

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
June 26, 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 5:30 p.m.

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

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; Margaret Carey, Deputy City Clerk; Ken Chapa, Economic Development Services Director; Barbara Coppage, City Auditor; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Keith Fallstrom, Finance & Budget Assistant Director; Bryan Hughes, Parks and Recreation Director; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Catherine Lorbeer, Deputy Director of Planning; Ingrid Melle, Communications and Marketing Program Manager; Andy Mesquita, Human Resources Director; Dale Nannenga, Public Safety Chief; Abril Ruiz-Ortega, Court Administrator; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; and Aric Stewart, Engineering Director.

Audience: Approximately fifteen members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. EMPLOYEE INTRODUCTION & ANNOUNCEMENTS (DISCUSSION ONLY)

The following employee introductions and announcements were presented to City Council:

Court

- Beatriz Tejeda, Court Clerk Specialist (supervisor Academy Graduate)

Fire Department

- Simon Luo, Firefighter
- Chelsea Sine, Firefighter
- Zachary Staffieri, Firefighter
- Joshua Tompkins, Firefighter

3. GATEWAY AND WAYFINDING SIGN MASTER PLAN STATUS UPDATE

Engineering provided a status update to Mayor and City Council on the Gateway Program and Wayfinding Signage Capital Improvement Projects. This item was for discussion only.

Presented by Rick Carr, CIP Division Manager of Engineering Department stated that in 2015, the City developed the Avondale Wayfinding System Master Plan, which included the new Citywide brand identity, themes unique to Avondale, proposed phasing plan and signage placement. Core wayfinding principles include: Connect places, be predictable and keep it simple. Both the Gateway and Wayfinding Signage projects are funded through the General Fund and the ½ percent dedicated sales tax. Updates were provided for entry monuments and vehicular directional installations throughout the City. A list of prioritized City destinations was used as a framework for route selection.

To complete the proposed entry monuments in the Master Plan, projects are included for planning in Fiscal Years 2023 and 2024. The planned entry monument locations for Fiscal Years 2023 and 2024 include the northeast corner of Dysart Road and Buckeye Road and the northwest corner of 99th Avenue and Van Buren Street. For wayfinding signage in Fiscal Years 2023 and 2024, staff projects the completion of ten more vehicular directional signs. For Fiscal Year 2025, staff projects installation of five additional signs. Site locations were reviewed.

Council Member Malone noted the absence of a monument entry sign coming east from Goodyear on Western Avenue to Avondale. Mr. Carr stated that there is a vehicular directional sign located at Third Avenue and Western; however, at this time, a monument sign is not planned for the area. Council Member Malone commented that on Western going into Goodyear, there is a welcome to Goodyear sign. She would also like an Avondale welcome at the City's entry point.

Council Member Conde noted the volume of development that has occurred since the installation of some signage and monument installations. She cited the location of Dysart and Indian School, which has a small monument and suggested a larger installation. A similar example is the location of Avondale Boulevard, south of the I-10.

Council Member Nielson provided the example coming from Phoenix on Indian School and Thomas as additional opportunities for welcome monuments. He inquired as to replacement and repair of the green overhead signs, which become faded and warped over time. Mr. Carr stated that staff is beginning to work with the Traffic Division on maintenance and/or replacement of the signs as needed.

Council Member White thanked the City Manager for upgrades made to the area of Van Buren and 107th. Council Member White identified the Tolleson sign at the location of 99th and Van Buren. While it is a Tolleson sign, it is located on the Avondale side and should feature Avondale signage. Ron Corbin, City Manager, stated that Tolleson may maintain the intersection, but staff will take a look at this.

Council Member Solorio commented that it would be nice to have bigger and bolder monuments and signs.

Vice Mayor Pineda cited the 99th and Indian School location and commented on the importance of capturing the cornerstones of the City. Many public comments have included a request for a monument sign at Western.

Council Member Malone commented that prior to COVID, meetings were occurring with all historic areas to develop monument signs. She suggested revisiting the proposed designs and conversations. Mr. Corbin stated that staff has reviewed the notes from these discussions, and they are working towards updating the Master Plan. Staff will provide an update to Council as progress is made.

4. ADJOURNMENT

There being no further business before the Council, Council Member White 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 5:58 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 6:05 p.m.

Savannah Underwood, AviTemp Participant, led the Pledge of Allegiance.

