



# CITY COUNCIL AGENDA

CITY COUNCIL CHAMBERS . 11465 WEST CIVIC CENTER DRIVE . AVONDALE, AZ 85323

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**WORK SESSION**  
**September 19, 2016**  
**6:00 PM**

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## CALL TO ORDER BY MAYOR

### 1 ROLL CALL BY THE CITY CLERK

### 2. CITY CLERK'S DEPARTMENT UPDATE

City Council will receive an update on the activities of the City Clerk's Department. For information only.

### 3. RECREATION PROGRAMS FEE POLICY

City Council direction is requested on the development of a Fee Policy for recreation programs, services and facilities. For information, discussion and direction.

### 4 ADJOURNMENT

Respectfully submitted,

Carmen Martinez  
City Clerk

Council Members of the City of Avondale will attend either in person or by telephone conference call.

Los miembros del Concejo de la Ciudad de Avondale participaran ya sea en persona o por medio de llamada telefonica.

Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oido, o con necesidad de impresion grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta del Concejo.

Notice is hereby given that pursuant to A.R.S. 1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council may be audio and/or video recorded and, as a result, proceedings in which children are present may be subject to such recording. Parents, in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. 1-602.A.9 have been waived.

De acuerdo con la ley A.R.S. 1-602.A.9, y sujeto a ciertas excepciones legales, se da aviso que los padres tienen derecho a dar su consentimiento antes de que el Estado o cualquier otra entidad politica haga grabaciones de video o audio de un menor de edad. Las juntas del Concejo de la Ciudad pueden ser grabadas y por consecuencia, existe la posibilidad de que si hay menores de edad presentes estos aparezcan en estos videos o grabaciones de audio. Los padres puedan ejercitar su derecho si presentan su consentimiento por escrito a la Secretaria de la Ciudad, o pueden asegurarse que los ninos no sten presentes durante la grabacion de la junta. Si hay algun menor de edad presente durante la grabacion, la Ciudad dara por entendido que los padres han renunciado sus derechos de acuerdo a la ley contenida A.R.S. 1-602.A.9.



## CITY COUNCIL AGENDA

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**SUBJECT:**

City Clerk's Department Update

**MEETING DATE:**

9/19/2016

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**TO:** Mayor and Council

**FROM:** Carmen Martinez, City Clerk (623) 333-1214

**THROUGH:** David Fitzhugh, City Manager

**PURPOSE:**

Staff will provide an update about the activities and projects of the City Clerk's Department. For information only.

**BACKGROUND:**

The position of the City Clerk is one of only four positions specifically mentioned in the City Charter and is responsible for carrying out responsibilities that are required by statute such as ensuring compliance with the Open Meeting Law, coordination of the city's elections, and records management among others. The City Clerk's Department has six staff members, and its main focus is fulfilling the duties as listed in the charter as well others related to customer service, both internal and external.

**DISCUSSION:**

This year, an incredible amount of effort has gone into the coordination of the City's election. In 2010, Avondale voters approved an amendment to the City Charter to change the city's election cycle from the fall of odd numbered years to the fall of even numbered years. This was ahead of the state imposed requirement and it was seen as a cost saving measure when the city was facing increased costs from Maricopa County Elections Department.

The challenge of having Avondale's election included in the consolidated election ballot has been to inform voters that aside from other statewide and countywide races, there are issues on the ballot that directly affect them. Final results from the 2016 primary election are not yet available, but they will be reviewed with Council during the presentation of this item along with an explanation of the efforts that were undertaken to inform voters and increase voter participation.

In 2007, the City of Avondale became a Passport Acceptance Facility. Since then, we have assisted almost 50,000 people obtain their passports. Everyone in the Clerk's Department is certified to process passport applicants and staff does an amazing job making sure there is sufficient coverage to reduce wait times for applicants while at the same time fulfilling their other responsibilities.

In 2012, we were able to hire the City's first Records Administrator. This has enabled the department to develop a robust records management program which includes a Records Management Manual and Policy. Staff have worked with individual departments to identify the type of records that should be classified as essential and would need to be available soon after a disaster so that the city can continue serving its residents. While some departments have been

diligent about destroying records routinely, many had not purged records for many years. The department helped departments identify and destroy records meeting the appropriate criteria. Through cooperation with the Human Resources Department, Records Management is now a module in the annual training employees need to take every year.

A focus over the past two years has been on the management of electronic records, including email. With the assistance of the IT Department, employees are now able to assign retention policies to individual emails to allow for better management of our electronic records. Together with the City Attorney and the IT Department, we are now able to place legal holds on records and emails when we are notified to impending litigation.

Coordination of appointment of members to the city's Boards, Commissions and Committees is another important responsibility of the City Clerk's Department. There are approximately 60 volunteer residents serving in the city's fifteen Boards, Commissions and Committees. Staff tracks terms and vacancies to try to ensure that all BCCs are able to meet quorum and conduct business.

The City Clerk's Department receives approximately six to ten requests for public records each week. Some are routine such as lists of new businesses in the city and inspections reports, but some are much more complicated requiring compilation of large amount of records and redaction. All requests for records are routed to the City Attorney for approval before releasing to the requester.

City Clerk's staff is also responsible for processing both internal and external requests for room reservations as well as helping staff reserve the city's pool vehicles. When needed, they fuel the vehicles and as time allows, they take the vehicles to the car wash.

Five out of our six staff members are notaries public. They provide this service to anyone who comes in asking for it, but most of the notaries are related to city generated documents. We charge the allowed \$2.00 per notary for non-city related documents. An in depth explanation of the Clerk's Department's other responsibilities will be provided during the presentation.

**RECOMMENDATION:**

This item is for information only.



## CITY COUNCIL AGENDA

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**SUBJECT:**

Recreation Programs Fee Policy

**MEETING DATE:**

9/19/2016

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**TO:** Mayor and Council

**FROM:** Kirk Haines, Parks, Recreation & Libraries Director (623) 333-2411

**THROUGH:** David Fitzhugh, City Manager

**PURPOSE:**

This purpose of this item is to seek City Council direction on the development a Fee Policy for recreation programs, services, and facilities.

**BACKGROUND:**

The City of Avondale Parks, Recreation and Libraries Department offers diverse programs and services to residents. In past years, these services were heavily subsidized by the City of Avondale's general fund. In 2009, direct subsidies were removed from the Recreation budget and cost recovery practices were implemented.

During the annual budget process, fees and charges are recommended by department staff for council approval. The fee determinant process considers staffing, cost of material and supplies, facility expenses, anticipated participation and market or demographic variables. Fees are based on direct costs related to implementation of program expenses.

Because we are currently required to recover 100% of program costs, fees are based on a minimum number of participants and establishing a fair market cost for the program. While some programs we offer are very successful, most programs are cancelled because we do not reach a minimum number of participants. We never know whether a particular program would be successful because it never has the opportunity to begin and mature.

**DISCUSSION:**

A fee policy serves as a guide for the development and implementation of Parks, Recreation and Libraries and the allocation of limited resources. Furthermore, it justifies and validates actual costs for services while standardizing how fees are set. Finally, it assists in achieving the goals of financial transparency and accountability.

Staff will present the fee policy objectives, such as social equity, value, revenue, efficiency, and financial assistance. Staff will also outline two models that are used in best-practices for establishing a fee policy. Finally, staff will identify some of the existing fees that are currently assessed for various facilities and programs and the current impacts on operations.

The Parks, Recreation and Libraries Board also received information on the fee policy. The Board will further discuss details of a policy and how it might affect our current rate structure after staff receive direction from Council.

**BUDGET IMPACT:**

At this time, there is no financial impact since we are seeking direction on the development of a fee policy. Depending on Council direction, there may be a budgetary impact.

**RECOMMENDATION:**

This item is for information, discussion and direction.



# CITY COUNCIL AGENDA

CITY COUNCIL CHAMBERS . 11465 WEST CIVIC CENTER DRIVE . AVONDALE, AZ 85323

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**REGULAR MEETING  
September 19, 2016  
7:00 PM**

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**CALL TO ORDER BY MAYOR  
PLEDGE OF ALLEGIANCE  
MOMENT OF REFLECTION**

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

**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. Council members may pull items from consent if they would like them considered separately.

**a. SPECIAL EVENT LIQUOR LICENSE - MURDER MYSTERY DINNER**

City Council will consider a request to approve a special event liquor license application submitted by Ms. Ava Gutwein on behalf of Friends of the Libraries and Recreation to be used in conjunction with the Murder Mystery Night scheduled for Saturday, October 22, 2016 from 6 pm to 8 pm at the Avondale Civic Center Library. The Council will take appropriate action.

**b. SPECIAL EVENT LIQUOR LICENSE - WILDCAT POKER TOURNAMENT**

City Council will consider a request from Louis Sisbarro on behalf of St. Thomas Aquinas' Wildcat Dads Club for approval of a special event liquor license to be used in conjunction with their Wildcat Poker Tournament scheduled for Saturday, September 24, 2016 at St. Thomas Aquinas Church located at 13720 W Thomas Road in Avondale. The Council will take appropriate action.

**c. RE-PLAT - INTERSTATE COMMERCE CENTER LOTS 1 AND 2 (PL-16-0166)**

City Council will consider a request by Ms. Laurie Castillo of Survey Innovation Group, Inc. for approval of a Re-Plat of the Interstate Commerce Center commercial/industrial subdivision located at the northwest corner of 99th Avenue and Van Buren Street to move the lot line between Lots 1 and 2 of the parent Lot 9 40 feet to the south of its current location. The Council will take appropriate action.

**d. PROFESSIONAL SERVICES AGREEMENT - DIBBLE CM LLC FOR  
CONSTRUCTION INSPECTION SERVICES**

City Council will consider a request to approve a Professional Services Agreement with Dibble CM LLC in the amount of \$145,000 to provide construction inspection services and authorize the Mayor, or City Manager and City Clerk, to execute the necessary documents. The Council will take appropriate action.

e. **RESOLUTION 3339-916 - CANVASS OF VOTES OF THE AUGUST 30, 2016  
PRIMARY ELECTION**

City Council will consider a resolution canvassing the results of the August 30, 2016 Primary Election. The Council will take appropriate action.

4 **PUBLIC HEARING - AMENDMENT TO CONDITIONAL USE PERMIT - AT&T P829 - (PL-16-0162)**

City Council will hold a public hearing and consider a request to amend a Conditional Use Permit CU-06-2 to modify an existing Personal Wireless Services Facility operated by AT&T at 1551 N Dysart Road to construct a new masonry equipment enclosure to accommodate a backup generator and bring the facility into conformance with recently adopted FCC regulations. The Council will take appropriate action.

5 **STRATEGIC TRANSPORTATION SAFETY PLAN - DRAFT REPORT**

City Council will review the draft of the City's first Strategic Transportation Safety Plan to be adopted during a future Council meeting. For information, discussion and direction.

6 **UPDATE ON STORMWATER MANAGEMENT PLAN AND THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II MS4 PERMIT**

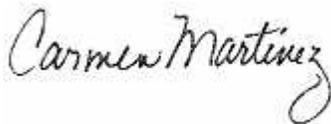
In addition to highlighting the work done as part of the Stormwater Management Plan, staff will provide an update on the ADEQ Audit of the program, discuss the status of the General Phase II permit currently being rewritten by ADEQ, and provide an update regarding the status of the NPDES Program as it relates to the City's Phase II MS4 Permit.

7 **EXECUTIVE SESSION**

City 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 proposed settlement agreements related to Oxford v City of Avondale and Barcenas v City of Avondale

8 **ADJOURNMENT**

Respectfully submitted,



Carmen Martinez  
City Clerk

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edad. Las juntas del Concejo de la Ciudad pueden ser grabadas y por consecuencia, existe la posibilidad de que si hay menores de edad presentes estos aparezcan en estos videos o grabaciones de audio. Los padres puedan ejercitar su derecho si presentan su consentimiento por escrito a la Secretaria de la Ciudad, o pueden asegurarse que los ninos no sten presentes durante la grabacion de la junta. Si hay algun menor de edad presente durante la grabacion, la Ciudad dara por entendido que los padres han renunciado sus derechos de acuerdo a la ley contenida A.R.S. 1-602.A.9.



## CITY COUNCIL AGENDA

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**SUBJECT:**

Special Event Liquor License - Murder Mystery  
Dinner

**MEETING DATE:**

9/19/2016

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**TO:** Mayor and Council**FROM:** Carmen Martinez, City Clerk (623) 333-1214**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff is recommending approval of a special event liquor license application submitted by Ms. Ava Gutwein on behalf of Friends of the Libraries and Recreation to be used in conjunction with the Murder Mystery Night scheduled for Saturday, October 22, 2016 from 6 pm to 8 pm at the Avondale Civic Center Library.

**DISCUSSION:**

The City Clerk's Department has received a request from Ms. Ava Gutwein on behalf of the Friends of Libraries and Recreation for a special event liquor license to be used in conjunction with the Murder Mystery Night scheduled for Saturday, October 22, 2016 at the Civic Center Library.

The required fees have been paid. Staff has determined that the applicant is not requesting any city support other than normal city services. The Police and Fire Departments have reviewed the application and are recommending approval. Their comments are attached.

Staff reviewed this application using the 14 factors set forth in Ordinance 1031-04. The findings are as noted below:

1. The event will be open to the public
2. Criminal history of the applicant - A background check of the representative, Ms Ava Gutwein, revealed no contact with the Avondale Police Department
3. The event is a Murder Mystery Night to raise funds
4. Security measures taken by the applicant - The Police Department has reviewed the security plan and has determined it to be sufficient
5. Beer and wine will be served
6. Beverages will be dispensed in disposable cups and containers
7. This is the first time that liquor will be serve during this event, No neighborhood disturbances are anticipated due to the location and the duration of the event
8. Event activities will be confined to the library, so there is no potential for problems in the neighborhood in terms of noise, hours and time of the event
9. The event will last two hours
10. Sanitary facilities are available within the library
11. Zoning is appropriate - special events may occur on any property irrespective of zoning designation

12. Anticipated total daily attendance is 40 people
13. There will not be sound amplification.
14. Per the Police Department, traffic control measures will not be necessary

**RECOMMENDATION:**

Staff is recommending approval of a special event liquor license application submitted by Ms. Ava Gutwein on behalf of Friends of the Libraries and Recreation to be used in conjunction with the Murder Mystery Night scheduled for Saturday, October 22, 2016 from 6 pm to 8 pm at the Avondale Civic Center Library.

**ATTACHMENTS:**

Description

[Application and Related Documents](#)

SERIES 15 SPECIAL EVENT  
LIQUOR LICENSE APPLICATION FOR  
FRIENDS OF AVONDALE LIBRARIES AND RECREATION  
LIBRARY MURDER MYSTERY NIGHT

DUE TO THEIR SIZE, THE FOLLOWING DOCUMENTS  
HAVE BEEN POSTED SEPARATELY:

APPLICATION  
DEPARTMENTAL REVIEW

<http://www.avondale.org/DocumentCenter/View/38972>



## CITY COUNCIL AGENDA

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**SUBJECT:**

Special Event Liquor License - Wildcat Poker  
Tournament

**MEETING DATE:**

9/19/2016

---

**TO:** Mayor and Council**FROM:** Carmen Martinez, City Clerk (623) 333-1214**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff is recommending approval of an application submitted by Mr. Louis Sisbarro on behalf of Wildcat Dads Club for a special event liquor license to be used in conjunction with their Wildcat Poker Tournament scheduled for Saturday, September 24, 2016 at St. Clare Hall in St. Thomas Aquinas Church located at 13720 W Thomas Road in Avondale.

**DISCUSSION:**

The City Clerk's Department has received a request from Mr. Louis Sisbarro on behalf of the Wildcat Dads Club at St. Thomas Aquinas School for a special event liquor license to be used in conjunction with their Wildcat Poker Tournament scheduled for Saturday, September 24, 2016 at St. Clare Hall within St. Thomas Aquinas Church.

The required fees have been paid. Staff has determined that the applicant is not requesting any city support other than normal city services. The Police and Fire Departments have reviewed the application and are recommending approval. Their comments are attached.

Staff reviewed this application using the 14 factors set forth in Ordinance 1031-04. The findings are as noted below:

1. The event will be open to the public
2. Criminal history of the applicant - A background check of the representative, Mr. Louis Sisbarro, revealed no contact with the Avondale Police Department
3. The event is a Texas Hold'em Poker tournament to raise funds
4. Security measures taken by the applicant - The Police Department has reviewed the security plan and has determined it to be sufficient
5. Beer and wine will be served
6. Beverages will be dispensed in disposable cups and containers
7. The previous event held in March 2016 revealed no neighborhood disturbances
8. Event activities will be confined to St. Clare Hall within the St. Thomas Aquinas Church campus so there is no potential for problems in the neighborhood in terms of noise, hours and time of the event
9. The event will last six hours
10. Sanitary facilities are available within the church campus
11. Zoning is appropriate - Zoning is Planned Area Development. Planning staff has indicated that

the proposed use will not result in incompatible land uses

12. Anticipated total daily attendance is 120 people
13. There will not be sound amplification.
14. Per the Police Department, traffic control measures will not be necessary

**BUDGET IMPACT:**

This item does not have any budgetary impact.

**RECOMMENDATION:**

Staff is recommending approval of an application submitted by Mr. Louis Sisbarro for a special event liquor license to be used in conjunction with their Wildcat Poker Tournament scheduled for Saturday, September 24, 2016 at St. Clare Hall in St. Thomas Aquinas Church located at 13720 W Thomas Road in Avondale.

**ATTACHMENTS:**

**Description**

[Application and Related Documents](#)

SERIES 15 SPECIAL EVENT  
LIQUOR LICENSE APPLICATION FOR  
WILDCATS DADS CLUB  
WILDCATS POKER TOURNAMENT

DUE TO THEIR SIZE, THE FOLLOWING DOCUMENTS  
HAVE BEEN POSTED SEPARATELY:

APPLICATION  
DEPARTMENTAL REVIEW

<http://www.avondale.org/DocumentCenter/View/38971>



## CITY COUNCIL AGENDA

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**SUBJECT:**

Re-Plat - Interstate Commerce Center Lots 1 and 2 (PL-16-0166)

**MEETING DATE:**

9/19/2016

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**TO:**

Mayor and Council

**FROM:**

Tracy Stevens, Director, Development & Engineering Services, (623) 333-4012

**THROUGH:**

David Fitzhugh, City Manager

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**REQUEST:**

Approval of a Re-Plat that moves the existing lot line between Lots 1 and 2 of Lot 9 to better accommodate proposed users of the site.

**PARCEL SIZE:**

1.98 acres

**LOCATION:**

Northwest corner of 99th Avenue and Van Buren Street (Exhibits A and B).

**APPLICANT:**

Ms. Laurie Castillo, Survey Innovation Group, Inc., (480) 922-0780

**OWNER:**

The Henkelman Trust/Reed Henkelman, (805) 384-1055

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**BACKGROUND:**

On March 18, 1996, the City Council approved a rezoning from AG (Agricultural) to PAD (Planned Area Development) on ± 55 acres for the Interstate Commerce Center (Z96-304), located at the northwest corner of 99th Avenue and Van Buren Street (Exhibits A and B). On January 27, 1997, the City Council approved a rezoning from AG (Agricultural) to PAD (Planned Area Development) on ± 24 acres for the Interstate Commerce Center Expansion (Z96-315). On May 4, 1998, the City Council granted a time extension for the 55-acre PAD (Z96-304) until March 31, 1999. On September 20, 2004, the City Council approved a PAD amendment for Lots 1-4 of the Interstate Commerce Center.

The final plat for Interstate Commerce Center was approved by the City Council on June 17, 2002. The plat includes 18 lots totaling ± 62 acres. It excludes the Fiesta Travel Center site. All of the required street and infrastructure improvements have been made. The final plat was amended on November 15, 2004, to reconfigure the boundaries of lots 5-18. Allowed and prohibited uses on the subject property are a combination of a custom use list provided for in the Interstate Commerce Center PAD and the Community Commercial (C-2) Zoning District of the Zoning Ordinance (Section 303).

On May 29, 2014, staff approved a Minor Land Division splitting Lot 9 of the PAD into three separate parcels, Lots 1, 2, and 3 (Exhibit C).

## **SUMMARY OF REQUEST:**

The proposed Re-Plat would move the boundary between Lots 1 and 2 (Exhibit D) 40 feet south of its current position. The relocation would enlarge Lot 2 by approximately 10,000 sf and reduce the size of Lot 1 by the same amount. There is a pending owner/user for Lot 1 (Burger King), who does not require the amount of land currently comprising Lot 1. In addition, enlarging Lot 2 will improve the marketability of that parcel for future owners/users.

The proposed Re-Plat dedicates a right-of-way easement superimposed on the 8-foot public utilities easement between the point of angle west of the corner of Van Buren Street and 99th Avenue westward to the existing driveway entrance. This easement will allow for the bus shelter that is proposed as part of the Burger King Site Plan (Application PL-16-0164), currently under separate review by staff. There is a blanket easement across Lots 1, 2, and 3 on the recorded plat for cross-access purposes.

## **PARTICIPATION:**

Public notification is not required for Re-Plat applications.

## **PLANNING COMMISSION ACTION:**

The Planning Commission does not review Re-Plat applications.

## **ANALYSIS:**

- The proposed Re-Plat has been reviewed by the City's Registered Land Surveyor consultant and the document has been confirmed as geometrically accurate and in conformance with Arizona Statutes governing the subdivision of real property.
- The proposed Re-Plat is in conformance with the City of Avondale Zoning Ordinance and Subdivision Regulations.
- Approval and recordation of the Re-Plat is required before the City may issue permits for construction of any development on Lots 1 and 2 of the PAD.
- Required right-of-way and easements pertaining to this land were dedicated with approval and recordation of the Interstate Commerce Center Final Plat in November 2004 and subsequent Minor Land Division in May 2014. The City's Engineering Division determined that an additional right-of-way easement is required to accommodate the bus shelter proposed as part of the site plan for Lot 1.

## **FINDINGS:**

The proposed request complies with all applicable City documents, including, but not limited to, the Avondale Subdivision Regulations, Avondale Zoning Ordinance, Avondale General Plan 2030, and the General Engineering Requirements Manual.

## **RECOMMENDATION:**

Staff recommends that the City Council **APPROVE** Application PL-16-0166 as part of the September 19, 2016 consent agenda.

## **PROPOSED MOTION:**

I move that the City Council **APPROVE** Application PL-16-0166, a request for approval of a Re-Plat of the Interstate Commerce Center commercial/industrial subdivision, located at the northwest corner of 99th Avenue and Van Buren Street.

## **ATTACHMENTS:**

### **Description**

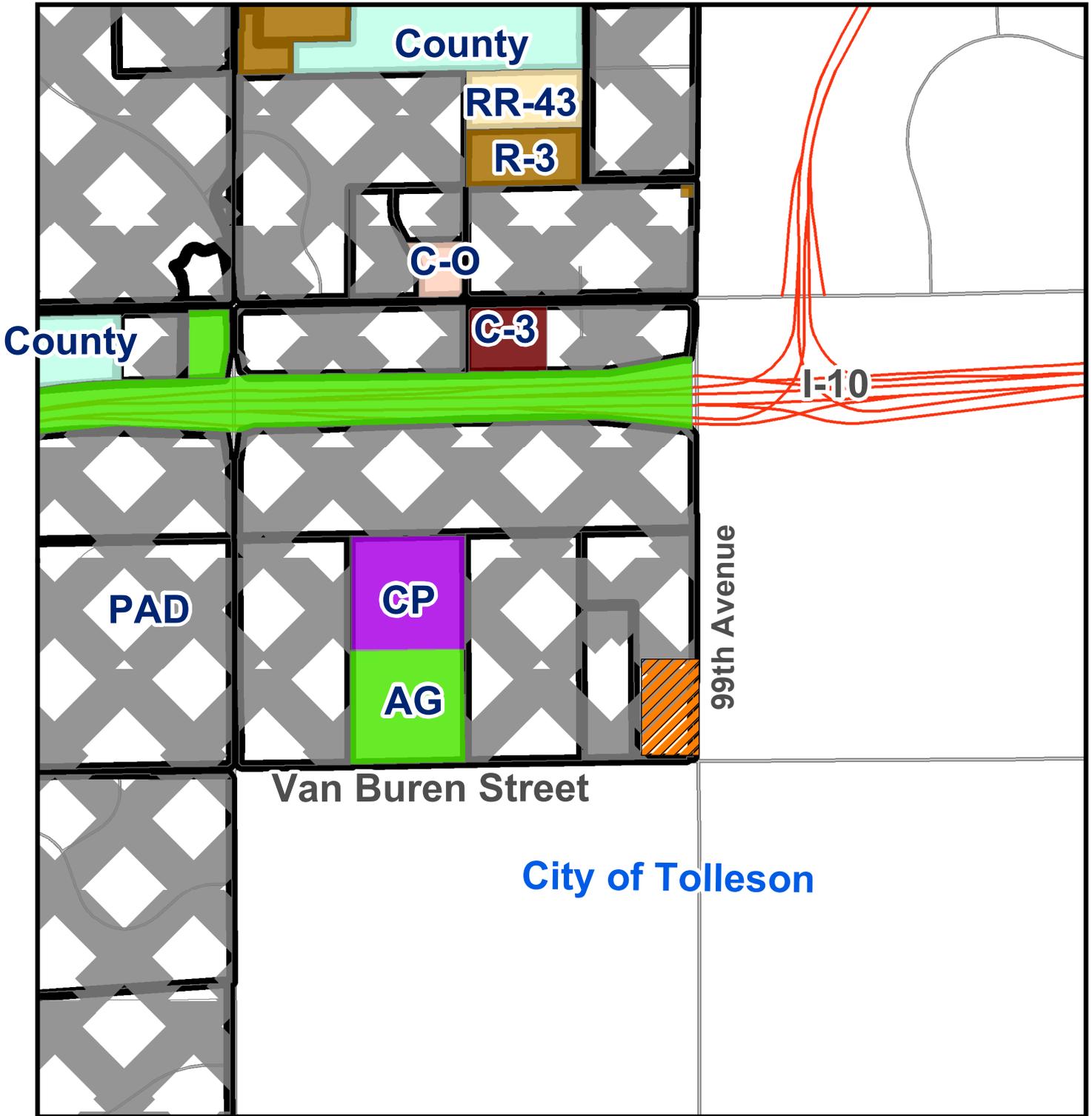
[Exhibit A - Zoning Vicinity Map](#)

[Exhibit B - Aerial Photograph](#)

[Exhibit C - Existing Plat](#)

**PROJECT MANAGER**

Alison Rondone, Planner II, (623) 333-4033



# Zoning Vicinity Map



 Subject Property



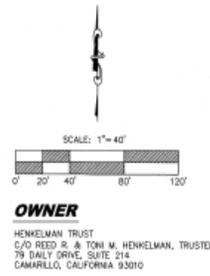
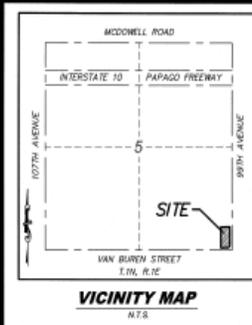


# Aerial Photograph



 Subject Property



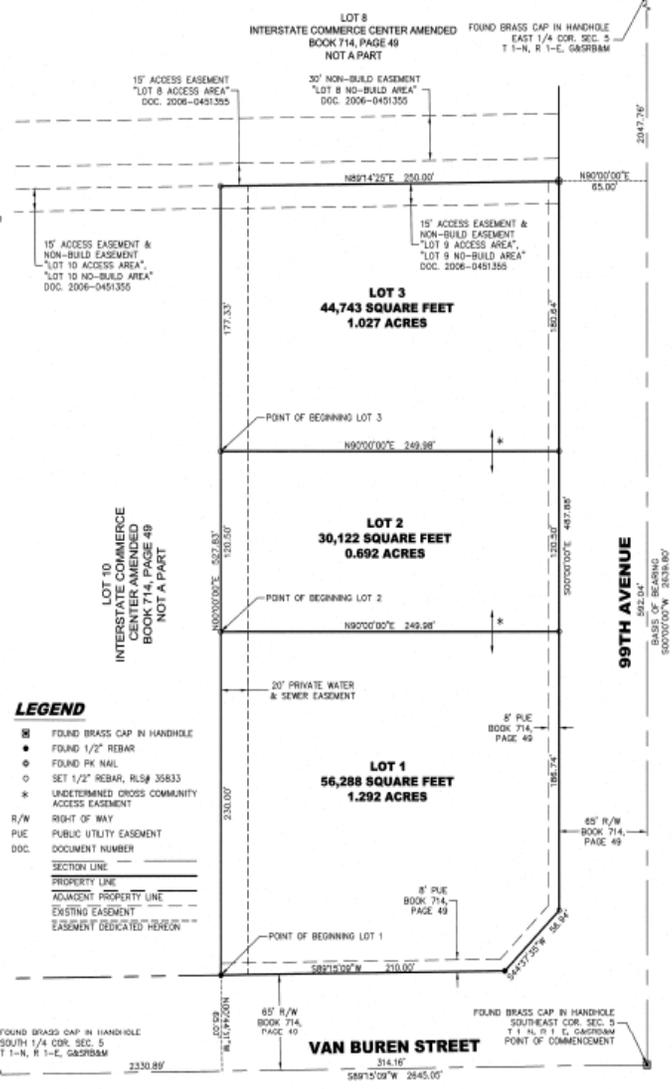


**OWNER**  
HENKELMAN TRUST  
C/O REED R. & TONI M. HENKELMAN, TRUSTEES  
79 DAILY DRIVE, SUITE 214  
CAMARILLO, CALIFORNIA 93010

## MINOR LAND DIVISION

### LOT 9, INTERSTATE COMMERCE CENTER AMENDED

ACCORDING TO BOOK 714 OF MAPS, PAGE 49, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, SITUATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.



**VAN BUREN STREET**  
314.16'  
589°15'00"W 2845.00'

**99TH AVENUE**  
592.04'  
BLK 10 OF RECORDS BOOK 714 OF MAPS PAGE 49  
582°00'00"W 2638.90'

#### BASIS OF BEARING

THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, SAID LINE BEARS SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST AS SHOWN IN BOOK 714 OF MAPS, PAGE 49 M.C.R.

#### NOTE

1. THE SURVEYOR HAS RELIED SOLELY ON INFORMATION SUPPLIED TO THE SURVEYOR FROM EITHER THE CLIENT OR THE TITLE COMPANY AND HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER MATTERS THAT MAY AFFECT THE SUBJECT PROPERTY.

#### PARENT PARCEL LEGAL DESCRIPTION

LOT 9, INTERSTATE COMMERCE CENTER AMENDED, ACCORDING TO BOOK 714 OF MAPS, PAGE 49, RECORDS OF MARICOPA COUNTY, ARIZONA.

#### NEW LOT 1 LEGAL DESCRIPTION

A PORTION OF LOT 9, INTERSTATE COMMERCE CENTER AMENDED, ACCORDING TO BOOK 714 OF MAPS, PAGE 49, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA SITUATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP IN HANDHOLE AT THE SOUTHEAST CORNER OF SAID SECTION 5, FROM WHICH A FOUND BRASS CAP IN HANDHOLE AT THE SOUTH QUARTER CORNER OF SAID SECTION 5 BEARS SOUTH 89 DEGREES 15 MINUTES 09 SECONDS WEST, A DISTANCE OF 2,645.05 FEET;

THENCE SOUTH 89 DEGREES 15 MINUTES 09 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, A DISTANCE OF 314.16 FEET;

THENCE NORTH 00 DEGREES 44 MINUTES 51 SECONDS WEST, LEAVING SAID SOUTH LINE A DISTANCE OF 65.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9 AND THE POINT OF BEGINNING OF THE PARCEL HERIN DESCRIBED;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 230.00 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, DEPARTING SAID WEST LINE OF LOT 9, A DISTANCE OF 249.98 FEET TO A POINT ON THE EAST LINE OF SAID LOT 9 AND THE WESTERLY RIGHT OF WAY OF 99TH AVENUE;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 9 AND THE WESTERLY RIGHT OF WAY OF 99TH AVENUE, A DISTANCE OF 186.74 FEET;

THENCE SOUTH 44 DEGREES 37 MINUTES 35 SECONDS WEST, DEPARTING THE EAST LINE OF SAID LOT 9 AND THE WESTERLY RIGHT OF WAY OF 99TH AVENUE A DISTANCE OF 58.84 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 9 AND NORTHERLY RIGHT OF WAY OF VAN BUREN STREET;

THENCE SOUTH 89 DEGREES 15 MINUTES 09 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 9 AND NORTHERLY RIGHT OF WAY OF VAN BUREN STREET A DISTANCE OF 210.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HERIN DESCRIBED.

#### NEW LOT 2 LEGAL DESCRIPTION

A PORTION OF LOT 9, INTERSTATE COMMERCE CENTER AMENDED, ACCORDING TO BOOK 714 OF MAPS, PAGE 49, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA SITUATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP IN HANDHOLE AT THE SOUTHEAST CORNER OF SAID SECTION 5, FROM WHICH A FOUND BRASS CAP IN HANDHOLE AT THE SOUTH QUARTER CORNER OF SAID SECTION 5 BEARS SOUTH 89 DEGREES 15 MINUTES 09 SECONDS WEST, A DISTANCE OF 2,645.05 FEET;

THENCE SOUTH 89 DEGREES 15 MINUTES 09 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, A DISTANCE OF 314.16 FEET;

THENCE NORTH 00 DEGREES 44 MINUTES 51 SECONDS WEST, LEAVING SAID SOUTH LINE A DISTANCE OF 65.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 230.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HERIN DESCRIBED;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, CONTINUING ALONG THE WEST LINE OF SAID LOT 9 A DISTANCE OF 120.50 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, DEPARTING THE WEST LINE OF SAID LOT 9 A DISTANCE OF 249.98 FEET TO A POINT ON THE EAST LINE OF SAID LOT 9 AND WESTERLY RIGHT OF WAY OF 99TH AVENUE;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 9 AND WESTERLY RIGHT OF WAY OF 99TH AVENUE, A DISTANCE OF 186.74 FEET;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, DEPARTING THE EAST LINE OF SAID LOT 9 AND WESTERLY RIGHT OF WAY OF 99TH AVENUE, A DISTANCE OF 249.98 FEET TO THE POINT OF BEGINNING OF THE PARCEL HERIN DESCRIBED.

#### NEW LOT 3 LEGAL DESCRIPTION

A PORTION OF LOT 9, INTERSTATE COMMERCE CENTER AMENDED, ACCORDING TO BOOK 714 OF MAPS, PAGE 49, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA SITUATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP IN HANDHOLE AT THE SOUTHEAST CORNER OF SAID SECTION 5, FROM WHICH A FOUND BRASS CAP IN HANDHOLE AT THE SOUTH QUARTER CORNER OF SAID SECTION 5 BEARS SOUTH 89 DEGREES 15 MINUTES 09 SECONDS WEST, A DISTANCE OF 2,645.05 FEET;

THENCE SOUTH 89 DEGREES 15 MINUTES 09 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, A DISTANCE OF 314.16 FEET;

THENCE NORTH 00 DEGREES 44 MINUTES 51 SECONDS WEST, LEAVING SAID SOUTH LINE A DISTANCE OF 65.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 230.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HERIN DESCRIBED;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, CONTINUING ALONG SAID WEST LINE OF LOT 9, A DISTANCE OF 177.33 FEET TO THE POINT OF BEGINNING OF SAID LOT 9;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 9, A DISTANCE OF 250.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 9 AND WESTERLY RIGHT OF WAY OF 99TH AVENUE;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 9 AND WESTERLY RIGHT OF WAY OF 99TH AVENUE, A DISTANCE OF 180.84 FEET;

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, DEPARTING THE EAST LINE OF SAID LOT 9 AND WESTERLY RIGHT OF WAY OF 99TH AVENUE, A DISTANCE OF 249.98 FEET TO A POINT ON THE WEST LINE OF SAID LOT 9 TO THE POINT OF BEGINNING OF THE PARCEL HERIN DESCRIBED.

#### DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT REED R. HENKELMAN AND TONI M. HENKELMAN, TRUSTEES OF THE HENKELMAN TRUST DATED JUNE 18TH, 1997, AS OWNER(S), PUBLISH THIS MAP UNDER THE NAME OF "MINOR LAND DIVISION, LOT 9, INTERSTATE COMMERCE CENTER AMENDED" BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND HEREBY PUBLISHES THIS MAP AS AND FOR SAID "MINOR LAND DIVISION, LOT 9, INTERSTATE COMMERCE CENTER AMENDED", AND HEREBY DECLARES THAT THIS MAP SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS AND EASEMENTS CONSTITUTING SAME, AND THAT EACH LOT AND EASEMENT SHALL BE KNOWN BY THE NAME OR NUMBER AS GIVEN EACH RESPECTIVELY.

THERE IS HEREBY DEDICATED A BLANKET CROSS-ACCESS EASEMENT OVER LOTS 1, 2 AND 3 FOR THE PURPOSE OF PEDESTRIAN AND VEHICULAR ACCESS.

IN WITNESS WHEREOF, REED R. HENKELMAN, TRUSTEE OF THE HENKELMAN TRUST DATED JUNE 18TH, 1997, AS OWNER, HAS HEREUNTO CAUSED HIS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY HIS SIGNATURE THEREUNTO DULY AUTHORIZED.

BY: REED R. HENKELMAN, ITS TRUSTEE

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

#### ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ } SS  
COUNTY OF \_\_\_\_\_ }  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_ BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED REED R. HENKELMAN, WHO ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC \_\_\_\_\_ DATE \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

IN WITNESS WHEREOF, TONI M. HENKELMAN, TRUSTEE OF THE HENKELMAN TRUST DATED JUNE 18TH, 1997, AS OWNER, HAS HEREUNTO CAUSED HER NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY HIS SIGNATURE THEREUNTO DULY AUTHORIZED.

BY: TONI M. HENKELMAN ITS TRUSTEE

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

#### ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ } SS  
COUNTY OF \_\_\_\_\_ }  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_ BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED TONI M. HENKELMAN, WHO ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC \_\_\_\_\_ DATE \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

#### APPROVAL

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

#### CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF DECEMBER, 2013 AND THAT THE SURVEY IS CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

JASON SEGERI \_\_\_\_\_ DATE \_\_\_\_\_

7301 EAST EVANS ROAD  
SCOTTSDALE, ARIZONA 85260  
PHONE (480) 922-0780  
FAX (480) 922-0781

**SIG**  
SURVEY INNOVATION  
GROUP, INC  
Land Surveying Services

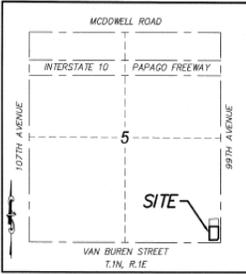
MINOR LAND DIVISION  
LOT 9, INTERSTATE  
COMMERCE CENTER AMENDED  
AVONDALE, ARIZONA



REVISIONS


DRAWING NAME: 9108.MLD  
JOB NO. 2009-108  
DRAWN: RMH  
CHECKED: JAS  
DATE: 4/3/14  
SCALE: 1"=40'  
SHEET: 1 OF 1

Exhibit C



**VICINITY MAP**  
M.T.S.

**OWNER**

HENKELMAN TRUST  
C/O REED R. & TONI M. HENKELMAN, TRUSTEES  
79 DAILY DRIVE, SUITE 214  
CAMARILLO, CALIFORNIA 93010

**FINAL PLAT**  
**LOT 1 & 2 OF LOT 9, INTERSTATE COMMERCE CENTER AMENDED**

A RE-PLAT OF LOTS 1 AND 2 OF LOT 9, INTERSTATE COMMERCE CENTER AMENDED, ACCORDING TO BOOK 1196 OF MAPS, PAGE 50, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, SITUATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT REED R. HENKELMAN AND TONI M. HENKELMAN, TRUSTEES OF THE HENKELMAN TRUST DATED JUNE 18TH, 1997, AS OWNER(S), PUBLISH THIS FINAL PLAT UNDER THE NAME OF "LOT 1 & 2 OF LOT 9, INTERSTATE COMMERCE CENTER AMENDED", A RE-PLAT OF LOTS 1 AND 2 OF LOT 9, INTERSTATE COMMERCE CENTER AMENDED, ACCORDING TO BOOK 1196 OF MAPS, PAGE 50, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, SITUATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND HEREBY PUBLISHES THIS FINAL PLAT AS AND FOR SAID "LOT 1 & 2 OF LOT 9, INTERSTATE COMMERCE CENTER AMENDED", AND HEREBY DECLARES THAT THIS MAP SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS AND EASEMENTS CONSTITUTING SAME, AND THAT EACH LOT AND EASEMENT SHALL BE KNOWN BY THE NAME OR NUMBER AS GIVEN EACH RESPECTIVELY.

THERE IS HEREBY DEDICATED A BLANKET CROSS-ACCESS EASEMENT OVER LOTS 1 AND 2 FOR THE PURPOSE OF PEDESTRIAN AND VEHICULAR ACCESS.

THERE IS HEREBY DEDICATED TO THE CITY OF AVONDALE A RIGHT OF WAY EASEMENT AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF, REED R. HENKELMAN, TRUSTEE OF THE HENKELMAN TRUST DATED JUNE 18TH, 1997, AS OWNER, HAS HEREUNTO CAUSED HIS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY HIS SIGNATURE THEREUNTO DULY AUTHORIZED.

BY: REED R. HENKELMAN, ITS: TRUSTEE

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ } SS  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED REED R. HENKELMAN, WHO ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC \_\_\_\_\_ DATE \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

IN WITNESS WHEREOF, TONI M. HENKELMAN, TRUSTEE OF THE HENKELMAN TRUST DATED JUNE 18TH, 1997, AS OWNER, HAS HEREUNTO CAUSED HER NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY HIS SIGNATURE THEREUNTO DULY AUTHORIZED.

BY: TONI M. HENKELMAN ITS: TRUSTEE

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

**ACKNOWLEDGMENT**

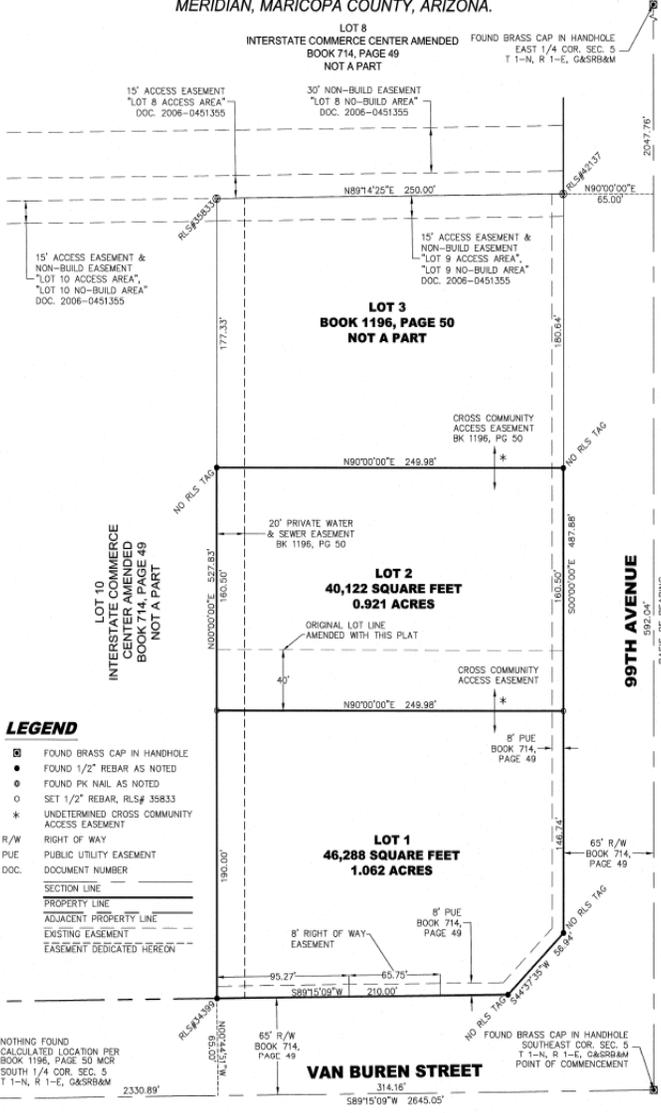
STATE OF \_\_\_\_\_ } SS  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED TONI M. HENKELMAN, WHO ACKNOWLEDGED HERSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC \_\_\_\_\_ DATE \_\_\_\_\_

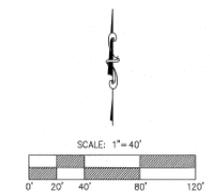
MY COMMISSION EXPIRES: \_\_\_\_\_



**LEGEND**

- FOUND BRASS CAP IN HANDHOLE
- FOUND 1/2" REBAR AS NOTED
- FOUND PK NAIL AS NOTED
- SET 1/2" REBAR, RLS# 35833
- \* UNDETERMINED CROSS COMMUNITY ACCESS EASEMENT
- R/W RIGHT OF WAY
- PUE PUBLIC UTILITY EASEMENT
- DOC. DOCUMENT NUMBER
- SECTION LINE \_\_\_\_\_
- PROPERTY LINE \_\_\_\_\_
- ADJACENT PROPERTY LINE \_\_\_\_\_
- EXISTING EASEMENT \_\_\_\_\_
- EASEMENT DEDICATED HEREON \_\_\_\_\_

NOTHING FOUND  
CALCULATED LOCATION PER  
BOOK 1196, PAGE 50 WORK  
SOUTH 1/4 COR. SEC. 5  
T 1-N, R 1-E, G&SR&M  
2330.89'



**BASIS OF BEARING**

THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, SAID LINE BEARS SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST AS SHOWN IN BOOK 714 OF MAPS, PAGE 50 M.C.R.

**NOTE**

1. THE SURVEYOR HAS RELIED SOLELY ON INFORMATION SUPPLIED TO THE SURVEYOR FROM EITHER THE CLIENT OR THE TITLE COMPANY AND HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER MATTERS THAT MAY AFFECT THE SUBJECT PROPERTY.

**PARENT PARCEL LEGAL DESCRIPTION**

LOT 1 & 2 OF LOT 9, INTERSTATE COMMERCE CENTER AMENDED, ACCORDING TO BOOK 1196 OF MAPS, PAGE 50, RECORDS OF MARICOPA COUNTY, ARIZONA.

**APPROVAL**

APPROVED BY THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_

ATTEST, CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

**CERTIFICATION**

THIS IS TO CERTIFY THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF JUNE, 2016 AND THAT THE SURVEY IS CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

JASON SEGNER \_\_\_\_\_ DATE 6/15/16

7301 EAST EVANS ROAD  
SCOTTSDALE, ARIZONA 85260  
PHONE (480) 922-0780  
FAX (480) 922-0781

**SIG**  
SURVEY INNOVATION  
GROUP, INC.  
Land Surveying Services

**FINAL PLAT**  
**LOT 1 & 2 OF LOT 9, INTERSTATE**  
**COMMERCE CENTER AMENDED**  
**AVONDALE, ARIZONA**



DRAWING NAME:  
9108 MLD 6-2016  
JOB NO. 2009-108  
DRAWN: RMH/JAS  
CHECKED: JAS  
DATE: 6/15/2016  
SCALE: 1"=40'  
SHEET: 1 OF 1

Exhibit D



## CITY COUNCIL AGENDA

---

**SUBJECT:**

Professional Services Agreement - Dibble CM  
LLC for Construction Inspection Services

**MEETING DATE:**

9/19/2016

---

**TO:** Mayor and Council**FROM:** Tracy Stevens, Development & Engineering Services Director**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff is requesting that the City Council approve a Professional Services Agreement with Dibble CM LLC in the amount of \$145,000 to provide construction inspection services and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

**BACKGROUND:**

The Engineering Division is responsible for overseeing and inspecting all Capital Improvement Program (CIP), Development related construction projects and permit work related to other public/private utility companies within the City's right-of-way. This includes providing inspection services for the majority of the water and sewer pipeline projects for the Public Works Department. For the last two years, City Council has approved similar Professional Services Agreements (PSA), including amendments with Dibble CM, LLC (formally known as Oridian Construction Services, LLC), in amounts ranging from \$50,000 to \$400,000.

The majority of the construction inspection services provided by Dibble CM, LLC were for large CIP projects including the Central Avenue Water and Sewer Replacement project, the Dysart Road Phase I overhead power and telecommunications conversion project, the Garden Lakes Water Service Replacement & Asphalt Overlay, and the 107th Ave. Improvements. Dibble CM is also currently providing inspection services for the 127th Ave. Waterline project and the McDowell Road Improvements project.

With the increase of residential and commercial development, the existing City Engineering Inspector is covering all the current residential and commercial construction inspections, plus some capital improvement project inspections. For FY 16-17, City Council approved an FTE position for one additional Engineering Inspector upon an increase in workload.

**DISCUSSION:**

The previous Professional Services Agreement with Dibble CM expired on August 31, 2016. While the City's current private residential and commercial development work load is handled by the department's existing Engineering Inspector for now, the contract services Dibble Engineering Inspector continues to be needed exclusively to cover the current and upcoming capital improvement projects, including the McDowell Road Improvements, 107th Ave. Improvements, Dysart Road ITS utility project, Garden Lakes Parcels 10 and 13 Water Service Replacements and Asphalt Overlay and the Thomas Road Improvements project. The City recently completed the FY 2016/2017 Request for Qualifications (RFQ) selection process to generate the Professional

Consultants Selection List for the next two years. Dibble CM submitted a Statement of Qualifications for Inspections Services which was reviewed and rated by staff. The overall results for this discipline had Dibble CM ranked first. Additionally, staff has been very satisfied with the contract services utilized to date from Dibble CM. The inspectors have extensive experience and technical knowledge.

Because of the extensive time required for the inspectors to become familiar with a certain project and the City's requirements, it is highly desired by staff to continue working with Dibble CM. The Dibble CM hourly fee rates are competitive with other similar firms and services. Additionally, the \$97.00 per hour fee for the engineering inspector will remain the same as from the previous contract. An estimated engineering inspection workload in man hours for the various upcoming CIP projects for thirty-five weeks, through May of next year, is presented in the table below (35 weeks x 40 hrs/week = 1,400 hours). The number of estimated hours is based on the anticipated project scope, variety of work, project complexity and timing. Dibble's current paid rate for a contract engineering inspector is \$97/hr.

<b>PROPOSED ENGINEERING FY 16-17 CIP PROJECTS (Streets &amp; Public Works)</b>	<b>ESTIMATED HOURS PER PROJECT THROUGH MAY 2017</b>	<b>ESTIMATED CONTRACT INSPECTOR FEE THROUGH MAY 2017</b>
McDowell Road Improvements	400 hrs	\$38,800.00
107th Avenue Irrigation & Paving Improvements (Van Buren to Roosevelt St)	250 hrs	\$24,250.00
Dysart Rd. ITS	150 hrs	\$14,550.00
Garden Lakes Asphalt Overlays (2 Parcels)	400 hrs	\$38,800.00
Thomas Road Improvements (Partial)	200 hrs	\$19,400.00
<b>Estimated Totals</b>	<b>1,400 hrs</b>	<b>\$135,800.00</b>

The contract amount should cover the cost for provided services for one inspector for thirty-five weeks through May, 2017. It is recommended that the contract price be increased with a not to exceed price of \$145,000 in case additional inspection time is needed. In May, 2017, staff will re-evaluate the status of the various projects and current workload to determine inspection needs and staffing options.

**BUDGET IMPACT:**

Funding for these construction inspection services was built in to the designated Capital Improvement Project budgets developed by Engineering and Public Works. The cost is a small percentage (3% - 5%) of those overall project budgets. The term of the Agreement will be valid through August 31, 2017.

**RECOMMENDATION:**

Staff recommends that the City Council approve a Professional Services Agreement with Dibble CM LLC in the amount of \$145,000 to provide construction inspection services and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

**ATTACHMENTS:**

**Description**

[PSA - Dibble CM](#)

PSA – DIBBLE CM, LLC – FOR CONSTRUCTION INSPECTION SERVICES

DUE TO ITS SIZE, THIS DOCUMENT  
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/38941>



## CITY COUNCIL AGENDA

---

**SUBJECT:**

Resolution 3339-916 - Canvass of Votes of the August 30, 2016 Primary Election

**MEETING DATE:**

9/19/2016

---

**TO:** Mayor and Council**FROM:** Carmen Martinez, City Clerk (623) 333-1214**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff is recommending City Council adoption of a resolution canvassing the results of the August 30, 2016 Primary Election.

**DISCUSSION:**

The City of Avondale held its Primary Election on August 30, 2016. In accordance with State Statute, City Council must canvass the elections results no less than six days and no more than twenty days after the election.

Avondale voters voted on Proposition 486 - Alternative Expenditure Limitation (Home Rule), for Mayor and for three seats in the City Council.

There were three candidates vying for the position of Mayor. In order to be elected at the primary election a candidate must receive the majority of votes cast for that position. None of the candidates of the candidates received the majority of votes, so Mayor Weise and Vice Mayor Karlin will move on to the General Election. The results for that race are as follows:

<i>Candidate</i>	<i># of Votes</i>	<i>%</i>
Stephanie Karlin	1,566	26.57%
Frank Scott	1,395	23.67%
Kenneth Weise	2,932	49.75%

There were five candidates seeking to be elected for the three open seats in the City Council.

<i>Candidate</i>	<i># of Votes</i>	<i>%</i>
Devin Del Palacio	2,509	18.62%
Pat Dennis	2,860	21.22%
Veronica Malone	2,985	22.15%
Manny Murillo	2,173	16.13%

Mike Pineda                      2,948              21.88%

Based on the number of votes cast, the magic number of votes that candidates needed to obtain in order to be declared elected was 2246. While there were four candidates who obtained above this number of votes, only the top three vote getters are declared elected. Therefore Pat Dennis, Veronica Malone and Mike Pineda are declared elected.

Proposition 486 - Alternative Expenditure Limitation (Home Rule) was approved by voters by a very healthy margin.

	Yes	No
Proposition 486	4,939	814

Total voter participation at this election was 6,421 representing a 17.84% turnout. This means that voter participation at this election was increased by 1.74% compared to the 2014 Primary Election. Credit for this increase in voter participation goes to the City Clerk's and Community Relations Departments for working together to produce multiple materials and messages to inform voters and raise awareness that the state's primary election ballot included Avondale's own election questions.

**RECOMMENDATION:**

Staff is recommending City Council adoption of a resolution canvassing the results of the August 30, 2016 Primary Election.

**ATTACHMENTS:**

Description

[Resolution 3339-916](#)

**RESOLUTION NO. 3339-916**

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE PRIMARY ELECTION HELD ON AUGUST 30, 2016.

**WHEREAS**, the City of Avondale (the “City”), Arizona, held a primary election on August 30, 2016 (the “Election”), for the nomination/election of Mayor and three Council Members; and

**WHEREAS**, the Election returns, which include (i) the number of ballots cast in each precinct for each candidate; (ii) the number of ballots rejected in each precinct; (iii) the titles of the offices voted for and the names of each person voted for to fill each office; (iv) the number of votes, by precinct, received by each candidate; (v) the number and brief title of each proposed constitutional amendment and each initiated or referred measure voted upon; and (vi) the number of votes by precinct for and against such proposed amendment or measure, are attached hereto as Exhibit A and incorporated herein by reference, have been presented to, and have been canvassed by, the City Council.

**NOW, THEREFORE, BE IT RESOLVED** BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The total number of registered voters was 35,992, the total number of ballots cast at the Election, as shown by the poll lists, was 6,421 and the total rate of return was 17.84%.

SECTION 3. The votes cast for the candidates for Mayor were as follows:

Karlin, Stephanie	<u>1,566</u>
Scott, Frank	<u>1,395</u>
Weise, Kenneth	<u>2,932</u>

SECTION 4. It is hereby found, determined and declared of record, that the following candidates for the office of Mayor (i) did not receive more than one-half of the total number of valid votes cast at the Election, (ii) shall be issued letters by the City Clerk declaring their nomination and (iii) shall have their names forwarded to Maricopa County Elections for inclusion on the City of Avondale’s November 8, 2016, General Election ballot:

Stephanie Karlin, for the office of Mayor  
Kenneth Weise, for the office of Mayor

SECTION 5. The votes cast for the candidates for Council Member were as follows:

Del Palacio, Devin	<u>2,509</u>
Dennis, Pat	<u>2,860</u>
Malone, Veronica	<u>2,985</u>
Murillo, Manny	<u>2,173</u>
Pineda, Mike	<u>2,948</u>

SECTION 6. It is hereby found, determined and declared of record that the following candidates for the office of Council Member (i) received the majority of valid votes cast at the Election and (ii) shall be issued certificates of election by the City Clerk:

Pat Dennis, for the office of Council Member  
Veronica Malone, for the office of Council Member  
Mike Pineda, for the office of Council Member

SECTION 7. The votes cast for Proposition 486 (Home Rule) were as follows:

YES	4,939
NO	814

SECTION 8. It is hereby found, determined and declared of record, that Proposition 486 (Home Rule) received the majority of votes cast and was thereby approved by the voters of Avondale.

SECTION 9. This Resolution shall be in full force and effect immediately upon its adoption; a certified permanent copy of which shall be filed with the City Clerk, who shall maintain it as a permanent record.

SECTION 10. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

[SIGNATURES ON FOLLOWING PAGE]

**PASSED AND ADOPTED** by the Council of the City of Avondale, Arizona,  
September 19, 2016.

---

Kenneth N. Weise, Mayor

ATTEST:

---

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

---

Andrew J. McGuire, City Attorney

EXHIBIT A  
TO  
RESOLUTION 3339-916

[Election Returns]

(See following page.)

	PPNO 015		PPNO 035		PPNO 117		PPNO 155		PPNO 185		PPNO 186		PPNO 341		PPNO 454		PPNO 461		PPNO 560		PPNO 684		Official Totals	
	ALVARADO Rio Vista School		AVONDALE 1st. So.Baptist Church		COLDWATER RIDGE Estrella Vista School		CRYSTAL GARDENS 1st Baptist Church GL		DESSIE Michael Anderson School		DEVONSHIRE Cornerstone Christian Church		LA REATA Corte Sierra School		ORME Collier School		PALMBROOK Litchfield 1st Baptist Church		SANTA FE Rancho Santa Fe School		WARNER Quentin School			
# REGISTERED VOTERS	1,665		1,829		2,822		4,727		2,634		5,025		1,919		5,766		3,595		2,093		3,917		35,992	
BALLOTS CAST	225	14%	264	14%	421	15%	895	19%	337	13%	1205	24%	455	24%	917	16%	688	19%	545	26%	469	12%	6421	17.84%

**MAYOR**

	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes						
KARLIN	67	30%	33%	84	32%	34%	125	30%	32%	196	22%	24%	109	32%	35%	272	23%	25%	91	20%	22%	210	23%	25%	156	23%	25%	113	21%	22%	143	30%	33%	1,566	24.39%	26.57%
SCOTT	48	21%	24%	82	31%	33%	97	23%	25%	219	24%	27%	82	24%	26%	219	18%	20%	98	22%	24%	219	24%	26%	142	21%	23%	93	17%	18%	96	20%	22%	1,395	22%	23.67%
WEISE	86	38%	43%	84	32%	34%	167	40%	43%	408	46%	50%	121	36%	39%	602	50%	55%	226	50%	54%	423	46%	50%	327	48%	52%	298	55%	59%	190	41%	44%	2,932	46%	49.75%
TOTALS	201			250			389			823			312			1093			415			852			625			504			429			5,893		

Formula to determine successful candidate: Add total votes cast for all candidates, divide by 1 (number of seats open), divide by 2 and round up to the next whole number. **MAGIC NUMBER = 2947**

**COUNCIL (3 SEATS)**

DEL PALACIO	90	40%	18%	83	31%	13%	169	40%	19%	352	39%	19%	121	36%	16%	447	37%	18%	159	35%	17%	445	49%	23%	262	38%	19%	203	37%	18%	178	38%	17%	2,509	39.07%	18.62%
DENNIS	98	44%	20%	124	47%	20%	154	37%	17%	438	49%	23%	102	30%	14%	625	52%	25%	221	49%	23%	361	39%	19%	304	44%	22%	271	50%	24%	162	35%	16%	2,860	44.54%	21.22%
MALONE	126	56%	25%	138	52%	22%	190	45%	21%	425	47%	23%	156	46%	21%	546	45%	22%	229	50%	24%	388	42%	20%	300	44%	22%	259	48%	23%	228	49%	22%	2,985	46.49%	22.15%
MURILLO	89	40%	18%	137	52%	22%	161	38%	18%	275	31%	15%	200	59%	27%	319	26%	13%	147	32%	16%	297	32%	15%	179	26%	13%	139	26%	12%	230	49%	22%	2,173	33.84%	16.13%
PINEDA	94	42%	19%	133	50%	22%	216	51%	24%	398	44%	21%	157	47%	21%	539	45%	22%	191	42%	20%	441	48%	23%	307	45%	23%	245	45%	22%	227	48%	22%	2,948	45.91%	21.88%
TOTALS	497			615			890			1888			736			2476			947			1932			1352			1117			1025			13,475		

Formula to determine successful candidate: Add total votes cast for all candidates, divide by 3 (number of seats open), divide by 2 and round up to the next whole number. **MAGIC NUMBER = 2246**

**PROP 486 - HOME RULE**

YES	177	79%	89%	196	74%	79%	336	80%	89%	678	76%	86%	249	74%	81%	884	73%	85%	340	75%	84%	749	82%	88%	540	78%	88%	445	82%	90%	345	74%	81%	4,939	76.92%	85.85%
NO	22	10%	11%	52	20%	21%	42	10%	11%	109	12%	14%	60	18%	19%	156	13%	15%	66	15%	16%	102	11%	12%	73	11%	12%	52	10%	10%	80	17%	19%	814	12.68%	14.15%
TOTALS	199			248			378			787			309			1040			406			851			613			497			425			5,753		

**REJECTED BALLOTS**

LATE	0			3			6			12			2			15			8			9			4			9			7			75		
BAD SIGNATURE	1			1			0			3			0			2			1			2			1			0			0			11		
NO SIGNATURE	2			0			0			1			0			6			3			1			4			3			1			21		
TOTAL	3			4			6			16			2			23			12			12			9			12			8			107		

**PROVISIONAL BALLOTS**

COUNTED	2			0			2			2			3			2			0			2			5			1			0			19		
NOT COUNTED	0			2			1			3			1			1			2			2			2			2			0			16		
TOTAL	2			2			3			5			4			3			2			4			7			3			0			35		



## CITY COUNCIL AGENDA

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**SUBJECT:**

Public Hearing - Amendment to Conditional Use  
Permit - AT&T P829 - (PL-16-0162)

**MEETING DATE:**

9/19/2016

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**TO:**

Mayor and Council

**FROM:**

Tracy Stevens, Development & Engineering Services Director

**THROUGH:**

David Fitzhugh, City Manager

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**REQUEST:**

This is a request to amend Conditional Use Permit CU-06-2 to modify an existing Personal Wireless Services Facility operated by AT&T at 1551 N Dysart Road. Conditions of approval require that any modifications to the facility require an amended Conditional Use Permit. AT&T wishes to construct a new masonry equipment enclosure to accommodate a backup generator and bring the facility into conformance with recently adopted FCC regulations.

**PARCEL SIZE:**

469 sf lease area

**LOCATION:**

1551 N Dysart Road (Palmilla Retail Center)

**APPLICANT:**

Carrie Ann Powell, General Dynamics, on behalf of Crown Castle/AT&T

**OWNER:**

Richard and Judy Minshall

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**BACKGROUND:**

Carrie Ann Powell of General Dynamics, on behalf of Crown Castle/AT&T, is requesting an amended Conditional Use Permit approval to allow installation of a new back-up generator at the existing personal wireless services facility (PWSF) at 1551 N Dysart Road, behind Uptight Carpet in the Palmilla Retail Center. The purpose of the back-up generator is to comply with recently adopted FCC requirements that all wireless facilities include back-up generators to ensure that wireless communication service continues when electrical power is unavailable, thus allowing continuous communication for the safety and security of the community.

The subject property is within the Palmilla Retail Center on the east side of Dysart Road north of I-10. The property was annexed in January 1978 and zoned C-2 (Community Commercial).

Conditional Use Permit CU-06-2 was approved by the Avondale City Council on October 26, 2006 for a PWSF for Cingular Wireless. The wireless facility is now owned and operated by AT&T in conjunction with Crown Castle International. Conditions of approval of CU-06-2 included:

1. The development of the site shall conform to the site plan date-stamped August 18, 2006 and

the project narrative dated May 31, 2006.

2. In accordance with Section 108 of the Zoning Ordinance, the Conditional Use Permit shall expire within two years from date of approval if the use has not commenced.
3. An amendment to the Conditional Use Permit shall be required prior to the addition of any further antennas or equipment.

On December 7, 2015, City Council approved an amendment to CU-06-2 (application PL-15-0223) allowing AT&T to modify the existing cell tower. The approved modifications included replacement of antennas on the existing 45' light fixture/pole, as well as the addition of auxiliary equipment in the existing enclosure. The existing three panel antennas were removed and replaced with six new panel antennas, three new tower-mounted amplifiers, twelve new remote radio heads, and five digital and optical cable fiber trunks. The modifications increased the overall facility height to 50'. No changes in the compound footprint were proposed.

The compound enclosure was patched and painted. The parking lot bollards in front of the enclosure were also repainted. Coupled with the CUP amendment, staff approved an administrative relief request (application PL-15-0224) allowing a minor reduction in the required western boundary setback from 50' to 45'. The Applicant subsequently completed the modifications as proposed. Because the FCC adopted new requirements effective January 1, 2016 to ensure that all wireless facilities include a back-up generator in case of power outage, and because of the condition of approval for Conditional Use Permit CU-06-2 requiring modifications go through an amendment process, the Applicant has filed this current request for an amended Conditional Use Permit.

#### **SUMMARY OF REQUEST:**

The purpose of the amended CUP is to allow installation of a 50 kW emergency back-up generator within a new 165 sf masonry enclosure to be located adjacent to the existing enclosure (please see Exhibits G.1 and G.2). The lease area, currently 304 sf, will be expanded to 469 total sf to accommodate the new equipment. As indicated previously, the back-up generator is required to comply with recently adopted FCC requirements that went into effect January 1, 2016 that require all wireless facilities to include a back-up generator to provide continuous service, including FCC E-911 call tracking requirements, during power outages. Exhibit F is the Applicant's Conditional Use Permit Narrative dated June 3, 2016.

The project installation consists of a new 11' x 15' (165 sf) enclosure consisting of a 9' high CMU wall with a stucco finish to match the height and appearance of the existing equipment enclosure. Two new access gates would be constructed, one on the south side of the compound and one on the north. No other exterior changes will be made and there will be no changes to the existing tower antenna configuration. The new enclosure is proposed in a parking lot adjacent to the existing AT&T equipment enclosure and a commercial building. There will be no changes to the existing site circulation or removal of parking spaces. No additional exterior lighting is proposed.

After completion of construction, AT&T will test the generator once weekly for approximately 30 minutes. Maintenance and fueling will occur every 6 months or as needed during daylight hours, except in cases of emergency.

When running, the generator will emit a noise level of 71 dBA. The generator will be enclosed in an acoustic enclosure, which will decrease noise. Noise from the generator will be further decreased by the CMU wall enclosure. The generator will not emit any smoke, odor, dust, vibration or illumination and will be required to comply with Maricopa County Air Quality Department regulations pertaining to exhaust emissions.

The new equipment will not be visible. It should be noted that the new enclosure will screen the two telecommunications boxes on the face of the existing enclosure (see Exhibit H) and provide a more pleasing appearance. The compound enclosure wall will be stuccoed and painted to match the

existing enclosure. Parking lot bollards will also be installed in front of the enclosure and painted to match existing bollards. Striping delineating the service area from the existing drive aisle is recommended.

Photographs of the project site are attached as Exhibit H and conceptual elevations as Exhibit I.

In addition to the expansion request for the enclosure, staff is proposing a modification to the conditions of approval that will allow for minor changes to the facility without triggering the need for an amended Conditional Use Permit. Included with this request are two conditions of approval that allow any future modifications to the PWSF that do not increase the width or height of the tower or increase the enclosure area by greater than 10%, may be addressed through an administratively approved design review waiver. Any modifications greater than that will require an amended CUP application.

#### **PARTICIPATION:**

The Applicant invited property owners within a 1,000' radius of the subject parcel and other interested parties to a neighborhood meeting held on July 25, 2016 in the Mohave Room at City Hall to discuss the proposal. Notification postcards were sent to property owners on July 6, 2016. No property owners or interested parties attended the meeting. The Planning Division and Applicant have received no emails or correspondence concerning the proposed amendment to the CUP. Notices were published in the West Valley View on July 6, 2016 for the Neighborhood Meeting, on July 27, 2016 for the Planning Commission meeting, and on August 31, 2016 for the City Council meeting. The site posting on the property occurred on July 6, 2016.

#### **PLANNING COMMISSION ACTION:**

The request was heard before the Planning Commission on August 18, 2016. Commissioner Ortega asked about future modifications and what would be required for approval, to which staff responded that modifications above a certain threshold would require application for an amended Conditional Use Permit and recommendation of the Planning Commission. The Commission recommended **APPROVAL** of the request for an amended Conditional Use Permit 5-0.

#### **ANALYSIS:**

The City Council must determine that the proposed use meets five findings prior to granting a Conditional Use Permit. In this case, these findings are made with respect to the request for an amended Conditional Use Permit. The burden of proof rests with the Applicant.

Each finding is presented below along with staff's analysis.

1. That the proposed use (i) is consistent with the land-use designation set forth in the General Plan, (ii) will further the City's general guidelines and objectives for development of the area, as set forth in the General Plan and (iii) will be consistent with the desired character for the surrounding area.

The subject property is designated as Freeway Commercial on the Land Use Map of the General Plan. This use is intended to accommodate the more intense uses of the I-10 Freeway, Loop 101, and other future parkway corridors. Freeway commercial development patterns provide concentrated retail, hospitality, and related activity along these corridors. This category allows for a broad range of non-residential uses and development flexibility. The site is currently zoned C-2 and is consistent with the land use designation in the General Plan. The PWSF use is allowed in the C-2 zoning district subject to a Conditional Use Permit. The addition of a back-up generator to an existing PWSF would not result in any inconsistency with the existing General Plan land use designation or the desired character for the surrounding area. It would not affect the City's general guidelines and objectives for development of the area.

2. That the use will be (i) compatible with other adjacent and nearby land uses and (ii) will not be

detrimental to (1) persons residing or working in the area, (2) adjacent property, (3) the neighborhood, or (4) the public welfare in general.

The site has been developed for commercial purposes with a retail building and is part of the Palmilla Retail Center at the southeast corner of Dysart Road and McDowell Road. Across Dysart Road to the west is a shopping center in the City of Goodyear. The existing cell tower is set back from Dysart Road approximately 235 feet. The existing equipment enclosure is connected to and directly behind the Uptight Carpet building. The new enclosure would be connected to the existing equipment enclosure and would be constructed directly behind (east) of the existing enclosure behind the building. The equipment area is not visible from Dysart Road; it is only visible to patrons of the Palmilla Retail Center as they circulate through the center. The new generator will be enclosed by a new 9' tall masonry block wall and stuccoed and painted to match the existing 9' tall masonry enclosure. The new enclosure will also screen the two telecommunications boxes on the face of the existing enclosure, improving the appearance of the north/south and east elevations.

New parking lot bollards in front of the equipment enclosure will be painted to match existing bollards. The back-up generator would only be used in case of a power outage except for 30 minutes of testing time once weekly, and would not emit odors, significant additional noise, smoke, dust, vibration or exhaust emissions greater than that allowed by Maricopa County Air Quality Department exhaust emissions regulations. The nearest single-family residential use is 1,223' away from the cell tower as shown on Exhibit E. Due to this separation distance and intervening structures, staff believes that the modifications will not have any negative impacts on residential areas. Therefore, the addition of a new 165 sf wireless ground equipment enclosure adjacent to the existing enclosure would not result in incompatibility with adjacent land uses, nor would it be detrimental to persons in the area, adjacent property, the neighborhood, or the public welfare.

3. That the site is adequate in size and shape to accommodate the proposed use, allow safe on-site circulation, and meet all required development standards, including, but not limited to, setbacks, parking, screening, and landscaping.

The proposed modifications will result in an increase in the footprint of the existing PWSF equipment area from 304 sf to 469 sf, an increase of 54%. The facility is unmanned and needs no connections to water and sewer infrastructure. No parking spaces will be revised or removed. Access to the site will remain as under current conditions. The new enclosure will not encroach into existing drive aisles and the circulation of the shopping center will remain as under current conditions. Striping will be added to clearly delineate the drive aisle from the service area. All setback requirements are met. No screening other than the CMU enclosure is required. Parking is adequate to accommodate one additional vehicular trip for maintenance once a week. No additional landscaping is required.

4. That the site has appropriate access to public streets with adequate capacity to carry the type and quantity of traffic generated by the proposed use.

No new traffic will be generated on a daily basis from the proposed modifications. Traffic from periodic routine maintenance and upkeep is expected to be negligible. Primary access to the site is available at multiple locations from Dysart Road and McDowell Road. No changes are proposed to the existing points of access or the internal circulation for the commercial development. Striping will be added to clearly delineate the drive aisle from the service area. The adjacent streets and the development are designed to accommodate the negligible traffic generated by the PWSF.

5. That adequate conditions have been incorporated into the approval to ensure that any potential adverse effects will be mitigated.

The new enclosure and bollards will be painted to match existing structures and the project will be required to conform to the Conditional Use Permit Narrative (Exhibit F), Conceptual Site Plan

(Exhibit G), and Conceptual Elevations (Exhibit I). The original condition of approval that any modifications to the facility requires an amended Conditional Use Permit has been revised so that minor changes would not trigger the need for an amended Conditional Use Permit. Included with this request is a revised condition that any substantial future modifications to the PWSF (as defined in the condition of approval) will require an amendment to the Conditional Use Permit (see condition of approval (3) below).

**CONCLUSION:** The request to amend Conditional Use Permit CU-06-2 meets the required findings for approval. The modification represents a 54% increase in the ground equipment enclosure footprint area. The proposed modifications to the existing PWSF are in conformance with the subject property's General Plan Land Use designation of "Freeway Commercial" and further the goals and objectives of the General Plan. Further, the modifications are consistent with recent requirements adopted by the Federal Communications Commission with regard to provision of emergency back-up generators to ensure uninterrupted E-911 call tracking in case of a power outage, which will provide residents, visitors, and businesses faster and reliable access to first responders.

### **FINDINGS:**

1. The proposed use (i) is consistent with the land use designation set forth in the General Plan, (ii) will further the City's general guidelines and objectives for development of the area, as set forth in the General Plan, and (iii) will be consistent with the desired character for the surrounding area.
2. The use will be (i) compatible with other adjacent and nearby land uses and (ii) will not be detrimental to (1) persons residing or working in the area, (2) adjacent property, (3) the neighborhood, or (4) the public welfare in general.
3. The site is adequate in size and shape to accommodate the proposed use, allow safe on-site circulation, and meet all required development standards, including, but not limited to, setbacks, parking, screening, and landscaping.
4. The site has appropriate access to public streets with adequate capacity to carry the type and quantity of traffic generated by the proposed use.
5. Adequate conditions have been incorporated into the approval to ensure that any potential adverse effects will be mitigated.

### **RECOMMENDATION:**

The Planning Commission recommended approval of the requested amended Conditional Use Permit for the following reasons:

- The proposed modifications are consistent with new Federal Communications Commission requirements.
- The request to amend Conditional Use Permit CU-06-2 to allow installation of a back-up generator does not obstruct the goals and objectives of the General Plan.
- The proposed modifications are compatible with existing and future land uses in the area and will not result in significant adverse effects to the community.
- The request fulfills the five requirements for issuance of a Conditional Use Permit.

### **PROPOSED MOTION:**

I move that the City Council APPROVE Application PL-16-0152, a request for an amended Conditional Use Permit CU-06-2 to allow modifications to the existing wireless communications facility at 1551 N Dysart Road, subject to the three staff-recommended conditions of approval.

### **CONDITIONS OF APPROVAL:**

1. The use and development of the site shall conform to the Conditional Use Permit Narrative, Conceptual Site Plan, and Conceptual Elevations, attached as Exhibits F, G, and I.

2. Future modifications to the PWSF, including ground equipment or antenna modifications, shall be subject to approval by the Development & Engineering Services Department. This approval may be granted administratively via an application for a Design Review Waiver under the following conditions:

- The proposed modifications do not increase the overall height and width of the tower element, including antenna arrays, of the PWSF.
- The footprint of the PWSF, including equipment enclosures, is not proposed to be expanded by more than 10 percent.

3. If proposed future modifications to the PWSF do not meet the conditions set forth in stipulation (2) above, the Applicant will be required to file applications for an Amended Conditional Use Permit and Amended Site Plan/Design Review and will be subject to the public participation process, including a neighborhood meeting and public hearings.

## **ATTACHMENTS:**

### **Description**

[Exhibit A - General Plan Land Use Map](#)

[Exhibit B - Zoning Vicinity Map](#)

[Exhibit C - Aerial Photograph](#)

[Exhibit D - Summary of Related Facts](#)

[Exhibit E - Distance to Nearest Single-Family Residence](#)

[Exhibit F - Conditional Use Permit Narrative](#)

[Exhibit G.1 - Overall Site Plan](#)

[Exhibit G.2 - Enlarged Site Plan](#)

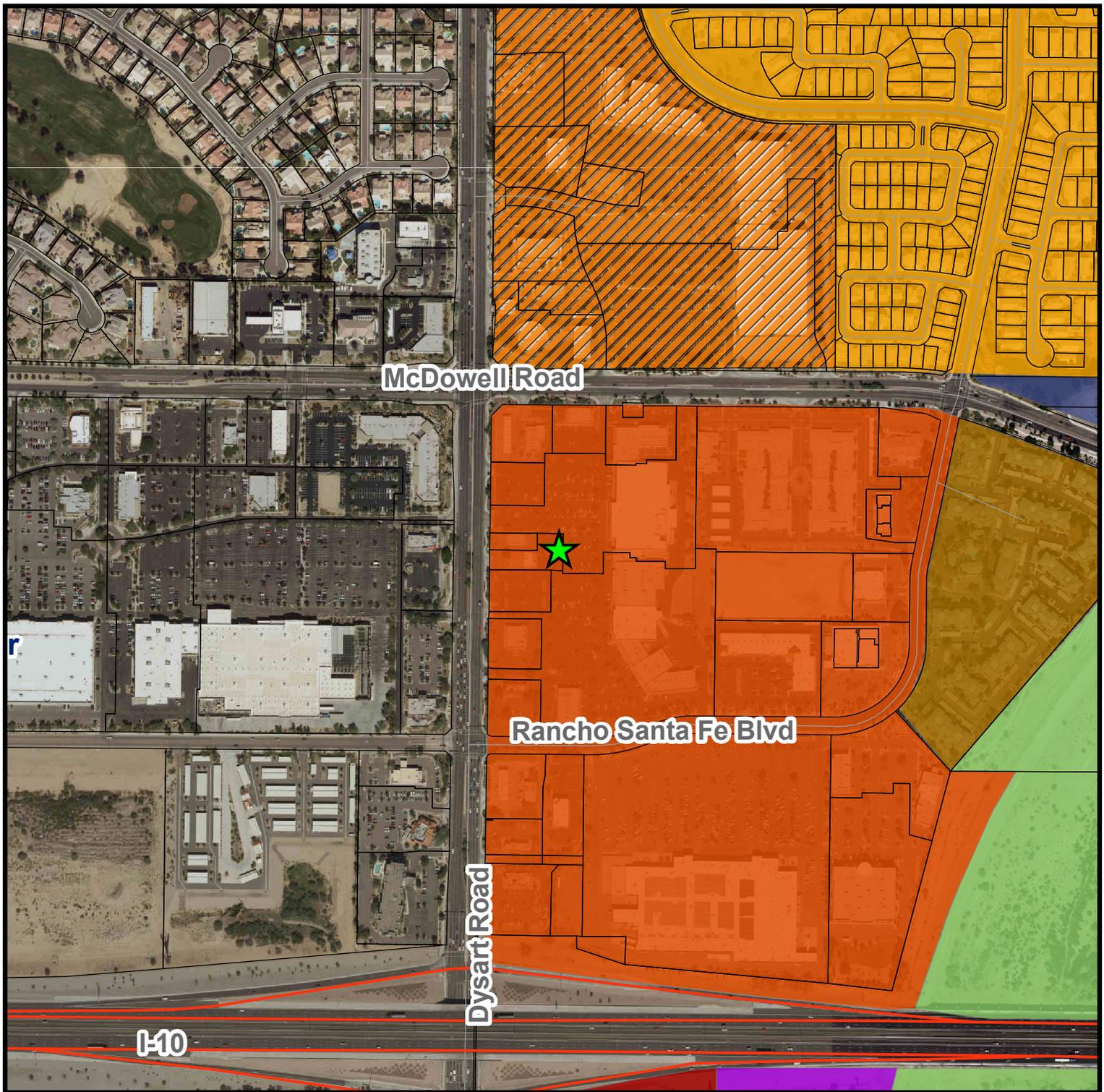
[Exhibit H - Site Photos](#)

[Exhibit I - Conceptual Elevations](#)

[Exhibit J - Abstract of Planning Commission Meeting 8-18-2016](#)

## **PROJECT MANAGER**

Alison Rondone, Planner II, (623) 333-4033

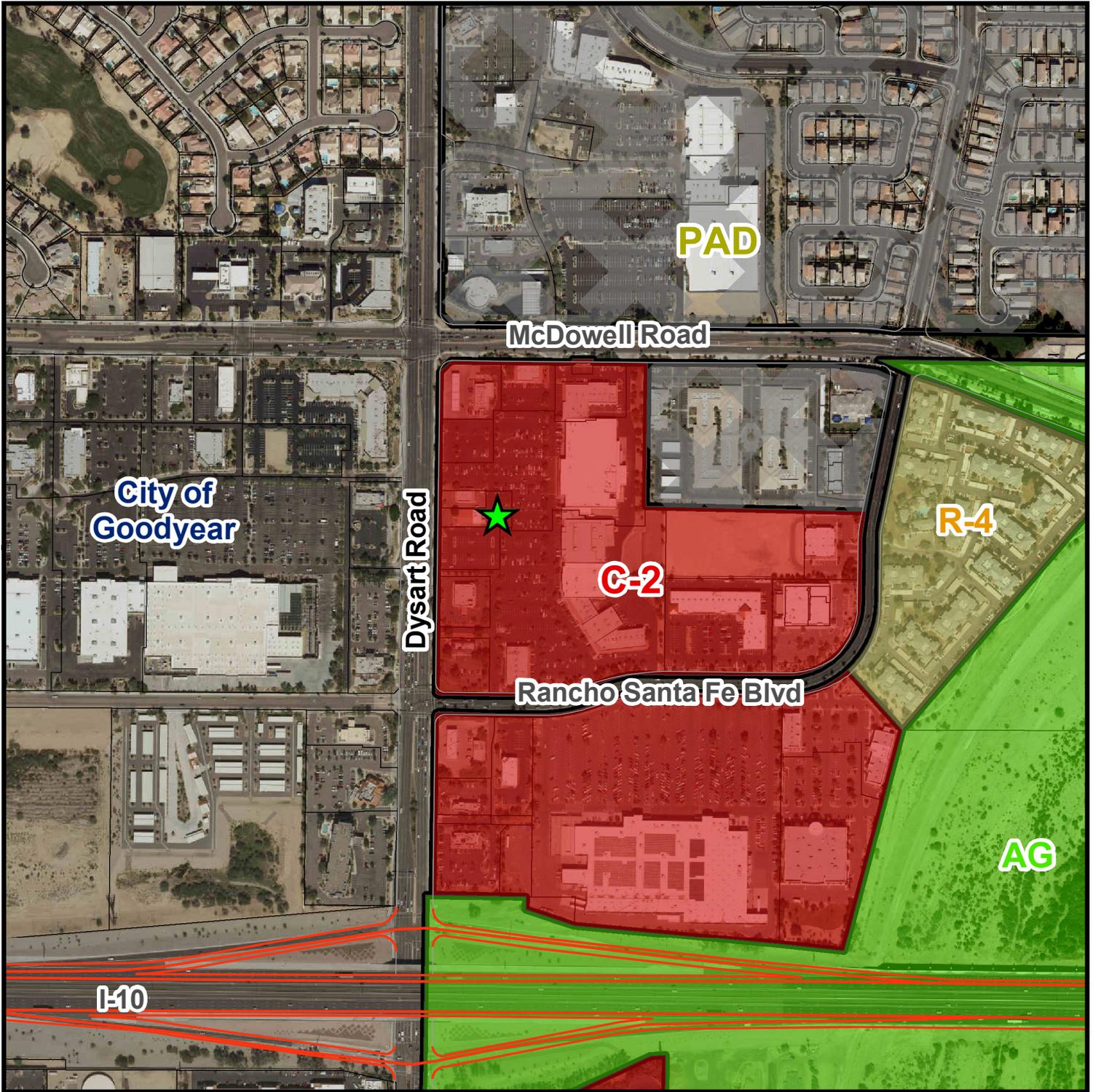


# General Plan Land Use Map

 Project Location



- |  |  |
|--|--|
|  Local Commercial           |  Public/Civic             |
|  Medium Density Residential |  Open Space               |
|  Freeway Commercial         |  High-Density Residential |
|  Urban Commercial           |  Business Park            |
|  Urban Residential          |  Education                |

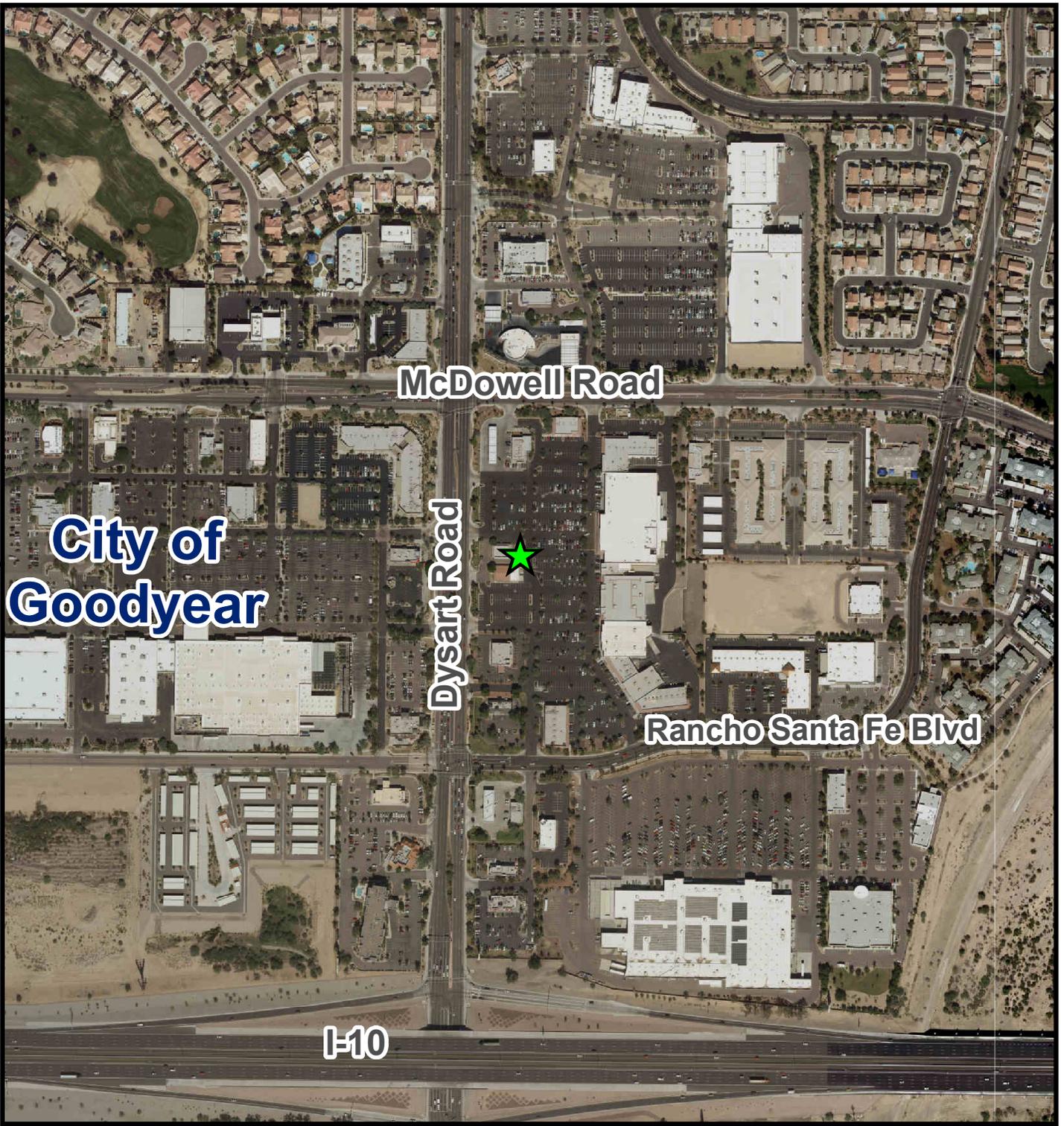


# Zoning Vicinity Map



 Project Location





# Aerial Photograph



★ Project Location



*SUMMARY OF RELATED FACTS  
APPLICATION PL-16-0152*

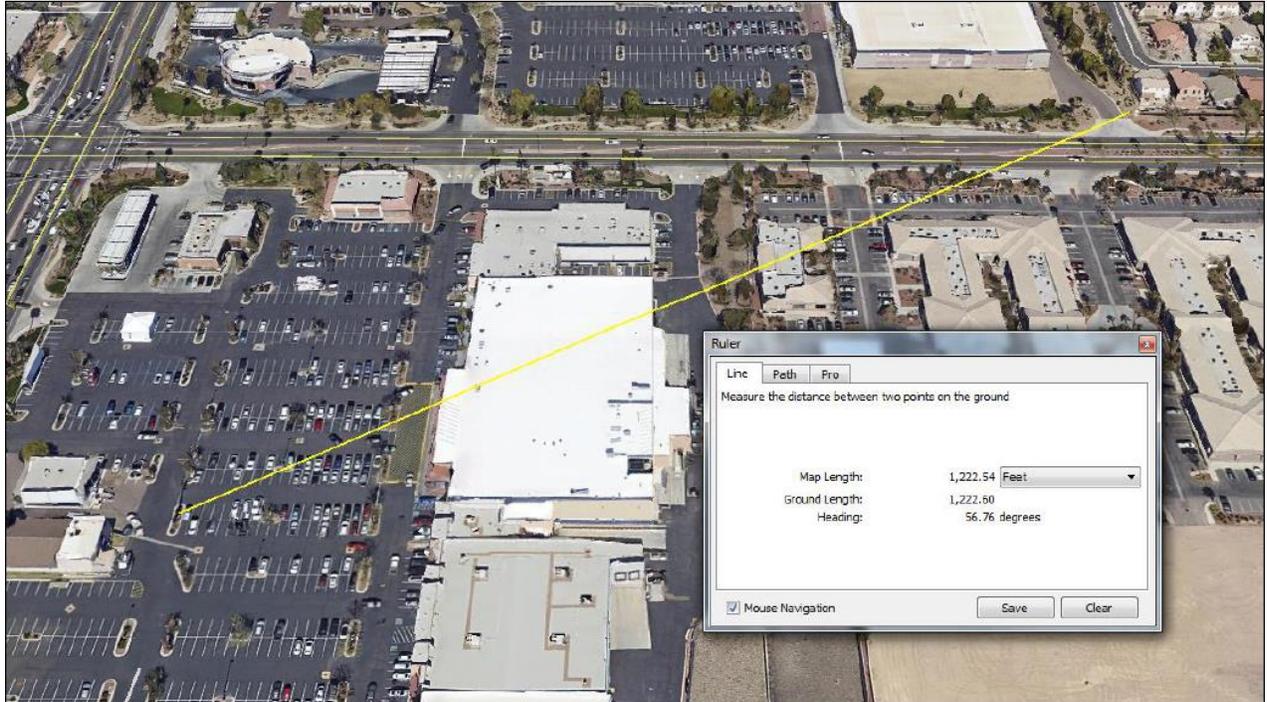
<i>THE PROPERTY</i>	
LEASE AREA	Existing 304 sf; increase of 165 sf
LOCATION	1551 N. Dysart Road
PHYSICAL CHARACTERISTICS	The site is flat, completely paved, and the existing wireless facility is located in the parking lot in a landscaped median behind Uptight Carpet.
EXISTING LAND USE	Commercial Retail
GENERAL PLAN LAND USE	Freeway Commercial
EXISTING ZONING	C-2
ZONING HISTORY	The property was annexed into Avondale’s Corporate Limits in 1978 and zoned for commercial uses.
DEVELOPMENT HISTORY	The Palmilla Center is professionally leased and managed by Weingarten Realty and major tenants include Fry’s Food and Drug, Office Max, Petsmart, Game Stop, Dollar Tree, and Subway.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	The property is surrounded by other commercial retail development. The nearest single-family residence is approximately 1,223 feet to the northeast.
WEST	The City of Goodyear lies immediately to the west across Dysart Road. This area is developed with commercial retail development.
SOUTH	The property is surrounded by other commercial retail development.
EAST	The property is surrounded by other commercial retail development.

<i>GENERAL PLAN</i>	
The Avondale General Plan 2030 designates the subject property as “Local Commercial”, a category that is intended to serve the goods and services needs for residents of the surrounding area. Uses appropriate for this category include retail, office, medical, and limited services.	

<i>PUBLIC SCHOOLS</i>	
SCHOOL DISTRICT(S)	Litchfield Elementary; Agua Fria High School
ELEMENTARY SCHOOLS	Litchfield Elementary, Western Sky Middle School
HIGH SCHOOL	Agua Fria High School

<i>UTILITIES</i>	
The proposed new equipment will not require water or sewer service, as it is an unmanned facility.	



**Distance to nearest Single-Family Residence**

**GENERAL DYNAMICS**  
Information Technology

June 3, 2016

Development & Engineering Services Department  
City of Avondale  
11465 W Civic Center Drive, #110  
Avondale, AZ 85323

**Subject: Project Narrative**  
**Generator Addition at AT&T Site P829**  
**N. DYSART & ENCANTO / 10107077**  
**1551 NORTH DYSART ROAD, AVONDALE, AZ 85323**

AT&T is proposing to add a 50kw emergency backup generator to an existing AT&T wireless communication facility located at 1551 N. Dysart Rd, Avondale AZ 85323. The proposed installation is per an FCC mandate to insure that wireless communication service continues when electric power is unavailable, allowing continuous communication for the safety and security of our community. This necessary equipment is being proposed so that in the event of an emergency, communication is not lost when it is needed the most.

The proposed modification is consistent with the existing land use and zoning ordinances and will not alter the character of the surrounding area. The additional equipment will not affect anyone residing or working in the area, any adjacent properties, the neighborhood or the public welfare. The generator is constructed as to ensure that any safety and containment concerns would be mitigated.

The project installation consists of a new eleven foot by fifteen foot CMU wall enclosure with a stucco finish to match the existing equipment enclosure. No other exterior changes will be made and there will be no changes to the existing tower antenna configuration. The generator is proposed in a parking lot adjacent to the existing AT&T equipment enclosure surrounded by commercial / retail buildings.

The addition would use the existing ingress and egress located on the property and would have no impact on the current vehicular or pedestrian traffic or flow. The equipment installation will not use any public services.

The generator would have 1 weekly test for maintenance and would run for about 30 minutes which can be scheduled at times so as not to interfere with public activities. Maintenance and fueling are done at six month intervals or as needed during daylight hours or as needed in case of emergencies.

Current lighting of parking lot and existing site are adequate and no other exterior light is being proposed.

The generator when running will have a noise level at 71dBA and consists of a level 2 noise enclosure and noise would further be decreased by the proposed CMU wall enclosure. An air assessment was completed and was determined that the generator is in compliance with the current ordinances set by your jurisdiction for exhaust emissions. The generator will not emit any smoke, odor, dust, vibration or illumination.

Please let me know if you have any additional questions.

Sincerely,

Carrie Ann Powell  
Site Acquisition Specialist  
General Dynamics Wireless Services  
(480) 296-7478

Attached Exhibits:

- Plans of proposed project
- Aerial of proposed location
- Photos of proposed location and existing site

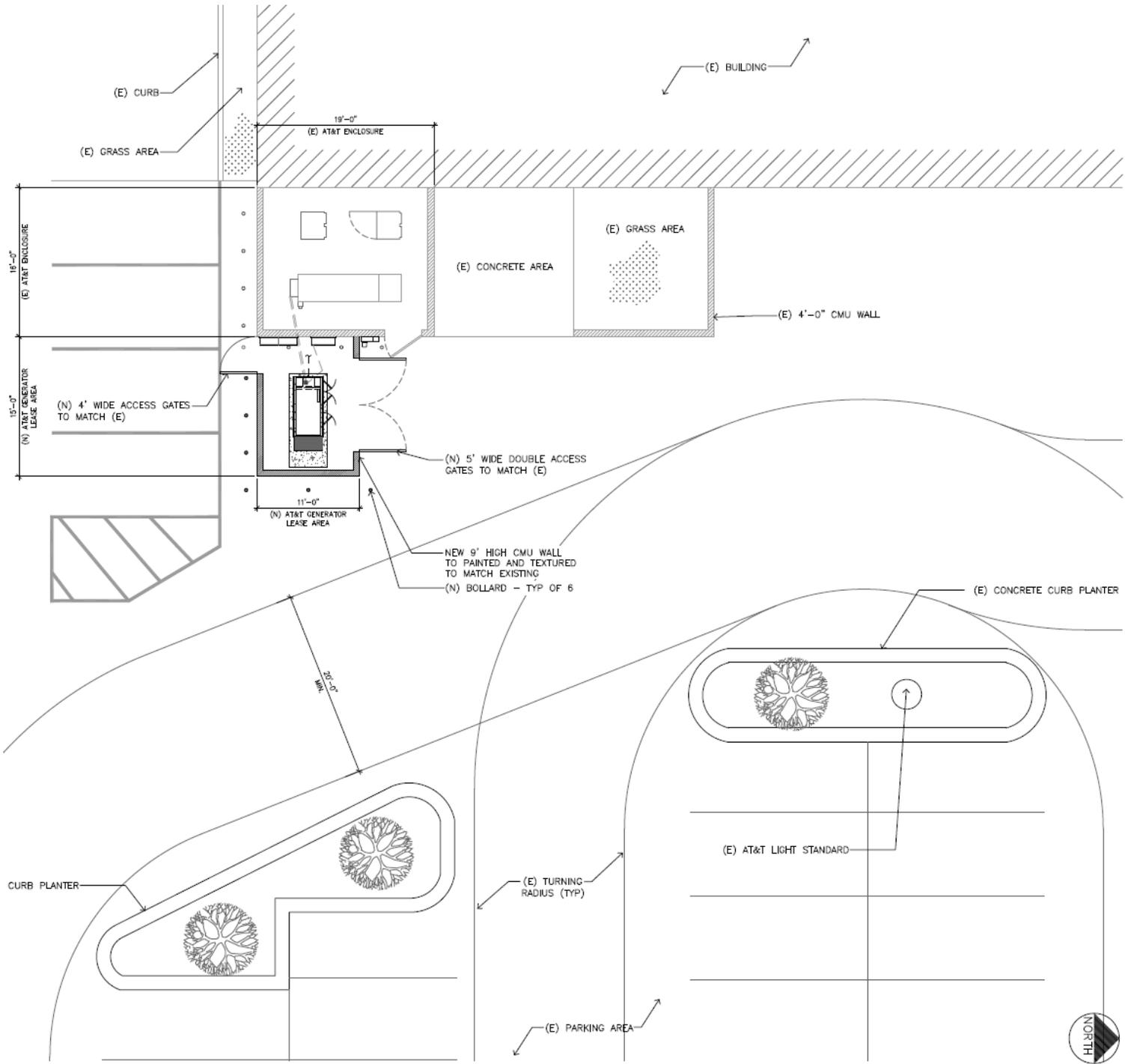
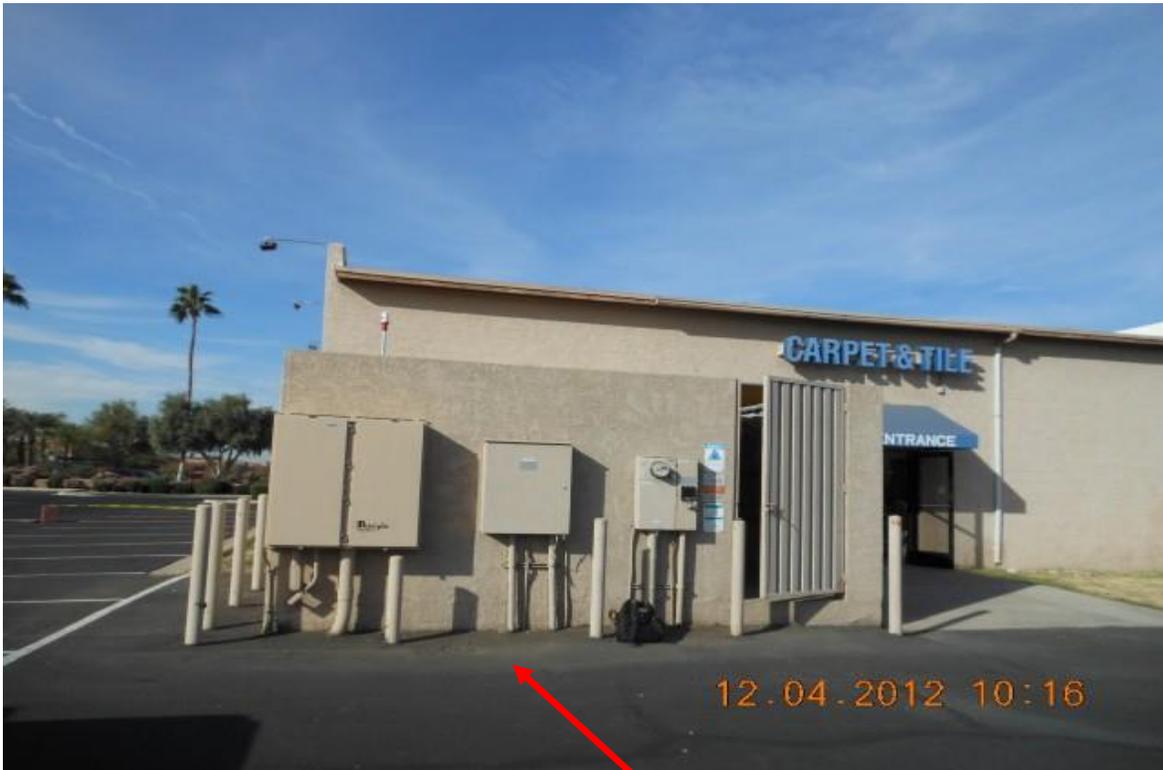


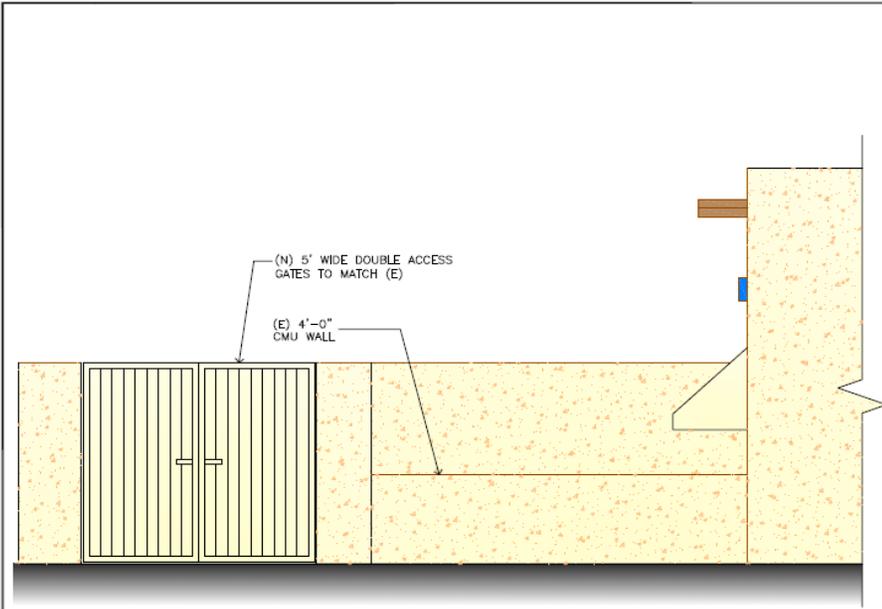
Exhibit G.1





Area of proposed expansion

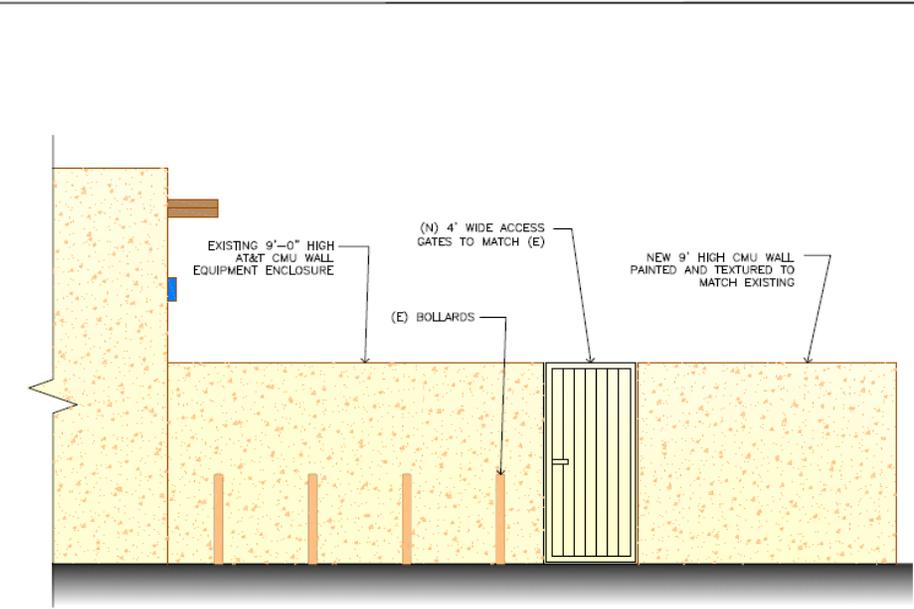




**NORTH ELEVATION**

24"x36" SCALE: 3/8" = 1'-0"  
 11"x17" SCALE: 3/16" = 1'-0"

**3**



**SOUTH ELEVATION**

24"x36" SCALE: 3/8" = 1'-0"  
 11"x17" SCALE: 3/16" = 1'-0"

**2**



**EAST ELEVATION**

24"x36" SCALE: 3/8" = 1'-0"  
 11"x17" SCALE: 3/16" = 1'-0"

**1**

# Exhibit J

## Excerpt of Draft Planning Commission Meeting Minutes August 18, 2016

**Excerpt of the Minutes of the regular Planning Commission meeting held August 18, 2016 at 6:00 p.m. in the Council Chambers.**

**COMMISSIONERS PRESENT**

Kevin Kugler, Acting Chair  
Kristopher Ortega, Commissioner  
Pearlette Ramos, Commissioner  
Troy Timmons, Commissioner  
Russell Van Leuven, Commissioner

**COMMISSIONERS EXCUSED**

Olivia Pineda, Chair  
Gloria Solorio, Vice Chair

**CITY STAFF PRESENT**

Rob Gubser, Planning Manager  
Alison Rondone, Planner II  
Stephanie Long, Administrative Assistant

**APPLICATION NO.**            PL-16-0152

**APPLICANT:**                Ms. Carrie Ann Powell  
                                      General Dynamics  
                                      On behalf of Crown Castle International/AT&T  
                                      (480) 773-9447

**PROPERTY OWNER:**        Richard and Judy Minshall  
                                      (480) 734-2412

**REQUEST:**                    This is a public hearing before the Planning Commission to review and solicit public input on a request by Carrie Ann Powell of General Dynamics, on behalf of Crown Castle International/AT&T, for an amended Conditional Use Permit CU-06-2 to allow the construction of a second masonry enclosure to accommodate a new back-up generator.

Alison Rondone, Planner II, explained that the existing CUP was originally issued in 2006. The site is located in the Palmilla Shopping Center on the east side of Dysart Road north of I-10, in front of Fry's and behind Uptight Carpet. An existing wireless facility is located on a light pole in the parking lot. The equipment enclosure is directly behind and attached to the Uptight Carpet building.

Ms. Rondone said the property was originally annexed in January 1978. The General Plan 2030 land use designation for the area is Freeway Commercial. The location is surrounded on all sides by commercial and retail development. Primary land uses in the area are Commercial Retail, Commercial Office, and Multi-Family. Conditional Use Permit CU-06-2 was approved by City Council on October 16, 2006 allowing for a PWSF for Cingular Wireless. The conditions of approval included a requirement to amend the CUP should any facility modifications occur. The facility is now owned by AT&T in conjunction with Crown Castle International. Previous modifications came before the Planning Commission in November of 2015. As a result of that discussion, the light pole

was extended five feet, additional antenna arrays were installed, and the ground equipment was upgraded.

Ms. Rondone explained that the new request is the result of a new FCC requirement mandating that all wireless facilities provide backup generators to ensure continuous E-911 call tracking. The proposed addition is for a new enclosure to house the backup generator for this PWSF. The new enclosure would not extend as far from the building as the existing enclosure does. A clear demarcation would exist between the service area and the drive aisle. Two of the three communications boxes on the back of the existing enclosure would no longer be visible with the new installation, thus improving the aesthetics.

Ms. Rondone said staff analyzed the request and determined that it is consistent with the General Plan. It meets all Zoning Ordinance requirements, complies with FCC requirements, is compatible with the character of the area, and will generate no new traffic. The new facility will not be visible from Dysart Road; only patrons circulating through the shopping center will see it. Three stipulations have been set forth as conditions of approval.

Ms. Rondone reviewed the public participation efforts. A neighborhood meeting was held on July 25, 2016, but there were no attendees. All public notification requirements were met. Staff has not received any inquiries or comments to date, and recommends approval of the application with the three conditions of approval.

Commissioner Ortega inquired about further CUP amendments. Ms. Rondone responded that the very restrictive original stipulation was revised to be a little more flexible, allowing for very minor changes to be approved administratively. Substantial changes would still come before the Planning Commission for an amendment. Any increase in the height, width, or footprint of more than 10 percent would require revisiting the CUP.

Acting Chair Kugler opened the public hearing. Upon hearing no requests to speak, he closed the public hearing.

Acting Chair Kugler invited a motion. Commissioner Ramos moved to recommend approval of Application PL-16-0152, subject to the staff-recommended conditions of approval. Commissioner Van Leuven seconded the motion.

#### ROLL CALL VOTE

Olivia Pineda, Chair	Absent
Gloria Solorio, Vice Chair	Absent
Kevin Kugler, Acting Chair	Aye
Russell Van Leuven, Commissioner	Aye
Pearlette Ramos, Commissioner	Aye
Kristopher Ortega, Commissioner	Aye
Troy Timmons, Commissioner	Aye

The motion carried by a 5-0 vote.



## CITY COUNCIL AGENDA

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**SUBJECT:**

Strategic Transportation Safety Plan - Draft Report

**MEETING DATE:**

9/19/2016

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**TO:** Mayor and Council

**FROM:** Tracy Stevens, Development and Engineering Services Director (623) 333-4012

**THROUGH:** David Fitzhugh, City Manager

**PURPOSE:**

City Council will review a draft of the City's first Strategic Transportation Safety Plan that seeks to steadily reduce the number of injury/life-threatening crashes over the next ten years within the City of Avondale. For information, discussion and direction.

**BACKGROUND:**

Safety is an ongoing concern for the City of Avondale. From the beginning of 2010 through 2014 (five years), there were 5,368 crashes within Avondale's jurisdiction. Of the total number of crashes, 75 percent occurred on arterial, collector and local roadways, while the remaining 25 percent occurred on the freeway system. These crashes involved motorized and non-motorized vehicles (primarily bicycles) and pedestrians. The City currently has no comprehensive formal process to evaluate and prioritize crash locations. This formal process is required in order to qualify for federal funding for road safety improvements.

The Avondale 2012 Transportation Plan specifically addressed safety within the City of Avondale for all modes of transportation. In 2014, the City submitted an application to utilize the Maricopa Association of Government's (MAG) sub-allocation of Highway Safety Improvement Program (HSIP) funds for the development of the Avondale STSP. The Avondale STSP Study was approved by the MAG Regional Council on February 17, 2015.

**DISCUSSION:**

The STSP provides a comprehensive plan which 1) effectively identifies and measures transportation-related crashes involving fatalities and injuries, 2) evaluates and plans a program of appropriate counter measures aimed at reducing these crashes, 3) identifies potential funding sources for implementation, and 4) actively measures changes/reductions in fatal/injury-related crashes after the STSP elements have been implemented.

The Transportation Safety Stakeholders Group (TSSG) was created to provide oversight to the development of the STSP. The TSSG met on a regular basis to:

- Review the current state of Avondale road safety and funding sources (covered in Tech Memo 1)
- Provide direction on the development of goals and objectives for the STSP (Tech Memo 2)
- Identify potential action areas, strategies and performance measures (Tech Memo 3)
- Develop a detailed methodology for prioritization of Avondale's road safety needs (Tech

Memo 4)

- Provide oversight on the development of a proposed Implementation Plan covering the next ten years (2017-2027) as incorporated in Tech Memo

The TSSG adopted a vision statement of “Everyone Alive—Everyday” with a goal of “10 for 10 – To reduce death and serious injuries related to crashes by 10 percent every year for 10 years for all modes.” Although this is an aggressive goal, there are several strategies outlined to achieve this goal, as represented by the “Four E’s”- Education, Engineering, Enforcement and Emergency Response- that have proven to reduce the number of fatal and injury-related crashes. The following Action Areas were identified in collaboration with the TSSG based on an extensive review of crash data for the five-year period of 2010-2014:

1. Speeding
2. Distracted Driving
3. Intersection Safety
4. Young Drivers
5. Vulnerable Road Users (pedestrians, non-motorized uses)

**BUDGET IMPACT:**

Pending adoption, the STSP requires adequate funding to implement and help achieve the desired vision and goal of reducing fatality and injury-related crashes. Some of these strategies are already incorporated in existing Capital Improvement Program (CIP) projects and other city programs, but other improvement measures are not currently being utilized or are no longer funded. As an example the former Neighborhood Traffic Management Program (NTMP) was an active program up until 5-6 years ago when local budget cut-backs were required due to the recession.

The STSP study estimated that, if all of the improvement measures were implemented on an annual basis, the annualized average cost (CIP/Operations) for the City is approximately \$151,000 (29.3%) of the total \$516,000, as outlined below:

Governor’s Office of Highway Safety (GOHS)	\$302,000 (58.6% of total cost)
Highway Safety Improvement Program (HSIP)	\$50,000 (9.7%)
MAG Funding	\$13,000 (2.5%)
Capital Improvement Program CIP (NTMP*)	\$40,000 (7.8%, new local)
CIP (new, programmed/local match)	\$71,000 (13.7%)
Local Operating Budget	\$40,000 (7.7%)
Total STSP Annualized Cost:	\$516,000 (100%)

\* --Neighborhood Traffic Management Program. Formerly funded in late 2000’s.

**RECOMMENDATION:**

This information is provided for review, discussion, and further refinement by the City Council, in an effort to develop a final STSP report. The final STSP report and program will be placed on the Council’s agenda in October 2016 for consideration and adoption.

**ATTACHMENTS:**

Description

[Draft Transportation Safety Plan](#)

DRAFT STRATEGIC TRANSPORTATION SAFETY PLAN

DUE TO ITS SIZE, THIS DOCUMENT  
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/38973>



## CITY COUNCIL AGENDA

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**SUBJECT:**

Update on Stormwater Management Plan and the National Pollution Discharge Elimination System (NPDES) Phase II MS4 Permit

**MEETING DATE:**

9/19/2016

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**TO:** Mayor and Council**FROM:** Tracy Stevens, Development and Engineering Services Director**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff will update the Mayor and City Council on the status of the National Pollution Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer System (MS4) Permit and the implementation of the Storm Water Management Plan (SWMP).

**BACKGROUND:**

In 1987, Congress amended the Clean Water Act (CWA) to add Stormwater Pollution Prevention into the NPDES program. The Arizona Department of Environmental Quality (ADEQ) worked with the United States Environmental Protection Agency (USEPA) to develop a program to address stormwater runoff in Arizona municipalities. Under this program, all municipalities which have storm drains must apply for a NPDES MS4 permit.

**DISCUSSION:**

In March 2003, Avondale received the NPDES Phase II MS4 permit. The permit is to be renewed and, if necessary, updated every 5 years. As a requirement of the permit, Avondale created a Stormwater Management Plan (SWMP). Avondale's SWMP consists of six (6) Minimum Control Measures (MCMs), each of which consists of a group of Best Management Practices (BMPs). The BMPs are measurable and must be reported annually to ADEQ. The City has reported annually since 2003 and to date, has not received any concerns from ADEQ. ADEQ has been in the process of modifying the requirements for the MS4 permits. The City's current NPDES Phase II MS4 permit was due for renewal in 2008. However, due to the proposed modifications to the Phase II MS4 permit requirements, the City's permit has been administratively continued. On January 28-29, 2015 the City's stormwater program was audited by ADEQ in order to ascertain compliance with the existing MS4 permit. The results of the audit were generally positive and will be shared during the presentation.

An update will be provided to Council on storm water related items, such as the number of Code Enforcement cases that pertain to storm water, dry weather outfall inspection results, training of City Staff, events where literature was distributed, the number of drainage infrastructure inventory that was cleaned, the number of miles of road that were street swept, and GIS Mapping efforts.

**BUDGET IMPACT:**

There may be potential budgetary impacts dependent upon the new permit when it is released.

**RECOMMENDATION:**

This item is presented for information, discussion and Council direction.