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# CITY COUNCIL AGENDA

CITY COUNCIL CHAMBERS . 11465 WEST CIVIC CENTER DRIVE . AVONDALE, AZ 85323

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**WORK SESSION**  
**October 15, 2007**  
**6:00 PM**

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## **CALL TO ORDER BY MAYOR ROGERS**

**1 ROLL CALL BY THE CITY CLERK**

**2 AMENDMENT - DESIGN/BUILD AGREEMENT - ESTRELLA MOUNTAIN COMMUNITY COLLEGE MINI BUS CENTER PROJECT**

Staff will update the City Council on the amendment to the Design-Build Agreement with Hunter Contracting Co. For information, discussion and direction.

**3 GRAFFITI ORDINANCE REVISION**

Staff will update the City Code on a proposal to restrict access to spray paint and other implements used to deface property. For information, discussion and direction.

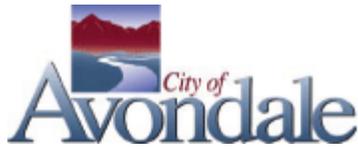
**4 ADJOURNMENT**

Respectfully submitted,

A handwritten signature in black ink that reads "Linda M Farris".

Linda Farris, CMC  
City Clerk

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Clerk at 623-333-1200 at least 48 hours prior to the council meeting.



# CITY COUNCIL REPORT

**SUBJECT:**

Amendment - Design/Build Agreement - Estrella  
Mountain Community College Mini Bus Center Project

**MEETING DATE:**

October 15, 2007

**TO:** Mayor and Council

**FROM:** Jess Segovia, Transit Program Administrator (623-333-1030)

**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

Staff will update the City Council on the amendment to the Design-Build Agreement with Hunter Contracting Co. (HCC) to include the addition of \$1,709,258.31, the Guaranteed Maximum Price (GMP), for the construction of the Estrella Mountain Community College (EMCC) Mini Bus Center and parking lot (Attachment A). The cost of the pre-construction design services, which included the design of the Mini Bus Center, adjacent Parking Lot and Landscaping, is \$233,240. The total cost of this project (design and construction) will not exceed \$1,942,498.31. The original cost of this project was estimated at \$1.7 million. Staff is seeking City Council's approval to amend the Design-Build Agreement with Hunter Contracting Co. (HCC) to include the addition of \$1,709,258.31, the Guaranteed Maximum Price (GMP), for the construction of the Estrella Mountain Community College (EMCC) Mini Bus Center and parking lot (Attachment A). The cost of the pre-construction design services, which included the design of the Mini Bus Center, adjacent Parking Lot and Landscaping, is \$233,240. The total cost of this project (design and construction) will not exceed \$1,942,498.31. The original cost of this project was estimated at \$1.7 million.

**BACKGROUND:**

In 2005, the City of Avondale approached Maricopa County Community College District to install a bus stop shelter on the EMCC campus. Initial review of the project estimated the cost at \$190,000. On November 24, 2005, City Council approved an Intergovernmental Agreement with Maricopa County Community College District, on behalf of Estrella Mountain Community College, for an amount not to exceed \$190,000 (Attachment B). Maricopa County Community College District was unable to contribute any funding to the project at that time.

In August 2006, Staff completed a conceptual design that was consistent with existing artistic design elements on campus. This design incorporated a butterfly theme, which included colorful shade features and contemporary seating. The design and construction of the concept Mini Bus Center was then estimated to cost \$850,000. The increase in the design and construction estimate can be attributed to the design concept and rising construction costs. Shortly thereafter, Maricopa County Community College District committed \$850,000 for the design and construction of a parking lot adjacent to the Mini Bus Center.

The City released a Request for Statements of Qualifications for the Design/Build Services of the EMCC Mini Bus Center Project in November 2006 (Attachment A, Exhibit E). The City received a response from Hunter Contracting Co. and Kiewit. On May 7, 2007, the selection team, consisting of City and EMCC staff, received Council's approval to award the contract to Hunter Contracting Co. based on their written proposal (Attachment A, Exhibit F), interview and experience working on transit-related projects.

