



City of Avondale
City Council Meeting
Monday, January 23, 2023

Mayor and Council

Kenneth Weise, Mayor

Mike Pineda, Vice Mayor

Tina Conde, Council Member | Curtis Nielson, Council Member

Veronica Malone, Council Member | Gloria Solorio, Council Member

Max White, Council Member

Administration

Ron Corbin, City Manager

Cherlene Penilla, Assistant City Manager | Tracy Stevens, 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, January 23, 2023

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 (DISCUSSION ONLY)**

Human Resources Department

- Rosa Villasenor, Human Resources Specialist (Benefits)

Development Services

- Daniel Castro, Building Inspector
- Wilson Hedrix, Building Inspector
- Dorothy Williams, Senior Management Analyst
- Catherine Lorbeer, Deputy Director of Planning

Finance and Budget

- Veronica Martinez, Senior Accountant

- 3. EXCEPTIONAL STUDENT OF AVONDALE RECOGNITION (AVI STAR STUDENT)**

The Mayor and City Council will recognize Avondale students from schools located in Avondale for their character and achievement. This item is for discussion only.

- 4. ADJOURNMENT**

REGULAR MEETING

6:00 PM

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

1. ROLL CALL 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. RESOLUTION 1006-0123 - ANTI-HUMAN TRAFFICKING GRANT FUND PROGRAM THROUGH THE SOUTHWEST FAMILY ADVOCACY CENTER

City Council will consider a request to adopt Resolution 1006-0123, approving an Intergovernmental Agreement between the Arizona Department of Emergency and Military Affairs (DEMA) and the City of Avondale, on behalf of the four partnering agencies of the Southwest Family Advocacy Center which include the City of Avondale, the City of Buckeye, the City of Goodyear and the Maricopa County Sheriff's Office, for the acceptance of an anti-human trafficking grant and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

b. RESOLUTION 1007-0123 - AMENDMENT NO. 2 TO IGA BETWEEN MARICOPA COUNTY, TRELLIS, AND THE CITY OF AVONDALE

City Council will consider a request to adopt Resolution 1007-0123 approving Amendment No. 2 to an Intergovernmental Agreement (IGA) between Maricopa County, Trellis, and the City of Avondale relating to the construction of three single-family homes and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

c. RESOLUTION 1008-0123 - INTERGOVERNMENTAL AGREEMENT WITH AZTRACS VIA THE ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT)

City Council will consider a request to adopt Resolution 1008-0123, authorizing an Intergovernmental Agreement with AzTraCS via the Arizona Department of Transportation (ADOT) for the purpose of transferring accidents, citations and other traffic data captured by the Avondale Police Department to ADOT and the courts and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

d. RESOLUTION 1010-0123 - SUPPORTING NEWTOWN GRANT APPLICATION THROUGH MARICOPA COUNTY HOME CHDO FUNDING

City Council will consider a request to adopt Resolution 1010-0123 associated with a grant application submitted by Newtown Community Development Corporation to Maricopa County for HOME Community Housing Development Organizations (CHDO) funds, and authorize the Mayor or City Manager, and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. ORDINANCE 2004-0123 - AVONDALE BOULEVARD RIGHT OF WAY ANNEXATION

City Council will consider a request to adopt Ordinance 2004-0123 authorizing the annexation of a portion of Avondale Boulevard right-of-way generally located between Southern Avenue and Indian Springs Road and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. ORDINANCE 2005-0123 – ABANDONMENT OF ELWOOD STREET RIGHT OF WAY

City Council will consider a request to adopt Ordinance 2005-0123 authorizing the abandonment of Elwood Street right of way generally located south of Lower Buckeye Road and east of El Mirage Road, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

4. REGULAR AGENDA

a. PUBLIC HEARING AND RESOLUTION 1011-0123 – HERMOSA RANCH TECHNOLOGY CAMPUS - SOUTH MINOR GENERAL PLAN AMENDMENT – APPLICATION PL-22-0163

City Council will hold a public hearing and consider a request to adopt Resolution 1011-0123, approving a request by Carolyn Oberholtzer of Bergin, Frakes, Smalley, and Oberholtzer, PPLC for a Minor Amendment to the Avondale General Plan 2030 Land Use Map for Hermosa Ranch Technology Campus - South and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. This request is for a proposed 78 gross acre development located one-half mile south of the southwest corner of Avondale Boulevard and Lower Buckeye Road. The proposed Minor General Plan Amendment, if approved, will amend the General Plan 2030 Land Use Map designations for the property from Medium Density Residential to Business Park. The Council will take appropriate action.

b. PUBLIC HEARING AND ORDINANCE 2006-0123 – HERMOSA RANCH TECHNOLOGY CAMPUS – SOUTH REZONING TO PLANNED AREA DEVELOPMENT (PAD) – APPLICATION PL-22-0166

City Council will hold a public hearing and consider a request to adopt Ordinance 2006-0123, approving a request by Carolyn Oberholtzer with Bergin, Frakes, Smalley and Oberholtzer PLLC to rezone approximately 78 gross acres located one half mile south of the southwest corner of Avondale Boulevard and Lower Buckeye Road and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The proposed rezone, if approved, will change the zoning from Diamond P Ranch Planned Area Development (PAD) to Hermosa Ranch Technology Campus - South Planned Area Development (PAD) to allow a data center and related employment uses. The Council will take appropriate action.

c. 2023 LEGISLATIVE UPDATE

City Council will review and provide guidance to staff on the proposed 2023 City of Avondale State Legislative Agenda. This report presents state legislative policy priorities that have been identified by staff as well as the Council. This item is for discussion and feedback only; no Council action will be taken.

d. AVONDALE’S SOLID WASTE PROGRAM UPDATE

City Council will receive an update from Public Work’s staff on the current status of Avondale’s Solid Waste program and proposed changes based on the recently completed Solid Waste Operations Study. This item is for discussion only.

5. ADJOURNMENT INTO EXECUTIVE SESSION

City Council will consider a request to adjourn the Regular Meeting and hold an executive session pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(3) and (A)(4), discussion or consultation with the attorneys of the public body for legal advice and in order to consider its position and instruct its attorneys regarding the public body's position in pending litigation in Montoya v. City of Avondale, et al.

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 oído, o con necesidad de impresión grande o intérprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos días hábiles antes de la junta del Concejo.

CITY COUNCIL REPORT

SUBJECT: Exceptional Student of Avondale Recognition (Avi Star Student)

MEETING DATE: 1/23/2023

TO: Mayor and Council

FROM: Christopher Lopez, Neighborhood and Family Service Director

THROUGH: Cherlene Penilla, Deputy City Manager, (623) 333-2214

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

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.
-

PURPOSE:

The Mayor and City Council will recognize Avondale students from schools located in Avondale for their character and achievement. This item is for discussion only.

BACKGROUND:

The Avi Star Student recognition goes to an Avondale student(s) who are to be recognized for their achievements. The achievement may be academic, extracurricular or personal and highlights the impact the student has made for themselves, their family, school, or community.

DISCUSSION:

Avondale students will be recognized for their character and achievement.

BUDGET IMPACT:

None.

RECOMMENDATION:

This item is for information and discussion only.

Contact person for document distribution: n/a

CITY COUNCIL REPORT

SUBJECT: Resolution 1006-0123 - Anti-Human Trafficking Grant Fund Program through the Southwest Family Advocacy Center

MEETING DATE: 1/23/2023

TO: Mayor and Council

FROM: Memo Espinoza, Police Chief

THROUGH: Ron Corbin, City Manager, (623) 333-1016

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area: Public Health and Safety - Avondale is a city where all people feel safe and secure, relying on trusted public and community-based resources.

PURPOSE:

City Council will consider a request to adopt Resolution 1006-0123, approving an Intergovernmental Agreement between the Arizona Department of Emergency and Military Affairs (DEMA) and the City of Avondale, on behalf of the four partnering agencies of the Southwest Family Advocacy Center which include the City of Avondale, the City of Buckeye, the City of Goodyear and the Maricopa County Sheriff's Office, for the acceptance of an anti-human trafficking grant and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The Southwest Family Advocacy Center via the City of Avondale Police Department has been approved to receive funding from the Arizona Department of Emergency and Military Affairs (DEMA) to establish an antihuman trafficking taskforce between the four partner agencies to conduct undercover operations to identify and rescue trafficking victims and to provide trafficking identification training for all first responders in all four jurisdictions. This agreement would allow for these activities to take place in the next 36 months.

DISCUSSION:

The Southwest Family Advocacy Center via the City of Avondale Police Department, if adopted, will accept and use the anti-trafficking funds for proactive joint operations, investigations, and recovery of human trafficking victims in the Cities of Avondale, Buckeye, Goodyear, and the Maricopa County Sheriff's Office jurisdictions. The funding will also be utilized to provide essential training to all first responders. This agreement shall become effective and commence upon the signing of documents by the City Manager and the Avondale Police Department Chief.

BUDGET IMPACT:

The full award amount is \$499,925.99 and covers the period of October 1, 2022 through December 31, 2025. The award will be disbursed on a reimbursement basis. No matching funds are required, and all funds will be

used for the intended purpose of this grant. Staff is requesting authorization to process the necessary budget transfers for the acceptance of this grant. Appropriation amounts will vary between the fiscal years of the grant period.

RECOMMENDATION:

Staff recommends that City Council adopt a resolution authorizing Avondale's acceptance, on behalf of the four partnering agencies of the Southwest Family Advocacy Center, of the intergovernmental agreement with the State of Arizona, Department of Emergency and Military Affairs relating to the acceptance of the anti-trafficking grant in the amount of \$499,925.99.

Contact person for document distribution: Memo Espinoza, Reem George, and Irma Gonzales

RESOLUTION NO. 1006-0123

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN AGREEMENT WITH THE STATE OF ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS FOR REIMBURSEMENT OF EXPENDITURES FOR LAW ENFORCEMENT SERVICES CONDUCTED TO REDUCE HUMAN TRAFFICKING AND AUTHORIZING THE EXECUTION OF THE RESULTING AGREEMENT AND ANY RELATED DOCUMENTS.

WHEREAS, the State of Arizona Department of Emergency and Military Affairs (“DEMA”) will provide reimbursement to the City of Avondale (the "City"), Maricopa County, utilizing Border Security Funds for programs, equipment, and/or activities conducted by the partnering law enforcement agencies of the Southwest Family Advocacy Center (“Center”) that reduce human trafficking and that comply with Section 26-106, Arizona Revised Statutes (“the Agreement”), and

WHEREAS, the reimbursement funds, total not to exceed total of \$499,925.99, has been appropriated to DEMA and DEMA will provide reimbursement funds to the City for the purposes and pursuant to the requirements set forth in the Agreement; and

WHEREAS, the City Council desires to accept the reimbursement funds, and authorize the execution of the resulting agreement and any related documents.

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

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

SECTION 2. The Agreement with the State of Arizona Department of Emergency and Military Affairs for the reimbursement of funds for programs, equipment, and/or activities conducted by the City and the partnering law enforcement agencies of the Southwest Family Advocacy Center (“Center”) that reduce human trafficking and that comply with Section 26-106, Arizona Revised Statutes (“the Agreement”) is hereby approved in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 3. The immediate operation of this Resolution is necessary for the preservation of the public peace and welfare by ensuring City operations continue

uninterrupted. An emergency is hereby declared to exist, and this Resolution shall be in full force and effect from and after passage by the City Council.

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

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
January 23, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1006-0123

[Agreement]

See following pages.



Douglas A. Ducey
GOVERNOR

STATE OF ARIZONA
DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS

5636 East McDowell Road
Phoenix, Arizona 85008-3495
(602) 267-2700 DSN: 853-2700



Major General Kerry L. Muehlenbeck
THE ADJUTANT GENERAL

Agreement Type: Agreement
M22-0052

Effective Date: October 1, 2022
Termination Date: December 31, 2025

Agreement Title: The City of Avondale, Anti-Human Trafficking Grant Fund Program, Laws 2022 Chapter 313, Section 110.

CITY OF AVONDALE AGREEMENT ADMINISTRATORS

The City of Avondale
11465 West Civic Center Drive

Avondale, AZ 85323
Contact Name: Ron Corbin, City Manager
Phone Number: (623) 333-1016
Email: Citymanager@avondaleaz.gov

Avondale Police Department
11485 West Civic Center Drive
Avondale, AZ 85323
Contact Name: Reem Nabil George, Director of the Southwest
Family Advocacy Center
Phone Number: (623) 333-7911
Email: RGeorge@avondaleaz.gov

DEMA AGREEMENT ADMINISTRATOR

Arizona Department of Emergency and Military Affairs
5645 East McDowell Road,
Building. M5800
Phoenix, AZ 85008
Contact Name: Kyle Matthew, Chief Procurement Officer
Phone Number: (602) 464-6491
Email: Kyle.Matthew@azdema.gov

THIS AGREEMENT, (hereinafter referred to as “Agreement”) is between the **STATE OF ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS** [hereinafter referred to as “DEMA”, a “budget unit” as defined in A.R.S. § 35-101 authorized to contract pursuant to A.R.S. § 26-102] and **THE CITY OF AVONDALE** and the **AVONDALE POLICE DEPARTMENT** [hereinafter referred to together as “City”, authorized to contract pursuant to A.R.S. § 9-241]. The City of Avondale for the purposes of this Agreement bears the responsibility of distributing, overseeing, and reporting on the usage of Border Security Fund funds on behalf of the partnering agencies of the **SOUTHWEST FAMILY ADVOCACY CENTER** [hereinafter referred to together as the “Center”]. The purpose of this Agreement is to establish the process for oversight of activities conducted by the Center and reimbursed by DEMA through the City pursuant to Appropriation Legislation 2022-2023, approved by the Governor on June 28, 2022, and authorized in accordance with Laws 2021 Chapter 408, Section 106 to distribute to the City for the purposes outlined in Section 26-106, Arizona Revised Statutes.



Douglas A. Ducey
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Major General Kerry L. Muehlenbeck
THE ADJUTANT GENERAL

IN WITNESS WHEREOF, the Parties hereto agree to carry out the terms of this Agreement

Executed this day by the duly authorized officer of the Eligible Entity:

The City of Avondale	Arizona Department of Emergency and Military Affairs
Signature	Signature
Printed Name Ron Corbin	Printed Name Major General Kerry L. Muehlenbeck
Title City Manager	Title The Adjutant General
Date _____	The above referenced Agreement is hereby executed this _____ Day of _____, 20_____

Avondale Police Department
Signature
Printed Name Memo Espinoza
Title Chief of Police
Date _____



Douglas A. Ducey
GOVERNOR

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Major General Kerry L. Muehlenbeck
THE ADJUTANT GENERAL

AGREEMENT TERMS

1. Recitals: The purpose of this Agreement is to define the terms under which DEMA will provide funds to the City for programs, equipment, and/or activities that reduce human trafficking and that comply with Section 26-106, Arizona Revised Statutes, conducted by the Center to be reimbursed by DEMA.

