

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
August 22, 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 5:30 p.m.

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; Edith Baltierrez, Neighborhood and Family Services Assistant Director; Kirk Beaty, Public Works Director; Margaret Carey, Deputy City Clerk; Ken Chapa, Economic Development Services Director; Andrea Dumbrell, Human Resources Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Corey Larriva, Parks and Recreation Assistant Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Interim Director; Jeffrey Scheetz, Chief Information Officer; Aric Stewart, Engineering Services Interim Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately 20 members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. EMPLOYEE INTRODUCTIONS & ANNOUNCEMENTS (DISCUSSION ONLY)

The following employee introductions and announcements were presented.

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 Op.
- Scott Estavillo, Wastewater Collections Op.
- Eddie Guzman, Equipment Parts Spc.
- 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 Op.
- 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 recognized Sandy Lopez, Senior Services Manager for being awarded the 2022 Gabe Zimmerman Public Service Community Builder Award. This item was for discussion only.

Edith Baltierrez, Neighborhood and Family Services Assistant Director, stated the Gabe Zimmerman Public Service Community Builder Award recognizes public servants in cities and towns who advance community pride and connectedness. These leaders have been instrumental in transforming their communities through a variety of efforts including job creation and training, healthy communities, environmental and historical preservation, volunteerism and philanthropy, and educational advancement.

4. INNOVATION TEAM RECOGNITION

City Council recognized the Avondale staff members who graduated from the 2020-21 and 2021-22 Innovate Avi Innovation Team programs. This item was for discussion only.

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 5:55 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 6:05 p.m.

Mayor Kenn Weise's daughter, Delaney Weise, led the Pledge of Allegiance, followed by a moment of silent reflection.

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; Edith Baltierrez, Neighborhood and Family Services Assistant Director; Kirk Beaty, Public Works Director; Margaret Carey, Deputy City Clerk; Ken Chapa, Economic Development Services Director; Andrea Dumbrell, Human Resources Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Craig Jennings, Judge; Corey Larriva, Parks and Recreation Assistant Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Interim Director; Jeffrey Scheetz, Chief Information Officer; Aric Stewart, Engineering Services Interim Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately 20 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. Having no requests from Council, motion was made by Council Member Pineda, seconded by Council Member Nielson, to approve the Consent Agenda.

Upon vote, the motion 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

a. MINUTES

City Council approved the July 11, 2022, July 26, 2022, and August 10, 2022 City Council meeting minutes.

b. MINUTES - RATIFICATION OF PAST MINUTES

City Council approved the ratification of past minutes of the January 10, 2015 City Council Meeting.

c. APPOINTMENT TO THE VOLUNTEER FIRE DEPARTMENT PENSION BOARD

City Council (a) removed Dale Nannenga, Public Safety Chief, as an appointed member to the Volunteer Fire Department Pension Board; (b) appointed Ken Gilliam as a Board Member; and (c) authorized the City Clerk to execute the necessary documents.

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

City Council reappointed 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.

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

City Council approved the transfer of \$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 authorized staff to execute the necessary budget adjustment.

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

City Council approved an amendment to the employment agreement with Craig L. Jennings (Presiding Judge) and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

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

City Council adopted Resolution 1054-0822, canvassing the results of the August 2, 2022 Primary Election and authorized the City Clerk to issue Certificates of Election.

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

City Council adopted 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 during the 2022/2023 school year and authorized

the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

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

City Council adopted Resolution 1056-0822, authorizing an Intergovernmental Agreement with the American Charter Schools Foundation to share the cost of providing a School Resource Officer during the 2022/2023 school year and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

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

City Council adopted 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 during the 2022/2023 school year and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

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

City Council adopted 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 during the 2022/2023 school year and authorized the Mayor, City Attorney and City Clerk to execute the necessary documents.

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

City Council adopted 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.

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

City Council adopt Resolution 1060-0822, authorizing a grant provided by the Governor’s Office of Highway Safety 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 authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

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

City Council adopted 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 authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

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

City Council adopted 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 and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

p. ORDINANCE 2047-0822 - LOWER BUCKEYE ROAD ANNEXATION

City Council adopted Ordinance 2047-0822 authorizing the annexation of a portion of Lower Buckeye Road right of way from Avondale Boulevard to 112th Lane and authorized the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

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

City Council adopted 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 authorized the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

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

City Council approved 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.

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

City Council approved 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.