During the final design process, shade and wind elements were incorporated into the scope of the project. The final design reflects the use of green screens to increase shade and wind protection, while adding a "Green" element to the project (Attachment C). In October 2007, EMCC requested the addition of a right turn lane leading into the proposed parking lot. EMCC has increased their financial contribution to this project to

\$875,000.

**DISCUSSION:**

The contract with HCC consists of two separate agreements. The first agreement was for the Pre-construction Design services, which cost of \$233,240 (Attachment A, Exhibit I).

The second agreement in this contract is for Construction Services. Hunter Contracting Co. has submitted a Guaranteed Maximum Price (GMP) for construction services in the amount of \$1,709,258.31; \$242,498.31 more than early estimates. The initial cost estimate of construction was \$1,466,760. The additional \$242,498.31 includes approximately \$172,000 in landscaping/shelter materials and labor, and \$70,000 in miscellaneous allowances. The total cost of the project is now \$1,942,498.31 (Attachment D).

Under the terms of the Intergovernmental Agreement with the Maricopa County Community College District, the City of Avondale will continue to be responsible for providing the bid process and securing and managing the design-build contract with HCC.

The City of Avondale will contribute no more than \$1,067,498.31 towards the design and construction of the Mini Bus Center, walkway and landscaping. Maricopa County Community College District will be responsible for any and all costs associated with the design and construction of the adjacent parking lot, turn lane and other shared expenses (\$875,000). The walkway between the EMCC campus and Bus Center will be shared by both parties. The City will invoice Maricopa County Community College District immediately upon receipt of invoices from the selected design-construction company.

Estrella Mountain Community College will be responsible for maintaining the site once the project is complete. Bus Service will continue to be provided by the City of Avondale through an Intergovernmental Agreement with the City of Phoenix. There are currently two transit routes that serve EMCC; Route 41 (Indian School Road) and Route 131 (START).

**BUDGETARY IMPACT:**

The City of Avondale is using \$400,000 in Federal Transit Administration (FTA) Capital Assistance Grants to be used on this project. In addition, the City has received over \$425,000 in Local Transportation Assistance Funds (LTAF II), which will be used as the local match requirement to the FTA Federal funding. The City is obligated to spend these funds in a timely manner.

| City of Avondale     |                    | Estrella Mountain Community College |
|----------------------|--------------------|-------------------------------------|
| FTA Grant            | \$400,000          |                                     |
| LTAF II Grant        | \$405,728          |                                     |
| Matching Funds       | \$261,770          |                                     |
| <b>Subtotal</b>      | <b>\$1,067,498</b> |                                     |
|                      |                    | \$875,000                           |
| <b>PROJECT TOTAL</b> | <b>\$1,942,498</b> |                                     |

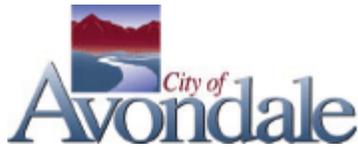
**RECOMENDATION:**

For information, discussion and direction only.

**ATTACHMENTS:**

[Click to download](#)

No Attachments Available



# CITY COUNCIL REPORT

**SUBJECT:**  
Graffiti Ordinance Revision

**MEETING DATE:**  
October 15, 2007

**TO:** Mayor and Council  
**FROM:** Pam Altounian  
**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

To update the City Code on a proposal to restrict access to spray paint and other implements used to deface property. Revisions will include enforcement provisions.

**BACKGROUND:**

City Code 15-21 currently has provisions dealing with the sale and possession of spray paint. However, the current provisions do not address limiting direct over the counter access to spray paint, markers and other implements used to deface property with graffiti.

**DISCUSSION:**

Many municipalities have found that by restricting access to these graffiti implements, the incidence of graffiti tagging is somewhat reduced. Enforcement of the restricted access provisions is best accomplished by making this a civil offense and one that can be enforced by the Code Enforcement Division

The proposed revisions will also update the list of implements and provide definitions, which will enhance enforcement efforts.

**BUDGETARY IMPACT:**

None.

