

# CITY COUNCIL AGENDA

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

**WORK SESSION**  
**March 8, 2010**  
**6:00 PM**

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

### **1 ROLL CALL BY THE CITY CLERK**

### **2 PROPOSED PLASTIC BAG RECYCLING RESOLUTION**

City Council will review a proposed plastic bag recycling resolution. For information, discussion and direction only.

### **3 DISPOSITION OF THE HISTORIC GOODYEAR FARMS CEMETERY BY SUNCOR DEVELOPMENT COMPANY**

City Council will consider an offer from Suncor Development Company to transfer ownership to the City of the Historic Pioneer Cemetery located in Avondale. For information, discussion and direction.

### **4 ADJOURNMENT**

Respectfully submitted,

A handwritten signature in cursive script that reads "Carmen Martinez".

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.



# CITY COUNCIL REPORT

**SUBJECT:**  
Proposed Plastic Bag Recycling Resolution

**MEETING DATE:**  
March 8, 2010

**TO:** Mayor and Council  
**FROM:** Sammi Curless, Assistant to the Mayor and Council (623)333-1613  
**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

City staff would like to present a proposed plastic bag recycling resolution for Council's feedback.

**BACKGROUND:**

At the November 2, 2009 City Council meeting, Councilmember Stephanie Karlin brought up for discussion the idea of creating a plastic bag recycling resolution for retailers in Avondale. Since that time, the Arizona Food Marketing Alliance (AFMA) has been in contact with the City and proposed a partnership with the City for the Bag Central Station program.

**DISCUSSION:**

The AFMA created Bag Central Station, a voluntary plastic bag recycling program, in partnership with the City of Phoenix in 2007 to place recycle bins in AFMA member stores. The intent of Bag Central Station is to encourage the recycling of plastic bags, since cities like Avondale do not accept plastic bags in their commingled recycling bins. Since 2007, five other Arizona cities (Flagstaff, Kingman, Tempe, Tucson, and Williams) have partnered with AFMA to bring Bag Central Station to partner stores in their communities.

To bring awareness to the program, the City would work with the AFMA on a joint educational and marketing campaign.

A proposed resolution is included for your feedback.

**BUDGETARY IMPACT:**

The passage of the proposed resolution should not have an impact on the City's budget as the retail stores provide the recycling bins and the AFMA provides the Bag Central Station stickers for the recycling bins. Any marketing of the partnership will be handled through existing City marketing channels (website, news release, electronic newsletter, Channel 11, Facebook).

**RECOMMENDATION:**

Provide feedback to staff as to the proposed resolution and partnership with the AFMA.

**ATTACHMENTS:**

Click to download

[📎 Draft Resolution](#)

**RESOLUTION NO. 2890-410**

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING THE PROMOTION AND ENCOURAGEMENT OF RETAIL ESTABLISHMENTS WITHIN THE CITY TO PARTICIPATE IN A VOLUNTARY PLASTIC BAG RECYCLING PROGRAM.

**WHEREAS**, the City of Avondale (the “City”) has worked collaboratively with the Arizona Food Marketing Alliance and its member organizations to create a mutually beneficial solution to reducing the harmful effects of plastic bags; and

**WHEREAS**, the City has established a voluntary plastic bag recycling program (the “Program”) to enhance the City’s sustainability efforts and reduce the amount of plastic bag litter in the environment; and

**WHEREAS**, the Council of the City of Avondale (the “City Council”) desires to encourage and support participation in the Program.

**NOW, THEREFORE, BE IT RESOLVED** BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The City Council requests that (i) retail establishments that provide plastic carry-out bags for their customers participate in the Program, (ii) retail establishments that are members of the Arizona Food Marketing Alliance track the amount of recycled plastic bags returned in compliance with the Program to report such information quarterly to the City’s Field Operations Department staff.

SECTION 2. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute and submit all documents and to take all steps necessary to carry out the purpose and intent of this Resolution.

[SIGNATURES ON FOLLOWING PAGE]

**PASSED AND ADOPTED** by the Council of the City of Avondale, April 5, 2010.

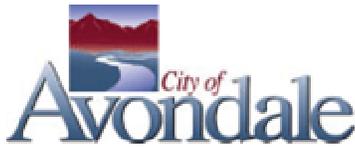
\_\_\_\_\_  
Marie Lopez Rogers, Mayor

ATTEST:

\_\_\_\_\_  
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Andrew J. McGuire, City Attorney



# CITY COUNCIL REPORT

**SUBJECT:**

Disposition of the Historic Goodyear Farms Cemetery by SunCor Development Company

**MEETING DATE:**

March 8, 2010

**TO:** Mayor and Council

**FROM:** Rogene Hill, Assistant City Manager (623)333-1012

**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

Suncor Development Company is asking that City Council consider their offer to transfer ownership to the City of the Historic Pioneer Cemetery, which is located in Avondale. SunCor will also transfer the \$244,000 remaining in the Trust Fund.

