

CITY COUNCIL AGENDA

CITY COUNCIL CHAMBERS . 11465 WEST CIVIC CENTER DRIVE . AVONDALE, AZ 85323

REGULAR MEETING
March 5, 2012
7:00 PM

CALL TO ORDER BY MAYOR ROGERS
PLEDGE OF ALLEGIANCE
MOMENT OF REFLECTION

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

2 UNSCHEDULED PUBLIC APPEARANCES

(Limit three minutes per person. Please state your name.)

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

1. Work Session of February 13, 2012
2. Regular Meeting of February 21, 2012

b. AUTHORIZATION TO PROCEED - LITTLETON ELEMENTARY SCHOOL DISTRICT ANNEXATION

City Council will consider a request for authorization to proceed with the annexation of APN 500-30-0231 owned by the Littleton Elementary School District and located south of the southwest corner of Avondale Boulevard and Buckeye Road. The Council will take appropriate action.

c. PROFESSIONAL SERVICES AND EMPLOYMENT AGREEMENT - JUDGE RICHARD T. LYNCH

City Council will consider a request to approve a professional services and employment agreement with Judge Richard T. Lynch for a two-year appointment as City Judge and authorize the Mayor and City Clerk to execute the agreement documents. The Council will take the appropriate action.

d. CONSTRUCTION CONTRACT AWARD - VISUS, INC. FOR VAN BUREN STREET ROADWAY IMPROVEMENTS

City Council will consider a request to award a construction contract to Visus, Inc. to provide construction services for the Van Buren Street Roadway Improvements in the amount of \$499,823.06 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. **FIRST AMENDMENT TO CONSTRUCTION CONTRACT - STANDARD CONSTRUCTION COMPANY, INC. FOR THE CDBG STREET AND SIDEWALK IMPROVEMENT PROJECT**

City Council will consider a request to approve Amendment 1 to the construction contract with Standard Construction Company, Inc. for the CDBG Street and Sidewalk Improvement Project in the amount of \$89,059.81, authorize the necessary transfer of funds and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. **AMENDMENT 2 TO CONSTRUCTION CONTRACT - J.E. BOWEN CONSTRUCTION, LLC – AVONDALE FORMER CITY HALL MECHANICAL (HVAC) AND ELECTRICAL**

City Council will consider a request to approve Amendment 2 to the construction contract with J.E. Bowen Construction LLC in the amount of \$21,862.80 to provide additional construction services for the Avondale Former City Hall Mechanical (HVAC) and Electrical project and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. City Council will take appropriate action.

4 **PUBLIC HEARING - PROPOSED EXTENSION OF THE ALTERNATIVE EXPENDITURE LIMITATION (HOME RULE)**

City Council will hold the second Public Hearing on the proposed extension of the Alternative Expenditure Limitation (Home rule). The Council will take appropriate action.

5 **EXECUTIVE SESSION**

- a. The Council may hold an executive session pursuant to (i) 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 (a) a potential IRS audit and (b) an EEOC complaint and (ii) Ariz. Rev. Stat. § 38-431.03 (A)(7) for discussion or consultation with the representatives of the City in order to consider its position and instruct its representatives regarding negotiations relating to real property.

6 **ADJOURNMENT**

Respectfully submitted,



Carmen Martinez
City Clerk

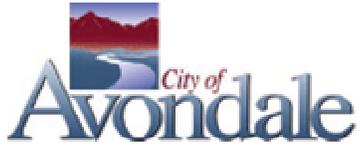
Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oído, o con necesidad de impresión grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos días hábiles antes de la junta del Concejo.

Notice is hereby given that pursuant to A.R.S. § 1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council may be audio and/or video recorded and, as a result, proceedings in which children are present may be subject to such recording. Parents, in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. § 1-602.A.9 have been waived.

De acuerdo con la ley A.R.S. § 1-602.A.9, y sujeto a ciertas excepciones legales, se da aviso que los padres tienen derecho a dar su consentimiento antes de que el Estado o cualquier otra entidad política haga grabaciones de video o audio de un menor de edad. Las juntas del Concejo de la Ciudad pueden ser grabadas y por consecuencia, existe la posibilidad de que si hay menores de edad presentes éstos aparezcan en estos videos o grabaciones de audio. Los padres puedan ejercitar su derecho si presentan su consentimiento por escrito a la Secretaria de la Ciudad, o pueden asegurarse que los niños no estén presentes

durante la grabación de la junta. Si hay algún menor de edad presente durante la grabación, la Ciudad dará por entendido que los padres han renunciado sus derechos de acuerdo a la ley contenida A.R.S. § 1-602.A.9.



CITY COUNCIL REPORT

SUBJECT:
APPROVAL OF MINUTES

MEETING DATE:
March 5, 2012

TO: Mayor and Council
FROM: Carmen Martinez, City Clerk (623) 333-1214
THROUGH: Charlie McClendon, City Manager

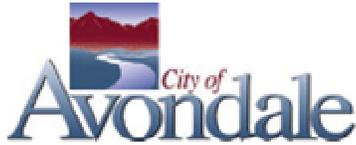
PURPOSE:

1. Work Session of February 13, 2012
2. Regular Meeting of February 21, 2012

ATTACHMENTS:

[Click to download](#)

No Attachments Available



CITY COUNCIL REPORT

SUBJECT:

Authorization to Proceed - Littleton Elementary
School District Annexation

MEETING DATE:

March 5, 2012

TO: Mayor and Council

FROM: Carmen Martinez, City Clerk (623) 333-1214

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting authorization to proceed with the annexation of APN 500-30-0231 which is owned by the Littleton Elementary School District and located south of the southwest corner of Avondale Boulevard and Buckeye Road.

BACKGROUND:

Dr. Roger Freeman, Superintendent of the Littleton Elementary School District, has approached city staff to request the annexation of APN 500-30-0231 which represents one of four parcels on which Littleton Elementary School is built. Two of the parcels were annexed into the City of Avondale in the 1950's and the third was annexed in the 1990's but it is unclear why the subject parcel was left out of the annexation.

DISCUSSION:

The school district is planning to make considerable modifications to the layout of the school's parking and play areas. The annexation is necessary in order to allow the school district to better coordinate the building process by only having to deal with one jurisdiction.

Upon Council approval to proceed with the annexation and receipt of utility information from the Department of Revenue, staff will initiate the annexation process which will include the filing of a blank annexation petition at the county recorder's office, scheduling, posting and holding a public hearing within 30 days of filing the blank petition, filing the completed annexation petition at the county recorder's office, and adoption by the City Council of the annexation ordinance.

RECOMMENDATION:

Staff recommends that the City Council authorize the City Clerk to proceed with the annexation of APN 500-30-0231.

ATTACHMENTS:

Click to download

 [Map and Legal Description](#)

CITY OF AVONDALE ANNEXATION
Littleton School Parcel

LEGAL DESCRIPTION

That part of Blocks 11, 12, 13 and 14 of Littleton Tract as recorded in Book 5 Page 17 of Maps, official records of Maricopa County, including those portions of right-of-ways and alleys abandoned by Resolution No. 1566, recorded in Docket 4544, page 548 and Resolution No. 1675, as recorded in Docket 5481, page 388, official records of Maricopa county, located in the Northeast quarter of Section 13, Township 1 North, Range 1 West, Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows;

COMMENCING at the Northeast corner of said Section 13, Thence South 00 degrees 20 minutes 08 seconds East along the East line thereof, as a basis of bearing, for a distance of 512.78 feet;

Thence South 89 degrees 39 minutes 52 seconds West a distance of 65.00 feet to the West right-of-way line of Avondale Boulevard and a point on the North line of the South 40 feet of Lot 1, Block 12, said Littleton Tract, and also being the True Point of Beginning;

Thence South 89 degrees 55 minutes 42 seconds West a distance of 268.01 feet to the Northwest corner of the South 40 feet of Lot 6, said Block 12;

Thence South 00 degrees 20 minutes 24 seconds East a distance of 184.05 feet to the Northeast corner of the South 16 feet of Lot 18, said Block 12;

Thence South 89 degrees 55 minutes 46 seconds West a distance of 424.18 feet to a point on the North line of the South 16 feet of Block 11, said Littleton Tract;

Thence South 00 degrees 20 minutes 08 seconds East, parallel with the East line of said Section 13, a distance of 300.00 feet;

Thence North 89 degrees 55 minutes 46 seconds East, parallel with the South line of said Block 11, a distance of 692.18 feet to a point on the West right-of-way line of Avondale boulevard;

Thence North 00 degrees 20 minutes 08 seconds West along said West right-of-way line for a distance of 484.05 feet to the True Point of Beginning;

Said parcel contains 5.90 acres more or less.

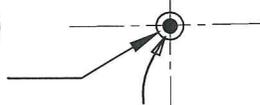


EXPIRES 6-30-13



BUCKEYE ROAD

Northeast corner Section 13
Township 1 North, Range 1 West
Gila & Salt River Meridian,
Maricopa County, Arizona



S89°39'52"W 65.00'

True Point
of Beginning

S89°55'42"W 268.01'

512.78'
S00°20'08"E

City of Avondale
Ord 240

S00°20'24"E 184.05'

S89°55'46"W 424.18'

AVONDALE BOULEVARD

**SUBJECT
ANNEXATION AREA**
5.90 ACRES

N00°20'08"W 484.05'

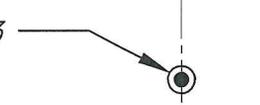
S00°20'08"E 300.00'

N89°55'46"E 692.18'

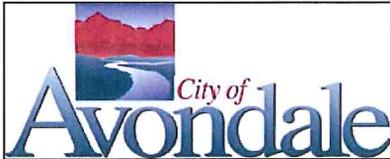
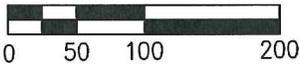
City of Avondale
Ord 638-97

AVONDALE BOULEVARD

East quarter corner Section 13



SCALE IN FEET



ENGINEERING
DEPARTMENT



Expires: 6-30-13

ANNEXATION EXHIBIT MAP
LITTLETON SCHOOL

NE ¼ Section 13, T1N, R1W
Gila & Salt River Meridian
Maricopa County, Arizona

DATE: 2-22-2012

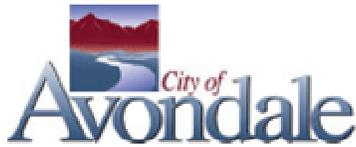
DSN: _____

DRN: LS

CHK: _____

PROJECT NAME
LITTLETON SCHOOL
ANNEXATION

PAGE: 1 of 1



CITY COUNCIL REPORT

SUBJECT:

Professional Services and Employment Agreement
- Judge Richard T. Lynch

MEETING DATE:

March 5, 2012

TO: Mayor and Council

FROM: David Fitzhugh, Assistant City Manager (623) 333-1014

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting the Council approve the attached employment agreement with Judge Richard T. Lynch for a two-year appointment as City Judge and authorize the Mayor and City Clerk to execute the agreement documents.

