



City of Avondale

City Council Meeting

 [**Link to Summary of Council Actions**](#)

 [**Link to Meeting Minutes**](#)



City of Avondale

City Council Meeting

Monday, January 6, 2020

Summary of Council Actions

Mayor and Council

Kenn Weise, Mayor

Pat Dennis, Vice Mayor

Tina Conde, Council Member | Bryan Kilgore, Council Member

Veronica Malone, Council Member | Curtis Nielson, Council Member

Mike Pineda, Council Member

Administration

Charles A. Montoya, City Manager

Gina Montes, Assistant City Manager

Michael Wawro, City Attorney

Marcella Carrillo, City Clerk

City Council Chambers

11465 West Civic Center Drive

Avondale, AZ 85323



Summary of Council Actions

City Council Meeting Agenda

Monday, January 6, 2020

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

WORK SESSION

6:30 PM

CALL TO ORDER BY MAYOR

1. **ROLL CALL BY THE CITY CLERK**

2. **2020 STATE LEGISLATIVE AGENDA**

Council **reviewed** and **provided** guidance to staff on the proposed 2020 City of Avondale State Legislative Agenda. This report presents state legislative policy priorities that have been identified by staff as well as the Council.

3. **ADJOURNMENT**

Request to Speak: Anyone wishing to address the Council regarding items listed on the agenda or under unscheduled public appearance should fill out a card located at the back of the Council Chambers and hand it to the City Clerk prior to consideration of that agenda item.

**REGULAR MEETING
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. PRESENTATION ITEMS

a. NEW EMPLOYEE INTRODUCTION

Introduction of the new Director of Development & Engineering Services, Kevin Murphy

b. PROCLAMATION FOR SPEAK UP, STAND UP, SAVE A LIFE

Mayor and Council to **issued** a Proclamation recognizing the month of January 2020 as Speak Up, Stand Up, Save a Life Month.

4. 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. MINUTES

City Council **approved** the November 18, 2019 City Council Meeting Minutes. The Council will take the appropriate action.

b. TELECOMMUNICATIONS LICENSE AND RIGHT-OF-WAY USE AGREEMENT BETWEEN THE CITY OF AVONDALE AND ZAYO, LLC.

City Council **approved** a new Wired Telecommunications License and Right of Way Use Agreement with Zayo, LLC to allow the placement of fiber telecommunication infrastructure in the City right of way, and authorized the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take the appropriate action.

c. FISCAL YEAR 2018-2019 YEAR END BUDGET AMENDMENT

City Council **approved** a budget amendment for Fiscal Year 2018-2019 (FY2019), utilizing savings in the Finance and Budget Department's budget to cover budget overages caused by an accounting adjustment.

d. RESOLUTION 1002-0120 - ECONOMIC DEVELOPMENT AGREEMENT WITH MGN1 LLC

City Council **adopted** Resolution 1002-0120, approving an Economic Development Agreement with MGN1 LLC not to exceed \$300,000 towards the reimbursement of public improvements for the construction of a business service hotel and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. RESOLUTION 1003-0120 - SUPPORTING TRELIS GRANT APPLICATION TO MARICOPA COUNTY FOR HOME COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) FUNDS

City Council **adopted** Resolution 1003-0120 associated with a grant application submitted by Trellis to Maricopa County for HOME CHDO funds, and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. ORDINANCE 2001-0120 - ROOSEVELT IRRIGATION DISTRICT AGREEMENT AND PERPETUAL EASEMENT FOR WATER AND SEWER PIPELINES.

