

Minutes of the Special Meeting held July 15, 2013 at 6:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Lopez Rogers (telephonic)
and Council Members

Jim Buster
Stephanie Karlin
Jim McDonald
Charles Vierhout
Ken Weise

ABSENCE EXCUSED

Frank Scott, Vice Mayor

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Christopher Reams, Director of Parks, Recreation & Libraries
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

2) EXECUTIVE SESSION

City Council may hold an executive session pursuant to 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 Termination of Lease and Purchase Agreement with Envirogen.

Council Member Weise moved to adjourn into Executive Session. Council Member McDonald Seconded.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

The special meeting reconvened at 6:14 p.m.

3) FRIENDSHIP PARK DESIGN

Staff is seeking direction and guidance on a schematic plan for the Friendship Park Enhancement project and possible changes to the Avondale Municipal Code to allow consumption of alcoholic beverages at Friendship Park and Festival Fields.

Christopher Reams, Director of Parks, Recreation & Libraries, requested City Council's guidance and direction regarding a schematic plan for the Friendship Park Enhancement

Project, and possible changes to the Avondale Municipal Code to allow consumption of alcoholic beverages at the park and Festival Fields. On July 2, 2012, City Council approved the conceptual plan to expand park operations to enhance revenue generation from amateur sports and to provide more public open space. On April 1, 2013, Logan Simpson was contracted to develop the schematic plans to a 15%-30% level.

Mr. Reams said the overall plan calls for three phases. Phase One will include improvements to the park entryway and signage, enhanced ramadas, and fencing for the sports fields. Parking will be added throughout the park, instead of just one area, providing additional green space without losing spaces. Phase Two would add turnstiles to the fenced area to better regulate fields during rentals. It would also add more parking, a new clubhouse and maintenance building, expanded playgrounds, and a relocated dog park, which will double in size. Phase Three would add lighting to fields 9 and 10, expand concession areas, and fund enhancements to the Sports Complex and the Agua Fria Trail System. Phase One is the only funded phase with \$650,000 allocated from the CIP. Phases Two and Three will require additional funds. The timeline for Phase One is to solicit the construction contract in August, for award in September.

Council Member Buster inquired about the roundabout removal. Mr. Reams explained that the second roundabout would be removed to provide more parking and improve direction finding. Council Member McDonald requested more information regarding field removal. Mr. Reams responded that the field furthest east will no longer be programmed, and would be made available as open space. The village green will occupy the football field, which will be moved to Festival Fields. Council Member McDonald inquired whether removing a field would limit the appeal for soccer tournaments. Mr. Reams felt it would not, because two fields would receive lighting, which would make them available for nighttime tournament use.

Council Member Vierhout asked whether the children's play area near the dog park would remain. Mr. Reams said it would be removed, but a new play area on the east end will be added. The overall concept is to move all open activities to the east end of the park, leaving the organized sports play for the west side.

Council Member Karlin expressed concern that much money was spent building Friendship Park and now it is being extensively revamped for parking. Mr. Reams said about while 80 to 100 parking spaces would be added to the park, the main goals are to draw more sports tournaments and add open green space. Council Member Karlin noted the limited parking for the Farmer's Market and asked whether the plan addresses that. Mr. Reams said the village green could be used to accommodate part of the market instead of the parking lot. The ramada area would be enhanced with natural shade and fencing. Council Member Karlin said there has been a need for more leisure activities, and the plan has much potential.

Mayor Lopez Rogers asked about plans to prevent people from using the village green area for pickup games. Mr. Reams explained that all of Avondale's parks are open parks, and the reservation system is designed to ensure that a specific space is available when someone wants to use it. The village green will work like any other space, in that it can be reserved for specific groups and activities. Mayor Lopez Rogers inquired about pedestrian

access to the park from the adjacent neighborhood. Mr. Reams said access is open now, and there are no plans to wall it off.

Council Member Weise noted that the expanded play area is almost big enough for another field, and would make a good practice field during tournaments. Otherwise the only space for practice is the village green. The expanded area has long been needed, and the stage will make a nice addition.

Mr. Reams next reviewed a possible revision to the alcohol policy. In July of 2004, City Council approved an ordinance that banned all glass beverage containers and possession and consumption of alcohol. The only exception is for properly licensed special events held at city parks, which are typically roped off from the rest of the park. He requested input on revising the code to allow consumption at Friendship Park and Festival Fields. Sales would be handled through both contracted vendors and individual permits. Staff researched 17 municipalities, and found that policies varied widely from no alcohol at all, to alcohol being allowed in all city parks. Council Member Karlin suggested that the City Center amphitheater would be a suitable place to allow alcohol for events, and felt a review of the entire alcohol policy was in order.

