

Minutes of the Work Session held March 16, 2015 at 6:00 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  
Jessica Blazina, Assistant Director of Community Relations and Public Affairs  
Carmen Martinez, City Clerk  
Andrew McGuire, City Attorney

### **1 ROLL CALL BY THE CITY CLERK**

### **2 99TH AVENUE COMPASS**

Bob Hazlett, Senior Project Manager for the Maricopa Association of Governments (MAG) presented a report on the COMPASS study for 99th Avenue. The study is a partnership between MAG, Peoria, Glendale, Avondale, Phoenix, Tolleson, and Maricopa County. COMPASS stands for Corridor Optimization, Access Management Plan, and System Study. The first COMPASS study applied to Grand Avenue.

COMPASS uses a regional approach to corridor planning. The goal of this study is to shape transportation investments along 99th Avenue while addressing community goals for long-term livability. The corridor was chosen for COMPASS because of its proximity to the Loop 101 freeway and Interstate 10. It has many vacant parcels and is an emerging entertainment district. The plan will create places of value not just for residents, but for businesses looking to relocate to the area.

Mr. Hazlett said the 99<sup>th</sup> Avenue corridor study stretches from Buckeye Road to Olive Avenue. A single uniform cross section will not work for the entire corridor because there are many different types of uses along its length. There are designs for seven, five and three-lane cross sections. A landscaped median is recommended for the entire length except for the Glendale area, which needs flexibility to deal with stadium traffic. Regional trails figure into the system. Half-mile collector streets would cross over Loop 101, but not interchange with it, opening up the system for better traffic flow.

Mr. Hazlett said the access management principles of COMPASS look to limit the number of driveways that open onto 99<sup>th</sup> Avenue and reduce conflict points to produce a safer system. Four different land use typologies were identified to help land use planners invigorate the corridor. Separate stretches of 99<sup>th</sup> Avenue could be connected to create a continuous corridor that would extend from the Lake Pleasant area to the Salt River. The system around University of Phoenix Stadium would be opened up to improve traffic flow into and out of the area.

Mr. Hazlett said that in Avondale, recommendations have been made for the intersections with Osborn and Encanto that would provide flexibility, relieve pressure on mile streets, and allow more options for moving through the area. A crossover of the Union Pacific tracks would provide grade separation should commuter rail operations ever come to Avondale. The study also explores whether to create a shared corridor infrastructure fund under one multi-jurisdictional district.

Council Member McDonald inquired about the multi-jurisdictional assessment. Mr. Hazlett explained that this recommendation needs further study to determine what can and cannot be done under Arizona law. Similar efforts in Texas and Kansas have allowed planners from different jurisdictions to collaborate on common goals.

Council Member McDonald stated his approval of the half-mile freeway crossovers. He inquired whether partnerships would help attract funding. Mr. Hazlett said it is easier for a coalition of jurisdictions to qualify for regional funding considerations than if individual cities were to act separately. Council Member McDonald inquired about the possibility of a reduced number of driveways backing traffic up within businesses. Mr. Hazlett responded that access management is typically done during redevelopment. It requires extensive planning and coordination, and several decades to work through. Roadways with fewer driveways, in addition to being safer, create greater traffic flow, which brings in more customers.

Council Member Iwanski inquired about the limitations between Olive and Union Hills. Mr. Hazlett explained that there is one limitation at Northern where the two alignments of 99<sup>th</sup> Avenue are offset, but it has been Peoria's desire to connect the two directly. North of that, 99<sup>th</sup> Avenue has very good access control that lends itself to becoming a strong north/south access road. The Valley has many long east/west corridors, but natural impediments have limited the number of north/south corridors.

Council Member Sierra inquired whether city charters would need to be adjusted to accommodate a multi-jurisdictional assessment district. Mr. Hazlett said the consultant has seen these types of districts operate under Texas law, but the idea would need to be adapted to work under local laws. Council Member Sierra asked whether the district is intended to be temporary or live in perpetuity. Mr. Hazlett responded that it would be up to the participating jurisdictions to decide.

