City of Avondale

City Council Meeting

Link to Summary of Council Actions

Link to Meeting Minutes

Summary of Council Actions

City Council Meeting
Agenda
Monday, March 25, 2019

CITY COUNCIL CHAMBERS | 11465 WEST CIVIC CENTER DRIVE | AVONDALE, AZ 85323

WORK SESSION
6:30 PM

CALL TO ORDER BY MAYOR

1. **ROLL CALL BY THE CITY CLERK**

2. **CAPITAL BUDGET DISCUSSION**
   City Council received a general overview of the City's capital improvement program (CIP) as part of the fiscal year 2020 budget preparation process.

3. **ADJOURNMENT**

Request to Speak: Anyone wishing to address the Council regarding items listed on the agenda or under unscheduled public appearance should fill out a card located at the back of the Council Chambers and hand it to the City Clerk prior to consideration of that agenda item.

REGULAR MEETING
7:00 PM

CALL TO ORDER BY MAYOR
PLEDGE OF ALLEGIANCE
MOMENT OF REFLECTION

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

2. **CITY MANAGER'S REPORT**

   a. **RESOLUTION 3528-319 - HONORING CITY ATTORNEY ANDREW J. MCGUIRE**
   City Council approved a request to adopt Resolution 3528-319 honoring Andrew McGuire for 19 years of dedicated service to the City of Avondale.

RECESS (APPROXIMATELY 15 MINUTES)
RECONVENE

3. **UNSCHEDULED PUBLIC APPEARANCES**
   (Limit three minutes per person. Please state your name.)

4. **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.

   a. **APPROVAL OF MINUTES**
   City Council approved the January 14, 2019 and January 22, 2019 City Council Meeting minutes. The Council will take the appropriate action

b. SERIES 12 (RESTAURANT) LIQUOR LICENSE - RAUL AND THERESA'S RESTAURANT

City Council approved an application for a Series 12 (Restaurant) Liquor License submitted by Martin Alonso to sell all spirituous liquors at Raul and Theresa's Restaurant located at 519 West Main Street in Avondale and authorize the Mayor and City Clerk to execute the necessary documents. The Council will take appropriate action.

c. PROFESSIONAL SERVICES AGREEMENT WITH ARCHITEKTON INC. FOR THE DESIGN OF THE NEW SENIOR AND RESOURCE CENTER

City Council approved a Professional Service Agreement with Architekton Inc. for Architectural and Engineering Design of the new City Resource and Senior Center in the amount of $990,684.00, and authorize the Mayor or City Manager and City Clerk to execute the contract documents. The Council will take the appropriate action.

d. PROFESSIONAL SERVICES AGREEMENT WITH ARCHITEKTON INC. FOR THE DESIGN OF THE POLICE BUILDING EXPANSION PROJECT

City Council approved a Professional Service Agreement with Architekton Inc. for Architectural and Engineering Design of the Police Building Expansion Project in the amount of$665.401.00 and authorize the Mayor or City Manager and City Clerk to execute the contract documents. The Council will take the appropriate action.

e. PROFESSIONAL SERVICES AGREEMENT WITH WOOD ENVIRONMENT & STRUCTURAL SOLUTIONS, INC. FOR THE DEVELOPMENT OF THE GARDEN LAKES PARKWAY CORRIDOR STUDY

City Council approved a Professional Services Agreement with Wood Environment & Structural Solutions, Inc. to develop and complete the Garden Lakes Parkway Corridor Study for an amount not to exceed $ 80,863.00 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take the appropriate action.

f. MULTIPLE CONTRACT AWARD – GRANULAR ACTIVATED CARBON SLURRY REPLACEMENT SERVICES

City Council approved a request to award contracts to Carbon Activated Corporation; Prominent Systems, Inc.; and Calgon Carbon Corporation to provide Granular Activated Carbon Slurry Replacement Services in a collective price not to exceed $76,151.00 annually and a collective aggregate amount not to exceed $228,453.00 over the five year contract term and to authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

g. COOPERATIVE PURCHASING AGREEMENT FIFTH AMENDMENT WITH CARESCAPE INC. FOR LANDSCAPE SERVICES

City Council approved the Fifth Amendment to the Cooperative Purchasing Agreement with Carescape, Inc. for landscape, irrigation, and pest control services in an aggregate amount not to exceed $2,657,215 for the term of the agreement, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take the appropriate action.

h. MEMORANDUM OF UNDERSTANDING WITH ARIZONA'S CHILDREN ASSOCIATION

City Council approved the Memorandum of Understanding with Arizona's Children Association to assign a trauma therapist to the Southwest Family Advocacy Center at no direct cost to the City of Avondale, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take the appropriate action.

i. RESOLUTION 3529-319 - AUTHORIZING BANKING & INVESTING AUTHORITY

City Council approved a request to adopt Resolution 3527-319 authorizing certain city officials and staff to execute and endorse checks and other items for and on behalf of the City, authorizing certain city staff to authorize certain electronic payments and transfers of funds, authorizing certain city staff to open investment and safekeeping accounts, invest city funds, and execute contracts, agreements or transactions in connection with such investment accounts, and declaring an emergency; and authorize the Mayor and City Manager and City Clerk to execute the necessary documents. The Council will take the appropriate action.

