

Minutes of the Regular Meeting held October 4, 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  
Andrew McGuire, City Attorney  
Carmen Martinez, City Clerk

**1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK**

**2 RECOGNITION ITEMS (MAYOR PRESENTATIONS)**

- a. Recognition of Walter Fisch, APRA Volunteer of the Year  
Chris Reams, Parks and Recreation Director introduced Mr. Wally Fisch who was recently recognized the APRA as Volunteer of the Year for the State of Arizona.
- b. Code Enforcement League of Arizona Recognizes Avondale Council  
Martha Ortiz, Code Enforcement Specialist introduced Gail Bosgieter, Vice President of the Code Enforcement League of Arizona. Ms. Bosgieter recognized Avondale City Council for their support in the passing of SB1135 by the Arizona Legislature.

**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 September 20, 2010
2. Regular Meeting of September 20, 2010

**b. DESIGNATION OF VOTING DELEGATES FOR NLC ANNUAL BUSINESS MEETING**

Designation of a primary and an alternate voting delegate to represent Avondale at the National League of Cities' Annual Business Meeting to be held at the conclusion of the Congress of Cities in Denver, Colorado on December 4, 2010.

- c. SPECIAL EVENT LIQUOR LICENSE - AMERICAN LEGION POST #61 - VETERANS DAY OPEN HOUSE**  
A request from Ms. Constant Joy Parrish for a Special Event Liquor License to be used in conjunction with a Veterans Day Open House to be held at the Post located at 35 N. 8th Street in Avondale starting on Saturday, November 13 at 10:00 a.m. and ending at 2:00 a.m. on Sunday, November 14, 2010.
- d. COOPERATIVE AGREEMENT – COLORADO SPORTS MONSTER, LLC**  
A request to approve a Contractor Agreement with Colorado Sports Monster, LLC to establish jointly-sponsored athletic programs with the City of Avondale through the Parks, Recreation, and Libraries Department and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.
- e. PROFESSIONAL SERVICES AGREEMENT - R&R ADD DESIGN**  
A request to award a professional services agreement to R&R Add Design for printing services and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.
- f. PROFESSIONAL SERVICES AGREEMENT - CENTURY GRAPHICS**  
A request to award a professional services agreement to Century Graphics for printing services and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.
- g. CHANGE ORDER NO. 1 - VISUS, INC. - AVONDALE/ENCANTO BOULEVARD IMPROVEMENTS PROJECT**  
A request to approve Change Order No. 1 to the Avondale Boulevard and Encanto Boulevard Intersection Improvement Construction Contract with Visus, Inc. in the amount of \$61,094.70, and authorize the transfer of \$62,000 from CIP Street Fund Line Item 304-1153-00-8420, 127th Ave - Lower Buckeye to Dysart to CIP Street Fund Line Item 304-1179-00-8420, Traffic Signal - Avondale/Encanto.
- h. RESOLUTION 2931-1010 - INTERGOVERNMENT AGREEMENT WITH ARIZONA BOARD OF REGENTS FOR PARTICIPATION IN THE ARIZONA VIOLENT DEATH REPORTING SYSTEM**  
A resolution authorizing an Intergovernmental Agreement with the Arizona Board of Regents relating to participation in the Arizona Violent Death Reporting System and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents.
- i. RESOLUTION 2933-1010 - MARICOPA COUNTY COMMUNITY WILDFIRE PROTECTION PLAN**  
A resolution adopting the Maricopa County Community Wildfire Protection Plan.
- j. RESOLUTION 2934-1010 - INTERGOVERNMENTAL AGREEMENT WITH REGIONAL PUBLIC TRANSIT AUTHORITY FOR ADA SERVICES**  
A resolution approving the third amendment to the Intergovernmental Agreement with the Regional Public Transit Authority for FY 2011 Paratransit Services and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents.

**k. ORDINANCE 1428-1010 - RIGHT OF WAY ANNEXATION - DYSART ROAD SOUTH OF OSBORN ROAD**

An ordinance annexing a segment of right of way along Dysart Road where it crosses the Roosevelt Irrigation District canal just south of Osborn Road.

**l. ORDINANCE 1427-1010 - GRANTING AN EASEMENT TO SRP - AVONDALE BLVD AND MCDOWELL RD IMPROVEMENT PROJECT**

An ordinance dedicating a parcel of land that is required for the Avondale Boulevard and McDowell Road Improvement Project and authorize the Mayor or City Manager and City Clerk to execute the appropriate documentation.

Vice Mayor McDonald moved to approve the consent agenda including the resolutions and ordinances as presented. Council Member Vierhout seconded the motion.

**ROLL CALL VOTE AS FOLLOWS:**

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

Motion carried 6-0.

**5 AVONDALE MUNICIPAL ART COMMITTEE UPDATE**

An update from the Avondale Municipal Art Committee on the Committee's achievements and future public art projects.

Charlie McClendon, City Manager, introduced Rogene Hill, Assistant City Manager to present items 5 and 6.

