



City of Avondale

City Council Meeting

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

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



City of Avondale

City Council Meeting

Monday, March 23, 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

Online Meeting

Join the meeting and view presentations: <https://avondaleaz.zoom.us/j/3083557784>

Using a Mobile Device? Download the Zoom Cloud Meeting App

Join the meeting with audio only: Call 301-715-8592 (meeting ID: 308 355 7784)



Summary of Council Actions

City Council Meeting Agenda

Monday, March 23, 2020

To join the meeting and view presentations, visit <https://avondaleaz.zoom.us/j/3083557784>

Using a Mobile Device? Download the Zoom Cloud Meeting App

To join the meeting with audio only (no presentations), call 301-715-8592 (meeting ID: 308 355 7784)

WORK SESSION

6:00 PM

CALL TO ORDER BY MAYOR

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

2. **CAPITAL BUDGET DISCUSSION**

City Council **received** a general overview of the City's capital improvement program (CIP) as part of the fiscal year 2021 budget preparation process.

3. **EMERGENCY OPERATIONS PLAN (EOP)**

City Council **continued** the presentation of a new Emergency Operations Plan (EOP) for the City of Avondale to the **April 6, 2020 City Council meeting**. This item is for information and discussion, no council action is required at this time.

4. **ADJOURNMENT**

Unscheduled public appearances will not be permitted at this meeting as City Council will be participating through a telephone conference call. Members of the public may listen to the discussions by joining the meeting online at <https://avondaleaz.zoom.us/j/3083557784>. Anyone wishing to address the Council regarding the public hearing items listed on the agenda should email their comments to CityClerk@AvondaleAZ.gov prior to consideration of that agenda item.

REGULAR MEETING

7:00 PM

CALL TO ORDER BY MAYOR

1. ROLL CALL BY THE CITY CLERK

2. 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 January 21, 2020 City Council Meeting Minutes. The Council will take the appropriate action.

b. BUDGET TRANSFER FOR THE 9TH STREET CONSTRUCTION PROJECT

City Council **approved** a budget transfer of \$400,000 from the Thomas Road Bridge Design CIP account to the 9th Street Construction account, to fund the construction of 9th Street, adjacent to the new City Resource Center and authorized staff to take the necessary action to complete the budget transfer. The Council will take appropriate action.

c. RESOLUTION 1016-0320 – MUTUAL AID AGREEMENT WITH GILA RIVER INDIAN COMMUNITY

City Council **adopted** Resolution 1016-0320 approving the Gila River Indian Community Mutual Aid Agreement for the provision of requesting emergency police mutual aid and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

d. RESOLUTION 1017-0320 - DEVELOPMENT AGREEMENT WITH FER PROPERTIES - MCDOWELL ROAD AND 107TH AVENUE ROAD WIDENING RIGHT-OF-WAY

City Council **adopted** Resolution 1017-0320 approving a Development Agreement with FER Enterprises, addressing the dedication of right of way, a temporary construction easement, a drainage easement, the purchase of a well, and design/construction improvements by the City in connection with the McDowell Rd & 107th Avenue road widening project, and authorized the Mayor, or City Manager and City Clerk, to execute the necessary documents. The Council will take appropriate action.

- e. **RESOLUTION 1018-0320 – ACQUISITION OF REAL PROPERTY FOR THE WASTEWATER COLLECTION HYDROGEN PEROXIDE INJECTION SITE FROM MARICOPA COUNTY**
City Council **adopted** Resolution 1018-0320 authorizing the dedication, purchase, or condemnation of real property for the Wastewater Collection Hydrogen Peroxide injection site from Maricopa County and authorized the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.
- f. **RESOLUTION 1019-0320 – DATA SHARING AGREEMENT WITH ARIZONA STATE UNIVERSITY (ASU)**
City Council **adopted** Resolution 1019-0320 authorizing a Data Sharing Agreement between Arizona State University (ASU) and the City of Avondale to share police report information on incidents leading to violent deaths occurring in Arizona and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.
- g. **PURCHASE AND SALE AGREEMENT WITH THE ALLISON TRUST FOR THE PROPERTY LOCATED AT AVONDALE BOULEVARD AND VAN BUREN STREET**
City Council **approved** the Purchase and Sale Agreement with the Allison Trust to purchase real property located at the north of the northeast corner of Avondale Boulevard and Van Buren Street and authorized the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.
- h. **AMENDED AND RESTATED WATER TRANSPORTATION AGREEMENT WITH SALT RIVER VALLEY WATER USER'S ASSOCIATION**
City Council **approved** an amended and restated Water Transportation Agreement with Salt River Valley Water User's Association, and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take the appropriate action.
- i. **WIRELESS PROVIDER MASTER LICENSE APPLICATION FOR CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS**
City Council **approved** a Wireless Provider Master License Application for Cellco Partnership d/b/a Verizon Wireless and authorized the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take the appropriate action.
- j. **TENTH AMENDMENT TO FINANCIAL ASSISTANCE AGREEMENT WITH CARE1ST HEALTH PLAN OF ARIZONA**
City Council **approved** the tenth amendment to the Financial Assistance Agreement with Care1st Health Plan of Arizona, Inc. (Care1st) to receive continuing funds for operation of the Care1st Avondale Resource Center in the amount of \$173,712.87 and authorized the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.
- k. **PRESENTATION OF THE AUDIT REPORT**
Staff **presented** the City's Comprehensive Annual Financial Report and the results of the annual audit for the fiscal year ended June 30, 2019.

