MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
ONLINE MEETING
JULY 5, 2021

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 6:01 p.m. All participants attended by phone or video.

Members Present: Mayor Kenn Weise; Vice Mayor Veronica Malone; Council Members Tina Conde, Pat Dennis, Bryan Kilgore, and Curtis Nielson.

Members Absent: Council Member Pineda (excused absence).

Other Municipal Officials Present: Charles Montoya, City Manager; Cherlene Penilla, Assistant City Manager; Lindsey Duncan, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Keith Fallstrom, Interim Finance and Budget Director; Bryan Hughes, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Darcy Lowery, Interim Human Resource Director; Kevin Murphy, Development and Engineering Services Director; Dale Nannenga, Police Chief; Marshall Pimentel, Intergovernmental Affairs Administrator; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

Audience: Approximately 80 members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. DISCUSSION OF ALTERNATIVE EXPENDITURE LIMITATION - PERMANENT BASE ADJUSTMENT

City Council received an update from staff regarding a possible permanent adjustment to the base expenditure limitation. This item was for discussion only.

Lindsey Duncan, Deputy City Manager; stated the Arizona Constitution dictates the expenditure limitation for Arizona cities and towns, with the calculation based off a figure from the 1980 fiscal year revenues. The calculation excludes expenditures of nonlocal revenue sources. The number is adjusted for population and inflation over time. When the expenditure limitation is insufficient, the City has the option to use one of several alternative expenditure limitations, each of which is voter approved at a local election. Ms. Duncan provided a brief historic review of the changes in the City, including administration, population, operations, and economic data since 1980. The 2021 budget was established at $280.1 million. There was $32.6 million excluded from that limitation for nonlocal revenues, such as bond funded expenditures and grants. The total amount subject to the City's expenditure limitation was $247.5 million for fiscal year 2021. The expenditure limit, based on those services and revenues received in 1980 adjusted for inflation and growth, is $58.7 million.

Ms. Duncan reviewed the expenditure limitation alternatives. The permanent base adjustment allows a permanent adjustment of the expenditure base from the fiscal year 1980 amount to an alternative amount. That amount would grow with population and inflation. The City has historically sought Home Rule elections with the most recent occurring in 2020. The Home Rule is effective through fiscal year 2025. The permanent base election is held once, rather than every four years. The amount of the ballot would reset the base from the 1980 amount. The base amount will adjust for population to today's dollars. Staff recommends Council consideration for referring a permanent base adjustment to the ballot. Staff prepared a calculation for an updated amount that is based on several factors such as an increase in the taxable sales. Staff plan to bring a resolution forward for approval at the September 20, 2021 meeting to place the item on the ballot for the next fall election. Arguments for and against the proposition would be received in May of 2022. Early ballots would be distributed in July of 2022 with the primary election on August 2, 2022.

Mayor Weise commented that the permanent base item is reasonable. Every four years, the City adds the Home Rule question on the ballot and while it always passes, there is no guarantee. There are potential impacts to public safety, water delivery, and other important services. The City is also looking at putting out a sales tax and bond question in the same time period. He inquired if the two proposals would impact each other in terms of timing. Charles Montoya, City Manager, noted that Council added this item as a priority last year. There are two opportunities to accomplish this goal. Next year in August, there would be no association with the presidential election to come in 2024, with a bond issue at a later date.

Council Member Kilgore stated he understood why the City is making the proposal. He stated it makes sense, with staff trying to do things better and more efficiently

Council Member Nielson asked if the current Home Rule will stay in effect if the proposition passes in 2022. Ms. Duncan stated the City would rely on the permanent base adjustment, even though the Home Rule is in place. In response to an additional question from Council Member Nielson, Ms. Duncan stated increased calculations are based on a state formula. The City would remain subject to the calculation set by the state.

In response to a question from Council Member Dennis, Mr. Montoya confirmed that future bond or sales tax questions approved by voters would be calculated based on the state formula. There may be a point in the future when revenues once again exceed the limit and the process would be repeated.

Council Member Conde agreed with Mayor Weise and was in support of the item.

Vice Mayor Malone did not have any questions for staff.

