



City of Avondale

City Council Online Meeting

Monday, September 21, 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

Tracy Stevens, Deputy City Manager

Nicholle Harris, Interim City Attorney

Marcella Carrillo, City Clerk

Online Meeting

Join the meeting and view presentations: <https://avondaleaz.zoom.us/j/3083557784>

Using a Mobile Device? Download the Zoom Cloud Meeting App

Join the meeting with audio only: Call 301-715-8592 (meeting ID: 308 355 7784)



**City Council Online Meeting
Notice & Agenda
Monday, September 21, 2020**

To join the meeting and view presentations, visit <https://avondaleaz.zoom.us/j/3083557784>

Using a Mobile Device? Download the Zoom Cloud Meeting App

To join the meeting with audio only (no presentations), call 301-715-8592 (meeting ID: 308 355 7784)

**WORK SESSION
6:00 PM**

CALL TO ORDER BY MAYOR

1. ROLL CALL BY THE CITY CLERK

2. OPEN MEETING LAW

City Staff will present information regarding Open Meeting Law. This item is for discussion only.

3. ADAPTIVE REUSE OF RESOURCE CENTER BUILDING AT 328 W. WESTERN AVE

City staff will present information on The Opportunity Tree, a non-profit organization seeking to provide services to individuals with intellectual and developmental disabilities (IDD) and their families out of the Resource Center building at 328 W. Western Ave. 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 email their comments to CityClerk@AvondaleAZ.gov prior to consideration of that agenda item.

REGULAR MEETING
Convene Immediately Following the Work Session

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 August 24, 2020 and September 8, 2020 City Council Meeting Minutes. The Council will take the appropriate action.

b. FISCAL YEAR 2020-21 (FY2021) BUDGET ADJUSTMENTS

City Council will consider a request to adjust the FY2021 budget and interfund transfer schedules for budget carryover and items not included in the FY2021 adopted budget. The Council will take appropriate action.

c. RESOLUTION 1063-0920 APPOINTMENT OF CITY ATTORNEY

City Council will consider a request to adopt Resolution 1063-0920, appointing Nicholle Harris, as the City Attorney of the City of Avondale, and authorizing the Mayor, City Manager, City Clerk and Special Counsel to execute the necessary documents. The Council will take appropriate action.

d. RE-PLAT OF "99TH & ENCANTO" FOR AVONDALE STATION (FORMERLY VIRTUA99) - APPLICATION PL-20-0165

City Council will consider a request by Mr. Adrian Betts, Virtua Partners, for approval of a Re-Plat of "99th & Encanto" for Avondale Station (formerly Virtua99), approximately 59.77 gross acres located north of the northwest corner of 99th Avenue and McDowell Road. In conformance with the approved Avondale Station/Virtua99 Planned Area Development (PAD), the proposed Re-Plat divides the subject property into seven (7) lots, dedicates 99th Avenue right-of-way, creates tracts for private streets, and dedicates public water and sewer easements and private easements to serve future development of the lots. A previous Re-Plat of this property was approved by the Council in December 2019 but was not recorded for reasons related to the timing of easement dedications over the then-existing United States Bureau of Reclamation (BoR)/Salt River Project (SRP) easements. The Council will take appropriate action.

e. FINAL PLAT FOR AVONDALE 50 - APPLICATION PL-20-0139

City Council will consider a request by Mr. Matt Visnansky, Opus Development Company, for approval of a Final Plat for Avondale 50, approximately 59.88 gross acres of land located at the northwest corner of 119th Avenue and Corporate Drive. Consistent with the approved Avondale 50 Planned Area Development (PAD), the proposed Final Plat creates lots for each of the three (3) planned light industrial buildings on the Avondale 50 site, dedicates half-street right-of-way for 119th Avenue and Corporate Drive adjacent to the site, and dedicates public utility and sewer easements to serve the future commerce park. Additionally, the proposed Final Plat dedicates the north half-street right-of-way for Corporate Drive from the west boundary of the Avondale 50 site to Fairway Drive, resulting in the creation of a fourth lot and remnant tract, under separate ownership, west of the Avondale 50 development site. The Council will take appropriate action.

f. ORDINANCE 2027-0920 DEDICATION OF A PUBLIC SEWER PIPELINE EASEMENT FOR VERDE TRAILS

City Council will consider a request to adopt Ordinance 2027-0920 for the dedication of a public Sewer Pipeline Easement for the City of Avondale to access, operate, repair and maintain a sewer pipeline and associated facilities and authorize the Mayor, or City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

g. GRANT AWARD - STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER)

City Council will consider a request to authorize the Staffing for Adequate Fire and Emergency Response (SAFER) grant from the U.S. Department of Homeland Security, Federal Emergency Management Administration (FEMA) for \$3,090,402, authorize 14 new positions, amend the Fire-Medical budget and authorize the City Manager, City Attorney, Finance and Budget Director, and City Clerk to execute the necessary document. The Council will take appropriate action.

4. ADJOURNMENT

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

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

MEETING DATE: 9/21/2020

TO: Mayor and Council

FROM: Nicholle Harris, Interim City Attorney, (623) 333-1514

THROUGH: Gina Montes, Assistant City Manager, (623) 333-1012

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

PURPOSE:

City Staff will present information regarding Open Meeting Law. This item is for discussion only.

BACKGROUND:

All fifty states have enacted some type of legislation providing the public with a statutory right to openness in government. In addition, in 1976 the United States Congress enacted the Federal Open Meeting Act, 5 U.S.C. § 552b. Arizona enacted its Open Meeting Law in 1962 and has since amended it several times.

DISCUSSION:

City Staff will present information regarding Open Meeting Law. This item will provide an overview of Arizona's Open Meeting Law, A.R.S. §§ 38-431 to -431.09, with particular emphasis on City Council's role with respect to the application of the Open Meeting Law.

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

This item is for discussion only.

CITY COUNCIL REPORT

SUBJECT: Adaptive Reuse of Resource Center Building at 328 W. Western Ave

MEETING DATE: 9/21/2020

TO: Mayor and Council

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

THROUGH: Gina Montes, Assistant City Manager, (623) 333-1012

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

PURPOSE:

City staff will present information on The Opportunity Tree, a non-profit organization seeking to provide services to individuals with intellectual and developmental disabilities (IDD) and their families out of the Resource Center building at 328 W. Western Ave. This item is for discussion only.

BACKGROUND:

NFS staff solicited proposals from non-profit agencies through a formal Request for Proposals (RFP) procurement process. Notice of the solicitation was published on the City of Avondale website and posted to the City's Vendor Registry site. Additionally, more than two dozen local non-profit agencies were emailed. Six agencies attended the virtual pre-submittal conference, and one agency requested and was provided a site tour of the facility. The Opportunity Tree submitted the only proposal which was reviewed and evaluated by staff from Neighborhood and Family Services, Economic Development and Facilities. The proposal was evaluated on the organization's past record of success, its financial capacity to make the necessary tenant improvements to the building and support ongoing maintenance and operation costs as well as the type of service it would bring to Avondale and West Valley residents.

The Opportunity Tree is a non-profit agency founded in 1963 that supports individuals with intellectual and developmental disabilities (IDD) and their families. This is a service that is currently lacking in the West Valley. Their primary program areas include Adult Day Programs, Vocational and Employment Services, In-home and residential services and Youth Transitions programming that offers a structured vocational curriculum to teach employment skills. Currently, the Opportunity Tree has three locations in Phoenix, Casa Grande, and Maricopa.

The Opportunity Tree's operating budget is \$14 million dollars, and they have diverse revenue streams to support their programs and services. The Opportunity Tree is a contractor with the State of Arizona Division of Developmental Disabilities, which is a significant source of its revenue. The Opportunity Tree bills the State for services provided to their members and it also receives philanthropic donations and grants. Last fiscal year, The Opportunity Tree received almost \$400,000 in grants and donations. In addition, The Opportunity Tree has operating reserves of more than \$2 million dollars.

DISCUSSION:

The Opportunity Tree is proposing to provide an array of programs for Avondale and West Valley residents with IDD and their families. Similar to those they are currently providing in their other locations, support services will include:

- Transition Services for youth moving to adulthood and transitioning from school to employment
- Adult Day Programs
- Vocational and Employment Services

The Opportunity Tree's focus will be on providing an array of community supports to individuals with IDD and will include partnerships with agencies such as the AZ Division of Developmental Disabilities, Behavioral Health specialists, therapists and federal and state benefit specialists. The building will function as a center specifically for individuals and families living with IDD.

Renovations will include ADA accessibility renovations to the restrooms in the Annex, the addition of a changing room for members that need attendant care adjacent to the Annex restrooms, and a half wall (pony wall) in the main building to delineate the youth programming from the adult employment services and IDD resource center space.

The Opportunity Tree would enter into a lease agreement with the City that would provide for a discounted rent and require the agency cover all costs of City approved renovations and on-going building maintenance. Current commercial property fair market rent (FMR) for this building location/site is \$6.00/square foot annually. Estimated rent would be \$6.00 * 13,000 square feet, approximately = \$78,000 annually or \$6,500/month. Rent will be reduced to 10% of FMR for the first year (\$650/mo.). For years two and three, rent will increase to 30% of FMR (\$1,950/mo.) assuming both parties wish to renew the agreement. FMR will be reevaluated annually prior to contract renewal. Percentage of FMR may be renegotiated/reevaluated beyond year three (3) of the agreement.

The Opportunity Tree would be filling a need to provide services to individuals with IDD and their families. Staff believe that the addition of an IDD Resource Center and programming would fill a gap in services not currently provided within the City of Avondale.

BUDGET IMPACT:

There is no budgetary impact regarding this request at the current time.

RECOMMENDATION:

For information and City Council discussion.



CITY COUNCIL REPORT

SUBJECT: Minutes

MEETING DATE: 9/21/2020

TO: Mayor and Council

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

THROUGH: Gina Montes, Assistant City Manager, 623-333-1012

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

PURPOSE:

City Council will consider a request to approve the August 24, 2020 and September 8, 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 August 24, 2020 and September 8, 2020 City Council Meeting Minutes.

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
ONLINE MEETING
August 24, 2020

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 7:00 p.m. All participants attended by phone or video.

Mayor Weise led the pledge of allegiance.

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

Members Absent: None.

Other Municipal Officials Present: Charles Montoya, City Manager; Gina Montes, Assistant City Manager; Tracy Stevens, Deputy City Manager; Nicholle Harris, Interim 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; Bryan Hughes, Parks and Recreation 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, Marketing and Public Relations Director.

Audience: Approximately ten members of the public were present.

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

2. UNSCHEDULED PUBLIC APPEARANCES

None.

3. RECOGNITION ITEMS

a. ARIZONA PARKS AND RECREATION ASSOCIATION – OUTSTANDING FACILITY AWARD

City Council received an award on behalf of the City for Outstanding Facility (Population 10,000-100,000) from the Arizona Parks and Recreation Association for Festival Fields Park.

Presented by Bryan Hughes, Director of Parks and Recreation, stated that during the week of August 10th, the Arizona Parks and Recreation Association held its annual conference virtually. On August 11th, annual awards were announced live. Avondale was honored to learn that Festival Fields Park was recognized with the Outstanding Facility award for this year in the category population of 10,000 to 100,000. Festival Fields Park improvements were dedicated in November of 2019. Mr. Hughes recognized project

partners, J2 Engineering and Environmental Design and Haydon Building Corporation. Mr. Hughes presented the award to City Council and thanked them for their support.

Vice Mayor Dennis congratulated the Parks & Recreation Department and the City's partners. The facility is a beautiful addition to the community.

Council Member Pineda added that many residents living in the vicinity of Festival Fields have expressed appreciation for such quality amenities.

Council Member Nielson concurred with all the positive comments and congratulated staff.

Council Member Kilgore shared that a nearby resident was preparing to move but decided to stay when she heard that improvements were coming to the park. He thanked staff for providing that to the residents and expressed his appreciation to the staff.

Council Member Malone echoed previous comments, explaining she has received many comments from residents on such an amazing park. She proudly stated the City has addressed safety concerns in terms of children crossing the street.

Council Member Conde echoed the positive comments, adding that she and her family love visiting the park. She thanked staff for all their hard work.

4. CONSENT AGENDA

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

Mayor Weise asked if any 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 approved the July 27, 2020 Work Session, July 27, 2020 Regular Meeting, and August 10, 2020 Regular Meeting minutes.

b. RESOLUTION 1057-0820 – CANVASS OF VOTES FOR THE AUGUST 4, 2020 PRIMARY ELECTION

City Council adopted Resolution 1057-0820 canvassing the results of the August 4, 2020 Primary Election and authorized the City Clerk to issue Certificates of Election.

c. RESOLUTION 1058-0820 – INTERGOVERNMENTAL AGREEMENT FOR PARTICIPATING IN THE ARIZONA CHILD ABDUCTION RESPONSE TEAM.

City Council adopted Resolution 1057-0820 authorizing the Avondale Police Department's participation in an Intergovernmental Agreement for Participating in the Arizona Child Abduction Response Team (AZCART) and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

d. RESOLUTIONS 1059-0820 - AND 1060-0820 AGREEMENTS PERTAINING TO THE GILA RIVER GENERAL STREAM ADJUDICATION

City Council adopted (a) Resolution 1059-0820 authorizing the First Amendment to the Intergovernmental Agreement with the Cities of Glendale, Mesa, and Scottsdale for joint legal representation in the Gila River General Stream Adjudication; (b) adopted Resolution 1060-0820 authorizing a Legal Services Contract with EngelmanBerger for continued representation in the Gila River Stream General Adjudication; and (c) authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

e. RESOLUTION 1061-0820 – GRANT FROM MARICOPA ASSOCIATION OF GOVERNMENTS FOR STREET SWEEPER

City Council adopted Resolution 1061-0820 authorizing the acceptance of grant funding from the Maricopa Association of Governments for the purchase of a replacement street sweeper in an amount not to exceed \$239,967; the expenditure of a local match in an amount not to exceed \$20,000; and the purchase of a street sweeper for a total not to exceed purchase price of \$259,967; and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

f. RESOLUTION 1062-0820 – GRANT FIRST THINGS FIRST SOUTHWEST MARICOPA REGIONAL PARTNERSHIP COUNCIL

City Council adopted Resolution 1062-0820 authorizing the grant agreement with the First Things First Southwest Maricopa Regional Partnership Council to receive \$200,000 in funding and authorized the Mayor, City Manager and City Clerk to execute the necessary documents.

g. EMPLOYMENT AGREEMENT WITH CHARLES A. MONTOYA

City Council approved the Amended Employment Agreement with Charles A. Montoya and authorized the Mayor and City Clerk to execute the necessary documents.

5. REGULAR AGENDA

a. ADOPT PARK NAME AT ALAMAR DEVELOPMENT

City Council considered a request to formally adopt a name for the future community park in the Alamar development.

Bryan Hughes, Director, Parks and Recreation, stated that the Park will be a focal point of the community and a prominent gathering place for area residents. The park will feature ballfields, soccer fields, basketball, tennis courts, pickleball courts, picnic ramadas, playgrounds, splash pad, amphitheater, a dog park, restrooms, lake for fishing and area lighting throughout. The process of naming the park began with an ad hoc committee comprised of staff from Parks & Recreation, Development & Engineering Services and Marketing & Public Relations. From there, staff solicited names from the committee, the Parks & Recreation Advisory Board and the City Council. Twenty names were received for consideration, several being submitted with explanations. The Committee voted via an online poll. The top four names were: Agua Fria Foothills Park, Alamar Park, Lakin Ranch Park and Meridian Park.

During the Parks & Recreation Advisory's August 12th meeting, they noted the developer's desire to name the park after the community, the fact that the park is located in the community and ultimately, people would probably be calling it Alamar park anyway. The name and distinct logo design honor Avondale and the West Valley's longstanding ranching, agrarian history and culture. Brookfield Residential submitted a letter to the Parks & Recreation Advisory Board and City Council reaffirming their desire to name the park Alamar Community Park, which has been their intent for several years. The Parks and Recreation Advisory Board voted unanimously to recommend Alamar Community Park as the formal name for the new park within the Alamar Development.

Mayor Weise noted that Council Members received a call or correspondence from Brookfield. In considering the park location, it makes sense to call it Alamar. One concern with Brookfield is that Mayor Weise wants to ensure that Alamar Park is open to all Avondale residents.

Mr. Montoya stated that in speaking with John Bradley with Brookfield, staff made sure the developer is aware of these concerns.

Council Member Conde said that given the reasoning, she is okay with the Alamar name. It should be clear that the park is for the City of Avondale as a whole community and not just for the Alamar subdivision.

Council Member Nielson cited to the Parks & Recreation website, where it stated, "Come out and enjoy one of Avondale's ten City parks." He likes the idea of Alamar Park. He referenced a neighborhood park where the known name within the community does not match the formal name of the park.

Council Member Pineda said he spoke with John Bradley at Brookfield, Mr. Montoya and others regarding his opinion. He drove to the site with his wife and the first question she

asked was whether the park was only for the Alamar community. Others will likely have the same question. In driving through the community and considering branding, he did not wish to see the park named after a specific individual. He would like the name to reflect the community with the name and to not use Alamar in the name would be a disservice to the development.

Vice Mayor Dennis concurred with previous comments. She agreed with Mayor Weise that the park should be marketed and presented as an Avondale community park. She expressed excitement with the park moving forward.

Council Member Kilgore stated he did not have any concerns with the name Alamar, so he is fine with the recommended name. He agreed that the park should be for everyone and that access to all Avondale residents is more important than the name itself. He expressed the importance of the park's success, making sure all Avondale residents can participate in the park.

Council Member Malone concurred with other comments that the park should be welcoming to all residents.

Vice Mayor Dennis moved to formally adopt Alamar Park as the name for the future community park in the Alamar development, seconded by Council Member Malone.

Upon vote, the motion carried unanimously 7 to 0.

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

Note from the City Clerk: Items 5b and 5c were presented together and voted on individually.

b. PUBLIC HEARING AND ORDINANCE 2024-0820 – MAJOR AMENDMENT TO THE AVONDALE AUTOMALL PLANNED AREA DEVELOPMENT (PAD) APPLICATION PL-20-0119

City Council held a public hearing and considered a request to adopt Ordinance 2024-0820, by Paul Gilbert, of Beus Gilbert McGroder PLLC, for a Major Amendment to the Avondale Automall PAD to conditionally permit one (1) automotive dealership selling used vehicles only, provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times on the Avondale Automall property. This PAD amendment is proposed for a single 6.02 net acre property (APN 102-54-102) located in the western portion of the Avondale Automall PAD. This area is depicted in Exhibit F and fully described (as a legal description) in Exhibit G.

Rick Casswell, Senior Planner, stated that the amendment would allow for the operation of an EchoPark automotive, used car only dealership. The business is very similar to a Fortune 500 company like a CarMax auto dealership. EchoPark automotive is a subsidiary of Sonic Automotive, one of the largest retailers in the nation. Mr. Casswell provided an overview of the property details, located at the corner of 107th Avenue and Roosevelt, south of the I-10 freeway. Main Event entertainment facility is located to the northeast and Enterprise Car Rental is located to the south. The property exists within the Avondale Automall Planned Area Development (PAD), with various PADs within the vicinity. The parcel is located within the business park land use designation area. Currently, the City only has automotive dealerships which sell both new and used vehicles. This amendment would allow used vehicles only, with the inventory being within two to four years old. The dealership would be conditionally permitted, provided they have a minimum consolidated annual revenue of \$500 million and a minimum of 140 vehicles on display at all times. These conditions of approval will ensure a high-quality used car product. The amendment will be submitted to a Conditional Use Permit (CUP). The property is just over six acres and has been vacant for approximately 14 months. Prior to that time, there was high turnover on the property. Development standards will remain the same with allowable uses of the PAD continuing to be allowable for this property.

Mr. Caswell reviewed the details of the CUP as well as improvements to the site. He reviewed visuals of the site plan and elevations. The proposed amendment is in conformance with the General Plan 2030 Land Use Map. The land use designation is business park and it will continue to provide a corporate commerce function. The Amendment also conforms with the Freeway Corridor Specific Plan. The Plan states that the Automall is an economic engine and its vitality should be maintained. The Amendment will result in compatible land use relationships. Adequate public infrastructure to support development presently exists.

In consideration of the CUP, it is consistent with the General Plan 2030 Land Use Map and furthers the objectives for development within the Freeway Corridor Specific Plan. It is compatible with and will not be detrimental to surrounding uses. The proposed site plan conforms with all City development standards in terms of setbacks, parking and landscaping. The site has appropriate access to surrounding streets and any adverse effects will be mitigated through conditions of approval.

In terms of public participation, notice was provided to all owners within 1,000 feet of the property on July 23rd. Postings were placed onsite and a legal advertisement was included in the Arizona Republic. A neighborhood meeting was held on June 30, 2020 with seven participants. Four attendees were part of the Cactus Jack's Auto group who had been previously interested in leasing the subject property as well as the Fiat dealership to the west. Unfortunately, their interest was expressed just after an agreement had been reached with EchoPark. There was one comment on aVOICE in support of the development. Staff recommends approval of PL-20-0119, subject to one recommended condition of approval. Staff also recommends approval of PL-20-0120, subject to three recommended conditions of approval. The Planning Commission recommended approval at its meeting on August 19th.

Mayor Weise opened the public hearing and received one request to speak by the applicant, Paul Gilbert with Beus Gilbert McGroder PLLC. Mr. Gilbert stated that given the very thorough presentation and the fact that there is strong support by both staff and the Planning Commission, he had nothing significant to add.

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

Council Member Conde inquired on the number of jobs the business would bring to Avondale. Mr. Gilbert introduced John Russ, representing EchoPark, who stated that the store will support 75 associate positions.

