



City of Avondale
City Council Meeting
Monday, June 1, 2020

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
Marcella Carrillo, City Clerk

City Council Chambers

11465 West Civic Center Drive
Avondale, AZ 85323



City Council Meeting
Agenda
Monday, June 1, 2020

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

WORK SESSION

Convene immediately following the 5:45 PM CFD Board Meeting

CALL TO ORDER BY MAYOR

1. ROLL CALL BY THE CITY CLERK

2. THE BLVD SPECIFIC PLAN VISION AND MARKETING UPDATE

City Staff will present to Council, an update to discuss the visioning and marketing initiatives for The BLVD Specific Plan ("the Plan") with a focus on The BLVD's eastern component, east of Avondale Boulevard, as well as current developments. This update is to advise of evolving marketing efforts for The BLVD which include a new concept plan and video to further The BLVD's vision. The new marketing materials reflect the City's vision for The BLVD to be a pedestrian-oriented, walkable, family-friendly live-work-play-entertainment attraction. The Plan presents innovative ideas to drive the design framework for placemaking in The BLVD. One goal is to establish a place that gets people out of their vehicles and into the space, having a primary gathering area, and establishing a visual connection from the edge to the core; the core being the Park Avenue District.

3. PARKS AND SPECIAL EVENTS UPDATE

Parks and Recreation staff will present an update on City parks the special events programming. This item is for discussion only.

4. 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. UNSCHEDULED PUBLIC APPEARANCES

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

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.

a. MINUTES

City Council will consider a request to approve the April 20, 2020 City Council Meeting Minutes. The Council will take the appropriate action.

b. PENSION FUNDING POLICY

City Council will consider a request to adopt an updated Pension Funding Policy for Fiscal Year 2021 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

c. AUTHORIZATION FOR CITY MANAGER TO ENTER INTO A LEASE AGREEMENT FOR A POLICE SUBSTATION

City Council will consider a request to authorize the City Manager to enter into a lease on behalf of the City of Avondale for a police substation with rent and ongoing costs not to exceed a total of \$160,000 for a term of 36 months and authorize the City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

d. RESOLUTION 1033-0620 - ECONOMIC DEVELOPMENT AGREEMENT WITH GUNBO LLC

City Council will consider a request to adopt Resolution 1033-0620, approving an Economic Development Agreement with Gunbo, LLC not to exceed \$500,000 towards the reimbursement of public improvements for the construction of a unique full-service restaurant and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. RESOLUTION 1034-0620 - AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY ADMINISTERED BY THE HUMAN SERVICES DEPARTMENT

City Council will consider a request to adopt Resolution 1034-0620 approving an amendment to an Intergovernmental Agreement with the Maricopa County Human Services Board for the provision of the Community Action Program (CAP) services, and authorize the Mayor, City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. RESOLUTION 1036-0620 - REFERRING AN ORDINANCE TO ESTABLISH A RECREATION AND QUALITY OF LIFE FUND

City Council will consider a request to adopt Resolution 1036-0620, referring an Ordinance to establish a Recreation and Quality of Life Fund and to dedicate certain revenues to the fund to the qualified electors of the City of Avondale at the November 3, 2020 Statewide Election and authorize the Mayor, the City Manager, the City Clerk and the City Attorney to take all steps necessary to carry out the purpose and intent of the Resolution. The Council will take appropriate action.

g. ORDINANCE 2016-0620 - CODE AMENDMENT CHAPTER 15 - NEW ARTICLE PERTAINING TO SHOPPING CARTS

City Council will consider a request to adopt Ordinance 2016-0620, amending Chapter 15 of the Avondale City Code by enacting a new Article V pertaining to shopping carts and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action. The ordinance is intended to address abandoned shopping carts by holding businesses accountable to prevent shopping cart removal from business premises.

h. RESOLUTION 1037-0620 - SETTING THE FEE SCHEDULE FOR THE SHOPPING CART PROGRAM

City Council will consider a request to adopt Resolution 1037-0620, establishing fees associated with the City's shopping cart program and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

i. ORDINANCE 2017-0620 - ABANDONMENT OF A WATER LINE EASEMENT

City Council will consider a request to adopt Ordinance 2017-0620 authorizing the abandonment of a water line easement generally located west of 99th Avenue and north of McDowell Road and authorize the Mayor, City Clerk and the City Attorney to execute the necessary documents.

j. COSTCO PARKING LOT ADDITION RE-PLAT (APPLICATION PL-19-0250)

City Council will consider a request by Terry Odle, MG2 Corporation, on behalf of Costco Wholesale Corporation for approval of a Re-Plat to combine two (2) lots located approximately 440 feet north of the northwest corner of 99th Avenue and McDowell Road. The Council will take appropriate action.

4. REGULAR AGENDA

a. PUBLIC HEARING AND ORDINANCE 2018-0620 - REZONING FROM R1-6 (URBAN RESIDENTIAL) TO PLANNED AREA DEVELOPMENT (PAD) FOR COSTCO PARKING LOT ADDITION - APPLICATION PL-19-0249

City Council will consider a request by Terry Odle, MG2, on behalf of Costco Wholesale Corporation, to rezone a 0.38 gross acre property located approximately 1100 feet north of the northwest corner of 99th Avenue and McDowell Road from R1-6 (Urban Residential) to Gateway Pavilions Planned Area Development (PAD). The proposed use of the property is an extension of the adjacent Costco store parking lot. Council will take appropriate action.

b. PUBLIC HEARING - FISCAL YEAR 2020-2021 FINAL BUDGET

City Council will hold a public hearing to receive comment on the final budget for fiscal year 2020-2021 (FY2021) in the amount of \$280,109,400. No Council action is required.

5. ADJOURNMENT

SPECIAL MEETING

Convene immediately following the Regular Meeting

1. ROLL CALL BY THE CITY CLERK

2. RESOLUTION 1038-0620 - SETTING FORTH THE FINAL BUDGET FOR FISCAL YEAR 2020-2021

City Council will consider a request to adopt Resolution 1038-0620 approving the final budget for fiscal year 2020-2021 (FY2021) in the amount of \$280,109,400. The Council will take appropriate action.

3. 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.

CITY COUNCIL REPORT

SUBJECT: The BLVD Specific Plan Vision and Marketing Update

MEETING DATE: 6/1/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Department Director (623) 333-4011

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Staff will present to Council, an update to discuss the visioning and marketing initiatives for The BLVD Specific Plan ("the Plan") with a focus on The BLVD's eastern component, east of Avondale Boulevard, as well as current developments. This update is to advise of evolving marketing efforts for The BLVD which include a new concept plan and video to further The BLVD's vision. The new marketing materials reflect the City's vision for The BLVD to be a pedestrian-oriented, walkable, family-friendly live-work-play-entertainment attraction. The Plan presents innovative ideas to drive the design framework for placemaking in The BLVD. One goal is to establish a place that gets people out of their vehicles and into the space, having a primary gathering area, and establishing a visual connection from the edge to the core; the core being the Park Avenue District.

BACKGROUND:

The Plan is designed with urban form in mind (particularly on the east side of the planning area) in order to attract the people and events that make a place special. The desired type of development is encouraged to have multi-story buildings with a mix of uses provided horizontally or vertically on individual developments throughout the district boundary. The BLVD is designed to take advantage of market desires today with a plan for intensification in the future.

The most important district that should be developed with more intense uses is the Park Avenue District, the area's core. Planning in this area is intended to reflect the potential for street and pedestrian connectivity in the future, residential wrapped parking garages, or office over structured parking and a completed framework of open spaces and plazas. Commercial and residential components are intended to interact to provide safe, comfortable, and inviting connections from the residences to the commercial businesses which is key for the success of the area.

In addition, artwork is essential for The BLVD. Artistic walks or placement of art along the linear park and open space areas will create a vibrant experience which is further identified in the City of Avondale Art Master Plan. In the Park Avenue District, areas where patrons and residents can gather for a leisurely stroll, play a game of ping pong, run through a splash pad, listen to music, study, socialize, or engage in a friendly competition of Jenga or Cornhole is the vision for the area. Prominent pedestrian-oriented retail nodes are also planned at the main entries into the districts and adjacent to the intersections of Van Buren Street, Corporate Drive, Roosevelt Street, The BLVD, and Avondale Boulevard.

An improved site plan concept and video have been designed to represent the above vision. In working with a design consultant, Norris Design, the Park Avenue District is brought to life with a walkable plan, amenities, art, activities, and gathering areas. The improved vision incorporates water elements creating a sense of arrival and vibrancy into the area by establishing a visual connection from the edge, Avondale Boulevard, to the core, the Park Avenue District.

DISCUSSION:

Since the approval of The BLVD Specific Plan in September 2019, City Staff in both the Economic Development Department and the Development and Engineering Service Department have been working together to bring forth new development. Dutch Bros. is coming to the Park Avenue District at the southeast corner of Avondale Boulevard and Dale Earnhardt Drive. Avid Hotels is joining this District south of the southeast corner of Avondale Boulevard and The BLVD. A multi-family urban form apartment development is coming soon to the northwest corner of Avondale Boulevard and The BLVD. Recently, City Staff has been working with a multi-family residential developer on approximately 15.5 acres east of the southeast corner of Roosevelt Street and Park Avenue, east of the transit center. Economic Development continues to market City-owned properties and work with privately-owned parcels to encourage development throughout The BLVD.

The site plan concept and video will further promote The BLVD and encourage development that showcases a pedestrian-oriented environment. A central plaza with a lake, splash pad, and gathering areas; attractions such as entry water features, pedestrian plazas, volleyball courts, outdoor seating areas, and artwork make The BLVD an attraction and destination campus for retail and entertainment.

BUDGET IMPACT:

No budget impact.

RECOMMENDATION:

The BLVD Specific Plan Vision and Marketing update presentation is provided to the City Council for information and feedback.

CITY COUNCIL REPORT

SUBJECT: Parks and Special Events Update

MEETING DATE: 6/1/2020

TO: Mayor and Council

FROM: Bryan Hughes, Parks and Recreation Director, (623) 333-2411

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

Parks and Recreation staff will present an update on City parks the special events programming. This item is for discussion only.

BACKGROUND:

Spring is generally a busy time for special events in the City of Avondale. However, due to COVID-19, several events were cancelled. This update is intended to provide Mayor and Council with a summary of cancelled events and a glimpse of what we can anticipate for events during the next fiscal year.

Several parks capital improvement projects (CIP) were completed or are in the process of being completed in FY20. This update is intended to provide Mayor and Council with a summary of those projects.

DISCUSSION:

Summary of Special Events 2020-2021

Past Spring 2020 Events

- **Tres Rios Nature Festival** – The two-day event was held February 29th and March 1st at the Arizona Game and Fish Department's Base and Meridian Wildlife Area. It included 30+ vendors, live entertainment, a beer garden, and activities including wildlife presentations, canoeing and paddle boarding, zip-lining and more. An estimated 6,500 people attended the two-day event.

Cancelled Spring/Summer 2020 Events

- **Culture POP** –Saturday, March 28th at Estrella Mountain Community College
- **KidFest** – Saturday, April 11th at Friendship Park
- **Avondale Fiesta** –Saturday, May 2nd in Historic Avondale
- **Memorial Day Ceremony** –Memorial Day, Monday, May 25th at the Civic Center Amphitheater
- **WaterPalooza** – The event is tentatively scheduled Saturday, July 4th at Friendship Park. This water-themed event includes food vendors, merchandise vendors, games and activities, and of course, water-themed inflatables.

Fall 2020 Events

- **Cycle Avondale** – Sunday, October 4th
- **Billy Moore Days** – Thursday, October 15th to Sunday, October 18th
- **Veteran's Day Fitness Fun Run** - November 11th

- **Winterfest** – Saturday, December 5th

Affiliate Fall 2020 Events

- **Dia de Los Muertos** with Ballet Folklorico Esperanza – Saturday, October 31st
- **Avondale Championship Open** – Wednesday, November 4th

Spring 2021 Events

- **Tres Rios Nature Festival** – Saturday-Sunday, February 27-28, 2021
- **Culture POP** – Saturday, March 27, 2021
- **KidFest** – Saturday, April 10, 2021
- **Avondale Fiesta** – Saturday, May 1, 2021
- **Memorial Day Ceremony** – Monday, May 31, 2021

Summary of FY20 CIP Park Projects

Friendship Park

- Upgraded baseball fields including fencing, dugouts, benches wind and shade screening for participants and spectators, and new concrete plaza
- Painted central restroom
- Built new west restroom and maintenance facility/yard
- Resurfaced basketball courts and upgraded to LED lighting
- Upgraded tennis courts to LED lighting

Festival Fields Park

Improvements to 30-acres of the park, including:

- Basketball Courts
- Pickleball Courts
- Skate Park
- Soccer Field with Lighting
- Lake
- Playgrounds
- Fitness Area
- Picnic Ramadas
- Restrooms
- Dog Park
- Youth Ball Fields with Lighting
- Maintenance Yard
- Area Lighting, Site Amenities and Signage

Goodyear Farms Cemetery

- New automated gate
- Landscape and Irrigation Improvements
- Paved parking lot with lighting
- Area lighting

Crystal Gardens

Trail and landscaping Improvements in Cells 1B, 6B and 5

BUDGET IMPACT:

This item has no direct budget impact.

RECOMMENDATION:

This item is for discussion only.

www.AvondaleAZ.gov/events | (623) 333-2400

Avondale EVENTS!

2020

Save these dates and come out to celebrate!



SUNDAY
OCTOBER 4



CYCLE AVONDALE (Friendship Park)

Course includes Phoenix Raceway! This leisurely ride is for cyclists of all skill levels. Register at www.avondaleaz.gov/cycleAvondale.



THURSDAY - SUNDAY
OCTOBER 15-18



BILLY MOORE DAYS (Historic Avondale) – Avondale's nostalgic 4 day event - celebrating good ole family fun! Historic Parade, Multi-Stage Entertainment, Festival, and Carnival Rides. Billymooredays.com



WEDNESDAY
NOVEMBER 4



CITY OF AVONDALE CHAMPIONSHIP OPEN (Wigwam Golf Resort)

25th Annual Golf Tournament in support of the Boys & Girls Club Tri-City West/ Thornwood Branch (in Avondale). Register at bgcmp.org/avondale-cup. Info: (602) 954-8182 | info@bgcmp.org



WEDNESDAY
NOVEMBER 11



VETERANS DAY FITNESS FUN RUN

(Estrella Mountain Community College) – A multifaceted community celebration honoring our veterans; warriors breakfast, 5K boot camp style fun run, and ceremony. www.estrellamountain.edu/vetfunrun



SATURDAY
DECEMBER 5



WINTERFEST (Civic Center Campus) – Avondale's Signature Holiday Event to welcome winter! Enjoy the holiday fun with craft vendors, rides, snow, food trucks, community entertainment, and a visit from Santa!

Avondale hosts these exciting Signature Events throughout the year to encourage community engagement, embrace cultural diversity and feature family-friendly fun things to do for all ages.

Events are produced by Avondale's Parks & Recreation Department in collaboration with Goosebump Marketing & Events.

Avondale
PARKS & RECREATION
DEPARTMENT

If you would like more information on these events visit AvondaleAZ.gov/events, or want to learn how you can become a sponsor, please contact Julie at Goosebump Marketing & Events, julie@gbump.com, or visit www.gbump.com.

www.AvondaleAZ.gov/events | (623) 333-2400

Avondale EVENTS!

2021

Save these dates and come out to celebrate!

6,500 Attendees

TRES RIOS NATURE FESTIVAL

SATURDAY & SUNDAY
FEBRUARY 27-28



TRES RIOS NATURE FESTIVAL & CONCERT (Base & Meridian Wildlife Area)
Enjoy nature, wildlife, outdoor recreation, live entertainment, food & brew.
Tresriosnaturefestival.com

1,400 Attendees

Goodyear present

Avondale 2nd POPture BLOCK PARTY

SATURDAY
MARCH 27



Avondale Goodyear Culture POP! (Estrella Mountain Community College)
A fusion of Arts, Food, Beers, Worldly Entertainment. The biggest all-ages party in the Southwest Valley! AZCulturePOP.org

4,500 Attendees

Avondale KIDFEST

SATURDAY
APRIL 10



KIDFEST! (Friendship Park) – An outdoor, family-friendly event featuring activities and entertainment geared toward the young child.
Avondalekidfest.com

3,500 Attendees

Avondale FIESTA

SATURDAY
MAY 1



AVONDALE FIESTA (Historic Avondale) – Join us for a Cinco de Mayo-inspired street festival on Western Avenue showcasing culture, cuisine and entertainment for the entire family.

300 Attendees

2021

Memorial Day EVENT

MONDAY
MAY 31



AVONDALE'S MEMORIAL DAY CEREMONY (Civic Center Amphitheater) – Honor those who have served, with a ceremonial candlelight vigil that includes music, special tributes and special guests.

Avondale hosts these exciting Signature Events throughout the year to encourage community engagement, embrace cultural diversity and feature family-friendly fun things to do for all ages.

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Avondale
PARKS & RECREATION
DEPARTMENT

If you would like more information on these events visit AvondaleAZ.gov/events, or want to learn how you can become a sponsor, please contact Julie at Goosebump Marketing & Events, julie@gbump.com, or visit www.gbump.com.

CITY COUNCIL REPORT

SUBJECT: Minutes

MEETING DATE: 6/1/2020

TO: Mayor and Council

FROM: Marcella Carrillo, City Clerk, (623) 333-1214

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to approve the April 20, 2020 City Council Meeting Minutes. The Council will take the appropriate action.

BACKGROUND:

n/a

DISCUSSION:

n/a

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

Staff recommends City Council approve the April 20, 2020 City Council Meeting Minutes.

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
ONLINE MEETING
April 20, 2020

The April 6, 2020 City Council meetings were hosted online using the Zoom Cloud Meeting platform. All participants attended by phone or video.

A **Work Session** of the City Council of the City of Avondale, Arizona was convened using the Zoom Cloud Meeting platform in open and public session at 6:03 p.m.

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

Note: All Council Members attended the meeting through phone or video conference with the exception of Mayor Weise.

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; Ken Chapa, Economic Development Services Director; Lindsey Duncan, Finance and Budget Director; Craig Jennings, Judge; Bryan Hughes, Acting Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Kevin Murphy, Development and Engineering 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 five members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. PRESENTATION AND DISCUSSION OF DEPARTMENT FY2021 BUDGET SUPPLEMENTAL REQUESTS

City Council received an overview of department budget supplemental requests for the fiscal year (FY) 2021 budget.

City Administration

Charles Montoya reviewed the City Administration budget. The Building Maintenance item of \$167,700 is the increased cost for contractual obligations going forward for maintenance of the buildings in the City. The Employee Recognition Program item of \$8,000 is requested as a recurring cost, rather than requesting smaller amounts on an ongoing basis. The Federal Representation item reflects the increased contractual amount for the federal lobbyist. The Strategic Plan Update item of \$30,000 will assist with obtaining a facilitator to move through the process of updating the strategic plan, with \$15,000 for ongoing expenses.

The City is three years into a five-year intergovernmental agreement with the Veteran's Success Project, which goes through December of 2021. At this time, there is not clarity as to how much benefit has come to the City; however, it is believed to support the region as a whole, which Avondale is a part of. In the near future, it is likely that representatives will come before Council with an update. Vice Mayor Dennis expressed concern that the City has not received detailed financial reports. If additional funding is requested, she recommended that the representatives go through the Council Subcommittee on the Contribution Assistance Program to seek funding in the future. Mayor Weise noted he did not see that as an issue and agreed that it would make sense with the limited feedback that has been received. The program is great and does benefit the region overall. Mr. Montoya stated that he would provide Council with a document received from the organization; however, he acknowledged that it does not contain significant details. Vice Mayor Dennis stated that other nonprofit organizations who request funding from the City must go through a lengthy application process, including accountability throughout.

Mr. Montoya reviewed the list of General Fund - Contingent on Funding items, including a Part-Time Council Assistant item of \$52,800. There is not an intent to move forward with hiring unless or until Council expresses a desire to do so. The Innovation Program item of \$20,000 involves all departments coming together with ideas and projects to move the City forward. The NASCAR Race item of \$75,000 is for the NASCAR Race event in November. For the Professional Development item of \$10,500, a few positions were added over the last couple years; however, funding was not added into the budget for continued training and education classes.

Vice Mayor Dennis recommended that the NASCAR Race come out of the Economic Opportunities Program fund through the Economic Development Department. Mr. Montoya agreed to this possibility. He noted that staff are unsure of how large the November race will be due to it being a championship race. With that, the line item was added to City Administration to prevent excess NASCAR funds from being taken out of the economic development fund.

Council Member Malone asked if the \$75,000 would be moved to the Economic Opportunities Program fund. Mr. Montoya stated that for the NASAR budget, the preference would be to add the amount to the Economic Opportunities Program at a later time. He noted that the requested amount of \$75,000 may not be enough to fund the event. He stated they have communicated with the County and State, but they have not wanted to do a coordinated effort for funding to the state legislature for the race.

Vice Mayor Dennis stated that she would like an overview of the race's financial benefit to the City, stating that she was not comfortable with the funding unless it is taken from the economic development opportunity funds. Mr. Montoya said he has no problem adding the \$75,000 to the fund and will provide Council with a summary of benefits, adding that the benefits to City far outweigh the \$75,000.

City Attorney

The budget includes a one-time cost of \$7,000 to set up a law library for the City Attorney's Office.

City Clerk

The 2020 Election item of \$70,000 is for the August Council and Home Rule election as well as an election in November, if the Council wishes to put a sales tax initiative forward. There is \$10,000 as an ongoing item for a software for electronic signatures on an annual basis. The Part-Time Admin Clerk to Full-Time item of \$36,500 will move the part-time administrative clerk to full-time to handle the volume of visitors to the Civic Center. The Passport Postage item of \$2,900 is a reimbursement item for passport postage.

Council Member Kilgore addressed the Home Rule proposition and noted that those writing an argument in support must pay \$50 for submission. As this fee has never been in place in the past, the fee should be removed. Mr. Montoya stated that the item was increased a couple years ago, as surrounding communities are all taking in this fee, with the exception of the City of Litchfield and the City of Tolleson. The cost is a reimbursement to the City for publication of the pamphlet and booklet. Council Member Kilgore stated that if someone is writing a letter in support, they should not be required to pay the fee even if other cities are doing it. He noted that Avondale was not doing it when he was first on Council.

Mayor Weise asked about the number of arguments typically received. Marcella Carrillo, City Clerk stated that on the last publicity pamphlet, there were no arguments received for the Home Rule proposition. He explained to Council Member Kilgore that he was not minimalizing his concern as he was surprised to hear about the fee as well. Mayor Weise commented that if there is an election for a tax increase for parks in November, there will be arguments. He asked whether any other Council Members had an issue with the \$50 charge.

Vice Mayor Dennis stated that if the City funds the \$50 fee, it is essentially paying for whatever arguments are submitted. The onus should be on the individuals to pay that cost.

Mayor Weise opined that there would be very few residents stepping forward to support an initiative. Rather, input would be coming from unions, police and fire, which would be paid for by their union funds and not an individual.

In response to a question by Council Member Malone, City Attorney Michael Wawro, stated it does not raise a legal issue. Council Member Malone asked Mayor Weise whether during his time on Council, he has been aware of this fee being charged to residents.

Mr. Montoya stated it would be unusual for the City to pay the fee for an argument against the Home Rule proposition. In response, Council Member Malone acknowledged that if the City was going to pay for arguments for the propositions, then arguments against a proposition would also need to be covered.

Council Member Malone asked Mayor Weise if the fee has ever been charged before. Mayor Weise said he does not recall this fee being charged in the past. However, he also does not remember a pro or against statement coming out on the Home Rule proposition. He asked how long a pro or con argument has been on the ballot at the state level. Mr. Wawro stated it has existed as long as he is aware of. He noted that the City is free to lay out its interests to explain what will happen if a proposition passes or fails.

Mayor Weise stated that if a city puts something forth on a ballot, the presumption is that they want the ballot measure to pass. The fee is rarely paid by individuals, but by unions, organizations or committees. He gave the example of Western Maricopa Association of Realtors or the Home Builders of Arizona supporting the Home Rule proposition. The City should not pay the \$50 fee for them to do so.

Vice Mayor Dennis stated that before coming to Avondale, she was accustomed to seeing pro and con arguments with the submitting individual paying the fee. She asked whether the \$50 is an appropriate amount in terms of what is required to include the argument on the printed ballot. Mr. Montoya stated that the \$50 is remitted to the City. The \$50 was included on the fee schedule adopted by Council. At this point in time, they are not allowed to change it.

Council Member Kilgore stated that since being on City Council in 2012, there has never been a fee or a problem. He also noted that there was never an argument filed against the Home Rule proposition, always arguments for the propositions. He noted that the arguments that were paid for by the city in the past were always positive. Mayor Marie Lopez Rogers had asked individuals to submit arguments which were all positive. In closing, he stated if someone is going to advocate for a proposition, they should not be required to pay.

Council Member Malone agreed with Council Member Kilgore noting she contacted members of the public who did not want to file an argument due to the \$50 fee. Mr. Montoya reiterated that in order to change the fee, Council would have to modify and re-adopt the current fee schedule. Council Member Malone requested a copy of the fee schedule.

City Council

Mr. Montoya stated that the City Council Travel Budget Increase item of \$3,500 includes an amount of \$500 for each Council Member annually and is contingent on funding.

City Court

Mr. Montoya stated the Interpreter Fee item of \$50,000 is for an increase in interpreter fees. City Court is also requesting the Court Security Offer Reclass item of \$5,000 and a New Postage Meter Lease item of \$1,000. Vice Mayor Dennis asked for the current cost of interpreter fees. Mr. Montoya stated that staff will provide the requested figure.

Development and Engineering Services

Mr. Montoya stated the Engineering Permit Technician item of \$80,100 is an added position. There has not been a slowdown in the building industry and last month was the highest number of permits submitted to the City in years. The Appraisal Services item of \$20,000 is due to the City consistently looking at selling, leasing or purchasing land.

Kevin Murphy, Development and Engineering Services Director, stated that the Project Management Services item of \$175,000 are primarily for the Resource Center and the City Annex Building. The City does not have the technical ability in-house for this type of vertical construction, so they rely on consultants to provide this service. Mr. Montoya explained these services will be used for the Neighborhood and Family Services department buildings as well as the Police Station. He noted that these project management services fees were not budgeted into the mentioned projects to keep the consulting services separate.

Vice Mayor Dennis stated her understanding that Council had previously approved the hiring of a position to handle City projects. Mr. Montoya stated that it was addressed during budget discussions last year; however, Council gave no final position to move forward on project management. Gina Montes, Assistant City Manager, clarified that originally, Council had authorized a limited term FTE for the project management of the two major projects. When trying to fill the position, it became evident that it was nearly impossible to find someone for the position due to the specific expertise in vertical construction and the current job market. Since the need is temporary, they were able to find a consultant with the expertise to provide the needed service.

Mr. Montoya added that the most difficult positions to fill currently are in finance, building, and engineering services. He noted the firms will assist with the mentioned projects as well as possible future project throughout the year.

Mayor Weise added that Arcadis has been a longtime partner for the City, noting their consultant work with the Wolf Water Treatment Facility. Mayor Weise inquired on the reasoning why staff were unable to fill the position. Ms. Montes explained staff did not have a large response to the advertising. She explained the position was posted for a three-year term which staff believes was sufficient and paid well.

Mayor Weise noted that some of the issues experienced within Development and Engineering Services will be relieved through the requested positions. He stated it was interesting that the City is not experiencing a decrease in requested building permits.

Mr. Montoya stated the following items are contingent on funding: Engineering Inspector, Senior Building Inspector, Engineering Professional Services. The items are especially necessary if residential and commercial growth continue at the current pace. The Aesthetic Enhancements item is a new item in terms of outside amenities for courtyards, enhancement of crosswalks and similar items. Mayor Weise asked if detail will be forthcoming on what the expected enhancements will be. Mr. Montoya confirmed that those details will be provided to Council.

Vice Mayor Dennis asked about the budgeted amount from last year for appraisal services. Mr. Montoya stated that it was approximately \$20,000 and is not expected to increase but is shifting from one department to another.

Economic Development

Mr. Montoya cited the budgeted amount of \$2 million for the Economic Opportunities Program, noting that Council had previously requested a breakdown of funding.

Vice Mayor Dennis surmised that once the City spends the anticipated amount, they will have \$56,000 going into this new \$2 million budget, which Mr. Montoya concurred. Vice Mayor Dennis commented that if additional funds for NASCAR are needed, this should be the source. Mr. Montoya commented that the mentioned amount may not be available to roll over to the next fiscal year depending on the next few months.

Ken Chapa, Economic Development Services Director, stated that the Small Business Support Program is a virtual accelerator program, which has resulted in good success stories. The Business Development item primarily addresses lead generation contracts, sales missions and other activities to prospect in and outside the region. The Real Estate Value Proposition Collateral item is focused on City-owned properties in The BLVD as well as City-owned assets to develop value propositions and marketing materials in key sectors. Mr. Montoya stated that the Software Licenses, Software, & Training item of \$13,800 is for a software program solely for economic development. The department has been using an Excel document to keep track of generational leads, which is very inefficient.

Mayor Weise commented on a software he uses that allows companies to keep track of sales prospects, activities and tasks.

Mr. Montoya noted that the Tourism & Marketing Initiatives item of \$178,000 is for the City to set up its own Designated Marketing Organization (DMO). This will allow the City to avoid having to request funds generated from Avondale's own hotels back to the State. Avondale would no longer be required to submit a budget to the State and the Council would have final approval on what projects would be funded in the City. The Health Tech Corridor GAP Analysis item of \$25,000 is for a Health Tech Corridor GAP analysis.

Council Member Kilgore referred to the \$50,000 budget for graphic designer services, noting that the City currently has an in-house graphic designer. Mr. Montoya stated that City does have an in-house graphic designer, but the Economic Development Department uses a different type of marketing and digital aspects to develop programs and brochures that are entirely different than the City's marketing department.

Council Member Kilgore inquired if a full-time graphic designer is needed for the Economic Development Department. Mr. Montoya recommended against that, stating the City is not at the point yet and he recommended continuing with a consultant basis on a contract. He noted that within the next year or two, there may be a request for such a position depending on growth, noting the addition of a position would be an added \$150,000. In response, Council Member Kilgore stated the budget could be modified to add the position. Council

Member Kilgore inquired if cities of like size have a graphic designer in the Economic Development department. Mr. Montoya stated cities of similar size do not, but they do have staff who meet with businesses and travel, but they contract out the graphic designing work. Mr. Montoya added that larger cities such as Phoenix and Glendale will often have in-house graphic designer for the department.

Council Member Kilgore asked Mr. Chapa if he was aware of any cities of like size that have an in-house graphic design professional. Mr. Chapa concurred that most cities do not have an in-house graphic design professional and usually use outside contractors. It is typically more cost-effective in the long run.

Council Member Kilgore asked how often Economic Development goes out to have design work such as pamphlets and brochures done. Mr. Montoya said this has changed quite a bit over the past couple of years. The department not only generates its own brochures for the City as a whole, but also individual brochures for site selectors. He concluded to saying these services are happening on a monthly basis. To see if it is feasible, Council Member Kilgore requested a write-up on how often the City uses a graphic designer. He would like to see the financial figures and then compare the numbers with other cities to see if it is feasible. Mr. Montoya stated he will provide the requested information.

Council Member Pineda stated several businesses in the West Valley have gone through the Local First program and have done well. He may have more comments on this during the next budget cycle.

Council Member Malone stated that the Tourism & Marketing Initiatives item of \$178,000 ongoing; however, the provided packet indicates \$135,000. She asked about this difference and whether these are the tourism dollars previously going to the Chamber of Commerce. Mr. Montoya stated that \$135,000 was allocated by the Office of Tourism for the State of Arizona but these are not the funds removed from the Chamber. The mentioned funds are derived through work with other cities, including a DMO with Wickenburg. The difference in cost is because this is a new program for the City and they want to ensure ample funding. They were only limited by the amount of money going for two hotels to the State of Arizona Office of Tourism. Now that there are four operating hotels, this amount will increase.

Council Member Malone asked about the amount of tourism dollars from the Southwest Chamber Office funneled over and brought back in-house. Mr. Montoya stated that the Southwest Chamber Office has not been helping specifically with any programs with the City related to tourism; the amount of their contract this year is \$15,000. Council Member Malone cited a discussion a couple of months ago, whereby the City would be pulling in the tourism dollars it was giving to the Chamber to assist with tourism and marketing for the City. Mayor Weise confirmed that the City pulled in money from the Southwest Chamber and used it towards this budget. In response to a question from Council Member Malone, Mayor Weise said the total pulled was \$5,000.

Vice Mayor Dennis noted the comment at the bottom of the slide mentioning the \$43,000 that has been increased since April 2020. She inquired if the adjustment was due to a change in data that will be sent to the City. In response, Mr. Montoya stated since the City

is taking over the program, the funds are no longer being sent to the State of Arizona, so staff are required to budget and take over the program effective July 2020.

Mayor Weise noted that other cities are taking similar steps to manage funds themselves, as they are seeing a better return on investment.

Finance and Budget

Mr. Montoya reviewed that there was a mid-year supplemental request for an internal auditor. There is also an ongoing cost for software and training needed for the individual staff member. The second item is contingent upon funding and would move a part-time accountant to full-time. While other departments have continued to grow, internal operating departments are lacking staff.

In response to a question from Council Member Malone, Mr. Montoya confirmed that they are proposing to add half a position for a total of 34 full-time employees.

Fire and Medical

The APFA MOU Overtime Requirements item of \$12,500 is to pay firefighters overtime who are working over 96-hours, they were formerly being paid straight time. The Fire Deputy Chief – Emergency Med item of \$225,400 is for emergency medical services and is reimbursable based on revenue. An individual will be hired to manage and oversee the medical operations for the City through the Fire Department. The Firefighter Overtime item of \$50,000 is allocated for firefighter overtime to address the overall issue of under-budgeting for these costs. Jeff Case, Fire Chief, stated that the computer-aided dispatch budget is a fee generated annually, based on call volume. The City is invoiced in arrears, with the City being billed on call volume, which means they do not have an accurate estimate. The amount of \$28,600 makes up the difference between what was budgeted and the actual number of calls. Mr. Montoya stated the EOC Radio Communications item of \$20,000 is for the EOC radio communications annual maintenance agreement the Fire Department must pay. The Firefighter Equipment Replacement item of \$175,000 includes general replacement items such as hoses and materials on the trucks. The Fire Deputy Chief - Emergency Medical Services item of \$15,500 is the portion derived from the public safety sales tax.

Council Member Malone sought clarification on the firefighter equipment replacement. Mr. Montoya stated that Council will likely see the \$175,000 budgeted each year. This year, it includes replacement of hoses and other equipment needed to operate. Next year the amount may fluctuate, depending on needs.

Council Member Nielson thanked staff for the detailed information that was submitted in their budget requests.

Vice Mayor Dennis asked whether the self-contained breathing apparatus (SCBA) items are included in the \$175,000. Mr. Montoya stated that they are not, as they are included in the capital program for the Fire Department and are recommended to be funded.

Human Resources

Mr. Montoya stated that as the City staff continues to grow, internal growth is also required. The Human Resources Department is currently behind, as they have significant work to do in recruitment. Therefore, they have requested a Senior Human Resources Analyst item for \$107,000 to support their current staff. The City-Wide Training item of \$50,000 will be used for training in several categories. Risk Management insurance premiums are also included in the budget at \$200,000. As with other departments, Risk Management has been using Excel spreadsheets to track incidents and costs. They are looking to purchase a software program at \$100,000 plus \$40,000 for ongoing maintenance.

Council Member Kilgore stated he has the privilege of serving on the Risk Management Committee. He stated supporting them with maintenance and technology is important as staff needs more than just an Excel Worksheet. The new technology will allow staff to increase their data source capabilities, cost tracking, risk analysis, as well as the ability to report and track claims from the beginning to end. He expressed his support of this budget request.

Council Member Malone asked whether the software is licensed-based or will cover the entire department and she also inquired on upgrade costs. Mr. Montoya stated that \$40,000 covers upkeep for maintenance of the software with \$100,000 to cover the purchase of the software. The software will be specifically for the HR analysts on a license basis.

Information Technology

Mr. Montoya stated the Software & Services Maintenance item of \$212,000 is for overall maintenance of Citywide systems that are in place, including an annual increase in costs on an ongoing basis. The Cyber Security Software & Services item of \$90,000 is in response to the rampant number of attacks on U.S. cities, including Avondale. The cost assists the City with additional oversight and software for the IT department. The Enterprise Resource Planning System item of \$1 million is for the Finance and Budget Department. Just a few years ago, staff was utilizing an Excel document to create an entire \$250 million budget. With the size of the budget, the City requires an enterprise resource planning system to run the financial system overall. The Social Listening Software of \$27,000 reflects the cost of contracting with a company to track mentions of Avondale nationwide on any platform which have been appearing in Council's weekly updates. The Regional Wireless Cooperative item of \$45,000 refers to the Police and Fire Departments, as the cooperative agreement that most Maricopa County cities belong to. The license is held by the City of Phoenix. The Security Cameras & Equipment item of \$7,500 will fund enhancements of cameras and security throughout City facilities. The Legal Information Resources item of \$17,500 is the management software for the City Attorney's Office to manage documents processed on behalf of City departments and their annual maintenance. There are two full-time employee items that are contingent on funding: IT Assistant and Network Engineer.

Council Member Nielson inquired about resource management in terms of tracking items needing replacement. Mr. Montoya stated an asset management system is included in the CIP budget.

Marketing and Public Relations

Mr. Montoya stated the RAVE Review Magazine item of \$10,000 will allow the City to increase the number of pages in the magazine and expanding distribution. There are two items contingent on funding, including a full-time Digital & Communications Specialist and the Brand Content/News Placement item. The brand content item will allow City staff to continue to write articles on behalf of the City for inclusion in the West Valley View and other newspapers.

In response to a question from Council Member Malone, Mr. Montoya stated he would not recommend pulling the \$20,000 budget from the Economic Development department, as this is solely for content regarding the City as a whole and not related to economic development.

Council Member Nielson commented that the RAVE comes out every three months and the budget will make it larger. However, a neighboring community has a similar magazine, which they publish on a monthly basis. The monthly frequency better apprises residents of current events. The West Valley View is only given to people who call and ask for it. He recommended the possibility of reducing the size of RAVE and potentially publishing six times per year.

Council Member Malone stated that she is working with Emily Webb, Executive Management Assistant, towards a goal of publishing a digital newsletter every month on behalf of Council, which could help promote more events within the City.

Pier Simeri, Director of Marketing and Public Relations, agreed with Council Member Nielson that the RAVE is only published three times per year and does not always have the most up-to-date information. Efforts are being made to utilize other sources, such as social media platforms, newsletters, listservs, email blasts and news placement.

Council Member Conde agreed with Council Members Nielsen and Malone. She suggested the possibility of an insert in the water bill which would provide current City updates. The update could also direct residents to digital content. Mr. Montoya stated that this method has been used in the past. It is costly to add an additional piece of paper for the mailing, not only for the printout insert, but also for the cost of postage. He noted that moving the RAVE magazine to quarterly is very staff intensive and add extra costs.

Council Member Pineda commented that the Economic Development team and Marketing and Public Relation team are doing a great job, specifically in relation to the size of the department.

Vice Mayor Dennis stated that the need for increased publications will grow as the City increases its recreational programs. The digital communication specialist is more of a priority, as more people receive their information digitally. She recommended moving the position into the funded category. Mr. Montoya concurred, stating that they would move the position into the funded category, and this will be reflected in Council's next update.

Neighborhood and Family Services

Mr. Montoya stated that the Library Materials for Collection item reflects a need to acquire necessary materials for \$75,000 as well as \$75,000 for ongoing costs. The Health Partner Sponsored Assistant position is a reimbursable revenue item through the providers. In prior years, Council set aside funding for Fire Department personnel to obtain assistance for a down payment to purchase a home in the City of Avondale. The recommendation is to approve the Public Safety Housing Incentive to expand the program to the Police department. The Library Assistant item of \$1,500 for one-time costs and \$53,600 for ongoing costs is in response to the rapid growth in this area. The Resource Center Assistant item of \$70,900 is also in response to growth. The Resource Center Facility Equipment of \$16,000 is for equipment for senior exercise equipment.

Council Member Malone asked whether the Library Assistant position will result in expansion of library hours. Chris Lopez, Neighborhood and Family Services Director, stated the intent was to enhance customer service but this is an area they can explore. Before proceeding with expansion of hours, he would like to survey the community to find out which hours would be most used.

Mayor Weise recalled that in 2009 and 2010 hours were cut due to budget restraints. Considering the growth in the City and the need to provide services to the community, he expressed support for expansion of weekend hours.

Council Member Malone asked where the Resource Center Assistant position would be funded from. Mr. Lopez stated that the goal is to have dedicated City employees in order to retain control over the schedule at the new resource center.

Council Member Kilgore expressed support for the \$16,000 for the new exercise equipment at the resource center, noting the Seniors will love the nice amenities.

Council Member Conde agreed with the extension of library hours, noting comments from members of the community expressing interest in extended hours.

Vice Mayor Dennis said she was surprised that the costs for the new exercise equipment was not part of the total dollar amount for building the new resource center. Mr. Montoya said that while he does not disagree with Vice Mayor Dennis, in a development such as this, there are typically items that fall through and need to be funded subsequently. Vice Mayor Dennis expressed concern regarding due diligence for such large projects and advised in a more detail-oriented approach to such projects in the future.

Parks and Recreation

Mr. Montoya stated that the Three Part-Time Park Specialists item of \$81,600 will fund three part-time park specialists which is necessary in response to the expansion of parks throughout the City as well as bringing Festival Fields online. The Special Events Programs item of \$305,000 is being reclassified from a one-time request to ongoing. The Park Maintenance Equipment item of \$76,700 will allow the Parks Department to purchase

miscellaneous tools used at all parks without having to transport the tools from one location to the next. The Reclass Recreation Programmers item of \$51,000 will change classifications of current employees.

In response to a question from Vice Mayor Dennis, Bryan Hughes, Acting Director of the Parks and Recreation Department, stated that the part time park specialist position is for maintenance.

Vice Mayor Dennis noted that Council approved a few positions during the past year and advised that those should be accounted for in the long-term counts. She estimated the total number of positions being 38 with two approved mid-year. Mr. Montoya stated that the management assistant position moved into the City Manager's Office. Two positions were approved by Council in the Economic Development Department and one position in Finance for the auditor. These were added in November/December and will be added to the summary for the total budget overall.

3. ADJOURNMENT

There being no further business before the Council, Council Member Malone 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 7:32 p.m.

A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened using the Zoom Cloud Meeting platform in open and public session at 7:38 p.m.

Mayor Kenn Weise led the Pledge of Allegiance, followed by a moment of silent reflection in remembrance of Royal Canadian Mounted Police Constable Heidi Stevenson who was killed on April 19, 2020.

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

Note: All Council Members attended the meeting through phone or video conference with the exception of Mayor Weise.

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; Ken Chapa, Economic Development Services Director; Lindsey Duncan, Finance and Budget Director; Craig Jennings, Judge; Bryan Hughes, Acting Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Kevin Murphy, Development and Engineering 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 five members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. 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 Nielson, 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. MINUTES

City Council will consider a request to approve the February 18, 2020 and March 2, 2020 City Council Meeting Minutes.

b. LIQUOR LICENSE – SERIES 6 (BAR) – CLUB SANTA FE – CHANGE OF OWNERSHIP

City Council approved a request to recommend approval to the Arizona Department of Liquor License and Control of an application for a Series 06 (Bar) License Acquisition of Control submitted by Servando Lopez for the sale of beer, wine, and spirits at Club Santa Fe located 10907 West Buckeye Road, in Avondale and authorized the City Clerk to execute the necessary documents.

c. FIRST AMENDMENT – PROFESSIONAL SERVICES AGREEMENT WITH CAROLLO ENGINEERS – DESIGN & CONSTRUCTION MANAGEMENT NORTH AVONDALE WATER SUPPLY PROJECT

City Council approved Amendment No. 1 to the Professional Services Agreement with Carollo Engineers, Inc. for additional design and construction management services for the North Avondale Water Supply project in the amount of \$524,772 and authorized the Mayor, or City Manager and City Clerk to execute the contract documents.

d. THIRD AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK AGREEMENT (CMAR) CONTRACT WITH PCL CONSTRUCTION FOR THE NORTH AVONDALE WATER SUPPLY PROJECT

City Council approved Contract Amendment No. 3 to the CMAR with PCL Construction, Inc., to establish the Guaranteed Maximum Price (GMP) No. 3 for the North Avondale Water Supply Project, WA1469 in the amount of \$7,190,436, authorized the necessary budget transfers, and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

e. RESOLUTION 1023-0420 – MOU WITH THE CITY OF PHOENIX POLICE DEPARTMENT FOR SCHEDULING AND USE OF NIBIN

City Council adopted Resolution 1023-0420, authorizing the Avondale Police Department's participation in a Memorandum of Understanding (MOU) with the Phoenix Police Department to schedule and use their National Integrated Ballistic Information Network (NIBIN), and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

f. RESOLUTION 1024-0420 – INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF LITCHFIELD PARK PROVIDING THE USE OF THE AVONDALE CITY COURT

City Council adopted Resolution 1024-0420 authorizing an Intergovernmental agreement with the City of Litchfield to allow the Litchfield Park Municipal Court to use the Avondale City Court for courtroom operations for a period of four (4) hours on one day each week in the amount of \$14,400.00 annually, with a 3% increase each year for a three (3) year period and may be extended for up to five (5) additional one year extensions, and authorized the Mayor and City Clerk to execute the necessary documents.

g. RESOLUTION 1025-0420 – INTERGOVERNMENTAL AGREEMENT WITH THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY FOR JURY SERVICES

City Council adopted Resolution 1025-0420, authorizing an amendment to the Intergovernmental Agreement (IGA) with the Maricopa County Superior Court to extend the IGA for two additional two-year terms to provide jury services for the City Court, and authorized the Mayor and City Clerk to execute the necessary documents.

h. RESOLUTION 1026-0420 APPOINTING THE APPLICANT AGENT FOR DISASTER RELIEF FUNDING

City Council adopted Resolution 1026-0420, to appoint the City's Budget and Finance Director, Lindsey Duncan, as the Applicant Agent for public assistance from the Arizona Department of Emergency and Military Affairs (DEMA) under the Disaster Relief Act, and to authorize the Applicant Agent to execute the necessary documents.

i. ORDINANCE 2013-0420 – ACQUISITION OF REAL PROPERTY AND TEMPORARY CONSTRUCTION EASEMENT FOR RELOCATION OF RILEY LIFT STATION

City Council adopted Ordinance 1013-0420 authorizing the acquisition, by purchase, condemnation or dedication of real property and a temporary construction easement for the relocation of Riley Lift Station, Project No. SW1391 and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

3. REGULAR AGENDA

a. PUBLIC HEARING RESULTS OF BIENNIAL AUDIT OF DEVELOPMENT IMPACT FEES.

City Council held a public hearing on the development impact fee biennial certified audit, as required by A.R.S. 9463.05.

Rob Baer, Budget Manager, stated that the City's Development Impact Fee Program is governed and regulated by State statute. There are many requirements in the statute, including that development impact fees must be calculated and documented in an Infrastructure Improvement Plan (IIP) and the Land Use Assumptions (LUA). The IIP outlines growth share of capital improvement projects and identifies growth-related projects and their costs. LUAs outline the forecast for growth in the City. These documents work in conjunction to determine the development impact fees charged to developers. The IIP and land use assumptions under review, were adopted in 2014 and revised in 2019. State statute requires review of the IIP and LUA either by an infrastructure improvement advisory committee or by annual audits of the City's development impact fee program. The audit must be completed by qualified professionals who are not employees of the City. The City has opted to do the biennial audit of the Development Impact Fee Program. The period under review for the purposes of this public hearing is July 1, 2016 through June 30, 2018. The City contracted with Heinfeld Meech to complete the audit. The report was posted to the City's website on April 16th, in accordance with the statute. The report examines the City's progress on the Infrastructure Improvement Plan, collection of impact fees and use of such fees towards projects. It looks for inequities in implementing the plan and imposing development impact fees.

The agreed-upon procedures cited four findings, including:

- Variances noted for growth projections.
- Development impact fee revenue has historically not been separated on the City's general ledger.
- Ineligible expenses found to have been charged and used.
- Projects not identified in the City's Infrastructure Improvement Plan in 2014 that were found to be using development impact fees.

The City is committing to resolving the findings. To cover the ineligible expenses in projects that were reported to use development impact fee revenue, the City will transfer funds from the General Fund for the streets portion and from the Water Operations Fund for water infrastructure that was reported to use development impact fees. The transfer of these funds will appear for consideration on a future Council agenda item. The City has contracted with

a third party to perform a deeper review of the usage of development impact fees. The City will segregate development impact fee revenue and the usage of these fees into separate funds to enable better tracking and transparency.

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.

Vice Mayor Dennis asked for clarification on the what will be done with respect to the projects that received funding and should not have. Mr. Baer stated that a transfer will be made from the General Fund to the fund where the development impact fee revenue posts, in order to cover ineligible expenses. The total amount is still being determined but the amount the auditor found is posted within the report online. In response to a question from Vice Mayor Dennis about instituting new methodologies for tracking, Mr. Montoya stated that many of these procedures were implemented approximately a year ago and the audit will ensure compliance with new procedures.

4. ADJOURNMENT

There being no further business before the Council, Council Member Conde 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
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 7:51 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 20th day of April 2020. I further certify that the meeting was duly called and held, and that the quorum was present.

Marcella Carrillo, City Clerk

CITY COUNCIL REPORT

SUBJECT: Pension Funding Policy

MEETING DATE: 6/1/2020

TO: Mayor and Council

FROM: Lindsey Duncan, Finance and Budget Director, (623) 333-2011

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to adopt an updated Pension Funding Policy for Fiscal Year 2021 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

During the 2018 legislative session, HB2097 was adopted, requiring participants in the Arizona Public Safety Personnel Retirement System (PSPRS) to formally adopt a pension funding policy. The governing body must re-adopt the policy annually, accept the employer's share of the system's assets and liabilities, and post the policy on its website.

The City Council adopted the original policy at the 6/3/2019 Council meeting. The policy for FY2020-21 updates the City plans' assets, liabilities and funded status percentages recently provided by the PSPRS' actuarial firm for FY2019. The policy also identifies the City's annual required contribution (ARC) for the upcoming fiscal year.

DISCUSSION:

The City's sworn Police, Fire, and Correctional Officer personnel are members in legacy pension plans designated for each group. Plan information in the policy is presented only for the three legacy plans. The City's newer public safety personnel are members of a shared pension plan that is comprised of multiple employers due to size of staff with individual employers. The City's legacy plans combined funded status increased slightly to 65.7% in FY2019. The required contribution for FY2021 is \$4,626,950 and the City is not planning to contribute additional monies above this amount. Currently, the City's plans are estimated to be fully funded by FY2036.