3. ADJOURNMENT

There being no further business before the Council, Vice Mayor Malone moved to adjourn the Work Session meeting; Council Member Nielson seconded the motion.

Upon vote, the motion was carried unanimously 6 to 0.

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

Meeting adjourned at 6:44 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 7:00 p.m. All participants attended by phone or video.

Council Member Nielson led the Pledge of Allegiance, followed by a moment of silent reflection.

Members Present: Mayor Kenn Weise; Vice Mayor Veronica Malone; Council Members Tina Conde, Pat Dennis, Bryan Kilgore, and Curtis Nielson.

Members Absent: Council Member Pineda (excused absence).

Other Municipal Officials Present: Charles Montoya, City Manager; Cherlene Penilla, Assistant City Manager; Lindsey Duncan, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Keith Fallstrom, Interim Finance and Budget Director; Bryan Hughes, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Darcy Lowery, Interim Human Resource Director; Kevin Murphy, Development and Engineering Services Director; Dale Nannenga, Police Chief; Marshall Pimentel, Intergovernmental Affairs Administrator; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

Other Officials Present: Susan Segal, Outside Counsel for the City.

Audience: Approximately 100 members of the public were present.

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

2. UNSCHEDULED PUBLIC APPEARANCES

None.

3. CONSENT AGENDA

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

Mayor Weise asked if any Council Member wished to have an item removed from the Consent Agenda. Council Member Conde requested the following item be pulled from the consent agenda for further discussion:

- Agenda Item 3m: Resolution 1057-0721 – Amendments to the Personnel Policies and Procedures for Chapter 6 Employee Benefits, Chapter 8 Secondary Employment, and Chapter 9 Appearance and Conduct

Motion was made by Council Member Nielson, seconded by Council Member Conde, to approve the Consent Agenda with the exception of Agenda Item 3m.

Upon vote, the motion carried unanimously 6 to 0.

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

a. MINUTES
City Council approved the May 3, 2021 City Council Meeting Minutes.

b. COUNCIL MEETING SCHEDULE FOR 2022
City Council approved the 2022 City Council Meeting Schedule and authorized the City Clerk to add, move, or cancel meetings as needed at the direction of the City Manager.

c. CONTRIBUTIONS ASSISTANCE PROGRAM FISCAL YEAR 2021-2022 FUNDING RECOMMENDATIONS
City Council approved the following funding recommendations made by the City Council Subcommittee for distribution of the proposed $113,300 Contributions Assistance Program fund.

- A New Leaf, Inc. Siemer - $4,000
- A New Leaf - VITA - $5,000
- Agua Fria Food Bank - $7,000
- Arizona Service Project - $9,400
- Boys and Girls Clubs of the Valley - $5,000
- Buckeye Lions Foundation - $1,000
- Mercy House Community Center - $5,000
- Mission of Mercy - $5,000
- Multicultural Family Network - $2,000
- Phoenix Rescue Mission - $5,000
- Raising Special Kids - $5,000
- Read Better Be Better - $5,000

- Community Bridges Inc. - $7,000
- Diana Gregory Outreach - $3,000
- Helping Families in Need - $8,000
- Homeless Youth Connection - $3,400
- Jobs for Arizona Graduates - $2,500
- Junior Achievement of Arizona - $3,000
- Lutheran Social Services- $7,500
- Sounds of Autism - $2,000
- Southwest Human Development - $1,500
- Southwest Lending Closet - $4,000
- Southwest Valley YMCA - $5,000
- St. Mary's Food Bank Alliance - $5,000
- The Opportunity Tree - $3,000

d. BUDGET ADJUSTMENT - GENERAL FUND CONTINGENCY FOR THE DESIGN OF CIVIC CENTER PARK
City Council approved a budget adjustment in the amount of $160,000 from the General Fund Contingency to the Civic Center Park project and authorized the City Manager and City Clerk to execute the necessary documents.

e. BUDGET ADJUSTMENT - AMERICAN RESCUE PLAN ACT
City Council approved a budget adjustment to create the appropriation in fiscal year 2022 for the anticipated expenses of Avondale's share of the American Rescue Plan Act and authorized staff to execute the necessary documents.