5. REGULAR AGENDA

a. PUBLIC HEARING - PLANNED AREA DEVELOPMENT (PAD) ZONING TIME EXTENSION - AVONDALE COMMERCE PARK (APPLICATION PL-19-0018)

City Council held a public hearing and approved a request by Stephen C. Earl with Earl, Curley, and Lagarde, P.C., for a two-year PAD zoning time extension for Avondale Commerce Park located on approximately 80 acres at the northeast corner of 103rd Avenue and Van Buren Street. If the PAD time extension is not granted, the Council may revert the zoning of the property back to its original zoning classification of Agricultural (AG). The Council will take appropriate action.

b. RESOLUTION 3526-319 - MINOR GENERAL PLAN AMENDMENT, WOO PROPERTY (PL-18-0261)

City Council approved a request by Mr. David Kenyon, Kenyon Architectural Studio., to adopt Resolution 3526-319 amending the General Plan Land Use Map for approximately 2.5 acres of land located on the southwest corner of Buckeye Road and El Mirage Road from Medium Density Residential to Local Commercial. The Council will take appropriate action.

c. ORDINANCE 1688-319 - REZONING WOO PROPERTY (APPLICATION PL-18-0262) BUCKEYE ROAD AND EL MIRAGE ROAD

City Council approved a request by Mr. David Kenyon with Kenyon Architectural Studios to adopt Ordinance 1688-319 rezoning approximately 2.5 acres of land located on the southwest corner of Buckeye and El Mirage roads from R1-6 (Single-Family Residential) to Community Commercial (C-2). The Council will take appropriate action.

d. PUBLIC HEARING - PROPOSED DEVELOPMENT FEES

City Council held a public hearing on the City's proposed development impact fees assessed on new development. Council action is not required at this time.

6. EXECUTIVE SESSION

The Council held an executive session pursuant to: (i) Ariz. Rev. Stat. § 38-431.03(A)(7) for discussion or consultation with the City Manager in order to consider its position and instruct the City Manager regarding negotiations for the acquisition of real property; (ii) Ariz. Rev. Stat. § 38-431.03(A)(4) for discussion or consultation with the City Attorney in order to consider its position and instruct the City Attorney regarding potential litigation relating to real property; and (iii) Ariz. Rev. Stat. § 38-431.03(A)(3) for discussion or consultation for legal advice with the City Attorney; all relating to the Van Buren Street multi-use path project.

7. ADJOURNMENT

Council Members of the City of Avondale will attend either in person or by telephone conference call.

Los miembros del Concejo de la Ciudad de Avondale participaran ya sea en persona o por medio de llamada telefonica.

Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oido, o con necesidad de impresion grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta del Concejo.

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
March 25, 2019

A **Work Session** of the City Council of the City of Avondale, Arizona was convened at 11465 Civic Center Drive in open and public session at 6:30 p.m.

Members Present: Mayor Kenn Weise; Vice Mayor Pat Dennis; Councilmembers Tina Conde, Bryan Kilgore, Veronica Malone, Curtis Nielson, and Mike Pineda.

Members Absent: None.

Other Municipal Officials Present: Charles Montoya, City Manager; Gina Montes, Assistant City Manager; Andrew McGuire, City Attorney; Marcella Carrillo, City Clerk; Paul Adams, Fire Chief; Cindy Blackmore, Public Works Director; Dan Davis, Economic Development Services Director; Lindsey Duncan, Finance and Budget Director; Kirk Haines, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Police Chief; Tracy Stevens, Development and Engineering Services Director; Jeffrey Scheetz, Chief Information Officer; Charity Callahan, City Clerk Specialist; and Pier Simeri, Community Relations and Public Affairs Director.

1. ROLL CALL BY THE CITY CLERK

2. CAPITAL BUDGET DISCUSSION

Lindsey Duncan, Director of Finance and Budget, presented a general overview of the City's capital improvement program (CIP) as part of the fiscal year 2020 budget preparation process.

Ms. Duncan provided the following highlights of the presentation as:

- Capital projects estimated at $91.2 million for the current year
- Improvements designed, and sources of funding reviewed, and review and categorize projects by area
- Capital improvements are generally greater than $100,000 and have a useful life of at least five years, so asset replacement is included because this has the same funding source
- All capital improvement projects are identified through staff analysis, based upon master plans and other documents, contractual obligations, and Council direction
- A multi-year approach is always taken in order to make for the best future planning processes, since some projects take more than one year to complete
- Though funding is identified in a multi-year plan, Council typically appropriates funding through the end of the current fiscal year
- As part of the process, individual construction projects are brought forward to Council throughout the fiscal year

