



City of Avondale

City Council Meeting

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

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



City of Avondale

City Council Online Meeting

Monday, September 21, 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
Tracy Stevens, Deputy City Manager
Nicholle Harris, Interim 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 Online Meeting
Notice & Agenda
Monday, September 21, 2020

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WORK SESSION

6:00 PM

CALL TO ORDER BY MAYOR

1. ROLL CALL BY THE CITY CLERK

2. OPEN MEETING LAW

City Staff **presented** information regarding Open Meeting Law. This item is for discussion only.

3. ADAPTIVE REUSE OF RESOURCE CENTER BUILDING AT 328 W. WESTERN AVE

City staff **presented** information on The Opportunity Tree, a non-profit organization seeking to provide services to individuals with intellectual and developmental disabilities (IDD) and their families out of the Resource Center building at 328 W. Western Ave. This item is for discussion only.

4. ADJOURNMENT

Request to Speak: Anyone wishing to address the Council regarding items listed on the agenda or under unscheduled public appearance should email their comments to CityClerk@AvondaleAZ.gov prior to consideration of that agenda item.

REGULAR MEETING

Convene Immediately Following the Work Session

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

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 August 24, 2020 and September 8, 2020 City Council Meeting Minutes. The Council will take the appropriate action.

b. FISCAL YEAR 2020-21 (FY2021) BUDGET ADJUSTMENTS

City Council **approved** the FY2021 budget and interfund transfer schedules for budget carryover and items not included in the FY2021 adopted budget. The Council will take appropriate action.

c. RESOLUTION 1063-0920 APPOINTMENT OF CITY ATTORNEY

City Council **adopted** Resolution 1063-0920, appointing Nicholle Harris, as the City Attorney of the City of Avondale, and authorized the Mayor, City Manager, City Clerk and Special Counsel to execute the necessary documents. The Council will take appropriate action.

d. RE-PLAT OF "99TH & ENCANTO" FOR AVONDALE STATION (FORMERLY VIRTUA99) - APPLICATION PL-20-0165

City Council **approved** a request by Mr. Adrian Betts, Virtua Partners, for a Re-Plat of "99th & Encanto" for Avondale Station (formerly Virtua99), approximately 59.77 gross acres located north of the northwest corner of 99th Avenue and McDowell Road. In conformance with the approved Avondale Station/Virtua99 Planned Area Development (PAD), the proposed Re-Plat divides the subject property into seven (7) lots, dedicates 99th Avenue right-of-way, creates tracts for private streets, and dedicates public water and sewer easements and private easements to serve future development of the lots. A previous Re-Plat of this property was approved by the Council in December 2019 but was not recorded for reasons related to the timing of easement dedications over the then-existing United States Bureau of Reclamation (BoR)/Salt River Project (SRP) easements. The Council will take appropriate action.

e. FINAL PLAT FOR AVONDALE 50 - APPLICATION PL-20-0139

City Council **approved** a request by Mr. Matt Visnansky, Opus Development Company, for a Final Plat for Avondale 50, approximately 59.88 gross acres of land located at the northwest corner of 119th Avenue and Corporate Drive. Consistent with the approved Avondale 50 Planned Area Development (PAD), the proposed Final Plat creates lots for each of the three (3) planned light industrial buildings on the Avondale 50 site, dedicates half-street right-of-way for 119th Avenue and Corporate Drive adjacent to the site, and dedicates public utility and sewer easements to serve the future commerce park. Additionally, the proposed Final Plat dedicates the north half-street right-of-way for Corporate Drive from the west boundary of the Avondale 50 site to Fairway Drive, resulting in the creation of a fourth lot and remnant tract, under separate ownership, west of the Avondale 50 development site. The Council will take appropriate action.

f. ORDINANCE 2027-0920 DEDICATION OF A PUBLIC SEWER PIPELINE EASEMENT FOR VERDE TRAILS

City Council **adopted** Ordinance 2027-0920 for the dedication of a public Sewer Pipeline Easement for the City of Avondale to access, operate, repair and maintain a sewer pipeline and associated facilities and authorized the Mayor, or City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

g. GRANT AWARD - STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER)

City Council **approved** a Adequate Fire and Emergency Response (SAFER) grant from the U.S. Department of Homeland Security, Federal Emergency Management Administration (FEMA) for \$3,090,402, authorize 14 new positions, amend the Fire-Medical budget and authorized the City Manger, City Attorney, Finance and Budget Director, and City Clerk to execute the necessary document. The Council will take appropriate action.

