



City of Avondale

City Council Meeting

 [**Link to Summary of Council Actions**](#)

 [**Link to Meeting Minutes**](#)



City of Avondale

City Council Meeting

Monday, October 7, 2019

Summary of Council Actions

Mayor and Council

Kenn Weise, Mayor

Pat Dennis, Vice Mayor

Tina Conde, Council Member | Bryan Kilgore, Council Member

Veronica Malone, Council Member | Curtis Nielson, Council Member

Mike Pineda, Council Member

Administration

Charles A. Montoya, City Manager

Gina Montes, Assistant City Manager

Michael Wawro, City Attorney

Marcella Carrillo, City Clerk

City Council Chambers

11465 West Civic Center Drive

Avondale, AZ 85323



Summary of Council Actions

City Council Meeting Agenda Monday, October 7, 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. FEDERAL LEGISLATIVE UPDATE

City Council **received** an update from Capital Edge regarding Avondale's legislative priorities, as well as an update on recently proposed federal policies. For information and discussion only.

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 SILENT REFLECTION

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

2. UNSCHEDULED PUBLIC APPEARANCES

(Limit three minutes per person. Please state your name.)

3. RECOGNITION ITEMS (MAYOR PRESENTATIONS)

a. RECOGNITION OF AVONDALE CITIZEN WATER ALLIANCE ACADEMY GRADUATES

The City Council **recognized** the participants of the Public Works Department's first Avondale Citizen Water Alliance (ACWA) Academy.

b. PROCLAMATION - 2019 COMMUNITY PLANNING MONTH

Mayor and Council **issued** a Proclamation recognizing the month of October 2019 as Community Planning Month in the City of Avondale

4. CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the City Council and are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a. MINUTES

City Council **approved** the August 12, 2019 City Council Meeting Minutes. The Council will take the appropriate action.

b. ACQUISITION OF CONTROL FOR A SERIES 12 LIQUOR LICENSE - EL TATAKI MEXICAN & TRADITIONAL SUSHI RESTAURANT

City Council **approved** an application for an Acquisition of Control of a Series 12 (Restaurant) Liquor License submitted by Manuel De Jesus Herrera Jr. to sell all spirituous liquors at El Tataki Mexican & Traditional Sushi located at 10685 West Indian School Road Suite K, in Avondale and authorized the Mayor and City Clerk to execute the necessary documents. The Council will take appropriate action.

c. FISCAL YEAR 2019-2020 BUDGET CONTINGENCY ADJUSTMENTS

City Council **approved** various budget amendments to the Fiscal Year (FY) 2019-2020 budget. The City Council will take appropriate action.

d. GENERAL FUND CONTINGENCY TRANSFER FOR PURCHASE AND INSTALLATION OF SECURITY EQUIPMENT

City Council **approved** a General Fund Contingency Transfer in the amount up to \$40,000 for the purchase and installation of security cameras for City facilities and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. RESOLUTION 3588-1019 - BYLAWS OF THE PARKS AND RECREATION ADVISORY BOARD

City Council **adopted** Resolution 3588-1019 amending the bylaws of the Parks and Recreation Advisory Board removing all references of the libraries and authorized the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. ORDINANCE 1706-1019 - ROOSEVELT IRRIGATION DISTRICT AGREEMENT & PERPETUAL EASEMENT FOR NORTH AVONDALE WATER SUPPLY PROJECT

City Council **adopted** Ordinance 1706-1019, for an Agreement and dedication of a Perpetual Easement with the Roosevelt Irrigation District (RID) for Avondale to operate, construct and maintain water lines and associated facilities across RID right of way and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

5. 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
October 7, 2019

A **Work Session** of the City Council of the City of Avondale, Arizona was convened at 11465 West Civic Center Drive in open and public session at 6:33 p.m.