**BACKGROUND:**

SunCor Development Company, under directions from its Board and parent company, Pinnacle West Capital Corporation, is divesting substantially all of its real estate holdings. To date, some of the golf courses and its mid-rise condos in Tempe have sold and its mortgage company has been wound down. Currently on the market are its remaining homebuilding, golf course, and urban development operations and assets, along with its commercial land holdings in the west valley. SunCor's workforce has been reduced substantially to core employees. It has not been determined at this time what SunCor's remaining and continued operations will be. Among the holdings that SunCor must sell is the Goodyear Farms Cemetery located in Avondale.

Pioneer Cemetery was established to serve as a burial ground for employees of Goodyear Farms and the Wigwam Resort in Litchfield Park. A large number of those buried in Pioneer Cemetery were victims of the Great Flu Epidemic of 1918.

When Goodyear Farms, a subsidiary of Goodyear Tire and Rubber, went out of business, Westinghouse purchased the 12,000 acre farm for development by SunCor Development. This purchase included the 4.5 acre cemetery, known as the Historic Pioneer Cemetery. Employees with five years of service at the Farm and their spouses were eligible for burial at this site. The General Letter outlines the rules for determining burial eligibility. (See attachment A). The Cemetery is located just south of Indian School along Santa Fe Trail in Avondale.

Approximately 70 former employees of the Goodyear Farm remain, according to a recent outreach campaign initiated by SunCor. On average there are three or four burials per year. If the transfer is approved by Council, staff recommends entering into a contract with one of three local firms to open and close grave sites as needed and this charge would be paid by the family. Nothing in the original Cemetery operating rules prevents the City from charging a small grave opening and closing fee of approximately \$350-\$400 to defray these costs.

The site could be included in the Parks maintenance contract. Staff estimates this will cost approximately \$8,900 per year. SunCor recommends that these costs be paid from the Trust Fund, which has a remaining balance of \$244,000. This Trust Fund would support the ongoing maintenance costs for over 25 years.

## **DISCUSSION:**

This Historic Cemetery is a cultural heritage treasure located in Avondale. The Avondale Municipal Arts Committee and the Litchfield Historic Society support this proposal.

The Texas Historical Commission published a report titled Preserving Historic Cemeteries, which states,

***“Cemeteries are among the most valuable of historic resources. They are reminders of various settlement patterns . . . Cemeteries can reveal information about historic events”***

A Report Titled: Practices Report on Historic and Neglected Cemeteries, the author writes:

***“Historic cemeteries can promote the healing of community wounds, economic development and rejuvenation in neighborhoods.”***

By accepting SunCor's offer to transfer the Cemetery and the Trust Fund to the City this piece of Avondale's cultural heritage would be preserved. The Cemetery has been well kept and in the future might be eligible for grant funding, which together with other fundraising could augment the endowment. The Centennial Committee has recommended this site as a Centennial project. However, providing administrative oversight for a functioning cemetery will pose a burden to existing staff. Staff could investigate securing a management contract with a mortuary, which would further deplete the Trust Fund.

## **BUDGETARY IMPACT:**

SunCor recommends that the Trust Fund be used for ongoing maintenance. The Trust Fund of \$244,000 should support ongoing maintenance for over 25 years.

## **RECOMMENDATION:**

For Council discussion and direction.

## **ATTACHMENTS:**

Click to download

[☐ Cemetery Information](#)

[☐ Picture of Cemetery](#)

EXHIBIT "C"

GOODYEAR FARMS GENERAL LETTER

Revised March, 1979

Subject: BURIAL IN LITCHFIELD PARK CEMETERY

Supercedes conditions as established in letter of  
February 6, 1979

Burial in this cemetery will be limited to deceased persons who qualify  
under at least one of the following conditions:

1. At time of death the deceased person was an active employee  
of Goodyear Farms and had been an active employee for at least  
five (5) consecutive years prior to death.
2. The deceased person was retired and had been an active  
employee for at least five (5) consecutive years prior to  
retirement.
3. The person at time of death was the lawful spouse of an  
active employee who qualifies for burial under 1 or 2 above.
4. The deceased person was the widow or widower of a former  
employee who either is buried in the cemetery or would  
have been eligible for interment under 1 or 2 above.
5. The deceased person at time of death was an unmarried  
dependent child of a person who qualifies for interment  
under 1 or 2 above, or is an unmarried child of a person  
already buried in the cemetery, or is the unmarried  
dependent child of a widow or widower who qualifies to be  
buried in the cemetery.

