

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
ONLINE MEETING
September 20, 2021

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 7:01 p.m. All participants attended by phone or video.

Vice Mayor Malone led the Pledge of Allegiance, followed by a moment of silent reflection.

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

Members Absent: Mayor Kenn Weise.

Other Municipal Officials Present: Charles 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; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Tony Corsi, Fire & Medical Director; Keith Fallstrom, Interim Finance and Budget 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 fifteen members of the public were present.

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

2. UNSCHEDULED PUBLIC APPEARANCES

Dwayne Garrison, Avondale resident, read into the record a statement regarding City Manager, Charles Montoya. Mr. Garrison cited carious criticisms, including a request on the agenda by Mr. Montoya for funding to relocate his residency.

3. PRESENTATION ITEMS

Note from the City Clerk: Items 3a and 3b were presented together.

a. LEGISLATIVE PROCLAMATION - 75TH ANNIVERSARY -

City Council accepted a proclamation from the Legislative District 19 delegation.

Marshall Pimentel, Intergovernmental Affairs Administrator, read the proclamation into the record.

b. PROCLAMATION HONORING LEGISLATIVE DISTRICT 19 DELEGATION

City Council presented a proclamation to Representative Sierra, Representative Espinoza, and Senator Contreras to honor Avondale's state legislators for their leadership during the First Regular Session of the 55th Legislature. Vice Mayor Malone read the proclamation into the record. Council members each expressed words of appreciation to the delegation members.

Representatives Sierra and Representative Espinoza spoke words of appreciation to City Council for the proclamation. They spoke positively about the Avondale community, history and legislative process.

c. PROCLAMATION RECOGNIZING KEN GALICA

City Council presented a proclamation to Ken Galica, Division Lead Planner, recognizing him for his fifteen years of loyal and dedicated service to the City of Avondale. Vice Mayor Malone read the proclamation into the record. Council members expressed words of appreciation for Mr. Galica's service and dedication to the community. A plaque from the City will be mailed to Mr. Galica in the following week.

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.

Vice Mayor Malone asked if any Council Member wished to have an item removed from the Consent Agenda.

Council Member Nielson requested to have Agenda Item 4b removed from the Consent Agenda as he requested to recuse himself from the vote of the agenda item.

Vice Mayor Malone requested to have Agenda Item 4g removed from the Consent Agenda for further discussion.

Having no additional requests from Council, motion was made by Council Member Pineda, seconded by Council Member Dennis, to approve the Consent Agenda with the exception of Agenda Items 4b and 4g.

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
Council Member Pineda	Aye
Vice Mayor Malone	Aye

a. MINUTES

City Council approved the July 5, 2021 City Council meeting minutes.

b. APPOINTMENT OF MEMBERS TO THE CITY'S BOARDS, COMMISSIONS AND COMMITTEES

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

c. FISCAL YEAR 2022 MID-YEAR BUDGET ADJUSTMENTS

City Council (a) approved FY2022 mid-year supplemental budget requests as summarized in the attached report; (b) authorized the necessary budget amendments from contingency appropriation budgets; (c) amended awarding authority based off the attached report; (d) modified the interfund transfer schedule; and (e) authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

d. PUBLIC ART FUND APPROPRIATION OF \$50,000 FOR A SIGNATURE PUBLIC ART PIECE AT ALAMAR PARK.

City Council approved an additional appropriation of \$50,000 from the Public Art Fund for a public art piece at Alamar Park in partnership with Brookfield Residential and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

e. CREATE A BLVD COMMERCIAL BUILDING CAPITAL IMPROVEMENT PROJECT (CIP) PROJECT AND AUTHORIZE THE NECESSARY BUDGET TRANSFER AND AWARDING AUTHORITY.

