

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
October 17, 2022

A **Special Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 West Civic Center Drive in open and public session at 5:30 p.m.

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

Members Absent (Excused): Mayor Kenn Wiess.

Other Municipal Officials Present: Cherlene Penilla, Acting City Manager; Tracy Stevens, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Andrea Dumbrell, Human Resources Director; Ken Gilliam, Fire Chief; Bryan Hughes, Parks and Recreation Director; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Public Safety Chief; Mark Neerings, Assistant Chief Information Officer; Jodie Novak, Development Services Interim Director; John Reddy, Facilities Manager; Abril Ruiz-Ortega, Court Administrator; Pier Simeri, Marketing and Public Relations Director; Aric Stewart, Engineering Services Interim Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately 30 members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. EMPLOYEE INTRODUCTIONS (DISCUSSION ONLY)

The following employee introductions and announcements were presented:

Neighborhood and Family Services - Employee Introductions

- Guadalupe Aispuro, Cook (Lupita)
- Amy Allmon, Library Assistant
- Stephanie Douglas, Librarian III/Branch Manager

Municipal Court - Employee Introductions

- Micaela Machuca, Court Clerk I, Court
- Elisa Saucedo, Court Clerk I, Court

3. RECOGNITION OF THE MENTORSHIP PROGRAM BETWEEN THE AVONDALE MIDDLE SCHOOL AND AVONDALE FIRE AND MEDICAL DEPARTMENT

Chief Gilliam, along with Ms. Linn from the Avondale Middle School, recognized the partnership between Battalion Chief Dave Wagner, the Avondale Firefighter Charities and all Avondale Fire and Medical Department employees who volunteer their time to this

mentorship program that has been made to have a direct impact on the lives of Avondale students. This item was for discussion only.

4. EXCEPTIONAL STUDENT OF AVONDALE RECOGNITION (AVI STAR STUDENT)

City Council recognized Avondale students from schools located in Avondale for their character and achievement. This item was for discussion only.

5. AVONDALE LIBRARY SUMMER READING PROGRAM TOP PERFORMER RECOGNITION

City Council recognized the top performing readers who participated in Avondale Library's Summer Reading Program. This item was for discussion only.

6. ADJOURNMENT

There being no further business before the Council, Council Member Kilgore moved to adjourn the Special Meeting; Council Member Pineda 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
Vice Mayor Malone	Aye

Meeting adjourned at 6:01 p.m.

A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 West Civic Center Drive in open and public session at 6:06 p.m.

Vice Mayor Malone led the Pledge of Allegiance.

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

Members Absent (Excused): Mayor Kenn Wiess.

Other Municipal Officials Present: Cherlene Penilla, Acting City Manager; Tracy Stevens, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Andrea Dumbrell, Human Resources Director; Ken Gilliam, Fire Chief; Bryan Hughes, Parks and Recreation Director; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Public Safety Chief; Mark Neerings, Assistant Chief Information Officer; Jodie Novak, Development Services Interim Director; Abril Ruiz-Ortega, Court Administrator; Pier Simeri, Marketing and Public

Relations Director; Aric Stewart, Engineering Services Interim Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately ten 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.

Vice Mayor Malone 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 Conde, 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
Vice Mayor Malone	Aye

a. MINUTES

City Council will consider a request to approve the September 19, 2022 City Council meeting minutes.

b. AWARD AUTHORITY INCREASES FOR WORKERS' COMP FUND FISCAL YEAR 2023 OPS BUDGET

City Council amended the Administrative Award Authority for the Risk Manager to procure Worker's Compensation insurance coverage for FY2022/2023 and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

c. BUDGET TRANSFERS FOR COMMUNITY CENTER REPURPOSING AND FOR FIRE STATION 172 PARKING IMPROVEMENTS

City Council (a) transferred funding in the amount of \$420,000 from project M0021 City Hall Renovation to project P0032 Community Center Repurposing; (b) transferred \$400,000 from project M0029 Civic Center Plaza to project S0094 Fire Station 172