Council Member Nielson inquired if cars would be brought in off of the Roosevelt Street south entry, also noted as the employee entrance. He expressed concern with other dealerships in the area that consistently have semi-trucks unloading vehicles which impedes travel. Mr. Russ said the rear entrance will be mainly for associates. In terms of unloading vehicles, they prefer to bring the haulers onto the lot, rather than unloading on Roosevelt Street. Council Member Nielson asked about the presence of a maintenance or service area. Mr. Russ said the main role is to sell used vehicles. The only service would relate to reconditioning, which involves topping of fluids and other minor maintenance.

Council Member Pineda commented that his son is 16 years-old with a driver's license. They took him to look at vehicles recently; however, they are not seeking a \$45,000 vehicle. Just as Avondale desires a diverse selection of housing for its residents, it is also desirable to have a diverse supply of auto dealers. That said, he favors quality over quantity in terms of dealerships. Based upon the information presented, this proposed business fits the bill in terms of satisfying members of the community.

Vice Mayor Dennis said she attended the neighborhood meeting. The City has made major investments in the Automall. She agrees with Council Member Pineda that creating a balance of options for the community is desirable. She likes the fact that the dealership will only offer quality used cars. Mr. Gilbert commented that the stipulations were vigorously considered and negotiated with City staff to ensure that the business will have the quality characteristic to Avondale.

Mayor Weise asked how they will quantify the \$500 million in annual revenue. Mr. Montoya stated that after speaking to Mr. Gilbert and the business, the City plans on doing spot checks throughout the year. In addition, as the City receives sales taxes from the business, they will have information as to sales levels. In response to a question from Mayor Weise, Mr. Montoya stated that if approved, the current CUP covers only the business being addressed today and another dealership of this type would be addressed separately. In addition, the City will wait a year or two to observe operations before further

recommendations are made to Council. Mayor Weise commented that the business fits with the City's goals and provides residents with an alternative to new cars.

Council Member Pineda moved to adopt Ordinance 2024-0820, approving Application PL-20-0119 Avondale Automall Major PAD Amendment, subject to one (1) recommended condition of approval as listed in the Staff Report, seconded by Vice Mayor Dennis.

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

c. PUBLIC HEARING CONDITIONAL USE PERMIT FOR ECHOPARK AUTOMOTIVE, AVONDALE AUTOMALL – APPLICATION PL-20-0120

City Council held a public hearing and considered a request by Paul Gilbert, of Beus Gilbert McGroder PLLC (on behalf of EchoPark Automotive), for approval of a Conditional Use Permit (CUP) to allow for the operation of one (1) automotive dealership selling used vehicles only, provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times. The subject request is contingent upon City Council approval of a Major Planned Area Development (PAD) Amendment (application PL-20-0119) to the Avondale Automall, to conditionally permit one (1) such a used vehicle only dealership, meeting the criteria described above, at this subject property. The subject property (APN 102-54-102) is located within the western portion of the Avondale Automall PAD.

Mayor Weise opened the public hearing and did not receive any requests to speak. Mayor Weise closed the public hearing.

Vice Mayor Dennis moved to approve Application PL-20-0120, approving a Conditional Use Permit, within the Avondale Automall PAD zoning district, subject to three (3) recommended conditions of approval as listed in the staff report, seconded by Council Member Conde.

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

Note from the City Clerk: Items 5d and 5e were presented together and voted on individually.

d. PUBLIC HEARING AND ORDINANCE 2025-0820 – ENTRADA ANNEXATION – APPLICATION PL-19-0227

City Council held a public hearing and considered a request to adopt Ordinance 2025-0820, approving a request by Ms. Carolyn Oberholtzer, Bergin, Frakes, Smalley & Oberholtzer, PLLC, on behalf of property owner Avondale Entrada, L.L.C., annexing approximately 203.86 acres generally located at the northwest corner of 107th Avenue and Broadway Road into the jurisdiction of the City of Avondale. The properties within the proposed annexation boundary are inclusive of some, but not all, unincorporated land located north of Broadway Road, west of 107th Avenue, south of Miami Avenue, and east of Avondale Boulevard.

Ken Galica, Division Lead Planner, stated that the proposed annexation includes additional acreage beyond what the proposed rezoning boundary includes. Approximately 204 acres are included in the annexation. This discrepancy is because the annexation includes properties owned by the Littleton Elementary School District and the City of Goodyear, which are now part of the proposed community. The proposed rezoning covers approximately 186 acres. Upon annexation, the properties will have City R1-6, Urban Residential and Rural Residential 43 zoning, which are compatible with County R1-6 RUPD and Rural 43 zoning. Surrounding land uses are largely agricultural or rural in nature, including a large Maricopa County island to the north and west. East of 107th Avenue is the City of Phoenix, largely undeveloped with the exception of a single-family residential subdivision, Lions Gate. The area to the south is currently undeveloped but soon to be under construction as Verde Trails and west of Avondale Boulevard is Alamar.

In looking at the General Plan, the majority of the property is designated medium density residential land use designation, allowing two and a half to four dwelling units per acre. At the direct northwest corner of 107th Avenue and Broadway Road, approximately ten acres will be reserved for a future commercial site. The property will be developed with 624 single-family residential lots, accommodating detached residences. Primary access will be provided through a new collector street which will loop between 107th Avenue on the East and Miami Avenue to the north. In addition, there are two local street connections, one from 107th Avenue, north of the Powerline Corridor and one from Broadway Road. There are a number of amenities within the development. The 2.5-acre central park features a large open-air pavilion, fitness stations, yoga lawn, outdoor workspaces with outlets and Wi-Fi, basketball and pickleball courts, shaded children's play equipment, family water play area and large turf areas.

The north end of the site will include an outdoor game area, which includes additional pickleball courts, children's play equipment, amphitheater, ramada, barbeque grills, cornhole and additional turf for open play. There is a dog-centric park featuring areas for small and large dogs just north of the community center. The development also includes

a 0.8-acre work-play park that is located south of the central park, which includes a basketball court, ramada, outdoor workstations with bar seating, outlets, Wi-Fi, shaded playground and open play turf. The Powerline corridor will be improved by the developer, including an 8 to 20-foot wide landscaped trail, frisbee golf course and signage. The developer proposed a desert-adapted riparian landscape theme inspired by the water conveyance channels. Theming includes bridges, river rock and water features at the primary entry, which utilize recycled irrigation water and a faux pedestrian bridge.

The proposed annexing and rezoning, in staff's opinion, will result in development that is compatible with and complementary to the surrounding area, both existing rural residential uses as well as planned suburban density. The proposed density conforms to the General Plan Land Use Map for medium density residential as well as local commercial designation. Exceptional open space is provided throughout. The development design standards are in conformance with the City's design manual. Infrastructure improvements to 107th Avenue, Broadway Road and Miami Avenue will be completed by the developer. All required notifications have been completed. A neighborhood meeting was held in October of 2019 and several attendees had general questions about the project, but no serious concerns were raised. No comments were received via aVOICE. The Planning Commission recommended approval in June 2020 subject to six recommended stipulations. The annexation public hearing was held on July 27th, 2020 with no public comments. Staff recommends approval of both items.

Mayor Weise opened the public hearing and did not receive any requests to speak. Ms. Carolyn Oberholtzer, Bergin, Frakes, Smalley & Oberholtzer, PLLC was present and available for questions on behalf of the developer. Mayor Weise closed the public hearing.

Council Member Conde commented that this is the first time she has heard of a work/play area, stating having the outdoor workstation will be helpful, particularly for parents.

Council Members Malone and Kilgore did not have any questions regarding the presentation.

Council Member Nielson referenced the school property and noted the need for adequate bus access as well as adequate crosswalks for the school children. Mr. Galica said that once the school develops plans for the site, traffic staff will ensure safe access. In terms of pedestrian crossing, the preliminary layout is designed to ensure that children are not crossing the street at unforeseen areas. Council Member Nielson referenced the central park area and asked for clarification on the size. Mr. Galica stated the park area is 2.5 acres minimum but may be larger depending on final design. Council Member Nielson asked about the entity responsible for the electrical outlets and Wi-Fi at the parks. Mr. Galica stated that once the developer sells a certain percentage of lots in the community, the Homeowners Association will be responsible for maintenance.

Council Member Pineda commented that with Avondale Boulevard as a major corridor, the developments coming in the area are of high quality. It is encouraging that there will be ample housing opportunities in the City.

Mayor Weise agreed, noting that not too long ago, the City would never have considered 45-foot-wide lots. In looking at the success of Roosevelt Park II and Alamar, the market is calling for this.

Vice Mayor Dennis stated that she likes the park variation and available activities. In response to a question, Mr. Galica stated there will not be any onsite parking at the central park; however, parking is allowed on the public streets surrounding the park. Vice Mayor Dennis asked whether the streets would accommodate parking and directional driving. Mr. Galica stated that the street is designed to handle two-way traffic with parking on both sides. Vice Mayor Dennis asked about having the streets marked for safety and to present an organized appearance. Mr. Galica said they could explore the possibility of striping parking spaces on the street adjacent to the park. Vice Mayor Dennis asked about safe connectivity with the powerline area. Mr. Galica said they have not yet reached this level of detail in terms of sidewalk locations and this will be covered during the preliminary plat stage, but they will certainly request connectivity between the open spaces. Although it is not part of this project, the darker portion of the map on the southern end of the Powerline corridor is reserved for the Durango Regional Channel. In response to a question from Vice Mayor Dennis, Mr. Galica said the Durango Regional Channel will be an open regional flood conveyance channel. Vice Mayor Dennis requested that staff make note in terms of future design to providing access across the channel.

Mayor Weise said he is impressed with the project progress and the planned appearance and quality. The uniqueness of the parks is appreciated, providing features for a variety of ages. Going forward, the City should continue to look at electrical and Wi-Fi coverage at its parks.

Member of the public, Ms. Oberholtzer, thanked City Council for their attention to the detail on the project, expressing appreciation for the comments made. She was available for questions on behalf of the developer.

Council Member Nielson moved to adopt Ordinance 2025-0820, annexing approximately 203.86 acres generally located at the northwest corner of 107th Avenue and Broadway Road, seconded by Council Member Conde.

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

e. PUBLIC HEARING AND ORDINANCE 2026-0820 – REZONING FROM URBAN RESIDENTIAL (R16) AND RURAL RESIDENTIAL (RR-43) TO PLANNED AREA DEVELOPMENT (PAD) FOR ENTRADA – APPLICATION PL-19-0201

City Council held a public hearing and considered a request to adopt Ordinance 2026-0820, approving a request by Ms. Toni Bonar, AICP, HILGARTWILSON, LLC, to rezone approximately 185.55 acres located at the northwest corner of 107th Ave and Broadway Rd from Rural Residential (RR43) and Urban Residential (R16) to Planned Area Development (PAD) to allow for the development of a singlefamily residential community consisting of a maximum of 624 lots with eighteen (18) percent open space (approx. 29 acres) on 176.6 acres, a density of approximately 3.5 units/acre. Additionally, the PAD would allow for 9.0 acres located at the northwest corner of 107th Ave and Broadway Rd to be developed with commercial uses in accordance with the uses and development standards of the City's Neighborhood Commercial (C1) zoning district. The property is currently in the jurisdiction of Maricopa County and the annexation of the property is to be considered at this same meeting.

Mayor Weise opened the public hearing and did not receive any requests to speak. Mayor Weise closed the public hearing.

Vice Mayor Dennis moved to adopt Ordinance 2026-0820, approving Application PL-19-0201 Entrada, a request to rezone approximately 185.55 acres from Urban Residential (R1-6) and Rural Residential (RR-43) to Planned Area Development, subject to six (6) recommended conditions of approval as listed in the staff report, seconded by Council Member Pineda.

Upon vote, the motion carried unanimously 7 to 0.

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

f. AVARI APARTMENTS – DEVELOPMENT PLAN – APPLICATION PL-19-0308

City Council considered a request by Mr. Andrew Yancey, Bergin, Frakes, Smalley and Oberholtzer, PLLC, for approval of a Development Plan for Avari Apartments, a proposed 354-unit multi-family apartment community located on 16.44 net acres located at the northwest corner of Avondale Boulevard and the Corporate Drive alignment.

Ken Galica, Division Lead Planner, provided an overview of the site characteristics. The property was annexed in 1976 and is located within the BLVD's Village District, which allows for a range of commercial and residential uses subject to the condition of a minimum density of 18 dwelling units per acre. The property was rezoned as part of the City-initiated BLVD rezoning in March of 2020. There is an existing traffic signal at

Corporate Drive and Avondale Boulevard which will become a four-way intersection with completion of the project. Public entry to the site is located off Corporate Drive. Several additional emergency access points are provided. Pedestrian access is plentiful, with 11 pedestrian gates providing access to Avondale Boulevard, Corporate Drive and 117th Avenue sidewalks. This helps to achieve the BLVD Plan, which stresses the importance of walkability. There are 40 buildings in total onsite, consisting of 28 residential, eight parking garages, and four community buildings.

The residential buildings range between two and four stories. There is a clubhouse, fitness center, maintenance building and restroom/changing facility. Each garage building accommodates eight single-car garages to provide 64 garages for a total of nearly 130 garage spaces in the 60 buildings. There are 231 additional covered carport parking spaces and 306 uncovered spaces. All units will be assigned a covered space or garage.

The landscape plan was reviewed, including double rows of trees along Avondale Boulevard, Corporate Drive and 117th Avenue sidewalks to make the sidewalks usable and shaded. The development includes an indoor clubhouse which features a conference/business center, media center/movie theater, lounge, and event kitchen for residents. The 4-thousand square foot fitness center is much larger than other multi-family developments within the City, to include an equipment gym and separate exercise classroom, restrooms, locker spaces, and open-air aerobics class spaces. The northeast corner of the property includes a cardio gym with a glass frontage along Avondale Boulevard to present an energetic and vibrant scene. There are two pools with amenities, one designated as a family pool area. The development includes a shaded child play area as well a five-hole artificial turf putting green. Two linear dog parks are located along the north property line. Adjacent to 117th Avenue and separate from the sidewalk, there will be a multiuse path that will eventually connect to the Van Buren Street trail. Public plazas are located outside of the project gates and are open to the public, each containing shaded seat walls and one with a water feature. The contemporary elevations were reviewed. Energy efficient construction is proposed, including energy efficient appliance, lighting, HVAC systems and windows.

Staff finds that the proposal conforms to the BLVD Village District General Plan as well as the zoning district and the BLVD-Specific Plan. There is ample vehicular and pedestrian access to the site with parking in excess of minimums. Open space and amenities exceed minimum requirements with landscaping exceeding the minimum requirements. Contemporary architecture furthers the aesthetic goals of the BLVD. The developer will complete adjacent half-street improvements. The exception parcel can be integrated into the Avari Apartments if acquired by the developer. The Planning Commission recommended approval in July and staff recommends approval.

Mayor Weise described this as another piece of the puzzle in driving traffic and residences down on Avondale Boulevard to achieve the goal of a vibrant city center.

Council Member Conde thanked Mr. Galica for the presentation and stated that the developer has done a fantastic job with all the amenities, particularly the pedestrian gates for walkability. In response to a question, Mr. Galica confirmed that all units facing

Avondale Boulevard will have functional balconies. Council Member Conde inquired as to who will be managing the community. Ms. Oberholtzer stated that the owner/developer will serve as manager, explaining they locally manage over 3,000 units.

Council Member Kilgore thanked Mr. Galica for the presentation and described it as an excellent project. He also expressed appreciation to the Planning and Zoning Commission, sharing his appreciation for their hard work and feedback.

Council Member Nielson referenced the exception area and asked for confirmation that the space may be integrated in the future. Mr. Galica confirmed the understanding; however, the current owner and buyer would have to agree on that transaction.

Council Member Nielson asked for confirmation that the only entrance and exit for vehicles is on Corporate Drive. Mr. Galica confirmed that this is the only public access to the site for residents but additional emergency-only access. In response to a question from Council Member Nielson, Mr. Galica stated that the project will include pedestrian signals, flashing walk signals and striped crosswalks across Avondale Boulevard.

Council Member Pineda stated he was interested to see how long the exception lot would be vacant especially with the four-story building neighboring the site. Council Member Pineda suggested an outdoor deck within one of the buildings that faces Avondale Boulevard. Lastly, he complemented the façade and elevations. He expressed interest in seeing who the customer-type will be with this housing community. Mr. Galica stated that discussions will continue, and they will try to incorporate this suggestion, if possible.

Vice Mayor Dennis said she was very impressed with the presentation, including the amenities, layout, variety of building sizes, and the four-story buildings on Avondale Boulevard. She echoed comments from other, stating accessibility and walkability are very important. In response to a question, Mr. Galica stated the unit sizes will consist of one, two, and three-bedroom units. In response to a question from Vice Mayor Dennis, Mr. Galica stated he was not aware of a timeframe by which the opportunity to acquire the exception lot would expire. Ms. Oberholtzer added that the developer/owner has made numerous attempts to acquire the property, but there is no indication that the current property owner wants to sell. In response to a question from Vice Mayor Dennis, Mr. Galica estimated the size of the exception lot to be approximately one acre. Vice Mayor Dennis suggested staff have a backup plan with respect to the exception lot.

Mayor Weise agreed with Vice Mayor Dennis, stating a backup plan is a good decision. He asked Ms. Oberholtzer to keep the City updated on the progress of acquiring the property. He noted the need for new apartment complexes in Avondale and the desire to provide diversity in housing.

Council Member Conde moved to approve Application PL-19-0308 Avari Apartments, a request for a Development Plan approval for a proposed 354-unit multi-family residential development, subject to twelve conditions of approval as listed in the staff report, seconded by Council Member Nielson.

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

6. ADJOURNMENT

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

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

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

Meeting adjourned at 8:49 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 Regular Meeting of the Council of the City of Avondale held on the 24th day of August 2020. I further certify that the meeting was duly called and held, and that the quorum was present.

Marcella Carrillo, City Clerk

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
ONLINE MEETING
September 8, 2020

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 6:00 p.m. All participants attended by phone or video.

Mayor Kenn Weise extended prayers to the family and coworkers of Jody Makuch, Cottonwood Police Officer, who was killed in an off-duty motorcycle accident.

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

**Note: Council Member Malone joined the meeting at 6:01 p.m.*

Members Absent: Council Members Curtis Nielson, and Mike Pineda*.

**Note: Council Member Pineda was unable to join the meeting due to technical difficulties.*

Other Municipal Officials Present: Charles Montoya, City Manager; Gina Montes, Assistant City Manager; Tracy Stevens, Deputy City Manager; Nicholle Harris, Interim 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; Bryan Hughes, 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, Marketing and Public Relations Director.

Audience: No 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 Vice Mayor Dennis, seconded by Council Member Conde, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 5 to 0.

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

Council Member Pineda Unable to Vote Due to Technical Difficulties

a. COOPERATIVE PURCHASING AGREEMENT AND BUDGET AMENDMENT FOR HAYS COMPANIES, BENEFITS CONSULTING

City Council (a) approved the first amendment to the Cooperative Purchasing Agreement with Hays Companies, for benefits consulting for \$57,500, (b) approved a budget amendment in the amount of \$57,500 from contingency, and (c) authorized the City Manager and City Clerk to execute the necessary documents.

b. COOPERATIVE PURCHASING AGREEMENT WITH EMCOR SERVICES ARIZONA, INC. AND REALLOCATION OF CIP FUNDS

City Council (a) approved a Cooperative Purchasing Agreement (CPA) with EMCOR Services Arizona, Inc. (b) approved a budget transfer in the amount of \$150,000 from the American Sports Center Turf Replacement Project, and (c) authorized the City Manager and City Clerk to execute the necessary documents.

c. COMMITTEE MEMBER APPOINTMENT TO THE MUNICIPAL ART COMMITTEE

City Council appointed Sandra Bassett as an Ex-Officio Committee Member to the Municipal Art Committee, serving as the representative from the West Valley Arts Council.

3. ADJOURNMENT

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

Upon vote, the motion carried unanimously 5 to 0.

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

Council Member Pineda Unable to Vote Due to Technical Difficulties

Meeting adjourned at 6:03 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 Regular Meeting of the Council of the City of Avondale held on the 8th day of September 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: Fiscal Year 2020-21 (FY2021) Budget Adjustments

MEETING DATE: 9/21/2020

TO: Mayor and Council

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

THROUGH: Gina Montes, Assistant City Manager, (623) 333-1012

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

PURPOSE:

City Council will consider a request to adjust the FY2021 budget and interfund transfer schedules for budget carryover and items not included in the FY2021 adopted budget. The Council will take appropriate action.

BACKGROUND:

Staff is recommending adjusting the FY2021 budget, which requires City Council approval. The adopted Financial Policies of the city requires City Council approval for transfer of appropriations between funds and the transfer of appropriation from General Fund contingency.

DISCUSSION:

Staff is recommending three adjustments to the FY2021 budget that require City Council approval. The adjustments are detailed below, and specific dollar amounts to be transferred are detailed in Exhibit A.

1. Carryover Adjustment: Some projects do not conclude by year-end at June 30th, and when budgeted in FY2020, appropriations need to be carried over into FY2021. Because the budget for the FY2021 is adopted before the fiscal year ends, the amount to be carried over is estimated and must be updated after the year ends. Staff recommends transferring the carryover budget capacity totaling \$12,332,400 for expenses that occurred prior to June 30 to the Grant Contingency Line item (209-5300-00-6990). During FY2021, staff may transfer from this line item for unbudgeted expenses in FY2021 with identified funding sources.
2. Costs associated with debt payments: Associated with the City's payments on bonded debt are certain transactional costs. These costs were not included in the FY2021 adopted budget and need to be added. The total impact of this adjustment is \$8,900 and the proposed budget amendment will take capacity from the General Fund Contingency (101-5300-00-9900).
3. For the FY2021 budget, bond proceeds and impact fee revenues were separated from other capital sources. To establish the budget in the new bond funds, budget needs to be transferred for these projects from the construction funds to the bond and impact fee funds.