BUDGET IMPACT:

There is no budgetary impact associated with this action. The City's required contributions to PSPRS are included in the FY2021 proposed budget.

RECOMMENDATION:

Staff recommends Council adopt the updated Pension Funding Policy for FY2021.

City of Avondale

Public Safety Personnel Retirement System

Pension Funding Policy

The intent of this policy is to clearly communicate the Council's pension funding objectives and its commitment to our employees and the sound financial management of the City and to comply with new statutory requirements of Laws 2018, Chapter 112.

Several terms are used throughout this policy:

Unfunded Actuarial Accrued Liability (UAAL) – Is the difference between trust assets and the estimated future cost of pensions earned by employees. This UAAL results from actual results (interest earnings, member mortality, disability rates, etc.) being different from the assumptions used in previous actuarial valuations.

Annual Required Contribution (ARC) – Is the annual amount required to pay into the pension funds, as determined through annual actuarial valuations. It is comprised of two primary components: normal pension cost – which is the estimated cost of pension benefits earned by employees in the current year; and, amortization of UAAL – which is the cost needed to cover the unfunded portion of pensions earned by employees in previous years. The UAAL is collected over a period of time referred to as the amortization period. The ARC is a percentage of the current payroll.

Funded Ratio – Is a ratio of fund assets to actuarial accrued liability. The higher the ratio the better funded the pension is with 100% being fully funded.

Intergenerational equity – Ensures that no generation is burdened by substantially more or less pension costs than past or future generations.

The City's police and fire employees who are regularly assigned hazardous duty participate in the Public Safety Personnel Retirement System (PSPRS). The City's Detention Center correctional employees also participate in a separate Correction Officers Retirement Plan (CORP) that is also administered by PSPRS.

Public Safety Personnel Retirement System (PSPRS)

PSPRS is administered as an agent multiple-employer pension plan. An agent multiple-employer plan has two main functions: 1) to commingle assets of all plans under its administration, thus achieving economy of scale for more cost efficient investments, and invest those assets for the benefit of all members under its administration and 2) serve as the statewide uniform administrator for the distribution of benefits.

Under an agent multiple-employer plan each agency participating in the plan has an individual trust fund reflecting that agencies' assets and liabilities. Under this plan all contributions are deposited to and distributions are made from that fund's assets, each fund has its own funded ratio and contribution rate, and each fund has a unique annual actuarial valuation. PSPRS operates as the administrator of two plan groups: 1) individual employer legacy plans for the majority of the City's longer-term public safety and detention center employees; and 2) a combined risk pool plan for newer public safety employees from multiple employers. In the legacy group, the City of Avondale has three trust funds, one for police employees, one for fire employees, and one for correctional employees. As the assets and liabilities of the risk pool plan are not employer-specific, data for Avondale is not provided.

Council formally accepts the assets, liabilities, and current funding ratio of the City's PSPRS legacy trust funds from the June 30, 2019 actuarial valuation, which are detailed below.

Trust Fund	Assets	Accrued Liability	Unfunded Actuarial Accrued Liability	Funded Ratio
Avondale Police	\$ 32,236,186	\$ 52,356,759	\$ 20,120,573	61.6%
Avondale Fire	\$ 26,943,475	\$ 37,746,452	\$ 10,802,977	71.4%
Detention CORP	\$ 1,884,245	\$ 2,810,420	\$ 926,175	67.0%
City of Avondale Totals	\$ 61,063,906	\$ 92,913,631	\$ 31,849,725	65.7%

PSPRS Funding Goal

Pensions that are less than fully funded place the cost of service provided in earlier periods (amortization of UAAL) on the current taxpayers. Fully funded pension plans are the best way to achieve taxpayer and member intergenerational equity. Most funds in PSPRS are significantly underfunded and falling well short of the goal of intergenerational equity.

The Council's PSPRS funding ratio goal is 100% (fully funded) by June 30, 2036.

Council established this goal for the following reasons:

- The PSPRS trust funds represent only the City of Avondale's liability.
- The fluctuating cost of an UAAL causes strain on the City's budget, affecting our ability to provide services.
- A fully funded pension is the best way to achieve taxpayer and member intergenerational equity.

Council has taken the following actions to achieve this goal:

- Maintain ARC payment from operating revenues – Council is committed to maintaining the full ARC payment (normal cost and UAAL amortization) from operating funds. The estimated combined ARC for FY2021 is \$ 4,626,950 and will be able to be paid from operating funds without diminishing City services.

- **Additional payments above the ARC**
 - **Prepay both the both the employer and employee ARC within the first 90 days of the fiscal year** – Pre-funding the full city contribution and a portion of the employee contributions has an immediate impact on long-term funding due to the increased investment returns applied directly to the City's PSPRS trust accounts.
 - Employer contributions will be prepaid in full at the amount included in the City's annual budget - The City's annual budget amount is based upon the actuarially determined rate applied to 100% full employment for all positions including budgeted vacant positions, positions filled by an employee in DROP, and all other eligible positions whereby contributions are not currently required, but have been budgeted for by the City.
 - Employee contributions will be prepaid at 50 -75% of the estimated employee ARC based upon cash flow needs at the discretion of the Finance and Budget Department Director.
 - **Annual pension contributions above the ARC** – as part of the City's annual budgetary process, evaluate the assets, liabilities, and current funding ratio of the City's PSPRS trust funds from the most current actuarial valuation and the City's general fund financial position and consider funding appropriations in excess of the ARC to incrementally achieve the Council's PSPRS funding ratio goal of 100%.

Based on these actions the Council plans to achieve its goal of 100% funding by June 30, 2036, in accordance with the amortization timeline set forth by the PSPRS June 30, 2019 Actuarial Valuation.

CITY COUNCIL REPORT

SUBJECT: Authorization for City Manager to Enter into a Lease Agreement for a Police Substation

MEETING DATE: 6/1/2020

TO: Mayor and Council

FROM: Ken Chapa, Economic Development Director, (623) 333-1411

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to authorize the City Manager to enter into a lease on behalf of the City of Avondale for a police substation with rent and ongoing costs not to exceed a total of \$160,000 for a term of 36 months and authorize the City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

McDowell Road retail corridor has experienced tremendous growth over the past few years thus requiring additional police presence and the need for a new police substation office, referred to as the MRC Beat Office. This new substation would allow the officers more efficiency in their reporting time, allow them to be closer to the higher density area of activity, and provide an office space for relief while in the field.

DISCUSSION:

Staff reviewed several police substation options in the direct area including vacant retail spaces at Park 10, Gateway Pavilions, and Gateway Crossings. The market rent for these prime retail spaces ranged from \$30 a square foot to \$50 a square foot, would require tenant improvements and would take the place of potential sales tax revenue from a retail user otherwise occupying it.

Staff identified a vacant office space with 1,363 square feet and came at a negotiated rental rate of \$16.50 a square foot located at the NWC of 103rd Avenue and McDowell Road. The proposed NNN lease is being offered at a 36-month term and would include an additional \$7.56 per square foot common area maintenance and operation fee (this includes water, and trash).

BUDGET IMPACT:

Total costs including upfront and ongoing expenses for 36 month not to exceed \$160,000.

Account number 102-6110-00-6625. Contingent on council approval of the final FY2021 budget.

RECOMMENDATION:

Authorize the City Manager to enter into a lease for the MRC Beat Office, not to exceed 36 months for a total cost not to exceed \$160,000.

CITY COUNCIL REPORT

SUBJECT: Resolution 1033-0620 - Economic Development Agreement with Gunbo LLC

MEETING DATE: 6/1/2020

TO: Mayor and Council

FROM: Ken Chapa, Economic Development Director, (623) 333-1411

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to adopt Resolution 1033-0620, approving an Economic Development Agreement with Gunbo, LLC not to exceed \$500,000 towards the reimbursement of public improvements for the construction of a unique full-service restaurant and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Gunbo, LLC is proposing an expansion project of the Park 10 development to include the construction of a 6,000 square foot unique full-service dining venue called Barrio Queen. This project is projected to bring over 100 new jobs and an approximately \$6M in annual sales. This project will continue to identify Avondale as a destination location for residents and visitors alike.

DISCUSSION:

During staff's discussions with Gunbo LLC, a delta in funding for the project was identified of \$500,000 and this created the inability to locate Barrio Queen without further assistance. Staff is proposing an Economic Development Agreement between Gunbo LLC and the City for reimbursement of offsite public infrastructure in an amount not to exceed \$500,000 to bridge this gap and help move this project forward.

Staff proposes to amend the Second Restated Agreement so that the developer would cause a New Restaurant to be constructed and developed on the Property to provide a unique destination dining venue for the Southwest Valley, increase the value of the Property for property tax purposes, enhance the City's freeway presence, create significant new opportunities for employment in Avondale and enhance retail transaction (sales) tax collections in the City.

BUDGET IMPACT:

Staff is proposing a reimbursement up to \$500,000 for public improvements, that would not be built absent this project.

Staff has ran an economic impact analysis for this project and it is anticipated to provide \$300,000 of direct revenue to the city in the first year and an accumulative of over \$1M over a five year period.

Budget capacity for FY 2021 exists in the Economic Opportunities Fund (102), contingent on the passing of the FY2021 Final Budget, and shall not exceed \$500,000.

RECOMMENDATION:

Staff recommends approval of this Economic Development Agreement between the City of Avondale and Gunbo LLC not to exceed \$500,000 towards the reimbursement of offsite public infrastructure for the construction of the 6,000 square foot full-service restaurant, Barrio Queen.

RESOLUTION NO. 1033-0620

RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE,
ARIZONA, AUTHORIZING THE MAYOR TO EXECUTE A THIRD
AMENDED AND RESTATED ECONOMIC DEVELOPMENT AGREEMENT
WITH GUNBO, LLC.

BE IT RESOLVED, by the Council of the City of Avondale, as follows:

SECTION 1. The Third Amended and Restated Economic Development Agreement with Gunbo, LLC (the “Agreement”) is hereby approved substantially in the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, June 1, 2020.

CITY OF AVONDALE, an Arizona
municipal corporation

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, Acting City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1033-0620

[Third Amended and Restated
Development Agreement]

See following pages.

THIRD AMENDED AND RESTATED
ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
GUNBO, LLC
(Amended and Restated June 1, 2020)

THIS THIRD AMENDED AND RESTATED ECONOMIC DEVELOPMENT AGREEMENT (this "THIRD Restated Agreement") is made June 1st, 2020 (the "Amendment Effective Date"), by and between the City of Avondale, an Arizona municipal corporation (the "City") and Gunbo LLC, an Arizona limited liability company d/b/a Parkland Development (the "Developer"), amending and restating that certain Economic Development Agreement between the City and the Developer dated May 6, 2013, and restated December 15, 2014 (the "First Restated Agreement") and restated December 17, 2018, (the "Second Restated Agreement").

RECITALS

A. New Facility – "Main Event". The City and the Developer entered into the First Restated Agreement relating to the construction of an approximately 58,229 square foot family entertainment center under the "Main Event" name (the "New Facility") substantially similar to the "Main Event" venue operated by Main Event Entertainment, LP (the "Operator") at 1911 N. Loop 1604 East, San Antonio, Texas (the "Benchmark Facility"), including all related on-site and offsite infrastructure, on approximately 6.7 acres of real property generally located near the southwest corner of McDowell Road and 103rd Avenue in Avondale, Arizona, which property is described and depicted on Exhibit A, attached hereto and incorporated herein by reference (the "Property"). Developer specifically committed to the City, and the City's willingness to enter into the First Restated Agreement was specifically contingent upon Developer's assertion, that the New Facility (i) would be opened and operated by the Operator, (ii) would be substantially similar to the Benchmark Facility and (iii) would remain in operation for a period of not less than six years.

B. Restaurant – "Portillo's". The City and the Developer entered into the Second Restated Agreement relating to the construction of an approximately 9,000 square foot restaurant under the "Portillo's" name (the "Restaurant") substantially similar to the Portillo's restaurant located at the northeast corner of Rio Salado Parkway and McClintock Drive in Tempe, Arizona (the "Restaurant Benchmark"), including all related on-site and off-site infrastructure, which property is described and depicted on Exhibit B, attached hereto and incorporated herein by reference (the "Property"). Developer specifically committed to the City, and the City's willingness to enter into the Second Restated Agreement was specifically contingent upon Developer's assertion, that the New Facility (i) would be opened and operated by the Operator, (ii) would be substantially similar to the Benchmark Facility and (iii) would remain in operation for a period of not less than six years.

C. Restaurant – “Barrio Queen”. The City to proposes to amend the Second Restated Agreement so that Developer would cause a New Restaurant to be constructed and developed on the Property to (i) provide a unique dining venue for the Southwest Valley, (ii) increase the value of the Property for property tax purposes, (iii) enhance the City’s freeway presence, (iv) create significant new opportunities for employment in Avondale and (v) enhance retail transaction (sales) tax collections in the City. This proposed Amended and Third Restated Agreement (hereinafter “Third Restated Agreement”) relates to the construction of an approximately 6,000 square foot restaurant under the “Barrio Queen’s name (the “Restaurant”) substantially similar to the Barrio Queen restaurant located at the northeast corner on Gilbert Road in Gilbert, Arizona (the “Restaurant Benchmark”), including all related on-site and off-site infrastructure, which property is described and depicted on Exhibit A, attached hereto and incorporated herein by reference (the “Property”). Developer specifically committed to the City, and the City’s willingness to enter into the Third Restated Agreement was specifically contingent upon Developer’s assertion, that the New Facility (i) would be opened and operated by the Operator, (ii) would be substantially similar to the Benchmark Facility and (iii) would remain in operation for a period of not less than six years. The City has determined, based upon analysis by its economic development staff, the New Restaurant would not locate on the Property in the absence of this THIRD Restated Agreement.

D. On April 1, 2013, the Council of the City of Avondale (the “City Council”) adopted that certain document entitled “Notice of Intent to Enter Into a Retail Development Tax Incentive Agreement and Findings of Fact” (the “Notice of Intent”), attached hereto as Exhibit A and incorporated herein by reference. Included within the Notice of Intent were findings showing (i) that the New Facility (“Main Event”) was anticipated to raise more revenue than the amount of the incentives set forth below within the duration of the First Restated Agreement and (ii) that, in the absence of the tax incentives proposed in this Agreement, the New Facility would not locate within the corporate boundaries of the City of Avondale at the same time or place (collectively, the “Findings”). Clause (i) above, as included in the Findings, was independently verified on March 27, 2013, by an outside consultant, Applied Economics (the “Verification”), which Verification is attached as an exhibit to the Notice of Intent set forth in Exhibit A. By executing the First, Second and Third Restated Agreements, Developer hereby agreed and affirmed that it (i) did not finance, or cause to be financed, the Verification, (ii) did not have input into the selection of Applied Economics for the purposes of such Verification and (iii) would not have been able to entice the Operator to locate the New Facility in Avondale in the same manner in the absence of the tax incentives set forth in the First Restated Agreement.

E. The City Council accepted the Findings on April 1, 2013, by a unanimous affirmative vote accepting the Notice of Intent.

F. New Facility – “Main Event”. The City collects transaction privilege taxes (levied pursuant to the City Tax Code) for taxable construction activities (“Construction Sales Taxes”) related to the project. One percent of the City’s 2.5% rate for Construction Sales Taxes is restricted for funding public safety, water, sewer and streets (the “Restricted Construction Sales

Tax Portion"). The Construction Sales Taxes minus the Restricted Construction Sales Tax Portion are referred to herein as the "Unrestricted Construction Sales Taxes." The City collects transaction privilege taxes (levied pursuant to the City Tax Code) for taxable retail sales, service, admissions, exhibitions, amusements, restaurant, bar, hotel and all other taxable activities, but specifically excluding leasing ("Retail Sales Taxes"), for uses to be constructed and operated on the Property. One percent of the City's 2.5% rate for Retail Sales Taxes is restricted for funding public safety, water, sewer and streets (the "Restricted Retail Sales Tax Portion"). The Retail Sales Taxes minus the Restricted Retail Sales Tax Portion are referred to herein as the "Unrestricted Retail Sales Taxes."

G. The City desires to amend the Second Amended and Restated Agreement (hereinafter "Second Restated Agreement") so that Developer will cause the New Restaurant to be constructed and developed on the Property to (i) provide a unique dining venue for the Southwest Valley, (ii) increase the value of the Property for property tax purposes, (iii) enhance the City's freeway presence, (iv) create significant new opportunities for employment in Avondale and (v) enhance retail transaction (sales) tax collections in the City. The City has determined, based upon analysis by its economic development staff, the Restaurant would not locate on the Property in the absence of this THIRD Restated Agreement.

H. The City Council is empowered, pursuant to ARIZ. REV. STAT. § 9-500.11, to appropriate public funds to further employment opportunities and economic enhancement of the City. Accordingly, the City Council has determined that it is in the best interests of the citizens of Avondale to (i) rebate a portion of the Unrestricted Construction Sales Taxes generated and collected for construction of the New Facility and related infrastructure, and (ii) repay certain amounts advanced by or on behalf of the Developer for Construction of public infrastructure and rebate a portion of the Unrestricted Retail Sales Taxes collected from taxable activities on the Property, both to reimburse Developer for certain costs associated with public infrastructure necessary for development of the New Facility and the Restaurant, all to provide opportunities for enhanced economic welfare and new job creation in Avondale.

I. The City Council is empowered, pursuant to ARIZ. REV. STAT. § 9-500.11, to appropriate public funds to further employment opportunities and economic enhancement of the City. Accordingly, the City Council has determined that it is in the best interests of the citizens of Avondale to (i) rebate a portion of the Unrestricted Construction Sales Taxes generated and collected for construction of the Proposed Restaurant-Barrio Queen and related infrastructure, and (ii) repay certain amounts advanced by or on behalf of the Developer for Construction of public infrastructure all to provide opportunities for enhanced economic welfare and new job creation in Avondale.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing introduction and recitals, which are incorporated herein by reference, the mutual promises and covenants contained herein, and

other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Developer hereby agree as follows:

1. Developer Obligations.

1.1 Property Lease.

A. New Facility - Main Event. Developer has entered into a binding lease with the Operator for Operator to occupy the Property and construct the New Facility on the Property and otherwise commit itself, its successors and assigns to an irrevocable long-term lease, not less than 15 years in duration, entitling the Operator to occupy and use the Property for purposes related to the New Facility (the "New Facility Lease"). Developer agrees and understands that the City's willingness to enter into this THIRD Restated Agreement is specifically conditioned upon Developer taking all steps reasonably necessary to ensure it fully performs (including removing all contingencies) under the New Facility Lease during its term and that, if Developer fails to maintain the New Facility Lease during the Term of this THIRD Restated Agreement, it will be in default of this THIRD Restated Agreement.

B. Restaurant – Portillo's. Developer has entered into a binding lease with an established operator for the Restaurant (the "Restaurant Operator") to occupy the Property and construct the Restaurant on the Property and otherwise commit itself, its successors and assigns to a long-term lease, not less than 20 years in duration, entitling the Restaurant operator to occupy and use the Property for purposes related to the Restaurant (the "Restaurant Ground Lease"). Developer agrees and understands that the City's willingness to enter into this THIRD Restated Agreement is specifically conditioned upon Developer taking all steps reasonably necessary to ensure it fully performs (including removing all contingencies) under the Restaurant Ground Lease during its term and that, if Developer fails to maintain the Restaurant Ground Lease during the term of this THIRD Restated Agreement, it will be in default of this THIRD Restated Agreement.

C. Restaurant – Barrio Queen. Developer has entered into a binding lease with an established operator for the Restaurant (the "Restaurant Operator") to occupy the Property and construct the Restaurant on the Property and otherwise commit itself, its successors and assigns to a long-term lease, not less than 15 years in duration, entitling the Restaurant operator to occupy and use the Property for purposes related to the Restaurant (the "Restaurant Ground Lease"). Developer agrees and understands that the City's willingness to enter into this THIRD Restated Agreement is specifically conditioned upon Developer taking all steps reasonably necessary to ensure it fully performs (including removing all contingencies) under the Restaurant Ground Lease during its term and that, if Developer fails to maintain the Restaurant Ground Lease during the term of this THIRD Restated Agreement, it will be in default of this THIRD Restated Agreement.

1.2 Developer Improvements.

A. New Facility – Main Event. Developer caused to be designed and constructed, according to City standards, (i) the roadway improvements, the on-site parking and driveway improvements and other such improvements as depicted on the Park 10 Phase 1 site plan prepared and submitted to the City, date stamped November 14, 2014, prepared by Richard R. Butler (the “Initial Site Plan”), attached hereto as Exhibit A and incorporated herein by reference, and (ii) the buildings on the Property in accordance with the architectural elevations submitted to the City, dated August 13, 2014, prepared by Hodges & Associates Architecture (the “Initial Architectural Plan”), attached hereto as Exhibit A and incorporated herein by reference. The Initial Site Plan and the Initial Architectural Plan are collectively referred to herein as the “Initial Site Plan Documents.” Developer agrees and understands that the Reimbursed Infrastructure Costs (as defined below) and the payment of the Construction Tax Rebate and the Retail Tax Rebate (as defined below) are specifically conditioned upon it causing development of the New Facility on the Property substantially in accordance with the Initial Site Plan Documents. Notwithstanding the foregoing, Developer may amend or otherwise modify the Initial Site Plan Documents so long as such amendments or modifications are (i) in accordance with the City’s customary policies and procedures for such amendments or modifications and (ii) consistent with the intent of this THIRD Restated Agreement, as determined by the City in its sole discretion.

B. Restaurant - Portillos. Developer shall cause to be designed and constructed, according to City standards, (i) the roadway improvements, the on-site parking and driveway improvements and other such improvements as depicted on the Park 10 Phase II site plan prepared and submitted to the City, date stamped November 15, 2018, prepared by Richard R. Butler, and approved November 29, 2018, by K. Galica (the “Initial Restaurant Site Plan”), attached hereto as Exhibit B and incorporated herein by reference, and (ii) the buildings on the Property in accordance with the architectural elevations submitted to the City, dated November 14, 2018, prepared by Mercury Studios, Inc., and approved by K. Galica on November 29, 2018 (the “Initial Restaurant Architectural Plan”), attached hereto as Exhibit B and incorporated herein by reference. The Initial Restaurant Site Plan and the Initial Restaurant Architectural Plan are collectively referred to herein as the “Initial Restaurant Site Plan Documents”). Developer agrees and understands that the Reimbursed Infrastructure Costs (as defined below) and the payments set forth below are specifically conditioned upon it causing development of the Restaurant on the Property substantially in accordance with the Initial Restaurant Site Plan Documents and consistent with the Restaurant Benchmark. Notwithstanding the foregoing, Developer may amend or otherwise modify the Initial Restaurant Site Plan Documents so long as such amendments or modifications are (i) in accordance with the City’s customary policies and procedures for such amendments or modifications and (ii) consistent with the intent of this Second Restated Agreement, as determined by the City in its sole discretion.

C. Restaurant – Barrio Queen. Developer shall cause to be designed and constructed, according to City standards, (i) the roadway improvements, the on-site parking and driveway improvements and other such improvements as depicted on the Park 10 Phase III site plan prepared and submitted to the City, date stamped April 27, 2020, prepared by Richard R. Butler, and approved by the City as evidenced by the approved site plan (the “Barrio Queen Site Plan”), attached hereto as Exhibit C and incorporated herein by reference, and (ii) the buildings on the Property in accordance with the architectural elevations submitted to the City, dated March 26, 2020, prepared by Andrew’s Design Group Inc., as evidence by the approved architectural plans (the “Barrio Queen Architectural Plan”), attached hereto as Exhibit C and (iii) a statement of reimbursable costs, attached as Exhibit C and incorporated herein by reference. The Proposed Restaurant Site Plan and the Proposed Restaurant Architectural Plan are collectively referred to herein as the “Proposed Restaurant Site Plan Documents”). Developer agrees and understands that the Reimbursed Infrastructure Costs (as defined below) and the payments set forth below are specifically conditioned upon it causing development of the Restaurant on the Property substantially in accordance with the Initial Restaurant Site Plan Documents and consistent with the Restaurant Benchmark. Notwithstanding the foregoing, Developer may amend or otherwise modify the Proposed Restaurant Site Plan Documents so long as such amendments or modifications are (i) in accordance with the City’s customary policies and procedures for such amendments or modifications and (ii) consistent with the intent of this Third Restated Agreement, as determined by the City in its sole discretion.

D. Public Bidding. Developer shall publicly bid all of the public infrastructure depicted on the Initial Site Plan, the Initial Restaurant Site Plan and the Proposed Restaurant Site Plan (collectively, the “Public Infrastructure”) in accordance with the City’s procurement procedures and shall, prior to award of a contract pursuant to any such bids, provide the City with the opportunity to review all bids and to confirm that the Developer’s selection of contractors to whom the contracts are to be awarded is in compliance with applicable law, which approval may be withheld by the City in its reasonable discretion. Upon completion and acceptance of the Public Infrastructure, Developer shall submit to the City the actual costs to design and construct the Public Infrastructure (the “Public Infrastructure Costs”), including all information necessary for the City to reasonably verify such costs. Once verified, the Public Infrastructure Costs shall be the maximum amount of the Rebate (as defined below) that developer may receive pursuant to this THIRD Amended Agreement, subject to the limitations set forth in subsection 2.2 below.

1.3 Business Construction and Operation.

A. New Facility – Main Event. Developer, its successors or assigns, shall develop the Property and operate or cause to be operated the New Facility thereon, consistent with the Initial Site Plan Documents and all City regulations, for a period of at

least six years from the Opening Date, as defined in this subsection (the "Operating Period"). Developer agrees and understands that the City's obligations to pay the Rebate (as defined below) and to cause the Reimbursed Infrastructure Costs (as defined below) to be paid are specifically conditioned upon the construction and operation of the New Facility in the location shown on the Initial Site Plan Documents and in the form shown on the Initial Architectural Plan and consistent with the Benchmark Facility. Developer caused construction of the New Facility to begin within nine months of December 15, 2014 (the "New Facility Effective Date") and ensured complete construction and opening of the New Facility for business at the location shown on the Site Plan Documents not later than 18 months from the New Facility Effective Date (the date of such construction completion and opening is referred to herein as the "Opening Date"). After construction was completed and the New Facility was opened for business on the Property, Developer was required to (i) notify the City, in writing, within 10 business days of the Opening Date and (ii) ensure that the Operator, its successors or assigns shall continuously operate, or cause to be operated, the New Facility on the Property at all times during the Operating Period.

B. Initial Restaurant – Portillo's. Developer, its successors or assigns, shall develop the Property and operate or cause to be operated the Restaurant thereon, consistent with the Initial Restaurant Site Plan documents and all City regulations, for a period of at least six years from the Restaurant Opening Date, as defined in this subsection (the "Restaurant Operating Period"). Developer agrees and understands that the City's obligations to cause the portion of the Public Infrastructure Costs attributable to the Restaurant to be paid are specifically conditioned upon the construction and operation of the Restaurant in the location shown on the Initial Restaurant Site Plan Documents and in the form shown on the Initial Restaurant Architectural Plan. Developer shall cause construction of the Restaurant to begin within nine months of the Amendment Effective Date and shall ensure complete construction and opening of the restaurant for business at the location shown on the site plan documents not later than 18 months from the Amendment Effective Date (the date of such construction completion and opening is referred to herein as the "Restaurant Opening Date"). After construction is completed and the Restaurant is opened for business on the Property, Developer shall (i) notify the City, in writing, within 10 business days of the Restaurant Opening Date and (ii) ensure that the Restaurant Operator, its successors or assigns shall continuously operate, or cause to be operated, the Restaurant on the Property at all times during the Restaurant Operating Period.

C. Proposed Restaurant – Barrio Queen. Developer, its successors or assigns, shall develop the Property and operate or cause to be operated the Restaurant thereon, consistent with the Proposed Restaurant Site Plan documents and all City regulations, for a period of at least six years from the Restaurant Opening Date, as defined in this subsection (the "Restaurant Operating Period"). Developer agrees and understands that the City's obligations to cause the portion of the Public Infrastructure Costs attributable to the Restaurant to be paid are specifically conditioned upon the construction and operation of the Restaurant in the location shown on the Proposed

Restaurant Site Plan Documents and in the form shown on the Proposed Restaurant Architectural Plan. Developer shall cause construction of the Restaurant to begin within nine months of the Amendment Effective Date and shall ensure complete construction and opening of the restaurant for business at the location shown on the site plan documents not later than 18 months from the Amendment Effective Date (the date of such construction completion and opening is referred to herein as the "Restaurant Opening Date"). After construction is completed and the Restaurant is opened for business on the Property, Developer shall (i) notify the City, in writing, within 10 business days of the Restaurant Opening Date and (ii) ensure that the Restaurant Operator, its successors or assigns shall continuously operate, or cause to be operated, the Restaurant on the Property at all times during the Restaurant Operating Period.

1.4 Collective Obligations. The Developer Property Lease obligations set forth in subsection 1.1 above, the Developer Improvements obligations set forth in subsection 1.2 above and the Business Construction and Operation obligations set forth in subsection 1.3 are collectively referred to herein as the "Developer Obligations."

1.5 Force Majeure Events. In the event that the New Facility or the Restaurant are damaged by a force majeure event, and such damage renders more than 1/3 of the respective facility's floor area unusable, the time periods for completing the Developer Obligations shall be tolled until such reasonable time as the damaged portion of the New Facility and the Restaurant, as applicable, may be repaired and returned to operating condition wherein not more than 1/3 of the floor area is unusable; provided, however, that the time periods shall only be tolled in the event that the Developer immediately commences repairs and diligently pursues to completion such repairs; provided further, however, that no such repair/tolling period shall extend beyond 180 days after the last date of a force majeure event. The term "force majeure" means an occurrence that is beyond the control of the party affected and occurs without its intentional misconduct or negligence. Without limiting the foregoing, force majeure includes acts of God, acts of the public enemy, war, riots, strikes, labor disputes, civil disorders, fire, floods, lockouts, injunctions and other similar occurrences beyond the control of the Developer which Developer is unable to prevent by exercising reasonable diligence. The force majeure event shall be deemed to commence when the Developer notifies the City, in accordance with Section 9 below, of the existence of the force majeure and shall be deemed to continue as long as the results or effects of the force majeure prevent the Developer from resuming performance in accordance with this THIRD Restated Agreement. If Developer declares a force majeure event, the Operating Period and the Restaurant Operating Period, as applicable to the facility subject to the force majeure event, shall be extended for a period equal to the length of any such force majeure event and the corresponding repair period.

2. City Obligations. The Developer Obligations set forth in Section 1 above shall be a continuing pre-condition to the City's obligations as set forth in this Section 2. For so long as Developer fully performs the Developer Obligations, the City shall be obligated to perform as set forth below.

2.1 Reimbursed Infrastructure Costs for proposed Restaurant – Barrio Queen Project. Subject to the liquidated damages provisions set forth in Section 8 below and upon completion of the City-required improvements to McDowell Road and Harbor Shores Drive (the “Right-of-Way Improvements”) by the Developer or the Operator, and upon acceptance of such Right-of-Way Improvements by the City, the City shall pay the Developer the actual amount of the costs of the Right-of-Way Improvements required as a result of development of the New Facility and the Restaurant on the Property (the “Reimbursed Infrastructure Costs”); which are estimated to be Five Hundred Thousand and 00/100 Dollars (\$500,000.00) Final costs will be determined upon a certification of costs approved by City’s engineer provided, however, that the total of the Reimbursed Infrastructure Costs shall not exceed Five Hundred Thousand and 00/100 Dollars (\$500,000.00).

2.2 Development Fee Rebate for Restaurant – Barrio Queen and related New Facility projects. In accordance with any previous agreements the City shall rebate an amount from the City’s Economic Development Opportunity Fund equal to a portion of the development fees paid by the Developer to the City pursuant to ARIZ. REV. STAT. § 9-463.05 relating to construction of the Restaurant. This provision shall not apply to the new Restaurant provided under this Third Restated Agreement, which is contemplated to be the Barrio Queen Restaurant.

3. Term. The Term of this THIRD Restated Agreement shall relate back to May 6, 2013 (the “Original Effective Date”), and shall be deemed to have commenced upon the Original Effective Date and shall remain in full force and effect until the date that is six years after the Proposed Restaurant Opening Date (“Opening Date”), unless sooner terminated pursuant to Section 7 below.

4. Payment Method.

4.1 Reimbursed Infrastructure Costs. For (A) the New Facility – Main Event, the Reimbursed Infrastructure Costs shall be paid to Developer within 60 days after the latest to occur of (i) all Construction Sales Taxes due from all Constructing Parties are paid in full to the City and (ii) the New Facility (a) has received a certificate of occupancy from the City and (b) is lawfully open to the general public; and (B) the Restaurant - Portillos, the Reimbursed Infrastructure Costs shall be paid to Developer within 60 days after the latest to occur of (i) all Construction Sales Taxes due from all Constructing Parties are paid in full to the City and (ii) the Restaurant (a) has received a certificate of occupancy from the City and (b) is lawfully open to the general public and (C) the Restaurant – Barrio Queen, the Reimbursed Infrastructure Costs shall be paid to Developer within 60 days after the latest to occur of (i) all Construction Sales Taxes due from all Constructing Parties are paid in full to the City and (ii) the Restaurant (a) has received a certificate of occupancy from the City and (b) is lawfully open to the general public..

5. Waiver of Confidentiality. Developer hereby waives, for the term of this THIRD Restated Agreement, any rights it may have to keep confidential any records indicating the amount of sales generated by the New Facility and the Restaurant on the Property. Developer

further agrees to (i) take all steps necessary and to execute any required documents to permit the City's authorized representative to examine any such records and (ii) to the extent permitted in the Commercial Lease with Barrio Queen, require, as part of any contract or agreement between Developer and any Constructing Party or any person, firm or entity owning or operating any portion of the New Facility and the Restaurant on the Property (the "Property Occupants"), that such Constructing Party and Property Occupants agree to waive, for the term of this THIRD Restated Agreement, any rights it may have to keep confidential any records indicating the amount of taxable construction activity relating to the Project.

6. Agreement Subject to Appropriation. The City is obligated only to pay its obligations set forth in this THIRD Restated Agreement as may lawfully be made from funds appropriated and budgeted for that purpose during the City's then-current fiscal year. The City's obligations under this THIRD Restated Agreement are current expenses subject to the "budget law" and the unfettered legislative discretion of the City concerning budgeted purposes and appropriation of funds. Should the City elect not to appropriate and budget funds to pay its THIRD Restated Agreement obligations, this THIRD Restated Agreement shall be deemed terminated at the end of the then-current fiscal year term for which such funds were appropriated and budgeted for such purpose and the City shall be relieved of any subsequent obligation under this THIRD Restated Agreement. The Parties agree that the City has no obligation or duty of good faith to budget or appropriate the payment of the City's obligations set forth in this THIRD Restated Agreement in any budget in any fiscal year other than the fiscal year in which this THIRD Restated Agreement is executed and delivered. The City shall be the sole judge and authority in determining the availability of funds for its obligations under this THIRD Restated Agreement. The City shall keep Developer informed as to the availability of funds for this THIRD Restated Agreement and shall act in good faith regarding appropriation and budgeting for the payments under this Agreement. The obligation of the City to make any payment pursuant to this THIRD Restated Agreement is not a general obligation or indebtedness of the City. Developer hereby waives any and all rights to bring any claim against the City from or relating in any way to the City's termination of this THIRD Restated Agreement pursuant to this section.

7. Default. If either party fails to perform any obligation, including the City's obligation to pay the Rebates, pursuant to this THIRD Restated Agreement, and such party fails to cure its nonperformance within 30 days after notice of nonperformance is given by the non-defaulting party (the "Cure Period"), such party will be in default. In the event of such default, the non-defaulting party may terminate this THIRD Restated Agreement and will have all remedies that are available to it at law or in equity including, without limitation, the remedy of specific performance. If the nature of the defaulting party's nonperformance is such that it cannot reasonably be cured within 30 days, then the defaulting party will have such additional periods of time as may be reasonably necessary under the circumstances, provided the defaulting party immediately commences to cure its nonperformance and thereafter diligently continues to completion the cure of its nonperformance. In no event shall any such Cure Period exceed 120 days.

8. Liquidated Damages.

8.1 New Facility – Main Event. Without limiting the remedies available to the City pursuant to Section 7 above, Developer understands and acknowledges that if it fails to fulfill the Developer Obligations as set forth in Section 1 above, the City will suffer damages that are difficult to accurately specify and ascertain. Developer hereby agrees that, upon its default hereunder and expiration of the Cure Period set forth in Section 7 above, it shall pay the City, as liquidated damages, within 30 days of receipt of the City's written demand therefore, the following amounts: (i) if the Developer's failure occurs within two years from the New Facility Effective Date, 100% of the Rebate previously paid to Developer as of the date of the City's written demand; (ii) if the Developer's failure occurs more than two years but less than five years from the New Facility Effective Date, 75% of the Rebate previously paid to Developer as of the date of the City's written demand; and (iii) if the Developer's failure occurs more than five years from the New Facility Effective Date, 50% of the Rebate previously paid to Developer as of the date of the City's written demand. Such liquidated damages shall be payable in immediately available funds of United States currency.

8.2 Restaurant – Portillo's. Without limiting the remedies available to the City pursuant to Section 7 above, Developer understands and acknowledges that if it fails to fulfill the Developer Obligations as set forth in Section 1 above, the City will suffer damages that are difficult to accurately specify and ascertain. Developer hereby agrees that, upon its default hereunder and expiration of the Cure Period set forth in Section 7 above, it shall pay the City, as liquidated damages, within 30 days of receipt of the City's written demand therefore, the following amounts: (i) if the Developer's failure occurs within two years from the Amendment Effective Date, 50% of the Reimbursed Infrastructure Costs and 100% of the Development Fee Rebate previously paid to Developer as of the date of the City's written demand; (ii) if the Developer's failure occurs more than two years but less than five years from the Amendment Effective Date, 25% of the Reimbursed Infrastructure Costs and 75% of the Development Fee Rebate previously paid to Developer as of the date of the City's written demand; and (iii) if the Developer's failure occurs more than five years from the Amendment Effective Date, 10% of the Reimbursed Infrastructure Costs and 50% of the Development Fee Rebate previously paid to Developer as of the date of the City's written demand. Such liquidated damages shall be payable in immediately available funds of United States currency.

8.3 Proposed Restaurant – Barrio Queen. Without limiting the remedies available to the City pursuant to Section 7 above, Developer understands and acknowledges that if it fails to fulfill the Developer Obligations as set forth in Section 1 above, the City will suffer damages that are difficult to accurately specify and ascertain. Developer hereby agrees that, upon its default hereunder and expiration of the Cure Period set forth in Section 7 above, it shall pay the City, as liquidated damages, within sixty (60) days of receipt of the City's written demand therefore the total Reimbursement Amount of \$500,000. Such liquidated damages shall be payable in immediately available funds of United States currency.

9. Notices and Requests. Any notice or other communication required or permitted to be given under this THIRD Restated Agreement shall be in writing and shall be deemed to have

been duly given if (i) delivered to the party at the address set forth below, (ii) deposited in the U.S. Mail, registered or certified, return receipt requested, to the address set forth below or (iii) given to a recognized and reputable overnight delivery service, to the address set forth below:

If to the City: City of Avondale
11465 West Civic Center Drive, Suite 220
Avondale, Arizona 85323-6809
Attn: City Manager

With copy to: City of Avondale
11465 West Civic Center Drive
Avondale, Arizona 85323-6809
Attn: City Attorney

If to Developer: Gunbo, LLC/Parkland Development
16083 SW Upper Boones Fy. Rd. Ste. 120
Tigard, OR 97224
Attn: Sejin Kim, Manager

or at such other address, and to the attention of such other person or officer, as any party may designate in writing by notice duly given pursuant to this Section. Notices shall be deemed received (i) when delivered to the party, (ii) three business days after being placed in the U.S. Mail, properly addressed, with sufficient postage or (iii) the following business day after being given to a recognized overnight delivery service, with the person giving the notice paying all required charges and instructing the delivery service to deliver on the following business day. If a copy of a notice is also given to a party's counsel or other recipient, the provisions above governing the date on which a notice is deemed to have been received by a party shall mean and refer to the date on which the party, and not its counsel or other recipient to which a copy of the notice may be sent, is deemed to have received the notice.

10. Verification of Employment Eligibility; E-Verify Program. The parties agree that the incentives provided for in this THIRD Restated Agreement are economic development incentives as defined in ARIZ. REV. STAT. § 23-214(B)(1) and that this THIRD Restated Agreement is subject to the provisions of such statute. Not later than 30 days after the Effective Date, Developer shall register with and participate in the employment verification program as jointly administered by the United States Department of Homeland Security and the Social Security Administration or any successors to such program (the "E-Verify Program"). Thereafter, prior to receiving any of the economic incentives contemplated by this THIRD Restated Agreement, Developer shall provide proof to the City that Developer is registered with and is participating in the E-Verify Program. If the City determines that the Developer is not complying with the requirements of ARIZ. REV. STAT. § 23-214, the City shall notify Developer by certified mail of the City's determination of noncompliance and the Developer's right to appeal such determination,

which appeal process shall be determined by the City in its sole discretion. Upon final determination of Developer's noncompliance Developer shall repay all monies received as an economic incentive under this THIRD Restated Agreement to the City within 30 days of such final determination and such repayment shall not be reduced or limited by the liquidated damages process described in Section 8 above.

11. Waiver. No delay in exercising any right or remedy shall constitute a waiver thereof, and no waiver by the City or Developer of the breach of any covenant of this THIRD Restated Agreement shall be construed as a waiver of any preceding or succeeding breach of the same or any other covenant or condition of this THIRD Restated Agreement.

12. Rights and Remedies. No provision in this THIRD Restated Agreement shall be construed, expressly or by implication, as waiver by the City of any existing or future right and/or remedy available by law in the event of any claim of default or breach of this THIRD Restated Agreement. The failure of the City to insist upon the strict performance of any term or condition of this THIRD Restated Agreement or to exercise or delay the exercise of any right or remedy provided in this THIRD Restated Agreement, or by law, or the City's acceptance of partial performance, shall not release the Developer from any responsibilities or obligations imposed by this THIRD Restated Agreement or by law, and shall not be deemed a waiver of any right of the City to insist upon the strict performance of this THIRD Restated Agreement.

13. Attorneys' Fees. In the event either Party brings any action for any relief, declaratory or otherwise, arising out of this THIRD Restated Agreement or on account of any breach or default hereof, the prevailing Party shall be entitled to receive from the other Party reasonable attorneys' fees and reasonable costs and expenses, determined by the court sitting without a jury, which shall be deemed to have accrued on the commencement of such action and shall be enforced whether or not such action is prosecuted through judgment.

14. Counterparts. This THIRD Restated Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single instrument so that the signature of all parties may be physically attached to a single document.

15. Headings. The descriptive headings of the sections of this THIRD Restated Agreement are inserted for convenience only and shall not control or affect the meaning or construction of any of the provisions hereof.

16. Further Acts. Each of the parties hereto shall execute and deliver all such documents and perform all such acts as reasonably necessary, from time to time, to carry out the matters contemplated by this THIRD Restated Agreement.

17. Time of the Essence. Time is of the essence in this THIRD Restated Agreement.

18. Offset.

18.1 Offset for Damages. In addition to all other remedies at law or equity, after providing written notice to the Developer, the City may offset from any money due to the Developer any amounts Developer owes to the City for damages resulting from breach or deficiencies in performance or breach of any obligation under this THIRD Restated Agreement.

18.2 Offset for Delinquent Fees or Taxes. The City may offset from any money due to the Developer any amounts Developer owes to the City for delinquent fees, transaction privilege taxes and property taxes, including any interest or penalties.

19. Assignment. This THIRD Restated Agreement may be assigned, in whole or in part, by Developer only upon the prior, written approval of the City, as evidenced by the City Manager's signature thereon, which approval may not be unreasonably withheld by the City; provided, however, that Developer may assign this THIRD Restated Agreement without the City's consent, but with not less than 30 days prior, written notice to the City, to (i) any parent, subsidiary or affiliate of Developer, (ii) any person or entity that acquires all or substantially all of the assets of Developer or (iii) any lender to Developer as collateral security for the obligations of Developer under any credit facility or financing arrangement with respect to Property.

20. Entire Agreement; Interpretation; Parol Evidence. This THIRD Restated Agreement represents the entire agreement of the Parties with respect to its subject matter, and all previous agreements, whether oral or written, entered into prior to this THIRD Restated Agreement are hereby revoked and superseded by this THIRD Restated Agreement. No representations, warranties, inducements or oral agreements have been made by any of the Parties except as expressly set forth herein, or in any other contemporaneous written agreement executed for the purposes of carrying out the provisions of this THIRD Restated Agreement. This THIRD Restated Agreement shall be construed and interpreted according to its plain meaning, and no presumption shall be deemed to apply in favor of, or against the party drafting this THIRD Restated Agreement. The parties acknowledge and agree that each has had the opportunity to seek and utilize legal counsel in the drafting of, review of, and entry into this THIRD Restated Agreement.

21. Amendment. No amendment or waiver of any provision in this THIRD Restated Agreement will be binding (i) on the City unless and until it has been approved by the City Council and has become effective or (ii) on Developer unless and until it has been executed by an authorized representative.

22. Applicable Law; Venue. This THIRD Restated Agreement shall be governed by the laws of the State of Arizona and suit pertaining to this THIRD Restated Agreement may be brought only in courts in Maricopa County, Arizona.

23. Severability. Every provision of this THIRD Restated Agreement is and will be construed to be a separate and independent covenant. If any provision in this THIRD Restated Agreement or the application of the same is, to any extent, found to be invalid or unenforceable,

the remainder of this THIRD Restated Agreement or the application of that provision to circumstances other than those to which it is invalid or unenforceable will not be affected by that invalidity or unenforceability. Each provision in this THIRD Restated Agreement will be valid and will be enforced to the extent permitted by law and the parties will negotiate in good faith for such amendments of this THIRD Restated Agreement as may be necessary to achieve its intent, notwithstanding such invalidity or unenforceability.

24. Covenant of Good Faith. In exercising their rights and in performing their obligations pursuant to this THIRD Restated Agreement, the parties will cooperate with one another in good faith to ensure the intent of this THIRD Restated Agreement can be attained.

25. Conflict of Interest. This THIRD Restated Agreement is subject to the provisions of ARIZ. REV. STAT. § 38-511. The City may cancel this THIRD Restated Agreement without penalty or further obligations by the City or any of its departments or agencies if any person significantly involved in initiating, negotiating, securing, drafting or creating this THIRD Restated Agreement on behalf of the City or any of its departments or agencies is, at any time while the THIRD Restated Agreement or any extension of the THIRD Restated Agreement is in effect, an employee of any other Party to the THIRD Restated Agreement in any capacity or a consultant to any other Party of the THIRD Restated Agreement with respect to the subject matter of the THIRD Restated Agreement.

26. Effect of Amendment. The First Restated Agreement is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the First Restated Agreement shall remain in full force and effect.

27. Non-Default. By executing this THIRD Restated Agreement, the Developer affirmatively asserts that (i) the City is not currently in default, nor has been in default at any time prior to this THIRD Restated Agreement, under any of the terms or conditions of the First Restated Agreement and (ii) any and all Developer claims, known and unknown, relating to the First Restated Agreement and existing on or before the date of this THIRD Restated Agreement, are forever waived.

[SIGNATURES ON FOLLOWING PAGES]

"Developer"

GUNBO, LLC,
an Arizona limited liability company d/b/a
Parkland Development

By: _____

Sejin Kim, Managing Member

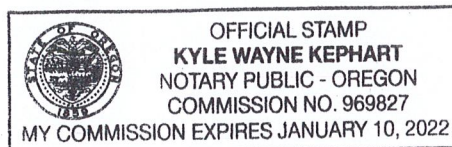
(ACKNOWLEDGMENT)

STATE OF OREGON)
) ss.
COUNTY OF WASHINGTON)

On May 20, 2020, before me personally appeared Sejin Kim, the Manager of GUNBO, LLC, an Arizona limited liability company d/b/a Parkland Development, whose identity was proven to me on the basis of satisfactory evidence to be the person who he claims to be, and acknowledged that he signed the above document, on behalf of the limited liability company.

Notary Public

(Affix notary seal here)



**EXHIBIT A
TO
THIRD AMENDED AND RESTATED
ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
GUNBO, LLC
(Amended and Restated June 1, 2020)**

[New Facility - Main Event]

- A-1 Main Event Parcel Legal Description and Parcel Map
- A-2 Notice of Intent
- A-3 Applied Economics Verification
- A-4 Site Plan
- A-5 Architectural Plan

See following pages.