City Council (a) created a new CIP project for a new commercial building and associated necessary infrastructure improvements in the BLVD area; (b) authorized a budget transfer in the amount of \$5,500,000 from General Fund Contingency to the newly created BLVD Building account, to fund the design and construction; (c) adjusted the interfund schedule; (d) authorized staff to take the necessary action to complete the budget transfer, and; (e) authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

f. REVOCABLE LICENSE AGREEMENT WITH ADELANTE HEALTH CARE, INC (WIC)

City Council approved an amended Revocable License Agreement with Adelante Health Care, Inc (WIC) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

g. FOURTH AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH CHARLES A. MONTOYA

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

h. RESOLUTION 1072-0921 - ALTERNATIVE EXPENDITURE LIMITATION - PERMANENT BASE ADJUSTMENT

City Council adopted Resolution 1072-0921, proposing to submit to the qualified electors at the August 2, 2022 election a question to provide for a \$10,408,000 permanent adjustment to the base expenditure limitation, and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

i. RESOLUTION 1073-0921 - INTERGOVERNMENTAL AGREEMENT WITH CITY OF PHOENIX FOR TRAINING SERVICES

City Council adopted Resolution 1073-0921 authorizing an Intergovernmental Agreement (IGA) with the City of Phoenix to provide fire and medical service training and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

j. ORDINANCE 2045-0921 - DEDICATION OF A PERPETUAL EASEMENT TO THE UNITED STATES OF AMERICA - ON THOMAS ROAD, WEST OF 99TH AVENUE

City Council adopted Ordinance 2045-0921 dedicating a Perpetual Easement to the United States of America (USA) on Thomas Road west of 99th Avenue and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

k. ORDINANCE 2046-0921 - DEDICATION OF A PERPETUAL EASEMENT TO THE UNITED STATES OF AMERICA - ALONG THE WEST SIDE OF 99TH AVENUE AND SOUTH OF THOMAS ROAD

City Council adopted Ordinance 2046-0921 dedicating a Perpetual Easement to the United States of America (USA) along the west side of 99th Avenue and South of Thomas Road (also known as Holy Cross) and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

l. ORDINANCE 2047-0921 - FIRST AMENDMENT TO LEASE AGREEMENT - ARIZONA INSTITUTE LLC DBA AVEDA INSTITUTE AVONDALE

City Council adopted Ordinance 2047-0921, approving the First Amendment to Lease Agreement with Arizona Institute LLC dba Aveda Institute Avondale for the properties located at 775 North 114th Avenue and 745 North 114th Avenue, Suite 102, and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

m. ORDINANCE 2048-0921 - AVARI APARTMENTS LIMITED AND TEMPORARY FIRE ACCESS EASEMENT AGREEMENT

City Council adopted Ordinance 2048-0921 accepting a Limited and Temporary Fire Access Easement Agreement through PCCP CS Empire Avondale LLC's parcels to the Avari Apartments parcel under construction along the west side of Avondale Boulevard and north of Van Buren Street and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

n. ORDINANCE 2049-0921 - AMENDING THE AVONDALE CITY CODE, CHAPTER 10, FIRE PREVENTION AND PROTECTION

City Council adopted Ordinance 2049-0921, amending the City of Avondale Code, Chapter 10-2, appointment of Fire Chief and Firefighters, and Chapter 20, Police Department, Article I, in general, Section 20-2; appointment of officers, relating to the administration of The Fire Department and Police Department and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

THE FOLLOWING ITEMS WERE PULLED FROM THE CONSENT AGENDA TO BE VOTED ON SEPERATELY:

b. APPOINTMENT OF MEMBERS TO THE CITY'S BOARDS, COMMISSIONS AND COMMITTEES

This item was pulled from the consent agenda to be voted on separately as Council Member Nielson asked to recuse himself from the vote.

Council Member Dennis moved to approve the following recommendations for the appointment of members of the City's Boards, Commissions and Committees; Council Member Pineda seconded the motion.

JUDICIAL ADVISORY BOARD

- *John Burkholder*
- *David Garrison*
- *Ray Harwood*
- *Michael Kielsky*

MUNICIPAL ART COMMITTEE

- *Jayaker Nagamella*

PARKS AND RECREATION ADVISORY BOARD

- *Rose Vasquez*
- *Patti Nielson*

PLANNING COMMISSION

- *Alan Agundez Castillo*

PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (POLICE/FIRE)

- *Donald Foley*

Upon vote, the motion carried unanimously 5 to 0.

