# City of Avondale

City Council Meeting

**Link to Summary of Council Actions**

**Link to Meeting Minutes**

**Amendment #1 - 10/01/2020**

# City of Avondale

City Council Online Meeting

Monday, October 5, 2020

Summary of Council Actions

## Mayor and Council

Kenneth 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 | Cherlene Penilla, Deputy City Manager

Nicholle Harris, 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)

# City Council Online Meeting
# Notice & Agenda
## Monday, October 5, 2020

**To join the meeting and view presentations, visit** https://avondaleaz.zoom.us/j/3083557784
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**WORK SESSION**
**6:30 P.M.**

**CALL TO ORDER BY MAYOR**

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

2. **FEDERAL UPDATE**
   City Council received an update from Capital Edge regarding Avondale's legislative priorities, as well as an update on recently proposed federal policies. This item is for discussion only.

3. **A NEW LEAF – EAST VALLEY HOMELESS SERVICES AND EXPANSION EFFORTS**
   City Staff presented to Council, information on A New Leaf, a housing, health and community services organization, seeking to expand their homeless services in the West Valley. 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 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.

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# REGULAR MEETING
## 7:00 PM
**(will convene following the Work Session meeting)**

**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. **SWEARING-IN CEREMONY**
      Ms. Nicholle Harris was sworn in as the new City Attorney of the City of Avondale.

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 September 11, 2020 City Council Retreat Minutes. The Council will take the appropriate action.

   b. **FISCAL YEAR 2019-2020 (FY2020) YEAR END BUDGET AMENDMENTS**
      City Council approved a budget amendment utilizing contingency for certain departments which exceeded the FY2020 amended budget appropriation and approve the transfer of budget appropriation for capital projects that changed funds. The Council will take appropriate action.

   c. **RESOLUTION 1064-1020 - AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR JOINT LEGAL REPRESENTATION IN THE GILA RIVER GENERAL STREAM ADJUDICATION**
      City Council adopted Resolution 1064-1020 authorizing the Second Amendment to the Intergovernmental Agreement with the cities of Glendale, Mesa, Scottsdale, and Tempe for joint legal representation in the Gila River General Stream Adjudication; and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

**d. RESOLUTION 1065-1020 - INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) FOR THE DYSART ROAD ANONYMOUS RE-IDENTIFICATION (ARID) PROJECT**

City Council adopted Resolution 1065-1020 authorizing an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) for the Dysart ARID project for the installation of traffic signal hardware, and to authorize the Mayor, or City Manager and City Clerk, to execute the necessary documents. The Council will take appropriate action.

**e. RESOLUTION 1066-1020 - MEMORANDUM OF AGREEMENT FOR EPA BROWNFIELDS ASSESSMENT GRANT**

City Council adopted Resolution 1066-1020 approving a Memorandum of Agreement with the City of Phoenix, City of Tempe, and Arizona State University to execute an EPA Brownfields Assessment Coalition Grant in the amount of $600,000 for the three-year term of the agreement and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

**f. RESOLUTION 1067-1020 – AMENDED INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA DEPARTMENT OF CHILD SAFETY AND THE PARTNERING AGENCIES WITH THE SOUTHWEST FAMILY ADVOCACY CENTER**

City Council adopted Resolution 1067-1020 authorizing the first amendment of an Intergovernmental Agreement (IGA) between the State of Arizona Department of Child Safety (DCS) and the partnering agencies of the Southwest Family Advocacy Center (SWFAC), which include the City of Avondale, the City of Buckeye, the City of Goodyear, and the Maricopa County Sheriff's Office to extend the shared use of the SWFAC facility and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

**g. FINAL PLAT FOR PARK 10 PHASE 3 - APPLICATION PL-20-0078**

City Council approved a request by Mr. Jeff D. Behrana, Optimus Design Group, for approval of a Final Plat for Park 10 Phase 3. The proposed Final Plat divides 28.54 acres of undeveloped land into five (5) lots, dedicates right-of-way at the intersection of McDowell Road and Harbor Shores Boulevard to accommodate construction of a new traffic signal, and dedicates public water and sidewalk easements to accommodate the development of Park 10 Phase 3 (Barrio Queen, Mountainside Fitness, and Shops C multi-tenant retail building) in accordance with City requirements. The subject property, located at the southeast corner of McDowell Road and 107th Avenue, includes 21.02 acres of unsubdivided land and Lot 3 of Park 10 Phase 2, an existing 7.52-acre platted parcel which will be re-platted as part of this Final Plat. The Council will take appropriate action.

## 5. REGULAR AGENDA

**a. PUBLIC HEARING AND RESOLUTION 1068-1020 - MINOR GENERAL PLAN LAND USE MAP AMENDMENT FOR HANCOCK COMMUNITIES AT MCDOWELL 117 – APPLICATION PL-20-0054**

City Council held a public hearing and adopted Resolution 1068-1020 approving a request by Mr. Andy Jochums, Beus Gilbert McGroder PLLC, to approve a Minor Amendment to the Avondale General Plan 2030 Land Use Map for Avondale Townhomes on Dysart, a proposed 217 unit multi-family residential development located approximately 1,330 feet south of the southwest corner of McDowell Road and 117th Avenue. The proposed Minor General Plan Amendment, if approved, will amend the land use designation of approximately 32.30 acres of land inclusive of 19.07 acres of privately owned property, 9.53 acres of adjacent Interstate 10 (I-10) right-of-way and a 3.70 acre undeveloped portion of Friendship Park, from High Density Residential (HDR) to Medium/High Density Residential (MHDR).

**b. PUBLIC HEARING AND ORDINANCE 2028-1020 - REZONING FROM PLANNED AREA DEVELOPMENT AND MANUFACTURED HOME PARK TO PLANNED AREA DEVELOPMENT FOR HANCOCK COMMUNITIES AT MCDOWELL 117 – APPLICATION PL-20-0055**

City Council held a public hearing and adopted Ordinance 2028-1020, approving a request by Mr. Andy Jochums, Beus Gilbert McGroder PLLC, to rezone 19.07 acres of land located approximately 1,330 feet south of the southwest corner of McDowell Road and 117th Avenue from Planned Area Development (PAD) and Manufactured Home Park (MH) to PAD (Planned Area Development). The proposed Hancock Communities at McDowell 117 PAD will allow for a 217 unit, single-story multi-family residential development at a density of 11.3 dwelling units per acre. A request to change the General Plan 2030 Land Use Map designation will be considered separately.

