



City of Avondale

City Council Meeting

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

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



City of Avondale

City Council Online Meeting

Monday, November 2, 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, November 2, 2020

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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. PRESENTATION ITEMS**

- a. INTRODUCTION OF NEW EMPLOYEES**

- Dariel Anon, Firefighter (Fire & Medical Department)
- Jerie Guajardo, Family Services Manager (Neighborhood & Family Services Department)
- Terryann Lawler, Library Manager (Neighborhood & Family Services Department)

- 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 October 5, 2020 City Council Meeting Minutes. The Council will take the appropriate action.

- b. ORDINANCE 2035-1120 - LEASE AGREEMENT AND PROFESSIONAL SERVICE AGREEMENT WITH THE OPPORTUNITY TREE**
City Council (a) **adopted** Ordinance 2035-1120, approving a lease agreement with The Opportunity Tree, a non-profit organization seeking to provide services to individuals with intellectual and developmental disabilities (IDD) and their families out of the City building located at 328 W. Western Ave.; (b) **authorized** the the related Professional Service Agreement with The Opportunity Tree and (c) authorized the Mayor, City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.
- c. ORDINANCE 2036-1120 - LEASE AGREEMENT WITH PHOENIX CHILDREN'S HOSPITAL, INC.**
City Council (a) **adopted** Ordinance 2036-1120 and (b) **approved** the Lease Agreement with Phoenix Children's Hospital, Inc. for the property located at 765 N. 114th Avenue and authorized the Mayor, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.
- d. ORDINANCE 2037-1120 - LEASE AGREEMENT AMENDMENT WITH EPS GROUP, INC.**
City Council **adopted** Ordinance 2037-1120, approving the First Amendment to the Office Lease with EPS Group, INC. and authorized the Mayor, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.
- e. ORDINANCE 2038-1120 - ACQUISITION OF REAL PROPERTY - LA CANACA BOULEVARD**
City Council (a) **adopted** Ordinance 2038-1120 authorizing the purchase and dedication of real property for City right-of-way for La Canada Boulevard and (b) **approved** a transfer of the necessary funds and authorized the Mayor, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.
- f. ORDINANCE 2039-1120 - ACQUISITION OF REAL PROPERTY - 11348 WEST VAN BUREN STREET**
City Council (a) **adopted** Ordinance 2039-1120, authorizing the purchase of real property from Maureen R. Maxon for the property located at 11348 W Van Buren Street; (b) **authorized** staff to process any necessary budget amendments; and authorized the Mayor, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.
- g. COST PARTICIPATION AGREEMENT WITH THE ROOSEVELT IRRIGATION DISTRICT FOR NORTH AVONDALE WATER SUPPLY PROJECT**
City Council **approved** (a) a Cost Participation Agreement with Roosevelt Irrigation District for post design services associated with the North Avondale Water Supply Project in an amount not to exceed \$11,000 and (b) authorized an appropriations transfer and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.
- h. DESIGN SERVICES FOR VAN BUREN FIRE STATION**
City Council **approved** (a) a Professional Service Agreement with Perlman Architects of Arizona for Architectural and Engineering Design of the Van Buren Fire Station in the amount not to exceed \$570,683.61 and (b) establish a total project budget of \$12,500,000 for design and construction and authorized the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take the appropriate action.
- i. RENAMING A SECTION OF INDIAN SPRINGS ROAD TO JIMMIE JOHNSON DRIVE**
City Council **approved** a request to rename a section of the roadway adjacent to Phoenix Raceway from Indian Springs Road to Jimmie Johnson Drive. The Council will take appropriate action.

