

Minutes of the Work Session held August 9, 2010 at 6:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Lopez Rogers and Council Members

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

ABSENCE EXCUSED

Stephanie Karlin

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

1) ROLL CALL BY THE CITY CLERK

2) UPDATE – CENTRAL ARIZONA PROJECT'S SMART ENERGY PLAN

Central Arizona Project's General Manager, David Modeer updates the Council regarding their Smart Energy Plan and how it affects Avondale.

Mr. McClendon reported that David Modeer was unavailable and requested that this item be rescheduled.

3) ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT UPDATE

An update on the activities funded by the Energy Efficiency and Conservation Block Grant.

Mr. McClendon noted that Avondale received EECGB (Energy Efficiency and Conservation Block Grant) funding about one year ago, and has been working on a number of projects ever since and introduced Rogene Hill, Assistant City Manager, to present this item.

Ms. Hill updated Council on the progress made in the effort. The program is authorized by the Department of Energy and Avondale has been awarded \$706,000. In order to access these funds, the City had to submit a strategy for how they would be used. Mark Mangano was hired in February, on a part-time basis, to help administer the grant, which runs for two years. The Environmental Affairs Commission hosted an energy fair at Estrella Mountain Community College this spring where over 1,000 people had a chance to learn about various energy efficiency products that are currently available on the market.

Ms. Hill reported that various City facilities were analyzed for potential energy retrofits. One hundred and sixty eight lights, including metal-hallide and high-pressure sodium lights will be replaced with LED lighting at the Civic Center and Friendship Park at an estimated cost of \$268,800. It is estimated that there will be a 40% to 50% savings which would amount to \$7,500 to \$8,500 per year which while significant, would not provide a quick return on the investment. The project is currently in the bidding process with bids due on September 9.

Staff has also evaluated the feasibility of installing solar panels at the Municipal Operations Center (MOSC). One bid was submitted in 2008 but the project has been delayed due to the fact that under previous rules, large scale solar projects were considered utilities and therefore fell under the auspices of the Arizona Corporation Commission. The regulations were updated effective June 30, 2010 to carve out exceptions for municipalities, school districts and other entities. There are two options for the MOSC; the large option would incorporate nearly all the roof surfaces at the MOSC, the parking structures and the out building at a cost of \$700,000. A smaller-scale project would cost about \$330,000.

Another potential project is the city-owned property located at 525 Central. The City recently offered this building for non-profit occupancy; however no local groups expressed interest. Staff determined that the building is largely unattractive because of the high energy cost associated with its operation. There are major failings with some of the systems including the air conditioning. The City is also analyzing the older police and fire stations, the former library, and the community center. The Facilities Department is looking at the various elements of energy savings in these buildings to identify cost estimates.

Ms. Hill stated that the full-scale roof project for the MOSC would be a 100KW system. With the APS rebate currently at \$.64 per watt, their rebate would be \$64,000. If Avondale contributed \$100,000 towards the system, the cost would be reduced to \$536,000. Even at that scale, only about 20% of the energy cost would be saved. She said staff would continue to look into the numbers and provide a more complete recommendation later in the fall.

The 525 Central building was surveyed by APS. They identified four major areas that required replacement: the windows, the lights, the air-conditioning unit, and the solar water heater. For about \$60,000, this building could become much more energy efficient and much more reasonable in terms of its ongoing operating costs. Staff will continue to gather more data and could possibly modify the initial grant application based on the ultimate decision. The original application indicated that the MOSC would have solar, but this idea might not be practical.

Ms. Hill discussed a recent project of the Neighborhood and Family Services Department. NSP funds were used to purchase a foreclosed property at 11350 W. Yuma. Through an audit conducted by Ideal Energy, energy usages were established and it was determined that a 39% reduction in energy costs could be achieving by retrofitting the structure with various energy efficient features. The total cost of this rehabilitation was \$42,000. A low-income family has moved into the home and they expect to realize about \$900 in annual energy savings as a result of the rehabilitation.