Council Member Conde	Aye
Council Member Dennis	Aye
Council Member Kilgore	Aye
Council Member Nielson	Absent for the vote
Council Member Pineda	Aye
Vice Mayor Malone	Aye

g. FOURTH AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH CHARLES A. MONTOYA

City Council considered the approval of the 4th amendment to the Employment Agreement with Charles A. Montoya and the authorization of the Mayor and Council to execute the necessary documents.

Vice Mayor Malone referred to the August 23rd Executive Session, stating that she did not recall specific discussion regarding the housing allowance for Mr. Montoya. She asked legal counsel if an email update constitutes a discussion. Susan Segal, Outside Counsel for the City, stated her recollection that it has been previously discussed; however, “discussion” refers to the discussion occurring at this time.

Vice Mayor Malone stated that she is concerned with the safety of Mr. Montoya and asked Chief Nannenga if there is anything the Police Department can do to ensure the safety of Mr. Montoya, his family, and the community. Chief Nannenga stated that the police department has done a great deal over the course of ten months since the incidents began to occur to include frequent police officer drive-bys and parking on the street. The department will continue to provide extra protection and patrols in the area due to the nature of the events.

Vice Mayor Malone stated that she reviewed Mr. Montoya’s contract from May 2018 and within section 6.8, Mr. Montoya was allotted a \$1,000 per month temporary housing allowance within City boundaries for a six months period. She asked whether the \$1,800 housing request could still be allowed, given the previous contract. Ms. Segal stated that the \$1,000 allowance provision was at the beginning of Mr. Montoya’s contract and a subsequent amendment rescinded it. Mr. Montoya does not currently receive a housing allowance and the cost of housing has spiraled upward since 2018. Allocating a housing allowance falls within the boundaries of the City Council and public bodies can set benefits and salary of any employee. Pursuant to the City Charter, Mr. Montoya is the only City employee who is required to live within the boundaries of the City of Avondale.

Vice Mayor Malone asked whether any employee or elected official outside of the City Manager would be eligible to request a housing allowance. Ms. Segal stated that anyone is free to ask for such allowance as part of their benefits and employment. Vice Mayor Malone inquired if that was set by policy. Ms. Segal stated it is within the boundaries of the City Charter to set the salaries and benefits.

Council Member Dennis stated the importance of ensuring the safety of the City Manager and his family. She assumes that if any situation of this nature occurred with another employee, it would be brought to the attention of the Human Resources Department and the administrative team to be addressed.

Council Member Dennis moved to approve the 4th amendment to the Employment Agreement with Charles A. Montoya and the authorization of the Mayor and Council to execute the necessary documents; Council Member Neilson seconded the motion.

Council Member Kilgore inquired if a countermotion is allowed. Nicholle Harris, City Attorney, stated the vote must be conducted since a motion and a second has been made. Council Member Kilgore inquired if a countermotion would be permitted after the vote is complete. Ms. Harris explained that no, a countermotion would not be permitted; however, the item may be brought back for reconsideration at a separate meeting.

Upon vote, the motion carried 5 to 1.

Council Member Conde	Aye
Council Member Dennis	Aye
Council Member Kilgore	Abstain (affirmative vote)
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Malone	Nay

5. REGULAR AGENDA

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

a. PUBLIC HEARING AND RESOLUTION 1074-0921- NORTON CIRCLE - MINOR GENERAL PLAN LAND USE MAP AMENDMENT – APPLICATION PL-19-0182

City Council held a public hearing and considered a City-initiated request to adopt Resolution 1074-0921, approving a Minor Amendment to the Avondale General Plan 2030 Land Use Map for 5.70 acres of property located at the southwest corner of 4th Avenue and Norton Street (a private street). The subject property is developed with Norton Circle, a 46-unit multi-family residential community owned and operated by the Housing Authority of Maricopa County (HAMC). Approval of the proposed Minor General Plan Amendment will amend the land use designation of the property from Medium High Density Residential (MHDR) 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. Approval of the Minor General Plan Amendment will facilitate redevelopment of the site with a new 100-unit multi-family apartment complex that will continue to be owned and operated by HAMC. An application rezoning the property to R-4 (Multi-Family Residential) will be considered separately. The Council will take appropriate action.

