

Minutes of the Regular Meeting held May 6, 2013 at 7:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Lopez Rogers and Council Members

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

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Kevin Kotsur, Police Chief
Paul Adams, Fire Chief
Dan Davis, Economic Development 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 RECOGNITION ITEMS (MAYOR PRESENTATIONS)

a. AVONDALE PUBLIC SAFETY LIFE SAVING AWARDS PRESENTATION

Fire Chief Paul Adams and Police Chief Kevin Kotsur presented Public Safety Life Saving Awards to Avondale Police Officer Ryan Myers, Clayton Schaff, John Dang, Theresa Brennan and Beth Pearson for their part in rescuing a 3-year old child and her grandmother who would have drowned were it not for the efforts of Officer Myers and the four residents. Mayor Rogers and Council Members Vierhout, Buster and Weise expressed their gratitude for their heroism and being a true example of what makes Avondale a community.

3 UNSCHEDULED PUBLIC APPEARANCES

Bruce Essig addressed the Council regarding a letter him and his neighbors in Terra Mobile Ranchettes received regarding revocation of their horse privileges. He indicated that keeping of horses is part of their lifestyle and is what brings their community together. He recognized there may have been infractions, but those have been resolved. He expressed concerned over lower property values if horse privileges are taken away and the impact removal of their horse privileges will have in their lifestyle.

Mayor Rogers thanked Mr. Essig for his comments and directed the City Manager to follow up with Mr. Essig.

4 CONSENT AGENDA

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

a. APPROVAL OF MINUTES

1. Work Session of April 1, 2013
2. Regular Meeting of April 1, 2013
3. Work Session of April 8, 2013
4. Regular Meeting of April 15, 2013

b. LIQUOR LICENSE SERIES 6 - ACQUISITION OF CONTROL - LIGHTHOUSE RESTAURANT AND LOUNGE

A request from Mr. Robert Clayton for approval of an application for agent change acquisition of control of a Series 6 Bar License at the Lighthouse Restaurant and Lounge located at 12351 W Indian School Road in Avondale.

c. ACCEPTANCE OF THE SOUTHWEST VALLEY LOCAL TRANSIT SYSTEM STUDY

A request to review and accept the Southwest Valley Local Transit System Study prepared by the Maricopa Association of Governments, in partnership with West Valley cities and through outreach to residents.

d. FIRST AMENDMENT TO AREA AGENCY ON AGING CONTRACT 2013-05-AVO

A request to approve the first amendment to contract 2013-05-AVO with the Area Agency on Aging to increase the MCSO operations by \$1,000 and re-program \$8,000 from the Home Delivered Meal program to the Transportation program and authorize the Mayor or the City Manager and the City Clerk to execute the necessary documents.

e. CONSTRUCTION CONTRACT AWARD TO S&L DEVELOPMENTS FOR CITY DATA CENTER REMODEL

A request to award a contract to S&L Development in the amount of \$111,000 for construction services to refit the City Data Center and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

f. CONTRACT AWARD - THATCHER COMPANY FOR WATER TREATMENT CHEMICALS

A request to award a one-year contract to Thatcher Company to provide chemicals for water and wastewater treatment in an amount not to exceed \$16,605, with the option of four annual one-year renewals for a total possible five-year term, and a maximum aggregate amount not to exceed \$83,025, and to authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

g. COOPERATIVE PURCHASING AGREEMENT - KOVATCH MOBILE EQUIPMENT CORP. FOR LIGHT/AIR UTILITY TRUCK

A request to approve a cooperative purchasing agreement with Kovatch Mobile Equipment Corp. for the purchase of a new light/air utility fire apparatus in the total amount of \$534,029.57 and authorize the Mayor or City Manager and City Clerk to execute all the necessary documents.

- h. PROFESSIONAL SERVICES AGREEMENT - JENI MCCUTCHEON, PSY.D., PLLC**
A request to approve a Professional Services Agreement with Jeni McCutcheon Psy.D., PLLC to provide psychological testing services for police, fire and other recruitments in an amount not to exceed \$92,000 over the full term of the agreement and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.
- i. PROFESSIONAL SERVICES AGREEMENT - STRATEGIC ADVISORY GROUP**
A request to approve a Professional Services Agreement with Strategic Advisory Group for city branding and consulting services in a maximum amount of \$90,200 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.
- j. PROFESSIONAL SERVICES AGREEMENT – DICK & FRITSCHER DESIGN GROUP – NORTHWEST PUBLIC SAFETY FACILITY BUILDOUT**
A request to approve a Professional Services Agreement with Dick & Fritsche Design Group to provide architectural design services for the completion of the Northwest Public Safety Facility in the amount of \$59,097, authorize the necessary transfer and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.
- k. RESOLUTION 3099-513 - OWNER-OCCUPIED HOUSING REHABILITATION PROGRAM POLICIES AND PROCEDURES**
A resolution adopting the amended Avondale Owner-Occupied Home Rehabilitation Program Policies and Procedures as required by the Arizona Department of Housing in order to receive a grant award in the amount of \$440,000 and authorize the Mayor or City Manager and City Clerk to execute all the necessary documents to carry the intent of this resolution.
- l. RESOLUTION 3100-513 - INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR FEDERAL TRANSIT FUNDING**
A resolution approving an Intergovernmental Agreement with the City of Phoenix for Federal Transit Administration Funding to pass through grant funding in the amount of \$1,000,279 and authorize the Mayor and City Clerk to execute this agreement.
- m. RESOLUTION 3101-513 - CHANGE ORDER TO INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR DIAL-A-RIDE SERVICES**
A resolution approving a change order to the Intergovernmental Agreement with the City of Phoenix for ADA required services for an estimated annual cost of \$201,457 and authorize the Mayor and City Clerk to execute the appropriate documents.
- n. RESOLUTION 3102-513 - AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT WITH THE REGIONAL PUBLIC TRANSIT AUTHORITY**
A resolution approving an Amended and Restated Intergovernmental Agreement with the Regional Public Transportation Authority for FY 2014 Zoom operations, funding for American with Disabilities Act Paratransit Services, acquisition of replacement Zoom buses and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

- o. RESOLUTION 3106-513 - ADOPTING POLICIES AND PROCEDURES FOR TAX ADVANTAGED BONDS**
A resolution adopting written Policies and Procedures for Tax Advantaged Bonds.
- p. RESOLUTION 3103-513 - PLEDGED REVENUE REFUNDING OBLIGATIONS**
A resolution approving the sale and execution and delivery of not to exceed \$12.1M of pledged revenue refunding obligations and authorizing the execution and delivery of all required documents, and authorizing all other actions necessary to proceed with the sale.
- q. RESOLUTION 3104-513 - AUTHORIZING SUBMISSION OF APPLICATIONS FOR GRANT CONSIDERATION BY THE GILA RIVER INDIAN COMMUNITY**
A resolution authorizing the submission of applications for grant consideration by the Gila River Indian Community and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.
- r. RESOLUTION 3105-513 - AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT FOR JURY MANAGEMENT SERVICES**
A resolution authorizing an Amendment to an Intergovernmental Agreement with the Superior Court of Arizona in Maricopa County to provide jury services for the Avondale City Court, and authorize the Mayor and City Clerk to execute the necessary documents.
- s. ORDINANCE 1516-513 - DEDICATION OF POWER DISTRIBUTION EASEMENT TO SRP FOR CITY CENTER PHASE III PROJECT**
An ordinance dedicating a power distribution easement to Salt River Project Agricultural Improvement and Power District for the City Center Phase III Improvement Project 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 including Resolutions 3099-513, 3101-513, 3102-513, 3103-513, 3104-513, 3105-513, and 3106-513 and Ordinance 1516-513. Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

5 ECONOMIC DEVELOPMENT AGREEMENT - GUNBO, LLC

A request to approve an Economic Development Agreement with Gunbo, LLC regarding the construction and operation of Main Event Family Entertainment enter and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Dan Davis, Economic Development Director reviewed the particulars of this item as more specifically described in the council report. Mr. Davis recognized James and Sue representing Parkland Development who owns the property.

Mayor Rogers and Council Members expressed support for this project as it will bring youth employment, entertainment that will complement other venues in the city and spur further development in the area. Council Member Vierhout indicated that while he is not a big fan of incentives, he believes this to be a worthwhile project that will benefit the city.

Council Member Weise moved to approve the Economic Development Agreement with Gunbo, LLC. Council Member Vierhout seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

6 THIRD AMENDMENT - CONSTRUCTION MANAGER AT RISK AGREEMENT – FCI CONSTRUCTORS, INC.

A request to approve the third amendment to the Construction Manager at Risk with FCI Constructors, Inc. to provide complete construction services for the completion of the Northwest Public Safety Facility in the amount of \$1,803,772, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

City Manager Charlie McClendon indicated that this is a project that was put on hold several years ago due to the economy. He introduced Chief Adams to present this item.

Fire Chief Paul Adams reviewed the particulars of this item as more specifically described in the council report. He concluded by saying that final completion of the station is expected for December of 2013.

In response to a question from Council Member McDonald, Chief Adams indicated that staffing will be a combination of newly hired and existing staff.

In response to a question from Council Member Weise, Chief Adams indicated that the potential annexation is not expected to overtax the new station. Regarding responding to the Wigwam Creek North subdivision, which would not be annexed, Avondale will respond to a call if asked to do so since the area is served by Rural Metro who is not part of the mutual aid system.

Council Member Vierhout asked what type of equipment will be housed at that station. Chief Adams explained that while different equipment was slated to go at the new station, it appears that the ladder truck will go there due to a recent recommendation from the ISO.

Mayor Rogers commented that public safety is one of the main priorities to the Council. She commended staff for being so fiscally responsible while at the same time ensuring that everything is done to keep residents safe and provide them with the services they expect.

Council Member McDonald moved to approve the third amendment to the Construction Manager at Risk Agreement with FCI Constructors, Inc. Council Member seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

7 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 negotiations for (a) a potential Lease Agreement and (b) a potential Economic Development Agreement for City Center property and (ii) pursuant to 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 for public use.

Council Member Weise moved to adjourn to executive session; Vice Mayor Scott seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member McDonald	Aye
Council Member Weise	Aye
Mayor Rogers	Aye

Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried unanimously.

8 ADJOURNMENT

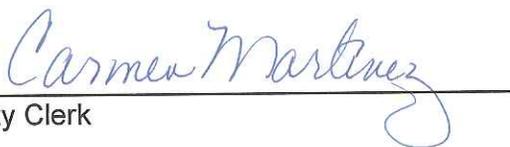
There being no further business before the Council, Council Member Buster moved to adjourn the meeting; Council Member Vierhout seconded the motion. Meeting adjourned into executive session at 8:31 p.m.


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 6th day of May 2013. I further certify that the meeting was duly called and held and that the quorum was present.


City Clerk

15

15

15