

City Council Regular Meeting

Municipal Court and Council Chambers
14455 W. Van Buren St., Suite B101
Goodyear, AZ 85338



Monday, August 23, 2021

6:00 p.m.

Meeting Minutes

CALL TO ORDER

Mayor Lord called the Regular Meeting to order at 6:02 p.m.

PLEDGE OF ALLEGIANCE AND INVOCATION BY COUNCILMEMBER KAINO

ROLL CALL

Present: **Mayor Georgia Lord; Vice Mayor Brannon Hampton; Councilmember Joe Pizzillo; Councilmember Sheri Lauritano; Councilmember Wally Campbell; Councilmember Bill Stipp; Councilmember Laura Kaino**

Staff Present: City Manager Julie Karins; City Attorney Roric Massey; City Clerk Darcie McCracken

Councilmember Campbell participated in the meeting telephonically.

COMMUNICATIONS

1. Recognize Parks and Recreation Director Nathan Torres as the recipient of the 2021 Gabe Zimmerman Award for Public Service in the Community Builder (Small City/Town) category by the Center for the Future of Arizona. The honors were presented during a luncheon on Thursday, July 22, at the Arizona City/County Management Association Summer Conference. (Wynette Reed, Deputy City Manager)

Deputy City Manager Wynette Reed recognized Parks and Recreation Director Nathan Torres as the recipient of the 2021 Gabe Zimmerman Award for Public Service in the Community Builder, Small City/Town Category by the Center for the Future of Arizona. Ms. Reed provided information, along with a video, on Mr. Torres' service to the community that earned him the award.

Mr. Torres expressed that he was humbled by the recognition and was glad to represent the entire Goodyear team that works together to make the City of Goodyear such a great place to live.

Council thanked Mr. Torres and his team on a job well done for all the programs Parks and Recreation provides to keep the community together.

CITIZENS COMMENTS/APPEARANCES FROM THE FLOOR

There were no citizen comments.

CONSENT

MOTION BY Vice Mayor Brannon Hampton, SECONDED BY Councilmember Bill Stipp to APPROVE Consent Agenda Items 2 through 7. The motion carried by the following vote:

AYE: Mayor Georgia Lord, Vice Mayor Brannon Hampton, Councilmember Joe Pizzillo, Councilmember Sheri Lauritano, Councilmember Wally Campbell, Councilmember Bill Stipp, Councilmember Laura Kaino

Passed - Unanimously

2. **APPROVAL OF MINUTES**

Recommendation

Approve the draft minutes from the Regular Meetings held February 22, 2021 and July 19, 2021. (Darcie McCracken, City Clerk)

3. **ADOPT ORDINANCE NO. 2021-1515 AMENDING CITY CODE 2-1-5**

Recommendation

ADOPT ORDINANCE NO. 2021-1515, AMENDING GOODYEAR CITY CODE SECTION 2-1-5 (COUNCIL COMPENSATION), PROVIDING FOR CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE. (Darcie McCracken, City Clerk)

4. **CAMELBACK ROAD & SARIVAL AVENUE INTERSECTION IMPROVEMENTS**

Recommendation

Approve expenditure of funds in the amount of \$664,100 for the construction of intersection improvements at Camelback Road & Sarival Avenue. (Hugh Bigalk, P.E., City Traffic Engineer; Troy Tobiasson, Senior Project Manager)

5. **FINAL PLAT OF ESTRELLA PARCEL 9.28 AND DEVELOPMENT AGREEMENT FOR ESTRELLA PARCEL 9.28**

Recommendation

1. Approve the Final Plat of Estrella Parcel 9.28 (the "Final Plat"), subject to stipulations.
2. ADOPT RESOLUTION NO. 2021-2177 APPROVING DEVELOPMENT AGREEMENT FOR ESTRELLA PARCEL 9.28; PROVIDING AUTHORIZATION AND DIRECTION TO TAKE ACTIONS AND EXECUTE DOCUMENTS NECESSARY TO CARRY OUT THE INTENT OF THE RESOLUTION AND DEVELOPMENT AGREEMENT AND PROVIDING FOR AN EFFECTIVE DATE. (Katie Wilken, Planning Manager)

6. **AUTHORIZE THE ACCEPTANCE OF THE DEDICATION OF THREE PUBLIC UTILITY AND SIDEWALK EASEMENTS REQUIRED FOR DEVELOPMENT ALONG MINNEZONA AVENUE.**

Recommendation

Authorize the acceptance of the dedications of the Public Utility and Sidewalk Easements attached hereto from Liberty Property Limited Partnership, a Pennsylvania limited partnership, Amazon.com Services LLC, a Delaware limited liability company and Rados Properties-Indian School LLC, a Delaware limited liability company. (Linda Beals, Real Estate Coordinator)

7. **APPROVE BUDGET TRANSFERS**

Recommendation

Approve budget transfers. (Doug Sandstrom, Finance Director)

PUBLIC HEARINGS

8. **LAKIN PARK MULTIFAMILY ANNEXATION**

Mayor Lord opened the Public Hearing at 6:13 p.m.

