



**City of Avondale**  
**City Council Online Meeting**  
**Monday, August 23, 2021**

**Mayor and Council**

Kenneth Weise, Mayor

Veronica Malone, Vice Mayor

Tina Conde, Council Member | Pat Dennis, Council Member

Bryan Kilgore, Council Member | Curtis Nielson, Council Member

Mike Pineda, Council Member

**Administration**

Charles A. Montoya, City Manager

Cherlene Penilla, Assistant City Manager

Tracy Stevens, Deputy City Manager | Lindsey Duncan, Deputy City Manager

Nicholle Harris, City Attorney | Marcella Carrillo, City Clerk

**Online Meeting**

Join the meeting and view presentations: <https://avondaleaz.zoom.us/j/99706985158>

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# City Council Online Meeting Notice & Agenda Monday, August 23, 2021

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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 a request to [PublicComment@AvondaleAZ.gov](mailto:PublicComment@AvondaleAZ.gov) prior to consideration of that agenda item.

## **SPECIAL MEETING 6:00 PM**

### **CALL TO ORDER BY MAYOR PLEDGE OF ALLEGIANCE AND MOMENT OF REFLECTION**

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

#### **2. UNSCHEDULED PUBLIC APPEARANCES**

(Time is limited per person. Please state your name.)

#### **3. INTRODUCTION OF NEW EMPLOYEE**

Public Works Department staff will introduce the new Water Resource Manager, Jennifer Davidson. This item is for discussion only.

#### **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 will consider a request to approve the following City Council meeting minutes: (a) May 17, 2021, (b) June 7, 2021, (c) June 21, 2021, and (d) June 22, 2021. The Council will take appropriate action.

##### **b. BUDGET CARRYOVER AND ACCOUNTING ADJUSTMENTS**

City Council will consider a request to adjust the FY2021 and FY2022 budgets to adjust the FY2022 carryover appropriations and improve financial reporting. The Council will take appropriate action.

##### **c. FUNDING REQUEST FOR THE BLVD WATER FEATURES PROJECT**

City Council will consider a request to provide funding in the amount of \$300,000 from General Fund Contingency to pay for a Splash Pad and Additional Landscape scope, to fund construction, and to authorize staff to take the necessary action to complete the budget amendment. The Council will take appropriate action.

**d. GENERAL FUND CONTINGENCY REQUEST FOR ECONOMIC OPPORTUNITIES FUND**

City Council will consider a request to approve a transfer of appropriation in the amount of \$1,600,000 to the Economic Opportunities Fund from the General Fund Contingency to support the City's and the Economic Development Department's fiscal year initiatives, increase awarding authority, and modify the interfund transfer schedule as well as authorize the City Manager, City Attorney, and City Clerk to execute the necessary documents. The Council will take appropriate action.

**e. COST PARTICIPATION AGREEMENT WITH THE SALT RIVER PROJECT FOR A TEMPORARY DEVIATION FOR OPERATION OF THE ROOSEVELT DAM FLOOD CONTROL SPACE.**

City Council will consider a request to approve a Cost Sharing Agreement with the Salt River Project (SRP) to develop a Temporary Deviation Plan for operation of the Roosevelt Dam Flood Control Space, and receive potential water deliveries as a result of this Plan, to be used for Long Term Storage Credits and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

**f. LIQUOR LICENSE - SERIES 10 (BEER AND WINE STORE) FOR HOME 2 SUITES BY HILTON**

City Council will consider a request to recommend approval to the Arizona Department of Liquor License and Control of a Series 10 (Beer and Wine Store) Liquor License submitted by Sanat B. Patel for the sale of beer and wine at Home 2 Suites by Hilton located at 10275 West McDowell Road and authorize the City Clerk to execute the necessary documents. The Council will take appropriate action.

**g. RESOLUTION 1059-0821 - PUBLIC ART MASTER PLAN**

City Council will consider a request to adopt Resolution 1059-0821, approving an update to the Avondale Public Art Master Plan as recommended by the Avondale Municipal Art Committee and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

**h. RESOLUTION 1060-0821 - UPDATING THE SANITATION (SOLID WASTE) FEE SCHEDULE**

City Council will consider a request to adopt Resolution 1060-0821, approving a sanitation (solid waste) rate schedule and setting an effective date, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

**i. RESOLUTION 1061-0821 - ADOPTION OF FEE SCHEDULE FOR FACILITY RENTALS**

City Council will consider a request to adopt Resolution 1061-0821, approving a fee schedule for the Avondale Visitor and Conference Center, which is scheduled to open in January 2022, and the recently opened Arizona Complete Health Avondale Resource Center and authorizing the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. The Council will take appropriate action.