Jodie Novak, Assistant Director of Development and Engineering Services, gave an overview of the property location and surrounding uses. The subject property is 5.7 acres and currently zoned Manufactured Home (MH) Park, determined to be a legal, nonconforming use, as it has not been developed a mobile home park. It is currently multifamily use on the property that came into Avondale in the 1940s and was development in 1976 with 46 individual apartment units, which are managed by HAMC. The request will increase the density and allow for redevelopment of the property from MHDR to HDR.

The proposal is to rezone the land from the current MH to the R-4 zoning district. The proposal involves a demolition of the existing development on this property to a safe, more progressive project with current building codes, parking standard, and landscaping amenities. The proposal is for 100 new units in five different buildings at two-to-three stories in height. There will be a centralized community playground area and a community building. The new project will continue to be maintained by HAMC to provide public housing services for the community in need. Concept drawings, design and amenities were reviewed. Maricopa County is not obligated to come to the City for approval regarding the site and building design; however, the zoning analysis is being processed through a General Plan amendment and rezoning to ensure complementary use. The development meets the goals and objectives of the General Plan. The proposed development is in conformance with the zoning category for R-4 and will provide housing for persons in need in Avondale. All required notifications were made. The Planning Commission approved both the land use amendment as well as the rezoning and staff recommends adoption.

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

Council Member Conde stated that the additional units of affordable housing are needed, and she welcomes the project. She would like to see the incorporation of shade elements in the picnic and barbeque areas.

Council Member Kilgore did not have any questions or comments.

Council Member Nielson asked whether anyone is living in the mobile home park area. Ms. Novak stated that the area is currently occupied with multifamily buildings owned by HAMC with existing residents. The development will be eliminated with an entire new project in its place. No mobile or manufactured homes are present at this time. In response to a question by Council Member Nielson, HAMC will facilitate relocation of existing residents during construction. Council Member Nielson stressed the importance of taking care of the displaced residents.

Council Member Pineda stated that while it will be difficult for the displaced residents, the planned final product will provide a better quality of life. He spoke positively on the aesthetics and updated materials.

Council Member Dennis noted that HAMC has been performing these upgrades and redevelopments periodically throughout jurisdictions which increases the available housing units. She looks forward to the increase in housing availability and improved living conditions.

Vice Mayor Malone expressed excitement for the upgrades to service and amenities for the residents.

Council Member Dennis moved to adopt Resolution 1074-0921, approving Application PL-19-0182 Norton Circle, for a Minor Amendment to the General Plan 2030 Land Use Map changing the Land Use designation of 5.70 acres from Medium High Density Residential (MHDR) to High Density Residential (HDR); Council Member Pineda 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
Council Member Pineda	Aye
Vice Mayor Malone	Aye

b. PUBLIC HEARING AND ORDINANCE 2050-0921 - NORTON CIRCLE - REZONING FROM MANUFACTURED HOME PARK (MH) TO MULTI-FAMILY RESIDENTIAL (R-4) – APPLICATION PL-19-0183

City Council held a public hearing and considered a City-initiated request to adopt Ordinance 2050-0921 to rezone approximately 5.70 gross acres of land located at the southwest corner of 4th Avenue and Norton Street (a private street) from Manufactured Home Park (MH) to Multi-Family Residential (R-4). The subject property is developed with Norton Circle, a 46-unit multi-family residential community owned and operated by the Housing Authority of Maricopa County (HAMC). Approval of the proposed rezoning will facilitate redevelopment of the site with a new 100-unit multi-family apartment complex that will continue to be owned and operated by HAMC. A separate application for a Minor General Plan Amendment, changing the land use designation of the property from Medium High Density Residential to High Density Residential, will be considered separately. Maricopa County and its agencies are statutorily exempt from City zoning regulations but are proceeding with the proposed applications in cooperation with the City of Avondale.

Vice Mayor Malone opened the public hearing and did not receive any requests to speak. Vice Mayor Malone closed the public hearing.

