

Minutes of the Regular Meeting held January 21, 2014 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

ABSENT/EXCUSED

Council Member Ken Weise

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Rogene Hill, Assistant City Manager
Ken Galica, Senior Planner
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 December 16, 2013
2. Regular Meeting of December 16, 2013
3. Regular Meeting of January 6, 2014

b. LIQUOR LICENSE SERIES 10 (BEER AND WINE STORE) AND 10S (SAMPLING) – FRESH & EASY # 1061

A request from Ms. Andrea Lewkowicz for approval of a Series 10 (Beer and Wine Store) and a Series 10S (Sampling) Liquor License to be used at Fresh & Easy #1061 located at 10725 W Thomas Road in Avondale.

c. MINOR LAND DIVISION FOR GOLDEN LEAF WELLNESS MEDICAL MARIJUANA DISPENSARY (PL-13-0202)

A request by Mr. Walter Seng, GLW Holdings LLC, for approval of a Minor Land Division concerning property located at 3828 South Vermeersch Road to accommodate the development of the Golden Leaf Wellness Medical Marijuana Dispensary, a future

development consistent with the property's A-1 (General Industrial) Zoning and dedication of rights-of-way and easement for future public use.

d. COOPERATIVE PURCHASING AGREEMENT- HD SUPPLY WATERWORKS LTD.

A request to approve a Cooperative Purchasing Agreement with HD Supply Waterworks, LTD., to purchase waterworks equipment, accessories, and supplies for an annual amount not to exceed \$50,000 and a maximum aggregate amount not to exceed \$250,000, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

e. CONSTRUCTION CONTRACT AWARD - MMI TANK & COATINGS – NORTHSIDE BOOSTER MODIFICATION AND COATING

A request to award a construction contract to MMI Tank & Coatings for Northside Booster Modification and Coating in the amount of \$670,690, approve the necessary transfer of funds and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

f. RESOLUTION 3159-114 - INTERGOVERNMENTAL AGREEMENT WITH CITY OF TOLLESON FOR COMMUNITY SPORTS AND TOURNAMENT PROGRAM

A resolution authorizing an intergovernmental agreement with the City of Tolleson to coordinate a joint community program consisting of sports tournaments and community activities and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

g. RESOLUTION 3160-114 - MEMORANDUM OF UNDERSTANDING - STATE FIRE MARSHAL FOR FIRE INSPECTION SERVICES

A resolution approving a Memorandum of Understanding with the Office of the State Fire Marshal to provide plan review and inspection service for schools located within the City of Avondale and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

h. RESOLUTION 3161-114 - INTERGOVERNMENTAL AGREEMENT – LITTLETON ELEMENTARY SCHOOL DISTRICT FOR COOPERATIVE FACILITY USE AND PROGRAMMING

A resolution authorizing an Intergovernmental Agreement with Littleton Elementary School District #65 for the purpose of cooperative programming and the use of school facilities, and authorize the Mayor, City Manager and City Clerk to execute the documents.

Council Member McDonald moved to approve the consent agenda as presented including Resolutions 3159-114, 3160-114 and 3161-114. Council Member Vierhout seconded the action.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member McDonald	Aye
Council Member Weise	Absent/Excused

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

Motion carried 6-0

4 PUBLIC HEARING AND RESOLUTION 3162-114 – ST. JOHN BOSCO CENTER MINOR GENERAL PLAN AMENDMENT (APPLICATION PL-13-0139)

A public hearing and a request by Ms. Allyson Knappenberger, St. John Vianney Catholic Church, to adopt a resolution amending the General Plan Land Use Map for 10.1 acres of land located at the southwest corner of 125th Ave. and Illini St. to change its Land Use designation from "Open Space" to "Rural Low Density Residential" to accommodate the development of the St. John Bosco Center.

Senior Planner Ken Galica 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, Mayor Rogers closed the public hearing.

Council Member McDonald moved to adopt Resolution 3162-114 to amend to amend the General Plan Land Use Map for approximately 10.1 acres, changing the subject parcels designation from "Open Space" to "Rural Low Density Residential." Council Member Vierhout seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 6-0

5 PUBLIC HEARING – ZONING EXTENSION FOR AVONDALE LIVE PAD (PL-13-0202)

A public hearing and a request by Mr. Michael J. Curley, Earl, Curley & Lagarde P.C., on behalf of Harbor Properties LLC, an Illinois Limited Liability Company, for a one year extension of the PAD zoning for Avondale Live, located on approximately 62 acres of land north of the northwest corner of 99th Avenue and McDowell Road.

Senior Planner Ken Galica reviewed the particulars of this item as more specifically described in the council report.

Mr. Galica indicated staff is recommending approval of the application subject to the following stipulations:

1. Development of the Avondale Live Site shall comply with the Freeway Corridor Specific Plan, including adherence to minimum floor area ratios (0.5) as specified in that document. Maximum building heights of 6 stories shall be permitted on the easternmost 1,320 feet of the property; maximum building heights of 4 stories shall be permitted on the remainder of the property.
2. To achieve consistency between the PAD and the General Plan 2030's designation of Urban Commercial, the area of the PAD denoted as "Residential Village" shall be eliminated and replaced with an expanded "Commercial District", to be developed in accordance with the PAD's standards/uses for the Avondale Live PAD's "Commercial District" subarea.
3. Developers within the PAD shall be required to adhere to the terms of the City's Public Art Ordinance, Avondale Zoning Ordinance Section 11.

Mr. Galica commented that if the request is approved, the PAD zoning will be extended until October 14th of this year. The applicant may at that time request an additional extension to October 14, 2015.

Council Member McDonald commented that the PAD originally included a movie studio but subsequent state legislative action prevented that plan from moving forward. Mr. Galica replied that his guess at this point is that a commercial component would be more viable than a movie studio.

Mike Curley of Earl of Curley and Legarde commented that the property is currently in escrow and the prospective developers are well aware of the PAD and are interested in a mixed used project but is not aware whether they plan to include a movie studio. He added it is likely the site plan may be modified slightly.

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

Council Member McDonald moved to approve application PL-13-0202, a request for a one year extension of PAD zoning for Avondale Live through October 14, 2014, subject to three staff recommended stipulations. Council Member Vierhout seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 6-0

6 MEMORANDUM OF UNDERSTANDING - AVONDALE PROFESSIONAL FIREFIGHTERS ASSOCIATION

A request to approve a Memorandum of Understanding with the Avondale Professional Firefighters Association, International Association of Firefighters Local 3924, for Fiscal Years 2014-2015 and 2015-2016 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Assistant City Manager David Fitzhugh recognized the professionalism of the representatives from the Association during the negotiation process. He proceeded to review the particulars of this item as more specifically described in the Council report.

Council Member Karlin recognized both sides of the negotiation efforts for the professionalism and commented she was pleased to see the addition of a clause to provide non-hazardous duty for pregnant firefighters.

Vice Mayor Scott thanked the negotiating teams from both sides. He added that this is the spirit of cooperation he envisioned when he championed the adoption of the employee relations ordinance.

Council Member McDonald commented that many employers are now giving personal time off days (PTO) as opposed to sick days to allow employees to take time off without having to explain the reason and asked why that language was not incorporated into the MOU. Mr. Fitzhugh replied that the language in the MOU is consistent with the city's policies.

Council Member McDonald asked if the light duty assignments would be limited to an assignment within the fire department. Mr. Fitzhugh commented that as much as possible the assignment will be within the fire department, however it is possible that depending on the circumstances they may be assigned to another department where they can perform work that is meaningful. The assignments will be coordinated by the Human Resources Department.

Council Member Vierhout commented that he is also glad to see the addition of the non-hazardous work accommodation for pregnant firefighters. He agreed with Council Member McDonald that PTO days would be a good idea and would like to see the language revisited in the future.

Evan Titterington spoke on behalf of the Association and thanked the City Council and the management team for their professionalism during the negotiation process. Mr. Titterington commented that the fire fighters see themselves as fiscal stewards of the city and its tax payers and support wage increases that are solely based on merit to ensure productivity of members which results in excellent customer service. He indicated that the issues that prompted the city to adopt the employee relations ordinance in 2008 have now been addressed and looks forward to simple negotiations in the future. He concluded by saying that Avondale has the best fire and rescue department in the state.

Mayor appreciated the good faith efforts on behalf of both parties during the negotiation process.

Council Member Buster commented that while he had confidence in the Fire and Police Departments, he was not completely on board when the ordinance was passed in 2008. He is glad that the process has gone smoothly and believes it has been a good thing for all.

Council Member McDonald moved to approve the Memorandum of Understanding with the Avondale Professional Firefighters Association, International Association of Firefighters Local 3924, for Fiscal Years 2014-2015 and 2015-2016. Council Member Karlin seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 6-0

7 RATE ANALYSIS FOR THE WATER, WASTEWATER AND SANITATION ENTERPRISE FUNDS

Information regarding the rate analysis for the water, wastewater and sanitation enterprise funds.

City Manager Charlie McClendon indicated that in April of last year staff informed the Council of the potential need for rate increases in the sewer fund based on future capital projects that will be required. He added that since then staff has been working to update the waste water master plan and introduced Kevin Artz to inform the Council of his review of the city's enterprise funds and his recommendation.

Finance and Budget Director indicated that while in April of 2013 Council was informed of a potential sewer rate increase in order to fund the completion of needed projects, the public works department has embarked in the update of the waste water master plan which is due to be completed in August of this year.

Mr. Artz indicated that at this time his recommendation is to wait until the waste water master plan is completed. Once completed, staff will perform a detailed analysis to determine whether any rate adjustments will be recommended.

In response to a question from Council Member McDonald, Kevin Artz indicated that once the waste water master plan is completed, the necessary projects will be plugged into the rate model. If a substantial increase is necessary, it could be phased in over several years. He added that at this point, about \$11 to \$12 million for tertiary filters, clarifiers and

centrifuge are in the CIP to be funded a few years out. His recommendation is to hold off on the rate increase until the master plan is completed to have a better sense of what and when projects will need to be funded.

8 EXECUTIVE SESSION

- a. An executive session pursuant to 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 the breach of a lease agreement for City Center property.

Council Member McDonald moved to adjourn the regular meeting into executive session; Vice Mayor Scott seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

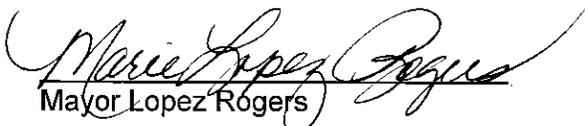
Motion carried 6-0

9 ADJOURNMENT

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

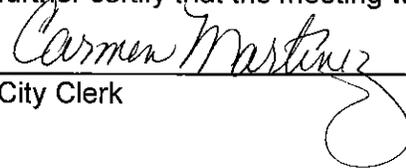
City Council meeting adjourned at 8:03 p.m.


Carmen Martinez
City Clerk


Marie Lopez Rogers
Mayor Lopez Rogers

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 21st day of January, 2014. I further certify that the meeting was duly called and held and that the quorum was present.


Carmen Martinez
City Clerk