Parking Lot Improvements; and (c) authorized staff to complete the necessary budget adjustments.

d. BUDGET TRANSFER AND AWARD AUTHORITY AMENDMENT FOR PUBLIC WORKS

City Council approved a budget transfer of \$50,000 from Sewer Operations to Sewer Capital, amend the Administrative Award Authority for certain capital and operating products and services for FY2022-2023, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

e. CITY AUDITOR EMPLOYMENT AGREEMENT

City Council approved the City Auditor Employment Agreement to appoint Barbara Coppage to serve as the City Auditor, and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

f. RESOLUTION 1071-1022 - 2023 GOVERNOR'S OFFICE OF HIGHWAY SAFETY DUI ENFORCEMENT GRANT

City Council adopted Resolution 1071-1022 authorizing a grant provided by the Governor's Office of Highway Safety (GOHS) in the amount of \$20,000, which will support the Police Department's funding to support participation in DUI enforcement activities through overtime expenses.

g. RESOLUTION 1072-1022 – FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR RECYCLING SERVICES

City Council adopted Resolution 1072-1022 authorizing the First Amendment to the Intergovernmental Agreement with the City of Phoenix relating to processing Avondale's recyclable materials, and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

h. RESOLUTION 1073-1022 APPOINTING THE BUDGET AND FINANCE DIRECTOR AS THE APPLICANT AGENT FOR THE CITY OF AVONDALE

City Council adopted Resolution 1073-1022, to appoint the City's Budget and Finance Director, Renee Weatherless, and her successors, as the designated Applicant Agent for the City of Avondale with the Arizona Division of Emergency Management (DEMA) and authorized the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

i. ORDINANCE 2059-1022 – AVONDALE CITY CODE AMENDMENT, CHAPTER 10, ARTICLE IV, SECTIONS 10-45 AND 10-46; RELATING TO THE AUTHORIZED TIMES FOR THE USE AND SALE OF PERMISSIBLE CONSUMER FIREWORKS

City Council adopted Ordinance 2059-1022, amending Avondale City Code Chapter 10, Article IV, Sections 10-45 and 10-46; Relating to the Authorized Times for the Use and Sale of Permissible Consumer Fireworks and authorized the Mayor or Acting City Manager, and City Clerk to execute the necessary documents. The Council will take appropriate action.

j. ORDINANCE 2060-1022 - AMENDING CHAPTER 13 OF THE AVONDALE CITY CODE RELATING TO APPLICABILITY AND REQUIREMENTS FOR BUSINESS LICENSES

City Council adopted Ordinance 2060-1022, amending Chapter 13 of the Avondale City Code relating to applicability and requirements for business licenses and authorized the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

k. AUTHORIZATION TO PROCEED WITH ANNEXATION – THREE RIVERS RANCH – APPLICATION PL-22-0111

City Council approved a request by Mr. Alex Hayes, Withey Morris PLC, to begin the annexation process of approximately 196.89 acres located west of the intersection of Broadway Road and Dysart Road.

4. REGULAR AGENDA

a. PUBLIC HEARING AND RESOLUTION 1074-1022 – RIO POINTE – MINOR GENERAL PLAN AMENDMENT – APPLICATION PL-22-0153

City Council held a public hearing and considered a request to adopt Resolution 1074-1022, approving a request by Ms. Carolyn Oberholtzer of Bergin, Frakes, Smalley, and Oberholtzer, PLLC for a Minor Amendment to the Avondale General Plan 2030 Land Use Map from Local Commercial to High Density Residential for Rio Pointe, a proposed 4.62 gross acre planned development located on the east side of Dysart Road, just south of Washington Street and to authorized the Mayor, City Attorney, and City Clerk to execute the necessary documents.

Jodie Novak, Acting Director of Engineering and Development Services, presented the following:

Ms. Novak provided an overview of the project site and surrounding uses. The proposed development is a mix of 65 one and two-story for rent townhouse units. One-story units will feature a carport and two-story units will have a single car tandem enclosed garage. Architecture and design elements were reviewed. The design meets the intent of the design manuals for a residential quality project in the area and would be a good fit with the surrounding environment. The site location is in an opportunity zone, in-fill property. There will be an eight-foot landscape buffer with trees. Access points were identified with the main access point on Dysart Road as well as an emergency-only access point. No additional improvements for turn lanes or deceleration lanes are necessary. Amenities include a pool, clubhouse, fitness center, and outdoor space.

The proposed development standards meet or exceed Zoning Ordinance Requirements for R-3 zoning except as described in the PAD narrative. The Proposed PAD conforms to the General Plan Land Use Map (with amendment) and furthers related goals and objectives of the General Plan. It will result in development that is compatible with and complementary to existing uses in the area. The multi-family development will meet or exceed zoning ordinance requirements for R-3 zoning except as described in the PAD narrative. All required notifications have been completed. Eight people attended the

virtual neighborhood meeting on August 30, 2022. Discussion addressed emergency access. The Planning Commission recommended approval of both applications on September 21, 2022.

Vice Mayor Malone opened the public hearing and did not receive any requests to speak. Vice Mayor Malone closed the public hearing and opened the floor for comments from Council.

Council Member Nielson commented that it is nice to see the development of a townhouse community, as the desire for this type of construction has been discussed and needed for quite some time.

Council Member Pineda inquired about the potential for a low income component to the development. Ms. Novak stated that she does not believe there will be a low income opportunity, based on the funding and financing aspects of the project.

Council Member Conde thanked the applicant for taking the time to go door to door and address the concerns of the community. Vice Mayor Malone concurred.

Council Member Solorio thanked staff for the presentation and commented on the quality of the project as a one of a kind development.

Council Member Nielson moved to adopt Resolution 1074-1022, approving Application PL-22-0153 Rio Pointe, a request for a Minor Amendment to the General Plan 2030 Land Use Map, changing the land use designation from Local Commercial to High Density Residential; 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
Vice Mayor Malone	Aye

b. PUBLIC HEARING AND ORDINANCE 2061-1022 – RIO POINTE – REZONING TO PLANNED AREA DEVELOPMENT (PAD) – APPLICATION PL-22-0154

City Council held a public hearing and considered a request to adopt Ordinance 2061-1022, approving a request by Ms. Carolyn Oberholtzer of Bergin, Frakes, Smalley, and Oberholtzer, PLLC for a request to rezone 4.62 gross acres located on the east side of Dysart Road, just south of Washington Street and authorize the Mayor, Acting City Manager, City Attorney and City Clerk to execute the necessary documents. The proposed rezoning, if approved, will rezone the property from Community Commercial (C-

2) to Planned Area Development (PAD) to allow for multi-family residential. The Council will take appropriate action.

Vice Mayor Malone opened the public hearing and did not receive any requests to speak. Vice Mayor Malone closed the public hearing.

Council Member Conde moved to adopt Ordinance 2061-1022 approving Application PL-22-0154 Rio Pointe PAD, a request to rezone approximately 4.62 gross acres of property from Community Commercial (C-2) to Rio Pointe Planned Area Development (PAD), subject to six conditions of approval as listed in the staff report; 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
Vice Mayor Malone	Aye

5. ADJOURNMENT

There being no further business before the Council, Council Member Pineda moved to adjourn the Regular 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
Vice Mayor Malone	Aye

Meeting adjourned at 6:24 p.m.


kenn weise (Nov 8, 2022 09:20 MST)
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 17th day of October 2022. I further certify that the meeting was duly called and held, and that the quorum was present.



Marcella Carrillo, City Clerk

November 7, 2022

Date Approved by City Council