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

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; Margaret Carey, Deputy City Clerk; Ken Chapa, Economic Development Services Director; Barbara Coppage, City Auditor; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Keith Fallstrom, Finance & Budget Assistant Director; Bryan Hughes, Parks and Recreation Director; Chris Lopez,

Neighborhood and Family Services Director; Catherine Lorbeer, Deputy Director of Planning; Ingrid Melle, Communications and Marketing Program Manager; Andy Mesquita, Human Resources Director; Dale Nannenga, Public Safety Chief; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; and Aric Stewart, Engineering Director.

Audience: Approximately twenty members of the public were present.

1. ROLL CALL 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 Solorio, 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 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 May 15, 2023 City Council meeting minutes.

b. ANNUAL AUDIT PLAN ADOPTION

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

c. APPOINTMENT TO THE CORRECTIONS OFFICER RETIREMENT PENSION BOARD

City Council appointed Megan Duarte, Detention Officer, to the Corrections Officers Retirement Pension Board.

d. CONTRACT FOR SERVICES, LEASE AGREEMENT, AND ITEMIZED BUDGET – AREA AGENCY ON AGING FISCAL YEAR 2023-2024

City Council approved: (a) a contract with Area Agency on Aging (AAA) for fiscal year 2023-2024 in the amount of \$ 418,429; (b) a Vehicle Lease Agreement in the amount of \$6; and (c) adopted an itemized budget for Senior Center Program; (d) authorized a transfer of expenditure appropriations from the grant contingency account to provide the expenditure authority for these funds; and (e) authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

e. REVISED AGREEMENT WITH SALT RIVER PROJECT (SRP) FOR ACCOUNTING AND DELIVERY OF WATER MADE AVAILABLE IN THE MODIFIED ROOSEVELT DAM FLOOD CONTROL SPACE UNDER A TEMPORARY DEVIATION PLAN

City Council approved a Revised Agreement with Salt River Project (SRP) for Accounting and Delivery of Water Made Available in the Modified Roosevelt Dam Flood Control Space under a Temporary Deviation Plan, and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

f. RESOLUTION 1035-0623 – SUPPORTING GRANT PROPOSALS TO THE GILA RIVER INDIAN COMMUNITY

City Council adopted Resolution 1035-0623, to support multiple City applications for funding to the Gila River Indian Community (GRIC) and the acceptance of awards, should the project(s) be selected for funding.

g. RESOLUTION 1036-0623 – MUTUAL AID AGREEMENT IN FIRE AND EMERGENCY SERVICES BETWEEN THE CITY OF AVONDALE AND LUKE AIR FORCE BASE

City Council adopted Resolution 1036-0623, approving a Mutual Aid Agreement with Luke Air Force Base to provide and receive mutual aid for fires, medical emergencies, and other types of emergency incidents and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

h. RESOLUTION 1037-0623 – AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA)- TRANSIT SERVICES

City Council adopted Resolution 1037-0623 approving an Amendment to the Intergovernmental Agreement with the Regional Public Transportation Authority for Fiscal Year 2024 (Contract #106-75-2024-12-00) relating to public transportation services and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

i. RESOLUTION 1038-0623 - ADOPTION OF PROPERTY TAX LEVIES FOR MAINTENANCE IMPROVEMENT DISTRICTS (MIDS)

City Council adopted Resolution 1038-0623, adopting property tax levies for Maintenance Improvement Districts (MIDs) and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

j. RESOLUTION 1039-0623 AND 1040-0623 - PARKSIDE - MAINTENANCE IMPROVEMENT DISTRICT NO. 28 - APPLICATION PL-23-0147

City Council: (a) approved a Petition for Formation of Parkside, located approximately 600 feet south of the southwest corner of 99th Ave and Indian School Rd ; (b) adopted Resolution 1039-0623, declaring its intention to form the City of Avondale Maintenance Improvement District No. 28, Parkside, providing for the assessment; (c) adopted Resolution 1040-0623, declaring its intention to order the improvements within the newly established maintenance improvement district, providing for the assessment, declaring an emergency; and (d) authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

k. ORDINANCE 2041-0623 – ABANDONMENT OF MCDOWELL ROAD PUBLIC RIGHT-OF-WAY

City Council adopted Ordinance 2041-0623 authorizing the abandonment of McDowell Road public right-of-way located generally west of Avondale Boulevard, and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents

l. CASCADE – MINOR LAND DIVISION – APPLICATION PL-23-0031

City Council: (a) approved Application PL-23-0031, submitted by Kimberly Schroeder (on behalf of the property owner Chamberlain Development LLC), requesting approval of a Minor Land Division to dedicate an 8 foot Public Utility Easement along Eliseo C. Felix Jr. Way, the approximately 2.29-acre site is located approximately 886 feet north of the northwest corner of Van Buren Street and Eliseo C. Felix Jr. Way; and (b) authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

m. GASTELUM- MINOR LAND DIVISION – APPLICATION PL-22-0363

City Council (a) approved Application PL-22-0363, submitted by Keogh Engineering, Inc. (on behalf of Jose Fernando Gastelum) for approval of a Minor Land Division, to split the property into 3 parcels, dedicate right-of-way and dedicate a public utility easement (P.U.E.) along both 127th Avenue and Pioneer Street, the approximately 1.04-acre site is located at the southeast corner of Vermeesch Road/127th Avenue and Pioneer Street; and (b) authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

n. ALAMAR PHASE 8 – FINAL PLAT – APPLICATION PL -22-0630

City Council: (a) approved Application PL-22-0360, a request by Frank Koo of Wood, Patel & Associates for approval of a Final Plat, reconfiguring two parcels and a portion of a third parcel into 3 lots with required public right-of-way, public utility easements, and access easements for a total platted area of 31.46 net acres, the property is located at the southeast corner of Elwood Street and El Mirage Road; and (b) and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

o. SOLA COMMUNITIES AT RIO BONITA – FINAL PLAT – PL-22-0275

City Council considered a request by Mario Mangiamale, AICP with Iplan Consulting, for approval of a Final Plat on property located at the northwest corner of El Mirage and Indian School roads. The proposed Final Plat subdivides the property into 219 residential townhome units and includes required public right-of-way and public utility easements, easements to be dedicated by separate instrument, and tracts for private access ways, utilities, drainage, landscaping, well sites, and commercial property. The total platted area is 25.50 acres

4. REGULAR AGENDA

a. PUBLIC HEARING – SERIES 10 (BEER AND WINE STORE) LIQUOR LICENSE – AWESOME CONVENIENCE & MORE

City Council opened a public hearing and considered a request to recommend denial to the Arizona Department of Liquor License and Control of an application for a Series 10 (Beer and Wine Store) Liquor License submitted by Jeffrey Miller for the sale of alcohol at Awesome Convenience & More located at 10585 West Indian School Road #102 in Avondale and authorize the City Clerk to execute the necessary documents.

Marcella Carrillo, City Clerk, stated the purpose of the agenda item is to consider the application, hear public comments, and take appropriate action. The business location was provided. All required public postings have been completed and seven letters of protest have been received. Originally, the business applied under the business name of “Awesome Liquor & Smoke Shop”; however, the use of this site as a liquor store and smoke shop would require a Conditional Use Permit, which they have not obtained. The business submitted an amended application and changed the business name to “Awesome Convenience & More”. **As of June 21, 2023, the business has not obtained a Certificate of Occupancy from Development Services to occupy the space and the business has not obtained a Business License through Finance & Budget.**

Mayor Weise opened the public hearing and received six requests to speak.

The following four individuals spoke in support of the item:

- Jeff Miller explained the intent of the applicant was for the business to be a series 10 beer and wine store. He noted state statute removed the 300-foot requirement of a businesses as mentioned within the letters of protest. He acknowledged the under 30% tobacco sales requirement within the Covenants, Conditions, and Restrictions, noting the businesses intent to stay under that percentage. He stated the owners did not obtain a business license due to confusion and nerves; however, they have obtained business licenses within the City of Mesa.
- Manish Pushye stated their intent is to sell beer and wine only. He noted he is an experienced business owner having previously owned gas stations, convenience stores, motels, and hotels. In closing, he noted the protests received are protesting the liquor store; however, the application is for a beer and wine store.
- Moses Moqbel spoke about his experience as a business owner, stating his goal of creating new jobs. He shared his experience with working with restricted items and he has received accolades from the Attorney General.
- Raymond Diaz explained the business will have eleven positions. He noted the complaints within the letters of protest regarding violence and shootings within the area; however, the facility will have cameras and they are willing to assist law enforcement.

