

Minutes of the Regular Meeting held July 19, 2010 at 7:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor 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
Ken Galica, Planner II
Carmen Martinez, City Clerk

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

2 UNSCHEDULED PUBLIC APPEARANCES

Dr. Wendi Lundquist – represents professionals at Coronado Professional Plaza and wanted to follow up with the Council regarding her presentation at a previous meeting. She indicated that per Congressman Montenegro's office it is unclear whether charter schools are a political subdivision. She cited a 2001 case where the Arizona Court of Appeals acknowledged that Arizona Statutes define school districts as political subdivisions, however a comparable definition does not appear in the charter schools enabling legislation therefore concluding that charter schools are not political subdivisions. She indicated that in her opinion the issue was not completely evaluated before the Charter School was given a permit by the city. Dr. Lundquist indicated she wanted to make sure the letter was sent to the Attorney General.

Dr. William Conley – Assistant Superintendent of the Arizona Agribusiness Equine Science Center (AAEC). He indicated they are a college prep high school; the first one of its kind in the west valley. He indicated it is located next to EMCC in order to allow students to attend community college and added that 30% of students graduate with the associated degrees before high school graduation and students often pursue various doctorate degrees. They consider themselves an independent high school. Students take high school core classes at their campus and then rest of classes at the community college. He indicated the school will not be detrimental to the site and be a great neighbor.

3 CONSENT AGENDA

a. APPROVAL OF MINUTES -

1. Special Meeting of July 5, 2010
2. Regular Meeting of July 5, 2010

b. RESCHEDULING OF THE AUGUST 16, 2010 CITY COUNCIL MEETING

A request to reschedule the regularly scheduled meeting of August 16th to August 9, 2010.

c. SPECIAL EVENT LIQUOR LICENSES - RACEWAY ELKS - FUNDRAISING EVENTS

A request to approve three special event liquor license applications from Mr. Gary Bruce on behalf of the Raceway Elks #2852 for fundraising events to be held on August 21, 2010, September 18, 2010 and October 16, 2010 at the Masonic Temple located at 1015 North 8th Street in Avondale.

d. CONSTRUCTION CONTRACT AWARD - FELIX CONSTRUCTION COMPANY – ONSITE SODIUM HYPOCHLORITE GENERATION SYSTEMS, WELLS 20 & 24

A Construction Contract to Felix Construction for construction of Onsite Sodium Hypochlorite Generation Systems for Wells 20 & 24, in the amount of \$288,485, and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents.

e. WATER TREATMENT SYSTEM PURCHASE AGREEMENT AND WATER SERVICES AGREEMENT - ENVIROGEN TECHNOLOGIES, INC.- NORTHEAST BOOSTER STATION

A Water Treatment System Purchase Agreement in the amount of \$100,000 and a Water Services Agreement for the maintenance of a nitrate treatment facility at Northeast Booster Station with Envirogen Technologies, Inc., and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents.

f. FIRST AMENDMENT TO PURCHASE AGREEMENT - LIFE, INC. FOR THE AVONDALE TAXI SUBSIDY PROGRAM

The first amendment to the Purchase Agreement with Life, Inc. for \$28,000 and extending the term through October 31, 2010 to provide subsidized taxi service to residents for medical and dialysis treatments and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents.

g. PURCHASE AGREEMENT - ARIZONA SERVICE & INSTALLATION, INC. FOR SPORTS EQUIPMENT FOR THE AMERICAN SPORTS CENTER

A purchase agreement with Arizona Service & Installation, Inc. in the amount of \$227,783.54 for the purchase and installation of sports equipment for the American Sports Center and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents.

h. RESOLUTION 2926-710 - THIRD AMENDMENT TO IGA FOR RECIPROCAL BORROWING PROGRAM

A resolution authorizing the Third Amendment to the Intergovernmental Agreement with the Maricopa County Library District increasing the Reciprocal Borrowing Program reimbursement rate to \$28.50 from \$26 per patron and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents.

i. RESOLUTION 2925-710 - EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

A resolution authorizing the submission and acceptance of \$47,221 from the Edward Byrne Memorial Justice Assistance Grant for the purposes of hiring a Police Department Records Clerk and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents.