Staff is recommending adjusting the interfund transfers in FY2021. The individual interfund transfer adjustments are detailed below.

1. Home Grant Fund to General Fund – As part of the Home Grant program, the City must match a certain portion of the grant award. In FY2021, these grant matches were budgeted to the General Fund. Currently, there is \$80,007 of General Funds in the Home Grant Fund that needs to return to the General Fund. This interfund transfer would occur in FY2021.

BUDGET IMPACT:

The proposed FY2021 budget adjustment will increase the Grant Contingency by \$12,332,400. The additional budget capacity from the budget transfers of excess carryover capacity do not indicate additional funding is available, as the expenses tied to the additional budget capacity occurred during FY2021. The adjustment for the costs associated with bonded debt payments will reduce the General Fund contingency by \$8,900. The adjustment to the interfund transfers will increase the fund balance of the General Fund by \$80,007.

RECOMMENDATION:

It is recommended that City Council approve the transfer of budget capacity detailed on Exhibit A and adjust the interfund transfer schedule on Exhibit B.

Exhibit A

Transfer From

Account	Fund	Department	Item Description	Amount	Justification
101-5010-00-6995	General Fund	City Council	CM Discretionary - Nielson	\$ (2,200)	Carryover Adjustment
101-5030-00-6995	General Fund	City Council	CM Discretionary - Kilgore	\$ (5,400)	Carryover Adjustment
101-5035-00-6995	General Fund	City Council	CM Discretionary - Dennis	\$ (2,200)	Carryover Adjustment
101-5040-00-6995	General Fund	City Council	CM Discretionary - Malone	\$ (1,700)	Carryover Adjustment
101-5080-00-6995	General Fund	City Council	CM Discretionary - Conde	\$ (1,200)	Carryover Adjustment
101-5085-00-6995	General Fund	City Council	CM Discretionary - Pineda	\$ (5,000)	Carryover Adjustment
101-5090-00-6995	General Fund	City Council	CM Discretionary - Weise	\$ (2,200)	Carryover Adjustment
101-5100-00-6590	General Fund	City Administration	Census Funding	\$ (2,400)	Carryover Adjustment
101-5122-00-6325	General Fund	Information Technology	ERP System Upgrade	\$ (19,600)	Carryover Adjustment
246-5105-00-6181	Public Arts Fund	Marketing and Public Relations	High School Art Contest	\$ (100)	Carryover Adjustment
229-6111-01-7551	Regional Family Advocacy	Police	donations carryover	\$ (5,100)	Carryover Adjustment
101-6305-00-7200	General Fund	Fire and Medical	Duty Uniforms	\$ (4,000)	Carryover Adjustment
101-6325-00-7200	General Fund	Fire and Medical	Duty Uniforms	\$ (2,000)	Carryover Adjustment
101-6330-00-7200	General Fund	Fire and Medical	Duty Uniforms	\$ (32,300)	Carryover Adjustment
235-6330-00-7200	Public Safety Dedicated Sales Tax	Fire and Medical	Duty Uniforms	\$ (22,700)	Carryover Adjustment
101-7500-00-7551	General Fund	Neighborhood & Family Services	Housing contribution	\$ (600)	Carryover Adjustment
101-7502-00-6180	General Fund	Neighborhood & Family Services	AmeriCorps VISTA Cost Share	\$ (4,800)	Carryover Adjustment
101-7502-00-6951	General Fund	Neighborhood & Family Services	AmeriCorps VISTA- Mortgage and Rental A	\$ (1,300)	Carryover Adjustment
101-7550-00-7551	General Fund	Neighborhood & Family Services	Avondale Youth Advisory Commission- Coi	\$ (2,000)	Carryover Adjustment
101-8100-00-8070	General Fund	Neighborhood & Family Services	RFID Return Shelves delayed due to quara	\$ (26,600)	Carryover Adjustment
101-8105-00-7551	General Fund	Neighborhood & Family Services	Unspent funds for outreach	\$ (400)	Carryover Adjustment
101-8110-00-7100	General Fund	Neighborhood & Family Services	Library Books	\$ (8,000)	Carryover Adjustment
101-6113-00-8120	General Fund	Public Works	Vehicle Carryover	\$ (39,900)	Carryover Adjustment
101-6310-00-8120	General Fund	Public Works	Vehicle Carryover	\$ (600)	Carryover Adjustment
235-6119-00-8120	Public Safety Dedicated Sales Tax	Public Works	Vehicle Carryover	\$ (33,800)	Carryover Adjustment
235-6174-00-8120	Public Safety Dedicated Sales Tax	Public Works	Vehicle Carryover	\$ (228,100)	Carryover Adjustment
235-6175-00-8120	Public Safety Dedicated Sales Tax	Public Works	Vehicle Carryover	\$ (700)	Carryover Adjustment
503-9230-00-7491	Water Operations	Public Works	Chemical Storage Tanks	\$ (10,100)	Carryover Adjustment
304-1012-00-8420	Streets Construction	Development & Engineering	Bridge Repairs	\$ (12,000)	Carryover Adjustment
304-1020-00-8420	Streets Construction	Development & Engineering	Preventative Street Maintenance	\$ (440,000)	Carryover Adjustment
304-1125-00-8001	Streets Construction	Development & Engineering	Avondale Blvd - McDowell to Encanto	\$ (48,000)	Carryover Adjustment
304-1164-00-8420	Streets Construction	Development & Engineering	Sidewalks/Streetlights Citywide	\$ (102,000)	Carryover Adjustment
304-1220-00-8420	Streets Construction	Development & Engineering	Pedestrian Ramp/Sidewalk	\$ (107,000)	Carryover Adjustment
304-1224-00-8410	Streets Construction	Development & Engineering	107th Ave/McDowell Widening	\$ (114,000)	Carryover Adjustment
304-1294-00-8410	Streets Construction	Development & Engineering	ITS Fiber Backbone	\$ (5,000)	Carryover Adjustment
304-1336-00-8410	Streets Construction	Development & Engineering	Fairway Drive Improvements	\$ (406,000)	Carryover Adjustment
304-1365-00-8420	Streets Construction	Development & Engineering	Dysart/Rancho Santa Fe Intersection	\$ (532,000)	Carryover Adjustment
304-1374-00-8410	Streets Construction	Development & Engineering	Bike Retrofit Program	\$ (38,000)	Carryover Adjustment
304-1381-00-8420	Streets Construction	Development & Engineering	Traffic Signal - Maricopa/Avondale	\$ (187,000)	Carryover Adjustment
304-1382-00-8420	Streets Construction	Development & Engineering	McDowell and 107th Ave - Dual Left	\$ (150,000)	Carryover Adjustment

304-1465-00-8420	Streets Construction	Development & Engineering	Dysart Rd Median Improvements	\$	(350,000) Carryover Adjustment
304-1500-00-8420	Streets Construction	Development & Engineering	Historic Avondale Street Impr	\$	(52,000) Carryover Adjustment
304-1509-00-8001	Streets Construction	Development & Engineering	Palm Lane Road Ext	\$	(35,000) Carryover Adjustment
304-1510-00-8001	Streets Construction	Development & Engineering	Thomas Road Bridge	\$	(72,000) Carryover Adjustment
308-1161-00-8220	Police Construction	Police	Police Expansion	\$	(183,400) Carryover Adjustment
350-1161-00-8220	General Obligation Bond Construction 2019	Police	Police Expansion	\$	(721,000) Carryover Adjustment
310-1027-00-8210	Parks Construction	Parks and Recreation	Friendship Park Youth Sports	\$	(582,000) Carryover Adjustment
310-1387-00-8210	Parks Construction	Parks and Recreation	Goodyear Farms Cemetery	\$	(83,000) Carryover Adjustment
310-1462-00-8210	Parks Construction	Parks and Recreation	Crystal Gardens Trail Improvements	\$	(155,000) Carryover Adjustment
310-1504-00-8150	Parks Construction	Parks and Recreation	Court and Finance Improvements	\$	(138,000) Carryover Adjustment
310-1512-00-8210	Parks Construction	Parks and Recreation	Neighborhood Park Enhancements	\$	(115,000) Carryover Adjustment
319-1998-00-8120	Fire Construction	Fire and Medical	Command Vehicle	\$	(44,000) Carryover Adjustment
322-1363-00-8001	One Time Construction	Neighborhood & Family Services	Civic Center Library Study	\$	(68,000) Carryover Adjustment
322-1533-00-8001	One Time Construction	Development & Engineering	Civic Center Annex Building	\$	(372,000) Carryover Adjustment
322-1410-00-8230	One Time Construction	Neighborhood & Family Services	Resource Center	\$	(432,000) Carryover Adjustment
350-1410-00-8230	General Obligation Bond Construction 2019	Neighborhood & Family Services	Resource Center	\$	(2,932,000) Carryover Adjustment
513-1108-00-8620	Sewer Construction	Public Works	10th St Lift Station Force Main	\$	(1,000) Carryover Adjustment
513-1356-00-8610	Sewer Construction	Public Works	Large Diameter Pipe Rehab	\$	(5,000) Carryover Adjustment
513-1367-00-8620	Sewer Construction	Public Works	Sewer System Improvements	\$	(27,000) Carryover Adjustment
513-1368-00-8620	Sewer Construction	Public Works	Lift Station Security Upgrades	\$	(39,000) Carryover Adjustment
513-1378-00-8620	Sewer Construction	Public Works	Lift Station Rehab Program	\$	(19,000) Carryover Adjustment
513-1389-00-8610	Sewer Construction	Public Works	Dysart Road Sewer Replacement	\$	(7,000) Carryover Adjustment
513-1391-00-8620	Sewer Construction	Public Works	Relocate Riley Lift Station	\$	(44,000) Carryover Adjustment
514-1343-00-8520	Water Construction	Public Works	Water System line replacement	\$	(18,000) Carryover Adjustment
514-1372-00-8520	Water Construction	Public Works	Reservoir Repairs and Rehab	\$	(596,000) Carryover Adjustment
514-1474-00-8520	Water Construction	Public Works	McDowell Recharge Basin Impr	\$	(3,000) Carryover Adjustment
209-5300-00-6990	Other Grants	Neighborhood & Family Services	Grant Contingency	\$	(143,000) Carryover Adjustment
514-1469-00-8510	Water Construction	Public Works	North Avondale Water Supply	\$	(16,000) Carryover Adjustment
360-1469-00-8520	PRO Bond Construction 2019	Public Works	North Avondale Water Supply	\$	(2,760,000) Carryover Adjustment
101-5300-00-9900	General Fund	Non Departmental	General Fund Contingency	\$	(8,900) Contingency for Finance and Bank Fees
304-1125-00-8420	Streets Construction	Development & Engineering	Avondale Blvd - McDowell to Encanto	\$	(671,093) Change in Project Funds
304-1336-00-8410	Streets Construction	Development & Engineering	Fairway Drive Improvements	\$	(685,527) Change in Project Funds
304-1382-00-8410	Streets Construction	Development & Engineering	McDowell and 107th Ave - Dual Left	\$	(250,000) Change in Project Funds
514-1468-00-8510	Water Construction	Public Works	McDowell Rd 16 inch Waterline Avondale	\$	(500,000) Change in Project Funds
514-1469-00-8520	Water Construction	Public Works	North Avondale Water Supply	\$	(2,885,000) Change in Project Funds
514-1469-00-8510	Water Construction	Public Works	North Avondale Water Supply	\$	(5,361) Change in Project Funds
514-1214-00-8520	Water Construction	Public Works	Well at 107/Encanto	\$	(921,000) Change in Project Funds
Total				\$	(18,545,281)

Transfer To

Account Number	Fund	Department	Item Description	Amount	Justification
----------------	------	------------	------------------	--------	---------------

209-5300-00-6990	Other Grants	Non Departmental	Grant Contingency	\$	12,475,400	Carryover Adjustment
514-1475-00-8520	Water Construction	Public Works	Well and Booster Station	\$	43,000	Carryover Adjustment
310-1408-00-8210	Parks Construction	Development & Engineering	Van Buren Multi Use Path	\$	100,000	Carryover Adjustment
401-5300-00-6100	Non Departmental	Non Departmental	Finance and Banking Fees - Debt	\$	2,000	Finance and Banking Fees not in budget
417-5300-00-6100	Non Departmental	Non Departmental	Finance and Banking Fees - Debt	\$	1,000	Finance and Banking Fees not in budget
430-5300-00-6100	Non Departmental	Non Departmental	Finance and Banking Fees - Debt	\$	4,000	Finance and Banking Fees not in budget
431-5300-00-6100	Non Departmental	Non Departmental	Finance and Banking Fees - Debt	\$	1,900	Finance and Banking Fees not in budget
540-1469-00-8520	Water Development Impact Fees	Public Works	North Avondale Water Supply	\$	2,890,361	Change in Project Funds
340-1125-00-8420	Streets Development Impact Fees	Development & Engineering	Avondale Blvd - McDowell to Encanto	\$	671,093	Change in Project Funds
340-1336-00-8410	Streets Development Impact Fees	Development & Engineering	Fairway Drive Improvements	\$	685,527	Change in Project Funds
340-1382-00-8410	Streets Development Impact Fees	Development & Engineering	McDowell and 107th Ave - Dual Left	\$	250,000	Change in Project Funds
540-1468-00-8510	Water Development Impact Fees	Public Works	McDowell Rd 16 inch Waterline Avondale	\$	500,000	Change in Project Funds
540-1214-00-8520	Water Development Impact Fees	Public Works	Well at 107/Encanto	\$	921,000	Change in Project Funds
Total				\$	18,545,281	

Exhibit B

Transfer From Fund	Transfer To Fund	Fiscal Year	Amount	Reason
205 - Home Grant	101 - General Fund	FY2021	\$	80,007 Move General Fund Match

SUBJECT: Resolution 1063-0920 - Appointment of City Attorney

MEETING DATE: 9/21/2020

TO: Mayor and Council

FROM: Gina Montes, Assistant City Manager, (623) 333-1012

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

PURPOSE:

City Council will consider a request to adopt Resolution 1063-0920, appointing Nicholle Harris, as the City Attorney of the City of Avondale, and authorizing the Mayor, City Manager, City Clerk and Special Counsel to execute the necessary documents. The Council will take appropriate action.

DISCUSSION:

This item is to request Council approval of the Resolution appointing Nicholle Harris as City Attorney.

BUDGET IMPACT:

Funds are available in the FY 2020-21 budget for the cost of the position salary and benefits.

RECOMMENDATION:

Staff recommends approval of the appointment of Nicholle Harris as City Attorney, effective October 5.

RESOLUTION NO. 1063-0920

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPOINTING NICHOLLE HARRIS AS THE CITY ATTORNEY

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

SECTION 1. Pursuant to the Avondale City Charter and in accordance with the recommendation of the City Manager, Nicholle Harris is hereby appointed as City Attorney of the City of Avondale, Arizona ("City"), effective October 5, 2020. Consistent with the City Charter, Harris is not subject to the City Merit System and she shall serve at the pleasure of the City Council, which means that she or the City can terminate the employment relationship with or without cause at any time.

SECTION 2. As long as she holds the position of City Attorney, the following terms and conditions shall apply:

a. Ms. Harris shall be subject to the conduct expectations and requirements set forth in the City of Avondale Policy and Procedure Manual and/or Administrative Policies.

b. Ms. Harris's performance shall be evaluated annually no later than June 30 of each year by the City Manager in consultation with the City Council.

SECTION 3. As an employee of the City, Nicholle Harris will receive a base annual salary of \$185,000.00 and will be eligible for all of the benefits and compensation adjustments (e.g. merit, cost of living) afforded to City Department Directors. As City Attorney, Nicholle Harris at all times will abide with the City Charter and policies and administrative procedures of the City, as well as local, state and federal law.

SECTION 4. In addition to enrollment in the Arizona State Retirement System (ASRS), if Harris is enrolled in a 457B deferred compensation plan, in addition to any amounts contributed by Harris to the plan, the City shall annually contribute an amount of \$10,000 to the 457B plan. Such contributions shall be in 26 equal bi-monthly installments. The City further agrees to transfer ownership of Harris's 457B plan to any succeeding employer in the event of Harris's termination from the City, for any reason. Any catch-up amounts permitted by the 457B plan shall be made separately by Ms. Harris.

SECTION 5. The City shall pay Harris a monthly vehicle stipend in the sum of \$350.00.

SECTION 6. If the City exercises its right to terminate Harris without good cause, the City shall pay Harris a lump sum payment equivalent to three (3) months of her base salary in effect at that time. If, on the other hand the City terminates the employment relationship for good cause, Employee will have no entitlement to severance pay. For purposes of this Agreement, "good cause" means intentional misconduct, including but not limited to the commission of a crime, insubordination or a violation of City policy. Employee's entitlement to

severance pay will be contingent upon her entering into a separation agreement with a waiver and release of claims.

SECTION 7. The Mayor, the City Manager, the City Clerk, and the City Manager are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

SECTION 8. The City Council further directs the City Manager to take all necessary action related to the hiring of Nicholle Harris for the position of the City Attorney.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
on September 21, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Susan Segal, Special Counsel for the City

CITY COUNCIL REPORT

SUBJECT: Re-Plat of "99th & Encanto" for Avondale Station (formerly Virtua99) - Application PL-20-0165

MEETING DATE: 9/21/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Department Director

THROUGH: Tracy Stevens, Deputy City Manager

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

PURPOSE:

City Council will consider a request by Mr. Adrian Betts, Virtua Partners, for approval of a Re-Plat of "99th & Encanto" for Avondale Station (formerly Virtua99), approximately 59.77 gross acres located north of the northwest corner of 99th Avenue and McDowell Road. In conformance with the approved Avondale Station/Virtua99 Planned Area Development (PAD), the proposed Re-Plat divides the subject property into seven (7) lots, dedicates 99th Avenue right-of-way, creates tracts for private streets, and dedicates public water and sewer easements and private easements to serve future development of the lots. A previous Re-Plat of this property was approved by the Council in December 2019 but was not recorded for reasons related to the timing of easement dedications over the then-existing United States Bureau of Reclamation (BoR)/Salt River Project (SRP) easements. The Council will take appropriate action.

BACKGROUND:

The 59.77-acre subject property is located approximately 1,350 feet north of the northwest corner of 99th Avenue and McDowell Road. The site is undeveloped and currently used for agricultural purposes (Exhibits A and B).

The property has been annexed in segments. The southernmost 34 acres were annexed into the City of Avondale in May 1981, the middle 19 acres in September 1984, and the northernmost 7 acres in February 1999.

The parcels were zoned AG (Agricultural) until May 2007, when the City Council approved a rezoning of the property to Planned Area Development (PAD) for a development called La Entrada. The development plan for La Entrada called for multi-family residential uses north of the Encanto Boulevard alignment and commercial/office uses south of the Encanto Boulevard alignment.

The property was rezoned from La Entrada PAD to Avondale Live PAD in February 2009. The Avondale Live PAD maintained La Entrada's multi-family residential component north of the Encanto Boulevard alignment, with a Studio District at the southwest portion of the site to accommodate construction of film production studios and associated uses. The southeast portion of the site was to be developed with a range of commercial and entertainment uses.

The property was rezoned from Avondale Live PAD to Virtua99 PAD in August 2017. The approved Virtua99 PAD allows for development of a horizontally integrated mixed-use development inclusive of 23.2 acres of commercial, 14.5 acres of single-family residential, and 22.1 acres of multi-family residential (Exhibit E). A Minor Amendment to the Virtua99 PAD, slightly adjusting the boundary lines of the single-family residential, multi-family residential, and commercial sub-areas and changing the name of the future development to Avondale Station, was approved administratively in November 2019. Approval of a Final Plat, creating internal parcel lines for the different use areas, dedicating fifteen (15) feet of 99th Avenue right-of-way north of Encanto Boulevard, and dedicating 37 feet of 99th Avenue right-of-way south of Encanto Boulevard, is required by stipulation of the 2017 rezoning.

A Final Plat satisfying the 2017 zoning stipulation was approved by the Council in December 2019. However, the approved Final Plat was unable to be recorded because it was not in compliance with Salt River Project (SRP) and United States Bureau of Reclamation (BoR) requirements for dedication of easements and the timing of said easement dedications in relation to the tiling (undergrounding) of the SRP irrigation canal adjacent to 99th Avenue. The tiling of the canal adjacent to the site and related land exchanges were completed in early 2020 allowing this proposed Re-Plat to proceed for approval and recordation.

The property is designated by the General Plan 2030 Land Use Map as Mixed Use (Exhibit C). The Mixed Use Designation is designed to accommodate a mixture of residential and commercial land uses. Development within this category is intended to be reflective of a village concept, where residents can live, work, and recreate within the same development or close by. Criteria for development includes reasonable scale to surrounding neighborhoods, proportionate land use ratios, and encouragement of alternative modes of transportation, such as bicycling, walking, and/or access to transit. The Virtua99/Avondale Station PAD is in conformance with the General Plan 2030.

The existing uses and zoning of the surrounding properties are as follows:

East of 99th Avenue: The Sheely Farms property, a series of parcels totaling approximately 163-acres zoned Phoenix PUD (Planned Unit Development), extending from Thomas Road to McDowell Road, bounded by Loop 101 on the east and 99th Avenue on the west. Portions of the property are currently used for a private sport field complex and “Fear Farm”, though conceptual development plans call for development of intense, multi-story office on the site. There is no known time frame for development of the Sheely Farms site.

West: Multiple land uses border the subject property to the west, separated by the Roosevelt Irrigation District canal. From south to north, these uses include:

- A 20-acre site, zoned PAD (Planned Area Development), developed with a 400-unit multi-family apartment development, Zinc (formerly Avalon) Apartments.
- A 20-acre site, zoned RR-43 (Rural Residential), owned by the Pendergast Elementary School District and developed with the Rio Vista Elementary School. The school’s athletic fields occupy the east half of the school site closest to the Avondale Station development.
- A series of residential lots located within a Maricopa County island. The lots range in size from just under 1-acre to as large as 5-acres and are developed with single family residences, related structures for the keeping of livestock, and a place of worship. The lots are all zoned Maricopa County RU-43 (Rural Residential).

