

Minutes of the Work Session held September 19, 2016 at 6:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Kenn Weise and Council Members

Stephanie Karlin, Vice Mayor
David Iwanski
Bryan Kilgore
Jim McDonald
Sandi Nielson
Lorenzo Sierra (telephonic)

ALSO PRESENT

Gina Montes, Acting City Manager
Kirk Haines, Parks, Recreation and Libraries Director
Christina Underhill, Parks, Recreation and Libraries Assistant Director
Carmen Martinez, City Clerk
Andrew McGuire, City Attorney

1 ROLL CALL BY THE CITY CLERK

2 CITY CLERK'S DEPARTMENT UPDATE

Carmen Martinez provided an overview of the activities of the City Clerk's Department, which prepares the City Council's agenda for each meeting, handles public records requests and processes liquor licenses. Over 50,000 U.S. passport applications have been processed by staff since 2007.

Linda Mendenhall, Records Administrator, said the City has made big strides in its records program. Her goal is to make sure that Avondale has the best records program in Arizona. The Records Management Manual gives employees a tool to better administer their records. Employees are made aware of the laws that govern the handling of electronic information. In addition to a manual, employees receive annual training. Avondale is building a culture of records management and people are beginning to understand its importance. The department mascot, Emily Keeper, is designed to provide information in a fun and inviting way. Staff endeavors to provide excellent customer service at all times.

Ms. Martinez stated that the feedback from people who have had their passport applications processed in Avondale has been 99.8% excellent. She introduced Kelvin Johnson and Maria James, who shared their impressions of working for the department.

Ms. Martinez explained that the department also coordinates appointments to the City's boards and commissions. About 60 residents currently serve on 15 boards and commissions. A meet and greet is scheduled at least once a year to fill vacancies. She noted City Council's request to allow alternate members to count towards quorum and to be able to vote during meetings by saying that staff will be implementing that change over the next few months. It will require amending each of the board and commission bylaws.

Ms. Martinez said the primary election has taken up much of the staff's time recently. The goal for this most recent election was to increase voter participation, and that was done through a marketing campaign, using mascot Carmen Electa, that was directed by the Community Relations and Public Affairs Department. A geofence was established at the

city limits so that people could receive messages on their phones about Avondale's election. Voter turnout increased by 1.7% between the primaries of 2014 and 2016. Historically, approval for Home Rule in Avondale has been high, but this year it exceeded 85% for just the second time. The installation of newly elected Council Members Pat Dennis, Veronica Malone and Mike Pineda will be on January 2, 2017.

Vice Mayor Karlin said the staff of the City Clerk's Department are the face of the city and always make a good impression. Council Member Iwanski concurred and shared a story that he felt was indicative of the quality of the staff. He often hears positive feedback about their level of customer service.

Mayor Weise said he was impressed by the amount of work that staff put into the elections. Ms. Martinez responded by saying quality customer service is ingrained in the staff and new hires quickly become part of the culture. Mayor Weise inquired about recent changes to the process of handling public records requests. Ms. Mendenhall explained that the most important thing is to have a good system in place, which Avondale does. Requests are reviewed to ensure that the City is legally able to provide the information.

Vice Mayor Karlin commended the department for being able to handle an increasingly greater number of tasks with ease, even though the staff has remained small. The staff is cross-trained and each is able to do almost anything. Council Member Kilgore said the board and commission meetings are always well organized. The passport service has a very good reputation in the Valley. Council Member Sierra thanked the department staff for always handling customers with extraordinary professionalism and competence. Council Member Nielson added that they are doing a good job.

3 RECREATION PROGRAMS FEE POLICY

Kirk Haines, Parks, Recreation & Libraries, sought City Council direction on the possibility of adopting a fee policy for recreation programs, services and facilities. Avondale is currently operating under a 100% cost-recovery program. However, many quality programs simply do not meet the minimum requirements to cover the direct costs. In some cases, programs need time to grow to the point where they have enough participants to be sustainable. A fee policy would better allow for programs to mature in this way.

In 2008, City Council directed staff to use cost recovery to support department programs. Special events have some cost recovery, but are not yet at 100%. Revenue is generated from sponsorships, vendors, and exhibitor fees. Last year approximately \$95,000 was generated in the special events program, while \$215,000 was invested. Generally, fees are not charged, as the goal of these events is to bring the community together.