- Full project lifecycle is considered, in order to ensure that not only the initial project is affordable, but the operation and maintenance of it is also affordable
- For fiscal year 2019, 31% of the funds are carried over from prior years
- Second largest portion of the plan was set aside as Improvement District Funds (specific expenditure authority for a $40 million project for a drainage canal that is not anticipated to be needed in the near future). Staff will continue working with that team until needs are better identified
- May find some of that appropriation authority for Festival Fields, for the second GMP (identified in the General Fund) – will see on a future budget amendment
- Transfers from other funds, representation 14%, and bonds at 10%, and development impact fees at 8%
- Fund transfers are largely from the Operations Fund (i.e. General Fund, Water Operations Fund, Wastewater Operations Fund)
- Half-cent dedicated sales tax can be used for water, sewer, streets and transportation projects
- Construction sales tax is cyclical funding that is generally one-time, so is usually dedicated to a one-time project and transferred to the Capital Fund
- For fiscal year 2019 there were $16.7 million in budgeted fund transfers: $6.9 million from the General Fund, $4.6 million from Utility Operations, $3.9 million from Other, and $1.3 million from the Half-Cent Dedicated Sales Tax
- The half-cent sales tax that staff is looking to utilize for bonds to sell for historic Avondale on the water side
- General obligation bonds are backed by the credit of Avondale (by secondary property tax so staff always ensures that there is enough levied in secondary property tax to pay the interest and principal on those bonds). Will be selling shortly this spring for parks, resource center, and property and evidence facility
- Revenue bonds are backed by specific revenue sources such as water revenues
- Budgeted bonds:
    - $7.2 million for parks development
    - One-time project fund, general obligation bonds, planned for the Resource Center
    - $40 million Improvement District that staff does not intend to recommend to Council for this fiscal year
- Amount pulled forward for Police Property and Evidence Facility from funds planned for next fiscal year, so it could be issued all at once and take advantage of best pricing
- Development impact fees are collected on the issuance of new development building permits, but are restricted use by type, i.e., cannot use streets fees for water projects; only attributable to growth of new projects that are driven by new residents and new businesses; there are debt service responsibilities such as the library development impact fee; the key driver is generally housing
- Budgeted impact fees for fiscal year 2019 are a significant source of the $10 million budget
- Other sources, existing fund balance, and grants, which are most generally available for transportation, but staff will seek out other sources

- Inter-governmental Agreements (IGA) and developer agreements so sometimes commitments with third parties are entered to construct capital; investment earnings
- Interest income is a little better than in the past, but this funding is generally on the shorter side
- For fiscal year 2020:
    - Capital improvement uses by category – 15% in general government, 10% public safety, 21% parks and library, 17% for transportation, and 37% for utilities
    - Numbers are all tentative as staff is refining budget, and they may also be changed as carry forward amounts of the current fiscal year are considered, but have resource center, as well as court and finance department improvements, for a total of $12.1 million
    - Asset replacement side utilizes the same funding as maintenance as well as construction of new facilities, so outlined future projects in this area total $2.7 million, the total five-year request is $20.4 million
- Public Safety:
    - Police is $8.9 million for fiscal year 2020, and a five-year request of $21.9 million
    - Fire Department is $800,000 for fiscal year 2020, and a five-year request of $8.3 million
- Priority Projects (listed in order of priority by staff, based on Council direction, strategic plans, master plans, and any contractual agreements):
    - Police Department - Property and evidence room – project is well under way, staff will evaluate funds needed for next fiscal year, detention center and police substation, command vehicle, Alamar substation, and a third substation
    - Fire Department – Fire apparatus refurbishment, command vehicle, replacement of the training facility support building, relocation and reconstruction of Fire Station 171, and Alamar fire station design
- All listed items were shared with the Citizens' CIP Committee and the Committee recommended moving forward on all proposed projects
- Staff plans to identify any available funding for the projects, and work down the list, from top to bottom
- Parks and Library - Parks projects total $19.3 million and library projects (civic center library study) total $100,000
- Parks priority:
    - Neighborhood parks enhancement, community center repurposing, Festival Fields, Friendship Park enhancements, Crystal Gardens trail improvements, sand volleyball courts, sports field lighting, monument signage, Goodyear Farms Cemetery improvements, future park improvements at Alamar Developments (with developer contributions)
- Transportation Proposed Capital Projects:
    - $15 million total requested, with Transportation at $500,000
    - Total five-year request is $60.2 million

