City of Avondale

City Council Meeting

Monday, October 3, 2022

Mayor and Council

Kenneth Weise, Mayor

Veronica Malone, Vice Mayor

Tina Conde, Council Member | Bryan Kilgore, Council Member

Curtis Nielson, Council Member | Mike Pineda, Council Member

Gloria Solorio, Council Member

Administration

Cherlene Penilla, Acting City Manager

Tracy Stevens, Acting Assistant City Manager

Nicholle Harris, City Attorney | Marcella Carrillo, City Clerk

City Council Chambers

11465 West Civic Center Drive

Avondale, AZ 85323

City Council Meeting
Notice & Agenda
Monday, October 3, 2022

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

SPECIAL MEETING
5:30 PM

CALL TO ORDER BY MAYOR

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

2. **EMPLOYEE INTRODUCTIONS & ANNOUNCEMENTS (DISCUSSION ONLY)**

   Information Technology - Employee Introductions

   - Nicholas Chappey, IT Application Integration Developer
   - Raeanne Behe, GIS Technician

   Police Department - Employee Introductions

   - Carrie Castrovinci, Assistant Chief
   - Jenifer Berger, ID Technician Supervisor (Promotion)
   - Eric Lady, Sergeant (Promotion)

3. **PROCLAMATION - CODE COMPLIANCE MONTH**
   The City Council will present a proclamation recognizing the month of October 2022, as Code Compliance Month in Avondale and extend appreciation to Code Compliance Officers for their dedication and service to Avondale. This item is for discussion only.

4. **NRPA'S COMMISSION FOR ACCREDITATION OF PARKS AND RECREATION (CAPRA) RECOGNITION**
   Recognize the accreditation of the Parks and Recreation Department by the National Recreation and Parks Association's Commission for Accreditation of Parks and Recreation (CAPRA). This item is for discussion only.

5. **SPECIAL EVENTS UPDATE**
   City Council will receive an update from staff regarding upcoming special events. This item is for discussion only.

6. **ADJOURNMENT**

Request to Speak: Anyone wishing to address the Council regarding items listed on the agenda or under unscheduled public appearance should submit a Request to Speak online at http://www.avondaleaz.gov/requesttospeak prior to consideration of that agenda item.

REGULAR MEETING
6:00 PM

CALL TO ORDER BY MAYOR
PLEDGE OF ALLEGIANCE & MOMENT OF REFLECTION

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

2. UNSCHEDULED PUBLIC APPEARANCES (Time is limited 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 September 6, 2022 City Council meeting minutes. The Council will take appropriate action.

b. FISCAL YEAR 2023 DEBT BUDGET ADJUSTMENT

City Council will consider a request to adjust the Fiscal Year 2023 debt budget to improve financial reporting. The Council will take appropriate action.

c. FISCAL YEAR 2023 DEVELOPMENT & ENGINEERING SERVICES BUDGET ADJUSTMENT

City Council will consider a request to adjust the Fiscal Year 2023 budget in order to purchase a new platform truck for a new Senior Traffic Signal Technician position that was approved in the FY2023 budget by (a) transferring $192,000 in savings from the completed Fairway Drive Improvements (T0052) project; (b) increasing the award authority for the vehicle purchase; and (c) authorizing staff to complete the necessary documents. The Council will take appropriate action.

d. FISCAL YEAR 2023 BUDGET ADJUSTMENT FOR A TRAFFIC SIGNAL AT 99TH AVENUE AND ENCANTO BOULEVARD

City Council will consider a request to amend the Fiscal Year 2023 budget in order to create the initial budget of $300,000 for a Traffic Signal at 99th Avenue and Encanto Boulevard (T0026) and authorizing staff to complete the necessary documents. The Council will take appropriate action.

e. RESOLUTION 1068-1022 – DECLARING AS A PUBLIC RECORD THE CITY OF AVONDALE DROUGHT PREPAREDNESS PLAN, OCTOBER 3, 2022 AND ORDINANCE 2056-1022 ADOPTING AVONDALE'S DROUGHT PREPAREDNESS PLAN AND AMENDING THE DROUGHT ORDINANCE

City Council will consider a request to adopt Resolution 1068-1022, declaring as a public record approving the City of Avondale Drought Preparedness Plan, October 3, 2022 and to adopt Ordinance 2056-1022 amending the Avondale City Code by amending the Drought Ordinance and adoption the document made public by Resolution 1068-1022 and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. RESOLUTION 1069-1022 - INTERGOVERNMENTAL AGREEMENT WITH SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT (SRP) FOR THE WATERFLUENCE PROGRAM

City Council will consider a request to approve Resolution 1069-1022 accepting the Intergovernmental Agreement with Salt River Project Agricultural Improvement and Power District (SRP) for the use of the Waterfluence program and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. The City Council will take appropriate action.

g. RESOLUTION 1070-1022 - AMENDED AND RESTATED FIRST AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT WITH MGN1 LLC.

City Council will consider a request to adopt Resolution 1070-1022, approving an Amended and Restated First Amendment to the Economic Development Agreement with MGN1 LLC for certain development timing obligations pertaining to the MGN1 property and authorize the Mayor and City Clerk to execute the necessary documents. The Council will take appropriate action.

h. ORDINANCE 2057-1022 - ACQUISITION OF REAL PROPERTY FOR A PRESSURE REDUCING VALVE FACILITY

City Council will consider a request to adopt Ordinance 2057-1022, authorizing the acquisition, by purchase, dedication, or condemnation of real property for public use for a Pressure Reducing Valve Facility and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

i. ORDINANCE 2058-1022 - AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR ALAMAR COMMUNITY PARK

City Council will consider a request to adopt Ordinance 2058-1022 authorizing the acquisition, by dedication, purchase or condemnation of real property for public use as a community park and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents. Council will take appropriate action.

4. REGULAR AGENDA

a. PUBLIC TRANSIT PROGRAM UPDATE

City Council will receive an update from Public Work's staff on the current status of Avondale's Public Transit program and proposed changes that were presented to Council and discussed previously on February 22nd, 2022. This item is for discussion only.

b. BUSINESS LICENSES UPDATE

Discuss the current business license requirements, the results of a recent market study, and recommended changes. This item is for discussion only.

c. POLICE OFFICE SALARY DISCUSSION

Staff will provide an update regarding a new pay step/range for the following classifications: Police Recruit, Police Officer, Police Sergeant, and Police Lieutenant to ensure the Avondale Police Department's step system is in line with the industry norm for other Valley agencies. This item is for discussion only, input and feedback is requested from City Council.

5. ADJOURNMENT INTO EXECUTIVE SESSION

City Council will consider a request to adjourn the Regular Meeting and hold an Executive Session for discussion, consideration and legal advice concerning the appointment for the position of City Auditor pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(1) and (A)(3).

Council Members of the City of Avondale will attend either in person or by telephone or video 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 o por vídeo.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.

Avondale
Aspiring. Achieving. Accelerating.

PROCLAMATION

Code Compliance Month

Whereas, Code Compliance Officers provide for the safety, health and welfare of residents in Avondale through the enforcement of building, zoning, housing, environmental, property maintenance and other City Codes and Ordinances; and

Whereas, Code Compliance Officers have a highly visible role in our community through interacting with a variety of state officials, county officials, first responders, and residents; and

Whereas, Code Compliance Officers often have a challenging and demanding role in ensuring a safe and inviting community through enhancing Avondale's living and working environment; and

Whereas, Code Compliance Officers provide quality education and excellent customer service to the residents and businesses in Avondale; and

Whereas, Code Enforcement Officers are dedicated, well trained, and highly responsible individuals who continually contribute their time and expertise of City Codes and Ordinances to the improvement of Avondale and communities throughout the United States; and

NOW THEREFORE, I, Kenneth Weise, by virtue of the authority vested in me as Mayor of the City of Avondale, Arizona, do hereby proclaim the month of October 2022, as Code Compliance Month in Avondale and extend appreciation to Code Compliance Officers for their dedication and service to Avondale.

_____
Mayor

Attest:

_____
City Clerk

Item Number: 4.

CITY COUNCIL REPORT

SUBJECT: NRPA's Commission for Accreditation of Parks and Recreation (CAPRA) Recognition

MEETING DATE: 10/3/2022

TO: Mayor and Council

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

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Areas:

- Diverse Recreation and Entertainment Opportunities - Avondale provides residents with the ability to connect with amenities, businesses, and their community, enhancing the opportunity to live, work, and enjoy a healthy, active, and affordable lifestyle.

Accreditation will help ensure that we are following best practices for providing recreation programming and events for our residents.

- Natural Resources and Open Spaces - Avondale recognizes the value of its natural resources and promotes environmental sustainability and conservation in its operations, activities, and planning.

Accreditation will help ensure that we are following best practices for providing parks, trails and open space for our residents.

PURPOSE:

Recognize the accreditation of the Parks and Recreation Department by the National Recreation and Parks Association's Commission for Accreditation of Parks and Recreation (CAPRA). This item is for discussion only.

BACKGROUND:

The National Recreation and Parks Association's (NRPA) Commission for Accreditation of Park and Recreation Agencies (CAPRA) provides quality assurance and quality improvement of accredited park and recreation agencies throughout the United States by providing agencies with a management system of best practices. CAPRA is the only national accreditation of park and recreation agencies and is a valuable measure of an agency's overall quality of operation, management, and service to the community.

At the department retreat in June 2020, staff established the goal to pursue CAPRA accreditation by 2022.

Accreditation is based on an agency's compliance with the 154 standards for national accreditation. To achieve accreditation, an agency must comply with all 36 Fundamental Standards, and 106 of the 118 Non-

Fundamental Standards upon initial accreditation and 112 of the 118 Non-Fundamental Standards upon reaccreditation.

"Standards for national accreditation provide an authoritative assessment tool for park and recreation agencies. Through a process of peer verification of compliance with these national standards, CAPRA accreditation assures policymakers, department staff, and the general public that an accredited park and recreation agency has the operational capacity to deliver programs, facilities, and services at a high level of quality."

At the NRPA Conference held in Phoenix, Arizona, from September 19-22, the City of Avondale Parks and Recreation Department was officially recognized as an accredited agency at the “Best of the Best Ceremony” on Wednesday, September 21.

There are 199 accredited agencies, less than 2%, throughout the United States. Agencies must repeat the review process every 5 years to stay in compliance with CAPRA’s guidelines.

DISCUSSION:
Not applicable

BUDGET IMPACT:
Not applicable

RECOMMENDATION:
Not applicable

Contact person for document distribution:

Item Number: 5.

CITY COUNCIL REPORT

SUBJECT: Special Events Update

MEETING DATE: 10/3/2022

TO: Mayor and Council

FROM: Bryan Hughes

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Areas:

- Diverse Recreation and Entertainment Opportunities - Avondale provides residents with the ability to connect with amenities, businesses, and their community, enhancing the opportunity to live, work, and enjoy a healthy, active, and affordable lifestyle.

Special events offer opportunities for residents across the community to come together and experience unique events and cultural celebrations.

PURPOSE:

City Council will receive an update from staff regarding upcoming special events. This item is for discussion only.

BACKGROUND:

The Parks and Recreation Department provides for various community events throughout the city. Staff will provide an overview and update to the Mayor and Council of the upcoming activities for the year and seek feedback.

Fall 2022 Events

- Cycle Avondale – Sunday, October 2nd
- Alamar Park Grand Opening – Saturday, October 8th
- Billy Moore Days – Thursday, October 13th to Sunday, October 16th
- Winterfest – Saturday, December 3rd

Partner Fall 2022 Events

- Dia de Los Muertos with Ballet Folklorico Esperanza – Saturday, October 29th
- Avondale Championship Open – Wednesday, November 2nd

- Veteran's Day 5K Vet Run – Friday, November 11th

Spring 2023 Events

- Tres Rios Nature Festival – Saturday, February 25th to Sunday, February 26th
- Family Campout – March 25th
- Eggstravaganza! – Friday, Saturday and Sunday, March 30th – April 1st
- KidFest – April 8th
- Avondale Fiesta – April 29th
- Memorial Day Ceremony – May 29th

Partner Spring 2023 Events

- BBQ Competition – March TBD

DISCUSSION:
Not applicable

BUDGET IMPACT:
Not applicable

RECOMMENDATION:
Not applicable

Contact person for document distribution:

Item Number: 3.a.

CITY COUNCIL REPORT

SUBJECT: Minutes

MEETING DATE: 10/3/2022

TO: Mayor and Council

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

THROUGH: Cherlene Penilla, Acting City Manager, 623-333-1015

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area: Connected Community - Avondale will work directly and closely with our communities to develop programs and infrastructure that connect residents to the city's resources, the region, and each other. The approval of this agenda item provides residents with access to a previous meeting's minutes, which includes a summary of the meeting. The minutes are posted online where residents can access and read the summary. The minutes provide another outlet for residents to connect with the City Council.

PURPOSE:

City Council will consider a request to approve the September 6, 2022 City Council meeting minutes. The Council will take appropriate action.

BACKGROUND:

n/a

DISCUSSION:

n/a

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

Staff recommends City Council approve the September 6, 2022 City Council meeting minutes.

Contact person for document distribution: *Citlaly Salas*

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
September 6, 2022

A **Special Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 Civic Center Drive in open and public session at 5:31 p.m.

Members Present: Mayor Kenn Weise; Council Members Tina Conde, Bryan Kilgore*, Curtis Nielson, Mike Pineda, and Gloria Solorio.

**Council Member Kilgore arrived at the meeting at 5:35 p.m.*

Members Absent (Excused): Vice Mayor Veronica Malone.

Other Municipal Officials Present: Cherlene Penilla, Acting City Manager; Lisa Maxie-Mullins, Deputy City Attorney; Marcella Carrillo, City Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Andrea Dumbrell, Human Resources Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Ken Gilliam, Fire Chief; Craig Jennings, Judge; Corey Larriva, Parks & Recreation Assistant Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Interim Director; Abril Ruiz-Ortega, Court Administrator; Jeffrey Scheetz, Chief Information Officer; Aric Stewart, Engineering Services Interim Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately five members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. EMPLOYEE INTRODUCTIONS & ANNOUNCEMENTS (DISCUSSION ONLY)

The following employee introductions and announcements were presented.

