City of Avondale

City Council Meeting

Link to Summary of Council Actions

Link to Meeting Minutes

City of Avondale

City Council Online Meeting

Monday, October 19, 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)

Summary of Council Actions

City Council Online Meeting
Notice & Agenda
Monday, October 19, 2020

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WORK SESSION
6:30 PM

CALL TO ORDER BY MAYOR

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

2. **PUBLIC SAFETY UPDATE**
   City Council received an update from staff regarding current programs, initiatives, and strategies being developed or established by the Police Department.

3. **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
7:00 PM

CALL TO ORDER BY MAYOR
PLEDGE OF ALLEGIANCE
MOMENT OF REFLECTION

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

2. **UNSCHEDULED PUBLIC APPEARANCES**
   (Limit three minutes per person. Please state your name.)

3. **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 21, 2020 City Council Meeting Minutes. The Council will take the appropriate action.

   b. **DESIGN-BUILD AGREEMENT WITH WILLMENG CONSTRUCTION FOR THE BLVD WATER FEATURES**
   City Council approved: (a) a Design-Build Agreement with Willmeng Construction to provide design-build services for The BLVD Water Features Project in an amount not-to-exceed $4,800,000 for design and construction with a negotiated amount of $400,000 for the design and pre-construction services; (b) authorized the necessary budget transfers; and (c) authorized the Mayor, or City Manager and City Clerk to execute the necessary documents and any future amendments. The Council will take appropriate action.

   c. **BUDGET TRANSFER FOR PUBLIC ART PROJECTS**
   City Council approved a budget amendment in the amount of $130,000 to increase spending authority for Public Art projects. The Council will take appropriate action.

   d. **RESOLUTION 1070-1020 - INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR THE EXCHANGE OF SERVICES (ENTENTE)**
   City Council adopted Resolution 1070-1020 authorizing an Intergovernmental Agreement (IGA) with Maricopa County for the purpose of the exchange of services for roadway maintenance (Entente Program), and authorized the Mayor, the City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. RESOLUTION 1071-1020 - VICTIM ASSISTANCE GRANT AWARD FROM THE STATE OF ARIZONA

City Council adopted Resolution 1071-1020 authorizing the City of Avondale's acceptance of grant funding through the Arizona Department of Public Safety / Victims of Crime Act (VOCA) Grant in the amount of $868,766 to the City of Avondale Police Department/Southwest Family Advocacy Center over the period October 1, 2020 through September 30, 2023 and authorized the Mayor, the City Manager, and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. ORDINANCE 2032-1020 - APPROVAL OF A WAIVER OF THE FOUR-YEAR ADVANCE NOTICE OF ABANDONMENT OF ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) RIGHT-OF-WAY ALONG THE WEST SIDE OF 107TH AVENUE BETWEEN MCDOWELL ROAD AND INTERSTATE-10

City Council adopted Ordinance 2032-1020 approving a waiver of the four-year advance notice of abandonment of Arizona Department of Transportation (ADOT) Right-of-Way along the west side of 107th Avenue between McDowell Road and I-10, and authorized the Mayor, the City Manager, and City Clerk to execute the necessary documents. The Council will take appropriate action.

g. ORDINANCE 2031-1020 - CHANNEL & LEVEE EASEMENT AND AGREEMENT WITH MARICOPA COUNTY FLOOD CONTROL DISTRICT

City Council adopted Ordinance 2031-1020 approving a Permanent Flood Control Channel and Levee Easement and Agreement for Flood Control Purposes with the Flood Control District of Maricopa County and authorized the Mayor, the City Manager, and City Clerk to execute the necessary documents. The Council will take appropriate action.

4. REGULAR AGENDA

a. PUBLIC HEARING AND RESOLUTION 1072-1020 - MAJOR GENERAL PLAN AMENDMENT FOR FULTON HOMES ACCLAIM - APPLICATION PL-20-0043

City Council held a public hearing and approved a request by Mr. Stephen W. Anderson, Gammage & Burnham PLC; adopted Resolution 1072-1020 approving a Major Amendment to the Avondale General Plan 2030 Land Use Map for Fulton Homes Acclaim, a proposed 153.20 gross acre planned development at the northwest corner of 99th Avenue and Thomas Road. The proposed Major General Plan Amendment, if approved, will amend the General Plan 2030 Land Use Map designations for the property from 114.73 gross acres of Mixed Use and 38.47 gross acres of Freeway Commercial to Medium Density Residential (MDR). City Council will take appropriate action.