DISCUSSION:

The employment agreement with Mr. Lynch covers the period from April 1, 2012 through March 31, 2014. Mr. Lynch shall be paid a base salary of \$151,410 for the period from April 1, 2012 to March 31, 2014. If the City's FY 2013-2014 budget includes a cost of living increase for all non-exempt employees, Mr. Lynch's salary may be increased by an equivalent percentage. Mr. Lynch understands and agrees that no adjustment to his base salary will be made as a result of any merit increases provided to City employees. In addition to any amounts contributed by the Employee; the City shall contribute the following amounts into his existing Nationwide Retirement Solution 457 Plan, \$3,990 each year of the contract for the period from April 1, 2012 to March 31, 2014. Any catch-up amounts permitted by the 457 Plan can be made separately by Mr. Lynch. Mr. Lynch's salary cannot be adjusted up or down during the agreement period.

Over the past two-years, Mr. Lynch has provided excellent professional services and presided over increased case filings, collections and other judicial hearings. Mr. Lynch continues to be available evenings and weekends through the video arraignment system. Council reviewed Mr. Lynch's performance and accomplishments in Executive Session on February 21, 2012.

BUDGETARY IMPACT:

Funding for this agreement is in the Courts Budget in Fund 101-6200-00-5000 Personnel Services.

RECOMMENDATION:

Staff recommends that the Council approve the attached employment agreement with Judge Richard T. Lynch for a two-year appointment as City Judge and authorize the Mayor and City Clerk to execute the agreement documents.

ATTACHMENTS:

Click to download

[PROFESSIONAL SERVICES AND EMPLOYMENT AGREEMENT](#)

**PROFESSIONAL SERVICES AND EMPLOYMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
RICHARD T. LYNCH**

Amended and Restated March 5, 2012

THIS PROFESSIONAL SERVICES AGREEMENT (this "Agreement") is entered into on March 5, 2012, by and between the City of Avondale, an Arizona municipal corporation (the "City") and Mr. Richard T. Lynch ("Employee").

RECITALS

A. The City and Employee desire to enter into this Agreement for employment by the City of Employee for the position of Presiding Judge of the Avondale City Court (the "City Court").

B. This Agreement is based on the Arizona Constitution's requirement of separation of powers and the necessity of judicial independence to preserve and protect that separation. This Agreement shall set forth the parameters, guidelines, duties, rules of conduct and compensation during the term of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Employee hereby agree as follows:

1. Term. This Agreement shall be effective on April 1, 2012 and shall remain in full force and effect through March 31, 2014, unless sooner terminated for cause as set forth in Section 5 below.

2. Compensation.

a. Base Salary. Employee shall be paid, in bi-weekly installments \$151,410.00 for the period from April 1, 2012 to March 31, 2014, unless increased pursuant to this Subsection. In the event that the City's FY 2013-2014 annual budget includes a cost-of-living increase for all non-exempt employees (a "COLA"), the Employee shall be entitled to an increase in base salary equal to the percentage of the COLA, beginning with the first pay period of FY 2013-2014. Employee expressly agrees and understands that no adjustment to his base salary shall occur relative to any merit increases provided to City employees as part of the FY 2013-2014 annual budget.

b. Employee Benefits. Employee shall accrue and exercise benefits at the rate of a department head under Chapter 6 of the City of Avondale Personnel Policies and Procedures Manual (the "Policy Manual").

c. Deferred Compensation. In addition to any amounts contributed by Employee, the City shall contribute the \$3,990.00 into his existing Nationwide Retirement Solution 457 Plan (the "457 Plan") account. Such contribution shall be in paid into Employee's 457 Plan account in 26 equal bi-monthly installments. Any catch-up amounts permitted by the 457 Plan shall be made separately by Employee. The City further agrees to transfer ownership of Employee's 457 Plan to any succeeding employer in the event of Employee's termination from the City, for any reason.

3. Duties. Employee shall perform the duties of Presiding Judge of the City Court ("Presiding Judge") pursuant to all laws, ordinances, and rules of the State of Arizona, the City of Avondale and the Arizona Supreme Court.

4. Conditions of Employment.

a. Work Hours. Employee shall maintain reasonable work hours Monday through Thursday except for legal holidays, and shall be available as necessary on Fridays, weekends and legal holidays to conduct initial appearances as required by law; provided, that all time worked during a calendar week shall not be less than 40 hours, including any leave taken or holidays occurring during such time period.

b. Case Adjudication. Employee shall preside as Judge over all assigned court calendar dockets in a timely fashion and shall, if necessary secure the services of a Judge Pro Tem or hearing officer to facilitate the timely adjudication of cases in the City Court.

c. Judicial Conduct. Employee shall at all times ensure that his conduct as Presiding Judge does not violate Arizona Supreme Court Administrative Order No. 93-30, the Code of Judicial Conduct, Rule 45 of Rules of the Arizona Supreme Court and any other Rule or law governing the conduct of judges during the term of this Agreement.

d. Court Administration. Employee shall, through the Court Administrator, act as the Chief Administrative Officer over the City Court and shall abide by the rules and regulations of the City, including the Policy Manual, in the conduct thereof. Employee shall, through the Court Administrator, be responsible for administering the budget of the City Court and for preparing and submitting for approval an annual budget in accordance with established City procedures.

5. Termination. During the term of this Agreement, Employee may be removed from office by the City Council for cause, including violation of this Agreement. Notice of removal of office shall be delivered in writing to Employee and Employee shall have the right to request a hearing before the City Council. Employee may terminate this Agreement and resign his appointment as Presiding Judge upon 30 days written notice to the City Manager.

6 Records and Audit Rights. Employee's books, records, correspondence, accounting procedures and practices, and any other supporting evidence relating to this Agreement (all the foregoing hereinafter referred to as "Records"), to ensure that Employee is complying with the warranty under section 7 below, shall be open to inspection and subject to audit and/or reproduction during normal working hours by the City, to the extent necessary to adequately permit (a) evaluation and verification of any invoices, payments or claims based on Employee's actual costs (including direct and indirect costs and overhead allocations) incurred, or units expended directly in the performance of work under this Agreement and (b) evaluation of the Employee's compliance with the Arizona employer sanctions laws referenced in section 7 below. To the extent necessary for the City to audit Records as set forth in this subsection, Employee hereby waives any rights to keep such Records confidential. For the purpose of evaluating or verifying such actual or claimed costs or units expended, the City shall have access to said Records from the effective date of this Agreement for the duration of the work and until three years after the date of final payment by the City to Employee pursuant to this Agreement. Employee shall provide the City with adequate and appropriate workspace so that the City can conduct audits in compliance with the provisions of this section. The City shall give Employee reasonable advance notice of intended audits.

7. E-verify Requirements. To the extent applicable under ARIZ. REV. STAT. § 41-4401, the Employee and its subcontractors warrant compliance with all federal immigration laws and regulations that relate to their employees and compliance with the E-verify requirements under ARIZ. REV. STAT. § 23-214(A). Employee's or its subcontractor's failure to comply with such warranty shall be deemed a material breach of this Agreement and may result in the termination of this Agreement by the City.

8. Scrutinized Business Operations. Pursuant to ARIZ. REV. STAT. §§ 35-391.06 and 35-393.06, Employee certifies that it does not have scrutinized business operations in Sudan or Iran. For the purpose of this subsection the term "scrutinized business operations" shall have the meanings set forth in ARIZ. REV. STAT. § 35-391 or 35-393, as applicable. If the City determines that the Employee submitted a false certification, the City may impose remedies as provided by law including terminating this Agreement pursuant to section 5 above.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first set forth above.

EMPLOYEE:

CITY:

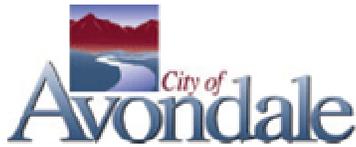
CITY OF AVONDALE, an Arizona
municipal corporation

Richard T. Lynch

Marie Lopez Rogers, Mayor

ATTEST:

Carmen Martinez, City Clerk



CITY COUNCIL REPORT

SUBJECT:

Construction Contract Award - Visus, Inc. for Van Buren Street Roadway Improvements

MEETING DATE:

March 5, 2012

TO: Mayor and Council

FROM: Sue McDermott, P.E., Development Services Director/City Engineer, 623-333-4211

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council approve a construction contract with Visus, Inc. to provide construction services for the Van Buren Street Roadway Improvements in the amount of \$499,823.06 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

The Van Buren Street Roadway Improvements project will reconstruct Van Buren Street from Central Avenue to Dysart Road. The north half of Van Buren Street will be completely reconstructed and the pavement on the south half will be micro-sealed. Due to the high volume of vehicles and businesses, the proposed work will be completed during the hours of 9:00 PM and 4:00 AM. Two (2) 12 foot lanes will remain open throughout the project's duration providing one (1) lane of through traffic in each direction. In addition, single- left turn movements at all intersections and access into all streets, businesses, and strip malls will be maintained. A public relations firm has contacted all businesses and residents along the project's limits to inform them of the upcoming project. The overall consensus was approval and appreciation that the work will be completed at night. Of the 140 citizens contacted, one (1) citizen voiced disapproval.

DISCUSSION:**SCOPE OF WORK:**

The scope of work for this project will include:

- 1 Removal and replacement of the north half of the existing Van Buren Street roadway from Central Avenue to Dysart Road.
- 1 Micro-sealing the south half of Van Buren Street from Central Avenue to Dysart Road.
- 1 Adjustment of the existing manhole covers and water valve lids.
- 1 Installation of new signage and striping which will include bike lanes.

BID PROCESS:

Request-for-Bid notices were published in the West Valley View on February 3 and 7, 2012 and the Arizona Business Gazette on February 2, 2012. The Development Services and Engineering Department held a mandatory pre-bid meeting on February 8, 2012. On February 23, 2012, four (4) bids were received and opened. Each bid package was reviewed and all bidders met the bidding requirements. The following is a list of the bid amounts received:

<u>BIDDER</u>	<u>BID AMOUNT</u>	<u>DBE</u>
Standard Construction	Base Bid - \$630,999.07 Bid Alt 1 - \$429,805.17 Bid Alt 2 - \$115,454.52	No
Knochel Bros, Inc.	Base Bid - \$593,393.29 Bid Alt 1 - \$368,440.79 Bid Alt 2 - \$126,856.86	No
Combs Construction	Base Bid - \$531,408.51 Bid Alt 1 - \$333,888.25 Bid Alt 2 - \$91,664.35	No
Visus, Inc.	Base Bid - \$499,823.06 Bid Alt 1 - \$342,717.76 Bid Alt 2 - \$92,541.90	No

See the attached Bid Tabulation Sheet for a detailed, bid item breakdown of each submitted bid. Based on cost, staff has determined to proceed with the base bid scope of work.

Visus, Inc. with a bid of \$499,823.06 was determined to have submitted the lowest, responsible and qualified bid. Staff contacted references and believes Visus, Inc. to be competent and qualified for this project. Visus, Inc. has successfully completed similar work for other local government agencies. Staff contacted the Registrar of Contractors and found no claims on file against this contractor.

The contract is on file with the City Clerk.

SCHEDULE:

A tentative construction schedule is as follows:

<u>PROJECT MILESTONES</u>	<u>TARGET DATES</u>
Issue Notice of Award	03/06/12
Pre-Construction Conference	03/13/12
Notice to Proceed	03/20/12
Begin Construction	03/20/12
Project Completion	04/29/12

BUDGETARY IMPACT:

Funding in the amount of \$499,823.06 is available in CIP Street Fund Line Item No. 304-1177-00-8420, Van Buren Roadway Improvements.

