

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
April 17, 2023

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 5:33 p.m.

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

Note: Council Member White attended the meeting virtually.

Members Absent: None.

Other Municipal Officials Present: Ron Corbin, City Manager; Cherlene Penilla, Assistant City Manager; Tracy Stevens, Assistant City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Liz Barker Alvarez, Intergovernmental Affairs Administrator; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Ted Flores, Acting Human Resources Director; Bryan Hughes, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Director; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; Aric Stewart, Engineering Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately thirty members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. PROCLAMATION – PROFESSIONAL MUNICIPAL CLERKS WEEK

City Council presented a proclamation recognizing April 30 through May 6, 2023, as Professional Municipal Clerks Week. This item was for discussion only.

3. NEW EMPLOYEE INTRODUCTION

The following new employees were introduced to City Council:

City Manager's Office

- Sandra Salas, Management Analyst

Human Resources Department

- Dawn Gosson, Senior Human Resources Analyst
- Natalie Kurdoghlian, Human Resources Specialist

Development Services Department

- Arrianna Ramirez, Administrative Assistant
- Dorothy Williams, Senior Management Analyst

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

The Mayor and City Council recognized the following Avondale students from schools within Avondale for their character and achievement. This item was for discussion only.

- Yukary Leyva Espinoza
- Juelz Venson
- Kameron Marshall
- Jadyn Denny
- Jennifer Lopez
- Azul Ortega
- Marcos Ruiz

5. HOLIDAY SCHOOL SPIRIT FOOD DRIVE AWARDS PRESENTATION

The Mayor and City Council recognized the following schools that participated in the 2022 Holiday School Spirit Food Drive and provided special recognition to the schools that generated the greatest amount of food to support the community. This item was for discussion only.

- Avondale Middle School
- Canyon Breeze Elementary School
- Estrella Vista STEM Academy (3rd Place)
- Legacy Traditional School (1st Place)
- Michael Anderson Elementary School
- Rancho Santa Fe Elementary School
- Rio Vista Elementary School
- STAR Academy
- Thrive Point of Avondale
- West Point High School (2nd Place)

6. ADJOURNMENT

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

Upon vote, the motion was carried unanimously 7 to 0.

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

Meeting adjourned at 6:00 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 6:07 p.m.

Mayor Kenn Weise led the Pledge of Allegiance, followed by a moment of silent reflection in remembrance.

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

Note: Council Member White attended the meeting virtually.

Members Absent: None.

Other Municipal Officials Present: Ron Corbin, City Manager; Cherlene Penilla, Assistant City Manager; Tracy Stevens, Assistant City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Liz Barker Alvarez, Intergovernmental Affairs Administrator; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Ted Flores, Acting Human Resources Director; Bryan Hughes, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Director; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; Aric Stewart, Engineering Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately ten members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. UNSCHEDULED PUBLIC APPEARANCES

Steven Gerard requested the Council consider a personhood resolution towards Avondale becoming a safe sanctuary city, which would require a new City charter preamble.

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. Council Member White requested agenda item 3e be removed from the consent agenda to be considered separately. Motion was made by Council Member

Nielson, seconded by Vice Mayor Pineda, to approve the Consent Agenda with the exception of agenda item 3e.

Upon vote, the motion carried unanimously 7 to 0.

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

a. MINUTES

City Council approved the March 6, 2023 and March 20, 2023 City Council meeting minutes.

b. APPOINTMENT TO BOARDS AND COMMISSIONS

City Council approved the appointment of Larry Rooney, Fire Chief, to the Volunteer Fire Department Pension Board and Honorable Frank Moskowitz to the Judicial Advisory Board.

c. AMERICAN RESCUE PLAN ACT (ARPA) UPDATE

City Council approved to update the city's American Rescue Plan Act (ARPA) plan as detailed in Exhibit A and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

d. AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER, RON CORBIN

City Council approved an amendment to the Employment Agreement with City Manager, Ron Corbin and authorized the Mayor, City Attorney and City Clerk to execute the necessary documents.

e. RESOLUTION 1019-0423 – THE COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT (CDBG-CV) SUBSTANTIAL AMENDMENT

This item was pulled from the consent agenda to be considered separately. Full discussion and vote is listed below.

f. ORDINANCE 2023-0423 - SALT RIVER PROJECT POWER DISTRIBUTION EASEMENT FOR THE TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS PROJECT - AVONDALE BOULEVARD AND LOWER BUCKEYE ROAD