b. PUBLIC HEARING AND ORDINANCE 2033-1020 - REZONING FROM COMMUNITY COMMERCIAL (C-2) TO PLANNED AREA DEVELOPMENT (PAD) FOR FULTON HOMES ACCLAIM - APPLICATION PL-20-0086

City Council held a public hearing and approved a request by Mr. Stephen W. Anderson, Gammage & Burnham PLC; adopted Ordinance 2033-1020, rezoning 153.20 acres of land at the northwest corner of 99th Avenue and Thomas Road from Community Commercial (C-2) to Planned Area Development (PAD). The proposed Fulton Homes Acclaim PAD will allow for a 581-lot, master-planned single-family development at a density of approximately 4.0 dwelling units per acre. A request to change the General Plan 2030 Land Use Map designation of the property from Mixed Use and Freeway Commercial to Medium Density Residential (MDR) will be considered separately. The Council will take appropriate action

c. PUBLIC HEARING AND ORDINANCE 2034-1020 - REZONING FROM AGRICULTURAL (AG) TO COMMERCE PARK (CP) FOR BEST WESTERN AND MICROTEL HOTELS - APPLICATION PL-19-0248

City Council held a public hearing and approved a request by Mr. Ranjit Singh, IB Hospitality, LLC: adopted Ordinance 2034-1020, rezoning approximately 3.6 acres of land located east of the north terminus of Eliseo C. Felix Jr. Way, south of Interstate 10 from Agricultural (AG) to Commerce Park (CP) to allow for the development of two (2) hotels on the subject property. City Council will take appropriate action.

5. 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
October 19, 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; 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 15 members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. PUBLIC SAFETY UPDATE

Dale Nannenga, Police Chief, presented Council with an update regarding current programs, initiatives, and strategies being developed or established by the Police Department.

Chief Nannenga stated that the last update was presented to City Council in February of 2017. Since that time, the department has experienced quite a bit of growth, including the addition of 21 police officers, 13 new professional staff positions, two new substations, and the expansion of the main police station. The 2017 presentation included information on the 21st Century Policing, a recommendation task force put together by President Obama, centered on six pillars: building trust and legitimacy; policy and oversight; technology and social media; community policing and crime reduction; training and education; and officer wellness and safety.

Current community involvement and programming have included the following:

- Holds holiday events in neighborhoods and schools within Avondale.
- Holds food drives for the community through various events.
- Participates in various public service events such as the Westside Recreation Program and the Make a Difference Day.
- Reinstituted the Police Explorers program, providing youth with an opportunity to volunteer within the department.

- Created a strong presence on social media, with over 20,000 followers on Facebook.
- Created the position of the Neighborhood Resource Officers to focus on community outreach and building relationships with community groups.
- Involved with the schools in the community by providing programs through the School Resource Officers (SRO).
- Participated with student groups at Estrella Mountain Community College.
- Fully staffed the Community Action Team.
- Heavily involved with the Arizona Special Olympics.
- Created the Citizens Police Academy, selecting participants directly from the community.
- Created two new substations.
- Officers have participated within the Avondale Employee Housing Program, providing down-payment assistance to Police Department employees.

Chief Nannenga spoke about the current initiatives underway. The department has created the new SRO Sergeant position who will oversee the creation of a Teen Police Academy, act as the liaison with elementary and charter schools, and create additional programs within schools. Chief Nannenga met with school board members from the Agua Fria School District, who wishes to replicate the SRO program at Agua Fria High School. The department met with students to create a safety plan program, by which students can come forward and voice concerns regarding any safety plans within their schools.

The department is reviewing its critical policies, including use of force, which has been determined to be very solid. Chokeholds are forbidden by the department, as of several years ago. This has been expanded to prohibiting the procedure even by use of force instructors. The department is also reviewing policies to ensure they are accredited by the state. In terms of technology, the department has implemented body cameras for the entire uniform division and is looking to expand this to plain clothes assignments. Cell phones have been issued to officers and all uniformed personnel for use in the field.

Mr. Montoya continued the presentation, explaining the department is looking into implementing cameras also for park rangers and detectives. The signal technology causes the body-worn camera to automatically activate if an officer withdraws a weapon from their holster if it is not already active. All officers have tasers which are a less lethal option. The department also uses BolaWraps, the command van, and drones.

Over the last year, the Police Chief and Assistant Police Chief have looked at creating an Accountability Inspection Officer, who would be responsible for policies and procedures, assisting with accreditation, and reviewing and cataloguing camera data. In terms of yearly reports, the department looked at use of force statistics and a report will be reviewed on an annual basis. Management works with the department on use of force statistics and citizen complaints. The City submits data to the FBI use of force database and to the State for P.O.S.T. certification. Department policies are posted on the website, available for City Council and the public to review. They are constantly reviewed and updated as new technologies, policies and procedures from legislature come forward.