The following two individuals spoke against the item:

- Alec Young spoke about multiple shootings in the area and previous theft incidents to nearby businesses.
- Crystal Norris spoke about the family friendly businesses within the area and the negative impact the business would have. In closing, she stated she does not feel safe visiting the area at night.

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

Council Member Conde acknowledged the seven letters of protest received, noting she will take those seriously and into consideration. In response to a question by Council Member Conde, Ms. Carrillo confirmed the business does not have a certificate of occupancy to occupy the space and they do not have a business license.

In response to a question by Mayor Weise, Ms. Carrillo stated the business is not currently occupying the space as a business.

Mayor Weise asked Police Chief Espinoza to update City Council on the crime within the area.

Council Member White expressed concern that the business did not obtain a certificate of occupancy and business license. She stated she is not afraid to visit that part of the City. In closing, she stated she does not see the value of the business in the area.

Council Member Solorio expressed concern with the business not following City requirements.

Vice Mayor Pineda stated he is pro-business; however, the business is unable to serve customers at this time due to a lack of a certificate of occupancy and business license.

Mayor Weise stated that the business owner claimed to be experienced; however, they did not first go to the City to obtain a business license. In closing, he expressed concerns with criminal activity within the area.

Council Member Malone moved to recommended denial to the Arizona Department of Liquor License and Control of an application for a Series 10 (Beer and Wine Store) Liquor License submitted by Jeffrey Miller for the sale of alcohol at Awesome Convenience & More located at 10585 West Indian School Road #102 in Avondale and authorize the 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

b. PUBLIC HEARING – CONDITIONAL USE PERMIT FOR A DRIVE-THROUGH COFFEE SHOP – PL-22-0005

City Council held a public hearing and considered a request by Mr. Jesse Macias of M3 Design, for approval of a Conditional Use Permit (CUP) and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. If approved, the CUP will allow a drive-through coffee shop on a 0.52-acre subject property in the Interstate Commerce Center Planned Area Development (PAD).

Catherine Lorbeer, Deputy Director of Planning Division, identified the subject property site, located at the corner of Van Buren and 99th Avenue. To the north is a car wash under construction. To the south is the existing Burger King restaurant. To the north is the 99th Avenue Business Center, which contains multi-tenant buildings with offices and

light industrial uses. To the east, is the City of Tolleson, which is zoned commercial and has a fast food restaurant under construction. In the General Plan, the parcel is designated as local commercial, which is a land use intended to provide the daily needs for goods and services to area residents. Zoning of the property is Interstate Commerce Center PAD. There is an established custom list of uses. Drive-through facilities are presented as a conditional use in the PAD. The shop will comprise 850 square feet and have two pick-up windows, each with its own queuing lane. Combined, the lanes will accommodate approximately 19 vehicles. There is outdoor space as the public will not be entering the building itself. Hours of operation are 6 a.m. to 11 p.m. daily. The site plan and elevations were reviewed.

The proposed CUP meets the required findings:

- Consistent with General Plan 2030, and Freeway Corridor Specific Plan;
- Compatible with existing land uses;
- Suitable size to accommodate use and meet all required development standards;
- Adequate access to public streets and capacity to accommodate traffic generated by proposed use; and
- Adequate conditions in place to mitigate any potential adverse effects.

Staff and the Planning Commission recommend four conditions of approval. All required notifications have been completed, including a neighborhood meeting on March 28, 2022 via Zoom with no public attendance. No public comments have been received. The item was presented to the Planning Commission on May 17, 2023 and were told that the business will be Gravity Coffee. There were no questions raised nor comments offered.

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.

In response to a question from Council Member Conde, Ms. Lorbeer provided more details on the proposed traffic flow. All plans are reviewed by the Fire and Traffic Divisions and comply with required standards.

In response to a question from Council Member Malone, Ms. Lorbeer provided more information on the queuing lines. In response to a question from Council Member Malone, Ms. Lorbeer stated there are several other Gravity Coffee locations in Arizona. Council Member Malone commented that the business is a great addition to this commercial area. There was further discussion and clarification regarding traffic queuing.