Rebates are very important to solar programs. The solar system for the demonstration house was \$16,000. At the time of the project, SRP was rebating \$2.15 per watt. The Federal government offers a tax credit of 30%, which has to be applied for. The State offers \$1,000. With these incentives, the cost of the system was brought down to about \$3,750, which makes it more affordable. Without these rebates, the likelihood of many solar projects being accomplished is small. If the City offered a rebate of \$1,250, the project cost would go down even further to \$2,500. The City proposes to piggyback its own rebate on top of the other offerings to make the system attractive enough for people.

Avondale is divided between the two utilities, APS to the west of the river, and SRP to the east. Though similar in many ways, there are differences between the incentives offered by each company. SRP only offers rebates for units rated at 17 SEER (Seasonal Energy Efficiency Ratio), which is not used often due to its high cost; 15 SEER and 13.5 SEER are used more frequently. APS gives a much better match on the AC units for 13.5 SEER and above. The City could opt to match the APS table on AC units, even for SRP customers. Appliance manufacturers sometimes offer additional rebates, and the City could also match what they offer. She noted that the City's rebate add up to more than 90% of the total cost.

For solar water heaters, the Federal tax credit is 30% of the system cost with no upper limit. The State offers a tax credit for owner-occupied housing. APS requires the participant to contribute a minimum of 15% of the actual cost of the system after all incentives have been applied. Because of this, rebates are difficult to estimate. The Building staff that conduct inspections would work out rebating details. The State also offers a \$500 rebate on solar water heaters. The cost of a \$28,000 solar water heater could be reduced to \$5,600 once all the rebates were applied.

APS offers a home performance whole house energy audit, which typically costs \$400, but has been discounted to \$99. Avondale could add \$50 to that, to bring the total cost down to \$49. Avondale's rebate would only apply if actual work resulted from the audit. Ms. Hill reported that the City's new water rebate program is going very well. The rebate offers \$100 for each water saving, high efficiency clothes washer. Eight have been granted so far.

Once the rebate program is approved, the City would conduct a workshop for residents, vendors, utilities, and contractors, to inform them about the rebates, and what they could be applied to. This workshop is being targeted for September. The utilities will assist with joint advertising to their customers. Information would also be distributed at Resident Appreciation Night. Next steps in the process include continuing the analysis of City buildings, completing the terms and conditions for the rebate program, and preparing announcements. The goal is to start offering rebates the first week of September.

Mayor Lopez Rogers said the program would help residents, and reduce the city's carbon footprint. Older buildings are a good place to start.

Council Member Weise said the proposal demonstrates good common sense. He opposed putting solar on the MOSC, because the majority of the money should go back to residents. The 525 Central building proposal makes sense. The residential program needs caveats. City rebates should apply to owner-occupied homes only. Investors should not be improving their homes with the City's money. He also felt homeowners should be current on their water bills to receive rebates.

He inquired about the maximum amount that a single home could receive in the form of City rebates. Ms. Hill responded that no maximum has been set. The program would not apply to developers or to commercial properties. The appliance and washing machine programs would not distinguish between renters or owners. Committee member Weise said he would not want to see landlords purchase an appliance with the rebate, then turn

around and put it in their own home, substituting a lesser appliance in the rental home. He also requested a caveat that appliances are purchased in Avondale, if possible.

Council Member Weise noted that 70% to 75% of the homes in Avondale are younger than 15 years. Most of their AC units are probably pretty energy efficient already. He would like to see the majority of the rebates for AC units targeting neighborhoods that have much older units. To reduce energy use and the carbon footprint, it would make more sense to replace a 7 SEER unit, than it would a 12 SEER unit.