1.1 The City, as the signatory to this Agreement on behalf of other law enforcement agencies cooperating on behalf of the Center, is solely responsible for the usage of Border Security Funds. Once DEMA transfers the funds under this Agreement to the City, the City is solely responsible for overseeing the funds, including any further disbursement to other law enforcement-related agencies that partner with the City, and reporting to DEMA on the usage of these funds. If the City further disburses these funds to another law enforcement-related agency, including the Center, following the initial fund transfers from DEMA, the City shall retain responsibility for any necessary information or documentation relating to the spending of these funds be made available to DEMA upon request. The City shall be DEMA's primary point of contact for any issues or information related to this Agreement or the funds transferred under it.

2. Definitions: The Parties agree to expeditiously initiate and complete the Scope of Work under this Agreement. The Parties warrant, represent and agree that they, their employees, and representatives will comply with all applicable provisions provided herein. The following definitions shall apply to the terms used in this Agreement, except where the context necessarily requires otherwise.

2.1. "A.R.S." means Arizona Revised Statutes.

2.2. "Agreement" means the terms and conditions of this Agreement between the State of Arizona Department of Emergency Management and Military Affairs (STATE) and The City of Avondale and the Avondale Police Department together (The City), and its addendums: Scope of Work, (Addendum A), Price Sheet (Addendum B), and Budget and Justification (Addendum C), constitute the entire Agreement between the Parties and supersede other understandings, oral or written.

2.3. "City" means The City of Avondale and the Avondale Police Department together, unless context requires that they be treated as separate entities. Unless treated as separate entities, The City of Avondale and the Avondale Police Department shall be treated as a single Party to this Agreement, and shall jointly have, exercise, and be responsible for the same rights and obligations under this Agreement.

2.4 "FY" means State Fiscal Year.

2.5. "Party" and/or "Parties" means DEMA and/or The City of Avondale.

2.6. "Project" means activities conducted within Scope of Work and from Border Security funds.

2.7. "State" means the State of Arizona.

2.8. "Southwest Family Advocacy Center," "SWFAC" and/or "Center" means the organization cooperatively formed by the City of Avondale, the Town of Buckeye, the City of Goodyear, and the County of Maricopa, Arizona.

3. Access to Information: Subject to statutory confidentiality requirements of the State of Arizona, the Parties to this Agreement shall have full, complete, and equal access to data and information prepared under this Agreement on a no-charge basis.



Douglas A. Ducey
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4. Amendment: This Agreement, excluding Addendums, may be modified only by written Amendment signed and dated by authorized representatives of each signatory (treating The City of Avondale and the Avondale Police Department as separate signatories for this purpose) to this Agreement. Amendments to this Agreement shall be executed with the same formalities as this Agreement and become effective upon the dated signature of the last signatory (again, treating The City of Avondale and the Avondale Police Department as separate signatories for this purpose). Executed copies of any Amendment shall be provided to each signatory.

4.1. Addendum Amendments: Addendums to this Agreement may be amended or modified, as necessary, only by the Parties' authorized contracting and procurement officers.

5. Budget: The amount of \$499,925.99 was appropriated in FY2023 and transferred to the Border Security Fund for deposit in the Anti-Human Trafficking Grant Fund effective October 1, 2022. DEMA shall make payment for services or reimbursement within thirty (30) days after receipt of valid invoices and supporting documentation from the City. Payments shall be made by electronic funds transfer in lieu of a State warrant whenever possible. Funds provided by DEMA to the City under this Agreement shall be used only for the purposes identified in this Agreement. Funds provided by DEMA to the City under this Agreement shall not be used to supplant Federal, State, County or local funds that would otherwise be available to the City for the purposes identified in this Agreement and shall be used to supplement funds already available to the City for the purposes identified in this Agreement.

6. Non-Availability of Funds: Pursuant to A.R.S. § 35-154(A), every payment obligation under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by either Party at the end of the period for which funds are available. No liability shall accrue to either Party in the event this provision is exercised, and the Parties shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

7. Payment Mechanism: Payment shall be made within thirty (30) days after receipt of a valid invoice and supporting documentation.

8. Conflict Resolution Procedures:

8.1. This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona.

8.2. In the event of any judicial proceeding related to this Agreement the Parties agree that venue shall be proper in Maricopa County, Arizona.

8.3. The Parties to this Agreement agree to resolve all disputes arising out of or relating to this Agreement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. § 12-1518 except as may be required by other applicable statutes.

9. Assignment: Neither Party may assign rights hereunder without the other Party's express, written, prior consent.

10. Conflict of Interest: Either Party may cancel this Agreement for conflict of interest in accordance with the termination terms of this Agreement, without penalty or further obligation, pursuant to A.R.S. § 38-511.

11. Agreement Term: The term of this Agreement shall be from October 1, 2022, December 31, 2025.

12. Effective Date: This Agreement shall become effective upon the date of the last signatory's signature



Douglas A. Ducey
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THE ADJUTANT GENERAL

13. Notices, Correspondence, Reports:

13.1. Any notice given pursuant to this Agreement shall be in writing and shall be considered to have been given when actually received by the following persons at the following addresses: Notices and correspondence (except for correspondence relating to the execution of the Agreement, clarification of this Agreement, and Amendments to this Agreement) shall be sent to:

For The City of Avondale:	For DEMA:
Name: Reem Nabil George	Name: Darlene Quihuis
Title: Director of the Southwest Family Advocacy Center	Title: Assistant Director
Phone: (623) 333-7911	Phone: (602) 464-6454
Email: RGeorge@avondaleaz.gov	Email: Darlene.Quihuis@azdema.gov

13.2. Correspondence relating to the execution of the Agreement, clarification of this Agreement, and Amendments to this Agreement shall be sent to:

For The City of Avondale:	For DEMA:
Name: Reem Nabil George	Name: Kyle A. Matthew
Title: Director of the Southwest Family Advocacy Center	Title: Chief Procurement Officer
Address: 2333 N. Pebble Creek Parkway, Suite A-200, Goodyear, AZ 85395	Address: 5645 East McDowell Road, Building M5800, Phoenix AZ 85008
Phone: (623) 333-7911	Phone: (602) 464-6491
Email: RGeorge@avondaleaz.gov	Email: Kyle.Matthew@azdema.gov

13.3 Reports and deliverables shall be sent in accordance with the Scope of Work, Reporting Requirement & Deliverables.

13.4. Either Party to this Agreement may designate a new contact by delivering written notice to all other signatories in accordance with these notice requirements.



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14. Ownership of Information: Both Parties retain title to all documents, reports, data, and other materials prepared as a part of the Project. DEMA and The City shall have full and complete rights to reproduce, duplicate, disclose, perform, and otherwise use all information prepared under this Agreement.

15. Project Review: It is the responsibility of the City to coordinate with DEMA regarding the progress of the Project as defined in the Scope of Work and related attachments. DEMA may request in writing, at its discretion, written progress updates, which the City shall provide to DEMA within 15 calendar days of DEMA's request.

16. Severability: The provisions of this Agreement are severable to the extent that any provision or application to be invalid shall not affect any other provision or application of the Agreement, which shall remain in effect without the invalid provision or application.

17. Termination:

17.1. DEMA or the City may terminate this Agreement at any time, with or without cause, after giving 30 days written notice of termination to DEMA or the City, as appropriate. The notice shall specify the effective date of termination. Any deviation or failure to comply with the purposes and/or conditions of this Agreement by the City without written permission from DEMA may constitute cause for DEMA to terminate this Agreement.

17.2. In the event the Agreement is terminated, the City shall deliver all financial and programmatic records, supporting documents, statistical records, electronic data, and other related records. All records and documents of both Parties shall be maintained and available for access in accordance with A.R.S. §§ 35-214, 39-101, 41-151 and any other State or local rule or regulation. Repayment to DEMA of a portion or full payment received by the City may be required.

17.3. Upon notice of termination of this Agreement, the Parties will cooperate and work diligently to prepare a transition plan to include a transition schedule and circumstances for transfer of deliverables including, but not limited to, records, funds (both unexpended and any previously expended funds that may have been spent in violation of the purposes and conditions of this Agreement), and compliance with closing auditing requirements to be performed at the City's expense.

18. Indemnification: Each Party (as "Indemnitor") agrees to defend, indemnify, and hold harmless the other Parties (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers. The State of Arizona is self-insured per A.R.S. § 41-621.

In addition, should the City utilize contractor(s), the City's contract with each such contractor shall (a) include the following language: (b) require that the following language be included by the contractor in all its subcontracts; and (c) require the contractor to require all its subcontractors include the following language in their contracts with all of their subcontractors:

To the fullest extent permitted by law, the Contractor shall defend, indemnify, and hold harmless The City of Avondale, DEMA and the State of Arizona, and any jurisdiction or agency issuing any permits for any work arising out of this Agreement, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to



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Major General Kerry L. Muehlenbeck
THE ADJUTANT GENERAL

be caused, in whole or in part, by the negligent or willful acts or omissions of the Contractor or any of the directors, officers, agents, or employees or subcontractors of such Contractor. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the Parties that the Indemnatee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnatee, be indemnified by such contractor from and against any and all claims. It is agreed that such contractor will be responsible for primary loss investigation, defense, and judgment costs where this indemnification is applicable. Additionally, on all applicable insurance policies, the Contractor and its subcontractors shall name The City of Avondale, the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees as additional insureds and also include a waiver of subrogation in favor of The City of Avondale, the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees.

19. E-Verify: To comply with A.R.S. § 41-4401(A), each Party hereby warrants its compliance with federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). If either Party uses contractors in performance of this Agreement, the contractors shall warrant their compliance with federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). A breach of this warranty shall be deemed a material breach of the Agreement subject to penalties up to and including termination of this Agreement. Each Party retains the legal right to inspect the papers of any contractor or subcontractor employee who works on the Agreement to ensure that the contractor or subcontractor is complying with this warranty.

20. Waiver: The waiver or failure to enforce any provision of this Agreement will not operate as a waiver of any future breach of any such provision or any other provision hereof.

21. Non-Discrimination: Pursuant to Title 41, Chapter 9, Article 4 of the A.R.S. and Executive Order 2009-09, the City shall provide access to equal employment opportunities for all persons, regardless of race, color, religion, sex, age, national origin, or political affiliation, and to all other applicable State and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act. The Parties shall take affirmative action to ensure that applicants for employment and employees are treated without regard to race, age, color, religion, sex, or national origin and in compliance with the Americans with Disabilities Act.

22. Implied Consent Terms: Each provision of law and any terms required by law to be in this Agreement are a part of this Agreement as if fully stated in it.

23. Record Keeping Requirements: Pursuant to A.R.S. §§ 35-214 and 35-215, the Parties shall retain all data, books, accounts and other records ("records") relating to this Agreement for a period of five years after completion of the Agreement, after any litigation, claim, negotiation, audit, cost recovery, or action involving the records has been completed or from the date of complete resolution of any dispute and any applicable appeals, unless a longer period is required by statute or rule. All records shall be subject to inspection and audit by the State at reasonable times. Upon request, either Party shall produce the original of any or all such records.

24. Lobbying: Upon signature of this Agreement, the City shall disclose all lobbying activities to DEMA to the extent they are an actual or potential conflict of interest or where such activities would create an appearance of impropriety. The City shall implement and maintain adequate controls to ensure that monies paid this Agreement shall not be used for lobbying.

25. Antitrust Recovery: The City assigns to DEMA any claim for overcharges resulting from antitrust violations to the extent that such violations concern materials or services supplied by third parties to the City toward fulfillment of this Agreement.



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DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS

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26. Compliance with Laws. The City agrees to comply with all state and local laws and regulations applicable to the terms and conditions of this Agreement including but not limited to State of Arizona Accounting Manual (SAAM) and State and local procurement codes; whichever is more restrictive will apply.



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ADDENDUM A SCOPE OF WORK

1. **Project Title:** The City of Avondale, Anti-Human Trafficking Grant Fund Program.
2. **Project Timeline:** October 1, 2022 to December 31, 2025.
3. **Purpose:**
 - a. Reimburse The City of Avondale, acting on behalf of the Southwest Family Advocacy Center (SWFAC), for costs associated with programs, equipment and/or activities that reduce human trafficking, and that comply with the requirements of Section 26-106 Arizona Revised Statutes.
4. **Tasks:**
 - a. Purchase supplies in accordance with the budget approved by DEMA.
 - b. Appoint, train, equip and reimburse Avondale Detective, Police Crime Analyst and Sergeant in positions at the Center, in accordance with the budget approved by DEMA.
 - c. Make reservations for and reimburse SWFAC personnel travel costs for human-trafficking training conferences, and for out-of-state travel for investigation and case follow-up.
 - d. Copies of all contracts are to be provided to DEMA upon request.
5. **Cost**
 - a. Not to exceed \$499,925.99.

6. **Reporting Requirements and Deliverables:**

Timeframe	Deliverable	Description	Due Date	Send To:
Quarterly	Financial Expenditure Report	Provide an accurate and detailed expenditure report with backup documentation. <u>Period of Performance:</u> Qtr. 1: July 1 – Sept. 30 Qtr. 2: Oct.1 – Dec.31 Qtr. 3: Jan.1 - March 31 Qtr. 4: April 1 - June 30	Qtr. 1: Oct. 15 Qtr. 2: Jan. 15 Qtr. 3: April 15 Qtr. 4: July 15 In the event that the 15 th falls on a weekend or holiday, it is due the next business day.	Grants.border@azdema.gov with a copy to: Dema.Finance@azdema.gov



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Timeframe	Deliverable	Description	Due Date	Send To:
Final	Financial Summary Report	Provide an accurate and detailed expenditure financial summary report of project period.	Due 30 Days after the end of the period of performance or completion of the Project.	Grants.border@azdema.gov with a copy to: Dema.Finance@azdema.gov
Quarterly	Programmatic Report	Provide a progress report of all Border Security Fund activities & metrics by the jurisdiction during the reporting period. <u>Period of Performance:</u> Qtr. 1: July 1 – Sept. 30 Qtr. 2: Oct.1 – Dec.31 Qtr. 3: Jan.1 - March 31 Qtr. 4: April 1 - June 30	Qtr. 1: Oct. 15 Qtr. 2: Jan. 15 Qtr. 3: April 15 Qtr. 4: July 15 In the event that the 15 th falls on a weekend or holiday, it is due the next business day.	Grants.border@azdema.gov with a copy to: Dema.Finance@azdema.gov
Final	Programmatic Report	Provide a final report to include a summary narrative of annual accomplishments and metrics.	Due 30 Days after the end of the period of performance or completion of the Project.	Grants.border@azdema.gov with a copy to: Dema.Finance@azdema.gov

7. Additional Requirements:

- a. Ensure all procurement of goods and services are following established applicable procurement law and the City's written policies and procedures. All procurement transactions shall be conducted in a manner to provide to the maximum extent practical, open, and free competition.
- b. All Border Security funds must be accounted for by the City in writing and in compliance with the State of Arizona Accounting Manual (SAAM), available at <https://gao.az.gov/publications/saam>.



