

Minutes of the Regular Meeting held April 18, 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
Davis Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Sylvia Sheffield, Neighborhood and Family Services
Ken Galica - Development 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 April 4, 2011

b. LIQUOR LICENSE TEMPORARY EXTENSION OF PREMISES - MANNY'S MEXICAN RESTAURANT

A request by Mr. Manny Lafarga for a Temporary Extension of Premises to the Series 12 Restaurant License to sell all spirituous liquors at Manny's Restaurant to be used in conjunction with a Cinco de Mayor event scheduled for Thursday, May 5, 2011 from 12:00 pm to 12:00 am.

c. PURCHASE AGREEMENT - PHILIPS HEALTHCARE FOR CARDIAC MONITORS

A request to approve the Purchase Agreement with Philips Healthcare for the purchase of cardiac resuscitation equipment in the amount of \$55,169.64 for the purpose of fulfilling the Public Safety Stabilization Program Grant requirement and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

d. PROFESSIONAL SERVICES AGREEMENTS - CONSULTANT REGISTERED SURVEYING INC. FOR TOPOGRAPHIC SURVEY SERVICES

A request to approve a Professional Services Agreement with Consultant Registered Surveying Inc. for topographic survey services for several capital improvement projects in the amount of \$15,960 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

e. FIRST AMENDMENT TO THE PURCHASE AGREEMENT - IKON OFFICE SOLUTIONS, INC.

A request to approve the First Amendment to the Purchase Agreement with Ikon Office Solutions, Inc. for the purchase of 4 copiers in the amount of \$40,196.17, and authorize the Mayor or City Manager and City Clerk to authorize the necessary documents.

f. DESIGN AND CONSTRUCTION CONTRACT - SALT RIVER PROJECT FOR THE AVONDALE BOULEVARD & I-10 TRAFFIC INTERCHANGE PROJECT

A request to approve a Design Services and Construction Contract with Salt River Project to design and construct electrical improvements for the Avondale Boulevard and I-10 Traffic Interchange Improvement Project in the amount of \$54,690.87 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

g. FIRST AMENDMENT TO CONTRACT - AREA AGENCY ON AGING (2011-05-AVO)

A request to approve the first Amendment to the Area Agency on Aging Contract (2011-05-AVO) in the amount of \$6,500 for the purchase of a food steamer and supplies for the Multipurpose Center Operations and authorize the Mayor or City Manager and City Clerk to execute the contract documents.

h. FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT - TECHNISOURCE, INC.

A request to approve the First Amendment to the Professional Services Agreement with Technisource, Inc., a Subsidiary of SFN Group, Inc., in the amount of \$59,800.00 for consulting and training services related to the City's Human Resources, Payroll and Benefits software and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

i. FIRST AMENDMENT TO PURCHASE AGREEMENT - FACILITEC, INC.

A request to approve the First Amendment to the Purchase Agreement with Facilitec, Inc. to purchase additional office furniture and services for an adjusted contract amount not to exceed \$100,000 and authorize the Mayor or City Manager and City Clerk to execute the contract documents.

j. RESOLUTION 2968-411 - INTERGOVERNMENTAL AGREEMENT WITH AVONDALE ELEMENTARY SCHOOL DISTRICT NO. 44

A resolution authorizing an Intergovernmental Agreement with the Avondale Elementary School District No. 44 for the design, construction, and installation of two compound water meters, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

k. RESOLUTION 2966-411 - CONSOLIDATING THE SOCIAL SERVICES ADVISORY BOARD AND NEIGHBORHOOD AND FAMILY SERVICES COMMISSION

A resolution consolidating the Social Services Advisory Board with the Neighborhood and Family Services Commission and amending and restating the Neighborhood and Family Commission By-laws.

l. ORDINANCE 1456-4111 ACCEPTING A DEDICATION OF RIGHT-OF-WAY AND 1455-411 ABONDONING A RIGHT-OF-WAY EASEMENT ON THE SOUTH SIDE OF WESTERN AVENUE WEST OF CENTRAL AVENUE

An ordinance accepting the dedication of real property for use as public right-of-way and an ordinance abandoning a right-of-way easement that is no longer necessary for public use located on the south side of Western Avenue west of Central Avenue, and authorize the Mayor or City Manager, City Clerk to execute the appropriate documentation.