### **3 2015 LEGISLATIVE UPDATE**

Jessica Blazina, Assistant Director of Community Relations and Public Affairs, provided a mid-session 2015 legislative update. The legislature is moving quickly. To date 1,221 bills, memorials, and resolutions have been introduced. Twenty-nine bills have passed, and 19 of them have been signed, including the budget bills. Friday, March 20 is the deadline for committee action on bills, so a flurry of activity is underway to advance more bills.

Ms. Blazina said the budget highlights that pertain to cities include a \$20.7 million payment to the Arizona Department of Revenue (DOR), which will serve as a fee for service and not be tied to shared revenue distributions. As the budget stabilizes, this provision can be

repealed. There is still some debate on how that money would be split among cities and counties. Staff is working closely with the League of Cities and Towns, the DOR and the Budget Office to understand how that distribution will be clarified in a trailer bill.

Ms. Blazina said she continues to watch several bills of interest. House Bill 2254, Municipal Tax Exemption Residential Lease, phases out the collection of residential rental tax over four years, which would have a \$2.4 million per year impact on Avondale. She has been working to educate legislators on the importance of maintaining these funds. The bill is currently stalled in the House. H.B. 2570, the Municipalities Vegetation Requirements Prohibition, would prohibit cities from enacting ordinances requiring quantities, sizes or species of vegetation in development areas. This would impact Avondale's ability to determine the types of vegetation used in the city, particularly in light of the recently adopted Treescape Ordinance. This bill is also currently stalled in the House. Avondale's District 19 representatives have been supportive in understanding the City's position on this legislation.

Ms. Blazina said Senate Bill 1300 addresses body cameras for law enforcement officers. This bill has permissive language that allows agencies to use body cameras except in certain instances. It establishes a committee to study this issue further. This is becoming a discussion point in the wake of recent incidents around the nation. Significant issues regarding the redaction of information and the storage of recordings have yet to be resolved. House Bill 2324, Intergovernmental Agreements Public Agency Indemnification, is moving through the process and is well on its way towards passing before the end of session. This bill allows for agreements between public agencies that would hold each harmless from liabilities and damages caused by another agency's negligence.

Ms. Blazina said the National League of Cities Congressional Cities Conference was held March 7 through 11 in Washington, D.C. Avondale paid delegation visits to Senators McCain and Flake, as well as Congressman Grijalva's staff while the House was in recess. Important federal advocacy issues include maintaining the tax exempt status of municipal bonds. The President has proposed capping federal deductions on interest earned on municipal bonds, and this will continue to be monitored. Legislation has also been introduced regarding the E-Fairness Act. This would allow cities and towns to collect taxes on internet purchases made out of state.

Ms. Blazina stated that the current Transportation Reauthorization Funds expire on May 31. Congress is unlikely to come up with a new plan by then and will have to arrange for a short extension. The main contention is over finding a reliable source to fund the Highway Trust Fund. The importance of retaining the Community Development Block Grants was also emphasized during delegation visits. Council Member McDonald, as the RPTA Board President, met with several members of Congress to discuss the importance of approving a new transportation bill.

Council Member Sierra inquired about the extent of public commentary allowed on bills. Ms. Blazina responded that oftentimes when legislators think they have the votes to pass budget bills, they will move very quickly without providing opportunities for public review. Advocates must typically express in writing what they would like amendments to say. Council Member Sierra said the lack of public input is not ideal and called for more transparency.

Council Member Kilgore said his experience in Washington D.C. was a valuable one. He spoke to the Senators about the importance of H.R. 1042, the After School for America's Children Act.

Mayor Weise inquired about likelihood that the vegetation and rental bills would pass. Ms. Blazina responded that they could go either way, which is why she remains vigilant. She pursues every opportunity to explain to legislators why the bills would be harmful to Avondale. Mayor Weise said he hopes bipartisan support can be found to stop the bills.

Council Member Iwanski stated that it is critical that local governments retain the freedom to make decisions that can conserve water resources, especially in light of the ongoing drought.

