

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
May 16, 2022

A **Special Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 Civic Center Drive in open and public session at 5:34 p.m.

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

Note: Council Member Nielson arrived at the meeting at 5:35.

Members Absent: None.

Other Municipal Officials Present: Cherlene Penilla, Acting City Manager; Tracy Stevens, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Andrea Dumbrell, Human Resources Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Bryan Hughes, Parks and Recreation Director*; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development and Engineering Services Interim Director; Jeffrey Scheetz, Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; and Renee Weatherless, Finance and Budget Director.

**Attended the meeting virtually through the Zoom Meeting Platform.*

Audience: Approximately 15 members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. PROCLAMATION - NATIONAL PUBLIC WORKS WEEK

The City Council presented a proclamation recognizing May 15 through May 21, 2022, as National Public Works Week. This item was for discussion only.

3. MAYOR MARIE LOPEZ ROGERS SCHOLARSHIP ART CONTEST RECOGNITION

The City Council received an update from staff regarding the Mayor Marie Lopez Rogers Scholarship Art Contest. This item was for discussion only.

Pier Simeri, Marketing and Public Relations Director, provided an update on the scholarship process and progress. The program launched in 2011 when Council Member Kilgore was Chair of AMAC. It is funded by the Art Committee in the amount of \$5,000 per year. To date, they have funded \$45,000 in scholarships. The first show had 7 entries, with 30 total submissions in 2022. Total participation consists of 254 students from five high schools. Former Avondale Mayor, Marie Lopez Rogers, for whom the contest is named after, has sought to rename the scholarship in Bryan Kilgore's name and the Art Committee will be asked to honor this name change request.

Council Member Kilgore spoke about his experiences in art, including a personal scholarship that derived from one of his artworks in high school. Having served on the committee and sharing his idea for the Avondale school scholarship, he credited the Council Members at the time for voting to approve the program. He appreciates the fact that students must take action and be creative to participate.

Council Members spoke words of appreciation and approval of the program.

4. MORALE BOOSTER ADVISORY (MBA) COMMITTEE UPDATE

The City Council received an update from staff regarding the Morale Booster Advisory (MBA) Committee. This item was for discussion only.

Linda Mendenhall, Deputy City Clerk, provided an overview of the MBA Committee, which was established in Fiscal Year 2007/2008 with a goal to boost employee morale and foster engagement among employees. She reviewed a list of several engagement events, introduced committee members, and discussed upcoming events. Two contests winners were recognized.

Council Members acknowledged Ms. Mendenhall's time with the City, as she has taken a position as Town Clerk of Fountain Hills. Council Members spoke words of appreciation on her impending departure.

5. ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the Special Meeting; Council Member Kilgore seconded the motion.

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

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

Meeting adjourned at 6:25 p.m.

A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 Civic Center Drive in open and public session at 6:25 p.m.

Mayor Kenn Weise led the Pledge of Allegiance, followed by a moment of silent reflection in remembrance of the people of Buffalo.

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

Members Absent: None.

Other Municipal Officials Present: Cherlene Penilla, Acting City Manager; Tracy Stevens, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Andrea Dumbrell, Human Resources Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Bryan Hughes, Parks and Recreation Director*; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development and Engineering Services Interim Director; Jeffrey Scheetz, Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately five members of the public were present.

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

2. UNSCHEDULED PUBLIC APPEARANCES

None.

3. 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 Nielson requested agenda item 3i be removed from the Consent Agenda to be considered separately. Motion was made by Vice Mayor Malone, seconded by Council Member Nielson, to approve the Consent Agenda with the exception of agenda item 3i.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Nielson	Abstain (<i>a vote in the affirmative</i>)
Council Member Pineda	Aye
Council Member Solorio	Aye
Vice Mayor Malone	Aye
Mayor Weise	Aye

a. MINUTES

City Council approved the April 4, 2022 City Council meeting minutes.

b. SERIES 10 (BEER AND WINE STORE) LIQUOR LICENSE - LAMS MARKET

City Council recommended approval to the Arizona Department of Liquor License and Control of an application for a Series 10 (Beer and Wine Store) Liquor License submitted by Max Phat Lam for the sale of alcohol at Lams Market located at 11575 West Van Buren Street in Avondale and authorized the City Clerk to execute the necessary documents.

