

Minutes of the Regular Meeting held March 5, 2012 at 7:00 p.m. in the Council Chambers

MEMBERS PRESENT

Mayor Lopez Rogers and Council Members

Stephanie Karlin, Vice Mayor
Jim Buster
Jim McDonald
Frank Scott
Charles Vierhout
Ken Weise

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Sue McDermott, Development Services Director/City Engineer
Richard Lynch, City Judge
Kevin Artz, Finance and Budget Director
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

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

2 UNSCHEDULED PUBLIC APPEARANCES

(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

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.

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

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.

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

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.

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

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.

Mayor Rogers pulled item 3d from the consent agenda to be considered separately.

Vice Mayor Karlin moved to approve the consent agenda as presented with the exception of item 3d. Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

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

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.

Mayor Rogers indicated that even though this item is a CDBG project and is in the budget, in the interest of making the citizens aware of this project and the inconvenience that may arise from construction, she would like staff to provide some additional information.

Sue McDermott, Development Services Director indicated that this project will reconstruct the north half of the pavement and microseal the south side of pavement along Van Buren from Dysart Road to Central Avenue. Work will be done at night to minimize impact to local businesses. All business owners have been contacted individually and only one business owner expressed concern with the project. Signage

will be installed. Future projects will address the intersection of Central and Van Buren including the traffic signal.

In response to a question from Council Member Buster, Ms McDermott indicated that the objection brought forth was a general objection to the project and concern with driveway access.

Vice Mayor Karlin moved to approve item 3d; Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

Mayor Rogers commented that as part of the consent agenda the Council approved the Professional Services Agreement with Judge Lynch and proceeded to administer the Oath of Office to Judge Lynch.

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

The second Public Hearing on the proposed extension of the Alternative Expenditure Limitation (Home rule).

City Manager Charlie McClendon indicated that this is the second of the two required public hearings. Following the public hearing, Council will consider the resolution referring the issue to the voters. The action is to be taken during a special meeting.

Kevin Artz, Finance and Budget Director reviewed the particulars of this item as more specifically described in the council report.

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

Vice Mayor Karlin moved to recess the regular meeting in order to hold the special session with the executive session to follow after the special meeting. Council Member Weise.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

5 EXECUTIVE SESSION

- a. 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.

Vice Mayor Karlin moved to convene the executive session. Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

6 ADJOURNMENT

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

Meeting adjourned at 8:35 p.m.

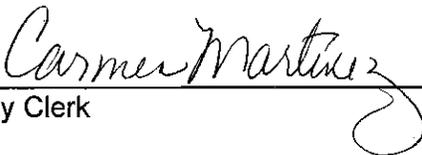

Marie Lopez Rogers



Carmen Martinez, CMC
City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Council of the City of Avondale held on the 5th of March 2012. I further certify that the meeting was duly called and held and that the quorum was present.



City Clerk

Minutes of the Special Meeting held March 5, 2012 at 7:16 p.m. in the Council Chambers

MEMBERS PRESENT

Mayor Lopez Rogers and Council Members

Stephanie Karlin, Vice Mayor
Jim Buster
Jim McDonald
Frank Scott
Charles Vierhout
Ken Weise

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

1 ROLL CALL BY THE CITY CLERK

2 RESOLUTION 3031-312 - ALTERNATIVE EXPENDITURE LIMITATION (HOME RULE)
A resolution proposing an extension of the Alternative Expenditure Limitation (Home rule).

Vice Mayor Karlin moved to adopt Resolution 3031-312 proposing an extension of the alternative expenditure limitation. Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

3 ADJOURNMENT

There being no further business before the Council, Vice Mayor Karlin moved to adjourn the special meeting; Council Member Weise seconded the motion.

Meeting adjourned at 7:18 p.m.


Marie Lopez Rogers



Carmen Martinez, CMC
City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of the Council of the City of Avondale held on the 5th day of March 2012. I further certify that the meeting was duly called and held and that the quorum was present.



City Clerk