

Minutes of the Regular Meeting held June 16, 2014 at 7:04 p.m. in the Council Chambers.

**MEMBERS PRESENT**

Mayor Kenneth N. Weise and Council Members

Frank Scott, Vice Mayor  
Stephanie Karlin  
Bryan Kilgore  
Jim McDonald  
Charles Vierhout

**ALSO PRESENT**

David Fitzhugh, Acting City Manager  
Gina Ramos Montes, Assistant City Manager  
Kevin Artz, Acting Assistant City Manager  
Pilar Aguilar, Assistant Director of Budget and Finance  
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. Resolution 3199-614 – Honoring Mayor Marie Lopez Rogers

Mayor Weise read a proclamation honoring Mayor Marie Lopez Rogers for her eighteen years of leadership and service to the City of Avondale. Mayor Rogers was presented with an honorary gavel and the Key to the City.

Council Member Vierhout moved to adopt Resolution 3199-614. Council Member Karlin seconded the motion.

**ROLL CALL VOTE AS FOLLOWS:**

Council Member Vierhout	Aye
Council Member McDonald	Aye
Mayor Weise	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Kilgore	Aye

Motion carried unanimously

**3 UNSCHEDULED PUBLIC APPEARANCES**

There were no unscheduled public 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.

**a. AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT – CAPITAL EDGE ADVOCACY**

A request to approve the sixth amendment to the professional services agreement with CapitalEdge Inc. for federal advocacy services for FY 2015 in the amount of \$69,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**b. FIRST AMENDMENT TO COOPERATIVE PURCHASING AGREEMENT – REDBURN TIRE COMPANY**

A request to approve the first amendment to the Cooperative Purchasing Agreement with Redburn Tire Company to purchase tires and tire related services for a maximum aggregate amount not to exceed \$350,000 and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents.

**c. FIRST AMENDMENT TO COOPERATIVE PURCHASING AGREEMENT – FLEETPRIDE, INC.**

A request to approve the first amendment to the Cooperative Purchasing Agreement with FleetPride Phoenix to recognize the assumption of the current agreement with C.W. Carter Co. by FleetPride for the purchase of heavy duty truck, construction and agricultural/industrial fleet and equipment parts, service and accessories for a maximum aggregate amount not to exceed \$230,000 authorizing the Mayor, or City Manager and City Clerk to execute the necessary documents.

**d. COOPERATIVE PURCHASING AGREEMENT – WEST COAST EQUIPMENT, INC.**

A request to approve a Cooperative Purchasing Agreement with West Coast Equipment, Inc. to purchase street sweeper brooms for a maximum aggregate amount not to exceed \$100,000 and authorizing the Mayor, or City Manager and City Clerk to execute the necessary documents.

**e. COOPERATIVE PURCHASING AGREEMENT WITH SENERGY PETROLEUM, LLC**

A request to approve a Cooperative Purchasing Agreement with Senergy Petroleum, LLC to purchase vehicle lubricants for a maximum aggregate amount not to exceed \$80,000 and authorize the Mayor or City Manager to execute the necessary documents.

**f. FIRST AMENDMENT TO CONTRACT – AREA AGENCY ON AGING**

A request to approve an amendment to Contract #2014-05-AVO to increase Area Agency Aging funding provided to the City of Avondale in the amount of \$4,125 and authorizing the Mayor, or City Manager and City Clerk to execute the necessary documents.

**g. FIRST AMENDMENT TO CONSTRUCTION CONTRACT – PIERSON CONSTRUCTION CORPORATION – CDBG STREET AND SIDEWALK IMPROVEMENTS**

A request to approve the First Amendment to the Construction Contract with Pierson Construction Corporation for the CDBG Street and Sidewalk Improvements project in the amount of \$99,998.52, authorize the necessary transfers and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**h. CONSTRUCTION CONTRACT AWARD – HOIST SYSTEMS, INC.**

A request to award a Construction Contract to Hoist Systems Inc. to install a crane in the water reclamation facility headworks building in the amount of \$131,619 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**i. RESOLUTION 3196-614 – PILOT TESTING OF NITRATE TREATMENT PROCESSES WITH MINIMAL BRINE WASTE**

A resolution authorizing a multi-funded research agreement with the Water Research Foundation and NCS Engineers for a pilot testing of nitrate treatment processes with minimal brine waste, authorizing the contribution of \$87,500 in cash and \$42,640 in services and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents.

