



City of Goodyear

Meeting Minutes

City Council Regular Meeting

Meeting Location:
Goodyear Justice Center
185 N 145th Ave
(SE Corner of 145th Ave
& Van Buren St)
Goodyear, AZ 85338

Mayor Georgia Lord
Vice Mayor Joanne Osborne
Councilmember Joe Pizzillo
Councilmember Sheri Lauritano
Councilmember Wally Campbell
Councilmember Bill Stipp
Councilmember Jennifer Barber

Monday, February 25, 2013

6:00 PM

Goodyear Justice Center

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE & INVOCATION BY COUNCILMEMBER PIZZILLO

3. ROLL CALL

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

Council Present 6 - Mayor Lord, Councilmember Pizzillo, Councilmember Lauritano, Councilmember Campbell, Councilmember Stipp and Councilmember Barber

Council Excused 1 - Vice Mayor Osborne

MOTION by Councilmember Lauritano, seconded by Councilmember Barber to EXCUSE Vice-Mayor Osborne from tonight's meeting. The motion carried by the following vote:

Ayes 6 - Mayor Lord, Councilmember Pizzillo, Councilmember Lauritano, Councilmember Campbell, Councilmember Stipp, and Councilmember Barber

4. COMMUNICATIONS

None.

5. CITIZENS COMMENTS/APPEARANCES FROM THE FLOOR

Michelle Cuadra gave a brief update on the Goodyear Little League, which is beginning its ninth season. Their league is expanding this year, and they have several community events and service projects they are working on, including the installation of scoreboards at the Goodyear Community Park and the Foothills Community Park. They are also co-sponsoring a Fanfest event with the City and the Arizona Diamondbacks which will be held on March 30, 2013, at the Goodyear Community Park.

6. CONSENT

Approval of the Consent Agenda

MOTION BY Councilmember Lauritano, SECONDED BY Councilmember Pizzillo, that Consent Agenda Items 6.1 - 6.5 be APPROVED. The motion carried by the following vote:

Ayes 6 - Mayor Lord, Councilmember Pizzillo, Councilmember Lauritano, Councilmember Campbell, Councilmember Stipp, and Councilmember Barber

6.1 [MIN-14-2013](#)

APPROVAL OF MINUTES

RECOMMENDATION:

Approve draft minutes of a Special Meeting and a Regular Meeting held on February 11, 2013.

6.2 [13-4963](#)

RESCHEDULE THE MARCH 11, 2013 REGULAR COUNCIL MEETING TO MARCH 18, 2013

RECOMMENDATION:

Approve rescheduling the March 11, 2013 Regular Council Meeting to March 18, 2013 due to several Council members attending the National League of Cities Conference.

PURPOSE:

The Mayor and City Council may, by motion, cancel or reschedule any meeting of the Council as provided in Ordinance 2003-860.

The National League of Cities Conference will be held March 09-13, 2013 in Washington D.C. Several members of the City Council plan to attend this meeting. Staff is requesting the March 11, 2013 meeting be rescheduled for March 18, 2013. (Maureen Scott, City Clerk)

6.3 [13-4964](#)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF AVONDALE FOR ENGINEERING INSPECTION SERVICES

RECOMMENDATION:

ADOPT RESOLUTION 13-1537 AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF AVONDALE FOR CITY OF GOODYEAR STAFF TO PERFORM ENGINEERING INSPECTION SERVICES IN THE CITY OF AVONDALE FOR COMPENSATION IDENTIFIED IN THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

PURPOSE:

This agreement defines the responsibilities of the City of Goodyear and City of Avondale for engineering inspection services that Goodyear will provide to Avondale. (David Ramirez, City Engineer)

6.4 [13-4966](#)

MAP OF DEDICATION FOR PORTIONS OF NORTH LA MAROMA DRIVE, WEST MACKENZIE DRIVE AND WEST CAMPBELL AVENUE WITHIN THE SEDELLA PLANNED AREA DEVELOPMENT

RECOMMENDATION:

Approve the map of dedication (MOD) for portions of North La Maroma Drive, West Mackenzie Drive and West Campbell Avenue within the Sedella Planned Area Development (PAD).