Council Member Vierhout said he likes the current policy, and feels the neighbors would prefer to keep alcohol out of the parks except for special events. Council Member McDonald said people should be allowed to enjoy alcohol in a responsible manner while watching sporting events or concerts, but alcohol should not be allowed in children's play areas, and should be limited to daylight hours in neighborhood parks.

Council Member Buster said he is open to the idea of allowing alcohol at Friendship Park and Festival Fields if it would result in increased revenue potential, because those activities would be monitored by staff. He felt that allowing alcohol at unmonitored neighborhood parks could cause problems, particularly late at night. Mayor Lopez Rogers said she would support allowing vendor licenses at Friendship Park and Festival Fields, but the remainder of the parks should stay under the current policy.

Council Member Vierhout asked whether the alcohol would have to be purchased on site. Mr. Reams said the two options being considered are purchases from licensed vendors, or permits for families or groups to bring their own. Council Member Buster asked whether special event licenses are granted for neighborhood parks. Mr. Reams said generally they are not, though it sometimes occurs. Special events must acquire County licensing as well. Generally, a beer garden concept is used, and the City determines the number of police officers/security personnel required. Mr. McClendon added that the special event applicant has to meet 14 tests during the permitting process. Council Member Buster felt the status quo was fine for the neighborhood parks, and he would be open to allowing licensed contractor sales and consumption in Friendship Park and Festival Fields with a permit. Council Member Vierhout concurred.

Council Member Weise said he approves of allowing permitting at Friendship Park and Festival Fields because there is room there to segregate children if their parents so desire. The neighborhood parks present a bigger challenge however. He inquired about the number of officers that patrol Friendship Park and Festival Fields during big events. Police

Chief Kevin Kotsur said several officers work the beat on weekends in addition to the park ranger. Mr. Reams added that permits require several officers to stay at the event at all times as well.

4) ADJOURNMENT

Council Member Vierhout moved to adjourn the meeting; Council Member McDonald seconded the motion. Meeting adjourned into executive session at 6:53 p.m.


Marie Lopez Rogers
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 Special Meeting of the Council of the City of Avondale held on the 15th day of July 2013. I further certify that the meeting was duly called and held and that the quorum was present.


Carmen Martinez
City Clerk

Minutes of the Regular Meeting held July 15, 2013 at 7:01 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Lopez Rogers (telephonic)
and Council Members

Jim Buster
Stephanie Karlin
Jim McDonald
Charles Vierhout
Ken Weise

ABSENCE EXCUSED

Frank Scott, Vice Mayor

ALSO PRESENT

Charlie McClendon, City Manager
Andrew McGuire, City Attorney
David Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Christopher Reams, Director of Parks, Recreation & Libraries
Leonard Moreno, Water Distribution Crew Leader
Dan Quiroz, Water Distribution
Jose Peña, Water Distribution
Randal Westacott, Chief Building Official
Tracy Stevens, Acting Development & Engineering Services Director
Jackie Keller, Landscape Architect
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. CITY MANAGER'S REPORT

a. Water Distribution Crew Presentation

Charlie McClendon, City Manager, said Public Works is working every day to ensure that Avondale's residents are provided with essential services. Leonard Moreno, Crew Leader, introduced the members of his team.

Dan Quiroz, Customer Service Technician, reported that Avondale has 24,000 meter accounts, which all have to be metered for consumption reports and billing. Meters come in different styles and sizes. The City employs a device that can pick up readings by simply driving through neighborhoods. The crew also repairs and replaces malfunctioning meters and transmitters, and completes service work orders generated by the Water Billing Department. Meters are read on a monthly schedule. Besides billing, the gathered data is used in reports that are sent to the Environmental Protection Agency and other agencies. He showed a video of the meter reading process. When scans reveal anomalies, the crew will return to take a physical reading to ensure that there are no problems.

Jose Peña discussed the Valve Maintenance and Fire Hydrant Maintenance Programs. Avondale has approximately 7,135 valves in the system. Valve maintenance extends the life of the valves, and minimizes outages to customers. It provides for reliable shutdowns in emergencies. Broken valves are repaired or replaced. Unnecessary dead ends are eliminated to improve water quality and provide optimal flow. He showed a video of the valve maintenance process. A well-maintained fire hydrant can save money, lives and structures. Staff maintains 2,700 hydrants in Avondale each year, made by seven different manufacturers. Besides ensuring that hydrants are working in emergencies, maintenance allows Avondale to meet the Insurance Services Office's (ISO) fire suppression rating standards. Avondale's rating is four on a one through 10 scale, with one being the best. Measures are under way to improve that rating. He showed a video of the hydrant maintenance process.