City Council **adopted** Ordinance 2001-0120 for an Agreement and dedication of a Perpetual Easement with the Roosevelt Irrigation District (RID) for the City of Avondale to operate, repair and maintain water and sewer lines and associated facilities across RID right-of-way and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

g. ORDINANCE 2002-0120 - SALE OF REAL PROPERTY LOCATED AT 801 N AVONDALE BOULEVARD

City Council **adopted** Ordinance 2002-0120 authorizing the sale of real property located at 801 N Avondale Boulevard and authorized the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

5. REGULAR AGENDA

a. PUBLIC HEARING - EXTENDING THE LOCALLY CONTROLLED ALTERNATIVE EXPENDITURE LIMITATION - HOME RULE OPTION

City Council **held** the second of two required public hearings on the alternative expenditure limitation-home rule option.

6. ADJOURNMENT

SPECIAL MEETING
Convene immediately following Regular City Council Meeting

CALL TO ORDER BY MAYOR

1. ROLL CALL NOTED BY THE CITY CLERK

2. RESOLUTION 1001-0120 - EXTENDING THE LOCALLY CONTROLLED ALTERNATIVE EXPENDITURE LIMITATION - HOME RULE OPTION

City Council **adopted** Resolution 1001-0120 proposing to submit to the qualified electors at the August 4, 2020 election a question to continue an alternative expenditure limitation - home rule option, in place of that provided by the State of Arizona and authorized the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take the appropriate action.

3. ADJOURNMENT INTO EXECUTIVE SESSION

City Council **adjourned** the meeting and **held** an executive session pursuant to Ariz. Rev. Stat. § 38-431.03(A)(7) for the purpose of discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase of real property located at 100 N. Clubhouse Dr.

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 oído, o con necesidad de impresión grande o intérprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos días hábiles antes de la junta del Concejo.

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
January 6, 2020

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 6:34 p.m.

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

Note: Mayor Kenn Weise attended the meeting by telephone.

Members Absent: None.

Other Municipal Officials Present: Charles Montoya, City Manager; Gina Montes, Assistant City Manager; Tracy Stevens, Deputy City Manager; Michael Wawro, City Attorney; Marcella Carrillo, City Clerk; Jessica Blazina, Intergovernmental Affairs Administrator; Jeff Case, Fire Chief; Lindsey Duncan, Finance and Budget Director; Kirk Haines, Parks and Recreation Director; Kevin Murphy, Director of Development & Engineering Services; Dale Nannenga, Police Chief; Cherlene Penilla, Human Resources Director; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Community Relations and Public Affairs Director.

Audience: Approximately five members of the public were present.

1 ROLL CALL BY THE CITY CLERK

2. 2020 STATE LEGISLATIVE AGENDA

Council reviewed and provided guidance to staff on the proposed 2020 City of Avondale State Legislative Agenda. This report presents state legislative policy priorities that have been identified by staff as well as the Council.

Jessica Blazina, Intergovernmental Administrator, stated that it is her role to serve as the voice of the City at the State Legislature. She works closely with the League of Arizona Cities and Towns to advocate issues important to Avondale. She works with legislators to advocate for and against bills and reports back to City Council with updates. On Monday, January 13th, the 54th Legislature will be declared in session. Governor Ducey will deliver his executive budget later that week. It is not anticipated that there will be any cuts to shared revenue. The House and Senate plan to release their independent budgets the second or third week of January with threats of halting legislative action, if there is not agreement between the two chambers by crossover week, which occurs during the week of February 21st. The hope is to prevent lawmakers from using thin margins to advance their pet causes. Small group meetings will begin this week in the Senate, with room to add specific funding projects to their budget. Avondale's guiding principles include: Preserve local funding mechanisms; preserve local decision-making authority; maintain flexibility in service delivery.

Key issues this year include:

- Executive Sessions (League Resolution)
- Firefighter Cancer Presumption
- Public Safety Personnel Retirement System (PSPRS)
- Tobacco/Vaping
- League resolution regarding short-term rentals
- Marijuana
- HURF – Highway User Revenue Fund

The League resolution regarding executive session was brought as an issue by the City of Avondale to the League of Arizona Cities and Towns at their annual resolutions meeting in August. It supports legislative changes to executive session law that would take discussing security measures into account. It was introduced by Representative Diego Espinoza. A companion bill was introduced in the Senate.