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ADDENDUM B
PRICE SHEET

Budget October 1, 2022, to December 31, 2025

ACCOUNT CLASSIFICATION	AMOUNT
Personnel	\$201,780.00
Fringe	\$4,056.00
Travel	\$12,300.00
Equipment (Not Applicable)	\$0
Supplies	\$30,140.00
Contractual	\$251,649.99
Other (Not Applicable)	\$0
Total Direct Costs	\$499,925.99
Administration (Not applicable)	\$0
TOTAL (Not to Exceed)	\$499,925.99

With prior written approval, the City is authorized to transfer up to a maximum of 10% of the total budget amount between line items. Transfers of funds are only allowed between funded line items. Transfers exceeding 10% or to a non-funded line item shall require a DEMA review and amendment to the Price Sheet, Addendum B.



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ADDENDUM C

BUDGET AND JUSTIFICATION

October 1, 2022, to December 31, 2025

A. Personnel:

Position (1)	Name (2)	Annual Salary/Rate (3)	Level of Effort (5)	Total Salary (6)
Avondale Detective, 30 hours of overtime work/month	TBD from among current ICAC/sex crimes detectives	\$21,600.00/year x 3 years	100%	\$64,800.00
Part-time Police Crime Analyst, 20 hours/week	TBD	\$40,560.00/year x 3 years	100%	\$121,680.00
Police Sergeant, 5 hours/month	TBD from among current sergeants at the advocacy center	\$5,100.00/year x 3 years	100%	\$15,300.00

TOTAL PERSONNEL REQUEST	\$201,780.00
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JUSTIFICATION:

This funding will cover personnel costs for three years of a part-time crime analyst, an Avondale detective located at the Center, and an Avondale detective located at the Center. The analyst will have at least four years of experience as a crime and intelligence analyst and a bachelor's degree from an accredited university specializing in criminal justice or a related field. The analyst will meet and communicate regularly with the team and provide assistance, analysis and reports to the task force.

The Avondale detective will be a seasoned Internet Crimes Against Children (ICAC) detective located at the Center and will perform operations such as undercover stings and investigations during overtime hours dedicated to the prevention of human trafficking.

The Avondale sergeant will perform supervision and assistance with task force activities.



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Utilizing current ICAC and sex crimes detectives (for Avondale and sub-contractors- Buckeye, Goodyear, and MCSO) brings the benefit of utilizing online investigations techniques, and advanced forensic interview experience learned through their current positions.

Having all detectives located at the same facility allows for better communication and coordination for the task force and any activity relating to undercover operations. In addition, utilizing overtime for current detectives allows the four agencies time to get the project started immediately. This will enable the four agencies to arrange for more permanent solutions beyond the project timeline, and plan more strategically.

B. Fringe Benefits:

Position (1)	Name (2)	Rate (3)	Total Salary (5)	Total Fringe (6)
Police Crime Analyst	TBD	\$1,352.00/year x 3 years.		\$4,056.00
TOTAL FRINGE REQUEST				\$4,056.00

JUSTIFICATION:

Funding will provide for annually accrued sick leave only for Avondale Police Crime Analyst.

C. Travel:

Purpose (1)	Destination (2)	Item (3)	Calculation (4)	Travel Cost (5)
Professional Development Conference for one detective and one crime analyst.	TBD	Transportation, Airfare, Registration, Lodging and per diem.	\$1,600.00 x 2 Persons x 3 Years	\$9,600.00
Out-of-state travel for one Avondale detective for case investigation and case follow-up.	TBD	Transportation, Airfare, Registration, Lodging and per diem.	\$1,350.00 x 2 Years	\$2,700.00



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TOTAL TRAVEL REQUEST	\$12,300.00
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JUSTIFICATION:

One detective and one part-time analyst assigned to the Center will attend one training per year for two years focused on human trafficking investigations and operations, as well as professional development. Professional development resources are designed to provide intensive training for detectives, enabling them to network with their peers nationally while providing them with the necessary knowledge of emerging trends and investigative techniques.

The out-of-state travel for detectives will permit them to follow-up on leads and interview witnesses for their investigations.

D. Equipment (Over \$5,000 per item): Not Applicable

E. Supplies: (Items Costing Less Than \$5,000.00 per unit)

Item(s) (1)	Rate (2)	Cost (3)
12 Burner phones	\$50/Phone x 3 phones/detective x 4 detectives	\$600.00
5 Computers not affiliated with any city for undercover operations- four detectives and one analyst	\$1,000.00/computer x 5 computers	\$5,000.00
Callyo law enforcement mobile app installed on the burner phone for each detective	\$45/month x 12 months x 3 years x 4 detectives	\$6,480.00



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Marinus Analytics “Traffic Jam” software licensing fees	\$2,300.00 x 3 years	\$6,900.00
24 Hotel stays for undercover operations	\$150/day x 2-day operations x 4 operations x 3 years	\$3,600.00
Online dating app subscriptions for each detective, two apps per month	\$20/app x 2 apps/detective x 4 detectives x 36 months	\$5,760.00
Training brochures- including impressions and prints for first responder training	\$1,800 for the project timeline	\$1,800.00

TOTAL REQUEST	\$30,140.00
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JUSTIFICATION:

These supplies will enable detectives to work efficiently and utilize mobile applications and online forums for their undercover investigations. Callyo will provide detectives with the capability of investigating human trafficking cases online, while Traffic Jam will provide a task force with a report containing tips on potential leads on human trafficking activities in their cities.

Hotel rentals will allow detectives to conduct operations to identify potential trafficking victims. Subscriptions for dating sites assist detectives with communicating with potential victims and setting up “dates” for rescue operations.

Brochures will be printed, widely dispersed throughout the four agencies and used as a resource for first responders.



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F. Contractual:

Name (1)	Service (2)	Rate (3)	Cost (4)
Buckeye Police Department	1 Buckeye detective to provide 36 months of overtime work at 30 hours per month to perform investigation and undercover operations.	\$60/hour x 30 hours/month x 36 months	\$64,800.00
Buckeye Police Department	Ground transportation, airfare, registration, lodging and per diem pay for 1 Buckeye detective to attend an annual professional development conference for three years.	\$1,600.00 x 3 years	\$4,800.00
Buckeye Police Department	Ground transportation, airfare, lodging and per diem pay for out-of-state travel for 1 Buckeye detective for case investigation and case follow-up.	\$1,350.00 x 2 years	\$2,700.00
Buckeye Police Department		Subtotal	\$72,300.00
Goodyear Police Department	1 Goodyear detective to provide 36 months of overtime work at 30 hours per month to perform investigations and undercover operations.	\$60/hour x 30 hours/month x 36 months	\$64,800.00
Goodyear Police Department	Ground transportation, airfare, registration, lodging and per diem pay for 1 Goodyear detective to attend an annual professional development conference over three years	\$1,600.00 x 3 years	\$4,800.00
Goodyear Police Department	Ground transportation, airfare, lodging and per diem pay for out-of-state travel for 1 Goodyear detective for case investigation and case follow-up.	\$1,350.00 x 2 years	\$2,700.00



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Name (1)	Service (2)	Rate (3)	Cost (4)
Goodyear Police Department		Subtotal	\$72,300.00
Maricopa County Sheriff's Office (MCSO)	1 MCSO Detective to provide 36 months of overtime work at 30 hours per month to perform investigations and undercover operations	\$60/hour x 30 hours/month x 36 months	\$64,800.00
Maricopa County Sheriff's Office (MCSO)	Ground transportation, airfare, registration, lodging and per diem pay for 1 MCSO detective to attend an annual professional development conference over three years.	\$1,600.00 x 3 years	\$4,800.00
Maricopa County Sheriff's Office (MCSO)	Ground transportation, airfare, lodging and per-diem pay for out-of-state travel for 1 MCSO detective for case investigation and case follow-up.	\$1,350.00 x 2 years	\$2,700.00
Maricopa County Sheriff's Office (MCSO)		Subtotal	\$72,300.00
Dr. Dominique Roe-Sepowitz, ASU	Training for all first-responders for the four partner agencies	\$650.00/training x 15 trainings	\$9,750.00
Dr. Dominique Roe-Sepowitz, ASU	Annual evaluation of data, analysis and report.	\$8,333.33 x 3 years	\$24,999.99
Dr. Dominique Roe-Sepowitz, ASU		Subtotal	\$34,749.99
TOTAL CONTRACTUAL REQUEST			\$251,649.99



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JUSTIFICATION:

The sub-grantees, Buckeye, Goodyear and MCSO will perform the same duties as the Avondale detective, enabling them to investigate potential trafficking cases, coordinate efforts with one another, and create the human trafficking task force, among other activities.

Funds for training will be used to train all first responders. The annual evaluation will compile data in a report for future permanent funding of human trafficking operations and will be used to show the community's needs.

The contract with Mrs. Roe-Sepowitz will provide training for staff and law enforcement officers at various locations in the west valley to accommodate all four law enforcement agencies totaling five training sessions per year for three years (15 total training sessions X \$650 a day, federal rate), for a total of \$9,750. The training sessions for first responders will include the following:

400 Officers

45 Center staff

75 Dispatchers

250 Fire personnel

50 Other direct service staff

100 Other law enforcement partners

Mrs. Roe-Sepowitz will gather and evaluate data from the previous year, including the number of crime victims served, the number of investigations completed, the number of cases submitted for prosecution, gaps in service, demographics of victims, and defendants and any recommendation for additional services and any other relevant information that will be presented in a report annually to the Steering Committee. The cost for the collection of data and report writing per year is \$8,333.33 x 3 years, totaling \$24,999.00.

G. Other: Not Applicable

H. Total Direct Charges:

TOTAL DIRECT CHARGES	\$499,925.99
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I. Administration: Not Applicable



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J. Total Project Costs:

TOTAL REQUEST- TOTAL PROJECT COSTS (Sum of Total Direct Costs and Admin Costs)	\$499,925.99
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K. BUDGET SUMMARY:

Category	Year 1	Year 2*	Year 3*	Total Project Costs
Personnel	\$67,260.00	\$67,260.00	\$67,260.00	\$201,780.00
Fringe	\$1,352.00	\$1,352.00	\$1,352.00	\$4,056.00
Travel	\$4,550.00	\$4,550.00	\$3,200.00	\$12,300.00
Equipment				
Supplies	\$14,980.00	\$7,580.00	\$7,580.00	\$30,140.00
Contractual	\$85,233.33	\$85,233.33	\$81,183.33	\$251,649.99
Other				
Total Direct Charges	\$173,375.33	\$165,975.33	\$160,575.33	\$499,925.99
Administration				
Total Project Costs	\$173,375.33	\$165,975.33	\$160,575.33	\$499,925.99

*FOR FUTURE REQUESTED YEARS

CITY COUNCIL REPORT

SUBJECT: Resolution 1007-0123 - Amendment No. 2 to IGA between Maricopa County, Trellis, and the City of Avondale

MEETING DATE: 1/23/2023

TO: Mayor and Council

FROM: Chris Lopez, Director of Neighborhood and Family Services

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

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.

PURPOSE:

City Council will consider a request to adopt Resolution 1007-0123 approving Amendment No. 2 to an Intergovernmental Agreement (IGA) between Maricopa County, Trellis, and the City of Avondale relating to the construction of three single-family homes and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Since May 2005, the City of Avondale has been a participant in the Maricopa HOME Consortium (Consortium). The Consortium receives HOME Investment Partnerships Program (HOME) funds through the U.S. Department of Housing and Urban Development (HUD). These funds are used to strengthen public-private partnerships and to preserve and increase the supply of affordable housing for very low-income and low-income families within Maricopa County. The City of Avondale receives HOME funds each year through the Consortium. Consortium members consist of Avondale, Chandler, Gilbert, Glendale, Peoria, Scottsdale, Surprise, Tempe, and the Maricopa Urban County. Membership in the Consortium entitles the City to a portion of the Consortium's annual allocation of HOME funds.

Each year, prior to distribution of these funds to Consortium members, HUD regulations require that the Consortium set-aside at least 15% of total allocated HOME funds for use by Community Housing Development Organizations (CHDOs). CHDOs are specially designated non-profit organizations recognized within the HOME Program that provide affordable housing as part of their core mission and adhere to a certain Board structure, among other requirements.

Trellis is a certified Maricopa County CHDO and a Phoenix non-profit that develops affordable housing, and currently partners with the City to operate the Avondale First-Time Homebuyer Program using a portion of the City's annual share of HOME Consortium funding.

DISCUSSION:

On July 13, 2020, Trellis, the City of Avondale, and the Maricopa HOME Consortium executed an Intergovernmental Agreement (IGA) which awarded \$155,000 in HOME CHDO funds to Trellis to develop a single-family home on a vacant lot at the northwest corner of Elwood Street and El Mirage Road for a low-income family.

On November 24, 2020, Trellis, the City of Avondale, and the Maricopa HOME Consortium executed Amendment No. 1 to the IGA (contract number 20-226C) to provide an additional \$290,000 in HOME CHDO funds to Trellis towards the project to increase the development to three single-family homes, including \$45,000 in homebuyer assistance.

Maricopa County has now authorized an additional \$150,000 from its Urban County HOME allocation to provide additional gap financing to complete the project through Amendment No. 2 to the IGA. The additional funding will support the successful completion of this single-family housing development.

BUDGET IMPACT:

There is no budgetary impact to the City associated with this request. Total grant funds of \$595,000 will be reimbursable directly to Trellis from Maricopa County based on the City's review and approval of documented expenses. Furthermore, the 25% HOME match will be provided by Trellis.

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 1007-0123 amending the IGA with Maricopa County and Trellis and authorize the Mayor, City Manager and City Clerk to execute the necessary documents.

Contact person for document distribution: Regina Marette

RESOLUTION 1007-0123

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING THE SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY AND TRELLIS, A NON-PROFIT COMMUNITY HOUSING DEVELOPMENT ORGANIZATION RELATING TO HOME INVESTMENT PARTNERSHIP PROGRAM FUNDING.

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

SECTION 1. The Second Amendment to the Intergovernmental Agreement between the City of Avondale (the “City”), Maricopa County, Arizona. and Trellis Community Housing Development, a Community Housing Development Organization for federal HOME Investment Partnership Program (HOME) funding (the “Second Amendment”) is hereby approved substantially in the form and substance attached hereto as Exhibit A and incorporated herein by this reference.

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, January 23, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1007-0123

[Second Amendment]

See following pages.

