



City of Avondale

City Council Meeting

Monday, August 22, 2022

Mayor and Council

Kenneth Weise, Mayor

Veronica Malone, Vice Mayor

Tina Conde, Council Member | Bryan Kilgore, Council Member

Curtis Nielson, Council Member | Mike Pineda, Council Member

Gloria Solorio, Council Member

Administration

Cherlene Penilla, Acting City Manager

Tracy Stevens, Acting Assistant City Manager

Nicholle Harris, City Attorney | Marcella Carrillo, City Clerk

City Council Chambers

11465 West Civic Center Drive

Avondale, AZ 85323



**City Council Meeting
Notice & Agenda
Monday, August 22, 2022**

CITY COUNCIL CHAMBERS | 11465 WEST CIVIC CENTER DRIVE | AVONDALE, AZ 85323

**SPECIAL MEETING
5:30 PM**

CALL TO ORDER BY MAYOR

1. ROLL CALL BY THE CITY CLERK

2. EMPLOYEE INTRODUCTIONS & ANNOUNCEMENTS (DISCUSSION ONLY)

City Clerk's Office - Employee Introductions

- Margaret Carey, Deputy City Clerk

Development & Engineering Services - Employee Introductions

- Rick Carr, Project Manager (CIPs)
- Brandon McTague, Project Manager (CIPs)
- Donald Meek, Senior Building Inspector
- Augustus Gerletti, Associate Planner
- Jani Wertin, Planner
- Ann Dolmage, Senior Planner

Development & Engineering Services - Employee Announcements

- David Rodriguez, Received the ATSSA Traffic Control Supervisor Recertification

Neighborhood & Family Services - Employee Introductions

- Michelle Ormiston, Resource Center Coordinator
- Vanessa Mendoza, Family Education Specialist

Public Works Department - Employee Introductions (Video)

- Tyler Blackmore, Water Distribution Operator
- Scott Estavillo, Wastewater Collections Operator
- Eddie Guzman, Equipment Parts Specialist
- Mathew Hernandez-McCarron, Solid Waste Supervisor
- Gabriel Lee, Environmental Technician
- Tyrone Lewis, SCADA Technician
- Alfredo Macedo, Equipment Operator
- Jimmy Meneses, Equipment Operator
- Hector Montes, Water Distribution Operator
- Jazmine Oropeza, Customer Service Rep.
- Julian Torres, Water Distribution Operator
- Ricardo Torres, Equipment Operator
- Jimmy Zapien, Equipment Operator

3. GABE ZIMMERMAN PUBLIC SERVICE AWARD

City Council will recognize Sandy Lopez, Senior Services Manager for being awarded the 2022 Gabe Zimmerman Public Service Community Builder Award. This item is for discussion only.

4. INNOVATION TEAM RECOGNITION

Recognition of Avondale staff members who graduated from the 2020-21 and 2021-22 Innovate Avondale Innovation Team programs. This item is for discussion only.

5. ADJOURNMENT

Request to Speak: Anyone wishing to address the Council regarding items listed on the agenda or under unscheduled public appearance should email a Request to Speak to PublicComment@AvondaleAZ.gov prior to consideration of that agenda item.

REGULAR MEETING

6:00 PM

CALL TO ORDER BY MAYOR

PLEDGE OF ALLEGIANCE & MOMENT OF REFLECTION

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

2. UNSCHEDULED PUBLIC APPEARANCES (Time is limited per person. Please state your name.)

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.

a. MINUTES

City Council will consider a request to approve the July 11, 2022, July 26, 2022, and August 10, 2022 City Council meeting minutes. The Council will take appropriate action.

b. MINUTES - RATIFICATION OF PAST MINUTES

City Council will consider a request to approve the ratification of past minutes of the January 10, 2015 City Council Meeting. The Council will take the appropriate action.

c. APPOINTMENT TO THE VOLUNTEER FIRE DEPARTMENT PENSION BOARD

Staff recommends City Council approve a request to: (a) remove Dale Nannenga, Public Safety Chief, as an appointed member to the Volunteer Fire Department Pension Board; (b) appoint Ken Gilliam as a Board Member; and (c) authorize the City Clerk to execute the necessary documents. The Council will take appropriate action.

d. REAPPOINTMENT OF PAUL LEMMON TO THE JUDICIAL ADVISORY BOARD AND DANIEL SCHUH TO THE EMPLOYEE BENEFIT TRUST BOARD

City Council will consider a request to reappoint Paul Lemmon to the Judicial Advisory Board for an additional term to expire on June 30, 2026 and Daniel Schuh to the Employee Benefit Trust Board for an additional term to expire on April 30, 2024. The Council will take appropriate action.

e. TRANSFER APPROPRIATIONS BETWEEN DEPARTMENTS - DUMPSTER SERVICES FOR NEIGHBORHOOD CLEANUPS

City Council will consider a request to transfer \$10,000 from the Facilities Department to the Office of Public Safety to support dumpster services for neighborhood cleanups within the Code Compliance Division and authorize staff to execute the necessary budget adjustment. The Council will take appropriate action.