**EXHIBIT A-1
TO
THIRD AMENDED AND RESTATED
ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
GUNBO, LLC
(Amended and Restated June 1, 2020)**

[Main Event Parcel Legal Description and Map]

MAIN EVENT ENTERTAINMENT
GUNBO, LLC
Part of APN 102-54-003A

LEGAL DESCRIPTION

That Part of Lot 3, Section 5, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona;

Commencing at the North Quarter corner of said Section 5, from which the Northwest corner thereof bears South $88^{\circ}58'43''$ West, 2637.76 feet distant, as the basis of bearing;

Thence South $0^{\circ}05'17''$ East a distance of 538.95 feet to the True Point of Beginning

Thence South $0^{\circ}05'17''$ a distance of 259.70 feet to a point on the northerly right-of-way line of Interstate 10, as described in Docket 16136, Page 766 official records of Maricopa County;

Thence South $89^{\circ}10'04''$ West along said right-of-way line for a distance of 538.22 feet;

Thence departing from said right-of-way line North $01^{\circ}01'17''$ West a distance of 553.27 feet;

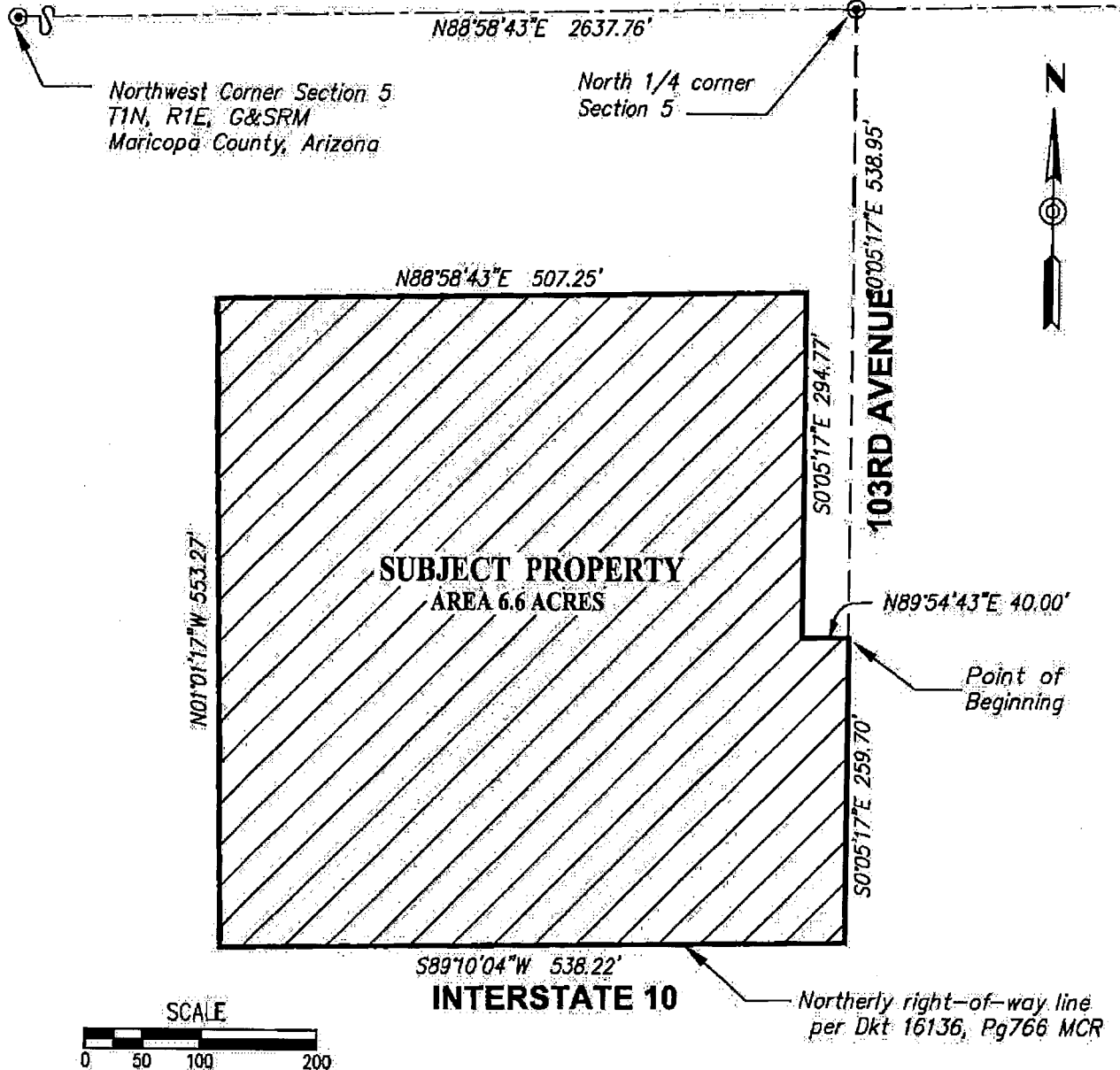
Thence North $88^{\circ}58'43''$ East a distance of 507.25 feet;

Thence South $0^{\circ}05'17''$ East a distance of 294.77 feet;

Thence North $89^{\circ}54'43''$ East a distance of 40.00 feet to the True Point of Beginning;

Said Parcel contains 6.6 Acres area, more or less

MCDOWELL ROAD



ENGINEERING
DEPARTMENT

EXHIBIT MAP TO LEGAL DESCRIPTION MAIN EVENT ENTERTAINMENT 6.6 ACRES AREA

DATE: 5-1-2013
DSN: _____
DRN: LS
CHK: CH

PROJECT NAME
MAIN EVENT

PAGE
1 OF 1

**EXHIBIT A-2
TO
THIRD AMENDED AND RESTATED
ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
GUNBO, LLC
(Amended and Restated June 1, 2020)**

[Notice of Intent]

**NOTICE OF INTENT TO ENTER INTO
A DEVELOPMENT TAX INCENTIVE AGREEMENT
AND FINDINGS OF FACT**

(Pursuant to ARIZ. REV. STAT. § 9-500.11)

April 1, 2013

NOTICE

Notice is hereby given by the Council of the City of Avondale, Arizona (the "City Council") that, on a date that is not earlier than May 6, 2013, the City Council intends to adopt that certain retail development tax incentive agreement entitled "Economic Development Agreement Between the City of Avondale and GUNBO, LLC" (the "Agreement").

FINDINGS OF FACT

With respect to the Agreement, and in accordance with ARIZ. REV. STAT. § 9-500.11, the City Council hereby makes the following findings of fact:

1. That the tax incentive set forth in the Agreement is anticipated to raise more revenue than the amount of the incentive within the duration of the Agreement. This finding has been independently verified in a report by Applied Economics, dated March 27, 2013, as set forth in Exhibit A, attached hereto and incorporated herein by reference.
2. That, in the absence of a tax incentive, the Main Event Entertainment, LP would not locate within the corporate boundaries of the City of Avondale at the same time or place as required by the Agreement.

**EXHIBIT A
TO
NOTICE OF INTENT TO ENTER INTO
A DEVELOPMENT TAX INCENTIVE AGREEMENT
AND FINDINGS OF FACT**

[Applied Economics verification]

See following pages.

**EXHIBIT A-3
TO
THIRD AMENDED AND RESTATED
ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
GUNBO, LLC
(Amended and Restated June 1, 2020)**

[Applied Economics Verification]



March 27, 2013

Mr. Dan Davis
Director of Economic Development
City of Avondale
11465 W. Civic Center Drive, Suite 210
Avondale, AZ 85323

Dear Mr. Davis,

Applied Economics has been contracted by the City of Avondale to perform an independent third party review of the development agreement between the City of Avondale and Gunbo LLC. Gunbo LLC is proposing to develop a 58,000 square foot family entertainment center that would be operated by Main Event Entertainment, LP. The facility would include indoor recreation such as bowling, arcade games, laser tag and food and beverage service.

The development agreement includes provisions for a both a construction sales tax rebate and a retail sales tax rebate.

- The construction sales tax rebate would be equal to 50 percent of the 1.5 percent unrestricted sales tax generated by the construction of the facility and related infrastructure. The maximum reimbursement would be equal to the lesser of the cost of construction for public improvements, or a maximum of \$75,000.
- The retail sales tax rebate would be equal to 50 percent of the 1.5 percent unrestricted sales tax generated by taxable activities on the property. The maximum reimbursement would be equal to the lesser of the cost of construction for public improvements, or a maximum of \$225,000 over a period of up to four years.

The \$300,000 maximum reimbursement from unrestricted sales taxes is intended to cover the cost of specific infrastructure improvements to be completed by the developer and dedicated to the City as part of the development agreement. These would include various improvements to McDowell Road as well as signal improvements at the intersection of McDowell Road and 103rd Avenue. The total cost of public improvements to be completed by the developer is estimated at \$674,133. A.R.S. 42-6010 requires that sales tax incentives offered to retail businesses be provided only as reimbursement for public infrastructure dedicated to, and accepted and controlled upon completion of the project, by the city. All public improvements described above would meet these requirements and the cost of such improvements form the basis for the reimbursement amount.



Mr. Dan Davis
Page 2 of 2

Per A.R.S. 9-500.11, it is required that any tax incentives offered to retail businesses do not exceed the total amount of revenue to be generated to the city by the project. Based on the terms described in the development agreement and the projected sales at the facility, we believe that the project would generate a significantly greater flow of sales tax revenues than the total amount of the reimbursement.

In order to arrive at this conclusion we evaluated projected construction cost and taxable sales figures provided by Main Event based on the breakdown of square footage by type of use. These projections appear reasonable on a per square footage basis. Appropriate city sales tax rates were applied to estimate the annual and cumulative flow of revenues to the city and the developer during the term of the agreement.

The second component of A.R.S. 9-500.11 requires that this development would not have occurred in the same time, place or manner in the absence of a tax incentive. Based on our discussions with the developer, we believe that this type of development would not have occurred in the same place or manner without the incentive. Without the reimbursement from the city, the total cost of both on-site and off-site infrastructure improvements required to make this site usable for a family entertainment center would have exceeded the minimum return on investment required to obtain approval from Gunbo LLC's Board of Director's and the project would not have proceeded at this location.

In summary, based on a thorough review of the development agreement between the City of Avondale and Gunbo LLC, we believe that the agreement meets the requirements of both A.R.S. 9-500.11 and A.R.S. 42-6010. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Sarah E. Murley
Partner

Main Event Entertainment - Avondale

	2013	2014	2015	2016	2017	2018
Construction and Sales Estimates						
Construction	\$5,850,000	\$0	\$0	\$0	\$0	\$0
Hard Cost	\$5,125,000	\$0	\$0	\$0	\$0	\$0
Soft Cost	\$725,000	\$0	\$0	\$0	\$0	\$0
Total Cost per square foot	\$100.86					
Taxable Sales	\$0	\$6,500,000	\$6,565,000	\$6,696,300	\$6,897,189	\$7,104,105
Sales per square foot of sales-generating space	\$0	\$159	\$161	\$164	\$169	\$174
Total Sales Tax Revenues						
Construction Sales Tax	\$95,063	\$0	\$0	\$0	\$0	\$0
Retail Sales Tax	\$0	\$162,500	\$164,125	\$167,408	\$172,430	\$177,603
Sales Tax Revenues to Avondale						
Annual Sales Tax	\$66,544	\$113,750	\$114,888	\$117,185	\$120,701	\$177,603
Cumulative	\$66,544	\$180,294	\$295,181	\$412,367	\$533,067	\$710,670
Sales Tax Reimbursement to Main Event						
Annual	\$28,519	\$48,750	\$49,238	\$50,222	\$51,729	\$0
Cumulative	\$28,519	\$77,269	\$126,506	\$176,729	\$228,457	\$228,457

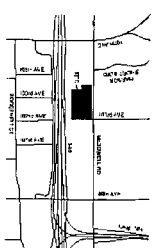
Construction sales tax rebate not to exceed \$75,000.

Retail sales tax rebate not to exceed \$225,000 over four years.

Square Footage by Type of Use	
Bowling	16,869
Food and Beverage	8,753
Amusement Games	11,549
Laser Tag	3,692
Meeting and Party Rooms	4,000
Storage	2,762
Office	2,302
Open Circulation and Restrooms	8,101
Total Sales-Generating Space	40,863

**EXHIBIT A-4
TO
THIRD AMENDED AND RESTATED
ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
GUNBO, LLC
(Amended and Restated June 1, 2020)**

[Main Event Site Plan]



PROJECT TEAM

[illegible]

SITE DATA

2020/21	P.A. 200/1
2019/20	P.A. 200/1
2018/19	P.A. 200/1
2017/18	P.A. 200/1
2016/17	P.A. 200/1
2015/16	P.A. 200/1
2014/15	P.A. 200/1
2013/14	P.A. 200/1
2012/13	P.A. 200/1
2011/12	P.A. 200/1
2010/11	P.A. 200/1
2009/10	P.A. 200/1
2008/09	P.A. 200/1
2007/08	P.A. 200/1
2006/07	P.A. 200/1
2005/06	P.A. 200/1
2004/05	P.A. 200/1
2003/04	P.A. 200/1
2002/03	P.A. 200/1
2001/02	P.A. 200/1
2000/01	P.A. 200/1
1999/00	P.A. 200/1
1998/99	P.A. 200/1
1997/98	P.A. 200/1
1996/97	P.A. 200/1
1995/96	P.A. 200/1
1994/95	P.A. 200/1
1993/94	P.A. 200/1
1992/93	P.A. 200/1
1991/92	P.A. 200/1
1990/91	P.A. 200/1
1989/90	P.A. 200/1
1988/89	P.A. 200/1
1987/88	P.A. 200/1
1986/87	P.A. 200/1
1985/86	P.A. 200/1
1984/85	P.A. 200/1
1983/84	P.A. 200/1
1982/83	P.A. 200/1
1981/82	P.A. 200/1
1980/81	P.A. 200/1
1979/80	P.A. 200/1
1978/79	P.A. 200/1
1977/78	P.A. 200/1
1976/77	P.A. 200/1
1975/76	P.A. 200/1
1974/75	P.A. 200/1
1973/74	P.A. 200/1
1972/73	P.A. 200/1
1971/72	P.A. 200/1
1970/71	P.A. 200/1
1969/70	P.A. 200/1
1968/69	P.A. 200/1
1967/68	P.A. 200/1
1966/67	P.A. 200/1
1965/66	P.A. 200/1
1964/65	P.A. 200/1
1963/64	P.A. 200/1
1962/63	P.A. 200/1
1961/62	P.A. 200/1
1960/61	P.A. 200/1
1959/60	P.A. 200/1
1958/59	P.A. 200/1
1957/58	P.A. 200/1
1956/57	P.A. 200/1
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LEGAL DESCRIPTION

A PORTION OF LOTS 3 AND 4, SECTION 10, TOWNSHIP 1 N, NORTH RANGE 1 EAST OF THE 104TH AND 105TH RIVER BASE AND HERDSLEY, MANICORA COUNTRY, ALBERTA.

SITE PLAN NOTES

- A. All types of live birds must be in the immediate possession of the bird handler.
- B. All birds must be kept in the immediate possession of the handler at all times.
- C. All birds must be kept in the immediate possession of the handler at all times.
- D. All birds must be kept in the immediate possession of the handler at all times.
- E. All birds must be kept in the immediate possession of the handler at all times.
- F. All birds must be kept in the immediate possession of the handler at all times.
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- R. All birds must be kept in the immediate possession of the handler at all times.
- S. All birds must be kept in the immediate possession of the handler at all times.
- T. All birds must be kept in the immediate possession of the handler at all times.
- U. All birds must be kept in the immediate possession of the handler at all times.
- V. All birds must be kept in the immediate possession of the handler at all times.
- W. All birds must be kept in the immediate possession of the handler at all times.
- X. All birds must be kept in the immediate possession of the handler at all times.
- Y. All birds must be kept in the immediate possession of the handler at all times.
- Z. All birds must be kept in the immediate possession of the handler at all times.

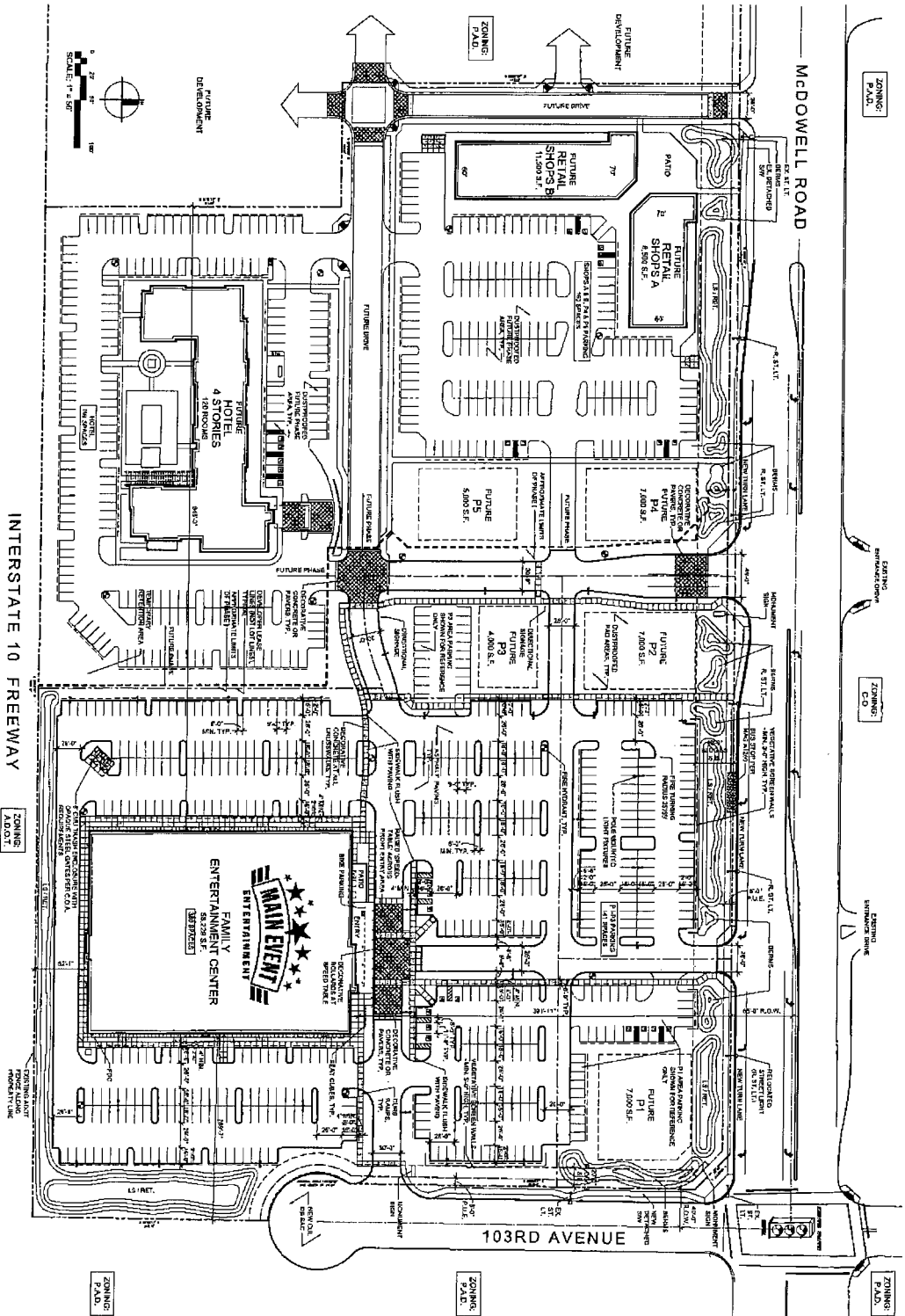
13052-ST133



PARK 10 Phase I

Proposed Family Entertainment Center & Mixed use Development

Avondale, Arizona

LUBKIN & ASSOCIATES, INC.
UNIVERSITY AFFILIATES

Architecture + Planning + Interiors



Builer Design Group, Inc.
inducted as a partner,

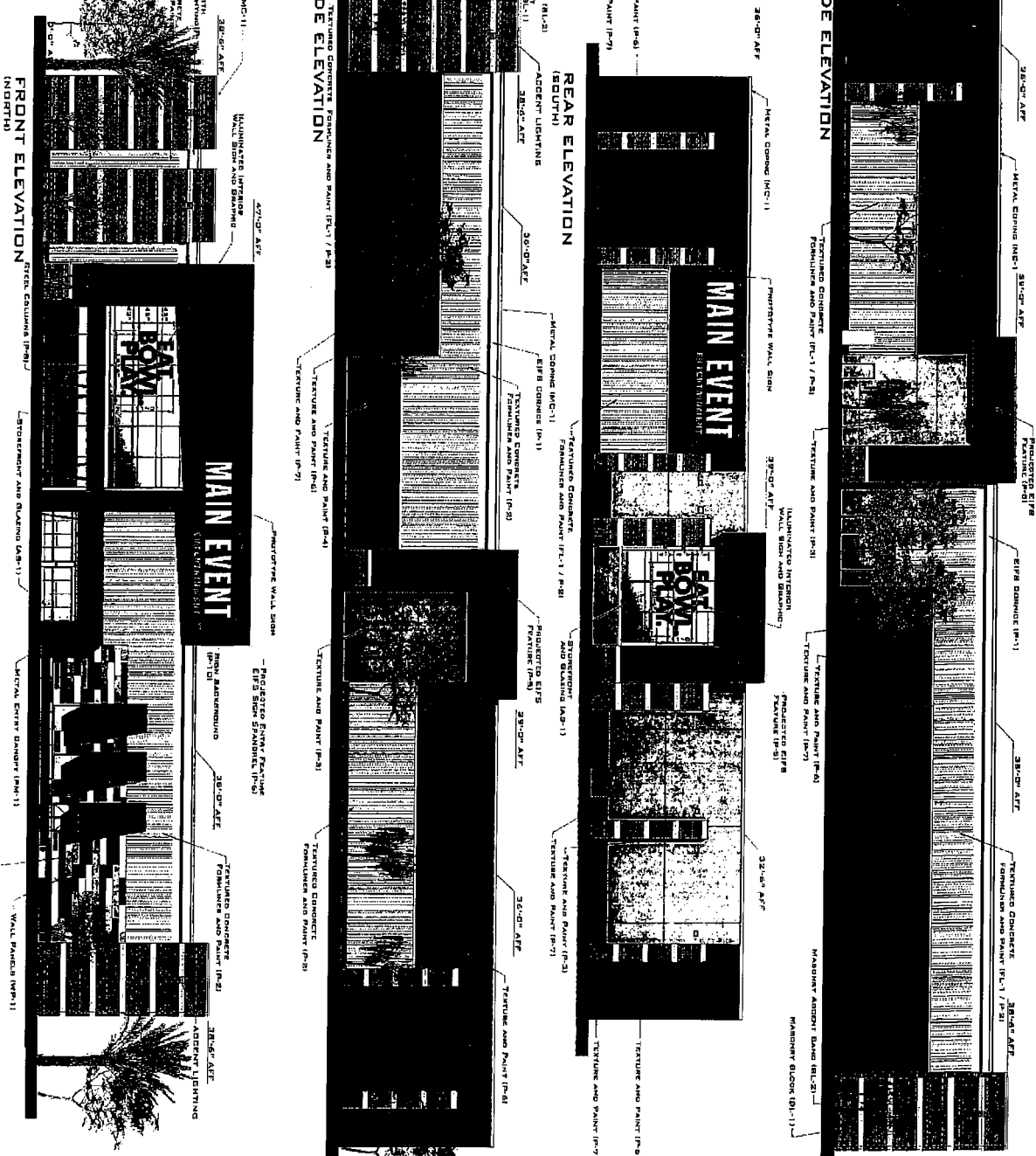
**EXHIBIT A-5
TO
THIRD AMENDED AND RESTATED
ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
GUNBO, LLC
(Amended and Restated June 1, 2020)**

[Main Event Architectural Plan]

AYONDALE, ARIZONA

2013 PROTOTYPE

MAIN EVENT

[illegible]

**EXHIBIT B
TO
THIRD AMENDED AND RESTATED
ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
GUNBO, LLC
(Amended and Restated June 1, 2020)**

[Restaurant – Portillo's]

- B-1 Legal Description contained as Lot #2 of Park 10 Phase 2 Plat
- B-2 Site Plan
- B-3 Architectural Plan

See following page.

**EXHIBIT B-1
TO
THIRD AMENDED AND RESTATED
ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
GUNBO, LLC
(Amended and Restated June 1, 2020)**

[Restaurant – Portillo’s Lot 2 of Park 10, Phase 2 Plat]

IN WITNESS WHEREOF: GUNBO, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER OF LOTS 1 AND 3, HAVE HERETO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, THEREUNTO DULY AUTHORIZED

THIS 24 DAY OF June, 2019

THIS 24 DAY OF June 2019

BY: [Signature]

THIS 24 DAY OF June, 2019
BY: Theresa

BY: [Signature] DATE: 01/11/2019

ITS: [Signature] MANAGER: M. [Signature]

STATE OF OREGON }
COUNTY OF WAUKECHA } ss.

ON JUNE 24, 2019, BEFORE HE PERSONALLY APPEARED, JERRY PARK, THE MANAGER OF QUINCY, LLC, AN ARIZONA, LLC ON BEHALF OF THE LLC, WHOSE IDENTITY WAS PROVEN TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHO HE/SHE CLAIMS TO BE, AND ACKNOWLEDGED THAT HE/SHE SIGNED THE ABOVE DOCUMENT ON BEHALF OF THE LLC.

For more
NOTARY PUBLIC

OFFICIAL STRAP
PAUL MICHAEL PETERY
NOTARY PUBLIC - ONEYON
COMMISSION NO. 915662
MY COMMISSION EXPIRES JUNE 6, 2022

OWNERS
A REPLAT OF LOT 5, PARK 10, PHASE 1, ACCORDING TO BOOK 1224 OF MAPS, PAGE 38, MARICOPA COUNTY RECORDS, ARIZONA, LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

SURVEYOR
CIVIL ENGINEER

GUNBO, LLC AND PARK 10
16083 S.W. UPPER BOONES
MIGARD, OREGON 97224
PHONE: 503.998.1717
CONTACT: JAMES KYUNG

SURVEY INNOVATION GROUP, INC.
22425 N. 16TH STREET, SUITE 1
PHOENIX, ARIZONA 85024
PHONE: 480.922.0780
CONTACT: JASON SEGNERI, PLS

CIVIL ENGINEER
OPTIMUS CIVIL DESIGN GROUP LLC
4650 E. COTTON CENTER BLVD., SUITE 200
PHOENIX, ARIZONA 85040
PHONE: 602.286.9300
CONTACT: JEFF BEHRMANA

ACKNOWLEDGMENT

STATE OF OREGON
COUNTY OF WASHINGTON }
SS.

ON June 24, 2019, BEFORE ME PERSONALLY APPEARED JERRY PARK THE MANAGER OF PARK 10 PI, LLC, AN OREGON, LLC ON BEHALF OF THE LLC, WHOSE IDENTITY WAS PROVEN TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHO HE/SHE CLAIMS TO BE, AND ACKNOWLEDGED THAT HE/SHE SIGNED THE ABOVE DOCUMENT ON BEHALF OF THE LLC.

F. M. O'F
NOTARY PUBLIC

STATE OF OREGON }
COUNTY OF WASHINGTON } ss.

MANAGER OF PARK 10 SNIPS A, LLC, AN OREGON, LLC UNLAWFULLY APPEARED JERRY PARK THE
WAS PROVEN TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHO HE/SHE
CLAIMS TO BE, AND ACKNOWLEDGED THAT HE/SHE SIGNED THE ABOVE DOCUMENT ON BEHALF OF
THE LLC.

FOR MEET
NOTARY PUBLIC

STATE OF OREGON
)
) ss.

BY SIGNED THE ABOVE DOCUMENT ON BEHALF OF THE LLC.

Permut
NOTARY PUBLIC

CHEMICAL GROUP
PAUL MICHAEL SMITH
NORTHMAN, NJ 08063

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.

UNKNOWN ENDED TO ME THAT DE/DA WAS SUBSCRIBED TO THE WITHIN INSTRUMENT AND DE/DA WAS THE PERSON WHO EXECUTED THE SAME. DE/DA WAS THE PERSON WHO AUTHORIZED DE/DA TO SIGN THE WITHIN INSTRUMENT, AND THAT BY HER/HIS/HERS/HAUS/HESS, ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE
FOREGOING PARAGRAPH IS TRUE AND CORRECT.

BUSINESS MAIL AND OFFICIAL SEAL

#BXNDZT8069HBMW7877RTHHHH#

[illegible]

AREA TABLE			
LOT #	AREA (SQ')	AREA (AC)	
1	55,559	1.275	
2	119,316	2.739	
3	52,712	1.203	
R/W	993	0.023	
TOTAL	504,579	11.560	

THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 5, AS SHOWN IN BOOK 1224, PAGE 38, MARICOPA COUNTY RECORDS, SAID LINE BEARS NORTH 88 DEGREES 58 MINUTES 43 SECONDS EAST,

ACCORDING TO THE FLOOD INSURANCE RATE MAP #0401032210 L DATED OCTOBER 16, 2013, THIS PROPERTY IS LOCATED IN FLOOD ZONE "X". AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

THE CITY OF PHOENIX, ARIZONA, HAS DESIGNATED THE DOMESTIC WATER SERVICE AREAS OF THE CITY OF AVONDALE WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO SECTION 45-576 ARIZONA REVISED STATUTES.

FINAL PLAT FOR PARK 10, PHASE 1, BOOK 1224 OF MAPS, PAGE 38, MARICOPA COUNTY RECORDS, ARIZONA

I, JASON SCHEER, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA AND THAT THE SURVEY SHOWN HEREON WAS COMPLETED UNDER MY DIRECT SUPERVISION DURING THE MONTH OF SEPTEMBER, 2016, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND BELIEF AND THE MONUMENTS SHOWN ACTUALLY EXIST.

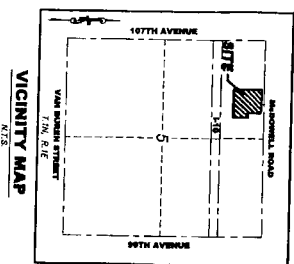
DATE _____

12-44 11:13
THAT APPROVED AND DEDICATED RIGHT-OF-WAY AND EASEMENTS ACCEPTED BY THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA

7.22.2019
DATE

7.23.2019
DATE

6.27.2019
DATE



**FINAL PLAT
PARK 10, PHASE 2
AVONDALE, ARIZONA**

Q OPTIMUS
CIVIL DESIGN GROUP
4530 E. COTTON CENTER BLVD
SUITE 120
PH: (423) 264-7900 FAX: (423) 264-7400

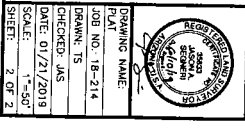
SIG
SURVEY INNOVATION
GROUP, INC.
Land Surveying Services
23425 N. 16TH STREET, SUITE 1
PHOENIX, AZ 85034
PH: (480) 322-4789 FX: (480) 322-4781
WWW.SIGSURVEYINGTAD.COM

REGISTERED LAND SURVEYOR	DRAWING NAME: PLAT JOB NO. 18-214 DRAWN: TS CHECKED: JAS DATE: 01/21/2019 SCALE: N.T.S. SHEET: 1 OF 2
--------------------------	--

LEGEND

FOUND BRASS C/P IN HANDHOLE
FOUND 7"X 1" NAIL
FOUND 1/2" REBAR
SET 1/2" REBAR W/C/P LS 35833
NAIL
BR/7/5
DOCK/SEVERANCE
DOC.
DOCUMENT NUMBER
P.U.L. PUBLIC UTILITY EXPOSURE
V.N.A.E. VEHICULAR NO-ACCESS EXPOSURE
M.C.R. MARICOPA COUNTY RECORDS

BOUNDARY LINE
SECTION LINE
CENTER LINE
ADJACENT LINE
ADJACENT BOUNDARY LINE



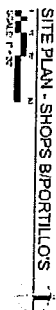
OPTIMUS
CIVIL DESIGN GROUP
4650 E. COTTON CENTER BLVD.
SUITE 120
PHOENIX, AZ 85044
PH: (602) 394-1500, FAX: (602) 384-9400

SIG
SURVEY INNOVATION
GROUP, INC.
Land Surveying Services
23425 N. 16TH STREET, SUITE 1
PHOENIX, AZ 85024
PH: (602) 922-4780 FAX: (602) 922-4781

**EXHIBIT B-2
TO
THIRD AMENDED AND RESTATED
ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
GUNBO, LLC
(Amended and Restated June 1, 2020)**

[Restaurant – Portillo’s Site Plan]

See following pages.

 PARKLAND DEVELOPMENT, LLC

PARK 10
103rd to 107th Avenue & I-10
Avondale, Arizona

APPROVED
By kgalica at 11:44 am, Nov 29, 2018

PROJECT DATA

Laurel Canyon	P.O.
A-17P	122-94-0986
Croce Sim Anoa	218,124 S.E., 14 37 N.E.
Maz Salda Area	179,200 C.T. 41 33 N.E.
Nashville River	17 50' E 25'
Davenport	3 75

[illegible]

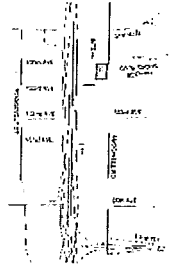
PROJECT TEAM:

Compt. Don D. Lutz 10000 2nd Upper Merion Ewy Rd Oakton, Virginia 22124 Tel: (703) 441-8700 Email: lutz@earthlink.net	Architect: Billie Green-Good 1011 E. Washington St. 5th flr Phoenix, AZ 85004 Tel: (602) 462-0000 Fax: (602) 462-0000 Email: bgreen@billiegreen.com
City Engineer David J. Grogan, P.E. 4005 E. Dakota Street, Ste 200 Phoenix, Arizona 85018 Contact: David Grogan Tel: (602) 240-0020 Email: Dave.Grogan@azdwd.com	Law Offices of David J. Grogan 4005 E. Dakota Street, Ste 200 Phoenix, Arizona 85018 Contact: David Grogan Tel: (602) 240-0020 Email: David.Grogan@azdwd.com

SITE PLAN NOTES

1. The following are the names of the persons who have been appointed to the various committees of the Board of Directors of the American Medical Association for the year 1910:

VICINITY MAP - PHASE I



P

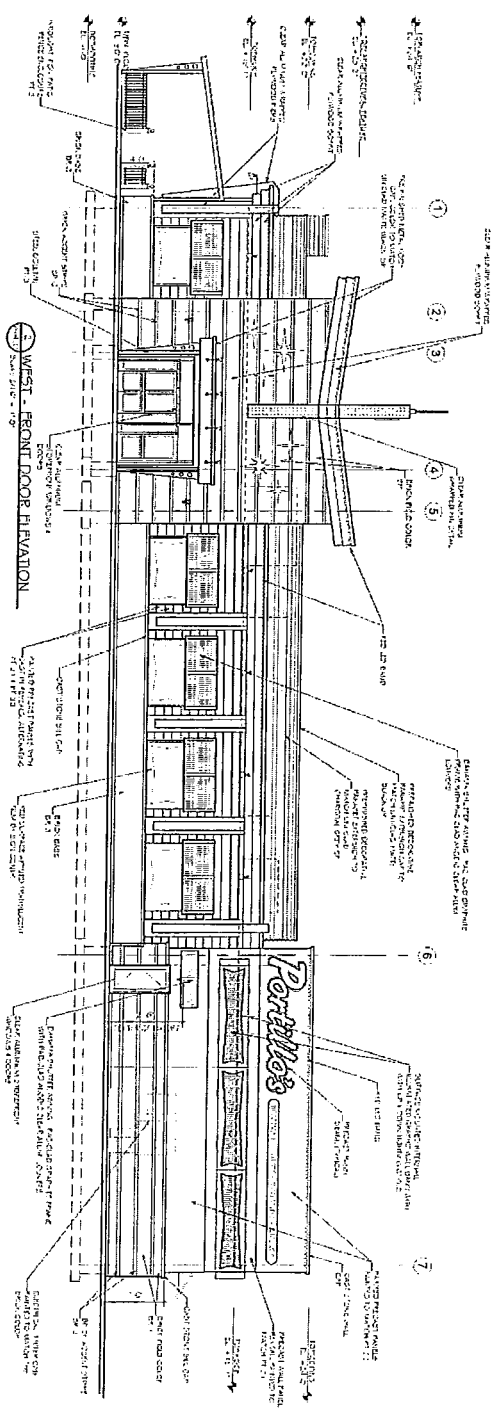
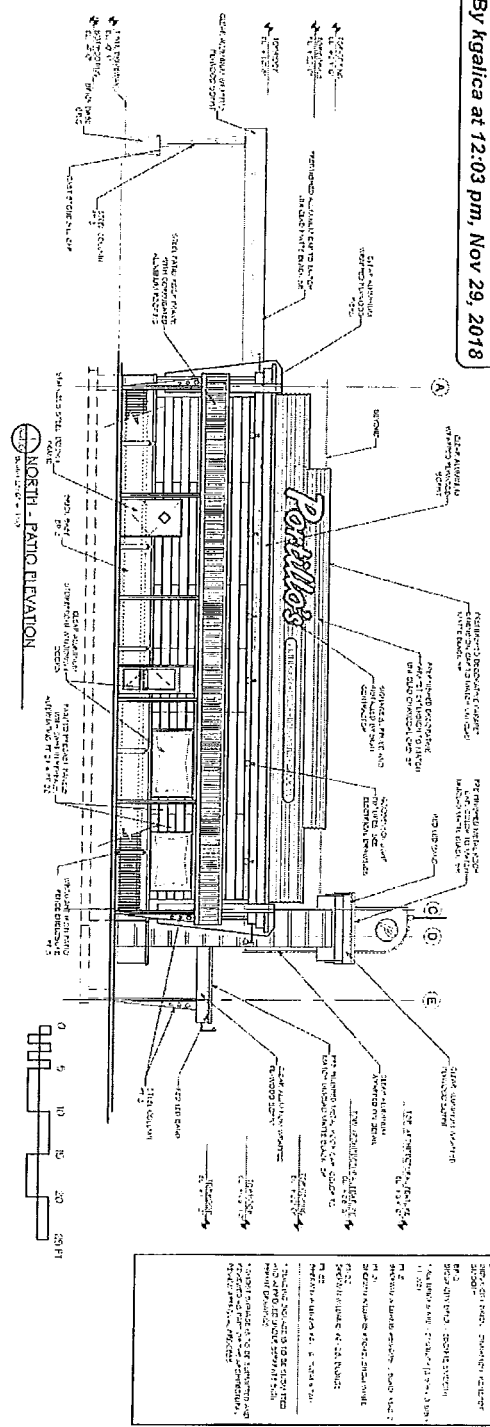
SP-1

**EXHIBIT B-3
TO
THIRD AMENDED AND RESTATED
ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
GUNBO, LLC
(Amended and Restated June 1, 2020)**

[Restaurant – Portillo’s Architectural Plan]

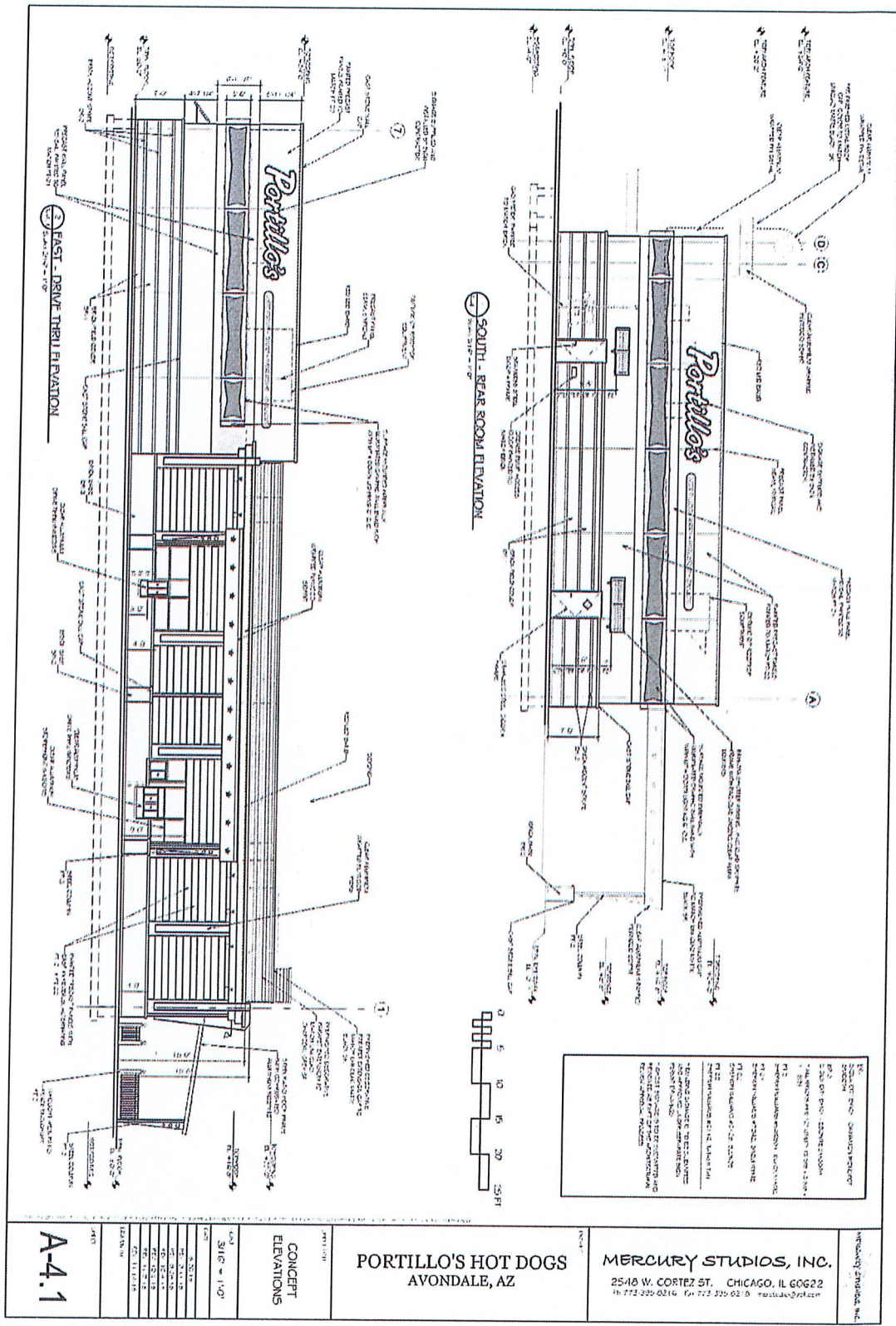
See following pages.

APPROVED
By Kgalica at 12:03 pm, Nov 29, 2018



- 1. PORTILLO'S HOT DOGS - 2546 W. CORTEZ ST. CHICAGO, IL 60622
- 2. PORTILLO'S HOT DOGS - 2546 W. CORTEZ ST. CHICAGO, IL 60622
- 3. PORTILLO'S HOT DOGS - 2546 W. CORTEZ ST. CHICAGO, IL 60622
- 4. PORTILLO'S HOT DOGS - 2546 W. CORTEZ ST. CHICAGO, IL 60622
- 5. PORTILLO'S HOT DOGS - 2546 W. CORTEZ ST. CHICAGO, IL 60622
- 6. PORTILLO'S HOT DOGS - 2546 W. CORTEZ ST. CHICAGO, IL 60622
- 7. PORTILLO'S HOT DOGS - 2546 W. CORTEZ ST. CHICAGO, IL 60622
- 8. PORTILLO'S HOT DOGS - 2546 W. CORTEZ ST. CHICAGO, IL 60622
- 9. PORTILLO'S HOT DOGS - 2546 W. CORTEZ ST. CHICAGO, IL 60622
- 10. PORTILLO'S HOT DOGS - 2546 W. CORTEZ ST. CHICAGO, IL 60622

CONCEPT ELEVATIONS	PORTILLO'S HOT DOGS AVONDALE, AZ		MERCURY STUDIOS, INC. 2546 W. CORTEZ ST. CHICAGO, IL 60622 PH: 773.225.2210 FAX: 773.225.2210
	A-4.0		



**EXHIBIT C
TO
THIRD AMENDED AND RESTATED
ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
GUNBO, LLC
(Amended and Restated June 1, 2020)**

[Restaurant – Barrio Queen]

- C-1 Legal Description contained as Lot #3 of the DRAFT Park 10 Phase 3 Plat
- C-2 Site Plan
- C-3 Architectural Plan
- C-4 Statement of Reimbursable Costs

See following pages.

**EXHIBIT C-1
TO
THIRD AMENDED AND RESTATED
ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
GUNBO, LLC
(Amended and Restated June 1, 2020)**

[Restaurant – Barrio Queen Lot #3 of the DRAFT Park 10 Phase 3 Plat]

See following pages.

DEDICATION

STATE OF OREGON }
COUNTY OF WASHINGTON }
SS }
KNOW ALL PERSONS BY THESE PRESENTS:

THAT GAMB, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER OF LOT 3, PARK 10, PHASE 3, ACCORDING TO BOOK 1478 OF MAPS, PAGE 1, AND DEED NUMBER 2017-06869977, MARICOPA COUNTY RECORDS, ARIZONA, LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, HAS HERETOFORE CAUSED ITS NAME TO BE ATTACHED TO THE SAME TO BE ATTACHED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, HEREIN DULY AUTHORIZED.

IN WITNESS WHEREOF, PARK 10, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HERETO CAUSED ITS NAME TO BE ATTACHED AND THE SAME TO BE ATTACHED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, HEREIN DULY AUTHORIZED.

THIS _____ DAY OF _____, 2020
BY: _____
ITS: _____
MANAGER

IN WITNESS WHEREOF, PARK 10, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HERETO CAUSED ITS NAME TO BE ATTACHED AND THE SAME TO BE ATTACHED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, HEREIN DULY AUTHORIZED.

THIS _____ DAY OF _____, 2020
BY: _____
ITS: _____
MANAGER

IN WITNESS WHEREOF, PARK 10, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HERETO CAUSED ITS NAME TO BE ATTACHED AND THE SAME TO BE ATTACHED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, HEREIN DULY AUTHORIZED.

THIS _____ DAY OF _____, 2020
BY: _____
ITS: _____
MANAGER

IN WITNESS WHEREOF, PARK 10, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HERETO CAUSED ITS NAME TO BE ATTACHED AND THE SAME TO BE ATTACHED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, HEREIN DULY AUTHORIZED.

THIS _____ DAY OF _____, 2020
BY: _____
ITS: _____
MANAGER

IN WITNESS WHEREOF, PARK 10, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HERETO CAUSED ITS NAME TO BE ATTACHED AND THE SAME TO BE ATTACHED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, HEREIN DULY AUTHORIZED.

THIS _____ DAY OF _____, 2020
BY: _____
ITS: _____
MANAGER

IN WITNESS WHEREOF, PARK 10, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HERETO CAUSED ITS NAME TO BE ATTACHED AND THE SAME TO BE ATTACHED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, HEREIN DULY AUTHORIZED.

FINAL PLAT
PARK 10, PHASE 3

A REPLAT OF LOT 3, PARK 10, PHASE 3, ACCORDING TO BOOK 1478 OF MAPS, PAGE 1, AND DEED NUMBER 2017-06869977, MARICOPA COUNTY RECORDS, ARIZONA, LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

NOTES

1. ALL LANDSCAPING WITHIN 10' ADJACENT PUBLIC RIGHT-OF-WAY IS TO BE MAINTAINED BY THE OWNER.
2. ALL UTILITY AND PUBLIC SERVICE EXPOSURES, INCLUDING ANY VARIATIONS OF EXPOSURES, AND CONSTRUCTION WITHIN SUCH EXPOSURES SHALL BE LIMITED TO UTILITIES, EXPOSURES, AND WELLS, AND SHALL BE REMOVED UPON COMPLETION OF THE PROJECT.
3. ALL EXISTING OVERHEAD UTILITIES SHALL BE INSTALLED UNDERGROUND IN ACCORDANCE WITH CITY OF AVONDALE STANDARDS AND SPECIFICATIONS.
4. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF AVONDALE STANDARDS AND SPECIFICATIONS.
5. NO STRUCTURES SHALL BE CONSTRUCTED IN OR ACROSS NOR SHALL OTHER IMPROVEMENTS OR EXISTING CONVEYANCE PATTERNS THAT ARE A PART OF THESE PREMISES WITHOUT WRITTEN APPROVAL BY THE CITY OF AVONDALE.
6. NO WALLS/FENCES SHALL BE BUILT WITHOUT PRIOR CITY OF AVONDALE APPROVAL.
7. ALL STORM DRAIN PIPES FROM THE CATCH BASINS TO THE RETENTION BASINS SHALL BE MAINTAINED BY THE OWNER.

BASIS OF BEARING

THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 5, AS SHOWN IN BOOK 1224, PAGE 3A, MARICOPA COUNTY RECORDS, AND THE LINE BEARING NORTH 80 DEGREES 58 MINUTES 43 SECONDS EAST.

FLOOD ZONE

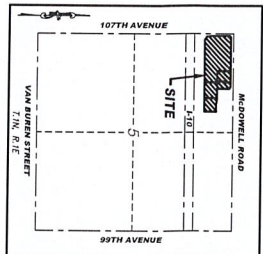
ACCORDING TO THE FLOOD INSURANCE RATE MAP #240322610 L, DATED OCTOBER 16, 2013, THIS AREA IS LOCATED IN FLOOD ZONE "X" AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH OF 0.2 METERS (0.6 FEET) OR LESS. AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH OF LESS THAN 1 FOOT OR WITH AVERAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

100-YEAR ASSURED WATER SUPPLY

THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREAS OF THE CITY OF AVONDALE, WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO SECTION 4-5-30 ARIZONA REVISED STATUTES.

REFERENCE DOCUMENTS

FINAL PLAT FOR PARK 10, PHASE 3, BOOK 1224 OF MAPS, PAGE 3A, MARICOPA COUNTY RECORDS, ARIZONA
FINAL PLAT FOR PARK 10, PHASE 2, BOOK 1478 OF MAPS, PAGE 1, MARICOPA COUNTY RECORDS, ARIZONA



OWNER - LOT 2

OPTIMUS CIVIL DESIGN GROUP LLC
4605 E. COTTON CENTER BLVD., SUITE 200
PHOENIX, ARIZONA 85004
PHONE: 602.286.3300
CONTACT: JEFF BERMAN

OWNER - LOT 4

PARK 10, LLC
4605 E. COTTON CENTER BLVD., SUITE 200
PHOENIX, ARIZONA 85004
PHONE: 602.286.3300
CONTACT: SEAN KIM

CIVIL ENGINEER

OPTIMUS CIVIL DESIGN GROUP LLC
4605 E. COTTON CENTER BLVD., SUITE 200
PHOENIX, ARIZONA 85004
PHONE: 602.286.3300
CONTACT: JEFF BERMAN

SURVEYOR

SURVEY INNOVATION GROUP, INC.
22425 N. 46TH STREET, SUITE 1
PHOENIX, ARIZONA 85024
PHONE: 602.227.0504
CONTACT: ANTHONY SLAYEN, RLS

LOT #	AREA (SQ)	AREA (AC)
1	780.96	18.14
2	10.11	2.43
3	63.92	1.43
4	15.47	3.54
5	106.48	2.43
6/7	134.1	0.02
TOTAL	124.027	28.548

CERTIFICATION

I, ANTHONY SLAYEN, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA AND THAT I HAVE PERSONALLY EXAMINED THE RECORDS OF THE MARICOPA COUNTY RECORDS AND THE CITY OF AVONDALE, AND THE INFORMATION SHOWN ACTUALLY EXIST.



