



# CITY COUNCIL AGENDA

## Summary of Council Actions

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

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**A reception to honor Council Member Lorenzo Sierra will be held beginning at 6:00 P.M. in the lobby of City Hall. The Avondale City Council will be in attendance at the reception; no City business will be conducted.**

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**REGULAR MEETING  
December 17, 2018  
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 RECOGNITION ITEMS (MAYOR PRESENTATIONS)**

- a. **RESOLUTION 3507-1218 - HONORING COUNCIL MEMBER LORENZO SIERRA**  
Honoring the service of Council Member Lorenzo Sierra for his service as Avondale City Council Member from 2015 - 2018.

**3 UNSCHEDULED PUBLIC APPEARANCES**

(Limit three minutes per person. Please state your name.)

**4 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. **LIQUOR LICENSE SERIES 12 (RESTAURANT) - PIAZZA ROMANA**  
City Council **approved** an application for a Series 12 (Restaurant) Liquor License submitted by Rachel Ann Piazza to sell all spirituous liquors at Piazza Romana located at 10210 West McDowell Road, Suite 120 in Avondale. The Council will take appropriate action.
- b. **HARVARD-TOBIN (VERDE TRAILS II) ANNEXATION**  
Staff to provide an update on a request regarding the proposed annexation of 42 acres of land located east of the southeast corner of Avondale Boulevard and Broadway Road. The applicant is Carolyn Oberholtzer of Bergin, Frakes, Smalley, and Oberholtzer, PLLC. In order to meet annexation process timeframes, staff filed a withdrawal of the blank petition and affidavit and will file a revised blank petition and affidavit by December 17, 2018 in order to hold the public hearing on January 14,

2019. This item is for informational purposes only and **no action from the City Council is required at this time.**

**c. WIRELESS PROVIDER MASTER LICENSE APPLICATION FOR EXTENET SYSTEMS, INC.**

City Council **approved** of a Wireless Provider Master License Application for Extenet Systems, Inc. The Council will take the appropriate action.

**d. ECONOMIC DEVELOPMENT AGREEMENT - GUNBO, LLC**

City Council **approved** the Second Amendment to the amended and restated Economic Development Agreement with Gunbo, LLC regarding the construction and operation of Portillo's Restaurant and authorize the Mayor and City Manager and City Clerk to execute the necessary documents.. The Council will take appropriate action.

**e. RESOLUTION 3506-1218 AMENDING CITY COURT FEES ON THE CURRENT FEE SCHEDULE**

City Council **approved** Resolution 3506-1218 – Amending City Court Fees on the Current Fee Schedule for a \$10 increase on the Defensive Driving Diversion Fee and Fines and authorize the Mayor and City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

**f. RESOLUTION 3508-1218 - BANK ACCOUNT SIGNATURE AUTHORITY AND DECLARING AN EMERGENCY**

City Council **approved** Resolution 3508-1218 authorizing certain city officials and staff to execute and endorse checks and other items for and on behalf of the City, authorizing certain city staff to authorize certain electronic payments and transfers of funds, and declaring an emergency; and authorize the Mayor and City Manager and City Clerk to execute the necessary documents. The Council will take the appropriate action.

**g. RESOLUTION 3509-1218 - CAPITAL IMPROVEMENT PLAN COMMITTEE REVISION TO BYLAWS**

City Council **approved** amendments to the bylaws of the City of Avondale Capital Improvement Plan Committee restructuring the committee membership and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

**h. ORDINANCE 1679-1218 - AMENDING CITY CODE, CHAPTER 13 - LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS**

City Council **adopted** Ordinance 1679-1218 amending Chapter 13 of the Avondale City Code, providing the city clerk with designated authority to evaluate and approve special event liquor licenses and authorize the Mayor and City Manager and City Clerk to execute the necessary documents. The Council will take the appropriate action.

**5 PUBLIC HEARING AND CONDITIONAL USE PERMIT FOR DYSART COMMONS (T-MOBILE) - (PL-18-0199) - Item pulled at the request of staff - no action taken**

City Council will consider 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. The Council will take appropriate action.

## 6 RATIFICATION OF PAST PRIOR COUNCIL ACTION

Pursuant to A.R.S. § 38.431.0S(B), the City Council **ratified** prior action taken during the December 3, 2018 Council meeting. Specifically, the Council intends to ratify its vote to approve the executive session agenda for the December 3, 2018 executive session and its vote to convene into executive session during the December 3, 2018 Council meeting. The agenda for that executive session stated the following:

City Council may hold an executive session pursuant to (i) Ariz. Rev. Stat§ 38-431.03 (A)(I) for discussion or consideration of the performance of the City Manager (ii) Ariz. Rev. Stat §38-43 1.03(A)(3) for discussion or consultation for legal advice with the city's attorney and (iii) Ariz. Rev. Stat § 34-431.0I(A)(4) for discussion or consultation with the city's attorney in order to consider its position of pending legal issues.

Notice of the executive session was posted on December 2, 2018, which was a Sunday. During the December 3, 2018 public meeting, the Council voted to approve the executive session agenda and to convene into executive session to discuss the items stated in the executive session agenda. The Council intends to ratify this prior action. No vote was taken during the executive session. Any member of the public may obtain a detailed written description of the action to be ratified by contacting Gina Montes, Assistant City Manager, at 623-333-1000 or gmontes@avondaleaz.gov.

## 7 EXECUTIVE SESSION

The City Council **authorized the holding of an executive session** pursuant to A.R.S. § 38-431.03(A)(1), (A)(3), and (A)(4) to discuss, and consult with legal counsel for advice on, the performance and continued use of Andrew J. McGuire and the law firm of Gust Rosenfeld, P.L.C. as the City Attorney.

## 8 ADJOURN INTO EXECUTIVE SESSION

### Convene immediately following Executive Session

## 9 LEGAL SERVICES - **The City Council granted authority to the City Manager to transition from contract legal services to in-house legal services by a date not to exceed July 1, 2019.**

Discussion, direction and action to the City Manager regarding legal services provided by Andrew McGuire and Gust Rosenfeld.

## 10 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 política 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 niños no estén presentes durante la grabación de la junta. Si hay algún menor de edad presente durante la grabación, la Ciudad dará por entendido que los padres han renunciado sus derechos de acuerdo a la ley contenida A.R.S. 1-602.A.9.