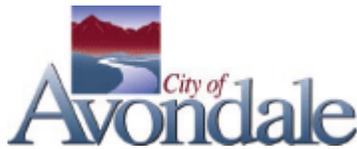
**RECOMENDATION:**

For review, discussion and direction.

**ATTACHMENTS:**

[Click to download](#)

No Attachments Available



# CITY COUNCIL AGENDA

CITY COUNCIL CHAMBERS . 11465 WEST CIVIC CENTER DRIVE . AVONDALE, AZ 85323

REGULAR MEETING  
October 15, 2007  
7:00 PM

CALL TO ORDER BY MAYOR ROGERS  
PLEDGE OF ALLEGIANCE  
MOMENT OF REFLECTION

**1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK**

**2 RECOGNITION ITEMS (MAYOR PRESENTATIONS)**

- The Council will consider a resolution honoring Representative John Nelson and certificates of appreciation for other state legislators. The Council will take appropriate action.**
- a.

**3 UNSCHEDULED PUBLIC APPEARANCES**

(Limit three minutes per person. Please state your name.)

**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**

- a. Regular meeting of September 17, 2007  
b. Work Session of September 17, 2007

**b. SPECIAL EVENT LIQUOR LICENSE - AMERICAN LEGION POST 61 - BILLY MOORE DAYS CELEBRATION**

Staff is requesting that Council consider a special event liquor license for the American Legion Post #61, 35 North 8th Street, Avondale, Arizona for October 27, 2007 to be used in conjunction with Billy Moore Days Celebration. The Council will take appropriate action.

**c. LIQUOR LICENSE - GAME TIME SPORTS GRILL LLC**

Staff is requesting that the City Council consider a request by Mr. Randy Nations for a Series 16 (State Series 12) Restaurant license to sell all spirituous liquors at Game Time Sports Grill, 1729 North Dysart Road Suite 107-109, Avondale. The Council will take appropriate action.

**d. FINAL PLAT FOR RILEY PROPERTY**

The Council will consider final plat approval for the Riley Property subject to conditions of approval, 9.95 acres location on the northwest corner of 10th Street and Western Avenue. The Council will take appropriate action.

**e. AMENDMENT NO. 1 - PROFESSIONAL SERVICES AGREEMENT - DYETT & BHATIA - CITY CENTER SPECIFIC AREA PLAN**

Staff is requesting that the City Council approve Amendment No. 1 to the Professional Services Agreement with Dyett & Bhatia for the City Center Specific Area Plan in the amount of \$72,957, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council

will take appropriate action.

f. **PURCHASE CONTRACT - FLUORESCO LIGHTING AND SIGNS INDUSTRIES - LIGHTED STREET NAME SIGNS REPLACEMENT**

Staff is requesting that the City Council award a purchase contract to Fluoresco Lighting and Signs Industries (Fluoresco) to manufacture and install lighted street name signs at four (4) intersections in the amount of \$99,051 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

g. **CONTRACT FOR DRILLING AND INSTALLATION OF WELLS 22 AND 25**

Staff is requesting that the Council award a contract to x.x.x.x.xx. for the purpose of drilling and installing wells 22 and 25 for an amount not to exceed \$x.x.x.. and authorize the Mayor or City Manager and the City Clerk to execute the necessary documents. The Council will take appropriate action.

h. **RESOLUTION 2696-1007 GRANTING A PARTIAL TERMINATION OF THE PREANNEXATION AGREEMENT FOR ROOSEVELT PARK FOR THE PURPOSE OF A SALT RIVER PROJECT IRRIGATION EASEMENT DEDICATION.**

The City Council will consider a resolution granting a partial termination of the preannexation agreement for Roosevelt Park for the purpose of a Salt River Project Irrigation Easement dedication, and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

i. **RESOLUTION 2693-1007 AMENDING COUNCIL RULES OF PROCEDURE - SELECTION OF VICE MAYOR**

The City Council will consider a resolution amending Section 14 of the Council Rules of Procedure relating to the selection of a Vice-Mayor. The Council will take appropriate action.

