

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
October 9, 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.

Note: Council Member White attended the meeting virtually.

Members Absent: None.

Other Municipal Officials Present: Ron Corbin, 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; Cheryl Covert, Economic Development Services Assistant Director; Barbara Coppage, City Auditor; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Chris Lopez, Neighborhood and Family Services Director; Andy Mesquita, Human Resources 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; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately five members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. NEW EMPLOYEE INTRODUCTIONS

The following employees were introduced to City Council. This item was for discussion only.

Finance and Budget Department

- Terri Chavez, Accounting Specialist

Office of Public Safety

- Phillip Washington, Municipal Security Officer

Neighborhood and Family Services

- Jovanna Marquez, Customer Service Rep.
- Jacqueline Guerrero, Family Education Spc.
- Adam Stone, Homeless Outreach Specialist

- Fortino Garcia, Sr. Programs Driver
- Laconda Pollard Hall, Sr. Programs Driver
- Mariaisabel Soto, Sr. Programs Driver

Public Works Department

- Michael Amsden, Sr. Water Reclamation Op.
- Uriel Carrillo Camarena, Street Maint. Worker I
- Walter Gonzales, Water Distribution Operator
- Lake Powell, Water Reclamation Operator
- Gabriel Sanchez, Equipment Operator

- Tony Sandoval, Water Distribution Op.
- Dreyvin Smith, Environmental Tech
- Nathan Street, Street Maintenance Worker I
- Jan Vaughn, Equipment Operator
- Tyler Wintjen, Wastewater Collection Op.

3. PROCLAMATION – CODE COMPLIANCE MONTH

City Council presented a Proclamation recognizing the month of October 2023 as Code Compliance Month in Avondale and extend appreciation to Code Compliance Officers for their dedication and service to Avondale. This item was for discussion only.

4. PROCLAMATION – FIRE PREVENTION WEEK

City Council presented a Proclamation recognizing the week of October 8-14, 2023 as Fire Prevention Week in Avondale and extend appreciation to the staff of the Fire and Medical Department for their dedication and service to Avondale. This item was for discussion only.

5. PROCLAMATION – NATIONAL COMMUNITY PLANNING MONTH

City Council presented a Proclamation recognizing the month of October 2023 as Community Planning Month in Avondale and extend appreciation to the staff of the Development Services Department for their dedication and service to Avondale. This item was for discussion only.

6. AVONDALE WINS FOUR AWARDS IN 2023 3CMA SAVVY AWARDS COMPETITION

City Council received a presentation from staff regarding the recent Savvy marketing awards the City received. This item was for discussion only

7. ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the Special 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 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 6:13 p.m.

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

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 by telephone.

Members Absent: None.

Other Municipal Officials Present: Ron Corbin, 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; Cheryl Covert, Economic Development Services Assistant Director; Barbara Coppage, City Auditor; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Chris Lopez, Neighborhood and Family Services Director; Andy Mesquita, Human Resources 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; and Renee Weatherless, Finance and Budget Director.

Audience: One member of the public was 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 Vice Mayor Pineda, 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 August 21, 2023 City Council meeting minutes.

b. SERIES 10 (BEER AND WINE STORE) LIQUOR LICENSE FOR QUIK FOOD MART
City Council recommended approval to the Arizona Department of Liquor License and Control of a Series 10 (Beer and Wine Store) Liquor License submitted by George Ibrahim for the sale of beer and wine at Quik Food Mart located at 921 West Main Street and authorized the City Clerk to execute the necessary documents.

c. SERIES 6 (BAR) LIQUOR LICENSE - AMBIENTE NIGHT CLUB (OWNER TRANSFER)
City Council recommended approval to the Arizona Department of Liquor License and Control of an application for a Series 6 Bar Liquor License submitted by Juan Jose Bravo Villanueva for the sale of alcohol at Ambiente Nightclub, located at 613 East Western Avenue in Avondale and authorized the City Clerk to execute the necessary documents.

d. RESOLUTION 1062-1023 - INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA BOARD OF REGENTS, ON BEHALF OF THE UNIVERSITY OF ARIZONA AND THE SCHOOL OF ENVIRONMENTAL SCIENCE'S ARIZONA PROJECT WET PROGRAM.

