

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
ONLINE MEETING
November 15, 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 6:31 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, Curtis Nielson, and Mike Pineda.

Members Absent: None.

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; Memo Espinoza, Police Chief; Keith Fallstrom, Interim Finance and Budget Director; Bryan Hughes, Parks and Recreation Director; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Callie McGraw, Interim Human Resource Director; Kevin Murphy, Development and Engineering Services Director; Dale Nannenga, Public Safety Chief; Marshall Pimentel, Intergovernmental Affairs Administrator; Abril Ruiz-Ortega, Court Administrator; and Jeffrey Scheetz, Chief Information Officer.

Audience: Approximately ten members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. FEDERAL LEGISLATIVE UPDATE

City Council received an update from Capital Edge regarding Avondale's legislative priorities, as well as an update on recently proposed federal policies. This item was for information and discussion only.

Chris Giglio with Capital Edge stated the Infrastructure Investment and Jobs Act was signed into law by President Biden on November 15, 2021. It is a significant infrastructure investment, with \$1.2 trillion in traditional infrastructure programs. Approximately \$550 billion is categorized as new spending. It also includes spending that would have occurred anyway, including a \$400 billion extension of current highway and transit programs. Approximately half of the \$550 billion in new spending is in transportation, with the majority given through competitive grant programs and to states via a formula. A brief outline of major spending was provided.

The Energy Efficiency and Conservation Block Grant Program will potentially provide funds directly to the City. It is a flexible formula program for green programs. Timing of fund receipt is dependent on the parameters of the various programs. It is presumed that existing programs will come first. Supply chain issues will also be addressed more

promptly. Competitive factors for funding are expected to prioritize equity and climate change. The infrastructure initiative is a two-pronged approach, including the Infrastructure Investment and Jobs Act and the Build Back Better Plan. It includes spending on nontraditional infrastructure, such as childcare, universal pre-K, funding for home health aides, affordable housing and clean energy tax credits. This initiative will fall under the reconciliation rule to prevent Senate filibuster. The Build Back Better Plan will likely pass the House this week and be sent to the Senate for anticipated changes before sending back to the House for final vote.

Mr. Montoya requested more information on funding for various transportation and road projects. Mr. Giglio explained there is \$66 billion going to Amtrak with \$16 billion going to the national system. The funding for the transportation reauthorization includes about 30% increases across the board for highway formula programs over the next five years.

Mayor Weise voiced his priorities, including Citywide broadband and transportation infrastructure.

Council Member Conde concurred with Mayor Weise, stating the importance of internet access to residents as well as transportation improvements.

Council Member Kilgore concurred with Mayor Weise, commenting on the importance of broadband through his experience as a teacher. He stated teaching was reinvented when everything was moved to online. He noted how the teachers and administration came together and adapted. He stressed the importance of providing every child with technology across the City and West Valley. Public safety is also a high priority, especially in terms of community and police relations. In response to a question from Council Member Kilgore, Mr. Giglio noted that while this is not a component of the Build Back Better Plan, but it is part of the President's Fiscal Year 2022 budget proposal. Council Member Kilgore spoke about the transportation priorities of past City Councils and their efforts regarding the Zoom Bus in Avondale. Lastly, he noted the importance of addressing aging infrastructure, particularly in Historic Avondale.

Mayor Weise concurred with Council Member Kilgore regarding the aging infrastructure while also looking at alternative energy sources.

Council Member Dennis asked how the City remains abreast of pending opportunities for electric vehicle programs. Mr. Giglio stated that the Low and No Emissions Vehicle and Infrastructure Program at the Federal Transit Administration will be receiving a substantial funding increase. It began in 2015 at \$55 million per year and it will receive \$1 billion per year starting in Fiscal Year 2022. Opportunities will be competitive with some programs only available to specific recipients, such City of Phoenix/Valley Metro. Other programs allow local governments to apply directly. Council Member Dennis addressed the importance of incorporating solar into transitional housing projects. Mr. Giglio stated that the Build Back Better Program will likely be the impetus for these kinds of potential projects. It makes sense that proposals that include renewable energy options make for more competitive applications.

Council Member Nielson inquired about methods for determining areas where broadband access is most needed and advised that the City be ready to go with this when funds become available. Mayor Weise asked Jeffrey Scheetz, Chief Information Officer, to provide some input regarding the potential methods for providing Citywide broadband access. Mr. Scheetz stated that one potential is to conduct a full study or employ other technologies to determine access levels and needs. Mr. Montoya added that the City has a preliminary schematic of broadband locations throughout the City. In addition, each time a new school, employer, or hospital comes into the City, the agreements include installation of fiber in conjunction with the construction projects. During the pandemic, the City opened parks and libraries to include broadband to residents. Mr. Giglio added that the legislation discusses prioritization of unserved and underserved areas.