RECOMMENDATION:

Staff recommends that the City Council approve a construction contract with Visus, Inc. to provide construction services for the Van Buren Street Roadway Improvements in the amount of \$499,823.06 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

[Bid Tab](#)

[Vicinity Map](#)

**CITY OF AVONDALE
 BID TABULATION
 EN12-001 Van Buren Street - Dysart Rd to Central Ave - Roadway Improvements (ST1177)
 BID DATE: February 23, 2012**

Item #	Description of Material and/or Services	Qty	Unit	Standard Construction		Knochel Brothers		Combs Construction		Visus Engineering	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
105.30100	As-Built Documentation	1	LS	\$500.00	\$500.00	\$935.00	\$935.00	\$500.00	\$500.00	\$500.00	\$500.00
105.80100	Construction Staking, Surveying and Layout	1	LS	\$2,500.00	\$2,500.00	\$4,000.00	\$4,000.00	\$10,000.00	\$10,000.00	\$4,000.00	\$4,000.00
107.02000	NPDES/AZPDES; SWPPP	1	LS	\$850.00	\$850.00	\$6,625.00	\$6,625.00	\$6,300.00	\$6,300.00	\$2,000.00	\$2,000.00
107.04000	Miscellaneous Reimbursables (Allowance)	1	ALLOW	\$80,000.00	\$80,000.00	\$80,000.00	\$80,000.00	\$80,000.00	\$80,000.00	\$80,000.00	\$80,000.00
107.15000	Community Relations (Allowance)	1	ALLOW	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
107.15010	Project Information Signs	2	EA	\$850.00	\$1,700.00	\$720.00	\$1,440.00	\$500.00	\$1,000.00	\$750.00	\$1,500.00
109.09000	Mobilization/Demobilization	1	LS	\$12,000.00	\$12,000.00	\$37,000.00	\$37,000.00	\$40,000.00	\$40,000.00	\$5,614.95	\$5,614.95
310.03001	Aggregate Base Course (Section "A")	500	Ton	\$25.00	\$12,500.00	\$11.15	\$5,575.00	\$13.50	\$6,750.00	\$15.00	\$7,500.00
312.01000	Cement Treated Base (6-Inches-minimum), (Section No."A)	9109	SY	\$6.50	\$59,208.50	\$5.90	\$53,743.10	\$4.01	\$36,527.09	\$5.00	\$45,545.00
321.00203	Asphaltic Concrete Pavement (3-inches-single lift)(Gyratory Mix-High Volume)(19mm Base Course)(Section "A")	1540	Ton	\$84.00	\$129,360.00	\$64.00	\$98,560.00	\$63.00	\$97,020.00	\$63.00	\$97,020.00
325.10375	AC Surface Coarse (12.5mm),(Asphalt Rubber) (Section "A")	770	Ton	\$95.00	\$73,150.00	\$104.00	\$80,080.00	\$78.85	\$60,714.50	\$82.00	\$63,140.00
329.01000	Bituminous Tack Coat (Bid Alt No. 1)	3	Ton	\$750.00	\$2,250.00	\$575.00	\$1,725.00	\$850.00	\$2,550.00	\$700.00	\$2,100.00
332.10300	Type III Micro-Seal Application	9261	SY	\$5.50	\$50,935.50	\$4.90	\$45,378.90	\$4.65	\$43,063.65	\$5.50	\$50,935.50
336.01100	Permanent Pavement Replacement (MAG Dtl. 200-1, "A")	13	SY	\$125.00	\$1,625.00	\$215.00	\$2,795.00	\$55.00	\$715.00	\$115.00	\$1,495.00
340.01131	6" Vertical Curb and Gutter, MAG Detail 220-1, Type "A":	8	LF	\$25.00	\$200.00	\$33.00	\$264.00	\$32.00	\$256.00	\$65.00	\$520.00
340.01210	4" Thick Sidewalk, MAG Detail 230 (5-foot wide)	55	SF	\$5.00	\$275.00	\$11.00	\$605.00	\$10.00	\$550.00	\$10.00	\$550.00
345.01100	Adjust Sewer Manhole Frame and Cover, COA Std. Dtl. A1216	12	EA	\$450.00	\$5,400.00	\$510.00	\$6,120.00	\$350.00	\$4,200.00	\$500.00	\$6,000.00
345.01410	Adjust Water Valve Box & Cover to Grade	17	EA	\$225.00	\$3,825.00	\$460.00	\$7,820.00	\$350.00	\$5,950.00	\$450.00	\$7,650.00
350.01300	(Sawcut) & Remove Existing Asphalt Concrete Pavement-regardless of depth (Section No. "A")	7943	SY	\$9.00	\$71,487.00	\$3.40	\$27,006.20	\$2.25	\$17,871.75	\$4.00	\$31,772.00
350.01310	(Sawcut) & Removal of Existing Asphalt Concrete Pavement for Trench Excavation and utility Construction	13	SY	\$65.00	\$845.00	\$69.50	\$903.50	\$40.00	\$520.00	\$38.00	\$494.00
350.01800	Remove Existing Concrete Curb and Gutter:	23	LF	\$6.00	\$138.00	\$16.50	\$379.50	\$15.00	\$345.00	\$10.00	\$230.00
350.01900	Remove Existing Concrete Sidewalk, Ramp, Driveway and Slab	55	SF	\$3.00	\$165.00	\$5.50	\$302.50	\$7.00	\$385.00	\$4.00	\$220.00
350.04000	Remove & Salvage Traffic Sign	10	EA	\$115.00	\$1,150.00	\$50.00	\$500.00	\$7.00	\$70.00	\$50.00	\$500.00
401.01000	Traffic Control	1	LS	\$6,500.00	\$6,500.00	\$33,500.00	\$33,500.00	\$33,100.00	\$33,100.00	\$4,000.00	\$4,000.00

**CITY OF AVONDALE
 BID TABULATION
 EN12-001 Van Buren Street - Dysart Rd to Central Ave - Roadway Improvements (ST1177)
 BID DATE: February 23, 2012**

401.01100	Uniformed Off-Duty Officer (Allowance)	1	ALLOW	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
405.00020	Survey Monument, MAG 120-1, Type "A"	2	EA	\$350.00	\$700.00	\$450.00	\$900.00	\$300.00	\$600.00	\$450.00	\$900.00
462.01100	100 mm (4") White Thermoplastic Traffic Stripe (Equivalent)	23187	LF	\$0.50	\$11,593.50	\$0.35	\$8,115.45	\$0.32	\$7,419.84	\$0.35	\$8,115.45
462.01200	100 mm (4") Yellow Thermoplastic Traffic Stripe (Equivalent)	13966	LF	\$0.50	\$6,983.00	\$0.35	\$4,888.10	\$0.32	\$4,469.12	\$0.35	\$4,888.10
462.01511	Preformed White Thermoplastic Left Turn Arrow	8	EA	\$275.00	\$2,200.00	\$135.00	\$1,080.00	\$125.00	\$1,000.00	\$125.00	\$1,000.00
462.01512	Thermoplastic Right Turn Arrow	2	EA	\$275.00	\$550.00	\$135.00	\$270.00	\$125.00	\$250.00	\$125.00	\$250.00
462.01520	Thermoplastic Symbol, Bike Lane and Arrow	3	EA	\$350.00	\$1,050.00	\$135.00	\$405.00	\$130.00	\$390.00	\$150.00	\$450.00
463.01100	Reflectorized Raised Pavement Markers (Type D, Yellow, 2-Way)	22	EA	\$5.00	\$110.00	\$3.25	\$71.50	\$3.00	\$66.00	\$3.00	\$66.00
463.01200	Reflectorized Raised Pavement Markers (Type G, Clear, One-Way)	191	EA	\$5.00	\$955.00	\$3.25	\$620.75	\$3.00	\$573.00	\$3.00	\$573.00
464.02000	Perforated Sign Post	80	LF	\$7.50	\$600.00	\$16.50	\$1,320.00	\$8.50	\$680.00	\$18.00	\$1,440.00
465.01003	Flat Sheet Aluminum Sign Panels, Diamond Grade	67	SF	\$18.00	\$1,206.00	\$17.75	\$1,189.25	\$22.00	\$1,474.00	\$16.00	\$1,072.00
473.61000	6'x6" Detector Loop	2	EA	\$375.00	\$750.00	\$360.00	\$720.00	\$325.00	\$650.00	\$500.00	\$1,000.00
473.61001	6'x20' Detector Loop	4	EA	\$550.00	\$2,200.00	\$500.00	\$2,000.00	\$450.00	\$1,800.00	\$550.00	\$2,200.00
473.61002	6'x40' Detector Loop	4	EA	\$850.00	\$3,400.00	\$625.00	\$2,500.00	\$700.00	\$2,800.00	\$600.00	\$2,400.00
610.06008	8" Ductile Iron Pipe (D.I.P.), Class 350, w/fittings and restrained joints, complete in place	55	LF	\$220.00	\$12,100.00	\$140.00	\$7,700.00	\$115.00	\$6,325.00	\$90.00	\$4,950.00
610.06012	12" Ductile Iron Pipe (D.I.P.), Class 350, w/fittings and restrained joints, complete in place	40	LF	\$250.00	\$10,000.00	\$205.00	\$8,200.00	\$110.00	\$4,400.00	\$150.00	\$6,000.00
610.08511	Install Fire Hydrant Assembly	1	EA	\$4,250.00	\$4,250.00	\$6,335.00	\$6,335.00	\$2,000.00	\$2,000.00	\$5,000.00	\$5,000.00
630.01108	8" Gate Valve, Box and Cover	1	EA	\$3,000.00	\$3,000.00	\$1,285.00	\$1,285.00	\$1,300.00	\$1,300.00	\$1,300.00	\$1,300.00
Subtotal					\$593,211.50		\$557,857.75		\$499,584.95		\$469,891.00
Taxes as Applicable					\$37,787.57		\$35,535.54		\$31,823.56		\$29,932.06
Total					\$630,999.07		\$593,393.29		\$531,408.51		\$499,823.06
Total Submitted by Bidder					\$630,999.07		\$593,393.29		\$531,408.51		\$499,823.06

BID ALT NO. 1 IN LIEU OF SECTION "A"				Standard Construction		Knochel Brothers		Combs Construction		Visus Engineering	
Item #	Description of Material and/or Services	Qty	Unit	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
301.01000	Subgrade Preparation (Bid Alt No. 1)	9109	SY	\$4.25	\$38,713.25	\$1.10	\$10,019.90	\$6.00	\$54,654.00	\$6.00	\$54,654.00
310.03002	Aggregate Base Course(12-inches) (Bid Alt No. 1)	5532	Ton	\$14.50	\$80,214.00	\$11.00	\$60,852.00	\$13.00	\$71,916.00	\$12.00	\$66,384.00
321.00204	Asphaltic Concrete Pavement (2.5-inches-single lift)(19mm Surface Course-High Volume) (Bid Alt No. 1)	1280	Ton	\$84.00	\$107,520.00	\$65.00	\$83,200.00	\$64.80	\$82,944.00	\$62.00	\$79,360.00

**CITY OF AVONDALE
 BID TABULATION
 EN12-001 Van Buren Street - Dysart Rd to Central Ave - Roadway Improvements (ST1177)
 BID DATE: February 23, 2012**