**j. RESOLUTION 1062-0821 – INTERGOVERNMENTAL AGREEMENT WITH AGUA FRIA UNION HIGH SCHOOL DISTRICT #216 FOR A SCHOOL RESOURCE OFFICER**

City Council will consider a request to adopt resolution 1062-0821 authorizing an Intergovernmental Agreement between the Agua Fria Union High School District #216 and the City of Avondale to share the cost of providing a School Resource Officer (SRO) during the 2021/2022 school year and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

**k. RESOLUTION 1063-0821 – INTERGOVERNMENTAL AGREEMENT WITH AMERICAN CHARTER SCHOOLS FOUNDATION, ESTRELLA HIGH SCHOOL FOR A SCHOOL RESOURCE OFFICER**

City Council will consider a request to adopt Resolution 1063-0821 authorizing an Intergovernmental Agreement between the American Charter Schools Foundation and the City of Avondale to share the cost of providing a School Resource Officer (SRO) during the 2021/2022 school year and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

- I. RESOLUTION 1064-0821 – INTERGOVERNMENTAL AGREEMENT WITH TOLLESON UNION HIGH SCHOOL DISTRICT #216, LA JOYA/WESTVIEW FOR A SCHOOL RESOURCE OFFICER**  
City Council will consider a request to adopt Resolution 1064-0821, authorizing an Intergovernmental Agreement between the Tolleson Union High School District #214 and the City of Avondale to share the cost of providing a School Resource Officer (SRO) during the 2021/2022 school year and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.
- m. RESOLUTION 1065-0821 – INTERGOVERNMENTAL AGREEMENT WITH TOLLESON UNION HIGH SCHOOL DISTRICT #216, WEST POINT FOR A SCHOOL RESOURCE OFFICER**  
City Council will consider a request to adopt Resolution 1065-0821, authorizing an Intergovernmental Agreement between the Tolleson Union High School District #214 and the City of Avondale to share the cost of providing a School Resource Officer (SRO) during the 2021/2022 school year and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.
- n. RESOLUTION 1066-0821 - OUTDOOR RECREATION LEGACY PARTNERSHIP GRANT FOR THE AQUATIC CENTER PROJECT**  
City Council will consider a request to adopt Resolution 1066-0821, authorizing the application and acceptance of an Outdoor Recreation Legacy Partnership Fund grant from Arizona State Parks and Trails in the amount of \$5,000,000 for the Avondale Aquatic Center Project and authorize and direct staff to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Resolution. The Council will take appropriate action.
- o. RESOLUTION 1067-0821 - LAND AND WATER CONSERVATION FUND GRANT FOR THE CIVIC CENTER PARK PROJECT AND A GENERAL FUND CONTINGENCY REQUEST**  
City Council will consider a request to adopt Resolution 1067-0821 authorizing the application and acceptance of a Land and Water Conservation Fund grant from Arizona State Parks and Trails in the amount of \$1,000,000 for the Civic Center Park Project and authorize and direct staff to take all steps necessary to cause the execution of the Agreement, to take all steps necessary to carry out the purpose and intent of this Resolution, and to transfer from General Fund Contingency the amount necessary for the City's funded portion of the project if the grant is awarded. The Council will take appropriate action.
- p. RESOLUTION 1068-0821 - WELL SHARING AND WATER TRANSPORTATION AGREEMENT AND INTERIM OPERATING AGREEMENT FOR ALAMAR DEVELOPMENT IN CITY OF AVONDALE**  
City Council will consider a request to adopt Resolution 1068-0821, authorizing the Agreement with the Alamar Community Association, Inc. (HOA) for well sharing and water transportation and an Interim Operating Agreement with the Alamar Community Association, Inc. and Brookfield Lakin, LLC and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.
- q. ORDINANCE 2033-0821 - LEASE AGREEMENT WITH DESERT TAP LLC DBA: TAP2**  
City Council will consider a request to adopt Ordinance 2033-0821, approving the Lease Agreement with Desert Tap LLC DBA: Tap2 for the property located at 745 North 114th Avenue, Suite 101, and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. The Council will take appropriate action.
- r. ORDINANCE 2034-0821 - LEASE AGREEMENT WITH WEST VALLEY INSTITUTE LLC DBA AVEDA INSTITUTE OF AVONDALE**  
City Council will consider a request to adopt Ordinance 2034-0821, approving the Lease Agreement with West Valley Institute LLC dba Aveda Institute of Avondale for the properties located at 775 North 114th Avenue and 745 North 114th Avenue, Suite 102, and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. Council will take appropriate action.