Since 2017, the department has begun to develop more de-escalation training for all officers. The Chief's goal is to provide this training to as many officers as possible. Over the last year and a half, the department has worked to develop integrated traffic cameras at intersections throughout the City. In addition, the department is seeking additional funding through grants and direct request to the City to ensure that there are active body cameras for every sworn officer, including park rangers and municipal officers. The department is expanding peer support, including mental health, first aid and other types of social and mental health awareness. The department and other West Valley entities have formed a coalition to work together to assist with crisis intervention training for all officers. The department is trying to change the uniforms in order to achieve distinction between neighborhood officers, school resources officer, and park ranger. This will be helpful for the community's understanding of each officer's roles. Vehicles will also be distinctive.

The department will be requesting three additional positions, which will not be sworn officers. The positions will assist with incidents such as traffic and noise complaints. They will attend community events and schools. The department is exploring the possibility of adding a small suite at The BLVD, which would serve as a base for bike patrols. With the growth of Alamar and the potential of 4,000 additional single-family homes over the next seven to ten years, there is potential for a police and fire station at El Mirage in the coming years. Community Service Officers (CSO) will work nonviolent property crimes and allow sworn officers to take more priority calls. The expansion of the police department will allow for a separate room space for utilization of the interactive video simulator training.

Mayor Weise commented regarding the significant process made in these areas since he moved to Avondale. He particularly favors the strategy of having CSOs take over less critical calls, which allows sworn officers to focus on dangerous crimes and other serious incidents. Mr. Montoya agreed, stating issues such as noise complaints and other neighborhood issues are good opportunities for CSO involvement.

Council Member Conde asked if the new position is similar to the Volunteers in Police Service (VIPS) positions. Mr. Montoya explained the CSO position will handle issues beyond what the VIPS have been doing and will have more extensive training. Council Member Conde asked about the selection process. Mr. Montoya stated that the process will be the same as the selection of municipal security officers. A job description will be created and listed, individuals will apply, and will be subject to background checks.

Council Member Kilgore thanked Mr. Montoya and Chief Nannenga for the presentation. He stated that he appreciates what the department has done so far, expressing his appreciation for providing body warn cameras to the park rangers, stating it was a great idea. He suggested training topics for the School Resource Officers to include racism, police brutality, excessive use of force, and gun laws. He explained the community and the youth should know about the mentioned topics, especially during current times. He appreciates the expansion of the peer support programming, expressing the importance of helping officers, especially those who are ostracized or for those who may be shunned for standing up to do what is right. He stated his desire for the City to be able to do more for the good officers, so they do not feel left out for doing the right thing. He supports the

addition of the Community Service Officers but stated a desire to explore avenues to assist law enforcement such as mental health professionals. He noted a previous situation with a veteran, where a mental health professional could have helped create a different outcome. He stated he is open to exploring those opportunities as well. Mr. Montoya explained there is currently a mental health professional who works with the department and goes out on calls as needed but the individual primarily assists the homeless coordinator. Mr. Montoya stated Chief Nannenga has talked about expanding that program but that type of individual is not always needed. Council Member Kilgore echoed his previous comments regarding expanding the program, allowing someone with more experience in the area to provide more safety to the community.

Council Member Kilgore stated that he attended a virtual police community relations discussion with Northern Arizona University (NAU). Various presenters were providing presentations on what they were doing within their communities, similar to today's presentation. They all talked about how they rely heavily on their advisory boards, getting people from the community to advise them on certain situations. He noted his desire for the City to add a Police Advisory Board to the current Board and Commission Program, stressing the importance of the need after the death of George Floyd in Minneapolis. Mr. Montoya stated that the City did have an advisory board approximately eight years ago, which only met approximately once every two years. It was difficult to find individuals who would commit to participation. In the last seven to eight years, any incidents have come to City management for final calls. The concern is that if an advisory board overrides the termination of an officer for negligence, it becomes the responsibility of Mayor and Council to accept liability. Staff recommends adding the initial CSOs over the next six to eight months and then come back to Council to review the progress. One of the unknown factors is the pandemic as it is unknown how long it will last. Council Member Kilgore stated he understood Mr. Montoya's point, but stressed the point that the residents are the most valuable resource. Noting that law enforcement is there because of the people and what better of a way to use their tax dollars by using their expertise and wisdom.