City Clerk's Office - Employee Announcements
- Maria James, City Clerk Specialist, Certified Municipal Clerk Achievement

City Court - Employee Announcements
- Sheri Godinez, Court Financial Management Analyst, Supervisor's Academy Achievement

Development & Engineering Services - Employee Introductions
- Amapola Arreola, Eng. Permit Technician
- Linda Beyersdorf, Sr. Management Analyst
- Terry Dorschied, Sr. Engineering Tech.
- Ellen Esquivel, Building Permit Technician
- Raquel Llanez, Project Coordinator
- Yulonda Moore, Right-of-Way Coordinator
- Natalie Railey, Project Coordinator
- Aric Stewart, Acting Director / City Engineer
- Rajanikanth Thoutam, Sr. Traffic Engineer
- Mark Trinidad, Planner

Economic Development - Employee Introductions
- Adam Shipley, Business Development Manager

Fire & Medical Department
- Jordan Utti, Firefighter
- Osvaldo Magana, Firefighter

Neighborhood and Family Services - Employee Introductions
- Natasha Alavi, Librarian I
- Stephanie Douglas, Librarian III/Branch Manager
- Regina Marette, Housing & Community Development Manager

2. ADJOURNMENT

There being no further business before the Council, Council Member Pineda moved to adjourn the Special Meeting; Council Member Conde seconded the motion.

Upon vote, the motion was carried unanimously 6 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Council Member Solorio	Aye
Mayor Weise	Aye

Meeting adjourned at 5:47 p.m.

A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 Civic Center Drive in open and public session at 6:01 p.m.

Council Member Solorio led the Pledge of Allegiance, followed by a moment of silent reflection.

Members Present: Mayor Kenn Weise; Council Members Tina Conde, Bryan Kilgore, Curtis Nielson, Mike Pineda, and Gloria Solorio.

Members Absent (Excused): Vice Mayor Veronica Malone.

Other Municipal Officials Present: Cherlene Penilla, Acting City Manager; Lisa Maxie-Mullins, Deputy City Attorney; Marcella Carrillo, City Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Andrea Dumbrell, Human Resources Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Ken Gilliam, Fire Chief; Corey Larriva, Parks & Recreation Assistant Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Public Safety Chief;

Jodie Novak, Development Services Interim Director; Jeffrey Scheetz, Chief Information Officer; Aric Stewart, Engineering Services Interim Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately five members of the public were present.

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

2. UNSCHEDULED PUBLIC APPEARANCES

- The City Clerk read the following public comment submitted by Alaine Zachar into the record: *"I would like to address what I perceive as predatory practices between towing companies and apartment complexes in Avondale. My request is specifically in relation to Ashton Pointe apartments, located at 12175 W McDowell RD in Avondale. On 08/25/2022, I was assisting my father, a new resident at this complex, moving belongings from my vehicle up the three flights of stairs to his new apartment. My father is in his 60s and recently concluded cancer treatment, so as you can imagine he needed help moving stuff. We added my car's information to the apartment building's resident portal so there'd be no problems, he notified the office I would be assisting with the moving, and I even added my contact information to their resident portal with the option for text messages in case there needed to be contact made. Since the assigned parking spot they gave him is a considerable distance from the building he now lives in, I was willingly and knowingly parking outside of his building in order to unload and haul belongings up three flights of stairs. Between one session of carrying up a load of kitchen supplies, unpacking them, and then going back down the stairs, I find out my car is missing. Frantically, I call the office to see if it was possibly towed or if I should call the police. The apartment complex informed me that they have a contract with a towing company called Kwik Tow located at 11748 W Glendale Ave, Glendale, AZ 85307 for them to come out and tow any cars illegally parked. Mind you, the car was parked in an unconventional space, outside of a designated parking space yes, but this was a.) only temporary and short and b.) specifically doe to the fact that the assigned parking space given was too far of a reasonable distance to unload from. Because of these reasons, I strongly feel that my car being towed was fraudulently done. One, because this is for a resident who lives here, the vehicle information was supplied to the leasing office, they were aware the resident was going to be newly moving in, and absolutely no notice nor attempt to contact the resident, find out whose care it was, if it belonged to a resident, no flag or paper ticket or anything was left on the car pointing out that it was not in a designated spot, nothing- if the office had done any due diligence, they had the information to determine whose car it was, and if they had any desire to, they could have easily notified my father, the resident, or myself, since my information was also given to the leasing office. After hearing that the office has a contract with the towing company to allow them to engage in freely towing cars at whim from their property, I cannot help but be suspicious that there must be some sort of incentive for the property to have such a contract. I think this behavior is in direct contrast with the well-being of the residents of the property. I believe this type of contract between an exploitative*

company and an apartment complex who allows the towing company to just take cars without any notice to the resident at all is just wrong, it makes no sense that an apartment complex would allow this behavior unless there was some sort of financial benefit for them to do so, and that is wrong.

It is wrong for a place of residents to take advantage of the people who live there by making harmful contracts with a towing company, giving them rights onto the property and to tow cars at their whim, with the residential provider offering no assistance in notifying or even attempting to reach the residents despite having their contact information and vehicle information. I am hoping that the city council can address this issue with a city ordinance outlawing this practice, or at the very minimum, requiring the residential property managers to at least attempt to contact/notify the resident or at the very minimum place a warning ticket on their car. This is an incident that did not need to occur if there was any good intentions on the part of the property managers to protect their residents from predatory towing practices. My car wasn't in the area outside of a parking space for an extended period of time for this to occur, and the fact that it happened so quickly between carrying items up to the third floor, emptying them out, and then going back down to the car within such a short period of time is just astounding. If I had been using a moving truck, would they still have towed it, or attempted to, since it would have been obvious the person was in the process of moving and was not simply parked outside of a designated space for no reason? It's simply abusive and wrong for this type of thing to happen, I want the city to be aware of it, and I think there should definitely be laws against predatory practices like this. It cost me $200 to get the car from impound, a cost which is burdensome for most working people, and for the property managers to have no requirement of at least attempting to notify a resident that they plan to tow their car just seems wrong, especially if the property management are the ones reaping a financial reward from this practice. Please consider banning this type of agreement between predatory towing companies and residential property managers to protect residents of Avondale.

And please, while reading this, consider that I am not just angry because I did something wrong and don't want to pay for it. If I purposely, intentionally, and without any consideration of laws, was parked in the wrong spot just because I was too lazy to walk a bit to/from a parking space a bit away, I would be embarrassed to be bringing up this issue in a public forum, but rest assured, my desire to bring attention to this practice is simply from my incredulity at this practice being legal. How a towing company can just grab your car and take it, and then charge you money to get it back, at the place where you live where you are beholden to a property manager and would think they would have some responsibility to protect you from this type of thing, and not encourage it. The whole thing is just wrong. We need this to be stopped."

- Della Logan, Avondale resident, made comments about her experiences of bullying and intimidation from her landlord during her struggle with cancer and afterwards. She also spoke about her experiences with law enforcement, drugs, traffic and other issues in her neighborhood.

- Henry Hernandez, Avondale resident, provided comments about ignored complaints on code compliance and enforcement for a 128th Avenue property.

- Chiquita Johnson, Avondale resident, addressed concerns regarding youth in the area of Old Avondale, stating there is a need for greater attention and structure for the young people in the area.

3. CONSENT AGENDA

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

Mayor Weise asked if any Council Member wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Council Member Nielson, seconded by Council Member Solorio, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 6 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Council Member Solorio	Aye
Mayor Weise	Aye

a. COUNCIL MEETING SCHEDULE FOR 2023

City Council approved the 2023 City Council Meeting Schedule.

b. BUDGET TRANSFER FOR FIRE STATION 172 PARKING IMPROVEMENTS

City Council approved a request to (a) transfer funding in the amount of $300,000 from project B0093 The BLVD Garage to project S0094 Parking Improvements at Fire Station 172 to pay for the improvement project construction cost escalation in material and labor; and (b) authorize staff to complete the necessary budget amendment.

c. REQUEST TO REALLOCATE FUNDS FOR DYSART ROAD SEWER REPLACEMENT PROJECT - RILEY TO CORAL (U0045)

City Council approved a request to: (a) reallocate realized cost savings from completed projects to the Dysart Road Sewer Replacement Project – Riley to Coral, Project No. U0045 in the amount of $750,000; (b) issue award authority; and (c) authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

d. AGREEMENT FOR ACCOUNTING AND DELIVERY OF WATER MADE AVAILABLE IN THE MODIFIED ROOSEVELT DAM FLOOD CONTROL SPACE UNDER A TEMPORARY DEVIATION TO THE WATER CONTROL PLAN

City Council approved an Agreement for Accounting and Delivery of Water with the Salt River Project (SRP) under a Temporary Deviation Plan previously agreed to by Council in August of 2021, and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

e. RESOLUTION 1063-0922 - GRANT ACCEPTANCE FROM GOVERNOR'S OFFICE OF HIGHWAY SAFETY

City Council adopted Resolution 1063-0922, authorizing the acceptance of a grant provided by the Governor's Office of Highway Safety (GOHS) for Prop 207 funding in the amount of $25,500, which will support the Police Department's funding of acquiring one Leica 360 3D Scanner and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

f. ORDINANCE 2051-0922 - ESTABLISHMENT OF THE INDEPENDENT AUDIT COMMITTEE

City Council adopted Ordinance 2051-0922, establishing an independent Audit Committee comprised of members of the City Council and the public and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

4. REGULAR AGENDA

a. PUBLIC HEARING AND ORDINANCE 2049-0822 - REZONE FOR FAIRWAY RESIDENCES - PLANNED AREA DEVELOPMENT (PAD) - APPLICATION PL-22-0068

City Council held a public hearing and considered a request to adopt 2049-0822, approving a request by Ms. Carolyn Oberholtzer of Bergin, Frakes, Smalley & Oberholtzer, PLLC, on behalf of HAM Fairway, LLC / FWVB, LLC, to rezone approximately 15.75 gross acres (14.17 net acres) at the southwest corner of Fairway Drive and Van Buren Street and authorize the Mayor, Acting City Manager, City Attorney and City Clerk to execute the necessary documents. A portion of the site is currently zoned R1-6 and the remaining portion is zoned Coldwater Springs PAD. The proposal will change the zoning of both properties to Fairway Residences PAD. The proposed Rezone will allow for a 286-unit multi-family residential project.

Ann Dolmage, Senior Planner within Development and Engineering Services, provided an overview of the proposed site plan. Setbacks will conform to R-4 standards except for a zero-foot setback from the City's well site. Amenities include clubhouse, pool, spa, outdoor kitchen, play areas, dog park and walking trail. Primary access is on Van Buren with secondary access on Fairway. There will be pedestrian connections to both Van Buren and Fairway from inside the development. There will be 539 spaces, including 80 private garages and 459 surface spaces.

The site plan and elevations were reviewed. The rezone is in conformance with the current General Plan land use designation of High Density Residential and Multifamily Residential. Development standards meet or exceed Zoning Ordinance requirements

except as described in the PAD narrative. The Littleton Elementary School District has indicated they have insufficient capacity to accommodate enrollment; however, they are working with the applicant on a donation agreement. Tolleson Union High School District has sufficient capacity to accommodate enrollment.

All required public participation notices were provided. At the neighborhood meeting on May 17, 2022, topics included: Potential for increased traffic and congestion; design of landscape buffers; affordability of units; and preferences for alternate land use such as a grocery store. The applicant team was present to address questions and concerns. There were 27 anonymous comments via Polco, three phone calls and 24 emails. Topics included: Traffic; school construction costs; deficiency of for-sale townhomes/condos; aesthetics; impacts to neighborhood character; preferences for alternative uses; water availability.

The Planning Commission voted to recommend approval on July 20, 2022. The applicant met with Coldwater Springs residents on August 29, 2022 via Zoom with approximately 45 attendees. Questions centered around traffic concerns and site access. An additional stipulation has been added to the project. The development will provide southbound right-turn deceleration lane along Fairway Drive at the proposed gated access point adjacent to the proposed development as approved by the City's Development & Engineering Services Department.

Mayor Weise opened the public hearing.

- The City Clerk read the following public comment submitted by Cliff Adams, CMCA – HOAMCO Community Manager, into the record: "The following submitted written comments We would like to take a moment to express our appreciation to the developer group for reaching out and engaging the community with the ZOOM call last Monday August 29th. By all indications it was a positive meeting as we have not gotten any further calls or concerns through our management company HOAMCO at this time. We also had a very informative and honest meeting with Brad and 3 of our Board of Directors and Cliff Adams our Property Manager on Friday August 26th. We look forward to having more sit downs and calls to discuss what would be mutually beneficial to both parties. We are excited to be working together to eliminate some concerns we have had with over traffic and the crowding of people on Fairway. We feel hopeful about the future with an ongoing dialogue about a bright and prosperous future for Coldwater Springs HOA and our new neighbors! If you have any questions or concerns, please let us know. BOD of Coldwater Springs and HOAMCO."

- Scott Roland, Avondale resident, voiced opposition to the development, as adding apartments will further crowd the area and intersection. In addition, home values in the area will be negatively affected.

- Ramon Sanchez, Avondale resident, provided comments thanking City Council and the developer in providing an extension for community outreach. Many area residents oppose the development. He cited various illegal traffic maneuvers in the area and stated that the installation of a pork chop would create additional chaos. He suggested townhomes be constructed in place of the apartments. The Fairway exit should be moved to Van Buren, which would improve quality of life.

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

Mayor Weise commented that the developer has gone above and beyond in reaching out to the community. The traffic issues are understandable. The developer should not be held accountable for a traffic issue that is not their fault. Other options for construction without the rezone include retail options, which will cause even greater traffic issues. The City is still in need of apartment units for its residents.

