City of Avondale

City Council Meeting

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CITY COUNCIL AGENDA

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

Summary of Council Actions

REGULAR MEETING
February 19, 2019
7:00 PM

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 - **ALL ITEMS ON CONSENT WERE APPROVED IN ONE MOTION**

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. APPOINTMENT OF JAMES PLYMESSER TO THE CORRECTION OFFICERS RETIREMENT PENSION BOARD

City Council approved the elected appointment of Detention Officer, James Plymesser, an eligible and interested candidate, to the Correction Officers Retirement Pension Board. The Council will take the appropriate action.

b. PROPERTY MANAGEMENT SERVICES - KENNEDY WILSON PROPERTIES

City Council approved a Professional Services Agreement with Kennedy Wilson Properties, LTD to provide property management services for the city-owned Avondale Corporate Center, located at 125 South Avondale Boulevard, and the City Center retail area in the amount of $36,749 annually, and a cumulative amount of $183,745 for a five (5) year period and authorized the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take the appropriate action.

c. USE OF GENERAL FUND CONTINGENCY FOR IN-HOUSE LEGAL SERVICES

City Council approved the use of General Fund contingency to begin the process of transitioning from contracted legal services to an in-house legal department and the addition of an assistant director position for Finance and Budget for enhanced financial oversight and reporting. The Council will take the appropriate action.

d. **DIAZ MINOR LAND DIVISION (APPLICATION PL-18-0320)**
City Council **approved** a request by Dejan Knezevic for a Minor Land Division concerning an approximate 1.3 net acre property located approximately 662' south of Lower Buckeye Road; the southeast corner of Bohne Street and 127th Avenue. The proposed Minor Land Division dedicates public right-of-way and Public Utility Easements. The Council will take appropriate action.

e. **HOME DEPOT RE-PLAT OF FINAL PLAT (APPLICATION PL-18-0278)**
City Council **approved** a request by Mr. Jerry Heath with Hunter Engineering, on behalf of Paul Tanner with SFL Carson LLC, for a Re-Plat of Parcel 4 of the Home Depot Store #441 Final Plat in the Coldwater Plaza Commercial Center located at 1485 North Dysart Road, north of Van Buren Street. The proposed Re-Plat is specific to Parcel 4 only creating a new lot line to subdivide the parcel. The Council will take appropriate action.

f. **PL-18-0231 VERDE TRAILS UNIT I - MASTER FINAL PLAT FOR PHASE 1**
City Council **approved** a request by Ms. Amy Weidman with Silver Fern Companies LLC, for a master Final Plat for Phase 1 of Verde Trails Unit I located at the southwest corner of 107th Avenue and Broadway Road. Consistent with the Preliminary Plat approved by the City Council in August 2018, the proposed master Final Plat creates seven parcels for single-family residential use, one parcel for a centralized community park, and one parcel for commercial use. The proposed master Final Plat also dedicates street right-of-way and easements needed to support the future Verde Trails community. The Council will take appropriate action.

g. **RESOLUTION 3521-219 - AZWARN MUTUAL AID AGREEMENT**
City Council **approved** Resolution 3521-219 adopting the Arizona Water and Wastewater Agency Response Network (AZWARN) Mutual Aid Agreement for the provision of mutual aid in time of emergency and authorize the Mayor, or City Manager and City Clerk to execute the appropriate documents. The Council will take appropriate action.

4 **COUNCIL APPOINTMENTS TO REGIONAL AND LOCAL BOARDS, COMMISSIONS, AND COMMITTEES**

City Council **approved** the appointments of the Mayor and Council to various regional and local boards and committees resulting from recent changes to the City Council. Council will evaluate current appointments and vacancies and make any necessary assignments to ensure the city is adequately represented. The Council will take the appropriate action.

5 **PRELIMINARY PLAT AMENDMENT - VERDE TRAILS UNIT I (APPLICATION PL-18-0229)**

City Council **approved** a request by Ms. Amy Weidman with Silver Fern Companies LLC, on behalf of property owner Evergreen-Hillcrest, LLC, for an amendment to the Preliminary Plat for Verde Trails Unit I, a proposed single-family residential subdivision located on approximately 213 acres at the southwest corner of 107th Avenue and Broadway Road. Council will take appropriate action.

