

Minutes of the Regular Meeting held June 20, 2011 at 7:17 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Lopez 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
Christopher Reams, Parks, Recreation and Libraries Director
Kevin Artz, Finance and Budget Director
Eric Morgan, Development Services Department
Ken Galica, Development Services Department
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 RECOGNITION ITEMS (MAYOR PRESENTATIONS)

- a. Debra Undhjem - IMS Marathon

Chris Reams introduced Debra Undhjem, founder of the IMS Marathon. Debra Undhjem indicated that this year's marathon was a great success and various organizations and cities have benefitted from the event. Next year's event is already being planned and will follow the same route. She asked Council Members to mark their calendars for next year's event. She presented Mayor Lopez Rogers with a check in the amount of \$3,000.

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 June 6, 2011
- 2. Regular Meeting of June 6, 2011

b. AUTHORIZATION TO PROCEED - ANNEXATION OF REMNANT PORTIONS OF PARCELS IN SOUTH AVONDALE

A request for authorization to proceed with the annexation of various remnant portions of parcels in South Avondale in order to close the gaps and facilitate future development of the area.

c. RESCHEDULING OF CITY COUNCIL MEETINGS

A request to reschedule the regularly scheduled council meetings of July 4 in observance of the 4th of July holiday and December 19 to allow for a winter break.

d. THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT - CAPITALEdge ADVOCACY LLC

A request to approve the Third Amendment to the Professional Services Agreement with Capitaledge Advocacy LLC to extend the term for one year and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

e. ADDENDA TO LICENSE AGREEMENTS - 3M COMPANY

A request to approve the addenda to two license agreements with 3M Company for the servicing and licensing of City of Avondale Libraries' self-check systems and authorize the Mayor or the City Manager and City Clerk to execute the applicable contract documents.

f. CONSTRUCTION CONTRACT AWARD - D&K ENTERPRISES, LLC FOR THE AVONDALE TRAFFIC OPERATIONS CENTER BUILDING RENOVATIONS PROJECT

A request to award a construction contract to D&K Enterprises, LLC for the Avondale Traffic Operations Center Building Renovations Project in the amount of \$54,550.00 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

g. FINAL PLAT - COLDWATER QUIKTRIP (PL-11-0065)

A request for approval of a Final Plat for Coldwater QuikTrip that subdivides the property into three lots and dedicates easements to the public.

h. MINOR LAND DIVISION - VASQUEZ PROPERTY AT ILLINI STREET SOUTHEAST OF VERMEERSCH ROAD

A request by Maria Vasquez for approval of a Minor Land Division that includes dedication of a public utility easement and an overhead utility easement.

i. RESOLUTION 2982-611 - SECOND AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR CHILDHOOD IMMUNIZATIONS

A resolution amending an Intergovernmental Agreement with the Maricopa County Department of Public Health relating to the childhood immunization program extending the term of the agreement to February 29, 2012.

j. RESOLUTION 2983-611 - INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR FY2009 JARC FUNDS

A resolution approving an Intergovernmental Agreement with the Arizona Department of Transportation Public Transportation Division for the Rural and Small Urban Application Section 5316, Job Access and Reverse Commute Transportation Program; to provide funding to support transit operation for the START Route 131 or the Avondale Circulator, in the amount of \$145,000 with a 50% match requirement and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

k. RESOLUTION 2984-611 - INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR THE MC85 AND AVONDALE BOULEVARD INTERSECTION SCOPING STUDY

A resolution authorizing an Intergovernmental Agreement with Maricopa County Department of Transportation for the purpose of cost sharing in a Scoping Study for the intersection of MC85 and Avondale Boulevard, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

l. RESOLUTION 2986-611 - GRANT PROPOSAL TO THE GILA RIVER INDIAN COMMUNITY FOR THE SOUTHWEST FAMILY ADVOCACY CENTER

A resolution supporting the submittal of a grant proposal to the Gila River Indian Community for \$82,000 to create a Prevention/Community Outreach position at the Southwest Family Advocacy Center to provide prevention/education/awareness services to victims and their families and to schools and other agencies within the three communities of Avondale, Goodyear and Buckeye and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

m. RESOLUTION 2987-611 - INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF GLENDALE FOR LANDFILL SERVICES

A resolution approving an Intergovernmental Agreement with the City of Glendale relating to landfill services, and authorize the Mayor or City Manager and the City Clerk to execute the necessary documents. The City Council will take appropriate action.

n. RESOLUTION 2988-611 - CITY OF AVONDALE FUND BALANCE POLICY AND STABILIZATION ARRANGEMENT

A resolution adopting the City of Avondale Fund Balance Policy and Stabilization Arrangement.