Council Member Conde agreed that the developer has made efforts to address community concerns, including pushing back the closing escrow date to address HOA concerns. It is a high-quality development, which will address housing needs in the City.

Council Member Solorio stated that the units are of great quality and she does not believe they will bring home values down. Avondale continues to be short of housing options for all income brackets. The developer has done its due diligence.

Council Member Kilgore stated that he appreciates staff and Council for providing a voice and advocating for residents and appreciates the developer for listening.

Council Member Nielson suggested that a walkway be considered during construction for children to access the school.

Council Member Pineda commended the developer and staff, particularly in terms of consideration for resident concerns. The description and renderings are indicative of a high-quality development.

Council Member Solorio moved to adopt Ordinance 2049-0822, approving Application PL-22-0068 Fairway Residences Planned Area Development (PAD), a request to Rezone approximately 14.17 acres from R1-6 and Coldwater Springs Planned Area Development (PAD) to Fairway Residences Planned Area Development (PAD), subject to the six (6) conditions of approval [as listed below] and subject to the following seventh (7^{th}) condition, “The development shall provide a southbound right-turn deceleration lane along Fairway Drive at the proposed gated access point adjacent to the proposed development as approved by the Development and Engineering Services Department; Council Member Nielson seconded the motion.

1. Development shall substantially conform to the Fairway Residences PAD Narrative electronically date stamped June 14, 2022, except as modified by these conditions.

2. Power lines less than 69 kV adjacent to the property shall be converted underground in the first phase of development.
3. Prior to issuance of any construction permits for the project, a Re-Plat shall be approved and recorded to combine the two parcels to be developed and to modify the boundaries of the City well site.
4. All off-site improvements shall be completed in the first phase of development.
5. Grandfathered groundwater rights for the property must be extinguished and pledged to the City of Avondale's designated account (26-002003.0000) prior to issuance of any construction permits for any portion of the project.
6. The development shall be designed and constructed in accordance with the City of Avondale General Engineering Requirements (GER) Manual and the City of Avondale Supplement to MAG Uniform Specifications and Details unless a standards deviation has been approved.
7. The development shall provide a southbound right-turn deceleration lane along Fairway Drive at the proposed gated access point adjacent to the proposed development as approved by the City's Development & Engineering Services Department.

Upon vote, the motion was carried unanimously 5 to 1.

Council Member Conde	Aye
Council Member Kilgore	Abstain (a vote in the affirmative)
Council Member Nielson	Aye
Council Member Pineda	Nay
Council Member Solorio	Aye
Mayor Weise	Aye

b. WESTERN AVENUE & DYSART ROAD INTERSECTION STUDY 2022
Staff provide an overview of the Western Avenue and Dysart Intersection Study and request input from City Council. Staff will incorporate this input in developing the 5-year capital improvement plan. This is was for information and discussion only.

Aric Stewart, Acting Engineering Services Director, presented the Western Avenue and Dysart Intersection Study findings. The study location is immediately north of MC85 on Dysart Road. The City contracted with Kimley-Horn to study possible improvements with the intersection with the intent to improve traffic operations and safety. The recent history of accidents was analyzed as part of the effort. There were 20 reported crashes from 2016 to 2020, none being fatal. Twenty percent had pedestrian and bicycle involvement. Two of the most serious crashes involved left turns and angle crashes. Eastbound and westbound left turns were the most significant contributors. A signal warrant analysis was conducted, and the conclusion was that a signal is not required at this time. The study did recommend that the City reanalyze this need in the future.

During the five-year period, there was only a 6.2 percent increase in average daily traffic count. The majority of traffic is traveling straight through the intersection from the north

and south and approximately one out of seven vehicles were turning onto Western Avenue during peak hours. The count on the east leg of Western Avenue is small smaller in comparison to the west. The majority of turning movements disrupting the northbound and southbound and traffic were vehicles coming and going from the west leg of Western Avenue. A review of potential traffic calming methods was reviewed.

Mayor Weise noted the relatively low number of crashes for a five-year period and the lack of any obvious increases over time. He would like to allow the existing steps to be in place for six months and revisit next steps if necessary.

Council Member Conde commented that Option 1 does not go far enough; however, her expectation had been that there would be more crashes at the location over the period. She would like to reevaluate the issue in six months to a year.

Council Member Solorio concurred with Council Member Conde.

Council Member Kilgore was also in agreement with revisiting the issue. He suggested that feedback from Police and Fire be considered.

Council Member Nielson asked that data from 2021 to 2022 be provided. A roundabout might not be a feasible option, considering the presence of the train.

Council Member Pineda asked that staff provide information on any incidents of lawsuits against the City in conjunction with any of the accidents that have occurred.

5. ADJOURNMENT

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

Upon vote, the motion was carried unanimously 6 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Council Member Solorio	Aye
Mayor Weise	Aye

Meeting adjourned at 7:15 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 Special Meeting and Regular Meeting of the Council of the City of Avondale held on the 6th day of September 2022. I further certify that the meeting was duly called and held, and that the quorum was present.

_____ _____

Marcella Carrillo, City Clerk Date Approved by City Council

Item Number: 3.b.

CITY COUNCIL REPORT

SUBJECT: Fiscal Year 2023 Debt Budget Adjustment

MEETING DATE: 10/3/2022

TO: Mayor and Council

FROM: Renee Weatherless, Finance and Budget Director, (623) 333-2011

THROUGH: Cherlene Penilla, Acting City Manager, (623) 333-1015

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Innovative Program and Service Delivery - Avondale will continue to serve as a model of innovative, efficient, and responsive government. This action will ensure transparent recording of debt related expenses.

PURPOSE:
City Council will consider a request to adjust the Fiscal Year 2023 debt budget to improve financial reporting. The Council will take appropriate action.

BACKGROUND:
The city tracks debt principal and interest in funds unique to each individual debt issuance. The city is reconciling the budgets in the funds to ensure they accurately reflect the payments associated with the respective debt issuance.

DISCUSSION:
The City sets aside funds to pay certain liabilities (debt payments) throughout the year and pays them when due. The budget appropriation associated with certain debt funds needs to be adjusted so debt payments can be recorded in the respective fund representing activity related to the debt issuance. Sufficient funds have been reserved to make the payments but budget appropriations will need to be adjusted to provide the budget capacity for payment.

BUDGET IMPACT:
The transfer of budget appropriation is necessary to ensure accurate reporting of debt payments. The funds have existing fund balance and/or the approved interfund transfers are adequate to provide the resources necessary to make the payments.

RECOMMENDATION:
It is recommended that City Council approve the transfer of budget capacity as detailed below.

Fund	FY2023 Adopted Budget	FY2023 Debt Payment	Budget Increase / (Decrease)
4210 – 0.5% Dedicated Sales Tax Debt Service	2,642,000	2,419,400	(222,600)
4220 – 2019 Dedicated Sales Tax Debt Service	844,000	945,600	101,600
4290 – Dysart Road Debt Service	0	139,600	139,600
2800 - Unanticipated Revenue			(18,600)

Contact person for document distribution:

Item Number: 3.c.

CITY COUNCIL REPORT

SUBJECT: Fiscal Year 2023 Development & Engineering Services Budget Adjustment

MEETING DATE: 10/3/2022

TO: Mayor and Council

FROM: Aric Stewart, Acting Director, Engineering Services, (623) 333-4241
Jodie Novak, Acting Director, Development Services, (623) 333-4015

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Innovative Program and Service Delivery - Avondale will continue to serve as a model of innovative, efficient, and responsive government.

This proactive action ensures that the City can maintain essential traffic safety services by timely repair and maintenance of traffic signals, illuminated street signs, poles, video detection equipment, and controller cabinets.

PURPOSE:
City Council will consider a request to adjust the Fiscal Year 2023 budget in order to purchase a new platform truck for a new Senior Traffic Signal Technician position that was approved in the FY2023 budget by (a) transferring $192,000 in savings from the completed Fairway Drive Improvements (T0052) project; (b) increasing the award authority for the vehicle purchase; and (c) authorizing staff to complete the necessary documents. The Council will take appropriate action.

BACKGROUND:
Development & Engineering Services Department was approved for Senior Traffic Signal Technician (Position #3014-002) in the Fiscal Year 2023 (FY2023) budget. Along with this authorization was the approval to acquire a service vehicle for the position. The position was budgeted with a ¾ ton work truck. However, per staff recommendation, the vehicle needs to be a platform truck to better serve the needs of the City.

DISCUSSION:
The job duties of the Senior Traffic Signal Technician include maintaining traffic signal equipment by performing maintenance and repairs on traffic signals, illuminated street signs, poles, video detection equipment, and controller cabinets. The Development and Engineering Services Department recommends that the position be assigned a platform truck to accomplish the duties of the position. The approved FY2023 budget included a new ¾ ton work truck, budgeted at $42,200 in the General Fund. The platform truck is projected to cost $192,000, fully outfitted.

To cover the cost of the proposed platform truck, the department has identified one-time savings from the

Fairway Drive Improvements – Van Buren to Garfield project (T0052), which is funded by Highway User Revenue Funds (HURF). The proposed platform truck is eligible for HURF funding, as the vehicle will support the city's transportation program. Transfers of appropriations greater than $50,000 from capital projects requires City Council approval, per the city's adopted Financial Policies.

BUDGET IMPACT:

Approving the transfer will allow the department to utilize realized savings in HURF to acquire the vehicle the department recommends for this new position.

Fund	Proposed Increase / (Decrease)
2200 - HURF Capital (T0052)	(192,000)
2200 - HURF Fleet Services	192,0000

Since the budgeted vehicle for the position is currently funded by the General Fund and the proposed vehicle would be funded 100% from HURF, this action will free $42,200 in General Fund budget authority.

RECOMMENDATION:

It is recommended that City Council approve (a) transferring $192,000 in savings from the completed Fairway Drive Improvements (T0052) project; (b) increasing the award authority for the vehicle purchase; (c) transferring $42,000 General Fund savings, and (d) authorizing staff to complete the necessary documents. The Council will take appropriate action.

Contact person for document distribution:

Item Number: 3.d.

CITY COUNCIL REPORT

SUBJECT: Fiscal Year 2023 Budget Adjustment for a Traffic Signal at 99th Avenue and Encanto Boulevard

MEETING DATE: 10/3/2022

TO: Mayor and Council

FROM: Aric Stewart, Acting Director, Engineering Services, (623) 333-4241

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Creative and Sustainable Community Development - Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.

The approval of this agenda item will maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:

City Council will consider a request to amend the Fiscal Year 2023 budget in order to create the initial budget of $300,000 for a Traffic Signal at 99th Avenue and Encanto Boulevard (T0026) and authorizing staff to complete the necessary documents. The Council will take appropriate action.

BACKGROUND:

On August 14, 2017, the City of Avondale approved Ordinance 1633-817 authorizing a contribution of $300,000 from the developer, Virtua 99th, LLC to contribute 50% of the traffic signal at the intersection of 99th Avenue and Encanto Boulevard. This $300,000 contribution was received by the City in August 2022. The project is currently not included in the approved 5-year Capital Improvement Plan.

DISCUSSION:

The Traffic Signal at 99th Avenue and Encanto Boulevard will allow access to the Virtua99 Avondale development, now called Avondale Station, on the westside of 99th Avenue. With recent new developments on both sides of 99th Avenue, staff anticipate needing the signal by 2024. In order to meet the growing demands of traffic needs due to the development on the east side of 99th Avenue in the City of Phoenix, the signal is needed for safety requirements. The developer on the east side of 99th Avenue, Gen 4 Farms Phoenix, LP, is also expected to contribute an additional $300,000 to this project through a development agreement to be considered by Council at a future date. To meet the needed timeframe, staff requests the budget necessary to start design and procurement of the signal equipment.

When Ordinance 1633-817 was initially approved in 2017, the developer, Virtua99th, LLC was obligated to

contribute $300,000 towards a signal at 99th Avenue and Encanto Boulevard. The contribution was recently received in August 2022. The project was not funded during the FY2023 budget process but staff believe the traffic signal will be required in 2024. The cost of the signal should be covered through contributions from the neighboring developments.

BUDGET IMPACT:

The $300,000 budget transfer is equal to the amount the city has already received in contribution from the neighboring development. The second contribution of $300,000 necessary to complete the project will come from a second development agreement with Gen 4 Farms Phoenix, LP which will be brought to City Council for action later this Fall. These contributions can only be used for the signal and cannot be allocated to other capital projects.

RECOMMENDATION:

It is recommended that City Council approve a budget transfer of $300,000 from the Unanticipated Revenue line item to fund the traffic signal at 99th Avenue and Encanto Boulevard. Using the unanticipated revenue line item is proper since the city received a $300,000 contribution from the developer that was not included in the FY2023 budget.

Contact person for document distribution: *Aric Stewart, Acting Director/City Engineer*

Item Number: 3.e.

CITY COUNCIL REPORT

SUBJECT: Resolution 1068-1022 – Declaring as a Public Record the City of Avondale Drought Preparedness Plan, October 3, 2022 and Ordinance 2056-1022 Adopting Avondale's Drought Preparedness Plan and Amending the Drought Ordinance

MEETING DATE: 10/3/2022

TO: Mayor and Council

FROM: Kirk L. Beaty, P.E., Public Works Director, (623) 333-4417

THROUGH: Tracy Stevens, Acting Asst. City Manager, (623) 333-1014

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Areas:

- Creative and Sustainable Community Development –

Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride of common values.
The Drought Preparedness Plan provides guidance to continue to provide a safe, reliable water supply for current and future customers. This is done through conservation and more sustainable practices throughout municipal operations and the Avondale community.

- Natural Resources and Open Spaces –

Avondale recognizes the value of its natural resources and promotes environmental sustainability and conservation in its operations, activities, and planning.
The Drought Preparedness Plan meets this strategic outcome area by promoting environmental sustainability and conservation with respect to the City's water resources.