f. FUNDING APPROVAL FOR THE DEVELOPMENT OF THE AVONDALE AQUATIC CENTER
City Council approved funding for the development of the proposed Avondale Aquatic Center and authorized the City Manager and City Clerk to execute the necessary documents.

g. CREATE A BRIDGE HOUSING CAPITAL IMPROVEMENT PROJECT (CIP) PROJECT AND AUTHORIZE THE NECESSARY BUDGET TRANSFER
City Council approved a request to create a new CIP project for a bridge housing development and authorized a budget transfer in the amount of $650,000 from General Fund Contingency to the newly created Bridge Housing account, to fund the design, acquisition, and construction, and to authorized staff to take the necessary action to complete the budget transfer.

h. REVOCABLE LICENSE AGREEMENT WITH ADELANTE HEALTH CARE, INC (WIC)
City Council approved a Revocable License Agreement with Adelante Health Care, Inc (WIC) and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

i. CONTRACT FOR SERVICES, LEASE AGREEMENT, AND ITEMIZED BUDGET AREA AGENCY ON AGING FISCAL YEAR 20212022
City Council (a) approved a contract with Area Agency on Aging (AAA) for fiscal year 2021-2022 in the amount of $383,391; (b) approved a Vehicle Lease Agreement in the amount of $5; (c) adopted an itemized budget for the Senior Center Program; (d) authorized a transfer of expenditure appropriations from the grant contingency account to provide the expenditure authority for these funds; and (e) authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

j. RESOLUTION 1054-0721 - INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF TRANSPORTATION - RIGHT-OF-WAY ABANDONMENT - 107TH AVENUE BETWEEN I-10 AND MCDOWELL ROAD

City Council adopted Resolution 1054-0721, authorizing an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) for Right-of-Way (ROW) Abandonment of a portion of 107th Avenue (currently owned by ADOT), located on the south side of McDowell Road and west of the centerline of 107th Avenue, and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

k. RESOLUTION 1055-0721 – INTERGOVERNMENTAL AGREEMENT - WEST VALLEY MOBILE FIELD FORCE RESPONSE TEAM (“MFFRT”)

City Council adopted Resolution 1055-0721, approving an Intergovernmental Agreement with west valley law enforcement agencies for the creation and participation in the MFFRT and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

l. RESOLUTION 1056-0721 – AMENDMENT NO. 8 TO THE INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY ADMINISTERED BY THE HUMAN SERVICES DEPARTMENT

City Council (a) adopted Resolution 1056-0721, approving Amendment No. 8 of the Intergovernmental Agreement (IGA) with the Maricopa County Human Services Department for the provision of the Community Action Program (CAP) services, (b) authorized a transfer of expenditure appropriations from the grant contingency account to provide the expenditure authority for these funds; and (c) authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

m. RESOLUTION 1057-0721 – AMENDMENTS TO THE PERSONNEL POLICIES AND PROCEDURES FOR CHAPTER 6 EMPLOYEE BENEFITS, CHAPTER 8 SECONDARY EMPLOYMENT, AND CHAPTER 9 APPEARANCE AND CONDUCT

This item was pulled from the consent agenda for further discussion. Item is listed below in more detail.

n. ORDINANCE 2030-0721 – CHAPTER 2 CODE AMENDMENT, AMENDING THE DUTIES OF THE FINANCIAL SERVICES DEPARTMENT AND CHAPTER 27 CODE AMENDMENT, AMENDING THE CITY'S BOARDS AND COMMISSIONS

City Council adopted Ordinance 2030-0721, amending Chapter 2 of the Avondale City Code, relating to the role of the financial service department and amending Chapter 27 of the Avondale City Code, removing the Capital Improvement Plan Citizens Committee and updating the current listing of the Boards and Commissions, and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

o. ORDINANCE 2031-0721 – GRANTING AN ELECTRICAL EASEMENT TO SALT RIVER PROJECT (SRP) FOR THE NEW CIVIC CENTER ANNEX BUILDING

City Council adopted Ordinance 2031-0721, granting an Electrical Easement to Salt River Project for the new Avondale Visitor and Conference Center building and authorized the Mayor or City Manager, and City Clerk to execute the necessary documents.