#### 4 ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the work session. Council Member Iwanski seconded the motion, which carried unanimously.

City Council meeting adjourned at 6:47 p.m.

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Mayor Weise

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

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City Clerk

Minutes of the Regular Meeting held March 16, 2015 at 7:00 p.m. in the Council Chambers.

**MEMBERS PRESENT**

Mayor Kenneth N. Weise and Council Members

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

**ALSO PRESENT**

David Fitzhugh, City Manager  
Gina Montes, Assistant City Manager  
Kevin Artz, Assistant City Manager  
Chris Hamilton, Engineering Project Manager  
David Janover, City Engineer  
Ken Galica, Senior Planner  
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**

There were no requests to address the Council.

**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 March 2, 2015
2. Regular Meeting of March 2, 2015

**b. RESCHEDULING OF APRIL 20, 2015 COUNCIL MEETING**

A request to reschedule the City Council meeting of April 20, 2015 to start at 6:00 pm instead of 7:00 pm.

**c. MINOR LAND DIVISION CITY OF AVONDALE, COLDWATER INDUSTRIAL ASSOCIATES 3, LLC AND LEGACY TRADITIONAL SCHOOL**

A request to approve a Minor Land Division for a property located at the northeast corner to Van Buren Street and Fairway Drive to reconfigure existing lot lines to reflect the Corridor alignment, dedicate additional property to the City, to dedicate a vehicular access easement, and abandon an existing drainage easement on the site of Legacy Traditional School.

**d. COOPERATIVE PURCHASING AGREEMENT - CACTUS ASPHALT FOR CRACK SEAL ASPHALT SERVICES**

A request to approve a Cooperative Purchasing Agreement with Cactus Transport, Inc. d/b/a Cactus Asphalt to provide asphalt crack seal and repair service in an aggregate amount not to exceed \$150,000, authorize the transfer of \$50,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**e. COOPERATIVE PURCHASING AGREEMENT - CACTUS ASPHALT FOR PAVEMENT PRESERVATION PROGRAM**

A request to approve a Cooperative Purchasing Agreement with Cactus Transport, Inc. d/b/a Cactus Asphalt for the Spring 2015 Fractured Aggregate Surface Treatment (FAST) Pavement Preservation Program in the amount of \$434,450.75 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**f. COOPERATIVE PURCHASING AGREEMENT - DAVE BANG ASSOCIATES, INC.**

A request to approve a cooperative purchasing agreement with Dave Bang Associates, Inc. to renovate Donnie Hale and Mountain View Parks in an amount not to exceed \$185,911.18 and authorize the Mayor or the City Manager and City Clerk to execute the applicable contract documents.

**g. COOPERATIVE PURCHASING AGREEMENT- ALTEC INDUSTRIES, INC.**

A request to approve a cooperative purchasing agreement with Altec Industries, Inc., and the transfer of appropriation from general fund contingency to the replacement fund, for an amount not to exceed \$103,000, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**h. COOPERATIVE PURCHASE AGREEMENT - BALAR HOLDING CORP. AND WATER CONTINGENCY FUND TRANSFER**

A request to approve a cooperative purchasing agreement with Balar Holding Corp., and a water contingency fund transfer to the water vehicle replacement fund, for an amount not to exceed \$55,823.15, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**i. FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WESTERN TECHNOLOGIES, INC.**

A request to approve the First Amendment to the Professional Services Agreement with Western Technologies, Inc. for environmental services as needed in an amount of \$50,000 for a total aggregate amount not to exceed \$90,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**j. FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT DIBBLE CM LLC / ORIDIAN CONSTRUCTION SERVICES, LLC**

A request to approve the First Amendment to the Professional Services Agreement with Oridian Construction Services/Dibble CM in the amount of \$50,000 to provide construction inspection services and an aggregate amount of \$350,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**k. RESOLUTION 3241-315, ORDINANCES 1572-315 AND 1573-315 – AMENDING CHAPTER 24 OF THE CITY CODE**

A resolution declaring as a public record the document entitled "City of Avondale Backflow Prevention and Cross Connection Control Code, Amended and Restated April 15, 2015," an ordinance adopting the same by amending Article I of Chapter 24, Water, Sewers and Sewage disposal and an ordinance amending Article III, Division 3 of Chapter 24 relating to inspections and supplemental enforcement actions.