**j. RESOLUTION 3200-614 – BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

A resolution approving a memorandum of understanding relating to an Edward Byrne Memorial Justice Assistance Grant Program for law enforcement enhancement activities and authorizing the Mayor or City Manager and City Clerk to execute the necessary documents.

**k. ORDINANCE 1547-614 – AMENDMENT TO CITY CODE CHAPTER 20 – RELATING TO THE SALE OF FIREARMS**

An ordinance an ordinance amending the Avondale City Code Chapter 20, Section 20-60 relating to the disposition of firearms.

Council Member McDonald moved to approve the consent agenda as presented including Resolutions 3196-614 and 3200-614 and Ordinance 1547-614. Council Member Vierhout seconded the motion.

**ROLL CALL VOTE AS FOLLOWS:**

Council Member Vierhout	Aye
Council Member McDonald	Aye
Mayor Weise	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Kilgore	Aye

Motion carried unanimously

**5 RESOLUTION 3201-614 – DEVELOPMENT AGREEMENT – AG/RW – ENTORNO, LLC**

A resolution adopting a Development Agreement with AG/RW – Entorno, LLC for the relocation and undergrounding of the SRP irrigation canal running parallel to 99th Avenue and authorize the Mayor or City Manager and City Clerk to execute the agreement.

Eric Morgan, Planner, presented the first of two related requests regarding the Parkside Village PAD. The subject property is on the southwest corner of Indian School Road and 99<sup>th</sup> Avenue at the northeast edge of the city. It was zoned as the Entorno Planned Area Development on October 1, 2007. On August 28, 2013, the General Plan Land Use Map was adopted along with the General Plan under a new configuration consisting of Medium High Density Residential as well as Mixed Use, and Office. The property was moved into the Freeway Corridor Specific Plan (FCSP) when that plan was amended in September of 2013. The FCSP calls for denser, more transit-oriented development, and allows for greater height for non-single family use buildings.

Mr. Morgan said the current use of the property is Agricultural. It is bordered by the Westwind neighborhood, Glenarm Farms, undeveloped John F. Long property, with the City of Phoenix to the east and north. Significant existing features on the property are the irrigation canals along Indian School Road and 99<sup>th</sup> Avenue, and power lines along 99<sup>th</sup> Avenue.

Mr. Morgan reviewed three key points of the development agreement. Half street right-of-way will be dedicated along Indian School. The entire frontage will be improved in the first phase. Improvements on the roadway portion of 99<sup>th</sup> Avenue will be deferred in line with the phasing plan, but the irrigation canal will be undergrounded in the first phase. The roadway improvements and undergrounding of power lines will be triggered by the development of the first parcel touching 99<sup>th</sup> Avenue. The agreement contains a financial incentive for the developer. The City will provide \$500,000 of SRP aesthetic funds if the developer convinces SRP to commit to construction plans by December 1, 2014 and agrees to provide financial assurances to the City for the entire cost of the canal undergrounding project by January 1, 2015. The agreement also says that the City will reimburse the developer with the difference between the infrastructure required and what the City requests in exceedance of that requirement.

Mr. Morgan used a diagram to explain the Master Development Plan. Overall the project density is approximately 6.35 units to the acre, with a maximum of 784 lots total. The anticipated population will fit within the existing capacity of the sewer infrastructure in the area. The Medium High Density Residential area has density ranging between four and 12 units to the acre. Lower density lots serve as a buffer between adjacent neighborhoods and higher density areas. Townhouses have the option of garages to the front or the rear. Development standards are somewhat relaxed to accommodate denser urban development, though building heights are not increased. The developer has agreed to exceed the minimum standards of the Zoning Ordinance by increasing the required landscaping to 25%. The Multi-Family units conform to the R-4 District, and the developer is encouraged to go with a street-oriented design. The developer is proposing 18% open space, which exceeds minimum requirements. There are five parks in the Single-Family area, featuring a variety of

multi-generational programming. A multi-modal trail will connect to the Roosevelt Irrigation District Canal. All sidewalks will be detached and shaded on both sides. The HOA will maintain front yards in rear-loaded lots. The development is connected by three Valley Metro stops, and a ZOOM stop.