    - Many projects have been discussed with Council, including Historic Avondale improvements, as well as projects around 107th Avenue and McDowell
- Streets and Transportation Asset Replacement: needs for preventative street maintenance, pedestrian street ramps and sidewalks, street drainage and street light replacements
- Utilities requested capital improvements:
    - Water $19 million
    - Sewer $11 million
    - Sanitation $300,000
- Water capital priorities:
    - Historic Avondale improvements (utilizes funding received through revenue bond issuance)
    - White Mountain Apache Tribe Settlement
    - North Avondale Water Supply (utilizes funding received through revenue bond issuance)
    - Well at 107th Avenue and Encanto
    - Reservoir coating repairs and rehab
    - Rio Vista waterline replacement
    - Rancho Santa Fe reservoir
    - McDowell Road 16-inch waterline
    - Northside arsenic treatment rehab
    - Gateway nitrate treatment replacement
    - Dysart Road water line
    - Well number seven site improvements
- Sewer capital priorities:
    - Historic Avondale Improvements
    - Relocate Riley Lift Station
    - Large Diameter Sewer Line Repair
    - Dysart Rd Sewer Replacement
    - 10th Street Lift Station
    - WRF Grit System and Odor Control
    - Lift Station Rehab Program
    - Water Reclamation Facility Building
    - Citywide Sewer Improvements
    - Sewer System Improvement Projects
    - Lift Station Security System Upgrades
    - McDowell Road Sewer line Replacement
- Sanitation capital priorities:
    - Sanitation equipment purchase
- Budget Calendar:
    - Staff will bring the recommended budget to Council on April 8, 2019, with tentative budget adoption on May 6, 2019, and the hearing and final budget adoption on June 3, 2019; the second Council meeting in June will be the final property tax levy

Mayor Weise opened the floor to questions from Council.

Vice Mayor Dennis inquired on department assets and replacement funding mechanisms of the assets. Ms. Duncan stated replacement issues are being addressed through conversations with the Parks and Recreation department and the Police Department, as many departments have standing asset replacement schedules. The Fire Department has also been identified as a department to utilize asset replacement schedules. Staff intend to take inventory of items that wear out such as lawn mowing equipment, furniture and appliances in the fire stations.

Vice Mayor Dennis inquired on the future construction of the Alamar Fire Station. Ms. Duncan explained the construction of the police substation and fire station will be based on growth patterns and call volumes; staff will work closely with the Police and Fire chiefs on an annual basis.

Vice Mayor Dennis questioned about the White Mountain Apache Tribe Settlement matter, and Cindy Blackmore, Public Works Director, stated that settlement was still in negotiations, but the City is still currently contractually bound through the work that was done in the past. She added that the date that settlement should occur is unknown, and funding is added to the budget every year to be prepared for the settlement, whenever it occurs. Ms. Blackmore stated that funds would be rolled over to the next fiscal year if settlement did not occur in the current one. She believed that 3% per year was the escalation factor on that and it was carried over every year.

Mayor Weise asked about the Thomas Road bridge design, observing other needs in the southern part of the city and wondered whether it might be cheaper to do a study to include those issues at the same time. Mr. Charles Montoya, City Manager, stated that because of the complex nature of the bridge it might be best to have it studied alone, and the total cost should be somewhere around $40 million. The other bridges needed downtown might be a little bit easier to fund. Mr. Montoya recommended looking at multiple items at once, and Vice Mayor Dennis agreed.

Councilman Curtis Nielson asked about the asset management system, and whether a software system was used to track replacement of assets. Ms. Duncan stated she would check into asset replacement software. She noted that the Finance Department is currently using homegrown databases, although other departments have different systems, and much is being tracked manually.

Council Member Malone asked about the driving factor of the construction of the Alamar Fire Station. Mr. Montoya stated that the number of calls and time between calls would drive the need for new sub-stations.

Councilman Malone asked about the status of the bridge at Lower Buckeye Road and El Mirage Road, questioning if staff should start looking at the bridge due to the construction of the Alamar development. Mr. Montoya responded that the mentioned bridge is lower

on the priority list and the El Mirage Road bridge near the ISM Raceway is currently a higher priority due to the recent flooding in the area.

3. ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the meeting; seconded by Council Member Conde.

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

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

Meeting adjourned at 6:56 p.m.

A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 Civic Center Drive in open and public session at 7:01 p.m.

Mayor Kenn Weise led the Pledge of Allegiance and asked for a moment of silent reflection in remembrance of Officer Rutherford with the Phoenix Police Department, Spc. Joseph P. Collette, of the 242nd Ordnance Battalion, 71st Explosive Ordnance Disposal Group, and Sgt. 1st Class Will D. Lindsay, assigned to 2nd Battalion, 10th Special Forces Group (Airborne).

Members Present: Mayor Kenn Weise; Vice Mayor Pat Dennis; Council Members Tina Conde, Bryan Kilgore, Veronica Malone, Curtis Nielson, and Mike Pineda.

Members Absent: None.

Other Municipal Officials Present: Charles Montoya, City Manager; Gina Montes, Assistant City Manager; Andrew McGuire, City Attorney; Marcella Carrillo, City Clerk; Paul Adams, Fire Chief; Cindy Blackmore, Public Works Director; Dan Davis, Economic Development Services Director; Lindsey Duncan, Finance and Budget Director; Kirk Haines, Parks, Recreation and Libraries Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Police Chief ; Tracy Stevens, Development & Engineering Services Director; Jeffrey Scheetz, Chief Information Officer; Charity Callahan, City Clerk Specialist; and Pier Simeri, Community Relations and Public Affairs Director.

Audience: Approximately four members of the public were present.

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

2 RECOGNITION ITEMS (MAYOR PRESENTATIONS)

a. RESOLUTION 3528-319 – HONORING CITY ATTORNEY ANDREW J. MCGUIRE

Mayor Weise read Resolution 3528-319 honoring Andrew McGuire for 19 years of dedicated service to the City of Avondale and presented Mr. McGuire with a plaque.