**c. PUBLIC HEARING AND RESOLUTION 1069-1020 - CRYSTAL COVE (RISI HOMES) – MINOR GENERAL PLAN AMENDMENT – APPLICATION PL-20-0076**

City Council will held a public hearing and adopted Resolution 1069-1020 approving a request by Shaine Alleman, Tiffany & Bosco, P.A., on behalf of owner Joseph Risi, Community Support OZ Fund, LLC, to approve a Minor Amendment to the Avondale General Plan 2030 Land Use Map for Crystal Cove, a proposed 10.59 gross acre multi-family residential development located at the northeast corner of Central Avenue and La Canada Boulevard. The proposed Minor General Plan Amendment (GPA), if approved, will amend the General Plan 2030 Land Use Map designation from Local Commercial to High Density Residential. Approval of this request is needed in order to approve a concurrent rezone request within a separate agenda item.

**d. PUBLIC HEARING AND ORDINANCE 2029-1020 – REZONING FROM COMMUNITY COMMERCIAL (C-2) TO PLANNED AREA DEVELOPMENT FOR CRYSTAL COVE – APPLICATION PL-20-0077**

City Council held a public hearing and adopted Ordinance 2029-1020 approving a request by Shaine Alleman, Tiffany & Bosco, P.A., on behalf of owner Joseph Risi, Community Support OZ Fund, LLC, to rezone approximately 10.59 gross acres of property located at the northeast corner of Central Avenue and La Canada Boulevard from C-2 (Community Commercial) to Planned Area Development (PAD). The proposed PAD will allow for development of a 238 unit multi-family residential development with a density of 24.9 dwelling units per acre. A request to change the General Plan 2030 Land Use Map designation will be considered separately.

**e. PUBLIC HEARING AND ORDINANCE 2030-1020 - MAJOR PLANNED AREA DEVELOPMENT AMENDMENT FOR INTERSTATE COMMERCE CENTER (PIERCE 99) - APPLICATION PL-20-0070**

City Council held a public hearing and adopted Ordinance 2030-1020, approving a request by Adam Baugh, Withey Morris PLC, for a Major Amendment to the Interstate Commerce Center Planned Area Development (PAD) located at the northwest corner of 99th Avenue and Pierce Street. The proposed Major Amendment will amend the PAD to allow warehouse and distribution uses as a primary use to be permitted on Lots 5 and 6 of the Interstate Commerce Center PAD on 8.58 gross acres of vacant land located approximately 250 feet west of the northwest corner of 99th Avenue and Pierce Street. Permitted uses on other parcels within the Interstate Commerce Center PAD are not modified by the proposed Amendment.

**6. 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
CITY COUNCIL CHAMBER
October 5, 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 6:31 p.m. All participants attended by phone or video.

**Members Present:** Mayor Kenneth Weise; Vice Mayor Pat Dennis; Councilmembers 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; Cherlene Penilla, Deputy City Manager; Nicholle Harris, 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; Bryan Hughes, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Kevin Murphy, Development and Engineering Services Director; Dale Nannenga, Police Chief; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

**Audience:** Approximately fifteen members of the public were present.

## 1 ROLL CALL BY THE CITY CLERK

## 2. FEDERAL UPDATE

Chris Giglio with Capital Edge provided an update regarding Avondale's legislative priorities, as well as an update on recently proposed federal policies.

Members of Congress have their staff working virtually. The House has been holding hearings virtually and votes in person but due to social distancing requirements, voting takes significantly longer. This is the second year of the 116th session of Congress.

Some of the most significant issues for congress include:

- COVID-19 relief
- Budget
- Infrastructure/transportation
- Federal pre-emption of local authority
- Lands and conservation
- Census
- Elections

The first COVID measures were focused on testing and medical research and funding for public health agencies. The CARES Act provided $2 trillion for a variety of funding,

including for local governments and $5 billion specifically for CDBG. There was also direct funding for local governments to deal with COVID (Corona Virus Relief Fund included in the CARES Act). Direct funding was limited to entities with populations over 500,000. As such, there was no direct allocation to Avondale; however, the Governor did allocate some state funds to local governments and Avondale had access to the funding. Since the CARES Act was enacted, local governments have been advocating for direct relief to local governments of all sizes. The House passed the HEROES Act in May which includes a relief package of $3.5 trillion with $1 trillion for direct funding to state and local governments of all sizes to be distributed over two years. The House Speaker's Office estimated that Avondale would receive approximately $52 million through the HEROES Act. The $1 trillion in state and local aid was the high mark for negotiations and the House continued to advocate for the plan throughout the summer. They have been negotiating with the White House and Senate Republicans on another package which has not yet been approved. Currently, there is no agreement on state and local aid.

Council Member Conde asked what the HEROES Act stands for. Council Member Malone said it is the Health and Economic Recovery Omnibus Emergency Solutions Act.

Vice Mayor Dennis asked about the Arizona Senators' intent regarding approval of the HEROES Act. Mr. Giglio stated that thus far, the intent seems to be according to party line. Vice Mayor Dennis said it would be helpful to know what major items are included in the $3.5 trillion proposal compared to the $1.6 trillion proposal. Mr. Giglio stated that at this time, the specific details are not readily available and the negotiations at this point seem to be centered around the total package amount. Mayor Weise noted that ntu.org provides a breakdown of the proposals and spending.

Mayor Weise asked whether the outbreak in Washington D.C., including the President's own coronavirus diagnosis might spur the process forward. Mr. Giglio stated that it seems to be having this effect, as the President mentioned the need for a relief package while being treated at Walter Reed. It is notable that the President's Chief of Staff was a member of the Freedom Caucus, which pushed for less government spending.

Mr. Giglio addressed the fiscal year 2021 budget, with the Federal fiscal year beginning October 1st. The President's budget proposes steep cuts to domestic discretionary programs. The House has almost completed its version of fiscal year 2021 budget. Twelve bills make up the spending for all the federal agencies. The House has approved 11 of the bills and the Senate has not yet acted. The two sides have not reached agreement on the types of amendments that would be allowed in the budget. The hope is that a COVID relief package will be separate from the annual budget. Since there is no approved final budget, the government has been operating under a continuing resolution. The current continuing budget resolution goes through December 11th. It is anticipated that discretionary domestic discretionary programs will stay at the same budget levels or receive only modest increases.