Council Member Nielson moved to adopt Ordinance 2050-0921, approving Application PL-19-0183 Norton Circle, to rezone approximately 5.70 acres from Manufactured Home Park (MH) to Multi-Family Residential (R-4) subject to 1 condition of approval as 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
Council Member Pineda	Aye
Vice Mayor Malone	Aye

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

c. PUBLIC HEARING AND RESOLUTION 1075-0921 - PARKSIDE - MINOR GENERAL PLAN LAND USE MAP AMENDMENT – APPLICATION PL-20-0308

City Council held a public hearing and considered a request to adopt Resolution 1075-0921, approving a request by Mr. Johnathan Bastianelli, William Lyon Homes, Inc., for a Minor Amendment to the Avondale General Plan 2030 Land Use Map for Parkside, a proposed 137.27 net acre master planned community located approximately 600 feet south of the southwest corner of 99th Avenue and Indian School Road. The proposed Minor General Plan Amendment, if approved, will amend the land use designation of approximately 10 acres at the southeast corner of the subject property from Office/Professional to Medium High Density Residential (MHDR), a category that allows for singlefamily detached, single-family attached, townhomes, condominiums, patio homes, and the like with density ranging between 4.0 and 12.0 dwelling units per acre. Approval of the request will facilitate replacement of a previously planned office development with 54 additional detached single-family residential lots, increasing the total number of single-family residential lots in Parkside from 662 to 716. Related requests for a Major Amendment to the Parkside Planned Area Development (PAD) and Preliminary Plat Amendment will be considered separately.

Jodie Novak, Assistant Director of Development and Engineering Services, provided an overview of the subject property location and surrounding uses. The intent is a change the property site from Office/Professional uses to MHDR to allow for single family residential homes. The master development is over 135 acres and the subject request involves approximately 10 acres. The additional lots will be seamlessly designed in the subdivision layout to appear as a planned single-family neighborhood. An overview of the 54 lots was provided. Development of the lots will eliminate the Osborn Road connection, which will no longer be needed. The single-family subdivision will extend a multiuse trail that is connecting to 99th Avenue. Everything else within the Parkside Development will remain the same as originally approved. Staff has reviewed the proposal of the General Plan amendment, rezoning, and the preliminary plat. Staff found limited impact to the surrounding area. The development will add single family homes to the City's housing inventory. Office uses will be more appropriate along McDowell Road. The three requests meet all code requirements. All required notifications have been complete and there is adequate capacity from adjacent school districts. The Planning Commission approved all three items on August 23, 2021 and staff recommends approval.

Vice Mayor Malone opened the public hearing and did not receive any requests to speak. Vice Mayor Malone closed the public hearing, followed by comments from Council.

Council Member Dennis commented on the discussions that took place at the public meeting regarding the alignment of streetlights. She stressed the importance of good coordination with the City of Phoenix when the neighboring property is developed.

Vice Mayor Malone echoed the comments made by Council Member Dennis as she also attended the neighborhood meeting.

Council Member Pineda moved to adopt Resolution 1075-0921, approving Application PL-20-0308 Parkside, a request for a Minor Amendment to the General Plan 2030 Land Use Map changing the Land Use designation of approximately 9.99 acres from Office/Professional to Medium 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
Council Member Pineda	Aye
Vice Mayor Malone	Aye

d. PUBLIC HEARING AND ORDINANCE 2051-0921 - PARKSIDE - MAJOR PLANNED AREA DEVELOPMENT (PAD) AMENDMENT - APPLICATION PL-20-0309

City Council held a public hearing and considered a request to adopt Ordinance 2051-0921, approving a request by Mr. Jonathan Bastianelli, William Lyon Homes, Inc., for a Major Amendment to the Parkside Planned Area Development (PAD), a proposed 137.27 net acre master planned community located approximately 600 feet south of the southwest corner of 99th Avenue and Indian School Road. The approved Parkside PAD provides for a 9.99-acre office development at the southeast corner of the site; the proposed Major PAD Amendment eliminates the planned office component, replacing that use with 54 additional detached single-family residential lots. The proposed Major Amendment also revises vehicular circulation in the southeast corner of the property, eliminating a previously planned Osborn Road alignment that will no longer be necessary given the elimination of office component. With approval of the PAD Amendment, the total number of planned single-family residential lots in Parkside will increase from 662 to 716. Related requests for a Minor General Plan Amendment and Preliminary Plat Amendment will be considered separately.