AMENDMENT NO. 2 TO THE
AGREEMENT
BETWEEN
MARICOPA COUNTY
ADMINISTERED BY ITS
HUMAN SERVICES DEPARTMENT
AND
TRELLIS COMMUNITY DEVELOPMENT
A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION
AND
CITY OF AVONDALE

- I. Maricopa County ("County") administered by its Human Services Department, Trellis Community Development, a Community Housing Development Organization ("CHDO"), and the City of Avondale ("Administrator") entered into a financial agreement ("Agreement"), which was fully executed on or about July 13, 2020. The purpose of the Agreement is for the CHDO, acting in the capacity of a developer, to construct one (1) single-family home for a low-income household in the City of Avondale. The County provided the CHDO with \$155,000 in 2019 HOME Investment Partnerships Program (HOME) funds from the U.S. Department of Housing and Urban Development (HUD) under Assistance Listing Number (ALN) 14.191 HOME Investment Partnerships Program. The County, CHDO, and the Administrator collectively are referred to as the "Parties."

The Parties fully executed Amendment No. 1 on or about November 24, 2020. The Amendment added agreement required language specific to: Written Certification and Survival. The County provided the CHDO an increase in funding in the amount of \$290,000 in PY20 HOME funds under ALN 14.191. The Amendment added one (1) Work Statement 2020 Work Statement which addressed the following:

- 2020 Work Statement - the CHDO to construct the remaining two (2) of the three (3) new single-family homes on the interior lots (Lots 1 and 2). The project will create homeownership opportunities for two (2) low- to moderate-income households that is rated as a high priority in the Consolidated Plan. The County provided the CHDO with \$290,000 in PY20 HOME funds. All work performed, or costs incurred or expensed shall be reimbursable through September 30, 2023.

The Agreement funding amount increased to \$445,000.

- II. The Parties agree to enter into this Amendment No. 2 to the Agreement as follows:
- A. Change Lead Agency Maricopa County
Representative: Shawn Pierce, Deputy Director Human Services Department
Phone: 602-506-5006
E-Mail: shawn.pierce@maricopa.gov
Address: 234 North Central, 3rd Floor Phoenix AZ 85004
- B. The County shall provide an increase in HOME PY2019 funding under ALN 14.191, in the amount of \$150,000. The Agreement shall be increase from \$445,000 to a not-to-exceed amount of \$595,000.

- C. Revise Section 3 (General Provisions) to add the following:
 - 54.0 UYGHUR FORCED LABOR PREVENTION ACT (UFLPA)
 - 54.1 The CHDO and Administrator warrant and certify that they do not currently, and agrees for the duration of the agreement that they will not, use:
 - 54.1.1 The forced labor of ethnic Uyghurs in the People's Republic of China.
 - 54.1.2 Any goods or services produced by the forced labor of ethnic Uyghurs in the People's Republic of China.
 - 54.1.3 Any contractors, subcontractors or suppliers that use the forced labor or any goods or services produced by the forced labor of ethnic Uyghurs in the People's Republic of China.
 - 54.2 If the CHDO and the Administrator become aware during the term of the Agreement that the CHDO or the Administrator is not in compliance with this paragraph, the CHDO or the Administrator shall notify the County within five business days after becoming aware of the noncompliance. Failure of the CHDO or the Administrator to provide a written certification that the CHDO or the Administrator has remedied the noncompliance within one hundred eighty (180) days after notifying the public entity of its noncompliance, this Agreement shall terminate unless the Term of this Agreement shall end prior to said one hundred eighty (180) day period.
- III. The Agreement is amended to incorporate the changes contained in this Amendment No. 2. All other terms and conditions of the Agreement and Amendment No. 1 shall remain the same and unchanged and in full force and effect as executed by the Parties.
- IV. The Parties have authorized the undersigned to execute this Amendment No. 2, and it shall be effective upon approval and signature by both Parties.

[Signatures contained on the following page]

IN WITNESS, the Parties have approved and signed this Amendment No. 2:

APPROVED BY:
MARICOPA COUNTY

APPROVED BY:
CITY OF AVONDALE (Administrator)

Chairman, Board of Supervisors Date

Ron Corbin Date
City Manager

Attested to:

Attested to:

Juanita Garza Date
Clerk of the Board

Marcella Carrillo Date
City Clerk

IN ACCORDANCE WITH A.R.S. §§ 11-201 AND 11-251, THIS AMENDMENT NO. 2 HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY WHO HAS DETERMINED IT IS PROPER IN FORM AND WITHIN THE POWERS AND AUTHORITY OF GRANTED TO MARICOPA COUNTY UNDER THE LAWS OF THE STATE OF ARIZONA.

IN ACCORDANCE WITH A.R.S. § 9-240, THIS AMENDMENT NO. 2 HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY WHO HAS DETERMINED II IS PROPER IN FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO THE CITY OF AVONDALE UNDER THE LAWS OF THE STATE OF ARIZONA.

Approved as to form:

Approved as to form:

Deputy County Attorney Date

Attorney for the City of Avondale Date

APPROVED BY:
TRELLIS COMMUNITY DEVELOPMENT, an
Arizona nonprofit corporation (CHDO)

Michael Traylor Date
President, CEO, and Executive Director

CITY COUNCIL REPORT

SUBJECT: Resolution 1010-0123 - Supporting Newtown Grant Application Through Maricopa County HOME CHDO Funding

MEETING DATE: 1/23/2023

TO: Mayor and Council

FROM: Chris Lopez, Director of Neighborhood & Family Services

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

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.

PURPOSE:

City Council will consider a request to adopt Resolution 1010-0123 associated with a grant application submitted by Newtown Community Development Corporation to Maricopa County for HOME Community Housing Development Organizations (CHDO) funds, and authorize the Mayor or City Manager, and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Since May 2005, the City of Avondale has been a participant in the Maricopa HOME Consortium, when the City Council adopted Resolution 2485-05 authorizing the City to enter into an Intergovernmental Agreement (IGA) with Maricopa County and seven other municipalities in the Valley. Membership in the Consortium entitles the City to a portion of the Consortium's annual allocation of HOME Investment Partnerships (HOME) funds from the U.S. Department of Housing and Urban Development (HUD). The goal of the HOME Program is to strengthen public-private partnerships and to expand the supply of decent, safe, sanitary, and affordable housing for very low-income and low-income families.

Each year, prior to distribution of these funds to Consortium members, HUD regulations require that the Consortium set aside at least 15% of total allocated HOME funds for use by Community Housing Development Organizations (CHDOs). CHDOs are specially designated non-profit organizations recognized within the HOME Program that provide affordable housing as part of their core mission and adhere to a certain board structure, among other requirements.

Maricopa County (as the Consortium's Lead Agency) issues a Notice of Funding Availability (NOFA) annually to solicit affordable housing proposals from CHDOs. For Program Year (PY) 2023, the Consortium will allocate approximately \$770,000 in HOME funds to eligible CHDOs. The Consortium members review these applications and make funding recommendations for inclusion in the required HUD Annual Action Plan.

DISCUSSION:

Newtown Community Development Corporation (Newtown) is a Tempe-based nonprofit founded in 1994. Newtown's mission is to help people improve their financial well-being while strengthening communities through education, counseling, coaching, and the development and stewardship of permanently affordable homes. Newtown submitted an application for \$770,000 in HOME CHDO funds for use in the City of Avondale. Acting in the capacity of a developer, Newtown proposes to acquire two city-owned, vacant lots at 305 and 309 Hill Drive. The lots were purchased by the City through HUD's Neighborhood Stabilization Program (NSP) funds. Newtown proposes to construct six single-family homes as the final phase of the Hill Drive Housing Redevelopment Project. The two lots will be consolidated and re-platted into six lots to accommodate the new homes. The property is in a Qualified Census Tract. The new homes will be included in Newtown's Community Land Trust Program (CLT) program. The proposed funding represents a portion of the gap in funding required to develop the property. The City and Newtown also plan to apply for Maricopa County American Rescue Plan Act (ARPA) funds to bridge the final funding gap.

For Newtown to be eligible for the HOME funding, the City must do the following, as required by HUD regulations and the Maricopa HOME Consortium IGA:

- Agree to act as CHDO Contract Administrator, which obligates the City to complete project Environmental Reviews, review and approve CHDO reimbursement requests, monitor the CHDO's progress, monitor the CHDO for overall compliance with the CHDO contract and HUD regulations, provide reports to the County, among others as stipulated in the HOME Consortium IGA
- Certify through a Resolution that the activities proposed in Newtown's application are consistent with the goals of the City's HUD 5-Year Consolidated Plan. The proposed project will construct 6 affordable single-family homes, which is consistent with the Consolidated Plan's #1 goal: *preserve existing housing and create new affordable housing opportunities*.
- Consent to act as Beneficiary of any Deed of Trust or other lien instrument associated with HOME loan assistance provided through the project.

Staff have reviewed these requirements and have determined that they are consistent with HOME regulations, the City's HOME Consortium obligations, and will bring additional funding to increase the amount of high-quality affordable housing units to Avondale.

BUDGET IMPACT:

There is no budgetary impact to the City associated with this request. All grant funds will be reimbursable directly to Newtown from Maricopa County based on the City's review and approval of documented expenses. Further, the 25% required HOME match will be provided by Newtown.

RECOMMENDATION:

Staff recommends approval of the Resolution supporting Newtown's HOME CHDO application, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

Contact person for document distribution: Regina Marette

RESOLUTION 1010-0123

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, CERTIFYING COMPLIANCE WITH THE CONSOLIDATED PLAN AND SUPPORTING AN APPLICATION FOR FEDERAL HOME FUNDS BY THE NEWTOWN COMMUNITY DEVELOPMENT CORPORATION, AN ARIZONA NON-PROFIT CORPORATION.

WHEREAS, Newtown Community Development Corporation (“Newtown”) is a non-profit Community Housing Development Organization with a history of community service in Maricopa County and has among its purposes the provision of affordable housing for low-income households; and

WHEREAS, Newtown has applied to the Maricopa HOME Consortium for federal HOME Investment Partnerships Program (HOME) funding; and

WHEREAS, if funded, the activity supported with HOME funds is located within the City of Avondale (the “City”) and the City will be the administrator of the contract between Newtown and the Maricopa HOME Consortium; and

WHEREAS, the proposed activity meets the priorities identified in the City’s Consolidated Plan, as approved by the City Council.

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

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

SECTION 2. The City Council hereby (i) supports Newtown’s application to the Maricopa HOME Consortium for federal funding, (ii) recognizes that the intended use of such funds are in conformance with the City’s Consolidated Plan, and (iii) authorizes the administering of the contract and the assignment to the City of beneficial interests under loan agreements, deeds of trust, promissory notes and restrictive covenants, between Maricopa County and Newtown, if the CHDO activity is funded.

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

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
January 23, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

CITY COUNCIL REPORT

SUBJECT: Ordinance 2004-0123 - Avondale Boulevard Right of Way Annexation

MEETING DATE: 1/23/2023

TO: Mayor and Council

FROM: Aric Stewart, Director, Engineering Department

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

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 allow the City to maintain and expand quality infrastructure and improve connectivity to the City's amenities.

PURPOSE:

City Council will consider a request to adopt Ordinance 2004-0123 authorizing the annexation of a portion of Avondale Boulevard right-of-way generally located between Southern Avenue and Indian Springs Road and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

In 1994, the City entered into an Intergovernmental Agreement (the "IGA") with Maricopa County for the design of the "Bridge over the Gila River in the Vicinity of 115th Avenue to Bullard Avenue" (now known as Avondale Bridge over the Gila River) via Document Number 1994-0514912 with the Maricopa County Recorder's Office. In 1997, the City, the State of Arizona Department of Transportation, and Maricopa County entered into a new intergovernmental agreement (the "Agreement") that specified the design, construction, and funding contributions, among other obligations for the construction of the Avondale Bridge over the Gila River (the "Bridge"). The Agreement stipulated that (1) upon completion and acceptance of the Bridge, the County would retain ownership and maintenance responsibilities of the Bridge for a period of 12 years (the "County Maintenance Period") or until such time the City annexes the bridge, and (2) that the City would initiate annexation of the Bridge and adjacent County right-of-way after the County Maintenance period.

In 2012, a First Amendment to the Agreement was entered into and between the City and the County via Document Number 2012-0067471 with the Maricopa County Recorder's Office (the "First Amendment"). The First Amendment extended the County Maintenance Period through August 10, 2011 and stipulated that the City would initiate annexation of the bridge and adjacent County right-of-way no later than August 10, 2016.

DISCUSSION:

Upon investigation by City staff, it was determined that the City never completed the annexation as contemplated in the Agreement and First Amendment. Staff wishes to proceed with the annexation of Avondale Boulevard from approximately 1,200 feet north of Indian Springs Road to approximately 1,700 feet south of Southern Avenue to honor its obligations as set forth in the IGA.

Since the annexation is Maricopa County right-of-way with no other property owners, the annexation may be processed in accordance with ARS 9-471(O) as noted below:

O. As an alternative to the procedures established in this section, a county right-of-way or roadway may be transferred to an adjacent city or town by mutual consent of the governing bodies of the county and city or town if the property transferred is adjacent to the receiving city or town and if the city or town and county each approve the proposed transfer as a published agenda item at a regular public meeting of their governing bodies. A transfer of property made pursuant to this subsection shall be treated by the receiving city or town as if the transferred property was newly annexed territory.