Comments for Public Hearings: Anyone wishing to address the Council regarding the following public hearing items shall email their comments to CityClerk@AvondaleAZ.gov prior to consideration of that agenda item.

3. REGULAR AGENDA

a. PUBLIC HEARING AND ORDINANCE 2010-0320 - OLD BASELINE ROAD ALIGNMENT/ARIZONA STATE TRUST LAND

City Council **held** a public hearing and **adopted** Ordinance 2010-0320 annexing approximately 9.55 acres of Arizona State Trust Land generally located along the Old Baseline Road alignment and Indian Springs Road, from El Mirage Road to Avondale Boulevard and authorized the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

b. PUBLIC HEARING AND ORDINANCE 2011-0320 - REZONING FROM CITY CENTER DISTRICT

(D) AND COMMERCE PARK (CP) TO THE BLVD DISTRICT (BLVDD) - APPLICATION PL-19-0307

City Council **held** a public hearing and **adopted** Ordinance 2011-0320, rezoning approximately 191.76 gross acres from City Center District (CCD) and Commerce Park (CP) to The BLVDD (The BLVD District). Properties subject to the request are generally located south of I-10, north of Van Buren Street, east of 117th Avenue, and west of 111th Avenue, inclusive of APNs 500-01-018A, 500-01-016, 500-01-020, 500-01-007Y, 500-02-021, 500-01-015E, 500-03-547, 500-01-015B, 500-01-015D, 102-57-005X, 102-57-005V, 102-57-009B, 102-57-002J, 102-57-005T, 102-57-253, 102-57-252, 102-57-254, 102-57-251, 102-57-250, 102-57-245, 102-57-249, 102-57-248, 102-57-247, 102-57-240, 102-57-007R, 102-57-255A, 102-57-255B, 102-57-004Q, 102-57-004P, 102-57-256, 102-57-258 and 102-57-257. Adjacent public rights-of-way are also included in the request and authorized the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

4. DISCUSSION ITEMS

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

a. SHOPPING CART ORDINANCE

Staff **presented** information and request feedback from City Council on a proposed shopping cart ordinance. The ordinance is intended to address abandoned shopping carts by holding businesses accountable to prevent shopping cart removal from premises.

5. ADJOURNMENT

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 al 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
ONLINE MEETING
March 23, 2020

The March 23, 2020 City Council meetings were hosted online using the Zoom Cloud Meeting platform. All participants attended by phone or video.

A **Work Session** of the City Council of the City of Avondale, Arizona was convened online using the Zoom Cloud Meeting platform in open and public session at 6:00 p.m.

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

Note: All Council Members attended the meeting through phone or video conference.

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; Cindy Blackmore, Public Works Director; Jessica Blazina, Intergovernmental Affairs Administrator; Jeff Case, Fire Chief; Kenneth Chapa, Economic Development Services Director; Lindsey Duncan, Finance and Budget Director; Bryan Hughes, Acting Parks and Recreation Director; Dale Nannenga, Police Chief; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Community Relations and Public Affairs Director.

Audience: Approximately two members of the public were present.

1 ROLL CALL BY THE CITY CLERK

2. CAPITAL BUDGET DISCUSSION

Lindsey Duncan, Finance and Budget Director, provided a general overview of the City's capital improvement program (CIP) as part of the fiscal year 2021 budget preparation process.

