

MINUTES OF A REGULAR MEETING OF THE VICE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, ARIZONA, HELD IN THE JUSTICE FACILITY, 986 SOUTH LITCHFIELD ROAD, GOODYEAR ARIZONA, ON JANUARY 27, 2003, AT THE HOUR OF 6:00 P.M.

The meeting was called to order at 6:00 P.M. by Vice Mayor Kanter. Mr. Cavanaugh led in the Pledge of Allegiance. Mr. Sousa gave the invocation.

COUNCIL PRESENT: Vice Mayor Kanter, Mr. Porter, Mr. Cavalier, Mr. Sousa, Mr. Cavanaugh, and Mrs. Linney

STAFF PRESENT: Stephen Cleveland, City Manager; Lynn Mulhall, Deputy City Clerk; James Oeser, City Attorney; and staff: Larry Price, Cato Esquivel, Jack Blonski, Harvey Krauss, Peter Nick, Eddie Cruz, Kay Wilkinson, Brian Dalke, Ken Lawler, Mark Gaillard, Jerene Watson, Kevin Kugler, Janeen Hollomon,

MINUTES

Minutes of the special meeting held on January 6, 2003 and minutes of the regular meeting held on January 13, 2003 were approved as corrected and filed.

APPROVE AND/OR RATIFY EXPENDITURES

None

COMMUNICATIONS

None

CITIZENS COMMENTS/APPEARANCES FROM THE FLOOR

Vice Mayor Kanter asked if there were any comments from the public on non-agenda items. He explained that the Council could listen to their comments but could not respond to them or act upon any item. There being no further comments, Vice Mayor Kanter closed the public input process for non-agenda items.

## CONSENT

The Deputy City Clerk read the Consent Agenda items A1, A2, B, C1, C2, and D by title only.

Mr. Sousa requested that item 8.B. be removed from the Consent Agenda for further discussion. There were no objections.

Motion by Mr. Sousa, seconded by Mr. Cavanaugh, to approve Consent Agenda items A1, A2, C1, C2, and D passed unanimously (6-0).

- 8.A. (03-1588) Council authorized the Police Department to submit an application to the Arizona Criminal Justice Commission, (ACJC), for a Local Law Enforcement Block Grant, (LLEBG). Council authorized the City Manager and Chief of Police to sign all documents concerning the grant.
- 8.C. Council authorized the submittal of a grant application to the Robert Wood Johnson Foundation's Active Living by Design program for \$200,000.00. Council authorized the City Manager to execute and submit all documents necessary on the City's behalf.
- 8.D. Council authorized the City Manager to execute an amendment to the Agreement for Professional Services with URS/BRW, Inc. for the Goodyear General Plan update process, for a total not to exceed \$58,600.

## BUSINESS

### 8.B. (03-1593) PIERSON CONSTRUCTION BID AWARD FOR STROM DRAINAGE SYSTEM

Mr. Sousa questioned why the City didn't seek recourse from the developer or engineer associated with this project. Don French, Superintendent of Operations, replied that staff did look into this, but there is no recourse to the City. Both the Engineer of Record and the Developer (American Continental-Keeting) are out of business he said.

Motion by Mr. Sousa, seconded by Mr. Cavalier to award a contract in the amount of \$116,040.00 to Pierson Construction Corporation, for the construction of a storm drainage system to alleviate localized street flooding on Cactus Flower Drive, west of Estrella Parkway, passed unanimously (6-0).

#### 9.A. (03-1597) SPECIAL USE PERMIT FOR DEVELOPMENT OF A CHURCH

Janeen Hollomon, Planner I, reported that The Rock of Refuge initially applied for a Special Use Permit (SU-06-99) in September 1999, for the development of a Multi-Purpose Worship and Educational Center that contemplated a school for homeless children. As of September 2002 the Goff family has submitted a new Special Use Permit application (SU-04-02), which abandons the previous concept of a school for homeless children. This current request is for the development of 10 acres of land located on the East Side of Sarvial Avenue approximately 2000 feet north of Van Buren Street. Ms. Hollomon said that the purpose of the construction is to accommodate the rapid growth of the congregation, which has outgrown their Avondale facility. The new facility will be used for Sunday morning and Wednesday evening worship services. It will also be used for weddings, funerals, and other special events that are customarily associated with religious institutions.