Ms. Hill reviewed the particulars of this item as more specifically described in the council report. She reviewed recent projects undertaken by the Municipal Arts Committee as well as future projects that the AMAC is hoping to accomplish including the wrapping of traffic signal boxes and sculpture pads at the City Center. She explained that the AMAC is seeking to get these projects accomplished with minimal cost to the City.

Ms. Hill indicated that Mr. Jim Foxwell of Arizona Color Vehicle Wraps and Graphics has already offered to donate his services to wrap the six signal boxes and the committee would only be responsible for the cost of the materials. The designs will be done by students at the Art Institute of Phoenix and added that the committee has accepted a design for the signal boxes which depicts desert animals. The students will prepare more designs and submit for review by the AMAC within the next few months.

Regarding the four sculpture pads at the City Center, Ms. Hill indicated that at this time, the AMAC is only looking for temporary exhibits in order to allow time for the area to be

developed and get a better feel for what the area is going to become. They have received one submittal but a decision will not be made until more submittals are received.

Council Member Weise commented that sponsorship is a good idea to get projects done in hard economic times. He suggested that similarly to the Art Institute of Phoenix' contribution to the signal boxes, the local high schools could contribute designs for projects.

Council Member Karlin commented that she suggested painting the pump house at Friendship Park many years ago and was glad to see that the project became a reality. She suggested recognition of Kaizu, Japan who originally donated the garden as part of a cultural exchange program be added to the project.

Council Member Vierhout commented he likes the idea of rotating the art on the pads at the City Center on a permanent basis.

Vice Mayor McDonald complimented Ms. Hill and the Committee on the projects accomplished thus far. He agreed with Council Member Weise on the possibility of allowing sponsorship of the projects as long as the advertising is limited to a small area.

## **6 PROPOSED AMENDMENT TO THE MUNICIPAL ART COMMITTEE BYLAWS**

Information regarding proposed amendments to the Municipal Art Committee Bylaws.

Rogene Hill, Assistant City Manager, reviewed details of this item as more specifically described in the council report. She reviewed the proposed amendments to the Bylaws. She explained that the Committee wishes to remove the "s" from the name of the committee to more accurately describe the committee's focus due to the fact that they are volunteers with a very limited budget and limited staff support. She indicated that removal of the "s" would not preclude the committee from expanding the focus when they have more resources.

Council Member Weise suggested clarifying that members should be present in order to vote on the removal of the Chairperson or Vice Chairperson. In response to a question from Council Member Weise, Ms. Hill indicated that the AMAC has not had issues with quorum but that may change as some of the current members will be termed out and unable to be reappointed to one more term.

Council Member Karlin indicated that she understands that currently the committee's focus is narrow due to the economy, but that looking into the future the committee should be able to encompass a greater range of art forms. Council Member Karlin added that the cultural diversity available in Avondale has not been explored and encouraged the commission to encourage people with that diversity to participate so they can contribute other ideas and not be limited to the visual arts. She concluded by saying that that is the reason why she is in favor of keeping the "s" in the name of the commission.

In response to a question from Council Member Vierhout, Ms. Hill indicated that there are members in the AMAC who will be termed out and would like to continue to participate. She added that term limits are in place for all of the City's Boards, Commissions and Committees.

Council Member Buster commented that in times of scarce resources, it is helpful to focus on something that can be done well.

Vice Mayor McDonald indicated that removing the "s" would not limit the committee from expanding to other types of arts. Ms Hill agreed with Vice Mayor McDonald's comment and added that having the "s" creates the expectation that other types of art would be explored. She indicated that the committee struggles with the issue due to the fact that neither staff nor financial resources are available for them to explore other forms of art.

Mayor Lopez Rogers commented that originally the Council's vision was to include other types of art and more events, however this has not been possible due to funding and staff shortages. In the future she hopes that the committee will be able to expand into other types of art.

Council Member Weise added that due to limited staff and budget, he understands why at this time the committee can only focus in one type of art.

Andrew McGuire, City Attorney, commented that term limits is a provision included in the Charter that applies to both Council and BCC members. He clarified that removal of officers requires an affirmative vote from three quarter members of the entire board who need to be present.

Council Member Karlin commented that her intention is not to have the committee be in charge of putting on plays or exhibits, but rather to support and encourage other forms of art by local artists and suggested that perhaps it would be appropriate to rename the committee "Public Art Committee".

City Manager Charlie McClendon indicated that based on Council feedback, staff will bring back the bylaws for adoption renaming the committee as Municipal Art Committee with the understanding that if the focus of the committee needs to be expanded the Council can vote to do so. Mayor Rogers concluded that it should also be clear that other types of art should not be discouraged and members with interest in other types of art should be welcomed to join.

## **7 EXECUTIVE SESSION**

- a. 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.
- b. 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 considers its position and instruct the City Attorney regarding the Council's position regarding potential litigation regarding the ground water pollution plume.

Vice Mayor McDonald moved to adjourn into executive session; Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 6-0

**8 ADJOURNMENT**

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

Meeting adjourned at 8:53 p.m.

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.

  
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 4<sup>th</sup> day of October, 2010. I further certify that the meeting was duly called and held and that the quorum was present.

*Carmen Martinez*  
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City Clerk