PURPOSE:

By this MOD, the property owner is dedicating the rights-of-way and public utility easements required to construct portions of North La Maroma Drive, West Mackenzie Drive and West Campbell Avenue within the Sedella PAD. (Steve Careccia, Planner III)

6.5 [13-4971](#)

AMENDMENT OF STIPULATION NO. 11 FOR THE ROCK OF REFUGE CHURCH SPECIAL USE PERMIT

RECOMMENDATION:

Approve a request to amend Stipulation No. 11 of the special use permit for the Rock of Refuge Church located at 877 North Sarival Road to allow the construction of two-story buildings with a maximum building height of 30 feet, not including parapets as otherwise allowed by the Zoning Ordinance.

PURPOSE:

The applicant would like to construct a two-story church facility and charter school on the property. As such, an amendment to the special use permit has been submitted that would revise a stipulation limiting buildings to a single story height of 30 feet. (Steve Careccia, Planner III)

Council questioned Item 6.5 and whether a charter school was initially planned in the Special Use Permit that was approved in 2003. If so, how would the addition of a school affect traffic volume on Sarival Ave.? Steve Careccia, Planner III, stated that staff is currently conducting a site plan review, and a traffic impact analysis is part of the process.

7. BUSINESS**7.1 [13-4961](#)**

USE PERMIT FOR A CONVENIENCE USE "MCDONALD'S DRIVE THROUGH" AT MOUNTAIN RANCH MARKETPLACE WITHIN THE ESTRELLA PHASE ONE PLANNED AREA DEVELOPMENT (PAD) ZONING

RECOMMENDATION:

1. Conduct a public hearing to consider approving a Use Permit to allow a convenience use (McDonald's Drive Through) on a 0.74 acre commercial pad within the Mountain Ranch Marketplace commercial center at the northwest corner of Estrella Parkway and Elliot Road, within the Estrella Phase One Planned Area Development (PAD) zoning district.

- a. Open public hearing
- b. Staff presentation
- c. Receive public comment
- d. Close public hearing

2. Approve a Use Permit (Case No. 12-300-00003) to allow a convenience use (McDonald's Drive Through) on a 0.74 acre commercial pad within the Mountain Ranch Marketplace commercial center at the northwest corner of Estrella Parkway and Elliot Road, within the Estrella Phase One Planned Area Development (PAD) zoning district, subject to stipulations.

PURPOSE:

This is a request for approval of a Use Permit to allow a convenience use (McDonald's Drive Through) on a 0.74 acre commercial pad within the Mountain Ranch Marketplace commercial center at the northwest corner of Estrella Parkway and Elliot Road, within the Estrella community. A restaurant is allowed by right pursuant to the Estrella Phase One Planned Area Development (PAD) zoning district and the underlying Mountain Ranch Marketplace C-2, General Commercial zoning district. A drive through associated with a restaurant is, however, a convenience use requiring approval of a Use Permit. Staff has determined that, subject to the recommended stipulations, this request meets the conditions and required findings for a Use Permit. (Karen Craver, Planner III)

Mayor Lord opened the public hearing at 6:08 p.m.

Karen Craver, Planner III, presented. McDonald's plans to open a restaurant at Mountain Ranch Marketplace, located on the northwest corner of Elliot Rd. and Estrella Pkwy. Restaurants are permitted by right in the C-2 General Commercial Zoning District and the Mountain Ranch Marketplace Master Plan approved in 2008. A drive through associated with a restaurant is, however, a convenience use

requiring approval of a Use Permit. Staff has determined that, subject to the recommended stipulations, this request meets the conditions and required findings for a Use Permit. A Citizen Review Meeting was held in Estrella on December 17, 2012, and reaction was mixed. The Planning and Zoning Commission recommended approval 6-0 at their regular meeting on January 16, 2013. Although the application includes a request for 24-hour operations, McDonald's does not plan to do this for several years until more business occurs in the shopping center.

Nancy McFillin, Goodyear resident, spoke in opposition to a McDonald's locating in Estrella. She believes that McDonald's is only being considered because the property owner needs to fill the space, and that other local businesses will be negatively affected once it is there.