c. SERIES 12 (RESTAURANT) LIQUOR LICENSE - THE SPOT IN AVONDALE

City Council recommended approval to the Arizona Department of Liquor License and Control of an application for a Series 12 (Restaurant) Liquor License submitted by Letitia Torres for the sale of alcohol at The Spot in Avondale located at 214 East Western Avenue in Avondale and authorized the City Clerk to execute the necessary documents.

d. BUDGET AMENDMENT - FUND TRANSFERS

City Council approved a request to amend the Fiscal Year 2022 budget and authorized interfund transfers to facilitate the closure of various funds that are no longer needed, correct historical coding errors, and prepare for the close of the fiscal year and corresponding debt service payments and authorized staff to execute the necessary documents.

e. AWARD AUTHORITY AMENDMENT FOR THE SOUTHWEST FAMILY ADVOCACY CENTER LEASE

City Council approved a request to amend the Administrative Award Authority for the Family Advocacy Center building lease for FY2021-2022 and authorized the Mayor, or Acting City Manager, and City Clerk to execute the necessary documents.

f. AWARD AUTHORITY AMENDMENT FOR BANKING SERVICE FEES

City Council approved a request to amend the Administrative Award Authority for banking service fees for FY2021-2022 and authorized the Mayor or Acting City Manager and City Clerk to execute the necessary documents.

g. ACCEPTANCE OF ADDITIONAL PROP 302 REVENUE

City Council approved a request to increase the Prop 302 Tourism Fund 22745001-61900 in the amount of \$48,000 and authorized the Mayor or Acting City Manager and City Clerk to execute the necessary documents.

h. PROFESSIONAL SERVICES TASK ORDERS FOR WELL 25 REHABILITATION AND WELL 26 REPLACEMENT

City Council approved an amendment for Task Orders 7 and 8 to the Professional Services Agreement with Carollo Engineers, Inc. for design and inspection services for the Well 25 Rehabilitation and Well 26 Replacement Projects in advance of the FY2023 Budget award, using realized operational savings in the amount of \$205,726, create the necessary budget transfers, and authorized the Mayor, or Acting City Manager and City Clerk to execute the necessary documents.

i. STARBUCKS – AVONDALE GATEWAY RE-PLAT – APPLICATION PL-22-0013

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

j. FIRST AMENDMENT TO CONTRACT FOR SERVICES AND AMENDMENT TO LEASE AGREEMENT- AREA AGENCY ON AGING FISCAL YEAR 2021-2022

City Council approved a request to: (a) approve an amendment to the current contract with Area Agency on Aging (AAA) for fiscal year 2021-2022 to receive additional funding in the amount of \$10,000 for the Congregate Meal Program; (b) amended the current lease agreement with Area Agency on Aging (AAA) for fiscal year 2021-2022 to receive an additional 12 passenger vehicle in exchange for \$1 lease fee; and (c) authorized the City Manager and City Clerk to execute the necessary documents.

k. RESOLUTION 1032-0522 - AMENDMENT NO. 9 TO THE INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY ADMINISTERED BY THE HUMAN SERVICES DEPARTMENT

City Council adopted Resolution 1032-0522, approving Amendment No. 9 of the Intergovernmental Agreement (IGA) with the Maricopa County Human Services Department for the provision of the Community Action Program (CAP) services, and authorized the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

l. RESOLUTION 1033-0522 - INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR WORKFORCE DEVELOPMENT SERVICES

City Council adopted Resolution 1033-0522 - an Intergovernmental Agreement (IGA) with the Maricopa County, Human Services Department, Workforce Development Division for the provision of workforce development services provided by the Workforce Development Coordinator and Youth Workforce Advisor and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

m. RESOLUTION 1034-0522- FIRST AMENDMENT TO THE FUNDING AGREEMENT WITH MARICOPA COMMUNITY COLLEGE DISTRICT FOUNDATION FOR THE AVONDALE EDGE EMCC SCHOLARSHIP FUND

City Council adopted Resolution 1034-0522, approving the First Amendment to the Funding Agreement between the City of Avondale and the Maricopa Community College District Foundation for the Avondale EDGE EMCC Scholarship Fund, and authorized the Mayor or Acting City Manager, City Attorney, and City Clerk to execute the necessary documents.