In response to inquiries from Council Member Vierhout. Ms. Hill said the return on investment for the LED lighting units is 31 years. Those funds would entirely come from grants. Council Member Vierhout asked about the expected efficiency gain from the 525 Central Avenue project. Ms. Hill responded that APS did not do a full energy audit, but only identified the largest items that would make a difference. Some smaller items could be addressed as well. Council Member Vierhout felt that an audit would be worth the effort. He queried the total amount available for rebates. Ms. Hill explained that \$149,000 has been allocated under the grant. It is impossible to speculate how soon the amount will be spent. Most of the rebates from the utilities are only good until December 31, 2010. The City anticipates adjustments will be made once the program gets underway. Money could be moved from other areas if necessary.

Council Member Vierhout proposed that a small project be installed at the MOSC for demonstration purposes. Council Member Buster agreed that lower-rated SEER units should be prioritized, unless the rebates move slowly.

Council Member Scott concurred with keeping as much money in the citizens rebate program as possible. A demonstration project at City Hall would have value. If the City wants to make the 525 Central Avenue building useful, it would have to take action. If funds are available from outside the general budget, then he would support the idea. Even if non-profits opt against using the building, the City could find another use for it. He agreed with the proposal to match the APS incentives for AC units. He proposed that staff explore home-ownership requirements for a certain period after the rebate. Residents should also be current on their water bills to qualify for rebates. He felt these proposals would provide golden opportunities for anyone willing to try to improve their lives by making a move towards greener living. An Avondale purchase requirement would be a great addition, though it would be difficult to do. Ms Hill said the fund could potentially be increased if it becomes apparent that the rebates are moving quickly.

Vice Mayor McDonald supported the 525 Central Avenue project, saying it would offer a good example of what could be done in terms of energy efficiency. The key to the success of the rebate program lies in educating the public so they know what is available and how to best take advantage of the offerings. He inquired why the LED project cost was so high. City Engineer, Sue McDermott, explained that the lighting project requires more than just replacing light bulbs. Ballast and other features have to be replaced, and the estimate includes labor as well. Vice Mayor McDonald felt that LED lighting running at a lower voltage should only require a step-down transformer at the pole itself. The quality of LED lighting is outstanding, but he said he would not approve such a high cost solution without understanding more about the transition process. Ms. Hill commented that it is likely that

project bids will be lower than the engineer's estimate. The Attorney's Office will be asked to submit legal opinions on the Council Members suggestions.

4) ADJOURNMENT

With no further business before the Council, Council Member Weise moved to adjourn the work session. Vice Mayor McDonald seconded the motion. The motion carried unanimously.

Meeting adjourned at 6:47 p.m.