f. AMENDMENT TO PROFESSIONAL SERVICES AND EMPLOYMENT AGREEMENT WITH CRAIG L. JENNINGS (PRESIDING JUDGE)

City Council will consider a request to approve an amendment to the employment agreement with Craig L. Jennings (Presiding Judge) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

g. RESOLUTION 1054-0822 - CANVASS OF VOTES FOR THE AUGUST 2, 2022 PRIMARY ELECTION

City Council will consider a request to adopt Resolution 1054-0822, canvassing the results of the August 2, 2022 Primary Election and authorize the City Clerk to issue Certificates of Election. The Council will take appropriate action.

h. RESOLUTION 1055-0822 - INTERGOVERNMENTAL AGREEMENT WITH AGUA FRIA UNION HIGH SCHOOL DISTRICT #216

City Council will consider a request to adopt Resolution 1055-0822, authorizing an Intergovernmental Agreement with the Agua Fria Union High School District #216 to share the cost of providing a School Resource Officer (SRO) during the 2022/2023 school year authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

i. RESOLUTION 1056-0822 – INTERGOVERNMENTAL AGREEMENT WITH AMERICAN CHARTER SCHOOLS FOUNDATION, ESTRELLA HIGH SCHOOL

City Council will consider a request to adopt Resolution 1056-0822, authorizing an Intergovernmental Agreement with the American Charter Schools Foundation to share the cost of providing a School Resource Officer (SRO) during the 2022/2023 school year and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

j. RESOLUTION 1057-0822 – INTERGOVERNMENTAL AGREEMENT WITH TOLLESON UNION HIGH SCHOOL DISTRICT #216, LA JOYA/WESTVIEW

City Council will consider a request to adopt Resolution 1057-0822, authorizing an Intergovernmental Agreement with the Tolleson Union High School District #214 to share the cost of providing a School Resource Officer (SRO) during the 2022/2023 school year and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

k. RESOLUTION 1058-0822 – INTERGOVERNMENTAL AGREEMENT WITH TOLLESON UNION HIGH SCHOOL DISTRICT #216, WEST POINT

City Council will consider a request to adopt Resolution 1058-0822, authorizing an Intergovernmental Agreement with the Tolleson Union High School District #216 to share the cost of providing a School Resource Officer (SRO) during the 2022/2023 school year and authorize the Mayor, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

I. RESOLUTION 1059-0822 - ACCOUNTABILITY CONTRACT WITH THE CITY OF LITCHFIELD PARK

City Council will consider a request to adopt Resolution 1059-0822, approving the Accountability Contract with the City of Litchfield Park for fiscal year 2022-2023 in the amount of \$2,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

m. RESOLUTION 1060-0822 – AUTHORIZING GRANT ACCEPTANCE FROM GOHS FOR “WORK ZONE” ENFORCEMENT CAMPAIGN

City Council will consider a request to adopt Resolution 1060-0822, authorizing a grant provided by the Governor’s Office of Highway Safety (GOHS) in the amount of \$5,000, which will support the Police Department’s funding of Arizona’s Work Zone Safety Enforcement laws through overtime expenses and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

n. RESOLUTION 1061-0822 - V-TOWNHOMES - DEVELOPMENT AGREEMENT WITH ENCANTO TOWNHOME HOLDINGS, LLC

City Council will consider a request to adopt Resolution 1061-0822, approving a Development Agreement with Encanto Townhome Holdings, LLC to reimburse the City of Avondale for one-half of the costs for the Avondale Boulevard half-street improvements along the project frontage, to provide the easements as necessary to construct the improvements, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

o. ORDINANCE 2046-0822 - AVONDALE CITY CODE AMENDMENT, CHAPTER 15, ARTICLE I - RELATING TO NOISE

City Council will consider a request to adopt Ordinance 2046-0822, amending Avondale City Code, Chapter 15 (Miscellaneous provisions and offences), Article I (In general) Relating to noise to reduce charges related to excessive loud noise emitted by vehicles authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

p. ORDINANCE 2047-0822 - LOWER BUCKEYE ROAD ANNEXATION

City Council will consider a request to adopt Ordinance 2047-0822 authorizing the annexation of a portion of Lower Buckeye Road right of way from Avondale Boulevard to 112th Lane and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents. Council will take appropriate action.

q. ORDINANCE 2048-0822 - ABANDONMENT OF 125TH AVENUE RIGHT-OF-WAY

City Council will consider a request to adopt Ordinance 2048-0822 authorizing the abandonment of 125th Avenue right-of-way generally located west of El Mirage Road and south of Illini Street, and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

r. CLEARSKY HOSPITAL – MINOR LAND DIVISION - APPLICATION PL-22-0041

City Council will consider a request by Steven Lewis with RPA, on behalf of Danny Banks with Clearsky Health, for approval of a Minor Land Division – Clearsky Hospital located at the southwest corner of McDowell Road and 109th Avenue. The Council will take appropriate action.

s. ENCORE AVONDALE – FINAL PLAT - APPLICATION PL-22-0088

City Council will consider a request by Jason Morris with Withey Morris PLC, on behalf of EMF Avondale LLC, for approval of a Final Plat – Encore Avondale located at the southeast corner of Park Avenue and Roosevelt Street. The Council will take appropriate action.