Council Member McDonald requested to pull item 3l.

Council Member Nielson moved to approve the consent agenda as presented with the exception of item 3l, and including resolutions 3241-315 and ordinances 1572-315 and 1573-315. Council Member Iwanski 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.

**I. RESOLUTION 3242-315 AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH ADOT RELATING TO THE CONSTRUCTION OF THE CENTRAL AVENUE MULTI-USE PATH**

A resolution approving an amendment to the intergovernmental agreement with ADOT for the construction of the Central Avenue Multi-Use Path Project in the City's estimated cost share amount of \$1,974,000, authorize the necessary transfer and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Council Member McDonald indicated that this is a project he has been in support of, but he would like an explanation of the impact the substantial increase in the cost of this project will have on other street projects.

City Manager David Fitzhugh acknowledged the project cost has increased substantially from when it was originally conceived in 2007. He indicated funds for this project include both federal monies and city funds, but there are stipulations with the use of these funds which Chris Hamilton, Engineering Project Manager will explain.

Christopher Hamilton, Engineering Project Manager indicated that the original scope of this project was limited to pavement rehabilitation; roadway widening was not part of the scope of the project. Funding for this project was \$2.3 million over two years with bond funds. He indicated that the turn in the economy made bond funds unavailable. Staff

became aware of federal funding options through a federal CMAQ grant which was applied for and granted in the amount of \$1.4 million with a city match of \$314,642. Staff was under the assumption that mill and overlay pavement along with restriping for the medians and to create bike lanes, which was a key component of the grant, would be sufficient. The grant required ADOT to administer the contract.

Last summer, Public Works initiated a water and sewer improvement project to replace the aging infrastructure along Central Avenue which was completed a couple of months ago. Because staff expected to go in to start work on the multi-use path project, only a temporary asphalt patch was applied. He explained that the original scope of the project was not well received and staff was directed to go back and redesign the project to address the public's concerns and consider the fact that there are several schools in the area. As the project developed, the scope had to be expanded to include streetlights, bus bays, raised landscaped islands, separated bike paths, and compliance with ADA regulations. The revised total estimate for this project is \$3,251,100 with \$1,973,695 in city funds and additional federal funds. If approved by Council, project construction will begin this summer. Mr. Hamilton listed the foreseen benefits of this project:

- Provide protected path for bike riders
- Improved multi-modal safety
- Enhanced aesthetics
- Provides sense of place
- Promote interaction between varied land uses

Mr. Hamilton indicated staff hopes this project is well received and allow the city to apply for another grant to expand the design to MC 85. Regarding outreach, he indicated that staff reached out to schools, residents, churches and the EENRC. Two neighborhood meetings have been held and staff is only aware of two residents who oppose the project.

In response to a question from Council Member Nielson, Mr. Hamilton indicated that while he does not have the numbers, a study has been conducted to determine bike and pedestrian traffic in the area. In response to a subsequent question from Council Member Nielson, Mr. Hamilton indicated that because the project is federally funded, the city is not authorized to administer those funds so the money goes to ADOT and they are responsible for overseeing the project. Council Member Nielson expressed concern over reducing the traffic lanes to one lane in each direction and asked if there will be turn lanes in the middle. Mr. Hamilton indicated that there will be a center two-way turn lane.

In response to a question from Council Member McDonald, Mr. Hamilton indicated that staff was asked to develop an enhanced concept for this project in 2009. Council member McDonald asked if the enhanced concept was presented to Council. Mr. Fitzhugh replied that while he cannot be certain, he is fairly certain staff had not talked to council regarding the increased cost of the project.