It was hoped that the President and Congress would come together on a transportation infrastructure package; however, this has not happened. The House moved forward with its own $1.5 trillion plan this summer which is unlikely to be approved by the Senate. The

bill included a five-year, $500 billion reauthorization of federal highway and transit funds programs at the Department of Transportation. In 2015, Congress passed a five-year bill to fund highway and transit programs which expired on September 30th. The House passed its version; however, the Senate has not acted on it. As part of the continuing resolution, a one-year extension of federal highway and transit programs was included.

CDBG has not been formally authorized by Congress for approximately 20 years; however, Congress can still fund the program in their annual appropriations. Federal highway and transit programs are funded through federal gasoline taxes. The reauthorization bill authorizes the collection of those taxes. As such, this cannot be allowed to expire, which is why Congress approved the one-year extension. The $500 billion Highway Transit Bill passed by the House will require $140 billion in new spending. This will be a challenge in that revenues into the Highway Trust Fund (gasoline taxes) are not coming in at levels from the past. Congress has discussed additional tax collection options for electric cars, to be based upon the miles traveled.

Vice Mayor Dennis commented that Congress has been pushing the gas tax issue down for a long time. With the new generation of electric cars traveling more miles, the tax issue needs to be addressed in terms of the ability to maintain roads. Mr. Giglio agreed that this is a good point that has been studied for quite some time. The traditional gas tax will not be able to fund programs going forward. One option is to have a short-term gas tax increase over the next five years to provide funding and a five-year window to develop a new funding plan.

Mr. Giglio addressed federal preemption. In 2018, the FCC issued a rule from a severely restricted local authority regarding the sighting of 5G wireless towers. Since then, a group of local governments tried to take the FCC to court to get those rules dropped. About a month ago, the Federal Ninth Circuit (three-judge panel) upheld that FCC rule. The group of local governments who originally brought that forward are considering requesting that the entire Ninth Circuit take up the issue. Some House and Senate bills are pending to repeal the rule, but neither has come to floor for a vote. It is unlikely that a vote will be scheduled by the end of the year.

The other two items that are highly followed are drones and autonomous vehicles. The FAST Act may bring something forth regarding autonomous vehicles. Telecom industries are eager to shed themselves of the 3,000 different local laws and would prefer one federal action to govern.

Mr. Giglio addressed the Federal Land and Water Conservation Fund, a trust fund that funds state, federal and local land purchases for conservation and recreation programs. It was created by Congress in 1966 and funded through federal offshore oil and natural gas exploration revenues, so it does not contribute to the federal deficit. It was originally authorized at $900 million per year; however, Congress has never funded it at that level. They typically fund it at approximately $450 million per year, sometimes less. The rest of the budget is typically used towards deficit reduction. The legislation enacted this year by Congress and signed into law by the President, guarantees that all $900 million go into the program every year. The program itself was authorized permanently last year. A

portion of the $900 million goes to federal land and the other portion goes to the stateside programs. It provides states with competitive grants and full funding will result in a 32 percent increase in the state formula for grants.

Council Member Pineda referenced the telecom tower siting and stated that Avondale needs to continue informing residents that local municipalities have a limited ability to fight the communication companies from installing cell towers in random areas.

Vice Mayor Dennis agreed that this is an important point. Recently, when the City dealt with a cell tower in her neighborhood, the City reviewed its ordinances relating to cell towers to tighten up the requirements regarding spacing and location.

Mr. Giglio stated that earlier in the year, the Trump administration wanted to put a citizenship question on the 2020 Census. This went to court and ultimately, the administration agreed to leave it off the census. There were also conflicts on when to end the count, with the Trump Administration wanting it to end on September 30th. Last week, a district court issued an injunction against ending the count on that date and the administration set forth a date of October 5th. The Court ruled that the count would end on October 30th. One of the impacts of the 2020 census on Avondale is the issue of being classified as an urbanized area.

Vice Mayor Dennis inquired about community response to the census. Jessica Blazina, Intergovernmental Affairs Administrator, stated that based on her check this morning, Avondale was at a 63.2 percent self-response rate with the State at 63.8 percent. Avondale has currently surpassed the level it was at in 2010. The City has made enumerators available at the fishing derby on Saturday morning and will have enumerators available at the Movie in the Park event on Saturday. Vice Mayor Dennis asked about management of enumerators going door to door. Ms. Blazina confirmed that the Census Bureau does have enumerators going door to door. Unfortunately, the Census Bureau is unable to provide the percentage of individuals responding to home visits. According to informal polling, the process seems to be going well for the City.

Mayor Weise added that among the good news is the fact that the Cashion neighborhood surpassed the 2020 response rate early in the process.

**3. A NEW LEAF – EAST VALLEY HOMELESS SERVICES AND EXPANSION EFFORTS**

Chris Lopez, Director of Neighborhood and Family Services, presented information on A New Leaf, a housing, health and community services organization, seeking to expand their homeless services in the West Valley. This item is for discussion only.

Mr. Lopez stated that executives of A New Leaf have reached out to cities in the West Valley to express their desire to expand their services and share information regarding their success in the East Valley. Neighborhood and Family Services staff met with representatives from A New Leaf in the City of Mesa to gather more information and better understand the types of services being offered in the East Valley. A New Leaf is a nonprofit organization established in 1971 and provides a broad array of housing, health and community services in the Valley. They have been a valued partner with the City of

Avondale for many years. Currently, they provide the Volunteer Income Tax Preparation Program and work with the City to deliver the Siemer Family Stability Program.

The organization serves over 25,000 people annually and have 30 programs across the Valley, some of which involve services for the homeless population. They have two shelters in the East Valley, La Mesita Family Homeless Shelter and the East Valley Men's Center. Services are offered through a collaboration of East Valley cities, including Mesa, Tempe, Chandler, Gilbert and Scottsdale. The funding comes from the mentioned cities as well as state and federal funding sources. Cities that provide funding use their emergency shelter grants, Community Development Block Grant and general funds. An overview of the shelter features and programs were provided.

Executives from A New Leaf did not express any specific requests, but they welcome a collaboration. Specifically, they are looking for elected officials to serve as champions to carry the message and advocate for the needs of the homeless population. They are seeking partnership opportunities for the delivery of services as well as funding opportunities from various cities and other sources.

Mayor Weise stated that Mr. Montoya will likely have an update in the next month. There was a meeting this morning with another municipality and he did not wish to go into extensive detail at this time. Partnerships with organizations such as A New Leaf are important, and Council will provide guidance. He invited Council Member Conde to provide comments, as she was the Council Member who had requested this presentation.