In response to a question from Council Member Nielson, Mr. Giglio acknowledged that receipt of federal dollars can sometimes increase the overall cost of a project.

Council Member Pineda suggested that staff in charge of identifying projects begin any preliminary work at this time to stay ahead of the curve. He noted the importance of the ability for staff to be prepared and aggressive to go after various opportunity's while also communicating to the residents of the impact Avondale is going to have as a result of the legislation being passed.

Vice Mayor Malone emphasized the importance of broadband access, particularly for students. She concurred with Council Member Dennis regarding the funding for bridges and being prepared to go after funding as soon as it becomes available.

3. PATRIOT AWARD

Patrick McDermott, on behalf of the Employer Support of the Guard and Reserve (ESGR), presented Public Safety Chief Dale Nannenga, Lieutenant Albert Bates, and Sergeant John Filas with Service Member Patriot Awards. Mr. McDermott provided a summary of ESGR program. Chief Nannenga offered appreciation for receiving the award and spoke words of their experience in ESGR. Council Members congratulated the recipients and thanked them for their service.

4. ADJOURNMENT

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

Upon vote, the motion was carried unanimously 7 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

Meeting adjourned at 7:15 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 7:22 p.m. All participants attended by phone or video.

Mayor Kenn Weise led the Pledge of Allegiance, followed by a moment of silent reflection in remembrance of the officer lost from the Maricopa County Sheriff's Office.

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

Members Absent: None.

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; Memo Espinoza, Police Chief; Keith Fallstrom, Interim Finance and Budget Director; Bryan Hughes, Parks and Recreation Director; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Callie McGraw, Interim Human Resource Director; Kevin Murphy, Development and Engineering Services Director; Dale Nannenga, Public Safety Chief; Marshall Pimentel, Intergovernmental Affairs Administrator; Abril Ruiz-Ortega, Court Administrator; and Jeffrey Scheetz, Chief Information Officer.

Audience: Approximately ten members of the public were present.

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

2. UNSCHEDULED PUBLIC APPEARANCES

3. PRESENTATION ITEMS

a. PROCLAMATION - HONORING SERGEANT WILLIAM RADEMACHER, DETENTION SUPERVISOR JOHN KEENAN AND OFFICER JAMES ARCHER ON THE OCCASION OF THEIR RETIREMENT.

City Council presented proclamations honoring three retiring employees for their years of dedicated service to the City of Avondale. This item was for discussion only.

b. INTRODUCTION OF NEW EMPLOYEES

Kevin Murphy, Director of Development & Engineering Services, introduced the new Planning Manager, Eric Fitzer, and the new Assistant Director of Development & Engineering Services, Mark Moore. This item was 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.

Mayor Weise asked if any Council Member wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Council Member Nielson, seconded by Vice Mayor Malone, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 7 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

a. RESOLUTION 1093-1121 - INTERGOVERNMENTAL AGREEMENT - CITY OF GOODYEAR - TRAINING FACILITY

City Council adopted Resolution 1093-1121, approving an Intergovernmental Agreement with the City of Goodyear for the use of the City of Avondale training facility and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

b. RESOLUTION 1094-1121 - CANVASS OF ELECTION, CORRECTIONS OFFICER RETIREMENT PENSION BOARD ELECTION

City Council adopted Resolution 1094-1121, declaring and adopting the results of the Local Board Election held on November 4, 2021, electing Allison Vance as a Board Member to the Corrections Officer Retirement Pension Board and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

c. RESOLUTION 1095-1121 - MASTER SERVICES AGREEMENT WITH NORTHERN ARIZONA UNIVERSITY FOR GREENHOUSE GAS EMISSIONS INVENTORY UPDATE

City Council adopted Resolution 1095-1121, authorizing a Master Services Agreement (MSA) with Northern Arizona University to conduct an update to the Municipal Greenhouse Gas Emissions Inventory and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

d. RESOLUTION 1096-1121 - 4TH AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY FOR JURY SERVICES

City Council adopted Resolution 1096-1121, authorizing a 4th Amendment to the Intergovernmental Agreement (IGA) with the Maricopa County Superior Court to include two updates: (1) In section 3, the Superior Court clarifies the services expected from the Avondale City Court and (2) In section 4, the Superior Court outlines expectations for juror biographical reporting in accordance with the Arizona Supreme Court Administrative Order 2021-54 and (3) authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

e. ORDINANCE 2061-1121 – AUTHORIZING THE SALE AND ISSUANCE OF CITY OF AVONDALE, ARIZONA GENERAL OBLIGATION BONDS, SERIES 2021

City Council adopted Ordinance 2061-1121 authorizing all matters necessary to sell and issue General Obligation Bonds and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

f. ORDINANCE 2062-1121 – AUTHORIZING THE SALE AND EXECUTION AND DELIVERY OF PLEDGED REVENUE AND PLEDGED REVENUE REFUNDING OBLIGATIONS, IN ONE OR MORE SERIES.