Mr. Hamilton clarified for Council Member McDonald that the one aspect of the project that is mandated due to the use of federal funds is the addition of bike lanes and compliance with ADA regulations. He further clarified that ADOT will take the lead on

the bidding for this project, any overage in the cost will be the city's responsibility. The City will be made aware of any overages before the project is awarded.

Mr. Hamilton explained that the design will encourage the community to use alternate modes of transportation instead of using their vehicles.

Council Member McDonald asked which projects would be affected in order to fund this project. Mr. Hamilton replied that the Thomas Road from 103<sup>rd</sup> to 99<sup>th</sup> Avenue will be likely need to be postponed for two years, however a slurry seal can be done in the meantime. Other projects are expected to move forward with realized savings from other projects.

Council Member McDonald indicated that his concern was with not having been made aware of the changing nature of this project as changes were taking place. He added he believes this is a good project and is in support of it.

Council Member Sierra said he did not want to contradict a motion from a previous council and asked if the original motion of approval of this project had a cap on the maximum dollar contribution from the city. City Attorney said the original motion was to adopt the resolution which approved the JPA with a project cost. There is usually not a cap associated with JPAs and is amended as needed due to project costs. He added that the city acquires a lot of liability with respect to pass-through grants.

Council Member Nielson asked if a portion of the increase in the cost is related to inflation. Mr. Hamilton said the increase is due to the change in the scope of the project.

Council Member Iwanski asked if the city's new city engineer had had a chance to look at the cost estimates and whether he is comfortable with them. Mr. Janover indicated that he has looked at the cost estimates, however, he is still not completely familiar to costs in this area but added he has confidence in Mr. Hamilton's experience managing projects. Mr. Hamilton indicated he is very comfortable with the cost estimates.

Mayor Weise indicated that some of the increases are in order to address the desires from the community to make it a project they will welcome.

Council Member McDonald moved to adopt Resolution 3242-315 an amendment to intergovernmental agreement with ADOT relating to the construction of the Central Avenue multi-use path. Council Member Kilgore 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 PUBLIC HEARING CONDITIONAL USE PERMIT FOR BRIGHTER ANGELS LEARNING CENTER EXPANSION (APPLICATION PL-14-0209)**

A public hearing and a request by Mr. Scott Belford, Syntec Design, to approve a Conditional Use Permit allowing for the expansion of the existing Brighter Angels Learning Center, a child care facility located within the Sanctuary Shopping Center, at the northwest corner of Lower Buckeye Road and 107th Avenue to allow the indoor classroom portion of the facility to expand by 1,082 square foot, from 4,347 square feet to 5,429 square feet, and the outdoor fenced play area to expand by 1,077 square feet, from 3,758 square feet to 4,835 square feet.

Ken Galica, Senior Planner, reviewed the particulars of this item as more specifically described in the council report. He indicated that the Planning Commission is recommending approval subject to the following conditions:

1. Except as modified by these conditions, the use of the site shall conform to the 2008 Conditional Use Permit approval for this use. The physical expansion of the use shall conform to the expansion request narrative, conceptual Site Plan, and conceptual Landscape Plan, date stamped December 11, 2014.
2. In accordance with Section 109 of the Zoning Ordinance, the Conditional Use Permit shall expire within two years from the date of approval if the expanded use has not commenced.
3. Use of the outdoor playground area may not occur prior to 8:00 A.M or after 8:00 P.M.

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

Council Member McDonald moved to approve the Conditional Use Permit for Brighter Angels Learning Center Expansion. Council Member Nielson 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.

**5 EXECUTIVE SESSION**

City Council may hold an executive session pursuant to Ariz. Rev. Stat. §38-431.03 (A)(3) for discussion or consultation for legal advice with the City Attorney(s), regarding a potential amendment to the zoning ordinance.

Council Member Nielson moved to adjourn to executive session; Council Member Sierra seconded the motion. There being no objections, 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 8:26 p.m.

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Mayor Weise

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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 16<sup>th</sup> day of March, 2015. I further certify that the meeting was duly called and held and that the quorum was present.

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City Clerk