4. REGULAR AGENDA

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

City Council held a public hearing and considered 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.

Ann Dolmage, Senior Planning with Development and Engineering Services, provided an overview of the site details and surrounding site uses. Setbacks will conform to R-4 standards, except for zero-foot setback from the City's well site. Access will be from Van

Buren with a secondary gate on Fairway. Pedestrian connections will be provided. The development will provide 539 parking spaces, 80 with private garages, and 459 surface spaces. Conceptual designs, amenities, and elevations were reviewed. The rezone will be in conformance with the General Plan land use designation. Development standards meet or exceed the zoning ordinance requirements except as described in the PAD narrative.

Tolleson Union High School District has indicated they have sufficient capacity to accommodate enrollment. Littleton does not have capacity; however, the applicant is working with them on a donation agreement. All required public notifications have been completed. All required public meetings were held and issues discussed included potential for increased traffic, design of landscape buffers, affordability of units and preferences for alternate land use, such as a grocery store. There were 27 anonymous comments on the Polco platform as well as emails from residents. Topics included: Traffic, school construction costs, deficiency of for-sale townhomes/condos, aesthetics, impacts to neighborhood character, preferences for alternative uses, and water availability. The Planning Commission voted for approval on July 20th. The applicant has expressed a willingness to add a right turn deceleration lane on Fairway Drive into the secondary gated entry. Staff recommends approval of the Ordinance.

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.

Mayor Weise commented that much of the traffic concerns are as a result of the new high school. When development agreements for high schools come into the City, there needs to be a plan in place, as there is for this project. That is, City streets cannot be used to stack cars. The school has come up with a parking plan.

Tracy Stevens, Deputy City Manager, stated that the City Engineer and Chief of Police met with the school. The principal is on board with providing appropriate onsite queueing. The street will also have signage and there will be no parking on Fairway. Mayor Weise expressed appreciation to the school for its willingness to address and alleviate the traffic issues. He invited comments from Council.

Council Member Kilgore held his comments to hear from Council Member Pineda.

Council Member Nielson asked about enforcement of no left turn at the exit to the north at Van Buren. Ms. Dolmage stated that the drive will be designed to prohibit left turns. Rajanikanth Thoutam, Senior Traffic Engineer, stated that a pork chop will be installed to prevent left turns from the driveway, as well as signage. In the future, there will be a median on Van Buren to enforce no left-turns. Council Member Nielson asked about bus stop locations and deceleration lane on Fairway. Mr. Thoutam stated that Fairway Drive access is designed to accommodate a school bus.

Vice Mayor Malone asked about the potential for a turning lane northbound on Fairway to Van Buren. Mr. Thoutam stated that it is a collector street and he would have to look into whether the City has right-of-way. If so, they can provide right turn deceleration.

Mayor Weise asked about the timeline for the widening of Van Buren. Mr. Thoutam stated that it is anticipated that there will be three lanes westbound and two lanes eastbound and the timeline depends on the City's growth.

Council Member Pineda shared residents' concerns regarding a preference for owned units versus multi-family rental units. In terms of congestion issues, his preference was a meeting between residents and the developer; however, this is likely not feasible as the developer closes on the property tomorrow. There is a double-edged sword in that whatever is developed on the property will contribute to traffic issues.

Mayor Weise cited the traffic study, noting that a development of a 140,000 square foot retail development would cause nine times more traffic congestion than this proposed development. Residents who are wary of the multi-family unit development may not be aware that it will result in far less traffic congestion.

In response to a question from Vice Mayor Malone regarding the number of attendants at the public meeting, Ms. Dolmage estimated a total of five to ten.

Mayor Weise stated that the City needs to take a look at the way it engages residents, besides an anonymous portal.

Mayor Weise invited the developer to speak.

Carolyn Oberholtzer of Bergin, Frakes, Smalley & Oberholtzer, PLLC stated that the well site on the property requires a 100 by 100-foot easement, which limits driveway locations on Van Buren to one. Being across the street from two schools, there would be issues with using this site as retail space that may include alcohol sales. Traffic counts would be significantly higher as a commercial use. There was very good dialogue at the community meeting. The developer also reached out to the Coldwater Springs HOA. The project has been redesigned four times in order to meet access requirements. The traffic study does not call for a deceleration lane southbound on Fairway; however, this can be accommodated. Residents have voiced a desire to have the road widened. For properties to the south, there is a significant landscape buffer as well as setbacks of approximately 90 feet.