City Council adopted Ordinance 2023-0423 authorizing the granting of a power distribution easement to Salt River Project (SRP) in connection with the Traffic Signal and Intersection Improvements Project at Avondale Boulevard and Lower Buckeye Road (T0173) and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

g. ORDINANCE 2024-0423 - FIRST AMENDMENT TO POWER DISTRIBUTION EASEMENT TO SALT RIVER PROJECT (SRP)

City Council adopted Ordinance 2024-0423 authorizing the granting of a first amendment to a power distribution easement to Salt River Project (SRP) in connection with the Avondale Boulevard Widening Project (T0016) and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. RESOLUTION 1019-0423 – THE COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT (CDBG-CV) SUBSTANTIAL AMENDMENT

City Council considered a request to adopt Resolution 1019-0423, amending the 2020/2021 Annual Action Plan to reallocate unused CDBG-CV Funds to the City's Emergency Housing Assistance Program and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Chris Lopez, Neighborhood and Family Services Director, presented the following:

Mr. Lopez reviewed accomplishments to date, including Avondale's receipt of approximately \$1 million in BDBG-CV CARES Act dollars. The funds were intended to address the needs of residents impacted by COVID-19. Initial activities included eviction prevention, which has thus far assisted 44 households. Small business assistance helped support six businesses to remain viable within the City. Temporary shelter support assisted with helping people into shelter and also to provide quarantine services. A mobile hotspot program provided 40 hotspots to local schools. Staff recommends amending the action plan in order to be able to adapt to current community needs for residents who remain impacted by the pandemic. This includes new program activity called the Emergency Housing Assistance Program. It will be more comprehensive than the current program and will serve to assist in keeping people housed as well as to house those displaced during the pandemic. It is anticipated that 60 households will be served with the remaining funds.

The amendment creates a new public service or activity with the remaining funds originally allocated to residential eviction prevention, hotspot program and small business assistance. Program administration will see an increase in funding of \$60,000. Residential eviction prevention efforts will be continued, but incorporated into the new program. It is believed that small business assistance needs have been completed for those businesses affected by COVID-19, as have the needs for temporary shelter. The hotspot program did not gain significant traction, likely due to the fact that schools received a variety of support from various organizations as well as other federal funding. The bulk of funding will go into the emergency housing assistance program to prevent homelessness. All required public outreach has been completed. Staff recommends adoption of the resolution.

Council Member White moved to adopt Resolution 1019-0423, amending the 2020/2021 Annual Action Plan to reallocate unused CDBG-CV Funds to the City's Emergency Housing Assistance Program and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents; Council Member Nielson seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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

4. REGULAR AGENDA

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

a. PUBLIC HEARING AND RESOLUTION 1020-0423 - MINOR GENERAL PLAN AMENDMENT FOR ANGELINA LUXURY LIVING - APPLICATION PL-22-0085

City Council held a public meeting and considered a request to adopt Resolution 1020-0423, approving a request by Mr. Taylor Earl of Earl & Curley, on behalf of Trinity Lutheran Church of Litchfield Park and Litchfield Park First Baptist Church, for a Minor Amendment to the Avondale General Plan 2030 Land Use Map for the Angelina Luxury Living Planned Area Development (PAD), and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

Presented by Ann Dolmage, Senior Planner of Development Services

Ms. Dolmage provided an overview of the project site details, consisting of 8.4 acres located south of the southwest corner of Indian School & Dysart. The occupies a portion of a parcel owned by Trinity Lutheran Church and an additional parcel owned by First Baptist Church. Site photographs were reviewed. The amendment will change the General Plan land use designation from Local Commercial and Medium Density Residential to High Density residential. The proposed rezone will allow development of 130 townhome units and amenities at a density of 15.5 units per acre. The High Density Residential use will buffer the single family neighborhood to the south, Dysart Ranch, from the commercial areas along Indian School Road. The developer will be required to construct infrastructure and necessary improvements, including paying its share of a new traffic signal at the primary entrance at Dysart. The rezone request would rezone the site from Palm Valley PAD to Angelina Luxury Living PAD with R-4 zoning. R-4 allows up to 30 units per acre, but again, the project will have 15.5 units per acre. Planned amenities and building elevations were reviewed. The applicant is requesting to reduce the minimum setbacks along the north and west property lines from 15 to 10 feet.