6 PRELIMINARY PLAT - VERDE TRAILS UNIT I PARCEL 7 (APPLICATION PL-18-0230)

City Council **approved** a request by Ms. Amy Weidman with Silver Fern Companies LLC, on behalf of property owner Evergreen-Hillcrest, LLC, for a Preliminary Plat for Verde Trails Unit I Parcel 7, a proposed 70-lot single-family subdivision on approximately 16.1 acres located south of the southwest corner of 107th Avenue and Broadway Road. Council will take appropriate action.

7 PRELIMINARY PLAT - VERDE TRAILS UNIT II (APPLICATION PL-18-0268)

City Council **approved** a request by Ms. Carolyn Oberholtzer with Bergin, Frakes, Smalley, & Oberholtzer PLLC, on behalf of property owner Tobin Living Trust, for a Preliminary Plat for Verde Trails Unit II, a proposed 146-lot single-family subdivision on approximately 35.5 acres located ¼ mile east of the southeast corner of Avondale Boulevard and Broadway Road. Council will take appropriate action.

8 RESOLUTION 3522-219 - LAND USE ASSUMPTIONS, INFRASTRUCTURE IMPROVEMENT PLAN AND NOTICE OF INTENT

City Council **approved** Resolution 3522-219 adopting the Land Use Assumptions (LUA), Infrastructure Improvement Plan (IIP) and a notice of intent to adopt revised development impact fees. The Council will take the appropriate action.

9 PUBLIC HEARING AND CONDITIONAL USE PERMIT FOR DYSART COMMONS (T-MOBILE) - (PL-18-0199)

City Council **approved** a request by Gary Cassel with Clearblue Services, on behalf of T-Mobile, for a Conditional Use Permit (CUP) for a wireless service facility on a 9.8-acre parcel owned by Dysart Investment LLC, located at the northeast corner of Dysart and Thomas roads within the Dysart Commons commercial center. The Council will take appropriate action.

10 DISCUSSION ITEMS

Council will discuss items listed below and possibly give direction to city staff to research and prepare item for future meeting.

a. 2019 LEGISLATIVE UPDATE - **item was continued to a future Council meeting**

This is a legislative update which will allow the City Council to provide guidance on proposed state legislation.

11 EXECUTIVE SESSION - **Council adjourned into Executive Session at 8:45 p.m.**

The Council **held** an executive session pursuant to Ariz. Rev. Stat. § 38-431.03(A)(4) for discussion or consultation with the City Attorney in order to consider its position and instruct the City Attorney regarding the Council's position regarding (i) the Avitia litigation and (ii) the Go Services litigation.

12 ADJOURNMENT

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.

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
February 19, 2019

A **Work Session** of the City Council of the City of Avondale, Arizona was convened at 11465 Civic Center Drive in open and public session at 6:01 p.m.

Members Present: Mayor Kenn Weise; Vice Mayor Pat Dennis; Councilmembers Veronica Malone, Curtis Nielson and Mike Pineda.

Members Absent: Councilmembers Tina Conde and Bryan Kilgore.

Other Municipal Officials Present: Charles Montoya, City Manager; Gina Montes, Assistant City Manager; Marcella Carrillo, City Clerk; Andrew McGuire, City Attorney; Jeffrey Scheetz, Chief Information Officer; Pier Simeri, Community Relations Director; Jessica Blazina, Intergovernmental Affairs Administrator; Lindsey Duncan, Finance and Budget Director; Paul Adams, Fire Chief; Cherlene Penilla, Human Resources Director; Kirk Haines, Parks and Recreation Director; and Dale Nannenga, Chief of Police.

Audience: Members of the public were present.

1. ROLL CALL

Note: Councilmember Bryan Kilgore arrived at the meeting at 6:03 p.m. and Councilmember Tina Conde arrived at the meeting at 6:04 p.m.

2. PARK MAINTENANCE UPDATE AND BOND DISCUSSION

Kirk Haines, Parks and Recreation Director, introduced Christina Underhill, Assistant Director, and Tom Street, Parks Maintenance Supervisor. Mr. Haines presented an update on park maintenance and discussed funding initiatives for voter consideration.