Mr. Morgan explained that Phase 1 will include 183 Single-Family lots, a portion of the central park, two smaller parks, construction along the entirety of Indian School, and the SRP irrigation canal undergrounding. Phase 2 includes 131 Single-Family units and two parks. Phase 3 includes the townhomes, and the remainder of the central park. Multi-Family, Office, and Commercial will be built according to market demand. An alternate phasing plan would introduce Multi-Family housing in an earlier phase.

Mr. Morgan reported that a neighborhood meeting was held December 12 and attended by three people. They inquired about school capacity and low income housing. The Tolleson Union High School District and the Pendergast School District have both expressed support for the project and said they have sufficient capacity. The developer responded by saying that the number of amenities in the project would make low income housing unlikely. Staff has received no further comments from the public on this project. The Planning Commission reviewed the PAD on May 16. They expressed concerns about cut-through traffic affecting Westwind, the lack of employment-oriented development, the possibility of vacant commercial lots, and about the phasing plan. Staff and the developer addressed all of the concerns raised, and the Commission recommended approval with all eight conditions by a vote of six to one.

Council Member McDonald asked whether the agreement included anything to prevent the developer from walking away from the project once the housing was built. Mr. Morgan responded that there is no current requirement in the phasing plan to construct 99<sup>th</sup> Avenue improvements until a development occurs on land abutting 99<sup>th</sup> Avenue. If the original developer walks away, the same requirement would apply to the next owner. Council Member McDonald said he understands the reason for the phasing, but felt it important to have something in place that says the developer will take care of it.

Council Member Vierhout said the proposed project would fit the area well. He commended staff and the developer for working together. The undergrounding of the canal and the power lines will be a big improvement. Council Member Karlin commended the developer for working so closely with the staff.

Mayor Weise said he shared Commissioner Demlong's concern about cut-through traffic on Clarendon Road. He inquired about parking accommodations for the central park. Mr. Morgan explained that three sides of the park offer parking divots, but the hope is that many residents will walk. Mayor Weise said children at play could dart into moving traffic, and he encouraged designs that would minimize that risk. He said any project could have a developer sell off before it is finished, but the developer's assurances make a difference.

Council Member Vierhout moved to adopt Resolution 3201-614 as presented. Council Member Kilgore seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member McDonald	Aye
Mayor Weise	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Kilgore	Aye

Motion carried unanimously

**6 PUBLIC HEARING AND ORDINANCE 1548-614 – REZONING FOR PARKSIDE VILLAGE PAD ZONING**

A public hearing and request by Ms. Jordan Rose, Rose Law Group, for rezoning of Parkside Village, a property of approximately 163 gross acres of land at the southwest corner of 99th Avenue and Indian School Road, from Planned Area Development (PAD) to PAD. If the rezoning is approved, the Parkside Village Development Plan will replace the expired Development Plan of the previous PAD and will provide for uses, development and design requirements, and phasing for a mixed used development of single-family residential detached and attached, multi-family residential, commercial, and office.

Mayor Weise opened the public hearing.

Jordan Rose, of the Rose Law Group and representing the Applicant, thanked staff for their assistance in shaping the project. She said the city will be proud of the project once it breaks ground.

Noting no further requests to speak, Mayor Weise closed the public hearing.

Council Member Vierhout moved to APPROVE application PL-13-0046 with eight recommended conditions of approval. Council Member Kilgore seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member McDonald	Aye
Mayor Weise	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Kilgore	Aye

Motion carried unanimously

**7 PUBLIC HEARING – TIME EXTENSION FOR AVONDALE COMMERCE PARK PAD ZONING - ALTERNATIVELY ORDINANCE 1550-614 – ZONING REVERSION**

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; alternatively, the Council will consider an ordinance reverting the zoning of the property to Agricultural (AG).

Eric Morgan, Planner, stated that this is the fourth and final year that the Avondale Commerce Park PAD can be extended. The property was zoned PAD in 2008, and has had three extensions since then. The uses are similar to Commerce Park and Industrial, with some C-2 allowances on the south side. The architecture was approved just prior to adoption of the Design Manual. Phasing conforms to the Master Plan, but off-site improvements would not be included in the first phase.