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; Tracy Stevens, Deputy City Manager; Michael Wawro, City Attorney; Marcella Carrillo, City Clerk; Cindy Blackmore, Public Works Director; Jessica Blazina, Intergovernmental Affairs Administrator; Jeff Case, Fire Chief; Lindsey Duncan, Finance and Budget Director; Kirk Haines, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Police Chief; Cherlene Penilla, Human Resources Director; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Community Relations and Public Affairs Director.

Audience: Approximately three members of the public were present.

1 ROLL CALL BY THE CITY CLERK

2. FEDERAL LEGISLATIVE UPDATE

Chris Giglio with Capital Edge presented an update regarding Avondale's legislative priorities, as well as an update on recently proposed federal policies.

Presentation by Mr. Giglio included:

- Capital Edge has been providing federal advocacy and information services to Avondale since 2009.
- Currently ending the first session of the 115th Congressional Session.
- Federal Budget:
 - President has proposed cuts to several domestic programs.
 - Congress tends to moderate the proposed cuts and will provide some small increases to programs before final approval.
 - The new federal fiscal year began on October 1st, 2019.
 - Congress has not completed its work on the fiscal year 2020 budget and they are operating under a continuing resolution that funds programs at their current levels until a final budget is approved.
 - While operating under a continuing resolution, activity is slowed, and agencies typically do not put out items such as grant solicitations until their budgets are final.
 - The House has proposed a \$300 million increase to the CDBG program and the Senate has proposed a small increase.

- Earlier this year, the President and Congress agreed on a two-year budget deal, which did not fund the individual programs, but increased the preset budget caps for fiscal year 2020 and 2021.
 - Without the increases, there would likely have been 10 to 15 percent cuts across the board to various federal programs.
 - With this agreement, the 2011 Budget Control Act was removed.
 - In 2011, President Obama and Republicans agreed on a ten-year plan to reduce the deficit by \$1.5 trillion. This was accomplished through establishment of tight caps on discretionary spending from 2011 to 2021. During that time, caps have been raised on several occasions.
- Transportation and Infrastructure:
 - Campaign promises of an infrastructure package have not come to fruition, but Congress has made investments in infrastructure, including increased DOT budgets, which have resulted in some increased funding to MAG and ADOT.
 - President Obama's Transportation Investment Generating Economic Recovery (TIGER) program, a discretionary program for transportation projects, has grown to \$1 billion per year.
 - With all elements in play, it seems that Congress may take a piecemeal approach to funding infrastructure projects.
 - The FAST Act, authorizing federal highway and transit programs is due for reauthorization in 2020.
 - Finding revenues will be the key as federal gas tax rates have not been raised in 30 years and people are driving less and driving more efficient vehicles, which mean fewer collections are going into the Highway Trust Fund.
 - It is estimated that Congress will need to find another \$100 billion just to fund programs at current levels for the next five years.
- Federal Pre-emption:
 - Congress continues the practice of federal preemption of local authority.
 - In 2018, the FCC created rules to restrict local government authority for telecom tower siting.
 - There are legal challenges from communities around the country.
 - There are bills in both houses to overturn the FCC rules, however no action has been taken yet.
 - In the past two years, Congress has also looked to preempt local authority in terms of drones and autonomous vehicles.
- Lands and Water Resources:
 - Avondale is in a unique position in terms of land and water resources, as Congressman Grijalva is the Chairman of the House Natural Resources Committee.
 - Last year, he was able to shepherd a bill through Congress which made the land and water conservation fund permanent.
 - The fund provides formula funding for states for recreation and conservation types of programs.
 - Previously, it was required to be reauthorized by Congress every few years.
 - General fund revenues are not used in the fund and are instead derived from offshore oil and gas leases.

