to adopt Ordinance 1480-1211. 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	Excused
Council Member Buster	Aye

Motion carried 6-0.

## 7 EXECUTIVE SESSION

- a. The Council may hold 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) the *DH Ventures v. City of Avondale* litigation.

Vice Mayor McDonald moved to adjourn into 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	Excused
Council Member Buster	Aye

Motion carried 6-0.

## 8 ADJOURNMENT

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

Meeting was adjourned at 9:46 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 5<sup>th</sup> day of December 2011. I further certify that the meeting was duly called and held and that the quorum was present.

  
\_\_\_\_\_

City Clerk