

Minutes of the Work Session held November 5, 2012 at 6:02 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Lopez Rogers and Council Members

Jim Buster
Jim McDonald
Frank Scott
Charles Vierhout
Ken Weise

ABSENT

Stephanie Karlin, Vice Mayor

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Gina Montes, Neighborhood and Family Services Director
Dale Nannenga, Assistant Police Chief
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

1) ROLL CALL BY THE CITY CLERK

2) WEST-MEC INFORMATIONAL PRESENTATION

A presentation by Diane McCarthy, West-MEC Director of Business Partnerships and Government Affairs on the successes and opportunities of West-MEC (Western Maricopa Education Center).

Gina Montes, Neighborhood and Family Services Director introduced Diane McCarthy, West-MEC Director of Business Partnerships and Greg Donovan, West-MEC Superintendent to present this item.

Diane McCarthy, noted that West-MEC celebrates its tenth anniversary on November 6. Greg Donovan explained that the school is designed to help young people establish lifelong career paths. It is classified as a joint technical education district, which overlays member districts and works to provide career and technical education. It runs a fully NATEF-licensed diesel technology training program for high school students at the Freightliner dealership in Tolleson, which is the only such program of its type in the country. West-MEC also has a FAA-licensed aviation airframe and power plant program at Goodyear Airport, which is one of only three in the country. Students in these programs attend 1,950 instructional hours during their junior and senior years. Programs are also offered in culinary arts, dental assisting, cosmetology, certified nursing assisting, emergency medical technician and fire science, among others.

Mr. Donovan showed a short promotional video. He explained that the school is working to expand opportunities by developing partnerships with Avondale businesses and industry. Internships are available for students, and the school uses externships to help instructors keep their skills up to date. Programs are aligned with industry certifications as often as possible. Some programs, such as EMT and Dental Assisting, grant community college credits with the Maricopa Community College District. Oftentimes, students who were unmotivated by traditional academic programs have flourished at West-MEC.

Mr. Donovan stated that if voters approve a bond measure on Election Day, the school will have the funding necessary to expand training programs in computer-aided numerical control manufacturing, certified welding, and avionic electronics. APS is helping to develop a number of green program offerings, particularly in solar and alternative energy, while a similar effort with Banner Health would train students for health-related occupations.

West-MEC covers 12 communities and 4,400 square miles. Campuses include 17 acres at Airport Road and I-10, a Deer Valley location at 19th Avenue and Williams Road, as well as locations at 99th Avenue and Roosevelt, and 104th Avenue and Glendale Road. This year, the school will begin offering opportunities to help adults keep their skills updated. Local employers really appreciate the school, since it helps replenish the labor force. As the baby boom generation retires, there is a need for young people to understand the relevance of their education and stay engaged.

Mayor Lopez Rogers said Avondale is grateful for the school because it helps young people find their passion. Council Member McDonald inquired about the process of finding students who will be a good fit for the learning environment. Mr. Donovan explained that West-MEC works with counselors in all 40 high schools within its boundaries. Some high schools have their own on-campus West-MEC programs that are equipped and taught locally. Centralized programs are introduced to students through open house sessions. While no GPA blocks exist, students who are interested in a program must be able to demonstrate minimum competencies in reading or math. Council Member McDonald said it is important that students are exposed to a wide range of vocations before they reach adulthood.

Council Member Vierhout inquired about transportation options between West-MEC and the high schools. Mr. Donovan responded that it is up to the students to get to campus, as Arizona statute prevents joint technical districts from providing transportation. If the bond measure passes, more programs will be offered at multiple sites, which will make it easier for high schools to provide transportation. Bus passes are provided to students in need, and most programs are reachable via public transportation.

Council Member Vierhout inquired whether the daily schedule is lengthened to accommodate project-based learning. Mr. Donovan said most students spend four to five hours in the morning at their regular high school before coming to West-MEC for another four hours. Students are motivated to put many hours into their studies. Council Member Vierhout inquired about the school's capacity. Mr. Donovan said programs are typically expanded and contracted based on demand. Any student that is inclined towards a program offering is given an opportunity to enroll. Currently, 800 students attend West-MEC. Some programs, such as EMT, have tough requirements and a high attrition rate. Graduates are taught to be responsible and accountable, and are given the skills necessary to be successful in their careers.