Ms. Duncan reviewed the capital improvement planning process, noting that capital projects are generally greater than \$100,000 in total cost and have a useful life of at least three years. Asset replacement relies upon the same source of funding as capital projects and includes items such as vehicles, equipment, streets/pavement, and technology. The CIP is a multi-year plan for capital infrastructure. Projects are identified through staff analysis, contractual obligation and/or City Council direction.

City Council appropriates the funding for the first fiscal year through the annual budget adoption process. This is followed by capital improvement operations and maintenance.

Costs are reviewed throughout the planning process, not only in the fiscal year in which they are first identified, but as they get closer to completion. CIP project costs have increased in recent years, due to a variety of factors: competition for skilled labor, cost of raw materials, land acquisition costs, refining project scopes, and aging assets. For Fiscal Year 2020, Capital Expenditures represent approximately 28 percent of the total budget at approximately \$66 million. Thirty-six percent of funding for capital projects comes from transfers-in from other funds, ten percent from bonds, two percent from development impact fees, three percent for other sources and forty-eight percent from use of fund balance.

Fund transfers are included as a portion of pay-as-you-go funding. Most fund transfers are from operating funds, such as the General Fund, Water Operations and Wastewater Operations. Other fund transfers are derived from the half-percent dedicated sales tax, which can be used for streets, transit, water, and sewer. Another source is the contracting sales tax, which is considered to be cyclical, as it moves with the economy. There were \$36 million in budgeted fund transfers in fiscal year 2020.

General obligation (G.O.) bonds and revenue bonds represent borrowing on behalf of the City. Both require voter approval when initially authorized. For G.O. Bonds, there is a statutory limitation for the amount that can be issued. The City is presently well below this limitation. G.O. Bonds are repaid through secondary property tax. Municipalities which issue G.O. Bonds are obligated to levy a secondary property tax sufficient to pay the annual principal and interest on those bonds. Revenue bonds are limited by the availability of funding, such as taxes or fees. For fiscal year 2020, the City has allocated borrowing in the amount of \$10 million, representing revenue bonds pledged with the half-percent dedicated sales tax revenue. The City issued approximately \$4 million for the historic Avondale project and \$6 million for water and sewer projects.

Development impact fees are collected on the issuance of new development building permits. These fees are restricted by type and are identified in state statutes and often include debt service responsibility. The key revenue driver in this area is housing development. For fiscal year 2020, the City allocated \$3 million in impact fees to fund a variety of projects throughout the City. Other funding sources include grants and government sources. Use of fund balance represents cash on hand and are previously accumulated resources in the capital funds. Potential sources include impact fees that were collected in prior years and saved for the construction of the project. They may be bond proceeds or transfers from other funds from previous fiscal years. They may have restrictions, depending upon their original source. For fiscal year 2020, the use of fund balance planned and budgeted for totals \$47.8 million.

Ms. Duncan discussed a recommended change to the fund balance policy. The General Fund balance policy is based on a thirty-five percent reserve, not only from operating expenditures, but also transfers. Changing the policy will free up resources to be invested in infrastructure. Changes to the Water and Sewer Fund policies were previously discussed. The change would move the policy from nine months of operating

expenditures plus five percent of all assets to a policy of six months of operating expenses. Five percent of assets will be invested back into the system.

Mayor Weise asked for Ms. Duncan's opinion on how the current pandemic situation changes the projections, if at all. Ms. Duncan stated that there have been significant fluctuations in the economy. At this stage, it is difficult to comment on what trends and impacts are to be expected. As such, it is prudent to proceed with the forecast in place. They will continue to monitor as information becomes available and make reductions in the future, if necessary.

Council Member Pineda asked about the possibility for the City Council to receive updates regarding the current and changing situation. Ms. Duncan stated that as any new information becomes available, it will be provided.

Council Member Kilgore agreed with Council Member Pineda to be kept updated.

Council Member Conde concurred with the need to be kept updated and requested staff move forward with caution, as the situation changes every day.

Council Member Malone agreed that this is uncharted territory and reiterated the request for updates.

Council Member Nielson asked about the intended use of the \$40 million in freed up funding resulting from the policy change. Ms. Duncan stated that the presentation continues with an overview of projects.