Presentation included:

- Preliminary Goals
- Six Month Progress
    - Park/Restroom Cleanliness
    - Turf Renovation
    - Weed Abatement
    - Playground Safety
    - Daily, Weekly, Monthly Inspections
- Future Improvements
    - Deconcini Park Area Lighting
- Landscape Renovations at Dessie Leorenz Park
- Softball and Baseball Field Renovations
- Future Parks
    - Parks, Recreation, Libraries & Trails Master Plan

    - New Area Development
    - Supply and Demand (Need for the Community)
- Re-Purpose of Existing Community Center

Mayor Weise acknowledged improvements within the parks and expressed his appreciation for the level of detail from staff. Mayor Weise requested City Council discuss the parks master plan on a yearly basis to discuss future park needs.

Vice Mayor Dennis provided accolades to the Parks and Recreation department and staff for their time and effort.

In response to a question from Vice Mayor Dennis, Mr. Street explained the rubberized surfaces within the parks get power washed with an environmentally friendly product on a monthly basis, with a deep clean on a rotational basis.

Vice Mayor expressed interest in staff assessing current park components, in addition to adding future parks.

Mayor Weise commented on the minimal amount of equipment on our current parks within HOA neighborhoods.

Council Member Pineda thanked staff and explained on-going maintenance within the parks requires the city to be proactive.

Council Member Pineda commented on positive feedback he received from residents regarding the construction at Festive Fields and expressed appreciation that regardless of location, concerns all throughout the city will be addressed. Council Member Pineda expressed drinking fountains being a priority within the parks.

Council Member Malone thanked staff for the presentation and for their work within the parks.

In response to a question from Council Member Malone, Chief Nannenga commented that the Police Department staffs one Park Ranger, Wednesday through Sunday to help prevent with vandalism and commented on future schedules of park rangers based on park needs.

Council Member Malone expressed interest in having one additional park ranger in the evening.

Mr. Montoya provided commented that two additional park rangers are being requested within the Fiscal Year 2020 budget cycle.

Mr. Haines presented information regarding a bond/referendum election, including a planning cycle.

Mayor Weise expressed interest in replenishing the parks bond fund but was not in favor of the item being placed on the ballot in November of 2019 due to time constraints.

Mr. Montoya advised against placing a bond on a presidential election ballot and explained future maintenance costs are unknown at this time as parks are not fully developed.

Mayor Weise commented that the priority of building parks or maintaining parks is still unknown. Additionally, Mayor Weise inquired on the amount to be requested and the dedicated fund.

In response to a question by Mayor Weise, Mr. Haines explained there are several different election dates available for a future initiative.

Vice Mayor Dennis requested staff evaluate the cost to maintain the parks.

Mr. Montoya advised City Council that with residents within newly developed neighborhoods with HOAs have existing parks within their neighborhoods and may not see a need for the city initiative.

Mr. Montoya advised City Council that the item will be brought back to City Council within 30 days.

Council Member Malone expressed interest in conducting a citizen poll at the next Kid Fest event.

In response to a question from Council Member Malone, Mr. Haines stated City Council can either conduct a new survey or use the results of the survey conducted last year. Mr. Haines also stated they can conduct polls at future special events, but some of the participants may not be City of Avondale residents.

In response to a comment from Council Member Malone, Mr. Montoya stated the Community Relations department could conduct a survey to residents to receive input from the community.

3. OPERATING BUDGET DISCUSSION

Lindsey Duncan, Director of Finance and Budget, presented a general overview of the City's operating budget as part of the fiscal year 2020 budget preparation process.

Presentation included:

- City Funds Structure
- General Fund Uses
- Fiscal Year 2019 General Fund Sources
    - Local Sales Tax
    - State Shared Revenue

  - Charges for Services
  - Property Taxes
  - Sale of Assets
  - Franchise Fees/Licenses
  - Miscellaneous
  - Fines/Penalties
  - Fund Balance
- Budget Calendar

Mayor Weise expressed his appreciation to staff for the budget presentations at the Work Sessions.

In response to a question from Mayor Weise, Ms. Duncan provided comparative information on neighboring cities.