APPROVALS AND ACCEPTANCE OF DEDICATION

PLAT APPROVED AND DEDICATED RIGHT-OF-WAY AND EXPOSURES ACCEPTED BY THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA
THIS _____ DAY OF _____, 2020

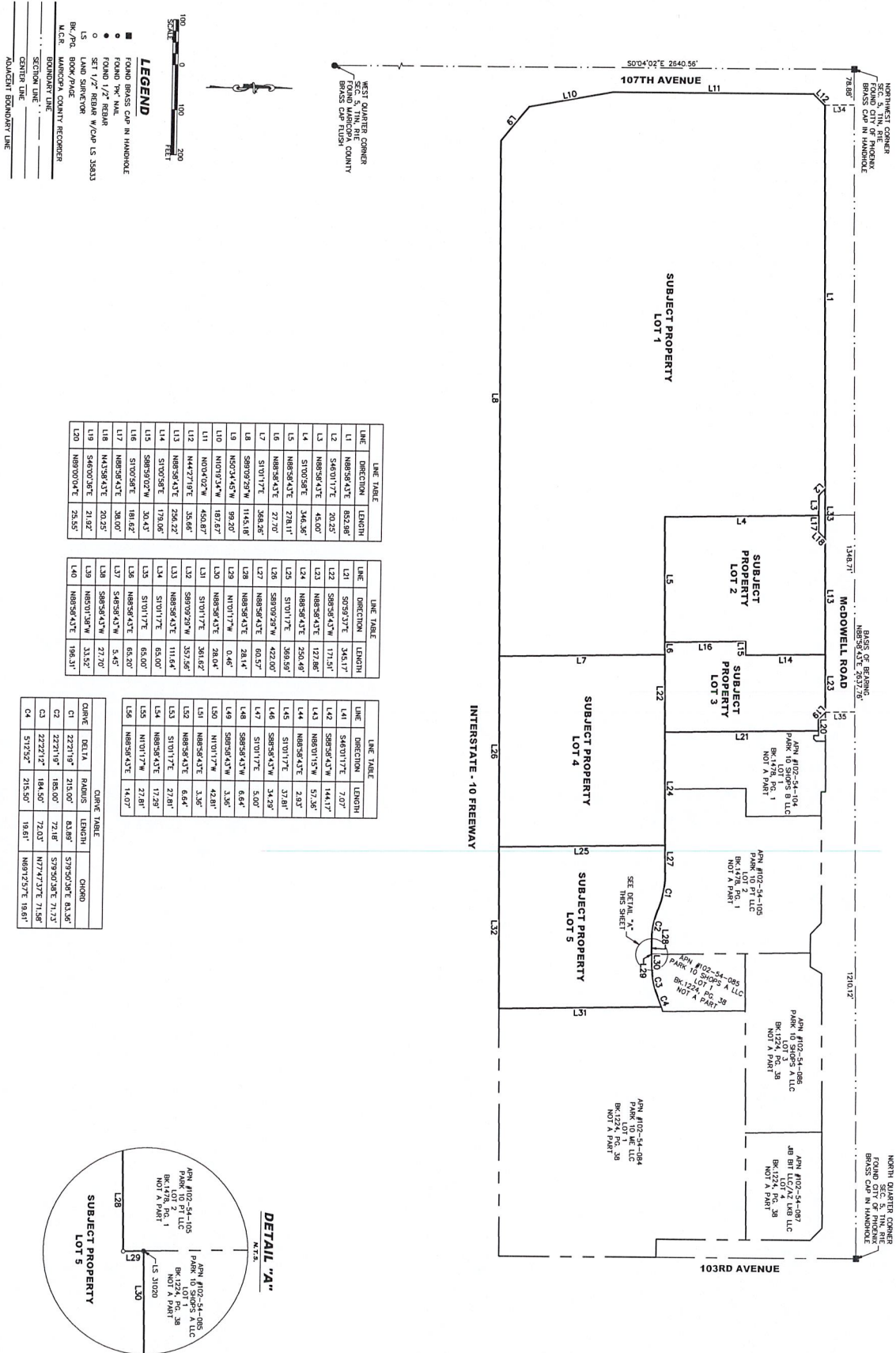
WITNESSES:
ATTEST: CITY CLERK _____ DATE _____
CITY ENGINEER _____ DATE _____

OPTIMUS CIVIL DESIGN GROUP
4605 E. COTTON CENTER BLVD., SUITE 200
PHOENIX, ARIZONA 85004
PHONE: 602.286.3300
WWW.OPTIMUSCIVIL.COM

SURVEY INNOVATION GROUP, INC.
Land Surveying Services
22425 N. 46TH STREET, SUITE 1
PHOENIX, ARIZONA 85024
PHONE: 602.227.0504
WWW.SURVEYINNOVATION.COM

FINAL PLAT
PARK 10, PHASE 3
AVONDALE, ARIZONA

DRAWING NAME: _____
LOG NO. 2018-214
DRAWING IS: _____
CHECKED: JAS
DATE: 01/24/2020
SCALE: N.T.S.
SHEET: 1 OF 4

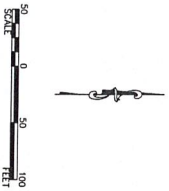




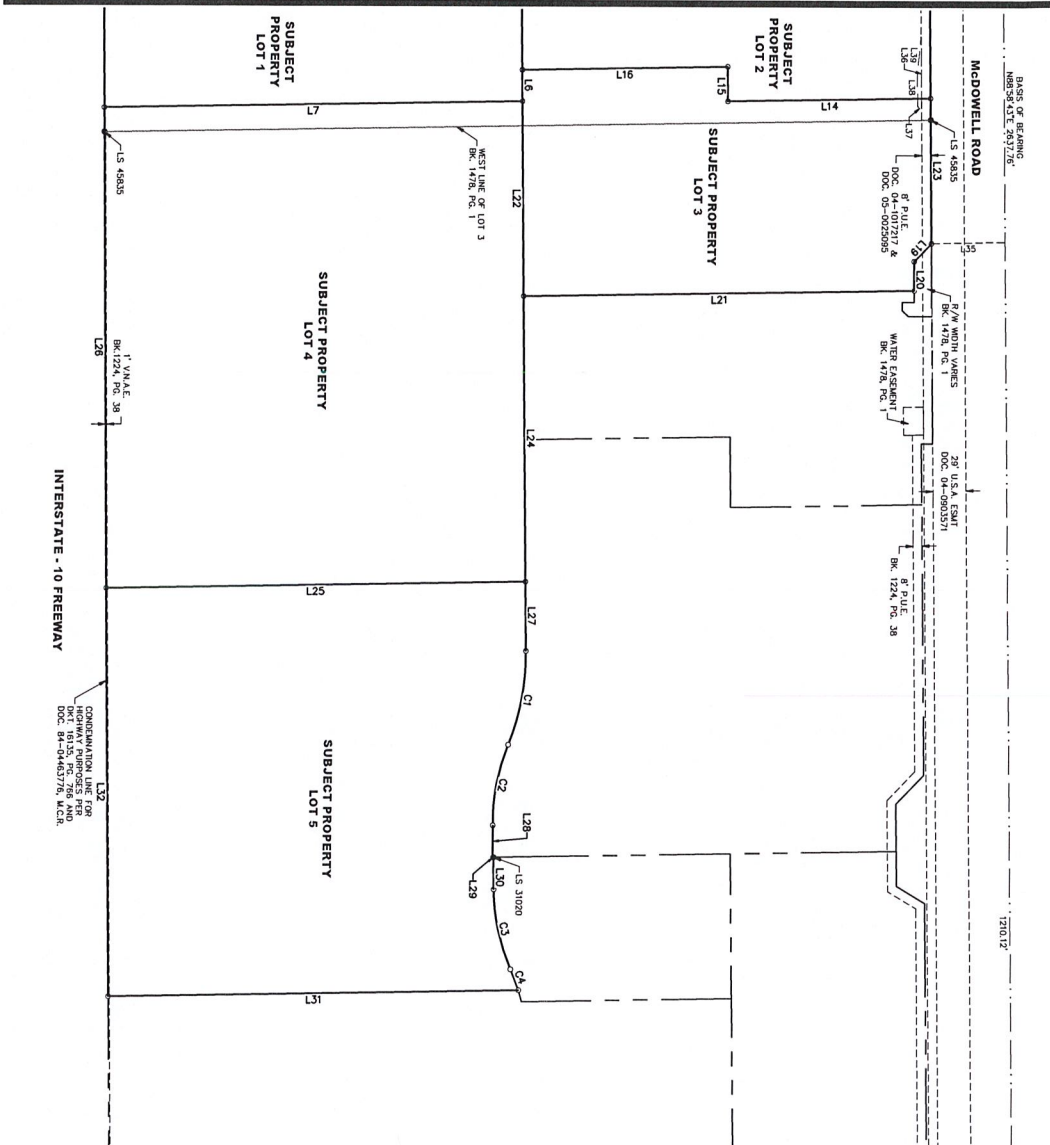

OPTIMUS
CIVIL DESIGN GROUP
4850 E. CORTY CENTER BLVD.
SUITE 120
PHOENIX, AZ 85040
PH: (602) 266-9300 FAX: (602) 266-9402

SIG
SURVEY INNOVATION
GROUP, INC
Land Surveying Services
22425 N. 16TH STREET, SUITE 1
PHOENIX, AZ 85024
PH (480) 922-0780 FX (480) 922-0781
WWW.SIGSURVEYAZ.COM

REVISIONS:
Δ
Δ
Δ
Δ
DRAWING NAME: PH3 PLAT
JOB NO. 2018-214
DRAWN: TS
CHECKED: JAS
DATE: 01/24/2020
SCALE: 1"=50'
SHEET: 3 OF 4



MATCH LINE - SHEET 3



- LEGEND**
- FOUND BRASS CAP IN HANDHOLE
 - FOUND 1/2" REBAR
 - SET 1/2" REBAR W/CHP LS 35633
 - LAND SURVEYOR
 - DOC. BOOK/PAGE
 - PUBLIC UTILITY EASEMENT
 - PRIVATE UTILITY EASEMENT
 - W.A.C. WINDSON COUNTY RECORDER
 - SECTION LINE
 - EASEMENT LINE
 - ADJACENT BOUNDARY LINE

**FINAL PLAT
PARK 10, PHASE 3
AVONDALE, ARIZONA**



SIG
SURVEY INNOVATION GROUP, INC.
Land Surveying Services
2420 N. 14TH STREET, SUITE 1
PHOENIX, AZ 85016
PH: (602) 964-7400 FAX: (602) 964-7401
WWW.SIGSURVEYAZ.COM

OPTIMUS
CIVIL DESIGN GROUP
LAND SURVEYING
PHOENIX, AZ 85044
PH: (602) 266-7300 FAX: (602) 266-7400
WWW.OPTIMUSSURVEYAZ.COM

DRAWING NAME:
LOG NO. 2018-214
DRAWN: TS
CHECKED: JAS
DATE: 01/24/2020
SCALE: 1"=50'
SHEET: 4 OF 4

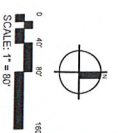
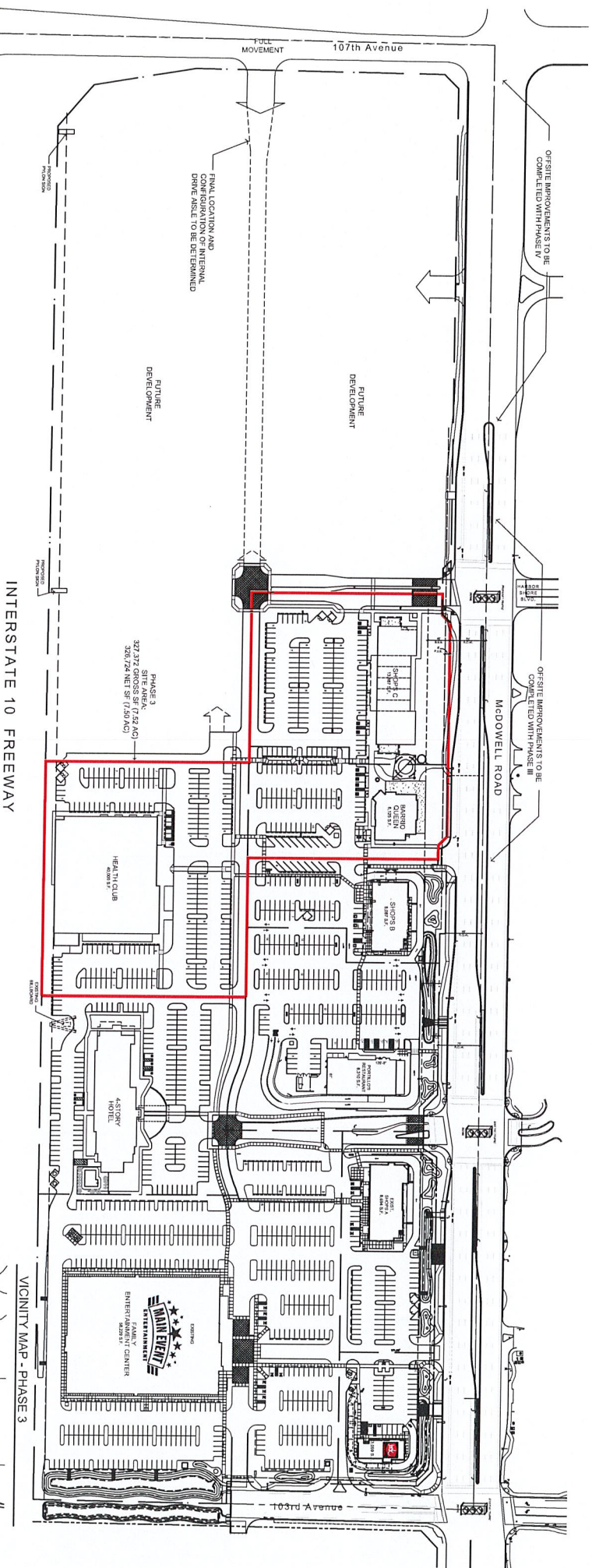
**EXHIBIT C-2
TO
THIRD AMENDED AND RESTATED
ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
GUNBO, LLC
(Amended and Restated June 1, 2020)**

[Restaurant – Barrio Queen Site Plan]

See following pages.

PHASE 3 PROJECT DATA

Establishing Zoning:	P.A.D.
APN#:	10254-0040, 10254-106
Gross Site Area:	327,372 S.F. (7.52 AC.)
Net Site Area:	326,724 S.F. (7.50 AC.)
Building Area (Includes Future Shops C):	59,825 S.F.
Coverage:	18.3%



VICINITY MAP - PHASE 3



04-27-20
130561022-S720



MASTER SITE PLAN



PARKLAND DEVELOPMENT, LLC

PARK 10

103rd to 107th Avenue & I-10
Avondale, Arizona



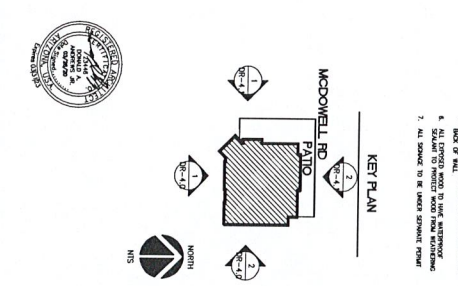
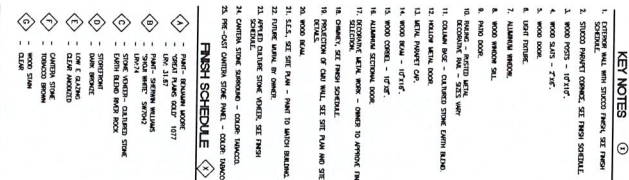
Butler Design Group, Inc.

MSP

**EXHIBIT C-3
TO
THIRD AMENDED AND RESTATED
ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
GUNBO, LLC
(Amended and Restated June 1, 2020)**

[Restaurant – Barrio Queen Architectural Plan]

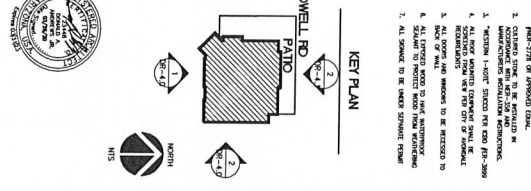
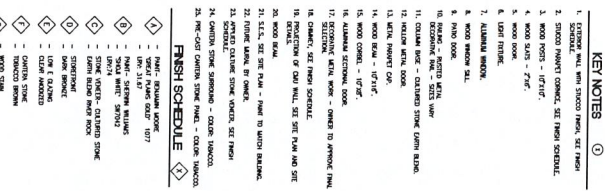
See following pages.



 Andrews Design Group, Inc.		
ARCHITECTURE	PLANNING	INTERIORS
PROJECT MANAGEMENT		
BUILDING ELEVATIONS		
		
PARK 10 103RD TO 107TH AVE AND I-10 AVONDALE, ARIZONA		
PROJECT NUMBER: DR-4		

No		DATE	PERSONS	
△				
△				
△				

DR-4



-4.1

ADD A0120
PARK 10
103RD TO 107TH AVE AND I-10
AVONDALE ARIZONA

8180 N. HAYDEN ROAD, SUITE-D100 SCOTTSDALE, ARIZONA (480) 894-3478 FAX: (480) 894-4013

DATE: 03/26/2020

**EXHIBIT C-4
TO
THIRD AMENDED AND RESTATED
ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
GUNBO, LLC
(Amended and Restated June 1, 2020)**

[Restaurant – Barrio Queen Statement of Reimbursable Costs]

See following pages.

BQ EDA TERM SHEET

Gunbo LLC – Barrio Queen at Park 10

Project Location: Park 10 (SWC of McDowell Rd. and 103rd Ave.)

Facility Size: 6,000 Square Feet

Lease: Twenty (20) year land lease*

Employment: Approximately 125 employees

Capital Investment: Estimated \$6M

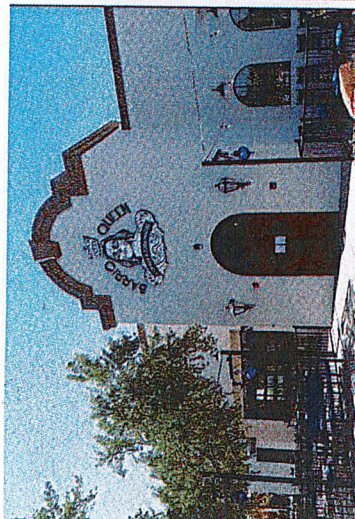
Annual Sales: Approximately \$6M

Local Annual Sales Tax: Approximately \$150,000

Economic Impact Analysis (Awaiting GPEC Analysis)

Annual estimated sales at Ten (10) years: TBD

Local Annual Sales Tax at Ten (10) years: TBD



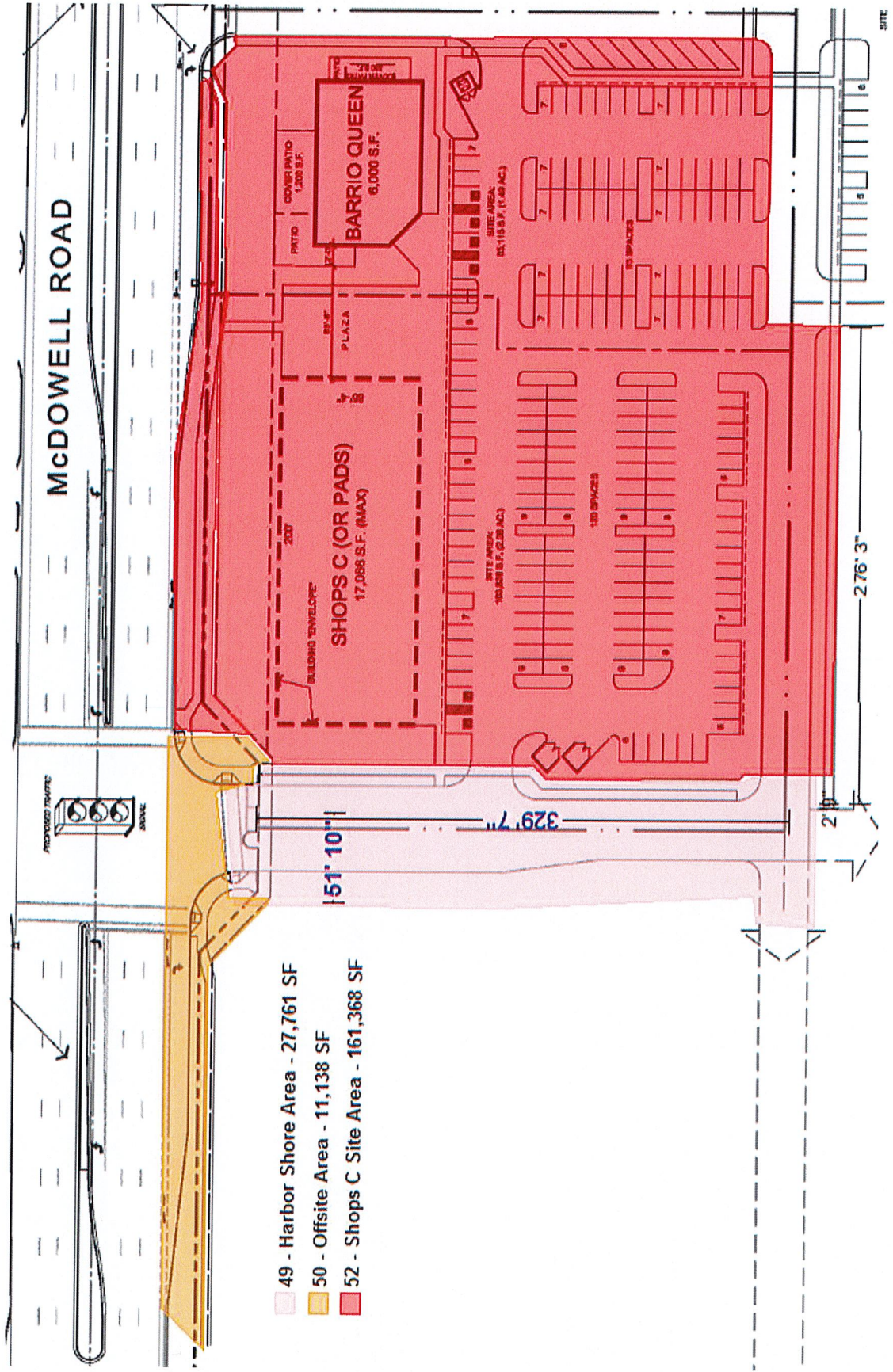
Proposed Incentive Package

We are proposing an Economic Development Agreement between Gunbo LLC and the City which will reimburse Gunbo, LLC for public infrastructure and facilitate the new development of the Barrio Queen Restaurant.

1. New Offsite Public Infrastructure:

The City of Avondale would provide a reimbursement for the offsite public infrastructure for a decal lane, Harbor Shores Drive extension, and traffic light into Park 10 to accommodate Barrio Queen restaurant. This cost of public infrastructure is estimated at \$1.2M

Estimated Value \$500,000



- 49 - Harbor Shore Area - 27,761 SF
- 50 - Offsite Area - 11,138 SF
- 52 - Shops C Site Area - 161,368 SF

MCDOWELL ROAD

BARRIO QUEEN
6,000 S.F.

SHOPS C (OR PADS)
17,088 S.F. (MAX)

51' 10"

329' 7"

276' 3"

SITE



A.R. MAYS

CONSTRUCTION

3/31/2020

OFF SITE SUMMARY
Park 10 Shops C & Harbor Shore Drive
10/9/2019

CLIENT: **PARKLAND DEVELOPMENT**
ARCHITECT: **BUTLER DESIGN GROUP**
LOCATION: **AVONDALE, AZ**

REV DATE:

TURN-LANE	\$297,195
1/2 for NEW SIGNAL	\$300,000
TOTAL:	\$597,195

AREA SUMMARY

SF OF SITE	11,138 SF	DURATION	198
------------	-----------	----------	-----

SYSTEMS NUMBER	DESCRIPTION	TOTAL	COST / SF	12/6/2019	DELTA
<u>1</u>	SITE DEMOLITION	\$ 10,928	\$ 0.98	\$ 10,928	\$ -
<u>2</u>	SITE WORK	\$ 121,312	\$ 10.89	\$ 116,554	\$ 4,758
<u>3</u>	SITE CONCRETE	\$ 69,240	\$ 6.22	\$ 50,309	\$ 18,931
<u>4</u>	SITE MASONRY	-	-	-	-
<u>5</u>	METALS	-	-	-	-
<u>7</u>	THERMAL & MOISTURE PROTECTION	-	-	-	-
<u>9</u>	FINISHES	-	-	-	-
<u>10</u>	SPECIALTIES	-	-	-	-
<u>11</u>	EQUIPMENT	-	-	-	-
<u>13</u>	SPECIAL CONSTRUCTION	-	-	-	-
<u>18</u>	SITE ELECTRICAL	\$ 40,600	\$ 3.65	\$ 495,600	\$ (455,000)
<u>20</u>	GENERAL CONDITIONS	\$ 9,877	\$ 0.89	\$ 23,165	\$ (13,288)
<u>21</u>	BUILDING PERMIT	-	-	-	-
	SUBTOTAL	\$ 251,957	\$ 22.62	\$ 696,556	\$ (444,600)

ADDITIONAL PROJECT COSTS:

BUILDERS RISK	0.00%	\$ -	\$ -	\$ -	\$ -
CONSTRUCTION CONTINGENCY	5.00%	\$ 12,598	\$ 1.13	\$ 34,828	\$ (22,230)
CONTRACTORS FEE	5.00%	\$ 13,228	\$ 1.19	\$ 36,569	\$ (23,341)
GENERAL LIABILITY	1.20%	\$ 3,333	\$ 0.30	\$ 9,215	\$ (5,882)
SALES TAX	5.72%	\$ 16,080	\$ 1.44	\$ 44,454	\$ (28,374)
TOTAL SITE		\$ 297,195	\$ 26.68	\$ 821,623	\$ (524,427)

CITY COUNCIL REPORT

SUBJECT: Resolution 1034-0620 - Amendment to the Intergovernmental Agreement with Maricopa County Administered by the Human Services Department

MEETING DATE: 6/1/2020

TO: Mayor and Council

FROM: Chris Lopez, Neighborhood Family Services Director, (623) 333-2711

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to adopt Resolution 1034-0620 approving an amendment to an Intergovernmental Agreement with the Maricopa County Human Services Board for the provision of the Community Action Program (CAP) services, and authorize the Mayor, City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The Community Action Program (CAP) began serving residents of Avondale in 1964. Services are provided to residents of Avondale who, for a variety of reasons, find themselves in financial difficulty. Families who live below the poverty level are often not able to put money aside for a crisis, and find themselves needing assistance when a change in the household occurs, such as a change in employment, medical emergency, divorce, caring for an aging family member or a vehicle expense.

DISCUSSION:

The Community Action Program (CAP) Provides support to low income households and families in crisis with utility, rent and mortgage assistance. The service area stipulated under the contract includes: Avondale, Goodyear, Litchfield Park, unincorporated areas north to Glendale Avenue including Litchfield Park and east/south to Laveen and unincorporated areas around but not including Laveen. This is considered the West Central CAP area in Maricopa County.

Maricopa County Human Services Department (MCHSD) has requested to extend the existing FY2020 IGA for an additional six months beginning July 1, 2020 and ending on December 31, 2020. MCHSD has requested to move forward in this manner to ensure continuity in services and funding as multiple agencies work to navigate changes caused by the current health crisis. An amount of \$39,875 will be funded for the six month extension which represents half of the current FY2020 award. MCHSD will develop a new IGA and budget following the extension period.

BUDGET IMPACT:

The total funding provided by Maricopa County for the six month extension in Fiscal Year 2021 is \$39,875 to provide Crisis Case Management and Financial assistance services as part of CAP. There is no match required.

RECOMMENDATION:

Staff recommends that City Council approve an amendment to an Intergovernmental Agreement with Maricopa County Human Services Department and authorize the Mayor, city Manager and City Clerk to execute the necessary documents. The Council will take the appropriate action.

RESOLUTION NO. 1034-0620

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR A GRANT AWARD TO OPERATE THE COMMUNITY ACTION PROGRAM

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The Amendment to the Intergovernmental Agreement between the City of Avondale (the “City”) and Maricopa County, Arizona for a grant award to operate the City’s Community Action Program for fiscal year 2020-2021 (the “Amendment”) is hereby approved substantially in the form and substance attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to cause the execution of the Amendment and to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, June 1, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, Acting City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1034-0620

[Amendment]

See following pages.

AMENDMENT NO. 4 TO THE
INTERGOVERNMENTAL AGREEMENT
BETWEEN
MARICOPA COUNTY
ADMINISTERED BY ITS
HUMAN SERVICES DEPARTMENT
AND
CITY OF AVONDALE

- I. Maricopa County ("County"), administered by its Human Services Department, and the City of Avondale ("Subrecipient") entered into a financial Intergovernmental Agreement ("Agreement") on or about June 30, 2016, for the term of July 1, 2016, through June 30, 2017. The purpose of the Agreement is for the County to provide the Subrecipient with funds for the provision of Community Action Program services to include Crisis Case Management and Financial Assistance Services in the Community Service Area (CSA). The County and the Subrecipient are referred to individually as the "Party" or collectively as the "Parties."

The Parties executed Amendment No. 1 on or about June 21, 2017, which extended the Agreement term and provided funding for the period July 1, 2017, through June 30, 2018. The Parties executed Amendment No. 2 on or about June 13, 2018, which extended the Agreement term and provided funding for the period July 1, 2018, through June 30, 2019. The Parties executed Amendment No. 3 on or about June 26, 2019, which extended the Agreement term and provided funding for the period July 1, 2019, through June 30, 2020.

- II. The Parties agree to enter into this Amendment No. 4 to the Agreement to amend the Agreement as follows:

- A. Amend Section I (General Provisions), Paragraph E (Term/Effective Date/Renewal Life of the Agreement), Subparagraph 1, to add the following sentence: The Agreement may be extended for a fourth term not exceeding one year, upon written agreement of the parties.
- B. Extend the Agreement termination date from June 30, 2020, to December 31, 2020.
- C. The County shall provide the Subrecipient with \$39,875 for the period of July 1, 2020, to December 31, 2020.
- D. Incorporate an updated ATTACHMENT B - Operating Budget for the period of July 1, 2020 to December 31, 2020 into the Agreement.
- E. Update the Points of Contact for the Agreement:

Subrecipient Rep:	Chris Lopez, Neighborhood & Family Services Director
Phone:	623-333-2700
Address:	1007 South Third Street
City/Town State & Zip	Avondale, Arizona 85323
E-Mail:	clopez@avondaleaz.gov

Maricopa County:	Sandra Mendez, Assistant Director
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Phone: 602-506-2316
Address: 234 North Central, Suite 3000
City/Town State & Zip: Phoenix, Arizona 85004
E-Mail: Sandra.Mendez@Maricopa.gov

- F. Revise Section I (General Provisions) by removing in its entirety Paragraph ZZ, which was added by Amendment No. 1, and substituting the following:

ZZ. ISRAEL BOYCOTT

If the Subrecipient engages in for-profit activity and has 10 or more employees, and if this Agreement has a value of \$100,000 or more, then the Subrecipient certifies it is not currently engages in, and agrees for the duration of this Agreement not to engage in, a boycott of goods or services from Israel. This certification does not apply to a boycott prohibited by 50 U.S.C. § 4842 or a regulation issued pursuant to 50 U.S.C. § 4842.

- G. Revise Section I (General Provisions) to add Paragraph AAA as follows:

AAA. FORCE MAJEURE

1. Neither Party shall be liable for failure of performance, nor incur any liability to the other Party on account of any loss or damage resulting from any delay or failure to perform all or any part of this contract if such delay or failure is caused by events, occurrences, or causes beyond the reasonable control and without negligence of the parties. Such events, occurrences, or causes will include Acts of God/Nature (including fire, flood, earthquake, storm, hurricane or other natural disaster), war, invasion, act of foreign enemies, hostilities (whether war is declared or not), civil war, riots, rebellion, revolution, insurrection, military or usurped power or confiscation, terrorist activities, nationalization, government sanction, lockout, blockage, embargo, labor dispute, strike, interruption or failure of electricity or telecommunication service.
2. Each Party, as applicable, shall give the other Party notice of its inability to perform and particulars in reasonable detail of the cause of the inability. Each party must use best efforts to remedy the situation and remove, as soon as practicable, the cause of its inability to perform or comply.
3. The Party asserting Force Majeure as a cause for non-performance shall have the burden of proving that reasonable steps were taken to minimize delay or damages caused by foreseeable events, that all non-excused obligations were substantially fulfilled, and that the other party was timely notified of the likelihood or actual occurrence which would justify such an assertion, so that other prudent precautions could be contemplated.

- III. This Amendment is subject to the provisions of A.R.S. §38-511.

- IV. The foregoing paragraphs contain all the changes made by this Amendment No. 4. All other terms and conditions of the Agreement remain in full force and effect as amended by Amendment Nos. 1, 2, and 3.

- V. The County is empowered by A.R.S. §§ 11-201, 11-251 and 11-952 to enter into this Amendment No. 4 and has delegated to the undersigned the authority to execute this Amendment No. 4 on behalf of the County.
- VI. The Subrecipient is empowered by A.R.S. §§ 9-240, 9-500.11, 11-952, and 46-241, *et seq.* to enter into this Amendment No. 4 and has by resolution delegated to the undersigned the authority to execute this Amendment No. 4 on behalf of the Subrecipient.
- VII. This Amendment No. 4 shall be effective upon approval and signature by both Parties.

[Signatures on the following page]

IN WITNESS, the Parties have approved and signed this Amendment No. 4:

APPROVED BY:
SUBRECIPIENT

APPROVED BY:
MARICOPA COUNTY

Mayor Date

Chairman, Board of Supervisors Date

Attested To:

Attested To:

City Clerk Date

Fran McCarroll, Clerk of the Board Date

IN ACCORDANCE WITH A.R.S. §§ 9-240, 9-500.11, 11-952, AND 46-241, ET SEQ., THIS AMENDMENT NO. 4 HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY WHO HAS DETERMINED THIS AMENDMENT NO. 4 IS PROPER IN FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO THE CITY OF AVONDALE UNDER THE LAWS OF THE STATE OF ARIZONA.

IN ACCORDANCE WITH A.R.S. §§ 11-201, 11-251, AND 11-952, THIS AMENDMENT NO. 4 HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY WHO HAS DETERMINED THIS AMENDMENT NO. 4 IS PROPER IN FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO MARICOPA COUNTY UNDER THE LAWS OF THE STATE OF ARIZONA.

APPROVED AS TO FORM:

APPROVED AS TO FORM:

BY: _____
Attorney for the Subrecipient Date

BY: _____
Deputy County Attorney Date

ATTACHMENT B**OPERATING BUDGET**

Contract Operating Budget -County July 1, 2020 to December 31, 2020

SUBRECIPIENT: **City of Avondale**

Service: Crisis Case Management and Financial Assistance Services

Revenue Sources

County*	\$39,875
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Total Revenues	\$39,875
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Budget Categories

Personnel / ERE	\$30,030
Professional/Outside Services	\$1,000
Travel	\$1,000
Material & Supplies	\$2,500
Operating Services	\$5,345

Total Expenses	\$39,875
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*Funding will be allocated internally on a monthly basis
by Maricopa County Human Services
Department/Financial Services.

Based on fund availability, funds utilized may include, but are not
limited to:
SSBG, TANF, LIHEAP, County Funds and CSBG

ITEMIZED SERVICE BUDGET
CONTRACT SERVICE:
CONTRACT PERIOD: 07/01/2020 to 12/31/2020
PROVIDER NAME: City of Avondale

*A = % Administrative Functions *D = % Direct Service Functions

I PERSONNEL								
Position Number	TOTAL FTE Level	Position Title	TOTAL Salary for Period 07/01/2020 - 12/31/2020	TOTAL FTE Level for Contract Service	Percent (%) of Allocated Functions of Position * A + D = Total %	TOTAL COST for Contract Service	Cost of Contract Service to Other Resources	Proposed Cost to MCHSD
1	1.00	Social Services Coordinator	\$21,000.00	1.00		\$21,000	\$0	\$21,000
2	0.50	Family Services Manager	\$85,000.00			\$0	\$0	\$0
3	0.50	Social Services Coordinator	\$21,000.00			\$0	\$0	\$0
						\$0	\$0	\$0
Total FTE's dedicated to this contract:				1.00	TOTAL:	\$21,000	\$0	\$21,000
II EMPLOYEE RELATED EXPENSES								
ITEM		BASIS			TOTAL COST		MCHSD COST	
Various Fringe Benefits		Average Fringe Rate Percentage 43.0000%		times	Total Proposed Cost to MCHSD \$21,000	\$9,030	\$0	\$9,030
TOTAL:						\$9,030	\$0	\$9,030
III PROFESSIONAL AND OUTSIDE SERVICES								
ITEM		BASIS			TOTAL COST		MCHSD COST	
Interpreter Services		Contract Requirement				\$1,000	\$0	\$1,000
						\$0	\$0	\$0
						\$0	\$0	\$0
TOTAL:						\$1,000	\$0	\$1,000
IV TRAVEL								
ITEM		BASIS			TOTAL COST		MCHSD COST	
CAP Trainings/Webinars/Membership		Professional Development/Education				\$1,000	\$0	\$1,000
						\$0	\$0	\$0
						\$0	\$0	\$0
TOTAL:						\$1,000	\$0	\$1,000
V SPACE								
ITEM		BASIS			TOTAL COST		MCHSD COST	
						\$0	\$0	\$0
						\$0	\$0	\$0
						\$0	\$0	\$0
						\$0	\$0	\$0

CITY COUNCIL REPORT

SUBJECT: Resolution 1036-0620 - Referring an Ordinance to Establish a Recreation and Quality of Life Fund

MEETING DATE: 6/1/2020

TO: Mayor and Council

FROM: Lindsey Duncan, Finance and Budget Director, (623) 333-2011

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to adopt Resolution 1036-0620, referring an Ordinance to establish a Recreation and Quality of Life Fund and to dedicate certain revenues to the fund to the qualified electors of the City of Avondale at the November 3, 2020 Statewide Election and authorize the Mayor, the City Manager, the City Clerk and the City Attorney to take all steps necessary to carry out the purpose and intent of the Resolution. The Council will take appropriate action.

BACKGROUND:

Council and staff have had numerous discussions regarding a potential sales tax initiative for parks amenities and operations. During the City Council retreat on December 10, 2018, the Council discussed the potential for a future bond election, or tax initiative to fund quality of life capital improvements.

Several months later, during the February 19, 2019 City Council Work Session, staff provided an update on park maintenance and also discussed parks bonds. During that meeting, Council discussed the options of new tax revenue for either park maintenance or park enhancements. There was also discussion regarding the current and future cost for park maintenance, given the expansion of Festival Fields and the future Alamar community park.

On April 15, 2019 Council received additional information at a work session regarding potential projects and a schedule for asset replacements. The initiative was discussed again during the December 2019 Council Retreat. Staff presented a discussion of several individual projects, amenity enhancements, open space and neighborhood planning efforts that could benefit from the additional funding at the May 4, 2020 Council Work Session.

The City Clerk is required to notify Maricopa County of the City's intent to hold an election by June 5th. Today's meeting is the last date for Council to approve the ballot initiative to include it in the November 2020 election. If not placed on the ballot by that time, the next available election will be in November 2022.

DISCUSSION:

The attached Resolution on the tax initiative would dedicate 0.2 percent of the City's transaction privilege tax (a.k.a. "sales tax") on all purchases less than \$5,000 and establish a Quality of Life Fund with the proceeds that are generated.

Bonds would be issued to fund parks and recreation amenity enhancements. Projects under consideration include an Aquatic Center located within the Civic Campus adjacent to the public library, a neighborhood park and pocket parks to include land acquisition, beautification and art throughout the City, increased trail connections and bike lanes, wayfinding signs, and improvements or renovations to every park the City maintains to include: New playground equipment, benches and ramadas, splash pads, shade coverings, and enhanced park security to include lights and cameras. Proceeds may also be used to fund recreational programming and supporting operating costs of the above items.

The 0.2 percent rate is projected to generate approximately \$85.0 million to \$90.0 million over a 25-year period. The new revenue would be used to finance the above capital project construction (staff estimates approximately \$57.7 million in proceeds and approximately \$23.6 million in interest) with the remainder of projected revenues dedicated to operations and maintenance (\$7.9 million to \$12.9 million). The tax proposal includes a sunset of this tax after the repayment of all bonds in 25 years.

The proposed ordinance would also resolve a present inconsistency in the City Tax Code involving the Use Tax rate. Presently, the approved 1.0% tax dedications for public safety and capital projects do not apply to this tax category as they are for other tax categories. The proposed ordinance would resolve the discrepancy by raising the combined Use Tax rate from 1.5% to 2.5% for qualifying items under \$5,000.

Total Sales tax in Avondale presently is 8.8 percent – 5.6 percent for the state, 2.5 percent for the City, and 0.7 percent for the county. A 0.2 percent sales tax increase would amount to an additional 2 cents of tax for each \$10 dollars spent in Avondale. A family that spends \$2,000 a month on taxable goods and services in the City would pay an additional \$4 dollars in sales tax.

BUDGET IMPACT:

There is no budget impact from this item in the current fiscal year. However, if approved the tax would support expenditures requiring budget authority in future fiscal years.

RECOMMENDATION:

Staff is recommending that City Council consider approving the attached Resolution with the tax initiative's language that would establish a Recreation and Quality of Life Fund and dedicate a 0.2 percent tax increase to parks capital improvements, programming, and related operations/maintenance costs for consideration by voters in the November 2020 election.

RESOLUTION NO. 1036-0620

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, REFERRING THE PROPOSED ORDINANCE TO ESTABLISH A RECREATION AND QUALITY OF LIFE FUND AND TO DEDICATE CERTAIN REVENUES TO THE FUND TO THE QUALIFIED ELECTORS OF THE CITY OF AVONDALE AT THE NOVEMBER 3, 2020 STATEWIDE ELECTION.

WHEREAS, the City of Avondale (the “City”), Arizona, will be holding a city election in conjunction with the state-wide general election to be held on November 3, 2020; and

WHEREAS, the city council desires to refer to the consideration of the qualified electors of the City a resolution to establish a recreation and quality of life fund and to adjust the city’s transaction privilege tax and use rates to provide that increase in rates be appropriated to the recreation and quality of life fund and that the fund be restricted to certain qualified uses pertaining to recreation and quality of life.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. That the City Clerk shall undertake all matters necessary to have the attached Exhibit A, an Ordinance to create a recreation and quality of life fund and to appropriate and restrict certain taxes be incorporated on the ballot for the city election to be held in conjunction with the state-wide general election on November 3, 2020.

SECTION 3. That the Ordinance providing for a recreation and quality of life fund and to adjust, appropriate and restrict certain transaction privilege and use tax revenues received for this purpose in accordance with the provisions of the proposed ordinance shall be submitted for the consideration of the qualified electors of the City of Avondale at the November 3, 2020 election held in conjunction with the state-wide general election.

SECTION 4. This Resolution shall be in full force and effect immediately upon its adoption; a certified permanent copy of which shall be filed with the City Clerk, who shall maintain it as a permanent record.

SECTION 5. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, June 1, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, Acting City Attorney

EXHIBIT A
TO
RESOLUTION 1036-0620

[Ordinance]

(See following pages.)

ORDINANCE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE TAX CODE OF THE CITY OF AVONDALE BY AMENDING SECTIONS 13A-405(a); 13A-410(a); 13A-415(a); 13A-416(a); 13A-417(a); 13A-425(a); 13A-427(a); 13A-430(a); 13A-435(a); 13A-444(a); 13A-445(a); 13A-450(a); 13A-455(a); 13A-460; 13A-462(a); 13A-470(a); 13A-475; 13A-480(a); 13A-610 AND AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF AVONDALE TO PROVIDE THAT SECTIONS 2-97-2-99 SHALL BE RESERVED AND ENACTING SECTIONS 2-100 AND 2-101 TO PROVIDE FOR A RECREATION AND QUALITY OF LIFE TAX FUND AND TO PROVIDE FOR DEFINITIONS AND USES AND TO PROVIDE FOR AUTOMATIC REPEAL AS OF DECEMBER 31, 2045 AND TO PROVIDE FOR SEVERABILITY

WHEREAS, the Council of the City of Avondale (the “City Council”) has determined that there a number of projects to provide enhanced Recreation and Quality of Life facilities, amenities, programs, and operations and maintenance which will benefit the citizens of the community, maintain and increase property values, increase the desirability of the community for economic development, promote quality development in the future and serve the public interest; and

WHEREAS, the City Council now desires to submit to the qualified electors of the City a proposed ordinance to establish a Recreation and Quality of Life Tax Fund and to designate certain revenues to be placed in that fund; and

WHEREAS, the City Council has determined that this proposed ordinance shall be submitted to the qualified electors of the City for their consideration at the November 3, 2020 Statewide general election; and

WHEREAS, upon approval by the qualified electors, the ordinance shall become effective upon the adoption of the Canvass of election by the Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. Section 13A-405(a) of the Tax Code of the City of Avondale pertaining to Advertising is amended to read as follows:

Sec. 13A-405. Advertising.

(a) The tax rate shall be at an amount equal to ~~two and one-half percent (2.5%)~~ TWO AND SEVEN TENTHS PERCENT (2.7%) of the gross income from the business activity upon every person engaging or continuing in the business of "local advertising" by billboards, direct mail, radio, television, or by any other means. However, commission and fees retained by an advertising agency shall not be includable in gross income from "local advertising". All delivery or disseminating of information directly to the public or any portion thereof for a consideration shall be considered "Local Advertising", except the following: (1) the advertising of a product or service which is sold or provided both within and without the State by more than one "commonly designated business entity" within the State, and in which the advertisement names either no "commonly designated business entity" within the State or more than one "commonly designated business entity". "Commonly Designated Business Entity" means any person selling or providing any product or service to its customers under a common business name or style, even though there may be more than one legal entity conducting business functions using the same or substantially the same business name or style by virtue of a franchise, license, or similar agreement. (2) the advertising of a facility or of a service or activity in which neither the facility nor a business site carrying on such service or activity is located within the State. (3) the advertising of a product which may only be purchased from an out-of-State supplier. (4) political advertising for United States Presidential and Vice Presidential candidates only. (5) advertising by means of product purchase coupons redeemable at any retail establishment carrying such product but not product coupons redeemable only at a single commonly designated business entity. (6) advertising transportation services where a substantial portion of the transportation activity of the business entity advertised involves interstate or foreign carriage.

SECTION 2. Section 13A-410 (a) of the Tax Code of the City of Avondale shall be amended as follows:

Sec. 13A-410. Amusements, exhibitions, and similar activities.

(a) The tax rate shall be at an amount equal to ~~two and one-half percent (2.5%)~~ TWO AND SEVEN TENTHS PERCENT (2.7%) of the gross income from the business activity upon every person engaging or continuing in the business of providing amusement that begins in the city or takes place entirely within the City, which includes the following type or nature of businesses: (1) operating or conducting theaters, movies, operas, shows of any type or nature, exhibitions, concerts, carnivals, circuses, amusement parks, menageries, fairs, races, contests, games, billiard or pool parlors, bowling alleys, skating rinks, tennis courts, golf courses, video games, pinball machines, public dances, dance halls, sports events, jukeboxes, batting and driving ranges, animal rides, or any other business charging admission for exhibition, amusement, or entertainment.

(2) (Reserved)

SECTION 3. Section 13A-415 (a) of the Tax Code of the City of Avondale shall be amended as follows

Sec. 13A-415. Construction contracting: Construction contractors.

(a) The tax rate shall be at an amount equal to ~~two and one-half percent (2.5%)~~ TWO AND SEVEN TENTHS PERCENT (2.7%) of the gross income from the business upon every construction contractor engaging or continuing in the business activity of construction contracting within the City.

(1) However, gross income from construction contracting shall not include charges related to groundwater measuring devices required by A.R.S. Section 45-604.

(2) (Reserved)

(3) Gross income from construction contracting shall not include gross income from the sale of manufactured buildings taxable under Section 13A-427.

(4) For taxable periods beginning from and after July 1, 2008, the portion of gross proceeds of sales or gross income attributable to the actual direct costs of providing architectural or engineering services that are incorporated in a contract is not subject to tax under this Section. For the purposes of this subsection, "direct costs" means the portion of the actual costs that are directly expended in providing architectural or engineering services.

SECTION 4. Section 13A-416 (a) of the Tax Code of the City of Avondale shall be amended as follows:

Sec. 13A-416. Construction contracting: speculative builders.

(a) The tax shall be equal to ~~two and one-half percent (2.5%)~~ TWO AND SEVEN TENTHS (2.7%) of the gross income from the business activity upon every person engaging or continuing in business as a speculative builder within the City.

(1) The gross income of a speculative builder considered taxable shall include the total selling price from the sale of improved real property at the time of closing of escrow or transfer of title.

(2) "Improved Real Property" means any real property: (A) upon which a structure has been constructed; or (B) where improvements have been made to land containing no structure (such as paving or landscaping); or (C) which has been reconstructed as provided by Regulation; or (D) where water, power, and streets have been constructed to the property line.

(3) "Sale of Improved Real Property" includes any form of transaction, whether characterized as a lease or otherwise, which in substance is a transfer of title of, or equitable ownership in, improved real property and includes any lease of the property for a term of thirty (30) years or more (with all options for renewal being included as a part of the term). In the case of multiple unit projects, "sale" refers to the sale of the entire project or to the sale of any individual parcel or unit.

(4) "Partially Improved Residential Real Property", as used in this Section, means any improved real property, as defined in subsection (a)(2) above, being developed for sale to individual homeowners, where the construction of the residence upon such property is not substantially complete at the time of the sale.

SECTION 5. Section 13A-417 (a) of the Tax Code of the City of Avondale shall be amended as follows:

Sec. 13A-417. Construction contracting: owner-builders who are not speculative builders.

(a) At the expiration of twenty-four (24) months after improvement to the property is substantially complete, the tax liability for an owner-builder who is not a speculative builder shall be at an amount equal to ~~two and one-half percent (2.5%)~~ TWO AND SEVEN TENTHS PERCENT (2.7%) of: (1) the gross income from the activity of construction contracting upon the real property in question which was realized by those construction contractors to whom the owner-builder provided written declaration that they were not responsible for the taxes as prescribed in Subsection 13A-415(c)(2); and (2) the purchase of tangible personal property for incorporation into any improvement to real property, computed on the sales price.

SECTION 6. Section 13A-425 (a) of the Tax Code of the City of Avondale shall be amended as follows:

Sec. 13A-425. Job printing.

(a) The tax rate shall be at an amount equal to ~~two and one-half percent (2.5%)~~ TWO AND SEVEN TENTHS PERCENT (2.7%) of the gross income from the business activity upon every person engaging or continuing in the business of job printing, which includes engraving of printing plates, embossing, copying, micrographics, and photo reproduction.

SECTION 7. Section 13A-427 (a) of the Tax Code of the City of Avondale shall be amended as follows:

Sec. 13A-427. Manufactured buildings.

(a) The tax rate shall be at an amount equal to ~~two and one-half percent (2.5%)~~ TWO AND SEVEN TENTHS PERCENT (2.7%) of the gross income, including site preparation, moving to the site, and/or set-up, upon every person engaging or continuing in the business activity of selling manufactured buildings within the City. Such business activity is deemed to occur at the business location of the seller where the purchaser first entered into the contract to purchase the manufactured building.

SECTION 8. Section 13A-430 (a) of the Tax Code of the City of Avondale shall be amended as follows:

Sec. 13A-430. Timbering and other extraction.

