

Minutes of the Work Session held September 9, 2013 at 6:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Lopez Rogers and Council Members

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

ALSO PRESENT

Charlie McClendon, City Manager
Rogene Hill, Assistant City Manager
Daniel Davis, Economic Development Director
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

2) ELECTRONIC FREEWAY PYLON SIGN

Information regarding the potential for an electronic freeway pylon sign along the south side of Interstate 10 and east of the Agua Fria River.

Daniel Davis, Economic Development Director, noted that the Avondale Auto Mall currently has an electronic freeway pylon sign that was approved as part of its PAD. That sign is used to promote businesses on site, but some time is granted for use by the City of Avondale.

Mr. Davis said the Cities of Glendale and Goodyear have contracted for their own electronic freeway pylon signs. In both cases, municipal property is leased to advertising companies for the construction and operation of the billboard signs. The cities in turn receive one-time payments of \$500,000 per sign, as well as monthly rental fees and free access for civic event and public safety announcements.

Mr. Davis stated that electronic billboard signs are allowed strictly at the discretion of City Council. Staff has identified one site along the I-10 freeway next to the Coldwater Depot Logistics Center, on the east side of the Agua Fria River. The City is currently under contract for purchasing the approximately 2,200 square foot parcel for a well. The sign would enable the City to gain extra revenue, which could be appropriated at Council's discretion through the normal budgeting process.

Mr. Davis said at Council's direction, staff would continue to move forward with this effort by preparing a Request for Proposal (RFP) to determine the level of interest in such a sign. Considering the existence of two signs in Goodyear immediately to the west, it is unclear whether another sign in Avondale would be desirable, but currently about 130,000 vehicles pass by the location every day. Once a company is selected, the specific details of the sign and the terms of the deal would be negotiated.

Council Member Weise said he would keep an open mind on the proposal, but he expressed concern that the effectiveness of electronic signs would plateau as the numbers reach a saturation point. He requested more information on the revenue generated for Goodyear and Glendale.

Council Member Vierhout said City Council should explore the potential of a sign before making a decision. He requested information on the height required for an effective sign, and the impact it would have on nearby residents. Mr. Davis explained that the closest residents live in the Rancho Santa Fe Apartments on McDowell Road, which is about 1,900 linear feet away. The Coldwater subdivision is 2,900 linear feet away. People live about 700 linear feet away from a similar sign in Goodyear. Glendale's sign is about a mile away from any residences.

Vice Mayor Scott agreed that the City should release an RFP to see what happens. It is rare that the City has an opportunity to secure a constant revenue stream at no cost. Council Member Karlin requested specific details on the lumens emitted by the signs. Council Member Buster said he is curious to see what kind of deal Avondale could get, and inquired whether the city risked violating any dark skies ordinances. Mr. Davis said the City would consider those types of conflicts during the RFP process.

Council Member McDonald said the proliferation of large electronic signs has desensitized people to them. Goodyear turns their signs off late at night. He felt that billboards in general look bad, though he acknowledged that the income stream is tempting. While the City would not have to pay any money, these signs crowd the sky and detract from the sense of open space.

Council Member Weise noted that the City of Flagstaff conducted a study comparing the luminescence of floodlit signs and digital signs. That information would come in handy. Mayor Lopez Rogers noted that City Council expressed enough interest in the idea to explore the issue further.

3) ADJOURNMENT

The Work Session adjourned at 6:19 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 9th day of September 2013. 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 September 9, 2013 at 7:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Lopez Rogers and Council Members

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

ALSO PRESENT

Charlie McClendon, City Manager
Christopher Reams, Director of Parks, Recreation & Libraries
Eric Morgan, Development Services
Randal Westacott, Building Official
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 unscheduled appearances.

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.

Mayor Lopez Rogers requested that Item 4(c) be considered separately.

a. APPROVAL OF MINUTES

1. Regular Meeting of August 5, 2013
2. Work Session of August 12, 2013
3. Regular Meeting of August 12, 2013

b. LIQUOR LICENSE TEMPORARY EXTENSION OF PREMISES – AMERICAN LEGION

A request from Steve Whitting on behalf of the American Legion Post 61 located at 34 N Dysart Road for a temporary extension of premises of their series 14 Club Liquor License to be used in conjunction with NASCAR event from November 3 to November 10, 2013.

c. COOPERATIVE PURCHASING AGREEMENT – GAZDA DATA SOLUTIONS, INC.