j. **RESOLUTION 2692-1007 AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT - MARICOPA COUNTY – TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS AT INDIAN SCHOOL ROAD AND EL MIRAGE ROAD**

The Council will consider a resolution authorizing an intergovernmental agreement with Maricopa County for Traffic Signal and Intersection Improvements at Indian School Road and El Mirage Road and authorizing the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

k. **RESOLUTION 2691-1007 AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT - MARICOPA COUNTY – TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS AT INDIAN SCHOOL ROAD AND WESTWIND PARKWAY**

The City Council will consider a resolution authorizing an intergovernmental agreement with Maricopa County for traffic signal and intersection improvements at Indian School Road and Westwind Parkway and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

l. **RESOLUTION 2695-1007 AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF AVONDALE AND FLOOD CONTROL DISTRICT OF MARICOPA COUNTY FOR COST SHARING DRAINAGE IMPROVEMENTS ON CENTRAL AVENUE AND ELM LANE**

The Council will consider a resolution authorizing an intergovernmental agreement with Flood Control District of Maricopa County allowing payment of \$1,000,000 from FCDMC to the City of Avondale for cost sharing drainage improvements on Central Avenue and Elm Lane. The Council will take appropriate action.

m. **RESOLUTION 2694-1007 AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR BRIDGE INSPECTIONS**

The City Council will consider a resolution authorizing an intergovernmental agreement with the Arizona Department of Transportation for the inspection of city bridges, and authorizing the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

**n. RESOLUTION 2688-1007 AUTHORIZING THE DECLARATION OF A NOTICE OF INTENTION TO INCREASE WATER USER CHARGES OR RATE COMPONENTS.**

The Council will consider a resolution authorizing a notice of intent to increase water and wastewater rates or rate components. The Council will take appropriate action.

**o. ORDINANCE 1270-1007 ACCEPTING RIGHT-OF-WAY - 128TH AVENUE SOUTH OF ILLINI STREET.**

The Council will consider an ordinance accepting the dedication of right-of-way by Mr. Perez for 128th Avenue south of Illini Street and authorizing the Mayor or City Manager, and the City Clerk to execute the appropriate documentation. The Council will take appropriate action.

**p. ORDINANCE 1271-1007 GRANTING AN IRRIGATION EASEMENT TO SALT RIVER PROJECT**

The Council will consider an ordinance granting an irrigation easement to the Salt River Project at 111th Avenue and Van Buren Street and at Roosevelt Parkway and Van Buren Street for the Roosevelt Park 2 subdivision. The Council will take appropriate action.

**5 PUBLIC HEARING AND ORDINANCE 1273-1007 - FOR AVONDALE CROSSING REZONING (Z-07-2)**

The Council will hold a public hearing and will consider an ordinance rezoning approximately 28 acres from AG (Agriculture) to PAD (Planned Area Development) located on the northeast corner of El Mirage Road and W. Corporate Drive. The Council will take appropriate action.

**6 PUBLIC HEARING AND ORDINANCE - CONTINUATION - HILLCREST REZONING - Z-06-12**

City Staff is requesting that Council continue the Public Hearing and ordinance for rezoning from AG and R5 to PAD for Hillcrest. The Council will take appropriate action.

**7 PUBLIC HEARING AND ORDINANCE 1272-1007 - PAPAGO COMMERCE CENTER REZONING (Z-07-5)**

The Council will hold a public hearing and will consider an ordinance rezoning from AG (Agriculture) to PAD (Planned Area Development) approximately 11 acres located at the southeast corner of El Mirage Road and Interstate 10. The Council will take appropriate action.

**8 EXECUTIVE SESSION**

- a. The Council may hold an executive session pursuant to (i) Ariz. Rev. Stat. § 38-431.03 (3) for discussion and consultation for legal advice with the city attorney regarding project development agreements and (ii) 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 the Council's position regarding negotiations for acquisition of the Rigby Water Company.

**9 ADJOURNMENT**

Respectfully submitted,



Linda Farris, CMC  
City Clerk

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