North: An undeveloped 7.7-acre parcel located in unincorporated Maricopa County, used for agricultural purposes, and zoned County RU-43 (Rural Residential).

South: The Gateway Pavilions shopping center, a fully developed regional shopping center located on 79 acres, featuring Costco, Marshall's, Bed Bath and Beyond, Harkins Theatre and a multitude of other shops and restaurants. The Gateway Pavilions Center is located within the City of Avondale and is zoned PAD (Planned Area Development) with allowances for C-2 (Community Commercial) uses.

SUMMARY OF REQUEST:

The applicant is requesting approval of a Re-Plat of "99th & Encanto" for Avondale Station (Exhibit F). This proposed Re-Plat will replace the previous Re-Plat that had been approved in December 2019 but not recorded for reasons described in this report. This proposed Re-Plat divides the 59.77-acre property into seven lots, as follows:

- **Lot 1:** A 10.17-acre parcel to be developed with commercial uses per the approved Avondale Station/Virtua99 PAD. No development plans have been submitted for this parcel.
- **Lot 2:** A 20.35-acre parcel to be developed with multi-family residential uses per the approved PAD. No development plans have been submitted for this parcel.
- **Lot 3:** A 15.56-acre parcel to be developed with single-family residential uses per the approved PAD. No development plans have been submitted for this parcel.
- **Lot 4:** A 2.65-acre parcel to be developed with commercial uses per the approved PAD. No development plans have been submitted for this parcel.
- **Lot 5:** A 2.94-acre parcel to be developed with commercial uses per the approved PAD. No development plans have been submitted for this parcel.
- **Lot 6:** A 2.50-acre parcel to be developed with commercial uses per the approved PAD. No development plans have been submitted for this parcel.
- **Lot 7:** A 2.43-acre parcel to be developed with commercial uses per the approved PAD. A 4-story, 130 room Springhill Suites by Marriott hotel is planned on Lot 7.

In addition, as required by stipulation of the 2017 zoning approval, the Re-Plat dedicates 99th Avenue half-street right-of-way necessary for the developer to widen 99th Avenue adjacent to the Avondale Station site per City of Phoenix arterial street standards. The Re-Plat also creates tracts for private streets that will provide internal access to the various components of Avondale Station, and dedicates public water and sewer easements and private easements to serve the future development in conformance with the approved civil plans for the future development.

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, Subdivision Regulations, and Avondale Station/Virtua99 Planned Area Development (PAD).
- The proposed Re-Plat dedicates right-of-way and easements as required by stipulation of the 2017 Virtua99 zoning approval.
- The owner has completed the tiling (undergrounding) of the SRP irrigation canal adjacent to the Avondale Station site, including all required land exchanges with Salt River Project and the United States Bureau of Reclamation. With these items completed, the barriers that prevented recordation of the prior Re-Plat have been addressed.

DISCUSSION:

1. The proposed Re-Plat is in conformance with the City of Avondale Zoning Ordinance and Subdivision Regulations.
2. The proposed Re-Plat is in conformance with the Avondale Station/Virtua99 PAD, including conditions of approval.
3. The conditions of approval are reasonable to ensure conformance with the provisions as outlined in the Avondale Zoning Ordinance and all other applicable City codes, ordinances, and policies.

STRATEGIC PLAN:

INITIATIVE: Foster sustainable community development

- STRATEGIC GOAL: Encourage build-out in residential housing opportunities that support diverse housing options.

INITIATIVE: Create and support diverse recreation and education opportunities

- STRATEGIC GOAL: Pursue private development of sports, entertainment, and hospitality amenities.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

No public hearing is required. The City Council will **APPROVE** Application PL-20-0165 Avondale Station, a request for a Re-Plat of "99th & Encanto" for Avondale Station, subject to the following one (1) condition of approval:

1. The recorded plat shall be in conformance with the Re-Plat for Avondale Station submitted on August 18, 2020.

PROPOSED MOTION:

I move that City Council **APPROVE** Application PL-20-0165 Avondale Station, a Re-Plat of "99th & Encanto" for Avondale Station, subject to one (1) recommended condition of approval as listed in the staff report.

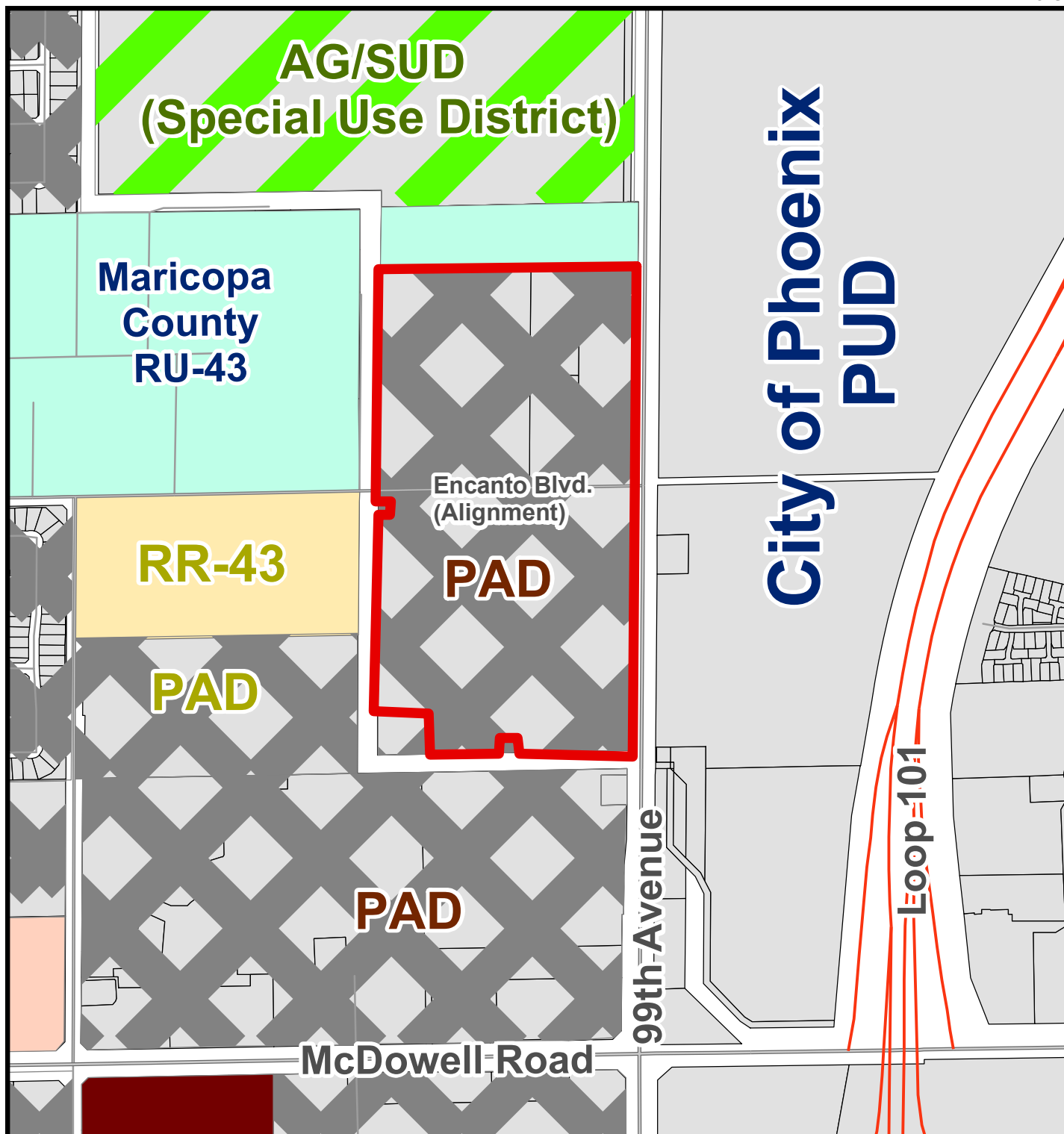


Aerial Photograph



 Subject Property



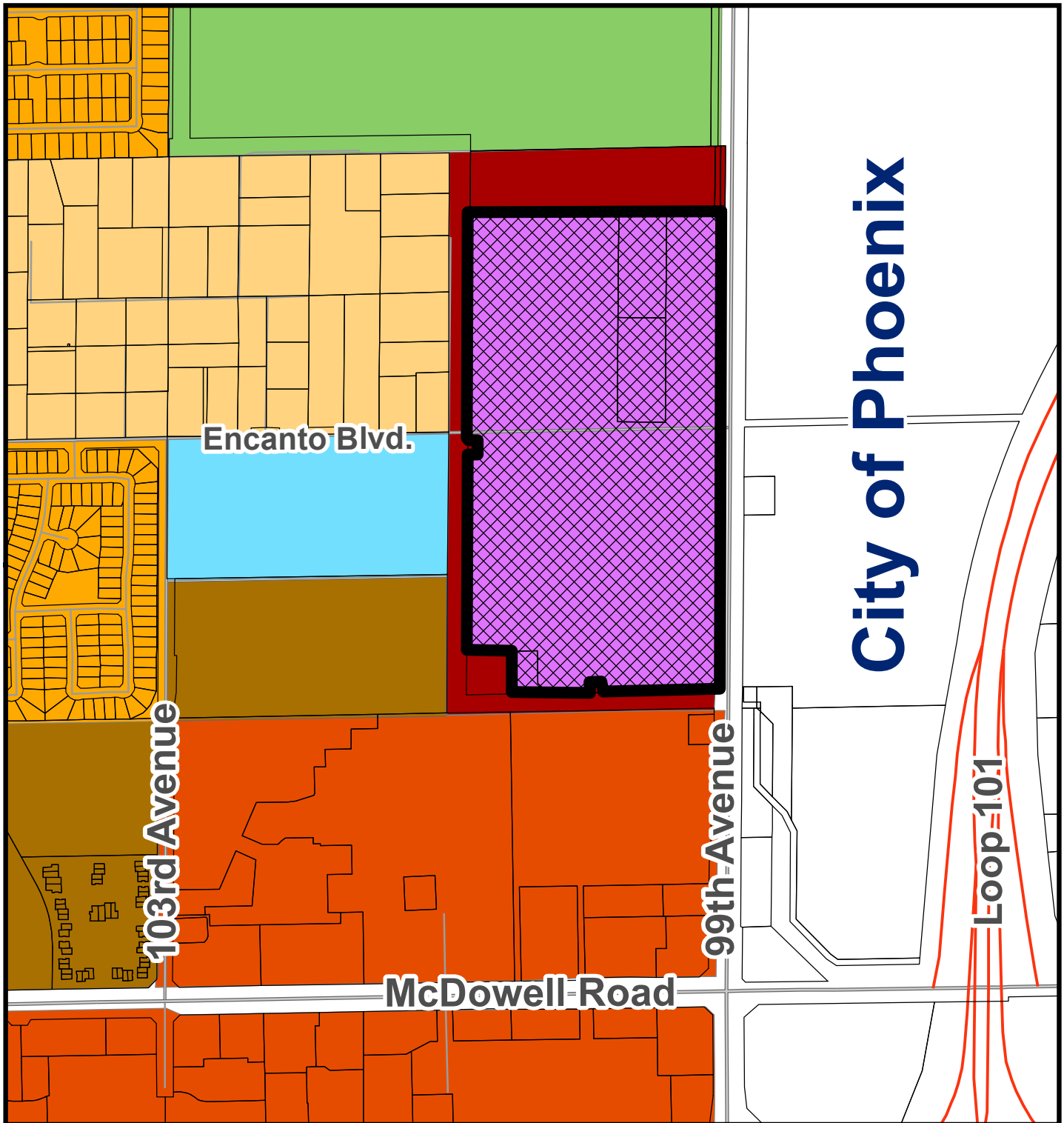


Zoning Vicinity Map



 Subject Property





Proposed General Plan Land Use Map

- | | | |
|--|--|---|
|  Urban Commercial |  Education |  Low Density Residential |
|  Freeway Commercial |  Open Space |  Mixed Use |
|  High Density Residential |  Medium Density Residential | |



Subject Property



SUMMARY OF RELATED FACTS

APPLICATION PL-20-0165

THE PROPERTY	
PROPERTY SIZE	Approximately 59.77 gross acres
LOCATION	Approximately 1,350 feet north of the northwest corner of 99 th Avenue and McDowell Road
PHYSICAL CHARACTERISTICS	The rectangular property is undeveloped and used for agricultural purposes. The site has several “exception” parcels located around the southern and western boundaries of the property: 1) A 2,699 square foot parcel owned by the City of Avondale which houses a well site on the southern edge of the property, 2) A 43,986 square foot parcel owned by the City of Avondale which houses a water treatment and storage facility related to the aforementioned well, and 3) A 3,049 square foot parcel owned by the Roosevelt Irrigation District (RID) which houses equipment related to the operation of the adjacent RID canal.
GENERAL PLAN LAND USE	The property is designated by the General Plan 2030 Land Use Map as Mixed Use. The Mixed Use Designation is designed to accommodate a mixture of residential and commercial land uses. Development within this category is intended to be reflective of a village concept, where residents can live, work, and recreate within the same development or close by. Criteria for development includes reasonable scale to surrounding neighborhoods, proportionate land use ratios, and encouragement of alternative modes of transportation, such as bicycling, walking, and/or access to transit.
EXISTING ZONING	Virtua99 Planned Area Development (PAD)
ZONING HISTORY	The property was annexed in segments: The southernmost 34 acres were annexed into the City of Avondale in May 1981, the middle nineteen (19) acres in September 1984, and the northernmost seven (7) acres in February 1999. The parcels were zoned AG (Agricultural) until May 2007, when the City Council approved a rezoning of the property to PAD for a development called La Entrada. The conceptual development plan for La Entrada called for multi-family residential uses north of the Encanto Boulevard alignment and commercial/office uses south of the Encanto Boulevard alignment. The property was rezoned from La Entrada PAD to Avondale Live PAD by City Council in February 2009. The Avondale Live PAD maintained the multi-family residential component north of the Encanto Boulevard alignment but created a Studio District at the southwest portion of the site, to accommodate construction of film production studios and associated uses. The southeast portion of the site was to be developed with a range of commercial and entertainment uses. The property was rezoned from Avondale Live PAD to Virtua99 PAD by City Council in August 2017. The approved Virtua99 PAD allows for development of a horizontally integrated mixed-

	use development inclusive of 23.2 acres of commercial, 14.5 acres of single-family residential, and 22.1 acres of multi-family residential. A Minor Amendment to the Virtua99 PAD, slightly adjusting the boundary lines of the different use sub-areas, was approved administratively in November 2019. Approval of a Final Plat, creating internal parcel lines for the different use areas, dedicating fifteen (15) feet of 99th Avenue right-of-way north of Encanto Boulevard, and dedicating 37 feet of 99th Avenue right-of-way south of Encanto Boulevard, is required by stipulation of the 2017 Virtua99 PAD approval. A Final Plat satisfying the 2017 zoning stipulation was approved by City Council in December 2019. However, this 2019 Re-Plat was never recorded for reasons related to the timing of easement dedications over the then-existing Bureau of Reclamation (BoR)/Salt River Project (SRP) easements that contained the previously above ground irrigation canal. The tiling (undergrounding) of the SRP irrigation canal adjacent to the site and related land exchanges between the developer and the BoR/SRP were completed in early 2020. With that, the new Re-Plat can proceed for approval and recordation.
DEVELOPMENT HISTORY	The property has never been developed and has historically been used for agricultural purposes. A Springhill Suites by Marriott hotel is in the initial stages of construction on the north half of the property.

SURROUNDING ZONING AND LAND USE	
NORTH	An undeveloped 7.7-acre parcel located in unincorporated Maricopa County, used for agricultural purposes, and zoned County RU-43 (Rural Residential).
EAST OF 99 TH AVENUE	The Sheely Farms property, a series of parcels totaling approximately 163 acres zoned Phoenix PUD (Planned Unit Development), extending from Thomas Road to McDowell Road, bounded by Loop 101 on the east and 99 th Avenue on the west. Portions of the property are currently used for a private sport field complex and “Fear Farm”, though conceptual development plans call for development of intense, multi-story office on the site. There is no known time frame for development of the Sheely Farms site.
SOUTH OF THE RID CANAL	The Gateway Pavilions shopping center, a fully developed regional shopping center located on 79 acres, featuring Costco, Marshall’s, Bed Bath and Beyond, Harkins Theatre and a multitude of other shops and restaurants. The Gateway Pavilions Center is located within the City of Avondale and is zoned PAD (Planned Area Development) with allowances for C-2 (Community Commercial) uses.
WEST OF THE RID CANAL	Multiple land uses border the subject property to the west, separated by the Roosevelt Irrigation District canal. From south to north, these uses include: • A 20-acre site, zoned PAD (Planned Area Development), developed with a 400-unit multi-family apartment development, Zinc (formerly

	Avalon) Apartments. • A 20-acre site, zoned RR-43 (Rural Residential), owned by the Pendergast Elementary School District and developed with the Rio Vista Elementary School. The school's athletic fields occupy the east half of the school site closest to the Virtua99 development. • A series of residential lots located within a Maricopa County island. The lots range in size from just under one (1) acre to as large as five (5) acres and are developed with single family residences, related structures for the keeping of livestock, and a place of worship. The lots are all zoned Maricopa County RU-43 (Rural Residential).
--	---

<i>PUBLIC SCHOOLS</i>	
SCHOOL DISTRICT(S)	Pendergast Elementary School District Tolleson Union High School District
ELEMENTARY SCHOOL	Rio Vista Elementary School
HIGH SCHOOL	Westview High School

<i>ADJACENT STREETS</i>	
99th Avenue	
Classification	City of Phoenix Arterial
Existing half-street right-of-way	33 feet to 55 feet (Varies by Location)
Standard half-street right-of-way	70 feet with additional ROW for deceleration/turn lanes, etc.
Existing half-street improvements	Two (2) travel lanes
Standard half-street improvements	Three (3) travel lanes, landscaped center median, curb-and-gutter, streetlights, detached sidewalk, and landscaping.

<i>UTILITIES</i>
The development will have access to an existing 16-inch waterline in 99th Avenue that terminates short of the property's northern boundary, a 16-inch waterline at the southern boundary of the property adjacent to the RID Canal, and a 12-inch waterline in Encanto Boulevard that terminates west of the RID Canal. It is likely that each of these lines will be utilized, and in the case of the Encanto Boulevard and 99th Avenue lines, extended, to provide water to the development and meet City looping requirements. The development will have access to an existing 15-inch sewer line in 103rd Avenue. An extension of this line down Encanto Boulevard, under the RID canal, will be required to provide sewer services for the project. Salt River Project (SRP) provides electrical service in this portion of Avondale.