321.00205	Asphaltic Concrete Pavement (2.5-inches-single lift)(19mm Base Course-High Volume) (Bid Alt No. 1)	1280	Ton	\$84.00	\$107,520.00	\$65.00	\$83,200.00	\$64.80	\$82,944.00	\$62.00	\$79,360.00
350.01301	(Sawcut) & Remove Existing Asphalt Concrete Pavement-regardless of depth (Bid Alt No. 1)	9109	SY	\$7.00	\$63,763.00	\$8.30	\$75,604.70	\$2.25	\$20,495.25	\$4.00	\$36,436.00
401.01000	Traffic Control (Bid Alt No.1)	1	LS	\$6,500.00	\$6,500.00	\$33,500.00	\$33,500.00	\$940.00	\$940.00	\$6,000.00	\$6,000.00
Subtotal - Bid Alt 1					\$404,230.25		\$346,376.60		\$313,893.25		\$322,194.00
Taxes as Applicable					\$25,749.47		\$22,064.19		\$19,995.00		\$20,523.76
Total - Bid Alt 1					\$429,979.72		\$368,440.79		\$333,888.25		\$342,717.76
Total - Bid Alt 1 Submitted by Bidder					\$429,805.17		\$368,440.79		\$333,888.25		\$342,717.76
BID ALT NO. 2 IN LIEU OF SECTION "A"											
				Standard Construction		Knochel Brothers		Combs Construction		Visus Engineering	
Item #	Description of Material and/or Services	Qty	Unit	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
321.00204	Asphaltic Concrete Pavement (2.5-inches-single lift)(19mm Surface Course-High Volume) (Bid Alt No. 2)	1280	Ton	\$84.00	\$107,520.00	\$67.00	\$85,760.00	\$67.00	\$85,760.00	\$62.50	\$80,000.00
401.01000	Traffic Control (Bid Alt No.2)	1	LS	\$1,000.00	\$1,000.00	\$33,500.00	\$33,500.00	\$415.00	\$415.00	\$7,000.00	\$7,000.00
Subtotal - Bid Alt 2					\$108,520.00		\$119,260.00		\$86,175.00		\$87,000.00
Taxes as Applicable					\$6,912.72		\$7,596.86		\$5,489.35		\$5,541.90
Total - Bid Alt 2					\$115,432.72		\$126,856.86		\$91,664.35		\$92,541.90
Total - Bid Alt 2 Submitted by Bidder					\$115,454.52		\$126,856.86		\$91,664.35		\$92,451.90
Is the Contract Complete?					Yes		Yes		Yes		Yes
Is Contract Properly Signed?					Yes		Yes		Yes		Yes
Bid Bond Attached?					Yes		Yes		Yes		Yes
Contractor License Attached?					Yes		Yes		Yes		Yes
Business License Attached?					Yes		Yes		Yes		Yes
References Attached & Complete?					Yes		Yes		Yes		Yes
Exceptions to Specifications?					No		No		No		No



E CALLE ADOBE LN

E CALLE BOLO LN

E CALLE CHULO RD

N LA MORA DR

N LA FRESA DR

N DYSART RD

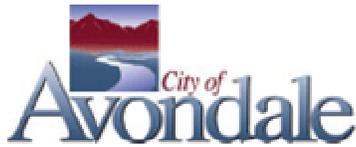
VAN BUREN ST.

N CENTRAL AVE

N 4 ST

N 8 ST

Van Buren Street Vicinty Map



CITY COUNCIL REPORT

SUBJECT:

First Amendment to Construction Contract -
Standard Construction Company, Inc. for the
CDBG Street and Sidewalk Improvement Project

MEETING DATE:

March 5, 2012

TO: Mayor and Council

FROM: Sue McDermott, P.E., Development Services Director/City Engineer, 623-333-4211

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff requests that the City Council approve Amendment 1 to the construction contract with Standard Construction Company, Inc. for the CDBG Street and Sidewalk Improvement Project in the amount of \$89,059.81, authorize the transfer of \$89,059.81 from CIP Water Fund Line Item 514-1057-00-8520 to CIP Water Fund Line Item 514-1162-00-8520 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

On June 6, 2011, Council approved a construction contract with Standard Construction Company, Inc. (Standard) for the construction of water and street improvements for the CDBG Street and Sidewalk Improvement Project in the amount of \$706,503.19.

The main scope of the Project was to reconstruct the streets to improve drainage, driving conditions and the life expectancy of streets located within the project area including Elm Lane, Rio Vista Lane, Holben Place, Frost and 3rd Avenues. The Project also included water service replacements, fire hydrant replacements and the installation of additional valves. Other upgrades included the addition of streetlights and the replacement of sidewalk ramps.

DISCUSSION:

Standard began construction on July 12, 2011. The Project was substantially complete on October 24, 2011, 75 days ahead of the original contract completion date of January 7, 2012.

During construction, various conditions outside the original scope of work were encountered which required additional work and costs. The extra work and costs were due to: 1) field conditions differing from the plans related to the existing water and sewer utilities, 2) increases in final quantities, and 3) the discovery of wet unsuitable subgrade conditions on Holben Place and Elm Lane related to broken water mains, stabilizing the subgrade, maintaining private driveway access and the associated down time of the Contractor's construction equipment.

While the water services and fire hydrants were being replaced, it was discovered that certain sections of the existing main line were six (6) inches in diameter and not eight (8) inches, as believed or as indicated on the plans. This caused Contractor delays and extra work to re-order the required fittings, install additional fittings and associated re-excavation work.

Also discovered in the field was that lots on Rio Vista Lane were originally constructed with every two (2) lots sharing only one (1) sewer service. With concurrence from the Public Works Department, Engineering staff determined it best to install additional sewer services so that each lot had its own

sewer service which meets current design standards and complies with the City's current sewer service maintenance policy.

Additional ponding water areas and poor existing street grades were also noted in the field. In an effort to provide better street drainage and extend the life of the streets in the area, staff determined that it would be best to replace concrete curb and gutter and add valley gutter. In addition, various utility patching was eliminated and additional asphalt was replaced on 3rd Avenue, Holben Place and Del Rio Lane. These extra improvements increased some of the concrete and street related bid item quantities.

Lastly, during the pavement removal process, it was discovered that the existing underlying street subgrade on Holben Place was wet. The wet subgrade caused the Contractor's equipment to sink and get stuck. This caused delays in the pavement removal work and actually broke the existing water main under the subgrade. Work that was being conducted on Holben Place had to be suspended while some areas were allowed to "dry out". During this time, the Contractor had to grade and maintain the street so as to allow residents access to their driveways.

SCHEDULE:

While the Contractor needed extra time to complete the additional work, an increase in the overall Contract Time was not required.

Revised Construction Milestone Dates:

Council Award - June 6, 2011

Construction Began - July 12, 2011

Construction Substantial Completion - October 24, 2011

Original Contract Completion Date - January 7, 2012

BUDGETARY IMPACT:

Staff measured and verified the extra quantities and negotiated the extra costs for the additional work items with Standard (see attached cost breakdown summaries). The total costs for Amendment 1 is in the amount \$89,059.81, for a total revised contract amount of \$795,563.00.

Funding for Amendment 1 in the amount of \$89,059.81 is available in CIP Water Fund Line Item 514-1057-00-8520, Citywide Water and is proposed to be transferred to CIP Water Fund Line Item 514-1162-00-8520, CDBG Water Improvements.

RECOMMENDATION:

Staff recommends that the City Council approve Amendment 1 to the construction contract with Standard Construction Company, Inc. for the CDBG Street and Sidewalk Improvement Project in the amount of \$89,059.81, authorize the transfer of \$89,059.81 from CIP Water Fund Line Item 514-1057-00-8520 to CIP Water Fund Line Item 514-1162-00-8520 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

 [Vicinity Map](#)

 [First Amendment](#)

CDBG PROJECT AREA



Lower Buckeye Rd

3rd Ave

Del Rio Ln

Rio Vista Ln

Elm Ln

Frost Ln

Holben Pl

Central Ave



**FIRST AMENDMENT
TO
CONTRACT NO. 13264C
BETWEEN
THE CITY OF AVONDALE
AND
STANDARD CONSTRUCTION COMPANY, INC.**

THIS FIRST AMENDMENT TO CONTRACT NO. 13264C (this "First Amendment") is made as of March 5, 2012, between the City of Avondale, an Arizona municipal corporation (the "City") and Standard Construction Company, Inc., an Arizona corporation (the "Contractor").

RECITALS

A. The City and Contractor entered into Contract No. 13264C dated July 11, 2011, for the Contractor to provide all materials, equipment and labor for the construction and installation of proposed improvements on Elm Lane, Rio Vista Lane, Holben, Frost and 3rd Avenues (the "Contract").

B. The City has determined that additional materials and work are necessary to complete the improvements on Elm Lane, Rio Vista Lane, Holben, Frost and 3rd Avenues (the "Additional Work").

C. The City and the Contractor desire to enter into this First Amendment to (i) modify the Contractor's responsibilities under the Contract to include the Additional Work and (ii) provide for compensation to the Contractor for same.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Contractor hereby agree as follows:

1. Scope of Work. The Contractor shall provide the Additional Work as set forth in Change Order No. 1, attached hereto as Exhibit 1 and incorporated herein by reference.

2. Compensation. The Contractor's total compensation under the Contract shall be increased by no more than \$89,059.81 from \$706,503.19 to \$795,563.00 as consideration for the Additional Work as more particularly set forth in Change Order No. 1 attached hereto as Exhibit 1.

3. Effect of Amendment. In all other respects, the Contract is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the Contract shall remain in full force and effect.

4. Non-Default. By executing this First Amendment, the Contractor affirmatively asserts that (i) the City is not currently in default, nor has been in default at any time prior to this First Amendment, under any of the terms or conditions of the Contract and (ii) any and all claims, known and unknown, relating to the Contract and existing on or before the date of this First Amendment are forever waived.

5. Conflict of Interest. This First Amendment and the Contract may be cancelled by the City pursuant to ARIZ. REV. STAT. § 38-511.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the date and year first set forth above.

“City”

CITY OF AVONDALE, an Arizona
municipal corporation

Charles P. McClendon, City Manager

ATTEST:

Carmen Martinez, City Clerk

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2012,
by Charles P. McClendon, the City Manager of the CITY OF AVONDALE, an Arizona
municipal corporation, on behalf of the City of Avondale.

Notary Public in and for the State of Arizona

(affix notary seal here)

EXHIBIT 1
TO
FIRST AMENDMENT
TO
CONTRACT NO. 13264C
BETWEEN
THE CITY OF AVONDALE
AND
STANDARD CONSTRUCTION COMPANY, INC.

(Change Order No. 1)

See following page.

CONSTRUCTION CONTRACT CHANGE ORDER

CITY OF AVONDALE ENGINEERING DEPARTMENT

Project Name: CDBG Water and Streets Improvements
City Project No.: ST1162
Design Engineer: Ritoch-Powell & Assoc.

CHANGE ORDER NO.: 1 **Date:** February 6, 2012
Change Order Request No.: 1 **Date:** December 5, 2011

CONTRACTOR: Standard Construction Company, Inc.