The firefighter cancer presumption has been addressed in the media frequently. Cancer that relates to fire personnel is a statewide issue. Cities have mutual aid agreements in place with surrounding cities for fire services. Cancer rates are higher for firefighters, as evidenced by studies. Avondale is seeking a statewide approach that would provide a safety net, so that cities and fire districts are able to provide funding to support personnel. The League will distribute a best practices document that will help cities mitigate these issues. It is anticipated that there will be several related bills in the legislature.

The PSPRS has seen some funding challenges in the past. Avondale is working closely with PSPRS, the League and legislature to ensure that the City remains vigilant as it relates to cost increases for cities and towns.

The Centers for Disease Control and Prevention is seeing an outbreak of lung injuries associated with vaping. Goodyear recently raised the age to purchase vaping products to 21. Other communities have taken similar action. Cities support legislative efforts to treat vaping products which would allow them to address local concerns. It is anticipated that the conversation on this issue will commence early in the legislative session.

The League has a resolution regarding short-term rentals. Cities will assist the League in supporting efforts to address the issues occurring with short-term rentals. While this is not necessarily a predominant issue in Avondale currently, the City will support the League in addressing issues faced by other Arizona cities.

There is a resolution on the 2020 ballot addressing recreational adult use marijuana. The League will not take a position on the issue; however, cities are watching the legislation to ensure there are options to regulate adult use dispensaries.

The City is watching the HURF process to endure full funding for the City.

Mayor Weise commented that the issue of cancer prevalence for firefighters is not one that a City can address on its own and he supports a regional, statewide approach. Ms.

Blazina stated that the League has been engaged with members of the legislature and representatives from the firefighters to discuss ways to approach the issue. The hope is to bring together a compromised package.

Mayor Weise said that if Avondale is dissatisfied with the way the State handles the vaping issue, especially when it comes to teens, the City is willing to explore other options. He would like to discuss this with Council Members in the near future.

Vice Mayor Dennis addressed PSPRS and asked about the percentage of growth in the last couple of years. Lindsey Duncan, Finance and Budget Director, stated Avondale has separate plans for police and fire and the percentage rate for the employer contribution has increased by approximately 2 to 3 percent over the last couple of years and it is continuing to increase. In response to an inquiry by Vice Mayor Dennis, Mr. Montoya explained the Arizona League of Cities and Towns is working to determine what it would take for the state to get funding at 90% capacity.

3 ADJOURNMENT

There being no further business before the Council, Council Member Pineda moved to adjourn the Work Session meeting; Council Member Conde seconded the motion.

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 6:48 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 7:00 p.m.

Vice Mayor Dennis led the Pledge of Allegiance.

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

Note: Mayor Kenn Weise attended the meeting by telephone.

Members Absent: None.

Other Municipal Officials Present: Charles Montoya, City Manager; Gina Montes, Assistant City Manager; Tracy Stevens, Deputy City Manager; Michael Wawro, City Attorney; Marcella Carrillo, City Clerk; Jessica Blazina, Intergovernmental Affairs Administrator; Jeff Case, Fire Chief; Lindsey Duncan, Finance and Budget Director; Kirk Haines, Parks and Recreation Director; Kevin Murphy, Director of Development & Engineering Services; Dale Nannenga, Police Chief; Cherlene Penilla, Human Resources Director; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Community Relations and Public Affairs Director.

Audience: Approximately five members of the public were present.

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

2. UNSCHEDULED PUBLIC APPEARANCES

Mr. Jeff Uber, local resident, addressed revitalization of Historic Avondale and requested a change of venue for City Council to come to Sam Garcia Library to meet with business owners and discuss activity in the area.

3. PRESENTATION ITEMS

a. NEW EMPLOYEE INTRODUCTION

Tracy Stevens, Deputy City Manager, introduced the new Director of Development & Engineering Services, Kevin Murphy.

b. PROCLAMATION FOR SPEAK UP, STAND UP, SAVE A LIFE

Mayor and Council issued a Proclamation recognizing the month of January 2020 as Speak Up, Stand Up, Save a Life Month.