- Heritage Area Designations can be included in land bills, providing access to Department of Interior funds and tourism funds.
- The Water Resources Development Act authorizes projects of the U.S. Army Corps of Engineers, including flood control and navigation.
- Congress is expected to take this up next year and it may potentially be a funding source for Rio Salado.
- The “Waters of the United States Rule,” was an Obama era rule which was meant to identify navigable and unnavigable waters that the Trump administration has repealed, and court battles are expected in the future.
- Census:
 - The census will take place in 2020.
 - The Trump administration suggested a citizenship question be added, but that question will not be included.
 - There will be an increase of \$2.5 billion in funding for the census.
 - It is expected that there will be a change in the classification of Avondale’s urbanized area from a smaller urbanized area (population below 200,000) to a Phoenix Metropolitan area (UZA).
 - .
 - The only impacts will be in the area of transportation. Urbanized areas below a population of 200,000 can use Federal Transit Formula funds on operating assistance.
- Law Enforcement/Immigration:
 - The Supreme Court will take up challenges to the DACA (Dreamers) program in October with oral arguments.
 - It is felt that the pending impeachment proceedings have shelved gun control action for the time being.
 - A recent court ruling is expected to release Justice Assistance Grants.
- Opportunity Zones:
 - In addressing Opportunity Zones, Avondale is likely to have one of the first projects to break ground as the City is being recognized for taking advantage of the opportunity.
- Legalization of Marijuana:
 - Although several states have legalized marijuana and while Arizona may make another attempt to do so, the Federal Government is not ready to declassify marijuana as an illegal substance.
 - Congress is starting to show movement in this regard and there is potential legislation to allow marijuana businesses to do banking.

Mayor Weise commented that the legalization of marijuana is a states' right issue. He stated that the banking element will help to take the dollars out of the shadows and forces the dollars to be legitimate. He inquired on the potential for national debate on vaping. Mr. Giglio stated his understanding that the President has instructed the FDA to come up with a plan in this regard. This is likely something that the administration can address in a regulatory fashion.

Vice Mayor Dennis referred to the expected change in the reclassification of Avondale’s urbanized area. She asked for information on how federal grant programs may facilitate

some of Avondale's infrastructure costs. Mr. Giglio stated that the Better Utilizing Investments to Leverage Development Program (previously the TIGER Program under the Obama Administration), was created for projects without a home, in a silo in the Department of Transportation. It is a highly competitive program, however there is a healthy budget total of \$1 billion. It is one of the few programs at the Department of Transportation that the City can apply for directly. The Transportation Infrastructure Finance and Innovation Act (TIFIA) Program is a loan program for large scale projects. The loans fund projects up to 80 percent. It has historically been used for significant road projects, such as freeways. In response to a question from Vice Mayor Dennis, Mr. Giglio stated he believes the programs can be combined for use on projects, but he will verify that information.

Mayor Weise cited programs using TIGER Grants, such as State Route 347 Road improvements and the City of Tolleson with work on the 101 South. He inquired on the most surprising aspects of activity in Washington D.C. in the last year. Mr. Giglio said there is always a level of vitriol in politics, however it seems to have increased in recent months. In the past, there was consistency in dealing with the federal bureaucracy and this has become less consistent recently.

Council Member Kilgore inquired on the federal preemption in respect to telecom towers as Avondale recently had a situation where the Council had to make a decision that they were not too comfortable with. He asked whether all cities are facing this epidemic, in terms of losing total control. Mr. Giglio said he was not certain and the current legislation in Congress to overturn the FCC rule has cosponsors; however, they are all democrats at this time. Until this becomes a bipartisan effort, it may have difficulty getting through Congress. He stated there is a possibility of a friendly court decision, but that is still several months away and communities across the country are dealing with a similar issue. Council Member Kilgore expressed his appreciation to Mr. Giglio for the updates.

3 ADJOURNMENT

There being no further business before the Council, Council Member Conde moved to adjourn the Work Session meeting; Council Member Kilgore 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 7:05 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 7:12 p.m.

Following a moment of silent reflection in remembrance of Heather Began, a first-grade teacher of the City of Avondale who was killed in a car accident, Mayor Kenn Weise led the Pledge of Allegiance.