Ms. Hollomon said that the first phase of development will include the construction of a main sanctuary building, child and youth classroom building, a shaded gazebo plaza, landscaping, retention areas, sealed parking lot and ingress and egress to Sarival Road. The main sanctuary will be approximately 12,000 square feet and accommodate 690 people and a nursery for infants and toddlers. The child and youth classroom building will be approximately 12,500 square feet and will consist of two smaller auditoriums to be used for children and youth worship services, Sunday school, and office space. A 3,500 square foot shaded gazebo plaza located between the two building will be constructed for the purpose of social events. The parking lot will be designed to hold 152 cars for Phase 1. The ingress and egress for the site will be from Sarival Road and the applicant will be responsible for the half-street improvements, which must be designed and constructed to comply with all codes, ordinances, and regulations. All necessary retention for the first phase of development will comply with all City codes.

Ms. Hollomon said that the second phase of development will include the construction of a larger auditorium (permanent sanctuary) directly behind the front two buildings. This building will be approximately 30,000 square feet and will seat 2,000 people. The parking area will be expanded to accommodate an additional 316 spaces. Playing fields may also be constructed for church use only.

The Rock of Refuge and the City of Goodyear conducted a citizen review meeting on December 12, 2002, to address any concerns that residents may have for the project. There were no attendees at this meeting Ms. Hollomon reported.

A public hearing was held before the Planning and Zoning Commission on December 18, 2002, and they recommended approval with a 7-0 vote. Planning Commissioners requested that staff review and approve the design of the site to ensure it meets with the neighborhood character and generally reflects the conceptual renderings that were provided by the applicant Ms. Hollomon said.

Motion by Mr. Cavalier, seconded by Mr. Sousa, to approve a Special Use Permit (Case SU-04-02) for development of a church campus on 10 acres generally located north of the northeast corner of Sarival Avenue and Van Buren Street, subject to stipulations, passed unanimously (6-0).

### STIPULATIONS

1. Submittal of an engineered site plan in accordance with all City Ordinances and all other applicable codes and ordinances, except as modified by the City Engineer;
2. Developer shall provide for the dedication of any necessary easements and rights-of-way, in form and substance acceptable to the City Engineer, prior to issuance of any construction permits on the subject property. This shall include dedication of twenty-two (22) feet of right-of-way for the length of the Sarival Avenue frontage. This additional right-of-way shall provide for a total of fifty-five (55) foot half-street improvements for Sarival Avenue;
3. Compliance with Goodyear's Engineering Standards for all public works construction including the improvements of Sarival Avenue to its ultimate grade and alignment as provided in Section 1.1.5 (A) of the Engineering Standards. The phasing of said improvements shall be reviewed and approved by Community Development staff prior to approval of the site plan;
4. Applicant shall provide a warranty on all public improvements constructed within City of Goodyear rights-of-way and easements for a period of not less than two (2) years from the date of acceptance by the City;
5. Applicant shall cause the construction of the required half-street improvements for Sarival Avenue to its ultimate grade and alignment. Said design and construction shall be in compliance with the City Engineering Design standards and policies manual;
6. The completion of required onsite water and sewer infrastructure for each construction phase to serve the property prior to issuance of a Certificate of occupancy;
7. The under-grounding of all utilities for each phase of construction prior to the issuance of a Certificate of Occupancy, at no cost to the City, within and abutting the proposed development;
8. The provision of adequate water and sewer to accommodate this project prior to vertical construction. A minimum water supply of 1500 gpm is required to meet the fire flow requirements for this development and must be demonstrated prior to issuance of a building permit;
9. Fire hydrant spacing for the development shall be at a maximum of 400-feet, as required by the City of Goodyear Fire Department standards;