PURPOSE:

City Council will consider a request to adopt Resolution 1068-1022, declaring as a public record approving the City of Avondale Drought Preparedness Plan, October 3, 2022 and to adopt Ordinance 2056-1022 amending the Avondale City Code by amending the Drought Ordinance and adoption the document made public by Resolution 1068-1022 and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

An update of the City's current Drought Preparedness Plan (DPP) is due to the Arizona Department of Water Resources by January 1, 2023. The purpose of a DPP is to provide guidelines that water providers can use to manage water demand and its uses during times of actual or predictive reductions to water supplies. Additionally, the City's water resource team maintains a DPP as an important tool in its overall water management strategy. The City's current DPP was adopted by City Council in 2004 and has been readopted but not updated since that time. This current update is especially important as the conditions of the Colorado River System and overall climatic conditions continue to morph and potentially impact our future renewable

water supplies. Public Works manages the City's water portfolio and delivery of water services first and foremost with the highest regard to public health and safety, meeting all local, state and federal regulations with the highest standards for innovative and exceptional customer service. Additionally, we understand that sustainable community development is only possible with adequate water supplies to meet those needs for future growth.

DISCUSSION:

City Council received a presentation on the Drought Preparedness Plan update on August 22, 2022. The contents of the DPP will assist the Mayor and Council, City Management, and staff in making informed decisions regarding management of the City's water resource portfolio, especially during times of real or potential water shortages. The DPP covers potential triggers which may lead to increasing or decreasing measures from a defined stage, the purpose of each stage, and finally identifies the measures and the response options dependent on the stage and customer type.

Avondale City Code, Chapter 24, Article VII - Drought Ordinance will be revised to accommodate the updated Drought Preparedness Plan. Upon City Council's adoption of the Drought Preparedness Plan Update, staff will begin implementing the plan in accordance with the implementation system.

BUDGET IMPACT:

There is no request for budgetary allowances for this item. As Council implements increasing drought stages, additional costs to implement drought measures will be included in subsequent budget requests.

RECOMMENDATION:

Staff recommends that the City Council adopt a Resolution, declaring as a public record approving the City of Avondale Drought Preparedness Plan, October 3, 2022 and to adopt an Ordinance amending the Avondale City Code by amending the Drought Ordinance and adoption the document made public by Resolution and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

Contact person for document distribution: *Kirk Beaty*

DROUGHT PREPAREDNESS PLAN

City of Avondale
Public Works Department
Water Resources Division

October 2022

City of Avondale's Drought Preparedness Plan Update
October 3, 2022

Introduction and Overview

The City of Avondale (City) is committed to providing reliable and safe water service to its customers, collecting and treating wastewater to provide sanitation, and beneficially reusing reclaimed water as a key part of its water resource portfolio. Avondale maintains a 100-year Designation of Assured Water Supply from the Arizona Department of Water Resources (ADWR) that demonstrates the City's ability to provide continuous availability of physical water resources and the legal right to use them to serve the City's customers.

Per the Arizona Revised Statues §45-342, ADWR requires that a water provider have a Drought Preparedness Plan (DPP) that shall have "response stages providing for the implementation of measures in response to reduction in available water supply due to drought or infrastructure failure," and to update or renew its DPP every five years. The purpose of a DPP is to provide guidelines that water providers can use to manage water supply and water demand during times of actual or predictive reductions to water supplies. Additionally, the City's water resource team maintains a DPP, or "Plan" as an important tool in its overall water management strategy.

Avondale's Water Supplies

The City has a diverse water supply consisting of renewable surface water supplies from the Central Arizona Project (CAP) and the Salt River Project (SRP), groundwater, and reclaimed water. Avondale has planned for decades to meet the challenge of providing its customers a safe, high-quality, reliable water supply, even during times of drought, and has augmented its supplies through underground water storage to protect against future drought conditions and climate change. The City's current water portfolio is approximately 40 percent from SRP, 30 percent from CAP, and 30 percent from reclaimed water. Additional supplies include a groundwater account, and long-term and extinguishment credits.

Avondale's Water Demand

The City provides water to a variety of customer types, such as residential, commercial, industrial, institutional, municipal, large landscape users, etc. As outdoor water use in the Phoenix Metropolitan Area can be as much as 70 percent, the primary demand management strategies incorporated in the Plan focus on reducing outdoor, non-recreational or ornamental water use first.

DROUGHT PLAN COMPONENTS

Drought exists in multiple stages as drought is not a constant nor totally predictable condition or duration. The Plan consists of three primary components: Triggers, Stages, and Measures.

Drought Triggers

Triggers are indicators of real or potential supply challenges that the Public Works team will consider when making recommendations to City leadership about Plan implementation. These include a constant review of the City's current water portfolio and water resources, supply threats and challenges, including extended drought, shortages, or emergency supply reductions. Triggers may prompt recommended responses, or stage declarations in response to these conditions or threats.

Many factors may guide staff through the recommendation and consideration of Plan implementation such as, however, not limited to real or predicted reduction in the City's supplies from CAP or SRP, Colorado River System conditions, drought or climate conditions, existing credits, and current, committed, and projected water demands.

Drought Stages

Drought stages outline the intensity of demand reduction strategies and actions for reducing water demand. While the drought stages are not directly controlled by drought triggers on the Colorado River System, the Salt and Verde River watershed, or groundwater levels, they are highly influenced by them. Water demand reduction during a drought may incorporate both voluntary and mandatory measures.

The drought stages incorporate intensifying strategies and actions to reduce water demand. The Plan includes five drought response stages ranging from Stage 0 to Stage 4. Stage 0 is where the City will always remain unless the City implements escalated stages. Progression through Stages 1, 2, 3 and 4 are dependent on the severity of the drought triggers.

Avondale's Water Resources Manager or designee will continually evaluate the City's water portfolio including CAP, SRP, groundwater, recharge volumes, and demand as well as remain apprised of climatic and other changes that may affect the water portfolio. Depending on the severity of these factors, the Water Resources Manager and Public Works Director will recommend to the City Manager implementation of one of the four escalated drought stages. Altogether these factors will provide the City with flexible options as part of a comprehensive drought response.

Stage 0: Drought and Water Shortage Preparedness

This stage relates to the standard status in Avondale, whereas the area is an arid desert region with limited rainfall and has been experiencing an official drought since 1999. The purpose of this stage is for the City to continue to engage in water conservation efforts through effective demand management and targeted communication, education, and wise water use practices.

- Supply reduction is zero
- Monitor CAP, SRP, groundwater, and climate conditions
- Implement corresponding measures for Stage 0 from tables
- Advise the Public Works Director of any potential water supply or demand challenges
- Maintain a comprehensive water conservation program, as required by ADWR
- Provide water education and conservation information, education, and outreach to the Avondale community
- Prepare for budget impacts
- Prepare for enforcement actions that may occur in subsequent stages

Stage 1: Minimum Water Shortage and/or Drought Conditions

- Supply reduction is zero or minimal
- Implement corresponding measures for Stage 1 from tables
- Continue actions from previous stage(s)
- Prepare for enforcement actions that may occur in subsequent stages
- Review and discuss water demand and production internally
- Arrange a media briefing

Stage 2: Moderate Water Shortage and/or Drought Conditions

- Supply reduction is minimal to moderate
- Implement corresponding measures for Stage 2 from tables
- Continue actions from previous stage(s)
- Prepare for enforcement actions that may occur in subsequent stages
- Consider using water that Avondale has stored for drought or emergency purposes to compensate for differences in demand versus availability

Stage 3: Severe Water Shortage and/or Drought Conditions

- Supply reduction is moderate to severe
- Implement corresponding measures for Stage 3 from tables
- Continue actions from previous stage(s)
- Prepare for enforcement actions that may occur in subsequent stages

Stage 4: Critical Water Shortage and/or Drought Conditions

- Supply reduction is severe to critical
- Continue actions from previous stage(s)
- Implement corresponding measures for Stage 4 from tables

Drought Measures

Drought measures are implementation strategies or specific actions to help reduce demand. While the drought stages lead to escalated strategies to reduce demand, the early stages take "education-first" and "set the example" approaches, whereas the corresponding measures focus on encouraging the community to adopt water conservation and demand reduction practices. Later stages introduce limitations and enforcement to water use. The primary focus of the measures is reducing outdoor water use, especially in non-recreational and ornamental areas first.

The measures cover three water use categories or customer types. The first category covers municipal water users, the second covers residential water users, and the third category covers non-residential customers. The non-residential category includes commercial, industrial, institutional, Homeowner Associations, etc., water users. Altogether the measures provide flexible options as part of a comprehensive drought response.

DROUGHT PLAN ADMINISTRATION

Drought Stage Declaration

The Water Resources Manager is charged with communicating the drought status and any action associated with implementing the Plan to the City Manager and will provide information about the current drought stages and Drought Preparedness Plan implementation to other City staff as related to drought, shortage, and stages.

The City Manager, or a designee, is hereby authorized to declare drought Stage 0 or 1, whereas City Council may declare further stages. Additionally, during any drought stage declaration the City Manager and/or City Council may apply alternative water use restrictions to those prescribed by this Plan, which may be necessary to achieve a desired reduction in water use.

Declaration Authorization

Stage 0 – City Manager
Stage 1 – City Manager
Stage 2 – City Council
Stage 3 – City Council
Stage 4 – City Council

DROUGHT PLAN IMPLEMENTATION

Public Information

Following the "education-first" approach, communicating with the public is an integral component of this Plan. Some possible options for public outreach strategies may include the following:

- Water bill inserts
- Public Service Announcements (PSAs) and paid advertising
- Classroom presentations
- Drought pamphlets and other promotional materials
- Arizona Department of Water Resources Drought Website
- Public workshops and Homeowners Association meetings
- Drought information on City's website and other media

The City will provide timely information about drought situations to raise awareness about the City's water resource portfolio, drought stages, and water conservation and demand reduction strategies.

Public Education for Voluntary Reduction

The goal of a good public education program is to generate an appropriate level of public awareness that results in desired participation. Beginning with the least restrictive strategies, tiered responses aim to build a foundation of stewardship and education. The first step is to highlight the drought situation and the need for action to reduce water use. The second step will be to increase water conservation messaging emphasizing the appropriate demand reduction strategies.

Municipal Use Restrictions

The City will first implement water conservation and drought efforts through internal communications and vigilant operations. Avondale's municipal water use is relatively small as compared to the overall water demand; however, the City has several large landscape areas that may contribute significantly to demand reduction. The Plan ensures that the City will take essential steps to establish the City as a leader in the demand reduction and water conservation efforts.

DROUGHT PLAN MEASURES

The Plan includes defined measures associated with each stage and sector. As outdoor landscaping accounts for a large amount of water use in Avondale, outdoor water use limitations and restrictions appear early in the drought stages.

Terminology

Encourage	Through conservation and messaging programs, encourage or otherwise work to inspire community members including City staff, residents, and non-residential water users to voluntarily contribute to demand reduction and practice wise water use.
Expand	The City has an active water conservation program and many outreach channels available to provide water conservation information to the community. "Expand" means to otherwise increase existing programming and outreach.
Initiate	Begin new water conservation or water demand reduction programs.
Limit	Limit the water use as practical and feasible. For example, "limit" may mean the time of day a customer can use water outdoors.
Prohibit	Forbid the use of water for the defined items.
Require	Enforce measures.

Municipal Drought Preparedness Plan Measures

Customer		Response Options	Stage 0	Stage 1	Stage 2	Stage 3	Stage 4
Municipal	A	Public information/awareness campaign	Initiate	Expand	Expand	Expand	Expand
	B	Educate staff on indoor and outdoor water saving techniques	Initiate	Expand	Expand	Expand	Expand
	C	Reduce irrigation for parks and landscaping	Encourage	Initiate	Expand	Expand	Expand
	D	Policy guidelines/limitations for installation of new sod and/or other landscaping	Encourage	Initiate	Expand	Expand	Expand
	E	Ornamental fountain use	No Action	No Action	Limit	Prohibit	Prohibit
	F	Splash pad operation	No Action	No Action	Limit	Prohibit	Prohibit
	G	Conduct indoor water efficiency checks	Encourage	Initiate	Expand	Expand	Expand
	H	Fleet vehicle washing	No Action	No Action	Limit	Limit	Limit
	I	Hydrant flushing for non-water quality issues	Limit	Limit	Limit	Limit	Limit
	J	Fire training water use	Limit	Limit	Limit	Limit	Limit
	K	Reduce fire hydrant use except those required for public safety	Encourage	Encourage	Limit	Limit	Limit

Non-Residential Drought Preparedness Plan Measures

Customer		Response Options	Stage 0	Stage 1	Stage 2	Stage 3	Stage 4
Non-residential	A	Educate customers on indoor and outdoor water saving techniques	Encourage	Initiate	Expand	Expand	Expand
	B	Limit indoor and outdoor ornamental fountain use	Encourage	Encourage	Limit	Prohibit	Prohibit
	C	Indoor and outdoor water efficiency checks	Encourage	Encourage	Encourage	Encourage	Encourage
	D	Water conservation with respect to operation and maintenance of swimming pools (cover, leak repair)	Encourage	Encourage	Expand	Expand	Expand
	E	Practice water-by-request at restaurants	Encourage	Encourage	Encourage	Require	Require
	F	Display signage for reduction in frequency of linens and towels washing in hotels/motels	Encourage	Encourage	Encourage	Require	Require
	G	Limit/prohibit overseeding for recreational winter lawns	Encourage	Encourage	Limit	Prohibit	Prohibit
	H	Limit/prohibit overseeding for non-recreational winter lawns	Encourage	Encourage	Prohibit	Prohibit	Prohibit
	I	Limit/prohibit misting system use	Encourage	Encourage	Limit	Prohibit	Prohibit
	J	Establish policy guidelines/limitations for installation of new sod	Encourage	Initiate	Expand	Expand	Expand
	K	Limit dealership and commercial vehicle washing	Encourage	Encourage	Limit	Limit	Limit
	L	Display free low-water-use landscaping information and water conservation materials in new home builder sales offices	Encourage	Initiate	Require	Require	Require
	M	Potable water for construction purposes	No Action	Limit	Limit	Limit	Limit

Residential Drought Preparedness Plan Measures

Customer		Response Options	Stage 0	Stage 1	Stage 2	Stage 3	Stage 4
Residential	A	Educate customers on indoor/outdoor water saving techniques	Expand	Expand	Expand	Expand	Expand
	B	Water conservation with respect to operation and maintenance of swimming pools (cover, leak repair, limit backwashing, etc.)	Encourage	Encourage	Encourage	Encourage	Encourage
	C	Reduce spraying water on impervious surfaces	Encourage	Encourage	Limit	Limit	Limit
	D	Limit/prohibit overseeding for winter lawns	Encourage	Encourage	Limit	Limit	Limit
	E	Time of day landsape irrigation	Encourage	Encourage	Encourage	Enforce	Enforce
	F	Limit/prohibit misting system use	Encourage	Encourage	Limit	Limit	Prohibit
	G	Limit/prohibit washing vehicles at residences	Encourage	Encourage	Limit	Limit	Prohibit
	H	Limit/prohibit ornamental fountain use	Encourage	Encourage	Limit	Limit	Prohibit

RESOLUTION NO. 1068-1022

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED THE "CITY OF AVONDALE DROUGHT PREPAREDNESS PLAN, OCTOBER 3, 2022."