p. FINAL PLAT FOR AVONDALE 107 - APPLICATION PL-20-0347
City Council approved a request by Mr. James Brucci, Hunter Engineering, for approval of a Final Plat for Avondale 107, a partial Re-Plat of Lot 7 of the Griffith Commerce Park Final Plat. Consistent with the approved Griffith Commerce Park Planned Area Development (PAD), the proposed Final Plat creates three (3) lots for four (4) planned industrial buildings on the Avondale 107 site, dedicates half-street right-of-way for Pierce Street, 105th Avenue and 107th Avenue and dedicates public utility easements to serve the future commerce park. The site is approximately 24.89 gross acres of land located at the northeast corner of 107th Avenue and Pierce Street.

THE FOLLOWING ITEM WAS PULLED FROM THE CONSENT AGENDA
FOR FUTHER DISUCSSION:

m. RESOLUTION 1057-0721 – AMENDMENTS TO THE PERSONNEL POLICIES AND PROCEDURES FOR CHAPTER 6 EMPLOYEE BENEFITS, CHAPTER 8 SECONDARY EMPLOYMENT, AND CHAPTER 9 APPEARANCE AND CONDUCT
City Council considered a request to adopt Resolution 1057-0721, approving the proposed amendments to the Personnel Policies and Procedures, Chapter 6 Employee Benefits, Chapter 8 Secondary Employment, and Chapter 9 Appearance and Conduct, and authorize the City Manager, City Attorney, and City Clerk to executive the necessary documents.

Council Member Conde asked what triggered the changes regarding secondary employment. Mr. Montoya stated the changes in Chapter 6 were due to the pandemic. The City is attempting to provide employees with more ability to carry over leave. Mr. Montoya noted that the personnel policies and procedures are updated annually, with changes being made due to the fact the City is now self-funded. The changes add clarifications to policies that were previously in place.

Cherlene Penilla, Assistant City Manager, added that the intent is to streamline policies and make them easier for employees to find, read, and understand. The policies are being updated to match actual City practices and to be in compliance with legal requirements and case law. No new policy is being added, but a chapter is being renamed. One particular area of focus is outside employment activity that conflicts with an employee's City position while they are on FMLA or worker's compensation status. For example, one employee was unable to perform their City duties, but were able to complete the functions of their secondary job. The employee was allowed to continue their secondary job while receiving compensation and benefits from their primary job with the City. There are cases where an employee has a very physical primary job with the City but a less physically demanding secondary job outside of City employment. Other areas of focus include secondary employment which may conflict with an employee's primary position with the City.

Mr. Montoya noted that it is important for the City to know whether one of its employees is injured in the course of performing their duties for a secondary job.

In response to a question from Council Member Conde, Ms. Penilla noted the change from "Conflict of interest" to "Incompatibilities" was changed brought from the Attorney. Nicholle Harris, City Attorney, explained that phrase "Conflict of Interest" is determined within state statute.

Mayor Weise spoke about his past experiences with employees, being required to disclose secondary employment. In response to a question from Mayor Weise, Mr. Montoya confirmed that the policy applies to all City departments and employees.

Vice Mayor Malone commented that the word, "Incompatible," is broad, not black and white and not specific to a conflict of interest.

Susan Segal stated that incompatibility of public office is a longstanding concept, having been used for years. It is addressed in the Arizona Attorney General agency handbook. It was established from an opinion of the Arizona Supreme Court from 1942. Offices are incompatible when duties conflict or when it is physically impossible to perform the duties of both positions. When that is the case, acceptance of the second office automatically vacates the first position. Incompatibility is a doctrine codified by statute and has been addressed in Arizona Attorney General opinions since 1987 and in the Arizona Attorney General's handbook, revised in 2018. Discussion ensued regarding the differences and nuances of incompatibility versus conflict.

Vice Mayor Malone asked how the policy would impact an employee who may sit on one of the City's Boards and Commissions as a volunteer, rather than a paid position. Mr. Montoya that Worker's Compensation is provided regarding of whether the employee is paid or a volunteer. Ms. Segal provided an example of a Council Member of an organization also sat on a Board or Commission. Vice Mayor Malone inquired as to who is the final decision maker in terms of incompatibility. Mr. Montoya stated that the issue is department by department, through the HR department and ultimately comes to him; however, during his tenure with the City, he has never needed to make such decision.

