



# CITY COUNCIL AGENDA

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

**REGULAR MEETING**  
**November 16, 2009**  
**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 UNSCHEDULED PUBLIC APPEARANCES**

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

**3 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**

1. Visioning Session of October 22, 2009
2. Regular Meeting of November 2, 2009

**b. LIQUOR LICENSE - SMASHBURGER**

City Council will consider a request from Andrea Lewkowitz for a Series16 (State Series12) Restaurant license to sell all spirituous liquors at Smashburger, 9915 West McDowell Road, Suite 101. The Council will take appropriate action.

**c. AGREEMENT - ATC ASSOCIATES INC. FOR THE DEMOLITION OF FORECLOSED PROPERTIES**

City Council will consider a request to approve an agreement with ATC Associates Inc. in the amount of \$167,431 to demolish blighted foreclosed properties and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

**d. CONSTRUCTION CONTRACT AWARD - CITYWIDE CONTRACTING L.L.C. - WELL 24 WELL SITE IMPROVEMENTS**

City Council will consider a request to award a construction contract to Citywide Contracting L.L.C. for construction of Well 24 well site improvements in the amount of \$517,708 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

**e. CONTRACT AMENDMENT NO. 1 - U.S. PEROXIDE, LLC, TO PROVIDE ODOR CONTROL SERVICES ON AVONDALE BLVD.**

City Council will consider a request to approve the first amendment to Contract No. C12624 with U.S. Peroxide, LLC, to provide odor control services on Avondale Boulevard, for a price not to exceed \$150,000 through November, 2010, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

**f. MINOR LAND DIVISION AND RIGHT-OF-WAY DEDICATION FOR A PORTION OF DEL RIO RANCH PAD PHASE 3 AND THE MESSNER PROPERTY (ML-09-2)**

City Council will consider a request from Jason Meyers of Taylor Morrison/Arizona, Inc. for a minor land division and right-of-way dedication for a portion of Del Rio Ranch PAD Phase 3 and the Messner Property located west of the southwest corner of Durango and El Mirage roads. The Council will take appropriate action.

**g. RESOLUTION 2874-1109 - CHANGE ORDER TO IGA WITH THE CITY OF PHOENIX FOR TRANSIT SERVICES**

City Council will consider a resolution approving change order #9 to the Intergovernmental Agreement with the City of Phoenix for transit services and authorize the Mayor and City Clerk to execute the appropriate documents. The Council will take appropriate action.

**h. RESOLUTION 2875-1109 - CANVASS OF VOTES FOR THE NOVEMBER 3, 2009 ELECTION**

City Council will consider a resolution canvassing the election results of the November 3, 2009 Election. The Council will take appropriate action.

**i. ORDINANCE 1393-1109 - AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR RIGHT-OF-WAY FOR THE AVONDALE BOULEVARD AND INTERSTATE 10 TRAFFIC INTERCHANGE IMPROVEMENT PROJECT**

City Council will consider an ordinance authorizing the acquisition by purchase, condemnation, or dedication of three parcels of land for public use related to the construction of Avondale Boulevard and Interstate 10 Traffic Interchange and authorize the Mayor or City Manager, and City Clerk to execute the necessary documents. The Council will take appropriate action.

**j. ORDINANCE 1391-1109 - ACCEPTING WATERLINE EASEMENTS AND APPROVING A PERPETUAL ACCESS EASEMENT AGREEMENT**

City Council will consider an ordinance accepting the dedication of waterline easements and approve a perpetual access easement agreement for the construction and maintenance of a 16" waterline outside of the Gateway Booster Station and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

**4 AMENDMENT NO. 1 TO THE CONSTRUCTION MANAGER AT RISK CONTRACT WITH SUNDT CONSTRUCTION**

Council will consider a request to approve Amendment No. 1 to the Construction Manager At Risk contract with Sundt Construction, Inc. in the amount of \$5,087,312.

**5 PUBLIC HEARING – CONDITIONAL USE PERMIT FOR 3SONS U-HAUL**

City Council will hold a public hearing and consider a request from Mr. Brad Shimek of Ventana Enterprises for approval of a Conditional Use Permit for a truck, trailer and equipment rental facility in the a 4.4 acres parcel of land located at the southeast corner of Van Buren Street and 4th Street in the C-2 (Community Commercial) Zoning District. The Council will take appropriate action.

**6 PUBLIC HEARING, RESOLUTION 2873-1109 AND ORDINANCE 1390-1109 - SIGN REGULATIONS**

City Council will hold a public hearing and consider a resolution declaring as a public record the document entitled "The City of Avondale Sign Regulations" an amendment to Section 9 of the zoning ordinance and an ordinance adopting said document. The Council will take appropriate action.

**7 EXECUTIVE SESSION**

**a.** The Council may hold an executive session pursuant to ARIZ. REV. STAT. § 38-431.03 (A)(4) for discussion or consultation with the City Attorney in order to consider its position and instruct the City Attorney regarding the Council's position regarding a potential contract.

**8 ADJOURNMENT**

Respectfully submitted,

A handwritten signature in cursive script that reads "Carmen Martinez". The signature is written in black ink and is positioned to the right of the typed name.

Carmen Martinez  
City Clerk

Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oído, o con necesidad de impresión grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos días hábiles antes de la junta del Concejo.