Exhibit E

Approved PAD Development Plan

Avondale Station (formerly Virtua99)



LAND USE TABLE			
Land Use	Area (ac)	Density	Target Density
Single Family Residential	14.5	6 - 10 DU/ac	8 DU/ac
Multifamily	22.1	20 - 24 DU/ac	22 DU/ac
Commercial 1	11.5	-	-
Commercial 2	11.7	-	-
Total	59.8	-	-

VIRTUA99 AVONDALE

AVONDALE, AZ

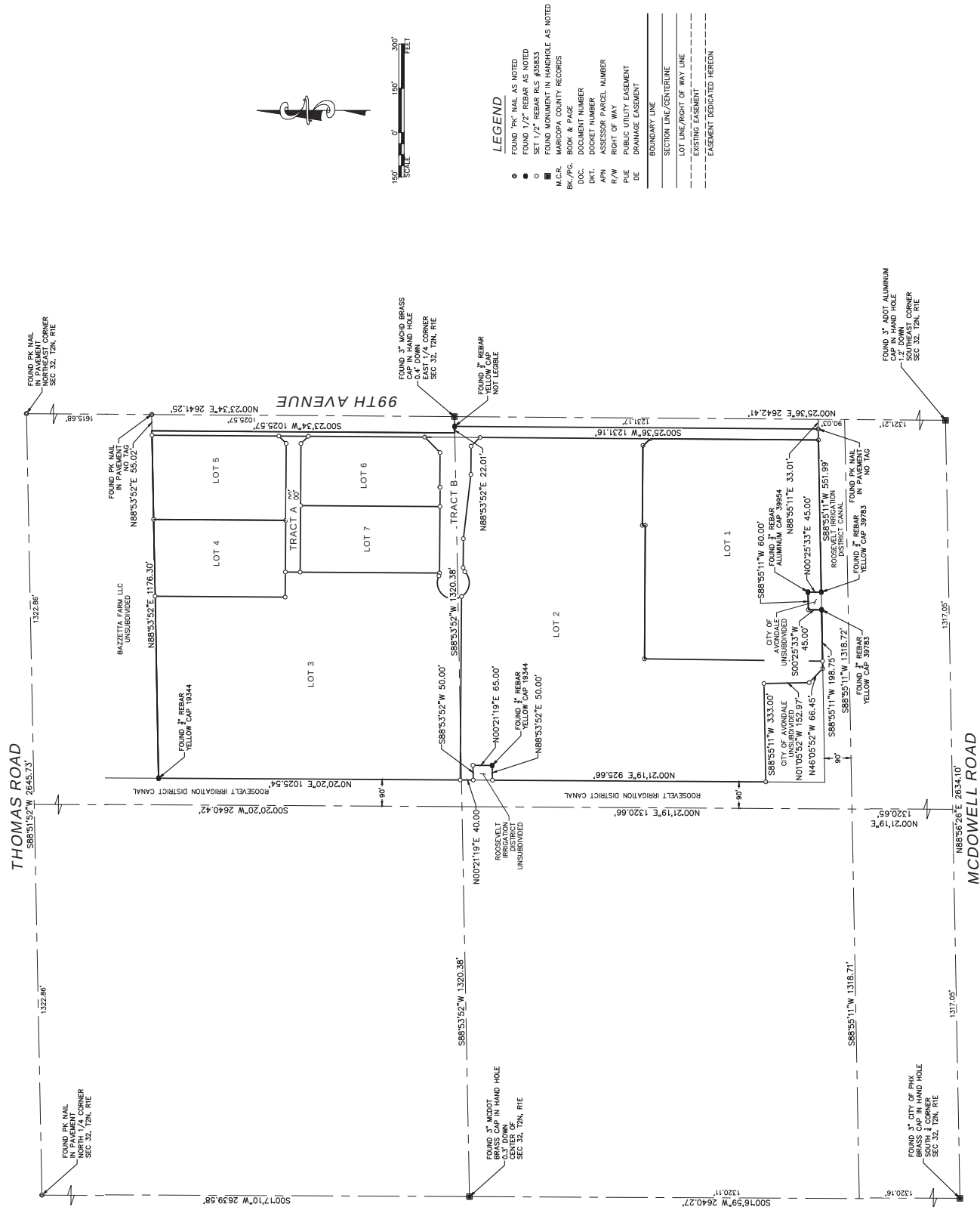
CONCEPTUAL LAND USE PLAN EXHIBIT E

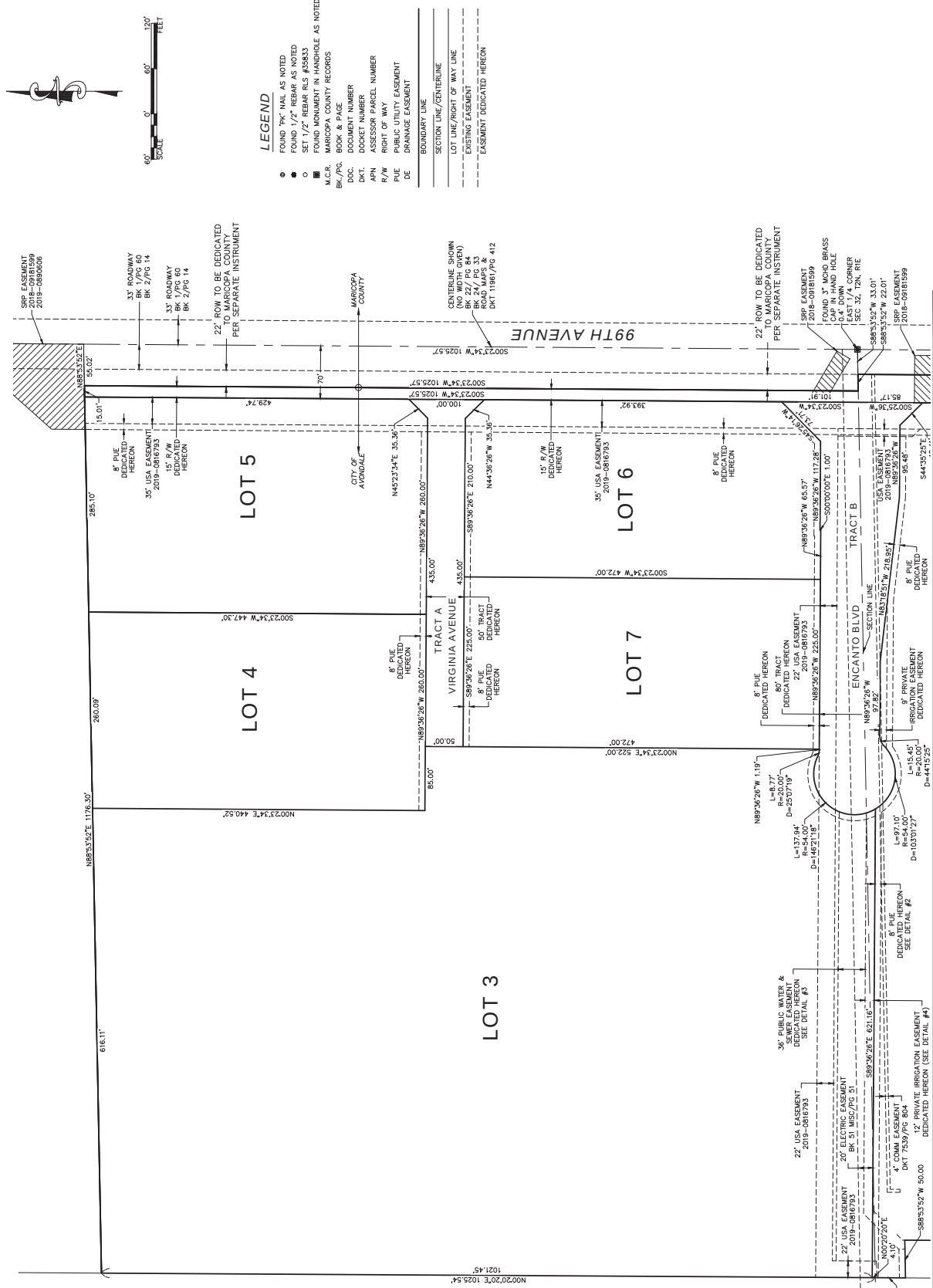
SCALE: 1"=100'
OCTOBER 2019 NORTH

DESIGNED AND PREPARED BY:
HILARTWILSON
ENGINEERS | PLANNERS | ENVIRONMENTAL | LANDSCAPE ARCHITECTS

Exhibit F

Proposed Re-Plat





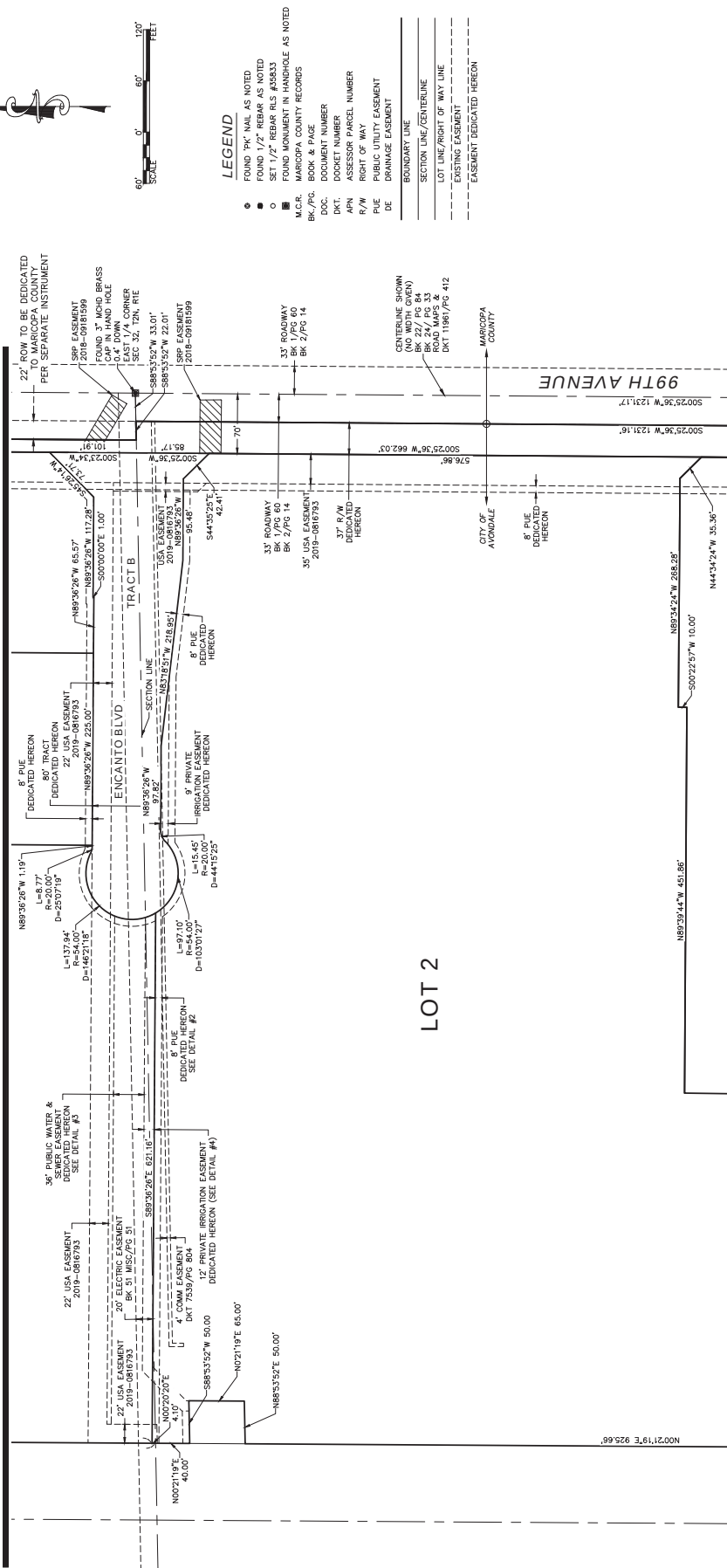
- LEGEND**
- FOUND 7/4" NAIL AS NOTED
 - FOUND 1/2" REBAR AS NOTED
 - FOUND MONUMENT IN HANDHOLE AS NOTED
 - M.C.R. MARICOPA COUNTY RECORDS
 - BK./PG. BOOK & PAGE
 - DOC. DOCUMENT NUMBER
 - DKT. DOCKET NUMBER
 - APN ASSESSOR PARCEL NUMBER
 - R/W RIGHT OF WAY
 - PUE PUBLIC UTILITY EASEMENT
 - DE DRAINAGE EASEMENT
- SECTION LINE/CENTERLINE
LOT LINE/RIGHT OF WAY LINE
EXISTING EASEMENT
EASEMENT DEDICATED HEREON

MATCH SHEET 4



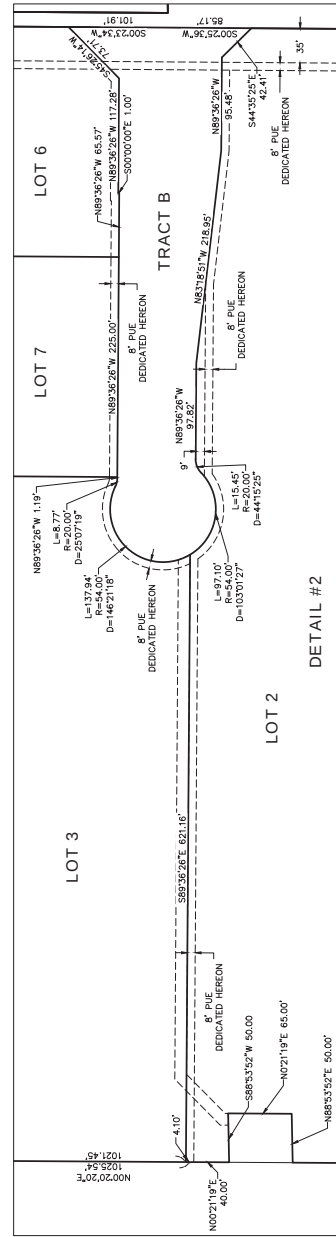
DRAWING NAME:	5221_PLAT
JOB NO:	P5221
DRAWN:	JAS/JH
CHECKED:	JAS
DATE:	8/11/2020
SCALE:	1"=60'
SHEET:	4 OF 6

MATCH SHEET 3



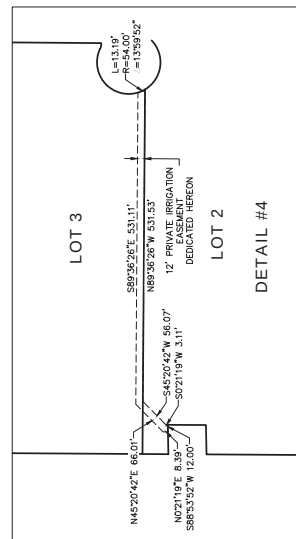
LOT 2

MATCH SHEET 5



LOT 2

DETAIL #2



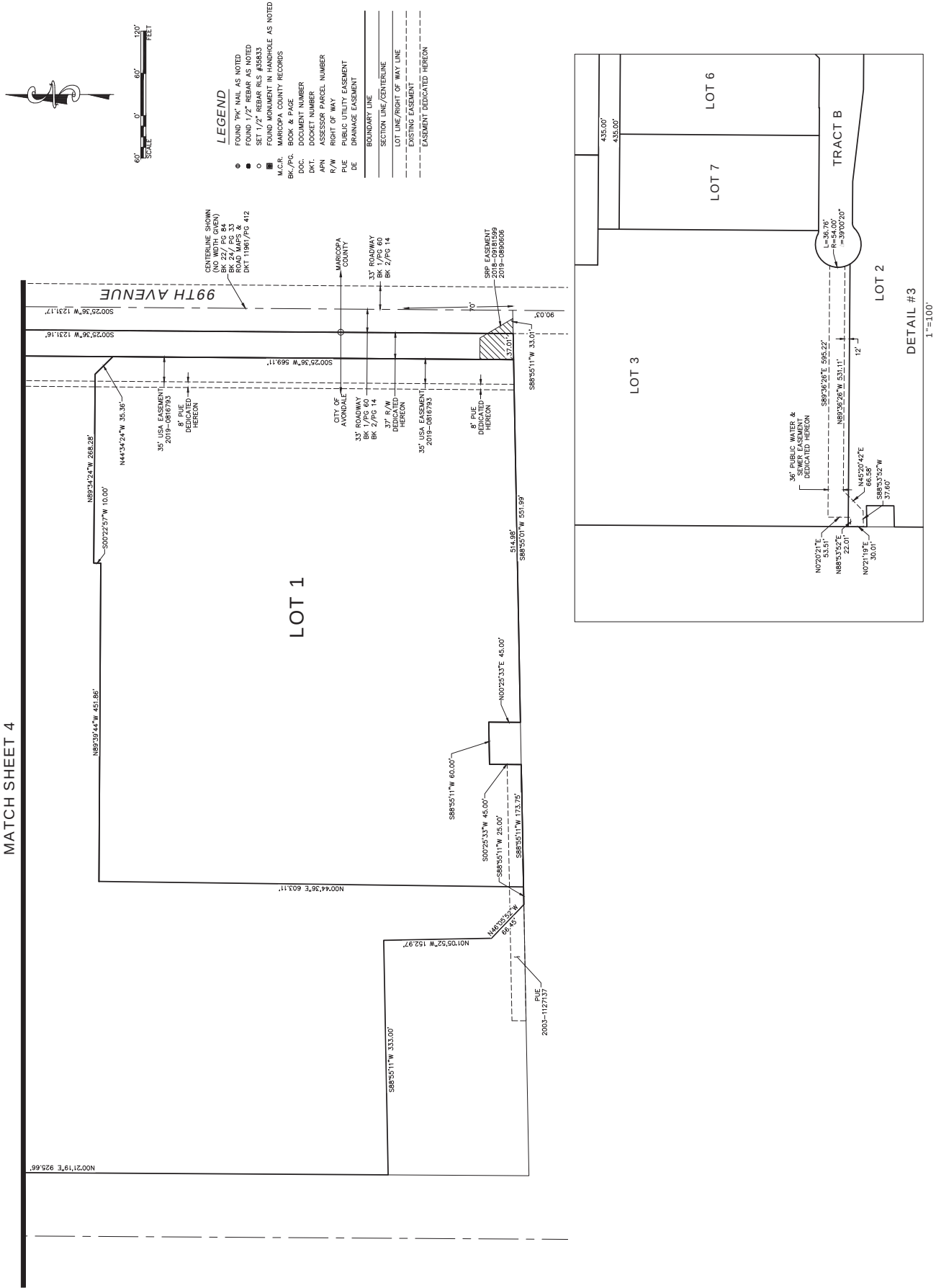
DETAIL #4



LEGEND

- FOUND "PK" NAIL AS NOTED
- SET 1/2" REBAR A/S NOTED
- FOUND MONUMENT IN HANDHOLE AS NOTED
- M.C.R. MARICOPA COUNTY RECORDS
- BK/P.G. BOOK & PAGE NUMBER
- DKT. DEED NUMBER
- APN. ASSESSOR PARCEL NUMBER
- R/W. RIGHT OF WAY
- P.U.E. PUBLIC UTILITY EASEMENT
- DE. DRAINAGE EASEMENT
- BOUNDARY LINE
- SECTION LINE/CENTERLINE
- LOT LINE/RIGHT OF WAY LINE
- EXISTING EASEMENT
- EASEMENT DEDICATED HEREON

DRAWING NAME: 5221_PLAT
JOB NO. P5221
DRAWN: JAS/JH
CHECKED: JAS
DATE: 8/11/2020
SCALE: 1"=60'
SHEET: 5 OF 6

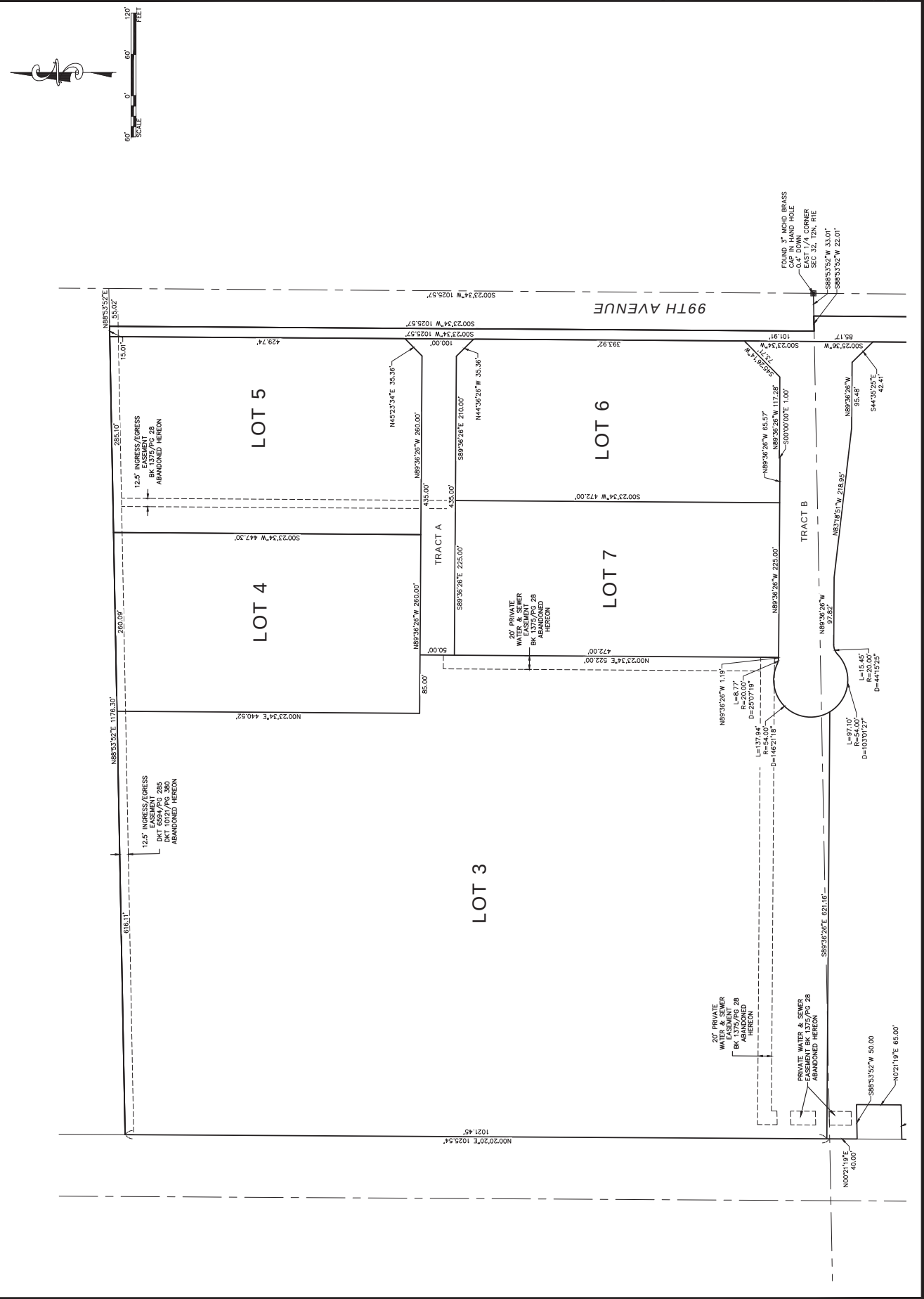


DRAWING NAME:
5221-PLAT
JOB NO. P5221
DRAWN: JAS/JH
CHECKED: JAS
DATE: 8/11/2020
SCALE: NTS
SHEET: 6 OF 6



FINAL PLAT
AVONDALE STATION
AVONDALE, ARIZONA

SIG
SURVEY INNOVATION
GROUP, INC.
22425 N. 16th ST., SUITE 1
PHOENIX, ARIZONA 85024
PHONE (480) 923-0780
FAX (480) 923-0781
WWW.SIGSURVEYAZ.COM
Land Surveying Services



CITY COUNCIL REPORT

SUBJECT: Final Plat for Avondale 50 - Application PL-20-0139

MEETING DATE: 9/21/2020

TO: Mayor and Council

FROM: Kevin Murphy, Development & Engineering Services Department Director

THROUGH: Tracy Stevens, Deputy City Manager

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

PURPOSE:

City Council will consider a request by Mr. Matt Visnansky, Opus Development Company, for approval of a Final Plat for Avondale 50, approximately 59.88 gross acres of land located at the northwest corner of 119th Avenue and Corporate Drive. Consistent with the approved Avondale 50 Planned Area Development (PAD), the proposed Final Plat creates lots for each of the three (3) planned light industrial buildings on the Avondale 50 site, dedicates half-street right-of-way for 119th Avenue and Corporate Drive adjacent to the site, and dedicates public utility and sewer easements to serve the future commerce park. Additionally, the proposed Final Plat dedicates the north half-street right-of-way for Corporate Drive from the west boundary of the Avondale 50 site to Fairway Drive, resulting in the creation of a fourth lot and remnant tract, under separate ownership, west of the Avondale 50 development site. The Council will take appropriate action.