Council Member Dennis inquired if all employment is required to go through the process within the policy. Mr. Montoya stated that every employee will have to comply with the policy. Council Member Dennis expressed concern with ensuring each department is aware of the process for the secondary employment to be approved. She noted clear communication regarding the fact that the City is not preventing employees from getting a secondary job but rather creating a process in order to protect employees as well as the community.

Mr. Montoya explained that the policy is being cleaned up to provide easier access to locate the information and it is ultimately less restrictive.

Council Member Kilgore inquired if the verbiage change has been implemented in other cities as well. Ms. Segal explained the verbiage change is to be more consistent and to make it more clear for the employees. She cited a City of Phoenix administrative regulation (AR 2.62) that was adopted on November 18, 2008 which incorporates the elements of the City's ethics policy and says outside employment of city employees is permissible and it does not adversely impact employee's city work. Ms. Segal cited more of the policy and provided the City Clerk with a web link for distribution to the City Council. Ms. Segal provided an example within a school district, noting it is the responsibility of the Human Resource department to educate employees with the institution of a new policy or procedure. Council Member Kilgore asked about the process of notifying employees. Mr. Montoya stated that employees are required to know where the policies and procedures are located and required to read them. Upon any change to administrative policies and procedures, an email is sent to all employees. Every employee is required to go through annual training and to sign off on all materials. Council Member Kilgore inquired if the change was a result of the recent change in our insurance. Mr. Montoya explained that the change is a result of changing policies from the state as well as the self-funded change and the changes in self-insurance.

In response to a comment from a member of the public through the Zoom chat, Mayor Weise stated comments that criticizes anyone in the meeting will not be accepted.

Council Member Nielson noted his previous experience with an employer who required all employees to complete an annual review of the ethics policy. He concurred with the comments by Council Member Kilgore, explaining staff should take the time to explain the changes.
Ms. Penilla discussed the City's online policy system, Safe Personnel. It is designed to ensure that all employees are provided with safety policies and trainings. When there are changes, employees must read and acknowledge the revisions. She noted that employees used to be required to complete a secondary employment form but discontinued that practice as it was an extra step for employees and for the Human Resources department. That responsibility was pushed down to the department directors as they know best what their employees are required to do on their specific jobs. If department directors were unsure, they would pass the information to the Human Resources department who would then consult with legal counsel.

Council Member Conde expressed her desire to have employees kept up to date as policies change, ensuring the City to continue to value its employees. Communicating with the residents is important to the Council and she wanted to ensure the same mindset is had with employees.

Vice Mayor Malone inquired how the incompatibility reference impacts the fire or police unions, specifically that of other organizations such as the City of Phoenix. Ms. Segal noted she does not do the collective bargaining for the City of Phoenix, but she does not believe the change in the policy conflicts with the employment Memorandum of Understanding with the Fire Association.

Vice Mayor Malone moved to not move forward with the item. Mayor Weise explained staff needed a motion to approve or deny the Resolution. Vice Mayor Malone asked Mayor Weise to move forward with stating the motion.

Mayor Weise moved to adopt Resolution 1057-0721, approving the proposed amendments to the Personnel Policies and Procedures, Chapter 6 Employee Benefits, Chapter 8 Secondary Employment, and Chapter 9 Appearance and Conduct, and authorize the City Manager, City Attorney, and City Clerk to executive the necessary documents; Council Member Dennis seconded the motion.

Upon vote, the motion was carried 5 to 1.

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

4. REGULAR AGENDA

a. ROOSEVELT PARK II PHASE 4 – PRELIMINARY PLAT – APPLICATION PL-20-0353
City Council considered a request by Mr. Joe Petrucci, EPS Group Inc., for approval of a Preliminary Plat for Roosevelt Park II Phase 4, a proposed 56-unit, single-family residential subdivision located on approximately 15.43 gross acres at the southwest corner of 107th Avenue and Roosevelt Street. The subject site is part of the 144.91 gross acre Roosevelt Park II master planned community.