Council Member Conde thanked staff for providing resources to the community, specifically to the unsheltered population. The City already supports the I-HELP Program and the Phoenix Rescue Mission. Avondale has hired an in-house specialist support for the homeless in the City. While the City does a fantastic job, she would like to see the City do even more. The constraints of the pandemic slowed some progress; however, now is the time to move forward in terms of providing additional affordable housing. There is always discussion regarding getting people in a program, getting them healed, getting them trained and getting them sent on. She noted a concern with there being no affordable housing available once they are through the various programs. She suggested that the City of Avondale provide additional programming, aside from I-HELP, which only provides for 12 people. Bringing A New Leaf program to the West Valley will provide some relief for Phoenix and the East Valley cities. The West Valley does not have any larger housing programs for the unsheltered and it is time that Avondale consider such an approach. Housing issues will be even more critical at the beginning of the year when the eviction moratorium is lifted.

Council Member Conde asked Mr. Lopez to share the demographics for the most recent Point-In-Time counts. Mr. Lopez stated that the counts predominantly show single males with diversity of race and ethnicity. Council Member Conde stated that as the City gathers this type of data, the need will be presented. There are multiple demographics in the homeless community, including seniors, veterans, women and those with addictions. She thanked staff, the team and the Mayor for recognizing the need for ideas and solutions.

Mayor Weise recalled that Council had a discussion a year ago and at that time, he asked Council Members Conde and Malone to take the lead on the project so that the City can proceed one step at a time. He noted that the City will need to work in collaboration with other cities and the partners.

Council Member Nielson commented that he has learned to trust and appreciate Council Member Conde over the years and will support the measures the team is working towards.

Council Member Kilgore thanked staff for the presentation and thanked Council Member Conde and Council Member Malone for their hard work on the issue. He noted that he has been involved with these issues since coming onto Council, particularly in terms of working with the Homeless Youth Connection. He stated the end goal is to make lives better and look out for others.

Council Member Malone noted that families are allowed to stay up to 120 days at La Mesita, asking if families transition to housing after the allotted time. Mr. Lopez said that during the 120-day period, families and staff work on developing a transition strategy. A New Leaf has other long-term subsidized housing options, so the support and services do not end after the 120-day period.

Council Member Malone asked how many cities have been approached for partnerships. Mr. Lopez acknowledged that he did not have the specific details but could provide the information after the meeting. He noted the organization mentioned contacts with Surprise and Peoria.

Council Member Malone asked about the demographics for the homeless male population. Mr. Lopez stated that during the summer Point-In-Time count, the City developed its own survey. A summary of those results has been provided and he is happy to send it to Council again.

Mayor Weise agreed that Avondale should certainly focus on accuracy of data. There needs to be an understanding of who is in the homeless population, why they are homeless, and what their future plans are.

Council Member Pineda said he would like more specific information about the plan and what the conversations have entailed. He would also like to have a broader discussion in terms of affordable housing. Specifically, it would be helpful to discuss the following questions: Is it subsidized housing for members of a shelter or program? Is it housing or development of properties that are below the standard rental rates?

Mayor Weise stated that at a recent meeting, he had expressed frustration at the lack of realization for what is occurring in the West Valley in terms of homelessness. He asked Mr. Montoya to provide an overview and background for Council Members after the meeting. Mr. Montoya said he would be happy to do so, noting there is a lot of work ahead of the City in terms of engagement. Avondale cannot solve the problem alone and will need help from its neighbors. He will provide updates to Council as they become available.

Vice Mayor Dennis surmised that this is not a single focus approach, but a tiered approach between shelter services, programming, and affordable housing opportunities. It appears that A New Leaf took a sub-regional approach to begin addressing shelter services and programming. Affordable housing must be a component. She was interested in learning who took the lead in terms of the partnership with the Southeast Valley facilities. She was also interested in learning about the process for siting the two facilities. The Vice Chair of the Board of CASS Shelter Services, Nico Howard, reached out to her regarding opening discussions in reference to how CASS can help in the West Valley. She would like to have Mr. Lopez and other interested Council Members participate in opening discussions. She encourages a sub-regional approach. Mr. Lopez stated that based on conversations with the Chief Program Officer at A New Leaf, he believes Mesa took the lead in terms of the South East Valley facilities. They did not get into detail regarding the process, but he can certainly speak to them to get a better understanding of the collaboration.

Council Member Conde said she has visited the La Mesita campus and the men's campus noting that there is no need to reinvent the wheel. These programs are successful and have a model that works. She volunteered herself to be one of the champions to move this project through.

## 3 ADJOURNMENT

There being no further business before the Council, Vice Mayor Dennis moved to adjourn the Work Session meeting; 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 |

Meeting adjourned at 7:38 p.m.

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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 7:45 p.m. All participants attended by phone or video.

Mayor Kenn Weise led the Pledge of Allegiance followed by a moment of silent reflection for Lorenzo Sierra, Arizona State Representative, who has recently become ill with COVID-19. Additionally, Mayor Weise asked for a moment of silent reflection in remembrance of fallen Myrtle Beach police officer, Jacob Hancher.

**Members Present:** Mayor Kenn Weise; Vice Mayor Pat Dennis; Councilmembers 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; Cherlene Penilla, Deputy City Manager; Nicholle Harris, 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; Bryan Hughes, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Kevin Murphy, Development and Engineering Services Director; Dale Nannenga, Police Chief; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

**Audience:** Approximately 30 members of the public were present.

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

## 2. UNSCHEDULED PUBLIC APPEARANCES

None.

## 3. PRESENTATION ITEMS

### a. SWEARINGIN CEREMONY

Ms. Nicholle Harris was sworn in by City Clerk Marcella Carrillo as the new City Attorney of the City of Avondale.

Ms. Harris was presented with the framed and signed resolution voted on by Council on September 21, 2020. Mayor Weise welcomed her as a leader in the community. Ms. Harris introduced her family members. Mayor, Council, and Mr. Montoya each congratulated and welcomed Ms. Harris. Ms. Harris thanked Council Members and staff for their support.

Mayor Weise recognized new Deputy City Manager, Cherlene Penilla, and thanked her for her steady leadership and dedication to the City.

## 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 Nielson, 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 September 11, 2020 City Council Retreat Minutes.

