

Minutes of the Work Session held November 19, 2012 at 6:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Lopez Rogers and Council Members

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

ALSO PRESENT

Charlie McClendon, City Manager
Tracy Stevens, Planning Manager
Chris Schmaltz, City Attorney

1) ROLL CALL BY THE CITY CLERK

2) DEVELOPMENT SERVICES COMPLIANCE REVIEW POLICY

Review of the Development Review Compliance Policy prepared to comply with Senate Bill 1598 adopted by the Arizona Legislature in 2011, which sets time frames for municipal development review processes.

Tracy Stevens, Planning Manager, said SB 1598, the Municipal and County Government Regulatory Bill of Rights, was the result of the Arizona Legislature codifying A.R.S. 9-831. The bill added new requirements for dealing with city regulations and the development process. This new legislation applies to all application review processes and procedures that qualify as licenses. The City Attorney's Office has determined that "licenses" are defined as "The whole or part of any municipal permit, certification, approval, registration, charter or similar permission required by law." In terms of Avondale's processes and procedures, these can include site plans, the design review process, signed permitting, construction plan reviews, engineering civil permits, civil plan review, business licenses, and reports.

Under the legislation, applications must be approved or denied within a specific period. This is intended to ensure fair and open regulations. The City must also provide written notice of denial of an application, identifying why the application was denied, and explaining the applicant's right to appeal. Applicants also have the right to receive information on the process itself. Staff is working internally on compliance review, and will bring it forward to City Council for adoption in December. The review process has the purpose of codifying A.R.S. 9-831, and of bringing the development review and application procedures into compliance with the State law.

Ms. Stevens said the review time frame requirements consist of three time frames. During the administrative completeness time frame, the City is required to review the application for completeness when it is submitted. The City will have a certain number of days to deny or approve applications for missing items. Failure to do this would result in the application being automatically approved. The process is suspended if the applicant is missing information. During the substantive approval phase, the City is allowed to make one comprehensive written electronic request for additional information. If the City and

applicant can mutually agree, the City can submit supplemental requests for additional information. If the City does so, the process is suspended until the information is received. By mutual agreement, the City and the applicant can extend the substantive review time frame, as long as it does not exceed 25% of the overall time frame.

Ms. Stevens reported that Avondale is offering applicants an additional choice, called the Flexible Policy, which must be selected at submittal. The Flexible Policy allows additional plan review opportunities and resubmittals, and is somewhat similar to the process Avondale currently uses. The IT Department is working to build these time frames into the office software. Charlie McClendon, City Manager, said that the City of Avondale is required to comply with SB 1598 by December 31.

Council Member Weise noted that SB 1598 also regulates inspections, and inquired about the changes the City has made to comply with this aspect of the bill. Chris Schmaltz, City Attorney, explained that the statute requires notification as part of the inspection process. To comply, the City has prepared a notice form that includes all the information required by the statute. Inspectors have to provide this notice on site. Council Member Weise said the law appears meant to solve a problem, namely arbitrary denials and acceptances, which did not exist in Avondale. Chris Schmaltz responded that the bill was an outgrowth of sand and gravel industry concerns regarding random inspections and air quality issues. Rather than deal with an isolated issue in a nuanced way, the bill took a more heavy-handed approach.

Council Member Weise expressed concern that the bill would take up an inordinate amount of City staff time to address simple issues. Mr. Schmaltz said the bill draws clear lines regarding the process for administrative permits. Avondale has interpreted this to refer to permits that are administrative in nature, and exempts things that are purely legislative. The City will only get one attempt to explain permit problems.

Council Member Buster said this bill started out with the need to get environmental permits issued in a timely fashion. While a properly crafted policy at the state level makes sense, at the city level it is micromanaging, as time frames for cities and counties work differently than the state time frames do.

Council Member Scott asked about staff preparations for the requirements of the bill. Ms. Stevens responded that staff is prepared, and is in the process of trying to find a time frame that works best for Avondale.

Council Member Vierhout inquired whether mandatory timelines would cause more applications to be denied. Mr. McClendon responded that one of the reasons behind the offering of the Flexible Policy is that applicants would have more time to get things right, and this should result in fewer instances of rejection due to missing information.

3) ADJOURNMENT

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

Meeting adjourned at 6:22 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 19th day of November 2012. 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 November 19, 2012 at 7:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Rogers and Council Members

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

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, 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

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. APPROVAL OF MINUTES

1. Work Session of November 5, 2012
2. Regular Meeting of November 5, 2012

b. SPECIAL EVENT LIQUOR LICENSE – RACEWAY ELKS - ANNIVERSARY AND CHRISTMAS PARTY

A request from Mr. William Veith on behalf of Raceway Elks #2852 for a special event liquor license for the Anniversary and Christmas Party to be held on December 15, 2012 from 5:00 to 11:00 p.m. at the Masonic Temple located at 1015 N 8th Street in Avondale.

c. LIQUOR LICENSE TEMPORARY EXTENSION OF PREMISES - GAME TIME SPORTS GRILL

A request from Randy Nations for a Temporary Extension of Premises to the Series 12 Restaurant License to sell all spirituous liquors at Game Time Sports Grill located at 1729 N Dysart Road, Suites 107 - 109 in Avondale to be used in conjunction with a Tamale Festival on December 1, 2012 from 10:00 am to 6:00 pm.

d. LIQUOR LICENSE SERIES 12 - ACQUISITION OF CONTROL - PEI WEI ASIAN DINER

A request from Joanne Zern for approval of an application for Acquisition of Control of a Series 12 Restaurant License at Pei Wei Asian Diner located at 1619 N Dysart Rd. #101 in Avondale.

e. CONTRACT AWARD - ISS FACILITY SERVICES INC.