Mayor Weise thanked City Attorney, Andrew McGuire for 19 years of service to Avondale, stating that:

> "Whereas, Andrew J McGuire was hired in 2000 by the Mayor and Council of the City of Avondale to serve as chief legal advisor to the City and to provide legal services to the City Council, the City Manager, all departments, employees, as well as the City's boards, commissions and committees; and
>
> Whereas, Andrew J. McGuire brought to his role in Avondale extensive experience in the areas of development/utility impact fees, condemnation, code enforcement, annexation law, election law, contract and procurement law, public bidding, open meeting law, employment law and improvement districts; and
>
> Whereas, it was during his tenure as Avondale's City Attorney, that the city saw unprecedented growth, with the advent of many new housing, retail and industrial developments, such as the Avondale Civic Center campus, the Avondale Automall, Gateway Pavilions, the Randall McDaniel Sports Complex, and Coldwater Depot; and
>
> Whereas, Andrew McGuire worked closely with the City's executive leadership team to carry out the City Council's goals and objectives; and
>
> Whereas, Andrew McGuire always represented the City's interest with utmost integrity and professionalism, and sought to provide the Mayor & Council with the best legal advice in making sound decisions on behalf of the City; and
>
> Whereas, he was instrumental in helping to shape policy and legislation on behalf of Avondale and Arizona's 91 cities and towns through his participation on committees at the League of Arizona Cities & Towns especially in negotiations regarding Impact Fee legislation as well as development related legislative issues; and
>
> Whereas, he also actively participated in community special events and activities in Avondale, and annually presented at Avondale Citizens Leadership Academy; and

> Whereas, the Avondale City Council seeks to recognize the many contributions of Andrew J. McGuire during his tenure as Avondale's City Attorney,"
>
> Now therefore, be it resolved by the Council of Avondale, Arizona, that the City of Avondale hereby wishes to thank and honor Andrew J. McGuire for his years of dedicated service, and to wish him well in his future endeavors."

Motion was made by Council Member Kilgore, seconded by Council Member Pineda, to approve Resolution 3528-319 honoring City Attorney Andrew J. McGuire.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

Mr. McGuire shared a few stories and commented on the tremendous growth of the city, stating he is honored to work with amazing people who encouraged the development of Avondale and privileged to serve the citizens of Avondale for 19 years. Mr. McGuire stated he looked forward to working with Avondale again in future.

Mayor Weise attributed Mr. McGuire for being the force behind the growth and development behind the Avondale Auto Mall and Harkins Theaters among other businesses within Avondale.

Vice Mayor Dennis thanked Mr. McGuire for his tremendous work ethic and hard work and for his community engagement afterhours.

Council Member Malone expressed gratitude to Mr. McGuire for guiding the City of Avondale over the past 19 years.

Council Member Kilgore thanked Mr. McGuire for his eye-opening advice after being appointed. Expressing his appreciation for everything Mr. McGuire has done for the city.

Mayor Weise shared a story about the open meeting law advice shared by Mr. McGuire to all appointed and election Council Members.

The City Council of the City of Avondale, Arizona took a recess at 7:12 p.m.

The City Council of the City of Avondale, Arizona reconvened at 7:25 p.m.

3 UNSCHEDULED PUBLIC APPEARANCES

None.

4 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 Councilmember wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Council Member Kilgore, seconded by Council Member Pineda, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

a. **APPROVAL OF MINUTES**
City Council approved the January 14, 2019 and January 22, 2019 City Council Meeting minutes.

b. **SERIES 12 (RESTAURANT) LIQUOR LICENSE – RAUL AND THERESA'S RESTAURANT**
City Council approved an application for a Series 12 (Restaurant) Liquor License submitted by Martin Alonso to sell all spirituous liquors at Raul and Theresa's Restaurant located at 519 West Main Street in Avondale and authorized the Mayor and City Clerk to execute the necessary documents.

c. **PROFESSIONAL SERVICES AGREEMENT WITH ARCHITEKTON INC. FOR THE DESIGN OF THE NEW SENIOR AND RESOURCE CENTER**
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Expansion Project in the amount of $665,401.00 and authorized the Mayor or City Manager and City Clerk to execute the contract documents.

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City Council approved a request to approve a Professional Services Agreement with Wood Environment & Structural Solutions, Inc. to develop and complete the Garden Lakes Parkway Corridor Study for an amount not to exceed $80,863.00 and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

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City Council approved the Fifth Amendment to the Cooperative Purchasing Agreement with Carescape, Inc. for landscape, irrigation, and pest control services in an aggregate amount not to exceed $2,657,215.00 for the term of the agreement, and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

h. **MEMORANDUM OF UNDERSTANDING WITH ARIZONA'S CHILDREN ASSOCIATION**

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5 REGULAR AGENDA

5a. PUBLIC HEARING – PLANNED AREA DEVELOPMENT (PAD) ZONING TIME EXTENSION – AVONDALE COMMERCE PARK (APPLICATION PL-19-0018)

City Council held a public hearing to consider a request by Stephen C. Earl with Earl, Curley, and Lagarde, P.C., to approve a two-year PAD zoning time extension for Avondale Commerce Park located on approximately 80 acres at the northeast corner of 103rd Avenue and Van Buren Street.

