

Minutes of the Work Session held September 14, 2015 at 6:32 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Kenn Weise and Council Members

Stephanie Karlin, Vice Mayor
David Iwanski
Bryan Kilgore
Jim McDonald
Sandy Nielson
Lorenzo Sierra

ALSO PRESENT

David Fitzhugh, City Manager
Gina Montes, Assistant City Manager
Kevin Artz, Assistant City Manager
Ava Gutwein, Library Manager
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

1 ROLL CALL BY THE CITY CLERK

2 READ ON AVONDALE

Library Manager Ava Gutwein introduced Dawn Gerundo, Community Impact Director of Education and Children with the Valley of the Sun United Way, to provide an update on a new program being provided in partnership with other local community partners to improve early literacy for children ages three through eight. The program aligns well with the Council's strategic initiative of Education Collaboration.

Dawn Gerundo presented information on Read On Avondale. The program goal is to improve early literacy for children ages three through eight to ensure that all children are reading at grade level by third grade. It is an initiative comprised of public and private partnerships, agencies, philanthropic organizations, and community stakeholders. With support from the City of Avondale and the Avondale School District, an application was submitted to create Read On Avondale. It was accepted on December 17.

Ms. Gerundo explained that third grade reading levels are strong predictors of ninth grade course performance, high school graduation, and college attendance. The goals are school readiness, decreasing chronic absenteeism, and the prevention of summer learning loss. The amount of language a child hears affects the processing speed in their later vocabulary. Read On Arizona has put together a system that will aggregate data to identify geographic areas that are falling behind and how to leverage services to respond to them.

Read On Avondale is about to celebrate its first anniversary. The Avondale Community Work Group is identifying areas of concern and developing solutions to the issues. The work group convenes every six to eight weeks to study the data and decide upon strategies. The Avondale Literacy Scan took more than six months to put together. A Literacy Guide was distributed to all schools in Avondale on Welcome Back to School Night. A peer network will be formed to build strategies around reducing the chronic absenteeism rate. In Avondale the rate of chronic absenteeism is 9.8%, while the statewide average is only 7%. Language and culture barriers are common, especially around income.

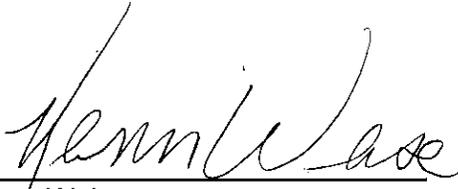
Ms. Gerundo said the Literacy Scan also found some community strengths. Care1st is a one-stop resource center where parents feel comfortable and respected. Many parents are trying their best despite the multiple challenges they face. Parents often are unaware of the services available to help them, or even whether they qualify for services. Many cannot afford pre-school, so Avondale School District opening a public pre-school this year is an exciting development. Critical gaps can be filled by improving school readiness, intervention resources, and parent engagement. As part of the outreach effort, the working group makes sure that at least one person attends every networking meeting in the community and reports back. The Library is looking for opportunities to bring story times out to the community. Valley of the Sun United Way is committed to funding literacy services, but it will take the community's support to make the effort work.

Council Member Sierra said Read On Avondale is doing fantastic work and he encouraged everyone to read the Literacy Scan. It will serve as something the community can build off of. He looks forward to the day when all third graders in Avondale will read at level, and it will be known as a reading city.

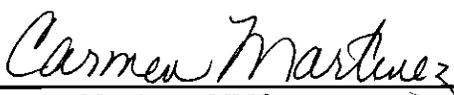
3 ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the regular meeting into executive session. Council Member Sierra seconded the motion, which carried unanimously.

City Council meeting adjourned at 6:52 p.m.



Mayor Weise



Carmen Martinez, MMC
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 14th day of September, 2015. 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 14, 2015 at 7:02 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Kenn Weise and Council Members

Stephanie Karlin, Vice Mayor
David Iwanski
Bryan Kilgore
Jim McDonald
Sandy Nielson
Lorenzo Sierra

ALSO PRESENT

David Fitzhugh, City Manager
Gina Montes, Assistant City Manager
Kevin Artz, Assistant City Manager
Ken Galica, Senior Planner
Abbe Yacoben, City Engineer
Dale Nannenga, Police Chief
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 RECOGNITION ITEMS (MAYOR PRESENTATIONS)

a. RECOGNITION OF LEGISLATIVE DISTRICT 19 LEGISLATORS

City Council recognized the efforts of the Legislative District 19 legislators who supported the City of Avondale through the 52nd Legislature, First Regular Session: Senator Lupe Contreras, and Representatives Diego Espinoza and Mark A. Cardenas.