4. ADJOURNMENT

There being no further business before the Council, Council Member Kilgore moved to adjourn the meeting; seconded by Council Member Pineda.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

The meeting was duly adjourned at 6:58 p.m.

A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 Civic Center Drive in open and public session at 7:11 p.m.

Following a moment of silent reflection, Mayor Kenn Weise led the Pledge of Allegiance.

Members Present: Mayor Kenn Weise; Vice Mayor Pat Dennis; Council Members Tina Conde, Bryan Kilgore, Veronica Malone, Curtis Nielson, and Mike Pineda.

Members Absent: None.

Other Municipal Officials Present: Charles Montoya, City Manager; Gina Montes, Assistant City Manager; Marcella Carrillo, City Clerk; Andrew McGuire, City Attorney; Jeffrey Scheetz, Chief Information Officer; Lindsey Duncan, Finance and Budget Director; Linda Mendenhall, Deputy City Clerk; Tracy Steven, Development and Engineering

Services Director; Dan Davies, Economic Development Director; Cherlene Penilla, Human Resources Director; Christopher Lopez, Neighborhood and Family Services Director; Kirk Haines, Parks and Recreation Director; Dale Nannenga, Police Chief; and Pier Simeri, Community Relations and Public Affairs Director.

Audience: Members of the public were present.

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

2 UNSCHEDULED PUBLIC APPEARANCES

Megan Dunklee, theater teacher at Trevor Browne High School, addressed the Council introducing her business “Stage Door Youth Theater”, a performance theater offering training and full-length performances to children. She announced, through a referral from Council Member Pineda, “Stage Door Youth Theater” will be holding a summer youth camp in collaboration with the Parks and Recreation Department.

3 CONSENT AGENDA

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Mayor Weise asked if any Council Member wished to have an item removed from the Consent Agenda. Having no requests from Council, Council Member Kilgore moved to approve the Consent Agenda, seconded by Council Member Nielson.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

a. **APPOINTMENT OF JAMES PLYMESSER TO THE CORRECTION OFFICERS RETIREMENT PENSION BOARD**
City Council approved the elected appointment of Detention Officer, James Plymesser, an eligible and interested candidate, to the Correction Officers Retirement Pension Board.

b. **PROPERTY MANAGEMENT SERVICES - KENNEDY WILSON PROPERTIES**
City Council approved a Professional Services Agreement with Kennedy Wilson Properties, LTD to provide property management services for the city-owned Avondale Corporate Center, located at 125 South Avondale Boulevard, and the

City Center retail area in the amount of $36,749 annually, and a cumulative amount of $183,745 for a five (5) year period and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

c. **USE OF GENERAL FUND CONTINGENCY FOR IN-HOUSE LEGAL SERVICES**
City Council approved a request for use of General Fund contingency to begin the process of transitioning from contracted legal services to an in-house legal department and the addition of an assistant director position for Finance and Budget for enhanced financial oversight and reporting.

d. **DIAZ MINOR LAND DIVISION (APPLICATION PL-18-0320)**
City Council approved a request by Dejan Knezevic for approval of a Minor Land Division concerning an approximate 1.3 net acre property located approximately 662' south of Lower Buckeye Road; the southeast corner of Bohne Street and 127th Avenue. The proposed Minor Land Division dedicates public right-of-way and Public Utility Easements.

e. **HOME DEPOT RE-PLAT OF FINAL PLAT (APPLICATION PL-18-0278)**
City Council approved a request by Mr. Jerry Heath with Hunter Engineering, on behalf of Paul Tanner with SFL Carson LLC, for approval of a Re-Plat of Parcel 4 of the Home Depot Store #441 Final Plat in the Coldwater Plaza Commercial Center located at 1485 North Dysart Road, north of Van Buren Street. The proposed Re-Plat is specific to Parcel 4 only creating a new lot line to subdivide the parcel.

f. **PL-18-0231 VERDE TRAILS UNIT I - MASTER FINAL PLAT FOR PHASE 1**
City Council approved a request by Ms. Amy Weidman with Silver Fern Companies LLC, for approval of a master Final Plat for Phase 1 of Verde Trails Unit I located at the southwest corner of 107th Avenue and Broadway Road. Consistent with the Preliminary Plat approved by the City Council in August 2018, the proposed master Final Plat creates seven parcels for single-family residential use, one parcel for a centralized community park, and one parcel for commercial use. The proposed master Final Plat also dedicates street right-of-way and easements needed to support the future Verde Trails community.

g. **RESOLUTION 3521-219 - AZWARN MUTUAL AID AGREEMENT**
City Council approved a request to adopt Resolution 3521-219 adopting the Arizona Water and Wastewater Agency Response Network (AZWARN) Mutual Aid Agreement for the provision of mutual aid in time of emergency and authorize the Mayor, or City Manager and City Clerk to execute the appropriate documents.