**b. FISCAL YEAR 2019-2020 (FY2020) YEAR END BUDGET AMENDMENTS**
City Council approved a budget amendment utilizing contingency for certain departments which exceeded the FY2020 amended budget appropriation and approve the transfer of budget appropriation for capital projects that changed funds.

**c. RESOLUTION 1064-1020 – AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR JOINT LEGAL REPRESENTATION IN THE GILA RIVER GENERAL STREAM ADJUDICATION**
City Council adopted Resolution 1064-1020 authorizing the Second Amendment to the Intergovernmental Agreement with the cities of Glendale, Mesa, Scottsdale, and Tempe for joint legal representation in the Gila River General Stream Adjudication; and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

**d. RESOLUTION 1065-1020 – INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) FOR THE DYSART ROAD ANONYMOUS REIDENTIFICATION (ARID) PROJECT**
City Council adopted Resolution 1065-1020 authorizing an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) for the Dysart ARID project for the installation of traffic signal hardware, and authorized the Mayor, or City Manager and City Clerk, to execute the necessary documents.

**e. RESOLUTION 1066-1020 – MEMORANDUM OF AGREEMENT FOR EPA BROWNFIELDS ASSESSMENT GRANT**
City Council adopted Resolution 1066-1020 approving a Memorandum of Agreement with the City of Phoenix, City of Tempe, and Arizona State University to execute an EPA Brownfields Assessment Coalition Grant in the amount of $600,000 for the three-year term of the agreement and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

**f. RESOLUTION 1067-1020 – AMENDED INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA DEPARTMENT OF CHILD SAFETY AND THE PARTNERING AGENCIES WITH THE SOUTHWEST FAMILY ADVOCACY CENTER**

City Council adopted Resolution 1067-1020 authorizing the first amendment of an Intergovernmental Agreement (IGA) between the State of Arizona Department of Child Safety (DCS) and the partnering agencies of the Southwest Family Advocacy Center (SWFAC), which include the City of Avondale, the City of Buckeye, the City of Goodyear, and the Maricopa County Sheriff's Office to extend the shared use of the SWFAC facility and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

**g. FINAL PLAT FOR PARK 10 PHASE 3 – APPLICATION PL-20-0078**

City Council approved a request by Mr. Jeff D. Behrana, Optimus Design Group, for approval of a Final Plat for Park 10 Phase 3. The proposed Final Plat divides 28.54 acres of undeveloped land into five (5) lots, dedicates right-of-way at the intersection of McDowell Road and Harbor Shores Boulevard to accommodate construction of a new traffic signal, and dedicates public water and sidewalk easements to accommodate the development of Park 10 Phase 3 (Barrio Queen, Mountainside Fitness, and Shops C multitenant retail building) in accordance with City requirements. The subject property, located at the southeast corner of McDowell Road and 107th Avenue, includes 21.02 acres of unsubdivided land and Lot 3 of Park 10 Phase 2, an existing 7.52-acre platted parcel which will be replatted as part of this Final Plat.

## 5. REGULAR AGENDA

*Note from the City Clerk: Items 5a and 5b were presented together and voted on individually.*

**a. PUBLIC HEARING AND RESOLUTION 1068-1020 – MINOR GENERAL PLAN LAND USE MAP AMENDMENT FOR HANCOCK COMMUNITIES AT MCDOWELL 117 – APPLICATION PL-20-0054**

City Council held a public hearing and considered a request to adopt Resolution 1068-1020 approving a request by Mr. Andy Jochums, Beus Gilbert McGroder PLLC, to approve a Minor Amendment to the Avondale General Plan 2030 Land Use Map for Avondale Townhomes on Dysart, a proposed 217 unit multi-family residential development located approximately 1,330 feet south of the southwest corner of McDowell Road and 117th Avenue. The proposed Minor General Plan Amendment, if approved, will amend the land use designation of approximately 32.30 acres of land inclusive of 19.07 acres of privately owned property, 9.53 acres of adjacent Interstate 10 (I-.10) right-of-way and a 3.70 acre undeveloped portion of Friendship Park, from High Density Residential (HDR) to Medium/High Density Residential (MHDR).

Ken Galica, Lead Division Planner, provided an overview of the property details. The property is located south of McDowell Road and immediately north of I-10. To the west is undeveloped City-owned property that will be developed as Friendship Park. To the east is the recently constructed Sun Valley Academy Charter School. To the north of the

property are three residential developments to include two apartment complexes and the Country Hills Mobile Estates. The majority of the property surrounding the area is zoned PAD with MH, manufactured home park as well as the freeway and park being zoned agricultural.

The General Plan amendment has a larger acreage (32.3) than the rezoning (just over 19 acres). This reason the General Plan amendment covers more land is to encompass the entire area as proposed land use designation. The eastern half of the property is currently in active agricultural production and the western side is vacant and undeveloped. The eastern side was annexed in 1999 and the western side in 1983. The eastern side is part of the Crystal Springs PAD, which allows for multifamily residential use. The current General Plan designation is high density residential, which allows between 12 to 30 dwelling units per acre. The proposal is to reduce the density on the site from high density to medium high density, which allows a range of 4 to 12 dwelling units per acre. This would reduce the number of residents living on the property, but still allow multi-family development.

The planned site will be a 217-unit, single story, multifamily residential development. The density is 11.3 units per acre, which is why there is a concurrent General Plan amendment request to bring the land use to medium high density residential. The 217 units are a combination of 144 detached two-bedroom units (free standing with no shared walls) with a small private yard. The remaining 73 units are one-bedroom duplexes. Units will include a small private walled rear yard. As a gated community, there will be gated access from 117th Avenue and full access on 119th Avenue with a future signal anticipated.

The developer will provide a temporary trail to connect from the development to the existing sidewalk network in Friendship Park. The developer has also agreed to contribute half of the cost of the permanent connection. There are 435 proposed parking spaces, which is over 50 spaces in excess of the minimum required. This includes 72 enclosed single car garages and 217 covered carport spaces. There is an overall open space percentage of 15 percent. Included is a clubhouse with meeting room facilities, pool, fitness center, bocce ball, cornhole courts, and turfed areas. Elevations and architectural styles were reviewed. There are a total of 18 residential building elevation and color combinations.