A request to approve a Cooperative Purchasing Agreement with Gazda Data Solutions, Inc., under State of Arizona Contract No. ADSP012-033640 for communications cabling

systems materials and services in a maximum aggregate amount of \$75,000 over the term of the agreement.

d. FACILITIES EXTENSION AGREEMENT AND INGRESS/EGRESS AGREEMENT – SOUTHWEST GAS CORPORATION

A request to approve the Facilities Extension Agreement and the Ingress/Egress Agreement with Southwest Gas Corporation in the amount of \$53,142 to provide natural gas service to the City Center Phase III development.

e. RESOLUTION – 3136-913 GRANTEE AGREEMENT WITH THE STATE OF ARIZONA FOR TERRORISM LIAISON OFFICER OPERATIONS

A resolution authorizing the acceptance of a grant from the State of Arizona Department of Homeland Security in the amount of \$83,814 to purchase a Level A Terrorism Liaison Officer Vehicle for the Police Department.

f. ORDINANCE 1526-913 – UTILITY EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY FOR PIR LIFT STATION

An ordinance granting Arizona Public Service a Utility Easement for the PIR Lift Station Site.

Council Member McDonald moved to accept the consent agenda as presented. Council Member Weise seconded.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

4) PUBLIC HEARING – ANNEXATION – ST. JOHN BOSCO OUTREACH CENTER

A public hearing regarding the proposed annexation of APN 500-64-002P owned by the St. John Vianney Roman Catholic Parish located at 12443 W. Illini Street also known as 3680 S. 125th Avenue.

Mayor Lopez Rogers opened the public hearing; there being no requests to speak, she closed the public hearing.

5) RESOLUTION 3131-913 – BURIAL RIGHTS ELIGIBILITY POLICY FOR GOODYEAR FARMS CEMETERY

A resolution establishing a new policy for internment practices at the Goodyear Farms Cemetery. Christopher Reams, Director of Parks, Recreation & Libraries, said the City of Avondale took over the cemetery from the SunCor Development Company in May of 2010,

along with a \$24,000 trust fund to assist with the grounds keeping expenses. The cemetery was originally developed for former workers of the Goodyear Farms Labor Camp. Today it is celebrated as a community landmark. Volunteers provide their time and efforts to help maintain the cemetery, and many local families have connections to it.

Mr. Reams said the City has used the "Busey Letter" as its policy to determine burial eligibility at the cemetery. The document, which was written in 1979, limits eligibility to then current employees with a minimum of five years seniority, retired employees, their spouses and dependent children less than 18 years of age at the time. The restrictions continue to apply even as empty plots go unused. About 60 plots have been set aside for eligible workers, but another 60 plots would go unused unless the policy is changed.

Since the City took over the cemetery, approximately three burial requests have been denied due to the restrictions. Staff recommends that the City expand the eligibility to allow family members of individuals currently interred in the cemetery to be buried in the unused plots. This new policy would have no effect on eligibility for existing members. The city only provides the burial plots to eligible persons, all other costs are borne by the families of the deceased.

Council Member Weise inquired whether all 60 eligible members plan to be buried in the cemetery. Mr. Reams explained that staff is making contact with eligible persons as opportunities arise. Mayor Lopez Rogers noted that family connections to the cemetery have largely relied on memory. People who wish to be buried with relatives should be granted that opportunity. Council Member Weise said he approves of the changes. Council Member Vierhout concurred.

Council Member McDonald said when the letter was originally written, the number of available plots probably seemed reasonable and indicated he is in favor of the changes.

Council Member Weise moved to approve resolution 3131-913, amending the burial rights eligibility for the Goodyear Farms Cemetery. Council Member Vierhout seconded.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

6) PUBLIC HEARING – ZONING EXTENSION FOR AVONDALE COMMERCE PARK PAD ZONING – ALTERNATIVELY ORDINANCE 1524-913

A public hearing and a request by Mr. Michael J. Curley of Earl, Curley, and Lagarde, P.C., for a one-year extension of PAD zoning for Avondale Commerce Park, located on

approximately 80 acres of land at the northeast corner of 103rd Avenue and Van Buren Street.

Eric Morgan, Development Services, said this would be the third extension of a maximum four possible. The PAD was originally created in 2008 and has received two previous extensions. The Zoning Ordinance provides that construction must begin within three years, unless an extension is granted. The uses that are allowed in the PAD are similar to Commerce Park and General Industrial, with provisions for some Community Commercial C-2 along Van Buren. The PAD deviates from the Zoning Ordinance in terms of building heights, allowing for up to 84 feet under special conditions. Architectural design requirements are slightly different since the Design Manual for Commercial Industrial was updated. The PAD provides for a minimum Master Site Plan size of 10 acres and a minimum first phase site plan of 2.5 acres.

Mr. Morgan said staff recommends approval with four conditions. The City would purchase any right-of-way over 65 feet on Van Buren, up to a total of 100 feet. The 103rd Avenue alignment as it approaches Pierce Street must align with the existing driveway for safety reasons. A 12-inch waterline is required at 103rd Avenue and Pierce. The developer must agree to reimburse the City for the 16-inch waterline installed in Van Buren Street. If the PAD zoning extension is not granted, City Council could consider an ordinance reverting the zoning of the property back to Agricultural.