A child is defined for this purpose as a person under the  
age of 18 years.

The management of Goodyear Farms will designate a person to be in charge  
of the cemetery. The management will consider each request for burial.  
If in the opinion of management, an exception to the above conditions  
is warranted, such exception may be made.

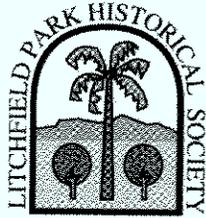
  
George W Busey  
Vice President

G W Busey  
mlm

Distribution: W A Bailey  
A L Hardeman  
J A Bauer  
File



SANTA FE TRAIL



Post Office Box 1936  
Litchfield Park, Arizona 85340

September 18, 2007

Ms. Rogene E. Hill  
Assistant City Manager  
City of Avondale  
11465 W. Civic Center Drive  
Avondale, AZ 85323

Dear Ms. Hill:

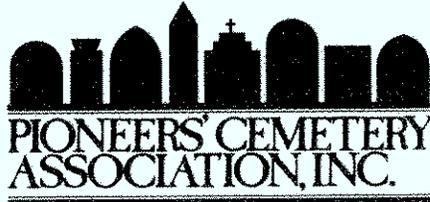
On behalf of the Board of Directors of the Litchfield Park Historical Society I hereby declare our support to the City of Avondale's being granted authority for the future oversight, care, maintenance and preservation of the Goodyear Farms Cemetery. In addition, we recommend that efforts be made by the City of Avondale to have the cemetery registered as an official historic site.

The Goodyear Farms Cemetery is important to this local area not only because of the history it represents, but also because it continues to be utilized as an active burial site for the descendants of the early families already buried there. The cemetery was initially established in 1918 as a result of the large number of local deaths from the Spanish Flu epidemic, an international plague that is said to have taken the lives of one in ten people in Arizona alone. This early founding date of nearly 90 years ago, coupled with the fact that it remains an active cemetery, authenticates its historic significance and clearly supports the importance of protecting and preserving the site.

The Litchfield Park Historical Society Board of Directors applaud the City of Avondale's very responsible actions in its determination to preserve one of the important historical sites of our region; and we offer our continued support to your efforts.

Sincerely,

Rosemary Lang-Fiebig  
President



P.O. Box 63342 • Phoenix, Arizona 85082-3342 • (602)-253-2734

[pioneerscemetery@yahoo.com](mailto:pioneerscemetery@yahoo.com) • phone (602) 534-1207

September 27, 2007

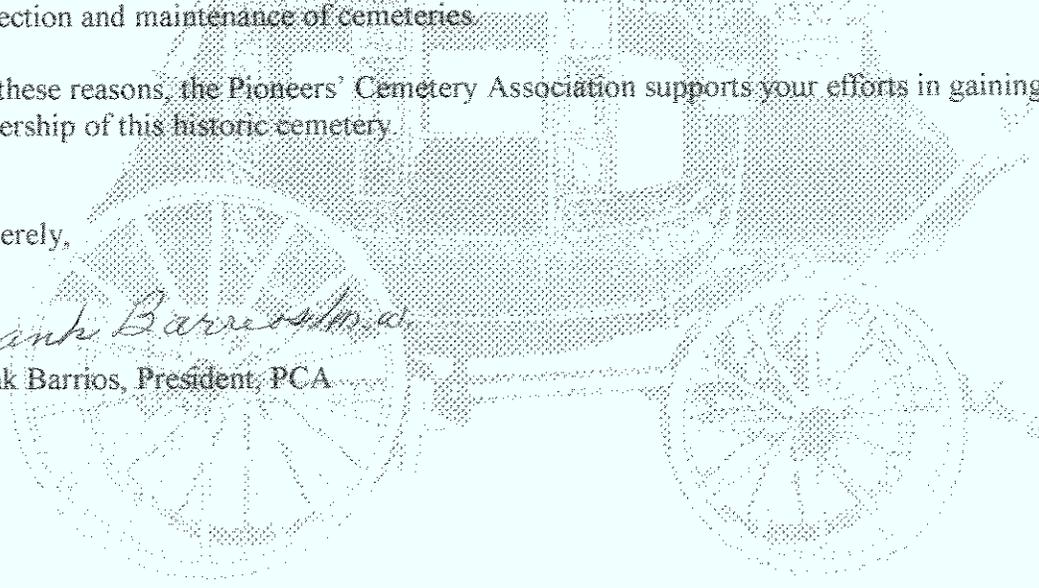
Rogene Hill, Asst. City Manager  
11465 W Civic Center Dr.  
Avondale, AZ 85323

Dear Ms. Hill,

The Pioneers' Cemetery Association appreciates your contacting us about the transfer of ownership of the historic Goodyear Farms/ Paul Litchfield/ Litchfield Park Cemetery. The mission of the PCA is to "research and preserve the history and physical remains of Arizona pioneers as exemplified in the early, historic-period cemeteries of the state." It is our belief that city ownership of a cemetery is more stable than that of private citizens, businesses or volunteer organizations. Stable ownership is important in the preservation, protection and maintenance of cemeteries.