City Council adopted Ordinance 2062-1121 approving the sale, execution and delivery of Pledged Revenue and Pledged Revenue Refunding Obligations, in one or more series; approving the form and authorizing the execution and delivery of agreements necessary for such sale; delegating authority to determine certain matters and terms with respect to the foregoing and declaring an emergency and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

g. DEL TORO COMMERCIAL PARK - MINOR LAND DIVISION - APPLICATION PL-20-0335

City Council approved a request by Mr. Geoff Markowski, of G-mar, LLC (on behalf of property owner Oscar Del Toro) for approval of Application PL-20-0335, Del Toro Commercial Park Minor Land Division (MLD), on 0.42 gross acres of property located at the northwest corner of Lower Buckeye Road and Central Avenue.

5. REGULAR AGENDA

a. PUBLIC HEARING – SHADOW RIDGE ANNEXATION – APPLICATION PL-21-0100

City Council held a public hearing regarding a request by Ms. Cindy Paddock of HILGARTWILSON, on behalf of property owner EIEIO LLC, to annex approximately 115.71 acres generally located at the southeast corner of Avondale Boulevard and Miami Avenue, which is south of Lower Buckeye Road, into the jurisdiction of the City of Avondale. This item was for discussion and public hearing only; no action was taken.

Michelle Simerdla, Senior Planner, identified the location on a site map and provided an overview of surrounding uses. The current General Plan land use designation is Estate Low Density Residential. There are two property owners, including EIEIO, LLC with 113.57 acres and BW 147, LLC AT 2.02 acres. The request does not include any adjacent

rights-of-way. It is within two County zoning districts: R1-6 RUPD and R1-6. The rezoning to PAD and Major GPA is currently in process and scheduled for the December 13th City Council meeting. The blank petition was filed for the annexation and all notifications have been completed.

Mayor Weise opened the public hearing and did not receive any requests to speak. Ms. Carrillo noted she received one request to speak from Cindy Paddock of Hilgart Wilson, but during the meeting, Ms. Paddock stated she did not have any additional comments to provide. Mayor Weise closed the public hearing and opened the floor for comments from Council.

In response to a question from Council Member Dennis, Ms. Simerdla clarified that the current General Plan designation is Estate Low Density Residential. During the December 13th City Council meeting, she will present the General Plan amendment request for a change to Medium Density Residential. Council Member Dennis commented that the City is being currently overwhelmed by small lot developments.

Vice Mayor Malone and Mayor Weise concurred with Council Member Dennis' concern regarding the lot sizes. Mayor Wiese noted the importance for the team to have a serious discussion with the applicant regarding these concerns.

b. PUBLIC HEARING – CLEARSKY REHABILITATION HOSPITAL OF AVONDALE ANNEXATION – APPLICATION PL-21-0124

City Council held a public hearing regarding a request by Mr. Danny Banks, ClearSky Health, to annex approximately 7.11 acres located at the southwest corner of McDowell Road and the 109th Avenue alignment. This item was for discussion and public hearing only; no action was taken.

Eric Fitzer, Planning Manager, noted that presentation of the annexation ordinance will be considered at the December 13th, 2021 City Council meeting. The location and surrounding uses were reviewed. The annexation includes a portion of property as well as right-of-way along McDowell Road. The General Plan land use for the site is freeway commercial. ClearSky Health is currently the sole owner. Current County zoning is Intermediate Commercial. Avondale's equivalent zoning is Community Commercial. There is currently a rezoning request as well as a site plan and design review. Rezoning is to C-3 for 7.11 acres and scheduled for the December 13th City Council meeting. There is a site plan design review taking place currently in multiple reviews with staff. A blank petition has been filed and all required notifications have been completed.

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 Dennis asked whether acquisition of the right-of-way would provide the ability to extend the road. Mr. Fitzer confirmed that that is part of the request and would allow ability to extend the road at some point.

Mayor Weise spoke positively on the project, stating it exceeded his expectations. He noted the energy level and the pride that they take in their product.

Note from the City Clerk: Items 5c and 5d were presented together by Michelle Simerdla, Senior Planner, and voted on individually.

c. OMNI AVONDALE SELF-STORAGE – RE-PLAT – APPLICATION PL-21-0152

City Council considered consider a request by Jason Sanks, Sanks and Associates, on behalf of the property owner Lower Buckeye and Avondale LLC, for approval of a Re-Plat. The proposed Re-Plat divides an 8.67 gross-acre subject property into three (3) parcels and dedicates an eighteen (18) inch private utility easement. The site is located approximately 323 feet north of the northeast corner of Avondale Boulevard and Lower Buckeye Road.