A contract with ISS Facility Services Inc. to provide janitorial services for city facilities in the amount not to exceed \$233,076 annually or \$1,165,380 over a contract term of five years and authorize the Mayor or the City Manager and the City Clerk to execute the necessary documents.

f. COOPERATIVE PURCHASING AGREEMENT - CENTIMARK CORPORATION

A request to approve a Cooperative Purchasing Agreement with Centimark Corporation to provide roof replacement services at the Avondale Community Center in the amount of \$77,099.16, authorize the use of funds from the Senior Nutrition Fund to fund the request, and authorize the Mayor or the City Manager and the City Clerk to execute the necessary documents.

g. COOPERATIVE PURCHASING AGREEMENT - M.E. SIMPSON COMPANY, INC

A request to approve a Cooperative Purchasing Agreement with M.E. Simpson Company, Inc. for water leak detection survey services for a maximum aggregate amount not to exceed \$72,000, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

h. COOPERATIVE PURCHASING AGREEMENT - REDBURN TIRE COMPANY

A request to approve a Cooperative Purchasing Agreement with Redburn Tire Company to purchase tires and tires related services for a maximum aggregate amount not to exceed \$250,000, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

i. PROFESSIONAL SERVICES AGREEMENT - ARCADIS US, INC. FOR WATER/SEWER INFRASTRUCTURE MASTER PLAN UPDATE

A request to approve a Professional Services Agreement with ARCADIS US, Inc. to provide services pertaining to a Water/Sewer Infrastructure Master Plan Update in the amount of \$149,914, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

j. CONSTRUCTION CONTRACT AWARD - LOW MOUNTAIN CONSTRUCTION, INC.

A request to award a construction contract to Low Mountain Construction, Inc. in the amount not to exceed \$750,000 for the construction of residential units on Hill Drive and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

k. ORDINANCE 1501-1112 - RIGHT-OF-WAY ACQUISITION - RILEY DR. AND DYSART RD.

An ordinance accepting the dedication of right-of-way for portions of Dysart Road and Riley Drive from the Agua Fria High School District No. 216 and authorize the Mayor, or City Manager, City Clerk and City Attorney to execute the necessary documents.

l. ORDINANCE 1502-1112 - RIGHT-OF-WAY ACQUISITION - HILL DRIVE ALLEY

An ordinance authorizing the dedication, purchase or condemnation of a portion of an alley south of Hill Drive west of 5th Street and authorize the Mayor, or City Manager, City Clerk and City Attorney to execute the necessary documents.

Council Member Weise moved to approve the consent agenda as presented including Ordinances 1501-1112 and 1502-1112. Council Member Vierhout seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

4 PUBLIC HEARING – ZONING EXTENSION FOR AVONDALE LIVE PAD (PL-12-0185)

A public hearing and consideration of a request by Mr. Michael J. Curley, Earl, Curley & Lagarde P.C., on behalf of Harbor Properties LLC, an Illinois Limited Liability Company, for a one year extension of the PAD zoning for Avondale Live, located on approximately 62 acres of land north of the northwest corner of 99th Avenue and McDowell Road.

Ken Galica, Planner I reviewed the particulars of this item as more specifically described in the council report. He indicated that staff is recommending approval of the request subject to one stipulation:

1. Developers within the PAD shall be required to adhere to the terms of the City's Public Art Ordinance, Avondale Zoning Ordinance Section 11.

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

Council Member Weise move to approve the request for a one year extension of the PAD zoning for Avondale Live subject to one stipulation. Vice Mayor Karlin seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

5 RESOLUTION 3083-1112 - DEVELOPMENT AGREEMENT WITH LENNAR ARIZONA, INC. AND DESERT SPRINGS VILLAGE HOMEOWNERS ASSOCIATION

A resolution approving a Development Agreement with the Desert Springs Village Homeowners Association and Lennar Arizona, Inc. that will allow for the acquisition of 12 vacant lots and portions of two landscaping tracts within the Desert Springs Village subdivision for \$180,000 and authorize the Mayor or City Manager and City Clerk to execute the agreement.

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

In response to a questions from Council Member Weise, Mr. Galica indicated that the lots will disappear as a result of this transaction. Council Member Weise commented that this is good for the city because it will help the city achieve what needs to be done at city center.

In response to a question from Council Member Buster, Mr. Galica indicated that all of the homes have been occupied at some point but has no knowledge of how many are currently occupied.

Council Member Weise move to adopt Resolution 3083-1112 approving a Development Agreement with Desert Springs Village Homeowners Association and Lennar Arizona, Inc. Council Member Vierhout seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

6 ADJOURNMENT

Council Member Weise moved to adjourn the meeting. Council Member Vierhout seconded the motion. All ayes.

Meeting adjourned at 7:16 p.m.

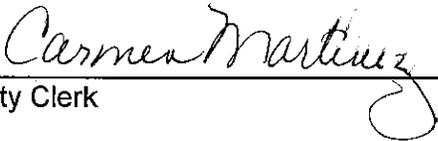

Mayor Lopez Rogers



Carmen Martinez, CMC
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City Clerk