The Planning Commission was not required to hear this request. If approved, all previous conditions of approval would remain in effect. There are no additional conditions. Staff recommends approval. Ordinance 1550-614 has been prepared in the event City Council rejects this extension request.

Mayor Weise opened the public hearing. Noting no requests to speak, he closed the public hearing.

Council Member McDonald moved to APPROVE application PL-14-0069, a request for a one-year extension of PAD zoning for Avondale Commerce Park to expire April 17, 2015. Council Member Vierhout seconded the motion.

**ROLL CALL VOTE AS FOLLOWS:**

Council Member Vierhout	Aye
Council Member McDonald	Aye
Mayor Weise	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Kilgore	Aye

Motion carried unanimously

**8 PUBLIC HEARING – TIME EXTENSION FOR DIAMOND P RANCH PAD ZONING – ALTERNATIVELY ORDINANCE 1549-614 – ZONING REVERSION**

A public hearing and consider a request by Ms. Carolyn Oberholtzer, Bergin, Frankes, Smalley & Oberholtzer, for a one-year extension of PAD zoning for Diamond P Ranch, located on approximately 244 acres of land south and west of the southwest corner of Avondale Boulevard and Lower Buckeye Road; alternatively, the Council will consider an ordinance reverting the zoning of the property back to Agricultural (AG).

Eric Morgan stated that this application is also requesting the fourth of a maximum four one-year extensions. An 18.67 acre site has been identified as being for either a school or townhomes. The parcel has a power line corridor stretching through it. The Planning Commission did not hear this request. Ordinance 1549-614 has been prepared in the event City Council rejects the extension. Staff recommends approval.

Council Member Karlin noted the challenges associated with developing the property, and inquired whether the project has been marketed. Carolyn Oberholtzer, on behalf of the Applicant, explained that outreach has occurred, but more movement in absorption rates are necessary before engineering can proceed.

Council Member McDonald inquired about the school site. Ms. Oberholtzer said the Littleton School District expressed interest in acquiring the site, but have not moved forward with that purchase yet. If they decide against doing so, the site will be used for townhomes instead.

Mayor Weise opened the public hearing. Noting no requests to speak, he closed the public hearing.

Council Member Vierhout moved to APPROVE application PL-14-0070, a request for a one-year extension of PAD zoning for Diamond P Ranch to expire April 17, 2015. Council Member Kilgore seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member McDonald	Aye
Mayor Weise	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Kilgore	Aye

Motion carried unanimously

**9 RESOLUTION 3202-614 AND ORDINANCE 1551-614 – 2014 DEVELOPMENT IMPACT FEES**

A resolution declaring as a public record the, "2014 Development Impact Fee Ordinance of the City of Avondale," and an ordinance adopting the same and amending the City Code Chapter 26, Development Fees.

Andrew McGuire, City Attorney, explained that Resolution 3202-614 declares the 2014 Development Impact Fee Ordinance as a public record, and Ordinance 1551-614 adopts it by reference and incorporates it into the City Code.

Council Member McDonald moved to APPROVE Resolution 3202-614 as presented.  
Council Member Vierhout seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member McDonald	Aye
Mayor Weise	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Kilgore	Aye

Motion carried unanimously

Council Member McDonald moved to APPROVE Ordinance 1551-614 as presented.  
Council Member Kilgore seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member McDonald	Aye
Mayor Weise	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Kilgore	Aye

Motion carried unanimously

**10 PUBLIC HEARING – FINAL FY 2014-2015 BUDGET AND PROPERTY TAX LEVY**

A public hearing on the proposed property tax levy and adoption of the final budget for fiscal year 2014-2015 in the amount of \$178,984,760.

Pilar Aguilar, Assistant Director of Budget and Finance, reported that the budget and the proposed property tax levy have been published on the City website, at public libraries, and in the West Valley View. The total budget is \$178,984,760, with the largest component being the CIP at 39%. Public Safety expenditures at 17% are the second largest category. Water, Wastewater, and Sanitation make up 16%. The FY14/15 budget is about 2.7% higher than the current budget. Most of the increase can be attributed to an increase in capital projects and the supplemental requests. Those increases have been offset by a reduction in debt of \$5.3 million. Contingency has been reduced by about \$450,000. Public Safety and General Government are the two highest operational expenses.