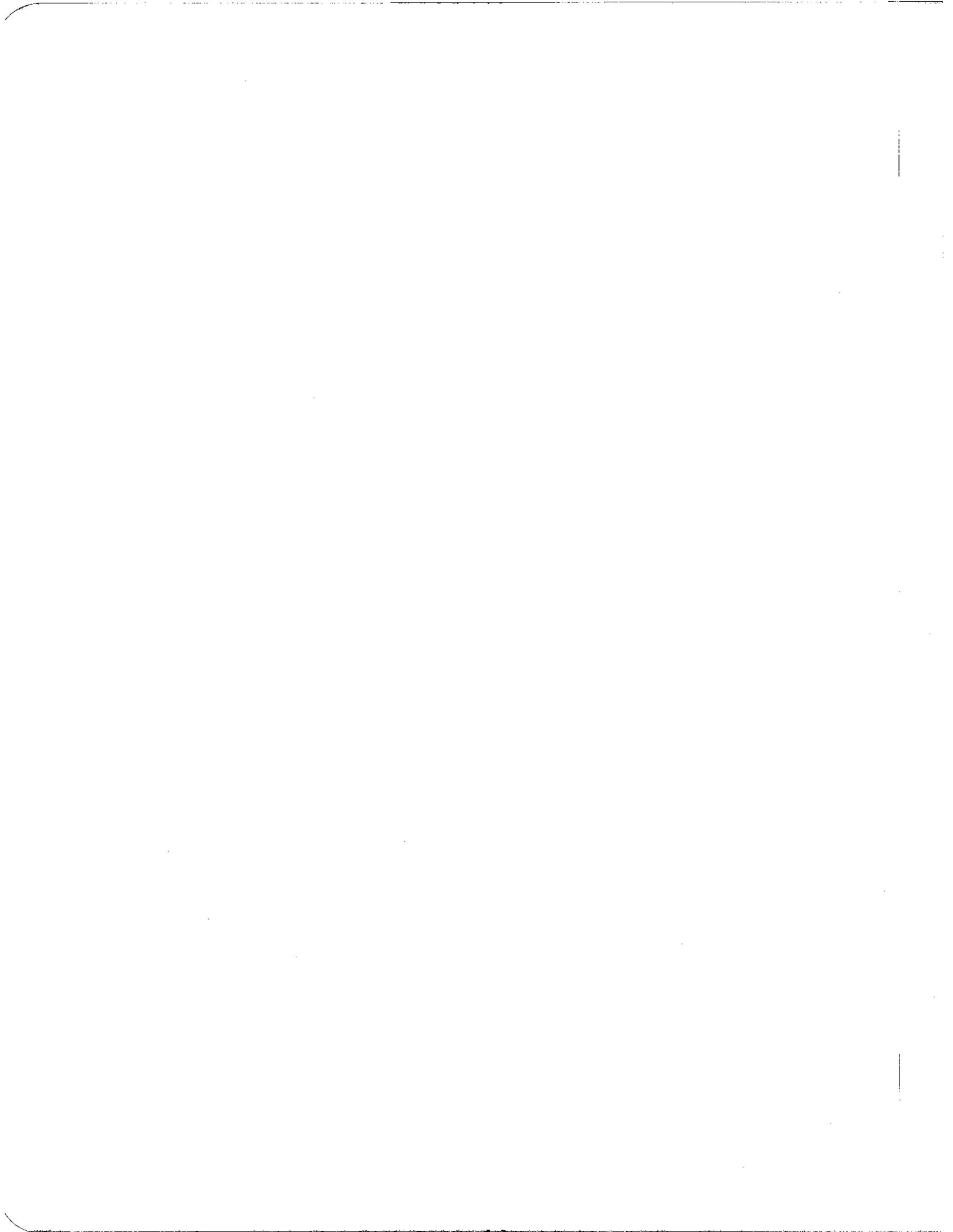

Marie Lopez Rogers


Carmen Martinez, CMC
City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of the Council of the City of Avondale held on the 9th day of August 2010. I further certify that the meeting was duly called and held and that the quorum was present.


Carmen Martinez
City Clerk



Minutes of the Regular Meeting held August 9, 2010 at 7:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Rogers and Council Members

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

EXCUSED ABSENCE

Stephanie Karlin

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Christopher Reams, Parks, Recreation and Libraries Director
Ken Galica, Development Services Department
Eric Morgan, Development Services Department
Carmen Martinez, City Clerk

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

2 SCHEDULED PUBLIC APPEARANCES

Recognition to Avondale and the City Council for Support of 2010 Census Campaign.

Al Macias of the US Census Bureau commended the City of Avondale and specifically Ingrid Melle and Pier Simeri for their efforts, assistance and support of the Census. He indicated that Maricopa County had a 70% participation, Avondale's participation was 66% which was a 4% increase over the 2000 census. He commented the increase is significant as it saves the government \$85 million for every percentage point by not having to go door to door to collect the information.

Mr. Macias informed the Council that all the numbers are due to the White House by December 31, which in turn delivers the number to the states around the end of January; local entities will receive the numbers by late January.

Mr. Macias commented on the American Communities Survey which is meant to gather information that demographers and planners can use. The survey is similar to the old census long form and is sent to 250,000 homes nationwide every month and provides more comprehensive and current information. The survey is considered part of the census and people who receive it are required by law to respond to it. He indicated that information from this survey will be released in the fall and pointed out that this information produced from the survey are considered estimates and should not be confused with the results of the actual census. Mr. Macias concluded by commending the City of Avondale for its creative efforts to promote the census.