n. RESOLUTION 1035-0522 - AUTHORIZING BANKING & INVESTING AUTHORITY

City Council adopted Resolution 1035-0522, authorizing certain city officials and staff to execute and endorse checks and other items for and on behalf of the City, authorizing certain city staff to authorize certain electronic payments and transfers of funds, authorizing certain city staff to open investment and safekeeping accounts, invest city funds, and execute contracts, agreements or transactions in connection with such investment accounts, and declaring an emergency; and authorized the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

o. RESOLUTION 1036-0522 - "BUCKLE UP ARIZONA... IT'S THE LAW!" - GOVERNOR'S OFFICE OF HIGHWAY SAFETY GRANT ACCEPTANCE

City Council adopted Resolution 1036-0522, authorizing a grant provided by the Governor's Office of Highway Safety (GOHS) in the amount of \$3,000, which will support the Police Department's funding of Arizona's safety belt and child passenger safety laws through overtime expenses. This campaign "Buckle Up Arizona...It's the Law!" is part of the national "Click it or Ticket" campaign and authorized the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

p. ORDINANCE 2035-0522 - AMENDING CHAPTER 2 OF CITY CODE, RELATING TO THE CITY ATTORNEY'S OFFICE

City Council adopted Ordinance 2035-0522, approving changes to the City Code related to the City Attorney's Office and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

q. ORDINANCE 2036-0522 - AMENDING CHAPTER 2 OF CITY CODE, RELATING TO THE MERIT SYSTEM AND RISK AND INDEMNIFICATION

City Council adopted Ordinance 2036-0522, approving changes to the City Code related to the merit system and risk and Indemnification and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

THE FOLLOWING ITEM WAS PULLED FROM THE CONSENT AGENDA TO BE VOTED ON SEPARATELY:

i. STARBUCKS - AVONDALE GATEWAY RE-PLAT - APPLICATION PL-22-0013

City Council considered a request by George Morgan III, SDC III-AZ, LLC, for approval of a Re-Plat. The proposed Re-Plat divides a 1.52-acre subject property into two (2) parcels. The site is located at the northeast corner of Avondale Boulevard and Hilton Drive.

Council Member Nielson requested additional information on what is planned commensurate with the project. Eric Fitzer, Planning Manager, stated that a Starbucks store has been proposed for the site located at Avondale Boulevard and Hilton Drive and splitting of the lot is included. A minor PAD amendment in 2010 allowed for drive thru facilities. This was followed by discussion of The BLVDD zoning process. The properties associated with this specific zoning case did not opt into The BLVDD. As such, the zoning for the site allows for a Starbucks drive thru use. Staff has been working with Starbucks for over eight months on queuing and other issues. This item involves dividing the property, so that Starbucks will own the northern portion and the southern portion will be separate. An eight-foot public utility easement at Avondale Boulevard will be moved adjacent to the site.

In response to a question from Mayor Weise, Mr. Fitzer clarified the specific proposed location of the building on the site.

Council Member Nielson expressed concern over traffic issues. Mr. Fitzer said staff is working with Starbucks on stacking and they will be providing 27 stacking spaces in the drive thru, which will prevent blocking in the parking lot.

Vice Mayor Malone concurred with Council Member Nielson's comments regarding traffic.

Mayor Weise requested that staff provided additional information before next steps are taken in the process.

Council Member Pineda moved to approve a request by George Morgan III, SDC III-AZ, LLC, for approval of a Re-Plat; Council Member Solorio seconded the motion.

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

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

4. REGULAR AGENDA

a. RESOLUTION 1037-0522 - AMENDMENT TO THE PERSONNEL POLICIES AND PROCEDURES ADDING CHAPTER 23 INTEGRITY LINE

City Council considered a request to adopt Resolution 1037-0522, approving the addition of Chapter 23 Integrity Line to the Personnel Policies and Procedures, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Nicholle Harris, City Attorney, provided a brief background, which included a Council request in December of 2021 for implementation of a fraud hotline/integrity line. Staff procured third party vendor, Answer Now, which will receive calls and receive reports. The internal auditor researched best practices and prepared a memorandum with recommendations of the integrity line, which were presented to Council on April 4, 2022. Council directed staff to bring the policy forward as a chapter policy, not as an administrative policy. Council also directed that the review panel will consist of the City Attorney and the Internal Auditor. It also directed staff to create marketing materials. The policy states that the integrity line should be used to report fraudulent activity, such as misuse of City resources, abuse of power, falsification of City records and conflicts of interest gifts to public servants. The line is not intended for reporting personnel issues. Rules and policies were reviewed. An outline of potential actions of the panel was provided. The Internal Auditor will track all reports and prepare a summary for Council, City Manager and City Attorney's Office. At this time, the integrity line is available to

employees only. Marketing and outreach efforts were discussed, and a review of the online form was provided.