5. REGULAR AGENDA

a. PUBLIC HEARING AND ORDINANCE 2040-1120 - KAZI'S – REQUEST FOR HISTORIC AVONDALE INFILL OVERLAY (HAIO) - APPLICATION PL-18-0099

City Council **held** a public hearing and **approved** a request by Quoc Truong, Architectural Resource Team, on behalf of property owner, Hamid Kazi, **adopted** Ordinance 2040-1120 applying the Historic Avondale Infill Overlay (HAIO) to approximately 0.9 net acres of property located approximately 125 feet east of the southeast corner of Litchfield Road and Main Street (MC 85). The subject property is zoned Community Commercial (C-2). Approval of the request will modify development standards on the subject site, allowing for development of a new gas station with convenience store, Kazi's, on the property. Development standards subject to modification through this request include, but are not limited to, a reduced parking and landscape setback adjacent to Main Street, a reduced building setback to a residential use, and a reduced landscape setback to a residential use. An application for a Conditional Use Permit (CUP) to allow for a gas station and convenience store in the C-2 zoning district for this property will be considered separately. The Council will take appropriate action.

b. PUBLIC HEARING - KAZI'S – REQUEST FOR CONDITIONAL USE PERMIT – APPLICATION PL-19-0023

City Council **held** a public hearing and **approved** a request by Quoc Truong, Architectural Resource Team, on behalf of property owner, Hamid Kazi, for a Conditional Use Permit (CUP) to allow a gas station in the C-2 (Community Commercial) zoning district. The use is proposed on a 0.9 net acre site, located approximately 125 feet east of the southeast corner of Litchfield Road and Main Street (MC85). The subject property is zoned C-2; City Council approval of a CUP is required for a gas station in the C-2 zoning district since it is a conditionally permitted use within this zoning district. There is a concurrent request to apply the Historic Avondale Infill Overlay (HAIO) to allow for modified development standards on the site. City Council will take appropriate action.

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
ONLINE MEETING
November 2, 2020

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 7:00 p.m. All participants attended by phone or video.

Mayor Kenn Weise asked everyone to keep their thoughts and prayers on the country for a smooth process as the elections move forward on November 3rd.

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; Lindsey Duncan, Finance and Budget 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 five 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. INTRODUCTION OF NEW EMPLOYEE

Jeff Case, Fire Chief, introduced the following employee, Firefighter, Dariel Anon, who recently graduated from the academy. Council Members congratulated and welcomed Mr. Anon into employment with the City.

Christopher Lopez, Director, Neighborhood & Family Services Department, introduced the new employees Jerie Guajardo, Family Services Manager and Terryann Lawler, Library Manager. Council Members congratulated and welcomed Ms. Guajardo and Ms. Lawler into employment with 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 Vice Mayor Dennis, 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 October 5, 2020 City Council Meeting Minutes.

b. ORDINANCE 2035-1120 – LEASE AGREEMENT WITH THE OPPORTUNITY TREE

City Council (a) adopted Ordinance 2035-1120, approving a lease agreement with The Opportunity Tree, a non-profit organization seeking to provide services to individuals with intellectual and developmental disabilities (IDD) and their families out of the City building located at 328 W. Western Ave.; (b) authorized the related Professional Service Agreement with The Opportunity Tree and (c) authorized the Mayor, City Manager, City Attorney and City Clerk to execute the necessary documents.

c. ORDINANCE 2036-1120 – LEASE AGREEMENT WITH PHOENIX CHILDREN'S HOSPITAL, INC.

City Council (a) adopted Ordinance 2036-1120 and (b) approved the Lease Agreement with Phoenix Children's Hospital, Inc. for the property located at 765 N. 114th Avenue and authorized the Mayor, City Attorney and City Clerk to execute the necessary documents.

d. ORDINANCE 2037-1120 – LEASE AGREEMENT AMENDMENT WITH EPS GROUP, INC.

City Council adopted Ordinance 2037-1120, approving the First Amendment to the Office Lease with EPS Group, INC. and authorized the Mayor, City Attorney and City Clerk to execute the necessary documents.

e. ORDINANCE 2038-1120 – ACQUISITION OF REAL PROPERTY LA CANADA BOULEVARD

City Council (a) adopted Ordinance 2038-1120 authorizing the purchase and dedication of real property for City right-of-way for La Canada Boulevard and (b) approved the transfer of the necessary funds and authorized the Mayor, City Attorney and City Clerk to execute the necessary documents.

f. ORDINANCE 2039-1120 – ACQUISITION OF REAL PROPERTY 11348 WEST VAN BUREN STREET

City Council (a) adopted Ordinance 2039-1120, authorizing the purchase of real property from Maureen R. Maxon for the property located at 11348 West Van Buren Street; (b) authorized staff to process any necessary budget amendments; and authorized the Mayor, City Attorney and City Clerk to execute the necessary documents.