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) PUBLIC HEARING AND RESOLUTION 2965-411 - 2011-2012 ANNUAL ACTION PLAN

A public hearing and consider a resolution approving the 2011/2012 Annual Action Plan containing recommended allocations for 2011/2012 CDBG and HOME funds and authorizing its submission to the U.S. Department of Housing and Urban Development. The Council will take appropriate action.

City Manager Charlie McClendon commented that Council had heard a presentation regarding this item at a previous meeting. Staff's request is for adoption of the resolution approving the 2011/2012 Annual Action Plan.

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

Vice Mayor McDonald moved to adopt resolution 2965-411 approving the 2011-2012 Community Development Block Grant Annual Action Plan, and authorize its submission to HUD. 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) CONTRIBUTIONS ASSISTANCE PROGRAM AND SUBCOMMITTEE APPOINTMENT

A request to approve the Contributions Assistance Program funding guidelines and appoint a subcommittee to review applications and make funding recommendations.

Ms. Sheffield requested approval of the funding guidelines for the Contributions Assistance Program (CAP) for FY2012, and to appoint a Council subcommittee to review applications and make funding recommendations. CAP allocates funding to non-profit agencies that provide health and human services to residents of Avondale. In the current fiscal year, nine West Valley agencies were funded: the Boys and Girls Club, Central Arizona Shelter Services, Civitan Foundation, Community Bridges, Kids at Hope, Sisters Outreach, Southwest Valley Literacy, Southwest Lending Closet, and the Warren J. Brown Foundation.

Funding recommendations are based on staff technical review and Council Subcommittee review, and approved by the City Council. The review criteria require: provision of services that improve the health and welfare of residents, that previously funded agencies be current in their reporting, that they demonstrate the ability to generate revenue from other sources, and that requests for funding support direct and measurable services. The proposed FY 2012 budget is \$50,000.

Council Member Weise said community need has not decreased despite the improving economy. He encouraged Council to consider raising the funding allowance.

Mayor Rogers noted that Council Members Buster, Karlin and Vierhout volunteered to serve on the Council subcommittee.

Vice Mayor McDonald moved to approve the Contributions Assistance Program funding criteria and accept the subcommittee appointments. 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.

6) PUBLIC HEARING - RESOLUTION 2967-411 AND ORDINANCE 1453-411 - ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 1, 2, 5, 8, 9, 11, AND 12 AND CITY CODE TEXT AMENDMENT TO CHAPTER 19.

A public hearing and consider a resolution declaring as a public record a document entitled "Avondale Zoning Ordinance Administration and Procedures Provisions", and an ordinance adopting the aforementioned document as Section 1 of the Zoning Ordinance with affiliated changes to Sections 2, 5, 8, 9, 11, and 12 of the Zoning Ordinance and Chapter 19 of the Avondale City Code.

Mr. McClendon noted that the Planning staff spent a lot of time developing the document and their effort has saved the City hundreds of thousands of dollars in consulting fees as a result and introduced Ken Galica of the Development Services to present this item.

Mr. Galica presented the final chapter of the zoning ordinance revision. The proposed ordinance contains 15 subsections. In Section 101, "Title Authority Jurisdiction and Purpose" the primary change is to non-conforming building use and lot regulations. Existing limits on routine repair and upkeep were removed for non-conforming buildings. Limits were also removed on replacement of damaged structures. The prohibition on the expansion of non-conforming buildings and uses is designed to phase out types of development that the city finds inappropriate. Section 103, "Definitions," consolidates, adds to, and revises ordinance definitions. Section 106 is a new section defining the powers and duties of the Zoning Administrator.

Section 107, "Design Review," adds the design review waiver, which allows applicants to make minor changes at the discretion of the Zoning Administrator without having to submit a full site plan. This is designed to encourage property owners to improve their property. Staff also recommends revising the approval process for PAD site plans. Currently they are approved administratively unless they are part of a PAD or the City Center. The process for City Center site plans would remain the same. This change would save time for applicants and potentially serve as an incentive for development. Avondale would not be the first city to do it this way, although the practice is uncommon and staff believes this change would give Avondale an advantage. The Planning Commission recommends that they be allowed to approve PAD site plans, while staff recommends administrative approval of all PAD site plans in line with the direction received from Council on February 7, 2011.

Mr. Galica noted that Council previously discussed the initial validity period and extension process for site plans. Section 1 reflects the results of that discussion. The initial validity period would be increased to two years, giving developers some additional time to get projects started. Two one-year extensions would be allowed. Extensions would be administratively approved unless a site plan no longer meets current requirements. In that case, Council could decide to override the requirements and extend the site plan.