Ms. Aguilar said the Truth in Taxation legislation requires publication notice and a public hearing on any increase in the primary property tax levy, based on property that was subject to taxation in the current fiscal year. This excludes new construction. The total proposed tax rate for FY2014/15 is \$1.75 per one-hundred dollars of assessed valuation, which is a decrease from the prior year's rate of \$1.806. Even though the rate is being reduced, the

law requires publication of notice and a public hearing because of the calculations that were required.

Ms. Aguilar said General Obligation (GO) debt can be paid for from the secondary property tax levy. As assessed value grows and the City's ability to tax improves, the rates will be lowered so that the secondary levy can be matched to the GO requirements. Staff recommends approval of the final budget. The property tax is scheduled for adoption on July 7.

Council Member McDonald said nobody remembers when property taxes are lowered, but if they need to be raised again in the future people will get angry. The budget allows the City to pay off debt while still spending a little more for the first time in years. Council Member Vierhout concurred.

Mayor Weise said the City has to reduce debt over the long term so that future Councils are not burdened by past decisions. The City will need bonding capacity to realize some of the projects on the horizon. The supplementals were necessary for the departments to function properly. The City has always projected conservative revenue increases, and this should remain the case. It is easier to deal with unexpected surpluses than unexpected deficits.

Mayor Weise opened the public hearing. Noting no requests to speak, he closed the public hearing.

## 11 ADJOURNMENT

There being no further business before the Council, Council Member Vierhout moved to adjourn the regular meeting into the special meeting. Vice Mayor Scott seconded the motion, which carried unanimously.

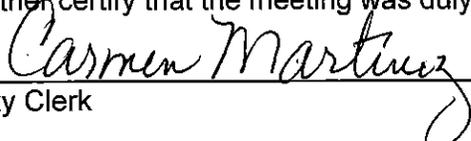
City Council meeting adjourned at 8:19 p.m.

  
\_\_\_\_\_  
Mayor Weise

  
\_\_\_\_\_  
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 16th day of June, 2014. I further certify that the meeting was duly called and held and that the quorum was present.

  
\_\_\_\_\_  
City Clerk

Minutes of the Special Meeting held June 16, 2014 at 8:19 p.m. in the Council Chambers.

**MEMBERS PRESENT**

Mayor Kenneth N. Weise and Council Members

Frank Scott, Vice Mayor  
Stephanie Karlin  
Bryan Kilgore  
Jim McDonald  
Charles Vierhout

**ALSO PRESENT**

David Fitzhugh, Acting City Manager  
Gina Ramos Montes, Assistant City Manager  
Kevin Artz, Acting Assistant City Manager  
Pilar Aguilar, Assistant Director of Budget and Finance  
Andrew McGuire, City Attorney  
Carmen Martinez, City Clerk

**1 ROLL CALL BY THE CITY CLERK**

**2 RESOLUTION 3203-614 – SETTING FORTH THE FINAL BUDGET AND FEE SCHEDULE FOR FY 2014-2015**

A resolution approving the fee schedule and final budget for fiscal year 2014-2015 in the amount of \$178,984,760.

Council Member McDonald moved to adopt Resolution 3203-614, setting forth the final budget and fee schedule for fiscal year 2014-2015. Vice Mayor Scott seconded the motion.

**ROLL CALL VOTE AS FOLLOWS:**

Council Member Vierhout	Aye
Council Member McDonald	Aye
Mayor Weise	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Kilgore	Aye

Motion carried unanimously

**3 ADJOURNMENT**

There being no further business before the Council, Council Member Vierhout moved to adjourn the regular meeting into executive session. Council Member Kilgore seconded the motion, which carried unanimously.

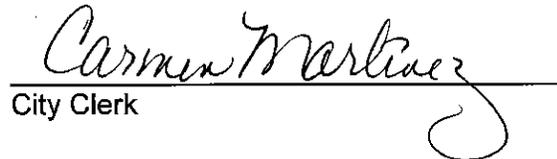
City Council meeting adjourned at 8:21 p.m.

  
\_\_\_\_\_  
Mayor Weise

  
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 16th day of June, 2014. I further certify that the meeting was duly called and held and that the quorum was present.

  
Carmen Martinez  
City Clerk