Vice Mayor Dennis referred to the \$23 million representing the thirty-five percent that will go to operating expenditures and asked how many months of funding this would cover in the General Fund. Ms. Duncan stated that this total represents nearly four months in expenses. Vice Mayor Dennis asked for the amount of months they would have had if the proposed change was not made. Ms. Duncan said it would be closer to five or six months. Vice Mayor Dennis commented that during normal times, three to four months was likely sufficient. However, given these unusual times, Council may wish to reconsider the policy change. Mr. Montoya stated that they have ensured that the City is above GFOA standards. No policy changes have been made as yet and staff is prepared to come back in the next 45 days in terms of making any necessary modifications. Council is free to make changes to the budget (downgrading) until July 1; however, they are not free to increase it after July 1.

Mayor Weise recommended staff move forward with the policy changes and readdress as needed in the next few months. He stated that Avondale was one of nine cities that signed on to a bill that would direct federal funds directly to the City through CDBG, small business and certain other pipelines.

Ms. Duncan reviewed the project priorities by category for fiscal year 2021 as well as key terminology. The capital improvements and asset replacement funding amounts were presented as part of general government.

Ms. Duncan read key projects within the general government proposed projects.

Mayor Weise asked for the funding amount for year one in terms of reinvestments in the community center area. Ms. Duncan stated they have set aside approximately \$500,000. The category for sustaining existing building infrastructure consists of a variety of assets throughout the City.

Council Member Pineda referenced the Care 1st Facility Renovation and Community Center repurposing under recommended for funding. He asked about the possibility to switch these two out. Mr. Montoya stated that the current schedule provides Council sufficient time to make such changes.

Council Member Kilgore did not have any questions regarding the general government portion of the presentation.

Council Member Conde inquired on the listed Phoenix Raceway building improvements. Mr. Montoya stated that there will be changes in the area, including the medical science center and the raceway building. Staff will also be utilizing the building more so the intent is to set aside a budget for those anticipated changes.

Council Member Malone commented that the City recently made renovations to the PIR building for emergency services. Mr. Montoya said those changes were completed three years ago. In addition, Council agreed to the purchase of a backup generator last year. He reviewed additional year-one funding items, including upgraded technology infrastructure, vehicle replacement and sustainment of existing building infrastructure. The Community Center repurposing is greatly needed, as the building is in disrepair throughout. Vehicle replacement costs grow in years two through five and are a necessity to replace and repair City vehicles. A basic fire trucks costs \$1.5 million and a ladder truck costs \$2.5 million.

Mayor Weise commented that there is the potential for Phoenix Raceway to build its own building near the track. In response to a question from Council Member Malone, Mayor Weise stated that based on his understanding, it would occur within the two to five-year time frame.

Mr. Montoya added that over the next six to eight months, there will be annexations that will cover the City of Avondale all the way through the raceway on the northern side of the raceway.

Council Member Malone noted that the City intends to build another facility near the police station in response to overcapacity of City Hall. She suggested holding off on the expense

and having staff move to the building at the raceway. Mr. Montoya stated that this has been considered; however, City Hall is already at capacity with no room to grow. The University of Medical Sciences, in that building, also wants to expand. Council Member Malone then suggested that staff could utilize space at the Community Center. Mr. Montoya stated that having staff on a central campus is critically important. Having them separated by a mile or more would not be efficient.

Vice Mayor Dennis referred to unfunded court items in year six. She stressed the importance of safety issues at the building and suggesting moving some funding from vehicle replacement to this item. Mr. Montoya stated that the jury assembly room is not a priority currently, as there are only one to two jury trials per year. The security office at the court is important and is being addressed through cross-training and other methods.

Ms. Duncan reviewed a highlight of the public safety funding.

Council Members Pineda, Kilgore, and Conde did not have any questions regarding the public safety portion of the presentation.

Council Member Malone asked about the location of the detention center. Mr. Montoya stated that the only location currently suitable for construction is the southern portion of the Family Resource Center property. Otherwise, the City will have to purchase property in another location. Council Member Malone asked about the potential for constructing the detention center in the Civic Center area. Mr. Montoya said he would not recommend this, as there are potential plans for an aquatic center in the area, which will be utilized by families and children. Council Member Malone expressed similar concern with placing a future detention center near the Care1st building. She expressed concerns with the safety of the children and the elderly who would utilize the facility. Council Member Malone asked what will be done with the existing police and fire station on Western. Mr. Montoya said that this is a Council decision. Perhaps the City will re-purchase the fire station and rotate it, so that it comes off onto Western Avenue.

