

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
June 6, 2022

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 6:01 p.m.

Mayor Kenn Weise led the Pledge of Allegiance, followed by a moment of silent reflection in honor of Officer Adrian Lopez of the White Mountain Apache Tribe who was recently killed in the line of duty, and also thinking of Council Member Tina Conde and her family.

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

Note: Council Member Nielson attended the meeting by telephone.

Members Absent (Excused): Council Members Tina Conde and Bryan Kilgore.

Other Municipal Officials Present: Cherlene Penilla, Acting City Manager; Tracy Stevens, Deputy City Manager; Nicholle Harris, City Attorney; Linda Mendenhall, Deputy 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; Ken Gilliam, Fire Chief; Bryan Hughes, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Interim Director; Marshall Pimentel, Intergovernmental Affairs Administrator; Mark Neerings, Assistant Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; Aric Stewart, Engineering Services Interim Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately 10 members of the public were present.

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

2. UNSCHEDULED PUBLIC APPEARANCES

Dr. Roger Freeman, Superintendent for the Littleton Elementary School District, asked Council for a review of fees for public schools. There have been challenges with staffing and communications with efforts to get the Alamar school underway. He noted a lack of discourse about expressed concerns.

3. PRESENTATION ITEMS

a. EMPLOYEE INTRODUCTIONS AND PROMOTIONS

The following employees were introduced to City Council: Andrew Morales, Firefighter; Jake Swartz, Firefighter; Bryan Backeberg, Firefighter; Timothy Blum, Firefighter; and David Santana, Captain. The 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 Solorio, seconded by Vice Mayor Malone to approve the Consent Agenda.

Upon vote, the motion carried unanimously 5 to 0.

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

a. MINUTES

City Council approved the April 11, 2022, April 18, 2022, and May 2, 2022 City Council meeting minutes.

b. SERIES 12 (RESTAURANT) LIQUOR LICENSE - BARRIO QUEEN

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 Amy Nations for the sale of alcohol at Barrio Queen located at 10455 West McDowell Road in Avondale and authorized the City Clerk to execute the necessary documents.

c. SERIES 12 (RESTAURANT) LIQUOR LICENSE - PIER 88 BOILING SEAFOOD & BAR

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 Mei Chen for the sale of alcohol at Pier 88 Boiling Seafood & Bar located at 10040 West McDowell Road in Avondale and authorized the City Clerk to execute the necessary documents.

d. AWARD AUTHORITY AMENDMENT FOR DEVELOPMENT & ENGINEERING SERVICES FY22 OPERATING AND CAPITAL BUDGET

City Council approved a request to amend the Administrative Award Authority for the Development & Engineering Services Department's (DES) operating and capital budget for FY2021-2022 and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

e. ADOPTION OF THE FISCAL YEAR 2023 PENSION FUNDING POLICY

City Council adopted an updated Pension Funding Policy for Fiscal Year 2023 and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

f. EMPLOYEE BENEFIT TRUST FUND BUDGET AMENDMENT

City Council approved a budget amendment increase for FY2022 in the amount of \$1,000,000 for the purpose of having sufficient budget capacity to pay costs and claims in the Employee Benefit Trust fund (6040), and to amend the requisite administrative award authority, and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

g. RESOLUTION 1038-0622 - DESIGNATION OF CHIEF FISCAL OFFICER FOR THE AELR

City Council adopted Resolution 1038-0622, designating Renee Weatherless as the Chief Fiscal Officer for the submittal of the annual expenditure limitation report and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

h. RESOLUTION 1039-0622 - FISCAL YEAR 2023 PROPOSED FEE CHANGES

City Council adopted Resolution 1039-0622, approving the Fiscal Year 2023 proposed fee changes and authorized the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

i. RESOLUTION 1040-0622 - COMPREHENSIVE FINANCIAL POLICIES

City Council adopted Resolution 1040-0622, adopting Comprehensive Financial Policies and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

j. RESOLUTION 1041-0622 - ADOPTION OF PROPERTY TAX LEVIES FOR MAINTENANCE IMPROVEMENT DISTRICTS (MIDS)