Original Contract Start Date: July 11, 2011
Original Contract Completion Date: January 7, 2012
Revised Contract Completion Date: January 7, 2012

CHANGE ORDER DESCRIPTION: Extra costs associated with additional bid item quantities and extra value work authorized by City staff. Extra costs due to field conditions differing from the plans and a change in the field physical conditions. Construction contract time is not changed. Total Change Order is \$89,059.81.

REASON FOR CHANGE ORDER: 1) Extra costs due to increases in final quantities including extra concrete and paving to address drainage issues and additional required sewer services. 2) Extra costs due to field conditions differing from the plans related to the existing water and sewer utilities. 3) Extra costs due to the discovery of wet unsuitable subgrade conditions on Holben Place and Elm Lane which added extra work related to broken water mains, stabilizing the subgrade, maintaining private driveway access and the associated down time of the Contractor's construction equipment.

CONTRACT AMOUNT

Original Contract:	\$ <u>706,503.19</u>
Previous C.O.'s:	\$ <u>0.00</u>
This Change Order:	\$ <u>89,059.81</u>
Total All C.O.'s:	\$ <u>89,059.81</u>
Revised Contract:	\$ <u>795,563.00</u>

CONTRACT TIME

Original Contract:	<u>180</u> days
Previous C.O.'s:	<u>0</u> days
This Change Order:	<u>0</u> days
Total All C.O.'s:	<u>0</u> days
Revised Contract:	<u>180</u> days

IT IS AGREED BY THE CONTRACTOR that this Change Order includes any and all costs associated with or resulting from the change ordered herein, including all impact, delay and acceleration costs. Other than the dollar amount and time allowance listed above, there shall be no further time or dollar compensation as a result of this Change Order. This document shall become an amendment to the initial contract and all stipulations and covenants of the initial contract shall apply hereto.

CONTRACTOR:

Standard Construction Company, Inc.

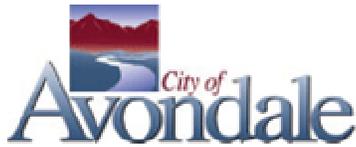
By: _____
(sign) (date)

Title

CITY OF AVONDALE:

By: _____
Charles P. McClendon, City Manager (date)

Attest: _____
Carmen Martinez, City Clerk (date)



CITY COUNCIL REPORT

SUBJECT:

Amendment 2 to Construction Contract - J.E.
Bowen Construction, LLC – Avondale Former City
Hall Mechanical (HVAC) and Electrical

MEETING DATE:

March 5, 2012

TO: Mayor and Council

FROM: Sue McDermott, P.E., Development Services Director/City Engineer, 623-333-4211

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council approve Amendment 2 to the construction contract with J.E. Bowen Construction LLC in the amount of \$21,862.80 to provide additional construction services for the Avondale Former City Hall Mechanical (HVAC) and Electrical project and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

On August 1, 2011, City Council approved an agreement with Gangplank for the use of Avondale's Former City Hall located at 525 N. Central Avenue. Gangplank will manage and operate the facility on behalf of the City, and will provide learning and networking opportunities for area small businesses.

On November 7, 2011, City Council approved a construction contract with J.E. Bowen Construction, LLC in the amount of \$57,194.10 for mechanical (HVAC) and electrical services at Avondale Former City Hall.

The original project completion date was scheduled for December 31, 2011. However, due to Energy Efficiency and Conservation Block Grant (EECBG) funding issues, the project could not proceed as scheduled. Therefore, Amendment 1 to the construction contract was executed which extended the term of the contract through February 4, 2012 with no budgetary impact.

DISCUSSION:

The original scope of work for the mechanical (HVAC) and electrical project did not include the replacement of the existing roof top air conditioning unit. It was recommended that this unit be evaluated when the new additional HVAC units were installed and the facility fully operational.

Once the new units were installed and the facility fully operational, the existing roof top unit was examined. It was determined that this unit be replaced. Replacing the existing roof top HVAC unit will increase the building's efficiency. It was also determined that 33 lighting fixtures located throughout the building should be replaced with high efficiency T-8 light fixtures. The light fixture replacement will provide additional building efficiency. The costs associated with the new HVAC system and the light fixtures qualify for Energy Efficiency and Conservation Block Grant funding.

SCOPE OF WORK:

- 1 Removal and replacement of 33 light fixtures with energy efficient (T-8) light fixtures.
- 1 Removal and replacement of the existing roof top air conditioning unit with a 5.0 ton, 15.2

SEER high efficiency Trane HVAC unit. The work includes bringing all items up to code including: installation, new disconnect, running grounding wire to panel, placement of the unit on a red wood stand, removal of the PVC condensate lines, replacement of copper condensate lines, replacement of T-Stat to match other new devices and performance of a certified air balance test.

SCHEDULE:

Construction Milestone Dates

Council Award - November 7, 2011

Construction Began - January 3, 2012

Construction Completion - February 13, 2012

BUDGETARY IMPACT:

Replacing the existing HVAC unit and light fixtures qualifies for EECBG funding. Funding for Amendment 2 in the amount of \$21,862.80 is available in EECBG Line Item, 247-5104-52-6180. The revised total contract amount is \$79,056.90.

RECOMMENDATION:

Staff recommends that City Council approve Amendment 2 to the construction contract with J.E. Bowen Construction LLC in the amount of \$21,862.80 to provide additional construction services for the Avondale Former City Hall Mechanical (HVAC) and Electrical project and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

 [Amendment 2](#)

**SECOND AMENDMENT
TO
CONTRACT NO. 13402C
BETWEEN
THE CITY OF AVONDALE
AND
JE BOWEN CONSTRUCTION, L.L.C.**

THIS SECOND AMENDMENT TO CONTRACT NO. 13402C (this "Second Amendment") is made as of March 5, 2012, between the City of Avondale, an Arizona municipal corporation (the "City") and JE Bowen Construction, L.L.C., an Arizona limited liability company (the "Contractor").

RECITALS

A. The City and Contractor entered into Contract No. 13402C dated November 30, 2011, as amended by that certain First Amendment dated January 5, 2012, for the Contractor to provide all materials, equipment and labor for the construction and installation of proposed mechanical and electrical improvements at the City's Former City Hall (collectively, the "Contract").

B. The City has determined that additional work is necessary to complete the proposed mechanical and electrical improvements at the City's Former City Hall (the "Additional Work").

C. The City and the Contractor desire to enter into this Second Amendment to (i) provide for the Additional Work, (ii) extend the term of the Contract to permit completion of the Additional Work and (iii) increase compensation to the Contractor for same.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Contractor hereby agree to amend the Contract as follows:

1. Contract Time. The Contract Time is extended and shall be 56 days from the Notice to Proceed. The Additional Work shall be completed on or before the expiration of the Contract Time.

2. Scope of Work. The Contractor shall provide the Additional Work as set forth in Change Order No. 1, attached hereto as Exhibit 1 and incorporated herein by reference.

3. Compensation. The Contractor's total compensation under the Contract shall be increased by no more than \$21,862.80 from \$57,194.10 to \$79,056.90 as consideration for the Additional Work as more particularly set forth in Change Order No. 1 attached hereto as Exhibit 1.

4. Effect of Amendment. In all other respects, the Contract is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the Contract shall remain in full force and effect.

5. Non-Default. By executing this Second Amendment, the Contractor affirmatively asserts that (i) the City is not currently in default, nor has been in default at any time prior to this Second Amendment, under any of the terms or conditions of the Contract and (ii) any and all claims, known and unknown, relating to the Contract and existing on or before the date of this Second Amendment are forever waived.

6. Conflict of Interest. This Second Amendment and the Contract may be cancelled by the City pursuant to ARIZ. REV. STAT. § 38-511.

[SIGNATURES ON FOLLOWING PAGES]

EXHIBIT 1
TO
SECOND AMENDMENT
TO
CONTRACT NO. 13402C
BETWEEN
THE CITY OF AVONDALE
AND
JE BOWEN CONSTRUCTION, L.L.C.

[Change Order No. 1]

See following pages.

CONSTRUCTION CONTRACT CHANGE ORDER

CITY OF AVONDALE ENGINEERING DEPARTMENT

Project Name: Avondale Former City Hall Mechanical (HVAC) and Electrical
City Project No.: EN 12-027
Design Engineer: Orcutt Winslow

CHANGE ORDER NO.: 1 **Date:** January 24, 2012
Change Order Request No.: 1 **Approval Date:** February 9, 2012

CONTRACTOR: JE Bowen Construction, LLC

Original Contract Start Date: December 19, 2011
Original Contract Completion Date: February 04, 2012
Revised Contract Completion Date: February 13, 2012

CHANGE ORDER DESCRIPTION: Due to unforeseen existing conditions, additional work was required. The existing air conditioning unit was removed and replaced with a 5.0 ton, 15.2 SEER high efficiency Trane HVAC unit. Work included bringing all items up to code including: new disconnect, running grounding wire to panel, placing unit on a red wood stand, removing PVC condensate lines, replacing with copper condensate lines, replacing T-Stat to match other new devices and performing a certified air balance test. Additional work also included removing 33 light fixtures and replacing with T-8 light fixtures.

REASON FOR CHANGE ORDER: The scope of work did not include replacement of the existing air conditioning unit located on the roof. When the contractor's mechanical engineer examined the unit, it was determined that the unit needed to be evaluated when the facility was fully operational with the new scheduled HVAC units. The new HVAC units were installed and operational and the existing roof-top unit was reexamined. Based upon its condition, it was determined that the existing unit should be replaced. It was determined that replacing the existing HVAC unit will increase the building's efficiency. It was also determined that by replacing the 33 lighting fixtures throughout the building with T-8 light fixtures additional building efficiency will be achieved. The costs associated with the new HVAC system and the light fixtures qualify for Energy Efficiency and Conservation Block Grant funding.

CONTRACT AMOUNT

Original Contract: \$ 57,194.10
Previous C.O.'s: \$ 0.00
This Change Order: \$ 21,862.80
Total All C.O.'s: \$ 21,862.80
Revised Contract: \$ 79,056.90

CONTRACT TIME

Original Contract: 47 days
Previous C.O.'s: 0 days
This Change Order: 9 days
Total All C.O.'s: 9 days
Revised Contract: 56 days

IT IS AGREED BY THE CONTRACTOR that this Change Order includes any and all costs associated with or resulting from the change ordered herein, including all impact, delay and acceleration costs. Other than the dollar amount and time allowance listed above, there shall be no further time or dollar compensation as a result of this Change Order. This document shall become an amendment to the initial contract and all stipulations and covenants of the initial contract shall apply hereto.

CONTRACTOR:

JE Bowen Construction, LLC

By: _____
(sign) (date)

Title

CITY OF AVONDALE:

By: _____
Charles P. McClendon, City Manager (date)

Attest: _____
Carmen Martinez, City Clerk (date)

CHANGE ORDER REQUEST

COR # 5-REV

JOB: Avondale Former City Hall Remodel HVAC and Elec.

DATE: 1/26/12

Change Order Description:

Cost for labor and materials to replace the existing lighting and ballast with T-8 or T-5 fixtures.