Jodie Novak, Planning Manager, presented an overview regarding the Planned Area Development Zoning Time Extension – Avondale Commerce Park (Application PL-19-0018). Ms. Novak started the discussion indicating that the current contract is set to expire on April 1st, 2019 and stating the request is for a two-year extension.

Ms. Novak provided the following highlights:

- PAD Zoning time extension request for a two-year approval of property located on the northeast corner of 103rd Avenue and Van Buren Street, and is 80 acres total, with 40 acres on the southern end and 40 acres on the northern end
- The current time extension expires on April 1, 2019
- Aerial map provided to show property, with an auto mall to the north, vacant land to the west planned for commerce park industrial and County courts, to the east additional industrial and a fast-food drive-thru restaurant, and to the south is Van Buren Street and the City of Tolleson
- Zoning in the area indicated as planned area development (PAD), commerce park, and agricultural
- The property was annexed into the city March of 1986 and zoned agricultural (AG). In 2008, City Council approved a rezoning request to PAD, a PAD for industrial zoning was granted with a one-year time extension on four separate occasions and came in for approval from 2011 and 2014
- In 2016, the property came in again for a time extension, but at the same time, the City was amending the zoning ordinance regarding properties on PAD. The approval for that ordinance change was that time extensions were increased from a one-year approval to a two-year with an automatic zone extension granted to all PADs at that time
- The applicant has received ten extensions but has not developed in the required timeframe
- Consistent with the goals and objectives of the General Plan 2030
- If the PAD zoning time extension is not granted, then the City Council, in a separate hearing can revert to the original agricultural zoning
- This property has an active development proposal submitted by Seefried Development, who are in the process of purchasing 40 acres
- The development proposal is for two industrial buildings totaling 650,000 square feet. The approval of the construction plan submittals is contingent upon the approval of the planned area development zoning time extension

- Southern 40 acres is up for sale, and not sure at this point if Seefried will be interested in purchasing that portion as the applicant's law firm who is representing the time extension component informed the city that the southern 40 acres is still questionable
- Planning staff's recommendations of approval of the time extension with eight conditions included in the packet, and an additional condition within condition number three

Ms. Novak provided additional information on condition number three within the staff report, regarding a 20-foot multi-use path easement along Van Buren Street to the City. The condition requires the developer and the City to agree to the form of Easement prior to approval of the PAD extension, at which time the property owner will agree to construct the multi-use path at the time of adjacent site development. Ms. Novak added additional information regarding the form of Easement drafted by the City Attorney, as required in condition number three. Ms. Novak read the condition within the easement to which the disagreement is in regarding into the record.

Condition number nine (9) of the mentioned easement that the City is requesting be removed is as followed:

> "As this Easement is being granted prior to Grantor developing and operating the its adjacent property, Grantee agrees to respond in good faith to reasonable requests by Grantor to modify this Easement to facilitate the development and operation of Grantor's adjacent property."

Mr. McGuire provided additional information regarding the drafted form of Easement. Mr. McGuire explained the Easement being discussed is the document sent on Monday, March 25, 2019 at 5:30 PM, which includes a provision that creates a condition and creates a covenant of good faith and fair dealing on an easement modification, which is not advisable as the property is not designed yet. The broad language within the form of easement is not advisable and Mr. McGuire requested the City approve the Easement minus the mentioned condition number nine.

Mayor Weise inquired on the deadline for the time extension. In response, Ms. Novak explained the current time extension expires on April 1, 2019.

Mayor Weise suggested a special meeting be called to deal with requests within four days, as he wanted to be sure that the City Attorney was comfortable with the language that would be decided upon before having Council vote. Mayor Weise stated that he would still open the public hearing this evening. Mr. Montoya explained a Special City Council Meeting can be scheduled to provide both parties ample time to settle the disagreement regarding the form of Easement.

Mayor Weise opened the Public Hearing and mentioned one member of the audience, Taylor Earl with Earl, Curley, and Lagarde, P.C., has requested to speak.
Mr. Taylor Earl, 3101 North Central Avenue, stated that he believed an understanding had been reached, as the only difference was to remove language about the liability, and go with the City's wording. Mr. Earl explained the change from the easement agreement

sent on Friday, March 22, 2019 and the agreement sent on Monday, March 25, 2019 at 5:30 p.m. was the removal of liability language and language referenced by Ms. Novak but agrees of the removal of that language read into the record.

Mr. McGuire said that he was not necessarily comfortable with referring to Friday's version. He stated that the version received at 5:30 p.m. this evening, minus condition 9, was something that he was comfortable with. Mr. Earl said he was good with agreeing to the points in the copy provided Monday at 5:30 p.m., with the removal of condition 9.

