



City of Goodyear

Meeting Minutes

City Council Regular Meeting

Meeting Location:
Goodyear Justice Center
14455 W. Van Buren St.,
Suite B101
Goodyear, AZ 85338

Mayor Georgia Lord
Vice Mayor Sheri Lauritano
Councilmember Joanne Osborne
Councilmember Joe Pizzillo
Councilmember Wally Campbell
Councilmember Bill Stipp
Councilmember Sharolyn Hohman

Monday, October 3, 2016

6:00 PM

Goodyear Justice Center

1. CALL TO ORDER

Vice Mayor Lauritano called the Regular Meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE AND INVOCATION BY COUNCILMEMBER HOHMAN

3. ROLL CALL

Council Present 6 - Vice Mayor Lauritano, Councilmember Osborne, Councilmember Pizzillo, Councilmember Campbell, Councilmember Stipp, and Councilmember Hohman
Council Excused 1 - Mayor Lord

Staff Present: City Manager Brian Dalke, City Attorney Roric Massey, and City Clerk Maureen Scott

MOTION BY Councilmember Stipp, SECONDED BY Councilmember Pizzillo, to EXCUSE Mayor Lord from the Regular Meeting.

Ayes 6 - Vice Mayor Lauritano, Councilmember Osborne, Councilmember Pizzillo, Councilmember Campbell, Councilmember Stipp, and Councilmember Hohman
Excused 1 - Mayor Lord

4. COMMUNICATIONS

4.1 [CO 246-16](#)

Assistant to the Mayor Lauren Valencia, introduced Government and Regulatory Affairs Manager, Rachel Aja, who presented Council with an organizational overview and update for Cox Communications.

5. CITIZENS COMMENTS/APPEARANCES FROM THE FLOOR

None.

6. CONSENT

- 6.1** [MINUTES](#) **RECOMMENDATION:**
 [70-2016](#) Approve draft minutes from a Special Meeting and a Regular Meeting held on September 12, 2016.

MOTION BY Councilmember Osborne, SECONDED BY Councilmember Hohman, to APPROVE Item 6.1 on the Consent Agenda The motion carried by the following vote:

Ayes 6 - Vice Mayor Lauritano, Councilmember Osborne, Councilmember Pizzillo, Councilmember Campbell, Councilmember Stipp, and Councilmember Hohman

Excused 1 - Mayor Lord

7. BUSINESS

- 7.1** [16-5912](#) **PUBLIC HEARING FOR THE INFRASTRUCTURE IMPROVEMENT PLAN (IIP) AUDIT**

Vice Mayor Lauritano opened the Public Hearing at 6:12 p.m.

Controller Rebecca Chitwood presented the Infrastructure Improvement Plan (IIP) Audit. Per ARS 9-463.05(G)(2), and City Code 9-8-13(B), the city opted to conduct a biennial certified audit of the city's Land Use and Infrastructure Improvement Plan, and development fees. The biennial certified audit reviewed the period of August 1, 2014 through June 30, 2016.

Goodyear is only the second city to have performed this audit. Procedures performed include: analysis of progress of the IIP, (comparing projections versus actual results), and review of sample receipts and expenditures for development fees for each project in the plan.

Jill Shaw, Engagement Partner with the auditing firm of Heinfeld, Meech & Company, explained the process. The procedures performed meet the requirement of the statute and also meet the legislative intent behind it. She reported that the only "finding" in the report was an exception to agreed upon procedures. That finding relates to the difference between projected permit, and other important land use assumptions, and how they differed from actual amounts.

There being no public comment, Vice Mayor Lauritano closed the Public Hearing at 6:16 p.m.

