

Minutes of the Work Session held February 2, 2015 at 6:30 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Kenn Weise and Council Members

Stephanie Karlin, Vice Mayor
David Iwanski
Bryan Kilgore
Jim McDonald
Sandy Nielson
Lorenzo Sierra

ALSO PRESENT

David Fitzhugh, City Manager
Gina Montes, Assistant City Manager
Kevin Artz, Assistant City Manager
Drew Bryck, Environmental Program Manager
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

1 ROLL CALL BY THE CITY CLERK

2 UPDATE ON THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE 11 MS4 PERMIT

Drew Bryck, Environmental Program Manager, said the NPDES permit is designed to protect the nation's waters from street runoff pollution. In 1969, the Cayahoga River in Cleveland was so polluted that it caught fire. In response, Congress passed the Clean Water Act in 1972. In 1987, the Water Quality Act extended regulations to lower levels in government, including municipalities. The Arizona Department of Environmental Quality (ADEQ) issues permits in Arizona.

Mr. Bryck said Avondale has six minimum control measures built into stormwater permits: public education and outreach; public involvement and participation; illicit discharge and detection elimination; construction site runoff control; post-construction runoff control; and good housekeeping. As part of the stormwater permitting process, Avondale is required to conduct outfall inspections each year. No flow was found when outfalls were inspected in March and August of 2013. Flooding conditions in December of 2014 prevented testing. The City also must keep stormwater infrastructure maps continuously updated.

Complaint response has improved since it was transferred to Code Enforcement. Illicit discharge from pools is the most common issue reported, with four complaints arising in the past year. When a complaint is received, the first step is education, since in most cases people simply are not aware that the activity is prohibited. Repeat offenses can escalate to civil citations.

Mr. Bryck said in the past year, Avondale has implemented a catch basin maintenance program through a contractor. That contractor has cleaned 149 structures, 7,400 linear feet of pipe, and removed 74 tons of debris to the landfill. In addition, Public Works completed 6,600 miles of curb sweeping. In January, 94 Public Works employees were trained to identify the types of illicit discharges they might encounter during the course of their duties.

Mr. Bryck explained that public education and outreach is conducted through educational literature distributed as door hangers, and also through Channel 11, Avondale RAVE magazine, and in person at the HOA Summit. An annual collection event allows citizens to properly dispose of their household hazardous waste material. At the most recent event, 91 cars visited, and 3,800 pounds of material was collected. Staff reviewed over 15 stormwater pollution and prevention plans as part of the construction site runoff and control measure. Contractors who disturb over one acre of land must submit a plan describing the control measures they will put in place to prevent stormwater runoff. Post-construction control measures are in place to mitigate pollution runoff once a project has been completed.

Mr. Bryck stated that staff began the permit update process this past year. The last update was done in 2002. The new permit will be issued by July. Cities in the Phase II category, which includes Avondale, formed a coalition to review the draft permit language as it was being created. It will be released for informal comment until February 6, when it will be published in the Arizona Administrative Register for formal comment. Staff has identified two issues that warrant City Council's attention. ADEQ now requires that municipalities keep a searchable database of post-construction runoff controls, which will require more staff time to update. ADEQ also wants municipalities to provide targeted outreach to specific subgroups within their borders, which will also cost time and resources. The permit language requirements have been amended from "Reduce illicit discharges to the maximum extent practical," to "Eliminate discharges completely." This could put the City in violation status until a pollution source can be located. Increased outfall monitoring requirements and industrial site inspection and notification requirements will place further burdens on staff time and resources.

Vice Mayor Karlin inquired about the type of debris that is most commonly found clogging gutters. Mr. Bryck said it is primarily garbage that people toss on the streets including many plastic bags and drink cups, but can also include landscape materials and soil runoff. Vice Mayor Karlin observed that ADEQ essentially expects cities to respond to unfunded mandates that they should be responsible for.

Council Member Nielson inquired about the frequency of household hazardous waste collection days. Mr. Bryck said Public Works does it once a year. Ms. Nielson suggested that establishing drop off points or having more frequent collection events would reduce the amount of stormwater pollution. Council Member Nielson inquired about the best way to influence ADEQ. Mr. Bryck said the Phase II coalition is drafting a letter charging that some of ADEQ's requirements are stricter than federal regulations in the Clean Water Act.