4. ADJOURNMENT

Council Members of the City of Avondale will attend either in person or by telephone conference call. 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.

Los miembros del Concejo de la Ciudad de Avondale participaran ya sea en persona o por medio de llamada telefonica. 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.

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
ONLINE MEETING
September 21, 2020

A **Work Session** of the City Council of the City of Avondale, Arizona was convened using the Zoom Cloud Meeting platform in open and public session at 6:04 p.m. All participants attended by phone or video.

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; Tracy Stevens, Deputy City Manager; Nicholle Harris, Interim City Attorney; Marcella Carrillo, City Clerk; Cindy Blackmore, Public Works Director; Jessica Blazina, Intergovernmental Affairs Administrator; Jeff Case, Fire Chief; Ken Chapa, Economic Development Services Director; Lindsey Duncan, Finance and Budget Director; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Kevin Murphy, Development and Engineering Services Director; Dale Nannenga, Police Chief; Cherlene Penilla, Human Resources Director; Abril Ruiz-Ortega, Court Administrator; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

Audience: Three members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. OPEN MEETING LAW

Nicholle Harris, Interim City Attorney, presented information regarding Open Meeting Law. She stated the Arizona Open Meeting Law (OML) is contained in ten statutes. It was originally adopted in 1962 and was later amended in 1982 to authorize the Arizona Attorney General and County Attorneys to enforce the statute and pursue legal action against violators. The law was amended again in 2017 to clarify what constitutes a “meeting,” and to increase penalties for subsequent violations. There are various Attorney General opinions on the application of the OML.

In 2008, the Arizona Attorney General provided an opinion that determined remote meetings are acceptable, so long as notice is provided, an agenda is available and there is opportunity for the public to listen and attend. Given the COVID pandemic, the Attorney General provided an informal opinion in March of 2020 that reiterated the Zoom platform is acceptable for open meeting laws, as long as meeting holders adhere to the requirements of notice, agenda, and public access.

The OML is intended to maximize public access to the government process through open deliberation and proceedings to the public. It is intended to prevent public bodies from secret decision-making. Any business that the Council transacts should take place via a noticed and published meeting that is open to the public.

The statutes contain the declaration of public policy, which dictate the following:

- Meetings of public bodies will be conducted openly.
- Notice and agendas must inform public of all matters covered.
- Interpret laws in favor of open and public meetings.

Definitions of “Public Body” include:

- City and Town Councils.
- Boards and Commissions of the city or town.
- All corporations and other instrumentalities whose boards of directors are appointed or elected by the city or town council.
- All quasi-judicial bodies of the city or town.
- Standing, special or advisory committees or subcommittees of the city or town.

In summary, a public body is any entity officially established by City Council for the purposes of making a recommendation concerning the decision to be made or course of action to be taken by the Council. A “meeting” is defined as a gathering, in person or through technological devices of a quorum of members of the public body at which they discuss, propose or take legal action, including deliberations.

The 2017 amendment clarified the definition of meeting as follows: “A one-way electronic communication by one member of the public body that is sent to a quorum of the members of the public body and that proposes legal action.” Another definition included in the 2017 amendment describes what a meeting includes as follows: “An exchange of electronic communications among a quorum of the public body that involves a discussion, deliberation or the taking of legal action by the public body concerning a matter likely to come before the public body for action.”

For serial meetings, it is not necessary for a public body to communicate simultaneously in order for a meeting to occur. A series of gatherings of less than a quorum may constitute a meeting if City business is discussed. This means that if a Council Member talks to other Council Members about City business and then one of those Council Members talks to another Council Member about the same thing, a meeting has taken place.

Agenda and notice requirements are as follows:

- Post all meeting notices and agendas on the City website.
- Post notice of the meeting at least 24 hours before the meeting. This timeframe includes Saturdays if the public has access to the physical location where the notice is. This timeframe excludes Sundays and holidays.
- An emergency meeting is the only exception to the 24-hour notice requirement, but this is rare and are usually not justified under the OML.

Agenda requirements are as follows:

- Date, time and place of meeting.
- Agendas must list the specific matters to be discussed, considered or decided.
- Executive session agenda cannot simply recite the statutory language.
- Must contain information reasonably necessary to inform the public and members of what will be considered.
- Council may only discuss, consider or make decisions only on matters listed on the agenda and other matters related thereto.

