

Minutes of the Regular Meeting held July 5, 2010 at 7:41 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Lopez-Rogers and Council Members

Jim McDonald, Vice Mayor
Jim Buster
Stephanie Karlin
Frank Scott
Charles Vierhout
Ken Weise

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Dan Davis, Economic Development Director
Carmen Martinez, City Clerk

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

2 UNSCHEDULED PUBLIC APPEARANCES

Thomas Lundquist, has owned Active Life Physical Medicine and Pain Center located at the Coronado Professional Plaza since August. Expressed disappointment at the upcoming establishment of a charter school within the professional plaza. He indicated it is unfortunate that charter schools do not have to abide by zoning laws and suggested the Council consider the impact that the charter school will have on surrounding businesses, residents and other public schools. Parking is going to be problematic. His business and livelihood will be affected by the establishment of this school and is therefore compelled to speak out on the issue. Mr. Lundquist asked the Council to not allow the charter school to locate at the site. He indicated he has contacted the Governor's office, the Attorney General's Office and the School Board and they have all indicated that the City has the authority.

Dr. Wendi Lundquist, expressed concern over the establishment of a charter school at the Coronado Professional Plaza as such use is incompatible with the original intended use of the site. The proposed school will add an aesthetically unappealing fence to the location and the inadequate parking will cause unsafe conditions for both the students and the patients. Dr. Lundquist indicated that to her knowledge case law has not established that municipalities do not have control over land use for political subdivisions when such political subdivisions are high schools or charter schools. She indicated she has contacted the Governor, Attorney General's Office, School Board and they are not clear as to who has authority and added that the Attorney General is currently investigating the issue. She requested that the city withhold permission for the building of the charter school until the issue is resolved.

Thihan Phan, a Dentist who purchased an office in the plaza. The Site met her criteria for the type of business she was seeking to establish. The businesses have invested into the complex because they had an understanding that it was going to house only professional businesses. She asked the Council to stop the project and protect the businesses that have already established in the plaza.

Mayor Lopez Rogers asked City Attorney to comment on the issues brought up by the speakers.

City Attorney, Andrew McGuire, commented that the city has been frustrated regarding this issue as well and added that the city has met with the property owner and have tried to persuade them to not allow the use within the plaza, but it has become clear that the property owner has changed directions after the city granted the approvals. He indicated that three Attorney Generals have opined that public schools are like other political subdivision in the state and not subject to the city's zoning provisions, the city is handstrung by a statute that lumps in charter schools

Opined that public schools

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. Work Session of June 14, 2010
2. Regular Meeting of June 21, 2010

b. CONTRACTOR AGREEMENT - FSL HOME IMPROVEMENTS FOR HOUSING REHABILITATION SERVICES

A request to approve a contractor agreement with FSL Home Improvements in the amount of \$780,000 to conduct a single family owner occupied housing rehabilitation program in Avondale over the next three years and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

c. PURCHASE AGREEMENT - NATIONAL RESTAURANT SUPPLY CO., INC. FOR KITCHEN EQUIPMENT FOR AMERICAN SPORTS CENTER

A request to approve a purchase agreement with National Restaurant Supply Co., Inc. for the purchase and installation of kitchen equipment at the American Sports Center in the amount of \$341,250.95 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

d. SECOND AMENDMENT TO CONTRACT - US FOODSERVICE, INC.

A request to approve the second amendment to the contract with US Foodservice, Inc. to provide food and supplies for the Senior Meal Program and authorize the Mayor or the City Manager and City Clerk to execute the applicable contract documents.

e. RESOLUTION 2922-710 - GRANT SUBMITTAL AND ACCEPTANCE TO THE ARIZONA DEPARTMENT OF EMERGENCY MANAGEMENT

A resolution authorizing the submittal and acceptance of a grant from the Arizona Department of Emergency Management in the amount of \$45,000 for the completion of repairs to damage caused by the January 2010 winter storms at El Mirage Road and Indian Springs Road, naming the Grants Administrator as the designated agent and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents.

f. RESOLUTION 2923-710 - INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF TRANSPORTATION FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM GRANT 2010

A resolution authorizing an Intergovernmental Agreement with the Arizona Department of Transportation for the purpose of accepting a grant award in the amount of \$8,821 to support the Highway Safety Improvement Program and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Vice Mayor McDonald moved to approve the consent agenda as presented including the Resolutions. Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Vice Mayor McDonald	Aye
Council Member Scott	Aye
Council Member Vierhout	Aye
Mayor Lopez-Rogers	Aye
Council Member Weise	Aye
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried unanimously.

4 AMENDMENT NO.3 TO THE CONSTRUCTION MANAGER AT RISK AGREEMENT – SUNDT CONSTRUCTION

A request to approve Amendment No.3 to the Construction Manager at Risk (CMAR) Agreement with Sundt Construction, Inc. for the construction of the retail portion of the City Center/American Sports Center project in the amount of \$3,557,979 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Vice Mayor McDonald moved to approve Amendment No. 3 to the Construction Manager at Risk Agreement with Sundt Construction. Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Vice Mayor McDonald	Aye
Council Member Scott	Aye
Council Member Vierhout	Aye
Mayor Lopez-Rogers	Aye
Council Member Weise	Aye
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried unanimously.

5 ADJOURNMENT

There being no further business before the Council, Council Member Weise moved to adjourn the regular meeting. Council Member Scott seconded the motion. Motion carried unanimously.

Meeting adjourned at 8:22 p.m.