

Minutes of the Regular Meeting held April 16, 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 E. Hill, Assistant City Manager
Gina Montes, Director of Neighborhood & Family Services
Kevin Kotsur, Chief of Police
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

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

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

2) UNSCHEDULED PUBLIC APPEARANCES

There were no calls for unscheduled public appearances.

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 April 2, 2012
2. Regular Meeting of April 2, 2012

b. LIQUOR LICENSE – RIO'S BAR

A request from Ms. Adriana Angela Torres-Patterson for a Series 7 On-sale retailer's license to sell beer and wine at Rio's Bar located at 11011 West Buckeye Road.

c. APPROVAL OF PURCHASE ORDER ISSUANCE – MICROSOFT ENTERPRISE AGREEMENTS

A request to authorize the issuance of a purchase order in the amount of up to \$225,000 to Software House International for the purchase of Microsoft Windows licenses, Windows Server, SQL Server, Office SharePoint and other similar products in order to secure an 8% discount on the total purchase and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

d. COOPERATIVE PURCHASING AGREEMENT – KRONOS INCORPORATED

A request to approve a Cooperative Purchasing Agreement with Kronos Incorporated in the amount of \$90,226.28, authorize the use of contingency funds and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

e. FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT – M&M PUBLIC SAFETY PSYCHOLOGY SERVICES

A request to approve the First Amendment to the Professional Services Agreement with M&M Public Safety Psychology Services P.L.L.C. to provide psychological testing services for police, fire and other recruitments and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

f. COOPERATIVE PURCHASING AGREEMENT – INSIGHT PUBLIC SECTOR, INC. FOR DISASTER RECOVERY AND BUSINESS REDEMPTION SERVICES

A request to approve a Cooperative Purchasing Agreement with Insight Public Sector, Inc. for the purchase of a storage solution to meet the City's disaster recovery and business resumption goals in the amount of \$54,052.58 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

g. LIQUOR LICENSE TEMPORARY EXTENSION OF PREMISES – MANNY'S MEXICAN RESTAURANT

A request by Mr. Manny Lafarga for a Temporary Extension of Premises to the Series 12 Restaurant License to sell all spirituous liquors at Manny's Restaurant to be used in conjunction with a Cinco de Mayor event scheduled for Saturday, May 5, 2012 from 5:00 pm to 1:00 am.

Vice Mayor Karlin moved to approve the consent agenda as presented. 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.

4) PUBLIC HEARING AND RESOLUTION 3038-412 – APPROVING THE 2012-2013 ANNUAL ACTION PLAN

A public hearing and a resolution approving the 2012/2013 Annual Action Plan portion of the 2010-2014 Consolidated Plan and authorizing its submission to the U.S. Department of Housing and Urban Development for receipt of CDBG Funds.

Charlie McClendon, City Manager, noted that this is the second of two public hearings on this matter. Mayor Lopez Rogers opened the public hearing, there being no requests to speak, Mayor Rogers closed the public hearing.

Council Member Weise moved to adopt Resolution 3038-412, approving the 2012-13 Annual Action Plan. Council Member Scott 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.

5) CONTRIBUTIONS ASSISTANCE PROGRAM AND SUB-COMMITTEE APPOINTMENT

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

Mr. McClendon said the City budget contains an item each year to provide assistance to non-profit agencies that serve the residents of Avondale. He requested that City Council review the awards under the Contributions Assistance Program, appoint a Council Subcommittee to review the requests, and to follow up at a future meeting with a recommendation on funding allocations.

Gina Montes, Neighborhood & Family Services Director, said that in order to be eligible for the program, the non-profit organizations that receive funding must serve Avondale residents in the areas of Health and Human Services. This year, the program funded 14 West Valley agencies that provide a broad array of services. Thirty agencies applied for \$276,000 of available funding. Funding recommendations were reviewed and scored by staff. Subcommittee members make the final decision. The review process ensures that the service provided would improve the health and welfare of residents, that the program has funding from other sources, and that the funding offers direct and measurable services to the public. Mayor Lopez Rogers asked Council Members to volunteer for the appointment.

Council Member Weise moved to approve the Contributions Assistance Program funding criteria, and to appoint Vice Mayor Karlin, Council Member Buster and Council Member Scott to the 2012-2013 CAP Subcommittee. Council Member Vierhout seconded.