b. RECOGNITION OF OSCAR ESPINOZA

City Council recognized Oscar Espinoza, owner of Oscar's Barber Shop, for donating more than 400 backpacks to children who came in for back-to-school haircuts. Mr. Espinoza said the City of Avondale made it very easy to start his business and help make it a success. This is his way of giving back to the community, and he intends to do it again next year.

3 UNSCHEDULED PUBLIC APPEARANCES

Paul Barton discussed Special Days for Special Needs Children and Their Families, a program that provides training on gross motor skills, fine motor skills, sensory activities and life skills to special needs children. The program also involves siblings and parents. Christ Community United Methodist Church is providing facilities. Programs occur roughly on a monthly basis, and the next one is on September 26 from 11 a.m. to 2 p.m. Lunch is provided, and it is free for the children.

4 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 August 3, 2015
2. Regular Meeting of August 3, 2015
3. Leadership Summit of August 15, 2015
4. Regular Meeting of August 17, 2015

b. SPECIAL EVENT LIQUOR LICENSE – WILDCAT POKER TOURNAMENT AT ST. THOMAS AQUINAS

A request from Louis Sisbarro on behalf of St. Thomas Aquinas' Wildcat Dads Club for approval of a special event liquor license to be used in conjunction with their Wildcat Poker Tournament scheduled for Saturday, September 19, 2015 at St. Thomas Aquinas Church located at 13720 W Thomas Road in Avondale.

c. AGREEMENT OF SALE – CAROLINA'S WEST, LLC

A request to approve an Agreement of Sale for 1.16 acres of property located at the northeast corner of Dysart and Western Avenue in the amount of \$250,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

d. BUDGET TRANSFERS TO ALLOW FOR EXPENDITURE OF DONATION FUNDS

A request to authorize the transfer of appropriations from contingency to various donations line items in order to allow city departments to spend donations they receive.

e. FIRST AMENDMENT TO CONTRACTOR AGREEMENT – URBAN YOUTH ATHLETIC ASSOCIATION DBA ARIZONA RBI

A request to approve the first amendment of the Contractor Agreement with the Urban Youth Athletic Association, Inc d/b/a RBI to provide jointly sponsored youth athletic programs with the Avondale Parks, Recreation, and Libraries Department and RBI and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

f. SECOND AMENDMENT TO CONSTRUCTION CONTRACT – TSG CONSTRUCTORS, LLC

A request to approve the second amendment to the Contract with TSG Constructors LLC in the amount of \$14,395 for additional ceramic floor tile replacement in the Courts front lobby that was not included in the original agreement and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

g. COOPERATIVE PURCHASING AGREEMENT – SOUTHWEST SLURRY SEAL FOR THE TYPE II SLURRY-SEAL PAVEMENT PRESERVATION PROGRAM

A request to approve a Cooperative Purchasing Agreement with Southwest Slurry Seal for the Type II Slurry-Seal Pavement Preservation Program in an amount of \$400,000 for

the first year and a maximum amount of \$4,000,000 over the life of the agreement and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**h. PROFESSIONAL SERVICES AGREEMENT – DIBBLE & ASSOCIATES
CONSULTING ENGINEERS, INC – LARGE DIAMETER SEWER REHABILITATION**

A request to approve a Professional Services Agreement with Dibble & Associates Consulting Engineers, Inc. to provide the design for the Large Diameter Sewer Rehabilitation, Project 1A for \$74,513.50 and authorize the Mayor or City Manager and City Clerk to execute the contract documents.