MOTION BY Councilmember Campbell, SECONDED BY Councilmember Hohman, to ACCEPT the Infrastructure Improvement Plan Audit. The motion carried by the following vote:

Ayes 6 - Vice Mayor Lauritano, Councilmember Osborne, Councilmember Pizzillo, Councilmember Campbell, Councilmember Stipp, and Councilmember Hohman

Excused 1 - Mayor Lord

- 7.2** [16-5905](#) **CITY-INITIATED REZONING OF APPROXIMATELY 40 ACRES LOCATED AT THE SOUTHWEST CORNER OF COTTON LANE AND INDIAN SCHOOL**

Vice Mayor Lauritano opened the Public Hearing at 6:17 p.m.

Planner III Steve Careccia presented. This is a city initiated rezoning of property that the city has owned since 2003. The rezoning will change this to I-1 with a PAD overlay. It is approximately 40 acres located at Indian School Road and Cotton Lane and is adjacent to the Palm Valley 303 Planned Area Development (PAD). The subject property was formerly the site of the Duncan Family Farms agribusiness. The agribusiness was in operation from approximately 1991 to 2001. The surrounding area is generally (PAD) with an industrial focus.

The subject property is within the Luke Compatible Land Use Overlay as designated in the Goodyear 2025 General Plan. The Overlay protects areas surrounding Luke Air Force Base in accident potential zones and inside the 65 decibel noise contour. Industrial and warehouse uses are considered appropriate in the Overlay while residential and assembly uses are not considered appropriate.

This rezoning is intended to encourage economic development activity on the subject property that is consistent with the industrial development in the surrounding area. The PAD Overlay accomplishes several things. It allows property developed with I-1 uses, but will also restrict those uses to those prohibited by Luke Air Force Base since the property is within the accident protection zone. It will increase the building height from 50 feet to 75 feet. It will also allow for design consistency, and will tie the development of the property to the Design Guidelines and signage to the surrounding Palm Valley 303 PAD.

Luke Air Force Base has reviewed the proposal and found that it will not negatively impact flying operations at the base.

There being no public comment, Vice Mayor Lauritano closed the Public Hearing at 6:21 p.m.

Council Discussion:

>Concerned with number 11 from the Light Industrial Park Use List - "Medical Marijuana Cultivation Location subject to the provisions of Article 4-2-12". Careccia stated that Luke Air Force Base did not see a problem with number 11 because it only involves farming and there would not be a large concentration of people. The list presented is only from Luke's perspective.

>Has a problem with number 11 being included on the use list.

>If marijuana is legalized and this is zoned light industrial, if someone comes in for an application for marijuana cultivation, would we have any rights to turn it down? City Attorney Massey stated no. If it is for a permitted use it won't come before Council because it is zoned for that use.

>Can this stipulation be removed from the motion? Massey asked whether this is related to the Ordinance or if the use list is a stand-alone document. Careccia clarified that the purpose of the list was to be an exhibit. Basically, the PAD Overlay was tied to the Use Table in State Statute. The Use List is not part of the ordinance.

>Feels that there are strict parameters with what we can deny with regard to cultivation and dispensaries in the legislation. We can't just take the cultivation piece out and say we

don't want it.

>If we sell the property, is it legal to restrict zoning for the new owner? Massey stated that the restriction would go along with the sale of the property if it is approved.

>Doesn't want to restrict a potential future land sale by a self-imposed stipulation. If we do this, will the new landowner have their rights restricted by our action?

>If it is not part of the ordinance, can we remove that use? Massey stated that since Council is adopting the Overlay in addition to adopting the Ordinance, an exception can be made by striking number 11 from the use list.

MOTION BY Councilmember Osborne, SECONDED BY Councilmember Pizzillo, to ADOPT ORDINANCE 16-1337 REZONING APPROXIMATELY 40 ACRES OF CITY-OWNED PROPERTY LOCATED AT THE SOUTHWEST CORNER OF COTTON LANE AND INDIAN SCHOOL ROAD FROM THE AG, AGRICULTURAL, AND C-2, GENERAL COMMERCIAL, ZONING DISTRICTS TO THE I-1, LIGHT INDUSTRIAL, ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR, PROVIDING FOR CORRECTIONS, SEVERABILITY, AN EFFECTIVE DATE, AND PENALTIES. The motion carried by the following vote:

Ayes 6 - Vice Mayor Lauritano, Councilmember Osborne, Councilmember Pizzillo, Councilmember Campbell, Councilmember Stipp, and Councilmember Hohman

Excused 1 - Mayor Lord

MOTION BY Councilmember Campbell, SECONDED BY Councilmember Hohman, to AMEND the motion to strike Use Number 11 - "Medical Marijuana Cultivation Location subject to the provisions of Article 4-2-12", from the City of Goodyear Zoning Ordinance I-1, Light Industrial Park Use List. The motion carried by the following vote:

Ayes 5 - Vice Mayor Lauritano, Councilmember Osborne, Councilmember Pizzillo, Councilmember Campbell, and Councilmember Hohman

Nayes 1 - Councilmember Stipp

Excused 1 - Mayor Lord

7.3 [16-5889](#) PRELIMINARY PLAT FOR PASEO PLACE PARCEL 2

Planner III Steve Careccia presented. The preliminary plat for Paseo Place Parcel 2 subdivides 77.64 acres into 214 single-family lots and 26 open space tracts. The Paseo Place preliminary plat is consistent with the requirements of the City's Subdivision Regulations, and Design Guidelines. The proposed density is consistent with the City's General Plan and the proposed development will be compatible with the surrounding area. Parcel 2 is bounded by Yuma Road to the North, a vacant parcel to the West, a Roosevelt Irrigation District (RID) ditch along the 181st Avenue alignment to the East, and a RID ditch along the Durango Street alignment to the South. Council previously approved a Preliminary Plat in April, 2015. That approval expired prior to the developer submitting a Final Plat. This is the same plat that was submitted in 2015. There have been no changes.

Council Discussion:

>Has the owner of this parcel agreed to all of the layouts and core requirements that we have for all of the West Goodyear properties? Engineering Director Rebecca Zook responded yes, that both Paseo Place I and 2 have had their development agreements approved by Council within the last few months.

>Concerned about fire safety. Asked if this area has been considered in the Fire Station Study that is currently being conducted? Fire Chief Luizzi responded that it has. Council should be presented with a report on the study on December 12th. Development Services Director Christopher Baker commented that this plat will be served by existing Fire Station 184, and will be served within our current capacity.

>Why was moving forward with the final plat delayed? Baker explained that they have been working diligently with the Roosevelt Irrigation District (RID) regarding drainage issues, and that has been a challenge that caused some delays. There were also issues that had to be dealt with during the development agreement negotiation process.

>Will the owner be developing and building in the near future, or are we just extending the preliminary plat again? Baker introduced Dawn Fortuna, Project Manager with Rick Engineering. Fortuna stated that Melcor is very committed and they are working directly with RID to agree on a compromise. All of their plans for Parcel 2 have been submitted to the city for review, and are pending an agreement with RID.

>Clarified for the public that the future growth in this area has been considered in the Fire Study.

MOTION BY Councilmember Pizzillo, SECONDED BY Councilmember Campbell, to APPROVE the preliminary plat for Paseo Place Parcel 2, subject to stipulations. The motion carried by the following vote:

Ayes 6 - Vice Mayor Lauritano, Councilmember Osborne, Councilmember Pizzillo, Councilmember Campbell, Councilmember Stipp, and Councilmember Hohman

Excused 1 - Mayor Lord

7.4 [16-5908](#) **APPROVE THE PURCHASE OF MINE SAFETY APPLIANCE (MSA) SELF-CONTAINED BREATHING APPARATUS (SCBAS), BLUETOOTH ENHANCEMENTS AND INVENTORY TRACKING PROGRAM AS PART OF THE SUPPLEMENTAL PROCESS.**