City Council adopted Resolution 1062-1023, approving an Intergovernmental Agreement (IGA) between the Arizona Board of Regents, on behalf of the University of Arizona and its School of Environmental Sciences Arizona Project WET Program and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

e. SETTLEMENT AGREEMENT AND PAYMENT FOR THE CLAIM OF ROBERTO CARRANZA-VARGAS

City Council approved the settlement agreement with Roberto Carranza-Vargas in the amount of \$55,697.00 to settle his bodily injury claim and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

f. FINAL PLAT FOR FUZE 623 AND FLATZ 623 – APPLICATION PL-22-0172

City Council consider a request by Hannah Bleam of Whitney Morris, PLC, on behalf of the property owner Z-Modular Avondale, LLC, for approval of a Final Plat located at the northeast corner of Van Buren Street and 119th Avenue (portion of APN 500-01-010B) and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The proposed Final Plat divides 69.83 acres of undeveloped land into five (5) lots, and dedicates: right-of-way along 117th Avenue, 119th Avenue, and Corporate Drive; private roadway easements for 118th Avenue, Fillmore Street, and Polk Street; and 8 foot wide public utility easements (PUEs) on 117th Avenue, 119th Avenue, Van Buren Street, and Corporate Drive.

4. REGULAR AGENDA

a. SHORT-TERM RENTALS

City staff provide information and options related to regulating short-term rentals or vacation rentals for the purpose of gathering direction from City Council to draft an Ordinance for future consideration. This item is for discussion and feedback only; no Council action will be taken at this time.

Keith Fallstrom, Finance & Budget Assistant Director, presented an overview of proposed regulation of short-term rentals (STR) in Avondale for the development of an ordinance as allowed for by legislation. The purpose of the presentation is to receive guidance from the Council prior to finalizing the ordinance for STR regulations.

A year ago, the legislature passed a bill that allowed cities to regulate STRs. Currently there is an estimated 445 STRs in Avondale using data provided by AirDNA™. Regulation is primarily conducted through a licensing requirement inclusive of statutory options such as notification of neighbors, owner/operator must include license number on advertisements, maintaining liability insurance, performing background checks on applicants and guests, and penalty options for violations and a licensing fee.

a. Notification of Neighbors

The statutory option allows cities to require the owner/operator to provide a one-time notification to all single-family residential properties adjacent to and directly and diagonally across from the STR property. The City, along with most cities, is recommending a written notification of the STR that includes the owner/operators contact information, emergency contact information, and their license number. This informs neighbors of their surroundings and the ability to report any issues. This will create more work for the owner/operator who must provide attestation of such notification.

In response to a question by Vice Mayor Pineda, Mr. Fallstrom stated they are not requiring permission from neighbors but simply requiring a notification to be provided to neighbors which would include emergency contact information and license information.

In response to a question by Mayor Weise, Mr. Fallstrom clarified there are a variety of options of how they can communicate the notification to the neighbors. This requirement would be for existing and new STRs.

In response to a question by Council Member Malone, Mr. Fallstrom stated Avondale currently has around 445 STRs. Currently, there is no mechanism for notifying prospective homeowners of STRs within the neighborhood, but this is something that can be investigated.

In response to a question by Council Member Nielson, Mr. Fallstrom stated the definition of STR is any rental that is less than 30 days. Ron Corbin, City Manager, clarified state law only requires a one-time initial notification that is required as part of the licensing process and will not be for each time the STR is rented. The City will have no role in the notification process other than ensuring compliance is noted on the application. Once developed the ordinance will be brought before the Council for discussion and approval.

Mayor Weise noted further discussions can be had at the Arizona League of Cities and Towns regarding what other cities and towns are doing.

In response to a question by Council Member Solorio, Mr. Corbin clarified the notification would be a one-time requirement.

In response to a question by Council Member Conde suggested sharing a link with the public that provides the number of STRs in Avondale. Mr. Corbin stated staff are seeking feedback on the Ordinance and will obtain City Council guidance on implementation later in the future. He noted a link can be added to the website; however, Avondale will not be responsible for ensuring accuracy of the data.

b. Inclusion of License Number on Advertisements

This would allow the City to quickly see that the STR is licensed, which cities across the board require. The owner/operator would be responsible for updating all advertisements with the license number.

c. Liability Insurance

The statute allows the City to require up to \$500,000 in liability insurance, which is what most cities require. If the owner/operator is advertising through Airbnb or VRBO it comes with a \$1 million policy.

