

Minutes of the Work Session held February 16, 2016 at 6:03 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 Community Relations and Public Affairs Director
Kathy Reyes, Benefits Administrator
Carmen Martinez, City Clerk
Andrew McGuire, City Attorney

1 ROLL CALL BY THE CITY CLERK

2 2016 LEGISLATIVE UPDATE

Jessica Blazina provided an update on the 2016 legislative session. As it currently stands, over 1,300 bills, memorials and resolutions have been introduced. February 19 is the deadline for committee action on bills in the house of origin. March 18 will be the last day of committee action in both chambers. Avondale is tracking several bills closely.

HB 2026: municipal tax exemption; residential lease, will eliminate residential rental tax collected on the first three single-family properties. This could have as much as a \$2.5 million impact on Avondale's General Fund. The City is working with other cities across the state to oppose this legislation. It has passed the House Rules Committee, but has not progressed further.

HB 2483: municipal population estimates; use, will allow cities to use population estimates for shared revenue distribution. Avondale supports this bill. It passed out of the House Rules Committee and is scheduled for the House Consent Calendar. The bill enjoys broad bipartisan support.

SB 1487: state law local violations, penalties, would require the Attorney General to investigate any action taken by cities or towns and allows the Treasurer to withhold and redistribute shared revenue if that community is found to be in violation of state statute. A violating city would be required to place a six-month bond should the matter be referred to the Supreme Court. The bill is scheduled to be heard in the Senate Government Committee. Avondale as well as the Arizona League of Cities and Towns oppose this legislation

Ms. Blazina reported that the Governor signed three bills related to Public Safety Personnel Retirement System (PSPRS) reform. Kathy Reyes, Benefits Administrator, said PSPRS is a qualified retirement plan. Pensions are determined by formula. Separate accounts are kept for each employer in the system. The League of Arizona Cities and Towns formed a Pension Task Force to address the plan and review all aspects of public safety. The three

bills signed by the Governor will go before the voters on May 17, 2016. SB 1428 makes a variety of changes to the PSPRS system related to new employees' contributions and plans, and introduces a new third tier for the newest hires. SB 1429 calls for a special election for companion bill SCR1019, which would amend the state constitution related to changes in the public safety retirement system.

Council Member Sierra asked whether the current system would stay in place should the new one fail to pass. Ms. Reyes replied that the current two-tier system would stand. Council Member Sierra asked whether the new system would impact the number and quality of people who enter into public safety careers. Ms. Reyes said the League recognizes that most new recruits are young people who are not focused on retirement benefits. The new system does not affect hires made before 2017.

Mayor Weise inquired about the savings to the City should the measure pass. Ms. Reyes responded that a variety of different projections have been produced. Mayor Weise said disparate interests came together on this effort to get it done quickly, recognizing that something had to be done to fix the system.

Ms. Blazina reported that the National League of Cities Conference will be held on March 6 - 9 in Washington, D.C. Delegation visits with Senator McCain, Senator Flake and Representative Grijalva's office are being arranged. Avondale continues to advocate for municipal bonds as the tax reform effort moves forward. The Marketplace Fairness Act would allow cities and states to collect sales taxes on out of state purchases. An attempt to package it with the Internet Tax Freedom Act failed. Community Development Block Grants are very important to Avondale, but the President's budget recommended a \$200 million cut to this program.

Council Member Sierra inquired about SB 1017 and SB 1487. Ms. Blazina reported that 1017 went through Committee of the Whole. The League has been looking into the constitutionality of SB 1487, and the expectation is that it would be challenged in the courts if it were signed into law.

Council Member Iwanski encouraged the City's active support to ensure that the federal Water Infrastructure Finance and Investment Act (WIFIA) protects cities' ability to issue tax-exempt financing for water, wastewater and storm water infrastructure. He inquired about the status of HB 2549. Ms. Blazina said the bill was scheduled to be heard in committee but was recently deleted from the calendar. Assuming it does not come back as a striker, it would be dead.

Mayor Weise said he would have preferred that the League of Cities tied their support for the Governor's Prop 123 to HB 2026 or the state shared revenue issue. The rental tax has been in place for 50 years and getting rid of it represents another infringement on city revenue. He noted that Senator McCain will be attending Tale of Two Cities.