City Council adopted Resolution 1041-0622, adopting Property Tax Levies for Maintenance Improvement Districts (MIDs) and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

k. RESOLUTION 1042-0622- AMENDMENTS TO THE PERSONNEL POLICIES AND PROCEDURES FOR CHAPTER SIX EMPLOYEE BENEFITS

City Council adopted Resolution 1042-0622, approving proposed amendments to the following Personnel Policies and Procedures: Chapter 6 Employee Benefits and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

l. ORDINANCE 2037-0622 - CITY CODE AMENDMENT - CHAPTER 19, SECTION 19-19, RELATING TO PLANNING COMMISSION MEETINGS

City Council adopted Ordinance 2037-0622, approving changes to the City Code related to Planning Commission meetings and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

m. ORDINANCE 2038-0622 - ACQUISITION OF REAL PROPERTY LOCATED SOUTH OF VAN BUREN STREET AND WEST OF AVONDALE BOULEVARD

City Council adopted Ordinance 2038-0622 authorizing the acquisition by purchase, dedication or condemnation of real property for public use located south of Van Buren Street and west of Avondale Boulevard and authorized the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

n. ORDINANCE 2039-0622 - SRP POWER DISTRIBUTION EASEMENT FOR AVONDALE BOULEVARD WIDENING PROJECT

City Council adopted Ordinance 2039-0622, authorizing the granting of a power distribution easement to Salt River Project (SRP) in connection with the Avondale Boulevard Widening Project and authorized the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

o. AQUATICS CENTER - RE-PLAT OF AVONDALE CIVIC CENTER FINAL PLAT – APPLICATION PL-22-0143

City Council approved a request by the City of Avondale for approval of a Re-Plat of Avondale Civic Center Final Plat lots 7 and 9. The approximately 22 acres is located at the southeast corner of Madison Street and Civic Center Drive.

p. PIERCE 99 - RE-PLAT OF INTERSTATE COMMERCE CENTER AMENDED FINAL PLAT – APPLICATION PL-22-0023

City Council approved a request by Helix Engineering, LLC, on behalf of the property owner WDP Brama Avondale, LLC, for approval of a Re-Plat of the Interstate Commerce Center Amended Final Plat to combine two (2) parcels. The Re-Plat to allow for the development of a new warehouse and distribution building. The approximately 7.96-acre site is located west of the northwest corner of Pierce Street and 99th Avenue.

q. THE BLVD LOT B - RE-PLAT OF AVONDALE CITY CENTER PHASE 3 FINAL PLAT - APPLICATION PL-22-0144

City Council approved a request by the City of Avondale, for approval of The BLVD Lot B - Re-Plat of Avondale City Center Phase 3 Final Plat which is located east of the southeast corner of Roosevelt Street and Avondale Boulevard.

5. REGULAR AGENDA

a. PUBLIC HEARING - FISCAL YEAR 2023 FINAL BUDGET

City Council held a public hearing to receive comment on the final budget for fiscal year 2022- 2023 (FY 2023). No Council action was required.

Renee Weatherless, Finance and Budget Director, stated that the budget includes adjustments since the presentation of the tentative budget, including adjustments to carryforward. The appendix includes administrative awards over \$50,000, schedule of interfund transfers and schedule of interfund loans. Property taxes consist of a primary and secondary component. Primary is for general use revenue and secondary is strictly for the payment of the debt. The City is levying a total of \$8.4 million broken out between primary and secondary for a total tax rate of approximately \$1.55. The City has a

maximum property tax rate of \$2. The City receives 9 percent, with 78 percent to schools and the remainder to the County and special districts.

Mayor Weise asked what portion of the \$457 million budget went to capital improvements. Ms. Weatherless estimated \$200 million-plus. Based on a question by Mayor Weise, Robert Baer, Budget Manager, clarified that the truth in taxation hearing is part of the annual budget adoption. The total amount of the primary property tax is increasing; however, the rate itself is decreasing from this fiscal year to next fiscal year.

Mayor Weise opened and closed a public hearing after receiving no comments. Mayor Weise opened the floor for comments from Council and received no comments.

b. PUBLIC HEARING - TRUTH IN TAXATION HEARING AND RESOLUTION 1043-0622 SETTING FORTH THE INTENT TO RAISE THE PROPERTY TAX LEVY

City Council held a public hearing and considered a request to adopt Resolution 1043-0622 setting forth the city's intent to levy primary property taxes in the amount of \$0.6458 per hundred dollars (\$100) of assessed valuation and secondary property taxes in the amount of \$0.9050 per hundred dollars (\$100) of assessed valuation and set the property tax adoption for July 11, 2022 and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

Mayor Weise opened and closed a public hearing after receiving no comments. Mayor Weise opened the floor for comments from Council and received no comments.

