

Minutes of the Regular Meeting held April 4, 2011 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
Dan Davis, Economic Development Director
Sandy Lopez, CDBG Program Manager
Gina Montes, Director of Neighborhood and Family Services
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

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

Carmen Martinez, City Clerk, read a statement of participation regarding public appearances.

2) UNSCHEDULED PUBLIC APPEARANCES

There were no requests to speak.

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

Regular Meeting of March 21, 2011

b. SPECIAL EVENT LIQUOR LICENSES - RACEWAY ELKS - INAUGURATION BALL CHARITABLE FUNDRAISER

A request to approve a special event liquor license application from Mr. Gary Bruce on behalf of the Raceway Elks #2852 for their Inauguration Ball Charitable Fundraiser to be held on Saturday, April 9 from 5 to 11 pm at the Masonic Temple located at 1015 North 8th Street in Avondale.

c. LIQUOR LICENSE SERIES 12 (RESTAURANT) - CLAIM JUMPER RESTAURANT

A request from Mr. Lee Edward Esch for a Series 12 (Restaurant) License to sell all spirituous liquors at Claim Jumper Restaurant located at 10125 W. McDowell Road in Avondale.

d. PURCHASE AGREEMENT - CEM-TEC CORPORATION

A request to approve a Purchase Agreement with Cem-Tec Corporation to purchase streetlight poles and miscellaneous hardware in an amount not to exceed \$160,000 and

authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

e. PURCHASE AGREEMENT - VALMONT INDUSTRIES

A request to approve a Purchase Agreement with Valmont Industries to purchase traffic signal and streetlight equipment, and miscellaneous hardware for a total amount not to exceed \$160,000 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

f. PURCHASE AGREEMENT - WESCO DISTRIBUTION, INC., DBA BROWN WHOLESALE ELECTRIC

A request to approve a Purchase Agreement with Wesco Distribution, Inc., dba Brown Wholesale Electric, to purchase traffic signal and streetlight equipment in an amount not to exceed \$160,000 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

g. CONSTRUCTION CONTRACT AWARD - STANDARD CONSTRUCTION COMPANY, INC - VACTOR TRUCK SOLIDS STORAGE FACILITY MODIFICATIONS

A request to award a construction contract to Standard Construction Company, Inc. for construction of Vactor Truck Solids Storage Facility Modifications in the amount of \$102,365.17 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; Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

4 LEASE TERMINATION AGREEMENT WITH GROUND CONTROL COFFEE AND WINE BAR, LLC AND LEASE AGREEMENT WITH DOUBLE CASK, LLC

A request to approve the Lease Termination Agreement with Ground Control Coffee and Wine Bar, LLC, approve a Lease Agreement with Double Cask, LLC, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

City Manager Charlie McClendon indicated the lease agreement approved by Council on January 3, 2011 is being replaced by a new lease and introduced Dan Davis to present this item.

Dan Davis, Economic Development Director indicated the new proposed lease includes 5,674 sf full service coffee, wine bar, bistro, pizza restaurant, gelato and sports theme bar and restaurant. He indicated the lease agreement is for an initial term of seven years with two five year renewal options. Annual base lease is \$90,000 plus 6% of the adjusted gross sales over \$1,540,000. He indicated the lease structure is very similar to the lease agreement with Carlos O'Briens. The City will provide \$500,000 for furniture, fixtures and equipment and the tenant will provide a minimum of \$300,000 for kitchen equipment and restaurant improvements.

Council Member Weise asked if the kitchen and restaurant equipment will remain in place in the event that the lease is terminated early. Dan Davis replied that the furniture, fixtures and equipment become part of the building and will remain with the building upon termination of the lease. In response to a subsequent question from Council Member Weise, Mr. Davis indicated that due to the modifications in the lease, the completion date for the tenant improvements has been extended by 30 days to October 15, however, Mr. Rassas is already moving forward with the design. Council Member Weise asked for details regarding the menu that will be offered at this location. Mr. Rassas indicated that the new restaurant will have a full cook line and will be able to offer more food choices and higher quality than at his current location in Goodyear.

Council Member Karlin commented that Double Cask will cater to very different types of clientele and asked if the areas will be separated. Mr. Rassas replied that the north patio adjacent to the walkway will be kid friendly with no alcohol allowed in that area. The sports bar component of the restaurant will be in the opposite side of the building.