City Council took a recess of the Regular Meeting at 6:44 P.M. and reconvened the Regular Meeting at 6:50 P.M.

Ramon Sanchez, resident of the City of Avondale, suggested a second meeting between community members and the developer. While escrow is scheduled to close, an extension can be filed.

Ms. Oberholtzer suggested continuing this item to the September 6th Council meeting.

Mayor Weise thanked residents and the developer for their willingness to have a second discussion.

Council Member Pineda moved to continue to Ordinance 2049-0822, approving Application PL-22-0068 Fairway Residences PAD to the September 6th City Council meeting; Council Member Nielson 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

Note from the City Clerk: Items 4b and 4c were presented together and voted on individually.

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

City Council held a public hearing and considered a request to adopt Ordinance 2050-0822, approving a request by Ms. Hannah Blead 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.

Ann Dolmage, Senior Planning with Development and Engineering Services, provided an overview of the project site and planned development details. The location is within the Littleton Elementary School District as well as Tolleson Union High School. Tolleson has indicated sufficient capacity to accommodate additional students. Littleton does not have capacity; however, the applicant is working with the district on a donation agreement. All required public notifications have been completed. No public members attended the

neighborhood meeting. There were 14 anonymous comments on Polco, the majority of which were opposed to the project. Primary concerns include traffic, aesthetic design and neighborhood character. Staff recommends adoption of the Ordinance and Resolution.

Mayor Weise opened the public hearing and did received one requests to speak by Adam Baugh with Withey Morris, PLC who was in favor of the item. Mayor Weise closed the public hearing and opened the floor for comments from Council.

Council Member Kilgore did not have any questions for staff.

Council Member Nielson asked about the reduction of open spaces at 12.77 percent across the site, as opposed to the 20 percent required for R4 zoning. Ms. Dolmage stated that the applicant's stance is that the quality of amenities compensates for the reduction in open space. Adam Baugh, Withey Morris PLC, stated that the multifamily component is one piece of the 80 acres that goes from Van Buren to the freeway. Office space is planned on the north side and retail on the south side. The goal is to have ways to connect points on the street grid and cohesion of uses.

Council Member Conde commented that it is nice to have studio options in the development, as they have not been common in recent development. She asked about recycling options in the development. Kirk Beaty, Public Works Director, stated that there is no provision in the zoning ordinance that requires recycling in multifamily facilities. The developer is responsible for the trash Dumpster and its enclosure as well as subscription to a disposal service. The City does not provide this service. A recycling requirement would necessitate the addition of a Dumpster and enclosure, as well as recycling subscription service by the developer. Mr. Baugh confirmed that there will be onsite recycling and the development will be the first modular community in Arizona.

Council Member Solorio did not have any questions for staff.

Mayor Weise stated that he likes and appreciates the project, including its look and feel. It will serve as a bridge between what the City wants to do in the BLVD and in industrial areas.

Vice Mayor Malone did not have any questions for staff.

Council Member Pineda asked for confirmation of half street locations. Ms. Baugh stated that half street improvements will be located on Van Buren, 119th Avenue and 117th Avenue. Corporate will include full street improvements. There is a proposed stipulation that a light be installed at 119th Street and Van Buren.

Council Member Nielson moved to adopt Ordinance 2050-0822 approving Application PL-21-0306 Fuze 623 PAD, a request to Rezone approximately 38.86 gross acres from

City Center District (CCD) to Fuze 623 Planned Area Development (PAD), subject to the sixteen (16) conditions of approval [as listed below]; Council Member Solorio seconded the motion.