Carol Risano, Goodyear resident, spoke in opposition to McDonald's plan to operate a drive through. Estrella is a small, quiet community that has no use for it. She is also co-owner of Oasis Bagels and says that it is unfair to change the rules now when there was no option for a drive through when they signed their lease. Traffic from the drive through will cause the parking lot to become more congested. Also, access to the drive through to and from Estrella Pkwy. is limited.

Cathleen Fleming, Goodyear resident, spoke in opposition to the 24-hour operation of the restaurant. No other businesses in Estrella are open 24 hours. She requested that this condition be removed from the Use Permit.

There being no further citizen comments, Mayor Lord closed the public hearing at 6:19 p.m.

COUNCIL COMMENTS FOR:

- *The City needs to be "pro business."
- *McDonald's is extremely involved in the local community.
- *75 individuals signed a petition in support of the McDonald's.
- *There is no legal reason to vote no on the drive through based on the traffic study that was completed. The traffic study was based on the Mountain Ranch Marketplace at full build out.
- *McDonald's is permitted by right to operate a restaurant at this location without the drive through.
- *The City hasn't stipulated of other businesses that they cannot be open 24 hours.
- *The Estrella Community was envisioned by Charles Keating as a self-contained community that was supposed to have shopping and businesses.

COUNCIL COMMENTS AGAINST:

- * A "mom-and-pop" shop in the area stated that they will close their doors once McDonald's opens.
- *137 individuals signed a petition in opposition to the McDonald's.
- *Can a community of 10,000 people sustain another restaurant when there are already several in the area?
- *Would McDonald's consider limiting its operations so that it is not open 24 hours?
- *The location is poor as cars have to drive across the parking lot in order to exit onto Estrella Pkwy.

Gary Blau, Arizona Real Estate Manager for McDonald's, stated that they are not planning to operate the restaurant 24 hours at this time. It will probably open at 5:00 a.m. and close at 11:00 p.m. They don't expect to reach a point for 24-hour operations until Estrella's population reaches 30,000.

MAIN MOTION BY Councilmember Campbell, SECONDED BY Councilmember Lauritano, to APPROVE a Use Permit for a convenience use "McDonald's Drive Through" at Mountain Ranch Marketplace within the Estrella Phase One Planned Area Development (PAD) zoning. The motion carried by the following vote:

Ayes 6 - Mayor Lord, Councilmember Pizzillo, Councilmember Lauritano, Councilmember Campbell, Councilmember Stipp, and Councilmember Barber

AMENDED MOTION by Councilmember Stipp, SECONDED BY Councilmember Lauritano to AMEND the Use Permit to allow operation of a drive through between the hours of 4:00 a.m. and Midnight, until such time as another business in the Mountain Ranch Marketplace begins 24-hour operations. The motion carried by the following vote:

Ayes 4 - Councilmember Pizzillo, Councilmember Lauritano, Councilmember Stipp, and Councilmember Barber

Nayes 2 - Mayor Lord, and Councilmember Campbell

7.2 [13-4962](#)

INTERGOVERNMENTAL AGREEMENT WITH MCDOT FOR
DYNAMIC MESSAGE SIGNS ON MC 85 AND MCDOWELL ROAD

RECOMMENDATION:

ADOPT RESOLUTION 13-1536 AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION TO IDENTIFY AND DEFINE THE RESPONSIBILITIES OF THE COUNTY AND CITY FOR THE COST SHARING, DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT, AND FUTURE OWNERSHIP, MAINTENANCE AND OPERATIONS OF DYNAMIC MESSAGE SIGNS; PROVIDING FOR AN EFFECTIVE DATE.

PURPOSE:

This agreement defines the responsibilities of the City and County for the cost sharing, design, construction, construction management, and future ownership of a federally funded project that will be administered by MCDOT. (David Ramirez, City Engineer)

David Ramirez, City Engineer, presented. Staff is working with the Maricopa County Department of Transportation (MCDOT) to refine the design and possibly to paint the signs the brown color used for the traffic signals. Types of messages the signs will display include: transportation messages, homeland security messages, safety messages, AMBER alerts, and directional event information.