To avoid OML violations, the agenda should not contain legalese, acronyms or technical terms that may not be known to the general public. Agendas should not contain general non-descriptive terms that do not clearly identify topics.

There is one situation in which a report can be given without listing the specific matter on the agenda. The exception applies to City Council Members and the City Manager, who may provide a brief summary of current events without listing it on the agenda. In this case, two requirements must be met: 1) The agenda must state that there will be a summary or report of current events; and 2) the City Council must not propose, discuss, deliberate or take any legal action on the matter in the summary.

In terms of Executive Sessions, there are nine exceptions when business may be discussed outside of the public view. School safety plans or programs and security plans were recently added to the statute.

Executive session agendas must comply with the following:

- Must include detail of item to be discussed.
- Must provide more than just a recital of the statutory provision.
- Agenda language should not defeat the purpose of the executive session or compromise the legitimate privacy concern or attorney-client privilege.
- No legal action or final vote shall be taken in the executive session.
- Council may direct staff and attorney as provided in the statutes.
- Reaching a consensus is appropriate, per Attorney General.
- Business conducted in executive session is confidential.

In terms of the call to the public, the public has the right to attend and listen, but not participate. The statute permits a call to the public on the agenda on matters within the public body's jurisdiction. Council Members are limited to responding to personal criticism; asking staff to review a matter; asking that a matter be put on a future agenda. Responding to personal criticism is limited to personal attacks. Council shall not discuss or take legal action on matters raised during open call to the public unless the matter was properly noticed for discussion and legal action.

With regard to potential violations and specifically circumventing the OML, a member of the public body may not knowingly instruct staff to communicate in violation of the OML. Sanctions may be imposed upon any person who knowingly aids, agrees to aid, attempts to aid another person in violating the open meeting laws.

Susan Segal, attorney with Gust Rosenfeld Law, presented additional information. Ms. Segal provided the definition of the term “propose”. Discussion is not necessary to create a violation; one-way communication alone is enough to constitute a violation. A single board member may violate OML if they propose legal action among a quorum outside of a properly noticed meeting. The board members may discuss a concept but be careful not to propose legal action. Care should be taken in use of emails to discuss City business in order to avoid potential violations. Examples of possible violations was presented.

Examples of impermissible communications include:

- Emails to a quorum of the Council proposing legal action.
- An email exchange of facts and or opinions, if it is foreseeable that the topic may come before the Council for action.
- Forwarding or responding to emails involving a majority of the Council.
- Email discussions about City business between less than a quorum of the members that are forwarded to a quorum by a Council Member.

Examples of permissible communications include:

- A staff member e-mails a quorum of Council and there are no further emails among the members.
- A Council Member copies other Council Members on an emailed response to a constituent inquiry.
- An email request by a Council Member to staff for specific information. Staff may reply to all, as long as the response does not communicate opinions of other Council Members.
- A Council Member sends an article, report, or other factual information to the other members or staff with a request to include it in the Council's agenda packet and the agenda packet is distributed by e-mail.

There is no distinction between discussing facts versus opinions among a quorum. A two-way discussion of facts and/or a two-way discussion of opinions is a violation of OML.

In terms of social media, it may be deemed a discussion among a quorum for a board member to “like” a post or the person who posted. An example is a situation where a board member posts a comment about an election and three other board members “liked” it. Statute 38-431.09 was amended two years ago to deal with social media and media in general. There was an Attorney General opinion, stating that if a quorum speaks to the press and provides an opinion on a matter, this is not an open meeting law violation, as it is not principally directed at or directly given to another Council Member and there is no concerted plan to engage in collective deliberation.

Ms. Harris stated that it is not a violation of the OML to have a gathering of the quorum to discuss matters not related to City business or at a social event where no City business is discussed. The City may post a courtesy agenda to announce that a quorum will be present at the event but note that no business will be discussed, and no legal action will be taken. If a violation has taken place, the statute provides that any actions taken are null and void. The actions must be ratified, including a written description of the action. The board must post at least 72 hours before the meeting its intent to ratify the action.

The Attorney General has opined that depending on the circumstances, the formality may not be necessary. If possible, the item may be added to the next agenda for reconsideration and ratification. The Attorney General's Office or County Attorney may launch an investigation upon receipt of a complaint of violation.