1. Approval of this Rezone is contingent upon approval of Minor General Plan Amendment PL-21-0307.
2. Approval and recordation of Final Plat PL-22-0172 is required prior to issuance of any construction permits for the project.
3. Off-site parking needed to fulfill the multi-family residential development's parking requirement shall be installed in the same phase as the multi-family residential development.
4. The Site Plan & Design Review application submittal for the multi-family residential development shall include a revised sign plan that identifies specific locations of all monument and wayfinding signs.
5. Grandfathered groundwater rights for the property must be extinguished and pledged to City's designated account prior to issuance of any construction permits for any portion of the project.
6. The development shall be designed and constructed in accordance with the City's General Engineering Requirements (GER) Manual and the City's Supplement to MAG Uniform Specifications and Details unless a standards deviation has been approved.
7. Power lines less than 69kV must be converted underground.
8. Half-street improvements for 119th and 117th Avenues shall be completed in Phase 1.
9. Corporate Drive full-width street improvements shall be completed in Phase 1.
10. Van Buren Street half-street improvements shall be completed in Phase 1.
11. A minimum 150 feet of storage shall be provided for left/right-turn deceleration lanes at site driveways where calculated length is less than 150 feet.
12. A right-turn deceleration lane shall be provided for westbound site traffic at the Van Buren Street/117th Avenue intersection.
13. Along the site frontage on Van Buren Street, a roadway median shall be provided to discourage left-in and left-out turns to and from site driveways.
14. Until a signal is constructed at Van Buren St/117th Ave, the intersection shall be converted to a three-quarter ($\frac{3}{4}$)-access driveway (right-in/right-out/left-in) by placing a median in the roadway.
15. A traffic signal at Van Buren St /119th Ave should be constructed as part of half-street improvements by year 2025 (build-out year) or sooner when site traffic warrants a signal at the intersection.
16. Development shall substantially conform to the Fuze 623 PAD Narrative electronically date stamped June 27, 2022, except as modified by these conditions.

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

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

City Council held a public hearing and considered a request to adopt Resolution 1062-0822, approving a request by Ms. Hannah Blead 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.

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.

Vice Mayor Malone asked about effects on the water tier. Ms. Dolmage said she was not immediately able to answer the question. Mayor Weise cited a nationwide report which indicated that multifamily developments use 27 to 33 percent less water than single family homes. Kirk Beaty, Public Works Director, agreed that because they do not use water for outdoor purposes, the rates in multifamily developments are lower.

Council Member Conde moved to adopt Resolution 1062-0822 approving Application PL-21-0307 Fuze 623, a request for a Minor Amendment to the General Plan 2030 Land Use Map, changing the land use designation from Mixed Use to High Density Residential and Local Commercial; 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

d. INFRASTRUCTURE IMPROVEMENT PLAN AND DEVELOPMENT IMPACT FEE UPDATE PROCESS

City Council received an update on the Development Impact Fee Study process. This item was for discussion only, input and feedback were requested from City Council.

Robert Baer, Budget Manager with the Finance and Budget Department, provided a definition and overview of impact fees, with the main concept being that development should pay for itself. Impact fees are governed by Arizona statute, which defines fees, process for implementing and updating as well as reporting requirements. Impact fees can only be used for new or expanded infrastructure. They are assessed based on the current level of service. Services allowable for impact fees include: Fire, police, parks, streets, water, wastewater, library. Eligible uses for fees include construction, acquisition and expansion. Arizona statute requires three components to implement and update impact fees: Land Use Assumptions (LUA), Infrastructure Improvement Plan (IIP), Development Impact Fee (DIF) Report. An overview of components was provided. Proposed fees for a single-family residential home, non-residential DIF and utility DIF have all decreased. Reasons for the fee change related to changes in the cost of infrastructure, changes in assumptions and changes in eligible project. The upcoming schedule for meetings and adoption was reviewed.

Mayor Weise asked whether it is unusual for a City of Avondale's size and maturity to see a reduction in impact fees. Mr. Baer said it is not necessarily unusual, as the City gets closer to buildout, it is common for the fees to decrease.

In response to a question by Council Member Nielson, Steve Kemp, Attorney, stated one will have to pay for meter changes if there is an increase in demand; however, if they have already been charged the impact fees, a credit would be included.

In response to a question by Council Member Pineda, Mr. Baer stated the school districts will be included as a stakeholder.

e. DROUGHT PREPAREDNESS PLAN UPDATE

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

Jennifer Davidson, Water Resource Manager with the Public Works Department, stated that a drought preparedness plan (DPP) is a plan that the Arizona Department of Water Resources (ADWR) requires water providers to maintain, update or renew every five years. The purpose is to provide guidelines that water providers use to manage water supply and demand during times of actual or predictive reduction to water supplies. The plan assesses the risks and helps to reduce vulnerability due to drought while establishing priorities and ensuring water availability. The DPP contains appropriate drought responses for various stages of real or perceived drought. The process timeline was reviewed. Council adopted the current plan in 2004. The plan has been renewed each five years, per ADWR requirements, without revisions. The water situation is quite different today than in 2004. There has been significant growth and change in the City since that time. There is a desire for consistency with other Valley and state water

providers. An overview of the City's water portfolio renewable supplies was provided. There are three main components to the proposed plan update: Triggers, stages and measures. Up to 70 percent of water is used outdoors and the plan focusing on reduction in this area. About 30 percent of renewable supplies come from reclaimed water.