Michelle Simerdla, Senior Planner, Development and Engineering Services, reviewed the site details, history, location and surrounding area uses. The development is gated with private internal streets. There are two connections to the project, one at Roosevelt Street and a second one that is a private street. To the west of the development is a site reserved for the future Littleton Elementary School District. The closest planned traffic signals are at the intersection of Roosevelt Street and 107th Avenue. There will be 2.68 net acres of open space and a .75-acre amenity area. Landscaping and wall themes are consistent with Roosevelt Park II. Residents will have access to the existing community park and pool. Staff do support the application, as it conforms with the approved Roosevelt Park Planned Area Development. The pre-plat and landscape plan meet or exceed zoning ordinance subdivision regulations and single-family residential design renewal requirements. Sufficient access is provided to the project with the two previously mentioned access points. The City received certificates of adequate school facilities. The Planning Commission has recommended approval.

Council Members Kilgore and Nielson did not have any questions.

In response to a question from Council Member Conde, Mr. Montoya confirmed that the City will put a signal at 111th Avenue and Van Buren as SRP has completed placing piping under the road; however, the road will need to be widened.

Council member Dennis asked for clarification regarding the site to the west of the project. Mr. Montoya confirmed that the site is reserved for the school district.

Vice Mayor Malone asked when 111^{th} Avenue will proceed past the Roosevelt alignment. Mr. Montoya stated that the intent is for 111^{th} Avenue to go through to Roosevelt. It will allow access to the west to Avondale Boulevard and to the east to 107^{th} Avenue. He explained staff are working with other developers to the east of the project so the street will need to be widened once that development is complete. He did not have a timeline as to when that will be completed.

Council Member Nielson moved to approve Application PL-20-0353 Roosevelt Park II Phase 4 Preliminary Plat subject to four (4) conditions of approval as listed in the staff report.; Council Member Dennis seconded the motion.

Upon vote, the motion was carried unanimously 6 to 0.

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

b. DUTCH BROS. – DEVELOPMENT PLAN – APPLICATION PL-20-0176
City Council considered a request by Mr. Bill Cantieri, PIAZZA Restaurant Development, for approval of a Development Plan for Dutch Bros., a proposed 1,093 square foot drive-through coffee shop on 1.08 acres at the southwest corner of Dale Earnhardt Drive and 114th Avenue in The BLVD.

Ken Galica, Division Lead Planner, Development and Engineering Services, reviewed the proposed development plan, including a history of the site, location, surrounding uses and BLVD zoning. There will one full access to the site off 114th Avenue. The site will include a double drive-thru lane, sufficient to accommodate up to 27 vehicles and will have 25 parking spaces. The building is approximately 1,100 square feet and features a pedestrian pick-up window and covered patio. The building itself will be for employee use only, with the exception of public restrooms. Pedestrian connectivity is provided by a crosswalk through the parking lot that connects the patio area to 114th Avenue, including signage and striping. Architectural design, elevation and landscape features were reviewed. The proposal conforms to The BLVD Park Avenue District General Plan designation, The BLVD Zoning District, and The BLVD Specific Plan. There is a limit of one standalone drive thru in the Park Avenue District. Although not anticipated to be needed, there is a stipulation that allows the City to require the developer to complete additional traffic-related improvements, including a potential secondary entrance. The Planning Commission recommended approval of the application.

Council Member Kilgore expressed excitement with this young business coming to the City of Avondale. He noted he is grateful for the advice, expertise, and insight of the Planning Commission and was glad to see they had approved the item. He stated the aesthetics of the building is visually pleasing. He noted he spoke to Mr. Montoya earlier in the day regarding concerns he had with traffic but was glad to see a study was completed and mitigation is in place. He was happy to see a stipulation in place in the change traffic is a concern. Council Member Kilgore inquired on where an extra exit would be placed, if it was found to be needed. Mr. Galica provided the location of a second exit, being placed to the west of the property. Mr. Montoya thanked Council Member Kilgore for bringing that up and he also thanked the applicant for their willingness to include that within their proposal. Council Member Kilgore commended the developer for including the stipulation for the traffic concerns and for agreeing to the infrastructure repairs.