(a) The tax rate shall be at an amount equal to ~~two and one-half percent (2.5%)~~ TWO AND SEVEN TENTHS (2.7%) of the gross income from the business activity upon every person engaging or continuing in the following businesses: (1) felling, producing, or preparing timber or any product of the forest for sale, profit, or commercial use. (2) extracting, refining, or producing any oil or natural gas for sale, profit, or commercial use.

SECTION 9. Section 13A-435 (a) of the Tax Code of the City of Avondale shall be amended as follows:

Sec. 13A-435. Publishing and periodicals distribution.

(a) The tax rate shall be at an amount equal to ~~two and one-half percent (2.5%)~~ TWO AND SEVEN TENTHS (2.7%) of the gross income from the business activity upon every person engaging or continuing in the business activity of: (1) publication of newspapers, magazines, or other periodicals when published within the City, measured by the gross income derived from notices, subscriptions, and local advertising as defined in Section 13A-405. In cases where the location of publication is both within and without this State, gross income subject to the tax shall refer only to gross income derived from residents of this State or generated by permanent business locations within this State. (2) distribution or delivery within the City of newspapers, magazines, or other periodicals not published within the City, measured by the gross income derived from subscriptions.

SECTION 10. Section 13A-444 (a) of the Tax Code of the City of Avondale shall be amended as follows:

Sec. 13A-444. Hotels.

The tax rate shall be at an amount equal to ~~two and one-half percent (2.5%)~~ TWO AND SEVEN TENTHS (2.7%) of the gross income from the business activity upon every person engaging or continuing in the business of operating a hotel charging for lodging and/or lodging space furnished to any:

(a) Person.

SECTION 11. Section 13A-445 (a) of the Tax Code of the City of Avondale shall be amended as follows:

Sec. 13A-445. Rental, leasing, and licensing for use of real property.

(a) The tax rate shall be at an amount equal to ~~two and one-half percent (2.5%)~~ TWO AND SEVEN TENTHS PERCENT (2.7%) of the gross income from the business activity upon every person engaging or continuing in the business of leasing or renting real property located

within the City for a consideration, to the tenant in actual possession, or the licensing for use of real property to the final licensee located within the City for a consideration including any improvements, rights, or interest in such property; provided further that:

(1) Payments made by the lessee to, or on behalf of, the lessor for property taxes, repairs, or improvements are considered to be part of the taxable gross income.

(2) Charges for such items as telecommunications, utilities, pet fees, or maintenance are considered to be part of the taxable gross income.

(3) However, if the lessor engages in telecommunication activity, as evidenced by installing individual metering equipment and by billing each tenant based upon actual usage, such activity is taxable under Section 13A-470.

SECTION 12. Section 13A-450 (a) of the Tax Code of the City of Avondale shall be amended as follows:

Sec. 13A-450. Rental, leasing, and licensing for use of tangible personal property.

(a) The tax rate shall be at an amount equal to ~~two and one-half percent (2.5%)~~ TWO AND SEVEN TENTHS PERCENT (2.7%) of the gross income from the business activity upon every person engaging or continuing in the business of leasing, licensing for use, or renting tangible personal property for a consideration, including that which is semi-permanently or permanently installed within the City as provided by Regulation.

SECTION 13. Section 13A-455 (a) of the Tax Code of the City of Avondale shall be amended as follows:

Sec. 13A-455. Restaurants and Bars.

(a) The tax rate shall be at an amount equal to ~~two and one-half percent (2.5%)~~ TWO AND SEVEN TENTHS PERCENT (2.7%) of the gross income from the business activity upon every person engaging or continuing in the business of preparing or serving food or beverage in a bar, cocktail lounge, restaurant, or similar establishment where articles of food or drink are prepared or served for consumption on or off the premises, including also the activity of catering. Cover charges and minimum charges must be included in the gross income of this business activity.

SECTION 14. Section 13A-460 (a) of the Tax Code of the City of Avondale shall be amended as follows:

Sec. 13A-460. Retail sales: measure of tax; burden of proof; exclusions.

(a) The tax rate shall be at an amount equal to ~~two and one-half percent (2.5%)~~ TWO AND SEVEN TENTHS PERCENT (2.7%) of the gross income from the business activity upon every person engaging or continuing in the business of selling tangible personal property at retail.

SECTION 15. Section 13A-462 (a) of the Tax Code of the City of Avondale shall be amended as follows:

Sec. 13A-462. Retail sales: Food for home consumption.

(a) The tax rate shall be at an amount equal to two and one-half percent (2.5%) TWO AND SEVEN TENTHS PERCENT (2.7%) of the gross income from the business activity upon every person engaging or continuing in the business of selling food for home consumption at retail.

SECTION 16. Section 13A-470 (a) of the Tax Code of the City of Avondale shall be amended as follows:

Sec. 13A-470. Telecommunication services.

(a) The tax rate shall be at an amount equal to ~~two and one-half percent (2.5%)~~ TWO AND SEVEN TENTHS PERCENT (2.7%) of the gross income from the business activity upon every person engaging or continuing in the business of providing telecommunication services to consumers within this City.

(1) Telecommunication services shall include:

- (A) two-way voice, sound, and/or video communication over a communications channel.
- (B) one-way voice, sound, and/or video transmission or relay over a communications channel.
- (C) facsimile transmissions.
- (D) providing relay or repeater service.
- (E) providing computer interface services over a communications channel.
- (F) time-sharing activities with a computer accomplished through the use of a communications channel.

(2) Gross income from the business activity of providing telecommunication services to consumers within this City shall include:

- (A) all fees for connection to a telecommunication system.
- (B) toll charges, charges for transmissions, and charges for other telecommunications services; provided that such charges relate to transmissions originating in the City and terminating in this State.
- (C) fees charged for access to or subscription to or membership in a telecommunication system or network.

(D) charges for monitoring services relating to a security or burglar alarm system located within the City where such system transmits or receives signals or data over a communications channel.

(E) charges for telephone, fax or Internet access services provided at an additional charge by a hotel business subject to taxation under Section 13A-444.

SECTION 17. Section 13A-475 of the Tax Code of the City of Avondale shall be amended as follows:

Sec. 13A-475. Transporting for hire.

The tax rate shall be at an amount equal to ~~two and one half percent (2.5%)~~ TWO AND SEVEN TENTHS PERCENT (2.7%) of the gross income from the business activity upon every person engaging or continuing in the business of providing the following forms of transportation for hire from this City to another point within the State:

The remainder of Section 13A-475 shall remain unchanged and in full force and effect.

SECTION 18. Section 13A-480(a) of the Tax Code of the City of Avondale shall be amended as follows:

Sec. 13A-480. Utility services.

(a) The tax rate shall be at an amount equal to ~~two and one half percent (2.5%)~~ TWO AND SEVEN TENTHS PERCENT (2.7%) of the gross income from the business activity upon every person engaging or continuing in the business of producing, providing, or furnishing utility services, including electricity, electric lights, current, power, gas (natural or artificial), or water to:

(1) consumers or ratepayers who reside within the City.

(2) consumers or ratepayers of this City, whether within the City or without, to the extent that this City provides such persons utility services, excluding consumers or ratepayers who are residents of another city or town which levies an equivalent excise tax upon this City for providing such utility services to such persons.

SECTION 19. Section 13A-610 of the Tax Code of the City of Avondale shall be amended as follows:

Sec. 13A-610. Use tax: imposition of tax; presumption.

(a) There is hereby levied and imposed, subject to all other provisions of this Chapter, an excise tax on the storage or use in the City of tangible personal property, for the purpose of

raising revenue to be used in defraying the necessary expenses of the City, such taxes to be collected by the Tax Collector.

(b) The tax rate shall be at an amount equal to ~~one and one-half percent (1.5%)~~ TWO AND SEVEN TENTHS PERCENT (2.7%) of the: (1) cost of tangible personal property acquired from a retailer, upon every person storing or using such property in this City. (2) gross income from the business activity upon every person meeting the requirements of subsection 13A-620(b) or (c) who is engaged or continuing in the business activity of sales, rentals, leases, or licenses of tangible personal property to persons within the City for storage or use within the City, to the extent that tax has been collected upon such transaction. (3) cost of the tangible personal property provided under the conditions of a warranty, maintenance, or service contract. (4) cost of complimentary items provided to patrons without itemized charge by a restaurant, hotel, or other business. (5) cost of food consumed by the owner or by employees or agents of the owner of a restaurant or bar subject to the provisions of Section 13A-455 of this Chapter.

(c) It shall be presumed that all tangible personal property acquired by any person who at the time of such acquisition resides in the City is acquired for storage or use in this City, until the contrary is established by the taxpayer.

(d) Exclusions. For the purposes of this Article, the acquisition of the following shall not be deemed to be the purchase, rental, lease, or license of tangible personal property for storage or use within the City:

- (1) stocks, bonds, options, or other similar materials.
- (2) lottery tickets or shares sold pursuant to Article I, Chapter 5, Title 5, Arizona Revised Statutes.
- (3) Platinum, bullion, or monetized bullion, except minted or manufactured coins transferred or acquired primarily for their numismatic value as prescribed by Regulation.

(e) Notwithstanding the provisions of subsection (a) above, when the amount subject to the tax for any single item of tangible personal property exceeds five thousand dollars (\$5,000), the one and one-half percent (1.5%) tax rate shall apply to the first \$5,000. Above \$5,000, the measure of tax shall be at a rate of one and one-half percent (1.5%).

(f) (Reserved)

SECTION 20. Chapter 2, Sections 2-97-2-99 shall be reserved.

SECTION 21. Chapter 2 of the Code of the City of Avondale shall be amended by adding Section 2-100 pertaining Recreation and Quality of Life Tax Fund and which shall read as follows:

Sec. 2-100. - Finance; Recreation and Quality of Life Tax Fund.

(a) A RECREATION AND QUALITY OF LIFE TAX FUND IS ESTABLISHED IN THE CITY CONSISTING OF THE REVENUES GENERATED FROM THE TAX INCREASE AUTHORIZED BY THE QUALIFIED ELECTORS OF TWO TENTHS OF ONE PERCENT (.002) OVER AND ABOVE THE CITY'S CURRENT TRANSACTION PRIVILEGE TAX RATES FOR ANY CLASSIFICATION WHERE THE CURRENT TAX RATE IS TWO AND FIVE TENTHS PERCENT (2.5%) COLLECTED IN THE MANNER PROVIDED BY THE TAX CODE OF THE CITY OF AVONDALE, TOGETHER WITH OTHER MONIES, IF ANY LEGALLY AVAILABLE FROM ANY OTHER SOURCE AND APPROPRIATED BY THE CITY COUNCIL THROUGH THE BUDGET PROCESS FOR THE RECREATION AND QUALITY OF LIFE TAX FUND. THIS PROVISION SHALL NOT BE INTERPRETED OR PLACE ANY LEGAL OBLIGATION ON THE CITY COUNCIL TO APPROPRIATE ANY OTHER MONIES FOR THE RECREATION AND QUALITY OF LIFE TAX FUND THAN THE TAX INCREASE AUTHORIZED BY THE QUALIFIED TWO TENTHS OF ONE PERCENT (.002) OVER AND ABOVE THE CITY'S CURRENT TRANSACTION PRIVILEGE TAX RATES.

(b) THE REVENUES PROVIDED BY THE USE TAX SET FORTH IN THE TAX CODE OF THE CITY OF AVONDALE CONSISTING OF TWO TENTHS OF A PERCENT SHALL BE DEPOSITED INTO THE RECREATION AND QUALITY OF LIFE TAX FUND.

SECTION 22. Chapter 2 of the Code of the City of Avondale shall be amended by adding Section 2-101 pertaining Recreation and Quality of Life Tax Fund and which shall read as follows:

Sec. 2-101. - Finance; Recreation and Quality of Life Tax Fund; definitions and uses.

(a) QUALIFIED PROJECT SHALL MEAN ANY OF THE FOLLOWING:

- (1) PUBLIC ART PROJECTS.
- (2) LIBRARY AND MULTI-MEDIA CENTER PROJECTS.
- (3) NEIGHBORHOOD AND COMMUNITY PARK PROJECTS.
- (4) COMMUNITY AND SENIOR CITIZEN CENTER PROJECTS.
- (5) ACQUATICS AND SWIMMING FACILITY PROJECTS.
- (6) SPORTS AND RECREATION CENTER PROJECTS.
- (7) LANDSCAPING, SHADE STRUCTURES AND ENHANCEMENTS ON ARTERIAL ROADWAYS.
- (8) OPEN SPACE AND TRAILS PROJECTS, INCLUDING BUT NOT LIMITED TO APPURTENANT FACILITIES SUCH AS RAMADAS AND PARKING AREAS.

(b) THE CITY SHALL USE ALL OF THE FUNDS COLLECTED IN THE RECREATION AND QUALITY OF LIFE TAX FUND FOR ANY OF THE FOLLOWING:

- (1) DESIGN, ENGINEERING, CONSTRUCTION OF QUALIFIED PROJECTS AS SET FORTH IN SUBSECTION (A) AND IDENTIFIED IN THE CITY'S ADOPTED BUDGET, INCLUDING BUT NOT LIMITED TO ACQUISITION OF INTERESTS IN REAL PROPERTY AND TO ADVANCE FUNDS TO THE STATE

OF ARIZONA OR A POLITICAL SUBDIVISION THEREOF FOR THE PURPOSE OF EXPEDITING A QUALIFIED PROJECT.

(2) DESIGN, ENGINEER, CONSTRUCT, ACQUIRE INTERESTS IN REAL PROPERTY, OPERATE AND MAINTAIN QUALIFIED FACILITIES.

(3) PAY FOR ALL ADMINISTRATIVE, FINANCIAL, LEGAL COSTS INCURRED BY THE CITY ARISING OUT OF THE RECREATION AND QUALITY OF LIFE TAX FUND AND PROJECTS FUNDED, TOGETHER WITH ALL COSTS OF FINANCING, INCLUDING BUT NOT LIMITED TO DEBT SERVICE RESERVES.

(4) ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH THE STATE OF ARIZONA OR A POLITICAL SUBDIVISION THEREOF FOR THE PURPOSE OF DESIGNING, ENGINEERING, CONSTRUCTING, OPERATING AND MAINTAINING A QUALIFIED PROJECT.

(5) PROVIDE FOR RECREATIONAL AND OTHER PROGRAMMING IN PROJECTS CONSTRUCTED UNDER THIS SECTION.

(6) PROVIDE FOR ASSET REPLACEMENT IN PROJECTS CONSTRUCTED UNDER THIS SECTION.

(c) THE COUNCIL MAY PLEDGE RECREATION AND QUALITY OF LIFE TAX FUND REVENUES AND SUCH OTHER REVENUES OF THE CITY AS IT DEEMS APPROPRIATE FOR THE PURPOSE OF FUNDING PROJECTS UNDER THIS SECTION.

(d) MONIES REMAINING IN THE FUND AT THE END OF THE FISCAL YEAR SHALL BE CARRIED OVER TO THE SUBSEQUENT FISCAL YEAR, AND TOGETHER WITH NEW LEGALLY AVAILABLE REVENUES MAY BE APPROPRIATED BY THE CITY COUNCIL IN THE MANNER PROVIDED IN THIS SECTION.

SECTION 23. The amendments to the Tax Code of the City of Avondale provided for in this ordinance shall expire on December 31, 2045 and the rates for each classification shall return to the rate in effect on November 3, 2020. However, from and after December 31, 2045, the rate for the Use Tax in the City of Avondale shall be Two and Five Tenths Percent (2.5%).

SECTION 24. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 25. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, June 1, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED:

Nicholle Harris, Acting City Attorney

CITY COUNCIL REPORT

SUBJECT: Ordinance 2016-0620 - Code Amendment Chapter 15 - New Article Pertaining to Shopping Carts

MEETING DATE: 6/1/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Department Director, (623) 333-4011

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to adopt Ordinance 2016-0620, amending Chapter 15 of the Avondale City Code by enacting a new Article V pertaining to shopping carts and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action. The ordinance is intended to address abandoned shopping carts by holding businesses accountable to prevent shopping cart removal from business premises.

BACKGROUND:

In 2000, the State of Arizona imposed uniform shopping cart regulations prohibiting abandonment and removal of carts by the public, but the regulations did not require business owners within municipalities to implement measures to prevent shopping cart removal from their property. The absence of regulation leaves municipalities to take on abandoned shopping cart issues.

There is an ongoing abandoned shopping cart issue throughout the City. Often these carts are found on sidewalks, vacant lots, and streets far from the place of origin. These shopping carts are a blight on the community and may pose a risk to the health and general welfare of our residents. The Code Compliance Division has implemented measures to assist with abandoned shopping carts. Lift gates were installed on code compliance vehicles to help with the removal of shopping carts including those that are an immediate safety hazard to traffic and pedestrians. Code Staff continuously contact businesses that have their own contracted cart retrieval services to report abandoned shopping cart locations. And, the existing "myAvondale" mobile app includes an option to report abandoned shopping carts.

In July 2019, the City approved a shopping cart retrieval service contract to help retrieve abandoned shopping carts in the City. The shopping cart retrieval service reduced the number of abandoned shopping carts improving both the safety and visual appearance of the City. However, to further reduce the number of abandoned shopping carts, an ordinance is proposed to hold businesses accountable and prevent shopping cart removal from premises.

DISCUSSION:

The proposed shopping cart ordinance (Exhibit A) contains a mixture of uniform regulations required by State law and provisions tailored to the needs of the City. The State legislature has imposed uniform regulations regarding impoundment, thus any local ordinance on the same subject must be consistent with State law. As

such, there is language in the ordinance that mirrors the impoundment procedures laid out by the State.

The proposed ordinance requires restrictive devices on shopping carts which will lock the wheels to prevent removal from the store premises. Every new and existing business that provides shopping carts to the public must install a restrictive device to their shopping carts by July 31, 2020 for new businesses and July 31, 2022 (2 years) for existing businesses after the ordinance is implemented. In lieu of installing restrictive devices, a business may elect to contract with a shopping cart retrieval service to retrieve and return carts to their store. If a business fails to pick up shopping carts, the City will continue to impound the carts. Businesses who elect to contract with a retrieval service will be required to pay an annual administrative fee. The fee covers administrative costs, application processing and outreach, for shopping carts retrieved by the City and/or its contractor. Code Compliance and Finance and Budget Staff worked together to determine the fees for the administration and shopping cart retrieval and impoundment. The fees resolution is also proposed for approval in conjunction with this ordinance.

Staff has developed proposed fees based on cost recovery of administering the program. There are two fees; an impoundment fee and a certification fee. Information related to the time, tasks, duties, processing steps, number of staff involved is used in a calculation to determine the fees. The retrieval/impound fee of \$45.00 per cart is based on staff estimates between retrieving abandoned shopping carts, travel to the City's Public Works yard for storage, unloading of shopping carts, and return of shopping carts to owners; City Staff estimates one-hour of staff time per shopping cart. The administrative fee of \$50.00 is based on the time necessary for the Code Compliance Manager to process the application plus time to reach out and educate businesses on the program. Staff estimates one-hour of staff time on average per application. The proposed fees and means of calculating have been posted on the City's website.

An additional requirement when contracting with a shopping cart retrieval service is that a business owner must adhere to the public notice and identification requirements which needs to include the following elements:

- Each shopping cart must contain identifying business owner information, name, address, and phone number.
- Posted public notices in English and Spanish notifying customers that removal of shopping carts is a violation of the law.

The proposed ordinance declares abandoned and removed carts a public nuisance and authorizes City Staff to impound carts and hold business owners responsible for failure to comply with the law. The requirement of restrictive devices would mitigate an increase of abandoned carts. The proposed ordinance is meant to be a comprehensive set of regulations, designed to empower City Staff to impound carts, hold persons liable for violations, and compel business owners within the City to adopt preventative measures.

City Staff will evaluate the success of this ordinance six (6) months after it becomes effective for new businesses and existing businesses.

PUBLIC PARTICIPATION:

City Staff held a public meeting to discuss the proposed shopping cart ordinance on February 11, 2020. The meeting was held in the City of Avondale's Sonoran conference room at 6 p.m. Notice of the meeting was mailed via postcard on January 21, 2020 to thirty (30) existing Avondale businesses who provide shopping carts to their customers. Of the 30 businesses noticed, only three (3) attended at the meeting who conveyed the following. Staff was not contacted by the other 27 businesses. A meeting summary is attached as Exhibit B.

- Food City on Main Street: This store allows their customers to take shopping carts home. According to Food

City personnel, this practice assists families with no other means to carry their groceries home. The store's customers call Food City to have the carts picked up. Food City is concerned that their customers will be at a disadvantage if restrictive devices are required.

- Costco: The store's shopping carts are oversized and challenging to have installed restrictive devices. Through experience at a different store location, customers have found methods to bypass barriers at the property line and remove the cart from the premises.
- Fry's on Dysart Road: Restrictive devices are implemented at the existing Fry's store. The system requires an employee and/or security guard to check the locks at the doorway. It has worked well to stop shoplifters from taking products from the store. There have been issues with people replacing or tampering with batteries in the carts. When the cart is at the doorway boundary it locks. Representatives from the Fry's on MC 85 and Avondale Boulevard were not in attendance.

There have been two comments posted on the City's aVOICE digital forum stating, "I think it's a great Idea because not everyone has time to chase everywhere for a cart including but limited to those that work at that business and the people that shop there always have a cart to use to shop with", and, "good idea".

The Code Compliance Division has not received any additional calls or emails from citizens or businesses regarding the proposed shopping cart ordinance.

City Council reviewed the ordinance and provided feedback on March 23, 2020. Council requested staff to move forward with the ordinance as proposed.

BUDGET IMPACT:

The anticipated fees will generate \$1,500.00 based on an estimated thirty (30) certification applications.

RECOMMENDATION:

City Council should ADOPT the Shopping Cart Ordinance.

PROPOSED MOTION:

I move that City Council **ADOPT** the Shopping Cart Ordinance.

Exhibit A

Proposed Shopping Cart Ordinance

ORDINANCE NO. 2016-0620

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING CHAPTER 15 OF THE AVONDALE CITY CODE BY ENACTING A NEW ARTICLE V PERTAINING TO SHOPPING CARTS; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. Chapter 15 of the Avondale City Code, Licenses, Taxation and Miscellaneous Business Regulations, is amended by enacting a new Article V pertaining to Shopping Carts which shall read as follows:

ARTICLE V – SHOPPING CARTS

15-34 –Purpose.

To the extent not preempted by State statutes, the purpose of this Article is to complement or supplement State law by adopting local regulations to ensure that measures are taken by cart owners and businesses to prevent the removal of Shopping Carts from store premises, and deter potential public safety hazards by facilitating the removal of lost, abandoned or stolen Shopping Carts from public and private property.

15-35 –Applicability.

This Article applies to:

- (a) Each business owner in the City if the business provides Shopping Carts for customer use at any business location; and
- (b) Any person in possession of an off-site Shopping Cart.

15-36 – Definitions.

In this Article, unless the context otherwise requires:

- (a) *Actual Notice* is defined as oral or written notice delivered to the owner of the Shopping Cart or retailer at the address on their business license on file with the City by any of the following means:

- (1) Personal service upon the location of the owner of the Shopping Cart or retailer. Personal service upon an employee of suitable age and discretion at such location is sufficient.
- (2) Service by first class U.S. Mail or any recognized express delivery service upon the owner of the Shopping Cart or the retailer.
- (3) Service by Facsimile to the Fax number of the owner of the Shopping Cart or the retailer.
- (4) Service by Electronic Mail to the E-mail address of the owner of the Shopping Cart or the retailer.
- (5) Service by posting the notice on the premises of the Owner of the Shopping Cart or the retailer.
- (6) It shall be presumed that the address on the sales tax or business licenses on file with the City is the address of the owner of the Shopping Cart or retailer, unless the owner or retailer notifies the City in writing of a different address.

(b) *Business of Shopping Cart retrieval:* Searching for, gathering and restoring possession to the owner or the owner's agent, for compensation or in expectation of compensation, of Shopping Carts located outside the premises of a retail establishment.

(c) *Occurrence:* Failure by an owner to retrieve its abandoned cart(s) within three (3) business days after receiving notice from the City, which includes all Shopping Carts impounded in accordance with this Article in a one-day period.

(d) *Parking area:* A parking lot or other property provided by a retailer for use by a customer for parking any motor vehicle.

(e) *Possession:* Being in physical control of the Shopping Cart at the time of issuance of a citation or to permit the Shopping Cart to be located on property that the individual is the lawful owner, lessee, or possessor of.

(f) *Premises:* The designated premises of a retailer as set forth on the approved site plan on file with the City, together with parking areas as defined in this chapter.

(g) *Restrictive Device:* Some form of electronic device, locking mechanism, mechanical device or other device that interferes with operation and/or removal of the shopping cart from the designated premises of the retailer.

(h) *Shopping Cart:* A basket that is mounted on wheels or a similar device that is generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.

15-37 – Restrictive devices required; violations; penalties.

(a) New retail establishments. On or after July 31, 2020, any person, partnership, corporation or other legal entity commencing operation of a retail establishment on any premises within the City shall have all Shopping Carts, owned, leased or which they are in lawful possession of, continuously equipped with a

Restrictive Device that prevents their removal from the premises. The City shall not issue a business license, nor will the Development and Engineering Services Director or their designee shall issue a Certificate of Occupancy for the premises without a certification from the owner that all Shopping Carts owned, leased or which they are in lawful possession of are so equipped. The City shall charge a fee for the certification as provided in this code.

(b) Existing retail establishments. On or after July 31, 2020, any person, partnership, corporation or other legal entity operating a retail establishment on any premises within the City shall have all Shopping Carts, owned, leased or which they are in lawful possession of, continuously equipped with a Restrictive Device that prevents their removal from the premises. Each person, partnership, corporation or other legal entity operating a retail establishment on July 31, 2022, shall file a certification with the Development and Engineering Services Director or their designee that all Shopping Carts owned, leased or which they are in lawful possession of are so equipped. The City shall charge a fee for the certification as provided in this code.

(c) Failure to equip a Shopping Cart with a Restrictive Device or file the associated certification with the City as provided in this section shall be a civil infraction. The Court shall impose a civil sanction for each Shopping Cart that is not equipped with a Restrictive Device. Each failure to equip a Shopping Cart with a Restrictive Device shall be deemed a separate violation of this section. It shall be presumed that all persons, partnerships, corporation of legal entities having control of Shopping Carts are subject to the provisions of this section. The burden of rebutting this presumption by compliance with the alternative contained in subsection (d) of this section shall be on the legal entity having control of Shopping Carts.

(d) As an alternative to subsections (b) and (c) of this section, any person, partnership, corporation or other legal entity operating a retail establishment within the City on or before July 31, 2020, or any entity that begins operating in an existing building or suite shall enter into a contract with a Shopping Cart retrieval service that complies with the provisions of Section 15-41 to recover Shopping Carts unlawfully removed from the premises of the retail establishment. In order to comply with this alternative, the contract shall meet all of the following:

- (1) The contract must be in writing. A copy of the Contract shall be filed annually with the City. If the retail establishment terminates an existing contract and enters into a new contract, the new contract must be filed with the City within thirty (30) days following entry into the Contract.
- (2) The contract with the Shopping Cart retrieval service must remain continuously in place. If the retail establishment does not have a contract that meets the requirements of this subsection for more than thirty (30) consecutive days, it shall immediately comply with the provisions of subsection (a) of this section if it is an existing retail establishment as of July 31, 2022; or it shall immediately comply

with subsection (b) if it is a newly commencing retail establishment on or after July 31, 2020. Failure to maintain a contract with a shopping cart retrieval service for more than thirty (30) consecutive days after July 31, 2020 shall require the retail establishment to install restrictive devices upon all shopping carts

- (3) The retail establishment shall pay an annual fee as established by a City Council resolution, which shall be used to cover the City's costs in administrating this provision and removing any carts under the control of the retail establishment from any place within the City.
- (4) The retailer shall continuously meet the requirements of section 15-38 of this code and have the name and phone number of the cart retrieval service attached to all the carts.
- (5) The retail establishment shall be required to file the annual certificate of compliance with the Development and Engineering Services Director or their designee and shall attach all required documents to indicate compliance with this subsection.
- (6) In the event that one-hundred fifty (150) Shopping Carts, under the control of a retail establishment contracted with a cart retrieval service pursuant to this subsection (d), were logged as being collected, deposited, and impounded with the City within one (1) calendar year within a two (2) consecutive year running period, the Development and Engineering Services Department or designee may prohibit use of this alternative and order the retail establishment to comply with the provisions of the applicable subsections (a) or (b) of this section.

15-38 – Public notice and identifying information requirements; violations.

- (a) Each owner of a Shopping Cart or retailer shall post a notice in English and Spanish in the following format in a location on their premises reasonably accessible to the public as follows:

NOTICE: REMOVAL OF SHOPPING CARTS FROM THE PREMISES AND PARKING LOT OF THIS ESTABLISHMENT IS ILLEGAL AND VIOLATIONS MAY BE CHARGED AS CRIMINAL OFFENSE.

- (b) Each owner of a Shopping Cart or retailer shall place on each Shopping Cart in their control identifying information that contains the following:
 - (1) Name of their business, address and telephone number;
 - (2) Notice to the public that the unauthorized removal of the cart from the premises of the business establishment, or the unauthorized possession of the Shopping Cart, is a violation of state laws and a

violation of City ordinance.

- (c) On or after July 31, 2020, an owner of a Shopping Cart or retailer who certifies to the City that all of their Shopping Carts are equipped with a Restrictive Device to make the carts immobile if removed from the premises shall be exempt from subsections (a) and (b).
- (d) Violation of this subsection (a) of this section shall be enforced by a civil penalty.

15-39 – Prohibitions; activities; applicability; consent; presumption; violations.

- (a) It is unlawful for any person to do any of the following, if a Shopping Cart has permanently affixed identifying information pursuant to Section 15-38(b):
 - (1) Remove a Shopping Cart from the premises or parking area of a retail establishment;
 - (2) Be in possession of any Shopping Cart that has been removed from the premises or parking area of a retail establishment;
 - (3) Be in possession of any Shopping Cart with the serial numbers removed, obliterated or altered;
 - (4) Leave or abandon a Shopping Cart at a location other than the premises or parking area of the retail establishment;
 - (5) Alter, convert or tamper with a Shopping Cart, remove any part or portion of a Shopping Cart or remove, obliterate or alter serial numbers on a Shopping Cart, or obliterate or alter the name of the owner or remove, obliterate or alter any Restrictive Device that the Shopping Cart is equipped with;
 - (6) Be in possession of any shopping cart while that cart is not located on the premises or parking lot of a retail establishment.
- (b) An owner of a shopping cart or retailer shall only give consent in writing to the removal of a shopping cart from the premises or parking lot of their establishment. It shall be presumed as a matter of law that any person not having written consent other than the owner of the cart or the retailer, in possession of a shopping cart located outside the premises of the owner or retailer has temporarily or permanently deprived the owner or retailer of possession of the shopping cart.
- (c) This section does not apply to:

- (1) The owner of a shopping cart or to a retailer or a retailer's agents, or employees.
 - (2) A customer of a retail establishment who has written consent from the owner of a shopping cart or a retailer to be in possession of the shopping cart or to remove the shopping cart from the premises or the parking area of the retail establishment.
 - (3) An employee of the City designated to retrieve shopping carts.
- (d) Violation of subsection (a) of this section is a class three (3) misdemeanor.

15-40 – Impoundment of Shopping Carts by the City; conditions; emergencies; costs; fines; disposal of unclaimed Shopping Carts; applicability.

- (a) A shopping cart that does not have any identification affixed to in accordance with A.R.S. § 44-1799.32 or Section 15-38 of this code is deemed a public nuisance and may be immediately and summarily abated by impoundment by the City. The City shall publish a notice one (1) time describing such carts in a newspaper of general circulation in the City. A shopping cart that is not reclaimed from the City within fifteen days (15) following publication of the notice of impound may be sold or otherwise disposed of by the City in the City's sole discretion.
- (b) A shopping cart that has a sign affixed to it in accordance with A.R.S. § 44-1799.32 or Section 15-38 of this code may be impounded by the City provided all of the following conditions are met:
 - (1) The shopping cart is located outside the premises or parking area of a retail establishment. The parking area of a retail establishment located in a multi-store complex or shopping center includes the parking area used by the complex or center.
 - (2) The shopping cart is not retrieved within three (3) business days after the date the owner of the shopping cart, or the owner's agent, receives actual notice from the City of the shopping cart's discovery and location.
 - (c) If the location of the shopping cart will impede emergency services, obstruct vehicle traffic or create a safety hazard to the public on a public right-of-way, the City may immediately retrieve the shopping cart from public or private property. It shall be presumed that a shopping cart blocking a sidewalk or bicycle path is a safety hazard to the public.
 - (d) The City shall post on its website, the address and telephone number of the location where shopping carts will be impounded by the City and the hours that the location is open for business.

- (e) The owner of a shopping cart or retailer shall retrieve the impounded shopping cart within one (1) business day after receiving notice. The owner of a shopping cart or retailer who has had more than three (3) occurrences of shopping carts being impounded and failing to retrieve the shopping cart within one (1) business day after receiving notice, within a six (6)-month period shall be charged a civil penalty as set forth in the City Code, in addition to the impound fees. An occurrence includes all shopping carts impounded in accordance with this section in a one (1)-day period.
- (f) The City shall recover its costs for impounding a shopping cart in an amount established by a City Council resolution.
- (g) A shopping cart, with affixed identification in accordance with A.R.S. § 44-1799.32 or Section 15-38 of this code, that is not reclaimed from the City within thirty (30) days after receipt of a notice of the impound by the owner of the shopping cart may be sold or otherwise disposed of by the City in the City's sole discretion.
- (h) Notwithstanding subsection (b), paragraph 2 of this section, the City may impound a shopping cart that otherwise meets the criteria prescribed in subsection (b), paragraph 1 of this section without complying with the three (3)-day advance notice requirement if all of the following apply:
 - (1) The owner of the shopping cart or the owner's agent is provided with actual notice within twenty-four (24) hours after the impound and that notice informs the owner or the owner's agent of the location where the shopping cart may be claimed.
 - (2) The shopping cart is impounded at a location in compliance with subsection (d) of this section.
 - (3) The shopping cart is reclaimed by the owner or the owner's agent within three (3) business days after the date of actual notice as provided in paragraph 1 of this subsection and is released and surrendered to the owner or agent at no charge, including the waiver of any impound and storage fees or fines that would otherwise apply pursuant to subsection (e) or (f) of this section. Any cart reclaimed within the three (3) business day period is not deemed an occurrence for purposes of subsection (e) of this section.
- (i) Any shopping cart not reclaimed by the owner or the owner's agent after three (3) business days after the date of actual notice as provided in subsections (b) and (h) of this section is subject to any applicable fee or fine imposed pursuant to subsection (e) or (f) of this section commencing on the fourth (4th) business day after the date of the notice.
- (j) Any shopping cart not reclaimed by the owner or the owner's agent within thirty (30) days after the date of actual notice as provided by subsection (h),

paragraph 1 of this section may be sold or disposed of in accordance with subsection (g) of this section.

- (k) On or after July 31, 2020, any owner of a shopping cart or retailer who has certified to the City that all of their shopping carts are equipped with a restrictive device to prevent removal from the premises of the owner or retailer shall be exempt from being charged any collection or impound fees for any carts collected by the City.

15-41 – Retrieval by the City; Shopping Cart Retrieval Service; records; identification sign.

- (a) Any owner of a shopping cart or retailer located in the City of Avondale, Arizona, is deemed upon having applied for a sales tax or business license with the City to have granted consent to the City to retrieve and be in possession of the shopping carts in accordance with the provisions of this chapter.
- (b) A person, other than the City who engages in the business of shopping cart retrieval shall retain records showing written authorization from the cart's owner, or an agent of the owner, to retrieve the cart and to be in possession of the carts retrieved.
- (c) A copy of the record showing written authorization shall be maintained in each vehicle used for shopping cart retrieval.
- (d) Each vehicle, other than those in the possession of the City used for the retrieval of shopping carts shall display a sign that clearly identifies the retrieval service.

15-42 – Violation; classification; applicability.

- (a) Unless otherwise specified, a person who violates any provision of Sections 15-34 through 15-41 is guilty of a class 3 misdemeanor.
- (b) Sections 15-34 through 15-41 are not intended to preclude the application of any other laws relating to prosecution for a criminal offense.

SECTION 2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This Ordinance shall become effective in the manner provided by law.

SECTION 4. The Mayor, the City Manager, the City Clerk and the City Attorney

are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
June 1, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, Acting City Attorney

Exhibit B

Public Meeting Summary and Sign-In Sheet

February 11, 2020 – 6:00 P.M.

Avondale City Hall - Sonoran Conference Room

**Summary of Public Meeting
Proposed Shopping Cart Ordinance
Tuesday, February 11, 2020
Start: 6:00 pm End: 7:00 pm
Sonoran Meeting Room**

Postcards were sent to thirty (30) Avondale stores that supply shopping carts to their customers.

In attendance:

Sam Garcia Jr.- Food City (Dysart and Main Street locations)
Lynette Pal- Fry's Food Store-1575 N. Dysart Road
Karen Petit- Costco on McDowell Road
Brian Craig- Planning Manager
Martha Ortiz- Code Compliance Manager

At approximately 6:00 p.m., Martha opened up the meeting to discuss the proposed ordinance's intention to address abandoned shopping carts that leave the store's premises by customers and left at bus stops, on sidewalks, or become safety hazards. Further, steps have been taken to immediately remove shopping carts by contracting with a retrieval service. In the first six months of the contract, one thousand shopping carts were collected. In addition, city staff received City Council direction to research other organizations to see how abandoned shopping carts were addressed in their municipality. The proposed ordinance is similar to Cities of Peoria and Buckeye. Lastly, she informed that this public meeting was to obtain concerns from Avondale businesses on the proposed ordinance and concerns will be taken to a discussion with City Council.

The following were comments or concerns from the public:

Mr. Garcia- Currently contracts with Arizona Cart Services to retrieve shopping carts for Food City. The Dysart Road location's shopping carts have installed mechanisms, but keep a few without them to allow the customers, like the apartment residents across the street who walk to the store. He prefers to keep some without locking devices to serve the shoppers who walk to the store. Food City has no problem picking them up or having the vendor get them. Mr. Garcia does not like the idea of marking the carts that it's a theft to take. Prefer to let people have them. Their regular customers call them to inform them where to collect the shopping carts from. Bashas (corporate) told him that they are open to contracting two cart retrievals a day would be better than the locking mechanism requirement.

Also, the requirement should be dependent on the area the store is serving, and if surrounded by housing.

Martha – The main issue is not with the ones being picked up immediately by their service, but those carts abandoned on private properties, at bus stops or filled by trash by the homeless population. The bus stops could be a potential hazard that needs to be addressed, where the carts are left in or near the street.

Ms. Petit (Costco) –Inquired, which stores are the biggest offenders? Martha – the variety of stores, grocery, etc. Ms. Petit stated she worked for a Costco in the Christown area, and the restrictive device worked only a little bit. The locking mechanism only works up to the barrier, then they lift them up and

over and continue on their way. Costco has 1200 carts in Avondale, they have an interest in collecting carts and keeping on the premises. The locking devices don't work for them because their carts are oversized. They prefer the company that picks up and charges a small fee. Managers send cart collectors to get carts in the area. The flat carts are kept locked up.

Lynette (Fry's Food) – Worked at a Fry's in Peoria, where restrictive devices were implemented. Avondale's Fry's has a similar system in place. It is a peer check locks at the door, security guards on Fridays and Saturdays. Works well now, with locking device and security has to unlock it at the door. It also works well to stop shoplifters from taking products out of the store unpaid. Management also has unlocking keys. Replacing or tampering with batteries is also an issue. At the door boundary, it locks, and it prevents thefts quite a bit. The dynamics of the area defines the needs of locking vs. retrieval service. Regular carts will send retrieval service to get the cart, but electric handicap cart management will get it.

Fee for repeat offenders? The general sentiment is to be a good neighbor.

In general, the three stores would like to know the number of shopping carts retrieved for their stores. Martha informed she would send reports/summaries to the stores to help them keep track of the good months and bad months and address the problems. Also, all three stores are required to keep a minimum amount of shopping carts on hand for their customers. Carts are expensive to maintain.

Thank you.

Public Meeting-Proposal for Shopping Cart Ordinance

February 11, 2020



NO.	Name	Organization Name	Title	Email Address
1	Lynette Bal	Fry's 1575 N. Dysart	Asst Store Mgr	A large black rectangular box redacting the email addresses for the first four rows of the table.
2	SAM GARCIA JR	Food City	STORE DIRECTOR	
3	Karen Pettit	Costco	Asst Store Mgr	
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CITY COUNCIL REPORT

SUBJECT: Resolution 1037-0620 - Setting the Fee Schedule for the Shopping Cart Program

MEETING DATE: 6/1/2020

TO: Mayor and Council

FROM: Kevin Murphy, PE, Development and Engineering Services Director, (623) 333-4011

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to adopt Resolution 1037-0620, establishing fees associated with the City's shopping cart program and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

In 2000, the State of Arizona imposed uniform shopping cart regulations prohibiting abandonment and removal of carts by the public, but the regulations did not require business owners within municipalities to implement measures to prevent shopping cart removal from their property. The absence of regulation leaves municipalities to take on abandoned shopping cart issues.

There is an ongoing abandoned shopping cart issue throughout the City. Often these carts are found on sidewalks, vacant lots, and streets far from the place of origin. These shopping carts are a blight on the community and may pose a risk to the health and general welfare of our residents. The Code Compliance Division has implemented measures to assist with abandoned shopping carts. Lift gates were installed on code compliance vehicles to help with the removal of shopping carts including those that are an immediate safety hazard to traffic and pedestrians. Code Staff continuously contact businesses that have their own contracted cart retrieval services to report abandoned shopping cart locations. And, the existing "myAvondale" mobile app includes an option to report abandoned shopping carts.

In July 2019, the City approved a shopping cart retrieval service contract to help retrieve abandoned shopping carts in the City. The shopping cart retrieval service reduced the number of abandoned shopping carts improving both the safety and visual appearance of the City. However, to further reduce the number of abandoned shopping carts, an ordinance is proposed to hold businesses accountable and prevent shopping cart removal from premises.

DISCUSSION:

The proposed shopping cart ordinance contains a mixture of uniform regulations required by State law and provisions tailored to the needs of the City. The State legislature has imposed uniform regulations regarding impoundment, thus any local ordinance on the same subject must be consistent with State law. As such, there is language in the ordinance that mirrors the impoundment procedures laid out by the State.

A major requirement for businesses in the proposed ordinance is the requirement of restrictive devices on

shopping carts. Every new and existing business that provides shopping carts to the public must install a restrictive device to their shopping carts by July 31, 2020 for new businesses and July 31, 2022 (2 years) for existing businesses after the ordinance is implemented. An alternative to the restrictive device requirement is that a business owner may elect to contract with a shopping cart retrieval service to remove any carts in the City from their store. However, if they fail to pick up shopping carts, the City would still have Code Compliance Staff impound them; therefore, the City will require a designated annual administrative fee if the business elects to contract with a shopping cart retrieval service. The fee covers administrative costs, application processing and outreach, for shopping carts retrieved by the City and/or its contractor. Code Compliance and Finance and Budget Staff worked together to determine the fees for the administration and shopping cart retrieval and impoundment. The fees resolution is also proposed for approval in conjunction with this ordinance.

Staff has developed proposed fees based on cost recovery of administering the program. There are two fees; an impoundment fee and a certification fee. Information related to the time, tasks, duties, processing steps, number of staff involved, and the like is used in a calculation to determine the fees. The retrieval/impound fee of \$45.00 per cart is based on staff estimates between retrieving abandoned shopping carts, travel to the City's Public Works yard for storage, unloading of shopping carts, and return of shopping carts to owners; City Staff estimates one-hour of staff time per shopping cart. The administrative fee of \$50.00 is based on the time necessary for the Code Compliance Manager to process the application plus time to reach out and educate businesses on the program. Staff estimates one-hour of staff time on average per application. The proposed fees and means of calculating have been posted on the City's website.

An additional requirement when contracting with a shopping cart retrieval service is that a business owner must adhere to the public notice and identification requirements which needs to include the following elements:

- Each shopping cart must contain identifying business owner information, name, address, and phone number.
- Posted public notices in English and Spanish notifying customers that removal of shopping carts is a violation of the law.

The proposed ordinance declares abandoned and removed carts a public nuisance and authorizes City Staff to impound carts and hold business owners responsible for failure to comply with the law. The requirement of restrictive devices would mitigate an increase of abandoned carts. The proposed ordinance is meant to be a comprehensive set of regulations, designed to empower City Staff to impound carts, hold persons liable for violations, and compel business owners within the City to adopt preventative measures.

City Staff will evaluate the success of this ordinance six (6) months after it becomes effective for new businesses and existing businesses.

PUBLIC PARTICIPATION:

City Staff held a public meeting to discuss the proposed shopping cart ordinance on February 11, 2020. The meeting was held in the City of Avondale's Sonoran conference room at 6 p.m. Notice of the meeting was mailed via postcard on January 21, 2020 to thirty (30) existing Avondale businesses who provide shopping carts to their customers. Of the 30 businesses noticed, only three (3) attended at the meeting who conveyed the following. Staff was not contacted by the other 27 businesses.

- Food City on Main Street: This store allows their customers to take shopping carts home. According to Food City personnel, this practice assists families with no other means to carry their groceries home. The store's customers call Food City to have the carts picked up. Food City is concerned that their customers will be at a disadvantage if restrictive devices are required.

- Costco: The store's shopping carts are oversized and challenging to have installed restrictive devices. Through experience at a different store location, customers have found methods to bypass barriers at the property line and remove the cart from the premises.

- Fry's on Dysart Road: Restrictive devices are implemented at the existing Fry's store. The system requires an employee and/or security guard to check the locks at the doorway. It has worked well to stop shoplifters from taking products from the store. There have been issues with people replacing or tampering with batteries in the carts. When the cart is at the doorway boundary it locks. Representatives from the Fry's on MC 85 and Avondale Boulevard were not in attendance.

There have been two comments posted on the City's aVOICE digital forum stating, "I think it's a great idea because not everyone has time to chase everywhere for a cart including but limited to those that work at that business and the people that shop there always have a cart to use to shop with", and, "good idea".

The Code Compliance Division has not received any additional calls or emails from citizens or businesses regarding the proposed shopping cart ordinance.

City Council reviewed the ordinance and provided feedback on March 23, 2020. Council requested staff to move forward with the ordinance as proposed.

BUDGET IMPACT:

The anticipated fees will generate \$1,500.00 based on an estimated thirty (30) certification applications.

RECOMMENDATION:

To establish the fees for the city's shopping cart ordinance, the City Council adopt resolution Resolution 1037-0620 - setting forth the fee schedule for the shopping cart program.

RESOLUTION NO. 1037-0620

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, SETTING FORTH THE FEE SCHEDULE FOR THE SHOPPING CART PROGRAM.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The fees and charges for services true and correct copies of which are attached hereto as Exhibit A and made a part hereof and incorporated herein by reference, are approved and hereby adopted to be effective **July 31, 2020**. Deletions are shown as strikeouts: ~~Abc~~. Additions to the text are shown in bold and capital letters: **ABC**. New or increased fee amounts are shown in bold: **\$10.00**.

SECTION 2. All fees and charges for services provided by the City previously approved and adopted are not amended or increased by this Resolution remain in effect.

SECTION 3. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Resolution.

SECTION 4. The fees shall take effect at 12:01 a.m. on July 31, 2020.

PASSED AND ADOPTED by the Council of the City of Avondale, June 1, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, Acting City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1037-0620
[Fees]
See following pages.

Exhibit A
Fees and Charges

Document of Change: Resolution

Description of Services:	Fee/Charge (Effective July 31, 2020)
IMPOUNDMENT FEE	\$45.00 PER CART
CERTIFICATION FEE	\$50.00 ANNUALLY

CITY COUNCIL REPORT

SUBJECT: Ordinance 2017-0620 - Abandonment of a Water Line Easement

MEETING DATE: 6/1/2020

TO: Mayor and Council

FROM: Kevin Murphy, P.E., Development and Engineering Services Director, (623) 333-4011

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to adopt Ordinance 2017-0620 authorizing the abandonment of a water line easement generally located west of 99th Avenue and north of McDowell Road and authorize the Mayor, City Clerk and the City Attorney to execute the necessary documents.

BACKGROUND:

On March 11, 1982, Pioneer Trust Company of Arizona, as Trustee under Trust No. 20553, granted a water line easement to the City of Avondale as recorded in Docket 15883, Page 124 in the Maricopa County Recorder's Office.

DISCUSSION:

The easement to be abandoned is located on City-owned property west of 99th Avenue and approximately 1,200 feet north of McDowell Road. Staff has researched the need for this easement, and has determined that this easement serves no useful purpose for the City or its residents.

STRATEGIC PLAN ALIGNMENT:Initiative:

Foster Sustainability Community Development

Goal:

Maintain Quality Infrastructure

BUDGET IMPACT:

There is no impact to the budget for this action.

RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance XXX authorizing the abandonment of a water line easement generally located west of 99th Avenue and north of McDowell Road and authorize the Mayor, City Clerk and the City Attorney to execute the necessary documents.

ORDINANCE NO. 2017-0620

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, PROVIDING FOR THE ABANDONMENT OF A UTILITY EASEMENT GENERALLY LOCATED ON 99TH AVENUE AND ENCANTO BOULEVARD, NORTH OF MCDOWELL ROAD

WHEREAS, Article I, Section 3 of the Avondale City Charter authorizes the City of Avondale (the “City”) to dispose of its acquired property as the City’s interests may require; and

WHEREAS, the Utility Easement recorded at Docket 15883 Page 124-128 in the Office of the Maricopa County Recorder on March 11, 1982 (the “Easement”), a copy of which is attached hereto as Exhibit A and incorporated herein by reference, is no longer necessary for utility purposes and now encumbers property owned by the City; and

WHEREAS, the Council of the City of Avondale (the “City Council”) has determined that the Utility Easement as set forth on Exhibit B is not being used, and will not be used for utility purposes; therefore, it is necessary and appropriate that it be abandoned and remove the encumbrance from the subject property:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. Ownership of the Easement to be abandoned, as described and depicted in Exhibit B, attached hereto and incorporated herein by reference, hereby reverts to the City of Avondale, as owner of the property subject to the easement.

SECTION 3. Upon recordation of this Ordinance in the office of the Maricopa County Recorder, all right and title Easement shall vest in the grantors, their heirs or assigns and the City shall have no further rights or obligations with respect to the Easement.

SECTION 4. The Mayor, the City Manager or authorized designee, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, June 1, 2020.

Kenneth Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, Acting City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2017-0620

[Current Utility Easement]

See following pages.