10. All exterior lighting is subject to staff review as part of the site plan review process;
11. All buildings shall be limited to single-story height (30 feet);
12. The current mobile home on the property shall be removed prior to issuance of a temporary certificate of occupancy for the first phase of development, and may only be used as a construction office and storage of tools and construction equipment and materials related to this special use project;
13. The applicant shall include a written disclosure to any future owner or leasee of the property that states "the property may be subject to attendant noise, vibrations and dust and all other effects that may be caused by overflights and by the operation of aircraft landing at, or taking off from the Phoenix-Goodyear Airport and Luke Air Force Base.";
14. Any development upon the subject property shall comply with the City of Goodyear Design Guidelines. Architecture for proposed buildings shall be more consistent with the character and scale of the surroundings (and future residential land uses);
15. No metal buildings will be allowed unless all elevations are architecturally treated to comply with the City of Goodyear Design Guidelines;
16. Approval of the Special Use Permit does not constitute approval of the conceptual site plan;
17. A fence shall be constructed for the length of the property along the west edge of the existing irrigation canal. The installation of this fence shall occur within the first phase of development of the property and the design of the fences must be approved by City Staff;
18. All parking on the site shall be provided on an improved asphalt or concrete surface;
19. Per City of Goodyear Zoning Ordinance, all mechanical equipment, roof-mounted or otherwise, must be screened from public view along all street frontages;
20. All future development is subject to Site Plan review and approval by City Staff. All elements of site development will be reviewed, including but not limited to architecture, landscaping, grading and drainage, infrastructure, parking, access and circulation;
21. A minimum of a thirty- foot (30) wide landscape setback shall be provided along the Sarvial Avenue frontage. Said buffer shall include landscaping only, and shall not include any parking area or structures; and,
22. Portions of the driveway and parking lot abutting residential uses shall be screened in accordance with City of Goodyear Zoning Ordinance.

### 9.B. (03-1576) SPECIAL USE PERMIT FOR KINDERCARE LEARNING CENTER

Harvey Krauss, Community Development Director, gave a brief history of Kindercare and the Special Use Permit. He reported that Council conditionally approved the initial Special Use Permit on May 8, 2000. Concerns regarding children's safety were raised Mr. Krauss said, and KinderCare submitted an application to amend their Special Use Permit to install shade structures in the playground area of their facility.

A stipulation of Council approval stated that KinderCare was required to submit a report on the number of golf balls entering their property after installation of the shade structures. According to KinderCare, at least 4 or 5 golf balls are found each week behind the shade structures adjacent to the block wall Mr. Krauss said.

In accordance with this stipulation, KinderCare has submitted a time extension of this Special Use Permit amendment. This stipulation, Mr. Krauss reported, was offered by KinderCare's attorney during Council deliberations of this Amendment in November 2001. KinderCare is now requesting a "permanent" time extension of this Amendment. Staff has included a stipulation (#3) that provides that any violation of this Amendment not cured by KinderCare within 60 days may be cause for Council to order a removal of the shade structures. With this stipulation, it may not be necessary for any future reviews of this Amendment, and avoid any additional time extensions for the shade structures.

Mr. Krauss reported that the Planning Commission conducted a public hearing on this time extension amendment at their regular meeting in November 2002. Prior to the public hearing, notices were sent to adjacent property owners regarding this time extension request. Staff received a phone call from Ms. Michelle Muench of 13670 West Desert Flower Drive regarding the work completed by KinderCare. Ms. Muench expressed satisfaction with the work completed, and indicated that the shade structures were not a problem. There were no public comments on this matter at the Commission hearing.

Mr. Krauss announced that Sandy Ayers of KinderCare was available to answer any questions.

Motion by Mr. Cavanaugh, seconded by Mr. Cavalier to approve an Amendment to the Special Use Permit for KinderCare Learning Center providing for a time extension of the safety netting within the playground area located in Palm Valley Pavilions North at the northeast corner of Litchfield Road and McDowell Road, subject to stipulations, passed unanimously (6-0).

### STIPULATIONS

1. That the shade structures, as well as the facility and property, be adequately maintained by KinderCare Learning Center;

2. That KinderCare complete any necessary repairs or maintenance on the property in question within thirty (30) days after receiving a written notice from the Zoning Administrator, or his designee;
3. That any violations of the stipulations to this Amendment to the Special Use Permit that are not cured within sixty (60) days after receipt of written notice from the Zoning Administrator, or his designee, may be cause for the Council to revoke this Amendment.

Mr. Krauss addressed concerns from Council and stated that in lieu of Council doing an annual review, he is suggesting deleting that original requirement and amending the Special Use Permit with the addition of three stipulations (listed above).

Following discussion regarding the necessity of adding a fourth stipulation to clarify that KinderCare does not need to do this annually, Jim Oeser, City Attorney, requested that the minutes state that Council does not expect KinderCare to request an extension of the Special Use Permit every year. This was acceptable to the Vice Mayor and Council.

In response to a question regarding the safety of children and golf balls that hit the property, Ms. Ayers reported that if a ball does reach the property, it hits the net first and rolls onto the setback. There have been no injuries she said. The nets protect the children from the golf balls and the weather.