Mayor Weise stated that Council can discuss Council Member Kilgore's suggestion at a work session or Council meeting. His preference would be to have the discussion in-person with all involved personnel. Council Member Kilgore stated that due to the pandemic, the discussion might have to be held virtually.

Council Member Pineda noted that since 2017, the City has been proactively moving forward regarding the six pillars discussed by Chief Nannenga. He is pleased with the interaction of the department with students at the elementary school level. It is important to develop a friendly and nonhostile relationship, where children understand that police are there to protect them. He shared a few comments regarding different conversations that he had with residents within the community. Comments from residents included police personnel being friendly, outgoing and communicative. The department's proactive measures have been a game changer for the community.

Mr. Montoya shared a personal interaction with officers recently within his neighborhood. He explained it will also be easier for officers to engage with the community with additional substations added.

Mayor Weise stated he appreciates Council Member Pineda's comments as he has grownup within Avondale and has interacted with the department his entire life, same with Council Member Malone.

Council Member Nielson asked how this positive information can be disseminated throughout the community. He also commented that Littleton School District holds leadership and service academies and it would be helpful for police to present to those programs. He congratulated the department for its good works. Mr. Montoya stated that earlier this year, City staff attempted to have community meetings with each of the HOAs and quickly realized what a significant undertaking that would represent. Council Member Malone's recommendation was to start the process in quadrants of the City, invite HOAs to City Hall and provide these types of engagement presentations.

Council Member Malone agreed with the HOA Summit suggestion for implementation as it will be a great opportunity for the police and Council to be even more engaged in the community. Council Member Malone asked about the frequency of bike patrols. Mr. Montoya stated that the department has been doing debriefings over the past couple of weeks and he is uncertain whether a definite schedule has been created. He noted that having the substations located within the neighborhoods makes it easier for officers to bike. Council Member Malone asked about the makeup of the CAT team. Mr. Montoya stated that he believes it is comprised of a sergeant and five officers. Council Member Malone asked about the timeline for hiring the CSOs. Mr. Montoya anticipates that they will be brought to Council for consideration in the next 30 days with recruitment hopefully by December or early 2021. Council Member Malone suggested that the CSOs have background and training in mental health. Mr. Montoya stated staff will look into that but noted that this type of training is very specific. Council Member Malone spoke positively about the Citizens Police Academy and how it helped her engage with the Police Department to find out how the department functions. During the time of civil unrest, she had several community members contact her. As a result, she contacted Chief Nannenga and got him engaged with a community member. She was pleased to see programs, such as the one mentioned with Estrella Mountain Community College, being used within the community. In closing, she thanked staff for their hard work.

Vice Mayor Dennis asked about the timeline for the last accreditation. Mr. Montoya said the police department does not have current accreditation. The State Police Chiefs association have their own accreditation program that the City will be going through. It is an 18-month to two-year process and costs approximately $100,000. National accreditation costs approximately $500,000 and is a two- to three-year process. He stated the department is starting the accreditation process now. Vice Mayor Dennis commented that accreditation is a good way to evaluate how the City is facilitating public safety.

Vice Mayor Dennis referenced de-escalation training, noting that 40 to 50 percent of officers have received the relevant training. She asked about the timeline for training for all officers. She also inquired whether the department is addressing implicit bias. Mr. Montoya stated that the standard is for police departments to have 20 percent of its force trained in de-escalation training. Chief Nannenga would like to get to 80 to 90 percent. There is no specific timeline at this time, but he can provide further information

to Council as a follow-up. Vice Mayor Dennis stated she was interested to see the cost associated with this training to guide the Council in the future. In terms of implicit bias, Mr. Montoya stated the department has been working with constituents of the community college, faith-based organizations, the NAACP and other organizations to start working through the biases that may present in everyday use. Other areas of training are specific to interactions with individuals who have a mental illness or faculty struggles with hearing or speech. He stated Chief Nannenga would like this type of training be provided to 100 percent of the officers. Vice Mayor Dennis stressed the need for training timelines to be provided to Council.

Vice Mayor Dennis asked about the current number of neighborhood resource officers. Mr. Montoya said there are currently two. Vice Mayor Dennis commented that two is not enough to service the entire community. She asked about the areas of work the CSOs would be engaging with along with the neighborhood resource officers. Mr. Montoya said Chief Nannenga's intent is that the CSOs will be available for mostly nonviolent calls within the community. This includes neighborhood issues, HOA meetings, school visits, or simply talking with people in public. He will provide Council with a more detailed description regarding CSO job description and details. Vice Mayor Dennis stated that she would like to have a better idea of what the City is trying to accomplish and would like to have a better idea of the training the individuals will receive.