j. ORDINANCE 1420-710 - DEDICATION OF A POWER DISTRIBUTION EASEMENT TO SRP

An ordinance dedicating public right-of-way as a power distribution easement which will allow Salt River Project (SRP) to provide electrical service for the City Center Phase 1 development and authorizing the Mayor or City Manager, City Clerk and City Attorney to execute the appropriate documentation.

k. ORDINANCE 1421-710 - AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR PUBLIC USE

An ordinance authorizing the acquisition of real property for public use by purchase, condemnation, or dedication of approximately 32 acres of property located near Avondale Boulevard and Roosevelt Street and authorizing the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Vice Mayor McDonald moved to approve the consent agenda as presented included the resolutions and ordinances. 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 RESOLUTION 2924-710 - PROPERTY TAX LEVY FOR FISCAL YEAR 2010-2011

A resolution setting the property tax levy for fiscal year 2010-2011 in the amount of \$5,638,000.

City Manager Charlie McClendon indicated that the resolution will officially set the property tax levy for FY 2010-2011. Council heard the presentation and held a public hearing at a previous meeting.

Vice Mayor McDonald moved to adopt Resolution 2924-710 setting the property tax levy for FY 2010-2011. 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 PUBLIC HEARING - CONDITIONAL USE PERMIT FOR HERNANDEZ MEMORIAL CHAPEL (PL-10-0011)

A public hearing and a request to approve a request by Mr. Miguel Legaspi for a Conditional Use Permit required to establish a funeral home in the Old Town Avondale Business (OTAB) Zoning District.

Charlie McClendon introduced Ken Galica to present this item.

Ken Galica, Planner II, indicated that the project has changed names during the review process. If approved, the establishment will be known as the Avenidas Memorial Chapel. He reviewed the specifics of this item as more specifically described in the Council report. He indicated that the Planning Commission recommended approval subject to the following stipulations:

1. The use shall conform to the "Hernandez Memorial Chapel Project Narrative" and "Motor Procession Traffic Queuing and Egress" plan, date stamped April 7, 2010, except as modified by these stipulations.
2. All human blood waste generated by the use shall be disposed of in a manner approved by the City's Public Works Department.
3. The four (4) public parking spaces adjacent to the subject building may be reserved for funeral coach loading, provided that they shall not be reserved before 9:00 P.M. on the day preceding a planned funeral service. Spaces shall be reserved only by non-permanent methods (e.g. rubber cones) which will not damage the public right-of-way. Spaces shall remain open to public use when not reserved for funeral coach loading.
4. Cremation shall be prohibited.

Mayor Rogers asked if the applicant plans to improve the façade in any way. Mr. Galica indicated that there are plan to add some windows and put a new awning to emphasize the main entrance.

Council Member Weise indicated that mourners tend to congregate outside funeral homes and asked if seating will be added. Mr. Galica replied in staff's opinion, pedestrian activity adds to the street scene. He indicated that there are benches available in the area, and additional benches could be added. He added that the sidewalk is a little wider than the standard to accommodate mourners and passersby's.

Council Member Weise asked how many funerals do they expect will be held per week. The applicant, Mr. Mr. Legaspi indicated that he estimates four services per week on the average but could be up to eight. Mr. Legaspi further clarified for Council Member Weise that the facility will not have cremation facilities.

Council Member Karlin observed that this may not be the ideal location for this type of facility. She commented that Western Avenue is closed periodically for city events and this may appear disrespectful to the families. Mr. Legaspi replied that he picked Avondale

because it provides the most feasible location for this type of business. He added that he considered alternate locations but were eliminated from further consideration due to size, location or needed financing. Regarding conflicts with city events, Mr. Legaspi indicated that as long as he is aware of city events, services will be scheduled around these events.

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

Vice Mayor McDonald moved to approve the application PL-10-0011 for a conditional use permit for a funeral home subject to the four stipulations. 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	Nay
Council Member Buster	Aye

Motion carried 6-1.

6 ADJOURNMENT

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

Meeting adjourned at 7:31 p.m.


Mari Lopez-Rogers
Mayor 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 19th day of July, 2010. I further certify that the meeting was duly called and held and that the quorum was present.


Carmen Martinez
City Clerk