JE Bowen Construction Work:

- 1. Proj. Mgr
- 2. Superintendent
- 3.
- (34%) Payroll taxes/burden

Subtotal

ADD			DEDUCT		
Labor	Material	Equip.	Labor	Material	Equip.
-			\$ -		
-	-	-	\$ -	-	-

See Break Down

T-8 OPTION	NEW FIXTURE OPT
\$5,164.26	\$6,123.24
\$ 5,164.26	\$ 6,123.24
\$ -	\$ -

Remarks:

Net Subtotal	\$ 5,164.26	\$ 6,123.24
	\$ -	\$ -
Subtotal	\$ 5,164.26	\$ 6,123.24
General Conditions	\$ 516.43	\$ 612.32
	\$ 5,680.68	\$ 6,735.56
Liab. Insurance	\$ 56.81	\$ 67.36
	\$ 5,737.49	\$ 6,802.92
Build Risk Ins	\$ -	\$ -
	\$ 5,737.49	\$ 6,802.92
Overhead & Fee	\$ 573.75	\$ 680.29
	\$ 6,311.24	\$ 7,483.21
Bond	\$ 157.78	\$ 187.08
	\$ 6,469.02	\$ 7,670.29
Sales Tax	\$ 627.50	\$ 744.02
	\$ 7,096.52	\$ 8,414.31
	\$ -	\$ -
Gross Total:	\$ 7,096.52	\$ 8,414.31

Total Change: SEE BELOW FOR PRICING
Contract Time: 1 calendar days
This Change Order Request Valid For 30 Days

Submitted By: JE Bowen Construction, LLC
 517 S. Blossom
 Mesa, AZ 85206

Project Mgr. _____ Date _____

JEB C.O.R. No.: 5-REV
Arch. Recommend.: _____
Date: _____
Owner Acceptance: _____
Date: _____

J E Bowen

Construction, LLC

P.O. Box 13696

Mesa

,AZ. 85216-3696

Phone: (602) 339-0593 Fax: (480) 275-5083

CHANGE ORDER REQUEST

Job Avondale Former City Hall Remodel HVAC and Elec. Work DATE 01/26/12 COR # 5-REV

Change Order Description: Cost for labor and materials to replace the existing lighting and ballast with T-8 or T-5 fixtures.

Change Order Breakdown:

T-8 OPTION		Change Order Breakdown:			
	QNTY	UN	Unit Price	UN	Total
2X4 4 LAMP FIXTURES BALLASTS	25	EA	\$ 44.90	EA	\$1,122.50
2X4 4 LAMP FIXTURES LIGHT BULBS	100	EA	\$ 4.23	EA	\$423.00
1X4 2 LAMP FIXTURES BALLASTS	8	EA	\$ 35.20	EA	\$281.60
1X4 2 LAMP FIXTURES LIGHT BULBS	16	EA	\$ 4.23	EA	\$67.68
Labor - Electrician - Davis Bacon Wages	40	HRS	\$ 70.00	PER HR	\$2,800.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
Sub-Contractor P & O	10%		\$4,694.78		\$469.48
Total					\$5,164.26

NEW FIXTURE OPTIONS Change Order Breakdown:

	QNTY	UN	Unit Price	UN	Total
2X4 4 LAMP FIXTURES	25	EA	\$ 88.70	EA	\$2,217.50
2X4 4 LAMP FIXTURES LIGHT BULBS	100	EA	\$ 4.23	EA	\$423.00
1X4 2 LAMP FIXTURES	8	EA	\$ 94.80	EA	\$758.40
1X4 2 LAMP FIXTURES LIGHT BULBS	16	EA	\$ 4.23	EA	\$67.68
Labor - Electrician - Davis Bacon Wages	30	HRS	\$ 70.00	PER HR	\$2,100.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
Sub-Contractor P & O	10%		\$5,566.58		\$556.66
Total					\$6,123.24

CHANGE ORDER REQUEST

JOB: Avondale Former City Hall Remodel HVAC and Elec. **DATE:** 2/2/12 **COR #** 9

Change Order Description:

Cost for labor and materials to replace the existing 5 ton AC unit with a new 15.2 SEER high efficiency Trane HVAC, unit, cost includes all items needed to bring the unit up to code compliance, including new disconnect, running grounding wire to panel, placing unit on a red wood stand, removing PVC condensate and installing copper condensate on supports, Davis Bacon Labor, replacing T-Stat to match new stats, certified air balance.

JE Bowen Construction Work:

- 1. Proj. Mgr
- 2. Superintendent
- 3.
- (34%) Payroll taxes/burden

Subtotal

ADD			DEDUCT		
Labor	Material	Equip.	Labor	Material	Equip.
-			\$ -		
-	-	-	\$ -	-	-

	ADD	Deduct
See Break Down	\$9,786.70	\$0.00
	\$ 9,786.70	\$ -
	\$ -	\$ -

Remarks:

Net Subtotal	\$ 9,786.70	\$ -
	\$ -	\$ -
Subtotal	\$ 9,786.70	\$ -
General Conditions	\$ 978.67	\$ -
	\$ 10,765.37	\$ -
Liab. Insurance	\$ 107.65	\$ -
	\$ 10,873.02	\$ -
Build Risk Ins	\$ -	\$ -
	\$ 10,873.02	\$ -
Overhead & Fee	\$ 1,087.30	\$ -
	\$ 11,960.33	\$ -
Bond	\$ 299.01	\$ -
	\$ 12,259.33	\$ -
Sales Tax	\$ 1,189.16	\$ -
	\$ 13,448.49	\$ -
	\$ -	\$ -
Gross Total:	\$ 13,448.49	\$ -

Total Change: \$ 13,448
Contract Time: TBD BY Unit Lead Time
This Change Order Request Valid For 30 Days

Submitted By: JE Bowen Construction, LLC
 517 S. Blossom
 Mesa, AZ 85206

 Project Mgr. Date

JEB C.O.R. No.: 9
Arch. Recommend.: _____
Date: _____
Owner Acceptance: _____
Date: _____

CHANGE ORDER REQUEST

Job Avondale Former City Hall Remodel HVAC and Elec. Work DATE 02/02/12 COR # 9

Change Order Description:

Cost for labor and materials to replace the existing 5 ton AC unit with a new 15.2 SEER high efficiency Trane HVAC, unit, cost includes all items needed to bring the unit up to code compliance, including new disconnect, running grounding wire to panel, placing unit on a red wood stand, removing PVC condensate and installing copper condensate on supports, Davis Bacon Labor, replacing T-Stat to match new stats, certified air balance.

Change Order Breakdown:

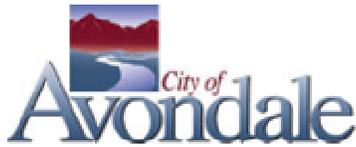
ADDITIONAL Change Order Breakdown:

	QNTY	UN	Unit Price	UN	Total
New 5 Ton High Efficiency Trane HVAC Unit	1	LS	\$ 3,757.00	LS	\$3,757.00
Trane Programable T-Stat	1	EA	\$ 145.00	EA	\$145.00
Red Wood Curb and Supports	1	LS	\$ 150.00	LS	\$150.00
Roofing Patch and Repair in HVAC unit Area only (10X10 Area)	1	LS	\$ 600.00	LS	\$600.00
Metal Fitting Adaptor for Unit	1	EA	\$ 400.00	EA	\$400.00
Copper for Condensate and Supports	50	LF	\$ 10.00	LF	\$500.00
Air Balance	1	EA	\$ 550.00	EA	\$550.00
Electrical Disssconnect, fuses and Wiring	1	EA	\$ 175.00	EA	\$175.00
Electrical Whip, Wire, and Fittings	1	EA	\$ 100.00	EA	\$100.00
Electrical Grounding Wiring, Pull String, Make Up, Etc	1	EA	\$ 125.00	EA	\$125.00
Electrical Breaker for New Unit - Breaker Re Size	1	EA	\$ 155.00	EA	\$155.00
Crane Fee's	1	EA	\$ 250.00	EA	\$250.00
Warranty Coverage	1	EA	\$ 150.00	EA	\$150.00
			\$ -		\$0.00
Labor- HVAC Davis Bacon Wages	16	HRS	\$ 80.00	PER HR	\$1,280.00
Labor- Electrician Davis Bacon Wages	8	HRS	\$ 70.00	PER HR	\$560.00
			\$ -		\$0.00
			\$ -		\$0.00
Sub-Contractor P & O	10%		\$8,897.00		\$889.70
Total					\$9,786.70

CREDITS

Change Order Breakdown:

	QNTY	UN	Unit Price	UN	Total
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
			\$ -		\$0.00
Sub-Contractor P & O	10%		\$0.00		\$0.00
Total					\$0.00



CITY COUNCIL REPORT

SUBJECT:

Public Hearing - Proposed Extension of the Alternative Expenditure Limitation (Home rule)

MEETING DATE:

March 5, 2012

TO: Mayor and Council

FROM: Kevin Artz, Finance and Budget Director (623) 333-2011

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council hold a public hearing on the proposed extension of the Alternative Expenditure Limitation (Home Rule).

BACKGROUND:

The Arizona State Constitution and Arizona Revised Statutes impose an expenditure limitation on every City and Town in the State. The state-imposed limitation uses expenditures of local revenues from Fiscal Year 1979-80 as a baseline. Each year, the Economic Estimates Commission (EEC) adjusts baseline expenditures based on a standard inflation rate and the population growth in the community to establish a new expenditure limitation (See Attachment A for FY 11/12 final estimates).

Certain revenues are specifically excluded from the state-imposed expenditure limitation. For example, revenues received from the issuance of bonds, revenues received from interest or dividends, revenue from Federal grants, and intergovernmental revenue already subject to another entity's expenditure limitation, are all exempt from the expenditure limit.

If the state-imposed limitation does not allow for the expenditure of sufficient local funds (less the exemptions listed above), State law provides four options to potentially solve this problem.

- 1 Alternative expenditure limitation (local home rule option)
- 1 A permanent base adjustment
- 1 A capital projects accumulation fund
- 1 A one-time override

All of the options require voter approval. If none of the options are approved by the voters, the state-imposed limitation will apply.

In November of 2009, the Avondale voters adopted an alternative expenditure limitation (first approved in 1981 with seven subsequent extensions). The Home Rule option expires at the end of Fiscal Year 2013-14.

The home rule option allows the City to adopt its own "alternative" expenditure limitation and sets the limit at its adopted budget. In other words, it allows the City to establish its own expenditure limitation without being subject to the state-imposed limitation. Home rule must be approved by the voters, and is good for a period of four years.

DISCUSSION:

In order to extend the home rule option, State law requires that two public hearings be held (February 21st and March 5th) and the City Council to adopt a resolution proposing the extension, immediately following the second public hearing (March 5th). The alternative expenditure limitation will then be submitted to the voters of Avondale at an election to be held in August of 2012.

The final state-imposed expenditure limitation for the City of Avondale for Fiscal Year 2011-12 is \$46,305,905. Staff estimates that the City would have an additional \$50,000,000 of exclusions from the state imposed limit for a total expenditure limitation of approximately \$96,300,000. The final adopted budget for FY 11-12 is approximately \$163,000,000 which would put the City approximately \$66,700,000 over the state-imposed limitation, if the Home Rule option were not in effect for Fiscal Year 2011-12. There are several factors that would cause the City of Avondale to exceed the state-imposed expenditure limit.

First, the state-imposed expenditure limitation, which is calculated with population and inflation factors, is based on projections for one year's needs. In a high growth community, this doesn't allow for a City to plan infrastructure and city services to stay ahead of the growth curve (i.e., building a wastewater treatment facility with excess capacity, instead of one year's capacity needs).