**i. RESOLUTION 3269-915 – INTERGOVERNMENTAL AGREEMENT WITH THE
REGIONAL PUBLIC TRANSIT AUTHORITY**

A resolution approving an amendment to the Intergovernmental Agreement with the Regional Public Transportation Authority for FY 2016 Zoom operations, funding for American with Disabilities Act Paratransit Services, and Express Bus Service and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**j. RESOLUTION NO. 3271-915 – CONTRACT FOR LEGAL SERVICES WITH
ENGELMAN BERGER, P.C. RELATED TO THE WHITE MOUNTAIN APACHE TRIBE
WATER RIGHTS SETTLEMENT**

A resolution authorizing a contract for legal services among the Cities of Avondale, Chandler, Glendale, and Scottsdale and the law firm of Engelman Berger, P.C. for legal representation in proceedings related to the White Mountain Apache Tribe water rights settlement and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**k. RESOLUTION 3272-915 – INTERGOVERNMENTAL AGREEMENT FOR A MULTI-
CITY HOUSEHOLD HAZARDOUS WASTE COLLECTION DAY EVENT**

A resolution authorizing an Intergovernmental Agreement with the cities of Goodyear, Litchfield Park and Tolleson to hold household hazardous waste day collection events.

Council Member Nielson moved to approve the consent agenda as presented. Council Member Kilgore seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member McDonald	Aye
Council Member Iwanski	Aye
Council Member Nielson	Aye
Mayor Weise	Aye
Vice Mayor Karlin	Aye
Council Member Kilgore	Aye
Council Member Sierra	Aye

Motion carried unanimously.

5 PUBLIC HEARING AND ORDINANCE 1585-715 AMENDMENT TO PALM VALLEY-AVONDALE PLANNED AREA DEVELOPMENT (PAD) – APPLICATION PL-15-0076

A public hearing and consideration of a request by Mr. Ali Fakhri, Sustainability Engineering Group, to adopt an Ordinance amending the Palm Valley-Avondale Planned Area Development (PAD), specific to Lot 3 of the Dysart Commons subdivision, located at the northeast corner of Dysart Road and Thomas Road. This item was continued from the July 20, 2015 City Council Meeting.

Ken Galica, Senior Planner, stated that agenda Items 5 and 6 are related to the same project and would be presented together. Both items are on behalf of Fry's Fuel Center. The first item is to amend the Palm Valley-Avondale PAD, and the second item is for a Conditional Use Permit (CUP) for a gas station. The subject property is approximately 1.13 acres in one of the undeveloped PADs of Dysart Commons Shopping Center. Surrounding land uses include built and unbuilt portions of Dysart Commons, Estrella Mountain Community College (EMCC), undeveloped land approved for a QuikTrip, and a CVS pharmacy.

Mr. Galica said the property was annexed in 1984 and rezoned in 1994 to PAD. It was designated by the PAD for Neighborhood Retail uses, though it was not tied to a particular zoning district. A third amendment to the development agreement clarified that the property would be developed under C-1 Neighborhood Commercial zoning standards. Gas stations are not a permitted use under C-1, therefore Fry's is requesting an amendment to the PAD to allow a gas station as a conditional use on the 1.13 acre parcel only. It would also allow permanent outdoor merchandise display/sales cabinets, and canopy button signage in the amount of 11 square feet per canopy elevation. Also requested is a modest increase in the size of fuel station price signs from 18 to 24 square feet, and three parking spaces beyond the allowance, for a total of four spaces.

Mr. Galica explained that if the PAD is approved, the CUP would involve a 232 square foot kiosk, a 43 x 126 foot canopy at a height of 19 feet, seven dual-sided fuel pumps, and two underground fuel storage tanks. The facility would operate from 5 a.m. to 11 p.m. only. Standard staffing would be one employee, with two at shift changes. The architecture is modeled after Dysart Commons. Vehicular access is from existing driveways into the shopping center, and no new access points would be created. The only addition would be a raised curb that would prohibit turns into one of the entrances. New pedestrian access, a shaded seating node, and enhanced landscaping would be included. The canopy columns are on the outside of the fuel pumps to screen them.

Mr. Galica stated that as part of the staff-recommended stipulations, the merchandising cabinets would be sign-free, wrapped in stone and painted the same color as the shopping center itself. The General Plan designates the property as Neighborhood Commercial, and gas stations are specifically listed as a compatible use, particularly at arterial intersections. The transition to the nearest residence is more than adequate at 450 feet. The gas station use is complementary to surrounding commercial uses, and would provide some economic activity near EMCC. Enhancements to the corner would contribute to a heightened sense of place. The merchandise cabinets would be integrated into the architectural theme and

would not feature signage. The canopy button signs and increased price sign size are fairly minor and justified by the design. The application meets the standard five findings.