If a violation is found, possible penalties include civil penalties, removal of the officer who violated the law, and officer assessed with all costs awarded to the plaintiff. The City may not spend public monies for legal counsel to defend the officer, unless the body has authority to make expenditure and takes legal action at a noticed meeting approving the expenditure. The enforcement body for OML violations is the Attorney General's Open Meeting Law Enforcement Team (OMLET). They investigate complaints and are the only entity that may sue elected officials for OML violations. The County Attorney also has enforcement authority; however, they do not normally get involved. The County Attorney does not have the authority to sue individuals for OML violations. The statutes provide that any citizen can sue a public body for a violation of the OML. The Courts would then order the public body to comply with the OML.

Council Members thanked staff for the thorough presentation and did not have any additional questions for staff.

Vice Mayor Dennis requested a copy of the presented material for future reference.

3. ADAPTIVE REUSE OF RESOURCE CENTER BUILDING AT 328 W. WESTERN AVE

Chris Lopez, Neighborhood and Family Services Director; presented information on The Opportunity Tree, a non-profit organization seeking to provide services to individuals with intellectual and developmental disabilities (IDD) and their families out of the Resource Center building at 328 W. Western Ave.

Mr. Lopez stated that the Care1st Avondale Resource Center currently operates out of a facility located at 328 West Western Avenue. A new resource center is currently under construction, which is expected to be completed at the end of the year. It is anticipated that services to the public will be transitioned into the new facility in early 2021. With this transition in mind, staff wanted to set goals for the potential use of the building. Staff have deemed it in the City's best interests to hold a competitive process, which would allow the opportunity for innovative options. It is also important to obtain good use of the space by identifying a nonprofit partner to use the building and be able to expand health and human services currently being offered in Avondale and in the area. Another goal was to identify a partner with a record of success in the Valley and to ensure that the organization has the financial capacity for sustainability to make the necessary improvements to the building. The partner will also need to be willing to enter into a lease agreement with the City.

The Request for Proposals was issued on July 8, 2020. An announcement was published on the City's vendor registry site and other venues. Email announcements were sent to 27 nonprofit organizations. A pre-submittal meeting was held on July 22nd with six organizations in attendance. After that meeting, one organization requested a tour of the site, which was provided. Proposals were due on August 5th and the evaluation process

begun on August 20th. An evaluation committee was comprised of City staff from Neighborhood and Family Services, Economic Development and Facilities. The committee utilized a set of evaluation criteria consistent with the outlined goals.

A single proposal was received from The Opportunity Tree, a nonprofit agency established in 1963 which has demonstrated a history of serving the community. The agency provides support and programming for individuals with intellectual and developmental disabilities. The agency is currently operating in three locations: Phoenix, Maricopa and Casa Grande. Services for IDD individuals are currently limited in the Southwest Valley. The agency has an operating budget of \$14 million with operating reserves of \$2 million. The agency's proposed programming and services include adult day programs, vocational and employment services, and youth transitional services. Their partnerships include Arizona Division of Developmental Disabilities, behavioral health specialists and therapists, and federal and state benefit specialists.

The proposed lease structure is as follows:

- Three-year lease agreement.
- Discounted lease rate based on a percentage of fair market rent (FMR).
- Rate to be evaluated annually.
- Rate could be reevaluated at the end of year three.

For year one (1), the recommendation is for 10 percent of FMR (\$650 per month). Years two (2) and three (3) would be 30 percent of FMR (\$1,950 per month).

Important considerations include:

- The proposal received high scores from all panel members.
- The organization appears to be fiscally sound and has a history of success.
- There is strong evidence of partnerships and collaboration.
- Capacity to adapt and maintain a City asset.
- Commitment to outreach, marketing, and stakeholder engagement.
- Services fill a vital need in the community.

Council Member Pineda said he assumes the agency will retrofit and rehab the property to fit their needs and asked whether the City would be responsible for any of the costs. Mr. Lopez stated that the agency has proposed minimal changes to the building, including ensuring ADA compliance. They propose adding a small pony wall to separate some programming areas. The agency will be responsible for ongoing maintenance. Council Member Pineda addressed transportation, inquiring as to whether there will be drop-offs, pick-ups or designated zones. Mr. Lopez said the proposal does not include any information in this regard, but staff can follow up on this. Council Member Pineda agreed that it would be a good use for the building, especially in terms of proximity to the new Care1st facility.