In response to a question from Council Member Weise, Mr. Macias indicated that the Independent Elections Commission will determine the breakdown of congressional districts and should be set by the 2012 election. He indicated that at least one seat will be added to Arizona.

3 UNSCHEDULED PUBLIC APPEARANCES

There were no requests to speak.

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

1. Work Session of August 2, 2010
2. Regular Meeting of August 2, 2010

b. PURCHASE AGREEMENT - CCS AUDIO VIDEO FOR AMERICAN SPORTS CENTER

A contract with CCS Presentation Systems for the purchase and installation of audio and video equipment for the Avondale Sports Center in the amount of \$91,202.69 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

c. PURCHASE AGREEMENT - CORPORATE TECHNOLOGY SOLUTIONS FOR ASC

A contract with Corporate Technology Solutions for the purchase and installation of network cabling and fiber optics for the Avondale Sports Center in the amount of \$61,743.04 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

d. PURCHASE AWARD - ASSI SECURITY FOR NORTHWEST PUBLIC SAFETY FACILITY

Authorization for the purchase and installation of security equipment for the Avondale Northwest Public Safety Facility from ASSI Security of Arizona in the amount of \$52,035.40 and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents.

e. PURCHASE AGREEMENT - NIC WIRELESS FOR NORTHWEST PUBLIC SAFETY FACILITY

A Purchase Agreement with Network Infrastructure Corporation for the purchase and installation of wireless telecom equipment for the Avondale Northwest Public Safety Facility in the amount of \$59,696.82 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

f. PROFESSIONAL SERVICES AGREEMENT - CUMMINS ROCKY MOUNTAIN, LLC

A professional services agreement with Cummings Rocky Mountain, LLC for emergency generator maintenance services and authorize the Mayor or the City Manager and City Clerk to execute the applicable contract documents.

g. SERVICES AGREEMENT - SOUTHWEST UMPIRE ASSOCIATION

A Services Agreement between the City of Avondale and Southwest Umpire Association for professional umpiring services and authorize the Mayor or the City Manager and City Clerk to execute the applicable contract documents.

h. FIRST AMENDMENT TO THE AMENDED AND RESTATED ECONOMIC DEVELOPMENT AGREEMENT - AUTO DEALERS INVESTMENTS OF AMERICA, LLC

The first amendment to the amended and restated Economic Development Agreement between the City of Avondale and Auto Dealers Investments of America, LLC and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents.

i. PROFESSIONAL SERVICE AGREEMENT AMENDMENT NO.2 WITH SMITHGROUP

Amendment No.2 to the Professional Services Agreement with SmithGroup for additional services for the City Center project in the amount of \$88,217 and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

j. THIRD AMENDMENT TO THE PURCHASE AGREEMENT WITH GRAFFITI PROTECTIVE COATINGS

The third amendment to the agreement with Graffiti Protective Coatings extending the contract through August 31, 2011 and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents.

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

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 6-0.

7 REQUEST TO INITIATE A ZONING ORDINANCE TEXT AMENDMENT TO CREATE A "MAJOR SPORTS AND ENTERTAINMENT" ZONING DISTRICT

A staff initiated request to amend the Avondale Zoning Ordinance and create a text amendment for a Major Sports and Entertainment (MSE) Zoning District for use in areas encompassing large scale sport-related development such as the Phoenix International Raceway (PIR). Initiating this application will not limit the Council's future options regarding the approval or denial of the proposed text amendment.

Ken Galica, Planner II reviewed the details of this item as more specifically described in the council report.

Mayor Lopez Rogers commented that the proposal may bring a lot of exciting opportunities.

In response to a comment from Council Member Weise, Ken Galica indicated the intent at this time is to limit conditional use permits as much as possible so as to protect the integrity

of the neighborhood and to protect established businesses. Council Member Weise commented that a lot can be learned from communities that have established districts similar as the one being proposed.