Deputy Fire Chief Tim Wayne presented. The department's Self-Contained Breathing Apparatuses (SCBA) are currently 15 years old, beyond their recommended life span and do not meet the 2013 National Fire Protection Agency recommendations. Council previously approved a total expenditure of \$922,000 to purchase fire department SCBAs, SCBA parts, and an air compressor. The air compressor was purchased in FY14 for \$71,392 and the purchase of SCBA and SCBA parts total \$753,704, resulting in a savings of \$96,903. The fire department is requesting to utilize the savings to upgrade radios and add an inventory tracking program in the amount of \$35,996. Upgrading portable radios with Bluetooth interoperability will extend their life by four years and also enhance clearer communications during emergency incidents with the Bluetooth equipped Mine Safety Appliance (MSA). Without the Bluetooth upgrade to the radios, the Bluetooth capability in SCBAs will not function and communications during

emergency incidents will not be as clear. Due to the cost and quantity that is associated with the new SCBA equipment, the inventory tracking system is critical to ensure tracking of SCBA components when they are deployed out to the engines and ladders for the Goodyear fire department.

The addition of Bluetooth to radios will provide hands free capability for communication in the hot zone and enhances firefighter safety. Due to the cost of equipment and the volume of supplies, an inventory tracking system will aid in maintaining SCBAs and associated equipment. These items are necessary for the department's air management program.

MOTION BY Councilmember Stipp, SECONDED BY Councilmember Campbell, to APPROVE the fire department's \$789,700.68 purchase of 92 Self-Contained Breathing Apparatuses (SCBAs), Bluetooth upgrade to radios and an inventory tracking program; and authorize the City Manager or designee to execute any contracts or other necessary documentation, including budget transfers and authority, to carry out the intent of the purchases. The motion carried by the following vote:

Ayes 6 - Vice Mayor Lauritano, Councilmember Osborne, Councilmember Pizzillo, Councilmember Campbell, Councilmember Stipp, and Councilmember Hohman

Excused 1 - Mayor Lord

7.5 [16-5913](#) DESIGNATING AN ACTING MAYOR

MOTION BY Councilmember Pizzillo, SECONDED BY Councilmember Hohman, to AUTHORIZE Councilmember Osborne to serve as Acting Mayor in the absence of the Mayor and the Vice Mayor from October 9 - 11, 2016. The motion carried by the following vote:

Ayes 6 - Vice Mayor Lauritano, Councilmember Osborne, Councilmember Pizzillo, Councilmember Campbell, Councilmember Stipp, and Councilmember Hohman

Excused 1 - Mayor Lord

8. INFORMATION ITEMS

1. Comments, Commendations, Report on Current Events and Presentations by Mayor, Council Members, staff or members of the public.

Council attended or reported on the following:

- >Art event at the Ballpark - attendance was affected by the rain but it was a fantastic event. They had a place set aside for non-mobile people to create an art piece. There was a full spectrum of activities at the event.
- >SW Valley Chamber of Commerce on the Cyber Security breakfast last week.
- >Grand opening for Burlington Northern Coat Factory.
- >National League of Cities.
- >Art is Alive Program at the Ballpark.
- >Estrella Homeowner's Association Annual Meeting.

2. Manager's Summary of Current Events and Reports

1. Manager's Update on Council Related Matters:

>Art is Alive: There were 1,500 in attendance, and 130 art works from the youth art show.
>Harkins Theater is having a Grand Opening beginning on October 11th, which continues through the weekend.

2. Update of Legislative Issues:

None.

3. Staff Summary of follow up action required:

None.

4. Council members may direct inquiries to staff:

None.

9. FUTURE MEETINGS

10/07/16	Special Meeting	9:30 a.m.
10/17/16	Work Session	5:00 p.m.
10/21/16	Council Retreat	1:00 p.m. - 5:00 p.m.
10/22/16	Council Retreat	8:00 a.m. - 12:00 p.m.

10. ADJOURNMENT

There being no further business to discuss, Mayor Lord adjourned the Regular Meeting at 6:59 p.m.

Maureen Scott, City Clerk

Date: _____

Georgia Lord, Mayor

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the CITY COUNCIL REGULAR MEETING of the City of Goodyear, Arizona, held on October 3, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2016.

Maureen Scott, City Clerk

SEAL: