

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
September 6, 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 5:31 p.m.

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

**Council Member Kilgore arrived at the meeting at 5:35 p.m.*

Members Absent (Excused): Vice Mayor Veronica Malone.

Other Municipal Officials Present: Cherlene Penilla, Acting City Manager; Lisa Maxie-Mullins, Deputy 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; Ken Gilliam, Fire Chief; Craig Jennings, Judge; Corey Larriva, Parks & Recreation Assistant Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Interim Director; Abril Ruiz-Ortega, Court Administrator; Jeffrey Scheetz, Chief Information Officer; Aric Stewart, Engineering Services Interim Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately five 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 Announcements

- Maria James, City Clerk Specialist, Certified Municipal Clerk Achievement

City Court - Employee Announcements

- Sheri Godinez, Court Financial Management Analyst, Supervisor's Academy Achievement

Development & Engineering Services - Employee Introductions

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| • Amapola Arreola, Eng. Permit Technician | • Yulonda Moore, Right-of-Way Coordinator |
| • Linda Beyersdorf, Sr. Management Analyst | • Natalie Railey, Project Coordinator |
| • Terry Dorschied, Sr. Engineering Tech. | • Aric Stewart, Acting Director / City Engineer |
| • Ellen Esquivel, Building Permit Technician | • Rajanikanth Thoutam, Sr. Traffic Engineer |
| • Raquel Llanez, Project Coordinator | • Mark Trinidad, Planner |

Economic Development - Employee Introductions

- Adam Shipley, Business Development Manager

Fire & Medical Department

- Jordan Utti, Firefighter
- Osvaldo Magana, Firefighter

Neighborhood and Family Services - Employee Introductions

- Natasha Alavi, Librarian I
- Stephanie Douglas, Librarian III/Branch Manager
- Regina Marette, Housing & Community Development Manager

2. ADJOURNMENT

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

Upon vote, the motion was carried unanimously 6 to 0.

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

Meeting adjourned at 5:47 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 6:01 p.m.

Council Member Solorio led the Pledge of Allegiance, followed by a moment of silent reflection.

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

Members Absent (Excused): Vice Mayor Veronica Malone.

Other Municipal Officials Present: Cherlene Penilla, Acting City Manager; Lisa Maxie-Mullins, Deputy 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; Ken Gilliam, Fire Chief; Corey Larriva, Parks & Recreation Assistant Director; Chris Lopez, Neighborhood and Family Services 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 five members of the public were present.

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

2. UNSCHEDULED PUBLIC APPEARANCES

- The City Clerk read the following public comment submitted by Alaine Zachar into the record: *"I would like to address what I perceive as predatory practices between towing companies and apartment complexes in Avondale. My request is specifically in relation to Ashton Pointe apartments, located at 12175 W McDowell RD in Avondale. On 08/25/2022, I was assisting my father, a new resident at this complex, moving belongings from my vehicle up the three flights of stairs to his new apartment. My father is in his 60s and recently concluded cancer treatment, so as you can imagine he needed help moving stuff. We added my car's information to the apartment building's resident portal so there'd be no problems, he notified the office I would be assisting with the moving, and I even added my contact information to their resident portal with the option for text messages in case there needed to be contact made. Since the assigned parking spot they gave him is a considerable distance from the building he now lives in, I was willingly and knowingly parking outside of his building in order to unload and haul belongings up three flights of stairs. Between one session of carrying up a load of kitchen supplies, unpacking them, and then going back down the stairs, I find out my car is missing. Frantically, I call the office to see if it was possibly towed or if I should call the police. The apartment complex informed me that they have a contract with a towing company called Kwik Tow located at 11748 W Glendale Ave, Glendale, AZ 85307 for them to come out and tow any cars illegally parked. Mind you, the car was parked in an unconventional space, outside of a designated parking space yes, but this was a.) only temporary and short and b.) specifically due to the fact that the assigned parking space given was too far of a reasonable distance to unload from. Because of these reasons, I strongly feel that my car being towed was fraudulently done. One, because this is for a resident who lives here, the vehicle information was supplied to the leasing office, they were aware the resident was going to be newly moving in, and absolutely no notice nor attempt to contact the resident, find out whose car it was, if it belonged to a resident, no flag or paper ticket or anything was left on the car pointing out that it was not in a designated spot, nothing- if the office had done any due diligence, they had the information to determine whose car it was, and if they had any desire to, they could have easily notified my father, the resident, or myself, since my information was also given to the leasing office. After hearing that the office has a contract with the towing company to allow them to engage in freely towing cars at whim from their property, I cannot help but be suspicious that there must be some sort of incentive for the property to have such a contract. I think this behavior is in direct contrast with the well-being of the residents of the property. I believe this type of contract between an exploitative*

company and an apartment complex who allows the towing company to just take cars without any notice to the resident at all is just wrong, it makes no sense that an apartment complex would allow this behavior unless there was some sort of financial benefit for them to do so, and that is wrong.

It is wrong for a place of residents to take advantage of the people who live there by making harmful contracts with a towing company, giving them rights onto the property and to tow cars at their whim, with the residential provider offering no assistance in notifying or even attempting to reach the residents despite having their contact information and vehicle information. I am hoping that the city council can address this issue with a city ordinance outlawing this practice, or at the very minimum, requiring the residential property managers to at least attempt to contact/notify the resident or at the very minimum place a warning ticket on their car. This is an incident that did not need to occur if there was any good intentions on the part of the property managers to protect their residents from predatory towing practices. My car wasn't in the area outside of a parking space for an extended period of time for this to occur, and the fact that it happened so quickly between carrying items up to the third floor, emptying them out, and then going back down to the car within such a short period of time is just astounding. If I had been using a moving truck, would they still have towed it, or attempted to, since it would have been obvious the person was in the process of moving and was not simply parked outside of a designated space for no reason? It's simply abusive and wrong for this type of thing to happen, I want the city to be aware of it, and I think there should definitely be laws against predatory practices like this. It cost me \$200 to get the car from impound, a cost which is burdensome for most working people, and for the property managers to have no requirement of at least attempting to notify a resident that they plan to tow their car just seems wrong, especially if the property management are the ones reaping a financial reward from this practice. Please consider banning this type of agreement between predatory towing companies and residential property managers to protect residents of Avondale.

And please, while reading this, consider that I am not just angry because I did something wrong and don't want to pay for it. If I purposely, intentionally, and without any consideration of laws, was parked in the wrong spot just because I was too lazy to walk a bit to/from a parking space a bit away, I would be embarrassed to be bringing up this issue in a public forum, but rest assured, my desire to bring attention to this practice is simply from my incredulity at this practice being legal. How a towing company can just grab your car and take it, and then charge you money to get it back, at the place where you live where you are beholden to a property manager and would think they would have some responsibility to protect you from this type of thing, and not encourage it. The whole thing is just wrong. We need this to be stopped."

- Della Logan, Avondale resident, made comments about her experiences of bullying and intimidation from her landlord during her struggle with cancer and afterwards. She also spoke about her experiences with law enforcement, drugs, traffic and other issues in her neighborhood.

- Henry Hernandez, Avondale resident, provided comments about ignored complaints on code compliance and enforcement for a 128th Avenue property.
- Chiquita Johnson, Avondale resident, addressed concerns regarding youth in the area of Old Avondale, stating there is a need for greater attention and structure for the young people in the area.

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 Nielson, seconded by Council Member Solorio, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 6 to 0.

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

a. COUNCIL MEETING SCHEDULE FOR 2023

City Council approved the 2023 City Council Meeting Schedule.

b. BUDGET TRANSFER FOR FIRE STATION 172 PARKING IMPROVEMENTS

City Council approved a request to (a) transfer funding in the amount of \$300,000 from project B0093 The BLVD Garage to project S0094 Parking Improvements at Fire Station 172 to pay for the improvement project construction cost escalation in material and labor; and (b) authorize staff to complete the necessary budget amendment.

c. REQUEST TO REALLOCATE FUNDS FOR DYSART ROAD SEWER REPLACEMENT PROJECT - RILEY TO CORAL (U0045)

City Council approved a request to: (a) reallocate realized cost savings from completed projects to the Dysart Road Sewer Replacement Project – Riley to Coral, Project No. U0045 in the amount of \$750,000; (b) issue award authority; and (c) authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

d. AGREEMENT FOR ACCOUNTING AND DELIVERY OF WATER MADE AVAILABLE IN THE MODIFIED ROOSEVELT DAM FLOOD CONTROL SPACE UNDER A TEMPORARY DEVIATION TO THE WATER CONTROL PLAN

City Council approved an Agreement for Accounting and Delivery of Water with the Salt River Project (SRP) under a Temporary Deviation Plan previously agreed to by Council in August of 2021, and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

e. RESOLUTION 1063-0922 - GRANT ACCEPTANCE FROM GOVERNOR'S OFFICE OF HIGHWAY SAFETY

City Council adopted Resolution 1063-0922, authorizing the acceptance of a grant provided by the Governor's Office of Highway Safety (GOHS) for Prop 207 funding in the amount of \$25,500, which will support the Police Department's funding of acquiring one Leica 360 3D Scanner and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

f. ORDINANCE 2051-0922 - ESTABLISHMENT OF THE INDEPENDENT AUDIT COMMITTEE

City Council adopted Ordinance 2051-0922, establishing an independent Audit Committee comprised of members of the City Council and the public and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

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 Planner within Development and Engineering Services, provided an overview of the proposed site plan. Setbacks will conform to R-4 standards except for a zero-foot setback from the City's well site. Amenities include clubhouse, pool, spa, outdoor kitchen, play areas, dog park and walking trail. Primary access is on Van Buren with secondary access on Fairway. There will be pedestrian connections to both Van Buren and Fairway from inside the development. There will be 539 spaces, including 80 private garages and 459 surface spaces.

The site plan and elevations were reviewed. The rezone is in conformance with the current General Plan land use designation of High Density Residential and Multifamily Residential. Development standards meet or exceed Zoning Ordinance requirements

except as described in the PAD narrative. The Littleton Elementary School District has indicated they have insufficient capacity to accommodate enrollment; however, they are working with the applicant on a donation agreement. Tolleson Union High School District has sufficient capacity to accommodate enrollment.

All required public participation notices were provided. At the neighborhood meeting on May 17, 2022, topics included: Potential for increased traffic and congestion; design of landscape buffers; affordability of units; and preferences for alternate land use such as a grocery store. The applicant team was present to address questions and concerns. There were 27 anonymous comments via Polco, three phone calls and 24 emails. Topics included: Traffic; school construction costs; deficiency of for-sale townhomes/condos; aesthetics; impacts to neighborhood character; preferences for alternative uses; water availability.

The Planning Commission voted to recommend approval on July 20, 2022. The applicant met with Coldwater Springs residents on August 29, 2022 via Zoom with approximately 45 attendees. Questions centered around traffic concerns and site access. An additional stipulation has been added to the project. The development will provide southbound right-turn deceleration lane along Fairway Drive at the proposed gated access point adjacent to the proposed development as approved by the City's Development & Engineering Services Department.

Mayor Weise opened the public hearing.

- The City Clerk read the following public comment submitted by Cliff Adams, CMCA – HOAMCO Community Manager, into the record: “The following submitted written comments We would like to take a moment to express our appreciation to the developer group for reaching out and engaging the community with the ZOOM call last Monday August 29th. By all indications it was a positive meeting as we have not gotten any further calls or concerns through our management company HOAMCO at this time. We also had a very informative and honest meeting with Brad and 3 of our Board of Directors and Cliff Adams our Property Manager on Friday August 26th. We look forward to having more sit downs and calls to discuss what would be mutually beneficial to both parties. We are excited to be working together to eliminate some concerns we have had with over traffic and the crowding of people on Fairway. We feel hopeful about the future with an ongoing dialogue about a bright and prosperous future for Coldwater Springs HOA and our new neighbors! If you have any questions or concerns, please let us know. BOD of Coldwater Springs and HOAMCO.”
- Scott Roland, Avondale resident, voiced opposition to the development, as adding apartments will further crowd the area and intersection. In addition, home values in the area will be negatively affected.

- Ramon Sanchez, Avondale resident, provided comments thanking City Council and the developer in providing an extension for community outreach. Many area residents oppose the development. He cited various illegal traffic maneuvers in the area and stated that the installation of a pork chop would create additional chaos. He suggested townhomes be constructed in place of the apartments. The Fairway exit should be moved to Van Buren, which would improve quality of life.

Mayor Weise closed the public hearing and opened the floor for comments from Council.

Mayor Weise commented that the developer has gone above and beyond in reaching out to the community. The traffic issues are understandable. The developer should not be held accountable for a traffic issue that is not their fault. Other options for construction without the rezone include retail options, which will cause even greater traffic issues. The City is still in need of apartment units for its residents.

Council Member Conde agreed that the developer has made efforts to address community concerns, including pushing back the closing escrow date to address HOA concerns. It is a high-quality development, which will address housing needs in the City.

Council Member Solorio stated that the units are of great quality and she does not believe they will bring home values down. Avondale continues to be short of housing options for all income brackets. The developer has done its due diligence.

Council Member Kilgore stated that he appreciates staff and Council for providing a voice and advocating for residents and appreciates the developer for listening.

Council Member Nielson suggested that a walkway be considered during construction for children to access the school.

Council Member Pineda commended the developer and staff, particularly in terms of consideration for resident concerns. The description and renderings are indicative of a high-quality development.

Council Member Solorio moved to adopt Ordinance 2049-0822, approving Application PL-22-0068 Fairway Residences Planned Area Development (PAD), a request to Rezone approximately 14.17 acres from R1-6 and Coldwater Springs Planned Area Development (PAD) to Fairway Residences Planned Area Development (PAD), subject to the six (6) conditions of approval [as listed below] and subject to the following seventh (7th) condition, "The development shall provide a southbound right-turn deceleration lane along Fairway Drive at the proposed gated access point adjacent to the proposed development as approved by the Development and Engineering Services Department; Council Member Nielson seconded the motion.

1. Development shall substantially conform to the Fairway Residences PAD Narrative electronically date stamped June 14, 2022, except as modified by these conditions.

2. Power lines less than 69 kV adjacent to the property shall be converted underground in the first phase of development.
3. Prior to issuance of any construction permits for the project, a Re-Plat shall be approved and recorded to combine the two parcels to be developed and to modify the boundaries of the City well site.
4. All off-site improvements shall be completed in the first phase of development.
5. Grandfathered groundwater rights for the property must be extinguished and pledged to the City of Avondale's designated account (26-002003.0000) 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 of Avondale General Engineering Requirements (GER) Manual and the City of Avondale Supplement to MAG Uniform Specifications and Details unless a standards deviation has been approved.
7. The development shall provide a southbound right-turn deceleration lane along Fairway Drive at the proposed gated access point adjacent to the proposed development as approved by the City's Development & Engineering Services Department.

Upon vote, the motion was carried unanimously 5 to 1.

Council Member Conde	Aye
Council Member Kilgore	Abstain (a vote in the affirmative)
Council Member Nielson	Aye
Council Member Pineda	Nay
Council Member Solorio	Aye
Mayor Weise	Aye

b. WESTERN AVENUE & DYSART ROAD INTERSECTION STUDY 2022

Staff provide an overview of the Western Avenue and Dysart Intersection Study and request input from City Council. Staff will incorporate this input in developing the 5-year capital improvement plan. This is was for information and discussion only.

Aric Stewart, Acting Engineering Services Director, presented the Western Avenue and Dysart Intersection Study findings. The study location is immediately north of MC85 on Dysart Road. The City contracted with Kimley-Horn to study possible improvements with the intersection with the intent to improve traffic operations and safety. The recent history of accidents was analyzed as part of the effort. There were 20 reported crashes from 2016 to 2020, none being fatal. Twenty percent had pedestrian and bicycle involvement. Two of the most serious crashes involved left turns and angle crashes. Eastbound and westbound left turns were the most significant contributors. A signal warrant analysis was conducted, and the conclusion was that a signal is not required at this time. The study did recommend that the City reanalyze this need in the future.

During the five-year period, there was only a 6.2 percent increase in average daily traffic count. The majority of traffic is traveling straight through the intersection from the north

and south and approximately one out of seven vehicles were turning onto Western Avenue during peak hours. The count on the east leg of Western Avenue is small smaller in comparison to the west. The majority of turning movements disrupting the northbound and southbound and traffic were vehicles coming and going from the west leg of Western Avenue. A review of potential traffic calming methods was reviewed.

Mayor Weise noted the relatively low number of crashes for a five-year period and the lack of any obvious increases over time. He would like to allow the existing steps to be in place for six months and revisit next steps if necessary.

Council Member Conde commented that Option 1 does not go far enough; however, her expectation had been that there would be more crashes at the location over the period. She would like to reevaluate the issue in six months to a year.

Council Member Solorio concurred with Council Member Conde.

Council Member Kilgore was also in agreement with revisiting the issue. He suggested that feedback from Police and Fire be considered.

Council Member Nielson asked that data from 2021 to 2022 be provided. A roundabout might not be a feasible option, considering the presence of the train.

Council Member Pineda asked that staff provide information on any incidents of lawsuits against the City in conjunction with any of the accidents that have occurred.

5. ADJOURNMENT

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

Upon vote, the motion was carried unanimously 6 to 0.

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

Meeting adjourned at 7:15 p.m.


[kenn weise \(Oct 4, 2022 09:24 PDT\)](#)
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 6th day of September 2022. I further certify that the meeting was duly called and held, and that the quorum was present.



Marcella Carrillo, City Clerk

October 3, 2022

Date Approved by City Council