4 **COUNCIL APPOINTMENTS TO REGIONAL AND LOCAL BOARDS, COMMISSIONS, AND COMMITTEES**

Jessica Blazina, Intergovernmental Affairs Administrator, reviewed the Councils current assignments for the Regional and Local Boards and Committees. Mayor Weise lead the discussion and the appointments were made as follows:

Boards/Committees/Councils	Council Member Assigned
MAG Transportation Policy Committee	Mayor Weise
MAG Regional Council	Mayor Weise
MAG Regional Executive Committee	Mayor Weise
Greater Phoenix Economic Council – Board of Directors	Mayor Weise
Valley Meter RPTA Board of Directors	Vice Mayor Dennis
AZ Municipal Water Users Association	Council Member Nielson
SW Valley Chamber of Commerce BOD	Council Member Malone
Luke West Valley Council	Council Member Kilgore
Maricopa County Human Services Commission	Council Member Malone
WESTMARC Board of Directors	Council Member Pineda
MAG Human Services Coordinating Committee	Council Member Conde
MAG Economic Development Council	Council Member Pineda
Southwest Lending Closet	Vice Mayor Dennis
Interfaith Council	Council Member Conde
Boards and Commissions Subcommittee	Vice Mayor Dennis, Council Members; Kilgore and Pineda
Contributions Assistance Program	Council Members Conde, Malone, and Nielson
Community Advisory Group – Phoenix/Goodyear Airport Superfund Site	Council Member Nielson
Risk Management Trust and Workers' Compensation Trust Fund Board	Council Member Kilgore

Mayor Weise requested an updated list of committee assignments for City Council.

Council Member Pineda moved to approve the appointments of the Mayor and Council to various regional and local boards and committees; seconded by Vice Mayor Dennis.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

5 PRELIMINARY PLAT AMENDMENT – VERDE TRAILS UNIT I (APPLICATION PL-18-0229)

Ken Galica, Division Lead Planner, reported on a request by Ms. Amy Weidman with Silver Fern Companies LLC, on behalf of property owner Evergreen-Hillcrest, LLC, requesting an amendment to the Preliminary Plat for Verde Trails Unit I, a proposed single-family residential subdivision located on approximately 213 acres at the southwest corner of 107th Avenue and Broadway Road.

Presentation included:

- Purpose and Background
- Proposed Amendment
- Analysis
- Planning Commission's Recommendation

Council Member Kilgore moved to approve application PL-18-0229, Verde Trails Unit I Preliminary Plat Amendment, subject to two recommended conditions; seconded by Council Member Pineda.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

6 **PRELIMINARY PLAT – VERDE TRAILS UNIT I PARCEL 7 (APPLICATION PL-18-0230)**

Ken Galica, Division Lead Planner, reported on a request by Ms. Amy Weidman with Silver Fern Companies LLC, on behalf of property owner Evergreen-Hillcrest, LLC, requesting a Preliminary Plat for Verde Trails Unit I Parcel 7, a proposed 70-lot single-family subdivision on approximately 16.1 acres located south of the southwest corner of 107th Avenue and Broadway Road.

Presentation included:

- Purpose and Background
- Analysis
- Planning Commission's Recommendation

In response to a question by Vice Mayor Dennis, Mr. Galica discussed park location connectivity and play equipment.

Vice Mayor Dennis expressed concerns for families with children in the immediate area and requested more active elements be included in the parkette.

Council Member Pineda moved to approve application PL-18-0230, Verde Trails Unit I Parcel 7 Preliminary Plat, subject to four 4 recommended conditions; seconded by Council Member Malone.