The applicant has requested the following R-4 development standards:

- Reduced setbacks along north and west property lines (15 feet to 10 feet)
- Two-story buildings will maintain a 70-foot buffer along south property line instead of 75 feet
- Some units will not have 100 square feet of private open space, but the average private open space will exceed 100 square feet
- Five units will each have one garage space instead of two
- One EV charger available per garage as a paid option

The request is in conformance with the requested General Plan land use designation, the Multi-Family Residential Design Manual and the R-4 development standards (with the exception of the requested deviations). It will result in compatible land use relationships, providing transition between the commercial properties to the north and the single family properties to the south. It is compatible with the Ascend mixed-use project approved for the southeast corner of Indian School and Dysart. The project site is located within Litchfield Elementary School District and Agua Fria Union High School District. Both districts have indicated they have adequate capacity for the increased enrollment. Agua Fria has requested a developer agreement and this discussion is ongoing. Public participation notices and comments were reviewed. The Planning Commission voted for approval on March 15, 2023.

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 the project will provide a housing stock that is not yet available in the northern part of the City.

Council Member White moved to adopt Resolution 1020-0423, approving PL-22-0085 Angelina Luxury Living, a request for a Minor Amendment to the General Plan 2030 Land Use Map, changing the land use designation of the subject property from Medium Density Residential and Local Commercial to High Density Residential; Vice Mayor Pineda seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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

b. PUBLIC HEARING AND ORDINANCE 2026-0423 - REZONE FOR ANGELINA LUXURY LIVING - PLANNED AREA DEVELOPMENT (PAD) - APPLICATION PL-22-0084

City Council held a public hearing and considered a request to adopt Ordinance 2026-0423, approving a request by Mr. Taylor Earl of Earl & Curley, on behalf of Trinity Lutheran Church of Litchfield Park and Litchfield Park First Baptist Church, to rezone approximately 8.4 net acres (9.2 gross acres) located south of the southwest corner of Indian School Road and Dysart Road.

Mayor Weise opened the public hearing, did not receive any requests to speak and closed the public hearing.

Council Member Nielson moved to adopt Ordinance 2026-0423, approving PL-22-0084, a request to Rezone approximately 8.4 net acres (9.2 gross acres) from Palm Valley Planned Area Development (PAD) to Angelina Luxury Living Planned Area Development (PAD R-4), subject to the seven (7) conditions of approval in the staff report; Council Member Conde seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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

Note from the City Clerk: Items 4c1 through 4c7 were presented together and voted on individually.

c. PUBLIC HEARING - ORDINANCES - CITY-INITIATED REZONES FOR CITY-OWNED PROPERTIES - APPLICATIONS PL-22-0307, PL-22-0315, PL-22-0316, PL-22-0317, PL-22-0318, PL-22-0340, AND PL- 22-0358

City Council held seven public hearings and considered the adoption of seven (7) Ordinances, approving City-initiated requests to rezone seven (7) City-owned properties at various locations to conform with specific existing and planned public uses and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

C1. PUBLIC HEARING - ORDINANCE 2027-0423 - CITY-INITIATED REZONES FOR CITY-OWNED PROPERTIES - APPLICATION PL-22-0315 AQUATIC CENTER

City Council held a public hearing and considered a City-initiated request to adopt Ordinance 2027-0423, rezoning approximately 22-acre City-owned property generally located 1,420 feet southeast of the southeast corner of Coldwater

Springs Boulevard and Avondale Boulevard from Agricultural (AG) to Planned Area Development (PAD) to allow for a public use (aquatic center) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

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

Council Member Nielson moved to adopt Ordinance 2027-0423, rezoning approximately 22-acre City-owned property generally located 1,420 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard from Agricultural (AG) to Planned Area Development (PAD) to allow for a public use (aquatic center) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary document; Vice Mayor Pineda seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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

C2. PUBLIC HEARING - ORDINANCE 2028-0423 - CITY-INITIATED REZONES FOR CITY-OWNED PROPERTIES - APPLICATION PL-22-0316 CIVIC CENTER

City Council held a public hearing and considered a City-initiated request to adopt Ordinance 2028-0423, rezoning approximately 10.3-acre City-owned property generally located approximately 585 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard from Agricultural (AG) to Planned Area Development (PAD) to allow for an existing public use (Civic Center) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

Mayor Weise opened the public hearing, did not receive any requests to speak and closed the public hearing.