Mr. Earl explained they are excited to see the project move forward and stated they are grateful for staff and Mr. McGuire for working through the last-minute issues.

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

Mayor Weise stated that this had been a long timeline on this project, and he said that it was an important piece of property. He added that he would like a resolution made this evening by a Council Member, so the motion would be appropriately worded to match the information just agreed upon by the City and Mr. Earl.

Vice Mayor Dennis inquired on the different version being discussed. Ms. Novak explained condition number 3 of the zoning condition is what staff is referencing. The form of Easement mentioned within condition number 3 is not included as part of the agenda packet. Ms. Novak explained the Public Trail Easement document will be administered through a separate administrative process.

Mr. Montoya stated that suggest continuing this item until the next two items on the agenda were complete to provide staff time to printing the discussed documents.

Mr. McGuire reviewed the document that had been crafted by staff before the tabling of this item until later in the meeting. He noted that the easement area would be included in the development setbacks and noted that the things that would normally be impacted and future power easements, maintenance, language that was discussed earlier, and noted City staff was comfortable with the language of the presented form of Easement except number 9.

Upon presentation and explanation of the form of easement by Mr. McGuire, Vice Mayor Dennis confirms that the only item to be omitted from the form of Easement is condition number nine (9).

Mayor Weise made the motion to approve Application PL-19-0018, Planned Area Development Zoning Time Zoning Time Extension, Avondale Commerce Park, as recommended by staff, subject to eight recommendations of approval, including the recommended public trail easement, minus item 9, and authorize the Mayor to executive the agreement at the appropriate time, seconded by Council Member Pineda.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde Aye

Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

Clerks Note: Items 5b & 5c were presented together.

5b. RESOLUTION 3529-319 – MINOR GENERAL PLAN AMENDMENT, WOO PROPERTY (PL-18-0261)

City Council held a public hearing to consider a request by Mr. David Kenyon with Kenyon Architectural Studio, to adopt Resolution 3526-319 amending the General Plan Land Use Map for approximately 2.5 acres of land located on the southwest corner of Buckeye Road and El Mirage Road from Medium Density Residential to Local Commercial.

Rick Williams, Senior Planner, presented an overview of the request, to include the background, staff analysis, and the Planning Commissions' recommendation.

Mr. Williams provided the following highlights:

- Considering a request to amend the 2030 General Plan Land Use Map changing 2.5 acres of land from Medium Density Residential to Local Commercial and a request to rezone 2.5 acres of land from R1-6 (Single-Family Residential) to C-2 (Community Commercial)
- Area of request was defined
- Subject area is currently zoned as R1-6 (Single-Family Residential), as were the surrounding businesses to the west. The Coldwater Springs PAD is also surrounding the property
- Land was annexed in 1976 and the area was zoned as R1-6 sometime between 1976 and 1990. Typically, when properties are annexed, they are given an equivalent zoning.
- Upon annexation, Fiesta Barn was already in business under a different name.
- Legal non-conforming use on this site
- The desire to have a drive-thru on this site is triggering the two agenda items
- General Plan 2030 is currently medium density residential with four dwelling units per acre but would change to local commercial which are typical C-2 uses
- Consistent with the goals and objectives of the General Plan 2030
- The amendments would bring the existing uses into conformance, not only with current zoning but the general plan designation as well, and provides standards for future development moving along and it will be an immediate aesthetic improvement to the site with the addition to the drive-thru
- All required notices were met, not only for the neighborhood meeting but for the Planning Commission and Council meeting
- Neighborhood meeting was conducted on January 29, with neighbors showing up for discussion, centering around traffic on El Mirage Road, overall aesthetics of the site, and a neighbor to the south who had an issue with rodent infestation

- Worked closely to address those concerns and believe the future development will take care of aesthetic issues
- Great conversation with respect to relocating the weekend swap meet to improve the traffic impact on El Mirage Road
- Worked closely with the neighbor to the south, and Mr. Woo had submitted a plan that would not only abate the problem, but continue to monitor it moving forward
- Staff recommends approving the applications, subject to six (6) recommended conditions of approval

Mayor Weise opened the Public Hearing and mentioned one member of the audience, Michael Talbot, Canyon Architectural Studios, has requested to speak.

Mr. Talbot, on behalf of the architect, stated he had worked with the architect, David Canyon, and thanked City Council and staff for being helpful to the project, commenting on the owner's dedication to this project.

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

Vice Mayor Dennis stated that in the beginning the current leases were not concurrent, which might cause a minor General Plan amendment, and inquired if both uses would then be compliant. Mr. Williams clarified that the Fiesta Barn Market would then become compliant with the general plan and current zoning, but the swap meet would remain in legal non-conforming use. Vice Mayor Dennis expressed concerns in reference to managing the legal non-conforming uses. Mr. Williams explained staff is under the impression that the swap meet will continue, and they have been cooperating to address parking and traffic related issues on El Mirage Road. Mr. Williams stated, at this point in time, there is no desire from the City to eliminate the swap meet. Vice Mayor Dennis asked the City Attorney what his stance is on non-conforming leases, and if there is a way to address mitigating the issues. Mr. McGuire explained non-conforming use properties are legal in their capacity until the law changes to make them illegal. Mr. Mr. McGuire stated that this issue was a little unusual., explaining the legal non-conforming use was, in the past, appropriate for the property and the swap meet use has since retracted to the property that is under consideration. Mr. McGuire explained the property as re-zoned would not change the legal non-conforming use on the property. Mr. McGuire advised City Council that the City can only enforce and remove the legal non-conforming use if the use itself changed in a way where it was discontinued, modified or changed in a way that was inconsistent to the City Code.