Council Member Nielson mentioned the sustainability aspect, noting that there is the potential for solar panels to be installed on the canopies. Mr. Montoya said the City always encourages such features; however, there must first be an agreement between the developer and the electric companies.

Council Member Dennis said this is a great opportunity for the City and the design looks good in terms of traffic mitigation and queuing. She asked why two of the Planning Commissioners voted against approval. Mr. Galica said one of comments pertained to traffic concerns; however, there was no formal voicing of the reason for the no vote.

Council Member Conde thanked staff and the developer for addressing the traffic concerns, stating Dutch Bros will be a good anchor for the area. She inquired if there would be misters for the walk-up order area. Caleb Berkey, franchisee with Dutch Bros Coffee stated that new locations have typically included misters.

Vice Mayor Malone spoke positively on the traffic mitigation measures and welcomed Dutch Bros to the City.

Council Member Council Member Dennis moved to approve Application PL-20-0176 Dutch Bros. Development Plan subject to five (5) recommended conditions as listed in the staff report; Council Member Kilgore seconded the motion.

Upon vote, the motion was carried unanimously 6 to 0.

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

Note from the City Clerk: Items 4c and 4d were presented together and voted on induvial.

c. PUBLIC HEARING AND RESOLUTION 1058-0721 – MINOR GENERAL PLAN LAND USE MAP AMENDMENT FOR VILLAGES AT RIVER GROVE – APPLICATION PL-20-0348

City Council held a public hearing and considered a request to adopt Resolution 1058-0721, approving a request by Ms. Wendy Riddell, Berry Riddell LLC, for a Minor Amendment to the Avondale General Plan 2030 Land Use Map for Villages at River Grove, a proposed 180unit town-homestyle multi-family residential development located at the southeast corner of Buckeye Road and El Mirage Road. The proposed Minor General Plan Amendment, if approved, will amend the land use designation of the 11.97 gross acre property from Local Commercial (LC) to High Density Residential (HDR). The HDR land use designation allows for development of patio homes, apartments, condominiums, or townhomes with a density ranging between 12 and 30 dwelling units per acre. A request to rezone the property to Villages at River Grove PAD to allow for development in conformance with the HDR designation will be considered separately.

Ken Galica, Division Lead Planner, Development and Engineering Services, provided an overview of the site attributes, history, and surrounding uses. The primary entrance will be off Buckeye Road. The entry features of the property were discussed. A secondary entrance will be located at El Mirage Road. There will be multiple pedestrian access points and an onsite sidewalk system. The site contains 19 buildings with 180 townhome style units, a clubhouse and a leasing office. Unit sizes and attributes were reviewed. In addition to garages, a total of 80 uncovered parking spaces are planned throughout the site for residential overflow and guests, including six electric charging stations. Some private garages will include charging stations. Parking exceeds minimum requirements. The development includes 20 percent usable open space. Amenities include fitness center, business center, TV lounge, coffee bar, pool area, children's playground, basketball court, turf area and tree shaded low water use paseo feature runs through the project. A fitness trail encircles the entire development. Architectural design and elevations were reviewed.

Staff believes that the proposed General Plan Amendment and rezoning will result in development that is compatible with and complementary to existing uses. The proposed PAD conforms to the General Plan land use map as proposed and furthers housing-related goals and objectives of the General Plan. The attached ground floor garage is unique to the City. Development standards exceed zoning ordinance requirements with two small exceptions. These include the required setback from single family residential reduced in one location from 75 feet to 70 feet. Additional landscaping is provided for this buffer area. Typically, a multifamily community such as this would be eligible for two monument signs per entry at a maximum of six feet in height. In this case, the applicant proposes one sign per entry plus a third sign located at the corner of El Mirage and Buckeye Road with signs seven feet in height. A traffic study has been performed, with sufficient vehicle and pedestrian access to the site. The developer will construct improvements to El Mirage Road, including a full additional lane. Sidewalks and streetlights will be completed by the developer on Buckeye Road.