In terms of working with HOAs, Vice Mayor Dennis stated it would be helpful for the City to provide information to them for inclusion on the HOA websites and newsletters. Mr. Montoya stated that City staff agrees with the importance of connecting with HOAs. Chief Nannenga's intent is to continue to have officer engagement with each of the HOAs.

Vice Mayor Dennis referred to instances of public complaints about individual police officers and stressed the need to establish a process to ensure that any recommendations are being addressed. Mr. Montoya said there is a process within the police department that addresses complaints, including internal affairs, overseeing lieutenant, both assistant chiefs, police chief, HR and possibly City management.

Vice Mayor Dennis asked if the City has considered training partnerships for addressing domestic violence and other issues. Mr. Montoya stated the police department engages in many training processes regarding domestic violence and bias. There are individual contracts for training enhancement as well as working in conjunction with other communities.

Mayor Weise stated that over the past 30 years, he has had two very different experiences with police officers, sharing his personal experiences. He noted there will always be the wrong types of people who apply for police job, but it is up to the testing processes to weed these individuals out. He stated he has seen a marked change in the police department over the past 23 years living in Avondale but noted there is always room for improvement. It is important to address public comments and criticism. The 2017 guidelines from the Obama Administration forced police departments across the nation to look at what they had been doing for decades and identify areas for improvement. In some situations, public advisory boards have worked to the detriment of residents.

Council Member Pineda requested a future presentation after the mentioned data is compiled through the accreditation process. In response, Mr. Montoya stated staff will provide an update in the future.

3. ADJOURNMENT

There being no further business before the Council, Council Member Pineda 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 7:37 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 7:44 p.m. All participants attended by phone or video.

Mayor Kenn Weise led the Pledge of Allegiance, followed by a moment of silent reflection with thoughts for Arizona House Representative Lorenzo Sierra

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; 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; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

Audience: Approximately ten members of the public were present.

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

2. UNSCHEDULED PUBLIC APPEARANCES

Pearlette Ramos, member of the public, thanked City Council for taking up the issue of community policing.

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 Councilmember wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Council Member Pineda, seconded by Council Member Nielson, 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 21, 2020 City Council Meeting Minutes.

b. DESIGN-BUILD AGREEMENT WITH WILLMENG CONSTRUCTION FOR THE BLVD WATER FEATURES

City Council (a) approved a Design-Build Agreement with Willmeng Construction to provide design-build services for The BLVD Water Features Project in an amount not-to-exceed $4,800,000 for design and construction with a negotiated amount of $400,000 for the design and preconstruction services; (b) authorized the necessary budget transfers; and (c) authorized the Mayor, or City Manager and City Clerk to execute the necessary documents and any future amendments.

c. BUDGET TRANSFER FOR PUBLIC ART PROJECTS

City Council approved a budget amendment in the amount of $130,000 to increase spending authority for Public Art projects.

d. RESOLUTION 1070-1020 INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR THE EXCHANGE OF SERVICES (ENTENTE)

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maintenance (Entente Program), and authorized the Mayor, the City Manager and City Clerk to execute the necessary documents.

e. RESOLUTION 1071-1020 VICTIM ASSISTANCE GRANT AWARD FROM THE STATE OF ARIZONA

City Council adopted Resolution 1071-1020 authorizing the City of Avondale's acceptance of grant funding through the Arizona Department of Public Safety / Victims of Crime Act (VOCA) Grant in the amount of $868,766 to the City of Avondale Police Department/Southwest Family Advocacy Center over the period October 1, 2020 through September 30, 2023 and authorized the Mayor, the City Manager, and City Clerk to execute the necessary documents.

f. ORDINANCE 2032-1020 APPROVAL OF A WAIVER OF THE FOUR-YEAR ADVANCE NOTICE OF ABANDONMENT OF ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) RIGHT-OF-WAY ALONG THE WEST SIDE OF 107TH AVENUE BETWEEN MCDOWELL ROAD AND INTERSTATE-10

City Council adopted Ordinance 2032-1020 approving a waiver of the four-year advance notice of abandonment of Arizona Department of Transportation (ADOT) Right-of-Way along the west side of 107th Avenue between McDowell Road and I10, and authorized the Mayor, the City Manager, and City Clerk to execute the necessary documents.

g. ORDINANCE 2031-1020 CHANNEL & LEVEE EASEMENT AND AGREEMENT WITH MARICOPA COUNTY FLOOD CONTROL DISTRICT

City Council adopted Ordinance 2031-1020 approving a Permanent Flood Control Channel and Levee Easement and Agreement for Flood Control Purposes with the Flood Control District of Maricopa County and authorized the Mayor, the City Manager, and City Clerk to execute the necessary documents.

