

Minutes of the Work Session held January 4, 2016 at 6:01 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, Community Relations and Public Affairs Assistant Director  
Alison Rondone, Planner II  
Robert Gubser, Planning Manager  
Andrew McGuire, City Attorney  
Carmen Martinez, City Clerk

**1 ROLL CALL BY THE CITY CLERK**

**2 2016 STATE AND FEDERAL LEGISLATIVE AGENDA**

Jessica Blazina, Community Relations and Public Affairs Assistant Director, reported that the Arizona Legislature's next session begins on January 11. All indications suggest that the session will be a quick one, with the focus being primarily on passing a budget. Economic development is the dominant topic of discussion. Governor Ducey will provide an outline of his plan for economic development during his State of the State address. His proposed Executive Budget will be released on January 15. The speculation is that Governor Ducey will release a tax reform package as part of his plan.

Ms. Blazina explained that she will be working with three guiding principles when representing Avondale: to preserve local funding mechanisms, to preserve local authority, and to maintain flexibility in delivering service to citizens. Key issues this year will be fiscal sustainability, supporting the maintenance of shared revenues, and opposing any unfunded mandates placed on local jurisdictions. Avondale will work to support major transportation projects within City limits and regional jurisdictions, protect the Highway User Revenue Fund, oppose efforts to reduce or sweep funds that should be directed to cities, and support measures that improve infrastructure within the community.

Ms. Blazina said public safety is another key issue. Avondale will work to support initiatives that preserve and enhance the ability of local governments to plan for and respond to emergencies within the city. The Public Safety Personnel Retirement System is undergoing changes to improve its sustainability, and Avondale is involved in those discussions through the League of Arizona Cities and Towns. The City will also support efforts to enhance the range of economic development mechanisms at its disposal.

Ms. Blazina stated that U.S. Congress will convene on January 5, and President Obama will give his State of the Union Address later this month. Avondale will continue to look at a

number of federal issues. The Marketplace Fairness Act that will allow states and municipalities to collect sales taxes on out of state online purchases could generate an estimated \$700 million for Arizona. Congress is expected to continue discussions on comprehensive tax reform that could impact the tax exempt status of municipal bonds, and the City will be watching that issue closely. Avondale also continues to be on the lookout for legislation that would reduce grant funding for state and local governments, and will monitor those discussions during the next budget cycle.

Council Member Iwanski inquired about water resources. Ms. Blazina replied that late last year the Governor appointed a 28-member Water Advisory Council to look holistically at securing an affordable water supply for the entire state. Avondale will have representation on that Council.

Council Member Sierra inquired about the budget and any possible surplus. Ms. Blazina said the top line budget number varies depending on the source, and the fate of the surplus is up for debate. The Governor will likely suggest a use when he releases his budget on Friday. She assured Council that she will work hard to protect Avondale's interests.

Mayor Weise said he has engaged recently in discussions with other mayors regarding whether the elimination of income tax collections really does spur economic development. He expressed doubt that it would. When corporations look to move to a state, they are looking at stability and strong schools. If the legislature is not willing to make prudent financial decisions that help improve schools, Arizona will struggle for decades to come. Ms. Blazina responded that various approaches have been suggested, most of which would phase in income tax elimination over a number of years. The policy will likely change multiple times before the matter is settled. The challenge is to overcome the notion that passing Proposition 123 will solve all education issues in Arizona, when really it would be just one step in a larger process.

Mayor Weise inquired about Tax Increment Financing (TIF) developments. Ms. Blazina said she has heard suggestions that some version of a TIF could be proposed in the future in order to spur development without burdening taxpayers. As details emerge, she will share them with City Council. Mayor Weise said he sees greater cooperation between cities now than he has in a long time when it comes to protecting state shared revenue. Ms. Blazina agreed, saying the unified statement from cities has been getting stronger. Avondale gets nearly 35% of its budget from shared revenue distributions, and any reduction to that distribution would be very harmful.

Vice Mayor Karlin said it is unfortunate that legislators are not better informed about what cities do and what the state shared revenue is spent on. Only about 7% of legislators have a background in cities. They are not considering how severely their budget decisions can impact cities. The Arizona League of Cities and Towns allows the communities to speak with one voice. Ms. Blazina said after every election, the League invites new legislators to briefings on how cities operate. Their attendance is voluntary. Legislators also regularly receive pamphlets that explain what shared revenue is used for, and why it is important to city budgets.