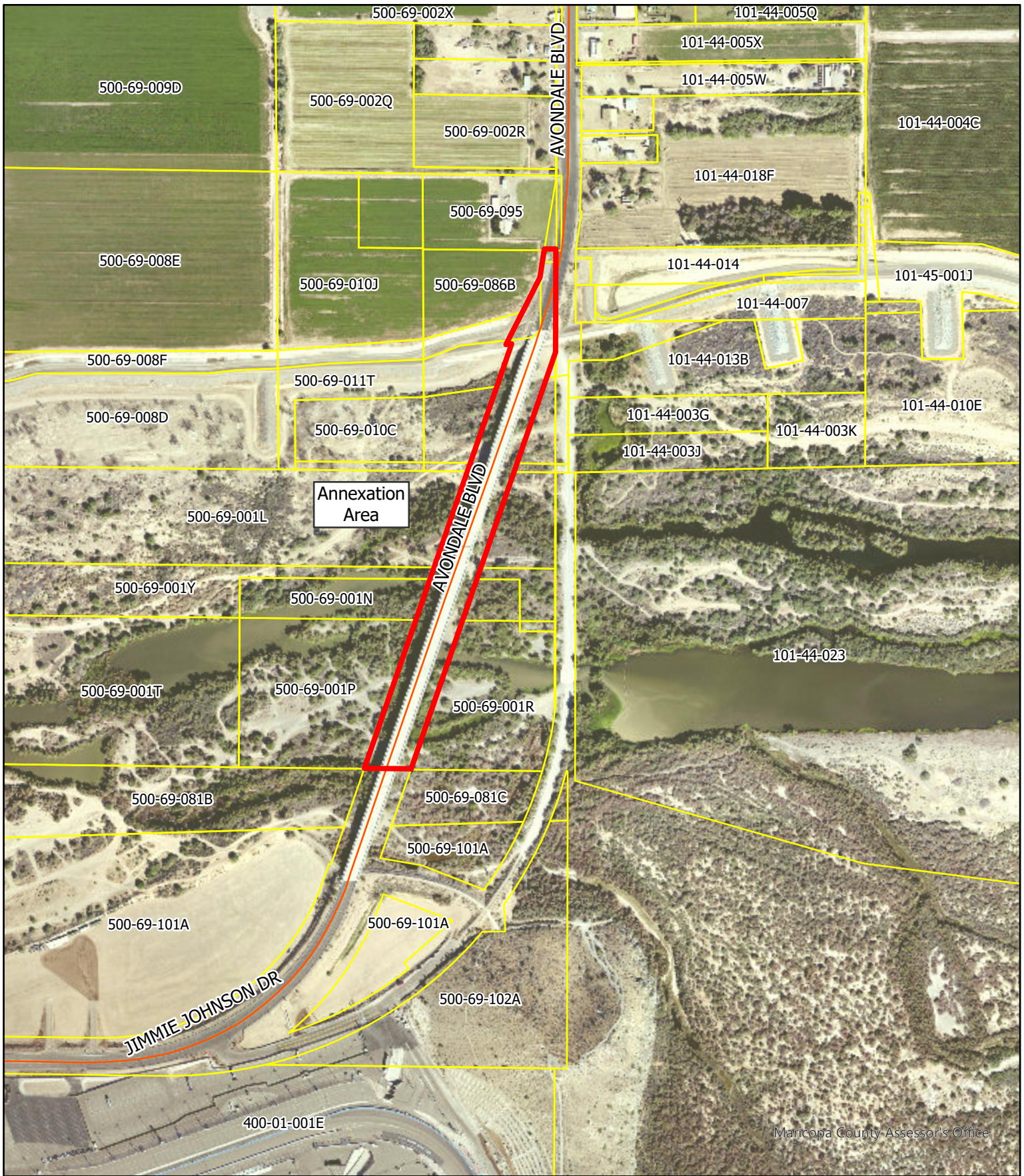
BUDGET IMPACT:

There may be additional expenditures for the City's maintenance of the Bridge.

RECOMMENDATION:

Staff recommend City Council adopt an Ordinance authorizing the annexation of a portion of Avondale Boulevard right-of-way generally located between Southern Avenue and Indian Springs Road and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Yulonda Moore



Not to Scale

PROPOSED AVONDALE BOULEVARD ROW ANNEXATION

ORDINANCE NO. 2004-0123

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF AVONDALE BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS; GENERALLY LOCATED ALONG SOUTH AVONDALE BOULEVARD BETWEEN SOUTHERN AVENUE AND INDIAN SPRINGS ROAD.

WHEREAS, the City of Avondale (the “City”), Arizona Department of Transportation, and Maricopa County (the “County”) entered into an intergovernmental agreement, dated September 11, 1997, as amended (the “Agreement”) and recorded as document 1994-0514912 in the records of the Maricopa County Recorder pertaining to the financing, planning, construction, maintenance and eventual annexation by the City, of the 115th Avenue (now South Avondale Blvd.) Bridge and its surrounding right-of-way over the Gila River at Phoenix International Raceway (the “Bridge”); and

WHEREAS, the County maintenance period for the Bridge has ended, and the City wishes to annex the Bridge into the City; and

WHEREAS, ARIZ. REV. STAT. § 9-471(O) allows for the annexation of county right-of-way into an adjacent city if the property to be annexed is adjacent to the city for the entire length of the annexation and if the city and the county each approve the proposed annexation as a published agenda item at a regular public meeting of their respective governing bodies; and

WHEREAS, the property proposed for annexation (i) consists of county right-of-way and roadway (i) is adjacent to the City for its entire length; and

WHEREAS, this Ordinance has been duly posted as an agenda item at a regular meeting of the City Council.

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 parcel of land totaling approximately ± 10.18 acres located along South. Avondale Blvd., generally located between Southern Avenue and Indian Springs Road, as more fully described and depicted in Exhibit A, attached hereto and incorporated herein by

reference (the “Annexation Area”), is hereby annexed into the corporate boundaries of the City of Avondale.

SECTION 3. The City Clerk is hereby authorized and directed to file with the Maricopa County Recorder’s Office a fully executed copy of this Ordinance, together with an accurate map of the Annexation Area.

SECTION 4. 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 5. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, January 23, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE 2004-0123

[Legal Description and Depiction of Annexation Area]

See following pages.

EXHIBIT "A"
ANNEXATION OF
AVONDALE BLVD BRIDGE RIGHT OF WAY
IN MARICOPA COUNTY, STATE OF ARIZONA

A Parcel of Land in the East Half (E 1/2) of Section Thirty-six (36), Township One (1) North, Range One (1) West, of the Gila & Salt River Meridian, Maricopa County, Arizona and being more particularly described as follows:

Commencing at a found brass cap on a concrete cross at the Southeast Corner (SE) of Section Thirty-Six (36) of Township One (1) North Range One (1) West from which a Calculated point at the East Quarter Corner (E1/4) of said Section 36, bears North 00°07'32" East, a distance of 2,647.86 feet based on the Record of Survey PLSS Subdivision, recorded in book 694, Page 38 of the Maricopa County Recorder's Office;

THENCE along the Section line, North 00 degrees 07 minutes 32 seconds East, a distance of 1332.97 feet;

THENCE Departing Said Line South 89 degrees 52 minutes 28 seconds West, a distance of 695.81 feet to the Point of Beginning;

THENCE North 89 degrees 22 minutes 52 seconds West a distance of 207.60 feet;

THENCE North 19 degrees 07 minutes 40 seconds East a distance of 1995.73 feet;

THENCE South 83 degrees 18 minutes 23 seconds West a distance of 24.87 feet;

THENCE North 26 degrees 48 minutes 14 seconds East a distance of 333.05 feet;

THENCE North 08 degrees 53 minutes 10 seconds East a distance of 30.93 feet;

THENCE North 08 degrees 52 minutes 43 seconds East a distance of 97.57 feet;

THENCE North 90 degrees 00 minutes 00 seconds East a distance of 51.18 feet;

THENCE South 00 degrees 07 minutes 32 seconds West a distance of 458.43 feet;

THENCE South 19 degrees 07 minutes 40 seconds West a distance of 1958.84 feet to the Point of Beginning;

Containing 443,265.4 sqft or 10.18 acres more or less

Prepared by:
Thomas Lavalette, RLS.
AZ # 37258
Engineering Alliance, Inc.
1423 S. Higley Rd., Suite 121, Building 9
Mesa, Arizona 85206
Phone: (602) 757-6032
Email: tlavalette@eaincglobal.com

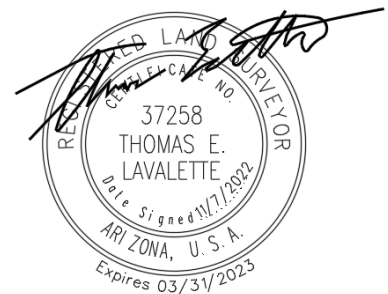


EXHIBIT "A"

500-69-001P

N19° 07' 40"E
1995.73'

98' ROW

98' ROW

S19° 07' 40"W
1958.84'

500-69-001R

N89° 22' 52"W

207.60'

S89° 52' 28"W

695.81'

P.O.B.

500-69-081B

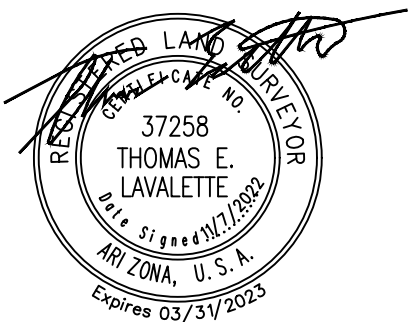
S. AVONDALE & BOULEVARD

500-69-081C

1332.97'

SECTION LINE BASIS OF BEARING
N00° 07' 32"E 2647.86'

POINT OF COMMENCING
SE. CORNER SECTION 36
FND BRASS CAP FLUSH ON
CONCRETE CROSS



SCALE:
NTS

T1N R1W



ENGINEERING ALLIANCE
INC

PROJECT: 2022-M-88

DATE: 11-7-2022

CHKD BY: TL

DRN BY: BL

SCALE: N.T.S.

TITLE:

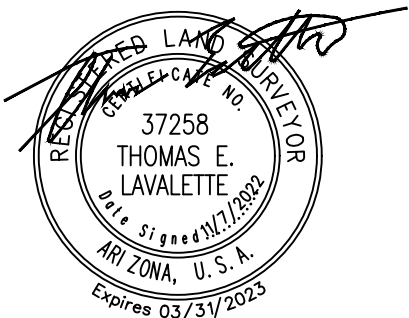
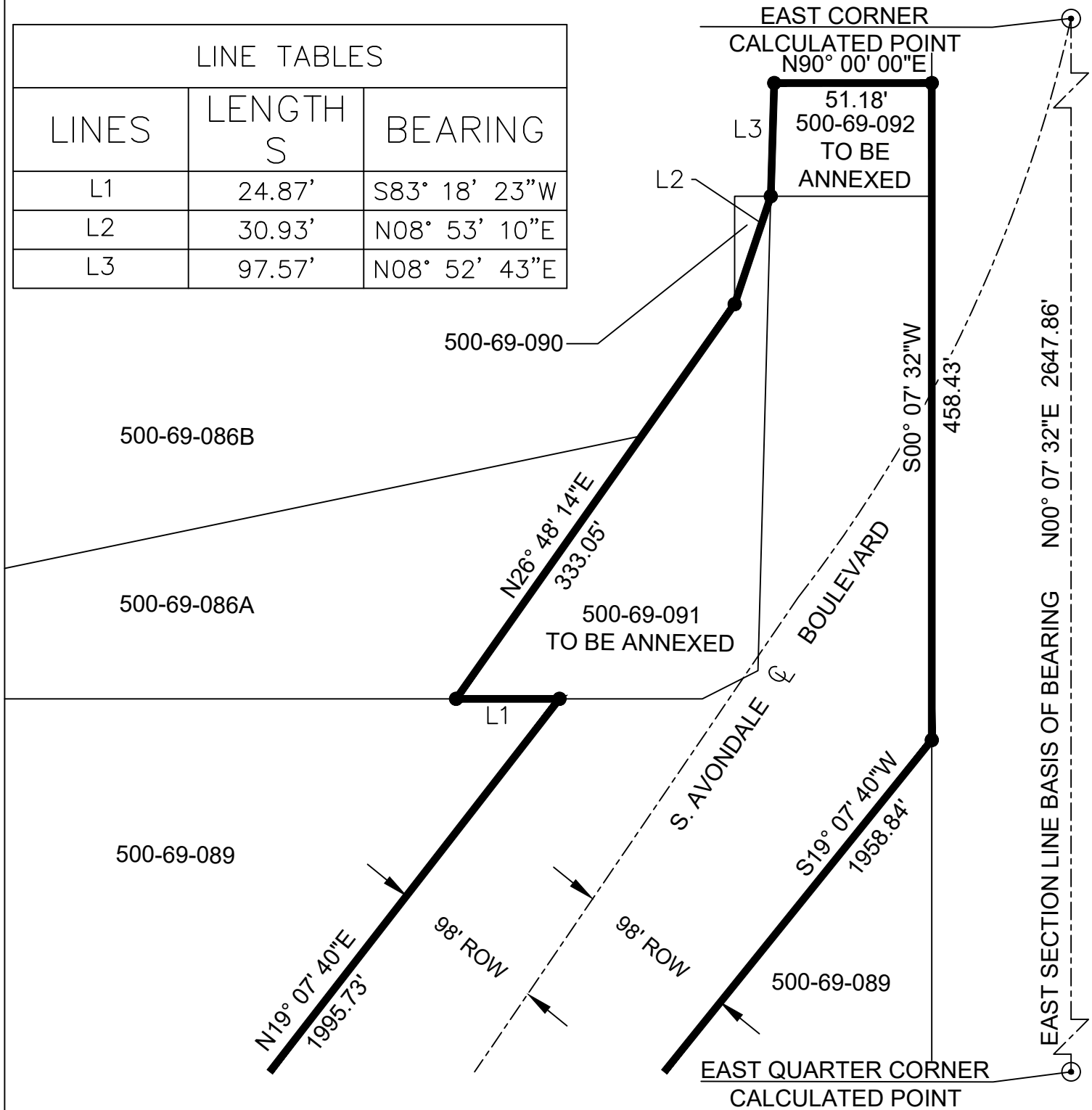
ANNEXATION OF
AVONDALE BOULEVARD

SHEET NO: 1 OF 2

EXHIBIT "A"

LINE TABLES

LINES	LENGTH S	BEARING
L1	24.87'	S83° 18' 23"W
L2	30.93'	N08° 53' 10"E
L3	97.57'	N08° 52' 43"E



SCALE:
NTS

T1N R1W



ENGINEERING ALLIANCE
INC

PROJECT: 2022-M-88

DATE: 11-7-2022

CHKD BY: TL

DRN BY: BL

SCALE: N.T.S.

TITLE:

ANNEXATION OF
AVONDALE BOULEVARD

SHEET NO: 2 OF 2

CITY COUNCIL REPORT

SUBJECT: Ordinance 2005-0123 – Abandonment of Elwood Street Right of Way

MEETING DATE: 1/23/2023

TO: Mayor and Council

FROM: Aric Stewart, Director, Engineering Department

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

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 and common values.

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

PURPOSE:

City Council will consider a request to adopt Ordinance 2005-0123 authorizing the abandonment of Elwood Street right of way generally located south of Lower Buckeye Road and east of El Mirage Road, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Maricopa County acquired a 40-foot-wide permanent easement and right of way along Elwood Street as recorded in Docket Number 10339, Page 130, with the Maricopa County Recorder's Office. This right of way was automatically conveyed to the City of Avondale when the City adopted Ordinance No. 715-99 on September 20, 1999, that extended and increased the corporate limits of the City.

City Council approved "Final Plat Cantada Ranch" on June 20, 2005, which was recorded in Book 771, Page 49, with the Maricopa County Recorder's Office. The plat referenced a 40-foot highway easement to be abandoned by the plat, however the easement should have been abandoned by a separate City Council action and not by recorded plat.

DISCUSSION:

Staff wishes to abandon the highway easement in the proper manner by adoption of an ordinance by City Council authorizing the abandonment of the easement. All existing easements for utilities and access are to remain.