Mr. Moreno said the Service Crew maintains nearly 24,000 water service connections and 327 miles of water mains in the city, resolves problems that lead to low water pressure and fixes breaks. Distribution staff maintains a total of seven pressure-reducing valves to protect subdivisions from burst mains. Each month, the crew inspects 21 relief valves for the 24-inch reclaimed water line. He showed a video of the service line replacement process that is used to avoid road retrenchment, and a video of how a leaking main is shut down.

Council Member Karlin said the feedback that City Council hears regarding the Water Distribution Division is always positive. She inquired about remote detection of meters. Mr. Peña said some sensors allow both sides of the street to be read at once, while others need two passes. Council Member McDonald said the work that the division does often goes underappreciated because nobody thinks of water distribution until something goes wrong. The presentation answered questions about City services. Mayor Lopez Rogers, and Council Members Buster, Weise and Vierhout expressed their appreciation for the crew's work.

3 UNSCHEDULED PUBLIC APPEARANCES

There were no unscheduled appearances.

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.

Mayor Lopez Rogers requested that Item 4(c) be considered separately.

a. APPROVAL OF MINUTES

1. Work Session of July 1, 2013
2. Regular Meeting of July 1, 2013

b. COOPERATIVE PURCHASING AGREEMENT – FELIX CONSTRUCTION COMPANY

A request to approve a cooperative purchasing agreement with Felix Construction Company for valve replacement and construction services for Rigby Water System and Thomas Road in the amount of \$200,630.44 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

d. FIRST AMENDMENT TO THE PROFESSIONAL SERVICE AGREEMENT – NCS ENGINEERS

A request to approve an amendment to the Professional Services Agreement with NCS Engineers, to perform additional Wellhead Treatment Study work in an amount not-to-exceed \$33,732 for a maximum total contract amount of \$164,564, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT – BROWN AND CALDWELL, INC. – PHOENIX INTERNATIONAL RACEWAY LIFT STATION DESIGN

A request to approve a Second Amendment to the Professional Services Agreement with Brown & Caldwell, Inc. for the Phoenix International Raceway Lift Station in an amount not to exceed \$24,779, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. TERMINATION AGREEMENT AND PURCHASE AGREEMENT – ENVIROGEN TECHNOLOGIES, INC.

A request to approve a Termination Agreement with Envirogen Technologies, Inc. for the Gateway and Garden Lakes Booster Stations, approve a Purchase Agreement with Envirogen Technologies, Inc. for the purchase of the Nitrate Treatment System at Gateway Booster Station for the combined amount of \$250,000, approve the necessary funding from the Water Operating Contingency fund, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

g. RESOLUTION 3126-713 – MEMORANDUM OF UNDERSTANDING RELATING TO AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

A resolution approving a Memorandum of Understanding relating to the Edward Byrne Memorial Justice Assistance Grant Program to provide funding for a Crime Victim Advocate position for the Police Department and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

Council Member McDonald moved to accept the consent agenda as presented including Resolution 3126-713 and excluding Item 4 (c). Council Member Karlin 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	Excused
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried 6-0.

c. CONSTRUCTION CONTRACT AWARD – PIERSON CONSTRUCTION FOR THE CDBG STREET & SIDEWALK IMPROVEMENT PROJECT

A request to award a construction contract to Pierson Construction for the construction of water and paving improvements for the CDBG Street and Sidewalk Improvement Project in the amount of \$1,313,286.48, authorize the necessary transfers, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

Mayor Lopez Rogers explained that CDBG funding is used to improve areas of the city that need the most help. This project would be impossible for Avondale to do without block grants, and she noted that federal budget cuts threaten the CDBG.

Council Member Weise moved to approve consent agenda Item 4(c). Council Member McDonald seconded.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 6-0.

5) PUBLIC HEARING – ZONING EXTENSION FOR AVONDALE COMMERCE PARK PAD ZONING – ALTERNATIVELY ORDINANCE 1520-713

A public hearing to consider a request by Mr. Michael J. Curley of Earl, Curley, and Lagarde, P.C., for a one-year extension of PAD zoning for Avondale Commerce Park, located on approximately 80 acres of land at the northeast corner of 103rd Avenue and Van Buren Street. If the PAD zoning extension is not granted, the Council may consider an ordinance reverting the zoning of the property back to Agricultural.