Mayor Rogers asked for clarification regarding the meaning of the name Double Cask. Mr. Rassas indicated that a "Cask" is the typical way how beer is served. He added that "Double" is his nickname and flying role. Signage on the building will say "Double Cask, a Ground Control Restaurant Concept"

Vice Mayor McDonald moved to approve the lease termination agreement with Ground Control Coffee Wine Bar, LLC; Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

Vice Mayor McDonald moved to approve the lease agreement with Double Cask, LLC; Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

5 2011 - 2012 ANNUAL ACTION PLAN UPDATE

An update regarding the the 2011-2012 Annual Action Plan which updates the 2010-2014 Consolidated Plan and contains recommended allocations for 2011/2012 Community Development Block Grant (CDBG) and HOME Investment Partnership Program funds.

City Manager Charlie McClendon introduced Sandy Lopez to present this item indicating that in order to receive funding, the City is required to submit an annual update of the five-year consolidated plan. Based on feedback received tonight, staff will bring back the plan for approval on April 18th.

Sandy Lopez, CDBG Program Manager reviewed the 2011-2012 Annual Action Plan. She indicated that the primary objective of the program is to develop viable urban communities by providing decent housing, suitable living environment and economic opportunities for low income residents. She reviewed eligible CDBG activities and indicated that the City has successfully implemented programs such as housing rehabilitation and public infrastructure improvements. Also included in the annual plan is the home investment partnership program which is available to the City due to being a member of the Maricopa County Housing Consortium. She indicated HOME funds are strictly for housing to expand the supply of decent, safe, sanitary and affordable housing for low-income Americans. Ms Lopez reviewed the HOME-eligible activities which include homebuyer assistance, site acquisition and improvements and demolition and relocation expenses among others.

Sandy Lopez indicated that an annual update of the five-year consolidated plan is required. Estimated allocation for CDBG is \$550,000 and \$160,000 for HOME although reductions in funding due to the status of the federal budget are likely. She indicated the purpose of the annual plan is to identify how Avondale will spend CDBG and HOME funds to further the Goals and Strategies of the Consolidated Plan and to describe the relationship of activities to the Consolidated Plan. The plan also identifies the goals; she noted that some the projects undertaken by the Department accomplish more than one goal. Regarding the public participation process that is required, she noted the opportunities the public has had to comment on the plan.

To conclude, Ms Lopez reviewed the progress made on projects with the assistance of CDBG funding since 2006 as well as the proposed allocations for the coming fiscal year based on the expected CDBG and HOME funding.

In response to a question from Council Member Buster, Ms Lopez confirmed that the contractor who was working on the Western Avenue is filing bankruptcy. She indicated that the City has only paid for completed work. The overall completion of the project will be delayed due to having to bid the project out again to hire a new contractor.

In response to a question from Vice Mayor McDonald, Gina Montes, Director of Neighborhood and Family Services indicated that direct health care services to homeless children were discontinued after the first year of the program because the administrative requirements made it difficult for staff to monitor. Residents are instead directed to other resources for assistance.

Mayor Lopez Rogers commented that the proposed reductions in funding will hurt all the people who currently benefit from it and expressed frustration over the push to eliminate the program. She commended staff for work done.

Council Member Karlin commented that people don't realize where the money goes and the impact that it has on communities. She indicated that people need to be aware of how it benefits people in the community. Council Member Karlin expressed appreciation for staff's efforts to stretch money as much as they do.

Mayor Lopez Rogers indicated she told a congressman that \$500,000 is a drop in the bucket when it comes to vital needs such as sidewalks, emergency home repairs, etc. She expressed hope that the funding will remain so that staff can continue the great work they are doing.

Charlie McClendon indicated that the plan is to bring back the plan for Council's approval on April 18th. He added that Council will receive more information during the Budget Meeting on April 11th, but there are also potential reductions to HURF funding which will present more challenges for staff to maintain streets to level residents expect and need.

6 EXECUTIVE SESSION

- a. An executive session pursuant to ARIZ. REV. STAT. § 38-431.03 (A)(1) for discussion regarding the City Manager's annual evaluation.

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	Abstain
Council Member Vierhout	Aye
Mayor Rogers	Aye
Council Member Weise	Aye
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried unanimously.

7) 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 8:31 p.m.


Mayor 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 Meeting of the Council of the City of Avondale held on the 4th day of April, 2011. I further certify that the meeting was duly called and held and that the quorum was present.


City Clerk