Regarding analysis of the General Plan amendment and rezoning, staff feels it will result in development that is compatible with and complementary to existing uses in the area. The proposed PAD conforms to the General Plan land use map and land use designation. The development standards proposed within the PAD provide for minimum zoning ordinance requirements, with two exceptions. A building separation requirement in the ordinance for multi-family requires 15 to 20 feet between buildings. This is designed primarily for two to three-story apartments as opposed to single family-style homes. It is not unusual in this case to have 10-foot separation, which is the proposal. Parking lot landscaping is slightly reduced, so that more landscaping can be provided in the usable portions of the site. Exceptional design is provided which includes a variety and strong quality of elevations. Lastly, access points are sufficient.

All required notifications were completed. There was one attendee at the neighborhood meeting and generally, there was support for the project. One comment in support of the proposal was received through aVOICE. Certificates of adequate school facilities have been received from the Tolleson Union High School District and the Littleton Elementary School District. The Tolleson Union High School District has adequate capacity. Littleton Elementary School District does not have capacity but is working with the developer on a donation agreement. The Planning Commission recommended approval of both applications on August 19. Staff recommends approval of both applications, subject to six recommended conditions. Additionally, staff recommends a seventh condition, which requires a contribution to be used by the City at a later date toward construction of the permanent trail facility.

Mayor Weise opened the public hearing and received one request to speak by Paul Gilbert with Beus Gilbert McGroder PLLC, on behalf of the applicant. Mr. Gilbert commented that Mr. Galica did a thorough job in presenting the items. This represents a reduction in zoning of 284 units, including manufactured housing. This means that rather than 284 units, there will be 217 much improved quality units. Twenty percent of the site will be active, usable open space. He noted that Vice Mayor Dennis attended the community meeting and all her questions were answered. The developer is in support of all staff stipulations.

Mayor Weise closed the public hearing and opened the floor to Council comments.

Council Member Conde noted that the same type of development was constructed in Tolleson with advertisements in terms of housing benefits for veterans. She asked whether that element would be included in this housing development. Mr. Gilbert stated that those discounts are not contemplated in conjunction with this project. Council Member Conde asked about any affordable housing elements to the community. Mr. Gilbert said there are no such elements. Council Member Conde asked whether a dirt road would lead residents to the park. Mr. Gilbert said there will be a gate at the development and the developer will install decomposed granite to connect with the existing trail. When the final location is determined, the City will use the developer's $21,000 contribution for construction.

Council Member Kilgore thanked staff for the presentation. He described the project as pleasing to the eye in terms of the housing layout and color palette. He stated he is glad to see the project coming to the City.

Council Member Malone asked if affordable housing component could be added to the project for veterans. Mr. Montoya stated that as these projects move forward, the governing body is not permitted to stipulate any affordable housing. If the applicant wishes to do this on their own, that is possible. Ms. Harris confirmed that state statute prohibits the City from requiring affordable housing as part of a development.

Council Member Pineda commented that the City has been looking forward to more diversity in housing opportunities and he appreciates the development for providing more diverse options.

Vice Mayor Dennis said she appreciates the additional updates since the public meeting. One of the positive changes was to ensure a connection to the park, making it a more walkable community. They are also updating the fencing for a more high-end appearance. She appreciates the stipulation for the $21,000 contribution towards the trail improvement and expansion. The other two elements included the streetlight off 119th Avenue and providing access on 117th as this area is right-in/right-out. She is concerned regarding the certificate of adequate school facilities. When such projects are presented, all agreements should be addressed at the time of request for development. In this case, Littleton has not reached resolution in terms of adequate capacity and there is concern regarding this issue being open after Council makes its decisions.

Mayor Weise noted that a charter school is directly adjacent to the development and asked whether this makes it harder for a school district to assess future needs. Mr. Montoya stated that this is a difficult question, because charter schools have a choice of the children they serve and where they serve them from. This can potentially impact the public-school district. Under the state of Arizona, cities cannot get engaged specifically in the education and how those individuals are served. It is up to the charter schools, public schools, and the Department of Education. Mayor Weise agreed with Vice Mayor Dennis's concerns. A project should not be delayed because the school district is uncertain about capacity; however, the district should be given as much time as possible without harming the developer in terms of reaching a resolution on capacity. Mr. Gilbert stated that the developer is working with the school district and complying with its requests.

Council Member Pineda moved to adopt Resolution 1068-1020 approving Application PL-20-0054 Hancock Communities at McDowell 117, a request for a Minor Amendment to the General Plan 2030 Land Use Map; seconded by Council Member Nielson.

Upon vote, the motion carried unanimously 7 to 0.

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|---|---|
| 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 2028-1020 – REZONING FROM PLANNED AREA DEVELOPMENT AND MANUFACTURED HOME PARK TO PLANNED AREA DEVELOPMENT FOR HANCOCK COMMUNITIES AT MCDOWELL 117 – APPLICATION PL-20-0055**

City Council held a public hearing and considered a request to adopt Ordinance 2028-1020, approving a request by Mr. Andy Jochums, Beus Gilbert McGroder PLLC, to rezone 19.07 acres of land located approximately 1,330 feet south of the southwest corner of McDowell Road and 117th Avenue from Planned Area Development (PAD) and

Manufactured Home Park (MH) to PAD (Planned Area Development). The proposed Hancock Communities at McDowell 117 PAD will allow for a 217-unit, single-story multi-family residential development at a density of 11.3 dwelling units per acre.

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

Vice Mayor Dennis moved to amend the proposed Ordinance 2028-1020 approving Application PL-20-0055 Hancock Communities at McDowell 117, a request for a rezoning from PAD and MH to PAD, to include a 7th stipulation, seconded by Council Member Pineda.

Upon vote, the motion carried unanimously 7 to 0.

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| 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 |

Vice Mayor Dennis moved to adopt Ordinance 2028-1020 as amended; seconded by Council Member Nielson.

Upon vote, the motion carried unanimously 7 to 0.

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|---|---|
| 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 |

*Note from the City Clerk: Items 5c and 5d were presented together and voted on individually.*

**c. PUBLIC HEARING AND RESOLUTION 1069-1020 – CRYSTAL COVE (RISI HOMES) – MINOR GENERAL PLAN AMENDMENT – APPLICATION PL-20-0076**

City Council held a public hearing and considered a request to adopt Resolution 1069-1020 approving a request by Shaine Alleman, Tiffany & Bosco, P.A., on behalf of owner Joseph Risi, Community Support OZ Fund, LLC, to approve a Minor Amendment to the Avondale General Plan 2030 Land Use Map for Crystal Cove, a proposed 10.59 gross acre multi-family residential development located at the northeast corner of Central Avenue and La Canada Boulevard. The proposed Minor General Plan Amendment

(GPA), if approved, will amend the General Plan 2030 Land Use Map designation from Local Commercial to High Density Residential.