Joseph Ortiz, Director of Public Relations and Marketing for the Tolleson Union High School District, was present to accept the Proclamation. He explained the statewide conference will be taking place January 21st.

Gina Godbehere, one of the organization founders, discussed the founding of the movement four years ago after a tragedy in the West Valley. Avondale has been a partner from the beginning. As of last year, they have grown to 156 schools throughout the State. Currently, a child is lost to suicide every 5.5 days. The organization addresses vaping, bullying and substance abuse. There is a focus on identifying the universal warning signs for suicide and providing youth with guidance in reaching out to trusted adults. She thanked Avondale for being a conference sponsor and invited City Council to be VIP guests. Council Member Conde and Council Member Malone spoke about their experience attending and serving last year. Vice Mayor Dennis read the proclamation.

4. CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion.

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

Mayor Weise asked if any Councilmember wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Council Member Malone, seconded by Council Member Conde, to approve the Consent Agenda.

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. MINUTES

City Council approved the November 18, 2019 City Council Meeting Minutes.

b. TELECOMMUNICATIONS LICENSE AND RIGHT-OF-WAY USE AGREEMENT BETWEEN THE CITY OF AVONDALE AND ZAYO, LLC.

City Council approved a new Wired Telecommunications License and Right of Way Use Agreement with Zayo, LLC to allow the placement of fiber telecommunication infrastructure in the City right of way, and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

c. FISCAL YEAR 2018-2019 YEAR END BUDGET AMENDMENT

City Council approved a budget amendment for Fiscal Year 2018-2019 (FY2019), utilizing savings in the Finance and Budget Department's budget to cover budget overages caused by an accounting adjustment.

d. RESOLUTION 1002-0120 ECONOMIC DEVELOPMENT AGREEMENT WITH MGN1 LLC

City Council adopted Resolution 1002-0120, approving an Economic Development Agreement with MGN1 LLC not to exceed \$300,000 towards the reimbursement of public improvements for the construction of a business service hotel and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

e. RESOLUTION 1003-0120 SUPPORTING TRELLIS GRANT APPLICATION TO MARICOPA COUNTY FOR HOME COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) FUNDS

City Council adopted Resolution 1003-0120 associated with a grant application submitted by Trellis to Maricopa County for HOME CHDO funds, and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

f. ORDINANCE 2001-0120 ROOSEVELT IRRIGATION DISTRICT AGREEMENT AND PERPETUAL EASEMENT FOR WATER AND SEWER PIPELINES.

City Council adopted Ordinance 2001-0120 for an Agreement and dedication of a Perpetual Easement with the Roosevelt Irrigation District (RID) for the City of Avondale to operate, repair and maintain water and sewer lines and associated facilities across RID right-of-way and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

g. ORDINANCE 2002-0120 SALE OF REAL PROPERTY LOCATED AT 801 N AVONDALE BOULEVARD

City Council adopted Ordinance 2002-0120 authorizing the sale of real property located at 801 N Avondale Boulevard and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

5. REGULAR AGENDA

a. PUBLIC HEARING EXTENDING THE LOCALLY CONTROLLED ALTERNATIVE EXPENDITURE LIMITATION HOME RULE OPTION

City Council held the second of two required public hearings on the alternative expenditure limitation – home rule option.

Lindsey Duncan, Director of Finance and Budget Services, stated that on November 27th and December 4th, public notices of these hearings were published for the state-imposed expenditure limitation Home Rule continuation. The State Home Rule Arizona Expenditure Limitation is governed by the Arizona Constitution and otherwise in State statute. The State statutes implies the adoption of a balanced budget. The estimated resources in the budget should be equal to or greater than the appropriated expenditures. In addition, the Constitution imposes an expenditure limitation for all cities and towns, based on Fiscal Year 1980, which is then adjusted annually for population growth and inflation. An expenditure limitation alternative may be approved at a local election, when that base limit as calculated by the State is insufficient for the City's needs.