BACKGROUND:

The 59.88 gross acre subject property (Exhibits A and B) is located at the northwest corner of 119th Avenue and Corporate Drive with approximately 1,300 feet of frontage along Interstate 10 (I-10). The site, which was annexed in April 1978, is rectangular, relatively flat, and features no unusual physical characteristics.

The eastern 50.56 gross acres, designated Business Park by the General Plan 2030 Land Use Map (Exhibit C), were rezoned from Agricultural (AG) to Avondale 50 Planned Area Development (PAD) in December 2019. The Business Park designation accommodates enclosed light manufacturing, corporate commerce, hotel, multi-story offices, research and development industries, solar and renewable energy manufacturers, motor sports related manufacturing, and limited warehouse and support services that support these primary employment uses. In conformance with the Business Park designation, the approved Avondale 50 PAD allows for development of the property with a commerce park campus featuring three (3) light industrial buildings ranging from 160,300 square feet to 388,500 square feet. Permitted uses are based upon the Commerce Park (CP) zoning district with modifications. A Site Plan/Design Review application for Avondale 50, consistent with the approved zoning, was approved administratively in February 2020. It was recently announced by the developer that going forward, the planned Avondale 50 development would be renamed and marketed as "Fairway 10". The site will be developed by Opus Development Company.

The zoning of the western 9.32 gross acres is Agricultural (AG), which was reverted from Planned Area Development (PAD) in February 2011 after the Avondale Crossing PAD Development Plan expired. This portion of the property is designated by the General Plan 2030 Land Use Map as Urban Residential, a category that allows for development of residential uses featuring more than 30 dwelling units per acre located near open space, transit stops, employment, shopping, and entertainment uses, featuring structured or underground parking. This western portion of the property is owned by Lapour Avondale One, LLC, and is not part of the planned Avondale 50 (Fairway 10) development.

The existing uses and zoning of surrounding properties include:

North: Interstate 10 (I-10), a ten-lane highway zoned AG (Agricultural). The width of I-10 right-of-way adjacent to the site ranges from 680 to 770 feet.

East: An undeveloped 76.7-acre property in agricultural production, zoned City Center District (CCD). The site was removed from the boundaries of The BLVD and given a Mixed Use General Plan Land Use designation through a General Plan Amendment approved by City Council in September 2019.

South (of Corporate Drive): Desert Springs Village, a fully developed 186-lot single-family residential subdivision, zoned Planned Area Development (PAD).

West: Multiple properties, the majority of which are zoned AG (Agricultural) and are in agricultural production. Two (2) smaller abutting parcels are zoned R1-35 (Suburban Residential) and developed with single-family homes and accessory structures.

SUMMARY OF REQUEST:

The applicant is requesting approval of a Final Plat for Avondale 50 (Exhibit E). The proposed Final Plat divides the subject property into four (4) lots and one (1) tract, as follows:

- **Lot 1:** An approximate 12.90-acre lot located at the north end of the Avondale 50 site, directly adjacent to I-10. In conformance with the approved PAD zoning, construction of a 169,400 square foot light industrial building is planned for Lot 1.
- **Lot 2:** An approximate 22.15-acre lot located in the central portion of the Avondale 50 site, directly south of Lot 1. In conformance with the approved PAD zoning, construction of a 388,500 square foot cross-dock light industrial building is planned for Lot 2.
- **Lot 3:** An approximate 12.75-acre lot located at the south end of the Avondale 50 site, at the northwest corner of Corporate Drive and 119th Avenue. In conformance with the approved PAD zoning, construction of a 160,300 square foot light industrial building is planned for Lot 3.
- **Lot 4:** An approximate 7.67-acre lot located at the northeast corner of Fairway Drive and Corporate Drive (alignment). Lot 4 is not part of the planned Avondale 50 development and is included within the boundaries of this Final Plat in order for Corporate Drive right-of-way to be dedicated from the west edge of Avondale 50 extending west to Fairway Drive. There are no currently approved plans for development of this lot which is zoned Agricultural (AG).
- **Tract A:** An approximate 0.46-acre tract located south of the Corporate Drive half-street alignment, immediately west of the Avondale 50 project boundary. Tract A is a remnant portion of Lot 4 created following the dedication of Corporate Drive right-of-way, which cuts off the far southeast corner of the property. It is anticipated that most if not all of Tract A will be dedicated as right-of-way when the property west of Avondale 50 develops.

The proposed Final Plat also dedicates rights-of-way and public easements, in conformance with the approved Avondale 50 PAD and Site Plan, as follows:

- **Corporate Drive Right-of-Way:** The Final Plat dedicates 40 feet of half-street right-of-way for Corporate Drive, a Minor Collector, from 119th Avenue to Fairway Drive. The developer of Avondale 50 will construct the north half of Corporate Drive to Fairway Drive in the initial phase of development, allowing any truck traffic generated by the development to access the Fairway Drive/I-10 Freeway interchange directly without using 119th Avenue and Van Buren Street.
- **119th Avenue Right-of-Way:** The Final Plat dedicates 40 feet of half-street right-of-way for 119th Avenue, a Minor Collector, from Corporate Drive to the project's northern driveway. Additional right-of-way at the north end is provided to accommodate a cul-de-sac turnaround, as 119th Avenue terminates at the I-10 Freeway. The developer of Avondale 50 will construct the east half of 119th Avenue adjacent to the site in the first phase of development.
- **Sewer Easement:** The proposed Final Plat dedicates a 14-foot sewer easement over the location of an existing City sewer line along the property's eastern edge. A previously recorded 14-foot sewer easement not consistent with the actual location of the sewer pipe will be abandoned by a separate instrument following dedication of this new easement.
- **Public Utility Easements:** Per City standards, the proposed Final Plat dedicates 8-foot public utility easements (PUEs) adjacent to both 119th Avenue and Corporate Drive to accommodate future utility service enhancements in the area.

PUBLIC PARTICIPATION:

Public notification is not required for Final Plat applications.

PLANNING COMMISSION ACTION:

The Planning Commission does not review Final Plat applications.

ANALYSIS:

- The proposed Final 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 Final Plat is in conformance with the City of Avondale Zoning Ordinance and Subdivision Regulations.
- The proposed Final Plat conforms to the approved Avondale 50 Planned Area Development and approved Avondale 50 Site Plan, dedicating rights-of-way and easements as needed to serve the planned development and mitigate truck traffic impacts on existing residents within the area.

DISCUSSION:

1. The proposed Final Plat is in conformance with the City of Avondale Zoning Ordinance and Subdivision Regulations.
2. The proposed Final Plat is in conformance with the Avondale 50 PAD, including conditions of approval.
3. The conditions of approval are reasonable to ensure conformance with the provisions as outlined in

the Avondale Zoning Ordinance and all other applicable City codes, ordinances, and policies.

STRATEGIC PLAN:

INITIATIVE: Foster sustainable community development

- STRATEGIC GOAL: Encourage development of businesses in healthcare, technology, and advanced manufacturing.

INITIATIVE: Encourage and support creative innovation in development and service delivery

- STRATEGIC GOAL: Encourage a flexible environment responsive to market trends.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

No public hearing is required. The City Council will **APPROVE** Application PL-20-0139, a Final Plat for Avondale 50, subject to the following two (2) conditions of approval:

1. The recorded plat shall be in conformance with the Avondale 50 Final Plat submitted on July 29, 2020.
2. Extinguishment of Groundwater Rights and pledging of those rights to the City's assured water supply account shall be required prior to issuance of any permits for this project.

PROPOSED MOTION:

I move that City Council **APPROVE** Application PL-20-0139, a Final Plat for Avondale 50, subject to two (2) recommended conditions of approval as listed in the Staff Report.

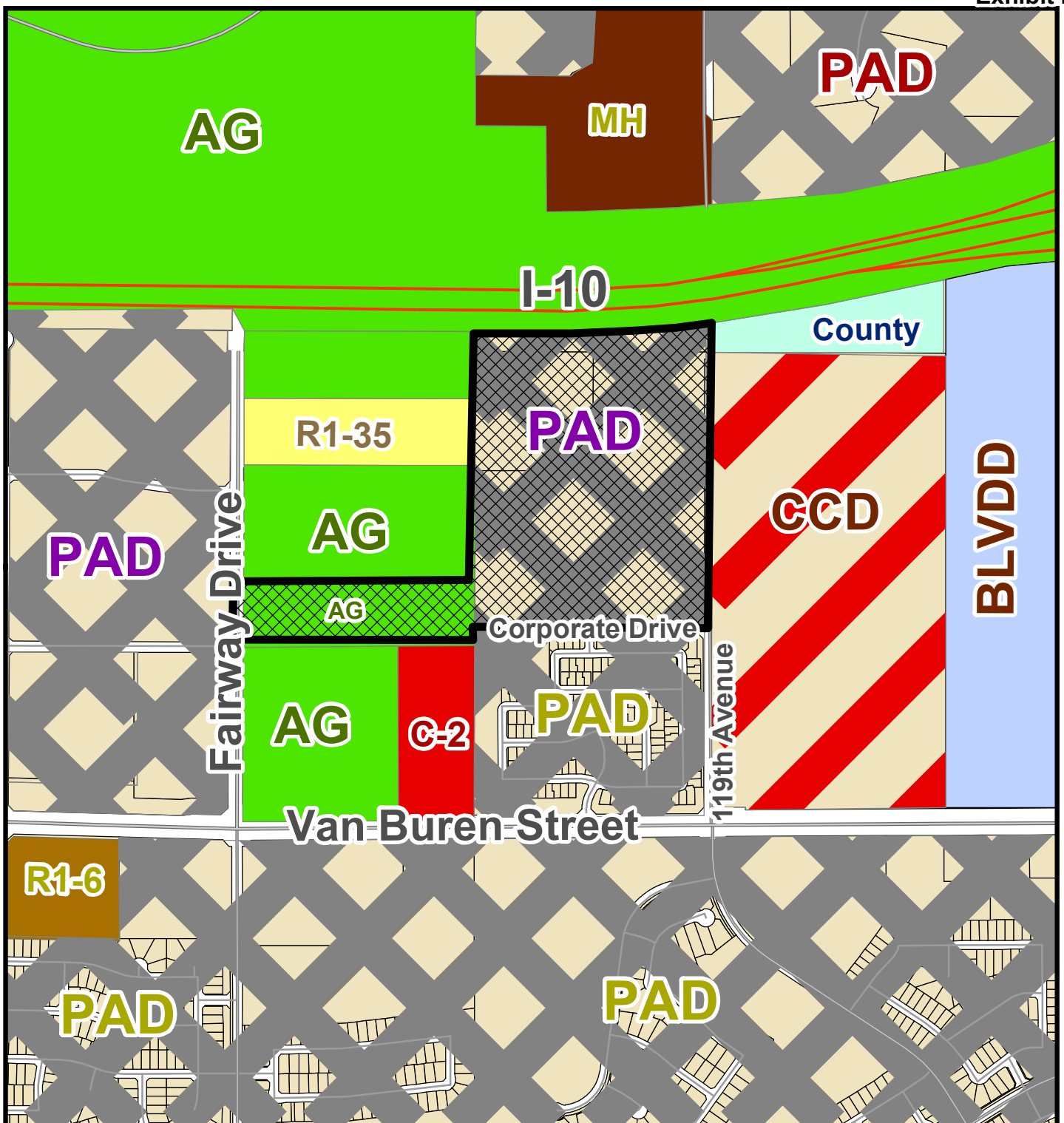


Aerial Photograph



 Subject Property



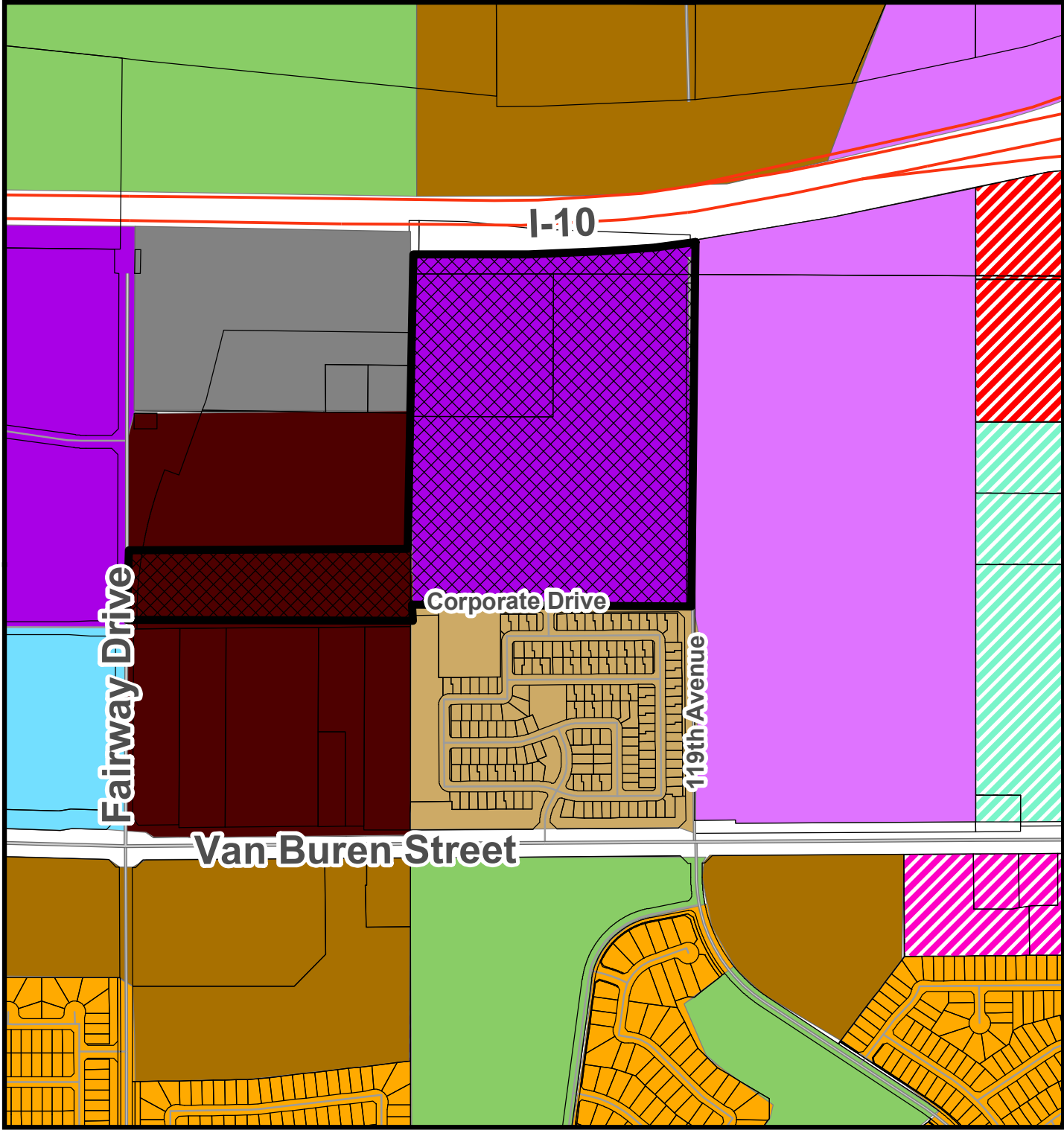


Zoning Vicinity Map



Subject Property



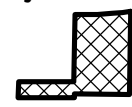


General Plan Land Use Map

- | | |
|-----------------------------|---------------------------------|
| Business Park | Education |
| Mixed Use | Open Space and Parks |
| High Intensity Office | Urban Residential |
| The BLVD Gateway District | Medium Density Residential |
| The BLVD Village District | Medium/High Density Residential |
| The BLVD Promenade District | High Density Residential |



Subject Property



SUMMARY OF RELATED FACTS

APPLICATION PL-20-0139

THE PROPERTY	
PARCEL SIZE	59.88 gross acres
LOCATION	Northwest corner of 119 th Avenue and Corporate Drive
PHYSICAL CHARACTERISTICS	The rectangular site is flat with no unusual physical characteristics
EXISTING LAND USE	Agricultural
EXISTING ZONING	East 50.56 acres: Avondale 50 Planned Area Development (PAD) West 9.32 acres: Agricultural (AG)
ZONING HISTORY	The subject property was annexed in April 1978. The eastern 50.56 gross acres were rezoned from Agricultural (AG) to Avondale 50 Planned Area Development (PAD) in December 2019. The Avondale 50 PAD allows for development of the property with a commerce park campus featuring three light industrial buildings ranging from 160,300 square feet to 388,500 square feet. Permitted uses are based upon the Commerce Park (CP) zoning district with modifications. The zoning of the western 9.32 acres was reverted to Agricultural (AG) from Planned Area Development (PAD) in February 2011 after the Avondale Crossing development plan expired.

SURROUNDING ZONING AND LAND USE	
NORTH	Interstate 10 (I-10), a ten-lane highway zoned AG (Agricultural). The width of I-10 right-of-way adjacent to the Avondale 50 site ranges from 680 to 770 feet.
EAST	An undeveloped 76.7-acre property in agricultural production. The property is zoned City Center District (CCD); however, the site was removed from the boundaries of The BLVD and given a Mixed Use General Plan Land Use designation in September 2019.
SOUTH OF CORPORATE DRIVE	Desert Springs Village, a fully developed 186-lot single-family residential subdivision, zoned Planned Area Development (PAD).
WEST	Multiple properties, the majority of which are zoned AG (Agricultural) and are in agricultural production. Two smaller abutting parcels are zoned R1-35 (Suburban Residential) and developed with single-family homes and agricultural accessory structures.

GENERAL PLAN	
The eastern 50.56 acres are designated by the General Plan 2030 Land Use Map as Business Park. The Business Park designation is intended to allow for large scale campus development that provides abundant employment opportunities and offers amenities such as attractive	

streetscapes with excess landscaped setbacks, appropriate screening from the I-10 freeway, pedestrian connections, efficient circulation, and refuge areas for active and passive activities to keep a healthy lifestyle for all employees. The category accommodates enclosed light manufacturing, corporate commerce, hotel, multi-story offices, research and development industries, solar and renewable energy manufacturers, motor sports related manufacturing, and limited warehouse and support services that support these primary employment uses.

The western 9.32 acres are designated Urban Residential, a category that allows for development of residential uses featuring more than 30 dwelling units per acre located near open space, transit stops, employment, shopping, and entertainment uses, featuring structured or underground parking.

PUBLIC SCHOOLS

SCHOOL DISTRICT(S)	Littleton Elementary School District Tolleson Union High School District
ELEMENTARY SCHOOL	Littleton Elementary School
HIGH SCHOOL	La Joya Community High School

ADJACENT STREETS

119th Avenue

Classification	Minor Collector
Existing half-street right-of-way	None
Standard half-street right-of-way	40 feet
Existing half-street improvements	None
Standard half-street improvements	One through lane, half center turn lane, bike lane, detached sidewalk, curb, gutter, landscaping, street lights

Corporate Drive (formerly Roosevelt Street)

Classification	Minor Collector
Existing half-street right-of-way	None
Standard half-street right-of-way	40 feet
Existing half-street improvements	None
Standard half-street improvements	One through lane, half center turn lane, bike lane, detached sidewalk, curb, gutter, landscaping, street lights

UTILITIES

Water will be provided to the Avondale 50 development from an existing 12-inch water line in Corporate Drive, which will be extended by the developer west to Fairway Drive. The developer will also extend the existing 12-inch water line in 119th Avenue from its current terminus at Corporate Drive north to serve the development.

Sewer will be provided to the site by an existing 36-inch sewer main in the 119th Avenue alignment.

Salt River Project (SRP) provides electrical service in this portion of the City.

Exhibit E

Proposed Final Plat

Avondale 50 (Fairway 10)

FINAL PLAT AVONDALE 50

A COMMERCIAL SUBDIVISION LOCATED WITHIN
A PORTION OF THE WEST HALF OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS
KNOW ALL MEN BY THESE PRESENTS, WESTCOTE REALTY AVONDALE, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND
LAPOUR AVONDALE ONE, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNERS, HAS SUBDIVIDED UNDER THE NAME OF
LAPOUR AVONDALE ONE, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, THE PLAT AS SHOWN AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF "AVONDALE 50", AND HEREBY
DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, STREETS AND
ALLEYS, AND THAT THE LOCATION AND DIMENSIONS OF THE LOTS, TRACTS, STREETS AND ALLEYS SHOWN ON THE PLAT
LETTER OF NAME GIVEN EACH RESPECTIVELY ON SAID PLAT.

WESTCOTE REALTY AVONDALE, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND LAPOUR AVONDALE ONE, LLC, AN ARIZONA
LIMITED LIABILITY COMPANY, AS OWNERS, HEREBY DEDICATE IN FEE, ALL RIGHTS TITLE AND INTEREST TO THE CITY FOR USE
AS A PUBLIC HIGHWAY, THE PLAT AS SHOWN AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF "AVONDALE 50", AND
EASEMENTS ARE HEREBY DEDICATED TO THE CITY FOR THE PURPOSES SHOWN HEREON.

IN WITNESS WHEREOF, WESTCOTE REALTY AVONDALE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, HAS HEREUNDER CAUSED
ITS NAME TO BE SIGNED AND THE SAME TO BE ATTESTED.

BY: _____
ITS: _____
IN WITNESS WHEREOF, LAPOUR AVONDALE ONE, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HAS HEREUNDER CAUSED ITS
NAME TO BE SIGNED AND THE SAME TO BE ATTESTED.