Christina Underhill explained that the theory behind a fee policy is to:

- Create a concrete policy that would serve as a tool for evaluating services
- Establish appropriate fees, and standardize how fees are set
- Justify and validate costs for services
- Create transparency and consistency in fees and charges for programs and services
- Establish policy that has lasting benefit
- Protect taxpayer investment for optimum return

- Allow prices to reflect users' investments in themselves based on individual benefits
- Promote program respect and ownership

Ms. Underhill said the objectives are to have:

- Those who benefit from the services pay for them, and those who benefit the most pay the most
- Customers provided with a benefit in relation to or exceeding the relative monetary worth
- Revenue to be produced that assists with services offered, and offsets impact from use.
- Expenditures made with the most efficient use of resources, mix of programs, facilities and events
- Revenues distributed across cost centers so that high revenue generating activities can help support those that generate less revenue
- Scholarship opportunities made available to those who cannot afford programs

Ms. Underhill explained two different methodologies for establishing a fee policy. The first is a pyramid model. Community benefits, such as special events, parks and trails, are at the bottom of the pyramid. They are open to--and benefit--everyone in the community and have the lowest cost recovery. The next tier up are activities that offer considerable community benefits for those who participate, but also the community at large, such as youth and senior recreation programs. The third tier is for activities with individual community benefits, and for which user fees should cover the full cost of services. The top two tiers are activities with considerable individual benefit or mostly individual benefits and little to no community benefits. These are typically high revenue activities, such as adult softball leagues and private rentals, and charge 100% or more of cost recovery for services. Larger capital costs are not included in pyramid fee policies because the programs would become too costly to survive.

Ms. Underhill stated that another method is the direct and indirect cost recovery model. Direct costs are specific expenses that are incurred by the departments when conducting a program or operating a facility. These costs are associated with the direct experiences of users and include, for example, coaches, umpires, custodians, and instructors, as well as equipment and lights. Indirect costs are department expenses not directly incurred by the program or facility, but may be charged to it, such as maintenance, seed and fertilizer, capital replacement, and administrative support. Different cities have their own ideas about what direct and indirect costs are.

The best practices for determining fees and charges are:

- To determine the direct and indirect costs of providing the services
- To utilize the pyramid methodology to categorize the services being offered
- To identify the market rate of fees being charged for similar services in other communities
- To consider budgetary mandates that might affect the process of setting fees and charges
- To improve cost recovery without significantly impacting the ability of user groups to operate

- To have for-profit user groups and non-residents pay higher fees than non-profits and residents

Ms. Underhill reviewed some of the fees currently being charged in Avondale. These include field rentals, picnic shelters rentals, programs, facilities, and tournaments. Fees can vary depending on times requested, non-profit status, and residency. They are increased or decreased in response to the raising or lowering of fees in neighboring communities. Small fees are charged to cover the cost of lighting fields. Over 20 non-profit youth sports organizations use Avondale's fields each year, and the department tries to balance cost recovery while ensuring that the programs can offer low prices to Avondale youth. The City only has eight baseball fields to serve 600 youth players, which is insufficient. Moving forward, more fields could be added to Festival Fields. The new practice of charging \$50 for four hours for picnic shelters has not met with opposition. By paying for shelter rental, users embrace the park facilities as their own and take ownership of them.

Ms. Underhill said the sports leagues are able to benefit each other. This allows the department to offer balanced programs without having each of them recover their true costs. For example, the revenue from adult sports leagues was used to help a newer program, the youth soccer league, get off to a good start. Without that help, 145 young people would have been left unsupported. As the programs grow, their cost recovery capacity increases. ASU is currently doing a study to determine a good formula for allocating field usage.

Council Member McDonald said he would like to see the City put seed money into programs that have the capacity to at least break even once they mature. The City has the ability to increase the quality of its offerings right now. He asked how staff is handling the limited supply of baseball fields. Ms. Underhill explained that fields are still available to RBI Baseball and Little League, but not necessarily at desirable times. Prime time hours are completely booked. Council Member McDonald asked whether the planned new fields at Festival Fields would accommodate growth or simply keep up with existing demand. Ms. Underhill said some growth could be accommodated, but the demand for fields is constantly growing. The forthcoming master plan will address ways to accommodate growth needs.