Vice Mayor Dennis requested the motion be amended to include active elements for that park.

Carolyn Oberholtzer, with Bergin, Frakes, Smalley & Oberholtzer PLLC, discussed connection points, landscaping, lot space, and site amenities.

Jennifer Myers, with Norris Design, discussed park amenities, to include a chess table, canopy and additional benches. Ms. Myers also discussed trail access and playgrounds in the main park.

In response to a question form Mayor Weise, Ms. Oberholtzer, explained the pocket park is less than a quarter mile away from the main park.

Mayor Weise echoed Vice Mayor Dennis' interest for additional amenities.

Ms. Oberholtzer, echoed comments made by Council Members Nielson, mentioning the HOA has the ability to make additions as appropriate based on the needs of the community.

Mayor Weise requested Ms. Oberholtzer work with City staff for additional park amenities.

Council Member Pineda withdrew his original motion.

Vice Mayor Dennis moved to approve application PL-18-0230, Verde Trails Unit I Parcel 7 Preliminary Plat, subject to four 4 recommended conditions; with the adjustment of play area to be reformatted based on the needs of the community and city staff, such as amenities BBQ, tetherball, and ramada; seconded by Council Member Malone.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

7 **PRELIMINARY PLAT – VERDE TRAILS UNIT II (APPLICATION PL-18-0268)**

Ken Galica, Division Lead Planner, reported on a request by Ms. Carolyn Oberholtzer with Bergin, Frakes, Smalley, & Oberholtzer PLLC, on behalf of property owner Tobin Living Trust, to approve a Preliminary Plat for Verde Trails Unit II, a proposed 146-lot single-family subdivision on approximately 35.5 acres located ¼ mile east of the southeast corner of Avondale Boulevard and Broadway Road. Council will take appropriate action.

Presentation included:

- Purpose and Background
- Analysis
- Planning Commission's Recommendation

Council Member Kilgore moved to approve application PL-18-0268, Verde Trails Unit II Preliminary Plat, subject to five recommended conditions; seconded by Council Member Nielson.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

8 **RESOLUTION 3522-219 – LAND USE ASSUMPTIONS, INFRASTRUCTURE IMPROVEMENT PLAN AND NOTICE OF INTENT**

Lindsey Duncan, Finance and Budget Director, reported on a request to adopt Resolution 3522-219 adopting the Land Use Assumptions (LUA), Infrastructure Improvement Plan (IIP) and a notice of intent to adopt revised development impact fees.

Mayor Weise noted that previously raised issues have been resolved.

Council Member Nielson moved to adopt Resolution 3522-219 adopting the Land Use Assumptions (LUA), Infrastructure Improvement Plan (IIP) and a notice of intent to adopt revised development impact fees; seconded by Council Member Malone.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

9 **PUBLIC HEARING AND CONDITIONAL USE PERMIT FOR DYSART COMMONS (T-MOBILE) – (PL-18-0199)**

Jodie Novak, Planning Manager, report on a request by Gary Cassel with Clearblue Services, on behalf of T-Mobile, to approve a Conditional Use Permit (CUP) for a wireless service facility on a 9.8-acre parcel owned by Dysart Investment LLC, located at the northeast corner of Dysart and Thomas roads within the Dysart Commons commercial center.

Presentation included:

- Request and Site Overview
- Landscape Plan
- Elevations
- Analysis
- Planning Commission's Recommendation

Mayor Weise opened the Public Hearing and mentioned two citizens, Noline Cromwell and Diane Hedges, have filled out Request to Speak Cards in opposition of the item but did not wish to address Council.

Mayor Weise called upon three individuals who submitted Request to Speak Cards.

- Mark Hedges, City of Avondale resident, spoke in opposition to the item, noting the negative impact on property values.

- Antoinette Means, City of Avondale resident, spoke in opposition to the item, noting the negative impact on property values.

- Amanda Klinginsmith, City of Avondale resident, spoke in opposition to the item, noting lack of due diligence, space of area, noise and health concerns.