Vice Mayor McDonald commented that the proposed district will create many opportunities to PIR and for the development of the surrounding area.

In response to a question from Mayor Lopez Rogers, Assistant City Manager David Fitzhugh indicated that the intent is to bring the text amendment to Council before the end of the year and then the zoning of the property and other projects related to PIR after the beginning of the year.

Vice Mayor McDonald moved I move that the City Council initiate a text amendment to the Avondale Zoning Ordinance authorizing staff to draft a Major Sports and Entertainment Zoning District. Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 6-0.

6 PUBLIC HEARING - PAD ZONING EXTENSION - FLEMING FARMS (PL-10-0044)

A public hearing and consideration of a request from Matt Butcher of Evergreen Development for the extension of the PAD zoning for Fleming Farms, located on approximately 67 acres of land at the southwest corner of Lower Buckeye Road and Avondale Boulevard.

Eric Morgan, Planner II, reviewed the details of this item as more particularly described in the council report pointing out that as approved, the PAD does not meet current open space requirements. He explained that when the PAD was approved, the zoning ordinance required 10% open space. Since, then the zoning ordinance has been amended and the requirement is now 15%; the approved Fleming Farms PAD calls for 13% active open space. Mr. Morgan indicated that staff is not recommending an increase in the amount of open space because the development has been platted and the addition of the open space would be onerous to the applicant. However, staff is recommending the addition of a public art requirement at the northeast corner of the commercial portion of the development.

In response to a comment from Council Member Weise regarding the fact that there has been no activity on this project over the last year, Matt Butcher of Evergreen Development commented that his firm wants to see the project move forward and is hopeful that the market will improve enough over the requested extension to allow that to happen.

Vice Mayor McDonald indicated he does not have a problem with a one year extension. Regarding open space, he inquired how many lots would be eliminated in order to reach the 15% open space requirement. Mr. Morgan indicated that it would be equivalent to three lots. Vice Mayor McDonald indicated that he would like to see the open space increased to closer to 15% but is willing to leave as it is as deleting three lots would be significant.

Council Member Buster commented that the best thing is to continue with the PAD as currently approved. It is everybody's hope that the economy will improve over the next year.

Mayor Lopez Rogers opined that this is an opportunity for the city to set the groundwork to build a sustainable community by adding the necessary infrastructure and would be like to see a condition added to the extension to bump up the open space requirement.

Council Member Vierhout indicated that he is in favor of granting the extension as this is the wrong time to add to the housing stock.

Council Member Scott commented that he agrees with all the points made with Council and would be in favor of granting the extension as recommended by staff but a subsequent request next year would face other requirements.

Vice Mayor McDonald moved to approve application a request for a one year extension of PAD zoning for Fleming Farms to expire September 5, 2011 with the condition to add public art. Council Member Vierhout seconded the motion.

Mayor Lopez Rogers opened the public hearing. There being no requests to speak, Mayor Lopez Rogers closed the public hearing.

Mayor Lopez Rogers asked Vice Mayor McDonald to amend his motion to add the open space stipulation.

Vice Mayor McDonald moved to approve application a request for a one year extension of PAD zoning for Fleming Farms to expire September 5, 2011 with the condition to add public art in the commercial area and the increase open space to 15% for the entire development. Council Member Vierhout seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion failed 2-4.

Council Member Buster moved to allow the extension with the provision to add the art feature as originally presented; Council Member Scott seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 4-2.

5 BILLY MOORE DAYS PARADE OPTIONS 2010

An update to City Council regarding 2010 Avondale Billy Moore Heritage Days Parade.

Charlie McClendon indicated that three council members have asked that this item be put back on the agenda and introduced Chris Reams to present five options for Council's consideration and direction.

Chris Reams, Director of Parks, Recreation and Libraries, presented the details of this items and more particularly described in the Council report.