4. REGULAR AGENDA

Note from the City Clerk: Items 4a and 4b were presented together and voted on individually.

a. PUBLIC HEARING AND RESOLUTION 1072-1020 – MAJOR GENERAL PLAN AMENDMENT FOR FULTON HOMES ACCLAIM APPLICATION PL-20-0043

City Council held a public hearing and consider a request by Mr. Stephen W. Anderson, Gammage & Burnham PLC, to adopt Resolution 1072-1020 approving a Major Amendment to the Avondale General Plan 2030 Land Use Map for Fulton Homes Acclaim, a proposed 153.20 gross acre planned development at the northwest corner of 99th Avenue and Thomas Road. The proposed Major General Plan Amendment, if approved, will amend the General Plan 2030 Land Use Map designations for the property from 114.73 gross acres of Mixed Use and 38.47 gross acres of Freeway Commercial to Medium Density Residential (MDR). City Council will take appropriate action.

Brian Craig, Planning Manager, reviewed the site area and map of the property. The 153.2 gross acre site is currently zoned C-2, Community Commercial. The proposal is to rezone the property to PAD residential. The notch located in the southwest area is not part of the

Major General Plan Amendment, nor part of the rezone owned by SRP. On the southeast corner of the site, there will be a future out-lot for relocation of the existing well. The proposal is to move to Medium Density Residential (MDR), which would allow for 2.5 to 4.0 dwelling units per acre. The development proposal is to be developed in two phases. The first phase would include the east half of the property with the second phase to include the west half of the property. The west half of the property is currently encumbered by floodplain, which needs to be resolved before it can be fully developed. There are six development parcels in the proposal. This includes three lot sizes: 45 feet, 50 feet, 60 feet. Each phase would include each of the sizes.

Base zoning would be R1-5, single family residential. There are a few minor exceptions to the base zoning, which staff supports. This primarily pertains to the 45-foot wide lots. The lot size, depth, and coverage required under straight zoning requires a 100-foot depth lot. The developer is offering 92-foot depth for the smallest lots. Many of the sites that back up to open space or along park areas will be slightly longer than 92 feet. With this comes a reduction in overall required square footage from 5,000 square feet to 4,140 square feet. There is an increase in lot coverage for the building from 45 percent to 55 percent. There is a request to reduce the livable setback (non-garage portion of the home) to 10 feet for the 45-foot width lot and 12 feet for the 50-foot width lot. They will still maintain a 20-foot depth from the property line to the garage. The site will be accessed from Thomas Road to the south with a landscaped median on the East at 99th Avenue with similar landscaping.

Approximately 25 percent of the development will be dedicated to open space and play space. The site will include a 7.4-acre central park with amenities. Amenities include a community pool, shaded playground structures, ramadas, sport courts and community parking spaces. There is a north to south trail connection through the neighborhood. Architecture and elevation designs were reviewed. There is interconnectivity of the widened sidewalks and trail system. There are three trail connections from east to west. There are three pedestrian crossing sections to allow pedestrians to safely cross the street to the Parkside development.

Staff supports the General Plan amendment. There is a low inventory of unplanned, available medium density residential in Avondale. Close to 1,300 acres of medium density residential is under development at Alamar on the south side of the community as well as recently approved Verde Trails and Del Rio Ranch Three, all active and close to construction, leaving little remaining of this type of density of homes. The City worked initially with the developer to have executive sized lots included and they have done so to a 20 percent total of its inventory. The executive summary indicates a strong competitive disadvantage for this site to remain vacant. Staff believes the residential site is compatible to the surrounding residential areas and is served with adequate water, sewer and street infrastructure. The developer will be required to add an additional lane on 99th Avenue. However, Thomas Road is currently built to its full design standard.

Regarding the rezoning, once approved, this development will be in conformance with the updated General Plan designation as well as the Freeway Corridor Specific Plan. It is also in conformance with the zoning ordinance, subdivision regulations, and will be in

conformance with the design manual, with the exception of the aforementioned setbacks and lot dimensions. It provides an adequate transition to the estate sized residential to the west. The PAD standards are consistent with those allowed in the surrounding area. Staff believes that exceptional design, especially related to open space amenities is provided.

This is the only major General Plan amendment being considered in Avondale this year. The City followed State statute with 60-day review notices to various agencies. There were certificates from the school districts as to adequate capacity. The neighborhood meeting had two attendees. All required notifications were completed. There was one comment on aVOICE encouraging the City Council to authorize the project. Staff recommends approval of both items.