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

SECTION 1. That certain document entitled the "City of Avondale Drought Preparedness Plan, October 3, 2022," of which three copies are on file in the office of the City Clerk and open for public inspection during normal business hours, is hereby declared to be a public record and said copies are ordered to remain on file with the City Clerk.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, October 3, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

ORDINANCE NO. 2056-1022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE AVONDALE CITY CODE, CHAPTER 24 (WATER, SEWERS AND SEWAGE DISPOSAL), ARTICLE VII (DROUGHT ORDINANCE) AND ADOPTING BY REFERENCE THE "CITY OF AVONDALE DROUGHT PREPAREDNESS PLAN, OCTOBER 3, 2022."

WHEREAS, the Council of the City of Avondale (the "City Council") desires to amend the City's Drought Ordinance and provisions of the Avondale City Code; and

WHEREAS, the City Council desires to adopt the City of Avondale Drought Preparedness Plan, October 3, 2022.

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

SECTION 1. That certain document entitled the "City of Avondale Drought Preparedness Plan, October 3, 2022" (the "Plan"), of which three paper copies are on file in the office of the City Clerk, which document was made a public record by Resolution No. 1068-1022 of the City of Avondale, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

SECTION 2. The Avondale City Code, Chapter 24 (Water, Sewers and Sewage Disposal), Article VII (Drought Ordinance), Sections 24-171 through 24-173 are hereby deleted in their entirely and new Sections 24-171 through 24-173 are hereby added to read as follows:

24-171 - Drought preparedness plan; drought stage declaration.

(a) A copy of the City's "Drought Preparedness Plan, October 3, 2022" (the "Drought Preparedness Plan"), as may be amended by the City Council from time to time, is available in the City Clerk's Office and on the City's website, and is incorporated herein by reference.

(b) The City Council or the City Manager, or their designee, may declare a drought stage in accordance with the most recent Drought Preparedness Plan approved by the City Council and adopt reasonable regulations to further the intent of this article.

(c) Following the declaration of a drought stage, the City shall publish notice thereof for a minimum of three (3) consecutive days in the official newspaper of the City and on the City's website prior to the drought stage becoming effective.

(d) Declaration of any drought stage will trigger an intensive public education and information campaign by the City to assist all customers impacted by the drought stage with understanding the drought stage and the application of voluntary and mandatory water use restrictions.

(e) During all drought stages, the City's Water Resource Manager shall monitor the City's use of water to ensure compliance with the requirements of each drought stage and maintain reports of the City's water use during each drought stage.

24-172 – Variances and Exceptions.

Variances to the requirements of this article may be granted at the discretion of the City Manager or a designee. Account holders requesting a variance must apply in writing to the City's Water Resources Manager and demonstrate special circumstances such as public health and safety needs, obligation of contract, or inability to comply despite taking every reasonable effort to reduce water use. The City Manager may consider the applicant's efforts to conserve water before onset of drought conditions in granting a variance.

If users of effluent are specifically exempted from regulations or orders issued under this article or the Drought Preparedness Plan, such users shall clearly post notices stating that the water being used is not from the public drinking water supply and is in conformance to the Drought Preparedness Plan Stage effective at the time.

24-173 - Enforcement.

No person shall use, or allow the use of, City water resources for purposes contrary to, or amounts in excess of those provided in this article, the Drought Preparedness Plan, or any rules or regulations promulgated hereunder. The City Manager or their designee is authorized to enforce the provisions of this article, the Drought Preparedness Plan, and any rules or regulations promulgated hereto, and may institute enforcement actions against persons using water in violation of this article.

Any violation of this article is declared to be a public nuisance. Any person who violates a provision of this article may be subject to enforcement actions including, but not limited to disconnection of service and/or water billing surcharge(s). The City Council may establish, by resolution, a temporary water billing surcharge or surcharge on water consumed in excess of amounts those permitted by this article, the Drought Preparedness Plan, or any rules or regulations promulgated hereunder. Notwithstanding any other enforcement action permitted by law, violations of this article shall be punishable by a civil penalty as provided by section 1-9 of this Code.

SECTION 3. The Avondale City Code, Chapter 24 (Water, Sewers and Sewage Disposal), Article VII (Drought Ordinance), Sections 24-174 through 24-181.4 are hereby deleted in their entirely and Sections 24-174 through 24-181 are hereby reserved for future use.

SECTION 4. It is necessary for the preservation of the peace, health and safety of the City of Avondale that an emergency is hereby declared to exists and this Ordinance shall be effective immediately upon its passage and adoption.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 6. The Mayor, the Acting City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, October 3, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

Item Number: 3.f.

CITY COUNCIL REPORT

SUBJECT: Resolution 1069-1022 - Intergovernmental Agreement with Salt River Project Agricultural Improvement and Power District (SRP) for the Waterfluence Program

MEETING DATE: 10/3/2022

TO: Mayor and Council

FROM: Kirk L. Beaty, P.E., Public Works Director, (623) 333-4417

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Areas:

- Natural Resources and Open Spaces –

Avondale recognizes the value of its natural resources and promotes environmental sustainability and conservation in its operations, activities, and planning.
This IGA meets this strategic outcome area by promoting environmental sustainability and water conservation with respect to the City's water resources.

PURPOSE:

City Council will consider a request to approve Resolution 1069-1022 accepting the Intergovernmental Agreement with Salt River Project Agricultural Improvement and Power District (SRP) for the use of the Waterfluence program and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents. The City Council will take appropriate action.

BACKGROUND:

Both Avondale and SRP have ongoing water conservation programs aimed at increasing water efficiency for customers. Avondale has utilized the Waterfluence program for some of its non-residential customers in the last few years as a way to assist these customers in reducing water consumption through efficient watering of landscaped areas. Waterfluence is a third-party computer program that monitors outdoor water use for entities subscribed to the program, like HOAs, for example. The program includes specific information such as landscape area and landscape type (e.g., turf verses non-turf vegetation), along with estimated water use based upon HOA parameters and industry standards. Data in the system includes meter data from meters serving landscapes. The program provides a visual representation of landscape water use to HOAs and their property managers and landscape maintenance contractors. This tool helps HOA water managers understand how they are watering, and if they are on target for the estimated water needs. City water conservation personnel will assist HOAs with program enrollment, data interpretation, and watering advice, if necessary. This IGA will allow Avondale to add more of its non-residential customers to the program, including City-managed facilities and parks, at no additional cost to the City. Additionally, the partnership will provide marketing support to encourage additional customers to participate in the Waterfluence program at no charge to the customers or to the City.

DISCUSSION:

Avondale's continued use of Waterfluence at no cost to the City or to its water customers, along with marketing support from SRP, will help staff meet water efficiency goals and help the City's non-residential customers better understand their outdoor water use in landscaped areas.

Upon City Council's adoption of the IGA, staff will begin marketing the program to its non-residential customers based on the schedule contained within the IGA.

BUDGET IMPACT:

There is no request for budgetary allowances for this item. All costs will be borne by SRP.

RECOMMENDATION:

Staff recommends City Council approve a Resolution accepting the Intergovernmental Agreement with the Salt River Project Agricultural Improvement and Power District (SRP) for the use of the Waterfluence program and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

Contact person for document distribution: *Kirk Beaty*

RESOLUTION NO. 1069-1022

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT RELATING TO THE WATERFLUENCE PROGRAM FOR MONITORING NON-RESIDENTIAL LANDSCAPING WATER USE.

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

SECTION 1. The Intergovernmental Agreement with Salt River Project Agricultural Improvement and Power District ("SRP") relating to the Waterfluence Program for monitoring non-residential landscaping water use (the "Agreement") is hereby approved in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, October 3, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1069-1022

[Agreement]

See following pages.

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE CITY OF AVONDALE

AND

SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT

(Avondale Contract # _____)

This Intergovernmental Agreement ("Agreement") is made and entered into as of the 27th day of July, 2022, by and between the CITY OF AVONDALE, an Arizona municipal corporation ("Avondale" or "City") and SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT, a political subdivision of the State of Arizona ("SRP") (collectively the "Parties").

RECITALS:

1. The Parties are fully authorized under relevant governing law and procedure to enter into this agreement, to become a party under this agreement, and to perform their obligations hereunder.

2. Waterfluence LLC, a Colorado Limited Liability Corporation ("Waterfluence"), owns a software program ("Program") that monitors non-residential landscaping water use and provides reports and insights on water usage which can drive more efficient watering practices.

3. SRP desires to coordinate with the City to offer the Program to certain non-residential City water Customers (the "Customers" as defined below). Fifty-nine (59) Waterfluence Program Accounts will initially be available under the terms of this Agreement to Customers. Customers may be added to the Program in accordance with the attached Exhibit A.

4. The City desires to cooperate with SRP to offer the Program to City water customers.

5. The Program supports the City's municipal water conservation goals as well as the SRP 2035 sustainability goal for water conservation of creating and executing programs to identify 5 billion gallons of potential water conservation by 2035.

6. The Parties believe this Agreement will benefit the customers of Avondale and SRP's customers by providing the City and SRP with data of all participating customers' water use to aid in identifying areas of inefficiency in irrigation systems. The data that SRP receives will not include personally identifying information or other confidential information about any Customers or their water use.

NOW, THEREFORE, in consideration of the foregoing, the mutual promises contained herein and other good and valuable consideration, sufficiency and adequacy of which the Parties acknowledge, the City and SRP agree as follows:

1. GENERAL PROVISIONS

1.1 The foregoing recitals are incorporated into this Agreement.

1.2 DEFINITIONS: In addition to the defined and capitalized terms in this Agreement, the following terms shall have the following meanings:

(a) "Customers" refers to Avondale municipal, commercial, or HOA water customers who opt to participate in the Program.

(b) "Accounts" refers to Avondale customers who are using the Program.

1.3 PURPOSE: This Agreement is intended to set forth the respective agreements and responsibilities of the Parties with respect to the Program.

1.3.1 SRP Responsibilities. SRP agrees to do the following in connection with the Program:

1.3.1.1 SRP will contract with Waterfluence to pay the costs of the Accounts outlined in Exhibit A;

1.3.1.2 SRP will assist with coordination between the City and Waterfluence;

1.3.1.3 SRP will coordinate meetings, provide notes and facilitate interactions related to this Agreement and the executions of its terms (as necessary);

1.3.1.4 SRP will help advertise the Program via email to prospective City customers, if necessary to achieve the activation of all 59 initially available Program Accounts;

1.3.1.5 SRP will collaborate with City regarding potential survey questions, relevant to determining the effectiveness of the Program at increasing water use efficiency, including assessing whether upgrades have been made to increase irrigation efficiency and overall perspective of the Program.

1.3.2 City of Avondale Responsibilities. The City agrees to perform the following in connection with the Program:

1.3.2.1 The City will market the Program to prospective customers;

1.3.2.2 The City will require that participating Customers authorize the sharing of aggregated water use data as a condition of the Customer's participation. The City will not share any personal water use data with SRP;

1.3.2.3 The City will ensure Account access is provided to either the property owner or account holder and maintained with written permission from the property owner or account holder;

1.3.2.4 The City will provide SRP with quarterly updates on how many Accounts have participated in the Program;

1.3.2.5 The City will ensure that Customers share their water use and budget, as calculated by the Program, with the City as a condition of the Customer's participation.

1.3.2.6 The City will share, on a quarterly basis, aggregated Program data with SRP on water savings and findings, including data showing aggregated Customer water consumption in the 12-month period preceding the Program implementation and the 12-month period following implementation;

1.3.2.7 The City will provide Waterfluence Program training to Customers participating in the Program. This includes one, approximately one-hour course, hosted by the City.

1.3.2.8 To the extent necessary, the City will manage, distribute and follow-up with Customers regarding surveys to determine the effectiveness of the Program;

1.3.2.9 The City will help Customers identify areas of inefficiency in water management by evaluating the Program data.

2. CONSIDERATION AND TERM

2.1 The City and SRP agree to the following:

2.1.1 Manner of financing. The Program will be provided by SRP at costs included in Exhibit A. SRP will pay for Mapping (if necessary) and Account Fee for the time determined in Exhibit A.

2.1.2 The Agreement shall be effective on the date the Agreement is fully executed ("Effective Date"). The term of the Agreement will expire six (6) years after the Effective Date, unless terminated earlier as provided herein.

