

Minutes of the Work Session held November 16, 2015 at 6:33 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Kenn Weise and Council Members

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

ABSENT

David Iwanski

ALSO PRESENT

David Fitzhugh, City Manager
Jessica Blazina, Community Relations and Public Affairs Assistant Director
Chris Giglio, Capital Edge Consulting
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

1 ROLL CALL BY THE CITY CLERK

2 2015 FEDERAL LEGISLATIVE UPDATE

Jessica Blazina, Community Relations and Public Affairs Assistant Director, introduced Chris Giglio of Capital Edge Consulting who is retained by the City of Avondale as a federal lobbyist. Mr. Giglio explained that Capital Edge has provided federal advocacy for the City since 2009, and has more than 20 years of experience working with Valley cities. Capital Edge's efforts on behalf of Avondale include supporting or opposing federal legislation that would have an impact on the City, providing grant assistance, and serving as an everyday liaison between the City, its Congressional delegation, and the Executive Branch.

Mr. Giglio said this is the first session of the 114th Congress. For the first time in the Obama presidency, Republicans control both the House and Senate chambers. This has not alleviated congressional gridlock, however. Particularly in the House, Republican leaders have struggled with various factions within their party to bring legislation to the floor. This resistance prompted Speaker of the House John Boehner to resign from his job. The new speaker, Paul Ryan, is likely to face the same problems. Neither chamber has the supermajority needed to override Presidential vetoes. In response to the low number of bills that make it to his desk, President Obama has sought ways to bypass Congress.

Congress came to an agreement on overall spending caps with regard to the FY2016/17 budget, but not on specific program spending levels. This will give Congress some maneuvering room to approve a final budget by the December 11 deadline. Mr. Giglio said the hope is that this budget deal will help with some of the programs that Avondale cares about, including transportation, housing and economic development. The additional budget room is not enough to grow and expand these programs, but should at least keep them at current levels. Congress sometimes attaches policy riders to annual spending bills to restrict spending on particular programs. This could potentially lead to a shutdown in December. If one does occur, it probably will not last long.

Mr. Giglio said Congress is in the midst of a major reauthorization of federal highway and public transit programs. The last one expired in 2009 and has been repeatedly extended for

short terms ever since. Long-term bills are better for planning certainty. Both chambers of Congress have passed bills in the last two months, but both include minor funding increases that fall below the inflation rate. The federal gasoline tax has been funding the transportation program for many years. It has not been raised since 1993, and its buying power has decreased with inflation. There is little interest in raising the tax, and alternative funding methods remain elusive. The House recently voted to eliminate a Federal Reserve Bank surplus fund and use that money for a one-time infusion of cash into the transportation bill, but this is another short-term solution.

Mr. Giglio noted several issues that would impact Avondale. In 2012, Congress cut the bus program in half, and shifted that money to rail programs. Restoring that money to buses would aid Avondale, as would increasing the percentage of highways funds that go the Maricopa Association of Governments instead of to the State of Arizona.

Mr. Giglio said the Marketplace Fairness Act (MFA) would allow state and local governments to collect sales taxes on out of state online sales. Besides acknowledging the extra revenue it would generate, proponents of the law argue that it would allow local brick and mortar stores to better compete against online stores. In 2013, the Senate approved the MFA, but the House has been slower to take it up, though they could do so in tandem with renewing the Internet Tax Freedom Act (ITFA). The ITFA, which prohibits state and local taxation of internet access, expires at the end of the year.

Mr. Giglio stated that comprehensive tax reform is one of Paul Ryan's goals for the upcoming year. Avondale will be monitoring the tax exempt status of municipal bonds very closely to ensure that this idea remains off the table. He noted that Council Member McDonald made a strong case to the congressional delegation about why the tax exempt status of municipal bonds does not only benefit the wealthy.

Mr. Giglio said the 2016 election cycle has already begun, and control of the Senate will be in play. Of the 34 Senate seats being contested, 24 will be defended by Republicans, while 10 will be defended by Democrats. The House is not expected to flip in this election. Arizona has two Republican Senators who would lose their chairmanship of committees should the Senate flip to Democratic control.

Council Member McDonald inquired about the distribution of taxes proposed in the Marketplace Fairness Act. Mr. Giglio responded that most proposals would send taxes to whatever jurisdiction products are delivered to.

Vice Mayor Karlin inquired about stricter EPA regulations regarding ozone levels. Mr. Giglio said the ozone level standards have been finalized at 0.70 parts per million, which should enable Maricopa County to reach attainment by 2025 under current policies.

Mayor Weise inquired about the number of Senate seats that likely will be in play during the 2016 election. Mr. Giglio estimated that about a dozen would. Mayor Weise inquired about the status of the West Valley Casino. Mr. Giglio explained that the U.S. House took up legislation to prevent the Tohono O'odham Nation from establishing a casino in Glendale, but the bill did not get enough votes to pass under expedited rules. He was uncertain whether it would be reintroduced under normal rules.

3 ADJOURNMENT

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

City Council meeting adjourned at 6:59 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 16th day of November, 2015. I further certify that the meeting was duly called and held and that the quorum was present.



City Clerk



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

MEMBERS PRESENT

Mayor Kenneth N. Weise and Council Members

Stephanie Karlin
Bryan Kilgore
Jim McDonald
Sandi Nielson
Lorenzo Sierra

EXCUSED

David Iwanski

ALSO PRESENT

David Fitzhugh, City Manager
Gina Montes, Assistant City Manager
Kevin Artz, Assistant City Manager
Rick Williams, Planner II
Allison Rondone, Planner II
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

Carmen Martinez, City Clerk, read a statement of participation regarding public appearances.

2 UNSCHEDULED PUBLIC APPEARANCES

(Limit three minutes per person. Please state your name.)

3 CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. Councilmembers may pull items from consent if they would like them considered separately.

a. APPROVAL OF MINUTES

Regular Meeting of November 2, 2015

b. 2016 COUNCIL MEETING SCHEDULE

A request to approve the Council Meeting Schedule for 2016 which includes the rescheduling of six council meetings in observance of holidays and to allow for a summer break.

c. RE-PLAT OF DESERT SPRINGS VILLAGE SUBDIVISION (PL-15-0174)

A request to approve a Re-Plat of the Desert Springs Village Subdivision located at the northwest corner of Van Buren Street and 119th Avenue to revise existing lot lines and Use and Benefit Easements (UBEs), converting 71 undeveloped "Z-Lots" to rectangular lots with 5' UBEs.

d. PROFESSIONAL SERVICES AGREEMENT - ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC.

A request to approve a Professional Services Agreement with Arthur J. Gallagher Risk Management Services, Inc. for brokerage and consulting services for the Risk Management self-insurance retention program in the amount of \$33,000 for first year with four one-year options with the maximum aggregate of \$175,000 and authorize the Mayor or City Manager and City Clerk to execute the documents.

e. CONSTRUCTION AGREEMENT - SRP - 107TH AVENUE FROM ROOSEVELT STREET TO VAN BUREN STREET

A request to approve a Construction Agreement with Salt River Project (SRP) to provide design and construction services for irrigation improvements associated with the 107th Avenue from Roosevelt Street to Van Buren Street Improvement Project in the amount of \$342,866 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

f. COOPERATIVE PURCHASING AGREEMENTS - DELL MARKETING LP AND RICOH USA, INC.

A request to approve cooperative purchase agreements with Dell Marketing LP and Ricoh USA, Inc. for the purchase of computers, peripherals, copiers, printers, faxes, and maintenance and support for City departments in a maximum amount of \$1,486,000 for Dell and \$675,000 for Ricoh for fiscal years 2016-2018 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

g. FIRST AMENDMENT TO COOPERATIVE PURCHASE AGREEMENT – CACTUS TRANSPORT, INC. FOR CRACK SEAL ASPHALT SERVICES

A request to approve the First Amendment to a Cooperative Purchasing Agreement with Cactus Transport, Inc. d/b/a Cactus Asphalt to provide asphalt crack seal services in an amount of \$300,000/year for an aggregate not-to exceed amount of \$650,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

h. RESOLUTION 3280-1115 - TITLE VI IMPLEMENTATION PLAN RELATING TO PUBLIC TRANSPORTATION SERVICES

A Resolution adopting the City of Avondale Title VI Implementation Plan relating to public transportation in order to ensure compliance with the applicable requirements and be entitled to receive federal funds for the program.

City Manager David Fitzhugh indicated that he needed to point out a typo in the council report for item 3b. The council report incorrectly states that the second meeting in March is being rescheduled to March 11, when in fact it is being rescheduled to March 14, 2016.

Council Member McDonald moved to approve the consent agenda with the correction stated by Mr. Fitzhugh and including Resolution 3280-1115. Vice Mayor Karlin seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 6-0

4 PUBLIC HEARING AND ORDINANCE 1591-1115 - REZONING THE SOUTHEAST CORNER OF THIRD STREET AND HILL DRIVE

City Council will hold a public hearing and consider an Ordinance rezoning .92 acres of land from the R-4 Multi-Family Zoning District to the Historic Avondale Infill Overlay (HAIO) Zoning District located at the southeast corner of Third Street and Hill Drive.

Mr. Rick Williams, Planner II reviewed the particulars of this item as more specifically described in the Council report.

Mayor Weise opened the public hearing, there being no requests to address the Council, Mayor Weise closed the public hearing.

Council Member McDonald moved to adopt Ordinance 1591-1115; Council Member Kilgore seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 6-0.

5 PUBLIC HEARING AND ORDINANCE 1592-1115 - 811 E RILEY REZONE

City Council will hold a public hearing and consider an ordinance rezoning approximately 0.75 gross acres for a site at 811 East Riley from A-1 (Industrial) to C-2 (Community Commercial).

Ms. Alison Rondone, Planner II, reviewed the particulars of this item as more specifically described in the council report.

Mayor Weise opened the public hearing, there being no requests to address the Council, Mayor Weise closed the public hearing.

In response to a question from Mayor Weise, Mr. Fitzhugh indicated that the reason why there is no clear date of when the property was annexed is because records dating back to the 1960's are not always clear. Ms. Rondone indicated that while clear that the property was annexed, the map available at the Development Services counter does not clearly show the date when the property was annexed.

Council Member McDonald moved to adopt Ordinance 1592-1115 rezoning approximately 0.75 gross acres for a site at 811 East Riley from A-1 (Industrial) to C-2 (Community Commercial). Council Member Kilgore seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously.

6 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 Winners Development Company vs City of Avondale.

Council Member Kilgore moved to adjourn to executive session; Council Member Nielson seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

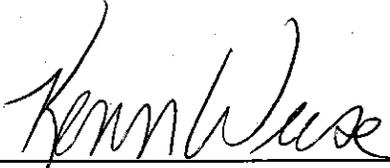
Council Member McDonald	Aye
Council Member Iwanski	Excused
Council Member Nielson	Aye
Mayor Weise	Aye
Vice Mayor Karlin	Aye
Council Member Kilgore	Aye
Council Member Sierra	Aye

Motion carried unanimously.

7. ADJOURNMENT

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

The meeting was adjourned at 8:04 p.m.



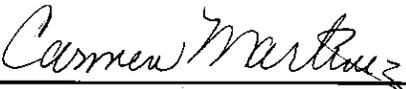
Mayor Weise



Carmen Martinez, CMC
City Clerk

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City Clerk