WHEN RECORDED MAIL TO:

PIONEER NATIONAL TITLE INSURANCE COMPANY

99319-43

15883 PG 124

73130

DECLARATION OF COVENANTS AND RESTRICTIONS
AND GRANT OF EASEMENTS

THIS DECLARATION AND GRANT (this "Instrument") is made and entered into by and between PIONEER TRUST COMPANY OF ARIZONA, an Arizona corporation, as Trustee under Trust No. 20553 (herein called "Grantor"); and CITY OF AVONDALE, a municipal corporation (herein called "Grantee").

WHEREAS, Grantor is the owner of certain lots or Parcels of real property in the City of Avondale, County of Maricopa, State of Arizona, designated Parcels 1, 2 and 3 in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, concurrently with the recording of this Instrument, Grantor is conveying to Grantee, by Warranty Deed recorded concurrently herewith, Parcel 1; and

WHEREAS, it is the desire and intention of Grantor and Grantee to make and declare certain restrictions upon Parcel 2 now owned by Grantor, and to grant certain easements, upon and with respect to Parcel 1 and the future owners thereof,

NOW, THEREFORE, it is agreed as follows:

1. Grantor does hereby grant to Grantee, its successors and assigns an easement as to Parcel 3 for the installation of underground water lines and at-ground level or above-ground level those items of equipment necessary for the maintenance of such underground water lines and unobstructed ingress and egress for the installation and maintenance of such underground water lines and other maintenance equipment, subject to Grantor's reserved right to use Parcel 3 and to dedicate Parcel 3 to public use for rights-of-way or public utilities, or to grant one or more easements for rights-of-way or public utilities not inconsistent with Grantee's easement.

2. Grantor, its successors and assigns, agrees that no water well shall be drilled or installed on Parcel 2 so long as Grantee maintains a water well on Parcel 1.

3. The foregoing covenants and restrictions shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to either of Parcels 2 and 3, but said covenants and restrictions shall be binding upon and effective against any owner of any of said Parcels whose title is acquired by foreclosure, trustee's sale, or otherwise.

4. All of the covenants and restrictions and easements and rights-of-way herein contained, reserved or granted, shall run with the land and shall be binding upon, and inure and pass to,

Pursuant to ARS 33-401, PIONEER TRUST COMPANY OF ARIZONA, an Arizona corporation is named as Trustee under Trust No. 20,553, wherein the Beneficiaries are shown on attached Exhibit "B".

all parties having or acquiring any right, title or interest in the described lands or any part thereof.

5. The covenants, restrictions, easements and rights-of-way herein contained, reserved and/or granted, shall be in force and effect for a period of forty (40) years from the date this Instrument is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Instrument, and the covenants, restrictions and easements herein contained, reserved and/or granted, may, however, be amended or terminated at any time, in whole or in part, by a recorded instrument signed by all of the then-recorded owners of said Parcels 1, 2 and 3, or any part thereof, and by all other persons, including, without limitation, all mortgagees and beneficiaries under mortgages and deeds of trust, who then have any interest in any of the said Parcels.

6. Any owner or beneficial owner of Parcels 1, 2 or 3, or any part thereof, may bring an action in the Superior Court of Maricopa County, Arizona, to enforce the covenants, restrictions, and grant of easements.

7. Invalidation of any one or more of the provisions hereof by judgment or court order shall in no way affect any of the other provisions hereof which shall remain in full force and effect.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Instrument.

PIONEER TRUST COMPANY OF ARIZONA,
an Arizona corporation, as Trustee
under Trust No. 20553

By 

Its TRUST OFFICER

"Grantor"

THE CITY OF AVONDALE, a Municipal
corporation

By James W. Brown

Its Mayer

"Grantee"

EXHIBIT "A"

DKT 15883 PG 126

Parcel 1

That part of the South 1/2 of the Southeast 1/4 of Section 3, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at the Southeast corner of said Section 32;
thence North 0°55'18" West along the East line of said Southeast 1/4 a distance of 1290.25 feet;
thence South 88°48'30" West a distance of 45.00 feet and the TRUE POINT OF BEGINNING;
thence continuing South 88°48'30" East a distance of 140.00 feet;
thence South 0°55'18" East a distance of 140.00 feet;
thence North 88°48'30" East a distance of 140.00 feet to a point on the West line of the East 45.00 feet of said Southeast 1/4;
thence North 0°55'18" West along said West line a distance of 140.00 feet to the TRUE POINT OF BEGINNING.

Parcel 2

The Northeast quarter of the Southeast quarter of the Southeast quarter of Section 32, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, except Parcel 1.

Parcel 3

The West 12 feet of the East 45 feet of the Southeast quarter of the Southeast quarter of Section 32, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, except the South 765 feet.

STATE OF ARIZONA)
) ss.
County of Maricopa)

DKT 15883 PG 127

On this, the 9th day of March, 1982, before me, the undersigned Notary Public, personally appeared Charles A. Green, who acknowledged himself/herself to be the President of PIONEER TRUST COMPANY OF ARIZONA, an Arizona corporation, and that he/she, as such he, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by himself/herself as such officer.

In Witness Whereof, I hereunto set my hand and official seal.

Sharon Bredt
Notary Public

My Commission Expires:

June 27, 1982

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this, the 4th day of March, 1982, before me, the undersigned Notary Public, personally appeared Bessie Beyer, who acknowledged himself/herself to be the Mayer of THE CITY OF AVONDALE, a Municipal corporation, and that he/she, as Mayer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself/herself as Mayer.

In Witness Whereof, I hereunto set my hand and official seal.

Patricia A. Larver
Notary Public

My Commission Expires:

My Commission Expires July 19, 1984

E X H I B I T " B . "

Trust No. 20,553

DKT 15883 PG 128

<u>CODE</u>	<u>PERCENTAGE</u>	<u>BENEFICIARY NAME AND ADDRESS</u>
-------------	-------------------	-------------------------------------

SINGLE

RICHARD NAKAZAWA, a single person

GRACE NAKAZAWA, a single person

KOKI NAKAZAWA, a married man dealing
with his sole and separate property

FUMIKO NAKAZAWA, a widow

YUKIO NAKAZAWA, an unmarried man

TERUYUKI TED NAKAZAWA and
REIKO NAKAZAWA, his wife

CODE

F = FIRST BENEFICIARY

S = SECOND BENEFICIARY

SINGLE = SINGLE BENEFICIARY

TR50(3/79)

STATE OF ARIZONA }
County of Maricopa }

I hereby certify that the within
instrument was filed and re-
corded at request of

PIONEER NATIONAL TITLE

MAR 11 1982 - 8 00

In Docket

on page

124-128

Witness my hand and official
seal the day and year aforesaid.

Bill Henry

County Recorder

By

EXHIBIT B
TO
ORDINANCE NO. 2017-0620

[Description and map of Easement to be abandoned]

See following pages.

LEGAL DESCRIPTION
WATERLINE EASEMENT ABANDONMENT

THAT PART OF A WATERLINE EASEMENT LABELLED PARCEL 1, ACCORDING TO DOCKET 15883, PAGE 124, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED WITHIN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 1 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE NORTH 0 DEGREES 55 MINUTES 18 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1290.25 FEET;

THENCE SOUTH 88 DEGREES 48 MINUTES 30 SECONDS WEST A DISTANCE OF 45.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 88 DEGREES 48 MINUTES 30 SECONDS WEST A DISTANCE OF 140.00 FEET;

THENCE SOUTH 0 DEGREES 55 MINUTES 18 SECONDS EAST A DISTANCE OF 140.00 FEET;

THENCE NORTH 88 DEGREES 48 MINUTES 30 SECONDS EAST A DISTANCE OF 140.00 FEET TO A POINT ON THE WEST LINE OF THE EAST 45.00 FEET OF SAID SOUTHEAST QUARTER;

THENCE NORTH 0 DEGREES 55 MINUTES 18 SECONDS WEST ALONG SAID WEST LINE A DISTANCE OF 140.00 FEET TO THE TRUE POINT OF BEGINNING.

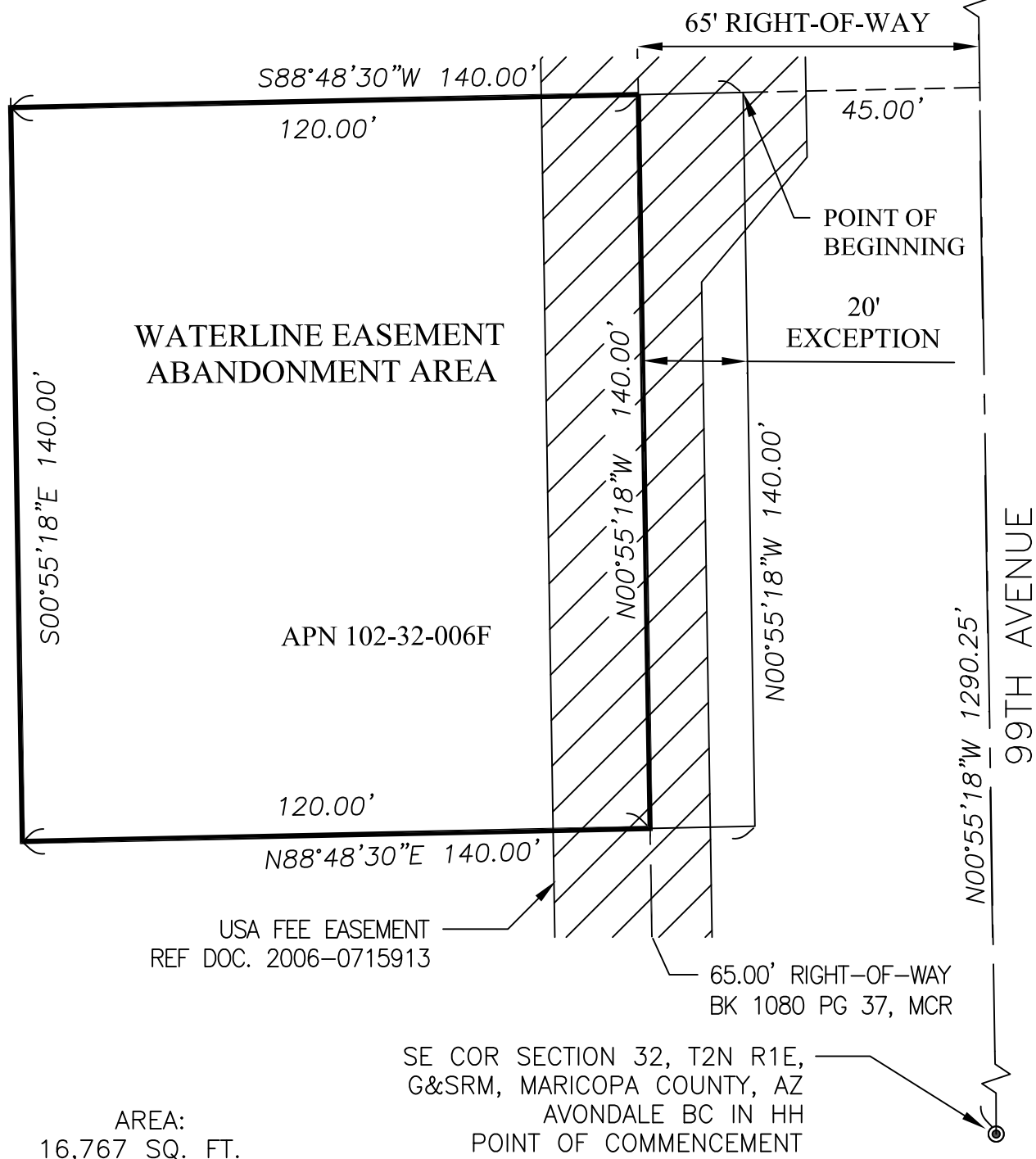
EXCEPT THE EAST 20 FEET THEREOF, BEING SITUATED IN THE WEST 20 FEET OF THE WEST 65.00 FOOT RIGHT-OF-WAY OF 99TH AVENUE ACCORDING TO THE "MAP OF DEDICATION FOR GATEWAY PAVILIONS - 99TH AVENUE", RECORDED IN BOOK 1080 OF MAPS, PAGE 37, MARICOPA COUNTY RECORDS.

SAID PARCEL CONTAINS 16,767 SQUARE FEET OR 0.385 ACRES AREA, MORE OR LESS

THE ATTACHED EXHIBIT MAP IS TO BE MADE PART OF THIS DOCUMENT.



E 1/4 COR SECTION 32

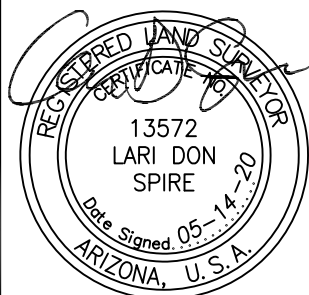


AREA:
16,767 SQ. FT.

SE COR SECTION 32, T2N R1E,
G&SRM, MARICOPA COUNTY, AZ
AVONDALE BC IN HH
POINT OF COMMENCEMENT

Dibble Engineering

Dibble Engineering
Project No 1018157.01



CITY OF AVONDALE	COSTCO
SECTION 32, T2N, R1E, G&SRM	

EXHIBIT "A"
WATERLINE EASEMENT ABANDONMENT
PART PARCEL 1, DKT 15883, PG 124, MCR

DATE: MAY 2020
DRN: LDS CHK:

PAGE 2 OF 2

CITY COUNCIL REPORT

SUBJECT: Costco Parking Lot Addition Re-Plat (Application PL-19-0250)

MEETING DATE: 6/1/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Department Director

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request by Terry Odle, MG2 Corporation, on behalf of Costco Wholesale Corporation for approval of a Re-Plat to combine two (2) lots located approximately 440 feet north of the northwest corner of 99th Avenue and McDowell Road. The Council will take appropriate action.

BACKGROUND:

The 18.16 gross acre subject property (Exhibits A, B, and C) is located approximately 440 feet north of the northwest corner of 99th Avenue and McDowell Road. Costco Wholesale Corporation is in the process of purchasing a 0.38-acre parcel zoned R1-6 (Urban Residential) from the City of Avondale to develop as a parking lot and combine it with an approximately 17.7-acre parcel, currently developed with a Costco store and fuel facility. The City property is an abandoned well site that was removed in 2005. City records show the site was zoned R1-6 (Urban Residential) since annexation into City limits in 1981. The Costco parcel is zoned Gateway Pavilions Planned Area Development (PAD).

The proposed Re-plat will combine the 0.38 and 17.7 acre parcels into a single lot.

The entirety of the subject property is designated by the General Plan 2030 Land Use Map as Freeway Commercial. Additionally, the site is within the Freeway Corridor Specific Plan area.

The site has access to 99th Avenue; traffic will enter via the existing driveway off 99th Avenue adjacent to the site. The proposed parking lot adds twenty-four (24) parking spaces to the Costco site. A separate application for Site Plan/Design Review (PL-19-0251) has been reviewed by City staff and meets all requirements. There is also a concurrent request to rezone the former well site to the Gateway Pavilions Planned Area Development (PL-19-0249).

The existing uses and zoning of surrounding properties include:

NORTH: Vacant land totaling 60.29 acres zoned Avondale Station PAD. A mixed-use development is proposed on the site.

EAST of 99th Avenue: Multiple uses occur; soccer fields, an artificial grass and shed retail business, vacant land, and a canal owned by the Roosevelt Irrigation District in the jurisdiction of the City of Phoenix.

SOUTH: Retail, personal service, and restaurant uses zoned Gateway Pavilions PAD totaling approximately

79 acres.

WEST: Retail, personal service, and restaurant uses zoned Gateway Pavilions PAD totaling approximately 79 acres.

SUMMARY OF REQUEST:

The applicant is requesting approval of a Re-Plat of Gateway Pavilions (Exhibit D). The proposed Re-Plat combines two (2) lots.

PUBLIC PARTICIPATION:

Public notification is not required for Re-Plat applications.

PLANNING COMMISSION ACTION:

The Planning Commission does not review Re-Plat applications.

ANALYSIS:

- The proposed Re-Plat has been reviewed by the City's contracted Registered Land Surveyor and the document has been confirmed as geometrically accurate and in conformance with Arizona Statutes governing the subdivision of real property.
- The proposed Re-Plat is in conformance with the City of Avondale Zoning Ordinance and Subdivision Regulations.

DISCUSSION:

The proposed Re-Plat is in conformance with the City of Avondale Zoning Ordinance and Subdivision Regulations.

STRATEGIC PLAN:

INITIATIVE: Foster sustainable community development.

STRATEGIC GOAL: Maintain and expand quality infrastructure and improve connectivity to City amenities.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

Staff recommends that City Council **APPROVE** application PL-19-0250 Costco Parking Lot Addition Re-Plat, subject to the following condition of approval:

1. Development shall conform to the Costco Parking Lot Re-Plat submitted on April 1, 2020.

PROPOSED MOTION:

I move that City Council **APPROVE** application PL-19-0250 Costco Parking Lot Addition Re-Plat, subject to one (1) recommended condition of approval as listed in the staff report.

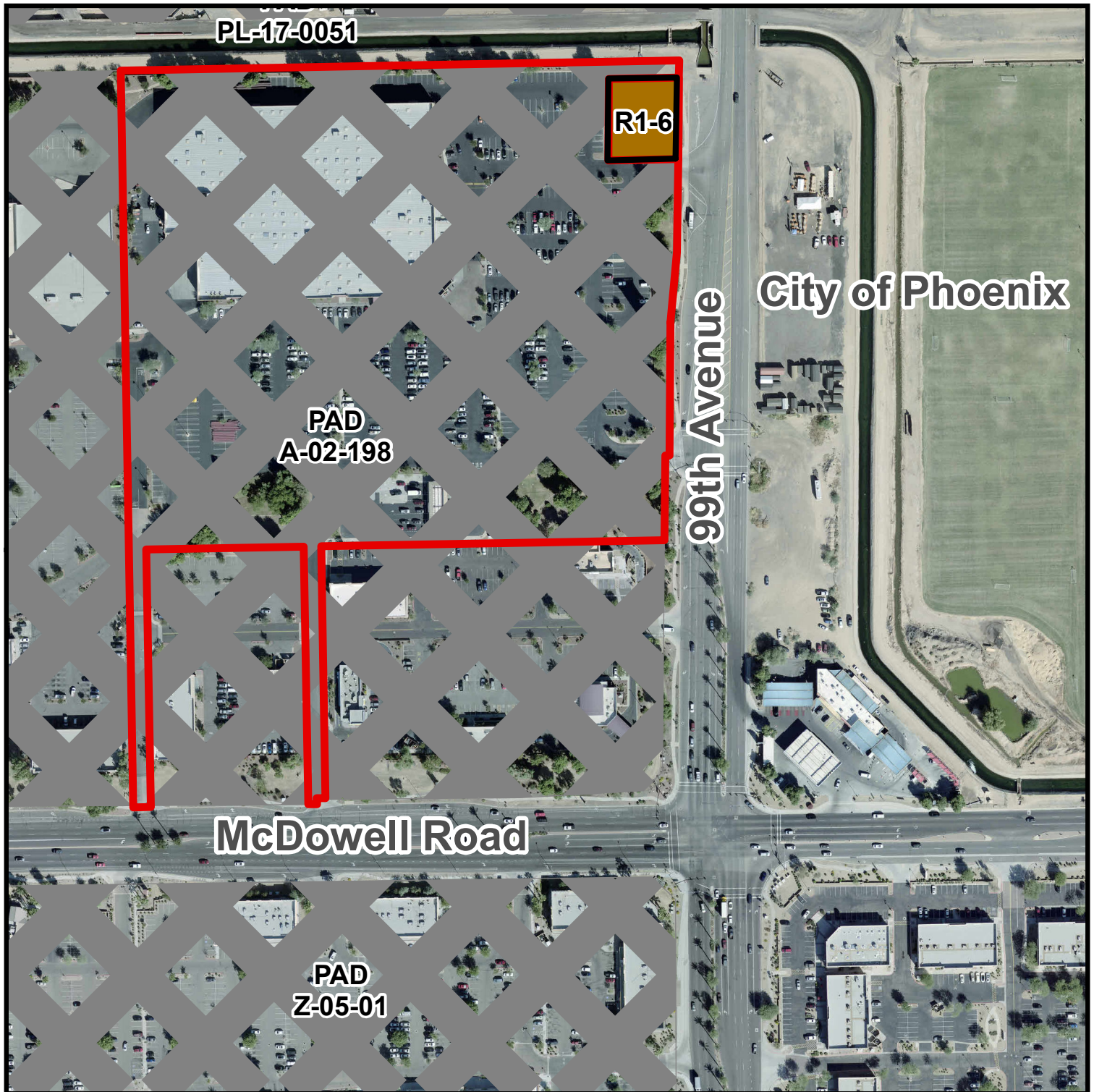


Aerial Photograph



-  Project Location
-  Old City Well Site



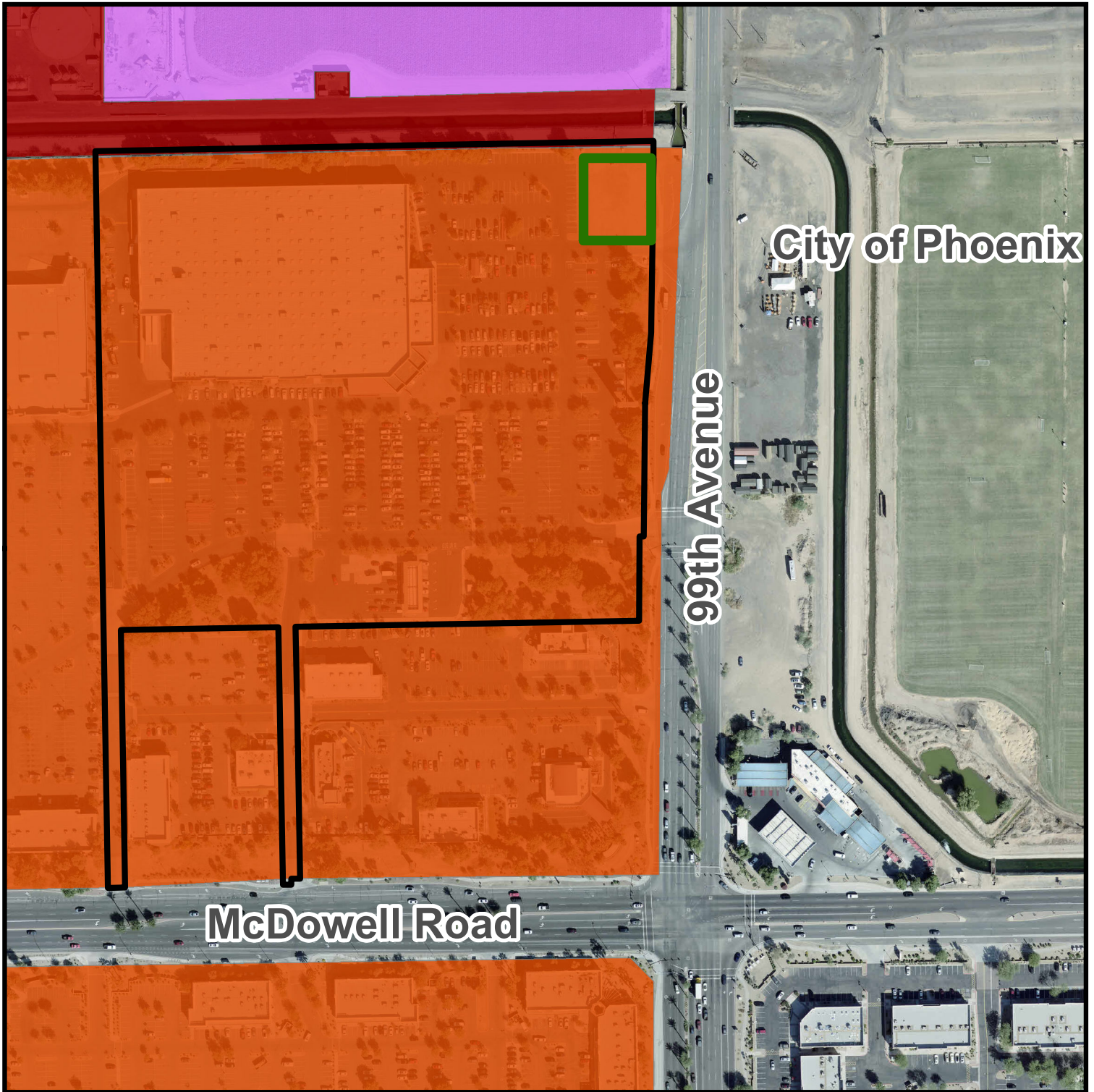


Zoning Vicinity Map



-  Project Location
-  Old City Well Site





General Plan Land Use Map



Project Location

Old City Well Site



Freeway Commercial

Urban Commercial

Mixed Use



Exhibit D

Re-Plat

LOT 3A OF GATEWAY PAVILIONS

A REPLAT OF LOT 3 OF GATEWAY PAVILIONS AS RECORDED IN BOOK 633, PAGE 09, MARICOPA COUNTY RECORDS
AND A PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 1 EAST, OF THE GILA
AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA
COUNTY OF MARICOPA
KNOW ALL MEN BY THESE PRESENTS THAT COSTCO WHOLESAL CORPORATION, A WASHINGTON
CORPORATION HAS PLATTED UNDER THE NAME OF "LOT 3A OF GATEWAY PAVILIONS", A REPLAT OF LOT 3
GATEWAY PAVILIONS AS RECORDED IN BOOK 633, PAGE 9 OF MARICOPA COUNTY RECORDS AND A
PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 1
EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AND HEREBY
PUBLISHES THIS PLAT OF A PORTION OF "GATEWAY PAVILIONS" AS RECORDED IN BOOK 633, PAGE 09,
MARICOPA COUNTY RECORDS AND HEREBY DECLARES THAT SAID LOT CONSOLIDATION SETS FORTH THE
MARICOPA COUNTY RECORDS AND HEREBY DECLARES THAT SAID LOT CONSOLIDATION SETS FORTH THE
CONSTITUTION THE SAME AND THAT EACH LOT AND STREET SHALL BE KNOWN BY THE NUMBER OF NAME
THAT IS GIVEN EACH RESPECTIVELY ON SAID PLAT.

IN WITNESS WHERE OF COSTCO WHOLESAL CORPORATION, A WASHINGTON CORPORATION AS OWNER HAS
CAUSED ITS NAME TO BE SIGNED AND ITS SEAL AFFIXED BY THE UNDERSIGNED OFFICER THEREUNTO DULY
AUTHORIZED THIS DAY OF _____, 2020.

BY _____

ITS _____

ACKNOWLEDGMENT

STATE OF ARIZONA
COUNTY OF MARICOPA
KNOW ALL MEN BY THESE PRESENTS
BEFORE ME THIS _____ DAY OF _____, 2020, PERSONALLY APPEARED
COSTCO WHOLESAL CORPORATION, A WASHINGTON CORPORATION AND THAT HE AS SUCH OFFICER BEING
DULY AUTHORIZED THIS DAY OF _____, 2020, AND ACKNOWLEDGED SELF TO BE
CONTAINED BY SIGNED THE NAME OF THE CORPORATION AS OWNER

NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

IN WITNESS WHEREOF COSTCO WHOLESAL CORPORATION L.L.C., A WASHINGTON CORPORATION AS OWNER
HAS CAUSED ITS NAME TO BE SIGNED AND ITS SEAL AFFIXED BY THE UNDERSIGNED OFFICER THEREUNTO
DULY AUTHORIZED THIS DAY OF _____, 2020.

BY _____

ITS _____

BOUNDARY LEGAL DESCRIPTION

LOT 3, OF GATEWAY PAVILIONS, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE
COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 633 OF MAPS,
PAGE 9.

AND;

THAT PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 2
NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA
COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 32;

THENCE NORTH 0 DEGREES 55 MINUTES 18 SECONDS WEST ALONG THE EAST LINE OF SAID
SOUTHEAST QUARTER A DISTANCE OF 1290.25 FEET;

THENCE SOUTH 88 DEGREES 48 MINUTES 30 SECONDS WEST A DISTANCE OF 45.00 FEET AND
THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 88 DEGREES 48 MINUTES 30 SECONDS WEST A DISTANCE OF
140.00 FEET;

THENCE SOUTH 0 DEGREES 55 MINUTES 18 SECONDS EAST A DISTANCE OF 140.00 FEET;

THENCE NORTH 88 DEGREES 48 MINUTES 30 SECONDS EAST A DISTANCE OF 140.00 FEET TO
A POINT ON THE WEST LINE OF THE EAST 45.00 FEET OF SAID SOUTHEAST QUARTER;

THENCE NORTH 0 DEGREES 55 MINUTES 18 SECONDS WEST ALONG SAID WEST LINE A
DISTANCE OF 140.00 FEET TO THE TRUE POINT OF BEGINNING.

AND;

EXCEPT ANY PORTION LYING WITHIN "MAP OF DEDICATION FOR GATEWAY PAVILIONS -
99TH AVENUE", RECORDED IN BOOK 1080 OF MAPS, PAGE 37.

NOTES

1. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF AVONDALE'S WATER SERVICE AREA
AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY UNDER A.R.S. 45-571;
2. ALL UTILITY ARE TO BE INSTALLED UNDERGROUND EXCEPT THOSE ELECTRIC LINES
ACCEPTED BY THE ARIZONA CORPORATION COMMISSION GENERAL ORDER U-48;
3. CONSTRUCTION WITHIN UTILITY EASEMENTS SHALL BE LIMITED TO PUBLIC UTILITIES
LANDSCAPING AND WOOD WEE OR REMOVABLE TYPE FENCING;
4. ALL LOT CORNERS TO BE SET WITH A 1/2" REBAR AND CAP WITH THE REGISTRATION
NUMBER AND DATE OF RECORDATION OF THIS PLAT PLACED ON THE CORNER TO BE
SET AT THE COMPLETION OF CONSTRUCTION FOR THE INITIAL DEVELOPMENT ASSOCIATED WITH
THIS PLAT;
5. THE MAINTENANCE OF THE LANDSCAPE AREAS WITHIN THE RIGHT OF WAY WILL BE
RESPONSIBLE OF THE ADJACENT LOT OWNER/OWNERS;
6. ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO THE CONSTRUCTION OPERATION AND
PERFORMANCE OF THE SUBDIVISION AND SHALL BE SUBJECT TO THE CONSTRUCTION OF
PARKING, ACCESS DRIVEWAYS, ENCROACHMENTS, AND UTILITIES AS RECORDED IN DOCUMENTS
NO. 2002-0157426, RECORDS OF MARICOPA COUNTY ARIZONA;
7. THE CITY OF AVONDALE IS NOT RESPONSIBLE FOR AND WILL NOT ACCEPT MAINTENANCE
OF ANY PRIVATE UTILITIES, PRIVATE STREETS, PRIVATE FACILITIES LANDSCAPED AREAS OR
LANDSCAPED TRACTS WITHIN THIS SUBDIVISION;
8. NO ALTERATION SHALL BE MADE TO THE STORM WATER RETENTION AREAS THAT ARE A
PART OF THIS SUBDIVISION WITHOUT WRITTEN AUTHORIZATION BY THE CITY OF AVONDALE;
9. ALL RETENTION BASINS MUST DRAIN ANY STORM EVENT UP TO AND INCLUDING THE
100-YEAR FLOOD EVENT AND MUST BE MAINTAINED IN ACCORDANCE WITH THE CITY OF
AVONDALE'S STORM WATER MANAGEMENT PLAN. THIS REQUIREMENT MUST TAKE CORRECT ACTION TO BRING THE BASIN INTO COMPLIANCE.

BASIS OF BEARING

BASIS OF BEARING BEING NORTH 0 DEGREES 25 MINUTES 32 SECONDS EAST ALONG THE
EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 1
EAST OF THE GILA AND SALT RIVER MERIDIAN

SURVEYOR'S CERTIFICATION

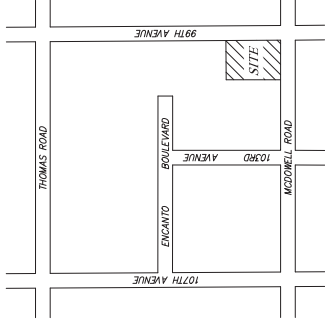
THIS IS TO CERTIFY THE SURVEY AND BOUNDARY DESCRIBED AND SHOWN HEREON WERE MADE
UNDER MY DIRECTION DURING THE MONTH OF OCTOBER, 2019, THAT THE SURVEY IS CORRECT AND
ACCURATE AND THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSE NO. 43984, STATE OF ARIZONA
DESCRIBED AND THE LOT CORNERS HAVE BEEN PERMANENTLY SET, FURTHERMORE, I, TONY EILEY, DO
HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER
43984 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF ARIZONA.

DATE OF PLAT OR MAP: _____

TONY P. EILEY-PLS #43984

6/3/20/2019

DATE



VICINITY MAP

NOT TO SCALE

OWNER

COSTCO WHOLESAL CORPORATION
999 LAKE DRIVE
ISSAQUAH, WA 98027

SURVEYOR

SUNRISE ENGINEERING, INC.
2015 SOUTH VINEYARD, SUITE 311
MESA, ARIZONA 85210
CONTACT: TONY EILEY, PLS
PHONE: 480-768-8600

0
REV

1
DATE

Rev

1
DATE

Rev

1
DATE

2015 SOUTH VINEYARD, SUITE 311
MESA, ARIZONA 85210
CONTACT: TONY EILEY, PLS
PHONE: 480-768-8600
WWW.SUNRISE-ENG.COM

REPLAT

LOT 3A GATEWAY PAVILIONS

SHEET NO. 1 OF 2
SHEET NO. 1 OF 2
DATE 2019-26

ENCUMBRANCES

- 1 40' EASEMENT FOR ELECTRIC TRANSMISSION LINES AND INCIDENTAL PURPOSES
BOOK 59 OF MISCELLANEOUS, PAGE 173 OF OFFICIAL RECORDS
- 2 20' WATER LINE EASEMENT AGREEMENT RECORDED IN INSTRUMENT NO. 2009-005586 OF OFFICIAL RECORDS
- 3 8' POWER DISTRIBUTION EASEMENT AND INCIDENTAL PURPOSES RECORDED IN INSTRUMENT NO. 2003-307895 OF OFFICIAL RECORDS
- 4 20' WATER LINE EASEMENT
BOOK 633, PAGE 09 OF OFFICIAL RECORDS
- 5 30' WATER PIPELINE EASEMENT RECORDED IN INSTRUMENT NO. 2006-715913 OF OFFICIAL RECORDS
- 6 PUBLIC UTILITY AND SIDEWALK EASEMENT
BOOK 633, PAGE 09 OF OFFICIAL RECORDS
- 7 8' OVERHEAD AND UNDERGROUND ELECTRIC AND INCIDENTAL PURPOSES EASEMENT RECORDED IN
INSTRUMENT NO. 1992-183807 OF OFFICIAL RECORDS

REFERENCE DOCUMENTS

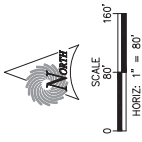
- 1 FINAL PLAT OF GATEWAY PAVILIONS
BK. 633, PG. 09, MARICOPA COUNTY RECORDS
- 2 MAP OF DEDICATION FOR GATEWAY PAVILIONS - 99TH AVENUE
BK. 1080, PG. 37, MARICOPA COUNTY RECORDS

SURVEY MONUMENTS

- 1 SOUTHEAST CORNER OF SECTION 32 TOWNSHIP 2 NORTH, RANGE 1 EAST GILA
AND SALT RIVER MERIDIAN
FOUND BRASS CAP IN HAND HOLE
- 2 EAST QUARTER CORNER OF SECTION 32 TOWNSHIP 2 NORTH, RANGE 1 EAST
GILA AND SALT RIVER MERIDIAN
FOUND BRASS CAP IN HAND HOLE
- 3 SOUTH QUARTER CORNER OF SECTION 32 TOWNSHIP 2 NORTH, RANGE 1 EAST
GILA AND SALT RIVER MERIDIAN
FOUND CITY OF AVONDALE BRASS CAP IN HAND HOLE
- 4 FOUND AND ACCEPTED REBAR WITH PLASTIC CAP PLS 22782
- 5 FOUND REBAR WITH YELLOW ILLEGIBLE PLASTIC CAP, AFFIXED TAG PLS 43994
- 6 FOUND REBAR WITH BLUE ILLEGIBLE PLASTIC CAP
- 7 FOUND AND ACCEPTED REBAR, AFFIXED TAG PLS 43994
- 8 FOUND AND ACCEPTED PK NAIL, AFFIXED TAG PLS 43994
- 9 FOUND NAIL, RETURBISHED WITH REBAR WITH TAG PLS 43994
- 10 FOUND PK NAIL WITH TAG PLS 43994
- 11 FOUND REBAR WITH TAG PLS 43994

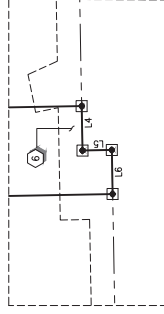
AREA SUMMARY

LOT 3A 79423 SQUARE FEET 18.168 ACRES



LINE #	DIRECTION	LENGTH
L1	S89°42'E	63.00'
L2	S55°01'W	174.40'
L3	N89°34'28"W	7.00'
L4	S88°58'55"W	15.16'
L5	S70°25'25"W	10.00'
L6	S88°54'50"W	10.00'
L7	S89°46'55"W	30.00'
L8	S92°32'W	29.75'
L9	S89°50'40"E	120.00'
L10	S92°32'W	140.00'
L11	N89°50'40"W	120.00'
L12	S92°32'W	320.74'

LOT 3A
ZONING: PAD



LOT 2
(NOT A PART)

LOT 4
(NOT A PART)

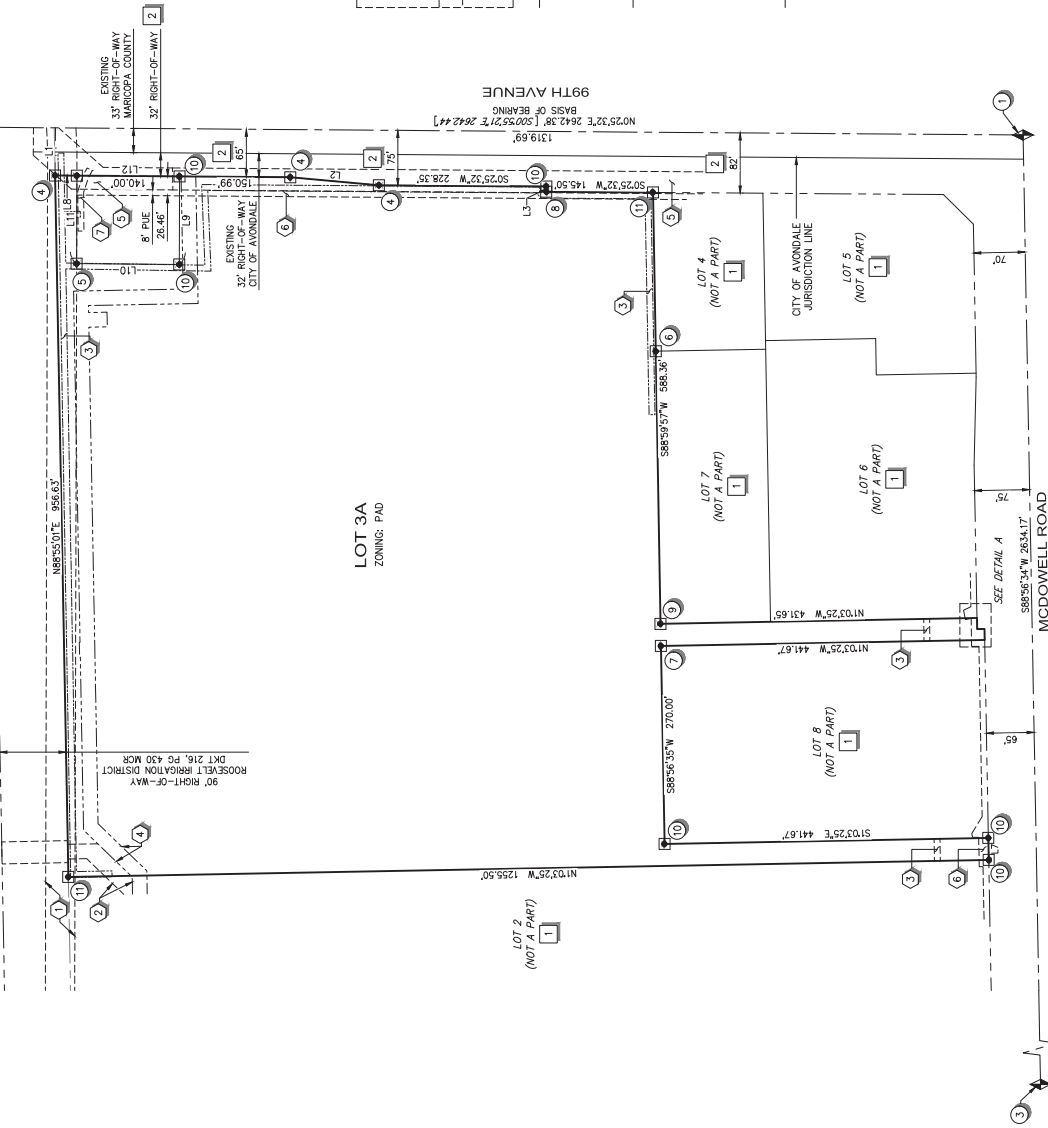
LOT 7
(NOT A PART)

LOT 8
(NOT A PART)

LOT 8
(NOT A PART)

LOT 5
(NOT A PART)

LOT 6
(NOT A PART)



SURVEY MONUMENT LEGEND

- SECTION MONUMENT, AS NOTED
- PROPERTY CORNER

LINE WORK LEGEND

- SUBJECT BOUNDARY LINE
- EXISTING PROPERTY LINE
- SECTION LINE
- SUB-SECTION LINE
- EXISTING EASEMENT LINE
- SURVEY LINE
- EASEMENT LINE
- EASEMENT LINE

0

REV

1

2

DATE

DATE

DATE

DATE

SUNRISE
ENGINEERING

2045 SOUTH VINEYARD, SUITE 311
MESA, ARIZONA 85210-1414 • 480.748.8400
WWW.SUNRISE-ENG.COM

David A. Smith
Professional Engineer
State of Arizona

REPLAT

LOT 3A GATEWAY PAVILIONS

SHEET NO.	SUPERSEDED	DRAWN	CHECKED	SHEET NO.
00047	JAW	NSJ	TYPE	2 of 2

2019-26

CITY COUNCIL REPORT

SUBJECT: Public Hearing and Ordinance 2018-0620 - Rezoning from R1-6 (Urban Residential) to Planned Area Development (PAD) for Costco Parking Lot Addition - Application PL-19-0249

MEETING DATE: 6/1/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Department Director

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request by Terry Odle, MG2, on behalf of Costco Wholesale Corporation, to rezone a 0.38 gross acre property located approximately 1100 feet north of the northwest corner of 99th Avenue and McDowell Road from R1-6 (Urban Residential) to Gateway Pavilions Planned Area Development (PAD). The proposed use of the property is an extension of the adjacent Costco store parking lot. Council will take appropriate action.

BACKGROUND:

The 0.38 gross acre subject property (Exhibits A, B, and C) is located approximately 1100 feet north of the northwest corner of 99th Avenue and McDowell Road. The site has been zoned R1-6 (Urban Residential) since annexation into Avondale city limits in 1981. The property was a former City well site which was removed in 2005. Costco Wholesale Corporation is in the process of purchasing the site from the City of Avondale. There is a concurrent Re-Plat request (PL-19-0250) to combine the subject property with the Costco store parcel, which is Lot 3 on the Gateway Pavilions Final Plat. The entirety of the subject property is designated by the General Plan 2030 Land Use Map as Freeway Commercial, and the proposed zoning is in conformance with this designation. Additionally, the site is within the Freeway Corridor Specific Plan area.

The site has access to 99th Avenue; traffic will enter via the existing driveway off 99th Avenue adjacent to the site. The proposed parking lot adds 24 parking spaces overall to Costco's site. A separate application for Site Plan/Design Review (PL-19-0251) has been reviewed by City Staff and meets all requirements (Exhibit F).

The existing uses and zoning of surrounding properties include:

NORTH: Vacant land totaling 60.29 acres zoned Avondale Station PAD. A mixed-use development is proposed on the site.

EAST of 99th Avenue: Multiple uses occur; soccer fields, an artificial grass and shed retail business, vacant land, and a canal owned by the Roosevelt Irrigation District in the jurisdiction of the City of Phoenix.

SOUTH: Retail, personal service, and restaurant uses zoned Gateway Pavilions PAD totaling approximately 79 acres.

WEST: Retail, personal service, and restaurant uses zoned Gateway Pavilions PAD totaling approximately 79 acres.

SUMMARY OF REQUEST:

The applicant is requesting to rezone the 0.38 gross acre subject property from R1-6 (Urban Residential) to the Gateway Pavilions PAD. The applicant is requesting to apply the same C-2 (Community Commercial) development standards and uses allowed for the Gateway Pavilions PAD to the subject site (Exhibit E). The proposed use of the site is an extension of Costco's parking lot.

PUBLIC PARTICIPATION:

A Neighborhood Meeting to discuss the proposal with neighboring property owners and other interested parties was held at 6:00 PM on January 14, 2020 at Avondale City Hall. All notices of the meeting, including mailings to owners within 1,000 feet of the site, public hearing notice signs on the property, and display ads in the Arizona Republic were completed at least fifteen (15) days prior to the meeting as required. Except for the applicant team and City Staff, there were no attendees of the Neighborhood Meeting (Exhibit G).

No comments related to the proposal have been posted on the City's aVOICE digital forum.

All required notifications for Planning Commission and City Council public hearings were completed. All property owners within 1,000 feet of the subject site were notified of the time, date, and location of the Planning Commission and City Council meetings via postcards sent on March 16, 2020. The meetings were advertised in the March 25th edition of the Southwest Arizona Republic. Lastly, a public hearing notice sign identifying meeting dates, times, and locations were installed adjacent to 99th Avenue on March 31, 2020. No members of the public spoke during the Planning Commission public hearing request.

PLANNING COMMISSION ACTION:

On April 15, 2020, Planning Commission conducted a public hearing and voted 6-0 to recommend approval of the proposed rezoning subject to one (1) recommended condition. Commission did not have any comments or questions regarding the project.

ANALYSIS:

The proposed zoning, Gateway Pavilions PAD, allows for C-2 (Community Commercial) uses which does allow for a parking lot for a retail store. The Gateway Pavilions PAD is a more compatible zoning district than the existing R1-6 zoning (Urban Residential), which does not allow for commercial uses.

The proposed use of the property as an extension of the Costco parking lot conforms with the Freeway Commercial General Plan land use designation. The Freeway Commercial designation allows for a broad range of non-residential uses and development flexibility by promoting community-wide and regional retail, medical, office, higher educational complexes, hospitality, sports and family entertainment, commercial complexes, and service destinations to a larger trade area. Additionally, the use of the site as a parking lot for a retail store also meets the goals in the Freeway Corridor Specific Plan area, which encourages freeway commercial uses along 99th Avenue. The proposed use is also compatible with the current use of the adjacent parcels.

DISCUSSION:

Staff recommends approval of this request for the following reasons:

1. The proposed rezone is in conformance with the subject property's General Plan Land Use Map designation of Freeway Commercial and furthers the goals and objectives of the General Plan and Freeway Corridor Specific Plan.
2. The proposed rezone will result in compatible land use relationships.

3. The applicant is requesting to apply the same C-2 (Community Commercial) development standards and uses allowed in the Gateway Pavilions PAD to the subject site.
4. Commercial uses are most appropriate for properties with direct frontage on high traffic arterials such 99th Avenue.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

Staff recommends that City Council **APPROVE** Application PL-19-0249 Costco Parking Lot Addition, a request to rezone a 0.38 gross acre subject property from R1-6 (Urban Residential) to Gateway Pavilions PAD, subject to the following condition of approval:

1. Development of the parcel shall conform to the Costco Parking Lot Addition Rezone Narrative submitted on March 5, 2020.

PROPOSED MOTION:

I move that City Council **APPROVE** Application PL-19-0249 Costco Parking Lot Addition, a request for to rezone a 0.38 gross acre subject property from R1-6 (Urban Residential) to Gateway Pavilions PAD, subject to one (1) condition of approval as listed in the staff report.