Council Member McDonald suggested charging 110% or 115% for private clubs in the top tier of the pyramid. That extra money could greatly benefit children who cannot afford City programs. He inquired whether the City provides concessions for tournaments, as that offers high profit margins. Ms. Underhill explained that users are charged a fee to bring in their own vendors. The master plan will explore the possibility of adding a good concession area.

Council Member Nielson agreed that Avondale residents should receive discounts, and that scholarships be offered to underprivileged youth. Fees should be posted at each park. She felt youth soccer fees should be increased slightly. Ms. Underhill said all of those options will be explored.

Vice Mayor Karlin inquired about the system used to divvy up fields that are in high demand. Ms. Underhill responded that staff uses an allocation process that gives non-profit sports organizations a higher priority, especially Avondale-based ones. They must provide

paperwork to prove their status. Some longstanding organizations with proven track records also get priority. The goal is to allocate the fields so that every group gets as much as they need to accommodate their league practices and games, but staff has yet to hit on the perfect formula. Picnic ramadas and field reservations for individuals are allocated on a first-come, first-served basis. Vice Mayor Karlin said the existing fees are reasonable. She would like to see the return of the scholarship program.

Council Member Kilgore concurred that the scholarship program should be brought back. He said he supports the idea of providing seed money to programs that offer a service to the community and need a jump start. He requested information on practices that have proven effective in other cities.

Mayor Weise said he does not like the pyramid method because it is generic, vague, and relies on what is important to the community at one particular time. He felt Avondale should use the direct/indirect cost method. Cost recovery should be much higher on private entities that make a profit from public facilities, and those costs should be used to subsidize the scholarship program. He noted that RBI Baseball and Avondale Little League also use school fields for their games, and he inquired about the cost difference compared to Avondale. Ms. Underhill said she would look into it.

Mayor Weise said residents should come first in the field allocation hierarchy, followed by residents of neighboring cities which may not have the same facilities Avondale does. He encouraged staff to balance the ability to recover costs, with the benefit of economic development in Avondale. The only way Avondale can address increased demand for fields will be by recovering more of the costs and investing that revenue back into parks. He asked when the new fee policy would be ready for City Council consideration. Ms. Underhill responded that the goal is to have it ready before the budget season. Mr. Haines concluded that as part of the master plan update, the community will be surveyed so that staff can better understand where the needs are.

4 ADJOURNMENT

There being no further business before the Council, Council Member McDonald moved to adjourn the meeting; Council Member Kilgore seconded the motion. Motion carried unanimously.

City Council meeting adjourned at 7:21 p.m.



Mayor Kenn Weise



Carmen Martinez, CMC
City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of the Council of the City of Avondale held on the 19th day of September. I further certify that the meeting was duly called and held and that the quorum was present.



City Clerk

Minutes of the Regular Meeting held September 19, 2016 at 7:32 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Kenn Weise and Council Members

Stephanie Karlin, Vice Mayor
David Iwanski
Bryan Kilgore
Jim McDonald
Sandi Nielson
Lorenzo Sierra (telephonic)

ALSO PRESENT

Gina Montes, Acting City Manager
Alison Rondone, Planner II
Tom Peterson, Traffic Engineer
Drew Bryck, Environmental Program Manager
Andrew McGuire, City Attorney
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

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

2 UNSCHEDULED PUBLIC APPEARANCES

There were no unscheduled public appearances.

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

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.

b. SPECIAL EVENT LIQUOR LICENSE - WILDCAT POKER TOURNAMENT

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.

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

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.

d. PROFESSIONAL SERVICES AGREEMENT – DIBBLE CM LLC FOR CONSTRUCTION INSPECTION SERVICES

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.

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

A resolution canvassing the results of the August 30, 2016 Primary Election.

Council Member Kilgore moved to approve the consent agenda as presented. Council Member Nielson seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously

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

A public hearing and 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.