2.1.3 The Program results will be evaluated to determine whether quantifiable water savings are being achieved sufficient to justify continuation of the Program.

2.1.4 Either Party may terminate this Agreement by giving written notice to the other Party at least sixty (60) days prior to the desired termination date.

3. MISCELLANEOUS PROVISIONS

3.1 This Agreement may not be changed, modified, or rescinded, except as provided herein and in writing and signed by the Parties hereto, and any attempt at oral modification shall be void.

3.2 All notices required pursuant to this Agreement shall be delivered or sent certified mail, return receipt requested, to:

SRP
Salt River Project
Attn: Director of Water Strategy
P.O. Box 52025
Phoenix, AZ 85072-2025

If to the City:
City of Avondale
11465 West Civic Center Drive
Avondale, Arizona 85323
Attn: Cherlene Penilla, Acting City Manager

With copy to:
City of Avondale
11465 West Civic Center Drive
Avondale AZ 85323
Attn: Nicholle Harris, City of Attorney

3.3 All notices are effective when delivered or on the date that certified mail return receipt is signed.

3.4 Pursuant to A.R.S. § 38-511, this Agreement may be cancelled without penalty or further obligation within six years after execution of the Agreement if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of either Party is at any time while the Agreement or any extension of the Agreement is in effect, an employee or agent of the other Party to the contract in any capacity or is a consultant to any other party of the contract with respect to the subject matter of the Agreement. Additionally, pursuant to A.R.S. § 38-511 the aggrieved party may recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting, or creating the Agreement on behalf of the aggrieved party, from the other party arising as the result of the Agreement.

3.5 This Agreement, and any Exhibit attached hereto, represents the entire agreement of the Parties with respect to its subject matter, and supersedes any and all other agreements or understandings, whether written or oral, and whether previous to or contemporaneous with execution hereof.

3.6 This Agreement shall be governed by the laws of the State of Arizona without regard to Arizona's conflict of laws provision.

3.7 Any action or suit commenced in connection with this contract shall be in the Superior Court of Arizona in and for the County of Maricopa.

3.8 The rights and remedies of the Parties provided in this Agreement are not exclusive and are in addition to any other rights and remedies available to the Parties in law or equity.

3.9. SRP shall assume no liability for claims, loss or liability arising out of or resulting from the Program other than for its negligence and the City releases SRP from any such claims, loss, or liability. The City shall assume no liability for claims, loss, or liability

arising or resulting from the Program other than for its negligence and SRP released the City from any such claims, lost or liability.

3.10 Assignment: SRP shall not assign this Agreement without the written consent of Avondale, which consent shall not be unreasonably withheld.

3.11 Waiver: Waiver or any breach of any term, condition or covenant herein contained shall not be deemed to be a waiver or any subsequent breach of any term, covenant, or condition herein. This Agreement shall be binding upon the parties hereto and their respective heirs, successors, and assignees.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the 27th day of July, 2022.

CITY OF AVONDALE

Cherlene Penilla, Acting City Manager — Date

SRP

Christa McJunkin, Director of Water Strategy — Date 7/27/22

Exhibit "A"

FISCAL YEAR	TASKS	COST	QUANTITY	TOTAL FUNDING REQUEST
FY22 2021/2022	Agreement between SRP and Avondale	N/A		
	Create system for safe sharing of data (ensure confidentiality and privacy of customer data)	N/A		
	Research best advertising methods to reach Customers	N/A		
	Research availability of landscape assessment contractors	N/A		
2021/2022				***$0***
FY23 2022/2023	33 sites to sign up for Waterfluence mapping and annual monitoring	$152/location	33	$5,016
2022/2023				***$5,016***
FY24 2023/2024	Continue to work with original 33 sites	$76/location	33	$2,508
	Add an additional 15 sites to get mapping and annual monitoring	$152/location	15	$2,280
2023/2024				***$4,788***
FY25 2024/2025	Continue to work with 48 sites	$76/location	48	$3,648
	Add an additional 7 sites to get mapping and annual monitoring	$152/location	7	$1,064
2024/2025				***$4,712***
FY26 2025/2026	Continue to work with 55 sites	$80/location	***55***	$4,400
	Add an additional 2 sites to get mapping and annual monitoring	$160/location	2	$320
2025/2026				***$4,720***
FY27 2026/2027	Continue to work with 57 sites	$80/location	57	$4,560
	Add an additional 2 sites to get mapping and annual monitoring	$160/location	2	$320
2026/2027				***$4,880***
FY28 2027/2028	Continue to work with 59 sites	$80/location	59	$4,720
	Add an additional 2 sites to get mapping and annual monitoring	$160/location	2	$320
2027/2028				***$5,040***

Exhibit "A"

Fiscal Year	Waterfluence New sites	Waterfluence Annual Fee Only	Total Annual Cost
2021/2022	$0	$0	$0
2022/2023	$5,016	$0	$5,016
2023/2024	$2,280	$2,508	$4,788
2024/2025	$1,064	$3,648	$4,712
2025/2026	$320	$4,400	$4,720
2026/2027	$320	$4,560	$4,880
2027/2028	$320	$4,720	$5,040

Item Number: 3.g.

CITY COUNCIL REPORT

SUBJECT: Resolution 1070-1022 - Amended and Restated First Amendment to the Economic Development Agreement with MGN1 LLC.

MEETING DATE: 10/3/2022

TO: Mayor and Council

FROM: Kenneth Chapa, Economic Development and Tourism Director, (623) 333-1411

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

STRATEGIC PLAN:

Creative and Sustainable Community Development - The addition of the Avid hotel and restaurant/retail will add to the BLVD offerings and the goal of creating a sense of place for both our visitors and residents alike.

PURPOSE:

City Council will consider a request to adopt Resolution 1070-1022, approving an Amended and Restated First Amendment to the Economic Development Agreement with MGN1 LLC for certain development timing obligations pertaining to the MGN1 property and authorize the Mayor and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

MGN1 LLC entered into an Economic Development Agreement with the City of Avondale on January 6, 2020 for the reimbursement of public improvements, building permit and plan fees in an amount not to exceed $300,000. Section 8 of the agreement outlined a development plan with certain development rights and obligations of the MGN1 property. The applicant is requesting an extension to the timeline for completion of the project and to adjust completion deadlines accordingly.

DISCUSSION:

The MGN1 Amended and Restated First Amendment to the Economic Development Agreement requires the following development obligations to occur:

- Developer shall acquire all civil construction permits necessary to construct a hotel no later than October 27, 2022 and commence vertical construction of the project no later than January 5, 2023.
- The Project shall be completed, and a certificate of occupancy shall be obtained by the Developer no later than May 2, 2024.
- The Project shall consist of a Business Service Hotel and ancillary uses, the brands of which are satisfactory to the City.
- The Business Service Hotel must remain open and operational for a period of six (6) years following the date of issuance of a certificate of completion. Developer shall execute the Guaranty as set forth in Exhibit D providing for this operational commitment.

This new timeline provides development triggers to ensure forward movement on the project.

BUDGET IMPACT:

Reimbursement up to $300,000 for public improvements, building permits and plan fees which were approved in the original January 6, 2020 Economic Development Agreement. This amount is already included in the budget for this purpose.

RECOMMENDATION:

Staff recommends approval of the Amended and Restated First Amendment to the Economic Development Agreement with MGN1 LLC.

Contact person for document distribution: *Kenneth Chapa; Cheryl Covert*

RESOLUTION NO. 1070-1022

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING THE AMENDED AND RESTATED FIRST AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT WITH MGN1 LLC.

WHEREAS, on March 7, 2022, the Mayor and Council of the City of Avondale ("City Council") approved by Resolution No. 1016-0322, the First Amendment to the Economic Development Agreement with MGN1 LLC (the "First Amendment"); and

WHEREAS, the First Amendment was not executed by the City Council and MGN1 LLC; and

WHEREAS, the City Council and MGN1 LLC now desire to amend certain developments dates contained in the First Amendment.

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

SECTION 1. The Amended and Restated First Amendment to the Economic Development Agreement with MGN1 LLC (the "Amended and Restated First Amendment") is hereby approved substantially in the form and substance attached hereto as Exhibit A and incorporated herein by reference.

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

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, October 3, 2022.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1070-1022

[Amended and Restated First Amendment]

See following pages.

AMENDED AND RESTATED FIRST AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT

THIS AMENDED AND RESTATED FIRST AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT (the "First Amendment") is entered into October 3, 2022 (the "Effective Date") by and between the City of Avondale, an Arizona municipal corporation (the "City") and MGN1 LLC, a Louisiana limited liability company (the "Developer"). The City and Developer are sometimes referred to herein collectively as the "Parties" or individually as a "Party."

RECITALS

A. Developer and City are parties to that certain Development Agreement (the "Agreement") dated January 6, 2020, and recorded on January 29, 2020, with the Maricopa County Recorder as recording number 20200079482.

B. Terms as defined in the Agreement and exhibits identified in the Agreement shall have the same meaning when referred to in this First Amendment.

C. The Parties desire to extend the timeline for completion of the Project and adjust completion deadlines accordingly.

D. The Parties understand and acknowledge that the Agreement, as amended by this First Amendment, is a "Development Agreement" within the meaning of and entered into pursuant to the terms of A.R.S. § 9-500.05. The terms of the Agreement, as amended, shall constitute covenants running with the Property as more fully described in the Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing Recitals, which are incorporated herein by reference, the promises contained in this First Amendment and for other good and valuable consideration, the receipt and sufficiency of which the Parties acknowledge, the Parties hereto agree as follows:

1. Accuracy of Recitals. The Parties hereby acknowledge the accuracy of the Recitals, which are incorporated herein by this reference.

2. Amendments to Agreement. The Agreement is hereby amended as follows:

(a) Section 8 of the Agreement is hereby deleted in its entirety and replaced as follows:

Development Plan. Certain development rights and obligations pertaining to the MGNl Property are established by the existing zoning thereof by the City. The development of the MGNl Property is expected to occur in response to real estate and capital market conditions as follows:

8.1. Developer shall acquire all civil construction permits necessary to construct a hotel no later than October 27, 2022 and commence vertical construction of the Project no later than January 5, 2023.

8.2. The Project shall be completed, and a certificate of occupancy shall be obtained by Developer no later than May 2, 2024.

8.3. The Project shall consist of a Business Service Hotel and ancillary uses, the brands of which are satisfactory to the City.

8.4. The Business Service Hotel must remain open and operational for a period of six (6) years following the date of issuance of a certificate of completion. Developer shall execute the Guaranty as set forth in Exhibit D providing for this operational commitment.

8.5 Nothing in this Agreement shall be taken as a promise by the City to rezone the MGN1 Property or amend the zoning and development standards existing on the MGN1 Property.

(b) Section 9.3.2 of the Agreement is hereby deleted in its entirety and replaced as follows:

9.3.2 If Developer fails to obtain a certificate of occupancy within the deadline set forth in 8.2, the total value of the incentive shall be reduced by two percent for each month the certificate of occupancy is delayed, up to a maximum of twenty-four percent. If Developer fails to obtain a certificate of occupancy from the City before May 2, 2025, the City is relieved from any obligation to pay any incentives.

3. Effect of Amendment. In all other respects, the Agreement is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the Agreement shall remain in full force and effect.

4. Conflicting Terms. In the event of any inconsistency, conflict or ambiguity among the terms of this First Amendment and the Agreement, the documents shall govern in the order listed herein.

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

6. Conflict of Interest. This First Amendment and the Agreement may be cancelled by the City pursuant to A.R.S. § 38-511.

7. Recording of Agreement. Within ten days after execution of this First Amendment by the City, such First Amendment shall be recorded in the Maricopa County Recorder's Office.

8. Counterparts. This First Amendment may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the date first set forth above.

[SIGNATURES ON FOLLOWING PAGES]

"**City**"

CITY OF AVONDALE,
an Arizona municipal corporation

_____
Kenneth Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

ACKNOWLEDGMENT

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On _____, 2022, before me personally appeared Kenneth Weise, the Mayor 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 in and for the State of Arizona

(Affix Notary Seal Here)

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

"**Developer**"

MGN1 LLC,
a Louisiana limited liability company

By: _____

Name: _____

Title: _____

Date: _____

ACKNOWLEDGMENT

STATE OF _____)
) ss.
COUNTY OF _____)

On _____, 2022, before me personally appeared _____ _____, the _____ of MGN1 LLC, a Louisiana limited liability company, whose identity was proven to me on the basis of satisfactory evidence to be the person who he/she claims to be, and acknowledged that they signed the above document on behalf of the company.

_____

Notary Public in and for the State of _____

(Affix notary seal here)

Item Number: 3.h.

CITY COUNCIL REPORT

SUBJECT: Ordinance 2057-1022 - Acquisition of Real Property for a Pressure Reducing Valve Facility

MEETING DATE: 10/3/2022

TO: Mayor and Council

FROM: Jodie Novak, Acting Director, Development Services, (623) 333-4015
Aric Stewart, Acting Director, Engineering Services, (623) 333-4241

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

STRATEGIC PLAN:

Strategic Outcome: Creative and Sustainable Development
Strategy: Maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:

City Council will consider a request to adopt Ordinance 2057-1022, authorizing the acquisition, by purchase, dedication, or condemnation of real property for public use for a Pressure Reducing Valve Facility and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

On May 21, 2018, City Council approved a Pre-Annexation Development Agreement with Brookfield Lakin, LLC, for an area of real property that has become known as Alamar. Due to anticipated high water pressures in future Alamar waterlines, Staff has concluded a pressure reducing valve (PRV) is needed in Alamar and has determined a location north of the Alamar Community Park would be the best location for this facility.

DISCUSSION:

The developer for Alamar, Brookfield Lakin, LLC, is constructing a PRV facility and infrastructure water lines in Broadway Road and El Mirage Road for the Alamar development. Per the City's 2018 Integrated Utility Master Plan (IUMP), a PRV facility is required on the east side of El Mirage Road just north of the new Alamar Community Park. The property owner, Brookfield Lakin, LLC, has agreed to dedicate the land for the PRV facility to the City.