**s. ORDINANCE 2035-0821 - CITY CODE AMENDMENT - CHAPTER 20 AND CHAPTER 23 RELATING TO THE POLICE DEPARTMENT AND TRAFFIC**

City Council will consider a request to adopt Ordinance 2035-0821, amending Avondale City Code Chapter 20, Police Department, Article 1, Section 20-7 and deleting Chapter 23, Traffic, Article II, Administration and Enforcement Section 23-29, authority to direct traffic relating to traffic direction and enforcement and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

**t. ORDINANCE 2036-0821 - ACCEPTING DONATION OF REAL PROPERTY FOR PUBLIC USE FOR THE BLVD WATER FEATURES**

City Council will consider a request to adopt Ordinance 2036-0821, authorizing the acceptance of real property located at the southeast corner of Avondale Boulevard and The BLVD for public use and authorize the Mayor or City Manager, City Attorney and City Clerk to take all steps to execute the necessary documents to carry out this purpose. The Council will take appropriate action.

**u. ORDINANCE 2037-0821 - GRANTING AN ELECTRICAL EASEMENT TO SALT RIVER PROJECT (SRP) FOR THE NEW FIRE STATION NO. 175**

City Council will consider a request to adopt Ordinance 2037-0821, granting an Electrical Easement to Salt River Project for the new Fire Station No. 175 and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

**v. ORDINANCE 2038-0821 - SRP BLANKET EASEMENT FOR SRP FOR THE BLVD WATER FEATURES**

City Council will consider a request to adopt Ordinance 2038-0821, granting a Blanket Easement to the Salt River Project for the new BLVD Water Features and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

**w. AUTHORIZATION TO PROCEED WITH ANNEXATION – CLEARSKY REHABILITATION HOSPITAL OF AVONDALE – APPLICATION PL-21-0124**

City Council will consider a request by Mr. Danny Banks, ClearSky Health, to authorize the annexation process of approximately 7.11 acres located at the southwest corner of McDowell Road and 109th Avenue. The Council will take appropriate action.

**x. FINAL PLAT FOR AVONDALE COMMERCE PARK PH II - APPLICATION PL-21-0036**

City Council will consider a request by Mr. James A. Brucci, Hunter Engineering, for approval of Application PL-21-0036 Avondale Commerce Park Phase II Final Plat on 40.03 gross acres of property located at the northwest corner of 101st Avenue and Van Buren Street. The proposed Final Plat will dedicate public utility easements, sidewalk easement, and right-of-way. The Council will take appropriate action.

**y. FINAL PLAT FOR MGN1, BEING A REPLAT OF AVONDALE CITY CENTER PHASE 2 LOT 8, FOR THE BLVD WATER FEATURE - APPLICATION PL-21-0091**

City Council will consider a request to approve a Final Plat for MGN1 being a Replat of Avondale City Center Phase 2 Lot 8, approximately 4.099 acres of private property located at the southeast corner of Avondale Boulevard and The BLVD. The Council will take appropriate action.

**z. FINAL PLAT FOR RIVER RUN - APPLICATION PL-20-0134**

City Council will consider a request by Mr. Jeff Giles, Clouse Engineering, Inc., for approval of a Final Plat for River Run, approximately 14.52 gross acres located west of the southwest corner of Thomas Road and 119th Avenue. Consistent with the Preliminary Plat approved by City Council in November 2019, the proposed Final Plat will create 103 single-family residential lots. The Council will take appropriate action.

**5. ADJOURNMENT**

**Request to Speak:** Anyone wishing to address the Council regarding the Public Hearing items listed on the agenda should email a request to speak to [PublicComment@AvondaleAZ.gov](mailto:PublicComment@AvondaleAZ.gov) prior to consideration of that agenda item.

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## **REGULAR MEETING 7:00 PM**