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.

Council Member Conde commented that she likes the use of mixed materials for the building exteriors. In response to a request for clarification, Mr. Craig confirmed that the developer will be adding a lane to 99th Avenue as one of the development requirements.

Council Member Kilgore thanked staff for the presentation.

Council Member Malone noted that the canal runs between Glenarm Farms and the development and asked about safety measures for residents. Mr. Craig stated that the canal will remain in place, which is part of the design considerations for 300 to 500 feet of open space from the west edge of the development inward to the site. This will provide separation from the residential area. Staff will work with engineering to ensure that any required fall protection is provided. He stated that updates on implementation of these safety measures can be provided to City Council as they occur.

Council Member Nielson referred to the 20-foot setbacks, noting it seems to be customary for garages to be used as storage; therefore, there will likely be cars parked in the driveways. The width of the residential street may not be wide enough to accommodate travel if other vehicles are parked on the street. Mr. Craig stated that staff worked with partners in the fire department and fire marshal's office to establish a minimum width and have obtained their approval.

Vice Mayor Dennis asked if parking was allowed near the mentioned pedestrian crossing sections. Mr. Craig stated no, parking signs will most likely be added near the pedestrian crossing sections. In response to a question from Vice Mayor Dennis, Mr. Craig said there is a restroom in the clubhouse area of the pool. Vice Mayor Dennis asked whether the developer is working with Parkside on the canal tilework. Mr. Montoya stated that the City has been working intermittently with developers on Parkside.

Mayor Weise said he appreciates the amount of open space and green space as well as the pool area. He asked if there will be a dog park. Mr. Craig said the applicant has not indicated whether there will be a formal dog park. Mayor Weise said he would like to see

a dog park, especially as there is an extensive trail system and people will be walking their dogs. Mayor Weise stated that he appreciates the different architectural concepts and noted the importance of diversity in housing.

In response to a question from Vice Mayor Dennis, Mr. Craig stated that one of the stipulations the developer hopes to include in their agreement with SRP is to have the theme wall around the facility match that of the development.

Vice Mayor Dennis moved to adopt Resolution 1072-1020 – approval of Application PL-20-0043 Fulton Homes Acclaim Major General Plan Amendment; Council Member Pineda seconded the motion.

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

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

b. PUBLIC HEARING AND ORDINANCE 2033-1020 – REZONING FROM COMMUNITY COMMERCIAL (C2) TO PLANNED AREA DEVELOPMENT (PAD) FOR FULTON HOMES ACCLAIM – APPLICATION PL-20-0086

City Council held a public hearing and considered a request by Mr. Stephen W. Anderson, Gammage & Burnham PLC, to adopt Ordinance 2033-1020, rezoning 153.20 acres of land at the northwest corner of 99th Avenue and Thomas Road from Community Commercial (C-2) to Planned Area Development (PAD). The proposed Fulton Homes Acclaim PAD will allow for a 581-lot, master-planned single-family development at a density of approximately 4.0 dwelling units per acre. A request to change the General Plan 2030 Land Use Map designation of the property from Mixed Use and Freeway Commercial to Medium Density Residential (MDR) will be considered separately.

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 adopt Motion to adopt Ordinance 2033-1020 – approval of Application PL-20-0086 Fulton Homes Acclaim Rezoning from C-2 to PAD subject to seven (7) recommended conditions as listed in the staff report; Council Member Nielson seconded the motion.

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

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye

Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

c. PUBLIC HEARING AND ORDINANCE 2034-1020 - REZONING FROM AGRICULTURAL (AG) TO COMMERCE PARK (CP) FOR BEST WESTERN AND MICROTEL HOTELS – APPLICATION PL-19-0248

City Council held a public hearing and considered a request by Mr. Ranjit Singh, IB Hospitality, LLC, to adopt Ordinance 2034-1020, rezoning approximately 3.6 acres of land located east of the north terminus of Eliseo C. Felix Jr. Way, south of Interstate 10 from Agricultural (AG) to Commerce Park (CP) to allow for the development of two (2) hotels on the subject property.

Brian Craig, Planning Manager with Development and Engineering Services, provided the site details. The site has predominantly C-2, Community Commercial in the area with a small area zoned A-1 industrial adjacent to the south and southwest of the site. The request is to take the entire 3.6 acres and rezone to Commerce Park. While the site is currently zoned agricultural, it is not in active agricultural production. Agricultural zoning is used as a holding zoning district for areas prior to development. The current General Plan designation on the site is Business Park. The site has been vacant since annexation in the 1960's.