Council Member Malone moved to approve of Application PL-22-0005 Cobblestone Drive-Through Coffee Shop, a request for a Conditional Use Permit to allow a coffee shop with drive-through in the Interstate Commerce Center Planned Area Development (PAD)

zoning district, located at the northwest corner of Van Buren Street and 99th Avenue, subject to four (4) recommended conditions of approval and for the reason set forth in the staff report; Council Member White 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

c. PUBLIC HEARING AND ORDINANCE 2042-0623 - ZONING ORDINANCE TEXT AMENDMENT – ARTICLE 13 MEDICAL MARIJUANA DISPENSARY AND MARIJUANA ESTABLISHMENT HOURS OF OPERATION - APPLICATION PL-23-0017

City Council held a public hearing and considered a request to adopt 2042-0623, approving a request by Andrew Bauer of Harvest Trulieve for a text amendment to the Avondale Zoning Ordinance, Article 13 (Medical Marijuana Uses/Requirements and Marijuana Establishments Uses/Requirements), extending the permitted hours of operation of medical marijuana dispensaries and marijuana establishments from 8:00 P.M. to 10:00 P.M and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Michelle Simerdla, Senior Planner of Planning Division, stated that the applicant requests a change to Chapter 28, Article 13, 28-316, B, a medical marijuana dispensary shall have operating hours not earlier than 9 a.m. and not later than 10 p.m., instead of 8 p.m. They further request a change to Chapter 28 Article 13, 28-317, B, a marijuana establishment shall have operating hours of not earlier than 9 a.m. and not later than 10 p.m., instead of 8 p.m.

Ms. Simerdla provided a background regarding marijuana uses in the City. In November 2010, Arizona voters approved Proposition 203 (Arizona Medical Marijuana Act). In February 2011, Council approved City of Avondale Medical Marijuana Uses Regulations. In August 2014, Council approved an amendment to Zoning Ordinance (ZO) Article 13, allowing dispensaries to operate on weekends. In September 2019, Council approved various amendments to the ZO, which included extending hours of operation for dispensaries by two hours. In January 2021, Council approved a staff-initiated ZO text amendment to Articles 1 and 13. In February 2021, Council approved changes to Article 4 (Employment Districts), revising permitted uses.

A review of the hours of operation of marijuana establishments and dispensaries in surrounding municipalities was provided.

Staff supports the text amendment for the following reasons:

- Expanded hours will accommodate the diverse needs of patients, many of whom are service workers unable to visit the dispensary prior to 8:00 p.m.;
- Largely will be in line with the regulations of other municipalities in the region; and
- Consultation with Avondale Police did not identify any concerns with the request.

All required notifications were completed, and no public comments have been received.

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 when a business moves into Avondale, they do so with the understanding of the City's rules, which includes operating parameters. In 2014, in response to requests to allow weekend operations, the City amended Article 13. In 2019, the City extended operating hours by two hours. In February 2021, the employment districts were amended to allow dispensaries. In his view, the City has done enough to accommodate these businesses and he is not in favor of extending hours.

Council Member Conde concurred with Mayor Weise's views and noted that Avondale is already open one hour later than Litchfield Park and Goodyear.

Council Member Malone concurred with Mayor Weise and compared appropriate operational hours as being similar to a pharmacy.

Council Member White suggested that Avondale be in alignment with other cities in terms of opening hours and added that the City should continue to support Avondale businesses.

Council Member Nielson agreed with the Mayor regarding appropriate operating hours.

Council Member Solorio stated that she looked at a number of online sources for business reviews. None of the commenters asked for expansion of hours.

Vice Mayor Pineda commented that this is a legal business and is adhering to all rules and requirements. Restriction of hours has an effect of prohibiting business. The business does not run under the same standards as a traditional pharmacy. The State allows this type of business to be open until 10 p.m.

Council Member Malone moved to adopt 2042-0623, approving Application PL-23-0217, a request for a text amendment to the Avondale Zoning Ordinance, Article 13, extending the permitted hours of operation of medical marijuana dispensaries and marijuana establishments from 8:00 P.M. to 10:00 P.M and authorize the Mayor or City Manager,

City Attorney and City Clerk to execute the necessary documents; Council Member White seconded the motion.

Upon vote, the motion **failed** 1 to 6.

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

d. PUBLIC HEARING AND ORDINANCE 2043-0623 - REZONE FROM CRYSTAL SPRINGS PLANNED AREA DEVELOPMENT (PAD) TO THE DISTRICT AT CRYSTAL SPRINGS PAD - APPLICATION PL-22-0217

City Council held a public hearing and considered a request to adopt Ordinance 2043-0623, approving a request by Carolyn Oberholtzer, on behalf of property owner Stotz Farms Inc., to rezone the approximately 45 acres of land located at the southwest corner of McDowell Road and Avondale Boulevard, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The proposed rezoning includes a multi-family residential apartment development, a residential townhouse development, a medical use, and other commercial uses.