Council Member Conde moved to adopt Ordinance 2028-0423, rezoning approximately 10.3-acre City-owned property generally located approximately 585 feet southeast of the southeast corner of Coldwater Springs Boulevard and Avondale Boulevard from Agricultural (AG) to Planned Area Development (PAD) to allow for an existing public use (Civic Center) and authorize the Mayor or City

Manager, 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 Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

C3. PUBLIC HEARING - ORDINANCE 2029-0423 - CITY-INITIATED REZONES FOR CITY-OWNED PROPERTIES - APPLICATION PL-22-0318 CIVIC CENTER PARK

City Council held a public hearing and considered a City-initiated request to adopt Ordinance 2029-0423, rezoning approximately 4.39-acre City-owned property located approximately 554 feet southeast of the southeast corner of Coldwater Springs Boulevard and 114th Avenue from Agricultural (AG) to Planned Area Development (PAD) to allow for a public use (park) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

Mayor Weise opened the public hearing, did not receive any requests to speak and closed the public hearing.

Council Member Conde moved to adopt Ordinance 2029-0423, rezoning approximately 4.39-acre City-owned property located approximately 554 feet southeast of the southeast corner of Coldwater Springs Boulevard and 114th Avenue from Agricultural (AG) to Planned Area Development (PAD) to allow for a public use (park) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary document; Vice Mayor Pineda seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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

C4. PUBLIC HEARING - ORDINANCE 2030-0423 - CITY-INITIATED REZONES FOR CITY-OWNED PROPERTIES - APPLICATION PL-22-0307 FIRE STATION

City Council held a public hearing and considered a City-initiated request to adopt Ordinance 2030-0423, rezoning approximately 2.98-acre City-owned property located approximately 629 feet west of the southwest corner of Van Buren Street and Fairway Drive from Urban Residential (R1-6) to Planned Area Development (PAD) to allow for an existing public use (fire station) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

Mayor Weise opened the public hearing, did not receive any requests to speak and closed the public hearing.

Council Member Nielson moved to adopt Ordinance 2030-0423, rezoning approximately 2.98-acre City-owned property located approximately 629 feet west of the southwest corner of Van Buren Street and Fairway Drive from Urban Residential (R1-6) to Planned Area Development (PAD) to allow for an existing public use (fire station) and authorize the Mayor or City Manager, 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 Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

C5. PUBLIC HEARING - ORDINANCE 2031-0423 - CITY-INITIATED REZONES FOR CITY-OWNED PROPERTIES - APPLICATION PL-22-0317 CIVIC CENTER LIBRARY

City Council held a public hearing and considered a City-initiated request to adopt Ordinance 2031-0423, rezoning approximately 4.5-acre City-owned property generally located at the southeast corner of Coldwater Springs Boulevard and 114th Avenue from Agricultural (AG) to Planned Area Development (PAD) to allow for an existing public use (library) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

Mayor Weise opened the public hearing, did not receive any requests to speak and closed the public hearing.

Council Member Malone moved to adopt Ordinance 2031-0423, rezoning approximately 4.5-acre City-owned property generally located at the southeast

corner of Coldwater Springs Boulevard and 114th Avenue from Agricultural (AG) to Planned Area Development (PAD) to allow for an existing public use (library) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents; Council Member Nielson seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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

C6. PUBLIC HEARING - ORDINANCE 2032-0423 - CITY-INITIATED REZONES FOR CITY-OWNED PROPERTIES - APPLICATION PL-22-0358 POLICE DEPARTMENT DETENTION CENTER AND SUBSTATION

City Council held a public hearing and considered a City-initiated request to adopt Ordinance 2032-0423, rezoning approximately 3.3-acre City-owned property located at the northwest corner of Eliseo C. Felix Jr. Way and Western Avenue from General Industrial (A-1) to Planned Area Development (PAD) to allow for a public use (Police Department Detention Center and Substation) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council took appropriate action.

Mayor Weise opened the public hearing, did not receive any requests to speak and closed the public hearing.

Council Member Malone moved to adopt Ordinance 2032-0423, rezoning approximately 3.3-acre City-owned property located at the northwest corner of Eliseo C. Felix Jr. Way and Western Avenue from General Industrial (A-1) to Planned Area Development (PAD) to allow for a public use (Police Department Detention Center and Substation) and authorize the Mayor or City Manager, 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 Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

C7. PUBLIC HEARING - ORDINANCE 2033-0423 - CITY-INITIATED REZONES FOR CITY-OWNED PROPERTIES - APPLICATION PL-22-0340 ARIZONA COMPLETE HEALTH RESOURCE CENTER

City Council held a public hearing and considered a City-initiated request to adopt Ordinance 2033-0423, rezoning approximately 6.63-acre property located at the southwest corner of Eliseo C. Felix Jr. Way and Riley Drive from General Industrial (A-1) to Planned Area Development (PAD) to allow for a public use (resource center) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council took appropriate action.

Mayor Weise opened the public hearing, did not receive any requests to speak and closed the public hearing.

Council Member Solorio moved to adopt Ordinance 2033-0423, rezoning approximately 6.63-acre property located at the southwest corner of Eliseo C. Felix Jr. Way and Riley Drive from General Industrial (A-1) to Planned Area Development (PAD) to allow for a public use (resource center) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents; Council Member Nielson seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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

d. RESOLUTION 1018-0423 - AMENDMENTS TO THE PERSONNEL POLICIES AND PROCEDURES CHAPTER 14 TUITION REIMBURSEMENT PROGRAM

City Council considered a request to adopt Resolution 1018-0423, approving the proposed amendments to the Personnel Policies and Procedures, Chapter 14 Tuition Reimbursement Program, and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

Presented by Ted Flores, Acting Director of Human Resources.

Mr. Flores reviewed highlights of the proposed amendments to the policy:

- Includes the addition of doctorate degree programs as eligible programs
- Removes the requirement for employees to only participate in the program if the employee has successfully completed original probation.
- Aligns with 26 U.S. Code § 127 - Educational assistance programs, which:
 - Allows increase in the total reimbursement from \$5,000 to \$5,250

- Ensures that assistance does not include any payment for, or the provision of any benefits with to, any course or other education involving sports, games, or hobbies
- Ensures employees notify the City of all funding sources prior to reimbursement.
- Allows employees who are denied participation, for any reason, to appeal the denial to the City Manager within ten (10) working days of the denial
- Allows employees sixty (60) days from the end of the course to submit for reimbursement.
- Allows employees to take advantage of an educational institution's tuition deferment program, if they have one

There are no direct costs associated with the amendments to the City of Avondale Policies and Procedures.

Council Member White asked whether current doctoral students can seek reimbursement for classes already paid for in 2023. Mr. Flores stated that is has not been the City's practice to retroactively apply policy amendment. The proposed changes will apply to summer and fall tuition.

Council Member Conde moved to adopt Resolution 1018-0423, approving the proposed amendments to the Personnel Policies and Procedures, Chapter 14 Tuition Reimbursement Program, and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents; Council Member Nielson seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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

e. ORDINANCE 2025-0423 - AVONDALE CITY CODE AMENDMENT, CHAPTER 1, CHAPTER 14, AND CHAPTER 15; RELATING TO THE PROPERTY MAINTENANCE ORDINANCE

City Council considered a request to adopt Ordinance 2025-0423 amending Avondale City Code, Chapter 1, Chapter 14, and Chapter 15, Relating to the Property Maintenance Ordinance and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Presented by Stephanie Small, Code Compliance Manager.

Ms. Small provided a brief overview of the Code Compliance Division and the Property Maintenance Code. The current Property Maintenance Code was adopted in 2014 and

has not been revised since that time. Definitions will be updated to more clearly define the terms: Abate; condemn; ground cover; responsible party; weeds. It will ensure enforcement processes conform with changes in the state law. The amendments will provide additional enforcement mechanisms short of criminal enforcement. It will afford residents additional time to pay fine from 10 days to 15 days and will include coordination with the courts. A hearing officer has been established to oversee the appeals process. Marketing materials and updated notices will be developed for: Curb Appeal Guide, notices and forms and website updates.

In response to a question from Vice Mayor Pineda, Ms. Small acknowledged that grandfathering is utilized on some occasions, with each specific case closely reviewed and determined by the planning department.

In response to a question from Council Member Malone, Ms. Small stated that violations are generally misdemeanors and have a fine of approximately \$250. They are also responsible for court fees of approximately \$243. The City will pursue voluntary compliance. Last year, less than 2 percent of the 60,000 cases resulted in court action. In some instances, even if a case goes to court, the City will request dismissal of charges, if the resident comes into compliance.

Council Member Solorio thanked staff for providing the informational materials in Spanish.

Council Member White inquired about county islands that exist within City borders. Ms. Small acknowledged that the City does receive complaints regarding these properties. Avondale partners with the County to address this. Code compliance issues are entered into the County's database and adherence to City Code is tracked for these properties.