### 3 PROPOSED TEXT AMENDMENTS TO THE ZONING ORDINANCE

David Fitzhugh, City Manager, introduced a proposed text amendment to the Zoning Ordinance. Last year, City Council established the goals of providing greater flexibility in its processes, and to make Avondale a city of choice. With these goals in mind, staff proposed a number of text amendments that would provide greater flexibility and definition to the Zoning Ordinance.

Alison Rondone, Planner II, explained the revisions will strengthen design requirements, remove redundant ones, improve flexibility, fix errors, and streamline the City's review process. She highlighted the more significant changes. Pre-application meetings are now required for all projects. The notification radius will increase from 500 to 1,000 feet for projects that require public participation. Mailing responsibilities will be shifted from the applicants to the City. Fees will be adjusted to make up for the extra cost. In response to market trends, the gap between R1-6 and R1-8 will be filled with a new designation. The minimum lot depth for R1-8 will be increased, and lot coverage allowances will be increased for R1-6 through R1-8. Single-family residential will be allowed in Manufactured Home districts. Adult daycare living would no longer require a conditional use permit, but would be permitted with conditions instead. Allowing wireless facilities on existing or planned vertical elements would reduce the proliferation of freestanding towers. Phased infrastructure will be allowed as part of a PAD. Parking minimums will be based on 90% of the gross floor area, and other parking standards have been refined to reflect industry trends.

Ms. Rondone explained that submittal of a comprehensive sign plan will now be allowed later in the process. Administrative approval will be allowed for up to a 25% deviation from the standards, but anything greater than that would still come before City Council. Some temporary changes to the sign ordinance will be made in response to the *Reed v. Gilbert* Supreme Court case until more substantive changes can be applied. Trees in the right of way will now count towards the overall tree requirement. Design standards for retention basins have been revised to encourage more multi-use designs. Landscaping and wall requirements have been tightened to enhance aesthetics.

Ms. Rondone stated that the proposed changes were presented to the Planning Commission on October 15 and December 17. One Commissioner expressed concern over fee increases to cover the mailing costs, and asked that HOAs be included on the mailing list. Concern was also expressed about the administrative approval of sign deviations, but the Commission was amenable to using it when deviations were less than 25%. Text amendments allowing non-ancillary, freestanding warehouse uses in the Commerce Park District were removed in response to feedback. Commissioners also requested clarification on the changes to MH districts. Staff removed language identifying a maximum for compact parking spaces in response to feedback. Language reducing drive aisle widths was removed.

Ms. Rondone concluded that the text amendments are designed to respond to market demand and changing industry standards without compromising the quality of development

in the city. They are not expected to adversely affect the community, but instead will provide an overall benefit.

Mayor Weise stated that in 2016, he would no longer allow public comments at City Council work sessions. There are enough opportunities in other forums to provide feedback. Vice Mayor Karlin disagreed, saying that work sessions are the only opportunity for citizens to speak directly to City Council before a vote is scheduled.

Mayor Weise inquired whether HOAs would be added to the mailing list. Ms. Rondone responded that they were not.

Vice Mayor Karlin felt that the proposed changes to the Manufactured Home District would set a bad precedent. David Fitzhugh, City Manager, explained that it would allow a similar use, since manufactured homes are single-family residences. Projects would have to meet all the existing standards and guidelines that pertain to single-family homes. The changes would not encourage different uses, nor a different planning district. Andrew McGuire, City Attorney, explained that in older style cumulative zoning ordinances, higher and better uses were allowed in lower categories. This change uses a similar approach, and he does not see a legal risk. Vice Mayor Karlin requested a map of MH areas.

Council Member McDonald described the phasing of improvements as a great move. He inquired whether City Council would have the ability to make adjustments in special situations, such as one that occurred on Indian School. Ms. Rondone said the ordinance provides flexibility, and allows for evaluation on a case by case basis. Mr. McGuire further explained that the Indian School case involved a road widening project that was not likely to be built for some time, so the developer was released. This change is intended for situations where developers would be allowed to build one portion of a larger development, without having to build the infrastructure for the whole piece at once. They would just have to build infrastructure adjacent to what is necessary at the time. The City will always be involved in the largest projects. Council Member McDonald said he likes the idea of in lieu of payments for larger projects.

Ms. Rondone explained that the sign approval changes would apply to height, size, density and spacing variations. Each individual project would be reviewed separately. Council Member McDonald said he would be much more in favor of allowing businesses easier access to professional looking signs than force them to use sandwich boards on the street.

Council Member McDonald requested clarification on compact car parking changes. Ms. Rondone responded that the ordinance originally specified both minimum and maximum percentages for compact parking. The maximum requirement has been removed.

Council Member Sierra inquired about the proposed fee increase for mailings. Ms. Rondone said staff is researching a couple of different methodologies. It could be a flat fee, or a per-address fee. Council Member Sierra said he would prefer that application fees not be raised if the City can absorb that cost within existing vehicles. He inquired whether tiny houses are considered manufactured homes. Ms. Rondone responded that if the house is mobile, it is not considered a single-family residence.

Council Member Nielson said the proposed changes related to Manufactured Home districts would save developers time and money when it comes to rezoning. She encouraged the use of postcards for notification mailings. Vice Mayor Karlin said staff time required to send out mailings should be factored into the cost as well. She also inquired about the reasoning for the change. Ms. Rondone said staff is researching several vendors as a possibility for mailings. The change would give the City more control and ensure that everyone in the notification radius is notified properly.

Vice Mayor Karlin asked whether other Valley cities are using in-house mailings. Ms. Rondone said the practice is becoming more common. Robert Gubser, Planning Manager, noted that Scottsdale and Peoria utilize in-house mailings to notification areas, and it has worked very well. This method ensures that all the information being provided to residents is correct. When a vendor handles the mailings, the staff time spent on each project is minimal. Vice Mayor Karlin asked whether there have been problems associated with having applicants handle mailings. Mr. Gubser responded that staff has noticed discrepancies in the past.

Council Member Kilgore asked whether the in-house mailing method has been cost-effective for the cities that use it. Mr. Gubser said that in Peoria, the costs are passed onto the applicants. They would have to incur that cost regardless of what method is used. The process is easier for both staff and the applicants. Council Member Kilgore inquired whether the mailings would eliminate the need for signs. Mr. Gubser explained that the signs are required by state statute and would remain in the ordinance.

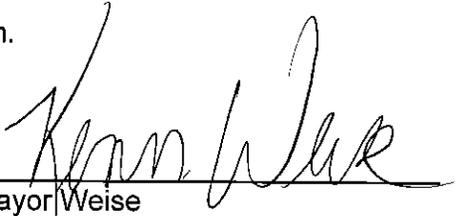
Mayor Weise said HOAs have a better handle on the occupancy status of the homes in their association, and it makes more sense to notify them. It makes sense for Avondale to review the ordinance annually to ensure that it is responsive to emerging trends, such as the tiny home movement, and to explore the methods that have worked in other communities. The Manufactured Home district changes bring more diversity to that product.

Mr. Fitzhugh said staff would return to City Council with suggested parameters for how HOAs are to be notified in the event of zoning activity.

#### 4 ADJOURNMENT

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

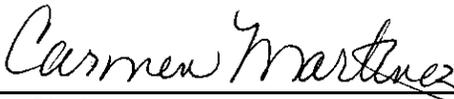
City Council meeting adjourned at 6:59 p.m.

  
\_\_\_\_\_  
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 4th day of January, 2016. 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 January 4, 2016 at 7:06 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  
Andrew McGuire, City Attorney  
Carmen Martinez, City Clerk

**1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK**

**2 UNSCHEDULED PUBLIC APPEARANCES**

Pat Dennis provided feedback to the Council regarding the proposed amendments to the zoning ordinance discussed during the work session. She indicated that she would like to see more detail and design standards added for amenities within neighborhood parks; the zoning ordinance does not address façade standards for side and backyards and would like guidelines added; more connectivity within neighborhoods and to commercial areas is needed in order to make Avondale a more walkable community; CUP requirements for assisted living facilities. Mayor Weise directed staff to address Ms. Dennis' concerns.

**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**

- Work Session of December 7, 2015
- Regular Meeting of December 7, 2015
- Work Session of December 14, 2015
- Regular Meeting of December 14, 2015

**b. LIQUOR LICENSE -SERIES 12 -FIRED PIE**

An application submitted by Ms. Lori Ann Cuomo for a Series 12 Restaurant license to sell all spirituous liquors at Fired Pie to be located at 13070 W Rancho Santa Fe #C-4 in Avondale.

**c. MINOR LAND DIVISION -QUIKTRIP AT DYSART AND THOMAS (PL-15-0078)**

A request by the QuikTrip Corporation, for approval of a Minor Land Division for approximately 13.93 gross acres of land located at the southeast corner of Dysart and Thomas Roads to split the 13.93 gross acre parcel into two separate parcels of 2.49 acres and 11.18 acres, dedicate an additional 15-foot of right-of-way on Dysart and Thomas Roads, and dedicate 8-foot public utility easements adjacent to Dysart Road and Thomas Road.

- d. **COOPERATIVE PURCHASING AGREEMENT -VULCAN MATERIALS FOR ASPHALT CONSTRUCTION MATERIALS**  
A Cooperative Purchasing Agreement with Vulcan Materials to provide asphalt construction materials in an amount of \$50,000 for the initial one year contract period, with two (2) renewal options for a maximum aggregate amount not to exceed \$150,000 over the life of the agreement.
- e. **COOPERATIVE PURCHASING AGREEMENT -FELIX CONSTRUCTION COMPANY - RANCHO SANTA FE AND WELL 16 DISINFECTION SYSTEM**  
A Cooperative Purchasing Agreement with Felix Construction Company to install disinfection units at Rancho Santa Fe Booster Station and at Well 16 for \$317,923.48, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.
- f. **COOPERATIVE PURCHASING AGREEMENT -WESTERN OILFIELDS SUPPLY COMPANY D/B/A RAIN FOR RENT**  
A Cooperative Purchasing Agreement with Western Oilfields Supply Company d/b/a Rain for Rent for services related to water pumping and flushing which is required at various treatment facilities and well sites for a maximum aggregate amount not to exceed \$75,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.
- g. **RESOLUTION 3286-116 -REPEALING RESOLUTION 3281-1115 AND APPROVING INTERGOVERNMENTAL AGREEMENT -MARICOPA COUNTY**  
A resolution repealing Resolution 3281-1115 and approving the Second Amendment to the Intergovernmental Agreement with Maricopa County for Youth Workforce Development Services and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.
- h. **RESOLUTION 3288-116 AND ORDINANCE 1595-116 -AMENDING CITY CODE CHAPTER 19 -PLANNING AND DEVELOPMENT**  
A resolution declaring as a public record the document entitled "City of Avondale Subdivision Regulations, Amended and Restated December 14, 2015" and an ordinance amending the Avondale City Code by deleting Chapter 22 and adding new Articles V and VI to Chapter 19 and adopting the document declared a public record by the resolution.
- i. **RESOLUTION 3289-116 -THIRD AMENDMENT TO PRE-ANNEXATION DEVELOPMENT AGREEMENT WITH EVERGREEN-HILLCREST, LLC**  
A resolution authorizing the Third Amendment to the Pre-Annexation Development Agreement with Evergreen-Hillcrest, LLC and authorize the Mayor or City Manager, City Clerk and City Attorney to execute the necessary documents.
- j. **ORDINANCE 1594-116 -AUTHORIZING THE ACQUISITION OF PROPERTY FOR PUBLIC USE -COUNTY LINE ROAD**  
An ordinance accepting the dedication of a waterline easement adjacent to County Line Road and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Council Member Nielson moved to approve the consent agenda as presented including Resolutions 3286-116, 3288-116, 3289-116 and Ordinances 1594-116 and 1595-116. 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 Kilgore	Aye
Council Member Sierra	Aye

Motion carried unanimously.

**4 APPOINTMENT OF MEMBERS TO THE CITY'S BOARDS, COMMISSIONS AND COMMITTEES AND TO THE POSITIONS OF CHAIR AND VICE CHAIR OF THE BOARD OF ADJUSTMENT AND THE PLANNING COMMISSION**

Council subcommittee recommendations for the appointment of members of the city's boards, commissions and committees as well as the appointment of members to the positions of chair and vice chair of the Board of Adjustment and the Planning Commission. Newly appointed members have been invited to be sworn in.

Mayor Weise, Vice Mayor Karlin and Council Member Kilgore expressed how impressed they were to see candidates come forward to donate their time to make a difference in their city.

Council Member Sierra moved to approve the subcommittee's recommendations for the appointment of members of the city's boards, commissions and committees as well as the appointment of members to the positions of chair and vice chair of the Board of Adjustment and the Planning Commission. 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 Kilgore	Aye
Council Member Sierra	Aye

Motion carried unanimously.

The newly appointed board, commission and committee members were sworn in to their positions by City Clerk Carmen Martinez.

**5 NOTICE OF INTENT RESOLUTION 3285-116 -WATER AND WASTEWATER RATE INCREASE**

A resolution authorizing a notice of intent to increase water and wastewater user charges or rate components.

City Manager David Fitzhugh indicated that this item is part of the process leading up to the Council's action to increase water and wastewater rates.

Abbe Yacoben reviewed that following direction from Council on December 14, 2015 the rate model has been modified to show a 15% increase starting in FY 2016 and every other year until FY 2020, with positive cash flow in FY 2021 for both water and sewer funds.

Alicia Schomer reviewed the financial impact that customers will see on their bills. She indicated that a monthly bill calculator will be available on the city's website so that customers can calculate their new monthly water bill based on their water usage. She added that customer service reps will be available to assist customers on an individual basis. A few amendments to the municipal code will be necessary in order to implement the new rates and fees.

Ms. Yacoben indicated that staff is recommending Council adoption of the resolution which sets the public hearing for February 16<sup>th</sup> and notice publication requirements.

Betty Lynch addressed the Council commenting that residents understand that expenses increase and the need to increase water rates, but questioned the council's attitude towards the increase and the impact that it will have in residents' pocket books. She expressed concern regarding the council's sincerity regarding their desire to increase communication with the residents.

Pat Dennis questioned whether impact fees related to sewer were going to be adjusted as well. City Manager David Fitzhugh indicated there will be no increase in impact fees. In response to a subsequent question from Ms. Dennis, Ms. Yacoben indicated that the 15% increase is not across the board and the impact on a resident's bills will be based on meter size and consumption. Ms. Dennis indicated she is not opposed to the proposed increase and suggested that more town halls be held in order to inform the residents and ensure they understand the impact of the increase.

Mayor Weise respectfully disagreed with Ms. Lynch's comments. He indicated that every council member understands the impact of the proposed increase and the decision has not been taken lightly. The decision to postpone the increase in the past was in order to lessen the burden on residents during hard economic times, however it is the council's fiduciary responsibility to ensure the financial health of the city.

Council Members McDonald and Iwanski indicated the proposed increase is the responsible thing to do and is necessary in order to ensure that the city continues to provide quality water to its residents.

Vice Mayor Karlin indicated she would prefer to have smaller increases every year rather than the model that is being proposed. She indicated she does not like the increase is structured and will be voting against this item.

Council Member Kilgore indicated he agreed with Ms. Dennis' comments about having more town hall meetings in order to ensure the public is informed as it is important to consider what the community has to say. He said he is in favor of what was previously presented by staff, while it would have taken a bit longer, the city would have eventually gotten to the position it needs to be in.

Council Member Sierra indicated he supports the proposed increase and is available to speak to residents who reach out to him. He supports the proposed increase.

Prompted by Mayor Weise, Ms. Yacoben indicated that a town hall meeting was held on December 7<sup>th</sup> and a work session on December 14<sup>th</sup>. In addition to tonight's meeting, there will be a public hearing on February 16<sup>th</sup>.

Council Member McDonald moved to adopt resolution 3285-116 authorizing a notice of intent to increase water and wastewater user charges or rate components. Council Member seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

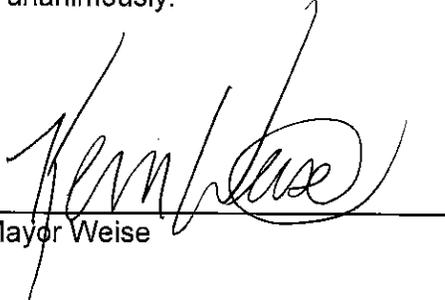
Council Member McDonald	Aye
Council Member Iwanski	Aye
Council Member Nielson	Aye
Mayor Weise	Aye
Vice Mayor Karlin	Nay
Council Member Kilgore	Nay
Council Member Sierra	Aye

Motion carried 5-2.

**6 ADJOURNMENT**

Council Member McDonald moved to adjourn the meeting; Council Member Kilgore seconded the motion. Motion was carried unanimously.

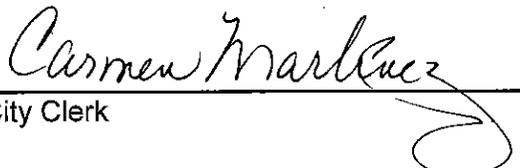
The meeting was adjourned at 7:53 pm.

  
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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 4<sup>th</sup> day of January, 2016. I further certify that the meeting was duly called and held and that the quorum was present.

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