Staff recommends approval subject to two conditions of approval:

1. The Palm Valley PAD Development Plan, Ordinance, Development Agreement and amendments thereto, including all stipulations of prior approvals, shall remain in full force and effect, unless expressly modified by this amendment.
2. Development of a gas station on the subject parcel shall conform to the PAD Amendment Project Narrative, date stamped June 4, 2015, and included as staff report Exhibit E.

Mr. Galica noted that the public participation has been extensive. A neighborhood meeting in March drew seven people, six who opposed and one who supported. The addressable concerns raised at that meeting were addressed. Planning Commission and City Council notifications were completed. Staff received one email in support, and two emails and one letter in opposition. The Planning Commission expressed some concerns with the project, primarily arguing that a gas station was not the highest and best use for the site. There were also concerns about the canopy orientation and that a full convenience store would be more useful than a kiosk. Eight speaker forms were submitted in opposition, and no residents were in support at the meeting. Petitions and letters were entered into the record, with 136 signatures in opposition, and 108 signatures in support, with 102 letters also in support being largely duplicative. The Planning Commission recommended denial of both the PAD and CUP requests.

Mayor Weise invited the Applicants to speak.

Ryan Gaston of Gilbert explained that Fry's tries to build a fuel center for every store as a convenience to customers, ideally as close as possible. The nearby Fry's site cannot accommodate a fuel center, so this location was chosen as the alternative. Fuel centers help to increase store sales. This one will add revenue to the City and create a few jobs. About \$14,000 from the Fry's Reward Program went to local schools last year. Fry's donated about \$440,000 to support military families last year. Avondale stores alone donated about 42,000 pounds of food.

Ali Fakh of Scottsdale said staff has been great to work with. The buffer between the fuel center and all residential neighborhoods is very large. Architecture will be integrated, the design tailored for Avondale, and the pedestrian path enhanced. Three of the four Planning Commissioners opposed the plan and one supported it. One Commissioner did not like the idea of the kiosk business model. A second preferred that the canopy orientation match the QuikTrip's canopy across the street. A comparison of the site plans, however, reveals that they will indeed match.

In response to an inquiry from Vice Mayor Karlin, Mr. Gaston explained that the freeways act as barriers when it comes to trade areas, so the search for a fuel center for the store at Dysart and McDowell was limited to the north side of the freeway.

Council Member McDonald said locating two gas stations across from each other could be seen as excessive, but he is in favor of this because Fry's model is different from QuikTrip's. The Applicant has met the City's requests. This will be a good fit.

Council Member Iwanski inquired about supportive letters from businesses. Mr. Fakh said about 19 of the letters in support came from businesses. The majority of the tenants in the shopping center expressed their support. Council Member Nielson said Fry's tries to be a good neighbor, and she expressed her support for the application.

Mayor Weise agreed that Fry's is a good company, but he voted against the QT on the other corner and would do the same in this case. This is not the best use for the corner, and the Planning Commission denied the requests. Council Member Kilgore concurred with Mayor Weise's conclusions.

Mayor Weise opened the public hearing.

Sue Wilson of Avondale said she is speaking on behalf of Betty Lynch and agrees with her. She requested that City Council honor the C-1 zoning PAD with a no gas station restriction. This is not the appropriate use of the land. The shopping center is developing nicely with small family shops and restaurants. A gas station is not an economic development generator; it may have a negative effect on the site. The traffic pattern on Thomas is regularly backed up and there are only five ways into the neighborhood. The area already has 20 fuel pumps. The Applicant is asking for an increased canopy height. Homeowners want to protect their neighborhood from C-2 types of businesses.

Petra Adams of Avondale is the President of the Rancho Santa Fe HOA Board, which has written a statement in opposition to the fuel center. Research shows that gas stations directly adjacent to residential neighborhoods will always have a negative effect on the neighborhood. They are not boons. They have a negative effect on property values in nearby neighborhoods. No other community in Avondale has a gas station directly at its entrance. Convenience does not always translate into a net benefit. There is no need for a fuel center there because the area is already adequately served by existing stations. She requested that City Council follow the Planning Commission recommendation and vote no on both requests.

Linda Mattingly of Avondale said she once owned a full service gas station, but this fuel center will only pump gas. City Council already approved the QT, and another fuel center is not needed. The four parking spaces will be used by the friends of the high school employee. The facility will have no bathrooms. City Council Members should not be voting for this so they can get a gas discount; it is a community issue. Garbage and cleanliness will be a problem with only one employee. Existing homeowners in the area should be able to have a say in what is built on that corner.