BY: _____
ITS: _____

ACKNOWLEDGMENT

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } SS
BEFORE ME THIS _____ DAY OF _____, 2020, _____ PERSONALLY APPEARED BEFORE
ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED HIMSELF TO BE _____
OF WESTCOTE REALTY AVONDALE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE OWNER
OF THE PROPERTY PLATED HEREON AND ACKNOWLEDGE AS SUCH, EXECUTED THIS INSTRUMENT FOR THE PURPOSE HEREIN
CONTAINED.

IN WITNESS WHEREOF, I HERETO SET MY HAND AND OFFICIAL SEAL

BY: _____ NOTARY PUBLIC _____ DATE _____

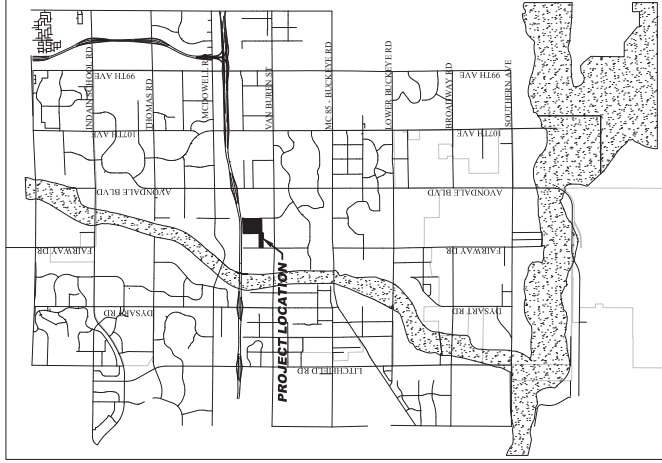
ACKNOWLEDGMENT

STATE OF NEVADA }
COUNTY OF CLARK } SS
BEFORE ME THIS _____ DAY OF _____, 2020, _____ PERSONALLY APPEARED BEFORE
ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED HIMSELF TO BE _____
OF LAPOUR AVONDALE ONE, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, THE OWNER OF
THE PROPERTY PLATED HEREON AND ACKNOWLEDGE AS SUCH, EXECUTED THIS INSTRUMENT FOR THE PURPOSE HEREIN
CONTAINED.

IN WITNESS WHEREOF, I HERETO SET MY HAND AND OFFICIAL SEAL

BY: _____ NOTARY PUBLIC _____ DATE _____

Submitted
electronically on July
29, 2020



KEY MAP
N.T.S.

SHEET INDEX

SHEET 1 - COVER SHEET
SHEET 2 - PLAT BOUNDARY & SECTION GEOMETRY
SHEET 3 - EXISTING & DEDICATED EASEMENTS

LAND AREA TABLE

GROSS AREA OF PROJECT	59,883 ACRES
RIGHT OF WAY AREA	5,932 ACRES
LOT 1	12,802 ACRES
LOT 2	22,154 ACRES
LOT 3	12,756 ACRES
LOT 4	7,675 ACRES
TRACT A	0.464 ACRES

100-YEAR ASSURED WATER SUPPLY

THE AREA PLATED 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 40-519 ARIZONA REVISED STATUTES.

OWNER/DEVELOPER

WESTCOTE REALTY AVONDALE, LLC
4550 RIVINGTON DRIVE, STE 000
SAN DIEGO, CALIFORNIA 92122
CONTACT: HACK ADAMS

SURVEYOR

SURVEY INNOVATION GROUP, INC.
22425 N. 16TH STREET, SUITE 1
PHOENIX, ARIZONA 85024
PHONE: 480.922.0780
EMAIL: TONY@SISURVEYAZ.COM

ENGINEER

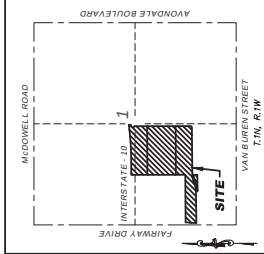
GWL & ENVIRONMENTAL CONSULTANTS, INC.
18111 N. TATUM BLVD., SUITE 3057
PHOENIX, ARIZONA 85028
PHONE: 877.231.2334
EMAIL: TMEK@GECINC.COM

OWNER/DEVELOPER

LAPOUR AVONDALE ONE, LLC
5505 RIVINGTON DRIVE, STE 001
LAS VEGAS, NEVADA 89118
CONTACT: JEFFERY S. LAPOUR

ENGINEER

GWL & ENVIRONMENTAL CONSULTANTS, INC.
18111 N. TATUM BLVD., SUITE 3057
PHOENIX, ARIZONA 85028
PHONE: 877.231.2334
EMAIL: TMEK@GECINC.COM



VICINITY MAP
N.T.S.

NOTES

1. ALL LANDSCAPING WITHIN ADJACENT PUBLIC RIGHT-OF-WAY IS TO BE MAINTAINED BY THE OWNERS' ASSOCIATION, EXCLUDING MEDANS ON ARTERIAL STREETS.
2. ALL UTILITY AND PUBLIC SERVICE EASEMENTS, INCLUDING ANY LIMITATIONS OF EASEMENTS; AND CONSTRUCTION WITHIN SUCH EASEMENTS SHALL BE LIMITED TO UTILITIES, LANDSCAPING, AND WOOD, WIRE OR REMOVABLE SECTION TYPE FENCES.
3. ALL EXISTING OVERHEAD UTILITIES SHALL BE INSTALLED UNDERGROUND IN ACCORDANCE WITH CITY OF AVONDALE MUNICIPAL CODE AND AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION.
4. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
5. ALL ELECTRIC AND COMMUNICATION LINES TO BE CONSTRUCTED UNDERGROUND AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION.
6. NO ALTERATIONS SHALL BE MADE TO THE STORM WATER RETENTION AREAS AND APPROVED OR EXISTING EASEMENTS THAT ARE A PART OF THESE PREMISES WITHOUT WRITTEN APPROVAL BY THE CITY OF AVONDALE.
7. NO STRUCTURES SHALL BE CONSTRUCTED IN OR ACROSS NOR SHALL OTHER IMPROVEMENTS OR ALTERATIONS BE MADE TO THE DRAINAGE FACILITIES THAT ARE A PART OF THIS SUBDIVISION WITHOUT WRITTEN AUTHORIZATION APPROVAL.
8. ALL RETENTION BASINS MUST DRAIN ANY STORM EVENT UP TO AND INCLUDING 100 YEAR, 2 HOUR STORM WITHIN 36 HOURS. OWNER MUST TAKE CORRECTIVE ACTIONS TO BRING THE BASIN INTO COMPLIANCE.
9. TRACT "A", AS SHOWN ON THIS PLAT, WILL BE USED AS RETENTION.
10. THE TEMPORARY RETENTION EASEMENTS ARE PRIVATE AND THE PROPERTY OWNER(S) WILL BE RESPONSIBLE FOR MAINTENANCE OF THESE AREAS.

BASIS OF BEARING

THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 1, AS MEASURED BETWEEN FOUND MONUMENTS, SAID LINE BEARS SOUTH 89 DEGREES 34 MINUTES 9 SECONDS WEST.

APPROVALS AND ACCEPTANCE OF DEDICATION

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

MAYOR _____ DATE _____
ATTEST: CITY CLERK _____ DATE _____
CITY ENGINEER _____ DATE _____

SURVEYORS CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF APRIL, 2020, AND THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATED HEREON HAVE BEEN LOCATED OR ESTABLISHED AS DESCRIBED AND THE LOT CORNERS PERMANENTLY SET.

ANTHONY SLATER, RLS #03370 _____ DATE 7/29/20



REVISIONS:
A
A
A
DRAWING NAME:
JOB NO. 2019-091
DRAWN: TS
CHECKED: JAS
DATE: 02/20/2020
SCALE: N.T.S.
SHEET: 1 OF 3

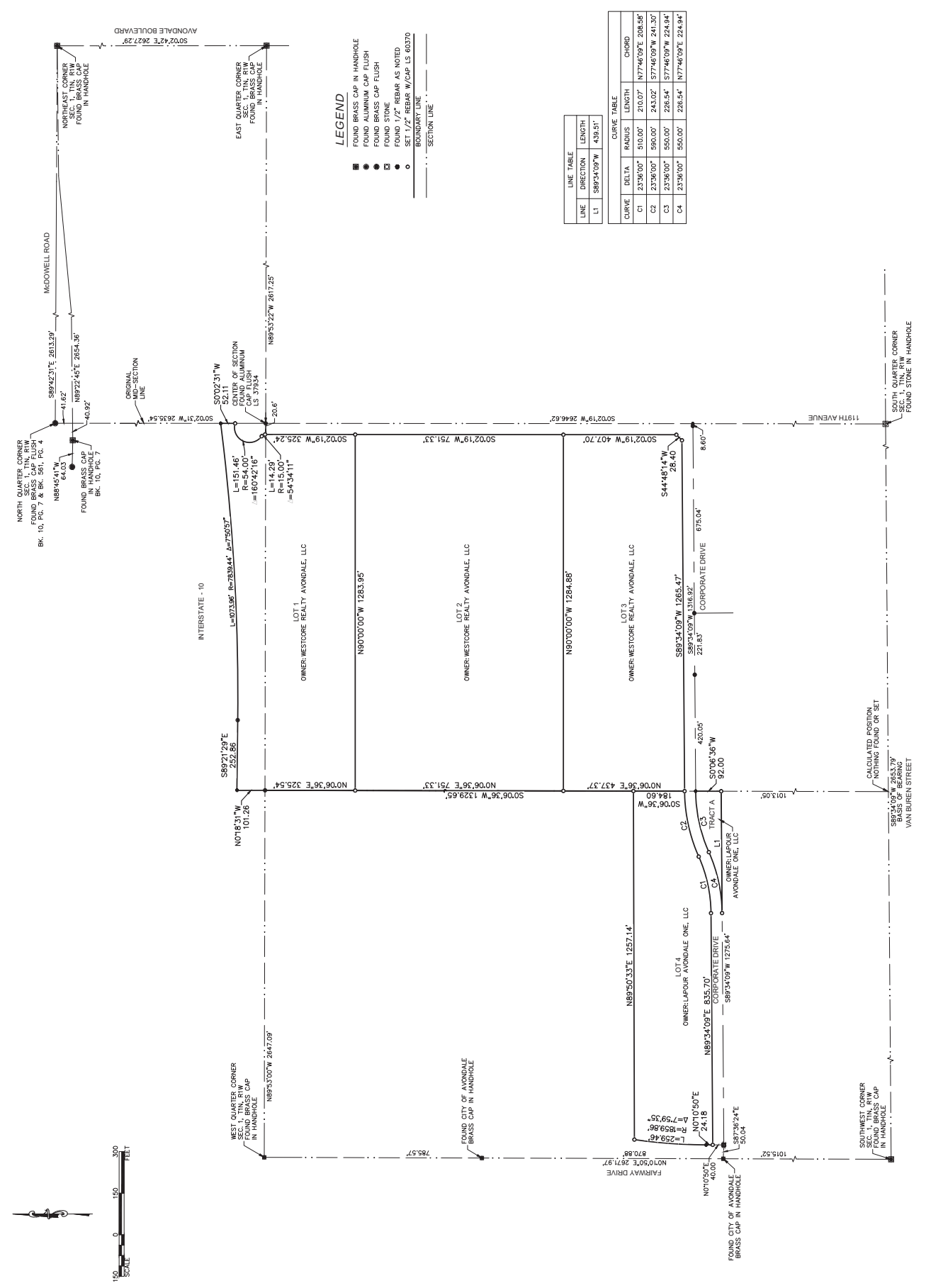
FINAL PLAT
AVONDALE 50
AVONDALE, ARIZONA

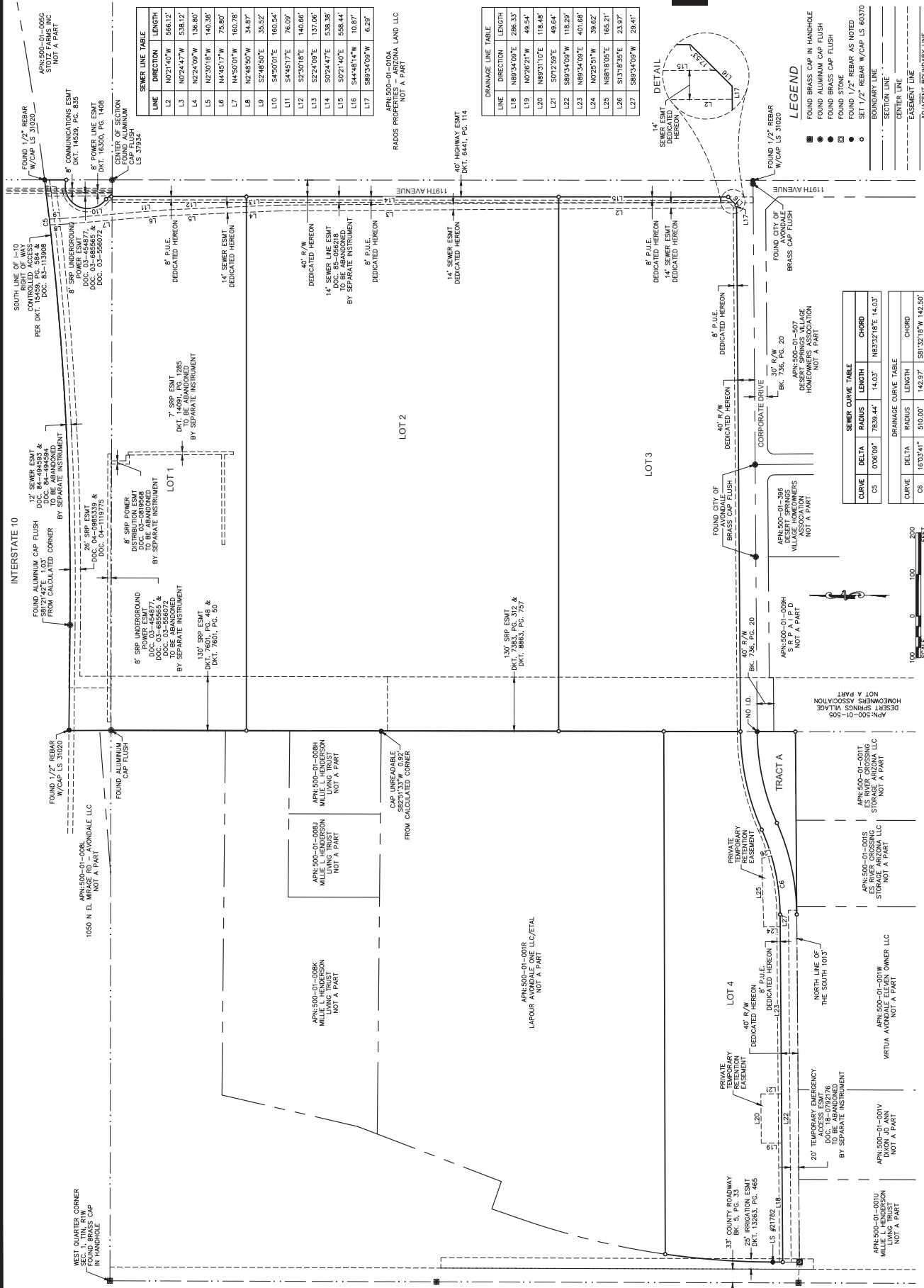
SURVEY INNOVATION
GROUP, INC.
22425 N. 16TH ST., SUITE 1
PHOENIX, ARIZONA 85024
PHONE: (480) 922-0780
FAX: (480) 922-0781
WWW.SISURVEYAZ.COM

FINAL PLAT AVONDALE 50 AVONDALE, ARIZONA



REVISIONS:	
Δ	
Δ	
Δ	
DRAWING NAME:	
PLAT	
JOB NO.	2019-091
DRAWN:	TS
CHECKED:	JAS
DATE:	02/20/2020
SCALE:	1"=150'
SHEET:	2 OF 3





CITY COUNCIL REPORT

SUBJECT: Ordinance 2027-0920 Dedication of a Public Sewer Pipeline Easement for Verde Trails

MEETING DATE: 9/21/2020

TO: Mayor and Council

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

THROUGH: Tracy Stevens, Deputy City Manager, (623) 333-1014

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

PURPOSE:

City Council will consider a request to adopt Ordinance 2027-0920 for the dedication of a public Sewer Pipeline Easement for the City of Avondale to access, operate, repair and maintain a sewer pipeline and associated facilities and authorize the Mayor, or City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The Sixth Amendment to the Pre-Annexation Development Agreement with Evergreen-Hillcrest, LLC, the developer of the Verde Trails development, was approved by Council on July 27, 2020.

DISCUSSION:

Verde Trails Unit I, generally located at the southwest corner of 107th Avenue and Broadway Road, is currently being developed into single family residential homes. The Verde Trails parcels south of Weir Avenue must allocate sewer into the Avondale Boulevard sewer trunk main. The sewer main from these parcels will need to cross a vacant parcel owned by Hillcrest Residential 3, LP, in a public sewer line easement. Hillcrest Residential 3, LP, has agreed to grant the City an easement for the City to operate and maintain the sewer line and facilities.

STRATEGIC PLAN ALIGNMENT

Initiative: Foster Sustainability Community Development

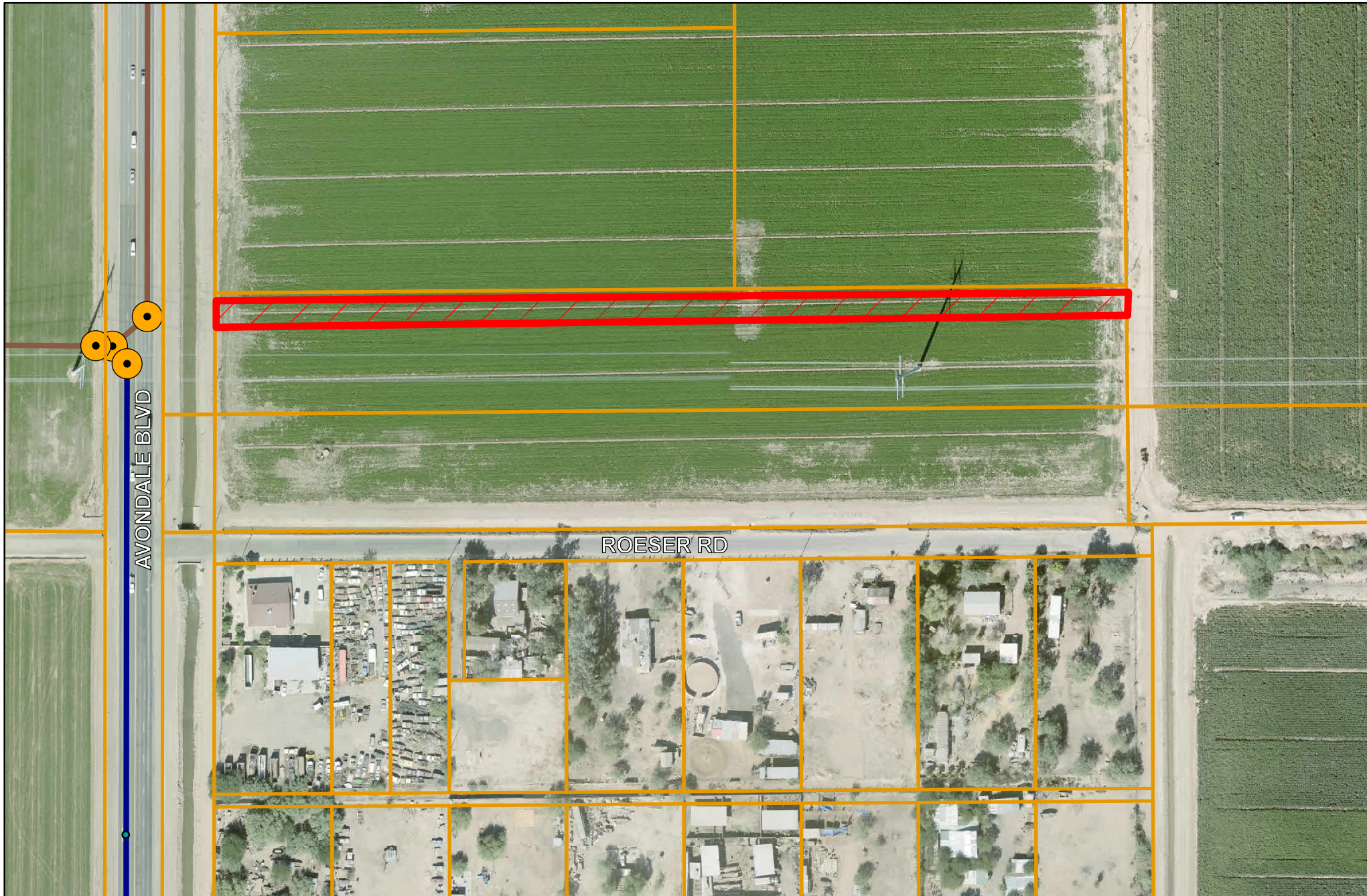
Goal: Maintain Quality Infrastructure

BUDGET IMPACT:

There is no budgetary impact to the City for this action.

RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance 2027-0920 for the dedication of a public Sewer Pipeline Easement for the City of Avondale to access, operate, repair and maintain a sewer pipeline and associated facilities and authorize the Mayor, or City Attorney and City Clerk to execute the necessary documents.



ORDINANCE NO. 2027-0920

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ACCEPTING THE DEDCIATION OF A SEWER LINE EASEMENT FROM HILLCREST RESIDENTIAL 3, LP.

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

SECTION 1. The dedication of a sewer line easement over $\pm$ 0.5634 acres of real property, generally located east of Avondale Boulevard and north of Roeser Road, is hereby accepted by the City of Avondale from Hillcrest Residential 3, LP, in the form 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 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, September 21, 2020.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, Interim City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2027-0920

[Easement]

See following pages.