Ms. Duncan reviewed a highlight of the parks and libraries projects.

Council Member Pineda and Kilgore did not have any questions regarding the Parks and Libraries portion of the presentation.

Council Member Conde said she would like to see the work completed on Festival Fields sooner than a six-year time frame. Mr. Montoya stated that the restrooms and fencing are included in year one.

Council Member Malone and Nielsen did not have any questions regarding the Parks and Libraries portion of the presentation.

Vice Mayor Dennis referenced the neighborhood park enhancements and asked about the current needs. Ms. Duncan stated that the budget reflects funding to finish out the plan previously outlined for Council. Staff can provide additional details after this meeting.

Mayor Weise said he is in support of the sand volleyball courts; however, if there are more pressing needs at other park locations, he is willing to put this on hold for the time being.

Ms. Duncan discussed transportation funding and highlighted a small selection of the listed projects.

Council Members Pineda, Kilgore, Conde, and Malone did not have any questions regarding the transportation portion of the presentation.

Council Member Nielson asked whether the Fairway Drive improvements will complete Fairway to the interchange. Mr. Montoya confirmed this understanding.

Vice Mayor Dennis inquired if the Dysart right-of-way improvements are currently being completed. Mr. Montoya stated he believes this would be a completion of the current project but stated he would seek verify this at a later time.

Mayor Weise noted that there are some concerns at Lower Buckeye and Avondale Boulevard. He asked how easily projects and priorities can be moved, depending upon community needs. Mr. Montoya said that projects can always be moved up and down. However, the City must first annex this land to complete projects in the area.

Dave Janover, City Engineer, clarified that the Dysart ROW improvements is to remove the landscaping from behind the curb and replace the pavers on Van Buren Road down to Western Avenue.

Vice Mayor Dennis asked whether the \$1 million for the Thomas Road Bridge design will be sufficient to fund the project. Mr. Montoya stated that the amount is solely for design at this point. The cost for the entire project ranges from \$40 to \$60 million.

Ms. Duncan reviewed feedback received from the March 10, 2020 CIP Citizen's Committee Meeting, including:

- Positive responses related to funding for Historic Avondale improvements
- Preference to see more of Garden Lakes improvements
- BLVD pedestrian bridge not highest priority
- Inquiries regarding Fairway Drive's ability to handle the traffic
- Inquiries regarding the plan for growth in undeveloped portions of Avondale

Ms. Duncan gave an overview of the calendar for upcoming City Council work sessions.

3. EMERGENCY OPERATIONS PLAN (EOP)

The presentation of the new Emergency Operations Plan (EOP) for the City of Avondale was tabled until the April 6, 2020 City Council meeting. Fire Chief Case explained the document is a living document that they are using as a resource during the current crises.

4. ADJOURNMENT

There being no further business before the Council, Council Member Kilgore moved to adjourn the Work Session meeting; Council Member Nielson 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 7:05 p.m.

A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened online use the Zoom Cloud Meeting platform in open and public session at 7:16 p.m.

Mayor Weise asked for prayers and thoughts for the residents and staff of the City of Avondale.

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

Note: All Council Members attended the meeting through phone or video conference.

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; Cindy Blackmore, Public Works Director; Jessica Blazina, Intergovernmental Affairs Administrator; Jeff Case, Fire Chief; Kenneth Chapa, Economic Development Services Director; Lindsey Duncan, Finance and Budget Director; Bryan Hughes, Acting Parks and Recreation Director; Dale Nannenga, Police Chief; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Community Relations and Public Affairs Director.

Audience: Approximately three members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. 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. Vice Mayor Dennis requested the following items be removed from the Consent Agenda:

- Item b. Budget Transfer for the 9th Street Construction Project
- Item d. Resolution 1017-0320 – Development Agreement with FER Properties McDowell Road and 107th Avenue Road Widening Right-of-Way

Motion was made by Vice Mayor Dennis to approve the consent agenda with the exception of agenda item b and agenda item d, seconded by Council Member Kilgore, 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 January 21, 2020 City Council Meeting Minutes.

b. BUDGET TRANSFER FOR THE 9TH STREET CONSTRUCTION PROJECT

This item was pulled further discussions. Item is listed below in more detail.

c. RESOLUTION 1016-0320 – MUTUAL AID AGREEMENT WITH GILA RIVER INDIAN COMMUNITY

City Council adopted Resolution 1016-0320 approving the Gila River Indian Community Mutual Aid Agreement for the provision of requesting emergency police mutual aid and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

**d. RESOLUTION 1017-0320 – DEVELOPMENT AGREEMENT WITH FER PROPERTIES
MCDOWELL ROAD AND 107TH AVENUE ROAD WIDENING RIGHTOFWAY**

This item was pulled further discussions. Item is listed below in more detail.