In response to a question from Mayor Weise, Ms. Small confirmed that the City still utilizes the Clean and Lien program. In instances where the owner cannot be reached, mitigation and cleanup is performed on a property and a lien is obtained. The program has been successful in addressing these more difficult properties at a rate of approximately 10 to 12 per year.

Council Member Conde moved to adopt Ordinance 2025-0423 amending Avondale City Code, Chapter 1, Chapter 14, and Chapter 15, Relating to the Property Maintenance Ordinance and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents; Council Member Malone seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye

Mayor Weise

Aye

f. UPDATE ON AVONDALE CITY CODE CHAPTER 23, ARTICLE III, SECTION 23-62; RELATING TO THE PARKING OF TRUCKS AND TRAILERS

City Council received an update from the Office of Public Safety and the Police Department on Avondale City Code Chapter 23, Article III, Section 23-62; relating to the Parking of Trucks and Trailers. This item was for discussion only.

Presented by Memo Espinoza, Police Chief, provided an overview of the ordinance, which was revised in April of 2007. The ordinance addresses the parking of trucks and trailers, RVs, motorhomes and farm implements on public streets. It also addresses private property parking lots.

The main provisions of the code include:

- No parking on public streets or on private property, with exceptions
- Requires private property owners of any retail, industrial, office, or commercial establishment to post no parking signs for vehicles over 10,000 GVW
- Additional signs required for truck stops and distribution centers
- No overnight parking for temporary or permanent habitation
- No idling for more than five minutes, with some exceptions

A brief overview of surrounding city ordinances was provided. Currently there are over 200 private property parking lots in the City, with only one location displaying the proper signage. The estimated cost of signage is \$200 to \$500, which shall be incurred by the property owner. During calendar year 2022, the police department responded to 214 calls for service involving the parking of semi-trucks. Of these, 134 calls were on private property, representing 52.6 percent of total calls. In 2022, 141 citations or warnings were issued. Thus far in 2023, staff have responded to 24 calls for service associated with the parking of a semi-truck.

Recommendations are as follows:

- Review and update Chapter 23, specifically the truck and trailer parking section (23-62) (No recommended changes to overnight parking for habitation or the idling section)
- Propose a permit-type amendment to allow for truck parking in designated sections of the City
- Review the current parking code section with limits of truck parking on private property while protecting residential areas and the impact on businesses

In response to a question from Council Member Malone, Chief Espinoza stated that citations are issued to the vehicle and can be completed whether or not the truck driver is present.

Mayor Weise suggested the possibility of allowing parking in industrial areas, such as the area along Fairway Auto Mall. Chief Espinoza stated that staff is not currently

recommending allowing parking on the streets, even on industrial streets. There can be parking on private property in industrial areas with buffers separating the space from residential. The permit program involves on-street parking in specific hotel areas. The City would work with hotel owners and operators to issue permits at night. Mayor Weise stated that he would like to be open to drivers who arrive late at night and have no place to park.

Council Member Solorio was in favor of the permit program for hotels, but only for drivers who have a business relationship with the hotel. She agreed with the concept of drivers being able to park and rest within an industrial part of the City. Council Member Conde and Vice Mayor Pineda concurred with the permit option for hotels. Vice Mayor Pineda suggested the possibility of referencing permissible parking areas as zones, with directional pamphlets provided to drivers.

Council Member White stated that she was against dropping trailers in any area, as proper planning is required for organizations to meet their own needs. Permitting may be a viable option, given the right parameters. Chief Espinoza clarified that permits would be issued to the business and not directly to the truck driver. The business would receive a set number of permits. The hotels have expressed an interest in working with and cooperating with each other in this regard.

Discussion ensued regarding ongoing complaints about the area of a trucking outfit at MC85 and Avondale Boulevard. Ron Corbin, City Manager, stated that the City continues to follow this. The County has been going through an adjudication process. Avondale continues to apply pressure on a regular basis and the County has generally been a good partner. The business is paying the fines, which continue to be issued.

5. ADJOURNMENT INTO EXECUTIVE SESSION

There being no further business before the Council, Vice Mayor Pineda moved to adjourn the Regular Meeting into Executive Session 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 pending litigation and to instruct the City Attorney and attorneys for the City on such litigation in the matter of Charles Montoya vs. City of Avondale, et al.; Council Member Solorio seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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

Meeting adjourned at 7:38 p.m.


Kenneth N Weise (May 18, 2023 08:07 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 17th day of April 2023 I further certify that the meeting was duly called and held, and that the quorum was present.



Marcella Carrillo, City Clerk

May 15, 2023

Date Approved by City Council