Mayor Lopez Rogers commented that she is very fond of the parade, what it stands for and what it does for the community, however, she finds it hard taking funds out of general fund when there are so many needs. She added she appreciates council's desire to bring it back but would prefer to bring it back for the centennial and make it a more significant event. She indicated she prefers Option 5.

Council Member Weise commented that Billy Moore Days celebrations are nothing without the parade as it is what brings the community together and it's the opportunity for neighboring cities and legislators to participate in the festivities. He opined that the parade should be held in April of 2011 to coincide with the PIR race. This would be a great opportunity to share the City's history with people who come to the race. There would also be the opportunity to highlight the American Sports Center. He indicated the city has been very prudent and its financial house is in order and the parade would give residents the opportunity to celebrate and share with the community. Council Member Weise committed to help bring in sponsors as staff is not able to pursue due to cutbacks. He indicated his preference would be to bring the parade back in the Spring of 2011.

In response to a question from Council Member Vierhout, City Manager indicated that 35 employees have been laid off and 80 positions have been eliminated. Council Member Vierhout opined that the City is not in a position to put together a parade at this time. He indicated his preference would be to bring back the parade in 2012 and market it and prepare for it similarly to the Mardi Gras parade in New Orleans and include features such as band competitions, beads, etc.

Vice Mayor McDonald commented that Billy Moore is an important part of the heritage of Avondale. He indicated that in his opinion it should be brought back in the Spring of 2011. The City has been financially responsible and it's time to bring some job to the citizens of Avondale. The amount of money that would be spent in the parade is not significant enough to give a raise to employees or put a family into a home, but it would build community spirit. He commented that October is marching band season so it creates for some of the school bands to attend.

Council Member Scott commented he agrees with all opinions presented, but thinks that option 5 gives staff time to prepare. He also agrees with Vice Mayor McDonald and Council Member Weise that it is important to bring it back as soon as possible to not lose the community spirit. He suggested that Council should probably revisit the whole event and reconsider the route, sponsorships, etc. The Chamber of Commerce put it together for many years and has a wealth of expertise they could contribute.

Council Member Buster indicated he is in favor of deferring the parade to 2012 and combine it with the Centennial celebrations.

Mayor Lopez Rogers commented that there is a lot of uncertainty as to what the legislature will do to address the status of the state's budget and it is very likely that the cities will be impacted. She indicated that residents understand that the city has to be cautious.

Council Member Weise commented that there are many things that the city does that do not generate revenue but are done because they are good for the community and warned that the more the parade is put off the more the sense of community will be lost.

Council Member Buster moved to move forward with Option 5 as presented by staff. Council Member Scott seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 4-2.

8 EXECUTIVE SESSION

1. An executive session pursuant to ARIZ. REV. STAT. § 38-431.03 (A) (7) for discussion or consultation with City representatives in order to consider its position and instruct its representatives regarding negotiations for the acquisition of real property on Avondale Boulevard
2. An executive session 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

Attorney regarding the Council's position regarding the *City of Avondale v. Rigby Water Company* litigation.

Council Member Weise moved to adjourn into executive session. Council Member Vierhout seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 6-0.

The Council reconvened from executive session at 8:38 p.m.

9 DISCUSSION WITH POSSIBLE DIRECTION TO STAFF REGARDING THE CITY OF AVONDALE V. RIGBY WATER COMPANY LITIGATION

Vice Mayor McDonald moved to approve moving with the settlement of the *City of Avondale v Rigby Water Company* matter as outlined in executive session and authorize the City Manager and City Attorney to take all steps and prepare all documents necessary to cause the settlement of the litigation and to present such settlement agreement to Council at a future meeting. 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	Excused
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried 6-0.

10 ADJOURNMENT

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

Meeting adjourned at 8:41 p.m.


Marie Lopez Rogers


Carmen Martinez, CMC
City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Session of the Council of the City of Avondale held on the 9th day of August, 2010. I further certify that the meeting was duly called and held and that the quorum was present.


Carmen Martinez
City Clerk