Second, the City of Avondale has changed significantly since 1979-80, when the baseline was established. Current citizens are demanding increased services and amenities that may not have been required in 1980. The increased expectations of the residents are not adequately factored into the population and inflation calculation performed by the State. As a result, the state-imposed limitation is based on expectations from 25 years ago, instead of the expectations of today's residents.

Finally, the State imposed limitation does not account for additional revenue sources received since 1979-80. The City of Avondale has established development impact fees and two, half-percent sales tax increases since 1979-80. Both of these local revenue sources are subject to the State-imposed limitation. Without an alternate expenditure limitation, the City would be unable to spend sales tax dollars from a voter approved initiative, which was approved to increase funding for public safety, and for basic water, sewer and street infrastructure improvements.

As the state-imposed expenditure limitation for the City of Avondale is not sufficient to allow the City to expend its local revenues and provide the basic services that the residents require, the City must seek approval from the voters to authorize an extension to the home rule option.

RECOMMENDATION:

Staff recommends that the City Council hold a Public Hearing for the proposed extension of the Alternative Expenditure Limitation (home rule option).

ATTACHMENTS:

Click to download

 [FY 2011-12 expenditure limitation](#)

ECONOMIC ESTIMATES COMMISSION

Department of Revenue Building



Janice K. Brewer
Governor

Gale Garriott
Chairman

Elliott D. Pollack
Member

Alan E. Maguire
Member

May 31, 2011

City/Town Managers and Finance Directors
State of Arizona

RE: Revised Final FY 2011/12 Expenditure Limits

The Arizona State Demographer's Office has revised the July 1, 2010 population estimates.

The Economic Estimates Commission (EEC) has adjusted the final expenditure limits for FY 2011/12 which incorporates the revised population estimates. The formula is shown below:

$$\frac{2010 \text{ Population}}{1978 \text{ Population}} \times \frac{\text{GDP Implicit Price Deflator 2010}}{\text{GDP Implicit Price Deflator 1978}} \times \text{FY 1979/80 Base Limit} = \text{Revised Final FY 2011/12 Expenditure Limit}$$

Please contact Jim Chang with the State Demographer's Office at (602) 771-1236 if you have questions regarding your population figures for 2010.

If you have questions regarding your expenditure calculation, please contact Diane Sosinski in Economic Research and Analysis at (602) 716-6797.

Sincerely,

ECONOMIC ESTIMATES COMMISSION

Gale Garriott, Chairman

REVISED FY 2011/12 FINAL EXPENDITURE LIMITATIONS: CITIES & TOWNS

CITY	POPULATION **		POPULATION FACTOR	INFLATION FACTOR*	FY 1979/80 BASE LIMIT	REVISED FINAL
	2010	1978				FY 2011/12 EXPENDITURE LIMITATION
APACHE JUNCTION	35,828	9,500	3.7714	2.7392	\$1,581,484	\$16,337,324
AVONDALE	76,468	6,900	11.0823	2.7392	\$1,525,417	\$46,305,905
BENSON	5,098	3,925	1.2989	2.7392	\$1,317,815	\$4,688,477
BISBEE	5,560	6,860	0.8105	2.7392	\$1,625,337	\$3,608,372
BUCKEYE	51,019	3,175	16.0690	2.7392	\$1,048,270	\$46,140,099
BULLHEAD CITY	39,518	13,830	2.8574	2.7392	\$5,493,553	\$42,997,504
CAMP VERDE	10,875	5,650	1.9248	2.7392	\$2,072,112	\$10,924,742
CAREFREE	3,358	1,744	1.9255	2.7392	\$1,642,262	\$8,661,514
CASA GRANDE	48,664	14,100	3.4513	2.7392	\$18,793,221	\$177,667,120
CAVE CREEK	5,005	2,025	2.4716	2.7392	\$656,393	\$4,443,858
CHANDLER ***	236,687	23,500	10.0718	2.7392	\$7,245,951	\$199,902,896
CHINO VALLEY	10,825	2,400	4.5104	2.7392	\$255,094	\$3,151,622
CLARKDALE	4,103	1,200	3.4192	2.7392	\$255,616	\$2,394,007
CLIFTON	3,314	4,515	0.7340	2.7392	\$1,656,956	\$3,331,370
COLORADO CITY	4,821	1,730	2.7867	2.7392	\$987,191	\$7,535,450
COOLIDGE ***	11,855	6,775	1.7498	2.7392	\$1,530,413	\$7,335,303
COTTONWOOD	11,238	4,200	2.6757	2.7392	\$1,105,601	\$8,103,177
DEWEY HUMBOLDT	3,896	4,080	0.9549	2.7392	\$1,533,271	\$4,010,466
DOUGLAS	17,410	12,600	1.3817	2.7392	\$17,190,988	\$65,064,817
DUNCAN	695	700	0.9929	2.7392	\$177,389	\$482,426
EAGAR	4,894	2,450	1.9976	2.7392	\$627,268	\$3,432,165
EL MIRAGE	31,911	4,025	7.9282	2.7392	\$774,680	\$16,823,410
ELOY ***	16,657	6,300	2.6440	2.7392	\$1,419,813	\$10,282,638
FLAGSTAFF	65,985	32,000	2.0620	2.7392	\$22,522,966	\$127,214,898
FLORENCE	25,537	3,175	8.0431	2.7392	\$714,110	\$15,732,887

REVISED FY 2011/12 FINAL EXPENDITURE LIMITATIONS: CITIES & TOWNS

CITY	POPULATION **		POPULATION FACTOR	INFLATION FACTOR*	FY 1979/80 BASE LIMIT	REVISED FINAL
	2010	1978				FY 2011/12 EXPENDITURE LIMITATION
FOUNTAIN HILLS	22,444	10,190	2.2026	2.7392	\$4,107,576	\$24,781,571
FREDONIA	1,312	850	1.5435	2.7392	\$329,695	\$1,393,941
GILA BEND	1,932	1,575	1.2267	2.7392	\$684,678	\$2,300,542
GILBERT	209,048	4,250	49.1878	2.7392	\$2,346,450	\$316,144,435
GLENDALE	227,217	84,000	2.7050	2.7392	\$67,955,628	\$503,505,380
GLOBE	7,533	6,550	1.1501	2.7392	\$2,436,186	\$7,674,574
GOODYEAR	65,404	2,500	26.1616	2.7392	\$4,125,000	\$295,600,663
GUADALUPE	5,540	4,300	1.2884	2.7392	\$549,792	\$1,940,246
HAYDEN	663	1,200	0.5525	2.7392	\$408,838	\$618,729
HOLBROOK	5,055	5,450	0.9275	2.7392	\$2,585,121	\$6,567,842
HUACHUCA CITY	1,850	1,690	1.0947	2.7392	\$317,153	\$950,979
JEROME	441	395	1.1165	2.7392	\$132,688	\$405,780
KEARNY	1,947	2,665	0.7306	2.7392	\$950,057	\$1,901,234
KINGMAN	28,081	8,745	3.2111	2.7392	\$4,426,488	\$38,934,015
LAKE HAVASU CITY	52,469	13,000	4.0361	2.7392	\$4,711,264	\$52,085,163
LITCHFIELD PARK	5,467	3,835	1.4256	2.7392	\$3,542,818	\$13,834,061
MAMMOTH	1,425	1,960	0.7270	2.7392	\$425,048	\$846,475
MARANA	35,051	1,425	24.5972	2.7392	\$202,239	\$13,625,976
MARICOPA	43,598	3,790	11.5034	2.7392	\$10,601,417	\$334,047,653
MESA ***	439,929	130,000	3.3841	2.7392	\$54,090,640	\$501,393,280
MIAMI	1,834	2,615	0.7013	2.7392	\$878,262	\$1,687,209
NOGALES	20,880	11,740	1.7785	2.7392	\$3,245,377	\$15,810,467
ORO VALLEY	40,984	1,475	27.7858	2.7392	\$272,317	\$20,725,940
PAGE	7,253	4,375	1.6578	2.7392	\$6,429,631	\$29,197,309
PARADISE VALLEY	12,810	10,425	1.2288	2.7392	\$6,645,509	\$22,367,553

REVISED FY 2011/12 FINAL EXPENDITURE LIMITATIONS: CITIES & TOWNS

CITY	POPULATION **		POPULATION FACTOR	INFLATION FACTOR*	FY 1979/80 BASE LIMIT	REVISED FINAL
	2010	1978				FY 2011/12 EXPENDITURE LIMITATION
PARKER	3,088	2,485	1.2427	2.7392	\$1,145,364	\$3,898,626
PATAGONIA	909	925	0.9827	2.7392	\$213,500	\$574,695
PAYSON	15,270	4,305	3.5470	2.7392	\$1,267,280	\$12,312,766
PEORIA	154,171	10,500	14.6830	2.7392	\$18,247,857	\$733,909,330
PHOENIX***	1,449,242	717,000	2.0213	2.7392	\$229,200,625	\$1,268,979,784
PIMA	2,390	1,465	1.6314	2.7392	\$275,000	\$1,228,882
PINETOP-LAKESIDE	4,289	2,835	1.6277	2.7392	\$1,214,814	\$5,416,296
PRESCOTT	39,771	19,250	2.0660	2.7392	\$8,495,931	\$48,079,939
PRESCOTT VALLEY	38,839	1,520	25.5520	2.7392	\$380,054	\$26,600,323
QUARTZSITE	3,676	2,115	1.7381	2.7392	\$974,825	\$4,640,970
QUEEN CREEK	26,448	2,525	10.4745	2.7392	\$818,277	\$23,477,336
SAFFORD	9,580	6,200	1.5452	2.7392	\$20,484,597	\$86,699,860
SAHUARITA	25,347	1,629	15.5599	2.7392	\$713,697	\$30,418,409
SAN LUIS	25,614	1,690	15.1562	2.7392	\$724,909	\$30,094,792
SCOTTSDALE	217,365	83,000	2.6189	2.7392	\$55,861,444	\$400,719,827
SEDONA	10,020	7,050	1.4213	2.7392	\$2,960,687	\$11,526,256
SHOW LOW	10,666	3,800	2.8068	2.7392	\$1,443,667	\$11,099,468
SIERRA VISTA	45,047	24,050	1.8731	2.7392	\$10,055,882	\$51,592,683
SNOWFLAKE	5,609	3,000	1.8697	2.7392	\$741,469	\$3,797,295
SOMERTON	14,329	3,540	4.0477	2.7392	\$681,742	\$7,558,747
SOUTH TUCSON	5,672	6,275	0.9039	2.7392	\$1,879,168	\$4,652,702
SPRINGERVILLE	1,966	1,400	1.4043	2.7392	\$678,299	\$2,609,119
STAR VALLEY	2,303	2,255	1.0213	2.7392	\$744,113	\$2,081,629
ST. JOHNS	3,487	4,100	0.8505	2.7392	\$819,104	\$1,908,202
SUPERIOR	2,835	4,700	0.6032	2.7392	\$682,763	\$1,128,086