BUDGET IMPACT:

There is no impact to the budget for this action.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance authorizing the abandonment of Elwood Street right of way generally located south of Lower Buckeye Road and east of El Mirage Road, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Yulonda Moore

PROPOSED ELWOOD STREET RIGHT OF WAY ABANDONMENT



ORDINANCE NO. 2005-0123

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ABANDONING WHATEVER RIGHT, TITLE, OR INTEREST IT HAS IN THAT CERTAIN RIGHT-OF-WAY GENERALLY LOCATED EAST OF SOUTH EL MIRAGE ROAD AND NORTH OF WEST ELWOOD STREET.

WHEREAS, Maricopa County, Arizona established a roadway generally located east of South El Mirage Road and north of West Elwood Street in the City pursuant to the Easement and Agreement for Highway Purposes recorded as Instrument No. 10339-130-131 in the Office of the Maricopa County Recorder on October 3, 1973 (the "Right-of-Way"); and

WHEREAS, the Council of the City of Avondale (the "City Council") dedicated the a 40 foot right-of-way by Plat for utility purposes in the Cantada Ranch Subdivision, identified as Tract R, Maricopa County Assessor Parcel No. 500-66-266 and recorded on August 23, 2005 at Docket 771 Page 49 in the Office of the Maricopa County Recorder; and

WHEREAS, pursuant to Article I, Section 3 of the Avondale City Charter, the City may abandon a right-of-way as the City's interests may require; and

WHEREAS, the City Council (i) has determined that the Right-of-Way has no useful purpose or value and (ii) desires to abandon whatever right, title, or interest it has in the Right-of-Way; and

WHEREAS, the City desires to reserve and except from the abandonment a public utility easement (the "Easement") through, over, under and across a portion of the Right of Way, as convenient or necessary for use and operation by the City.

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 Right-of-Way, as more particularly described and depicted in Exhibit A, attached hereto and incorporated by reference, is hereby abandoned by the City to the owners of record of Maricopa County Assessor's Parcel No. 500-66-266, real property contiguous to the abandoned Right-of-Way.

SECTION 3. The Easement, as more particularly described and depicted in Exhibit B, attached hereto and incorporated by reference is hereby reserved by the City.

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, January 23, 2023.

Kenneth Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2005-0123

[Legal Description and Map of Right-Of-Way]

See following pages.

EXHIBIT "A"
Dedication of Right of Way
IN MARICOPA COUNTY, STATE OF ARIZONA

A Parcel of Land in the Northwest Quarter (NW 1/4) of Section Twenty-Four (24), Township One (1) North, Range One (1) West, of the Gila & Salt River Meridian, Maricopa County, Arizona and being more particularly described as follows:

Commencing at a found rebar with aluminum cap RLS # 37786 at the intersection of El Mirage Road and Elwood Street also being the West Quarter Corner (W1/4) of section 24 from which a found Brass Cap in Hand Hole at the Northwest Section corner (NW) of said Section 24, at the intersection of El Mirage Road and Buckeye Road, bears North 01°08'30" West, a distance of 2,614.32 feet based on a Record of Survey drawing " Pylman Dairy" recorded in book 1184, Page 2 of the Maricopa County Recorder's Office;

THENCE along the Centerline of Elwood Street, South 89 degrees 56 minutes 28 seconds East, a distance of 712.56 feet to the **point of Beginning**;

THENCE North 00 degrees 03 minutes 29 seconds East a distance of 40.00 Feet;

THENCE South 89 degrees 56 minutes 28 seconds East, a distance of 603.27 feet;

THENCE South 00 degrees 54 minutes 58 seconds East a distance of 40.00 feet to a point on the Centerline of Elwood Street;

THENCE continuing along said centerline North 89 degrees 56 minutes 28 seconds West a distance of 603.95 feet to the **Point of Beginning**;

Containing 24,140.7 sqft or 0.55 acres more or less

Prepared by:
Thomas Lavalette, RLS.
AZ # 37258
Engineering Alliance, Inc.
1423 S. Higley Rd., Suite 121, Building 9
Mesa, Arizona 85206
Phone: (602) 757-6032
Email: tlavalette@eaincglobal.com

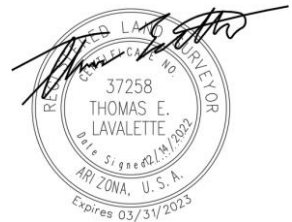
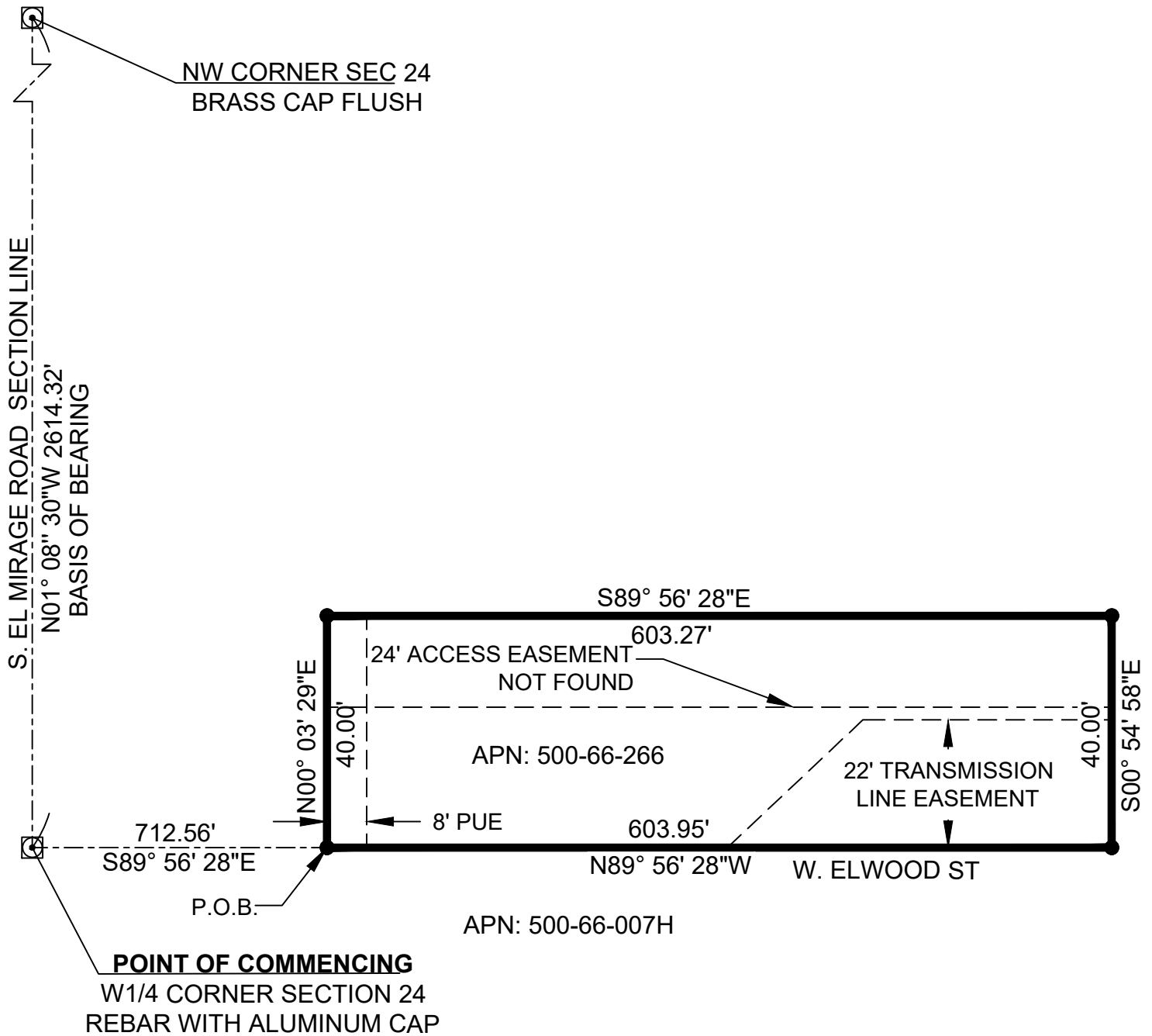
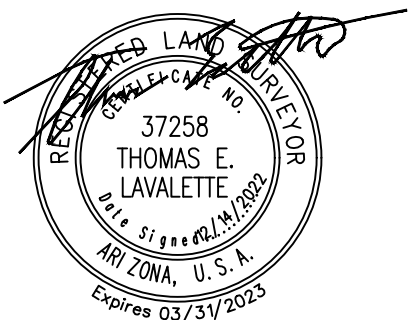


EXHIBIT "A"



SCALE:
NTS

T1N R1W



ENGINEERING ALLIANCE
INC

PROJECT: 2022-M-105

DATE: 12-14-2022

CHKD BY: TL

DRN BY: BL

SCALE: N.T.S.

TITLE:

APN: 500-66-266
DEDICATION OF RIGHT OF
WAY

SHEET NO: 1 OF 1

EXHIBIT B
TO
ORDINANCE NO. 2005-0123

[Legal Description and Map of Reserved Easement]

See following pages.

EXHIBIT "B"
WATER AND SEWER
EASEMENT
IN MARICOPA COUNTY, STATE OF ARIZONA

A Parcel of Land in the Northwest Quarter (NW 1/4) of Section Twenty-Four (24), Township One (1) North, Range One (1) West, of the Gila & Salt River Meridian, Maricopa County, Arizona and being more particularly described as follows:

Commencing at a found rebar with aluminum cap RLS # 37786 at the intersection of El Mirage Road and Elwood Street also being the West Quarter Corner (W1/4) of section 24 from which a found Brass Cap in Hand Hole at the Northwest Section corner (NW) of said Section 24, at the intersection of El Mirage Road and Buckeye Road, bears North 01°08'30" West, a distance of 2,614.32 feet based on a Record of Survey drawing " Pylman Dairy" recorded in book 1184, Page 2 of the Maricopa County Recorder's Office;

THENCE along the Centerline of Elwood Street, South 89 degrees 56 minutes 28 seconds East, a distance of 712.56 feet to the **point of Beginning**;

THENCE North 00 degrees 03 minutes 29 seconds East a distance of 40.00 Feet;

THENCE South 89 degrees 56 minutes 28 seconds East, a distance of 603.27 feet;

THENCE South 00 degrees 54 minutes 58 seconds East a distance of 40.00 feet to a point on the Centerline of Elwood Street;

THENCE continuing along said centerline North 89 degrees 56 minutes 28 seconds West a distance of 603.95 feet to the **Point of Beginning**;

Containing 24,140.7 sqft or 0.55 acres more or less

Prepared by:
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Engineering Alliance, Inc.
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Mesa, Arizona 85206
Phone: (602) 757-6032
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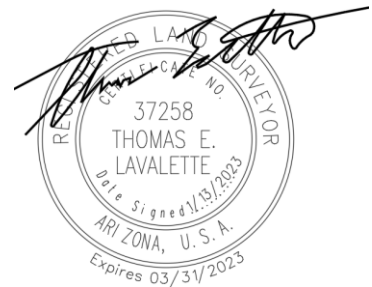
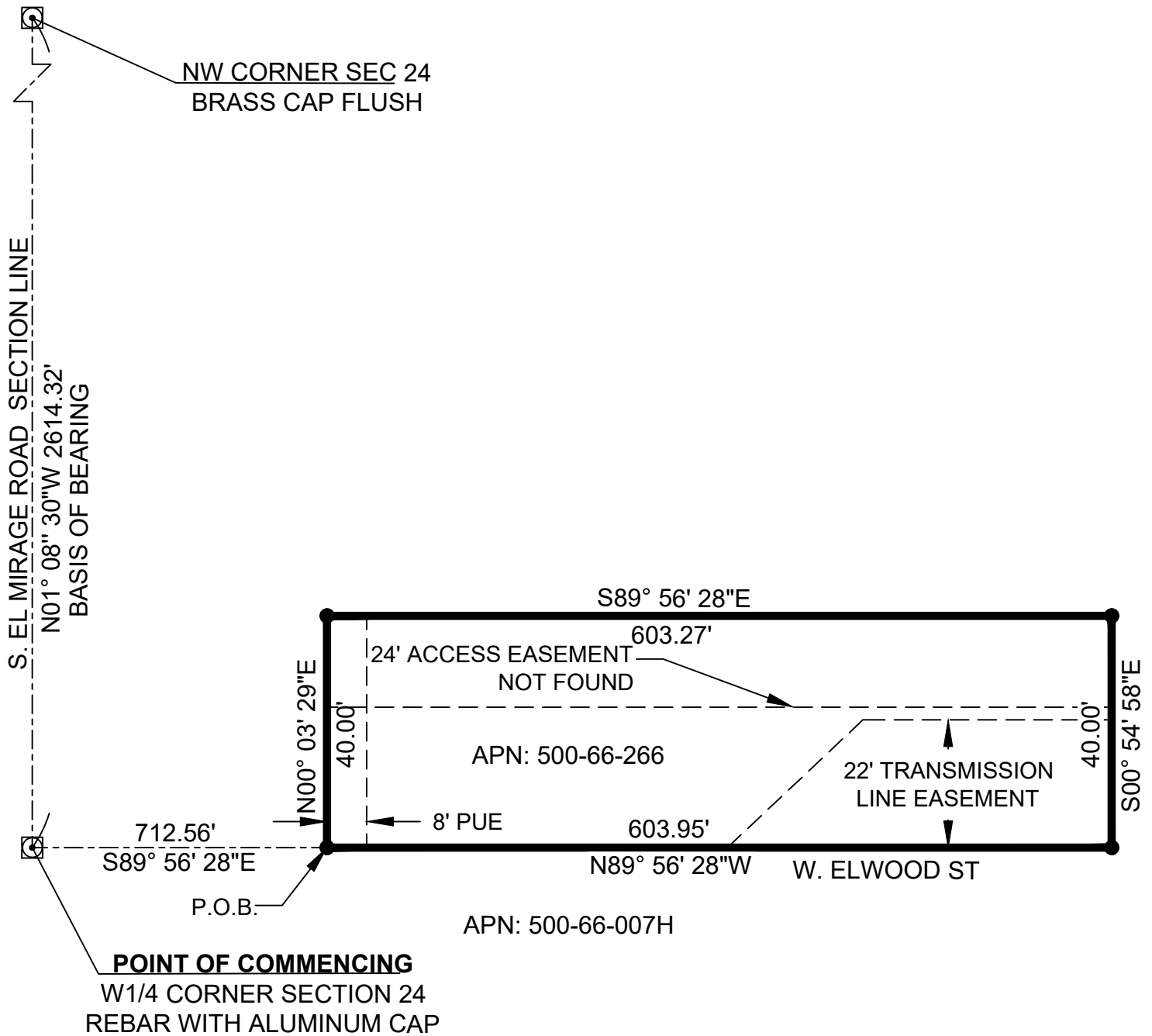
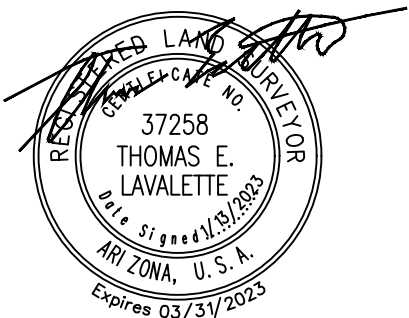


EXHIBIT "B"



SCALE:
NTS

T1N R1W



ENGINEERING ALLIANCE
INC

PROJECT: 2023-M-002

DATE: 1-13-2023

CHKD BY: TL

DRN BY: BL

SCALE: N.T.S.