### **CALL TO ORDER BY MAYOR**

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

#### **2. REGULAR AGENDA (PUBLIC HEARING ITEMS)**

- a. PUBLIC HEARING - ORDINANCE 2039-0821 - ALP INDUSTRIAL PARK REZONING FROM COMMUNITY COMMERCIAL (C-2) TO GENERAL INDUSTRIAL (A-1) - APPLICATION PL-21-0050**  
City Council will hold a public hearing and consider a request to adopt Ordinance 2039-0821, approving a request by Jinia Sarker, Cawley Architects to rezone 2.67 gross acres of land located approximately 430 feet south of the southwest corner of Eliseo C. Felix Jr. Way and Van Buren Street from Community Commercial (C-2) to General Industrial (A-1). Light industrial, office, and indoor auto body repair uses are proposed. The Council will take appropriate action.
- b. PUBLIC HEARING - ORDINANCE 2040-0821 – MAJOR AMENDMENT TO AVONDALE AUTOMALL PLANNED AREA DEVELOPMENT (PAD) – APPLICATION PL-21-0047**  
City Council will hold a public hearing and consider a request to adopt Ordinance 2040-0821, approving a request by Mr. Paul E. Gilbert, Beus Gilbert McGroder PLLC, for a Major Amendment to the Avondale Automall Planned Area Development (PAD) to revise the permitted uses to allow, subject to approval of a Conditional Use Permit, an automotive dealership selling used vehicles only on approximately 9.11 acres at the northeast corner of 107th Avenue and Roosevelt Street, provided that the used automotive dealership has a minimum consolidated annual revenue of \$500 million dollars and maintains a minimum of 140 vehicles on display at all times on the Avondale Automall property. The request will revise permitted uses within the PAD for only the 9.11-acre subject property, Assessor Parcels 102-54-045D and 102-54-101; used automotive dealerships will remain prohibited within the remainder of the Automall except where a 2020 PAD Amendment allowed for the use on an adjoining property. A request for approval of a Conditional Use Permit for a proposed AutoNation used automotive dealership on the subject property will be considered separately; approval of the PAD Amendment is required for the Commission to consider the requested Conditional Use Permit. The Council will take appropriate action.
- c. PUBLIC HEARING – CONDITIONAL USE PERMIT FOR AUTONATION USED AUTOMOTIVE DEALERSHIP – APPLICATION PL-21-0049**  
City Council will hold a public hearing and consider a request by Mr. Paul E. Gilbert, Beus Gilbert McGroder PLLC, for approval of a Conditional Use Permit (CUP) to allow an AutoNation used automotive dealership to operate on approximately 9.11 acres at the northeast corner of 107th Avenue and Roosevelt Street, Assessor Parcels 102-54-045D and 102-54-101. The proposed AutoNation would occupy a currently vacant dealership facility consisting of two (2) buildings totaling 10,895 square feet in area, surrounding paved area to be used for parking and display of the dealership's vehicle inventory, and a currently undeveloped portion of land abutting Roosevelt Street that would be improved to accommodate additional inventory parking and display. A request for approval of a Major Planned Area Development (PAD) Amendment revising the Avondale Automall PAD's permitted uses to allow a used automotive dealership on the property subject to Conditional Use Permit approval will be considered separately; approval of the PAD Amendment is required before approval of this CUP may be considered. The Council will take appropriate action.

**d. PUBLIC HEARING - RESOLUTION 1069-0621 - CERRO VISTA - MINOR GENERAL PLAN AMENDMENT - APPLICATION PL-18-0079**

City Council will hold a public hearing and consider a request to adopt Resolution 1069-0621, approving a request by Virtua Avondale Eleven Owner, LLC, for a Minor Amendment to the Avondale General Plan 2030 Land Use Map for Cerro Vista, a proposed high-density multi-family residential development with 249 units on 11.51 gross acres located approximately 500 feet east of the northeast corner of Fairway Drive and Van Buren Street. The request is to amend the General Plan Land Use Map from Urban Residential (30+ dwelling units per acre) to High Density Residential (12 to 30 dwelling units per acre). City Council will consider a concurrent request to rezone the property from Agricultural (AG) and Community Commercial (C-2) to Multi-Family Residential (R-4). The Council will take appropriate action.

**e. PUBLIC HEARING - ORDINANCE 2041-0821 - CERRO VISTA REZONING FROM AGRICULTURAL (AG) & COMMUNITY COMMERCIAL (C-2) TO MULTI-FAMILY (R-4) - APPLICATION PL-18-0080**

City Council will hold a public hearing and consider a request to adopt Ordinance 2041-0821 approving a request by Virtua Avondale Eleven Owner, LLC, to rezone 11.51 acres of land located approximately 500 feet east of the northeast corner of Fairway Drive and Van Buren Street from Agricultural (AG) and Community Commercial (C-2) to Multi-Family Residential (R-4). City Council will consider a concurrent request to amend the General Plan Land Use Map from Urban Residential (30+ dwelling units per acre) to High Density Residential (12 to 30 dwelling units per acre). The requests will allow for the development of a 249-unit multi-family residential development at a density of approximately 23.94 dwelling units per acre. The Council will take appropriate action.

**f. PUBLIC HEARING - RESOLUTION 1070-0821- UPDATING CITY OF AVONDALE WATER AND SEWER RATES**

City Council will hold a public hearing and consider a request to adopt Resolution 1070-0821, modifying water and sewer rates to become effective October 1, 2021 and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

**3. ADJOURNMENT INTO EXECUTIVE SESSION**

City Council will consider a request to adjourn the Regular Meeting and hold an executive session pursuant to Ariz. Rev. Stat. § 38--431.03(A)(1) for discussion or consideration of the employment evaluation of the City Manager.

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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.