BUDGET IMPACT:

It is anticipated that Brookfield Lakin, LLC, will deed the property to the City at no cost. There is no anticipated budget impact for this action.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance authorizing the acquisition, by purchase, dedication, or condemnation of real property for public use for a Pressure Reducing Valve Facility and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: *Yulonda Moore*

PROJECT LOCATION MAP

ACQUISITION OF REAL PROPERTY FOR A PRESSURE REDUCING VALVE (PRV)

ORDINANCE NO. 2057-1022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ACQUISITION, BY PURCHASE, CONDEMNATION OR DEDICATION OF REAL PROPERTY FOR PUBLIC USE.

WHEREAS, Article I, Section 3 of the Avondale City Charter authorizes the City of Avondale (the "City") to acquire real property in fee simple or any lesser interest or estate, inside or outside its corporate limits, for any City purpose as the City's interests may require; and

WHEREAS, the Council of the City of Avondale (the "City Council") desires to authorize the acquisition of certain real property necessary for such public use for a pressure reducing valve site along El Mirage Road, south of Elwood Road, in Avondale.

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

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

SECTION 2. The acquisition, by purchase, condemnation or dedication, of real property totaling ± 0.0683 acres, generally located along El Mirage Road, south of Elwood Road, in Avondale, Arizona as more particularly described and depicted on Exhibit A attached hereto and incorporated herein by reference, is hereby authorized.

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. The Mayor, the Acting 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.

[SIGNATURES ON FOLLOWING PAGES]

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, October 3, 2022.

Kenneth N. Weise, Mayor

ATTEST:

Marcella, Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2057-1022

[Legal Description and Map]

See following pages.

Wood, Patel & Associates, Inc.
602.335.8500
www.woodpatel.com

LEGAL DESCRIPTION
Alamar
Pressure Release Valve Station

A parcel of land lying within Section 24, Township 1 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

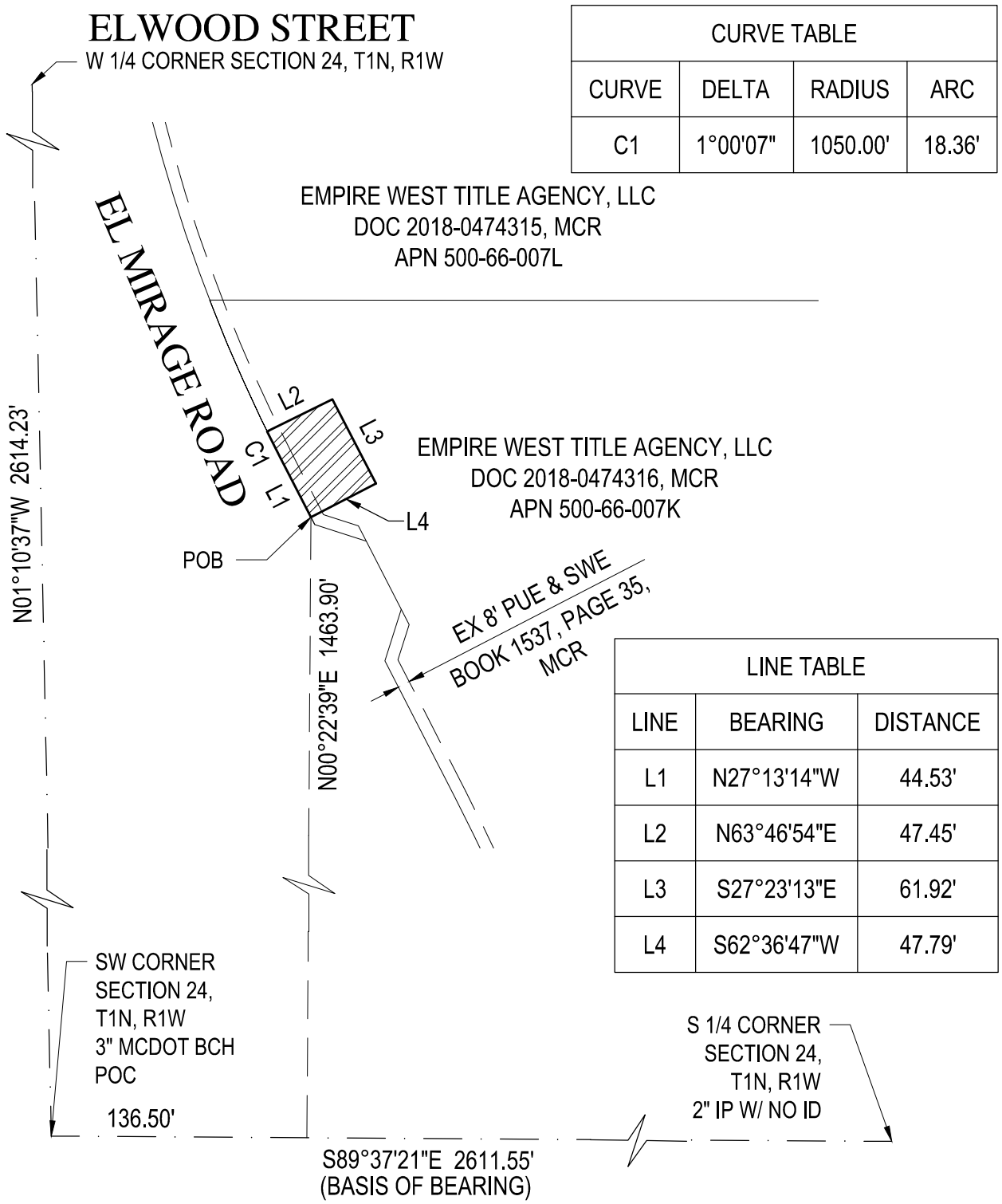
COMMENCING at the southwest corner of said Section 24, a 3-inch Maricopa County Department of Transportation (MCDOT) brass cap in handhole, from which the south quarter corner of said section, a 2-inch iron pipe with no identification, bears South 89°37'21" East (basis of bearing), a distance of 2611.55 feet;
THENCE along the south line of said section, South 89°37'21" East, a distance of 136.50 feet;
THENCE leaving said south line, North 00°22'39" East, a distance of 1463.90 feet, to the easterly right-of-way line of El Mirage Road and the **POINT OF BEGINNING**;
THENCE along said easterly right-of-way line, North 27°13'14" West, a distance of 44.53 feet, to the beginning of a curve;
THENCE northwesterly along said curve to the right, having a radius of 1050.00 feet, concave northeasterly, through a central angle of 01°00'07", a distance of 18.36 feet, to a point of intersection with a non-tangent line;
THENCE leaving said easterly right-of-way line, North 63°46'54" East, a distance of 47.45 feet;
THENCE South 27°23'13" East, a distance of 61.92 feet;
THENCE South 62°36'47" West, a distance of 47.79 feet, to the **POINT OF BEGINNING**.

Containing 2,976 square feet or 0.0683 acres, more or less.

Subject to existing right-of-ways and easements.

This parcel description is based on client provided information and is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of July, 2018. Any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

Y:\WP\Parcel Descriptions\2017\174612.09 Alamar Pressure Release Valve Station L75 03-24-22.docx



CURVE TABLE			
CURVE	DELTA	RADIUS	ARC
C1	1°00'07"	1050.00'	18.36'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N27°13'14"W	44.53'
L2	N63°46'54"E	47.45'
L3	S27°23'13"E	61.92'
L4	S62°36'47"W	47.79'

WOOD PATEL

N

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
23945
BRIAN J.
DIEHL
03-24-22
Date Signed
ARIZONA, U.S.A.
EXPIRES 09-30-23

EXHIBIT "A"

ALAMAR
PRESSURE RELEASE VALVE STATION
03/24/2022
WP# 174612.09
PAGE 2 OF 2
NOT TO SCALE
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Item Number: 3.i.

CITY COUNCIL REPORT

SUBJECT: Ordinance 2058-1022 - Authorizing the Acquisition of Real Property for Alamar Community Park

MEETING DATE: 10/3/2022

TO: Mayor and Council

FROM: Aric Stewart, Acting Director, Engineering Services, (623) 333-4241

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

STRATEGIC PLAN:

Strategic Outcome: Creative and Sustainable Development
Strategy: Maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:

City Council will consider a request to adopt Ordinance 2058-1022 authorizing the acquisition, by dedication, purchase or condemnation of real property for public use as a community park and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents. Council will take appropriate action.

BACKGROUND:

On May 21, 2018, City Council approved a Pre-Annexation Development Agreement with Brookfield Lakin, LLC, for an area of real property that has become known as Alamar. As part of the agreement, Brookfield agreed to design and develop a community park and provide the infrastructure required to serve the park and its amenities.

DISCUSSION:

The developer, Brookfield Lakin, LLC, has constructed a community park site generally located along the east side of El Mirage Road, south of Elwood Street and will dedicate the site to the City upon completion and acceptance of the park improvements by the City Engineer.

BUDGET IMPACT:

There is no anticipated budget action for this item.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance authorizing the acquisition, by dedication, purchase or condemnation of real property for public use as a community park and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: *Yulonda Moore*

ORDINANCE NO. 2058-1022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ACQUISITION, BY DEDICATION, PURCHASE OR CONDEMNATION, OF REAL PROPERTY FOR PUBLIC USE.

WHEREAS, Article I, Section 3 of the Avondale City Charter authorizes the City of Avondale (the "City") to acquire real property in fee simple or any lesser interest, inside or outside its corporate limits for any City purpose, when the public convenience requires it and in accordance with the provisions of State law; and

WHEREAS, on May 21, 2018, the City Council of the City of Avondale (the "City Council") by Resolution No. 3454-518, authorized the Pre-Annexation Development Agreement with Brookfield Lakin, LLC (the "developer") which included the development of a 40 acre community park (the "Alamar Park") within the developer's property; and

WHEREAS, the City Council desires to authorize the acquisition of real property for the Alamar Park, generally located along the east side of El Mirage Road, west of Avondale Boulevard, for public use.

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

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

SECTION 2. The acquisition, by purchase, condemnation or dedication of real property for the Alamar Park, totaling ± 40 acres, generally located along the east side of El Mirage Road, west of Avondale Boulevard in Avondale, Arizona, as more particularly described and depicted on Exhibit A attached hereto and incorporated herein by reference, is hereby authorized.

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. It is necessary for the preservation of the peace, health and safety of the City of Avondale that an emergency is hereby declared to exist and this Ordinance shall be effective immediately upon its passage and adoption.

SECTION 5. 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, October 3, 2022.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2058-1022

[Legal Description and Map of Real Property]

See following pages.

Wood, Patel & Associates, Inc.
602.335.8500
www.woodpatel.com

LEGAL DESCRIPTION
Alamar
Park Boundary

A parcel of land lying within Sections 24 and 25, Township 1 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the northwest corner of said Section 25, a 3-inch Maricopa County Department of Transportation (MCDOT) brass cap in handhole, from which the west quarter corner of said Section 25, a 3-inch Maricopa County Highway Department (MCHD) brass cap in handhole, bears South 00°07'07" West (basis of bearing), a distance of 2615.86 feet;
THENCE along the west line of said Section 25, South 00°07'07" West, a distance of 554.55 feet;
THENCE leaving said west line, South 89°52'53" East, a distance of 712.41 feet, to the easterly right-of-way line of El Mirage Road, a point of intersection with a non-tangent curve and the **POINT OF BEGINNING**;
THENCE along said easterly right-of-way line, northwesterly along said non-tangent curve to the right, having a radius of 950.00 feet, concave northeasterly, whose radius bears North 40°38'37" East, through a central angle of 45°17'37", a distance of 750.99 feet, to the curves end;
THENCE North 05°02'26" East, a distance of 99.67 feet;
THENCE North 01°10'37" West, a distance of 145.95 feet;
THENCE North 44°22'34" East, a distance of 35.01 feet;
THENCE North 01°10'37" West, a distance of 70.15 feet;
THENCE South 89°17'02" West, a distance of 12.00 feet;
THENCE North 45°37'26" West, a distance of 35.69 feet;
THENCE North 01°10'37" West, a distance of 315.22 feet, to the beginning of a curve;
THENCE northerly along said curve to the left, having a radius of 1150.00 feet, concave westerly, through a central angle of 26°02'37", a distance of 522.73 feet, to the curves end;
THENCE North 27°13'14" West, a distance of 100.00 feet;
THENCE North 17°46'46" East, a distance of 35.36 feet;
THENCE North 27°13'14" West, a distance of 50.00 feet;
THENCE North 72°13'14" West, a distance of 35.36 feet;
THENCE North 27°13'14" West, a distance of 5.47 feet;
THENCE leaving said easterly right-of-way line, North 62°36'47" East, a distance of 47.79 feet;
THENCE North 27°23'13" West, a distance of 12.06 feet;