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.

5 PUBLIC HEARING - PROPERTY TAX LEVY AND FY 2011-2012 FINAL BUDGET

A public hearing on the proposed property tax levy and final budget and expenditure limit for the 2011-2012 fiscal year in the amount of \$163,154,810.

City Manager Charlie McClendon indicated the notice of tonight's public hearing for the property tax levy and final budget adoption was posted as required by law. Staff received emails regarding this item which were forwarded to Council. He introduced Kevin Artz to present this item. The Council will take official action to approve the tax levy at the August 1, 2011 meeting.

Kevin Artz, Finance and Budget Director reviewed the specifics of this item as more particularly described in the council report and budget document. He indicated there are no salary adjustments in the budget, but there is a one-time health care contribution from a reimbursement the City received from the health insurance carrier.

Regarding the property tax levy, Mr. Artz reviewed some historical data regarding property values and tax rates. He explained that the increase from \$1.10 up to \$1.33 per one hundred dollars of assessed valuation is necessary in order for the city to meet its financial obligations. Mr. Artz explained that homeowners will see a very slight increase in the amount of tax they pay to the City and reviewed an example using an average home in Avondale which would result in an increase of slightly over \$1.50 for the entire year. Mr. Artz reviewed a chart comparing property values, total tax levies and GO Bond debt. He indicated that even with the proposed increase debt service payments are about \$2 million more than what is being collected in secondary property taxes. He presented a comparison of neighboring cities and indicated that five cities are also proposing an increase in the property tax rate and expects that the remaining cities will also propose an increase in the next year or so.

Mayor Rogers announced that staff is available to review taxpayers' information on an individual basis if they desire. Kevin Artz confirmed that staff has reviewed information with about a dozen residents and amounts have varied between a \$5 decrease to a \$10 increase.

Council Member Buster asked for confirmation that City will collect about \$400,000 less in spite of the increase. Kevin Artz replied that there will be approximately a \$300,000 decrease in the total levy. Mr. Artz clarified a question from Council Member Buster indicating that the total amount includes both primary and secondary numbers and the secondary tax rate number includes \$652,000 the city gets back from the Federal Government for Building America Bonds that were issued as taxable bonds. In response to a subsequent question from Council Member Buster, Mr. Artz explained that the State is hitting its projections for sales tax, so the City is receiving a little more from state shared revenues and indicated he believes it is likely that the state will hit 5% growth on their numbers. A 3% growth rate is realistic for the city.

Vice Mayor McDonald asked what would happen if Council decided not to increase the property tax rate. Kevin Artz indicated the difference would come from fund balance for this year, however, in future years council would need to consider a tax rate increase or find another source of funding for the city to meet its obligations. Kevin indicated that with staff's recommendation, there will still be a shortfall, but would be able to draw down the fund balance over the next three years. He indicated that if Council chose not to increase the rate this year, future increases would need to be more steep at approximately \$1.15 next year and \$1.74 the following year. Staff's recommendation is for a slight increase now to

avoid steep tax increases in the future. Vice Mayor McDonald commented that nobody likes to hear talk of tax increases but staff's proposal is geared to softening the burden on homeowners. He added that the City has been fiscally responsible and needs to make sure it is able to cover its debt.

In reply to a comment from Council Member Scott, Mr. Artz confirmed that as required by law the tax increase will be used to repay the bonds which have been used to build infrastructure; it cannot be used for ongoing expenses. Council Member Scott commented that the city has reduced its workforce and employees have not received an increase in the past three years and commented that the City has been very prudent. He indicated this is a "pay as you go" option and while he does not like it is necessary and the right thing to do.

Council Member Weise commented that no matter how small, he looks at a tax increase as a last resort. He commented that the Council has been fiscally conservative and wondered if the City has done enough. Capital improvement projects have been coming in under budget. Wants to ensure that staff has looked at all possibilities. He expressed appreciation for Kevin and his staff for being responsive to residents and ensuring that the process is transparent.

Council Member Vierhout commented asked if GO bonds were all approved by voters. Mr. Artz confirmed that the bonds were approved by voters.