For these reasons, the Pioneers' Cemetery Association supports your efforts in gaining ownership of this historic cemetery.

Sincerely,



*Frank Barrios, President*

Frank Barrios, President, PCA



October 1, 2007

Mayor and Council  
City of Avondale

Dear Mayor and Council,

One of the ongoing priorities of the Avondale Municipal Arts Committee is celebrating the cultural heritage of the City. Avondale has very few structural relics of its rich history. The Goodyear Tire and Rubber Historic Cemetery is one tangible piece of Avondale's farming roots. This historic cemetery is located in the City of Avondale and is a reminder of the farming history of Avondale.

Members of the Avondale Municipal Art Committee understand that the current owner and caretaker of the property, SunCor Development, is seeking to divest themselves of this property having finished their development work in the immediate area. The members of the Municipal Arts Committee believe that if the City accepts responsibility of this piece of Avondale's history, it would be better preserved and made available for tourists and residents to learn from and enjoy.

Taking over responsibility of this historic cemetery is not without possible issues. However, the majority of the Committee believes that taking this bold step is in keeping with the stated goal of valuing our cultural heritage. It is an opportunity to do more than pay lip service to this goal.

On September 20<sup>th</sup> the seven of eight Avondale Municipal Arts Committee members voted with one abstention to recommend that the Council consider favorably SunCor Development's request to accept the transfer of ownership of the Historic Farm Cemetery, which is located in Avondale.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "D. Sours".

David Sours, Chair  
Avondale Municipal Arts Committee

## AGREEMENT TO TRANSFER

This AGREEMENT TO TRANSFER (this "Agreement") is made and entered into this \_\_\_\_ day of August, 2006, by and between SunCor Development Company, an Arizona corporation ("SunCor") and the City of Avondale, an Arizona municipal corporation (the "City").

### RECITALS

A. SunCor is the owner of the real property located in the City of Avondale, Maricopa County, Arizona, the legal description of which is attached hereto as **Exhibit "A"**, upon which SunCor operates and maintains a cemetery serving as a resting place for farm workers previously employed at Goodyear Farms and persons otherwise qualified for burial in the cemetery. The real property and cemetery located thereon are collectively referred to herein as the "Property."

B. SunCor established a trust account to provide adequate funds to operate and maintain the Property.

C. SunCor desires to ensure the continuation of the operation of the cemetery for the workers of Goodyear Farms and the City has expressed an interest in continuing the operation of the cemetery.

D. SunCor further desires to convey the Property and the trust account to the City and the City agrees to accept the conveyance of the Property and the trust account for the continuation of the operation of the cemetery.

NOW, THEREFORE, for the purposes set forth above, SunCor and the City agree as follows:

1. Transfer of Property. Seller hereby conveys to the City and the City hereby accepts the transfer of the Property and the trust account for the continuation of the operation of the cemetery.

2. Conveyance; Title. Upon execution of this Agreement, the Property shall be conveyed by quitclaim deed, subject to all matters of record.

3. Consideration. There shall be no consideration paid to SunCor by the City for the Property.

4. Restrictions. The City agrees to continue the operation of the cemetery and to comply with and adhere to the terms and restrictions set forth in that certain Goodyear Farms General Letter dated March 1979, a copy of which is attached hereto as **Exhibit "B"** and incorporated herein by this reference, which letter outlines the criteria pursuant to which an individual is entitled to burial in the Goodyear Farms cemetery.

5. Condition of Premises. The Property is being conveyed AS-IS with no representations or warranties by SunCor. The City is entering into this Agreement voluntarily and is not relying upon any representations or warranties of SunCor.

6. Miscellaneous.

6.1 This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, personal representatives, successors-in-interest and permitted assigns.

6.2 It is understood and agreed that all understandings, agreements, warranties or representations, either oral or in writing, including, without limitation, any prior agreements between the parties hereto are superseded by this Agreement. This Agreement may not be modified in any manner except by a subsequent instrument in writing signed by Seller and Purchaser.

6.3 This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original; but all of which when taken together shall constitute but one and the same instrument.

6.4 This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Arizona.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

**SUNCOR:**

SunCor Development Company,  
an Arizona corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CITY:**

City of Avondale,  
an Arizona municipal corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Exhibit "A"

Legal Description of the Property

Exhibit "B"

Goodyear Farms General Letter