g. COST PARTICIPATION AGREEMENT WITH THE ROOSEVELT IRRIGATION DISTRICT FOR NORTH AVONDALE WATER SUPPLY PROJECT

City Council (a) approved a Cost Participation Agreement with Roosevelt Irrigation District for post design services associated with the North Avondale Water Supply Project in an amount not to exceed \$11,000 and (b) authorized an appropriations transfer and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

h. DESIGN SERVICES FOR VAN BUREN FIRE STATION

City Council (a) entered into a Professional Service Agreement with Perlman Architects of Arizona for Architectural and Engineering Design of the Van Buren Fire Station in the amount not to exceed \$570,683.61 and (b) established a total project budget of \$12,500,000 for design and construction and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

i. RENAMING A SECTION OF INDIAN SPRINGS ROAD TO JIMMIE JOHNSON DRIVE

City Council approved a request to rename a section of the roadway adjacent to Phoenix Raceway from Indian Springs Road to Jimmie Johnson Drive.

5. REGULAR AGENDA

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

a. PUBLIC HEARING AND ORDINANCE 2040-1120 – KAZI'S – REQUEST FOR HISTORICAGENDA AVONDALE INFILL OVERLAY (HAIO) APPLICATION PL-18-0099

City Council held a public hearing and consider a request by Quoc Truong, Architectural Resource Team, on behalf of property owner, Hamid Kazi, to adopt Ordinance 2040-1120 applying the Historic Avondale Infill Overlay (HAIO) to approximately 0.9 net acres of property located approximately 125 feet east of the southeast corner of Litchfield Road and Main Street (MC 85). The subject property is zoned Community Commercial (C-2). Approval of the request will modify development standards on the subject site, allowing for development of a new gas station with convenience store, Kazi's, on the property. Development standards subject to modification through this request include, but are not limited to, a reduced parking and landscape setback adjacent to Main Street, a reduced building setback to a residential use, and a reduced landscape setback to a residential use. An application for a Conditional Use Permit (CUP) to allow for a gas station and convenience store in the C-2 zoning district for this property will be considered separately.

Ms. Simerdla stated that the purpose of the items are to review a request to apply the Historic Avondale Infill Overlay (HAIO District), review a conditional use permit (CUP) application, request for a gas station with a convenience store in the Community Commercial C2 District, conduct separate public hearings for each item and hold separate

motions to approve each item. The site location was reviewed. The parcel was annexed into the City in 1958 and has remained vacant since 1979. It is located within the Historic Avondale area in the Main Street Business District. It was rezoned from Multifamily R-3 to C-2 Community Commercial in 2009. A conditional use permit is required for gas station use in the C-2 District. The General Plan land use designation is Local Commercial. The first request is to apply the HAIO District. This district was created to provide flexibility in development standards and to facilitate infill development. This district does not change the underlying zoning or uses allowed in the zoning district.

The second request is for approval of a conditional use permit for a gas station. The proposal is to construct a fuel canopy with ten fuel pumps and a 4,503 square-foot convenience store with an indoor kitchen as well as a drive thru on the rear elevation for the indoor kitchen. Hours of operation will be Monday to Friday 5 a.m. to 11 p.m., Saturday 6 a.m. to 11 p.m., and Sunday at 6 a.m. to 10 p.m. The fuel pumps will be open 24 hours.

In terms of the site plan, there will be a full access driveway on Main Street. The location of the fuel pumps, underground fuel storage tank, and convenience store were identified. The drive thru wraps around the rear of the store. A 30-foot easement separates the property from the neighborhood to the south. There will be a six-foot CMU wall to the east and to the south. The requested modifications from the C-2 standards include reducing the landscape and parking setbacks from 30 feet to 17.5 feet. The 17.5-foot strip will be landscaped. The building setback from a residential property line will be reduced from 50 feet to 20 feet; however, with the 30-foot easement, there will still be 50 feet to the nearest lot with a house on it. The developer is requesting to reduce the landscape setback from a residential property line from 25 feet to 10 feet. The final request is for a cover over the pickup window for the food drive thru. The code requires a fully integrated canopy; however, this is not feasible with the angled layout. Elevations were reviewed. All required notifications were completed. A neighborhood meeting was held online on July 30. Vice Mayor Dennis was the only attendee. There was one comment in support of the project on aVOICE. The Planning Commission recommended approval of September 16th.