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; Tracy Stevens, Deputy City Manager; Michael Wawro, City Attorney; Marcella Carrillo, City Clerk; Cindy Blackmore, Public Works Director; Jessica Blazina, Intergovernmental Affairs Administrator; Jeff Case, Fire Chief; Lindsey Duncan, Finance and Budget Director; Kirk Haines, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Police Chief; Cherlene Penilla, Human Resources Director; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Community Relations and Public Affairs Director.

Audience: Approximately 30 members of the public were present.

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

2. UNSCHEDULED PUBLIC APPEARANCES

None.

3. RECOGNITION ITEMS (MAYOR PRESENTATIONS)

a. RECOGNITION OF AVONDALE CITIZEN WATER ALLIANCE ACADEMY GRADUATES

Cindy Blackmore, Public Works Director, introduced the participants of the Public Works Department's first Avondale Citizen Water Alliance (ACWA) Academy. Two graduates of the academy shared their positive experiences through the program.

Mayor Weise commended Ms. Blackmore and the Public Works Department team for their work to make the program so appealing and informative.

Vice Mayor Dennis thanked everyone for their participation, noting the importance of engagement from members of the community. She stated the participants are now the ambassadors for the community. She recommended they all apply to serve on one of our Boards and Commissions.

Council Member Malone echoed the comments of Vice Mayor Dennis and thanked the participants for devoting their personal time to educate themselves on the water program.

She also encouraged involvement in the Citizens Police Academy and the City's overall Citizens Academy.

Council Member Nielson thanked everyone for their participation. He had recently interacted with citizens from an adjacent city who said they had no idea about the water system in their city. He also recommended participating in the City's Citizen Academy, having participated in it himself.

Council Member Conde thanked Ms. Blackmore and the entire team on a phenomenal job. She and Council Member Malone participated in the Citizen's Leadership Academy and the Police Academy and now find themselves sitting on City Council together.

Mayor Weise shared a personal story regarding his daughter's experience with paying water at her new residence. He discussed necessary water rate increases and stated his preference for small rates each year, rather than holding off for a number of years and having a significant jump in rates. He noted discussions with Council Member Kilgore regarding the water rates and acknowledged how Council Member Kilgore was correct. He asked the participates to convey this message to their neighbors and friends.

Council Member Kilgore thanked the participants and acknowledged the wonderful words regarding their participation in the program. He noted that it is not always easy to get residents involved but the fact the participants jumped in to learn about the awesome Public Works Department, who is phenomenal, speaks volumes. He recognized their new ability to assist their neighbors being part of the Water Alliance. In closing, he stated he would appreciate if they stayed with the City and participated in a Board or Commission.

b. PROCLAMATION - 2019 COMMUNITY PLANNING MONTH

Mayor Weise read a Proclamation recognizing the month of October 2019 as Community Planning Month in the City of Avondale.

4. CONSENT AGENDA

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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 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 Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye

Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

a. MINUTES

City Council approved the August 12, 2019 City Council Meeting Minutes.

b. ACQUISITION OF CONTROL FOR A SERIES 12 LIQUOR LICENSE - EL TATAKI MEXICAN & TRADITIONAL SUSHI RESTAURANT

City Council approved an application for an Acquisition of Control of a Series 12 (Restaurant) Liquor License submitted by Manuel De Jesus Herrera Jr. to sell all spirituous liquors at El Tataki Mexican & Traditional Sushi located at 10685 West Indian School Road Suite K, in Avondale and authorized the Mayor and City Clerk to execute the necessary documents.

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5. ADJOURNMENT

There being no further business before the Council, Council Member Kilgore moved to adjourn the Regular Meeting; Vice Mayor Dennis seconded the motion.

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

Council Member Conde	Aye
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Work Session and Regular City Council Meeting Minutes

October 7, 2019

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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 7:38 p.m.

Kenn Weise, Mayor

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 7th day of October 2019. I further certify that the meeting was duly called and held and that the quorum was present.

Marcella Carrillo, City Clerk