Council Member Buster inquired about the number of students who decide to go on to college. Mr. Donovan responded that as the school is still young, it has been difficult to keep up with graduates, though the outreach effort will expand as the school does.

3) REVIEW OF CITY OF AVONDALE PARKING ORDINANCE; 23-62.A

Information regarding the City Parking Ordinance, which limits what vehicles can park on public streets by the gross vehicle weight (GVW), chassis weight or by specifically defined vehicles and whether there are any exceptions for drivers who are "on call."

Assistant Police Chief Dale Nannenga said Avondale Ordinance 23-26.A limits the types of vehicles which can park on public streets and in parking lots. Exemptions exist for on-call professions. The ordinance limits vehicles with a gross vehicle weight (GVW) of 10,000 pounds or more, and a chassis rating of greater than one ton. It also addresses specific vehicles such as tractors, semi-trailers, buses, and mobile homes. Staff contacted other cities in the West Valley to compare their ordinances to Avondale's. The research showed that the city's current ordinance is in line with those other cities, but no other city offers exemptions for on-call professions. The current Parking Ordinance is directly in line with the Zoning Ordinance, which restricts what vehicles can park in residential areas. HOAs sometimes place further restrictions on parking within their boundaries.

Council Member Scott inquired whether state law 33-1809 supersedes Avondale's ordinance. Andrew McGuire, City Attorney, responded that in order for that to be the case, the state would have to consider the matter of statewide concern. Council Member Scott felt that tow trucks from companies that contract with the city should be exempt from the ordinance so that drivers can park in their own neighborhoods and respond in a timely manner.

Council Member Weise said that if HOAs are relying on the city ordinance to make their decisions, he would be okay with making an exception for contracted tow trucks. He noted that many residents opt to park on streets rather than their own driveways, which impacts neighbors. He inquired about the city's enforcement efforts. Assistant Chief Nannenga explained that the department responded to 628 parking-related calls in the past year, 61% of which were officer-initiated, and 328 citations were issued. Officers would rather educate residents than issue citations. Parking-related calls are generally considered a low priority. Council Member Vierhout said abuse can work both ways, and noted that some residents can be overzealous in their desire to enforce the Parking Ordinance.

Council Member McDonald asked about towing contractor requirements. Assistant Chief Nannenga explained that in addition to 20-minute response times, contractors have a number of obligations to abide by, including customer service. One contractor was recently placed on suspension for failing to have someone physically present on their lot. Council Member McDonald suggested that contracted tow truck operators be allowed to place a sign on their vehicles explaining why they are parked in neighborhoods.

Mayor Rogers expressed concern regarding issues that may arise as a result of this such as inequity and enforcement problems. She indicated there are a lot of issues that will need to be considered and worked through.

Charlie McClendon said staff would begin crafting language on a permit exemption that works under the city code that at the same time would not trump HOA regulations. Mr. McGuire said it would be helpful to understand the number of Avondale HOAs that have

covenants against parked vehicles to get a good assessment about how many communities will be impacted.

4) ADJOURNMENT

With no further business before the Council, Council Member Weise moved to adjourn the work session. Council Member Vierhout seconded the motion. The motion carried unanimously.

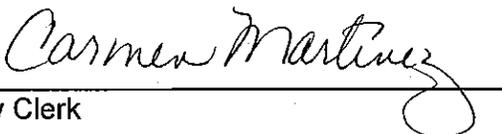
Meeting adjourned at 7:03 p.m.


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 Work Session of the Council of the City of Avondale held on the 5th day of November 2012. I further certify that the meeting was duly called and held and that the quorum was present.


City Clerk

Minutes of the Regular Meeting held November 5, 2012 at 7:11 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Rogers and Council Members

Jim Buster
Jim McDonald
Frank Scott
Charles Vierhout
Ken Weise

ABSENT/EXCUSED – Vice Mayor Stephanie Karlin

ALSO PRESENT

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

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

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

2 UNSCHEDULED PUBLIC APPEARANCES

There were no requests to speak.