TITLE:

APN: 500-66-266 WATER
AND SEWER EASEMENT

SHEET NO: 1 OF 1

CITY COUNCIL REPORT

SUBJECT: Public Hearing and Resolution 1011-0123 – Hermosa Ranch Technology Campus - South Minor General Plan Amendment – Application PL-22-0163

MEETING DATE: 1/23/2023

TO: Mayor and Council

FROM: Jodie Novak, Director, Development Services

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

STRATEGIC OUTCOME: Creative and Sustainable Community Development.

STRATEGY: Maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:

City Council will hold a public hearing and consider a request to adopt Resolution 1011-0123, approving a request by Carolyn Oberholtzer of Bergin, Frakes, Smalley, and Oberholtzer, PLLC for a Minor Amendment to the Avondale General Plan 2030 Land Use Map for Hermosa Ranch Technology Campus - South and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. This request is for a proposed 78 gross acre development located one-half mile south of the southwest corner of Avondale Boulevard and Lower Buckeye Road. The proposed Minor General Plan Amendment, if approved, will amend the General Plan 2030 Land Use Map designations for the property from Medium Density Residential to Business Park. The Council will take appropriate action.

BACKGROUND:

The 78-acre subject property (Exhibits A and B) is located one half mile south of the southwest corner of Avondale Boulevard and Lower Buckeye Road and is made up of two parcels, 500-66-005C (53.45 acres) and 500-66-005D (24.07 acres). This site is currently vacant.

Both parcels were annexed into the City's corporate limits on April 15, 2008. The site is currently zoned Diamond P Ranch Planned Area Development (PAD), which permits uses typical of single-family residential. The site is located along Avondale Boulevard which is designated as an Employment and Growth Corridor in the General Plan.

The existing uses and zoning of surrounding properties include:

North: Diamond P Ranch Planned Area Development (PAD) and Fleming Farms Planned Area Development (PAD); Agricultural, Vacant

South: Alamar Planned Area Development (PAD); Vacant

East: Shadow Ridge Planned Area Development (PAD), County Zoned Single Family Residential, and Rural

Residential (RR-43); Vacant, Large Lot Single-Family Residential, Goodyear Raw Water Pump Station

West: Rural Residential (RR-43); Electrical Substation

SUMMARY OF REQUEST:

The applicant is requesting approval of a Minor General Plan Amendment (GPA) to the General Plan 2030 Land Use Map to facilitate development of Hermosa Ranch Technology Campus - South, a planned Technology Campus with a Data Center and related employment uses, in accordance with the Narrative document dated September 6, 2022 (Exhibit D).

The requested Minor GPA will change the designation of the site from Medium Density Residential (MDR) to Business Park (BP). The Medium Density Residential designation is a land use category which primarily accommodates the development of suburban detached single-family residential within a density range of 2.5 to 4.0 dwelling units per acre, with a target density of 2.5. The Business Park designation allows for large scale campus development that provides abundant employment opportunities and offers amenities such as attractive streetscapes with excess landscaped setbacks, pedestrian connections, efficient circulation, and refuge areas for active and passive activities to keep a healthy lifestyle for all employees. The category accommodates enclosed light manufacturing, corporate commerce, offices, data centers, research and development industries, solar and renewable energy manufacturers, motor sports related manufacturing, and limited warehouse and support services that support these primary employment uses.

There is a separate request to rezone the site to Planned Area Development (PAD). Approval of this GPA request is required for the rezoning to be approved, which is scheduled for the same Planning Commission and City Council meetings.

PUBLIC PARTICIPATION:

A neighborhood meeting to discuss the proposal with neighboring property owners and other interested parties was held on July 25, 2022. An overview of the discussion topics is outlined in the Neighborhood Meeting Summary, attached as Exhibit E. In addition to City Staff and the applicant's team, two (2) people attended the virtual meeting, one (1) council member and one (1) citizen.

General questions were asked regarding the cooling system, number of jobs that will be created with this project, proposed height, and tentative building schedule. No opposition was voiced at the meeting.

All required notifications for the Planning Commission and City Council public hearings have been completed. To date, no public comments regarding this project have been received.

PLANNING COMMISSION ACTION:

On December 14, 2022, the Planning Commission conducted a public hearing on the General Plan Amendment alongside a public hearing on the Rezone.

The Commission had a number of questions regarding water conservation efforts, the relationship between the project and Rudd Substation, whether there are any known tenants or future plans for expansion at this time, what the projected number of employees for the data center is anticipated to be, if there will be any bus stops/bus service running to or near this project, what does the laboratory use entail/encompass, building height and how it will affect future residences, and finally, if there are any hazardous materials that will be stored on site.

Upon addressing these questions, the Commission opened the meeting for public comment and received none. The Commission voted unanimously (6-0) to recommend approval of the proposed Rezoning.

ANALYSIS:

The **Avondale General Plan 2030** establishes the **four (4) findings** that must be met in order to grant amendments to the General Plan. The City Council must determine that the proposed amendment meets four (4) findings prior to recommending approval.

Staff's analysis of each required finding is presented below:

1. The development pattern contained on the Land Use Plan inadequately provides the appropriate optional sites for the use or change proposed in the amendment.

This amendment will facilitate employment uses at an appropriate location where alternatives are not available. The site's current land use designation of MDR does not allow for a major employment center, and as a result, do not advance the Avondale Boulevard Employment and Commercial Corridor. This site is ideally located within a planned Growth Corridor, Opportunity Zone, and adjacent to supportive power and transportation infrastructure. The current General Plan does not have other Business Park (BP) sites with these advantages. Within the southern portion of the City, there are no BP sites in excess of 300 acres.

2. The amendment constitutes an overall improvement in the 2030 Plan and is not solely for the good or benefit of a particular landowner or owners.

This Minor GPA improves the General Plan by introducing supportive land uses to planning areas designed to attract employment investment. This Minor GPA provides new business opportunities within Avondale, particularly within the technological market that continues to rapidly grow and is attracted to areas with access to reliable power. This amendment reinforces Avondale's economic stability and sustainability.

3. The amendment will not adversely impact the community as a whole and/or a portion of the community by: (1) significantly altering acceptable land use patterns; (2) requiring large and more expensive public infrastructure improvements including, but not limited to roads, water, wastewater, and public safety facilities than would otherwise be needed without the proposed change, or (3) adversely impacting the existing land use.

The amendment does not significantly alter acceptable land use patterns, but rather, advances the General Plan's land use goals and brings new jobs close to where residents live as a part of the Avondale Boulevard Employment and Commercial Corridor, recognized in the General Plan as a major corridor for employment uses.

This Minor GPA will not require larger and more expensive public infrastructure improvements. Replacing residential with employment uses will likely generate less demand for public safety services, and less traffic impact while providing a significant revenue enhancement to the City. The site is ideally located to take advantage of the existing streets and transportation network.

The development will be required to construct Avondale Boulevard to the City's Minor Arterial street cross-section along the project's street frontage. The site will have two full access driveways onto Avondale Boulevard with left-turn lanes and a right-turn deceleration lane for the north driveway. As the data center will be utilizing a closed-loop cooling system, the development requires minimal water use for system start up and ongoing maintenance with little impact on the City's water system.

The companion rezoning case for a data center development and future uses will establish necessary water and wastewater infrastructure to the site. Adjacency to the Rudd Substation is ideal for the proposed change.

This Minor GPA will not adversely impact land uses. Avondale has expectations for high-quality site design and landscaping in the Avondale Boulevard Employment and Commercial Corridor. The proposed project, through the rezoning case, will establish setbacks to ease transitions to surrounding existing and planned uses.

4. The amendment is consistent with the overall intent of the General Plan 2030 and other adopted plans, codes, and ordinances.

This Minor GPA is consistent with the overall intent of the General Plan 2030, and the Avondale Boulevard Employment and Commercial Corridor. This amendment encourages new investment, job creation, and a change to land use that advances economic sustainability and employment diversity.

There is also support for this request in Avondale's Five-Year Strategic Plan. The Strategic Plan provides in its Creative and Sustainable Community Development Strategic Outcome Area that "economic development is also a key focus area for the city". Identified strategies include "housing that is affordable to workers and close to their jobs." With the Alamar and Verde Trails neighborhoods in close proximity to the site, there are thousands of residents within the vicinity of the proposed employment use.

The proposed amendment furthers several goals of the General Plan 2030, including but not limited to:

Land Use Element Goal #3, Policy D: "Ensure adequate transitions and/or buffers are provided when adjacent land uses vary in character and intensity."

Land Use Element Goal #4, Policy C: "Ensure Avondale is at the forefront of any emerging markets by continuously updating codes and policies to include standards for new business types and technologies".

Economic Element Goal #3, Policy E: "Increase the supply of developable Business Park land and promote a flexibility of uses within."

Economic Element Goal #10, Policy A: "Support efforts to locate and develop additional business park and industrial land along Avondale's business corridor."

DISCUSSION:

The proposal meets the four (4) required findings for General Plan Amendments as detailed in the Analysis section, above.

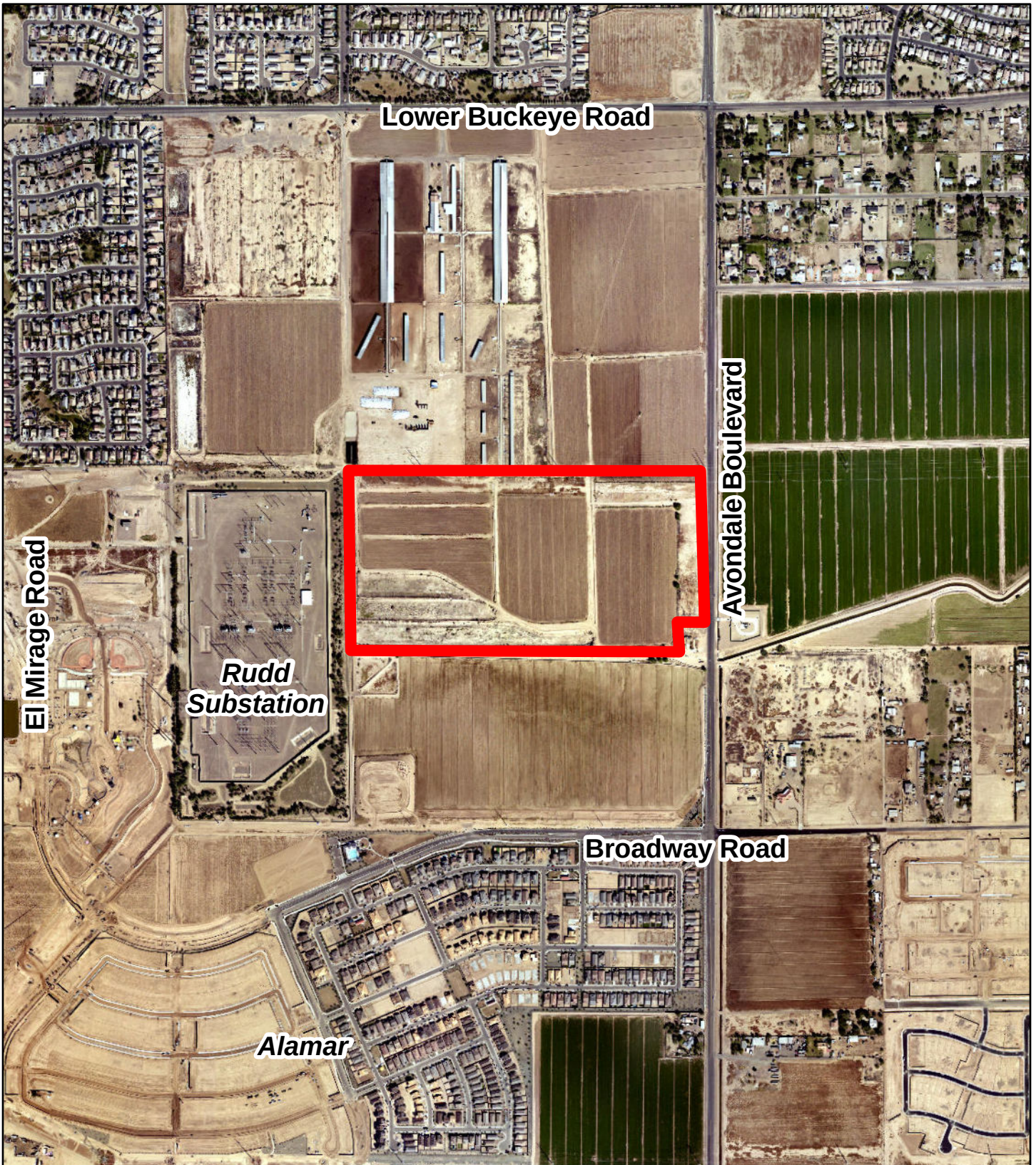
BUDGET IMPACT:

No budget impacts at this time.

RECOMMENDATION:

City Council will conduct a public hearing and **ADOPT** a Resolution approving Application PL-22-0163 Hermosa Ranch Technology Campus - South, a request for a Minor Amendment to the General Plan 2030 Land Use Map, changing the land use designation from Medium Density Residential to Business Park.