**e. RESOLUTION 1018-0320 – ACQUISITION OF REAL PROPERTY FOR THE
WASTEWATER COLLECTION HYDROGEN PEROXIDE INJECTION SITE FROM
MARICOPA COUNTY**

City Council adopted Resolution 1018-0320 authorizing the dedication, purchase, or condemnation of real property for the Wastewater Collection Hydrogen Peroxide injection site from Maricopa County and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

**f. RESOLUTION 1019-0320 – DATA SHARING AGREEMENT WITH ARIZONA STATE
UNIVERSITY (ASU)**

City Council adopted Resolution 1019-0320 authorizing a Data Sharing Agreement between Arizona State University (ASU) and the City of Avondale to share police report information on incidents leading to violent deaths occurring in Arizona and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

**g. PURCHASE AND SALE AGREEMENT WITH THE ALLISON TRUST FOR THE
PROPERTY**

LOCATED AT AVONDALE BOULEVARD AND VAN BUREN STREET

City Council approved the Purchase and Sale Agreement with the Allison Trust to purchase real property located at the north of the northeast corner of Avondale Boulevard and Van Buren Street and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

**h. AMENDED AND RESTATED WATER TRANSPORTATION AGREEMENT WITH
SALT RIVER VALLEY WATER USER’S ASSOCIATION**

City Council approved an amended and restated Water Transportation Agreement with Salt River Valley Water User’s Association, and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

**i. WIRELESS PROVIDER MASTER LICENSE APPLICATION FOR CELLCO
PARTNERSHIP D/B/A VERIZON WIRELESS**

City Council approved a Wireless Provider Master License Application for Cellco Partnership d/b/a Verizon Wireless and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

**j. TENTH AMENDMENT TO FINANCIAL ASSISTANCE AGREEMENT WITH CARE1ST
HEALTH PLAN OF ARIZONA**

City Council approved the tenth amendment to the Financial Assistance Agreement with Care1st Health Plan of Arizona, Inc. (Care1st) to receive continuing funds for operation of the Care1st Avondale Resource Center in the amount of \$173,712.87 and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

k. PRESENTATION OF THE AUDIT REPORT

City Council accepted staff's presentation of the City's Comprehensive Annual Financial Report and the results of the annual audit for the fiscal year ended June 30, 2019.

ITEMS PULLED OFF THE CONSENT AGENDA FOR FURTHER DISCUSSION:

b. BUDGET TRANSFER FOR THE 9TH STREET CONSTRUCTION PROJECT

City Council considered a request to approve a budget transfer of \$400,000 from the Thomas Road Bridge Design CIP account to the 9th Street Construction account, to fund the construction of 9th Street, adjacent to the new City Resource Center and authorize staff to take the necessary action to complete the budget transfer.

Vice Mayor Dennis asked for more specific information in terms of the need for additional funding. Kevin Murphy, Director of Development and Engineering Services, explained that the establishment of the original building costs were determined prior to the final building design. The final configuration called for 9th Street to be constructed with access to the building, which increased the cost. The cost was necessary to provide the Fire Department access to the building. Vice Mayor Dennis commented that this need should have been addressed when the project was being developed. It is important that all departments review projects in their initial stages in order to identify specific needs from the beginning.

Vice Mayor Dennis moved to approve a budget transfer of \$400,000 from the Thomas Road Bridge Design CIP account to the 9th Street Construction account, to fund the construction of 9th Street, adjacent to the new City Resource Center and authorized staff to take the necessary action to complete the budget transfer; Council Member Pineda 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

d. RESOLUTION 1017-0320 – DEVELOPMENT AGREEMENT WITH FER PROPERTIES MCDOWELL ROAD AND 107TH AVENUE ROAD WIDENING RIGHTOFWAY

City Council considered a request to adopt Resolution 1017-0320 approving a Development Agreement with FER Enterprises, addressing the dedication of right of way, a temporary construction easement, a drainage easement, the purchase of a well, and design/construction improvements by the City in connection with the McDowell Rd & 107th Avenue road widening project, and authorize the Mayor, or City Manager and City Clerk, to execute the necessary documents.