Mary Rose Evans of Avondale asked that City Council take into consideration several things before they vote. When the PAD was first created there was a concept in mind for that corner. Now it is being changed. She does not live in the neighborhood, but she understands that the people who do are unhappy about having a gas station at their entrance. There are already several other gas stations within two miles of the corner. Fry's

is building a new store at Camelback and Litchfield with a gas station, and it could have an impact on this proposed fuel station. She is pro-business, but also pro-neighborhood.

Scott Spier of Phoenix said he represents Dysart Investments LLC, owners of Dysart Commons Shopping Center. There are several reasons the owners are in support of this project. They are working very hard to transform several vacant buildings into a vibrant commercial center. The addition of a fuel center will be a complementary use that will have a positive influence on the long-term success and viability of the shopping center and contribute to the economic success of Avondale. Fry's has a good reputation and track record, and associating their brand with the center will have a positive impact. The fuel center will provide convenience to shoppers and neighborhood residents, and increase trip visits to the Dysart Commons that will bolster sales for other tenants there. The proposed use will not compete with other tenants. The canopy structure and small kiosk will preserve visibility into the shopping center, unlike a conventional building. Five outlying parcels at Dysart Commons remain undeveloped and there are no plans to do so in light of the current vacancy rate. The fuel center will help build momentum for their development.

Antoinette Means of Avondale is opposed to the Fry's fuel center. Seeing that Fry's had to request so many amendments is a sure sign that a fuel center was not intended to be there. The arguments in favor of the proposal talk about benefits to the city, but say nothing about benefits to the neighbors. Nobody who lives there complains about having to travel to get gas. The parking for the gym at the shopping center is full before and after work, and a fuel center will only make it worse. It will have a negative impact on traffic. The neighbors will have to live with the situation if optimistic predictions do not materialize. Gas stations are not seen in Palm Valley and Garden Lakes, and they do not belong here either.

Mayor Weise closed the public hearing.

Council Member McDonald moved to accept the findings and adopt Ordinance 1585-715 approving Application PL-15-0076, a request to amend the Palm Valley Planned Area Development (PAD), revising the permitted uses, sign allowances, parking requirements, and outdoor storage/display requirements for Lot 3 of the Dysart Commons subdivision, subject to two conditions of approval. Council Member Nielson seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member McDonald	Aye
Council Member Iwanski	Aye
Council Member Nielson	Aye
Mayor Weise	Nay
Vice Mayor Karlin	Nay
Council Member Kilgore	Nay
Council Member Sierra	Aye

Motion carried by a four to three vote.

**6 PUBLIC HEARING: CONDITIONAL USE PERMIT FOR FRY'S FUEL CENTER
(APPLICATION PL-15-0077)**

A public hearing and consideration of a request by Mr. Ali Fakh, Sustainability Engineering Group, for approval of a Conditional Use Permit (CUP) for a Fry's Fuel Center gas station and convenience kiosk at the northeast corner of Dysart Road and Thomas Road. This item was continued from the July 20, 2015 City Council Meeting.

Ken Galica said staff recommends approval of this application subject to three conditions of approval:

1. The use and development of the site shall conform to the Conditional Use Permit Narrative, Conceptual Site Plan, Conceptual Landscape Plan, Preliminary Canopy/Kiosk Elevations, and Conceptual Sign Plan, date stamped June 4, 2015 and attached as staff report Exhibits E, F, G, and H.
2. In accordance with Section 109 of the Zoning Ordinance, the Conditional Use Permit shall expire within two years from the date of approval if the use has not commenced.
3. Deliveries of fuel and merchandise are to take place only between the hours of 6:00 a.m. and 10:00 p.m.

Council Member Nielson moved to accept the findings and approve a Conditional Use Permit for a gas station with convenience kiosk at the northeast corner of Dysart Road and Thomas Road, on Lot 3 of the Dysart Commons II subdivision, subject to three conditions of approval. Council Member McDonald seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member McDonald	Aye
Council Member Iwanski	Aye
Council Member Nielson	Aye
Mayor Weise	Nay
Vice Mayor Karlin	Nay
Council Member Kilgore	Nay
Council Member Sierra	Aye

Motion carried by a four to three vote.