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) LEASE AGREEMENT – CNC PEBBLE CREEK, LLC FOR THE SOUTHWEST FAMILY ADVOCACY CENTER

A request to approve a lease agreement with CNC Pebble Creek, LLC, for the relocation of the Southwest Family Advocacy Center to 2333 N. Pebble Creek Parkway, in Goodyear and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Kevin Kotsur, Chief of Police, explained that the Southwest Family Advocacy Center (SWFAC) is a unique model in the United States. It is the only family center that has three municipalities operating out of one facility. The center has provided services to over 1,600 child abuse victims since 2008. The current monthly lease is \$30,355, and each agency pays \$10,118. The lease expires in fall 2012. A new location at 2333 N. Pebble Creek Parkway, about three miles from the current center, has been secured as the new home of the SWFAC. Improvements are being paid for by the owner. The new location will cost each agency \$8,105 per month. Associated costs with the move amount to about \$170,000. It is estimated that the cost of the move can be recovered through the lower rent within just over two years. The estimated fund balance of \$200,000 can be carried over to next year.

Chief Kotsur recommended approval of the lease agreement between the City of Avondale and CNC Pebble Creek LLC, for the SWFAC in the amount of \$291,810. Mayor Lopez Rogers said the multi-city partnership has worked well and has improved the lives of many children. She inquired about the City of Surprise's involvement. Chief Kotsur said Surprise made contributions the last two years, and would like to make a contribution again, but they feel it would be premature to make that commitment right now.

Council Member Weise asked whether any victims would be turned away for budgetary reasons. Chief Kotsur responded that they would not. Council Member Weise inquired whether the recording equipment for court appearances was out of date when it was purchased. Chief Kotsur responded that it is roughly five years old, and is a bit dated, which could threaten investigations. Council Member Weise asked whether the new location was accessible for those who rely on public transportation. Chief Kotsur responded that the location freeway and transit accessible.

Council Member McDonald asked whether the larger facility would allow the center to expand its services. Chief Kotsur explained that the current location prevents the center from expanding. The new location is big enough to bring in a new partner and more equipment. The center is exploring new partnerships to fill the space. In response to a question from Council Member McDonald, Chief Kotsur explained that new equipment is important because investigations that record good quality interviews and conversations can often avoid going to trial at all.

Council Member Scott said the center offers an invaluable service to victims of these types of crimes. The financial savings and extra space offered by the new location will make the

center even better. Council Member Buster asked about the number of agencies that are run out of the SWFAC. Chief Kotsur responded that eleven agencies operate from the center, but three main municipalities pay for it: Avondale, Buckeye, and Goodyear.

Council Member Weise moved to approve the lease agreement between the City of Avondale and CNC Pebble Creek LLC., for the Southwest Family Advocacy Center, in the amount of \$291,810 annually. Vice Mayor Karlin 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.

7) PROPOSED INTERGOVERNMENTAL AGREEMENT WITH LITCHFIELD PARK REGARDING WIGWAM CREEK SOUTH

Presentation of the elements of a proposed intergovernmental agreement with the City of Litchfield Park for the purpose of proceeding with the annexation of Wigwam Creek South.

Rogene E. Hill, Assistant City Manager, said the proposed agreement between the two cities lays out the approach each would take in consideration of the annexation request by the Wigwam Creek South Community Association Board (WWC South). The agreement would give association leadership the confidence to move forward with this issue. It allows Avondale staff to update the cost and revenue analysis, and allows time for the housing market to recover. She emphasized that this would not commit the City to annexation of the neighborhood.

Ms. Hill said residents would have a maximum of one year to gather petition signatures. The decision to annex would come to City Council only if the petition drive is successful. Any subsequent land swaps between the two cities would only occur if the City Council approves the annexation.

Ms. Hill said Wigwam Creek South is a residential community made up of several neighborhoods just north of Indian School, south of Camelback, and directly east of Dysart Road. It borders Rio Crossing on the east. There are 1,266 homes in WWC South, with an estimated population of 4,051. In 2010, the average home value was \$142,000. Two neighborhoods have extremely large lots that would rank among the largest in Avondale if the annexation is approved. The area has a low rate of foreclosures, and moderate police calls for service. It is currently served by Liberty Water. Some private streets would not be maintained by the City. The community is mainly interested in obtaining police and fire service from Avondale.

Ms. Hill said in order for Avondale to consider the annexation, the first move must be taken by Litchfield Park, hence the agreement. Litchfield Park has agreed to remove the strip along Indian School to allow contiguity with Avondale. Once that occurs, Avondale could open the petition drive for the residents. If the petition drive is unsuccessful, the process ends. If it is successful, the annexation request will be presented to City Council for approval. At that time, staff would provide updated revenue and cost projections.

Ms. Hill said that if City Council approves the annexation request, Litchfield Park would swap Monument Point Business Park with Avondale for the Post Office Plaza. If the Monument Point Business Park develops within the next 25 years, the agreement requires each city to remit 1.5% of the 2.5% construction sales tax to the other. Ms. Hill displayed maps of the parcels in question.