On behalf of Vertical Bridge, Jim Grice with Bryan Cave Leighton Paisner BCLP, provided the following information:

- Site Selection Process
- Need for Towers (Dropped Call Activity)
- Determination of Ideal Locations
- Aesthetics of Site
- Health and Safety FCC Regulations

Mayor Weise closed the public hearing upon acknowledging no additional Request to Speak Cards were submitted.

Vice Mayor Dennis expressed the following concerns:

- Health and Safety of Residents
- Lack of Due Diligence
- Lack of Supporting Documentation
- Location and Ideal Radius (Optimal Ring)

- Lease Agreement Timing
- Citizen Outreach

In response to Vice Mayor Dennis, Gary Cassell, Site Acquisition Specialist with Clear Blue Services on behalf of Vertical Bride T-Mobile, commented on the application process. Mr. Cassell acknowledged that a lease was in place over one year prior, to have a lease in place prior to expending monies on the process.

In response to an inquiry from Vice Mayor Dennis, Andrew McGuire, City Attorney, echoed comments made by the applicant's attorney, stating a denial based solely of radio frequency transmissions is not justifiable. Mr. McGuire advised City Council that a denial must be based on substantial evidence, noting previous cases have not been in favor for municipalities.

Vice Mayor Dennis expressed interest in improving the City's conditional use permit process, to include timely, adequate information to residents.

Mayor Weise expressed the following concerns:

- Location and Ideal Radius (Optimal Ring)
- Search for Alternative Site
- Monopalm Appearance
- Residents' Property Value Concerns

Mayor Weise urged City Council to discuss this topic at the National League of Cities Conference in Washington, DC to lobby for local control on this issue.

In response to Mayor Weise's directive to Ms. Novak, Charles Montoya, City Manager, stated an item will be brought to City Council in the future, to include more strict criteria for future cell tower requests.

Council Member Nielson commented on several cell towers within his neighborhood, including one on a school property, and noted no health concerns have been raised. Council Member Nielson also mentioned cell towers near his property have not negatively impacted his property value of his home.

Council Member Malone commented on several cell towers within her neighborhood and noted no issues have been brought forward due to the cell towers.

Mr. Cassell described the site selection process, focusing on movement of traffic at the site and types of businesses. Mr. Cassell provided information on the lease and discussions with various property owners.

In response to Mr. Cassell's comments, Mayor Weise inquired on the concern for the young kids with placing the site tower near the Goddard School property. Mr. Cassell responded that room was the concern.

Vice Mayor Dennis, moved to approve PL-18-0199 Dysart Commons T-Mobile Conditional Use Permit, subject to the two staff recommendations and the addition of a third recommendation requiring an additional four (4) Mexican Fan Palms at a minimum height of 30 feet at planting, clarifying that this item will result in six (6) Mexican Fan Palms be planted; seconded by Council Member Nielson.

Vice Mayor Dennis explained her vote, stating her no vote is due to the impact to the neighborhood, location of cell tower, and lack of due diligence

Mayor Weise briefly explained the impact of an abstaining vote.

Mayor Weise explained his vote, stating his yes vote to protect the City against a lawsuit.

Upon vote, the motion carried 6 to 1.

Council Member Conde	Abstain
Council Member Kilgore	Abstain
Council Member Malone	Abstain
Council Member Nielson	Aye
Council Member Pineda	Abstain
Vice Mayor Dennis	Nay
Mayor Weise	Aye

10. **DISCUSSION ITEMS**

a. 2019 LEGISLATIVE UPDATE

Mayor Weise announced that the 2019 Legislative Update item is postposed to a later date.

11 EXECUTIVE SESSION

The Council adjourned the meeting to meet in executive session pursuant to Ariz. Rev. Stat. § 38-431.03(A)(4) for discussion or consultation with the City Attorney in order to consider its position and instruct the City Attorney regarding the Council's position regarding (i) the Avitia litigation and (ii) the Go Services litigation.

12. ADJOURNMENT

Vice Mayor Kilgore moved to adjourn the meeting into Executive Session; seconded by Council Member Nielson.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye

Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

Meeting adjourned at 8:45 p.m.

_____
Mayor Kenn Weise

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session and Regular Meeting of the Council of the City of Avondale held on the 19th day of February 2019. I further certify that the meeting was duly called and held and that the quorum was present.

_____
Marcella Carrillo, CMC
City Clerk