Michelle Simerdla, Senior Planner of Planning Division, provided an overview of the site location and attributes. Currently it is being used for farming. The General Plan designation is mixed use for residential and commercial. Surrounding zoning districts and land uses were discussed. Photos of the site as it currently exists were reviewed. The request is to rezone the site from the Crystal Springs PAD to the District at Crystal Springs PAD. The development will consist of Parcel A, active adult apartments for ages 55 and up, 216 units and maximum density of 33.5 dwelling units per acre. Parcels B and C are planned for future commercial uses. Parcel D is planned for a rehabilitation hospital. Parcel E is planned for a townhome development with 268 units and a maximum density of 11.5 dwelling units per acre. For the active adult apartments and commercial parcels, the applicant is requesting C-2 uses with modifications. This includes permitting of pharmacies with drive-throughs. Staff is in support of that use at this location to support medical uses in the McDowell Road Corridor.

The second request is to allow a gas station with conditions. The existing PAD does allow for gas stations without CUPs on the site. Staff supports this request. The third request is to allow an active adult apartment complex. Staff supports this use, which is not currently available elsewhere in Avondale. For the townhome parcel, the applicant requests R-4, Multifamily Residential Uses. In terms of the proposed development standards for the townhomes, the applicant is requesting modifications to the R-4 standards. This includes

an increase in the distance between the freeway and the building side yard setback from 15 to 25 feet as well increasing the private outdoor space from 80 square feet to 180 square feet. For the active adult apartments, the applicant is requesting modifications to the R-4 standards, including increasing the maximum density to 33.2 dwelling units per acre to allow for a more urban four-story project on a smaller footprint and reducing the minimum building and landscape setbacks in response to the mixed use and compact nature at the site.

For the commercial portion, the applicant is requesting the C-2 standards with the following modifications: Reduce building, landscape and parking setbacks, reduce minimum landscape buffer between residential and commercial uses in order to accommodate a mixed-use development. The applicant requests reductions to parking requirements, certain design line requirements, landscape and open space requirements for the overall project. A review of the site plan, design and elevations was provided. There will be a future traffic signal at the corner of 117th and McDowell Road, required by the buildout of Parcel E. The developer will also be responsible for constructing the pole and mast arm at the signalized intersection. Access points were identified. The analysis indicates that the request will result in development that is compatible with and complementary to the existing uses in the area. It meets the R-4 and C-2 standards with the requested deviations. The rezoning meets all the required findings. The project is consistent with many of the goals in the General Plan and the Freeway Corridor Specific Plan. The site is located in the Littleton Elementary School District and the Tolleson Union High School District. Littleton does not have adequate capacity and the developer is working with the district on an impact agreement. Tolleson has indicated sufficient capacity. Public participation and outreach activities were reviewed. The Planning Commission voted for approval on May 17, 2023. Staff recommends approval of the application subject to three conditions.

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.

Council Member Conde commented on the need for a 55+ community in Avondale; however, there is a concern regarding the reduced parking. Applicant representative Carolyn Oberholtzer stated that a parking study was submitted in support of the request to reduce the parking calculation to 1.25 cars per unit. The trend is that people who choose to downsize also often share a vehicle. Council Member Conde stressed the importance that the development be aesthetically pleasing from McDowell Road. In response to a request for clarification from Council Member Conde, Ms. Oberholtzer confirmed that the setback will be 25 feet from McDowell. There is also a staggered wall with heavy landscaping. The requested deviation to the setback does not represent a continuous plane of deviation.

Council Member Malone inquired about the distance between the upcoming traffic lights at 117th Avenue and 115th Avenue. Aric Stewart, Engineering Director, stated the first

signal is approximately one-eighth of a mile from Avondale Boulevard. The new signal to the west on McDowell is approximately 850 feet.

Council Member White asked about the possibility of a mechanism for slowing traffic until the traffic study. Aric Stewart, Engineering Director, stated that one of the tasks next year will be to reanalyze the corridor. Signage and radar feedback signs may be options, if necessary.

In response to a question from Council Member Nielson, Ms. Oberholtzer stated that the townhome units will be rentals.