Michelle Simerdla, Senior Planner, provided an overview of the site location and surrounding uses. Development will occur on a 3.65-acre portion of the 8.57 parcel. There is a concurrent request to split the lot. The parcel was annexed and rezoned to Durango Park PAD in 1999 and has since remained vacant and undeveloped. It is zoned PAD and allows for commercial uses. The request is it to allow a mini storage and personal storage facility in the PAD C-2 District. The proposal is to construct one office with four storage buildings consisting of 613 units. Operational hours were reviewed. Each customer will have their own unique gate code. No car or RV storage parking is proposed. Fourteen visitor parking spaces will be provided. The site plan, surrounding uses, elevations, and renderings were reviewed. Staff supports the CUP, as it conforms to the General Plan land use map designation of Local Commercial and will result in development that is compatible with and complementary with existing uses in the area. Mini storage is considered a low intensity use that provides a service to the nearby areas. The development meets the City's setbacks, buffering, landscaping, and parking requirements. All required notifications were completed. The Planning Commission voted for approval on September 15th.

Council Member Conde inquired on the height of the facility; Ms. Simerdla confirmed the facility is a single-level facility. Mr. Montoya noted the applicant does have a requirement to plant trees behind the neighborhood to block visibility of the facility.

Council Member Dennis inquired on the number of existing PADs and the type of uses. Mr. Montoya stated the two sections will have five separate PADs that is retail, commercial, or restaurant PAD utilization. Council Member Dennis commented on the need to maintain shopping and retail options for citizens in the southern area. Mr. Montoya stated that the applicant is aware that the City wants to maintain the retail, commercial, and restaurant PAD space. There are three other corners in the Downtown area for potential use for a grocery store.

Council Member Nielson concurred with Council Member Dennis regarding the need to maintain retail options.

Council Member Pineda noted that residents find value in the various storage facility option and spoke positively on the fact there is no RV or vehicular parking.

Vice Mayor Malone concurred with Council Member Dennis regarding retail spaces. Vice Mayor Malone asked whether traffic signals will be in place when the development is completed. Mr. Montoya stated that lights are getting ready on Broadway Road within the next few months and on Lower Buckeye Road in the next 18 months.

Mayor Weise said he was glad to see other commercial opportunities on the corner. Having a storage facility helps mitigate some of the noise issues that a regular commercial development would have.

Applicant, Nico Howard, developer and owner of the site, commended staff for being easy to work with. The parcel is unusual, in that the hard corner is already taken by McDonald's. The back portion of the parcel is hard to fill and that is the area that will be taken by the self-storage unit. It will be Class A, with air-conditioned units. They will maintain five pads surrounding the self-storage facility for standard retail and restaurants. The building height is all one level. The office area is meant to attract the eye and goes slightly higher.

Vice Mayor Malone inquired about descending lanes into the property, specifically traveling westbound on Lower Buckeye Road. Mr. Montoya said he was not sure about availability of the required right-of-way; however, it is the intent on major intersections, especially approaching Avondale Boulevard and Dysart Road.

Council Member Dennis moved to approve Application PL-21-0152 Omni Avondale Self-Storage, a request for a Re-Plat, subject to one (1) recommended condition of approval; Council Member Pineda seconded the motion.

Upon vote, the motion was carried unanimously 7 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

d. PUBLIC HEARING - OMNI AVONDALE SELF-STORAGE – CONDITIONAL USE PERMIT – APPLICATION PL-21-0151

City Council held a public hearing and consider a request by Jason Sanks, Sanks and Associates, on behalf of the property owner Lower Buckeye and Avondale LLC, for approval of a Conditional Use Permit to allow for the operation of a mini-storage warehouse and personal storage facility in the Durango Park Planned Area Development (PAD) that allows for C-2 (Community Commercial) uses on the 8.57-acre subject property.

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 Dennis moved to approve Application PL-21-0151, Omni Avondale Self-Storage, a request for approval of a Conditional Use Permit to allow for a mini- storage warehouse and personal storage facility in the Durango Park PAD that allows for C-2 uses, subject to six (6) recommended conditions of approval; Council Member Nielson seconded the motion.

Upon vote, the motion was carried unanimously 7 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

6. ADJOURNMENT

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

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

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

Meeting adjourned at 8:11 p.m.


Kenn Weise (Jan 25, 2022 14:04 MST)

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 15th day of November 2021. I further certify that the meeting was duly called and held, and that the quorum was present.



Marcella Carrillo, City Clerk

January 24, 2022

Date Approved by City Council