Council Member Kilgore thanked staff for the presentation and stated that this is a good opportunity for the City. He asked about other local partnerships of The Opportunity Tree. Mr. Lopez said the agency has programming in three cities and noted some of their work with the City of Scottsdale and the City of Phoenix. They recently received funding from

the City of Phoenix to open a media arts space, which has been highly successful. The agency has plenty of experience working with other cities as well as school districts. Council Member Kilgore stated he was intrigued to hear about their support for youth with obtaining employment. He expressed his appreciation for the sharing the information.

Council Member Conde asked Mr. Lopez if he had heard of Opportunity Tree before this time. Mr. Lopez said this was the first time he was aware of the agency. He subsequently did thorough research and reviewed the application several times. He is very impressed with the organization. Council Member Conde inquired whether staff has visited any of the agency's other facilities. Mr. Lopez confirmed that staff made a visit to determine how the agency was maintaining assets and programming and there were no concerns. Council Member Conde asked if the facility will be similar to The Start where day programs are available for disabled adults. Mr. Lopez stated that Opportunity Tree is far more comprehensive, providing a wealth of programs and services, serving a variety of ages. He noted the agency has a creative arts component.

Council Member Nielson inquired as to the size of the population to be served. Mr. Lopez stated that expected average daily attendance is 25 to 30 individuals. Their expected service to the community on annual basis is around 200 to 250 who visit the center for services similar to the Resource Center.

Council Member Malone asked for confirmation of the age range being served. Mr. Lopez said the adult program serves ages starting at 18. The youth program serves ages 14 through 22. Council Member Malone asked whether the location would incorporate job training, adult daycare and creative arts all in one. Mr. Lopez confirmed the understanding, noting that is a very comprehensive program. Council Member Malone asked how the agency has approached working with school districts. Mr. Lopez stated that the agency communicated an aggressive marketing and outreach plan, including direct contacts with school districts and special education teachers. They will likely have promotions during City and school events.

Vice Mayor Dennis asked whether the application demonstrates service to the southwest Valley at this time. Mr. Lopez said they do not currently serve individuals in the southwest Valley as they have a strong presence in the east Valley. They are well aware of the City's school districts. Vice Mayor Dennis inquired on the hours of operation. Mr. Lopez said he would need to follow up with this question; however, they are expected to be consistent with similar programs, which operate from approximately 8 a.m. to 6 p.m. Monday through Friday. Vice Mayor Dennis referenced the significant rental discount for the first year, based on the Agency's intent to make improvements to the building. She asked for additional details on the required improvements. Mr. Lopez stated that the improvements to date include the mentioned small wall and evaluating the space to ensure accessibility. There will likely be expenses not fully determined at this time, such as expenses for equipment and supplies. Vice Mayor Dennis asked if there has been a preassessment of the building's condition. Mr. Lopez confirmed that the facilities manager became involved in the process early on. There is language in the proposal to include inspection cycles and maintenance expectations. There will be an additional meeting and site visit before

contracts are signed. Vice Mayor Dennis commented that this is an opportunity to provide an important resource to the Southwest Valley.

Mr. Montoya stated staff will ensure the organization is successful within the City.

Mayor Weise thanked Mr. Lopez for the presentation. He noted that the building is much different than the senior center. He appreciates that the agency will be taking occupancy with its eyes open and that the City has been very forthcoming. This is a great use of the facility in terms of filling a gap in social needs in the West Valley.

4. ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the Work Session 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 7:11 p.m.

A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened using the Zoom Cloud Meeting platform in open and public session at 7:11 p.m. All participants attended by phone or video.

Mayor Weise requested a moment of silent reflection in memory of Supreme Court Justice Ruth Bader Ginsburg.

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; Tracy Stevens, Deputy City Manager; Nicholle Harris, Interim City Attorney; Marcella Carrillo, City Clerk; Cindy Blackmore, Public Works Director; Jessica Blazina, Intergovernmental Affairs Administrator; Jeff Case, Fire Chief; Ken Chapa, Economic Development Services Director; Lindsey Duncan, Finance and Budget Director; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Kevin Murphy, Development and Engineering Services Director; Dale

Nannenga, Police Chief; Cherlene Penilla, Human Resources Director; Abril Ruiz-Ortega, Court Administrator; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

Audience: Five members of the public were present.

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

2. UNSCHEDULED PUBLIC APPEARANCES

None.

3. CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

Mayor Weise asked if any Council Member wished to have an item removed from the Consent Agenda. Mayor Weise requested agenda item 3c. Resolution 1063-0920 Appointment of City Attorney.