Council Member Solorio moved to adopt Resolution 1043-0622 setting forth the City's intent to levy primary property taxes in the amount of \$0.6458 per hundred dollars (\$100) of assessed valuation and secondary property taxes in the amount of \$0.9050 per hundred dollars (\$100) of assessed valuation and set the property tax adoption for July 11, 2022 and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents; Vice Mayor Malone seconded the motion.

Upon vote, the motion was carried unanimously 5 to 0.

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

c. INTERNAL AUDIT ROLES AND RESPONSIBILITIES

City Council will receive a presentation regarding the purpose and responsibility of the City's internal auditor. This item was for discussion and direction, no vote was taken.

Barbara Coppage, Internal Auditor, stated the responsibility of an auditor is to provide unbiased and objective feedback through assessments and audits. Auditor activities include: Performance audits; process improvement projects; ensure compliance with laws and regulations; evaluate internal controls; assess risk within the City. Avondale's internal

auditor charter was signed in February of 2021. Since then an internal audit manual and processes have been developed. A Citywide risk assessment was performed, and several audits were conducted. In addition, several projects requested by management were completed. The requirements of the audit program were reviewed.

Ms. Coppage provided a comparison of Avondale to other area cities. Avondale has some areas which do not align with other cities and standards; however, it is important to note that other cities have had an established internal audit program for 25 years or more. A review and comparison of Red Book versus Yellow Book standards was provided. In general, the internal audit charter includes the responsibilities of an auditor, the reporting requirements, standards to follow, unlimited access to information and discussion on the Audit Committee. Member composition of an Audit Committees varies from city to city. In general, the committee will consist of two to three council members or two to three members of the public. The committee should consist of an odd number of members. Other cities include department heads to weigh in on financial or technical matters. This will usually include the finance and/or budget director. The city manager may also sometimes be included. Avondale plans to provide audit reports to Council and is developing a webpage where reports will be made available to the public. The internal audit program is involved with the integrity line.

Audit Committee duties include:

- Convene three to four times per year
- Approve proposed Annual Audit Plan
- Review report on implementation of audit recommendations
- Review report on investigations
- Integrity line updates
- Annual audit report activities
- Approves budget activities

City Manager recommendations are as follows:

- Council adopt the Audit Charter by Ordinance
- Council form an Audit Committee consisting of one of the proposed configurations
- Council appoint the City Auditor, who will report administratively and functionally to the Audit Committee

Mayor Weise stated his support for having an internal auditor for the City and is in favor of the recommendations made. He would like to have members of the public in participation and would prefer them to have a financial background. In addition, three Council Members should be included on the Committee and either the City Manager or the Finance and Budget Director. There should be responsibility to report to the Council.

Council Member Nielson concurred with Mayor Weise. All areas of the City aside from and including financial should be covered. In response to a question from Council Member Nielson, Ms. Coppage confirmed that the asset replacement management

system would fall under the audit purview. Items are determined based upon risk assessment and include both financial and nonfinancial areas. When the audit plan is approved, it is communicated to all members of the management team and everyone is aware of the list of audits to be conducted for the year. Some processes involve manual task aspects and others are electronic. Discussion ensued regarding the composition of the Committee. Ms. Coppage clarified that the Finance Director and City Manager would be nonvoting members.

Council Member Solorio thanked staff for the presentation and for her new understanding of the audit role and for allowing the City to be transparent.

Council Member Pineda concurred with the proposed Committee structure and commented that the Committee will reinforce the City's focus on transparency. He asked how the audit results will be implemented for the individual department involved. Ms. Coppage stated that there is an established process for addressing audit findings. This begins with allowing the department leadership to state whether they agree with the facts. The department will provide a response stating whether they agree with the recommendations. The department then includes a response into the report, which states a timeline for completion of the plan. The Audit Committee is provided with the report and department response. The auditor then follows up to ensure that the recommendations are implemented.