Vice Mayor Dennis asked if any water rights come with the well. Cindy Blackmore stated water rights are appurtenant to the land. As the land is developed, the City receives any accompanying water rights. She also explained that the well itself does not have water rights.

Vice Mayor Dennis asked whether the City will be reimbursed if the well is not removed. Mr. Murphy stated that the City is obtaining the well and it will be the City's responsibility to abandon the well in place. Mr. Montoya stated he understands that the well is going to be abandoned and capped, the details will need to be worked out with SRP. Mr. Janover stated that the City will be removing the well and abandoning the well. They will provide the owner with the pump and motor. He will review the language in the agreement with the City Attorney to make any necessary clarifications.

Vice Mayor Dennis moved to adopt Resolution 1017-0320 approving a Development Agreement with FER Enterprises, addressing the dedication of right of way, a temporary construction easement, a drainage easement, the purchase of a well, and design/construction improvements by the City in connection with the McDowell Rd & 107th Avenue road widening project, authorized staff to address clarification with respect to the specific wording regarding the removal of well, 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. REGULAR AGENDA

a. PUBLIC HEARING AND ORDINANCE 2010-0320 – OLD BASELINE ROAD ALIGNMENT/ARIZONA STATE TRUST LAND

City Council considered a City-initiated request to adopt Ordinance 2010-0320 annexing approximately 9.55 acres of Arizona State Trust Land generally located along the Old Baseline Road alignment and Indian Springs Road, from El Mirage Road to Avondale Boulevard and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Jodie Novak, Assistant Director of Development and Engineering Services, provided a background of the item. The purpose of the purchase is to eliminate a county island. After adoption, the Public Works Department will maintain the strip of roadway.

Mayor Weise opened the public hearing and did not receive any requests to speak. Mayor Weise closed the public hearing, opened the floor for comments from Council but did not receive any comments.

Vice Mayor Dennis moved to adopt Ordinance 2010-0320 approving Application PL-19-0276, a City-initiated request to annex approximately 9.55 acres of Arizona State Trust Land generally located along the Old Baseline Road alignment and Indian Springs Road from El Mirage Road to Avondale Boulevard; Council Member Pineda 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

b. PUBLIC HEARING AND ORDINANCE 2011-0320 – REZONING FROM CITY CENTER DISTRICT (CCD) AND COMMERCE PARK (CP) TO THE BLVD DISTRICT (BLVDD) – APPLICATION PL-19-0307

City Council held a public hearing and considered a request initiated by the City of Avondale to adopt Ordinance 2011-0320, rezoning approximately 191.76 gross acres from City Center District (CCD) and Commerce Park (CP) to The BLVDD (The BLVD District). Properties subject to the request are generally located south of I10, north of Van Buren Street, east of 117th Avenue, and west of 111th Avenue, inclusive of APNs 50001018A, 50001016, 50001020, 50001007Y, 50002021, 50001015E, 50003547, 50001015B, 50001015D, 10257005X, 10257005V, 10257009B, 10257002J, 10257005T, 10257253, 10257252, 10257254, 10257251, 10257250, 10257245, 10257249,

10257248, 10257247, 10257240, 10257007R, 10257255A, 10257255B, 10257004Q, 10257004P, 10257256, 10257258 and 10257257. Adjacent public rights-of-way are also included in the request and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

Ken Galica, Division Lead Planner, explained the application is a City-initiated rezoning within The BLVD area. Mr. Galica reviewed the location and description of the property. The General Plan was updated in September of 2019. The land use map was revised throughout properties to change them to the BLVD land use, in conformance with the BLVD-Specific Plan. Some of the properties in the BLVD with PAD zoning have already been developed, including Hilton Garden Inn, and Marriott Residence Inn. These are excluded from the request, as they were developed under previous PADs. The uses and development standards that will apply to all the properties does vary, depending on the sub-district the property is located in. The proposed rezoning is a procedural step to implement the vision of the BLVD-Specific Plan. None of the property owners raised objections to the rezoning and there was one written indication of support received. All required notifications were completed.

Mayor Weise opened the public hearing and received one public comment in support of the item from Chris Anaradian with BFSO Law Firm. Mayor Weise closed the public hearing and opened the floor for comments from Council.