Senior Planner Alex Lestinsky presented the Lakin Park Multifamily Annexation. Ms. Lestinsky reviewed the annexation process and the details of the property located on the southwest corner of MC-85 and Cotton Lane. She added that 2.8 acres of the property were being annexed into the City to be developed concurrently with the adjacent parcels. She noted that the Lakin Park Planned Area Development was approved by the City Council in 2018 which included a mix of industrial, commercial and multifamily uses.

There being no other speakers present, Mayor Lord closed the Public Hearing at 6:16 p.m.

MOTION BY Councilmember Laura Kaino, SECONDED BY Councilmember Bill Stipp to ADOPT ORDINANCE NO. 2021-1514, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF GOODYEAR, MARICOPA COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING APPROXIMATELY 2.8-ACRES OF LAND GENERALLY LOCATED WEST OF THE SOUTHWEST CORNER OF MC-85 AND COTTON LANE WHICH IS CONTIGUOUS TO AND SURROUNDED BY THE EXISTING CITY LIMITS OF THE CITY OF GOODYEAR, AND PROVIDING A CITY ZONING DESIGNATION OF AGRICULTURAL-URBAN (AU); PROVIDING DIRECTIONS AND AN EFFECTIVE DATE. The motion carried by the following vote:

AYE: Mayor Georgia Lord, Vice Mayor Brannon Hampton, Councilmember Joe Pizzillo, Councilmember Sheri Lauritano, Councilmember Wally Campbell, Councilmember Bill Stipp, Councilmember Laura Kaino

Passed - Unanimously

9. **REZONE APPROXIMATELY 1,319.2 ACRES LOCATED ALONG RAINBOW VALLEY ROAD BETWEEN THE WILLIS ROAD ALIGNMENT AND QUEEN CREEK ROAD, KNOWN AS RAINBOW VALLEY, FROM PLANNED AREA DEVELOPMENT (PAD) AND AGRICULTURAL URBAN (AU) TO PAD AND APPROVAL OF AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR RAINBOW VALLEY.**

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

Planner Christian Williams presented a request to rezone 1,319.2 acres located along Rainbow Valley Road between the Willis alignment and Queen Creek Roads. Mr. Williams provided the history of the property adding that in 2018 the area was zoned as Rainbow Valley Planned Area Development.

Mr. Williams reviewed the proposal and the land use highlights that would include single family lots with lower densities (LDR), medium density lots (MDR) and community commercial, which would allow for public facilities, future schools and public recreation.

Mr. Williams spoke about the streetscape enhancements, parks and open space for the project. He added that in addition to the rezone, there was an accompanying development agreement that would amend the original development agreement to include the additional 320 acres and would also provide provisions for the construction of infrastructure.

Shaine Alleman, attorney for the applicant, expressed his gratitude for all the time and effort spent working together with many City departments on the process for the rezone.

There being no other speakers present, Mayor Lord closed the Public Hearing at 6:24 p.m.

Council inquired about how the SR 303 and the I-11 would flow with the property. Mr. Williams responded that the preferred alignment for the SR 303 would cut through the northeast corner of the property with underlying zoning. He added that the I-11 would run south of the property, but that there had been some proposals showing the I-11 running in the same location as the SR 303. He explained that when the SR 303 is built in the northeast corner of the property, there were provisions in the zoning that stipulated buffers and sound walls for the nearby residences.

MOTION BY Councilmember Bill Stipp, SECONDED BY Councilmember Joe Pizzillo to ADOPT RESOLUTION NO. 2021-2168, DECLARING AS PUBLIC RECORDS THOSE CERTAIN DOCUMENTS FILED WITH THE CITY CLERK AND TITLED "OFFICIAL SUPPLEMENTARY ZONING MAP NO. 20-06A CITY OF GOODYEAR, AZ - REZONE CASE"; AND "LEGAL DESCRIPTION - RAINBOW VALLEY"; AND "RAINBOW VALLEY 1ST AMENDED PLANNED AREA DEVELOPMENT" DATED AUGUST 2021. The motion carried by the following vote:

AYE: Mayor Georgia Lord, Vice Mayor Brannon Hampton, Councilmember Joe Pizzillo, Councilmember Sheri Lauritano, Councilmember Wally Campbell, Councilmember Bill Stipp, Councilmember Laura Kaino

Passed - Unanimously

MOTION BY Councilmember Sheri Lauritano, SECONDED BY Vice Mayor Brannon Hampton to ADOPT ORDINANCE NO. 2021-1507, CONDITIONALLY REZONING APPROXIMATELY 1,319.2 ACRES GENERALLY LOCATED ALONG RAINBOW VALLEY ROAD BETWEEN THE WILLIS ROAD ALIGNMENT AND QUEEN CREEK ROAD, KNOWN AS RAINBOW VALLEY; AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR NON-ABRIDGMENT, CORRECTIONS, SEVERABILITY, AN EFFECTIVE DATE, AND PENALTIES. The motion carried by the following vote:

AYE: Mayor Georgia Lord, Vice Mayor Brannon Hampton, Councilmember Joe Pizzillo, Councilmember Sheri Lauritano, Councilmember Wally Campbell, Councilmember Bill Stipp, Councilmember Laura Kaino