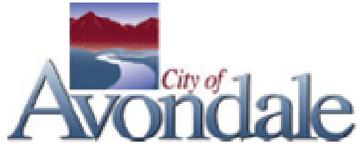
REVISED FY 2011/12 FINAL EXPENDITURE LIMITATIONS: CITIES & TOWNS

CITY	POPULATION ** 2010	POPULATION 1978	POPULATION FACTOR	INFLATION FACTOR*	FY 1979/80 BASE LIMIT	REVISED FINAL FY 2011/12 EXPENDITURE LIMITATION
SURPRISE	117,688	3,550	33.1515	2.7392	\$9,500,000	\$862,669,780
TAYLOR	4,126	1,740	2.3713	2.7392	\$245,508	\$1,594,640
TEMPE	161,974	102,000	1.5880	2.7392	\$65,579,379	\$285,252,583
THATCHER	4,872	3,170	1.5369	2.7392	\$1,860,674	\$7,833,132
TOLLESON	6,573	4,190	1.5687	2.7392	\$966,494	\$4,153,038
TOMBSTONE	1,381	1,600	0.8631	2.7392	\$508,007	\$1,201,048
TUCSON	520,795	311,400	1.6724	2.7392	\$138,097,586	\$632,632,406
TUSAYAN	558	606	0.9208	2.7392	\$470,573	\$1,186,877
WELLTON	2,884	900	3.2044	2.7392	\$460,150	\$4,038,958
WICKENBURG	6,353	3,300	1.9252	2.7392	\$6,600,000	\$34,803,747
WILLCOX	3,761	2,985	1.2600	2.7392	\$10,497,909	\$36,230,886
WILLIAMS	3,032	2,100	1.4438	2.7392	\$1,254,501	\$4,961,329
WINKELMAN	352	1,010	0.3485	2.7392	\$183,579	\$175,251
WINSLOW	9,666	7,725	1.2513	2.7392	\$4,995,579	\$17,121,873
YOUNGTOWN	6,154	2,100	2.9305	2.7392	\$559,874	\$4,494,130
YUMA	93,275	34,500	2.7036	2.7392	\$15,663,245	\$115,996,545
TOTAL	5,032,765	1,896,649	2.6535		\$894,301,168	\$7,834,265,704

* SOURCE: (2010 GDP Implicit Price Deflator - Global Insight, March 2011)/(1978 GDP Implicit Price Deflator) = 110.662/40.400

** FIGURES AS OF JULY 1 (SOURCE: DEPT. OF ECONOMIC SECURITY)

*** ANNEXATIONS NOT ACCOUNTED FOR IN THIS DOCUMENT.



CITY COUNCIL REPORT

SUBJECT:
Executive Session

MEETING DATE:
March 5, 2012

TO: Mayor and Council
FROM: Andrew McGuire, City Attorney (602) 257-7664
THROUGH: Charlie McClendon, City Manager

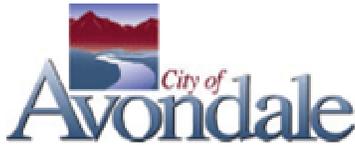
PURPOSE:

The Council may hold an executive session pursuant to (i) 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 (a) a potential IRS audit and (b) an EEOC complaint and (ii) Ariz. Rev. Stat. § 38-431.03 (A)(7) for discussion or consultation with the representatives of the City in order to consider its position and instruct its representatives regarding negotiations relating to real property.

ATTACHMENTS:

[Click to download](#)

No Attachments Available



CITY COUNCIL AGENDA

CITY COUNCIL CHAMBERS . 11465 WEST CIVIC CENTER DRIVE . AVONDALE, AZ 85323

SPECIAL MEETING
March 5, 2012
7:00 PM

Or Immediately Following the Regular Council Meeting

CALL TO ORDER BY MAYOR ROGERS

1 ROLL CALL

2 RESOLUTION 3031-312 - ALTERNATIVE EXPENDITURE LIMITATION (HOME RULE)

City Council will consider a resolution proposing an extension of the Alternative Expenditure Limitation (Home rule). The Council will take appropriate action.

3 ADJOURNMENT

Respectfully submitted,

A handwritten signature in cursive script that reads "Carmen Martinez".

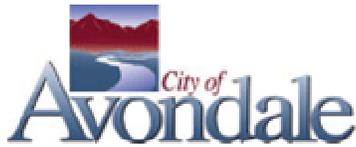
Carmen Martinez
City Clerk

Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oído, o con necesidad de impresión grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos días hábiles antes de la junta del Concejo.

Notice is hereby given that pursuant to A.R.S. § 1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council may be audio and/or video recorded and, as a result, proceedings in which children are present may be subject to such recording. Parents, in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. § 1-602.A.9 have been waived.

De acuerdo con la ley A.R.S. § 1-602.A.9, y sujeto a ciertas excepciones legales, se da aviso que los padres tienen derecho a dar su consentimiento antes de que el Estado o cualquier otra entidad política haga grabaciones de video o audio de un menor de edad. Las juntas del Concejo de la Ciudad pueden ser grabadas y por consecuencia, existe la posibilidad de que si hay menores de edad presentes éstos aparezcan en estos videos o grabaciones de audio. Los padres puedan ejercitar su derecho si presentan su consentimiento por escrito a la Secretaria de la Ciudad, o pueden asegurarse que los niños no estén presentes durante la grabación de la junta. Si hay algún menor de edad presente durante la grabación, la Ciudad dará por entendido que los padres han renunciado sus derechos de acuerdo a la ley contenida A.R.S. § 1-602.A.9.



CITY COUNCIL REPORT

SUBJECT:

Resolution 3031-312 - Alternative Expenditure
Limitation (Home Rule)

MEETING DATE:

March 5, 2012

TO: Mayor and Council

FROM: Kevin Artz, Finance and Budget Director (623) 333-2011

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council adopt a resolution proposing an extension of the Alternative Expenditure Limitation (Home Rule).

BACKGROUND:

The Arizona State Constitution and Arizona Revised Statutes impose an expenditure limitation on every City and Town in the State. The state-imposed limitation uses expenditures of local revenues from Fiscal Year 1979-80 as a baseline. Each year, the Economic Estimates Commission (EEC) adjusts baseline expenditures based on a standard inflation rate and the population growth in the community to establish a new expenditure limitation (See Attachment A for FY 11/12 final estimates).

Certain revenues are specifically excluded from the state-imposed expenditure limitation. For example, revenues received from the issuance of bonds, revenues received from interest or dividends, revenue from Federal grants, and intergovernmental revenue already subject to another entity's expenditure limitation, are all exempt from the expenditure limit.

If the state-imposed limitation does not allow for the expenditure of sufficient local funds (less the exemptions listed above), State law provides four options to potentially solve this problem.

- 1 Alternative expenditure limitation (local home rule option)
- 1 A permanent base adjustment
- 1 A capital projects accumulation fund
- 1 A one-time override

All of the options require voter approval. If none of the options are approved by the voters, the state-imposed limitation will apply.

In November of 2009, the Avondale voters adopted an alternative expenditure limitation (first approved in 1981 with seven subsequent extensions). The Home Rule option expires at the end of Fiscal Year 2013-14.

The home rule option allows the City to adopt its own "alternative" expenditure limitation and sets the limit at its adopted budget. In other words, it allows the City to establish its own expenditure limitation without being subject to the state-imposed limitation. Home rule must be approved by the voters, and is good for a period of four years.

DISCUSSION:

In order to extend the home rule option, State law requires that two public hearings be held (February 21st and March 5th) and the City Council to adopt a resolution proposing the extension, immediately following the second public hearing (March 5th). The alternative expenditure limitation will then be submitted to the voters of Avondale at an election to be held in August of 2012.

The final state-imposed expenditure limitation for the City of Avondale for Fiscal Year 2011-12 is \$46,305,905. Staff estimates that the City would have an additional \$50,000,000 of exclusions from the state imposed limit for a total expenditure limitation of approximately \$96,300,000. The final adopted budget for FY 11-12 is approximately \$163,000,000 which would put the City approximately \$66,700,000 over the state-imposed limitation, if the Home Rule option were not in effect for Fiscal Year 2011-12. There are several factors that would cause the City of Avondale to exceed the state-imposed expenditure limit.

First, the state-imposed expenditure limitation, which is calculated with population and inflation factors, is based on projections for one year's needs. In a high growth community, this doesn't allow for a City to plan infrastructure and city services to stay ahead of the growth curve (i.e., building a wastewater treatment facility with excess capacity, instead of one year's capacity needs).

Second, the City of Avondale has changed significantly since 1979-80, when the baseline was established. Current citizens are demanding increased services and amenities that may not have been required in 1980. The increased expectations of the residents are not adequately factored into the population and inflation calculation performed by the State. As a result, the state-imposed limitation is based on expectations from 25 years ago, instead of the expectations of today's residents.

Finally, the State imposed limitation does not account for additional revenue sources received since 1979-80. The City of Avondale has established development impact fees and two, half-percent sales tax increases since 1979-80. Both of these local revenue sources are subject to the State-imposed limitation. Without an alternate expenditure limitation, the City would be unable to spend sales tax dollars from a voter approved initiative, which was approved to increase funding for public safety, and for basic water, sewer and street infrastructure improvements.

As the state-imposed expenditure limitation for the City of Avondale is not sufficient to allow the City to expend its local revenues and provide the basic services that the residents require, the City must seek approval from the voters to authorize an extension to the home rule option.

RECOMMENDATION:

Staff recommends that Council adopt a resolution proposing the extension of the Alternative Expenditure Limitation (home rule option).

ATTACHMENTS:

Click to download

 [Resolution 3031-312](#)

RESOLUTION NO. 3031-312

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, PROPOSING AN EXTENSION OF THE ALTERNATIVE EXPENDITURE LIMITATION.

WHEREAS, Article IX, Section 20, Subsection 9 of the Arizona State Constitution permits the Council of the City of Avondale (the “City Council”) to submit to the voters an alternative expenditure limitation; and

WHEREAS, in 1981 the voters of Avondale first adopted the alternative expenditure limitation commonly referred to as “Home Rule;” and

WHEREAS, the Avondale voters approved extension of Home Rule in 1985, 1989, 1993, 1997, 2000, 2005 and 2009; and

WHEREAS, the City Council, after two public hearings held on February 21, 2012 and March 5, 2012, has determined that a further extension of the Home Rule alternative expenditure limitation is necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Home Rule alternative expenditure limitation extension shall be submitted to the voters of the City as follows:

Shall the following be adopted by the City of Avondale as an alternative expenditure limitation:

“The Mayor and Council of the City of Avondale shall annually, as part of the annual budget adoption process, adopt an alternative expenditure limitation equal to the total amount of budgeted expenditures/expenses as it appears on the annual budget as adopted by the City Council to apply to the City of Avondale for each of the four fiscal years immediately following such adoption. The alternative expenditure limitation shall be adopted each year after a public hearing at which the citizens of the City of Avondale may comment on the proposed alternative expenditure limitation. No expenditures may be made in violation of such alternative expenditure limitation, nor may any proposed expenditures be in

excess of estimated available revenues, except that the Mayor and the Council may by three-fourths vote, declare an emergency and suspend the alternative expenditure limitation. The suspension of the alternative expenditure limitation shall be in effect for only one fiscal year at a time.”

SECTION 3. An election on the further extension of Home Rule is hereby set for August 28, 2012.

SECTION 4. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, March 5, 2012.

Marie Lopez Rogers, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney