

Minutes of the regular meeting of September 17, 2001 held at 7:00 P.M. in the Council Chambers.

MEMBERS PRESENT

Mayor Ronald Drake and Council Members

Marie Lopez Rogers
Peggy Jones
Stephanie Karlin
Raymond Shuey
Betty Lynch
Albert Carroll, Jr.

ALSO PRESENT

Scott Schrader, City Manager
Andrew McGuire, City Attorney

STATEMENT BY THE CITY CLERK

Linda Farris, City Clerk, read the statement regarding public appearances.

It is the policy of the Mayor and Council not to comment on items brought forth under unscheduled public appearance. However, staff can be directed to report back to the Council at a future date or to schedule items raised for a future Council agenda.

2) CITY MANAGER'S REPORT

Mr. Schrader stated that neighborhood budget meetings would begin in October in each of the four planning areas of the City and staff would be getting the word out regarding the meetings. He encouraged all citizens to attend because it provides a great opportunity to provide input to staff and to Council as to what the community thinks the City's budget priorities should be for the forthcoming fiscal year. Mr. Schrader stated that he thought the process worked real well last year and that staff is looking forward to having those neighborhood meetings and getting a good turnout of citizens.

Mr. Schrader thanked all City staff that has demonstrated dedication and fortitude to continue on with their jobs in these challenging times and by doing so have continued to provide services that the citizens expect. He stated in our own little way, trying to maintain some sense of normalcy in these quite difficult times and he again thanked staff for their efforts.

Mayor Drake asked Mr. Schrader to mention the meeting with staff and the TSA

Mr. Schrader stated a meeting was scheduled for Wednesday at 8:00 am in the offices of Fenimore Craig off Central Avenue in downtown Phoenix. He stated the purpose of that meeting is to have the Tourism Sports Authority's Youth Sport's Committee hear a presentation provided by the City of Avondale on it's proposed Youth Sports Complex Project. He explained this would be the second such presentation to that particular committee and staff is hopeful that after hearing the presentation the project would be forwarded onto the full TSA Board for final consideration.

- 3) **APPROVAL OF MINUTES –**
 - a. **Regular meeting of September 4, 2001**
 - b. **Work Session of September 4, 2001**

Council Member Lynch moved to approve the above minutes as amended. Council Member Shuey seconded the motion. Motion carried unanimously.

- 4) **RECOGNITION ITEMS (MAYOR PRESENTATIONS)**
214th Anniversary Constitution proclamation

Mayor Drake read the 214th Anniversary Constitution proclamation in it's entirety and presented it to George and Martha Washington (in character) who accepted the proclamation and presented a short performance for the Council and the audience regarding the writing of the constitution.

Vice Mayor Rogers thanked Lisa Fink, Chair of the Constitution Committee, and Ella McCullough, Peoria Council Member, who included this in that Committee when they were looking to see what could be done to bring back what the Constitution means to us.

Michael Powell, Customer Service and Grants Coordinator, stated that Wednesday at 6:30 p.m. a reception was scheduled at Estrella Mountain Community College for the second event that the City and the College is sponsoring. He stated at 7:00 a video would be shown entitled "A More Perfect Union", which discusses and shows in dramatic form what took place over the four months during which the Constitution was written. He stated that video had been broadcast on PBS and is extremely moving, especially in light of the struggles in the past week due to the Nation's current events.

- 5) **UNSCHEDULED PUBLIC APPEARANCE**
(Limit three minutes per person. Please state your name and address.)

None.

6) 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. RESOLUTION # 2265-01 - ATTORNEY GENERAL VICTIMS RIGHTS PROGRAM

A resolution authorizing an award agreement for the acceptance of a State of Arizona, Office of the Attorney General Victims Rights Program grant award in the amount of \$10,300.00 to assist the City to make mandatory notifications to crime victims.

b. PURCHASE AND INSTALLATION OF CARPET TILE - LIBRARY

Authorization to execute a purchase agreement with Dupont Flooring systems for \$34,006.52 for the purchase and installation of carpet tile for the Library and Media Center.

d. DRAKE EQUIPMENT OF ARIZONA – PURCHASE AGREEMENT

Approval of a purchase agreement with Drake Equipment of Arizona in the amount of \$23,286.73, for the purchase of (1) mechanics service body, 3500 lb. Crane, and rear bumper.

f. RESOLUTION #2266-01- ARIZONA DEPARTMENT OF COMMERCE GROWING SMARTER PLANNING GRANT AWARD

A resolution authorizing an agreement accepting the Arizona Department of Commerce's Growing Smarter Planning Grant award of \$10,000.00.

g. RESOLUTION #2267-01- FARWEST VALLEY POLICE CHIEFS ASSOCIATION – INTERGOVERNMENTAL AGREEMENT - MUTUAL AID

A resolution authorizing the execution of an intergovernmental mutual aid agreement between the eight police agencies that makes up the Far West Valley Police Chiefs Association.

i. LIQUOR LICENSE – ALBERTSON'S RACEWAY MARKET

A liquor license application from Ronald Lorenzo, Albertson's Raceway Market, 7602 South 115th Avenue, for a Series 10 Off-sale license to sell beer and wine.

Council Member Lynch asked to remove items c e and h from consent.

The amended consent agenda, items 6a, b, d, f, g and i, was considered. Andrew McGuire, City Attorney, read the resolutions for items 6a, f and g by titles. Council Member Lynch moved to adopt the resolutions and approve the consent agenda as amended. Council Member Karlin seconded the motion. ROLL CALL VOTE AS FOLLOWS:

Council Member Jones	Aye
Council Member Karlin	Aye
Council Member Shuey	Aye
Council Member Lynch	Aye
Councilman Carroll	Aye
Vice Mayor Rogers	Aye
Mayor Drake	Aye

c. DAMON S. WILLIAMS AND ASSOCIATES – AMENDMENT 1

Approval of Amendment 1 to the Damon S. Williams and Associates engineering services agreement for design and construction administration services for the Centrifuge Dewatering and Solids Handling System to include 40 CFR Dh.1, Part 35, Subpart E, Appendix C-1 to be eligible for reimbursement through the EPA.

Council Member Lynch stated she could not find any dollar amount of this amendment on the agenda and that she gathered by reading it that it was \$100,000 and asked if that was correct.

Mr. Schrader stated there was no immediate budget impact from this and stated it only allows for the City to get reimbursement from this one specific source.

Dave Fitzhugh, City Engineer, explained that there was approximately \$100,000 in funds available for reimbursement through this grant.

Council Member Lynch stated she just wanted to make sure that the public was aware that the whole amount was reimbursable.

Council Member Lynch moved to approve the above amendment. Councilman Carroll seconded the motion. Motion carried unanimously.

- e. **ZONING CASE Z00-318-C.27 – FINAL PLAT – CMX – COLDWATER SPRINGS**
Final plat approval for Coldwater Springs Parcel 27 and 28, 2.55 acres located at the southwest corner of 117th Avenue and Coldwater Springs Boulevard.

Council Member Lynch stated this item was listed as a final plat but when reading through the documentation there is a re-platting of parcels and a platting of a piece of land that has not been platted. She asked what does this add to the package and why wasn't that piece of land platted.

Felipe Zubia, Development Services Director, explained an error in the legal description brings this case back to the Council. He stated it had come before the Council once before. He stated there was a difference in the legal description that was actually sold to the school district versus the legal description that was platted. He stated the difference is a small sliver of property (118th Avenue roadway), which was platted in error on the first one and was not really part of the legal. He explained this does nothing but incorporate the correct legal description into the school district's parcel.

Council Member Lynch moved to approve the above zoning case. Vice Mayor Rogers seconded the motion. Motion carried unanimously.

- h. **LIQUOR LICENSE – TACO SABROSO**
A liquor license application from Valentin Gonzalez, Taco Sabroso, 10665 West Indian School Road, for a Series 16 (state 12), Restaurant license to sell spirituous liquors.

Council Member Lynch stated she knew this application came back with corrections to the map. She stated there was an additional correction to the map in that Safeway should have been listed rather than Abco as shown.

Mr. Schrader stated he understood, due to change in ownership.

Council Member Lynch stated that was some time ago.

Vice Mayor Rogers stated it was listed as Safeway on the amended map.

Council Member Lynch moved to approve this liquor license. Vice Mayor Rogers seconded the motion. Motion carried unanimously.

7) SCHEDULED PUBLIC APPEARANCE - YMCA – JEFF ANDRESEN

Jeff Andreson, VP Operations, Valley of the Sun YMCA, has requested an opportunity to provide information on the development of the future Southwest Valley YMCA.

Dan Davis, Recreation/Community Services Director, introduced Jeff Andresen, YMCA Vice President of Operations, to the Council.

Mr. Andresen presented a powerpoint presentation to the Council outlining the YMCA and what it does in the community. He stated the Valley of the Sun YMCA is the largest not for profit organization in the county as well the state with 122,000 members.

Mr. Andresen explained that Avondale sits in the Christown Service Area and that YMCA is located at 17th Avenue and Missouri and has extended childcare facilities located at Garden Lakes. He stated they have some ideal regional partnerships as they look forward to serving the Southwest Valley. Mr. Andresen explained they usually begin in a building donated for use to the YMCA and start running programs. He stated the capital process is started along with fundraisers to assist in building. He stated in the market study that was previously completed there is a projection of 2800 members from a seven to ten mile radius that will join their facility located at the corner of Litchfield Road and Thomas in Goodyear. Mr. Andresen stated a regional niche study was done and he added that Dan Davis was very helpful in that process. He stated Avondale has a very capable Boys and Girls Club in the area, providing some programs. He explained that this facility would be located in Goodyear but that they fully expect it will be a regional facility and the members will utilize the facility as well as services in the community.

Mr. Andresen stated they would be developing partnerships with local governments, school districts and other non-profits in order to expand and enhance existing community services and that the goal is not to duplicate. He stated that through continued progressive meetings with City staff and City Council presentations, they hope to implement partnership agreements by January of 2002.

Council Member Shuey asked, given the location at Litchfield and Thomas, what sorts of transportation options would be provided.

Mr. Andresen stated that typically school districts will provide bus transportation for students during school hours, parents drop off at the location after school hours and that typically the YMCA has van service. He stated childcare would not be provided in Phase I process unless a partner comes along that wants to finance that.

Council Member Lynch asked what programs are initially planned for this location.

Mr. Andresen stated something called for in Avondale is adult sports activity such as adult softball, basketball and the activity beginner basketball, soccer and t-ball (3 – 7). He stated teens are a big one and aquatics if they can get back yard pools running. He stated they would be meeting with Westside Impact to see what is needed in the schools.

Council Member Lynch asked where the non-facilities were going to be while fundraising.

Mr. Andresen stated discussions are being held with Litchfield Park and Goodyear to co-locate recreation. He stated the YMCA hopes to break ground by the latter part of 2002 and they would be disturbed to find that within a three mile area of a Goodyear swimming pool, the YMCA location and the Litchfield Park Recreational program that there is duplication of staff and amenities. He stated they would love to see that all could work together and if that discussion takes place quickly then they could be housed in one of those locations soon.

Council Member Lynch stated that she had the same concern that Council Member Shuey had regarding transportation because the location is way out on that corner and surrounded by apartment houses to the west and Pebble Creek without children. She stated it is not on Avondale school bus routes and is on a very limited START route and some percentage of children using this would need to be able to get there and she suspected that was the reason Council Member Shuey asked the same question.

Mr. Andresen described some examples of transportation such as YMCA van service and school buses to the Glendale site on the International Campus of Management for childcare from school districts, particularly in the summer to use the facilities and the pool.

Mayor Drake thanked Mr. Andresen for his report.

8) RESOLUTION #2268-01– RACE EQUALITY DAY

A resolution promoting Race Equality Day on September 19, 2001 and urging all Avondale citizens to commit to ensuring racial equality and justice for all.

Mayor Drake stated that he wondered why this was on the agenda.

Mr. Schrader that it was at the request of Vice Mayor Rogers and Council Members Lynch and Karlin that this was placed on the agenda. He deferred to them for discussion.

Vice Mayor Rogers stated that she asked that this be put on the agenda because of her involvement with NLC and promoting and ensuring racial equality and justice for all is important for NLC and continues to be a workshop topic at conferences they attend. She stated that in the events of the past week, some of the terrible things that can happen have been seen because people look at race as opposed to looking at the person. Vice Mayor Rogers stated that NLC has proclaimed September 19 as Race Equality Day and events are being held at ASU. She stated she would like to personally continue to work on specific projects to promote racial justice and submit them to NLC for recognition from them.

Council Member Lynch stated that she asked for this to be on the agenda because it was not happening here. She stated that it is very important and that it was happening across the Nation. She stated that last year Avondale participated in this process. She asked that it be put on someone's calendar for next July so the process can be started and a program can be done so that what they are looking to do will be done.

Mayor Drake asked Mr. Schrader if he needed direction from Council on this or if this was something staff should be picking up.

Mr. Schrader stated that it would be useful to get direction from Council regarding any ideas they might have. He stated those could be forwarded and also staff would be thinking of opportunities. He stated this needed to be pursued cooperatively.

Mayor Drake asked who on staff was assigned to this.

Mr. Schrader stated at this time, there was no particular person designated with this task and that it would be most likely a collaborative effort among staff to try to work with Council to identify whatever programs that should be moved forward to be publicized and implemented.

Mayor Drake stated that as important as this item is, when it comes across his desk next year who should he forward it to.

Mr. Schrader stated to him.

Council Member Lynch stated that by the time this comes out in the NLC Newsletter, there is not time to do what needs done. She stated that was the reason she was asking that someone on staff, whether Intergovernmental Affairs or whomever, gets it on a calendar knowing that September 19th of next year is going to be proclaimed as Race Equality Day. She stated it was the same day last year and so is a continuing date and there is no reason that it cannot be prepared for.

Mr. Schrader stated it would be calendared and discussed at the staff meeting on Tuesday. He stated he would make sure it was on a future calendar as potentially a work session topic to begin brainstorming ideas for the program.

Andrew McGuire, City Attorney, read the resolution by title. Vice Mayor Rogers moved to adopt the resolution. Council Member Lynch seconded the motion. **ROLL CALL VOTE AS FOLLOWS:**

Council Member Jones	Aye
Council Member Karlin	Aye
Council Member Shuey	Aye
Council Member Lynch	Aye
Councilman Carroll	Aye
Vice Mayor Rogers	Aye
Mayor Drake	Aye

9) ORDINANCE #815-01– PUBLIC HEARING – Z01-503TA – ZONING ORDINANCE AMENDMENTS

An ordinance amending the Zoning Ordinance in relation to the requirements for Zoning Ordinance amendments (Section 109A).

Mr. Schrader stated this item was basically dealing with the requirements for rezoning cases to amend the existing process that currently requires ratification by at least 75% of the property owners for a particular rezoning case. He stated there is an issue with how that might conflict with any City initiated rezoning cases.

Mr. Zubia stated this was a clean up item, which would give the City the ability to go back and implement some of the reversionary clauses although the city attorney would probably say that authority is already there given that this is a municipality. He stated staff just wanted to make sure that this item is completed as there is also a citizen participation plan to cover some of the concerns of getting word out to the public and having a participatory rezoning process.

Andrew McGuire, City Attorney, read the ordinance by title.

Mayor Drake opened this item up to the public for comments.

None were received.

There was some discussion regarding which ordinance was correct, as two were included in the packet. City Staff explained one was an exhibit. Mr. McGuire read the correct ordinance by title. Council Member Lynch moved to adopt the ordinance. Council Member Karlin seconded the motion. ROLL CALL VOTE AS FOLLOWS:

Council Member Jones	Aye
Council Member Karlin	Aye
Council Member Shuey	Aye
Council Member Lynch	Aye
Councilman Carroll	Stated that in reading through the Planning and Zoning minutes regarding this issue, there was a quorum without the alternate participating and he asked why the two members who were absent in that vote were not noted as absent from the meeting in the minutes.
	Aye
Vice Mayor Rogers	Aye
Mayor Drake	Aye

Mayor Drake stated that Mr. Andresen's name was misspelled, a zoning ordinance was in the wrong place and he stood in front of the audience talking about the 213th Anniversary of the Constitution when it was noted in the Proclamation that it was the 214th. He asked Mr. Schrader that staff work on their accuracy in the future.

10) WATER AND WASTEWATER BOARD APPOINTMENTS
Appointment of members to the Water and Wastewater Board.

Mr. Schrader stated this item had been discussed at the last meeting and was being brought forward for consideration of appointments to the Water and Wastewater Board. He stated there were nine applicants and seven needed to be appointed as permanent members and two as first and second alternates.

The applicants were: Nathan Cottrell, Roy Epps, Eddie Head, William J. Moore, Gail Pastrano, Dylan Stafford, Troy Timmons, Bruce Van Horne, and Charles Wolf.

Mayor Drake stated that two people had commented that were only able to contribute one hour of their time per month and asked who those two were.

Council Member Jones stated they were Mr. Epps and Mr. Stafford.

Mayor Drake asked that the Council Members vote for first and second alternates.

Council Member Jones – First Alternate – Mr. Epps Second Alternate – Mr. Stafford (arrived at alphabetically)

Council Member Karlin – First Alternate – Mr. Stafford Second Alternate – Mr. Epps

Council Member Shuey – First Alternate – Mr. Epps Second Alternate – Mr. Stafford (based on hours available and a slightly more technical background for Mr. Epps)

Council Member Lynch – First Alternate – Mr. Stafford Second Alternate – Mr. Head

Councilman Carroll – First Alternate Mr. Epps Second Alternate – Mr. Stafford

Vice Mayor Rogers – First Alternate – Mr. Stafford Second Alternate – Mr. Cottrell

Mayor Drake – First Alternate – Mr. Epps Second Alternate – Mr. Stafford

The vote was determined to be Mr. Epps as First Alternate and Mr. Stafford as Second Alternate.

Councilman Carroll voiced concern with this report coming from Michael Powell and not from the department with which this group would be working.

Mayor Drake explained that Mr. Powell puts together committees, commissions and boards and therefore he spearheaded this.

Councilman Carroll stated there was no way to know whether the terms for some of the members would be two years or three years and asked what the term would be for Ms. Pastrano, for instance.

Mr. Powell stated she had commented that she was willing to serve a term based on the needs of the Committee. He stated all applicants received a copy of the rules and procedures and the by-laws at the time of application.

Councilman Carroll asked if it was with full knowledge that at end of terms they would be seated for three years.

Mr. Powell stated the knowledge they had was that they would either seek re-nomination to the Committee or their term would be completed as it states in the by-laws.

Mayor Drake stated that he would like to see a motion to appoint the terms of the alternates for a term of one year and asked if alternates served terms.

Mr. Powell stated that was up to the body but explained that the purpose of alternates is primarily to fill a vacancy for a day or to complete a term.

Mayor Drake stated that he saw that staff had suggested recommendations and asked if that affected who would serve the two-year term.

Council Member Lynch stated the applicants were all called out of order and what staff needed to do was call the seven members of the Board and ask them about terms. She stated this happened out of context of what the Council was trying to do. She also stated alternates do not serve specific terms.

Mr. Schrader stated staff would follow up and solidify the length of terms.

Council Member Lynch said this Board would be working with three staff members and asked if that was correct.

Mr. Schrader stated three staff members would be involved with this Board, Dave Newkirk because of the Water/Wastewater service issues, Dave Fitzhugh because of some of the Capital issues, and Kevin Artz because of billing and rate issues.

Council Member Jones stated there is some dynamite talent on this Committee and asked if it was appropriate for them to review the agreement on the new Recharge site.

Mr Schrader stated staff could certainly have them look at any water/wastewater related issues, including those types of issues. He stated the reason for the Board is to get their input and combine that with what staff is working on and then forward to the Council for consideration before any definitive agreement is entered into.

Mr. McGuire stated staff has been meeting with SRP to try to come up with what is the foundation of this agreement. He stated there is an existing agreement with some East Valley cities that is very close to what staff will be working on and also there are a number of participants (other cities) that will be coming to the table on this one. He stated it might become cumbersome to have a large group in that meeting, overwhelming the other cities with other members.

Council Member Jones stated that she would certainly value the committee's opinion.

Mr. Schrader stated he was viewing their input more in getting them up to speed by letting them know what the City is doing and bouncing the concept off them so they understand the overall planning rationale for moving in that direction and at the appropriate time maybe getting into more detail of the contract.

Vice Mayor Rogers moved to accept these results. Council Member Karlin seconded the motion. Motion carried unanimously.

12) DISCUSSION ITEMS

None.

13) EXECUTIVE SESSION

The Council held an executive session for the following purposes: (a) Pursuant to ARIZ. REV. STAT. § 38-431.03 (7) for discussion or consultation with City representatives in order to consider its position and instruct its representatives regarding negotiations for the purchase of property for the Government Center; and (b) Pursuant to ARIZ. REV. STAT. § 38-431.03 (3) for discussion and consultation for legal advice regarding school impact fees.

Council Member Lynch moved to adjourn to executive session. Council Member Karlin seconded the motion. (8:30 p.m.) Motion carried unanimously

ADJOURNMENT

There being no further business to come before the Council, Council Member Karlin moved to adjourn. Council Member Shuey seconded the motion. Motion carried unanimously.

Meeting adjourned at 9:58 p.m.

Mayor Drake

Linda M. Farris, 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 City council of the City of Avondale held on the 17th day of September, 2001. I further certify that the meeting was duly called and held and that a quorum was present.

City Clerk