Vice Mayor Malone opened the public hearing and did not receive any requests to speak. Vice Mayor Malone closed the public hearing.

Council Member Nielson moved to adopt 2051-0921, approving Application PL-20-0309 Parkside, a request for a Major Amendment to the Parkside Planned Area Development subject to 6 conditions of approval as 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
Council Member Pineda	Aye
Vice Mayor Malone	Aye

e. PRELIMINARY PLAT AMENDMENT – PARKSIDE - APPLICATION PL-20-0307

City Council considered a request by Mr. Jonathan Bastianelli, William Lyon Homes, Inc., for approval of an amended Preliminary Plat for Parkside, a proposed 716-lot single-family residential subdivision located on 137.27 net acres approximately 600 feet south of the southwest corner of 99th Avenue and Indian School Road. Related requests for a Minor General Plan Amendment and Major Planned Area Development (PAD) Amendment will be considered separately.

Council Member Conde moved to Application PL-20-0307 Parkside, a request for a Preliminary Plat approval for the proposed 716-lot Parkside subdivision, subject to 4 conditions of approval as listed in the staff report; 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
Council Member Pineda	Aye
Vice Mayor Malone	Aye

Note from the City Clerk: Items 5f and 5g were presented together and voted on indiviual.

f. PUBLIC HEARING AND RESOLUTION 1076-0921 – AVONDALE COMMONS – FREEWAY CORRIDOR SPECIFIC LAN AMENDMENT – APPLICATION PL-21-0204

City Council held a public hearing and considered a City-initiated request to adopt Resolution 1076-0921, approving a Freeway Corridor Specific Plan (FCSP) Amendment to increase the maximum allowed building height on approximately 25.23 acres located at the northwest corner of Avondale Boulevard and McDowell Road. Approval of the request will increase the maximum height allowed on the subject property by one (1) story, allowing for buildings with a maximum of four (4) stories to be developed on the site. A request to rezone the property to Avondale Commons Planned Area Development (PAD) will be considered separately; the proposed Avondale Commons PAD will facilitate development of the property in accordance with a mixed-use plan consisting of a 4-story, 324-unit multi-family residential complex and supportive commercial, retail, hospitality, and office uses.

Jodie Novak, Assistant Director of Development and Engineering Services, provided an overview of the project site details, surrounding uses, and amenities. The property annexed into Avondale in 2006 with mixed-use development but was reverted to agricultural zoning in 2011 due to the property not being developed. The mixed used designation looks to gain a village concept project in design and use, creating a live/work/recreate project. The request is to allow an additional story, to allow four-story buildings for the multifamily component. A hotel is also proposed for the site at four stories. Design details were discussed. There are eight three-story buildings which will have tuck-under garages. They are contemporary modern in nature, which offer a different

multifamily option in the health tech corridor. Additional design and construction components were discussed. The main entrance off McDowell Road features a roundabout, which provides a grand arrival space. Sidewalks are located throughout the development. Landscaping will be provided along all perimeter property lines and street frontages. Elevation details were provided. Staff feels the building height is compatible along the corridor. The proposed vehicular and pedestrian circulation will improve pedestrian activity. Permitted uses for commercial will be consistent with those allowed in the C-2 zoning district and the zoning ordinance. Staff believes the project meets all design standards. All required notifications were completed. There is adequate capacity of nearby school districts and the Planning Commission approved the item on August 23, 2021.

Vice Mayor Malone opened the public hearing and received one request to speak. Lola R., Avondale resident, stated that she is not in favor of the development, noting that four stories are too high and there are no similarly built structures in the area. An additional public speaker who was on the camera with Lola R. concurred, stating the area is a residential neighborhood and a four-story building is very intrusive and does not fit with the character of the area.

Vice Mayor Malone closed the public hearing and opened the floor for comments from Council.

Council Member Pineda asked about the timing for widening Avondale Boulevard north of McDowell, going north and south from Palm Lane. Mr. Montoya stated that the City Attorney's Office has worked through the issue of obtaining the necessary right-of-way within the City itself from Palm Lane to McDowell. The right-of-way from Palm Lane north to Encanto is secured; however, this is part of another area of townhomes. The townhome development must underground the powerlines and the canal. Widening the road will probably be completed in 2022 through to McDowell Boulevard. Council Member Pineda commented that there are challenges with building on the property, given the presence of the power station. He has a goal for the Avondale Boulevard Corridor to be a live/work/play area. This project brings all these elements to the table; however, there are traffic congestion issues in the area. He empathized with the residents in the area, stating a four-story building can be intrusive in a residential area.