In response to a question from Council Member Conde, Ms. Harris stated that the policy and program can be monitored, and changes can be made as needed.

Council Member Kilgore thanked staff for their work in developing the integrity line.

Council Member Nielson asked if the line will receive calls on conflicts of interest. Ms. Harris confirmed that submitters can provide such information. Council Member Nielson inquired as to how staff will handle situations where more information is needed. Ms. Harris stated that there is no way to gather additional information, if the caller does not provide a name and number for follow-up.

Council Members Solorio and Pineda and Vice Mayor Malone expressed appreciation to staff for developing the integrity line.

Vice Mayor Malone moved to adopt the Resolution 1037-0522, approving the addition of Chapter 23 Integrity Line to the City of Avondale Policies and Procedures and authorize the Mayor or Acting City Manager, City Attorney, and City Clerk to execute the necessary documents; Council Member Solorio seconded the motion.

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

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

b. HOMELESS SERVICES UPDATE

City Council received an update from staff on the City's homeless services. This item was for discussion only.

Chris Lopez, Neighborhood and Family Services Director, stated that a great deal of progress has been made since the last report, including the creation of the City's first Homeless Services Division. Brian Planty is leading the new division.

Brian Planty, Homeless Services Manager, provided a brief overview of the homeless issue in the City. The main goal is to keep homelessness rare, brief and nonrecurring. The point-in-time count is a process whereby staff and volunteers perform an annual count and survey of individuals who slept unsheltered the previous night. There was no count in 2021, due to the pandemic. From 2019 to 2022, there has been a six percent increase in homeless individuals in Avondale. Some contributing factors include a sharp increase in housing costs, low supply of affordable housing and rise in inflation.

The Maricopa Association of Governments (MAG) recently approved a plan with three major action points:

- Commit to work regionally to reduce homelessness
- Increase safe housing options
- Support diverse partnerships to address homelessness

Each point includes a number of action items. Avondale has committed to all objectives and several action items.

Mayor Weise said he would like staff to participate in conversations with the MAG committee on regional homelessness. MAG announced it has met its goals for the year. Mayor Weise commented that the goals should be reasonable yet challenging. During the MAG meeting, he requested an update on how each city is doing. He would recommend moving away from the term "affordable housing," and move towards "workforce housing." The key at this time is to mitigate the current housing market. He suggested that the City explore The BLVD area in terms of complementary housing that allows Avondale to work with developers on City-owned land on workforce housing.

Council Member Kilgore stated he liked what was presented and is looking forward to seeing what will transpire from the presented plan. He expressed gratefulness for all those who assisted in the efforts.

Council Member Nielson thanked staff for their efforts and spoke positively on the program.

Council Member Pineda asked about examples of public education. Mr. Planty stated that staff will be developing additional pamphlets and producing training videos for staff. They will capitalize on regional efforts, such as MAG's investment with Home Base, a national organization that develops homelessness information. Their first step will be to tackle the issues of affordable housing and workforce housing.

Council Member Solorio asked about a focus on navigating the criminal justice system. Mr. Planty stated that other municipalities are implementing programs on the criminal justice system and conversations have taken place. The City has not implemented a program, but it is on the radar. In response to a question from Council Member Solorio, Mr. Planty stated that in 2022, Avondale identified 59 individuals identified as living unsheltered at the specific point in time, a second count is planned for summer.

Council Member Conde commented that she was pleased to see the development of bridge housing and she hopes to see additional units in the future.

Vice Mayor Malone commented the quality of the marketing materials. She requested a video be incorporated with the AviWise platform so residents can learn more information.

5. ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the Regular Meeting and hold an executive session pursuant to Ariz. Rev. Stat. § 38--431.03(A)(4) for discussion with the City Attorney or attorneys for the City for legal advice concerning contemplated or pending litigation and to instruct the City Attorney and attorneys for the City on such litigation for the following matters: (a) Nazari v. Ajo Transportation, et al; (b) Claim of James Holland, Sr; (c) Claim of Kenosha Skinner; (d) former City Manager; Council Member Conde seconded the motion.

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

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

Meeting adjourned at 7:22 p.m.


Kenn Weise (Jul 12, 2022 06:37 PDT)

Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting and Regular Meeting of the Council of the City of Avondale held on the 16th day of May 2022. I further certify that the meeting was duly called and held, and that the quorum was present.


Marcella Carrillo, City Clerk

July 11, 2022
Date Approved by City Council