Michelle Simerdla, Senior Planner, provided details of the site, located at the northeast corner of Central Avenue and La Canada Boulevard, currently zoned C-2. The General Plan currently designates the land use as local commercial. This category provides daily needs of goods and services. It is surrounded by other local commercial designations as well as high density residential, medium-high residential, and education. The site is 10.56 gross acres, was annexed in 1960 and was used for agricultural purposes from the 1940s to the 1960s and has since remained vacant.

The request is to change the General Plan land use designation from local commercial to high density residential and rezone the property from C-2 community commercial to PAD. A 238-unit multifamily development is proposed with 16 buildings. There will be a mix of one to three bedrooms per unit. The allowable density of the high-density residential destination is 12 to 30 dwelling units per acre with a target density of 12. The developer proposes 24.7 dwelling units per acre. The project proposes 21.7 percent open space, which is in excess of the 15 percent requirement, as well as a variety of amenities. Parking capacity will exceed the requirements to include 113 garages, 147 covered spaces and 149 uncovered spaces, which also includes 22 guest parking spaces.

The primary gated entrance will be on Central Avenue and the secondary gated entrance will be on La Canada Boulevard. There will be a landscaped median along Central Avenue. The development will include a 3,000 square foot clubhouse, pool and cabana, game courts, grilling areas, ramadas, and a paved walking path along the northern and eastern property lines. Pedestrian walkways connect to both sidewalks and the buffered bike lane on Central Avenue. A pedestrian plaza with seating and artwork will be located on the corner. The two requested reductions include decreasing the front setback on Central Avenue from 25 feet to 8 feet. The Historic Avondale Design Guidelines promote reduced front setback to create a stronger street presence in the area. The zoning ordinance also requires a 15-foot minimum building separation for multi-family buildings. The multi-family design manual requires 20 feet. This project will have a 17.5-foot separation in some areas, between two patio and balcony areas to allow for visibility. There will be a 13.5-foot separation between the two sets of buildings on Central Avenue. The elevations on the property were presented.

The proposed rezone is in conformance with the General Plan 2030 Land Use Map with the requested amendment. Development standards either meet or exceed the zoning ordinance requirements, with the two exceptions mentioned. It is compatible with existing land uses. There will be adequate school facilities at the Agua Fria Union High School District and Avondale Elementary School District. There is adequate infrastructure in terms of water and sewer in both streets. According to a market analysis, the site is better suited as residential. It furthers a goal in the General Plan of developing an infill lot in a revitalization area. It also furthers a General Plan goal of attracting a range of diverse housing products. All required notifications were completed. The neighborhood meeting was held on June 25th through Zoom with no public participants. There was one comment

in support of the project on aVOICE. The Planning Commission recommended unanimous approval on August 19th. Staff recommends approval of the applications.

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

Shaine Alleman, Tiffany & Bosco, P.A., on behalf of the applicant stated he is available for questions by City Council.

Mayor Weise asked whether the rules on affordability and veterans apply to this development. Mr. Montoya confirmed that the City is preempted by state statute from requiring stipulations regarding these issues.

Council Member Nielson asked if there will be fence along Central Avenue to protect residents on the bottom level from intrusion or theft. Ms. Simerdla said there is only a six-foot wall on the northern and eastern property lines. Mr. Alleman said that gate traverses in front of the buildings which would restrict access by nonresidents, as Council Member Nielson alluded to. It is open to the entrance with two side gates going into the drive aisles. There will be a gated area in front of the buildings.

Council Member Conde asked whether the balconies facing Central Avenue are for use or only decorative. Mr. Alleman said the balconies provide 70 square feet of usable space.

Council Member Kilgore commented that the project looks visibly pleasing and he likes the aesthetics and the color palette. He thanked the Planning Commission for their support and guidance.

Council Member Malone stated that this is a great project which will make use of a lot that has been empty for as long as she can remember. She noted that Central Avenue went from four lanes to two lanes and a turning lane. She asked whether there will be an ascending turning lane into the project of off Central Avenue. Mr. Montoya said he does not believe there will be a separate deceleration lane to turn into the complex. They will be turning in off Central Avenue. Mr. Alleman said this was discussed with staff. The traffic analysis determined that a deceleration lane was not required. Central Avenue is built to be more pedestrian-friendly, so the speeds are reduced somewhat.

Council Member Pineda said that the reduction in setback from is concerning, particularly because this is more of a pedestrian area and there is danger of vehicles colliding with pedestrians. Mr. Montoya commented that if the 8-foot setback is not allowed, the entire design will have to be redone. Ms. Simerdla clarified that the zoning ordinance allows an 8-foot setback if the units are considered walkup. These are not walkup units but will have patios that face Central Avenue and have the appearance of being walkup units. Mr. Alleman stated that this has been discussed with staff. As this site is close to the Historic Avondale area, they designed the development with a pedestrian-oriented appeal. They would be happy to provide traffic signage for vehicles to slow in the area. Mr. Montoya stated that he does not recommend moving forward with such a stipulation at this time.

Once the development is under way and staff can see what is occurring in terms of traffic and speeds, several options are available, including dropping the speed limit. Staff is looking at plans to connect the bike lanes on Central Avenue. Part of this process involves taking a closer look at pedestrian safety as well as the safe movement of traffic.

In response to a question from Vice Mayor Dennis, Mr. Alleman confirmed that the project will be walled. Vice Mayor Dennis asked for clarification on whether the 8-foot setback is from the wall or the sidewalk. Ms. Simerdla said the setback would be from the property line. Vice Mayor Dennis stated that if the wall is on the property line, then it is right up against the sidewalk and does not provide a nice pedestrian feel to the area. In addition, there is little architectural design on the building facing Central Avenue. Mr. Montoya said that staff can work with the applicant in terms of aesthetics.

Kevin Murphy, Director of Development and Engineering Services, stated that staff asked for the 8-foot setback, but the site plan has not yet been submitted. As such, staff can work with the developer in terms of landscaping and wall design. They can also work with the developer to ensure the entrance is safe with good visibility in order to reduce pedestrian/car incidents. The goal is urban pedestrian-friendly development, and this typically involves bringing the building closer to the street to provide that look. Vice Mayor Dennis commented that the development on Central and La Canada is very important in terms of the aesthetics of the area.