Avondale has had successful Home Rule elections in a number of years, most recently in 2016, wherein 86 percent of the electorate voted yes, and 14 percent voted no. The Home Rule election may be referred to the voters by a two-thirds vote of the City Council and may be placed on the ballot for regularly scheduled election for nomination or election of council members. For Avondale, this would apply to a date of August 4th of this year. If approved, the limitation applies to the four succeeding fiscal years, meaning that 2020 approval would apply to Fiscal Year 2022 through Fiscal Year 2025.

Next steps include the following:

- January 6 – Special City Council meeting to consider adoption of a Resolution
- January 15/17 - Publication of City Council Vote
- April – Analysis and Resolution to be Sent to Auditor General
- May – Staff to Draft the Publicity Pamphlet
- August 4 – Election

Tonight's action is to hold the second public hearing on the proposed Home Rule option.

Vice Mayor Dennis opened the public hearing for public comment. There were no comments. Vice Mayor Dennis closed the public hearing.

6. ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the Regular Meeting; Council Member Malone seconded the motion.

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 7:21 p.m.

A **Special Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 Civic Center Drive in open and public session at 7:21 p.m.

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

Note: Mayor Kenn Weise attended the meeting by telephone.

Members Absent: None.

Other Municipal Officials Present: Charles Montoya, City Manager; Gina Montes, Assistant City Manager; Tracy Stevens, Deputy City Manager; Michael Wawro, City Attorney; Marcella Carrillo, City Clerk; Jessica Blazina, Intergovernmental Affairs Administrator; Jeff Case, Fire Chief; Lindsey Duncan, Finance and Budget Director; Kirk Haines, Parks and Recreation Director; Kevin Murphy, Director of Development & Engineering Services; Dale Nannenga, Police Chief; Cherlene Penilla, Human Resources Director; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Community Relations and Public Affairs Director.

Audience: Approximately five members of the public were present.

1. ROLL CALL NOTED BY THE CITY CLERK

2. RESOLUTION 1001-0120 EXTENDING THE LOCALLY CONTROLLED ALTERNATIVE EXPENDITURE LIMITATION HOME RULE OPTION

Lindsey Duncan, Director of Finance and Budget Services, introduced the item and requested City Council vote on a Resolution proposing a proposition to the voters for approval.

Council Member Pineda moved to adopt Resolution 1001-0120 proposing to submit to the qualified electors at the August 4, 2020 election a question to continue an alternative expenditure limitation home rule option, in place of that provided by the State of Arizona and authorized the Mayor or City Manager and City Clerk to execute the necessary documents; Council Member Kilgore seconded the motion.

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

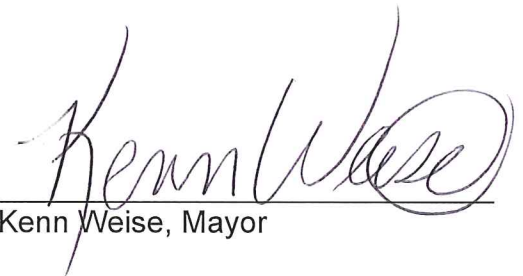
3. ADJOURNMENT INTO EXECUTIVE SESSION

There being no further business before the Council, Council Member Nielson moved to adjourn the Special Meeting into Executive Session pursuant to Ariz. Rev. Stat. § 38431.03(A)(7) for the purpose of discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase of real property located at 100 N. Clubhouse Dr.; Council Member Malone seconded the motion.

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 7:23 p.m.



Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session, Regular Meeting, and Special Meeting of the Council of the City of Avondale held on the 6th day of January 2020. I further certify that the meeting was duly called and held and that the quorum was present.



Marcella Carrillo, City Clerk