Council Member Buster thanked Kevin for his foresight in dealing with the downturn in the economy. He asked if there is a limitation on raising the secondary property tax rate. Mr. Artz confirmed that while the primary rate can only be increased by 2%, there is no limit for the secondary. In response to a subsequent question from Council Member Buster, Mr. Artz that the amount the City receives from the Federal Government from the Build America Bonds is mistakenly included in the schedule as property tax and should instead be listed under the Federal reimbursement line item.

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

6 RECESS TO SPECIAL MEETING

Vice Mayor McDonald moved to recess to the special 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.

7 RECONVENE REGULAR MEETING

City Council reconvened to the regular meeting at 8:07 pm.

8 MASTER SITE PLAN FOR COLDWATER COMMONS AND SITE PLAN FOR QUIKTRIP (PL-10-0143)

A request by Mr. Juan D. Romero for approval of the approximately 7.08 acre Coldwater Commons Master Site Plan, and approval of the approximately 2.1 acre QuikTrip Site Plan within Coldwater Commons.

Charlie McClendon introduced Eric Morgan to present this item.

Eric Morgan, Development Services Department reviewed the particulars of this item as more specifically described in the council report. He indicated that the Planning Commission held a public hearing on the request and is recommending City Council approval subject to the following 14 stipulations:

1. Development shall be in conformance with the Coldwater Commons Master Site Plan, QuikTrip Site Plan, Elevation Plans, Landscape Plan, Comprehensive Sign Plan, and Final Traffic Impact Analysis date stamped April 28, 2011, except as modified by the conditions of approval below.
2. The plan expires one year from the date of approval unless a building permit has been issued.
3. All development shall be done in accordance with the City of Avondale General Engineering Requirements Manual and the City of Avondale Supplement to MAG Uniform Specifications and Details.
4. All landscape areas shall be maintained by the property owner in accordance with the approved plan date stamped March 29, 2011.
5. No exterior equipment, including but not limited to mechanical equipment and roof ladders, shall be visible to the public or from an off-site location.
6. Landscape material adjacent to the property line shall not impede the pedestrian or fire lane access routes.
7. All undeveloped pads, portions of the development or center shall be treated with decomposed granite for dust control until such time of development of those areas.
8. Prior to issuance of a permit, a Minor Land Division map dedicating the necessary public right-of-way and easements shall be recorded.
9. Prior to Site Plan approval for an Assisted Living use on the property, City Council approval of an amendment to the Coldwater Springs Planned Area Development (PAD) shall be required.
10. Variation from the approved Master Site Plan may warrant improvements to public and private infrastructure, and these costs shall be the responsibility of the developer.
11. Deliveries of fuel and convenience store merchandise shall be prohibited between 10 p.m. and 6 a.m. Store merchandise shall be delivered through the rear of the building.
12. The median in Coldwater Springs Boulevard shall be landscaped in the first phase of development in accordance with the General Engineering Requirements Manual and the Landscape Ordinance.

13. Prior to issuance of a building permit, the excess dirt on the entire master planned site shall be removed.
14. Revise the location of the fire hydrants prior to approval of construction documents, as required by the Fire Marshal.

Council Member Weise asked if the proposed landscape would obstruct the view by police. Mr. Morgan indicated that Quik Trip staffs their convenience stores at a higher level than other similar establishments and added that the landscaping will not block the view from the street. Council Member Weise commented he was glad the traffic issue coming from Avondale Boulevard has been resolved.

Council Member Vierhout commented that the plan is superior to the existing gas stations in the vicinity of his place of employment in Kierland Commons.

As requested by Council Member Karlin, Mr. Morgan reviewed the route that gas delivery trucks will follow within the site. He commented that the route is the most practical due to the size of the vehicles and the radius they need in order to make the required turns. Council Member Karlin asked how many tanks would be available and the kind of fuel that will be dispensed. Mr. Morgan indicated there would be four, one of them being diesel fuel.

Vice Mayor McDonald moved to approve the Master Site Plan for Coldwater Commons and the Site Plan for QuikTrip subject to the 14 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 Rogers	Aye
Council Member Weise	Aye
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried unanimously.

9 PUBLIC HEARING – ZONING EXTENSION FOR DIAMOND P RANCH PAD ZONING, ALTERNATIVELY ORDINANCE 1461-611 - ZONING REVERSION

A public hearing and consideration of a request by Ms. Carolyn Oberholtzer, Rose Law Group, for a one year extension of PAD zoning for Diamond P Ranch, located on approximately 244 acres of land southwest of the southwest corner of Avondale Boulevard and Lower Buckeye Road. Alternatively, consideration of an ordinance reverting the zoning of the Diamond P Ranch PAD to its previous zoning classification of Agricultural.