**7 PUBLIC HEARING AND RESOLUTION LAKIN RANCH MAJOR GENERAL PLAN
AMENDMENT CONTINUANCE**

A request from Wayne Dames on behalf of Sunbelt Holdings for continuance to September 21, 2015 of the public hearing and consideration of a resolution amending the General Plan, the scope of which includes adjusting the Land Use Map by generally reducing the amount of various density categories and modifying the Circulation and Street Classification Map.

David Fitzhugh, City Manager, stated that this amendment for a continuance is related to the Lakin Ranch property.

Mayor Wiese opened the public hearing, but there were no requests to speak.

Council Member Nielson moved to approve a continuance of Application PL-15-0104 to the September 21, 2015 City Council meeting.

ROLL CALL VOTE AS FOLLOWS:

Council Member McDonald	Aye
Council Member Iwanski	Aye
Council Member Nielson	Aye
Mayor Weise	Aye
Vice Mayor Karlin	Aye
Council Member Kilgore	Aye
Council Member Sierra	Aye

Motion carried unanimously.

8 FUND TRANSFER AUTHORIZATION – TO FUND DEPARTMENT OF REVENUE TAX SIMPLIFICATION

A request to authorize a transfer of contingency funds to the Finance Department in the amount of \$223,527.10 and to authorize the payment to the Arizona Department of Revenue for collecting the City of Avondale's privilege (sales) taxes under the tax simplification project.

Abbe Yacoben, Finance and Budget Director, explained that in 2013, the State of Arizona approved a simplification process for transaction privilege tax (TPT) collections. The State's Department of Revenue will begin collecting the City's taxes instead of allowing local governments to handle it internally. H.B. 2617 authorized the State to collect fees from local governments related to this process. Accordingly, the fee for the City of Avondale in FY2015/16 totals \$223,527.10, which will be used to pay for administration and conversion fees. The invoice needs to be paid by the end of the month or it will be netted from the City's portion of state shared revenue. Staff recommends that City Council authorize a transfer of General Fund contingency funds to the Finance Department to pay for this invoice.

Council Member Iwanski inquired when the Department of Revenue will begin collections. Ms. Yacoben said there is some debate on whether the State will be ready to start by January 1 of 2016; it could be months later. Council Member Iwanski said he understands the purpose for the request, but cannot support paying for a service that is not delivered.

In response to an inquiry from Council Member Nielson, Ms. Yacoben said despite the challenges, the City will be able to collect revenue until the DOR is ready to go. Mr. Fitzhugh added that should City Council decide not to authorize this, the State will take it

out of the shared revenue, and the City would be left without an invoice to properly account for the charge. This would cause concerns on multiple policy levels.

Mayor Weise said he would prefer that staff be given what they need now and that City Council fight this policy later on.

Council Member McDonald moved to authorize a transfer of contingency funds to the Finance Department in the amount of \$223,527.10 and to authorize the payment to the Arizona Department of Revenue for collecting the City of Avondale's privilege (sales) taxes under the tax simplification project. Council Member Kilgore seconded.

ROLL CALL VOTE AS FOLLOWS:

Council Member McDonald	Aye
Council Member Iwanski	Nay
Council Member Nielson	Aye
Mayor Weise	Aye
Vice Mayor Karlin	Aye
Council Member Kilgore	Aye
Council Member Sierra	Aye

Motion carried by a six to one vote.

9 PUBLIC HEARING AND RESOLUTION 3270-915 FREEWAY CORRIDOR SPECIFIC PLAN MAJOR AMENDMENT APPLICATION PL-15-0055

A public hearing and consideration of a resolution amending the text of the Freeway Corridor Specific Plan (FCSP) which includes, but is not limited to, eliminating minimum floor area ratio requirements for new development, easing design requirements for high intensity office and urban residential development, and amending the rules for seeking variances from and/or amending the FCSP.