Drought plan administration consists of three aspects: Drought stage declaration, declaration authorization, and public awareness. Drought plan administration can include a drought stage declaration, beginning with the water resources manager and escalating to the water resources team, City Manager and City Council.

Stages to the Drought Plan Administration include:

- Stage 0: City Manager
- Stage 1: City Manager
- Stage 2: City Council
- Stage 3: City Council
- Stage 4: City Council

Methods and means for providing public information and education were discussed. Updates to the plan address changing climatic conditions and water availability and changes in the Avondale community. The plan utilizes an education-first approach with a "set the standard" plan. The plan will allow for flexibility, depending upon conditions.

Mayor Weise commended the quality of the presentation. The education component is highly important in providing answers to community members on what they can do to help. Ms. Davidson stated that Council will be regularly apprised of the changes, noting that the City is at a Tier 2-A for 2023, as announced by the Bureau of Reclamation last week. Once there is an update on Colorado River potential reductions, updates will be provided.

In response to a question by Vice Mayor Malone, Ms. Davidson stated the Bureau of Reclamation announced the Tier 2-A for 2023; however, the amount of the water reduction has not yet been provided.

Council Member Solorio stated that she recently attended a policy summit at Arizona State University regarding the Colorado River and shortages, which she stated she would share with City Council.

In response to a question from Mayor Weise, Ms. Davidson clarified that there are no cuts recommended for Tier 2-A; however, once a Tier 2-B goes into effect, municipalities would see cuts instituted. It is notable that Avondale does not have a surface water treatment plant and is therefore not dependent on water through such a plant. Most surrounding cities are reliant on such plants. This allows the City to better plan for the future.

Council Member Nielson asked about the ramifications of an increase in costs by CAP. Ms. Davidson stated that this would result in price increases and the City would have to evaluate specific effects. The City is not wholly dependent on CAP water, however plans would need to be developed, as this represents 30 percent of the portfolio of renewable supplies. Staff is engaging the City's designation of assured water supply and will provide an update to Council when this process is complete.

Council Member Pineda asked about the correlation between an increase in development and the increase in reclaimed water. Ms. Davidson stated that there is correlation between demand and reclaim use. However, the City does not receive 100 percent of the reclaim, as some is consumed, therefore there is not a direct correlation.

Mayor Weise noted that there have been cursory discussions regarding gray water and rainwater capture for irrigation. He posed the question of starting an education process in terms of gray water potential uses.

Council Member Kilgore recommended using the learning tool Vector Solutions to potentially utilize the tool for community education. QR codes can also be used throughout the community, where citizens can scan the codes and access educational materials. Ms. Davidson noted the comments and will research the recommended product. She stated that she participated on the innovation team, which developed water resources and conservation for all staff. This material could be easily adjusted for use in the community.

5. AUTHORIZATION TO HOLD AN EXECUTIVE SESSION

Vice Mayor Malone moved 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);

Council Member Nielson seconded the motion.

Upon vote, the motion was carried unanimously 6 to 1.

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

City Council moved into Executive Session at 8:10 P.M.

City Council reconvened the Regular Meeting at 9:11 P.M.

6. EMPLOYMENT AGREEMENT - CITY MANAGER - RON CORBIN

City Council considered 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 took appropriate action.

Council welcomed new City Manager, Ron Corbin. Mr. Corbin spoke words of appreciation in acceptance of the position.

Vice Mayor Malone moved to approve an Employment Agreement with Ron Corbin to serve as the City of Avondale City Manager with a start date of November 14, 2022 with a salary in the amount of \$245,000 and the remaining terms as set forth in the agreement and authorize the Mayor, 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

7. ADJOURNMENT

There being no further business before the Council, Vice Mayor Malone moved to adjourn the Regular 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 9:15 p.m.


kenn weise (Sep 21, 2022 18:19 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 22nd day of August 2022. I further certify that the meeting was duly called and held, and that the quorum was present.


Marcella Carrillo, City Clerk

Sep 20, 2022
Date Approved by City Council