All required notifications have been completed. A neighborhood meeting was held through Zoom with six attendees with the largest discussion topic related to traffic. Three comments were received on aVOICE and two letters in support of the project were received. The school districts have confirmed adequate capacity, with Littleton noting a donation agreement is in place. The Planning Commission recommended approval of both agenda 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 for comments from Council.

Council Member Kilgore complimented several aspects of the development. He inquired on the anticipated rental rates for the units. Mr. Galica stated that one-bedrooms will be approximately $1,000 a month with two and three-bedrooms ranging to $1,600 and $1,700. Mr. Montoya clarified that with the cost of building construction supplies having increased dramatically, the rates may rise above these quotes. Council Member Kilgore explained he understood and was just interested in a ballpark figure and not a set amount. He was happy to see that the developer is considerate and making it as affordable as possible as he has a desire to see the residents happy.

Council Member Nielson did not have anything to add as Council Member Kilgore covered his comments. He thanked staff for the presentation and stated the project will be a nice addition to the area.

Council Member Dennis asked about a deceleration lane on Buckeye Road going east. Mr. Galica confirmed a deceleration lane into the project on Buckeye Road and there will also be an acceleration lane for traffic leaving the project. Council Member Dennis explained she did attend the neighborhood meeting and the mentioned issue was related to traffic. She noted the project is a great additional housing product that is unique to Avondale with nice recreational options. Lastly, she spoke positively about the charging station resources since the battery and electric environment has been growing.

Mr. Montoya noted that there will be an additional lane on El Mirage Road to help eliminate some of the traffic concerns.

Council Member Conde expressed excitement for the garage concept. She thanked Council Member Kilgore for addressing the affordable housing issue, noting her excitement for this project. In response to a question from Council Member Conde, Mr. Galica identified the locations for the pedestrian gates on the presentation map.

Vice Mayor Malone asked if the road along Cambridge Estates will be a part of the expansion on El Mirage Road. Mr. Galica stated that no deceleration lane is provided on El Mirage Road as it is provided on Buckeye into the primary entrance. The additional lane for this project, will not be a deceleration lane but a brand-new traffic lane. It will not affect the right turn lane at Buckeye Road. The lane will connect to the existing pavement adjacent to Cambridge Estates.

Mayor Weise commented that it is a unique development for the City, and he is glad to see it come to Avondale.

Vice Mayor Malone moved to adopt Resolution 1058-0721, approving Application PL-20-0348 Villages at River Grove, a request for a Minor Amendment to the General Plan 2030 Land Use Map changing the Land Use designation of 11.97 acres from Local Commercial to High Density Residential; Council Member Dennis seconded the motion.

Upon vote, the motion was carried unanimously 6 to 0.

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

d. PUBLIC HEARING AND ORDINANCE 2032-0721 – REZONING FROM COLDWATER SPRINGS 3 PLANNED AREA DEVELOPMENT (PAD) TO VILLAGES AT RIVER GROVE PLANNED AREA DEVELOPMENT (PAD) – APPLICATION PL200349

City Council held a public hearing and considered a request by Ms. Wendy Riddell, Berry Riddell LLC, to rezone approximately 11.97 gross acres of land located at the southeast corner of Buckeye Road and El Mirage Road from Coldwater Springs 3 PAD to Villages at River Grove Planned Area Development (PAD). The proposed Villages at River Grove PAD would allow for development of the site with a 180-unit townhome-style multi-family residential community at a net density of 19.08 units per acre (based upon a net parcel area of 9.43 acres). A request to change the General Plan 2030 Land Use Map designation of the property from Local Commercial to High Density Residential to allow residential development at the proposed density will be considered separately.

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

Council Member Nielson moved to adopt Ordinance 2032-0721, approving Application PL-20-0349 Villages at River Grove, a request to rezone approximately 11.97 acres from Coldwater Springs 3 Planned Area Development to Villages at River Grove Planned Area Development subject to two (2) conditions listed in the staff report; Council Member Conde seconded the motion.

Upon vote, the motion was carried unanimously 6 to 0.

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

5. ADJOURNMENT

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

Upon vote, the motion was carried unanimously 6 to 0.

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

Meeting adjourned at 9:00 p.m.

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Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session and Regular Meeting of the Council of the City of Avondale held on the 5th day of July 2021. 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