#### 9.C. 2003 CITY OF GOODYEAR LEGISLATIVE AGENDA

Jerene Watson, Community Initiatives Director, reported that the 46<sup>th</sup> Legislature convened Monday, January 13, 2003. Her report lays out issues which are expected to arise before the 2003 state legislature and will generally guide the City's legislative support actions and lobbying activities at the Arizona legislature if given City Council approval. Approval of general concepts and principles at this stage is important, Mrs. Watson said, due to the fast-moving timelines and 11<sup>th</sup> hour nature of the legislative process. Council will be kept informed weekly on the progress of key bills through bill tracking reports and updates at the Council meetings.

Mrs. Watson reported that Arizona cities and towns adopted two core principles at their annual conference in August to undergird the legislative agenda. While some specific, known legislative proposals of interest to Goodyear will be listed in this report, the core principles are designed to cover an array of bills which may come through a state legislative session. There are likely other bills we will support or oppose not identified here but fall within these core principles.

Mrs. Watson reviewed the specific issues the City follows:

- Extension of the Half-Cent Transportation Sales Tax

- Equalization of Secondary Property Taxes
- Initiative on Uniform State Sales Tax
- Contractor Liability
- Referendum Signatures
- Permit unarmed police aides and unarmed traffic investigators to serve process out of the municipal court where they are employed
- Arizona Uniform Plumbing Code Commission
- Municipal authority to annex small county islands

This report, Mrs. Watson said, is for information and to receive general policy guidance and direction from the City Council. While there are likely significant fiscal impacts within many of these pieces of legislation if they become law, each bill must be individually reviewed for its impact on our City and would have varying degrees of financial consequence. City staff is asked to comment on the impact of any bill that we support ahead of our commitment so this information potentially is forthcoming and analyzed to some degree.

Motion by Mrs. Linney, seconded by Mr. Porter, to approve the concepts of the 2003 City of Goodyear Legislative Agenda, passed unanimously (6-0).

Council thanked Mrs. Watson for the summary and expressed their appreciation for keeping them informed.

### INFORMATION ITEMS

Vice Mayor Kanter called attention to the two Boy Scouts in the audience, who were in attendance to work on merit badges.

Mrs. Linney reported on the Domestic Violence Coordinating Council. She said she has been going to meetings for months. Unfortunately for the northwest valley, they lost their funding. But they had a plan they were working on and decided to join the southwest council. The new group has a new name: West Valley Coordinating Council for Domestic Violence. Fifteen people attended the last meeting. The plan is good Mrs. Linney said.

Mr. Porter announced that he and Mr. Cavanaugh, Mr. Cavalier and Mr. Cleveland attended a briefing at Luke Air Force Base today. Mr. Porter stressed the importance of attending these briefings. The presentation was good and we are on course to protect the future of Luke. Mr. Porter said.

Vice Mayor Seth Kanter said he had received several invitations but he will not be able to attend all of them. He passed the invitations on to Council. He also had a request from the Arizona League of Cities and Towns looking for nominations for someone to sit on the Executive Committee. He said he was inclined to ask Mr. Cavalier if he was interested, but he invited all Council to apply.



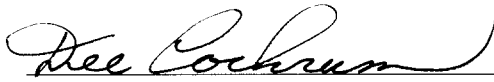
Mrs. Linney asked a question pertinent to one of the reports on the dais. (Response to Requests from Council/Citizens: opening and staffing of the Estrella Mountain Ranch Public Safety Facility) The question was directed to Fire Chief Mark Gaillard. Can a two-man team operate a fire station? Chief Gaillard replied that two persons would assist in providing services and will be able to make an immediate impact. They will be there for medical emergencies Chief Gaillard said.


Mr. Sousa questioned staffing once the facility opens.

Vice Mayor Kanter interjected and asked Chief Gaillard to put something together for the next available worksession. Jim Oeser, City Attorney added that Council is bound by the Open Meeting Law and they can not pursue discussion on this item at this time.

ADJOURNMENT

There being no further discussion to be brought before the Council at this time the meeting was adjourned at 6:53 p.m.

  
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City Clerk

  
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Vice Mayor

CERTIFICATION OF COUNCIL MINUTES

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the City of Goodyear, Arizona, held on January 27, 2003. I further certify that the meeting was duly called and held and that a quorum was present.

SEAL: Dated this 12 day of Feb. 2003.



  
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Dee Cockrum, City Clerk