Council Member Kilgore inquired about public outreach best practices. Mr. Bryck said the regional coalition has produced an advertisement that plays in local movie theaters, and a billboard campaign is planned. Staff also conducts outreach at events like the Tres Rios festival. Council Member Kilgore asked whether the City would have to create a new position to be able to adequately monitor runoff. Mr. Bryck responded that the financial impact has not been quantified yet, because the permit is still in draft form. The final draft could still be influenced by community feedback. Mr. Fitzhugh added that the City simply does not have enough information at the moment to adequately plan for the full impact of these requirements. Analysis will be needed to determine whether the requirements would produce enough work to justify another position.

Council Member Iwanski inquired about the difference between wet weather and dry weather monitoring. Mr. Bryck explained that the distinction is not common throughout the United States. The idea is that pollutants can enter the stormwater system when it is dry and remain there until it rains, when they are flushed through the outfalls. By being present at first flush, samples could be taken that would reveal the composition of the pollutants and potentially identify the source. Determining the source would likely require regional cooperation, since pollution could originate in other communities. Council Member Iwanski said he shares Vice Mayor Karlin's views on ADEQ's primacy in asking the cities to do their job for them. He inquired whether ADEQ expects Avondale to identify businesses that may be producing pollutants. Mr. Bryck confirmed that is the case. He acknowledged that there are public perception concerns associated with cities having to report businesses for their violations.

Council Member Iwanski inquired about the last time the stormwater management plan was updated. Mr. Bryck said it was last done in 2003. Once the City receives its new permit, a consultant will be hired to develop a new management plan. Council Member Iwanski said this new development is troublesome because it could put the City at risk. He requested a meeting with the City Manager to obtain more detailed information.

Council Member Sierra suggested reaching out to the Energy, Environmental and Natural Resources Commission to get their input on public outreach effort. Council Member McDonald inquired about the nature of the specific subgroups that ADEQ wants communities to reach out to. Mr. Bryck explained that it is being left to discretion. Each city is expected to tailor their approach depending on unique circumstances, choosing two subgroups each year to target, and conducting follow-up surveys to gauge the effectiveness of their efforts. Council Member McDonald said it would make more sense to have the region create literature for each subgroup, rather than have many different communities all trying to develop materials on their own.

Council Member McDonald asked whether the ADEQ had previously handled any of the requirements. Mr. Bryck said the consensus is that ADEQ is pushing the requirements onto cities because they do not have enough staff to handle them alone. Council Member McDonald noted that it would be difficult to track some sources of pollution since it could come from anywhere. Mr. Bryck noted that the majority of stormwater is retained on site making it possible to track connections through the outfall map, but the process is an onerous one. Council Member McDonald said the new requirements are vague, leaving cities at risk of being in violation but without any clear direction on how to proceed.

3 ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the work session; Council Member McDonald seconded the motion. The motion was carried unanimously.

City Council meeting adjourned at 7:05 p.m.



Mayor Weise



Carmen Martinez, MMC
City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of the Council of the City of Avondale held on the 2nd day of February, 2015. I further certify that the meeting was duly called and held and that the quorum was present.



Carmen Martinez, MMC
City Clerk

Minutes of the Regular Meeting held February 2, 2015 at 7:12 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Kenneth N. Weise and Council Members

David Iwanski
Stephanie Karlin
Bryan Kilgore
Jim McDonald
Sandi Nielson
Lorenzo Sierra

ALSO PRESENT

David Fitzhugh, City Manager
Gina Montes, Assistant City Manager
Kevin Artz, Assistant City Manager
Sandy Lopez, Executive Assistant to the Mayor and Council
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

Mayor Weise indicated that the speaker coming forward was invited by Council Member Iwanski in an attempt to feature business owners in Avondale.

Mandy Neat indicated that she is a founding member of Arizona Premier Realty and recently opened an office in Avondale. She invited Council Members to stop by her office. She indicated she is passionate about real estate and is happy to be a resident of Avondale.

Mayor Weise asked Pier Simeri to follow up with Ms. Neat to potentially feature her as the first in the Face of Avondale project.

Mayor Weise thanked Council Member Iwanski for bringing the idea forward and advised Council Members to advise Council Member Iwanski if they know of a new business owner in Avondale that they would like to invite to address the Council. He will coordinate this effort.

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 January 12, 2015
2. Regular Meeting of January 20, 2015

b. PROFESSIONAL SERVICES AGREEMENT - ONE STEP BEYOND, INC.

A request to approve a Professional Services Agreement with One Step Beyond, Inc. to provide joint programming on the vacant retail space at the Civic Center Library for academic and retail purposes and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

c. SETTLEMENT AGREEMENT - AUTO DEALER INVESTMENTS OF AMERICA, LLC RELATED TO A DEVELOPMENT AGREEMENT.