In response to Mayor Weise's question, Mr. Fallstrom explained the application requires the applicant to verify they understand the provisions and are following them. Should they not comply, the City can suspend their license for up to 12 months. Mr. Corbin stated there will be a later discussion related to violations.

d. Background Checks for the Applicant (owner/operator)

The statute provides for the City to deny a license if the owner/operator is a registered sex offender or has been convicted of certain felonies. An attestation is required of the applicant that they have complied with this. Should the applicant not be forthcoming the City can suspend their license for up to 12 months.

In response to questions from the Mayor and Council Members, Mr. Corbin clarified background checks are conducted using the internet as it is not a proper use of the police department's system to conduct such background checks. The attestation is required, as it would be a significant burden on City staff to conduct such background checks within seven days.

Council Member Solorio shared her professional experience with background checks and supports the attestation requirement, instead of the background check which could take weeks.

In response to a question by Council Member White, Mr. Fallstrom explained the statute allows for the City to deny the license. Mr. Corbin clarified the State would not be involved in the licensing process.

e. Background Checks for Guests

There will be a requirement for the owner/operator to conduct sex offender background checks on guests. The exemption would be if the owner/operator is using Airbnb, VRBO, etc. they will conduct the background check for them.

Mayor Weise was in support to the recommendation.

In response to Council Member White's concern, Mayor Weise stated hotels are not part of this requirement, but things can be figured out going forward.

f. Penalty Amounts

The statutory limit on violations is:

- i. First violation is \$500, or one night's rent, whichever is greater;
- ii. Second violation is \$1,000, or two night's rent, whichever is greater;
- iii. Third violation is \$3,500, or three night's rent, whichever is greater.
- iv. The City's recommendation is to mirror the statutory limits.

g. License Fee Amount

The statute states the fee cannot exceed the actual cost of issuing the license or \$250, whichever is less. The City recommends assessing a \$250 fee for the initial license and renewal, which mirrors other cities. This would require the City's fee schedule to be updated to reflect this change.

In response to Council Member Nielson's question, Mr. Fallstrom stated accounting would set up a code to keep track of the revenue received and the revenue would go into the general fund.

The timeline for the implementation was reviewed.

Mayor Weise expressed concern with protecting public health and safety, including rules and regulations related to fire and building codes, specifically pool barrier regulations that are imposed on single-family and multi-family residences and how they would be enforced when an owner/operator decides to turn their property into a STR. The City should be proactive in as many aspects of this ordinance. Mr. Corbin explained STRs would be monitored under the normal building code, as they must be treated like any other property with limited requirements as outlined in the statute. He stated City staff would discuss this matter offline and put it on City Council's regular agenda for a future meeting.

In response to Mayor Weise's concern, Council Member Malone noted the \$500,000 liability insurance would cover accidents within STRs.

In response to a question by Council Member White, Mr. Fallstrom stated the seven-day turnaround for issuing an STR license is part of the state statute. The applicant would be required to attest that they are not a registered sex offender or convicted of certain felonies. The statute states the City "may" deny an application to which the applicant can appeal. Brandon Cartwright, City Attorney, stated an application can be denied if the applicant has been convicted of a felony that resulted in death or serious physical injury

or use of a deadly weapon within the last five years. The background check for guests are more general.

Memo Espinoza, Police Chief, stated between October 1, 2022 and October 1, 2023 they had six criminal calls for service associated with STRs; one was an assault and the other five were for loud music. All five complied with the request to turn the music down. STR licensing will allow the owner/operator to be contacted with any issues that arise.

In response to a question by Council Member Solorio, Mr. Fallstrom stated the statute does not include any ADA requirements, because the City must be consistent with zoning and other requirements for the type of residence.

5. SUMMARY OF CURRENT EVENTS FROM THE MAYOR, VICE MAYOR, AND COUNCIL MEMBERS

Mayor Weise stated today is his 30th wedding anniversary, noting he and his wife Shari have a special relationship where she has been by his side and serves as his sounding board during the years of service on City Council and as Mayor.

Mayor Weise stated there were a lot of good events offered by the Parks and Recreation Department including the well-attended event at Alamar.

Mayor Weise stated NASCAR events will be coming to Avondale next month, which is an exciting and busy time, but shows Avondale can be on the world stage with the best of them.

6. 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 6:59 p.m.


[kenn weise \(Dec 4, 2023 19:28 MST\)](#)
Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting and Regular Meeting of the Council of the City of Avondale held on the 9th day of October 2023. I further certify that the meeting was duly called and held, and that the quorum was present.



Marcella Carrillo, City Clerk

November 20, 2023

Date Approved by City Council