Council Member Solorio thanked the developer for including the adult living apartment units in the design.

Vice Mayor Pineda concurred, noting the importance of diversity in the housing market. He would like to see palm trees in the landscaping plans.

Mayor Weise would appreciate the development include restaurants that do not currently operate in the City.

Council Member Nielson moved to adopt Ordinance 2043-0623, approving Application PL-22-0217 The District at Crystal Springs, a request to rezone the approximately 45-acre site from Crystal Springs PAD to The District at Crystal Springs PAD, subject to the 3 conditions of approval as listed in the staff report and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents; Council Member White 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. RESOLUTION 1041-0623 - SETTING THE FISCAL YEAR 2024 PRIMARY AND SECONDARY PROPERTY TAX

City Council considered a request to adopt Resolution 1041-0623, setting the primary and secondary property tax levy for the fiscal year ending June 30, 2024 and authorize the Mayor, City Manager and City Clerk to execute the necessary documents.

Keith Fallstrom, Assistant Director of Finance and Budget stated that the combined property tax rate is \$1.46 per \$100 of net assessed valuation. A brief rate history was provided.

Council Member White moved to adopt Resolution 1041-0623, setting the primary and secondary property tax levy for the fiscal year ending June 30, 2024 and authorize the Mayor, City Manager and City Clerk to execute the necessary documents; Vice Mayor Pineda seconded the motion.

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

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

Council Member Solorio briefly left the meeting at 7:39pm. and returned at 7:42 pm.

f. ORDINANCE 2044-0623 - AVONDALE CITY CODE AMENDMENT, CHAPTER 23; RELATING TO THE PARKING OF TRUCKS AND TRAILERS

City Council considered a request to adopt Ordinance 2044-0623, amending Avondale City Code Chapter 23, Relating to the Parking of Trucks and Trailers and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Dale Nannenga, Chief of Public Safety, provided a brief history of the proposed ordinance. The last major revision occurred in April of 2007. The revision required private property owners of any retail, industrial, office or commercial establishment to post no parking signs for vehicles over 10,000 GVW. There have been two minor revisions, including an exception for two trucks under contract with the City for emergency services. The City Manager has been allowed to suspend enforcement of this section when there are designated special events. The recommendation is to remove the requirement of the no parking signage for retail, industrial, office and commercial establishments. Several other codes will continue to apply to enforcement of parking on private property. Enforcement of this ordinance section has been difficult for the police department. It also creates a burden for businesses. Other recommendations include a permit process, which allows parking of semis and trailers on City streets that are in the vicinity of hotels and motels. An appeals process is also established. Parking of overside vehicles and trailers on City streets remains prohibited. The idling ordinance also remains in effect.

Mayor Weise asked how the change will be communicated to the relevant parties for race weekend in November. Chief Nannenga stated that the City Manager has always been permitted to suspend enforcement of Chapter 23. The changes in this ordinance are

applicable for times other than race time. Mayor Weise asked that a City letter be provided to police officers for distribution in industrial areas.

Council Member Solorio stated that businesses in the hotel corridor will truly appreciate the change.

Council Member Solorio moved to adopt Ordinance 2044-0623, amending Avondale City Code Chapter 23, Relating to the Parking of Trucks and Trailers and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents; 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

g. AUTHORIZATION TO HOLD AN EXECUTIVE SESSION

Council Member White moved to authorize the holding of an executive session pursuant to Ariz. Rev. Stat. § 38--431.03(A)(1) for discussion of the employment evaluations and salaries of: (a) the City Manager and (b) the City Auditor; 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

City Council recessed to closed session at 7:50 p.m.

City Council reconvened open session at 9:11 p.m.

h. SALARY INCREASE FOR THE CITY MANAGER, CITY ATTORNEY, AND CITY AUDITOR

Council Member White moved to approve an increase in the salaries of the City Manager, City Attorney, and City Auditor equal to the percentage increase approved for all unrepresented employees; 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

5. ADJOURNMENT

There being no further business before the Council, Council Member Malone moved to adjourn the Regular Meeting; 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

Meeting adjourned at 9:13 p.m.


Kenn Weise (Jul 18, 2023 08:28 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 26th day of June 2023. I further certify that the meeting was duly called and held, and that the quorum was present.



Marcella Carrillo, City Clerk

July 17, 2023

Date Approved by City Council