Vice Mayor Malone asked whether a change in City Code is required and whether policy changes must be administrative per City Council. Ms. Coppage stated that the proposal includes changes or additions to the ordinance. Changes would have to be approved by City Council. Vice Mayor Malone suggested that Ms. Coppage be moved from her current cubicle workplace setting to an enclosed office, to ensure privacy on any sensitive materials.

d. FIRE STATION #171 UPDATE

City Council received an update from staff regarding Fire Station #171. This item was for discussion only, no action was taken.

James Milanese, City Projects Administrator, reviewed that he had previously come to Council with a presentation, including four options for the fire station. Council provided direction to move forward with building a new fire station on the current site. The City hired Perlman Architects for the project with an initial scope to determine whether a facility could be built onsite. The project parameters were presented.

Mr. Milanese outlined a list of pros and cons of potential designs which were reviewed to come up with a preferred concept. Pros for the concept include: Egress maximized for safety and efficiency; allows for growth and connectivity to existing A.B. Sernas Plaza Park; maintains Western Avenue parking; Allows for fourth bay and/or expansion. Cons include: No direct Western Avenue frontage; likely requires equipment back-in until current facility is demolished; sewer and water conflicts. Next steps include RFP for new design team. Demolition of the current detention facility is scheduled for fall, 2023 with a goal to have the new building operational within 12 to 14 months. Public outreach will

consists of community meetings, mailers and other notices. Mr. Milanese presented some renderings of possible design choices.

Mayor Weise stressed the need for a facility that not only serves the residents of Historic Avondale today, but also in the future. He likes the idea of having a training facility on one side. He would like to see the site carry the aesthetic of an old traditional fire station in the historic portion of the City.

Council Members Solorio concurred with Mayor Weise regarding incorporating an Old Town feel. She recommended inquiring with the fire personnel on the development.

Council Member Pineda agreed with the layout of the design and recommended some type of memorial at the site. He spoke regarding the design options, commenting positively on the design of the new fire station 175 but something to match the design of the library in the area.

Council Member Nielson agreed with the comments to make the station unique to the Old Town designs. He recommended holding future memorial services at the fire station instead of at the amphitheater at City Hall.

Vice Mayor Malone asked staff to be mindful of the surrounding residents when the demolition is being conducted on the detention facility. She agreed with the comments from the City Council regarding the Old Town look for the fire station.

6. ADJOURNMENT

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

Upon vote, the motion was carried unanimously 5 to 0.

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

Meeting adjourned at 7:23 p.m.

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 7:23 p.m.

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

Note: Council Member Nielson attended the meeting by telephone.

Members Absent (Excused): Council Members Tina Conde and Bryan Kilgore.

Other Municipal Officials Present: Cherlene Penilla, Acting City Manager; Tracy Stevens, Deputy City Manager; Nicholle Harris, City Attorney; Linda Mendenhall, Deputy 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; Ken Gilliam, Fire Chief; Bryan Hughes, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Interim Director; Marshall Pimentel, Intergovernmental Affairs Administrator; Mark Neerings, Assistant Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; Aric Stewart, Engineering Services Interim Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately 10 members of the public were present.

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

2. RESOLUTION 1044-0622 - SETTING FORTH THE FINAL BUDGET FOR FISCAL YEAR 2022-2023

City Council considered a request to adopt Resolution 1044-0622, approving the final budget for fiscal year 2022-2023 (FY2023) in the amount of \$457,106,600 and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

Council Member Pineda moved to adopt Resolution 1044-0622, approving the final budget for fiscal year 2022-2023 (FY2023) in the amount of \$457,106,600 and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents; Council Member Nielson seconded the motion.

Upon vote, the motion was carried unanimously 5 to 0.

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

3. ADJOURNMENT INTO EXECUTIVE SESSION

There being no further business before the Council, Vice Mayor Malone moved to adjourn the Special Meeting and hold an executive session pursuant to (a) Ariz. Rev. Stat. § 38--431.03(A)(1) for discussion regarding the City Attorney's annual evaluation; and (b) Ariz. Rev. Stat. § 38-431.03(A)(4) for discussion or consultation with the City Attorney and attorneys for the City in order to consider its position and instruct the attorneys for the City

regarding the City Council's position regarding negotiations related to the City Attorney's employment agreement; Council Member Solorio seconded the motion.

Upon vote, the motion was carried unanimously 5 to 0.

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

Meeting adjourned at 7:24 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 Regular Meeting and Special Meeting of the Council of the City of Avondale held on the 6th day of June 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