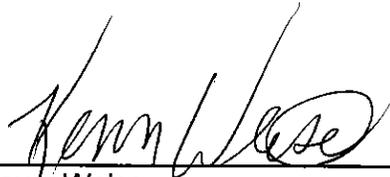
Vice Mayor Karlin expressed dismay over legislators who put forth bills for their own personal benefit, as Darin Mitchell did for the rental tax. Mayor Weise noted that if the lost revenue has to be replaced by increased sales taxes, it would impact everyone rather than just a small subset of property owners.

David Fitzhugh said if HB 2026 goes forward it would make it more difficult for the City of Avondale to emerge from recession mode and begin adding programs and staff again.

3 ADJOURNMENT

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

City Council meeting adjourned at 6:33 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 February, 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 February 16, 2016 at 7:00 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
Abbe Yacoben, Finance and Budget Director
Alison Rondone, Planner II
Cherlene Penilla, Human Resources Director
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

Ken Baker said he was a victim of a hate crime at his home on November 20, 2015. He went to the Police Department on February 2 to get an update on the investigation only to learn that very little had been done. He has since relocated his family in order to protect them, and requested Mayor Weise's assistance in securing a meeting with the Police Chief.

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.

Mayor Weise noted that Item 3(a) Approval of Minutes was pulled for consideration at a later meeting, and asked that items 3(e) and 3(l) be pulled for separate consideration.

b. SENIOR PROGRAM FUNDING TRANSFER

A request to approve an \$86,690 funding transfer from the General Fund to the Senior Programs Fund for the purchase the two replacement vehicles and to establish ongoing replacement funds for these vehicles.

c. LIQUOR LICENSE - PERSON AND LOCATION TRANSFER OF SERIES 7 (BEER AND WINE BAR) - BEVERAGE BARBERS

A request from Mr. Deon Paul McCalla on behalf of ECM Enterprises LLC for approval of a person and location transfer of a Series 7 (Beer and Wine Bar) Liquor License to be used at Beverage Barbers to be located at 13045 W Rancho Santa Fe Blvd., Suite 104 in Avondale.

d. FINAL PLAT - GATEWAY VILLAGE - APPLICATION PL-15-0267

A request by Mr. Jeff D. Behrana, Optimus Civil Design Group, on behalf of Vintage Partners, for approval of a Final Plat for 17.08 net acres of property located at the southeast corner of 103rd Avenue and McDowell Road to divide the subject property into eight lots, accommodate future utility improvements, dedicate a detached sidewalk easement to accommodate a portion of the development adjacent to McDowell Road, dedicate public water easements on the property for the benefit of future owners of each lot, abandon previously dedicated right-of-way no longer of use to the City, an 8-foot Public Utility Easement, and a cross access easement south of the 103rd Avenue termination point.

f. CONSTRUCTION CONTRACT AWARD TSG CONSTRUCTORS, LLC - WESTERN AVENUE PEDESTRIAN IMPROVEMENTS

A request to approve a Construction Contract with TSG Constructors, LLC to provide construction services for the Western Avenue Pedestrian Improvements in the amount of \$183,500, authorize necessary transfers to fund this project, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

g. PROFESSIONAL SERVICES AGREEMENT - NFRA, INC. - FAIRWAY DRIVE IMPROVEMENTS - VAN BUREN STREET TO THE TRAFFIC INTERCHANGE, PHASE 1

A request to approve a Professional Services Agreement with Nfra, Inc. to provide design services for the Fairway Drive Improvements-Van Buren Street to the Traffic Interchange, Phase 1 in the amount of \$245,584.95 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

h. PROFESSIONAL SERVICES AGREEMENT NCS ENGINEERS GATEWAY BOOSTER STATION TREATMENT EXPANSION

A request to approve a Professional Services Agreement with Narasimhan Consulting Services, Inc. d/b/a NCS Engineers to design the Gateway Booster Station Treatment Expansion in the amount of \$455,843, and authorize the Mayor or City Manager and City Clerk to execute the contract documents.

i. PROFESSIONAL SERVICES AGREEMENT DWL ARCHITECTS + PLANNERS, INC. ARCHITECTURAL DESIGN FOR WRF ADMINISTRATION BUILDING

A request to approve a Professional Services Agreement with DWL Architects + Planners, Inc. to design building improvements for the Water Reclamation Facility Administration Building for \$62,260, and authorize the Mayor or City Manager and City Clerk to execute the contract documents.

j. RESOLUTION 3297-216 - NET POSITION POLICY FOR THE CITY'S ENTERPRISE FUNDS

A resolution adopting a net position policy for the City's water and sewer enterprise funds.

k. ORDINANCE 1599-216 - AUTHORIZING AN AGRICULTURAL LEASE KEN SHEELEY RANCHES PARTNERS

An ordinance authorizing an agricultural lease with Ken Sheely Ranches Partners for a property located at Avondale Boulevard and City Center Drive and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Council Member McDonald moved to approve the consent agenda, with the exception of Items 3a, 3e, and 3l. 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.

e. CONSTRUCTION CONTRACT AWARD - AUGUST BUILDING COMPANY

A request to approve a Contract with August Building, in the amount of \$52,250.00, to complete improvements to the exterior of Avondale Auto located at 722 East Western Avenue, Avondale, AZ 85323 and authorize the Mayor or City Manager and City Clerk to execute the necessary document.

Vice Mayor Karlin said she pulled this item from the consent agenda in order to note that while she is happy that funding is available to help Western Avenue, the amount allocated for this contract seems excessive, considering it is for an auto business. The purpose of the funding is to help create a draw to Western Avenue by attracting small businesses like restaurants and boutiques, etc.

Mayor Weise inquired about the application process for this funding. Mr. Fitzhugh responded that businesses are selected based on need, the willingness of owners to cooperate with the City and the location, among other things. When staff started working with this business, the intent was to improve the aesthetics of a building on a prominent corner at the entrance of Western Avenue. The business has been there for quite a while, and it seemed like a logical location for such an investment.

Council Member McDonald asked whether the size of the façade needing an upgrade influenced the size of the allocation. Mr. Fitzhugh said façade size was a significant factor. The owner is making enhancements to the rest of the building as well.

Council Member McDonald moved to approve consent agenda Item 3e as presented. Council Member Kilgore seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried 6-1.

I. ORDINANCE 1601-216 GRANTING AN EASEMENT TO THE U.S. DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION

A request to adopt an ordinance authorizing a Contract and Grant of Easement with the U.S. Department of the Interior through the Bureau of Reclamation for USA Fee Title land associated with the 107th Avenue from Roosevelt Street to Van Buren Street Improvement Project, and authorize the Mayor, City Clerk, and City Attorney to execute the necessary documents.

Council Member Iwanski explained that he removed this item for separate consideration so that he could recuse himself from the vote.

Council Member Nielson moved to approve item 3I as presented. Council Member Kilgore seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member McDonald	Aye
Council Member Iwanski	Recused
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 - RESOLUTION 3298-216 - APPROVING A RATE SCHEDULE FOR WATER AND WASTEWATER USER CHARGES AND SETTING AN EFFECTIVE DATE

A public hearing and consideration of a resolution approving a rate schedule for water and wastewater user charges and setting an effective date.

Abbe Yacoben, Finance and Budget Director, said staff is proposing a working capital reserve for emergencies. Rate increases are designed to be as transparent and fair as possible. She noted that staff recommended a 7.5% increase in the water rate, and a 6% increase in sewer rate for the first year, to be followed by 6% increases in both water and

sewer rates each subsequent year in an effort to restore the reserve fund. City Council later directed staff to adjust this model to incorporate a 15% increase in years one, three and five, with no increases occurring in the other years. This approach would quickly ramp up the reserve over six years to become compliant with City policy. Attendance at subsequent public hearings was very low. Those who did attend expressed a preference for the annual increases. They also expressed concern about the possible impacts on HOAs. David Fitzhugh, City Manager, noted that all water users will be subject to the rate increases.

Mayor Weise opened the public hearing.

Jerry Torkelson, Avondale resident, said retired people are on a limited income and encouraged the City Council not to raise the rates too high.

Roger Henley, Avondale resident and President of the Garden Lakes HOA, said the impact on the association over the five-year period will be over \$100,000. The area has people on fixed incomes and significant increases will hit them hard. This proposal along with previous increases represents an 82% increase over 15 years. People on fixed incomes should have lower increases over longer periods. He requested that the City help Garden Lakes implement a plan to fix the irrigation system, which will cost \$1.4 million but return 61 million gallons of potable water to Avondale.

Betty Lynch of Avondale noted that 93% of the respondents to a West Valley View poll said they would prefer annual increases instead of every other year. Residents used to attend City meetings because they felt welcomed and listened to. She said she knows of no one who is questioning the reasoning for the rate increases; they are upset about the delivery of the message, the unwillingness to raise the rates annually, and the decision to raise the rates every other year. People will forget the reasons for the increase after two years, and will raise the same questions each time. People on fixed incomes are facing various other increases already and this will be hard for them.

Patricia Dennis of Avondale requested that City Council return to the original proposal to raise rates annually instead of every other year. Her HOA's budget will increase by 21.5%, or over \$14,000, so the cost will need to be passed on to the residents. This will result in residents' budgets being impacted from two sources. She asked the Council to consider Mr. Henley's suggestion to use non-potable water for surface water so that cheaper is used for landscaping. HOAs may have to consider reducing their greenbelts, and will need City approval to do so.

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

Council Member Nielson said she serves on her HOA board and agrees with the residents who have spoken in opposition to raising rates every other year. She would prefer a return to the original plan.

Council Member McDonald said he proposed raising rates every other year. There is no profit in this venture for the City; it is an enterprise fund that is designed to pay for itself. Having a reserve helps the City deal with emergencies when they arise, which can be very expensive to fix. The reserve is critical to providing a needed service. The rates were not

raised for nearly eight years when the economy was bad, and the reserve has shrunk over that period. If the rates are increased every year, people will forget the reasons why and will be unhappy about it every year. It is time that the reserve is returned to a healthy state, and larger increases will allow Avondale to reach solvency faster.

Council Member Kilgore said he was in favor of the original staff proposal. About 25% of Avondale residents are on fixed incomes and Social Security benefits have not been increased. The City does need to keep its infrastructure healthy, but this should be done at a pace that residents can afford.

Andrew McGuire, City Attorney, noted that both versions of the rate tables are included in the City Council packets.

Vice Mayor Karlin said everybody recognizes the need to raise rates, but she objects to the way the matter was handled. In the past, the City held community education forums to discuss proposals so that the public could have input before a vote. The Wastewater Advisory Board also used to provide input, but the City no longer has that body. She felt the gradual increase was preferable, even if it would take longer to reach solvency.

Council Member Sierra said this issue has made it clear how important water delivery is to a community. It costs less than one cent to have a gallon of water delivered to a home, which is an amazing feat. The rates need to be increased and he would be in favor of the staff proposed rate table.

Mayor Weise said he has never had more people approach him on an issue than they have over this one. When faced with a difficult decision, he has chosen to do what is best for the City, and what is best for the City in this case is a 15% increase every two years. This approach will get the City to solvency faster and hedges against another economic downturn. But what is best for the City might not be best for the residents, and they will be heavily impacted by such an increase. He said he would support annual increases.

Council Member Iwanski cautioned against the financial ramifications of increasing rates according to the staff-recommended plan. There is nothing more important than a safe, affordable and reliable water supply. Technology is available today that can help HOAs amortize their water conservation investments in a few years. The rates that City Council proposed not only have a financial necessity, but a water conservation understanding about them. Nothing in the budget is more important. If the problem is kicked down the road the cost will be greater in the future. Costs can be mitigated through conservation efforts. Avondale has one of the best conservation coordinators in the entire state who could serve as a resource for anyone wanting to learn how to conserve water. Much of the current waste is avoidable, and at no cost to budgets or standards of living. The 15% increase is difficult, but it has to be done.

Mr. Fitzhugh clarified that the pending action would be for the next fiscal year only. Although the model covers six years, each year the set rates will need to be approved by City Council. Council Member Sierra asked whether the new rate would start in March. Ms. Yacoben confirmed that it would.

Council Member Kilgore moved to adopt Resolution 3298-216 to approve the original staff-proposed rate schedule for water and wastewater user charges, which employs annual rate increases. Council Member Nielson seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried five to two.

5 ORDINANCE 1598-216 - VISTA DEL VERDE PAD AMENDMENT (PL-15-0264)

An ordinance modifying the Planned Area Development Zoning for real property generally located at the northwest corner of 107th Avenue and Buckeye Road by amending the stipulations to allow phasing of the infrastructure to phasing of overall development.

Mr. Fitzhugh explained that Items 5 through 7 are related to the same project and would be presented at the same time.

Alison Rondone said the property in question covers 144 acres just north of Buckeye Road off of 107th Avenue. Most of the surrounding zoning is either PAD or the Civic Center, and the City of Tolleson is to the east. The property was annexed into the City of Avondale in 1985. The General Plan land use designation is Medium-Density Residential. It was rezoned by the City from Agricultural to PAD in 2003. One PAD amendment in 2005 expanded the boundaries modestly. The final plat was approved in 2006. One requirement of the PAD was that it provide for a linear open space to act as drainage and retention and a visual buffer to the industrial uses to the south.

The PAD amendment requests modification of the stipulations. One is a modification of Stipulation 19 allowing the phasing of infrastructure improvements to accompany the development itself. Staff would like to add a new stipulation to ensure that improvements to Maricopa Street are done appropriately. The western portion of the street would not have landscaping in Phase 1, but a pedestrian connection would be made to the Starlight Trail subdivision. All of the landscaping would be completed in Phases 3 and 4.

The request for an amendment to the final plat would reflect the current floodplain delineation limits, and modify minimum separation distances between buildings. The amendment would also correct a public utilities easement shown on the first plat, and reflect the formation of the Maintenance Improvement District. The MID is a dormant tax assessment mechanism to generate income to support completion or maintenance of infrastructure in the event of an HOA failure. The amendment would ensure completion of

improvements on Tract CC. Stipulations in the PAD will apply to all development moving forward.

Ms. Rondone stated that a neighborhood meeting was not required for stipulation modification, but notification letters were sent to all property owners within a 500-foot radius. The site was posted and all legal ads were published. Seven phone inquiries were received, none of which professed any opposition to the project. The perimeter walls and landscaping of Tract H are not necessary to accommodate drainage for Phases 1 and 2, and the visual buffer will be provided by the Maricopa Street improvements. The 107th Avenue frontage will be completely landscaped in Phase 1.

Ms. Rondone indicated that the Planning Commission recommended approval of Application PL-15-0264, modifying Stipulation 19 and approving new Stipulation 20. Staff recommends approval of the same application with modified Stipulation 19 and new Stipulation 20 as follows:

19. The perimeter walls and landscaping adjacent to 107th Avenue shall be completed during the first phase of development. The perimeter walls and landscaping within 'Tract H', along the southern boundary of the development, shall be completed with the third phase.
20. All required improvements to Maricopa Street shall be completed as follows:
 - a) Full street improvements to the north side of Maricopa Street, including landscaped median, sidewalk, curb, gutter, and streetlights from 107th Avenue to 110th Avenue shall be completed with the first phase of development.
 - b) Landscaped median, curb, gutter and sidewalk shall be completed on the north side of Maricopa Street along Tract CC between the western boundary of the subdivision and 110th Avenue with the first phase of development.
 - c) Right-of-way landscaping and sidewalk within Tract P between 107th Avenue and 108th Avenue on the south side of Maricopa Street shall be completed with the first phase of development.
 - d) The sidewalk and right-of-way landscaping on the south side of Maricopa Street, with the exception of Tract P, shall be completed with phases three and four of development.

Staff is also recommending approval of the amended final plat PL-15-0263, and approval of the formation of the MID. Three separate motions are required of City Council.

Mayor Weise opened the public hearing. After acknowledging that there were no requests to speak, he closed the public hearing.

Vice Mayor Karlin requested clarification on the school district. Ms. Rondone responded that the Littleton School District had the option to purchase the property within one year of the original plat recordation, but did not do so. There has been outreach since that time,

and the District has expressed an interest in the property possibly in the future, but is not in a position currently to purchase it. The Applicant has not re-platted that area in case the District decides they need the site.

Mr. Fitzhugh advised the Council that contrary to the order of the items as listed on the agenda, the council should to take action on the ordinance approving the PAD amendment, followed by the recommendation to approve the amended final plat and then consider the resolutions for the establishment of the Vista Del Verde Maintenance Improvement District.

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

Vice Mayor Karlin said she strongly favors having developers send letters to school districts to let them know about the number of residences they are planning to build so that schools can anticipate future demand. She approves of the formation of an MID.

Council Member McDonald said allowing improvements to be done in phases is a great step forward in spurring additional construction. The sidewalk will create continuity between the two neighborhoods, and the landscaping will create beauty for the residents.

Council Member Sierra inquired about the time frame for the project and the planned housing inventory. Cameron Carter, on behalf of the Applicant, anticipated that it would take six months for the plans to go through the process before construction could commence. The Applicant is not the homebuilder, so the specific product has not been designed yet. The plan is generally to offer a mix of products that would vary according to lot sizes. Council Member Sierra asked whether Maricopa Street would be widened if a school were built there. Ms. Rondone said that would be evaluated in the event a school is built. Council Member Sierra inquired whether the retention basin would have park facilities. Ms. Rondone explained that it will have a volleyball court, basketball court, and a turf area.

Council Member Nielson said she has been waiting for this project since 2006. Mayor Weise concurred. The project will be a welcome improvement for the area, but he shared the concern that Maricopa would need to be widened to accommodate a school. He requested updates on the development as it moves through the process.

Council Member Nielson moved to accept the findings and approve Ordinance 1598-216, application PL-15-0264, a PAD Amendment for Vista Del Verde subject to three conditions of approval. 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 Kilgore	Aye
Council Member Sierra	Aye

Motion carried unanimously.

7 AMENDED FINAL PLAT - VISTA DEL VERDE - PL-15-0263

A request to approve an amendment to the Final Plat for Vista del Verde to reflect the current effective floodplain limits, modify minimum separation distance between buildings in the typical lot setback detail, correct an incorrect PUE encroachment shown on the Final Plat, reflect the formation of a Maintenance Improvement District, and set forth conditions for abandonment of the temporary retention basin proposed for Tract "CC".

Council Member Nielson moved to approve Application PL-15-0263, a request for an Amended Final Plat for Vista Del Verde. Council Member Iwanski seconded.

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.

6 RESOLUTION 3300-216 AND 3301-216 - VISTA DEL VERDE MAINTENANCE IMPROVEMENT DISTRICT

Resolutions declaring the city's intention to form the City of Avondale Maintenance Improvement District No. 1 - Vista del Verde, providing for the assessment and a second resolution declaring its intention to order the improvements within the newly established maintenance improvement district, providing for the assessment and declaring an emergency.

Council Member Nielson moved to adopt Resolution 3300-216; Vice Mayor Karlin seconded.

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.

Council Member Nielson moved to adopt Resolution 3301-216; Vice Mayor Karlin seconded.

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.

**8 PUBLIC HEARING - RESOLUTION 3299-216 AND ORDINANCE 1602-216 -
COMPREHENSIVE ZONING ORDINANCE TEXT AMENDMENTS**

A resolution declaring as a public record the City of Avondale Zoning Ordinance, Amended and Restated February 16, 2016, a comprehensive text amendment to the Zoning Ordinance to address Mayor and City Council goals, increase flexibility in development processes, respond to market trends, and provide further consistency with other City plans and policies and an ordinance adopting the same.

City Manager David Fitzhugh introduced Ms. Alison Rondone to present this item indicating that the proposed amendments to the zoning ordinance incorporates input provided to staff by Council during a work session on January 4th.

Ms. Rondone noted that at a previous meeting, the Council requested that staff make further revisions to this amendment to increase flexibility and streamline processes, while at the same time not compromising the quality of development within the city. The notification process was expanded to provide more accuracy and control by shifting the mail burden back on the City. Applicants will still be responsible for posting on the site and placing legal ads. The range of notification will be expanded to 1,000 feet and include any affected HOAs. A new residential zoning district has been created to fill the gap between R1-6 and R1-8. Single-family homes will be allowed within the Manufactured Home districts, subject to stringent design guidelines. Parking standards have been refined, and parking lot landscaping requirements have been revised to provide more shade. Wireless facilities would be allowed on existing and planned vertical elements in public right-of-way. Retention basin design standards have been revised to encourage creative design and multi-use areas. Discretionary approval would be allowed for up to a 25% deviation under a comprehensive sign package of standards. Acreage requirements for freeway pylon signs were removed. Section 12 was modified to improve visual quality of wall articulations and landscaping.

Ms. Rondone commented that the proposed document incorporates feedback received from both the Planning Commission and the City Council during previous meetings. The Planning Commission is satisfied with the document and is recommending approval by the

City Council. The development community has expressed support for the changes. Public comments regarding designs are addressed by the design guideline manuals rather than the Zoning Ordinance. Language was generally updated to provide clarity, streamline processes, and reflect current practices. Staff recommends approval.

Mayor Weise opened the public hearing. After acknowledging that there were no requests to speak, he closed the public hearing.

Council Member Nielson moved to adopt Resolution 3299-216 declaring as a public record the document filed with the city clerk and titled "City of Avondale Zoning Ordinance, Amended and Restated February 16, 2016." Council Member McDonald seconded.

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.

Council Member McDonald moved to adopt Ordinance 1602-216 adopting by reference a certain document known as the "City of Avondale Zoning Ordinance, Amended and Restated February 16, 2016". Council Member Nielson seconded.

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.

9 MEMORANDUM OF UNDERSTANDING - AVONDALE POLICE ASSOCIATION

A request to approve a Memorandum of Understanding between the City of Avondale and the Avondale Police Association for Fiscal Years 2016-2017 and 2017-18 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Assistant City Manager Gina Montes reviewed the City's MOU with the Avondale Police Association. Negotiations started in November of 2015 and concluded on February 3, 2016. Association members ratified the MOU on February 8, 2016. The agreement reincorporates the existing MOU and the term is for two years. The base rate of pay is changed to include a market adjustment of 3.5%, plus a one-step increase of 2.5%, for a total 6% increase for FY16-17. For FY17-18, officers will receive a market adjustment of 2.5% plus a one-step increase, for a total of 5%. The market adjustments are to ensure that Avondale remains competitive. The first two steps of the system will be removed for sergeants to ensure that there is no overlap upon promotion. Sergeants will receive two-step increases of 5% for each year of the MOU. Sergeants will be placed at Step 1 upon promotion and then Step 2 upon completion of probation.

Ms. Montes said the maximum accrual rate of compensatory time off will increase from 105 to 150 hours. Uniform and ballistic vest allotments were changed to allow unit members the option of submitting receipts and be reimbursed for their expenses for the uniform allowance instead of receiving a check. The ballistic vest allowance was increased from \$690 to \$1,200.

The MOU clarifies that time spent by the unit members on standby for the court is eligible for on call pay. It adds a deferred compensation plan option for unit members where the City will match employee contributions to a 457 Defined Contribution Plan up to a maximum of \$20 per pay period. A new section states that management will endeavor to establish an administrative policy for light duty.

Ms. Montes stated that the budgetary impact will be an additional \$346,455 in FY16-17 wages, representing a 5.1% increase, and \$360,568 in FY17-18, representing a 4.85% increase.

Council Member McDonald inquired whether these changes would make Avondale competitive with other cities in the area and avoid some of the compression issues between steps that were encountered in the past. Ms. Montes responded that the new MOU would put Avondale in the top half in terms of starting pay. The step system keeps people evenly spaced out. Mr. Fitzhugh clarified that the compression issue was specifically addressed in the previous contracts. This MOU does not change that system. When lateral moves are made, the unit members are placed in the step system in accordance with their experience. Council Member McDonald noted that the old system caused some officers not to consider a promotion for financial reasons. Mr. Fitzhugh said there is a 2.5% difference between the top step of officers and the first step of sergeants. The difference between top sergeants and first-year lieutenants is not as great, because lieutenants are salaried and lose out on overtime. This is an issue throughout the organization that will be addressed in the proposed Compensation Classification Study.

Council Member McDonald asked whether officers who qualify for light duty could be used outside of the Police Department. Ms. Montes said officers who are injured in the line of duty are assigned can be assigned to jobs at the library or other departments.

Council Member Sierra suggested that the higher ballistic vest allowance be made available immediately instead of waiting for the start of the fiscal year. Ms. Montes said the City's

current contract does not expire until the end of June. Andrew McGuire added that in addition to the existing contract, there are budgetary issues to consider. Mr. Fitzhugh emphasized that the current vests that officers are wearing are safe. The increase would allow officers to buy vests with improved comfort characteristics.

Vice Mayor Karlin noted that the MOU makes no distinction between limited duty, for employees injured on the job, and light duty for employees who have suffered from off the job ailments. Ms. Montes said the City has obligations to employees who were injured on the job. A separate system is being developed for non-job related injuries and illnesses within the City's administrative policy. There will be distinctions between the two. By keeping it separate from the contract, the City will have the flexibility to make adjustments as required.

Mayor Weise said the City has been training officers only to lose them to other cities after a few years due to lower compensation rates. This MOU deals with that problem. The light duty issue is more complex. Police officers and firefighters need to stay in shape off the job, and injuries can occur when they do so.

Detective Matt O'Halloran, President of the Police Association, thanked Council for considering the MOU. It will benefit the City and the association members. Over the last four years, two officers have been shot in the line of duty in Avondale and two others were violently assaulted by motor vehicles. One has permanent life-altering injuries. Officers face risks every day. Paying them commensurate with the dangers they face is a big part of retaining officers in Avondale, and this MOU addresses that. Ballistic vest costs have increased significantly, and some officers pay out of pocket for the added expense.

Mayor Weise said this MOU shows the City's appreciation for the officers and demonstrates the willingness to retain them. The state legislature is considering bills that could affect how all cities operate in the future and the support of police officers and firefighters will be needed in this fight.

Council Member Nielson moved to approve a Memorandum of Understanding between the City of Avondale and the Avondale Police Association for Fiscal Years 2016-2017 and 2017-2018 and authorize the Mayor or City Manager to execute the appropriate documents. Council Member Kilgore seconded.

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.

10 MEMORANDUM OF UNDERSTANDING - AVONDALE PROFESSIONAL FIREFIGHTERS ASSOCIATION

A request to approve a Memorandum of Understanding with the Avondale Professional Firefighters Association, IAF Local 3924, for Fiscal Years 2016-2017 and 2017-2018 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Gina Montes, Assistant City Manager, reviewed the City's MOU with the Avondale Professional Firefighters Association. Negotiations for the MOU started on November 4, 2015 and concluded on February 3, 2016. The Association ratified the MOU on February 5, 2016. This agreement reincorporates the existing MOU, and the term is two years. The base rate of pay for both years is a market adjustment of 1%, plus a one-step increase of 4%, for a total increase of 5% each year. Paramedic pay would increase from \$2.20 to \$2.40 per hour. The Fixed Merit Award is provided to members who have topped out of their pay range. It ranges from \$2,000 to \$2,500 depending on rank. Amounts can now be split into two payments. Call-backs for administrative purposes are now eligible for call-back pay. Vacation accruals were modified to include a conversion rate for the 56-hour per week schedule. The limit on vacation leave payout upon separation from the City was removed. A new post-retirement health plan benefit has been created, allowing members to save for their qualified medical expenses after retirement.

Ms. Montes said the budgetary impact of these items would cost an additional \$294,231 in the first year, a 4.97% increase, and \$248,123 in the second year, a 4.6% increase.

Vice Mayor Karlin expressed her general admiration for firefighter MOUs, and said Section 8.8 post-retirement health plan is a really creative new addition. Council Member Sierra asked whether the new payroll system would be able to process all the new elements of the MOU. Ms. Montes said ADP is confident they can accommodate the new requirements.

In response to an inquiry from Council Member McDonald, Ms. Montes said post-retirement health plans are becoming more common across the country. Council Member McDonald asked whether members would be able to contribute more than 1.5%. Human Resources Director Cherlene Penilla said the members have selected 1.5% as their rate. When they retire, they will be able to put sick days or vacation leave into the account on a tax free basis. Some other programs have limits, but this one does not. Mr. Evan Titterington, Avondale Professional Firefighters Association, IAF Local 3924 President, added that a voluntary employee benefit association creates a group of the union members who decide the ultimate amount of the contribution. The caveat is that everyone has to put in the same amount. The group could decide to modify the amount during future contract negotiations.

Mr. Titterington said the process of negotiating MOUs has worked well since it was established in 2008, and the Association values the working relationship it has developed with the City. Mayor Weise said retention benefits both employees and the City. Most residents will never experience the things that firefighters do.

Council Member Kilgore moved to approve a Memorandum of Understanding between the City of Avondale and the Avondale Professional Firefighters Association, International

Association of Firefighters Local 3924, for Fiscal Years 2016-2017 and 2017-2018 and authorize the Mayor or City Manager and City Clerk to execute the appropriate documents. Council Member Nielson seconded.

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.

11 EXECUTIVE SESSION

An executive session pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(1) for discussion regarding the City Manager's quarterly evaluation.

Council Member Nielson moved to adjourn into Executive Session. Council Member Kilgore seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

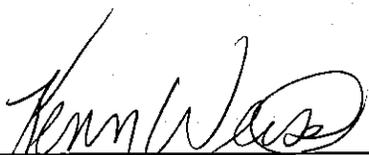
Council Member McDonald	Aye
Council Member Iwanski	Aye
Council Member Nielson	Aye
Mayor Weise	Aye
Vice Mayor Karlin	Aye
Council Member Kilgore	Aye
Council Member Sierra	Aye

Motion carried unanimously.

11 ADJOURNMENT

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

The meeting was adjourned at 10:33 pm.



Mayor Weise

Carmen Martinez

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 February, 2016. I further certify that the meeting was duly called and held and that the quorum was present.

Carmen Martinez

City Clerk