City Council will consider a request to approve a settlement agreement with Auto Dealer Investments of America, LLC (ADIA) related to a development agreement and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

d. RESOLUTION 3239-215 - INTERGOVERNMENTAL AGREEMENT - TOLLESON UNION HIGH SCHOOL DISTRICT FOR RESOURCE OFFICER

City Council will consider a resolution authorizing an Intergovernmental Agreement with the Tolleson Union High School District #214 to share the cost of providing a School Resource Officer during the 2014/2015 school year, for both Westview High School and La Joya High School during the school year and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

City Manager David Fitzhugh requested that item 3b – Professional Services Agreement with One Step Beyond, Inc. be pulled from the consent agenda. It will be rescheduled for a future meeting.

Council Member Nielson moved to approve the consent agenda with the exception of Item 3b as requested and including Resolution 3239-215. Council Member Sierra seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

| | |
|-------------------------|-----|
| Council Member McDonald | Aye |
| Council Member Iwanski | Aye |
| Council Member Nielson | Aye |
| Mayor Weise | Aye |
| Vice Mayor Karlin | Aye |
| Council Member Sierra | Aye |
| Council Member Kilgore | Aye |

Motion carried unanimously.

4 COUNCIL APPOINTMENTS TO REGIONAL AND LOCAL BOARDS, COMMISSIONS AND COMMITTEES

City Council will consider appointments of the mayor and council to various regional and local boards and committees resulting from recent changes to the City Council. Council will evaluate current appointments and vacancies and make any necessary assignments to ensure the city is adequately represented.

Mr. Fitzhugh indicated this item is for Council to review and consider the appointment of members to fill current vacancies in regional and local committees.

Ms. Sandy Lopez indicated that the Mayor participates in the following committees:

- MAG Transportation Policy Committee
- AZ Mayors Education Roundtable
- MAG Regional Council
- Greater Phoenix Economic Council - Board of Directors
- MAG Economic Development Council

She indicated Council Member McDonald serves as Chair of the Valley Metro RPTA Board of Directors, Vice Mayor Karlin serves in the GPEC International Leadership Council and Council Member Iwanski is the city's representative in the AZ Municipal Water Users Association.

Council Members proceeded to review participation opportunities. Participation in the various committees will be as follows:

| Boards/Committee | Representative |
|---|--------------------------------|
| Valley Metro RPTA Board of Directors | CM McDonald – serving as Chair |
| AZ Municipal Water Users Assoc. | CM Iwanski |
| GPEC - International Leadership Council | VM Karlin |
| Friends of Transit | CM McDonald |
| SW Valley Chamber of Commerce BOD | CM Nielson |
| Business Retention and Tourism | CM Nielson |
| Luke West Valley Council | CM McDonald |
| Maricopa County Human Services Commission | CM Kilgore |
| WESTMARC Board of Directors | CM Sierra |
| MAG Human Services Coordinating Comm. | VM Karlin |
| Interfaith Council | VM Karlin |

School District Ambassadors will be as follows:

| District | Representative |
|---------------------------------------|----------------|
| Agua Fria Union High School District | CM McDonald |
| Littleton Elementary School District | VM Karlin |
| Pendergast Elementary School District | CM Kilgore |
| Tolleson Union High School District | Mayor Weise |

| | |
|---------------------------------------|------------|
| Litchfield Elementary School District | CM Iwanski |
| Avondale Elementary School District | CM Sierra |

To conclude Council Members volunteered to serve on the following subcommittees:

| Subcommittee | Representatives |
|----------------------------------|-----------------------------------|
| Boards and Commissions | Mayor Weise, CMs Kilgore, Nielson |
| Contributions Assistance Program | Mayor Weise, CMs Sierra, Nielson |

5 EXECUTIVE SESSION

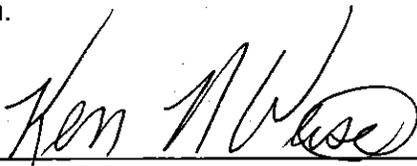
The Council may hold an executive session pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(4) for discussion or consultation with the City's Attorney in order to consider its position and instruct the City's Attorney regarding status of all pending litigation matters.

Council Member Kilgore moved to adjourn into executive session; Council Member Nielson seconded the motion. The motion was carried unanimously.

6 ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the regular meeting. Council Member Kilgore seconded the motion. The motion carried unanimously.

City Council meeting adjourned at 8:45 p.m.



Mayor Weise



Carmen Martinez, MMC
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 2nd day of February, 2015. I further certify that the meeting was duly called and held and that the quorum was present.



City Clerk