3 CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a. APPROVAL OF MINUTES

1. Work Session of October 8, 2012
2. Work Session of October 15, 2012
3. Regular Meeting of October 15, 2012

b. LIQUOR LICENSE SERIES 10 (BEER AND WINE STORE) - SPROUTS FARMERS MARKET #13

A request from Mr. Randy Nations for a Series 10 (Beer and Wine Store) License at Sprouts Farmers Market #13 located at 1813 N. Dysart Road in Avondale.

c. REAPPOINTMENT OF PRO TEMPORE JUDGE

A request to re-appoint one judge pro tempore to a one year term expiring on November 5, 2013.

d. REIMBURSEMENT AGREEMENT – THE CHARTER SCHOOL FUND, LLC

A request to approve a Reimbursement Agreement with The Charter School Fund, LLC for the purpose of improving the intersection of Corporate Drive and El Mirage Road as it relates to the development of the Legacy Traditional Charter School, authorize a necessary transfer, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

e. RESOLUTION 3079-1112 - CHANGE ORDER TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR TRANSIT SERVICES

A resolution approving Change Order No. 1 to the Intergovernmental Agreement with the City of Phoenix as the Federal Designated Recipient for the Avondale Urbanized Area, increasing the amount by \$167,226.00 for a total of \$2,171,462.00 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

f. RESOLUTION 3081-1112 - APPROVAL OF TOHONO O'ODHAM GRANT-IN-AID AGREEMENT FOR POLICE LESS LETHAL WEAPONS

A resolution approving a Grant-in-Aid Agreement with the Tohono O'odham Nation for the Avondale Police Department in the amount of \$9,051.34 for the purchase of less lethal weapons and ammunition and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

g. PROFESSIONAL SERVICES AGREEMENT – RITTOCH-POWELL & ASSOCIATES CONSULTING ENGINEERS, INC.

A request to approve a Professional Services Agreement with Ritoch-Powell & Associates to provide professional design services for the City Center Phase 3 Improvements in the amount of \$101,110 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Council Member McDonald moved to approve the consent agenda as presented. Council Member Vierhout seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 6-0.

4 RESOLUTION 3082-1112 - AUTHORIZING SUBMISSION OF GRANT APPLICATION TO THE ARIZONA DEPARTMENT OF HOUSING AND AMENDING THE OWNER-OCCUPIED HOME REHABILITATION PROGRAM POLICIES AND PROCEDURES

A resolution authorizing the submission of a \$440,000 State Housing Fund, HOME Investment Partnership program grant application to the Arizona Department of Housing to provide additional funding for the existing City of Avondale Owner Occupied Home Rehabilitation Program, adopting the Amended and Restated Avondale Owner-Occupied Home Rehabilitation Program Policies and Procedures, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Sandy Lopez, CDBG Administrator, reviewed the particulars of this item as more specifically described in the council report.

Council Member Weise moved to adopt Resolution 3082-1112. Council Member Vierhout seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 6-0.

5 ORDINANCE 1500-1112 - ANNEXATION OF RIGHT-OF-WAY AND ROADWAY ALONG INDIAN SCHOOL ROAD RIGHT OF WAY

An ordinance annexing a portion of right-of-way and roadway along Indian School Road from El Mirage to Dysart Road which has been deannexed by the City of Litchfield Park, authorize the Mayor or City Manager and City Clerk to execute all the necessary documents including the Letter Agreement with the City of Litchfield Park to clarify changes and access to the shopping center located at the northeast corner of Indian School Road and Dysart Road and authorize submission of the adopted ordinance to the Maricopa Board of Supervisors for approval.

City Manager Charlie McClendon explained that this is the first step in this project that has been in the works for the past four years. He introduced Assistant City Manager Rogene Hill to review the schedule for the proposed annexation.

Assistant City Manager Rogene Hill reviewed a list of actions and associated tentative dates for this annexation. She indicated that Litchfield Park has adopted an ordinance deannexing the strip along Indian School Road, and tonight's recommendation is for adoption of an ordinance to annex that same right of way into Avondale. Both ordinances will be sent to the Board of Supervisors for their approval. She explained that Litchfield Park has requested that both Mayors sign a Letter Agreement which will provide reassurance that both cities will exercise reasonableness should any changes to the access to the shopping center located in the northeast corner of Dysart Road and Indian School Road be necessary. Ms. Hill indicated that no separate action with regards to the Letter Agreement is being requested.

Regarding the proposed schedule, Ms. Hill indicated that while the cities wait for the Board of Supervisors to schedule the required public hearing, staff will use that time to prepare the staff analysis on issues such as the opening of the Northwest Fire Station, revenue projections and cost estimates of providing police, fire and sanitation services to Wigwam Creek South residents; the issue of the wall will also be addressed. Ms. Hill indicated that staff will present that information to Council at a work session at some time prior to the public hearing so Council is able to determine whether to proceed with the public hearing and subsequent annexation petition signature gathering effort.

In response to a question from Council Member Vierhout, Charlie McClendon explained that Litchfield Park's request for the Letter Agreement was based on the possibility that access to the shopping center be necessary at some point in the future.

City Attorney Andrew McGuire clarified that the Letter Agreement is not part of the IGA that was worked out between the attorneys. Mr. McGuire expressed reluctance with the Letter Agreement based on similar discussions and problems in other parts of the city.

Council Member Vierhout indicated he was not in favor of moving forward with this annexation and indicated he thought it is wise to stop this now before it is too late.

Council Member Weise commented he believes the Wigwam Creek South subdivision will be a good addition to Avondale and expressed that ultimately it will be the residents who will decide whether the area gets annexed into Avondale.

Council Member McDonald indicated he has been in favor of this all along and sees the benefit of the annexation as a resident of the adjoining subdivision.

Council Member Buster commented that he is in favor of proceeding with this step as a final decision will not happen until 2014.

In response to a question from Council Member Scott, Mr. McGuire indicated that should the total annexation not move forward the step being taken tonight would not be reversed. Council Member Scott commented that the issue with the wall is an important issue that has yet to be resolved but is in favor of moving forward with this step.

Mayor Rogers, Council Member Scott and Council Member Weise expressed concern over the contents of the letter and the need for it. Mr. McGuire expressed concerns about delegating duties to another jurisdiction they do not have ownership or responsibility for maintaining and operating it.

City Attorney clarified the Letter Agreement is not part of the Ordinance and should the Council adopt the ordinance, there would still be time to continue talks and reach an agreement. He indicated that in his opinion, any changes should be made to the IGA and not as a separate document.

Council Member Weise moved to adopt Ordinance 1500-1112 as presented and allow the Mayor through City Attorney's direction to sign the letter at a later date. Council Member Vierhout seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 5-1

6 DESIGNATION OF VOTING DELEGATES FOR NLC ANNUAL BUSINESS MEETING

Designation of a primary and an alternate voting delegate to represent Avondale at the National League of Cities' Annual Business Meeting to be held at the conclusion of the Congress of Cities in Boston, Massachusetts on Saturday, December 1, 2012.

Mayor Rogers indicated that Vice Mayor Karlin has requested to be considered as the voting delegate at the NLC.

Council Member Vierhout moved to designate Vice Mayor Karlin as delegate and Council Member McDonald as alternate to represent Avondale at the National League of Cities' Annual Business Meeting. Council Member Buster seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 6-0.

7 EXECUTIVE SESSION

a. An executive session pursuant to (i) Ariz. Rev. Stat. § 38-431.03 (A)(7) for discussion or consultation with City representatives in order to consider its position and instruct its representatives regarding negotiations for the acquisition of real property; and (ii) Ariz. Rev. Stat. § 38-431.03 (A)(4) for discussion or consultation with the City's Attorney in order to consider its position and instruct the City's Attorney regarding potential litigation with respect to tax matters.

8 ADJOURNMENT

Council Member Weise moved to adjourn the meeting. Council Member Vierhout seconded the motion.

Meeting adjourned at 8:03 p.m.


Marie Lopez Rogers

Carmen Martinez

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 day of November 2012. I further certify that the meeting was duly called and held and that the quorum was present.

Carmen Martinez

City Clerk