Vice Mayor Dennis congratulated the Fire and Medical Department on being awarded the SAFER grant, which is scheduled to be approved through agenda item 3g. Mayor Weise concurred with Vice Mayor Dennis, explaining the City has applied for similar grants in the past but the terms were difficult for the City to work with due to various economic difficulties.

Having no additional requests from Council, motion was made by Council Member Pineda, seconded by Council Member Malone, to approve the Consent Agenda with the exception of agenda item 3c.

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 August 24, 2020 and September 8, 2020 City Council Meeting Minutes.

b. FISCAL YEAR 2020-21 (FY2021) BUDGET ADJUSTMENTS

City Council approved a request to adjust the FY2021 budget and interfund transfer schedules for budget carryover and items not included in the FY2021 adopted budget.

c. RESOLUTION 1063-0920 APPOINTMENT OF CITY ATTORNEY

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

d. RE-PLAT OF “99TH & ENCANTO” FOR AVONDALE STATION (FORMERLY VIRTUA99) - APPLICATION PL-20-0165

City Council approved a request by Mr. Adrian Betts, Virtua Partners, for approval of a Re-Plat of “99th & Encanto” for Avondale Station (formerly Virtua99), approximately 59.77 gross acres located north of the northwest corner of 99th Avenue and McDowell Road. In conformance with the approved Avondale Station/Virtua99 Planned Area Development (PAD), the proposed Re-Plat divides the subject property into seven (7) lots, dedicates 99th Avenue right-of-way, creates tracts for private streets, and dedicates public water and sewer easements and private easements to serve future development of the lots. A previous Re-Plat of this property was approved by the Council in December 2019 but was not recorded for reasons related to the timing of easement dedications over the then-existing United States Bureau of Reclamation (BoR)/Salt River Project (SRP) easements.

e. FINAL PLAT FOR AVONDALE 50 - APPLICATION PL-20-0139

City Council approved a request by Mr. Matt Visnansky, Opus Development Company, for approval of a Final Plat for Avondale 50, approximately 59.88 gross acres of land located at the northwest corner of 119th Avenue and Corporate Drive. Consistent with the approved Avondale 50 Planned Area Development (PAD), the proposed Final Plat creates lots for each of the three (3) planned light industrial buildings on the Avondale 50 site, dedicates half street, right-of-way for 119th Avenue and Corporate Drive adjacent to the site, and dedicates public utility and sewer easements to serve the future commerce park. Additionally, the proposed Final Plat dedicates the north half street, right-of-way for Corporate Drive from the west boundary of the Avondale 50 site to Fairway Drive, resulting in the creation of a fourth lot and remnant tract, under separate ownership, west of the Avondale 50 development site.

f. ORDINANCE 2027-0920 DEDICATION OF A PUBLIC SEWER PIPELINE EASEMENT FOR VERDE TRAILS

City Council adopted Ordinance 2027-0920 for the dedication of a public Sewer Pipeline Easement for the City of Avondale to access, operate, repair and maintain a sewer pipeline and associated facilities and authorized the Mayor, or City Attorney and City Clerk to execute the necessary documents.

g. GRANT AWARD - STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER)

City Council approved a request to authorize the Staffing for Adequate Fire and Emergency Response (SAFER) grant from the U.S. Department of Homeland Security, Federal Emergency Management Administration (FEMA) for \$3,090,402, authorize 14 new positions, amend the Fire-Medical budget and authorized the City Manager, City

Attorney, Finance and Budget Director, and City Clerk to execute the necessary document.

ITEM PULLED OFF THE CONSENT AGENDA FOR FURTHER DISCUSSION:

c. RESOLUTION 1063-0920 APPOINTMENT OF CITY ATTORNEY

City Council considered a request to adopt Resolution 1063-0920, appointing Nicholle Harris, as the City Attorney of the City of Avondale, and authorize the Mayor, City Manager, City Clerk and Special Counsel to execute the necessary documents.

City Council congratulated Ms. Harris. Each member shared a few words, expressing their appreciation for Ms. Harris.

Council Member Kilgore moved to adopt Resolution 1063-0920, appointing Nicholle Harris, as the City Attorney of the City of Avondale, and authorized the Mayor, City Manager, City Clerk and Special Counsel to execute the necessary documents; 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

4. ADJOURNMENT

There being no further business before the Council, Vice Mayor Dennis 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 7:24 p.m.

Kenneth 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 21st day of September 2020. I further certify that the meeting was duly called and held, and that the quorum was present.

Marcella Carrillo, City Clerk

Date Approved by City Council