Council Member Dennis inquired on the distance from the property line to the buildings. Ms. Novak stated the distance is potentially 80 feet away from the property line. In response to a question, Ms. Novak stated there is approximately 20 acres between the property and the residential community to the north. Council Member Dennis commented that over time, as developments are built to the north, a graduated increase in building heights will help soften the effects of the four-story building. She understood what the resident commented on and how it is in reference to their livelihood and house values. She commented positively on the stipulation regarding the limit of multi-family district development until construction commences on development in the commercial district. In response to a question from Council Member Dennis, Ms. Novak stated her understanding that there will be elevators in the buildings.

In response to a question by Council Member Nielson, Mr. Montoya stated the children's hospital in the area will be three stories in height.

Council Member Conde stated that she lives in the area, and there is significant congestion due to the high school and housing developments on Thomas. It is important to address congestion issues prior to construction, rather than afterwards. In response to a question from Council Member Conde, Ms. Novak confirmed that there will be deceleration lanes on McDowell with half-street improvements to be completed by the developer. There will be additional right turn lanes on Avondale Boulevard. Council Member Conde spoke positively on the concept and stated it will provide a nice contemporary modern housing for that health tech corridor.

Vice Mayor Malone asked about the possibility of a turning lane dedicated off northbound Avondale Boulevard to McDowell Road. Mr. Montoya stated that the City is working with SRP and other jurisdictions to widen Avondale Boulevard not only from McDowell Road to the I-10 freeway, but also 107th Avenue. There will be a deceleration lane southbound into the complex and a deceleration lane going westbound into the complex. Widening McDowell Road is not likely possible.

In response to a question from Council Member Dennis, Ms. Novak confirmed that there is a condition for the developer to construct a bus bay along McDowell Road.

Council Member Dennis moved to adopt Resolution 1076-0921, approving Application PL-21-0204 Avondale Commons, a request for a Freeway Corridor Specific Plan Amendment increasing the maximum allowable height on 25.23 gross acres at the northwest corner of Avondale Boulevard and McDowell Road to four stories; 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
Council Member Pineda	Aye
Vice Mayor Malone	Aye
Mayor Weise	Aye

g. PUBLIC HEARING AND ORDINANCE 2052-0921 - AVONDALE COMMONS - REZONING FROM AGRICULTURAL (AG) TO AVONDALE COMMONS PLANNED AREA DEVELOPMENT (PAD) – APPLICATION PL-21-0072

City Council held a public hearing and consider a requested to adopt Ordinance 2052-0921, approving a request by Mr. Shaine T. Alleman, Tiffany & Bosco, P.A., to rezone approximately 25.23 gross acres (22.60 net acres) of land located at the northwest corner of Avondale Boulevard and McDowell Road from Agricultural to Avondale Commons Planned Area Development (PAD) to allow for a mixed use development of the site with a four-story, 324-unit multi-family residential complex on 12.5 net acres and supportive commercial, retail, hospitality, and office uses on 10.1 net acres. A request for an amendment to the Freeway Corridor Specific Plan to increase the maximum allowable building height (currently limited to three stories) to four stories will be considered separately.

Vice Mayor Malone opened the public hearing and did not receive any requests to speak. Vice Mayor Malone closed the public hearing.

Council Member Nielson moved to adopt Ordinance 2052-0921, approving Application PL-21-0072 Avondale Commons, a request to rezone approximately 25.23 acres from Agricultural (AG) to Avondale Commons Planned Area Development (PAD), subject to 12 conditions of approval as listed in the Planning Division Memorandum dated August 18, 2021; 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
Council Member Pineda	Aye
Vice Mayor Malone	Aye

6. ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the Regular Meeting; 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
Council Member Pineda	Aye
Vice Mayor Malone	Aye

Meeting adjourned at 8:49 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 20th day of September 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