Eric Morgan reviewed the particulars of this item as more specifically described in the council report. Mr. Morgan indicated that staff is recommending approval of the request.

Vice Mayor McDonald asked what kind of contact staff has had with the applicant over the last year. Mr. Morgan indicated that he's heard from them a few times a year with general questions. He added that the property owners have attended General Plan meetings and have shown interest in the City's plans for the southern area of Avondale. The proposed development will conform with the General Plan.

Mayor Rogers indicated this is their first request for an extension and opened the public hearing. There being no requests to speak Mayor Rogers closed the public hearing.

Vice Mayor McDonald moved to approve a one year extension of PAD zoning for Diamond P Ranch to expire April 16, 2012; Council Member Karlin 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.

10 PUBLIC HEARING AND ORDINANCE 1462-611 – ZONING REVERSION FOR AVONDALE SPECTRUM (PL-11-0052)

A public hearing and consideration of a request by the City of Avondale Zoning Administrator to adopt an Ordinance reverting the Planned Area Development zoning of Avondale Spectrum, which expired April 21, 2011, to its previous zoning classification of Agricultural.

Charlie McClendon introduced Ken Galica of the Development Services Department to present this item. He indicated that unlike the previous item, the property owner has not maintained regular communication with the City.

Ken Galica reviewed the particulars of this item as more particularly described in the Council report. He indicated that the property owner has not requested an extension of the PAD zoning and staff is therefore recommending that the zoning on the property be reverted back to Agricultural zoning.

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

Vice Mayor McDonald moved to adopt Ordinance 1462-611 reverting the Planned Area Development zoning of Avondale Spectrum to Agricultural. Council Member Scott 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.

11 PUBLIC HEARING AND ORDINANCE 1463-611- ZONING REVERSION FOR AVONDALE MARKETPLACE (PL-11-0048)

A public hearing and consideration of a request by the City of Avondale Zoning Administrator to adopt an Ordinance reverting the Planned Area Development zoning of Avondale Marketplace, which expired March 20, 2011, to its previous zoning classification of Agricultural.

Ken Galica of the Development Services Department reviewed the particulars of this item as more specifically described in the council report. He explained that the property owner has chosen not to pursue their option for a last extension of the PAD zoning as they are not in the position to develop the property as originally proposed within the near future.

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

Vice Mayor McDonald moved to accept the findings and adopt Ordinance 1463-611 approving application PL-11-0048, a request to revert the zoning of Avondale Marketplace from Planned Area Development to its previous zoning classification of Agricultural. Council Member Scott 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.

12 PAYMENT AUTHORIZATION - CITY OF GLENDALE FOR SYSTEM UPGRADES TO THE REGIONAL WIRELESS COOPERATIVE SYSTEM

A request to authorize payment of \$74,853.80 to the City of Glendale for system upgrades to the regional wireless cooperative (RWC) system.

Chief Kotsur reviewed the particulars of this item as more specifically described in the council report. He indicated that previous communications systems were not reliable and put officers at risk. The proposed system will allow for reliable and immediate communication within the Department, with other public safety agencies and the public works department. He explained in addition to the amount that is included in the annual budget a one-time payment of \$74,853.80 to the City of Glendale is necessary to join the RWC.

Council Member Scott asked if the relationship with Glendale was good. Chief Kotsur indicated that Avondale has an excellent relation with Glendale and has seen great cooperation to tackle issues.

Council Member Karlin commented that the NLC has encouraged building of relationships with other agencies to enhance communications between departments during emergencies and is glad to know that Avondale has managed to build those good relationships with other cities.

Vice Mayor McDonald moved to approve a onetime payment of \$74,853.80 to the City of Glendale to migrate to the RWC. Council Member Karlin seconded.

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.

13 EXECUTIVE SESSION

An executive session pursuant to ARIZ. REV. STAT. § 38-431.03 (A)(4) for discussion or consultation with the City Attorney in order to consider its position and instruct the City Attorney regarding negotiations for two potential Development Agreements.

Council Member Weise moved to adjourn into executive session. Vice Mayor McDonald 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.

14 ADJOURNMENT

There being no further business before the Council, Council Member Buster moved to adjourn the meeting. Council Member Vierhout seconded the motion.

Meeting was adjourned at 9:14 p.m.



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 Meeting of the Council of the City of Avondale held on the 20th day of June 2011. I further certify that the meeting was duly called and held and that the quorum was present.



City Clerk