The site is slightly encumbered by FEMA designation AH flood zone, which would need to be handled before development can occur. The conceptual site plan was reviewed. The intent is for each hotel to have a maximum of 100 rooms and be six stories tall. Six stories would be the tallest building in Avondale. Six stories are allowed in the Freeway Corridor Specific Plan for the District. The applicant must process a conditional letter of map revision (CLOMAR) along with a minor land division (MLD) prior to moving on to site and design review. The CLOMAR process takes several months and the developer has begun the initial discussions with FEMA. The next step is formal site plan and design review. Elevations and building architectural renderings were reviewed.

The proposal is compatible with the General Plan Land Use Designation of Business Park. Business Park encourages hospitality uses. The Strategic Plan has a key goal of encouraging hospitality uses, especially in the Freeway Corridor. The plan is compatible with the Freeway Corridor Specific Plan. Development on the site would bring additional eyes to the area. Recommended conditions of approval are reasonable to ensure conformance. One person attended the neighborhood meeting and the discussion centered around what amenities and access the hotels propose to offer. These include exterior pools, meeting spaces, exercise facilities, and a business center. Access to the site will be from the exits at Fairway Drive and from Dysart Road down to Van Buren Street and up Eliseo C. Felix Jr. Way. All required notifications were completed and there were no comments on aVOICE. Staff recommends approval of this item.

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.

Mayor Weise commented that these hotels will serve a different clientele than the City's existing hotels. Existing hotels are predominantly used for long-term stays, leisure stays, and some business. They are also pulling business from the 303 and I-10 West business. People involved in building large warehousing and logistics are staying in Avondale. He had an opportunity to meet someone involved with the Amazon facility buildout, who was staying in the City for two to three weeks. The proposed hotels will do some leisure business but may be more targeted toward extended stay and businesspeople who are coming in for projects.

Council Member Conde said she was excited about this unique development. Having six stories will be a good addition to the existing Avondale hotel inventory. She appreciates the modern, contemporary design, variety of textures, and materials. She thanked staff for their work in ensuring good designs, which are aesthetically pleasing.

Council Member Kilgore thanked staff for the presentation. He thanked the applicant for making the requested modification and working with staff on the project. He stated that he was glad to see the project being constructed in an area that has been vacant for so long. He noted he is happy for development but expressed concerns that the pandemic has affected the hospitality industry, and this may continue for a time. He also expressed concern for mitigating any effects from the floodplain issues.

In response to the comments from Council Member Kilgore, Mayor Weise commented that in discussions with hotel personnel this weekend, the hotels are running at 75 to 80 percent occupancy, which is higher than last year. He asked Mr. Craig to comment on Council Member Kilgore's concern of the floodplain issue. Mr. Craig stated the mentioned concern is also a concern of staff and they are working with the applicant to ensure a qualified professional is hired to complete the project.

Council Member Malone said it exciting to see a new project in the area, which has been historically underutilized.

Council Member Nielson echoed earlier concerns about addressing the floodplain issues. He commented that Eliseo C. Felix Jr. Way may need some attention and may be not be able to handle the anticipated traffic. Mr. Craig addressed the floodplain issues, noting that one of the requirements in the engineering reports is a survey of the site as well as drilling to ensure that the water table will not impact the development. Staff can certainly reach out to Public Works to discuss road maintenance. The applicant has been directed to not encourage hotel traffic to come through the Coldwater Development, but to travel through Van Buren Street. Mr. Montoya stated that staff will work with Planning and Public Works on this. Until the development moves forward, they will not likely do additional striping or chip seal, as that area will be torn up in the construction process.

Council Member Pineda commented that the developer must know their clientele well, as this is very interesting area for hotel placement. He echoed the comments made by Council Member Malone.

Vice Mayor Dennis stated that she spoke with the owner of the project, who answered many of her questions. One important element is looking through the cut-through which goes through the Home Depo parking lot. She suggested looking at the road that connects the parcel to the commercial piece in terms of improvement and facilitation of access. Vice Mayor Dennis inquired on the hotel's plan for a restaurant. Mr. Craig said the hotel will not have a restaurant, but they plan to promote restaurants within the area. Mr. Montoya stated staff will work with the developer as well as ADOT to ensure clear access is available to the hotel.

Vice Mayor Dennis moved to adopt Ordinance 2034-1020 – approval of Application PL-19-0248 Best Western and Microtel Hotels Rezoning from AG to CP subject to three (3) recommended conditions as listed in the staff report; Council Member Nielson seconded the motion.

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

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

5. ADJOURNMENT

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

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

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

Meeting adjourned at 8:42 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 19th 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