Alison Rondone, Planner II, explained that the property in question is within the Palmilla Retail Center. An existing wireless facility is located on a light pole in the parking lot with an equipment enclosure behind Uptight Carpet. The designated land use is Freeway Commercial, and it is surrounded on all sides by commercial retail development. Some multi-family exists in the area. This facility came before City Council last fall for an amendment to the Conditional Use Permit (CUP) to allow for an increase in height of the tower as well as the replacement of some ground equipment. One of the conditions of approval at that time requires City Council permission for any modifications to the facility.

Ms. Rondone stated that the new amendment is the result of FCC guidelines that came into effect in January of 2016, requiring all wireless facilities to have a backup generator. The Applicant proposes to add a new CMU enclosure behind the existing one to accommodate this backup. There will be no parking lot disruption. The facility will expand from 304 to 469 square feet. The Applicant will be required to stripe the area between the parking drive aisle

and the service area to more clearly delineate that space. Conditions of approval will also be amended to allow more flexibility in case further modifications are proposed in the future. The new enclosure will hide two cabinets and improve the visual aesthetics of the site.

Ms. Rondone reported that the amendment is consistent with the General Plan. It meets all Zoning Ordinance requirements. It is required by the FCC. The enclosure is consistent with the character of the adjacent area. There will be no new traffic generation. It will only be visible to drivers circulating through the shopping center. All public participation requirements were met. No residents attended the public meeting. The Planning Commission heard the matter and unanimously approved it on August 18. No public comments have been received.

Mayor Weise opened the public hearing. Upon acknowledging no requests to speak, he closed the public hearing.

Council Member Nielson moved to 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. Council Member Kilgore seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

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

Motion carried unanimously

5 STRATEGIC TRANSPORTATION SAFETY PLAN - DRAFT REPORT

A review of the draft of the City's first Strategic Transportation Safety Plan (STSP) to be adopted during a future Council meeting.

Tom Peterson, Traffic Engineer, said the latest crash data shows that Avondale had nearly 5,400 crashes from 2010 to 2014. The focus of STSP is the city street system that Avondale controls. Natalie Carrick, of Michael Baker International (MBI), said she is the Project Manager for the development of the plan. The main elements of the STSP include:

- Identifying and evaluating current road safety in Avondale
- Development of a plan to implement the strategies and countermeasures for each action area
- Identify funding requirements and potential funding sources for implementation
- Provide a tool for prioritizing road safety needs throughout the City
- Identify the method for monitoring the effectiveness of the implementation strategy

Ms. Carrick reported that MBI completed an extensive analysis of crash data and identified prominent crash types, driver behaviors, and road users involved. Surveys were conducted at Resident Appreciation Night to gain public feedback on road safety. A visioning workshop established the goal of reducing crashes by 10% in each of the next years. Five action areas were developed from the crash data: Speeding, Distracted Driving, Intersection Safety, Young Drivers, and Vulnerable Users. For each action area, strategies were identified to improve safety: engineering, enforcement, education, and emergency management services.

Mr. Peterson outlined the implementation strategy. Several funding sources have been identified at the federal, state and local levels that can be used to fund the improvements. The lead departments that will champion the safety programs are the Police Department, Engineering, and Community Relations. Costs associated with each action area have been examined and budgeted. This will not be a one-time endeavor. Each year, crash data will be re-analyzed and improvements will be monitored to gauge their effectiveness. An oversight committee will propose safety improvements to City Council.

Mr. Peterson said the annualized average cost of all improvement measures is about \$500,000. About two thirds of the funding sources would be from state and federal levels. The other third would come from local CIP funding and the operating budget.

Vice Mayor Karlin said drivers often speed through the Garden Lakes Parkway to get to Indian School Road as children are going to school. She called for more traffic calming measures in neighborhoods that have this problem, and stressed the importance of education. She suggested that insurance companies might have an incentive to support the STSP. There is already a high demand for CIP money, so any funding alternatives would be welcome.

Council Member McDonald asked whether the identified funding sources would be sufficient to cover ten years of the program. Ms. Carrick explained that the plan identifies funding sources, but cities have to apply for the money and compete with other communities. Funding priorities are given to projects that address safety at the most dangerous intersections and road segments.

Council Member Sierra noted that two of the top three intersections for crashes are on the border with Goodyear. He inquired about the potential of sharing the cost of these projects. Mr. Peterson responded that joint applications would be entered in those instances. Council Member Sierra felt a traffic signal at Maricopa and Avondale Boulevard should be prioritized.