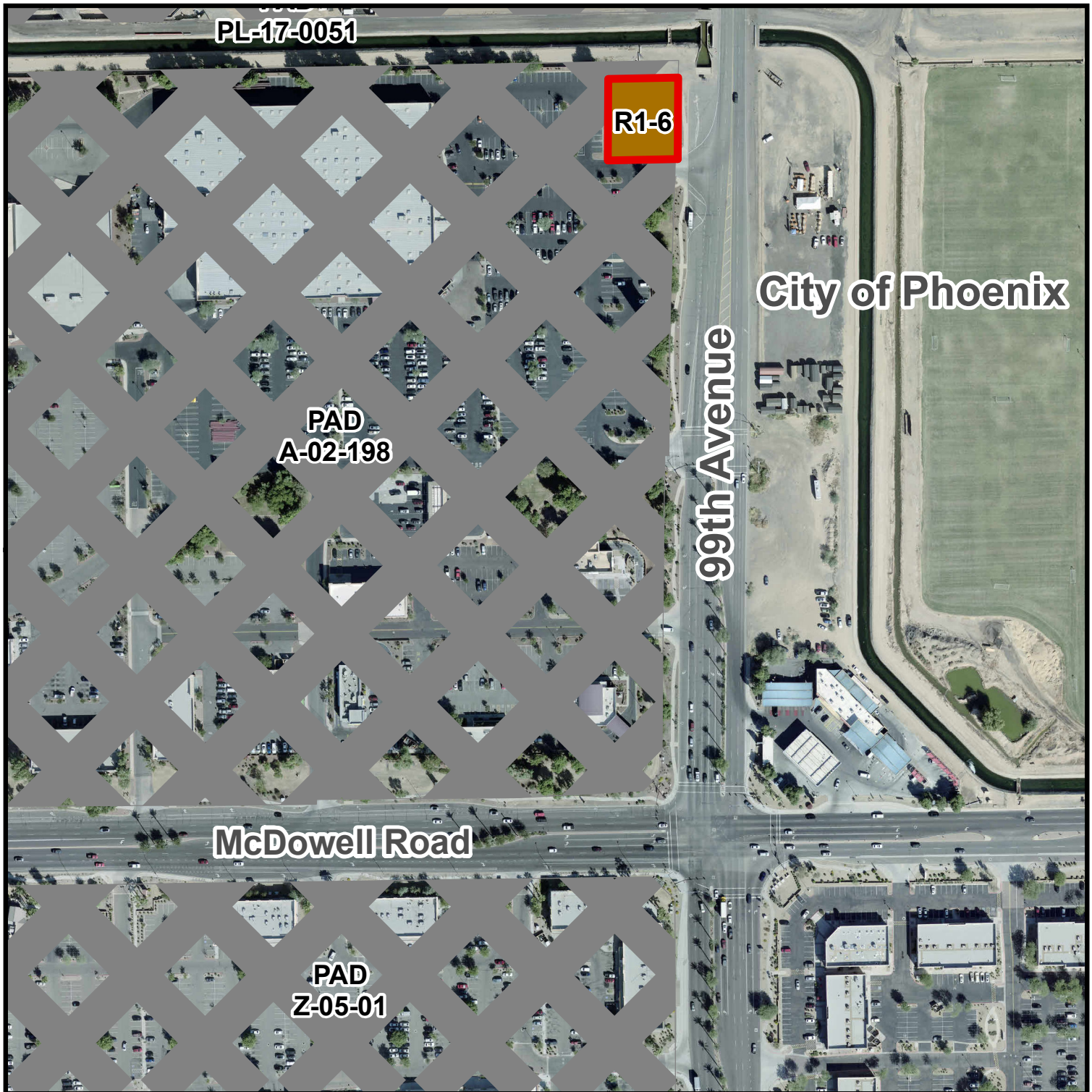


Aerial Photograph



Project Location



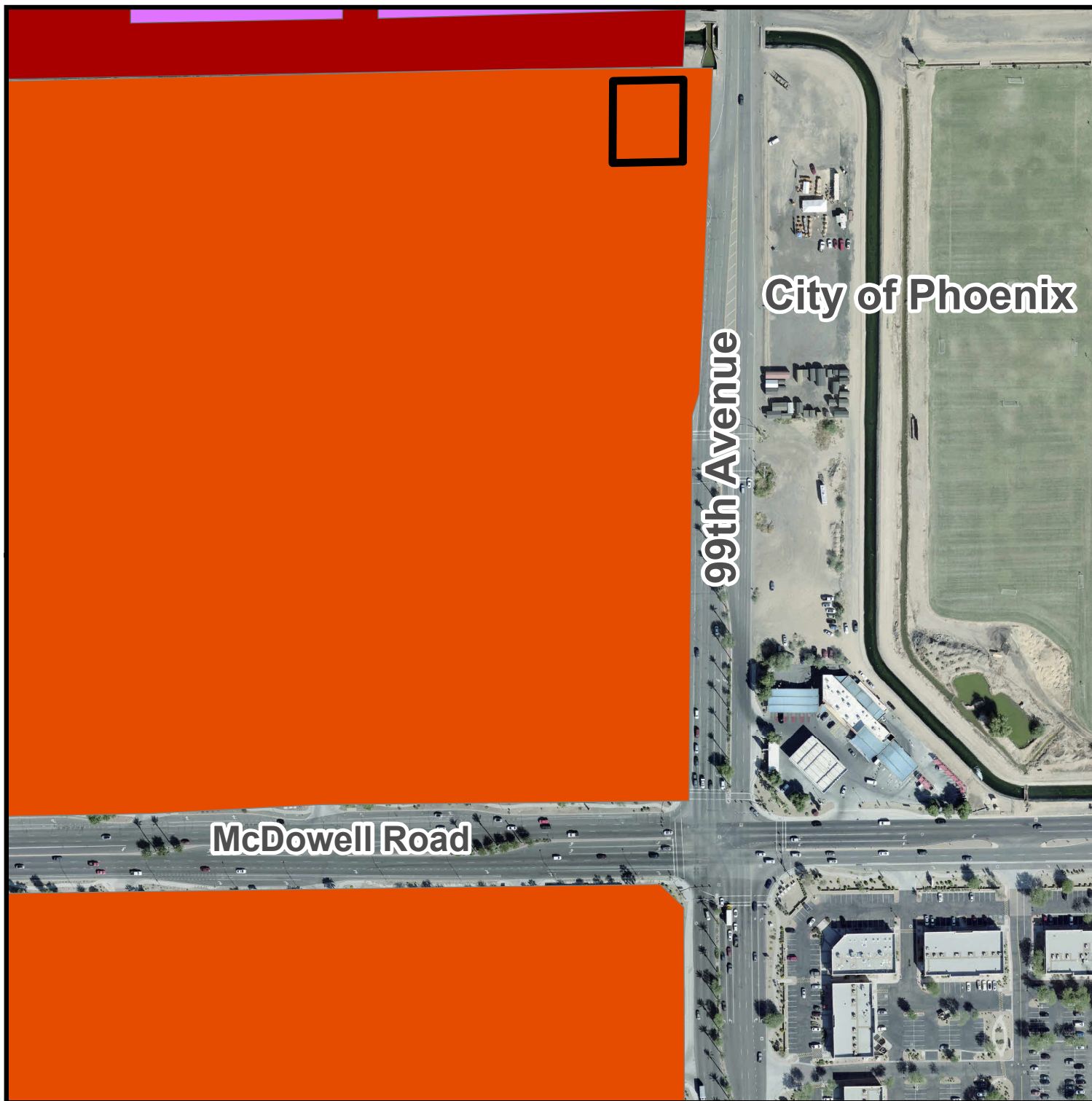


Zoning Vicinity Map



Project Location





General Plan Land Use Map



Project Location



Freeway Commercial

Urban Commercial

Mixed Use



*SUMMARY OF RELATED FACTS
APPLICATION PL-19-0249*

<i>THE PROPERTY</i>	
PROPERTY SIZE	0.38 gross acres
LOCATION	Approximately 1100 feet north of the northwest corner of 99 th Avenue and McDowell Road
PHYSICAL CHARACTERISTICS	Flat, undeveloped land
GENERAL PLAN LAND USE DESIGNATION	Freeway Commercial. This category allows for a broad range of non-residential uses and development flexibility by promoting community-wide and regional retail, medical, office, higher educational complexes, hospitality, sports and family entertainment, commercial complexes, and service destinations to a larger trade area.
EXISTING ZONING	R1-6 Urban Residential
ZONING HISTORY	The property was annexed into the City's corporate limits on June 26, 1981. Site has been zoned R1-6 since annexation.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	Vacant land totaling 60.29 acres zoned Avondale Station PAD. A mixed-use development is proposed on the site.
EAST OF 99 TH AVENUE	Multiple uses occur - soccer fields, an artificial grass and shed retail business, vacant land, and a canal owned by the Roosevelt Irrigation District in the jurisdiction of the City of Phoenix.
SOUTH	Retail, personal service, and restaurant uses zoned Gateway Pavilions PAD totaling approximately 79 acres.
WEST	Retail, personal service, and restaurant uses zoned Gateway Pavilions PAD totaling approximately 79 acres.

<i>PUBLIC SCHOOLS</i>	
SCHOOL DISTRICT(S)	Pendergast Elementary School, Tolleson Union High School
ELEMENTARY SCHOOL	Rio Vista Elementary School
HIGH SCHOOL	Westpoint High School

<i>STREETS</i>	
99th Avenue	
Classification	Maricopa County Arterial
Existing half-street ROW	65 feet with additional ROW width at turn/deceleration lane locations
Standard half-street ROW	70 feet with additional ROW for deceleration/turn lanes, etc.
Existing half-street improvements	Varies from two to three travel lanes, one right turn lane, landscaped center median, curb, gutter, street lights, detached sidewalk, and landscaping
Standard half-street improvements	Three travel lanes, landscaped center median, curb, gutter, street lights, detached sidewalk, and landscaping

<i>UTILITIES</i>
Salt River Project (SRP) provides electrical service in this portion of the City. There is an existing 16” water line 99th Avenue. There is an existing 12” water line and 15” sewer line in McDowell Road.

Exhibit E

Costco Parking Lot Addition Rezone Narrative



Submitted March 5, 2020

Project Description

January 13, 2020

Request For Rezone Approval of Site to Gateway Pavilions PAD

Owner City of Avondale
11465 W. Civic Center Dr., #110
Avondale, AZ 85323
Attn: Director of Community Development
(623) 333-4000

Future Owner Costco Wholesale
Irvine 9 Corporate Park
Suite #230
Irvine, CA 92606
Attn: Jenifer Murillo
(714) 978-5027

Applicant MG2
3333 Michelson Drive, Suite 100
Irvine, CA 92612
Attn: Terry Odle
(949) 705-0713

Site Information

Project Address: 2290 N. 99th Avenue
Parcel 102-32-006F, , AZ.
Avondale, AZ 85392

Site Area: Approximately 19,553 SF/ .45 Acres

Current Zoning: R1-6
Current General Plan: Freeway Commercial

Proposed Rezoning

Planned Area Development (PAD) –
Gateway Pavilions

Proposed General Plan:

Freeway Commercial

Site Description

The site is currently owner by the City of Avondale and is undeveloped. It is bound to the west and the sought by the existing Costco Wholesale warehouse located at 10000 W. McDowell Road. McDowell Road is directly adjacent to the east. The site is bound to the north by a regional irrigation control channel. There is some existing electrical equipment on site that will remain as is.

The property was annexed into the City of Avondale June 26, 1981. The approval of the rezone would make this property part of the existing shopping center and the Gateway Pavilions Planned Area Development. This PAD was created and approved in 1985. A new development plan was approved by City Council in 2001. The current Gateway Pavilions PAD allows for a specific list of commercial uses.

Project Proposal

This request to approve the rezoning of this site from R1-6 to the Planned Area Development – Gateway Pavilions is a request to amend the Gateway Pavilions PAD to include Assessor Parcel Number 102-32-012A. This request is to apply the same development standards currently allowed for the Gateway Pavilions PAD to this site.



VIEW LOOKING WEST



VIEW NORTH WEST



VIEW LOOKING WEST

Exhibit F

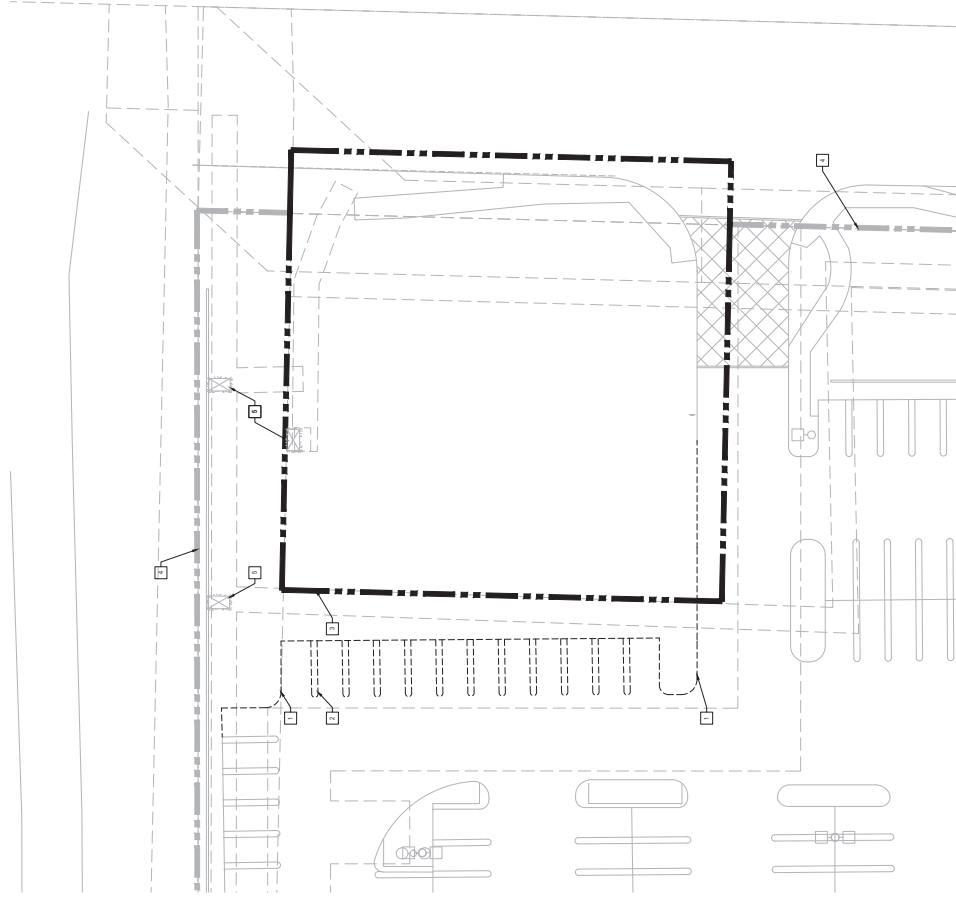
Site Plan

DEMOLITION KEYNOTES	
1	REMOVE EXISTING CURB
2	PAINT OVER EXISTING PAINTING SIGNALS TO MATCH CONCRETE
3	OLD EXISTING PROPERTY LINE
4	EXISTING PROPERTY LINE
5	EXISTING TRANSFERRER TO RESUME

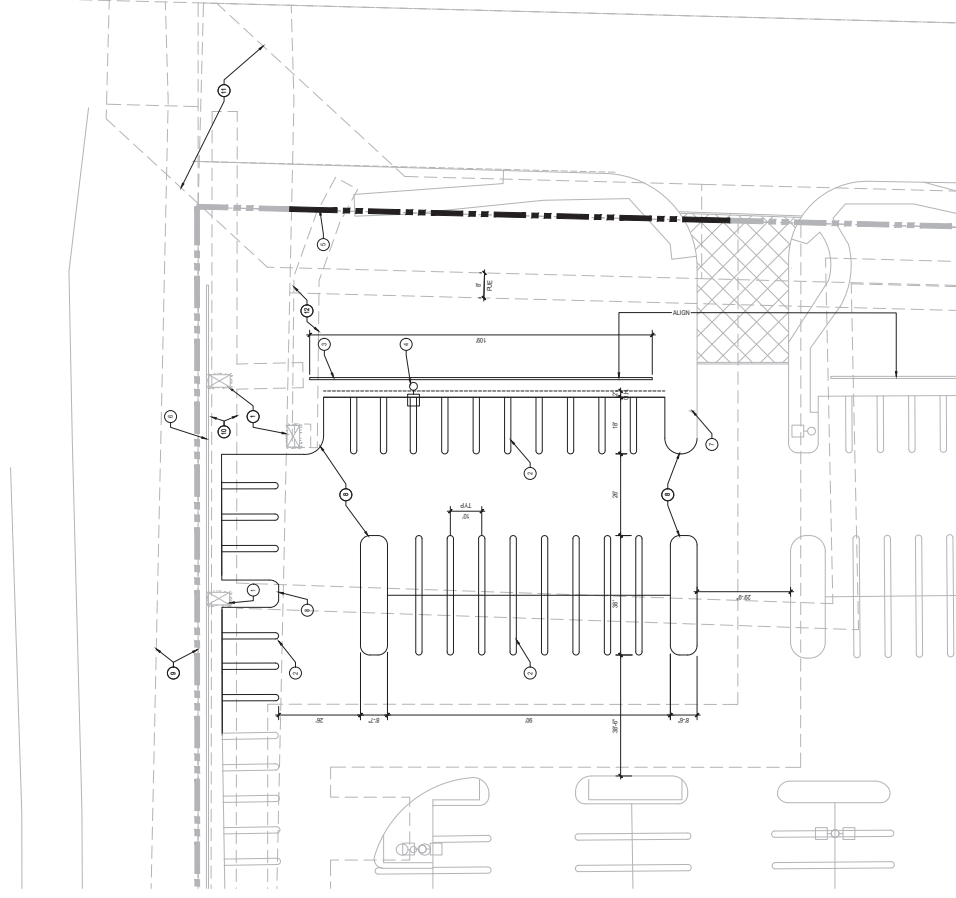
LEGEND	
EXISTING	—————
DEMOLITION	- - - - -

KEYNOTES	
①	EXTENDING TRAVEL DURATION TO BEHAVIOR
②	PROVIDING NEW PERSONAL TRAINING
③	2-DIMENSIONAL SCREEN WALL
④	NEW ELEVATOR
⑤	NEW PROPERTY USE
⑥	EXTENDING 2-DIMENSIONAL TO BEHAVIOR
⑦	NEW CONCRETE CURB AND UTILITY, BEHIND TO CHAIRS
⑧	KINDERGARTEN/CHILDREN'S/TEENAGER'S AREAS AND MODULAR APARTMENTS
⑨	CONCRETE/STREET LIGHTS/CONCRETE/CHAIR APARTMENT
⑩	30% WATER REUSE/ EXHAUST
⑪	PARALLELITY AND EXHAUSTING A CURRENT
LEGEND	
EXTENDING	_____
PROPOSED	_____

FROM: <u> </u> (NAME) TO: <u> </u> (NAME) DATE: <u> </u> (DATE) REASON: <u> </u> (REASON) REMARKS: <u> </u> (REMARKS) APPROVED BY: <u> </u> (NAME) DATE: <u> </u> (DATE)	CITY OF MOBILE PLANNING COMMISSION 1. PROJECT LOCATION: <u> </u> 2. PROJECT DESCRIPTION: <u> </u> 3. PROJECT OWNER: <u> </u> 4. PROJECT CONTACT: <u> </u> 5. PROJECT STATUS: <u> </u> 6. PROJECT PHASE: <u> </u> 7. PROJECT BUDGET: <u> </u> 8. PROJECT RISK: <u> </u> 9. PROJECT IMPACT: <u> </u> 10. PROJECT BENEFIT: <u> </u> 11. PROJECT CHALLENGE: <u> </u> 12. PROJECT OPPORTUNITY: <u> </u> 13. PROJECT CONCLUSION: <u> </u> 14. PROJECT RECOMMENDATION: <u> </u> 15. PROJECT ACTION PLAN: <u> </u>
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16 ENLARGED DEMOLITION SITE PLAN
SCALE: 1/16" = 1'-0"



18 ENLARGED PROPOSED SITE PLAN
SCALE: 1/16" = 1'-0"

COSTCO WHOLESALE

AVONDALE, ARIZONA

ENLARGED SITE PLAN

FEBRUARY 25, 2020

Exhibit G

Neighborhood Meeting Summary

January 14, 2020

6:00 P.M.

Avondale City Hall – Mojave
Conference Room

MG2

3333 Michelson Dr, Ste 100
Irvine, CA 92612

949 705 0700
MG2.com

January 16, 2020

Michelle Lelishek
Senior Planner
City of Avondale
Planning Department
11465 West Civic Center Drive
Avondale, AZ 85323

**Re: Costco Parking Lot Addition
10000 W. McDowell Road
Avondale, AZ 85323
Application PL-19-0249, PL-19-0250, and PL-19-0251**

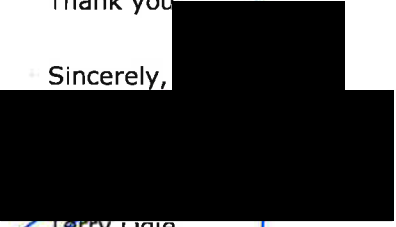
Subject: Minutes from the Neighborhood Meeting January 14, 2020

Dear Michelle,

The required neighborhood meeting was held January 14, 2020 at 6:00 PM in the Mojave Conference Room at Avondale City Hall. No members of the public attended the meeting. The meeting concluded at 7:00 PM. Please let us know if you have any questions or comments.

Should you require any additional information regarding this matter, please contact me at (949) 705-0713.
Thank you

Sincerely,


Terry Ode
Associate Principal

TWO/two
c: file

MG2

ORDINANCE NO. 2018-0620

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 0.38 ACRES GENERALLY LOCATED 1100 FEET NORTH OF THE NORTHWEST CORNER OF 99TH AVENUE AND MCDOWELL ROAD, AS SHOWN IN APPLICATION PL-19-0249, REZONING SUCH PROPERTY FROM URBAN RESIDENTIAL (R1-6) TO PLANNED AREA DEVELOPMENT (PAD).

WHEREAS, the Council of the City of Avondale (the “City Council”) desires to amend the City of Avondale Zoning Atlas (the “Zoning Atlas”), pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for a $\pm$ 0.38 acre parcel of real property from Urban Residential (R1-6) to Gateway Pavilions Planned Area Development (PAD) (the “Zoning Atlas Amendment”); and

WHEREAS, all due and proper notices of the public hearings on the Zoning Atlas Amendment held by the City of Avondale Planning Commission (the “Commission”) and by the City Council were given in the time, form and substance provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, on April 15, 2020, the Commission held a public hearing on the Zoning Atlas Amendment, after which hearing the Commission recommended approval; and

WHEREAS, the City Council held an additional public hearing regarding the Zoning Atlas Amendment on June 1, 2020; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Arizona Constitution, the City Council has considered the individual property rights and personal liberties of the residents of the City before adopting this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The $\pm$ 0.38 acre parcel of real property generally located 1100 feet north of the northwest corner of 99th Avenue and McDowell Road, as shown in Application PL-19-0249, as more particularly described and depicted on Exhibit A attached hereto and incorporated herein by reference, is hereby rezoned from Urban Residential (R1-6) to Gateway Pavilions Planned

Area Development (PAD), subject to the City of Avondale adopted codes, requirements, standards and regulations, and the following stipulation:

1. Development shall conform to the Costco Parking Lot Addition Rezone Narrative date stamped March 5, 2020.

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, June 1, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED:

Nicholle Harris, Acting City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2018-0620

[Legal Description and Map]

See following pages.

EXHIBIT A

LEGAL DESCRIPTION:

THAT PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32 TOWNSHIP 2 NORTH. RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 32;

THENCE NORTH 0 DEGREES 25 MINUTES 32 SECONDS EAST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1290.24 FEET;

THENCE NORTH 89 DEGREES 50 MINUTES 40 SECONDS WEST A DISTANCE OF 65.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 50 MINUTES 40 SECONDS WEST A DISTANCE OF 120.00 FEET;

THENCE SOUTH 0 DEGREES 25 MINUTES 32 SECONDS EAST A DISTANCE OF 140.00 FEET;

THENCE NORTH 89 DEGREES 50 MINUTES 40 SECONDS EAST A DISTANCE OF 120.00 FEET TO A POINT ON THE WEST LINE OF THE EAST 33.00 FEET OF SAID SOUTHEAST QUARTER;

THENCE NORTH 0 DEGREES 25 MINUTES 32 SECONDS WEST ALONG SAID WEST LINE A DISTANCE OF 140.00 FEET TO THE TRUE POINT OF BEGINNING.

P:\Costco\Costco-07133_Avondale Replat\Survey\dwg\AVONDALE-COSTCO-ReZoneExh.dwg Mar 04, 2020 12:36pm rbrockway

DATE: 03/04/2020

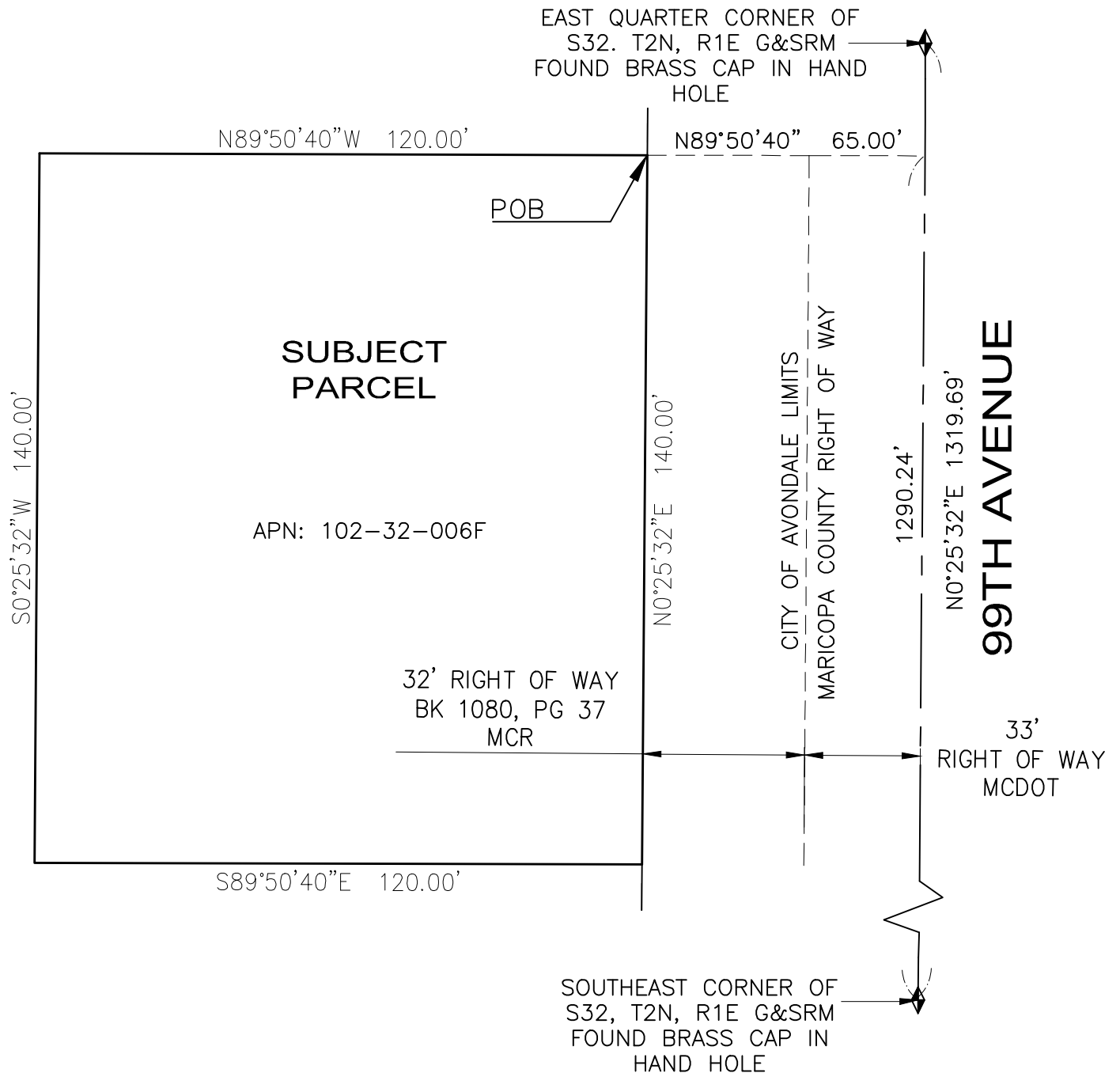
SHEET 1 OF 2

LOT 3A
ZONING LEGAL



2045 SOUTH VINEYARD, SUITE 101
MESA, ARIZONA 85210
TEL 480.768.8600 • FAX 480.768.8609
www.sunrise-eng.com

EXHIBIT A



NOT TO SCALE

DATE: 03/04/2020

SHEET 2 OF 2

LOT 3A
ZONING LEGAL



2045 SOUTH VINEYARD, SUITE 101
MESA, ARIZONA 85210
TEL 480.768.8600 • FAX 480.768.8609
www.sunrise-eng.com

CITY COUNCIL REPORT

SUBJECT: Public Hearing - Fiscal Year 2020-2021 Final Budget

MEETING DATE: 6/1/2020

TO: Mayor and Council

FROM: Lindsey Duncan, Finance & Budget Director, (623) 333-2011

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will hold a public hearing to receive comment on the final budget for fiscal year 2020-2021 (FY2021) in the amount of \$280,109,400. No Council action is required.

BACKGROUND:

The tentative budget for fiscal year FY2021 was adopted on May 18, 2020 and a summary of the budget was published in the May 20th and May 27th editions of the Southwest Valley edition of the Arizona Republic. As required by §42-17103, the tentative budget was posted within seven days of adoption in a prominent location on the City's website. A public hearing must be held and a special meeting convened for adoption of the final budget after the close of the public hearing. A public hearing is also required on the property tax levy, which is scheduled for June 15.

DISCUSSION:

The FY2021 expenditure limitation of \$280,109,400 has not changed in total from the tentative budget adopted on May 18, 2020.

The following changes have been made since the tentative budget adopted on May 18: design for the Thomas Road bridge has been added to the budget as unfunded in FY2021 and budget for a Police substation at the McDowell Road retail corridor has been added. The Thomas Road bridge design may move forward if additional resources are identified. The Tentative Budget sets the maximum budget appropriation, so to add budget capacity for police substation at the McDowell Road retail corridor, the General Fund contingency amount was lowered from the Tentative Budget.

BUDGET IMPACT:

This public hearing is a necessary step in the budget adoption process, allowing residents to comment on the FY2021 final budget.

RECOMMENDATION:

Staff recommends the City Council hold a public hearing to receive comment on the final budget for FY2021.

CITY COUNCIL REPORT

SUBJECT: Resolution 1038-0620 - Setting forth the Final Budget for Fiscal Year 2020-2021

MEETING DATE: 6/1/2020

TO: Mayor and Council

FROM: Lindsey Duncan, Finance & Budget Director, (623) 333-2011

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to adopt Resolution 1038-0620 approving the final budget for fiscal year 2020-2021 (FY2021) in the amount of \$280,109,400. The Council will take appropriate action.

BACKGROUND:

The tentative FY2021 budget was adopted on May 18, 2020 and was published in the May 20th and May 27th editions of the Southwest Valley edition of the Arizona Republic. As required by §42-17103, the tentative budget was posted within seven days of adoption in a prominent location on the City's website.

A public hearing was held on June 1st, 2020 as required by A.R.S. §42-17104. As required by A.R.S. §42-17105, a special meeting must be convened for adoption of the final budget.

DISCUSSION:

The final budget for FY2021 of \$280,109,400 has not changed in total from the tentative budget adopted on May 18, 2020. The following changes have been made since the tentative budget adopted on May 18: design for the Thomas Road bridge has been added to the budget as unfunded in FY2021 and budget for a Police substation at the McDowell Road retail corridor has been added. The Thomas Road bridge design may move forward if additional resources are identified. The Tentative Budget sets the maximum budget appropriation, so to add budget capacity for police substation at the McDowell Road retail corridor, the General Fund contingency amount was lowered from the Tentative Budget.

The final adopted budget for FY2021 will be posted on the City's website within seven business days as required by A.R.S. §42-17103.

Included with the final budget is a schedule specifying certain budgeted items in excess of \$50,000. The Avondale Procurement Code specifies that for budgeted line items in excess of \$50,000 that were considered during the budget process, the procurement agent or authorized designee may approve the award for these items. This schedule is intended to provide greater transparency into these budgeted line items. Any items where the award is greater than what is indicated on the schedule will return to City Council for consideration.

Also included with the final budget is a schedule of interfund transfers for FY2021 and a schedule of interfund loans for FY2021. These schedules are intended to set the maximum amounts for these interfund transfers/loans and actuals may be lower than the schedule indicates. Any transfers/loans in excess of these amounts will return to council for consideration.

BUDGET IMPACT:

This will establish the formal expenditure limit and annual budget for FY2021.

RECOMMENDATION:

Staff recommends the Mayor and Council adopt a resolution setting forth the final budget for FY2021.

RESOLUTION NO. 1038-0620

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, SETTING FORTH THE FINAL BUDGET FOR FISCAL YEAR 2020-2021.

WHEREAS, pursuant to the provisions of the laws of the State of Arizona and the City Charter, the Council of the City of Avondale (the “City Council”) is required to adopt an annual budget for the City of Avondale (the “City”); and

WHEREAS, in accordance with ARIZ. REV. STAT. § 42-17102, the City Manager prepared and filed with the City Council the City Manager’s Budget estimates for the fiscal year beginning July 1, 2020 and ending June 30, 2021; and

WHEREAS, on May 18, 2020, the City Council approved Resolution 1032-0520, adopting (i) an expenditure limitation and (ii) the estimates of expenditures for the fiscal year beginning July 1, 2020, and ending June 30, 2021, as the tentative budget for the City; and

WHEREAS, Resolution 1032-0520 also directed the City Manager or designee to: (i) publish in the official City newspaper once per week for two consecutive weeks, (a) the official tentative budget and (b) a notice of the public hearing of the City Council to hear taxpayers and make tax levies at designated times and places; and (ii) not later than seven business days following consideration of Resolution 1032-0520 by the City Council, (a) make available at the Avondale Civic Center Library, the Sam Garcia Western Avenue Library and the Avondale City Hall a complete copy of the tentative budget, and (b) post the tentative budget on the City’s website; and

WHEREAS, due notice has been given by the City Clerk as required by law that the City Council would meet on June 1, 2020, at the City Council Chambers for the purposes of adopting the tentative budget as final; and

WHEREAS, on June 1, 2020, the City Council held a public hearing on the final budget as required by law; and

WHEREAS, the City of Avondale Procurement Code 25-6 specifies that budgeted line items approved by the City Council in the review and adoption of the Annual Budget of City, and for which an award is within the allocated expenditure, may be approved by the procurement agent or authorized designee.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The statements and schedules hereto as Exhibit A and incorporated herein by reference, is hereby formally adopted as the official final budget for the City for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution or any part of the statements and schedules or fee schedule incorporated herein by reference are for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. The statements and schedules hereto as Exhibit B and incorporated herein by reference are hereby identified as specifically budgeted line items greater than \$50,000 for the City of Avondale, Arizona for the fiscal year July 1, 2020 through June 30, 2021.

SECTION 5. The statements and schedules hereto as Exhibit C and incorporated herein by reference are hereby identified as the scheduled Interfund Transfers and scheduled Interfund Loans for the City of Avondale, Arizona for the fiscal year July 1, 2020 through June 30, 2021.

SECTION 6. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, June 1, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, Acting City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1038-0620

[Statements and Schedules]

See following pages.

City of Avondale
Summary Schedule of Estimated Revenues and Expenditures/Expenses
Fiscal Year 2021

Fiscal Year	S c h		FUNDS							
			General Fund	Special Revenue Fund	Debt Service Fund	Capital Projects Fund	Trust & Agency Fund	Enterprise Funds Available	Internal Service Funds	Total All Funds
2020	Adopted/Adjusted Budgeted Expenditures/Expenses*	E 1	66,207,041	33,235,444	10,237,810	62,113,948	5,000	58,249,771	6,650,235	236,699,249
2020	Actual Expenditures/Expenses**	E 2	59,965,358	19,862,616	10,237,810	61,996,910	5,000	53,032,407	5,062,385	210,162,486
2021	Fund Balance/Net Position at July 1***	3	49,842,212	28,750,282	8,073,352	59,589,579	300,649	91,100,899	7,877,486	245,534,459
2021	Primary Property Tax Levy	B 4	3,145,875							3,145,875
2021	Secondary Property Tax Levy	B 5			3,435,086					3,435,086
2021	Estimated Revenues Other than Property Taxes	C 6	71,196,100	46,708,000	32,000	3,316,000	3,000	35,251,700	4,317,300	160,824,100
2021	Other Financing Sources	D 7	0	0	0	21,581,000	0	6,690,000	0	28,271,000
2021	Other Financing (Uses)	D 8	(6,789,000)	0	0	(1,292,000)	0	(6,690,000)	0	(14,771,000)
2021	Interfund Transfers In	D 9	4,682,000	1,481,200	5,652,000	16,339,000	0	9,030,000	0	37,184,200
2021	Interfund Transfers (Out)	D 10	(16,956,200)	(9,930,000)	0	(208,000)	0	(10,087,000)	(3,000)	(37,184,200)
2021	Reduction for Amounts Not Available:	11								
LESS:	Amounts for Future Debt Retirement:									0
	Future Capital Projects									0
	Maintained Fund Balance for Financial Stability									0
										0
										0
2021	Total Financial Resources Available	12	105,120,987	67,009,482	17,192,438	99,325,579	303,649	125,295,599	12,191,786	426,439,520
2021	Budgeted Expenditures/Expenses	E 13	81,336,400	39,521,900	9,527,000	79,974,000	5,000	62,638,200	7,106,900	280,109,400

EXPENDITURE LIMITATION COMPARISON

1	Budgeted expenditures/expenses
2	Add/subtract: estimated net reconciling items
3	Budgeted expenditures/expenses adjusted for reconciling items
4	Less: estimated exclusions
5	Amount subject to the expenditure limitation
6	EEC expenditure limitation or voter-approved alternative expenditure limitation

	2020	2021
1	\$ 236,699,249	\$ 280,109,400
2		
3	236,699,249	280,109,400
4		
5	\$ 236,699,249	\$ 280,109,400
6	\$ 236,699,249	\$ 280,109,400

* Includes Expenditure/Expense Adjustments Approved in the current year from Schedule E.

** Includes actual amounts as of the date the proposed budget was prepared, adjusted for estimated activity for the remainder of the fiscal year.

*** Amounts on this line represent Fund Balance/Net Position amounts except for amounts not in spendable form (e.g., prepaids and inventories) or legally or contractually required to be maintained intact (e.g., principal of a permanent fund).

City of Avondale
Tax Levy and Tax Rate Information
Fiscal Year 2021

	<u>2020</u>	<u>2021</u>
1. Maximum allowable primary property tax levy. A.R.S. §42-17051(A)	\$ <u>3,039,967</u>	\$ <u>3,145,875</u>
2. Amount received from primary property taxation in the current year in excess of the sum of that year's maximum allowable primary property tax levy. A.R.S. §42-17102(A)(18)	\$ _____	
3. Property tax levy amounts		
A. Primary property taxes	\$ <u>3,039,967</u>	\$ <u>3,145,875</u>
B. Secondary property taxes	<u>4,141,443</u>	<u>3,435,086</u>
C. Total property tax levy amounts	\$ <u>7,181,410</u>	\$ <u>6,580,961</u>
4. Property taxes collected*		
A. Primary property taxes		
(1) Current year's levy	\$ <u>3,039,967</u>	
(2) Prior years' levies	<u>0</u>	
(3) Total primary property taxes	\$ <u>3,039,967</u>	
B. Secondary property taxes		
(1) Current year's levy	\$ <u>4,141,443</u>	
(2) Prior years' levies		
(3) Total secondary property taxes	\$ <u>4,141,443</u>	
C. Total property taxes collected	\$ <u>7,181,410</u>	
5. Property tax rates		
A. City/Town tax rate		
(1) Primary property tax rate	<u>0.7003</u>	<u>0.6808</u>
(2) Secondary property tax rate	<u>0.9540</u>	<u>0.7434</u>
(3) Total city/town tax rate	<u>1.6543</u>	<u>1.4242</u>
B. Special assessment district tax rates		
Secondary property tax rates - As of the date the proposed budget was prepared, the city/town was operating <u>0</u> special assessment districts for which secondary property taxes are levied. For information pertaining to these special assessment districts and their tax rates, please contact the city/town.		

* Includes actual property taxes collected as of the date the proposed budget was prepared, plus estimated property tax collections for the remainder of the fiscal year.

City of Avondale
Revenues Other Than Property Taxes
Fiscal Year 2021

SOURCE OF REVENUES	ESTIMATED REVENUES 2020	ACTUAL REVENUES* 2020	ESTIMATED REVENUES 2021
GENERAL FUND			
Local taxes			
Local Sales Tax	\$ 35,408,000	\$ 36,418,000	\$ 36,692,000
Other Taxes			10,000
Licenses and permits			
Franchise Fees	1,273,000	1,273,000	1,273,000
Building & Development Permits	1,436,000	2,063,000	879,000
Licenses	287,000	287,000	247,000
Other Permits	38,000	38,000	73,000
Development Charges for Service	5,000	10,000	0
Intergovernmental			
State Urban Revenue Sharing	11,121,000	11,100,000	12,465,000
City's Share of St. Sales Tax	8,830,000	8,938,000	9,206,000
Auto Lieu Tax	3,900,000	3,757,000	3,869,000
Other Cities & Towns	75,620	75,000	195,900
Charges for services			
Development Charges for Service	449,000	450,000	976,000
Other Charges for Service	337,000	430,000	536,500
Recreation Charges for Service	287,000	277,000	573,000
Internal Service Charges	3,000	3,000	33,000
Fines and forfeits			
Court Fines	947,000	951,000	847,000
Other Fines	11,000	10,000	21,000
Interest on investments			
Interest	520,000	500,000	520,000
Miscellaneous			
Sale of Assets	1,054,000	2,430,000	1,054,000
Other Revenue	1,532,000	1,217,000	630,900
Donations	10,000	10,000	57,800
Operating Lease			1,037,000
Total General Fund	\$ 67,523,620	\$ 70,237,000	\$ 71,196,100
* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.			
SPECIAL REVENUE FUNDS			
Highway User Revenue Fund			
Highway User Revenue Fees	\$ 6,076,000	\$ 5,880,656	\$ 6,057,000
Interest	80,000	80,000	80,000
	6,156,000	5,960,656	6,137,000
Senior Nutrition			
Federal Sources	320,000	320,000	324,700
Other Cities & Towns	25,000	25,000	18,300
Other Revenue			1,300
Donations	16,000	16,000	34,900
	361,000	361,000	379,200
Community Action Program			
Donations	102,000		0
Federal Sources		240,000	173,300
Other Cities and Towns		53,000	25,000
	102,000	293,000	198,300

City of Avondale
Revenues Other Than Property Taxes
Fiscal Year 2021

SOURCE OF REVENUES	ESTIMATED REVENUES 2020	ACTUAL REVENUES* 2020	ESTIMATED REVENUES 2021
HOME Grant			
Federal Sources	860,100	860,000	1,157,800
	860,100	860,000	1,157,800
Other Grants			
Other State Sources	293,110	544,000	211,000
Other Federal Sources			16,500
Donations	85,735		98,100
Other Revenue	5,000,000		15,366,700
	5,378,845	544,000	15,692,300
Cemetery Maintenance Fund			
Interest		10,000	0
	0	10,000	0
Library Projects			
Donations	7,395	13,000	0
	7,395	13,000	0
Transit Fund			
Arizona Lottery Fund	230,000	230,000	230,000
	230,000	230,000	230,000
County R.I.C.O.			
Seizure of Property	20,000	15,000	20,000
	20,000	15,000	20,000
Court Payments			
Other State Sources			7,700
Court Fines			71,000
Interest			6,000
Fill the Gap	70,000	70,000	5,000
	70,000	70,000	89,700
Regional Family Advocacy			
Federal Sources	173,750	173,750	260,000
Other Cities and Towns	1,046,730	1,046,730	1,046,700
	1,220,480	1,220,480	1,306,700
0.5% Dedicated Sales Tax			
City Sales Tax	8,522,000	8,883,000	8,966,000
	8,522,000	8,883,000	8,966,000
Public Safety Dedicated Sales Tax			
City Sales Tax	8,522,000	8,883,000	8,966,000
Interest Earned	80,000	80,000	80,000
	8,602,000	8,963,000	9,046,000
Community Development Block Grant			
Other Federal Sources	1,763,670	1,763,000	2,912,800
	1,763,670	1,763,000	2,912,800
Environmental Programs Fund			
Environmental Fee	260,000	260,000	260,000
	260,000	260,000	260,000
Wildland Fire Deployment			
Other State Sources	251,760	251,000	172,200
	251,760	251,000	172,200
Tow Impound Fund			
Other Fines	0	0	97,000
	0	0	97,000
Tourism Fund			
Other State Sources	0	0	43,000
	0	0	43,000
Total Special Revenue Funds	\$ 33,805,250	\$ 29,697,136	\$ 46,708,000

City of Avondale
Revenues Other Than Property Taxes
Fiscal Year 2021

SOURCE OF REVENUES	ESTIMATED REVENUES 2020	ACTUAL REVENUES* 2020	ESTIMATED REVENUES 2021
* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.			
DEBT SERVICE FUNDS			
General Obligation			
Interest	\$ 30,000	\$ 30,000	\$ 0
	\$ 30,000	\$ 30,000	\$ 0
0.5% Dedicated Sales Tax Debt			
Interest	\$ 32,000	\$ 32,000	\$ 32,000
	\$ 32,000	\$ 32,000	\$ 32,000
Total Debt Service Funds	\$ 62,000	\$ 62,000	\$ 32,000
CAPITAL PROJECTS FUNDS			
Street Construction			
Federal Sources	\$ 102,000	\$	\$ 383,000
Development Impact Fees	547,000	1,251,344	0
Interest	75,000	100,000	75,000
	\$ 724,000	\$ 1,351,344	\$ 458,000
Police Construction			
Development Impact Fees	\$ 146,000	\$ 301,360	\$ 0
Interest	5,000	30,000	5,000
	\$ 151,000	\$ 331,360	\$ 5,000
Park Construction			
Federal Sources	\$ 2,100,000	\$ 0	\$ 0
Development Impact Fees	258,000	432,756	0
Interest	60,000	30,000	18,000
	\$ 2,418,000	\$ 462,756	\$ 18,000
Library Construction			
Development Impact Fees	\$ 18,000	\$ 49,595	\$ 0
Interest	100		0
	\$ 18,100	\$ 49,595	\$ 0
Landscaping Landfill Remediation			
Interest		45,000	0
	0	45,000	0
Fire Construction			
Development Impact Fees	137,000	246,000	0
Interest	10,000	10,000	10,000
	147,000	\$ 256,000	\$ 10,000
One Time Capital			
Interest		100,000	0
	0	100,000	0
Transit Capital			
Federal Sources	400,000	400,000	0
	400,000	400,000	0
Streets Development Impact Fee Fund			
Development Impact Fees	0	0	1,333,000
	0	0	1,333,000
Police Development Impact Fee Fund			
Development Impact Fees	0	0	329,000
	0	0	329,000

City of Avondale
Revenues Other Than Property Taxes
Fiscal Year 2021

SOURCE OF REVENUES	ESTIMATED REVENUES 2020	ACTUAL REVENUES* 2020	ESTIMATED REVENUES 2021
Fire Development Impact Fee Fund			
Development Impact Fees	0	0	329,000
	0	0	329,000
Parks Development Impact Fee Fund			
Development Impact Fees	0	0	594,000
	0	0	594,000
Library Development Impact Fee Fund			
Development Impact Fees	0	0	72,000
	0	0	72,000
Vehicle Replacement			
Sale of Assets	62,320	62,320	62,000
Interest	100,000	100,000	100,000
	162,320	\$ 162,320	\$ 162,000
Equipment Replacement			
Interest	6,000	6,000	6,000
	6,000	6,000	6,000
Total Capital Projects Funds	\$ 4,026,420	\$ 3,164,375	\$ 3,316,000
* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.			
Trust and Agency			
Volunteer Fireman's Pension			
Interest	\$ 3,000	\$ 3,000	\$ 3,000
	\$ 3,000	\$ 3,000	\$ 3,000
Total Permanent Funds	\$ 3,000	\$ 3,000	\$ 3,000
ENTERPRISE FUNDS			
Water Fund			
Water Sales	\$ 15,000,000	\$ 15,000,000	\$ 15,000,000
Interest	512,000	512,000	512,000
Operating Lease	33,000	33,000	33,000
Other Revenue	70,000	70,000	70,000
	\$ 15,615,000	\$ 15,615,000	\$ 15,615,000
Sewer Operations			
Sewer Fees	\$ 9,700,000	\$ 9,990,000	\$ 9,700,000
Interest	176,000	176,000	176,000
	\$ 9,876,000	\$ 10,166,000	\$ 9,876,000
Sewer Construction			
Development Fees	\$ 1,118,000	\$ 1,459,000	\$ 0
Interest	75,000	60,000	0
	\$ 1,193,000	\$ 1,519,000	\$ 0
Water Construction			
Development Fees	\$ 821,000	\$ 1,383,000	\$ 0
Interest	125,000	47,000	100,000
	\$ 946,000	\$ 1,430,000	\$ 100,000
Sanitation			
Sanitation Fees	5,100,000	5,282,000	5,100,000
Interest	104,000	104,000	104,000
Other Cities and Towns	57,680	17,000	57,700

City of Avondale
Revenues Other Than Property Taxes
Fiscal Year 2021

SOURCE OF REVENUES	ESTIMATED REVENUES 2020	ACTUAL REVENUES* 2020	ESTIMATED REVENUES 2021
	5,261,680	5,403,000	5,261,700
Sanitation Construction			
Interest	500	5,000	1,000
	500	5,000	1,000
Water Equipment Replacement			
Interest	27,600	27,600	28,000
	27,600	27,600	28,000
Sewer Equipment Replacement			
Interest	6,000	6,000	6,000
	6,000	6,000	6,000
Sanitation Equipment Replacement			
Sale of Assets	184,870		0
Interest	70,000	70,000	70,000
	254,870	70,000	70,000
Water Development Impact Fees			
Development Fees			1,835,000
	0	0	1,835,000
Sewer Development Impact Fees			
Development Fees			2,384,000
Interest			75,000
	0	0	2,459,000
Total Enterprise Funds	\$ 33,180,650	\$ 34,241,600	\$ 35,251,700

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

INTERNAL SERVICE FUNDS

Risk Management

Internal Service Charges	\$ 1,731,380	\$ 1,731,380	\$ 918,800
Other Revenue	38,800	0	13,500
Interest	10,280	10,000	33,000
	\$ 1,780,460	\$ 1,741,380	\$ 965,300

Fleet Services Management

Internal Service Charges	\$ 3,106,195	\$ 2,401,530	\$ 2,822,800
	\$ 3,106,195	\$ 2,401,530	\$ 2,822,800

Worker's Compensation

Internal Service Charges	\$ 659,740	\$ 663,000	\$ 529,200
	\$ 659,740	\$ 663,000	\$ 529,200

Total Internal Service Funds \$ 5,546,395 \$ 4,805,910 \$ 4,317,300

TOTAL ALL FUNDS \$ 144,147,335 \$ 142,211,021 \$ 160,824,100

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

City of Avondale
Other Financing Sources/(Uses) and Interfund Transfers
Fiscal Year 2021