The IGA involves five signs, four of which are located within Goodyear city limits:

- *McDowell Rd. (eastbound traffic west side of PebbleCreek Pkwy.)
- *McDowell Rd. (westbound traffic east of Bullard Ave.)
- *MC 85 (eastbound traffic west of Estrella Pkwy.)
- *MC 85 (westbound traffic east of Estrella Pkwy.)
- *Mc 85 (eastbound traffic west of Avondale Blvd.) - in Avondale

MC 85 and McDowell Rd. were identified as key parallel routes to I-10 in a 2007 study by the Maricopa Association of Governments (MAG). Goodyear, MCDOT, and Avondale applied for federal funding in 2007; federal funds available for the project were increased by using MAG close-out funds in FY2013. Goodyear's share is being funded by arterial street impact fees. Construction is scheduled to be completed in 2014.

PROJECT COSTS:

- *Total Project Cost: \$1,000,000
- *Federal Funding: \$943,000
- *Goodyear Local Share: \$22,800
- *MCDOT Local Share: \$34,200

Council questioned how the locations of the signs were arrived at and would it not be more advantageous for the City to locate some of the signs along the Van Buren St. corridor as opposed to MC 85. Ramirez replied that MC 85 was identified in the 2007 MAG study and that the City was also working in partnership with MCDOT. There will be opportunities in the future to request funding for additional signs.

MOTION BY Councilmember Pizzillo, SECONDED BY Councilmember Stipp, to ADOPT RESOLUTION 13-1536 AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION TO IDENTIFY AND DEFINE THE

RESPONSIBILITIES OF THE COUNTY AND CITY FOR THE COST SHARING, DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT, AND FUTURE OWNERSHIP, MAINTENANCE AND OPERATIONS OF DYNAMIC MESSAGE SIGNS; PROVIDING FOR AN EFFECTIVE DATE. The motion carried by the following vote:

Ayes 6 - Mayor Lord, Councilmember Pizzillo, Councilmember Lauritano, Councilmember Campbell, Councilmember Stipp, and Councilmember Barber

8. INFORMATION ITEMS

Council gave an update on the library project. The library currently has 15,987 items in 1,797 square feet of space. Between July 2012 and January 2013:

- *The library had 52,677 visitors.
- *2,513 people attended 69 library programs.
- *There were 96 volunteer hours.
- *There were 864 participants in the Summer Reading Program.

Council thanked the members of the Youth Commission for creating the "Vote Goodyear" video.

Council attended the following events:

- *Cactus League Kick-off
- *Spring Training Opening
- *WESTMARC 2013 Annual Meeting and Economic Forecast
- *Estrella Women's Healthcare Grand Opening
- *Centerra Mirage School Science Fair

City Manager Brian Dalke stated that staff has created a website to highlight information regarding the Ballpark. 11,000 people attended opening weekend, and the charity game between the Cincinnati Reds and the Cleveland Indians raised \$32,000 for the Homeless Youth Connection and Arizona in Action.

Council requested that staff investigate the possibility of adding announcements regarding state legislative priorities to the "Hot Topics" section of the City website so that residents will be informed of issues affecting the City and action they can take. Romina Khananisho, Government Relations and Communications Manager, briefly spoke about HB 2657 (Transaction Privilege Tax) and stated that staff are in the final stages of analyzing how the portion of the bill related to construction sales tax will reduce revenues to the City and will provide this information to the Council.

There are also ongoing discussions with legislative leaders and the Governor's Office.

9. FUTURE MEETINGS

- 03/11/13 Regular Meeting moved to 03/18/13
- 03/18/13 Worksession 5:00 p.m.
- 03/18/13 Special Meeting 1 Immediately Following Worksession
- 03/18/13 Special Meeting 2 Immediately Following Special Meeting 1

10. ADJOURNMENT

There being no further business to discuss, Mayor Lord adjourned the meeting at 7:35 p.m.

Maureen Scott, City Clerk

Georgia Lord, Mayor

Date: _____

Final approved minutes are on file with the City Clerk's Office.