Ms. Hill said the process is multi-staged; City Council has several opportunities to consider this matter and gain more information. The next step is for staff to complete the detailed IGA with Litchfield Park, which will go before Council for action in May. The process would then be opened so that the Wigwam South community could begin their petition drive.

Council Member Weise felt many questions have to be answered before he could make a decision on this, but he encouraged both cities to move forward in good faith. Ms. Hill said the only issue that remains under discussion between the two cities is the exchange of construction sales tax. Litchfield Park initially proposed it. Council Member Weise expressed concern that Avondale would have to put up money before Litchfield Park does. He asked how the annexation would affect the fire facility in northwest Avondale. Ms. Hill responded that it might help to bring that station on line a little sooner, but the City is committed to opening it eventually.

In response to an inquiry from Vice Mayor Karlin, Ms. Hill explained that Litchfield Park would retain a fully developed commercial corner that houses Albertsons, and an undeveloped commercial corner at Camelback and Dysart Road. Vice Mayor Karlin said it should be clearly emphasized that the neighborhood is on Liberty water, and the City has no intention of bringing those residents onto City water or buying out Liberty.

Council Member Buster felt that the annexation would help get the fire station operational. It appears at this point to be a logical annexation that would help the residents obtain the services they want. It is a stable neighborhood with large lots. The big question is whether the financial agreements between the two cities will be equitable. In principle, it makes a lot of sense.

Council Member Vierhout inquired about trash pickup. Ms. Hill responded that individual households contract for service. If Avondale annexes, residents would have to buy trash cans, and the City would begin servicing the community. Council Member Vierhout asked about the impact the annexation would have on businesses that have to change their addresses. Ms. Hill explained that they already use the Litchfield Park address, since the post office is nearby. Avondale has not been in contact with any of the business owners to see how they feel about the proposal.

In response to Council Member McDonald's inquiry, Ms. Hill explained that Avondale does not want to take on maintenance of Camelback Road, and that is one of the issues still being worked out on the maps and the legal descriptions. Council Member McDonald felt that the residents should be educated about the problems involved with adding the neighborhood to the City's water supply. He said the annexation appears to be a good move. The Litchfield Park post office should actually be in Litchfield Park. The northwest fire station would decrease response times in that portion of the city.

Council Member Buster inquired about the Monument Point Business Park infrastructure. Ms. Hill responded that it has been in place for at least three years. Council Member Weise asked whether the neighborhoods with private roads would share other services. Ms. Hill said they would continue to maintain their own roads and lighting, but would get trash service from Avondale. Council Member Weise inquired about the condition and design of the roads. Ms. Hill explained that the engineering standards are comparable to Avondale's and they are in good condition. The roads were built in the early 2000s.

Mayor Lopez Rogers requested a survey of businesses in the affected area to see how they feel about the annexation. She encouraged staff to fully study the financial aspects of the land swap to ensure that the exchange is as fair as possible. Mayor Lopez Rogers opened the public hearing.

Roy Taniguchi expressed his concerns about the annexation. Information on the annexation has been difficult to come by, and the website is incomplete. If the annexation occurs, there should be some very clear guidelines on how the City will handle water and sewage into the future. It could become an extremely costly proposition if the City has to buy out Liberty. Commercially, the swapped land might not be as valuable as what the City gives up. The Albertsons parcel, if exchanged, will mess up the City border significantly, and complicate planning issues in the future.

Betty Lynch thanked City Council for passing the SWFAC agreement. Regarding the annexation, the process has been years in the making. She noted that a fence exists between the Wigwam Creek parcels and Rio Crossing. Children should not have to climb a wall to avoid having to walk around the block to get to their school. The Wigwam Creek HOA must put a gate in their wall so that their Rio Crossing neighbors can pass through. She said the City should clearly state in the agreement that it will never pick up water and sewer service for the annexation. The annexation could make the area whole, and allow residents there to serve on Avondale boards and commissions.

Council Member Weise inquired whether there are any plans to take the annexed area into Avondale's water system. Mr. McClendon explained that Liberty Water has a lot of capital infrastructure invested in the neighborhood, and it would be cost prohibitive to acquire. He confirmed that the residents who signed the petition understood the situation.

Council Member Vierhout said he intends to advocate for a gate in the Wigwam Creek wall.

- 8) ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM SUMMARY**
A summary report regarding the Energy Efficiency and Conservation Block Grant (EECBG) Program.

Ms. Hill stated that the City has been working on the Energy Efficiency and Conservation Block Grant (EECBG), which was modeled after the Community Development Block Grant Program. The legislation was signed into law in 2007, but not funded until 2009. Avondale applied for a block grant and was awarded an allocation of \$706,000, which included funding to hire a part-time staff person for two years. The City had to submit a strategy of activities for approval by the Department of Energy. The City's grant will officially end in November.