Council Member Pineda moved to accept the findings and adopt Ordinance 2011-0320 approving Application PL-19-0307, a City-initiated request to rezone approximately 191.76 gross acres from City Center District (CCD) and Commerce Park (CP) to The BLVDD (The BLVD District); 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

4. DISCUSSION ITEMS

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

a. SHOPPING CART ORDINANCE

Jodie Novak, Assistant Director of Development and Engineering Services, presented information and requested feedback from City Council on a proposed shopping cart ordinance. The ordinance is intended to address abandoned shopping carts by holding businesses accountable to prevent shopping cart removal from premises.

Ms. Novak noted the inundation of abandoned shopping carts throughout the community. Arizona Revised Statute 44-1799 prohibits abandonment or removal of shopping carts by the public. Cities must enact their own ordinances in terms of enforcing business requirements. A public notification meeting was held on February 11th. Those notified included 30 individual businesses in the community who utilize shopping carts as part of their business practices. Of these 30, only three representatives from three stores attended the meetings. No feedback has been received from staff since the meeting. The proposed ordinance applies to new and existing businesses. It requires the use of restrictive devices and includes shopping cart impoundment provisions. In terms of fees, \$50 is proposed as an administrative fee and \$45 for retrieval/impoundment of abandoned carts. Next steps include revisions of the ordinance based on Council feedback, fees adoption notification and Council adoption on June 1, 2020.

Council Member Pineda commented that this is just one step in the eradication of the issue. This measure not only assists residents and beautifies the City, but also makes it clear to businesses that Avondale is serious about enforcement. He expressed his appreciation for the members of City Council who brought the issue forward as well as the staff for taking the time to rectify the issue.

Council Member Kilgore stated that he understands the need for enforcement and staffs' efforts; however, he expressed concerns with passing an ordinance at this current time. After speaking with the General Manager of Costco, he was made aware that grocery stores are dealing with other concerns due to the current crisis and their minds are not focused on addressing shopping carts. He noted his personal experience of working within a grocery store, being the individual to pick-up abandoned carts. After speaking with Mr. Montoya, he was made aware that some of the stores have been delinquent. He stated an ordinance is appropriate, but he would prefer to not vote on an ordinance at this time due to the COVID-19 epidemic. In closing, he expressed his appreciation to staff and explained he does want to make it easier on the staff but reiterated his desire to vote on this at a later date.

Council Member Conde stated that she utilizes the My Avondale app to send photos of abandoned carts on McDowell Road from the bridge to Dysart. Not only is it an eyesore to the community, but there is also a safety hazard. She supports approval of the ordinance.

Council Member Malone is in favor of moving forward with the ordinance. She asked about mitigation efforts for the homeless population that utilize the carts and how to identify the owner of the cart. Ms. Novak explained the carts have identification tags on them that provide the owner information. If it is an older cart with no identification tag, the cart is taken to the Public Works department to be discarded. Mr. Montoya stated that empty carts are easy to address. However, when the cart is filled with a personal belonging, they are required to follow different rules in place to protect the homeless population. Those issues are not addressed within the proposed ordinance and are addressed outside of this type of ordinance.

Council Member Nielson asked whether existing carts will be required to be retrofitted to include a store's contact information. Ms. Novak clarified that the ordinance applies to new businesses coming into the City. They will not be approved for certificates of occupancy without meeting this requirement. Existing businesses will be assisted in the process of retrofitting carts. In response to a question from Council Member Nielson, Ms. Novak clarified that the fee would be \$45 per cart.

Vice Mayor Dennis asked how many carts are retrieved once impounded by the City. Ms. Novak stated that she did not have the data readily available; however, some stores do have contracts with cart retrieval services and retrieve most of their carts. Vice Mayor Dennis inquired on what the City will do if a business leaves their carts with the City to avoid the fee. Mr. Montoya explained the penalty fee is small to help encourage the businesses to take ownership of the carts.

Mayor Weise noted a successful cart retrieval effort at Fry's, put on by Council Member Sandi Nielson. He agreed with Mr. Montoya on starting small to see them step up to retrieve their carts. Lastly, he expressed his discouragement with the fact only three out of thirty businesses attended the public meeting.

5. ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the Regular 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 7:55 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 and Regular Meeting of the Council of the City of Avondale held on the 23rd day of March 2020. I further certify that the meeting was duly called and held, and that the quorum was present.

Marcella Carrillo, City Clerk