FUND	OTHER FINANCING 2021		INTERFUND TRANSFERS 2021	
	SOURCES	(USES)	IN	(OUT)
GENERAL FUND				
Operating Transfers	\$	\$	\$ 1,057,000	\$ (5,106,200)
Capital Transfers			0	(11,850,000)
Interfund Loans	0	(6,789,000)		
Economic Opportunities - from General Fund			3,625,000	0
Total General Fund	\$ 0	\$ (6,789,000)	\$ 4,682,000	\$ (16,956,200)
SPECIAL REVENUE FUNDS				
Transit Fund - Operating Transfers	\$	\$	\$ 1,082,200	\$ 0
Regional Family Advocacy - Operating Transfers			349,000	0
Regional Family Advocacy - Capital Transfers			0	(44,000)
Public Arts Fund - Operating Transfers			50,000	0
Highway User Revenue Fund - Capital Transfers			0	(3,821,000)
0.5% Dedicated Sales Tax - Capital Transfer				(500,000)
0.5% Dedicated Sales Tax - Debt Transfer			0	(5,444,000)
Public Safety Dedicated Tax - Capital Transfer			0	(119,000)
Environmental Programs Fund			0	(2,000)
Total Special Revenue Funds	\$ 0	\$ 0	\$ 1,481,200	\$ (9,930,000)
DEBT SERVICE FUNDS				
0.5% Dedicated Sales Tax Debt- Debt Transfer	\$	\$	\$ 4,883,000	\$ 0
2019 PRO Debt Service - Debt Transfer			769,000	0
Total Debt Service Funds	\$ 0	\$ 0	\$ 5,652,000	\$ 0
CAPITAL PROJECTS FUNDS				
Library Development Impact Fee Fund - Debt	\$	\$	\$ 0	\$ (208,000)
Street Construction - Capital Transfer			7,570,000	0
General Obligation - Bond Proceeds	13,500,000			
Police Construction - Capital Transfer			430,000	0
Police Construction - Interfund Loan	0	(226,000)		
Park Construction - Capital Transfer			5,950,000	0
Library Construction - Capital Transfer			150,000	0
Fire Construction - Interfund Loan	0	(1,066,000)		
One Time Capital			700,000	0
Street Development Impact Fee - Interfund Loan	5,454,000	0		
Police Development Impact Fee - Interfund Loan	226,000	0		
Fire Development Impact Fee - Interfund Loan	1,066,000	0		
Parks Development Impact Fee - Interfund Loan	1,335,000	0		
Vehicle Replacement - Capital			855,000	0
Equipment Replacement - Capital			684,000	0
Total Capital Projects Funds	\$ 21,581,000	\$ (1,292,000)	\$ 16,339,000	\$ (208,000)
ENTERPRISE FUNDS				
Water Fund - Operating Transfers	\$	\$	\$ 0	\$ (601,000)
Sewer Fund - Operating Transfers			0	(456,000)
Water Fund - Capital Transfers			0	(4,919,000)
Sewer Fund - Capital Transfers			0	(2,845,000)
Water Construction - Capital Transfers			4,500,000	0
Water Construction - Interfund Loan	0	(6,690,000)		
Sewer Construction - Capital Transfers			2,600,000	0
Sanitation Construction Capital Transfers			50,000	0
Water Equipment Replacement - Capital			419,000	0
Sewer Equipment Replacement - Capital			245,000	0
Sanitation Equipment Replacement - Capital			1,216,000	0
Water Development Impact Fee	6,690,000	0		
Sanitation Fund - Capital Transfers			0	(1,266,000)
Total Enterprise Funds	\$ 6,690,000	\$ (6,690,000)	\$ 9,030,000	\$ (10,087,000)
INTERNAL SERVICE FUNDS				
Risk Management Fund	\$	\$	\$ 0	\$ (3,000)
Total Internal Service Funds	\$ 0	\$ 0	\$ 0	\$ (3,000)
TOTAL ALL FUNDS	\$ 28,271,000	\$ (14,771,000)	\$ 37,184,200	\$ (37,184,200)

**City of Avondale
Expenditures/Expenses by Fund
Fiscal Year 2021**

FUND/DEPARTMENT	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2020	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2020	ACTUAL EXPENDITURES/ EXPENSES* 2020	BUDGETED EXPENDITURES/ EXPENSES 2021
GENERAL FUND				
City Administration	\$ 3,628,676	\$ 74,100	\$ 3,601,276	\$ 4,189,700
City Attorney	1,269,990	0	1,162,340	1,585,600
City Clerk	675,580	0	672,355	983,000
City Council	300,910	(7,475)	296,660	328,200
City Court	1,180,150	0	1,172,150	1,221,000
Contingency	3,000,000	(2,301,034)	0	11,960,000
Development & Engineering Services	4,464,645	0	4,233,370	4,670,200
Economic Development	4,233,404	2,480,400	4,247,244	1,924,100
Finance & Budget	2,774,415	(1,100)	2,600,910	4,582,600
Fire and Medical	10,131,005	49,000	9,965,905	10,284,300
Human Resources	891,330	(22,760)	841,011	1,469,000
Indirect Costs		0		(4,702,100)
Information Technology	5,197,695	36,221	4,912,910	8,352,500
Marketing & Public Relations	658,215	0	958,135	916,200
Neighborhood and Family Services	3,028,732	22,887	2,753,650	3,897,900
Non-Departmental	1,367,280	0	160,000	912,100
Parks & Recreation Dept.	4,407,505	(109,839)	3,825,162	4,373,700
Police	18,762,017	(7,818)	18,539,370	20,742,000
Public Works	22,910	0	22,910	21,400
Economic Opportunities Fund				
Economic Development		0		3,585,000
Police				40,000
Total General Fund	\$ 65,994,459	\$ 212,582	\$ 59,965,358	\$ 81,336,400
SPECIAL REVENUE FUNDS				
Highway User Revenue Fund				
Contingency	\$ 250,000	\$	\$ 0	\$ 0
Development & Engineering Services	2,933,960	0	2,742,845	2,262,800
Information Technology	27,900	0	27,900	0
Non-Departmental	195,370	0	5,690	221,300
Public Works	1,898,175	0	1,870,985	1,667,600
Senior Nutrition				
Neighborhood and Family Services	660,530	(21,592)	638,938	211,400
Community Action Program				
Neighborhood and Family Services	133,240	139,184	135,800	198,300
Home Grants				
Neighborhood and Family Services	951,490	(501,920)	210,438	1,092,300
Other Grants				
Finance & Budget	25,000	0		0
City Court		17,421	17,421	0
Fire and Medical	155,690	302,930	48,000	162,900
Neighborhood and Family Services	512,755	256,529	521,497	814,400
Police		118,552	5,300	27,500
Public Works		96,464	96,464	265,000
Non-Departmental	5,000,000	5,367,639		15,000,000
Library Projects				
Neighborhood and Family Services	48,595	(19,330)	20,595	8,800
Cemetery Maintenance Fund				
Non-Departmental	15,740	0	15,740	15,700
Transit Fund				
City Administration	38,000	0		0
Development & Engineering Services	1,475,320	(25,000)	1,401,200	1,374,100
Co. RICO With Mar. Co. Atty				
Police		41,233	41,233	
Court Payments				
City Court	156,930	0	74,930	162,500

**City of Avondale
Expenditures/Expenses by Fund
Fiscal Year 2021**

FUND/DEPARTMENT	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2020	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2020	ACTUAL EXPENDITURES/ EXPENSES* 2020	BUDGETED EXPENDITURES/ EXPENSES 2021
Regional Family Advocacy				
Indirect Costs				162,100
Information Technology	15,380	0	15,380	0
Non-Departmental		0		5,400
Police	1,491,360	316,432	1,239,060	1,654,100
0.5% Dedicated Sales Tax				
Non-Departmental	4,000	0	0	0
Donations				
Police		10,000		
Public Safety Dedicated Sales Tax				
City Court	294,380	0	292,780	305,500
Contingency	495,000			495,000
Fire and Medical	1,980,410	0	1,957,710	2,297,500
Information Technology	33,990	0	34,040	0
Non-Departmental	4,000	0		62,600
Police	6,224,530	0	5,776,260	7,365,700
Community Development Block Grant				
Information Technology	1,000	(1,000)		0
Neighborhood and Family Services	1,346,310	106,696	2,126,595	2,955,000
Environmental Programs Fund				
Development & Engineering Services	199,910	0	199,250	205,200
Information Technology	14,000	0		0
Contingency	50,000			50,000
Public Arts Fund				
Contingency				50,000
Marketing & Public Relations	166,530	(20,049)	94,805	117,000
Wildland Fire Deployment Fund				
Fire and Medical	251,760	0	251,760	172,200
Tow Impound Fund				
Police		0		97,000
Tourism Fund				
Economic Development		0		43,000
Total Special Revenue Funds	\$ 27,051,255	\$ 6,184,189	\$ 19,862,616	\$ 39,521,900
DEBT SERVICE FUNDS				
General Obligation				
Non-Departmental	\$ 3,968,985	\$ 0	\$ 3,968,985	\$ 3,867,000
Dysart Road				
Non-Departmental	270,950	0	270,950	211,000
0.5% Dedicated Sales Tax Debt Service				
Non-Departmental	5,232,450	0	5,232,450	4,680,000
PRO Debt Service				
Non-Departmental	765,425	0	765,425	769,000
Total Debt Service Funds	\$ 10,237,810	\$ 0	\$ 10,237,810	\$ 9,527,000
CAPITAL PROJECTS FUNDS				
Streets Construction				
Development & Engineering Services	\$ 14,539,500	\$ (598,200)	\$ 13,841,300	\$ 16,642,000
Non-Departmental		0		0
Parks & Recreation Dept.		0		900,000
Police Construction				
Police	10,416,881	(120,800)	10,296,081	5,061,900
Park Construction				
Parks & Recreation Dept.	23,020,000	(5,688,810)	17,277,490	2,974,000
City Administration	755,000	0	755,000	462,000
Neighborhood and Family Services	75,000	0		0

**City of Avondale
Expenditures/Expenses by Fund
Fiscal Year 2021**

FUND/DEPARTMENT	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2020	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2020	ACTUAL EXPENDITURES/ EXPENSES* 2020	BUDGETED EXPENDITURES/ EXPENSES 2021
Fire Construction				
Fire and Medical	759,477	(94,300)	655,177	519,000
One-Time Construction				
City Administration		0		507,000
Economic Development		590,000	590,000	
Development & Engineering Services		1,325,438		5,822,000
Information Technology		0		400,000
Neighborhood and Family Services	11,820,707	(253,200)	14,513,007	2,726,000
Non-Departmental	1,150,000	0		0
Transit Capital Fund				
Development & Engineering Services	475,000	25,000	500,000	500,000
Streets Development Impact Fee				
Development & Engineering Services		0		6,010,000
Parks Development Impact Fee				
Parks & Recreation Dept.		0		4,000,000
General Obligation Bond Construction 2019				
Neighborhood and Family Services		0		8,069,000
Police		0		4,677,100
General Obligation Bond Construction 2021				
Development & Engineering Services		0		9,257,000
Non-Departmental				160,000
PRO Bond Construction 2019				
Development & Engineering Services		0		1,475,000
Public Works		0		5,516,000
Vehicle Replacement				
Public Works	2,564,005	0	2,564,005	2,200,000
Equipment Replacement				
Fire and Medical	20,850	0	20,850	716,000
Information Technology	984,000	348,400	984,000	1,380,000
Total Capital Projects Funds	\$ 66,580,420	\$ (4,466,472)	\$ 61,996,910	\$ 79,974,000
TRUST AND AGENCY FUND				
Volunteer Fireman's Pension	\$	\$	\$	\$
Fire and Medical	5,000	0	5,000	5,000
Total Permanent Funds	\$ 5,000	\$ 0	\$ 5,000	\$ 5,000
ENTERPRISE FUNDS				
Water Operations				
Information Technology	\$ 124,182	\$ 0	\$ 120,802	\$ 0
Non-Departmental	27,150	1	420	129,700
Public Works	11,179,254	(78,392)	10,194,071	11,076,600
Indirect Costs		0		1,697,100
Contingency	1,000,000			1,000,000
Sewer Operations				
Information Technology	191,200	0	81,200	0
Non-Departmental	1,130,380	0	1,124,000	1,179,800
Public Works	6,228,161	(23,900)	5,494,031	5,396,200
Indirect Costs		0		1,564,600
Contingency	1,000,000			1,000,000
Sewer Capital				
Development & Engineering Services		0		100,000
Public Works	11,295,983	(172,100)	10,779,883	12,461,000
Water Capital				
Development & Engineering Services	77,453	(77,400)	77,453	0
Public Works	18,943,041	(1,639,209)	16,800,000	18,017,000
Sanitation Operations				
Information Technology	14,000	0	14,000	0
Non-Departmental	220	0		34,000

**City of Avondale
Expenditures/Expenses by Fund
Fiscal Year 2021**

FUND/DEPARTMENT	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2020	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2020	ACTUAL EXPENDITURES/ EXPENSES* 2020	BUDGETED EXPENDITURES/ EXPENSES 2021
Public Works	4,910,182	(11,600)	4,788,347	4,304,800
Indirect Costs		0		916,400
Contingency	500,000			500,000
Sanitation Capital				
Public Works	342,000	0	342,000	0
Water Equipment Replacement				
Information Technology	337,200	36,800	337,200	72,000
Public Works	544,900	0	544,900	113,000
Sewer Equipment Replacement				
Information Technology	257,300	23,900	257,300	25,000
Public Works	171,800	0	171,800	0
Sanitation Equipment Replacement				
Information Technology		11,600		9,000
Public Works	1,905,665	0	1,905,000	2,042,000
Water Development Impact Fee				
Public Works				1,000,000
Total Enterprise Funds	\$ 60,180,071	\$ (1,930,300)	\$ 53,032,407	\$ 62,638,200
INTERNAL SERVICE FUNDS				
Risk Management Fund				
Human Resources	1,694,410	0	1,694,410	1,921,800
Information Technology				140,000
Indirect Costs				74,000
Contingency	500,000			500,000
Fleet Services Fund				
Information Technology	7,500	0	7,000	0
Non-Departmental	150	0		15,300
Public Works	2,736,725	0	2,484,525	2,500,900
Indirect Costs		0		287,900
Contingency	50,000			31,800
Workers' Compensation Fund				
Human Resources	1,161,450	0	876,450	1,134,300
Non-Departmental		0		900
Contingency	500,000			500,000
Total Internal Service Funds	\$ 6,650,235	\$ 0	\$ 5,062,385	\$ 7,106,900
TOTAL ALL FUNDS	\$ 236,699,250	\$ (1)	\$ 210,162,486	\$ 280,109,400

* Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

City of Avondale
Expenditures/Expenses by Department
Fiscal Year 2021

	ADOPTED BUDGETED EXPENDITURES/ EXPENSES	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED	ACTUAL EXPENDITURES/ EXPENSES*	BUDGETED EXPENDITURES/ EXPENSES
DEPARTMENT/FUND	2020	2020	2020	2021
City Administration				
General Fund	\$ 3,628,676	\$ 74,100	\$ 3,601,276	\$ 4,189,700
Transit Fund	38,000	0	0	0
Park Construction	755,000	0	755,000	462,000
One Time Construction	0	0	0	507,000
Department Total	\$ 4,421,676	\$ 74,100	\$ 4,356,276	\$ 5,158,700
List Department:				
City Attorney				
General Fund	\$ 1,269,990	\$ 0	\$ 1,162,340	\$ 1,585,600
Department Total	\$ 1,269,990	\$ 0	\$ 1,162,340	\$ 1,585,600
List Department:				
City Clerk				
General Fund	\$ 675,580	\$ 0	\$ 672,355	\$ 983,000
Department Total	\$ 675,580	\$ 0	\$ 672,355	\$ 983,000
List Department:				
City Council				
General Fund	\$ 300,910	\$ (7,475)	\$ 296,660	\$ 328,200
Department Total	\$ 300,910	\$ (7,475)	\$ 296,660	\$ 328,200
List Department:				
City Court				
General Fund	\$ 1,180,150	\$ 0	\$ 1,172,150	\$ 1,221,000
Court Payments	156,930	0	74,930	162,500
Public Safety Dedicated Sales Tax	294,380	0	292,780	305,500
Other Grants	0	17,421	17,421	0
Department Total	\$ 1,631,460	\$ 17,421	\$ 1,557,281	\$ 1,689,000
List Department:				
Development and Engineering				
General Fund	\$ 4,464,645	\$ 0	\$ 4,233,370	\$ 4,670,200
Highway User Revenue Fund	2,933,960	0	2,742,845	2,262,800
Transit Fund	1,475,320	(25,000)	1,401,200	1,374,100
Environmental Programs Fund	199,910	0	199,250	205,200
Streets Construction	14,539,500	(598,200)	13,841,300	16,642,000
One Time Construction	0	1,325,438	0	5,822,000
Streets Development Impact Fee	0	0	0	6,010,000
Transit Capital Fund	475,000	25,000	500,000	500,000
General Obligation Bond Construction 2021	0	0	0	9,257,000
PRO Bond Construction 2019	0	0	0	1,475,000
Water Capital	77,453	(77,400)	77,453	0
Sewer Capital	0	0	0	100,000
Department Total	\$ 24,165,788	\$ 649,838	\$ 22,995,418	\$ 48,318,300
List Department:				
Economic Development				
General Fund	\$ 4,233,404	\$ 2,480,400	\$ 4,247,244	\$ 1,924,100
Economic Opportunities Fund	0	0	0	3,585,000
Tourism Fund	0	0	0	43,000
One Time Construction	0	590,000	590,000	0
Department Total	\$ 4,233,404	\$ 3,070,400	\$ 4,837,244	\$ 5,552,100
List Department:				
Finance & Budget				
General Fund	\$ 2,774,415	\$ (1,100)	\$ 2,600,910	\$ 4,582,600
Other Grants	25,000	0	0	0
Department Total	\$ 2,799,415	\$ (1,100)	\$ 2,600,910	\$ 4,582,600
List Department:				
Fire and Medical				
General Fund	\$ 10,131,005	\$ 49,000	\$ 9,965,905	\$ 10,284,300
Other Grants	155,690	302,930	48,000	162,900
Public Safety Dedicated Sales Tax	1,980,410	0	1,957,710	2,297,500
Wildland Fire Deployment Fund	251,760	0	251,760	172,200

City of Avondale
Expenditures/Expenses by Department
Fiscal Year 2021

	ADOPTED BUDGETED EXPENDITURES/ EXPENSES	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED	ACTUAL EXPENDITURES/ EXPENSES*	BUDGETED EXPENDITURES/ EXPENSES
DEPARTMENT/FUND	2020	2020	2020	2021
Fire Construction	759,477	(94,300)	655,177	519,000
Equipment Replacement	20,850	0	20,850	716,000
Volunteer Fireman's Pension	5,000	0	5,000	5,000
Department Total	\$ 13,304,192	\$ 257,630	\$ 12,904,402	\$ 14,156,900

List Department:

Human Resources				
General Fund	\$ 891,330	\$ (22,760)	\$ 841,011	\$ 1,469,000
Risk Management Fund	1,694,410	0	1,694,410	1,921,800
Workers' Compensation Fund	1,161,450	0	876,450	1,134,300
Department Total	\$ 3,747,190	\$ (22,760)	\$ 3,411,871	\$ 4,525,100

List Department

Indirect Costs				
General Fund	0	0	0	(4,702,100)
Regional Family Advocacy	0	0	0	162,100
Water Operations	0	0	0	1,697,100
Sewer Operations	0	0	0	1,564,600
Sanitation Operations	0	0	0	916,400
Risk Management Fund	0	0	0	74,000
Fleet Services Fund	0	0	0	287,900
Department Total	0	0	0	0

List Department:

Information Technology				
General Fund	\$ 5,197,695	\$ 36,221	\$ 4,912,910	\$ 8,352,500
Highway User Revenue Fund	27,900	0	27,900	0
Regional Family Advocacy	15,380	0	15,380	0
Public Safety Dedicated Sales Tax	33,990	0	34,040	0
Community Development Block Grant	1,000	(1,000)	0	0
Environmental Programs Fund	14,000	0	0	0
One Time Construction	0	0	0	400,000
Equipment Replacement	984,000	348,400	984,000	1,380,000
Water Operations	124,182	0	120,802	0
Sewer Operations	191,200	0	81,200	0
Sanitation Operations	14,000	0	14,000	0
Water Equipment Replacement	337,200	36,800	337,200	72,000
Sewer Equipment Replacement	257,300	23,900	257,300	25,000
Sanitation Equipment Replacement	0	11,600	0	9,000
Fleet Services Fund	7,500	0	7,000	0
Risk Management Fund	0	0	0	140,000
Department Total	\$ 7,205,347	\$ 455,921	\$ 6,791,732	\$ 10,378,500

List Department:

Marketing & Public Relations				
General Fund	\$ 658,215	\$ 0	\$ 958,135	\$ 916,200
Public Arts Fund	166,530	(20,049)	94,805	117,000
Department Total	\$ 824,745	\$ (20,049)	\$ 1,052,940	\$ 1,033,200

List Department:

Neighborhood and Family Services				
General Fund	\$ 3,028,732	\$ 22,887	\$ 2,753,650	\$ 3,897,900
Senior Nutrition	660,530	(21,592)	638,938	211,400
Community Action Program	133,240	139,184	135,800	198,300
Home Grants	951,490	(501,920)	210,438	1,092,300
Other Grants	512,755	256,529	521,497	814,400
Library Projects	48,595	(19,330)	20,595	8,800
Community Development Block Grant	1,346,310	106,696	2,126,595	2,955,000
Park Construction	75,000	0	0	0
One-Time Construction	11,820,707	(253,200)	14,513,007	2,726,000
General Obligation Bond Construction 2019	0	0	0	8,069,000
Department Total	\$ 18,577,359	\$ (270,746)	\$ 20,920,520	\$ 19,973,100

List Department:

Non-Departmental				
General Fund	\$ 1,367,280	\$ 0	\$ 160,000	\$ 912,100

**City of Avondale
Expenditures/Expenses by Department
Fiscal Year 2021**

	ADOPTED BUDGETED EXPENDITURES/ EXPENSES	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED	ACTUAL EXPENDITURES/ EXPENSES*	BUDGETED EXPENDITURES/ EXPENSES
DEPARTMENT/FUND	2020	2020	2020	2021
Highway User Revenue Fund	195,370	0	5,690	221,300
Cemetery Maintenance Fund	15,740	0	15,740	15,700
0.5% Dedicated Sales Tax	4,000	0	0	0
Regional Family Advocacy	0	0	0	5,400
Public Safety Dedicated Sales Tax	4,000	0	0	62,600
General Obligation	3,968,985	0	3,968,985	3,867,000
General Obligation Bond Construction 2021	0	0	0	160,000
Dysart Road	270,950	0	270,950	211,000
0.5% Dedicated Sales Tax Debt Service	5,232,450	0	5,232,450	4,680,000
PRO Debt Service	765,425	0	765,425	769,000
Streets Construction	0	0	0	0
One-Time Construction	1,150,000	0	0	0
Water Operations	27,150	1	420	129,700
Sewer Operations	1,130,380	0	1,124,000	1,179,800
Sanitation Operations	220	0	0	34,000
Fleet Services Fund	150	0	0	15,300
Workers' Compensation Fund	0	0	0	900
Department Total	\$ 14,132,100	\$ 1	\$ 11,543,660	\$ 12,263,800

List Department:

Parks & Recreation

General Fund	\$ 4,407,505	\$ (109,839)	\$ 3,825,162	\$ 4,373,700
Park Construction	23,020,000	(5,688,810)	17,277,490	2,974,000
Streets Construction	0	0	0	900,000
Parks Development Impact Fee	0	0	0	4,000,000
Department Total	\$ 27,427,505	\$ (5,798,649)	\$ 21,102,652	\$ 12,247,700

List Department:

Police

General Fund	\$ 18,762,017	\$ (7,818)	\$ 18,539,370	\$ 20,742,000
Economic Opportunities Fund	0	0	0	40,000
Regional Family Advocacy	1,491,360	316,432	1,239,060	1,654,100
Public Safety Dedicated Sales Tax	6,224,530	0	5,776,260	7,365,700
Police Construction	10,416,881	(120,800)	10,296,081	5,061,900
Other Grants	0	118,552	5,300	27,500
Tow Impound Fund	0	0	0	97,000
General Obligation Bond Construction 2019	0	0	0	4,677,100
Donations	0	10,000	0	0
Co. RICO With Mar. Co. Atty	0	41,233	41,233	0
Department Total	\$ 36,894,788	\$ 357,599	\$ 35,897,304	\$ 39,665,300

List Department:

Public Works

General Fund	\$ 22,910	\$ 0	\$ 22,910	\$ 21,400
Highway User Revenue Fund	1,898,175	0	1,870,985	1,667,600
Other Grants	0	96,464	96,464	265,000
PRO Bond Construction 2019	0	0	0	5,516,000
Vehicle Replacement	2,564,005	0	2,564,005	2,200,000
Water Operations	11,179,254	(78,392)	10,194,071	11,076,600
Sewer Operations	6,228,161	(23,900)	5,494,031	5,396,200
Sewer Capital	11,295,983	(172,100)	10,779,883	12,461,000
Water Capital	18,943,041	(1,639,209)	16,800,000	18,017,000
Sanitation Operations	4,910,182	(11,600)	4,788,347	4,304,800
Sanitation Capital	342,000	0	342,000	0
Water Equipment Replacement	544,900	0	544,900	113,000
Sewer Equipment Replacement	171,800	0	171,800	0
Water Development Impact Fee	0	0	0	1,000,000
Sanitation Equipment Replacement	1,905,665	0	1,905,000	2,042,000
Fleet Services Fund	2,736,725	0	2,484,525	2,500,900
Department Total	\$ 62,742,801	\$ (1,828,737)	\$ 58,058,921	\$ 66,581,500

List Department:

Contingency

General Fund	\$ 3,000,000	\$ (2,301,034)	\$ 0	\$ 11,960,000
Highway User Revenue Fund	250,000	0	0	0

City of Avondale
Expenditures/Expenses by Department
Fiscal Year 2021

	ADOPTED BUDGETED EXPENDITURES/ EXPENSES	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED	ACTUAL EXPENDITURES/ EXPENSES*	BUDGETED EXPENDITURES/ EXPENSES
DEPARTMENT/FUND	2020	2020	2020	2021
Other Grants	5,000,000	5,367,639	0	15,000,000
Public Safety Dedicated Sales Tax	495,000	0	0	495,000
Environmental Programs Fund	50,000	0	0	50,000
Public Arts Fund	0	0	0	50,000
Water Operations	1,000,000	0	0	1,000,000
Sewer Operations	1,000,000	0	0	1,000,000
Sanitation Operations	500,000	0	0	500,000
Risk Management Fund	500,000	0	0	500,000
Fleet Services Fund	50,000	0	0	31,800
Workers' Compensation Fund	500,000	0	0	500,000
Department Total	\$ 12,345,000	\$ 3,066,605	\$ 0	\$ 31,086,800
TOTAL ALL DEPARTMENTS	\$ 236,699,250	\$ 0	\$ 210,162,486	\$ 280,109,400

* Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

City of Avondale
Full-Time Employees and Personnel Compensation
Fiscal Year 2021

	Full-Time Equivalent (FTE)	Employee Salaries and Hourly Costs	Retirement Costs	Healthcare Costs	Other Benefit Costs	Total Estimated Personnel Compensation
FUND	2021	2021	2021	2021	2021	2021
GENERAL FUND	425.45	\$ 35,234,400	\$ 6,744,300	\$ 4,099,400	\$ 2,826,300	\$ 48,904,400
SPECIAL REVENUE FUNDS						
Highway User Revenue Fund	20.80	\$ 1,496,900	\$ 175,100	\$ 174,500	\$ 139,800	\$ 1,986,300
Senior Nutrition	8.50	360,400	33,400	30,000	35,500	459,300
Community Action Program	2.00	94,800	11,600	22,200	7,300	135,900
Other Grants	5.00	312,500	37,000	36,300	25,200	411,000
Court Payments	0.80	43,500	5,300	11,100	4,100	64,000
Regional Family Advocacy	7.00	802,600	66,800	46,700	46,000	962,100
Public Safety Dedicated Sales Tax	62.00	5,137,900	1,375,700	573,900	382,500	7,470,000
Community Development Block Grant	2.00	172,000	18,400	21,900	14,000	226,300
Environmental Programs Fund	1.00	103,500	12,600	11,200	8,000	135,300
Wildland Fire Deployment	0.00	128,000	0	0	0	128,000
Tow Impound Fund	1.00	67,800	8,400	5,800	7,500	89,500
Total Special Revenue Funds	110.10	\$ 8,719,900	\$ 1,744,300	\$ 933,600	\$ 669,900	\$ 12,067,700
ENTERPRISE FUNDS						
Water Operations	35.30	\$ 2,569,100	\$ 300,300	\$ 281,300	\$ 251,900	\$ 3,402,600
Sewer Operations	22.30	1,581,200	192,100	205,400	154,900	2,133,600
Sanitation	22.00	1,391,200	164,700	184,800	140,200	1,880,900
Total Enterprise Funds	79.60	\$ 5,541,500	\$ 657,100	\$ 671,500	\$ 547,000	\$ 7,417,100
TRUST & AGENCY FUND						
Volunteer Fireman's Pension	0.00	\$ 0	\$ 5,000	\$ 0	\$ 0	\$ 5,000
	0.00	\$ 0	\$ 5,000	\$ 0	\$ 0	\$ 5,000
INTERNAL SERVICE FUND						
Fleet Services Fund	8.60	\$ 593,600	\$ 66,800	\$ 78,800	\$ 57,300	\$ 796,500
Worker's Compensation Fund	1.20	108,800	13,500	9,800	10,100	142,200
Risk Management Fund	0.80	80,400	10,000	8,900	7,200	106,500
Total Internal Service Fund	10.60	\$ 782,800	\$ 90,300	\$ 97,500	\$ 74,600	\$ 1,045,200
TOTAL ALL FUNDS	625.75	\$ 50,278,600	\$ 9,241,000	\$ 5,802,000	\$ 4,117,800	\$ 69,439,400

EXHIBIT B
TO
RESOLUTION NO. 1038-0620

[Specifically Budgeted Line Items Greater Than \$50,000 for]

See following pages.

CAPITAL			
FY2021 Items Over \$50K			
City Administration			
Reference	Project Number	Project Description	Amount
21000	1409	Sustain Existing Building Infrastructure	\$ 507,000
21001	1504	Courts and Finance Dept. Improvements	\$ 312,000
21002	1560	American Sport Center Turf Replacement	\$ 150,000
Development and Engineering Services			
Reference	Project Number	Project Description	Amount
21041	1007	Street Drainage Issues: Roadway Improvements - including Design and Engineering Services	\$ 389,000
21042	1012	Bridge Repairs: Bridge Improvements - including Design and Engineering Services	\$ 183,000
21043	1020	Preventative street maintenance	\$ 1,195,000
21044	1125	Avondale Blvd - McDowell to Encanto	\$ 2,062,000
21045	1164	Streetlight Replacement Program	\$ 530,000
21046	1170	Traffic Signal and Intersection Improvements at Avondale & Lower Buckeye	\$ 250,000
21047	1187	Traffic Signal - 119th Ave and McDowell	\$ 675,000
21048	1220	Pedestrian Ramp/Sidewalks Program	\$ 288,000
21049	1224	107th Avenue/McDowell Widening	\$ 6,412,000
21050	1275	Western - Central to 4th Ave - Improvements	\$ 75,000
21051	1294	Communication Conduit and Fiber Backbone Program	\$ 423,000
21052	1336	Fairway Drive Improvements - Van Buren Street to Garfield Street	\$ 3,806,000
21053	1365	Dysart/Rancho Santa Fe Intersection Improvements	\$ 638,000
21054	1371	Gateway Program	\$ 100,000
21055	1374	Bike Retrofit Program	\$ 50,000
21056	1380	Intersection Improvements - Roosevelt St & 99th Ave	\$ 285,000
21057	1381	Traffic Signal at Maricopa St. and Avondale Blvd	\$ 269,000
21058	1382	McDowell Road & 107th Avenue - Dual Left-Turn Lanes	\$ 500,000
21059	1395	Avondale Boulevard Landscape and Median Improvements	\$ 650,000
21060	1459	El Mirage Rd & Buckeye Rd - Install NBR Turn Lane	\$ 238,000
21061	1460	Wayfinding Signage	\$ 120,000
21062	1465	Dysart Road Median Improvements - I-10 to Indian School	\$ 379,000
21063	1500	Historic Avondale, Cashion and Las Ligas Improvements - Streets	\$ 3,397,000
21064	1509	Palm Lane Road Extension - 116th Avenue to 118th Avenue	\$ 374,000
21065	1510	Thomas Road Bridge	\$ 284,000
21066	1516	Glen Arm Farms Geotechnical Analysis and Pavement Design	\$ 100,000
21067	1517	Street Light Infill Program	\$ 50,000
21068	1520	9th Street Roadway Improvements	\$ 400,000
21069	1533	Civic Center Annex Building	\$ 11,941,000
21070	1543	Dysart Road Median Improvements from I-10 to Van Buren	\$ 150,000
21071	1544	Dysart Road ROW Improvements	\$ 500,000
21072	1546	Proof of concept for public Wi-Fi at business locations	\$ 75,000
21073	1547	Dysart Road Traffic Flow Improvement Project	\$ 500,000
21074	1549	Tenant Improvements to Phoenix Raceway Building	\$ 100,000
21075	1552	Transportation Safety Enhancement	\$ 500,000
21076	1554	Traffic Signal Replacements	\$ 300,000
Fire & Medical			
Reference	Project Number	Project Description	Amount
21101	1505	Replace Training Facility Support Building	\$ 319,000
21102	1536	Fire Equipment Replacement	\$ 221,000
21103	1998	Command Vehicle	\$ 200,000
21104	1562	Firefighting Equipment & Self Contained Breathing Apparatus	\$ 495,000
Information Technology			
Reference	Project Number	Project Description	Amount
21121	1534	Technology Infrastructure and Communication Systems	\$ 1,164,000
21122	1535	Technology Equipment Replacement	\$ 322,000
21123	1545	City Fiber Infrastructure	\$ 300,000
21124	1550	Security Cameras and Equipment	\$ 100,000
21125	1551	Enterprise Asset Management Software System	\$ 170,000
Neighborhood and Family Services			
Reference	Project Number	Project Description	Amount
21141	1363	Civic Center Library	\$ 100,000
21142	1410	Resource Center	\$ 10,470,000
21143	1503	Community Center Repurposing	\$ 225,000

CAPITAL			
FY2021 Items Over \$50K			
Parks and Recreation			
Reference	Project Number	Project Description	Amount
21141	1027	Friendship Park Enhancements	\$ 595,000
21142	1338	Future Community Park - Alamar Development	\$ 4,000,000
21143	1387	Goodyear Farms Cemetery Gate	\$ 245,000
21144	1462	Crystal Gardens Trail Improvements	\$ 419,000
21145	1464	Sport Field Lighting	\$ 175,000
21146	1512	Neighborhood Park Enhancements	\$ 774,000
21147	1542	Agua Fria Trail Phase II (Pedestrian Bridge)	\$ 200,000
21148	1553	Agua Fria Trail Phase I	\$ 1,091,000
21149	1555	Festival Fields Restroom and Fence Renovation	\$ 200,000
Police Department			
Reference	Project Number	Project Description	Amount
21161	1161	Property Room and Police Department Expansion and Rem	\$ 8,409,000
21162	1548	Secured Parking Facility for Police Department	\$ 430,000
21163	1561	Detention Center and Police Substation Study	\$ 100,000
21164	1999	Command Vehicle	\$ 800,000
Public Works			
Reference	Project Number	Project Description	Amount
21171	1047	City Wide Sewer Improvements	\$ 250,000
21172	1090	Well #26 - South of I-10/East of Agua Fria	\$ 104,000
21173	1108	10th Street Lift Station - Force Main Improvements	\$ 300,000
21174	1131	Well 22 and Transmission Line	\$ 290,000
21175	1142	The BLVD Well (#33) & Transmission Line	\$ 900,000
21176	1169	Rio Vista Waterline Replacement	\$ 12,000
21177	1214	Well at 107th Avenue & Encanto Boulevard - Shared Well	\$ 1,631,000
21178	1285	White Mountain Apache Tribe Water Settlement	\$ 2,356,000
21179	1298	Well 7 Site Development	\$ 1,575,000
21180	1339	Water Reclamation Facility Upgrades	\$ 486,000
21181	1343	Water System Line Replacements and Expansions	\$ 1,866,000
21182	1344	Distribution Pressure Improvements	\$ 370,000
21183	1356	Large Diameter Sewer Line Repair	\$ 3,395,000
21184	1367	Garden Lakes Sewer Improvement Project	\$ 1,708,000
21185	1368	Lift Station Security Upgrades	\$ 125,000
21186	1369	Secondary Clarifier at Water Reclamation Facility	\$ 584,000
21187	1372	Reservoir Coating Repairs and Rehabilitation	\$ 1,503,000
21188	1378	Lift Station Rehabilitation Program	\$ 1,126,000
21189	1389	Dysart Road Sewer Replacement - Riley to Corral	\$ 2,166,000
21190	1391	Relocate Riley Lift Station	\$ 591,000
21191	1414	Garden Lakes Nitrate Equipment Replacement	\$ 500,000
21192	1467	Water Reclamation Facility Odor Control System Improvements	\$ 230,000
21193	1468	McDowell Road 16-inch Waterline - Avondale to 99th	\$ 500,000
21194	1469	North Avondale Water Supply	\$ 6,702,000
21195	1472	Northside Booster Well Site - Land Purchase & DCR	\$ 75,000
21196	1473	Gateway Nitrate Treatment Equipment Replacement	\$ 3,000,000
21197	1474	McDowell Recharge Basin Improvements	\$ 85,000
21198	1475	Well and Booster Station Metering Upgrades	\$ 564,000
21199	1477	Northside Arsenic Treatment System Rehabilitation	\$ 1,000,000
21200	1506	Water Reclamation Facility Operation Building Improvements	\$ 750,000
21201	1507	Crystal Gardens Treatment Cells Assessment	\$ 250,000
21202	1508	16-inch Waterline El Mirage, Elwood to Illini	\$ 500,000
21203	1538	Vehicle Replacement	\$ 3,605,000
21204	1539	Rancho Santa Fe Reservoir Coating Repairs and Rehabilitation	\$ 750,000
21205	1541	119th Avenue Road Connection	\$ 150,000
21206	1540	Water Reclamation Facility Grit System	\$ 750,000

OPERATING		
FY2021 Line Items for Administrative Award		
City Administration		
Reference	Description	Amount
21300	Professional Services - Federal Lobbying	\$ 85,000
21301	Guard Service	\$ 74,700
21302	Equipment Maintenance Service	\$ 61,300
21303	Janitorial Services	\$ 534,600
21304	Pest Control	\$ 60,000
21305	Security Installations and Repairs	\$ 60,000
21306	Landscaping	\$ 305,900
21307	Heating, Ventilation, and Cooling (HVAC) Contract	\$ 139,500
21308	Memberships	\$ 101,200
21309	Training and Travel	\$ 56,700
21310	Building Repairs & Maintenance	\$ 222,900
21311	Repair & Maintenance Parks Supplies	\$ 97,500
City Attorney		
Reference	Description	Amount
21321	Outside Legal Services and Attorney Fees	\$ 627,000
21322	City Prosecutor	\$ 154,000
City Clerk		
Reference	Description	Amount
21331	Citywide Postage	\$ 275,000
21332	Professional Services - 2020 Election Expenses	\$ 54,500
City Court		
Reference	Description	Amount
21341	Interpreter Services	\$ 79,800
21342	Public Defender	\$ 62,800
Development and Engineering Services		
Reference	Description	Amount
21351	Professional Services - Project Management	\$ 175,000
21352	Professional Services - Abatement	\$ 62,500
21353	Professional Services - Other	\$ 149,000
21354	Professional Services - Contract Plans Review	\$ 117,900
21355	Professional Services - Engineering Plan Review	\$ 95,000
21356	Traffic Signal Supplies and Maint.	\$ 84,000
21357	Traffic Signs and Supplies	\$ 95,000
21358	Streetlight Supplies and Replacements	\$ 91,000
21359	Transit Services	\$ 1,374,100
21360	Americans with Disabilities Act (ADA) Medical Taxi/Paratransit	\$ 50,000
21361	Sidewalks - El Mirage Rd: Calle Hermosa to Lower Buckeye Road	\$ 50,000
Economic Development		
Reference	Description	Amount
21371	Graphic Designer Services	\$ 50,000
21372	Re-Grand Opening Business Event	\$ 50,000
21373	PD Temporary Space - McDowell Road	\$ 80,000
21374	WIFI Pilot / Smart City	\$ 75,000
21375	Avondale Road Businesses - Roadway Improvements	\$ 100,000
21376	Tourism Strategic Plan/Advertising	\$ 100,000
21377	Trade Shows, Conferences, and Events	\$ 135,000
21378	Economic Development Strategic Plan	\$ 150,000
21379	BLVD Design, Civils, & Infrastructure Improvements	\$ 185,000
21380	Historic Avondale	\$ 200,000
21381	The BLVD Tenant Improvements	\$ 200,000

OPERATING		
FY2021 Line Items for Administrative Award		
21382	Creation of a 501-C-6	\$ 400,000
21383	The BLVD Improvements	\$ 400,000
21384	Contractual Maint/Bldg & Grounds	\$ 165,000
21385	Marketing	\$ 223,200
Finance & Budget		
Reference	Description	Amount
21391	Professional Services - Accounting/Audit	\$ 65,000
21392	Finance, Banking and Financial Management Fees	\$ 451,000
21393	TPT Collection Fees	\$ 225,100
21394	Contractual Services - Water Billing	\$ 50,000
Fire & Medical		
Reference	Description	Amount
21401	Medical Fees	\$ 84,000
21402	Dispatch Fees	\$ 479,500
21403	Vehicle	\$ 73,000
21404	Vehicle Maintenance and Repair	\$ 190,500
21405	Uniforms	\$ 151,300
21406	Safety Equipment and Apparel	\$ 401,300
21407	Fire/Medical Supplies	\$ 99,800
Human Resources		
Reference	Description	Amount
21411	Training Services	\$ 76,900
21412	Tuition Reimbursement	\$ 82,300
21413	Attorney Fees	\$ 95,000
21414	Professional Services - Broker Services	\$ 65,000
21415	Insurance Premiums/Claims	\$ 3,530,000
21416	Professional Services - HR specific	\$ 65,000
Information Technology		
Reference	Description	Amount
21421	Training Services	\$ 71,600
21422	CAD Software Support & Maintenance	\$ 110,500
21423	ERP Upgrade	\$ 1,570,000
21424	Payroll Services	\$ 201,000
21425	Telephone Services	\$ 388,100
21426	Regional Wireless Cooperative (RWC) participation	\$ 264,300
21427	Copier/Printer Maintenance	\$ 147,000
21428	Asset Mgmt Software Services	\$ 80,500
21429	Computer Software Licensing	\$ 318,500
21430	Cybersecurity Software & Services	\$ 90,000
21431	Permit & Application System	\$ 103,200
21432	Document Mgmt System	\$ 50,000
21433	Budget Software	\$ 50,000
21434	CRM License and SWM	\$ 100,000
21435	Risk Mgmt Software & Maintenance	\$ 140,000
21436	Technology Software	\$ 111,000
21437	Technology Hardware	\$ 206,000
21438	Contractual Maintenance	\$ 878,000
21439	Cloud Based Technology Services	\$ 552,600
21440	Technology Hardware Equipment	\$ 150,000

OPERATING		
FY2021 Line Items for Administrative Award		
Marketing & Public Relations		
Reference	Description	Amount
21451	Promotion and Publicity	\$ 135,000
21452	Printing Services	\$ 80,000
21453	Artwork	\$ 197,000
Neighborhood and Family Services		
Reference	Description	Amount
21461	Emergency Rehabilitation	\$ 733,600
21462	Substantial Rehabilitation	\$ 726,400
21463	Substantial Home Repair Program (ADOH)	\$ 500,000
21464	First Time Homebuyer Match	\$ 99,600
21465	Summer Youth Employment	\$ 73,200
21466	Small Business Revitalization	\$ 547,300
21467	VISTA cost share and mortgage/rental assistance	\$ 66,000
21468	Redevelopment	\$ 359,500
21469	Homebuyer Assistance	\$ 411,700
21470	Homeless Emergency Rental	\$ 178,200
21471	Nurishment	\$ 86,400
21472	Library Materials	\$ 234,200
21473	Security Services	\$ 71,500
21474	Public Safety Housing Incentive	\$ 120,000
Parks and Recreation		
Reference	Description	Amount
21481	Holiday Lighting	\$ 75,000
21482	Move from restricted appropriations	\$ 90,000
21483	Special Events Contractual	\$ 172,000
21484	Special Events	\$ 305,000
21485	Sports Program Services	\$ 61,400
21486	Security Services	\$ 68,800
21487	American Sports Center (ASC) Covenant Payments	\$ 104,000
21488	Tall tree trimming/pruning	\$ 75,000
21489	Mowing	\$ 164,000
21490	Park Maintenance Equipment	\$ 75,000
21491	Crystal Gardens Landscaping	\$ 140,000
21492	Park Maintenance supplies	\$ 218,500
Police Department		
Reference	Description	Amount
21501	Contracted Jail Per Diem and Housing Services	\$ 224,000
21502	False Alarm Contract - Revenue Share Payment	\$ 52,500
21503	Glendale Regional Public Safety Training Center (GRPSTC)	\$ 60,800
21504	Contractual Maint./Radio&Comm.	\$ 80,800
21505	Family Advocacy Center Lease	\$ 368,700
21506	Computer Equipment	\$ 52,400
21507	Firearm Training Supplies	\$ 103,800
21508	Uniform Purchase	\$ 248,800
21509	Safety Apparel/Equipment	\$ 55,300
21510	CompStat Dashboard Module	\$ 65,000
21511	Car Radio	\$ 82,500
21512	Multiple Interactive Learning/Training Objectives (MILO)	\$ 75,000
21513	Handheld radio	\$ 112,000
21514	Radio License/Console	\$ 60,000
21515	Vehicles	\$ 1,131,000

OPERATING		
FY2021 Line Items for Administrative Award		
Public Works		
Reference	Description	Amount
21521	Landfill Fees	\$ 938,000
21522	Professional Services - Wastewater - Planning, Communications, Security, Safety, and Rate Modeling	\$ 67,000
21523	Professional Services - Water - Planning, Engineering, Modeling, and Communications	\$ 146,400
21524	Professional Services - Water Production - Engineering, Planning, Assessments and Analysis for Well & Booster Station Condition Assessments	\$ 250,000
21525	Professional Services - Arsenic/Nitrate Brine Disposal	\$ 385,000
21526	Professional Services - Household Hazardous Waste Events	\$ 75,200
21527	Professional Services - Sludge and Biosolids Hauling	\$ 205,000
21528	Professional Services - Granular Activated Carbon (GAC)	\$ 50,000
21529	Professional Services - Granular Activated Carbon (GAC)	\$ 50,000
21530	Licenses & Fees	\$ 88,400
21531	Security Services	\$ 76,100
21532	R&M ROW	\$ 217,200
21533	R&M Machinery and Equipment	\$ 69,500
21534	Memberships	\$ 112,700
21535	Training Services	\$ 81,900
21536	Laboratory Fees	\$ 151,000
21537	NAUSP Fees	\$ 60,000
21538	C.A.P. Fees	\$ 1,905,700
21539	R&M Wells	\$ 239,600
21540	R&M Communication Equipment	\$ 60,700
21541	R&M Wastewater Treatment Equipment	\$ 155,000
21542	Special Events - Household Hazardous Waste	\$ 75,200
21543	Vehicle Maintenance and Repair	\$ 98,000
21544	R&M Street Supplies	\$ 100,500
21545	Chemicals	\$ 1,176,600
21546	Water System Supplies	\$ 557,200
21547	Wastewater Collection Parts/Supplies	\$ 68,600
21548	Fleet Parts	\$ 356,000
21549	Fuel	\$ 842,000
21550	Tires, Tubes and Batteries	\$ 140,000

EXHIBIT C
TO
RESOLUTION NO. 1038-0620

[Schedule of Interfund Transfers and Interfund Loans]

See following pages.

Schedule of Interfund Transfers FY2021

Transfer From:	General Fund 101	Highway Users 201	Advocacy Center 229	Dedicated Sales Tax 230	Public Safety Sales Tax 235	Environmental 245	Library Development 344	Water Operations 501	Sewer Operations 503	Sanitation 520	Risk Management 605	Total
Transfer to Operating Funds												
101 General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 601,000	\$ 456,000	\$ -	\$ -	\$ 1,057,000
102 Economic Opportunities	\$ 3,625,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,625,000
202 Senior Nutrition	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
203 Community Action Program	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
205 HOME Grant	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
215 Transit Fund	\$ 1,082,200	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,082,200
229 Regional Family Advocacy	\$ 349,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 349,000
246 Public Arts	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000
Total Transfers to Operating	\$ 5,106,200	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 601,000	\$ 456,000	\$ -	\$ -	\$ 6,163,200
Transfer to Debt Funds												
430 Dedicated Sales Tax Debt	\$ -	\$ -	\$ -	\$ 4,675,000	\$ -	\$ -	\$ 208,000	\$ -	\$ -	\$ -	\$ -	\$ 4,883,000
431 2019 PRO Debt	\$ -	\$ -	\$ -	\$ 769,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 769,000
Total Transfer to Debt Service	\$ -	\$ -	\$ -	\$ 5,444,000	\$ -	\$ -	\$ 208,000	\$ -	\$ -	\$ -	\$ -	\$ 5,652,000
Transfer to Capital Funds												
304 Street Construction	\$ 3,950,000	\$ 3,550,000	\$ -	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,000,000
310 Park Construction	\$ 5,950,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,950,000
311 Library Development	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 150,000
322 One Time Capital	\$ 700,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 700,000
513 Sewer Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,600,000	\$ -	\$ -	\$ 2,600,000
514 Water Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,500,000	\$ -	\$ -	\$ -	\$ 4,500,000
524 Sanitation Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000	\$ -	\$ 50,000
530 Water Equipment Replacement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 419,000	\$ -	\$ -	\$ -	\$ 419,000
531 Sewer Equipment Replacement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 245,000	\$ -	\$ -	\$ 245,000
532 Sanitation Equip. Replacement	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,216,000	\$ -	\$ 1,216,000
601 Vehicle Replacement	\$ 600,000	\$ 252,000	\$ 3,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 855,000
603 Equipment Replacement	\$ 500,000	\$ 19,000	\$ 41,000	\$ -	\$ 119,000	\$ 2,000	\$ -	\$ -	\$ -	\$ -	\$ 3,000	\$ 684,000
Total Transfers to Capital Funds	\$ 11,850,000	\$ 3,821,000	\$ 44,000	\$ 500,000	\$ 119,000	\$ 2,000	\$ -	\$ 4,919,000	\$ 2,845,000	\$ 1,266,000	\$ 3,000	\$ 25,369,000
Total Transfers	\$ 16,956,200	\$ 3,821,000	\$ 44,000	\$ 5,944,000	\$ 119,000	\$ 2,000	\$ 208,000	\$ 5,520,000	\$ 3,301,000	\$ 1,266,000	\$ 3,000	\$ 37,184,200

*Schedule sets projected maximum amount. Actual transfer may be less

Schedule of Interfund Loans FY2021

Loan From:	General Fund 101	Police Development 308	Fire Development 319	Water Development 514	Total
Loan to Funds					
340 Street Development Impact Fee	\$ 5,454,000	\$ -	\$ -	\$ -	\$ 5,454,000
341 Police Development Impact Fee	\$ -	\$ 226,000	\$ -	\$ -	\$ 226,000
343 Parks Impact Fee	\$ 1,335,000	\$ -	\$ -	\$ -	\$ 1,335,000
342 Fire Impact Fee	\$ -	\$ -	\$ 1,066,000	\$ -	\$ 1,066,000
540 Water Impact Fee	\$ -	\$ -	\$ -	\$ 6,690,000	\$ 6,690,000
Total Transfers	\$ 6,789,000	\$ 226,000	\$ 1,066,000	\$ 6,690,000	\$ 14,771,000

*Schedule sets projected maximum amount. Actual loan may be less