Passed - Unanimously

MOTION BY Councilmember Joe Pizzillo, SECONDED BY Councilmember Laura Kaino to ADOPT RESOLUTION 2021-2175 APPROVING THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR RAINBOW VALLEY; DIRECTING THE CITY MANAGER TO EXECUTE THE DEVELOPMENT AGREEMENT FOR RAINBOW VALLEY; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HER DESIGNEE TO TAKE ALL ACTIONS AND EXECUTE ALL DOCUMENTS NECESSARY TO CARRY OUT THE INTENT OF THE RESOLUTION AND THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR RAINBOW VALLEY; AND PROVIDING FOR AN EFFECTIVE DATE. The motion carried by the following vote:

AYE: Mayor Georgia Lord, Vice Mayor Brannon Hampton, Councilmember Joe Pizzillo, Councilmember Sheri Lauritano, Councilmember Wally Campbell, Councilmember Bill Stipp, Councilmember Laura Kaino

Passed - Unanimously

10. FAIRWAYS AT PALM VALLEY ASSISTED LIVING FACILITY USE PERMIT

Mayor Lord opened the Public Hearing at 6:29 p.m.

Principal Planner Karen Craver spoke about the Planning and Zoning Commission vote for the Fairways at Palm Valley Assisted Living Facility use permit on August 11, 2021. She noted that at that meeting, a motion was made to recommend approval of the use permit, but failed by a vote of 3 to 2, due to the Commission by-laws requiring 4 positive votes from the majority of the body of the Commission.

Ms. Craver provided the details of the project that consisted of 6.15 acres located at the southwest corner of Litchfield Road and Virginia Avenue. She relayed that the property was rezoned by SunCor from Residential to Commercial in 2001. She reviewed the allowed commercial uses by right that did not require a public process and provided an overview of the conceptual site plan and elevations.

Ms. Craver went on to discuss the Zoning Ordinance evaluation criteria used for use permits and relayed that staff found the Zoning Ordinance criteria was met.

Applicant Scott Laten, Principal of Suntereo Real Estate Services, LLC, presented information about the assisted living facility use permit and the types of properties they build. Mr. Laten reviewed the community and resident amenities. He also discussed the demographics of the type of residents that would live at the facility.

Mr. Laten reviewed the stipulations that included removing one of the driveways or have a gate as emergency access only, requiring a right turn only onto 140th Avenue on the second driveway, planting 36-inch box Willow Acacias along the landscape setback next to the Garverick residence and that the facility would be licensed by the Arizona Department of Health Services as an Assisted Living Center.

The following Goodyear residents spoke in opposition to the use permit expressing concerns with the height of the proposed building, line of sight, setbacks, and decreased home values: Rodger Brumbaugh, Jan Brumbaugh, Patrick Garverick, Sheryll Schuster and Deborah Johansson. Petitions were also submitted in opposition to the use permit containing 50 signatures.

There being no other speakers present, Mayor Lord closed the public hearing at 7:02 p.m.

Council inquired if there were any problems with any of the other assisted living facilities near parks. Development Services Director Christopher Baker replied that Code Compliance had not received any reports of issues with non-residents being in the parks.

A discussion continued regarding access into the property, the current and proposed setbacks, buffers and landscaping.

Fire Chief Paul Luizzi explained that the Fire Department required the two points of access on the west side of the property.

Council asked if an emergency access gate would suffice. Chief Luizzi replied that an automated gate with an Opticom Light is recommended for emergency use.

Council expressed that this type of facility was well maintained and was preferred over a multifamily project that could be constructed on the property.

MOTION BY Councilmember Bill Stipp, SECONDED BY Councilmember Joe Pizzillo to Approve a Use Permit allowing for the development of an Assisted Living Facility that meets the definition for Assisted Living Facility in the Goodyear Zoning Ordinance on approximately 6.15 acres at the southwest corner of Litchfield Road & W. Virginia Avenue that is included within a portion of property designated as C-2 in the Palm Valley Phase II PAD, subject to stipulations including those identified by staff and limiting the southernmost driveway off of 140th to emergency access only and increasing the tree size on the south side of the building to 36-in box trees. The motion carried by the following vote:

AYE: Mayor Georgia Lord, Councilmember Joe Pizzillo, Councilmember Sheri Lauritano, Councilmember Wally Campbell, Councilmember Bill Stipp, Councilmember Laura Kaino

NAY: Vice Mayor Brannon Hampton

Passed

INFORMATION ITEMS

There were no information items.

FUTURE MEETINGS

August 30, 2021	Work Session	5:00 p.m.
August 30, 2021	Community Facilities District Meeting	5:50 p.m.
August 30, 2021	Regular Meeting	6:00 p.m.

ADJOURNMENT

There being no further business to discuss, Mayor Lord adjourned the Regular Meeting at 7:39 p.m.

Darcie McCracken, City Clerk

Georgia Lord, Mayor

Date: _____

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 August 23, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2021.

SEAL:

Darcie McCracken, City Clerk