When Recorded Mail To:

City Clerk
City of Avondale
11465 West Civic Center Drive, Suite 200
Avondale, Arizona 85323

This Easement is exempt from recording fee
and Affidavit of Property Value pursuant to
Ariz. Rev. Stat. § 11-1134(A)(2)

SEWER EASEMENT AGREEMENT

GRANTOR: Hillcrest Residential 3, LP, an Arizona limited partnership (the "Owner")

GRANTEE: City of Avondale, an Arizona municipal corporation (the "City")

THIS SEWER EASEMENT AGREEMENT (this "Agreement") is entered into as of September 21, 2020, by and between the Grantor and Grantee for the purposes set forth below.

RECITALS

A. Grantor represents that it is the record owner of the real property subject to this Agreement and generally located east of Avondale Boulevard and north of Roeser Road (the "Property"), as more specifically described in Exhibit A attached hereto and incorporated herein by reference.

B. Grantor and Grantee desire to enter into this Agreement for Grantor to grant to the City a continuous and perpetual easement over the Property (the "Easement") at the location depicted and described in Exhibit A (the "Easement Area") for purposes of installing, operating, inspecting, maintaining, repairing, replacing, or removing underground sewer facilities (the "Facilities") as is more particularly described herein.

AGREEMENT

NOW THEREFORE, Grantor does hereby grant to Grantee, its successors and assigns, this Easement over the Easement Area on the following terms and conditions:

1. Grant of Easement. Grantor hereby grants, sells and conveys to the City, its successors and assigns, forever, the continuous and perpetual easement through, over, under, upon, in, across and along the Easement Area for the benefit of the City, its successors, assigns, heirs, executors or personal representatives, tenants, lessees, guests, invitees, or the guests or invitees of the tenants, for the purpose of installing, operating, inspecting, maintaining, repairing, replacing, or removing the Facilities in the Easement Area.

2. Purpose. The purpose of the Easement hereby conveyed is for the installation, operation, inspection, maintenance, repair, replacement, or removal of the Facilities.

3. Maintenance of the Easement. Grantor shall not maintain the Easement Area in a manner that impairs the ability or capacity of the City to fully utilize the Easement.

3.1 Owner shall not install or construct, or permit to be installed or constructed, any building, structure, utility or other facility, nor shall Grantor drill any well, plant any trees, store materials of any kind, or alter ground level by cut or fill, within the limits of the Easement Area, without the prior written consent of the City.

3.2 The City shall allow reasonable, typical landscaping within the Easement Area including shrubs, groundcover and decomposed granite except in a ten foot clear zone around any sewer manholes or clean-out locations. The City shall have the right but not the obligation to trim, cut or remove or caused to be trimmed, cut or removed, brush or other vegetation on the Easement Area that obstruct or hinder access to the Easement Area, and whenever in the City's judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

3.3 The City shall restore or cause to be restored the Easement Area to substantially the same condition as practical in the event the Facilities require maintenance, repair, replacement and/or removal for whatever reason.

4. Running of Benefits and Burdens. All provisions of this Agreement, including the benefits and burdens, run with the land and are binding upon and inure to the assigns and successors and tenants of the parties hereto.

5. Attorneys' Fees. Either party may enforce this instrument by appropriate legal action and the prevailing party in such litigation may recover as part of its costs in such action reasonable attorneys' fees and court costs.

6. Additional Easements. Nothing contained in this Agreement shall prohibit Grantor from conveying additional easements for access, utility or other purposes through, over, under, upon, in, across and along the Easement Area to the owners of properties which abut the Easement Area or to government or quasi-governmental agencies, provided however, that no such additional rights or easement shall impair the City's use of the Easement herein granted.

7. Entire Agreement. This instrument contains the entire agreement between the parties relating to City's use of the Property for sewer purposes. Any oral representations or modifications concerning this instrument shall be of no force or effect, excepting a subsequent modification in writing, signed by the parties.

8. Cancellation by City. This Agreement may be cancelled by the City pursuant to ARIZ. REV. STAT. § 38-511.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the date and year first set forth above.

“Grantor”

HILLCREST RESIDENTIAL 3, LP, an Arizona limited partnership

By: HILLCREST GP, LLC, an Arizona limited liability company,
its general partner

By: HARVARD INVESTMENTS, INC. an Arizona corporation, its manager

By: _____

Name: _____

Title: _____

(ACKNOWLEDGMENT)

STATE OF _____)
_____) ss.
COUNTY OF _____)

On _____, 2020, before me personally appeared _____
_____ the _____ of HARVARD INVESTMENTS,
INC, an Arizona corporation and manager of HILLCREST, GP, LLC, an Arizona limited
liability company and general partner of HILLCREST RESIDENTIAL 3, LP, an Arizona limited
partnership, whose identity was proven to me on the basis of satisfactory evidence to be the
person who she/he claims to be, and acknowledged that she/he signed the above document on
behalf of the limited partnership.

Notary Public

(Affix notary seal here)

“Grantee”

CITY OF AVONDALE,
an Arizona municipal corporation

Charles A. Montoya, City Manager

ATTEST:

Marcella Carrillo, City Clerk

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On _____, 2020, before me personally appeared Charles A. Montoya, the City Manager of the CITY OF AVONDALE, an Arizona municipal corporation, 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 City of Avondale.

Notary Public

(Affix notary seal here)

EXHIBIT A
TO
SEWER EASEMENT AGREEMENT

[Property and Easement Area]

See following pages.

**VERDE TRAILS – PARCEL 11
OFFSITE SEWER EASEMENT
LEGAL DESCRIPTION**

A parcel of land being situated within the Northwest quarter of Section 30, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found Brass cap in hand hole accepted as the West quarter corner of said Section 30 from which a found Brass cap in hand hole accepted as the Northwest corner thereof bears North 00°08'28" West, 2620.61 feet;

Thence along the west line of said Northwest Quarter, North 00°08'28" West, 283.37 feet;

Thence leaving said west line, North 89°51'32" East, 40.00 feet to the **POINT OF BEGINNING**;

Thence North 89°21'06" East, 1226.96 feet along a line that is parallel with and 283.00 feet north of the south line of said Northwest quarter;

Thence South 00°35'16" East, 20.00 feet;

Thence South 89°21'06" West, 1227.12 feet along a line that is parallel with and 263.00 feet north of said south line;

Thence North 00°08'28" West, 20.00 feet along a line that is parallel with and 40.00 feet east of the west line of said Northwest quarter, to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 24,541 sq. ft. (0.5634 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No.: 1377
Date: February 2019



AVONDALE BOULEVARD

N00°08'28"W
2620.61'

NORTHWEST CORNER
SECTION 30, T1N, R1E
FOUND BRASS CAP
IN HAND HOLE



S00°35'16"E
20.00'

150' ELECTRIC
TRANSMISSION
EASEMENT PER
DOCKET 13970,
PAGE 1103,
M.C.R.

FUTURE
VERDE TRAILS
PARCEL 11

N89°51'32"E
40.00'

POINT OF
BEGINNING

N89°21'06"E
1226.96'

S89°21'06"W
1227.12'

N00°08'28"W
20.00'

283.37'

N89°21'06"E 2580.63'

263'

WEST QUARTER CORNER
SECTION 30, T1N, R1E
FOUND BRASS CAP
IN HAND HOLE
POINT OF COMMENCEMENT

CENTER OF
SECTION 30, T1N, R1E
FOUND REBAR W/ CAP
RLS #19344



PROJ.NO.: 1377

DATE: FEB. 2019

SCALE: N.T.S.

DRAWN BY: JDL

CHECKED BY: KJP

VERDE TRAILS - PARCEL 11

OFFSITE SEWER EASEMENT
AVONDALE, ARIZONA

EXHIBIT



HILGARTWILSON

2141 E. HIGHLAND AVE., STE. 250
PHOENIX, AZ 85016

P: 602.490.0535 / F: 602.368.2436

CITY COUNCIL REPORT

SUBJECT: Grant Award - Staffing for Adequate Fire and Emergency Response (SAFER)

MEETING DATE: 9/21/2020

TO: Mayor and Council

FROM: Jeff Case, Fire Chief, (623) 333-6100

THROUGH: Gina Montes, Assistant City Manager, (623) 333-1012

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

PURPOSE:

City Council will consider a request to authorize the Staffing for Adequate Fire and Emergency Response (SAFER) grant from the U.S. Department of Homeland Security, Federal Emergency Management Administration (FEMA) for \$3,090,402, authorize 14 new positions, amend the Fire-Medical budget and authorize the City Manager, City Attorney, Finance and Budget Director, and City Clerk to execute the necessary document. The Council will take appropriate action.

BACKGROUND:

The purpose of the SAFER grant is to provide funding directly to fire departments to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire related hazards. In order to be eligible for the reimbursement, the positions must be assigned to an operating fire apparatus more than 50% of the time. SAFER grant funding is available for a three-year grant period.

The City of Avondale applied for the grant to hire 14 firefighters to provide designated staffing of the ladder truck that has been co-staffed with Engine 174. The City was awarded the grant on September 11, 2020 for the grant period starting on March 10, 2021 through March 9, 2024.

DISCUSSION:

The SAFER grant agreement will reimburse the City's expenses related to the salaries and benefits for 14 newly hired, full-time positions. The grant will reimburse the city at the rate of an entry level firefighter position. However, to staff the truck, the City will add 8 firefighters, 3 engineers, and 3 captains. The City is responsible for the cost difference between an entry level firefighter and the cost of the engineers and the captains.

The grant does not cover non-FLSA overtime or other personnel related expenses including uniforms, personal protective equipment, turnout gear, and annual physical examinations.

In addition, the grant cycle begins on March 10th, of 2021. Our estimated hire date would be the 1st of February to address City required HR actions, pre-academy fire orientation, and start of their Academy on

February 15th. The City would be required to cover the cost of the Recruit Firefighters during this gap in coverage at an estimated cost of \$73,518, for salary and benefits.

Additional cost sharing requirements in the grant were waived by FEMA which resulted in the \$3,090,402 grant award. Without the waiver, the grant award would have likely been only \$1.8M.

At the end of the three-year grant period, the city will assume 100% financial responsibility over the 14 positions.

BUDGET IMPACT:

During FY2021 (February through June 2021), the City will be responsible for a portion of salary and benefits for the new positions, as well as one-time costs associated with the purchase of uniforms, personal protective equipment, annual physicals, etc.

The FY2021 cost is estimated at approximately \$815,100, which will be added to the Fire-Medical Department budget. Of that amount, \$515,100 is expected to be eligible for grant reimbursement. This action will authorize 14 new full-time equivalent positions (FTE) to include 8 firefighters, 3 engineers, and 3 captains.

Because the positions will be hired after January 1st, the budget will be amended to include half of the total projected cost for the fiscal year for FY2021.

RECOMMENDATION:

Staff recommends that the City Council authorize staff to accept the SAFER grant from the U.S. Department of Homeland Security, Federal Emergency Management Administration (FEMA) in the amount of \$3,090,402, authorize 8 firefighter, 3 engineer, and 3 captain positions, amend the budget as necessary, and execute the necessary documents.

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Effective date: 09/11/2020

Stephanie George
AVONDALE, CITY OF
11465 W CIVIC CENTER DR, STE. 200
AVONDALE, AZ 85323
EMW-2019-FF-00162



Dear Stephanie George,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2019 Staffing for Adequate Fire and Emergency Response (SAFER) Grant funding opportunity has been approved in the amount of \$3,090,402.00 in Federal funding.

FEMA has waived, in part or in full, one or more requirements for this grant award. See the Summary Award Memo for additional information about Economic Hardship Waivers.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2019 SAFER Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in black ink, appearing to read "C Logan", followed by a horizontal line and a period.

Christopher Logan
Acting Assistant Administrator
Grant Programs Directorate

Summary Award Memo

Program: Fiscal Year 2019 Staffing for Adequate Fire and Emergency Response

Recipient: AVONDALE, CITY OF

DUNS number: 002486884

Award number: EMW-2019-FF-00162

Summary description of award

The purpose of the SAFER Grant Program is to provide funding directly to fire departments and volunteer firefighter interest organizations to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application — including budget information — was consistent with the SAFER Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for FY2019 Staffing for Adequate Fire and Emergency Response (SAFER) funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

Approved Economic Hardship Waivers

Position cost limit waiver

FEMA has waived the position cost limit requirement for this grant award. Costs are limited to the approved budget per position.

Cost share waiver

FEMA has waived the cost share requirement for this grant award. You are not required to contribute non-Federal funds for this grant award. The recipient is responsible for any costs that exceed the Federal funding provided for this grant award.

Minimum budget waiver

FEMA has waived the minimum budget requirement for this award.

Non-supplanting waiver

FEMA has waived the non-supplanting requirement for this award. SAFER grant funds may be used to replace funds that would be available from State or local sources or from the Bureau of Indian Affairs.

Amount awarded

The amount of the award is detailed in the attached Obligating Document for Award.

The following are the total approved budgeted estimates for object classes for all funded firefighter positions for this award (including Federal share plus your cost share, if applicable, as applied to the estimated costs):

Object Class	First Year	Second Year	Third Year	Total
Personnel	\$708,806.00	\$708,806.00	\$708,806.00	\$2,126,418.00
Fringe benefits	\$321,328.00	\$321,328.00	\$321,328.00	\$963,984.00
Travel	\$0.00	\$0.00	\$0.00	\$0.00
Equipment	\$0.00	\$0.00	\$0.00	\$0.00
Supplies	\$0.00	\$0.00	\$0.00	\$0.00
Contractual	\$0.00	\$0.00	\$0.00	\$0.00
Construction	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00
Indirect charges	\$0.00	\$0.00	\$0.00	\$0.00
Federal	\$1,030,134.00	\$1,030,134.00	\$1,030,134.00	\$3,090,402.00
Non-federal	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$1,030,134.00	\$1,030,134.00	\$1,030,134.00	\$3,090,402.00

Program Income	\$0.00
----------------	--------

Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2019 SAFER NOFO.

Approved request details:

Hiring of Firefighters

Firefighter Position

BENEFITS FUNDED

The City of Avondale is responsible for determining employee compensation packages that include base salary and benefits. The standard benefits package provided to first-year firefighters includes: health insurance, dental insurance, life insurance, retirement/pension contributions, workers compensation, and medicare. The average cost per pay period for insurance is as follows: health - \$315.17, dental - \$29.12 and life \$2.96. Employer contributions to the Public Safety Personnel Retirement System average 23.35% per pay period. Medicare is paid at a rate of 1.45% and workers compensations premiums average 2.7%.

NUMBER OF FIREFIGHTERS	ANNUAL SALARY PRICE	ANNUAL BENEFITS	TOTAL PER FIREFIGHTER
14	\$50,629.00	\$22,952.00	\$73,581.00
3 YEAR TOTAL			
\$3,090,402.00			

Agreement Articles

Program: Fiscal Year 2019 Staffing for Adequate Fire and Emergency Response

Recipient: AVONDALE, CITY OF

DUNS number: 002486884

Award number: EMW-2019-FF-00162

Table of contents

Article 1	Assurances, Administrative Requirements, Cost Principles, Representations and Certifications
Article 2	DHS Specific Acknowledgements and Assurances
Article 3	Acknowledgement of Federal Funding from DHS
Article 4	Activities Conducted Abroad
Article 5	Age Discrimination Act of 1975
Article 6	Americans with Disabilities Act of 1990
Article 7	Best Practices for Collection and Use of Personally Identifiable Information (PII)
Article 8	Civil Rights Act of 1964 – Title VI
Article 9	Civil Rights Act of 1968
Article 10	Copyright
Article 11	Debarment and Suspension
Article 12	Drug-Free Workplace Regulations
Article 13	Duplication of Benefits
Article 14	Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX
Article 15	Energy Policy and Conservation Act
Article 16	False Claims Act and Program Fraud Civil Remedies
Article 17	Federal Debt Status
Article 18	Federal Leadership on Reducing Text Messaging while Driving
Article 19	Fly America Act of 1974
Article 20	Hotel and Motel Fire Safety Act of 1990
Article 21	Limited English Proficiency (Civil Rights Act of 1964, Title VI)
Article 22	Lobbying Prohibitions
Article 23	National Environmental Policy Act
Article 24	Nondiscrimination in Matters Pertaining to Faith-Based Organizations
Article 25	Non-supplanting Requirement
Article 26	Notice of Funding Opportunity Requirements
Article 27	Patents and Intellectual Property Rights
Article 28	Procurement of Recovered Materials
Article 29	Rehabilitation Act of 1973

Article 30	Reporting of Matters Related to Recipient Integrity and Performance
Article 31	Reporting Subawards and Executive Compensation
Article 32	SAFECOM
Article 33	Terrorist Financing
Article 34	Trafficking Victims Protection Act of 2000 (TVPA)
Article 35	Universal Identifier and System of Award Management (SAM)
Article 36	USA Patriot Act of 2001
Article 37	Use of DHS Seal, Logo and Flags
Article 38	Whistleblower Protection Act
Article 39	Acceptance of Post Award Changes
Article 40	Prior Approval for Modification of Approved Budget
Article 41	Disposition of Equipment Acquired Under the Federal Award
Article 42	Environmental Planning and Historic Preservation

Article 1	Assurances, Administrative Requirements, Cost Principles, Representations and Certifications
	DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200, and adopted by DHS at 2 C.F.R. Part 3002.
Article 2	DHS Specific Acknowledgements and Assurances
	All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. 1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS. 2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance. 3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. 4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance. 5. Recipients of federal financial assistance from DHS must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. Recipients are required to provide this information once every two (2) years, not every time an award is made. After the initial submission for the first award under which this term applies, recipients are only required to submit updates every two years, not every time a grant is awarded. Recipients should submit the completed tool, including supporting materials to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool. 6. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.
Article 3	Acknowledgement of Federal Funding from DHS
	Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.
Article 4	Activities Conducted Abroad
	Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article 5	Age Discrimination Act of 1975 Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
Article 6	Americans with Disabilities Act of 1990 Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101–12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
Article 7	Best Practices for Collection and Use of Personally Identifiable Information (PII) Recipients who collect PII are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.
Article 8	Civil Rights Act of 1964 – Title VI Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.
Article 9	Civil Rights Act of 1968 Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)
Article 10	Copyright Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

Article 11	Debarment and Suspension Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.
Article 12	Drug-Free Workplace Regulations Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).
Article 13	Duplication of Benefits Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.
Article 14	Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.
Article 15	Energy Policy and Conservation Act Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. No. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
Article 16	False Claims Act and Program Fraud Civil Remedies Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§ 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)
Article 17	Federal Debt Status All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
Article 18	Federal Leadership on Reducing Text Messaging while Driving Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.

Article 19 Fly America Act of 1974

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article 20 Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a, recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, (codified as amended at 15 U.S.C. § 2225.)

Article 21 Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

Article 22 Lobbying Prohibitions

Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

Article 23 National Environmental Policy Act

Recipients must comply with the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Article 24 Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

Article 25	Non-supplanting Requirement Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.
Article 26	Notice of Funding Opportunity Requirements All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.
Article 27	Patents and Intellectual Property Rights Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.
Article 28	Procurement of Recovered Materials States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.
Article 29	Rehabilitation Act of 1973 Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
Article 30	Reporting of Matters Related to Recipient Integrity and Performance If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.
Article 31	Reporting Subawards and Executive Compensation Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

Article 32 SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article 33 Terrorist Financing

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

Article 34 Trafficking Victims Protection Act of 2000 (TVPA)

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.

Article 35 Universal Identifier and System of Award Management (SAM)

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

Article 36 USA Patriot Act of 2001

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Pub. L. No. 107-56, which amends 18 U.S.C. §§ 175–175c.

Article 37 Use of DHS Seal, Logo and Flags

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article 38 Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

Article 39 Acceptance of Post Award Changes

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov if you have any questions.

Article 40 Prior Approval for Modification of Approved Budget

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. DHS/FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. § 200.308(e) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the Federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article 41 Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

Article 42 Environmental Planning and Historic Preservation

DHS/FEMA funded activities that may require an EHP review are subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process. This review does not address all Federal, state, and local requirements. Acceptance of Federal funding requires recipient to comply with all Federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize Federal funding. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA's Environmental and Historic Preservation (EHP) screening form and instructions go to the DHS/FEMA website at: <https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Obligating document

1. Agreement No. EMW-2019-FF-00162	2. Amendment No. N/A	3. Recipient No. 866000233	4. Type of Action AWARD	5. Control No. WX02931N2020T		
6. Recipient Name and Address AVONDALE, CITY OF 11465 W CIVIC CTR DR STE 280 AVONDALE, AZ 85323		7. Issuing FEMA Office and Address Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		8. Payment Office and Address FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
9. Name of Recipient Project Officer Stephanie George	9a. Phone No. 6233332021	10. Name of FEMA Project Coordinator Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program		10a. Phone No. 1-866-274-0960		
11. Effective Date of This Action 09/11/2020	12. Method of Payment OTHER - FEMA GO	13. Assistance Arrangement COST SHARING	14. Performance Period 03/10/2021 to 03/09/2024 Budget Period 03/10/2021 to 03/09/2024			
15. Description of Action a. (Indicate funding data for awards or financial changes)						
Program Name Abbreviation	Assistance Listings No.	Accounting Data (ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
SAFER	97.083	2020-F9-GF01 - P431-xxxx-4101-D	\$0.00	\$3,090,402.00	\$3,090,402.00	\$0.00
Totals			\$0.00	\$3,090,402.00	\$3,090,402.00	\$0.00
b. To describe changes other than funding data or financial changes, attach schedule and check here: N/A						
16. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) This field is not applicable for digitally signed grant agreements						

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)	DATE
18. FEMA SIGNATORY OFFICIAL (Name and Title)	DATE
Christopher Logan, Acting Assistant Administrator Grant Programs Directorate	09/11/2020