In response to a concern from Vice Mayor Dennis regarding future access requirements, Mr. McGuire explained there has not been a request for additional access within the area. Mr. McGuire stated when a request is submitted, that is when staff would address if the change is consistent with the legal non-conforming use standards to consider banning the use.

Mr. Williams stated that a conditional use permit and a site plan submittal will come before the Council at a later date. A traffic impact study will be conducted by the City Engineer.

Vice Mayor Dennis expressed safety concerns of a drive-thru in the same vicinity of a swap meet. Mr. Williams assured Mayor and Council that the traffic concerns will be address through a traffic impact study.

Council Member Pineda asked if the knowledge of non-compliance causes any liability to the City, and Mr. McGuire responded that the use of the property does not change or increase the liability, but more so the conditions around the property, such as traffic or road conditions. He noted that since the swap meet was existing when it was annexed into the city, the use could still function as long as it was functional and safe. Mr. McGuire advised the group that when approving the site plan in the future, City Council will be required to evaluate the turn movements not only as they relate to the use request for rezoning but also the use of the swap meet.

Council Members Pineda and Malone both stated they were in favor of the swap meet.

Council Member Malone asked how right-of-way to the property would be affected when improvements were made to El Mirage and Buckeye Roads. Mr. Williams stated that the future Capital Improvement Project would take care of the right turn lane and intersection improvements. He added that staff is working with the applicant on a minor land division that will dedicate additional right-of-way to the City for future expansion on the street. At this point in time, there are no street improvements other than a request to dedicate a right-of-way to the City.

Council Member Malone commended the owners for cleaning up the property at the end of the day on the weekend.

Mayor Weise stated that he had also observed the owner managing the property and said having the property improved would help the community.

Council Member Nielson made the motion, seconded by Council Member Malone, to approve Resolution 3529-319 – Minor General Plan Amendment, Woo Property (PL018-0261), with staff's recommendations and considerations.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

5c. ORDINANCE 1688-319 – REZONING WOO PROPERTY (APPLICATION PL-18-0262) BUCKEYE ROAD AND EL MIRAGE ROAD

City Council held a public hearing to consider a request by Mr. David Kenyon with Kenyon Architectural Studios, to adopt Ordinance 1688-319 rezoning approximately 2.5 acres of land located on the southwest corner of Buckeye and El Mirage roads from R1-6 (Single-Family Residential) to Community Commercial (C-2).

Mayor Weise opened the public hearing and asked if any members of the public wished to speak on the item. Having no members of the public present to speak, Mayor Weise closed the public hearing and opened the floor for comments from Council.

Council Member Pineda moved to adopt Ordinance 1688-319, approving application PL-18-0262 Woo Rezoning, subject to six (6) recommended conditions of approval; seconded by Council Member Malone.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

5d. PUBLIC HEARING – PROPOSED DEVELOPMENT FEES

City Council held a public hearing on the City's proposed development impact fees assessed on new development. Ms. Duncan noted that tonight is the scheduled public hearing on the adoption of the proposed development fees.

Mayor Weise opened the public hearing and asked if any members of the public wished to speak on the item. Having no members of the public present to speak, Mayor Weise closed the public hearing and opened the floor for comments from Council. No comments were made from Council.

Council Member Kilgore made a motion, seconded by Council Member Nielson. Ms. Duncan clarified that this item is for a public hearing only and no vote is needed.

6 EXECUTIVE SESSION

City Council held an executive session pursuant to: (i) Ariz. Rev. Stat 38-431.03(A)(7) for discussion or consultation with the City Manager in order to consider its position and instruct the City Manager regarding negotiations for the acquisition of real property; (ii) Ariz. Rev. Stat. 38-431.03(A)(4) for discussion or consultation with the City Attorney in order to consider its position and instruct the City Attorney regarding potential litigation relating to real property; and (iii) Ariz. Rev. Stat. 38-431.03(A)(3) for discussion or consultation for legal advice with the City Attorney; all relating to the Van Buren Street multi-use path project.

ADJOURNMENT

There being no further business before the Council, Council Member Kilgore moved to adjourn the meeting into Executive Session; Council Member Malone seconded the motion.

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

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

Meeting adjourned at 8:14 p.m.

_____
Mayor Kenn Weise

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session and Regular Meeting of the Council of the City of Avondale held on the 25th day of March 2019. I further certify that the meeting was duly called and held and that the quorum was present.

_____
Marcella Carrillo, CMC
City Clerk