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

Council Member Weise moved to approve resolution application PI-13-0067 for a one-year extension of PAD zoning for Avondale Commerce Park to expire on April 16, 2014 subject to four recommended conditions of approval. Council Member Vierhout seconded.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried by a six to one vote.

7) PUBLIC HEARING – CABLE TELEVISION LICENSE AGREEMENT – QWEST BROADBAND SERVICES, INC. DBA CENTURYLINK

A public hearing and considered a request to approve a Cable Television License Agreement with Qwest Broadband Services, Inc. dba CenturyLink.

Mr. McClendon stated that the applicant has requested a continuance on this matter until the October 7th meeting.

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

Council Member McDonald moved to continue this item to the October 7th City Council meeting. Vice Mayor Scott seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

8) RESOLUTION 3135-913 – AMENDMENT TO THE LICENSING TIME FRAMES COMPLIANCE REVIEW POLICY

A resolution approving an amendment to the Licensing Time Frames Compliance Review Policy for licenses, permit applications, and plan review services as required by House Bill 2443.

Mr. McClendon said the state legislature passed Senate Bill 1598, called the "Regulatory Bill of Rights," in 2011. H.B. 2443 was passed in 2013 to address some of the problems with the original bill. The City must now amend its policy to be in compliance with the H.B. 2443.

Randal Westacott, Building Official, said the changes would apply to the Avondale Licensing Timeframes Compliance Review Policy. Several problems were found with the original bill. Applicants did not have the ability to modify their projects after they were submitted. Cities were restricted from communicating openly with applicants about their projects, and only had one opportunity to conduct a complete and thorough review after their applications were complete. Avondale began using a voluntary waiver policy to establish direct lines of communication with applicants, but that approach was discouraged.

Mr. Westacott said the newly adopted House Bill 2443 provides cities with a second opportunity to request information from applicants. Projects can now be extended by mutual agreement, up to 50% of the overall timeframe. Residential developments are now exempt, and the requirements only apply to commercial and industrial development. Under H.B. 2443 cities are now prevented from offering waivers.

Mr. Westacott explained that Avondale's amended policy reduces the overall timeframe for reviewing a project from 36 working days to 34. The waiver policy has been removed. Exempt licensing permits have been removed, and the City will revert to using the same policy for residential permits that was in place before S.B. 1598 was enacted. These changes will ensure that Avondale is in compliance with H.B. 2443, and the reduced

timeframes will improve customer service. Staff recommends approval and implementation of the resolution by September 13, 2013.

Council Member Buster inquired whether H.B. 2443 contains any unintended consequences for Avondale. Mr. Westacott explained that the original bill contained several unintended consequences that encumbered municipalities from providing good customer service. The amended bill does improve lines of communication throughout the process.

Council Member Weise said the original bill was a poorly written law designed to address problems that did not exist. The amended bill unfairly punishes commercial and industrial builders. He inquired whether these bills have cost the city money. Mr. Westacott responded that a great deal of staff time was required to understand the confusing law and update the City's workflow processes accordingly. The amended bill will require the implementation of many more changes. Council Member Weise noted that this is the second time in recent history in which the legislature changed their laws to reflect something that Avondale had taken the lead on. Cities have had to bear the cost of the lobbying effort required to change the law.

Vice Mayor Scott queried whether the bill contains penalties for failure to comply. Andrew McGuire, City Attorney, said the original statute created citizen suit opportunities allowing disgruntled parties to sue cities, and mandates that cities pay attorney fees if the suits result in changes. Before the law, suits had to be created by the Attorneys General of the counties in which the cities resided.

Council Member Karlin commented that once again cities had to pay to fix the mistakes of the legislature. Mayor Lopez Rogers said the problems could have been avoided had the legislature consulted cities before they enacted the law.

Council Member McDonald moved to approve Resolution 3135-913, an amendment to the Licensing Timeframes Compliance Review Policy. Council Member Vierhout seconded.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried by a six to one vote.

9) EXECUTIVE SESSION

- a. An executive session pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(4) for discussion or consultation with the City's Attorney in order to consider its position and instruct the City's Attorney regarding potential litigation with respect to tax matters.

Council Member Weise moved to adjourn into executive session. Council Member Vierhout seconded.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

10) ADJOURNMENT

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

City Council meeting adjourned at 8:47 pm.


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 Regular Meeting of the Council of the City of Avondale held on the 9th day of September 2013. I further certify that the meeting was duly called and held and that the quorum was present.


Carmen Martinez
City Clerk