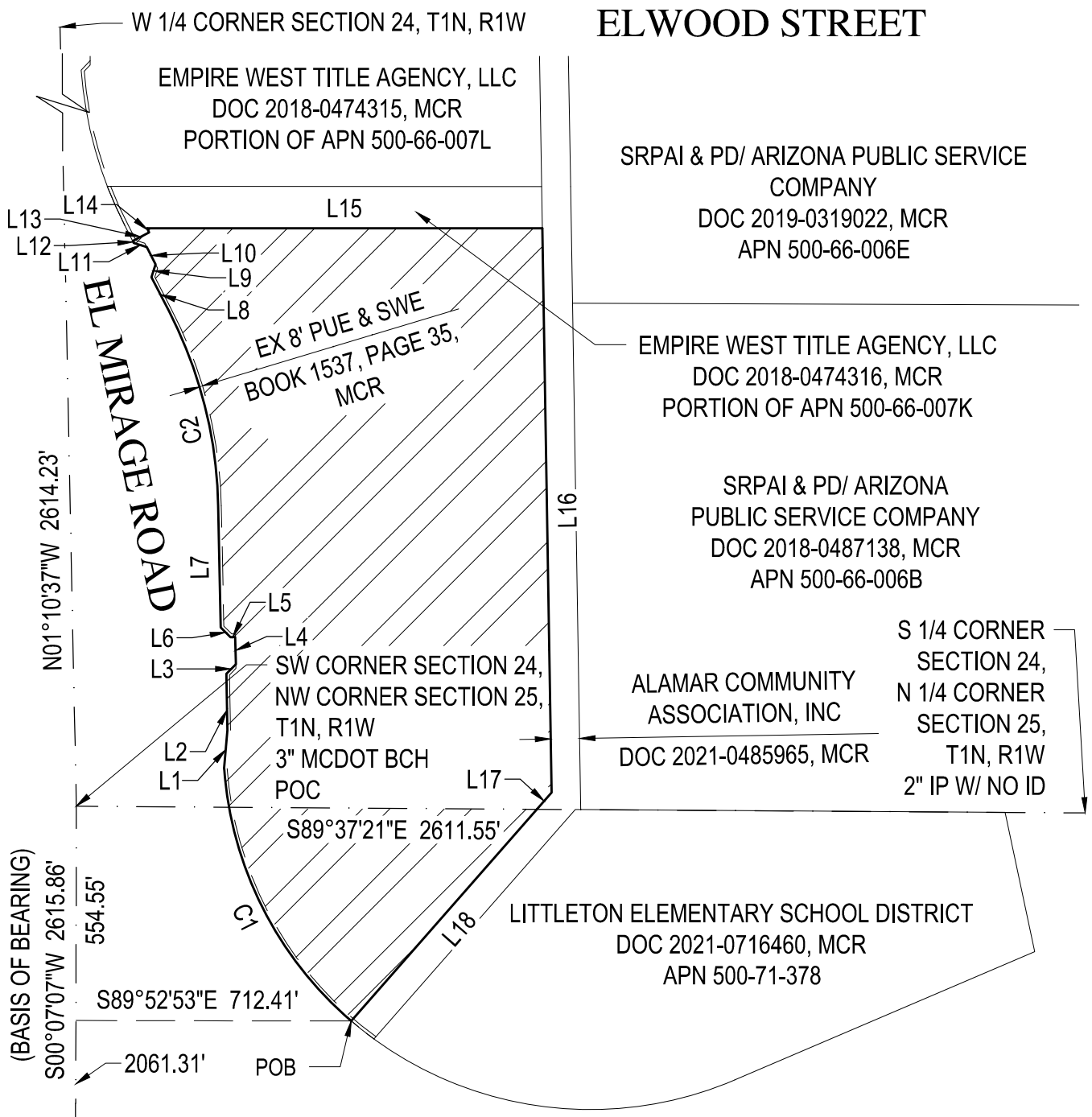
THENCE North 90°00'00" East, a distance of 1023.05 feet, to the westerly line of that certain parcel of land recorded in Document 2021-0485965, Maricopa County Records (MCR);
THENCE along said westerly line, South 00°56'20" East, a distance of 1460.67 feet;
THENCE South 41°15'55" West, a distance of 57.26 feet, to the north line of said Section 25;
THENCE leaving said north line, continuing South 41°15'55" West, a distance of 729.27 feet, to the **POINT OF BEGINNING**.

Containing 1,565,223 square feet or 35.9326 acres, more or less.

Subject to existing right-of-ways and easements.

This parcel description is based on client provided information and is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of July, 2018. Any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

Y:\WP\Parcel Descriptions\2017\174612.09 Alamar Park Boundary L62R02 03-24-22.docx



WOOD PATEL

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 23945
BRIAN J. DIEHL
Date Signed 03-24-22
ARIZONA, U.S.A.
EXPIRES 09-30-23

EXHIBIT "A"

ALAMAR
PARK BOUNDARY
REVISED 03/24/2022
WP# 174612.09
PAGE 3 OF 4
NOT TO SCALE
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LINE TABLE		
LINE	BEARING	DISTANCE
L1	N05°02'26"E	99.67'
L2	N01°10'37"W	145.95'
L3	N44°22'34"E	35.01'
L4	N01°10'37"W	70.15'
L5	S89°17'02"W	12.00'
L6	N45°37'26"W	35.69'
L7	N01°10'37"W	315.22'
L8	N27°13'14"W	100.00'
L9	N17°46'46"E	35.36'

LINE TABLE		
LINE	BEARING	DISTANCE
L10	N27°13'14"W	50.00'
L11	N72°13'14"W	35.36'
L12	N27°13'14"W	5.47'
L13	N62°36'47"E	47.79'
L14	N27°23'13"W	12.06'
L15	N90°00'00"E	1023.05'
L16	S00°56'20"E	1460.67'
L17	S41°15'55"W	57.26'
L18	S41°15'55"W	729.27'

CURVE TABLE			
CURVE	DELTA	RADIUS	ARC
C1	45°17'37"	950.00'	750.99'
C2	26°02'37"	1150.00'	522.73'

WOOD PATEL

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
23945
BRIAN J.
DIEHL
03-24-22
Date Signed
ARIZONA, U.S.A.
EXPIRES 09-30-23

EXHIBIT "A"

ALAMAR
PARK BOUNDARY
REVISED 03/24/2022
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Item Number: 4.a.

CITY COUNCIL REPORT

SUBJECT: Public Transit Program Update

MEETING DATE: 10/3/2022

TO: Mayor and Council

FROM: Kirk Beaty, Public Works Director, (623) 333-4417

THROUGH: Tracy Stevens, Acting Asst. Manager, (623) 333-1014

STRATEGIC PLAN:

Innovative Program and Service Delivery - Avondale will continue to serve as a model of innovative, efficient, and responsive government.

The reconfigured Zoom route and implementation of the microtransit program are in direct response to the usage trends of public transit in Avondale. Reconfiguring routes and offering other innovative public transit options provides better service to the public while ensuring services remain as cost-effective and efficient as possible.

PURPOSE:

City Council will receive an update from Public Work's staff on the current status of Avondale's Public Transit program and proposed changes that were presented to Council and discussed previously on February 22nd, 2022. This item is for discussion only.

BACKGROUND:

On November 1st, 2021 and subsequently on February 22, 2022, Public Work's staff presented a proposed plan for the future of Avondale's Public Transit Program. During these Council Work Sessions, Mayor and Council had various questions and comments about the proposed changes and enhancements, including discussions about the results from a recent regional study that recommended a microtransit system in North Avondale to replace an underperforming segment of the Zoom neighborhood service, and reconfiguration of Zoom to enhance overall performance of this service. Also discussed were efforts to complete a Request for Proposal (RFP) for the new microtransit "turnkey" service in North Avondale with the plan to implement microtransit service in the Fall of this year.

DISCUSSION:

Public Works staff have been working on four main components that change the Avondale Public Transit Program: reconfiguration of Zoom, microtransit pilot implementation, an improved park-and-ride facility at The Blvd, and three additional bus stops.

Zoom Reconfiguration Update:

Public Works staff have worked closely with Valley Metro on a reconfigured Zoom route for Southern Avondale. This collaborative discussion has resulted in a reconfigured route and operational recommendations from Valley Metro to enhance the ridership of our neighborhood circulator. This

reconfigured Zoom service is scheduled to go into operation in October 2022. All required federal assessments were evaluated to ensure that the change to Zoom was in accordance with Title VI of the Federal Civil Rights Act to protect people from discrimination based on race, color, and national origin in programs that receive federal transit funding like Zoom.

Both the cities of Goodyear and Tolleson will be discontinuing their participation in Zoom starting with the service change in October. Goodyear will replace their segment of Zoom with microtransit; however, they will continue to allow use of their park-and-ride lot in the area of Dysart and Rancho Santa Fe Blvd in support of Zoom operations.

The frequency, days and hours of operation for Zoom bus service will be maintained at current levels, and the fare will be reduced to free. The operational frequency and fare free service are consistent with other neighborhood circulators in the region. However, overall operations and fares will be reviewed as part of a future analysis of ridership data for the Zoom.

Microtransit Update:

Avondale staff, in partnership with the City of Goodyear, has completed the procurement of a new microtransit "turnkey" service. The contract was recently awarded to First Transit, Inc. and staff from both cities have started working on implementing the new service. Service is expected to start in late October/early November. Avondale and Goodyear staff have mutually agreed upon the name, "WeRIDE" for the new microtransit service. Service will be operated Monday through Friday from 7:00AM to 7:00PM.

Avondale's portion of WeRIDE will operate primarily in the portion of the City north of Interstate 10 (I-10), where Zoom service will be discontinued. Virtual stops will be provided for various areas south of I-10 like the Resource Center and City Hall.

Park and Ride at the Blvd Garage

A new transit center at The BLVD parking garage is currently under design with Valley Metro. This new transit center, in combination with the parking that will be available at the new garage, will replace the temporary park-and-ride that has been used just north of the parking garage for the better half of a decade. This new transit center will be placed directly east of the new parking garage along Park Avenue and will serve Valley Metro express route 563 and serve as a new destination for the Zoom circulator bus. It is expected that this transit center will be completed in Spring 2023.

New Bus Shelters

- McDowell Rd. at Friendship Park.
- Southeast corner of 107th Ave and Indian School Rd.
- Southeast corner of Van Buren and Links Dr.

BUDGET IMPACT:

On July 11,City Council approved the FY2023 Intergovernmental Agreement (IGA) with Valley Metro. This IGA included estimated costs for operational changes being presented to the Council in this agenda item.

RECOMMENDATION:

This item is for information and discussion only.

Contact person for document distribution: *Harold Signueza*
Kirk Beaty

Item Number: 4.b.

CITY COUNCIL REPORT

SUBJECT: Business Licenses Update

MEETING DATE: 10/3/2022

TO: Mayor and Council

FROM: Renee Weatherless, Finance and Budget Director, (623) 333-2011

THROUGH: Cherlene Penilla, Acting City Manager, (623) 333-1015

STRATEGIC PLAN:

Innovative Program and Service Delivery
Updating the city's business license program will allow Avondale to continue to serve as a model of innovative, efficient, and responsive government.

PURPOSE:

Discuss the current business license requirements, the results of a recent market study, and recommended changes. This item is for discussion only.

BACKGROUND:

Most cities and towns issue business licenses. Some cities only require a business license for businesses with a physical business location in their jurisdiction, while others require a business license for any business activities conducted in their jurisdiction (regardless of physical business location).

The City of Avondale currently requires a business license for any business activities being conducted within the City’s jurisdiction, regardless of physical business location. The requirements are listed in Chapter 13, Article III of the municipal code, which was last updated in 2006.

DISCUSSION:

A market analysis was conducted to compare the business licensing requirements for cities in the Valley. The analysis compared 10 different cities that include: Buckeye, Chandler, Glendale, Goodyear, Scottsdale, Surprise, Phoenix, Mesa, Peoria, and Gilbert. From the analysis, it was determined that 9 cities require a business license (Phoenix does not require a license), and out of the 9:

- 5 cities only require a business license for businesses with a physical location in their jurisdiction. (Chandler, Glendale, Scottsdale, Mesa, and Gilbert)
- 8 cities have an online process for applying/renewing/paying.
- Some of the software options being utilized include Intergov, Munis, SmartGov, HDL Prime, Granicus, ACCELA, and CitizenServe.

Business licensing requirements were also discussed with the Arizona League of Cities and Towns (League), and the following information was obtained:

- Business licensing variations amongst city jurisdictions causes angst in the business community, and there are bills brought forward to the AZ State Legislature every year to limit or abolish business licensing requirements.
- League recommends cities:
    1. Only require a business license for businesses with a physical location in their jurisdiction, including home-based businesses.
    2. Create business license requirements that are in line with other jurisdictions (standardization), with the City of Chandler being a good model option because they recently revamped their business license code, and their code has been used as a model by other cities.

Based on this research, staff have identified several areas related to the business license program that may be improved. Staff will present several ideas for council input and direction, which may lead to future code changes.

BUDGET IMPACT:

This item is for discussion only and has no budget impact. However, future changes to the business license program may impact city revenues and expenditures. Council would need to approve those changes at a future meeting.

RECOMMENDATION:

This item is for discussion only to seek input and direction from council.

Contact person for document distribution:

Item Number: 4.c.

CITY COUNCIL REPORT

SUBJECT: Police Office Salary Discussion

MEETING DATE: 10/3/2022

TO: Mayor and Council

FROM: Memo Espinoza, Chief of Police (623) 333-7235

THROUGH: Cherlene Penilla, Acting City Manager, (623) 333-1015

STRATEGIC PLAN:

This agenda item supports the Public Health and Safety strategic outcome area. It is imperative for the Avondale Police Department to make strategic efforts to attract and retain high-quality employees that embrace our philosophy of serving our community by providing quality police services. One such effort, is to ensure job classifications are competitive in the local market.

PURPOSE:

Staff will provide an update regarding a new pay step/range for the following classifications: Police Recruit, Police Officer, Police Sergeant, and Police Lieutenant to ensure the Avondale Police Department's step system is in line with the industry norm for other Valley agencies. This item is for discussion only, input and feedback is requested from City Council.

BACKGROUND:

Over the last several months, police departments across the Valley have implemented new pay structures and made significant increases to pay rates. These recent changes have prompted the City to examine its police officer pay structure to be more competitive and consistent. The current pay structure was implemented in 2012 and consists of 16 steps for police officers and 10 steps for sergeants, which is not aligned with other neighboring cities. An employee survey regarding issues surrounding compensation was also conducted for the City's police officers and sergeants.

DISCUSSION:

The purpose of the agenda item is for staff to present the results of the employee survey and discuss potential options to address the findings of the survey.

BUDGET IMPACT:

For information and discussion only. There is no request for budgetary allowances for this item at this time.

RECOMMENDATION:

No council action is required, this is for discussion only.