Ken Galica, Senior Planner, said in general, the FCSP roughly encompasses the land between Dysart Road, 99th Avenue, McDowell Road and Van Buren Street, with the exception of the City Center Specific Plan area. The goal of a specific plan is to guide the physical form of development in a specific area, and expound upon the City's vision as expressed in the General Plan. Zoning ordinances are concerned more with uses and setbacks, etc. The FCSP was originally adopted in 1991, and amended in 2002. In 2007, a plan emerged to increase maximum building heights within the freeway corridor to 10 stories. In 2013, the FCSP was expanded and set minimum thresholds for development intensity adjacent to Avondale's preferred high capacity transit (HCT) alignment. The update assigned floor area ratios (FAR), and incorporated design requirements for transit-oriented development as well as bicycle and pedestrian friendly design requirements. It also established specifications for planned CIP projects. FARs are measures designed to ensure that development occurs at a certain density.

Mr. Galica explained that staff proposed changes to the FCSP in response to City Council direction to make the planning processes more flexible. The proposed amendment

de-emphasizes requirements for private development to be intense and dense. While the City would still encourage density, it will no longer require it. Objective three, which establishes minimum site utilization thresholds in the form of FAR designations, will be deleted in this amendment. Smaller changes allow for both Class A and Class B Office uses, and remove several required standards from the Urban Residential General Plan designation. Staff will also be able to grant variances instead of having applicants go to the Board of Adjustments. The process for amending the text of the FCSP will be changed from a Major General Plan Amendment to a Minor General Plan Amendment.

Mr. Galica said the minimum FARs were not intended to encourage development today, they were set as a long-term vision for Avondale's future. Realistically, there are only a couple of areas in the Valley today that are receiving the level of development that could support the minimum FARs. Though no longer a regulatory tool, the amended FCSP would still encourage the development community to participate in making the corridor a more urban, walkable, and transit-friendly place than it currently is.

All notification requirements were followed. Staff received no comments from impacted adjoining jurisdictions and agencies. Three people attended a neighborhood meeting and none were concerned with the proposed amendment. Two phone calls and one visitor sought information but posited no comments of support or opposition. The Planning Commission recommended approval on August 20.

Council Member Nielson inquired about the height of Class B Office. Mr. Galica responded that Class B offices usually are three or four stories in height. Council Member McDonald said he understands the need for the amendment, but he cautioned that by eliminating the requirements, developers will propose just about anything. It is hard to turn away someone with a valid product for a property, however.

Vice Mayor Karlin said she would prefer reduced standards and more flexibility to simply eliminating the requirements altogether. The word "eliminate" implies that developers will be allowed to do whatever they want, which is not necessarily true. Mr. Galica clarified that most of the plan will remain intact. It is the FARs that are specifically being removed.

Council Member Sierra said this amendment adapts the plan to current market realities. Council Member Iwanski inquired whether these changes would bring an immediate project to the freeway corridor. Mr. Galica responded that several projects are already underway. Dan Davis, Economic Development Director, added that no other projects are in the immediate pipeline.

Council Member Kilgore thanked staff for their hard work. Mayor Weise commended Mr. Galica for the considerable time he spent developing this plan. City Council requested the changes in an effort to spur growth on Avondale Boulevard.

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

Council Member McDonald moved to adopt Resolution 3270-915 approving application PL-15-0055, a request to amend the Freeway Corridor Specific Plan. Council Member Nielson seconded.

ROLL CALL VOTE AS FOLLOWS:

Council Member McDonald	Aye
Council Member Iwanski	Aye
Council Member Nielson	Aye
Mayor Weise	Aye
Vice Mayor Karlin	Aye
Council Member Kilgore	Aye
Council Member Sierra	Aye

Motion carried unanimously.

10 EXECUTIVE SESSION

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 a potential lease agreement of city-owned property.

Council Member Kilgore moved to adjourn into Executive Session. Council Member Nielson seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member McDonald	Aye
Council Member Iwanski	Aye
Council Member Nielson	Aye
Mayor Weise	Aye
Vice Mayor Karlin	Aye
Council Member Kilgore	Aye
Council Member Sierra	Aye

Motion carried unanimously.

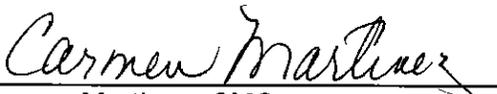
11 ADJOURNMENT

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

Meeting was adjourned at 9:03 p.m.

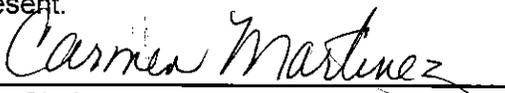


Mayor Weise


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 14th day of September, 2015. I further certify that the meeting was duly called and held and that the quorum was present.


City Clerk