Vice Mayor Dennis noted that many of the Risi Homes projects in Tempe and Phoenix are smaller projects and this is a larger project. She inquired about the level of experience for a job this size. Joe Risi with Risi Homes explained he started Risi Homes 46 years ago as a Valley native. The company has completed several large projects, including Mirabella, consisting of 192 units at 27th Avenue and Maryland and others. He is currently building Imagine Communities, consisting of 33 homes at 27th Avenue and Virginia as well as a small 16-unit project in Tempe. He listed several other large projects.

Vice Mayor Dennis also expressed concern over the timeliness of the project. Mayor Weise asked about the expected timeline. Mr. Risi stated that the development is subject to the City's process. As quickly as the City is prepared to move forward, the developer is prepared to proceed accordingly. In terms of the setback, there is a slight misconception. The project is walled in on the north, east and south ends. It is not walled on Central Avenue but there is a large landscape buffer. You drive in and it becomes fenced as you turn to the north and south, so that the homes are protected. The area is open all the way to the patios. Due to this design, it has the feel of a 20-foot setback. Mr. Alleman added that Mr. Risi closed on the property approximately a week ago. He has a vested interest to move forward as quickly as possible. Mr. Montoya stated that Council is free to recommend that staff and the developer work closely to ensure the aesthetics are appropriate.

Council Member Malone concurred with the comments of Vice Mayor Dennis and Council Member Pineda in terms of the setback. However, she is excited to see a new project in the area. Council Member Pineda concurred and reiterated his previous points regarding the traffic. Council Member Kilgore noted that some residents have expressed frustration

that the stretch of road has been reduced to two lanes, so anything that would alleviate that would be helpful.

Council Member Nielson pointed out the need for a crosswalk for students in the development that will be attending the school across the street. Council Member Malone said there is already a crosswalk that accommodates the junior high school as well as Eliseo C. Felix School.

Mayor Weise said he is excited about the project, especially in terms of how long the property has been vacant. He asked the developer to work with the City team on the aesthetics and traffic concerns.

Council Member Nielson moved to adopt Resolution 1069-1020 approving Application PL-20- 0076 Crystal Cove, a request for a Minor Amendment to the General Plan 2030 Land Use Map; seconded by Council Member Pineda.

Upon vote, the motion carried unanimously 7 to 0.

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| 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. PUBLIC HEARING AND ORDINANCE 2029-1020 – REZONING FROM COMMUNITY COMMERCIAL (C2) TO PLANNED AREA DEVELOPMENT FOR CRYSTAL COVE –APPLICATION PL-20-0077**

City Council held a public hearing and considered a request to adopt Ordinance 2029-1020 approving a request by Shaine Alleman, Tiffany & Bosco, P.A., on behalf of owner Joseph Risi, Community Support OZ Fund, LLC, to rezone approximately 10.59 gross acres of property located at the northeast corner of Central Avenue and La Canada Boulevard from C-2 (Community Commercial) to Planned Area Development (PAD). The proposed PAD will allow for development of a 238-unit multi-family residential development with a density of 24.9 dwelling units per acre.

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

Vice Mayor Dennis directed staff to work with the developer to address the aesthetics, setbacks, and right-of-way of the property.

Vice Mayor Dennis moved to adopt Ordinance 2029-1020 approving Application PL-20-0077 Crystal Cove, a request for a rezoning from C-2 to PAD, subject to 4 recommended conditions; seconded by Council Member Pineda.

Upon vote, the motion carried unanimously 7 to 0.

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| 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 |

**e. PUBLIC HEARING AND ORDINANCE 2030-1020 – MAJOR PLANNED AREA DEVELOPMENT AMENDMENT FOR INTERSTATE COMMERCE CENTER (PIERCE 99) APPLICATION PL-20-0070**

City Council held a public hearing and considered a request to adopt Ordinance 2030-1020, approving a request by Adam Baugh, Withey Morris PLC, for a Major Amendment to the Interstate Commerce Center Planned Area Development (PAD) located at the northwest corner of 99th Avenue and Pierce Street. The proposed Major Amendment will amend the PAD to allow warehouse and distribution uses as a primary use to be permitted on Lots 5 and 6 of the Interstate Commerce Center PAD on 8.58 gross acres of vacant land located approximately 250 feet west of the northwest corner of 99th Avenue and Pierce Street. Permitted uses on other parcels within the Interstate Commerce Center PAD are not modified by the proposed Amendment.

Chris Sexton, Planner, stated that the amendment is to allow warehouse and distribution uses as a primary use on Lots 5 and 6 only. The area is a truck-dominated area and the requested use would be very compatible. The General Plan land use is business park and the zoning is PAD. The use is compatible with the surrounding areas and the zoning. It is a vacant 8.58 gross acre lot that was annexed in 1986 located in the Freeway Corridor Specific area. On the site plan, the building is oriented to the east and west which allows the building to be pushed forward to allow truck storage in the back and for truck maneuverability. There will be access to both the west and the east through a shared driveway. The elevations were reviewed. The approval will be through a site plan and design review. The rear elevation houses, the 32 truck bays and the design wraps around 360 degrees.

All required notifications were completed. A neighborhood meeting was held via Zoom on August 6th. There was one attendee and the questions consisted of size of the building, use of the building and total truck bays. There was one positive comment on aVOICE. The Planning Commission recommended approval on August 19th, subject to six staff recommend conditions of approval. Staff stated the project meets the goals of the General Plan and Freeway Corridor Specific Plan for the development of employee generating uses. The proposed uses are compatible with the surrounding properties and the necessary infrastructure will be completed by the developer. Staff recommends approval of the application.

Mayor Weise opened the public hearing and did not receive any requests to speak. Adam Baugh, Withey Morris PLC, on behalf of the applicant, stated he is available for questions

by City Council. Mayor Weise closed the public hearing and opened the floor to Council comments. There were no questions from Council.

Council Member Nielson moved to adopt Ordinance 2030-1020, Application PL-20-0070 Interstate Commerce Center (Pierce 99), a request to amend the PAD to allow warehouse and distribution uses on Lots 5 and 6 subject to six (6) recommended conditions of approval as listed in the staff report; seconded by Council Member Conde.

Upon vote, the motion carried unanimously 7 to 0.

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

## 6. ADJOURNMENT

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

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

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| 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 9:18 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 5th day of October 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