4. REGULAR AGENDA

a. PUBLIC HEARING AND ORDINANCE 2049-0822 - REZONE FOR FAIRWAY RESIDENCES - PLANNED AREA DEVELOPMENT (PAD) - APPLICATION PL-22-0068

City Council will hold a public hearing and consider a request to adopt 2049-0822, approving a request by Ms. Carolyn Oberholtzer of Bergin, Frakes, Smalley & Oberholtzer, PLLC, on behalf of HAM Fairway, LLC / FWVB, LLC, to rezone approximately 15.75 gross acres (14.17 net acres) at the southwest corner of Fairway Drive and Van Buren Street and authorize the Mayor, Acting City Manager, City Attorney and City Clerk to execute the necessary documents. A portion of the site is currently zoned R1-6 and the remaining portion is zoned Coldwater Springs PAD. The proposal will change the zoning of both properties to Fairway Residences PAD. The proposed Rezone will allow for a 286-unit multi-family residential project. The Council will take appropriate action.

b. PUBLIC HEARING AND ORDINANCE 2050-0822 - REZONE FOR FUZE 623 PLANNED AREA DEVELOPMENT (PAD) - APPLICATION PL-21-0306

City Council will hold a public hearing and consider a request to adopt Ordinance 2050-0822, approving a request by Ms. Hannah Bleam of Withey Morris PLC, on behalf of Z-Modular Avondale LLC, to Rezone approximately 38.86 gross acres (31.77 net acres) at the northeast corner of 119th Avenue and Van Buren Street and authorize the Mayor, Acting City Manager, City Attorney and City Clerk to execute the necessary documents. The site is currently zoned City Center District (CCD), and the proposal would change the zoning to Fuze 623 Planned Area Development (PAD) with underlying zoning of Multi-Family Residential (R-4) and Community Commercial (C-2). The proposed Rezone will facilitate the development of the site with a 681-unit apartment complex and commercial uses. The Council will take appropriate action.

c. PUBLIC HEARING AND RESOLUTION 1062-0822 - MINOR GENERAL PLAN AMENDMENT FOR FUZE 623 PLANNED AREA DEVELOPMENT - APPLICATION PL-21-0307

City Council will hold a public hearing and consider a request to adopt Resolution 1062-0822, approving a request by Ms. Hannah Bleam of Withey Morris PLC, on behalf of Z-Modular Avondale LLC, for a Minor Amendment to the Avondale General Plan 2030 Land Use Map for Fuze 623, a proposed 38.86-acre site located at the northeast corner of 119th Avenue and Van Buren Street and authorize the Mayor, Acting City Manager, City Attorney and City Clerk to execute the necessary documents. If approved, the proposed Minor General Plan Amendment will amend the General Plan 2030 Land Use Map designation from Mixed Use to High Density Residential and Local Commercial. The Council will take appropriate action.

d. INFRASTRUCTURE IMPROVEMENT PLAN AND DEVELOPMENT IMPACT FEE UPDATE PROCESS

City Council will receive an update on the Development Impact Fee Study process. This item is for discussion only, input and feedback is requested from City Council.

e. DROUGHT PREPAREDNESS PLAN UPDATE

City Council will receive an update on the City's Draft Drought Preparedness Plan. This item is for discussion only, input and feedback is requested from City Council.

5. AUTHORIZATION TO HOLD AN EXECUTIVE SESSION

City Council will consider a request to hold an executive session for the following items:

A. Discussion, consideration and legal advice concerning the appointment for the position of City Auditor pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(1) and (A)(3).

B. Pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(3) and (A)(4), 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 Claims of:

- (i) James Holland
- (ii) Kenosha Skinner
- (iii) Charles Montoya

C. Discussion, consideration, and legal advice concerning Ron Corbin's appointment and employment contract terms for the position of city manager pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(1), (A)(3) and (A)(4).

CONVENE IMMEDIATELY FOLLOWING EXECUTIVE SESSION

6. EMPLOYMENT AGREEMENT - CITY MANAGER - RON CORBIN

City Council will consider a request to approve an Employment Agreement with Ron Corbin to serve as the City of Avondale's new City Manager with a start date of November 14, 2022, and authorize the Mayor and City Clerk to execute the necessary documents. The Council will take appropriate action.

7. ADJOURNMENT

Council Members of the City of Avondale will attend either in person or by telephone or video conference call. Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Los miembros del Concejo de la Ciudad de Avondale participaran ya sea en persona o por medio de llamada telefonica o por video. Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oido, o con necesidad de impresion grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta del Concejo.