Section 108, "Administrative Relief," is a new subsection intended to make development easier. The City would be allowed to provide limited flexibility and relief to infill development. It grants up to 10% relief of any quantitative standards citywide if the required findings are met. Properties in the defined revitalization areas could see 30% relief. This change is not intended to replace the variance process.

Section 113, "Neighborhood Meetings," was changed to clarify the responsibilities of applicants to ensure that the public remain involved in the process. Applicants are responsible for the scheduling and hosting of the meetings to determine the public's concerns and address them.

Staff believes that the proposed amendment meets the intent of the General Plan and the goals and objectives associated with land use. It meets the purpose of the Zoning Ordinance, specifically the enabling legislation for zoning, and constitutes an overall improvement. Mr. Galica noted that staff received one letter after the Planning Commission hearing, requesting a revisit of the guesthouse definition. Staff believes that the advice to eliminate the prohibition of kitchens in guesthouses is a good one.

Council Member Scott inquired about the additional time that would be added to the process should Council decide to accept the Planning Commission's recommendation. Mr. Galica responded that taking it to the Commission would add about two months to the process. Council Member Scott felt that the administrative relief changes were common sense ones that would allow people in older parts of the city to maintain and improve their businesses.

Council Member Weise approved of the majority of the changes, particularly those related to guesthouse provisions. He questioned the extent to which the owner of a non-conforming business could expand within a three-year period. Mr. Galica explained that currently they could expand up to 25% of their floor area in aggregate with a conditional use permit. The new rules would prohibit expansion. Rules have been eased to make it easier to improve the aesthetics of non-conforming buildings, however. The one exception to expansion of non-conforming uses that would be allowed is single-family homes built to older setback standards. In this case, the owner would be allowed to expand, provided the building did not encroach further into a setback. In response to a further inquiry from Council Member Weise, Mr. Galica offered an example that an owner of a non-conforming carport would be allowed to enclose that carport to its existing dimensions.

Council Member Buster inquired about the reasoning for disallowing expansion of a non-conforming use. Mr. Galica explained that the primary reason is because of the inherent nature of non-conforming uses and why they became that way in the first place. Council, over time, amends the zoning ordinance to disallow certain uses in certain districts. To allow expansion of non-conforming properties would be contradictory to that Council direction. Council Member Buster queried whether there was any opposition to this proposal. Mr. Galica responded that staff received no comments on the non-conforming provisions in the ordinance.

Mayor Rogers said as competition between cities continues to increase, it would best serve Avondale to streamline the process as much as feasible to stimulate economic development.

Mayor Rogers opened the public hearing.

Mike Demlong expressed approval of the work staff has done on this amendment. The changes will attract business, streamline the process, and save administration time and expense. They are long overdue. The changes to the guesthouse provision would no longer penalize homeowners.

Mr. Galica stated that the current guesthouse provision prohibits the inclusion of cooking facilities. The original intent was to make sure that guesthouses did not turn into rentals and negatively impact single-family neighborhoods. Staff recommends eliminating the prohibition because additional conditions have been created over the years to limit the proliferation of rental units, without limiting honest guesthouse uses. For instance, separate water meters and driveways to guesthouses cannot be installed.

Vice Mayor McDonald moved to adopt a resolution declaring as public record the document filed with the City Clerk entitled "Avondale Zoning Ordinance Administration and Procedures Provisions, amended and restated April 18, 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 Rogers	Aye
Council Member Weise	Aye
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried unanimously.

Vice Mayor McDonald moved to adopt a resolution amending the City of Avondale's Zoning Ordinance Sections 1, 2, 5, 8, 9, 11, and 12, and Chapter 19 of the Avondale City Code relating to modification of Section 1 of the Zoning Ordinance and the necessary affiliated changes to other sections and provisions in adopting by reference the document declared a public record by resolution 2967-411. 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.

7) **ADJOURNMENT**

There being no further business before the Council, Vice Mayor McDonald moved to adjourn the 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 Rogers	Aye
Council Member Weise	Aye
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried unanimously.

Meeting adjourned at 7:35 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 Meeting of the Council of the City of Avondale held on the 18th day of April 2011. I further certify that the meeting was duly called and held and that the quorum was present.


Carmen Martinez
City Clerk