Charlie McClendon, City Manager, reported that the applicants have requested a continuance to the September 9, 2013 City Council meeting, so that they can work out some details with their client.

Council Member Buster opened the public hearing. With no citizens wishing to speak, he closed the public hearing.

Council Member McDonald moved to continue the public hearing on Item 5 until the September 9, 2013 meeting. Council Member Weise seconded.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 6-0.

6) HOME ENERGY RATING SYSTEM COMPLIANCE BUILDING CODE UPDATE AND UPHOLD OF ACTION; ALTERNATIVELY RESOLUTION 3125-713 AND ORDINANCE 1521-713

An update pertaining to the Home Energy Rating System and considered staff's recommendation to uphold their action related to the building codes and not make any additional modifications to the same relating to an alternate HERS compliance.

Mr. McClendon stated that when City Council adopted the 2012 International Building Code on June 3, 2013, there was a request to add an option which would allow substitution of the Home Energy Rating System if certain requirements of the code were reached.

Randal Westacott, Chief Building Official, reported that HERS scores are ratings based on efficiency. HERS offers a menu of options that builders can pursue to reach specific scores. The base starting point is HERS 100, a 2006 energy efficient home, designed to the International Energy Conservation Code (IECC). In the code adoption process, a 2009 design, for example, would be 15% more efficient, resulting in a HERS score of 85. A 2012 designed energy-efficient home should receive a HERS score of 70.

Currently, Glendale and Scottsdale do not have a HERS alternate compliance path. Both cities have been enforcing the IECC since 2012. Peoria does not have HERS, but adopted the IECC in May 2013. Buckeye has plans to go forward in September with IECC, but to not use a HERS alternative. Goodyear will move ahead on IECC next year, without including HERS. Phoenix has enforced HERS 73 since May 2013. Surprise is considering a HERS 73 score.

Mr. Westacott displayed results of a Florida Solar Energy Center study from January 2013. The study analyzed homes configured to recent versions of the IECC, to determine HERS Index Scores for typical residences across various climates. He used a series of slides to illustrate that for climate zone 2, which pertains to Arizona, there is little, if any, discernible score difference between the 2006 IECC model and the HERS reference. The 2009 and 2012 versions of the IECC do not award credit for heating, cooling, water heating or appliance upgrades, which do receive credits under HERS. Thus, a home that achieves a 73 through a combination of envelope and equipment and appliance upgrades, will not necessarily achieve compliance with the 2012 IECC, which measures compliance based only on the thermal envelope efficiency.

Mr. Westacott said if Avondale stays with the currently adopted plan, it will reach a HERS score of 73, and many builders are already exceeding that standard. There has been a steady increase in IECC stringency for residential buildings between 2006 and 2012, and it is reasonable to expect significant savings moving forward, considering the upgraded equipment that is on the cusp of widespread adoption in the market. A HERS 73 score is not the same as a 2012 energy-compliant design, and will not perform the same as outlined in the adopted IECC, which guarantees energy conservation. He recommended that City Council uphold the previous action from June 3, when they adopted Resolution 3109-613 and Ordinance 1518-613 as submitted.

Council Member McDonald inquired about the programs offered through Arizona Public Service and Salt River Project. Mr. Westacott explained that those programs use Energy Star Version 3 as a base, which is equivalent to the 2009 code. Energy Star 4 will soon be released. Council Member McDonald said IECC measures the building that cannot be changed, instead of purchased appliances, which can be. There is a possibility that someone could obtain energy credit for appliances that are later removed from the house.

Council Member Buster inquired about additional construction costs. Mr. Westacott surmised that the up-front costs could be from 1% to 3% higher, but that energy savings can recoup those costs within six to 14 months. Council Member Buster asked about the most important investments regarding energy savings. Mr. Westacott listed increased attic insulation, solar heat gain and U-factors for windows, envelope leakage, and blower door and duct blaster tests. Council Member Buster asked why Phoenix adopted the HERS standard. Mr. Westacott said homebuilders successfully lobbied to have it added as an option. Council Member Buster said it is no small undertaking to adopt a HERS score mandating certain efficiencies. The code has to be good and sensible, but should not price Avondale out of the market.

Andrew McGuire stated that City Council could either take no action, which would retain the previously adopted resolution from June, or consider a new resolution which would adopt the HERS 73 provisions, and incorporate those changes into the June resolution.

Council Member Weise said since he inquired about HERS, he has grown more comfortable with the June resolution. By using the IECC, the goal is reached once the home is built. With HERS, each home is handled on an individual basis and it becomes impossible to verify whether the improvements stay permanent. City Council made a decision to focus on commercial and industrial development, because there were so many residential homes

already. Homebuilders will continue to build in Avondale because there is so much open land dedicated to housing. Mayor Lopez Rogers said Avondale has moved forward on many conservation measures, and she supports maintaining the current code. Council Member Vierhout concurred.

City Council opted to take no action.

7 MAINTENANCE IMPROVEMENT DISTRICT POLICY

City Council received a conceptual overview of Maintenance Improvement Districts (MID) for residential subdivisions, how it would be created, and how new residential developments would benefit from a Maintenance Improvement District Policy.

Mr. McClendon said staff has researched how other cities have approached an insurance policy to protect the entire community in the event that a Homeowners' Association fails. The City of Peoria uses a model that merits Avondale's attention.

Tracy Stevens, Acting Development & Engineering Services Director, said that during the recent recession, many HOAs became distressed, and it was difficult for many neighborhoods to keep up common areas. Property owners began reaching out to the City for assistance, but the City has no mechanism in place to assist these developments. A MID would provide the City and homeowners assurance with new developments that the City could potentially step in if needed.

Jackie Keller, Landscape Architect, said that when right of way medians and landscape setbacks are not properly maintained, it negatively impacts the City's image. A MID would also cover areas and easements within subdivisions, give the City insurance and protection for maintaining community assets that the City has invested in, provide a visual quality, and protect quality of life. The MID process involves three steps. A City Engineer certified assessment diagram would be prepared to show legal descriptions identifying and listing all the areas included in the MID. The final plat would note that it is subject to a MID, and give the City an easement to maintain common areas. Property owners would have to sign a petition asking Council to form the MID, waive certain rights, and consent to the formation of the MID. When a MID is activated, the City would identify replacement and repair needs, and prepare a cost estimate. The County Assessor would distribute that cost to the individuals in the MID through their annual property tax bill.

Council Member Weise noted that this policy would only apply to new HOAs. He inquired about anticipated costs. Ms. Keller estimated that Peoria's average cost per resident per year is around \$140. Council Member McDonald inquired whether a neighborhood could opt for a MID retroactively. Mr. McGuire explained that MIDs are opt-in districts that would be created if more than 50% of the people within the boundaries agreed to it. Since it involves property tax, it would likely be more cumbersome than an annexation. Peoria's process ensures that support exceeds 50% before forming a MID.

Council Member McDonald asked whether delinquent fees could be attached to a property owner's home. Mr. McGuire said in most cases they would be paid at the time of the transaction. City Council would form a budget for a MID, and levy an assessment based upon that year's assessed valuation that would meet that amount plus a delinquency factor.

Council Member Vierhout queried the definition of a failed HOA, and raised the issue of double taxation. Ms. Keller said MIDs are activated on a case-by-case basis once people begin noticing problems. Mr. McGuire said HOA fees are contractual obligations between a homeowner and their fellows, while a MID is a property tax levy. The two are independent and due to their separate entities. If the HOA fails that badly, it is likely not functioning anymore, and it would be up to the homeowners to address the operators about how their fees are being utilized. He said he would discuss with Peoria's City Attorney whether the City would eventually wean itself off the property tax if an HOA recovers.

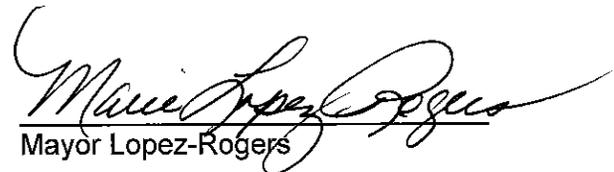
In response to an inquiry from Council Member Buster, Dave Moody explained that in Peoria, MIDs are basically City Council driven. Council Member Buster felt that in essence this proposal is a good idea, but said some issues need to be clarified. Mayor Lopez Rogers said she supports moving forward with consideration of this policy.

With City Council direction, staff indicated they would draft a policy for possible adoption in October.

8) ADJOURNMENT

Council Member McDonald moved to adjourn the meeting; Council Member Vierhout seconded the motion. All ayes.

Meeting adjourned at 8:27 p.m.


Marie Lopez-Rogers
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 15th day of July 2013. I further certify that the meeting was duly called and held and that the quorum was present.


Carmen Martinez
City Clerk