A gas station use is consistent with what is permitted in the local commercial General Plan land use designation and furthers the objectives for development in Historic Avondale, which encourages development of an infill lot. The proposed site plan meets City requirements in terms of parking, setbacks, and landscaping. It will allow for development of an infill site that has remained vacant for nearly 40 years. Overall, it will be a significant improvement to the area in terms of architecture and landscaping. Staff recommends approval of both applications.

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 asked whether the drive thru lane will provide space for a car to exit around other vehicles. Ms. Simerdla said there will be sufficient queuing for seven to eight vehicles; however, the lane will accommodate only one car width. Council Member Conde inquired as to the total number of parking spaces. Ms. Simerdla stated that there

are seven spaces on the side and thirteen spaces on the front, which meets the parking standards for the project. Council Member Conde asked if the development includes a space and equipment for filling tires. Ms. Simerdla stated that the site plan does not include this level of detail; however, she can look for this information during the site plan and design review stage. Council Member Conde commented that the development will be a nice addition to the area.

Council Member Nielson asked for clarification on the location of the pickup window. Ms. Simerdla stated the speaker box and menu board is very close to the pickup window. A 70-foot minimum distance from the speaker box to a residential property line is required. Council Member Nielson commented that the development is a good option for use in the area.

Council Member Pineda stated that this convenience store will be a cornerstone in the area to provide a good visual component and service the local community. He asked whether a partner restaurant has been identified. A representative of the architect in charge of the project stated that a franchise has not been identified as of yet. Mr. Kazi is trying a new concept for mobile ordering. Mr. Kazi is in discussion with a couple of groups; however, no final decisions have been made.

Council Member Kilgore thanked staff for their work with the business owner on the project as well as the Planning Commission for their advice and expertise. He is pleased about the drive thru element, particularly as a lifeline for businesses during the COVID-19 epidemic. He noted this development is unique for the historic part of Avondale and he is looking forward to seeing it come to fruition.

Council Member Malone concurred with the comments about the site location and its resource to residents and visitors.

Vice Mayor Dennis thanked staff in working with Mr. Kazi through several iterations of the plan. This is a unique project for Avondale's Historic District and will help meet the needs of the community.

Mayor Weise expressed appreciation for Vice Mayor Dennis' participation in the community meeting. He also appreciates the architecture and design of the canopy. He loves the idea of the mobile app, although it may take some education for those not accustomed to using them. The business will also service visitors to Festival Fields.

Council Member Pineda moved to adopt Ordinance 2040-1120 - approval of Application PL-18-0099 Kazi's Historic Avondale Infill Overlay subject to one (1) recommended condition as listed in the staff report; 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

b. PUBLIC HEARING KAZI'S – REQUEST FOR CONDITIONAL USE PERMIT – APPLICATION PL-19-0023

City Council held a public hearing and consider a request by Quoc Truong, Architectural Resource Team, on behalf of property owner, Hamid Kazi, for approval of a Conditional Use Permit (CUP) to allow a gas station in the C-2 (Community Commercial) zoning district. The use is proposed on a 0.9 net acre site, located approximately 125 feet east of the southeast corner of Litchfield Road and Main Street (MC85). The subject property is zoned C-2; City Council approval of a CUP is required for a gas station in the C-2 zoning district since it is a conditionally permitted use within this zoning district. There is a concurrent request to apply the Historic Avondale Infill Overlay (HAIO) to allow for modified development standards on the site.

Mayor Weise opened the public hearing and did not receive any requests to speak. Mayor Weise closed the public hearing and invited a motion.

Vice Mayor Dennis moved to approve Application PL-19-0023 Kazi's Conditional Use Permit, subject to two (2) 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

6. ADJOURNMENT

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

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

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

Mayor Weise Aye

Meeting adjourned at 7:40 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 Regular Meeting of the Council of the City of Avondale held on the 2nd day of November 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