Ms. Hill highlighted the accomplishment of the City's program. Many City employees have collaborated and contributed to its success. Three cities joined together to hold two eco fairs that attracted over 1,100 people. About 2,300 pounds of electronic waste was collected, and 56 vendors of green products participated. Vendors helped pay for a \$2,000 sustainability scholarship to Estrella Mountain Community College.

Ms. Hill said the lighting project is mostly complete. All the energy draining lights from the Civic Center parking lot, campus, and Friendship Park have been replaced with 168 LED lights. This has resulted in over \$36,000 in maintenance cost savings, and \$11,000 in energy cost savings. The project will be complete once the DOE approves a Buy America waiver for a needed fixture.

Ms. Hill said the portfolio manager project is also nearing completion. This is a web-based tool to help the Facility Department track the City's energy cost. Grant funding was used to buy separate meters so that different buildings could be tracked as separate entities. Each type of building is benchmarked and receives a separate Energy Star score.

Ms. Hill reported that Avondale has partnered with SRP and APS on the energy audit and rebate program. This has helped leverage the dollars provided to residents and lightened the administrative burden. Residents have also been able to benefit from a separate building audit and energy upgrade program. People were able to get work done that they would never have been able to do otherwise. Some buildings in Historic Avondale are receiving building audits to find ways to save energy. Improvements in that neighborhood can be jointly funded with CDBG funds. Staff was able to attend a variety of training conferences and programs and buy reference books and materials.

Ms. Hill stated that at least \$113,000 remains in the fund to pay for the Solar Demonstration Project. The DOE approved the project and moved the deadline for spending the money to July 2012. Solar panels will be placed on the roof of City parking structures, and City Hall will have a kiosk installed to display the amount of electricity being generated, and to provide information about solar energy in general.

The energy retrofit of 525 Central was one of the largest projects. This was a high energy use building that was very uncomfortable in the summer months. The building received a complete energy audit and was retrofitted to bring it into the 21st century. It now has two new AC systems, an upgraded electrical system, new light fixtures, new water fountains, and new energy-efficient windows.

Council Member McDonald asked whether the individual meters could track performance trends over time. Ms. Hill explained that the purpose of the energy reporting system is to track performance shifts as modifications are made to the buildings over time. The meters are connected to the SRP system. Council Member McDonald noted that the system could save money by detecting problems as they arise. In response to a further inquiry from Council Member McDonald, Ms. Hill said the utility companies offer slightly different solar rebates to municipalities than those offered to residential customers.

Council Member McDonald said the City stands to benefit from the effort to convert from standard light bulbs to LED lighting, as they can save much money over time, and the utilities will even pay for part of the energy saved. The IRS gives tax breaks for elevated solar platforms, but not parking structures.

Vice Mayor Karlin expressed admiration for the staff's continued foresight and preparedness. The City received a lot of value for the grant money. Ms. Hill said that in 2009, staff presented an energy strategy to City Council before it was sent to the Department of Energy for approval. Funds are released once the plans are approved. The plan has changed over time. Vice Mayor Karlin inquired about future sustainability-related grants. Ms. Hill explained that the program is still enacted in legislation, but it requires Congress to fund it. The only funding it has received so far has been through the American Recovery and Reinvestment Act (ARRA). Avondale's Engineering Department views sustainability as a goal, and they will continue to keep an eye out for funding opportunities as they arise.

Mayor Lopez Rogers said the energy funding provided many benefits to Avondale and other cities. Even though it was a highly touted program, Congress decided not to continue funding it. Council Member Vierhout inquired about using an energy block grant to cover the roof of 525 Central with solar panels. Ms. Hill responded that the grant would pay for solar at any City facility, or even flat land installations. Council Member Vierhout said solar shade projects work out especially well in Arizona.

Council Member Weise asked whether the energy block grants could be applied to private residences. Ms. Hill explained that a number of homeowners received rebates for new sun shades, insulation, and duct sealing projects. The grant rebates were added to rebates offered by the utility companies. The energy rebate program ended when the funds ran out to administer it. Council Member Weise felt that most people will never come to see the City's demonstration project. Community-based demonstration projects are much more effective, and he encouraged staff to pursue funding for projects of this type as they become available.

9) ADJOURNMENT

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

Meeting adjourned at 8:29 p.m.


Mayor Lopez-Rogers


Carmen Martinez, CMC
City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Council of the City of Avondale held on the 16th day of April 2012. I further certify that the meeting was duly called and held and that the quorum was present.


City Clerk