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.

Drew Bryck, Environmental Program Manager, said Avondale's stormwater program is under the purview of the National Pollution Discharge Elimination System (NPDES). The intent of NPDES is to protect the waters of the U.S. from pollution. In Arizona, the Arizona Department of Environmental Quality (ADEQ) manages the NPDES program for the Environmental Protection Agency (EPA). Avondale gets its Phase II Municipal Separate Storm Sewer System (MS4) from ADEQ.

Mr. Bryck reviewed the six minimum control measures mandated by the state and explained how Avondale is meeting them:

- Public Education and Outreach

Avondale belongs to STORM, a 29-member group that pools resources to effectively provide outreach to all residents in the Valley regarding stormwater pollution prevention. The latest billboard campaign generated an estimated 30 million impressions over a three-month period. A 15-second ad appeared in Valley movie theaters. Staff hands out educational material at City events.

- Public Involvement and Participation

Volunteers participate in Tres Rios cleanup days. The household hazardous waste pick-up program collected 11,700 pounds of material from Avondale residents.

- Illicit Discharge Detection and Elimination

Outfalls are monitored and sampled to determine if any polluted wastewater is flowing through them. No issues were detected this summer. Code Enforcement recorded 20 complaints. The majority of cases are related to pool discharges, and CE responds initially by educating residents on the preferred method of pool draining.

- Construction Site Runoff and Control

Construction sites larger than one acre must submit stormwater pollution prevention plans to City staff. The plans are reviewed on their effectiveness. Inspectors visited 91 sites to ensure that plans were being followed.

- Post-construction Site Runoff and Control

Once construction is complete, sites must be stabilized. Staff has been promoting low-impact development applications.

- Good Housekeeping

The GIS stormwater layer keeps a complete inventory of private and public infrastructure. Sweepers kept 6,000 miles of streets clear of debris.

Mr. Bryck stated that in 2015, ADEQ conducted a two-day audit of Avondale. The inspectors toured construction sites and City facilities, and gave the MyAvondale app high

marks for allowing residents to report stormwater violations. They also suggested two areas of improvement. The first is to continue education for containment of concrete washout on construction sites. The second suggestion was the creation of pollution prevention plans for two City facilities: the fire training facility, and the Friendship Park maintenance shed.

Mr. Bryck stated that the current permit Avondale is operating under has been around since 2003. ADEQ has taken a long time to review a new permit.

Vice Mayor Karlin inquired about mitigation efforts during monsoons. Mr. Bryck explained that the City has an on-call maintenance contract with Stormwater Pros to remove debris from storm drain pipes. Staff keeps a running log of problematic areas that could benefit from improved designs.

Vice Mayor Karlin said ADEQ has been too slow to renew Avondale's permit, and she expressed hope that their inaction does not lead to an EPA penalty for the City. She felt the League of Cities should pressure ADEQ to have them understand that some of their requirements are challenging. Council Member Iwanski noted that Avondale has done everything possible to meet all the expectation of both ADEQ and EPA. He said there is no reason for the permit not to be issued and called for someone to be held accountable.

Vice Mayor Karlin stated that EPA's best practices do not always take into consideration the conditions that exist in the arid western U.S. That makes it more challenging for the western states to comply with some requirements.

Mayor Weise asked whether Avondale would be held to new standards if EPA or ADEQ issues new regulations during the middle of the permitting process. Mr. Bryck explained that ADEQ has been working with EPA to clarify permit conditions. Some of the delay might be due to legal challenges. The hope is that they are reviewing the draft and reconsidering some of their positions. Mayor Weise asked whether any other cities are in the same situation. Mr. Bryck responded that this is a statewide issue. All Phase II cities will get their permits at the same time.

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.

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

ROLL CALL VOTE AS FOLLOWS:

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

Council Member Kilgore Aye
Council Member Sierra Aye

Motion carried unanimously

8 ADJOURNMENT

There being no further business before the Council, the meeting adjourned at 8:32 p.m.



Mayor Kenn Weise



Carmen Martinez, MMC
City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Council of the City of Avondale held on the 19th day of September. I further certify that the meeting was duly called and held and that the quorum was present.



City Clerk