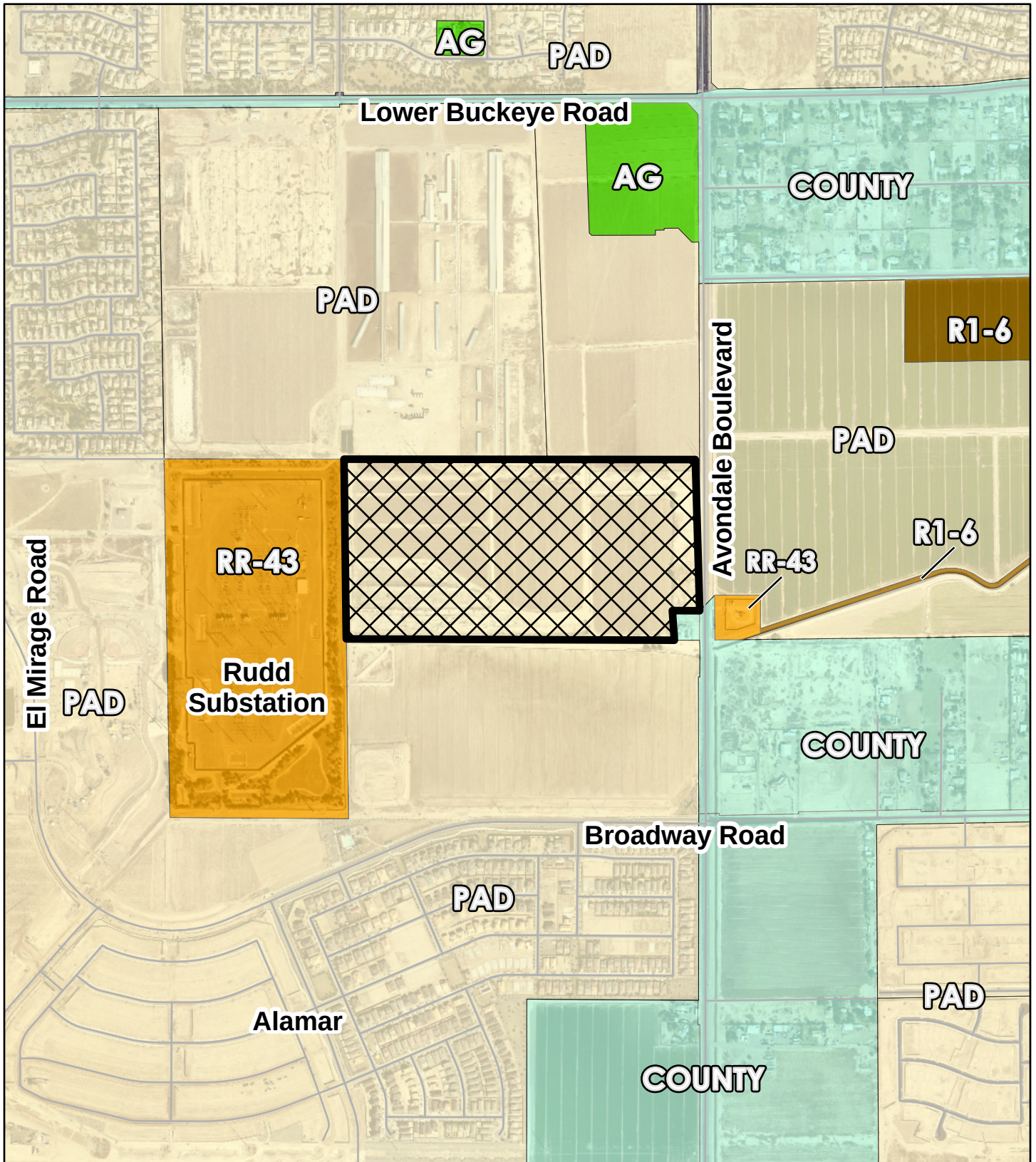
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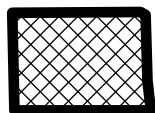
Aerial Photograph



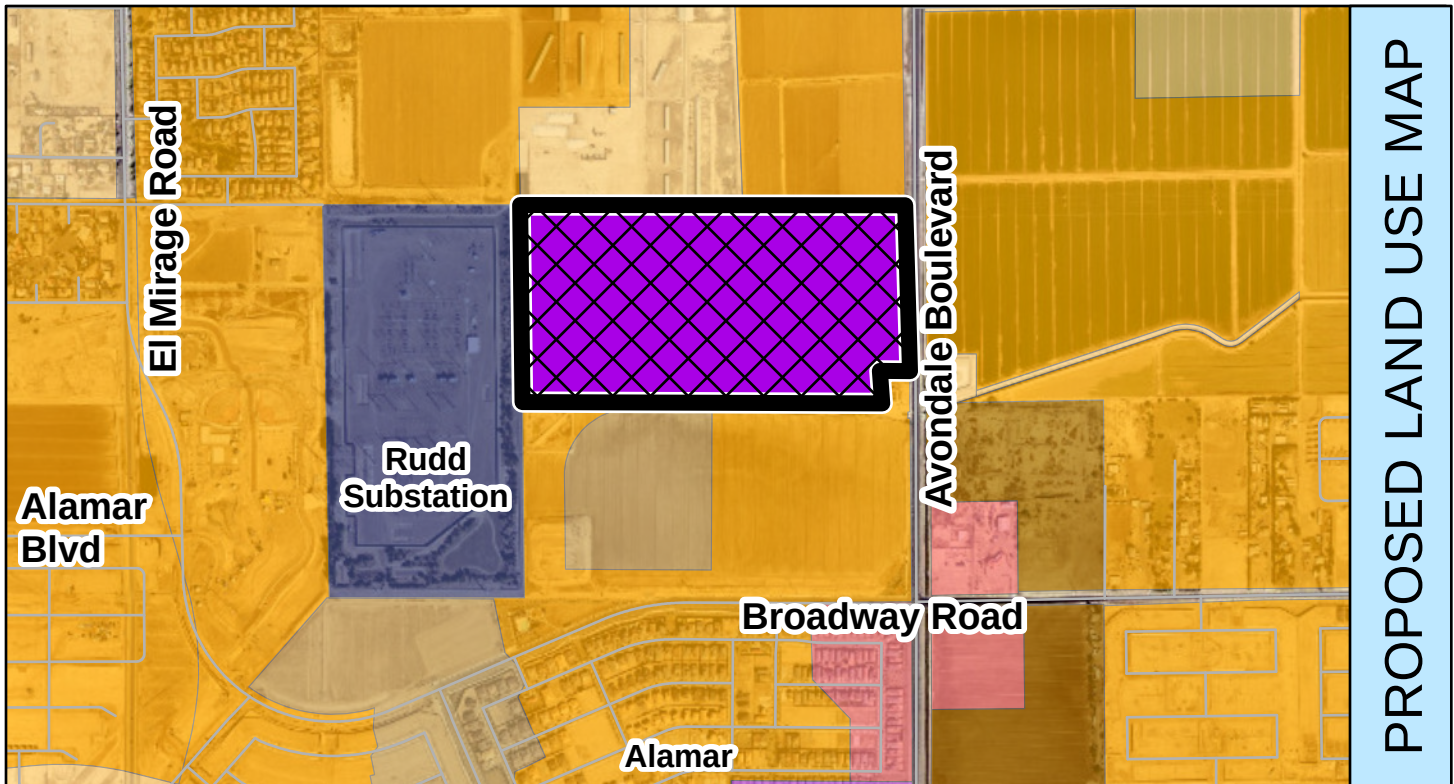
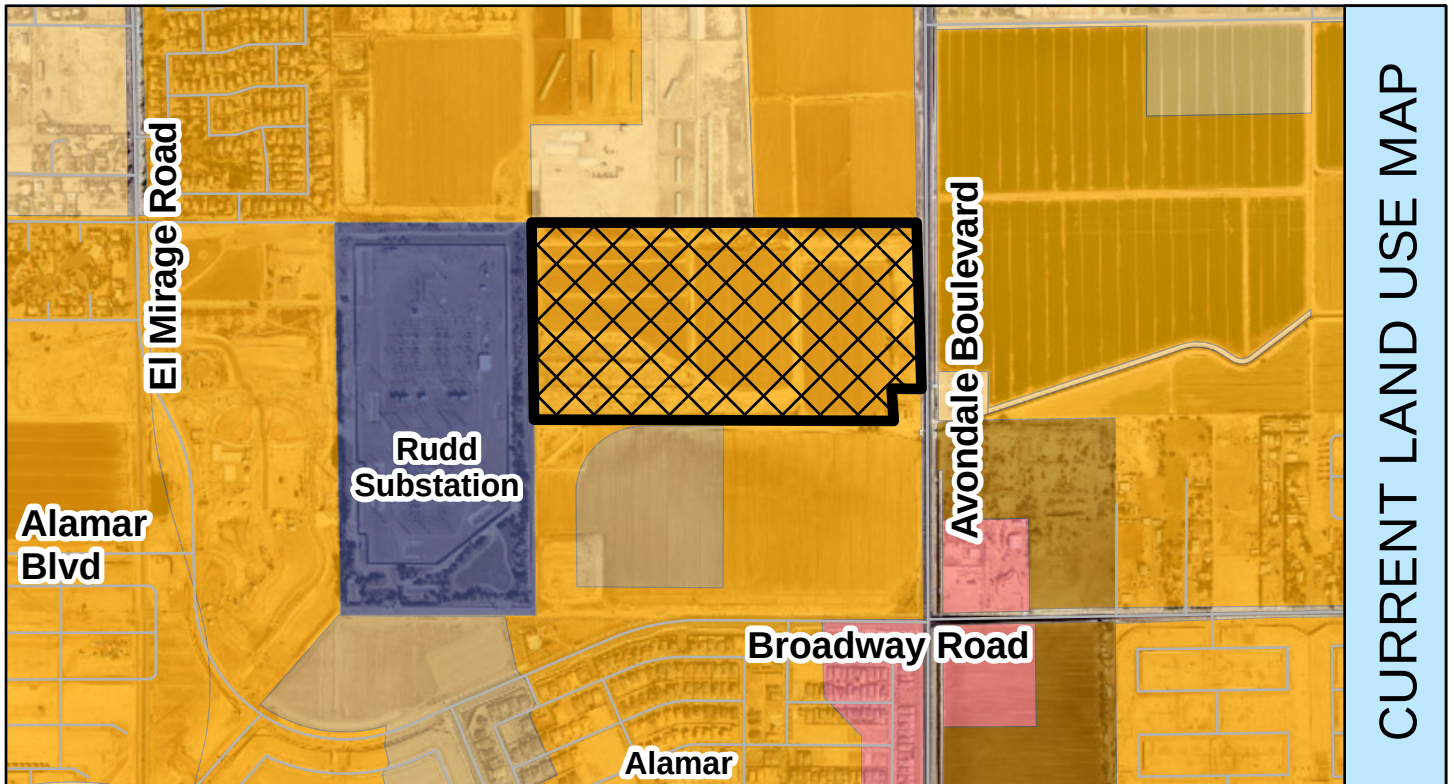
Subject Property



Zoning Vicinity



Subject Property

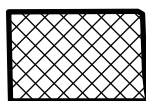


General Plan Land Use



- Local Commercial
- Low Density Residential
- Medium Density Residential
- Medium High Density
- High Density Residential

- Business Park
- Public / Civic



Subject Property

HERMOSA RANCH

TECHNOLOGY CAMPUS | SOUTH

MINOR GENERAL PLAN AMENDMENT

Application PL-22-0163



May 19, 2022
Revised: September 6, 2022

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*NOTE: ALL IMAGES LOCATED WITHIN THIS GPA ARE INTENDED TO CONVEY DESIGN INTENT AND ARE CONCEPTUAL IN NATURE.



I. INTRODUCTION

This Minor General Plan Amendment (GPA) request is necessary to facilitate the future development of Hermosa Ranch Technology Campus - South, a data center campus with additional ancillary uses and buildings located on approximately 78 acres a half mile south of the southwest corner of Avondale Boulevard and Lower Buckeye Road (the "Property"). The Property is located within the Tres Rios Opportunity Zone, along the Avondale Boulevard Employment and Commercial Corridor, and immediately north of the South Core Growth Area which calls for "medium density commercial and employment uses". This GPA request will bring employment uses to the Property and provide a transition of intensity in alignment with the City's long range planning efforts.

Hermosa Ranch Technology Campus – South is designed to include a data center campus with supporting ancillary uses and a battery energy storage facility in an arrangement that will complement the surrounding built and planned environment. The large scale campus development will be located behind gated and secured entrances with large landscape setbacks. Specific land use, development standards, site and architectural design guidelines are provided as a part of the companion Planned Area Development (PAD) Rezoning request, with the intent to complement surrounding existing and planned uses. The technology campus will provide a substantial revenue source for the City of Avondale and school districts and a significant investment in the community, infrastructure, street improvements, and employment opportunities, which will ultimately benefit the surrounding residential areas.

II. SUMMARY OF REQUEST

The purpose of this GPA request is to introduce employment uses into a planned employment corridor by modifying the current General Plan land use designation from Medium Density Residential (MDR) to Business Park (BP). The requested land use modification of BP on the Property will help to establish the Avondale Boulevard Employment and Commercial Corridor, as envisioned in the General Plan, and provide employment opportunities in this rapidly expanding growth area near existing infrastructure and the future SR30 Freeway.

Although the Sierra Estrella Energy Storage Facility could develop under the current entitlements, the proposed GPA and companion PAD requests are required for the future data center component and ancillary uses. The companion PAD includes all uses within the Property and carries forth the current entitlement requirements associated with the battery energy storage facility.

III. SITE CONTEXT

Existing Conditions

The Property is located within the southern portion of the existing Diamond P Ranch property. Diamond P Ranch (Case No. Z-07-4) was annexed into the City of Avondale and rezoned to PAD in 2008 to allow 589 single family detached dwelling units, and a potential school site for the Littleton Elementary School District. Preliminary plats were prepared, but never approved.

The approximately 78 acres associated with this request is located within and immediately south of the SRP, APS and WAPA power line corridor (230kV), between the existing Rudd Substation to the west and Avondale Boulevard to the east, and approximately a half mile south of Lower Buckeye Road. The site has a flood delineation of Zone "X" and slopes towards the south and southwest. Currently the Property is part of a larger operational dairy and agricultural farm.

Compatibility With Surrounding Area

The current Avondale General Plan land use designation for the Property is MDR, with a zoning designation of PAD. The Avondale Boulevard Employment and Commercial Corridor runs along the eastern portion of the Property, which is also located within the Tres Rio Opportunity Zone, further emphasizing the desire to activate this site with an employment-based use. The minor General Plan Amendment request to BP will complement the surrounding neighborhood and meets the intent of the BP land use category to attract and support “large scale campus development that provides abundant employment opportunities.” The proposed Hermosa Ranch Technology Campus – South will integrate into the surrounding area in a manner which promotes compatibility with existing and planned uses.

The proposed technology campus is compatible with the immediately surrounding area which includes an arterial roadway to the east, powerline corridor to the north and electrical substation to the west. The southern boundary, adjacent to the Alamar community, will include special design considerations that will include increased building setbacks and enhanced landscape buffers which are provided for in the companion PAD. The proposed BP uses will also generate a significantly lower traffic intensity than the currently allowed MDR, providing additional compatibility with the existing and planned residential in the surrounding area.

The existing uses and zoning of surrounding properties include:

TABLE 1 | EXISTING CONDITIONS

LOCATION	GENERAL PLAN LAND USE	EXISTING ZONING	EXISTING USE
SITE	MEDIUM DENSITY RESIDENTIAL	PAD (Z-07-4)	POWERLINE CORRIDOR, DAIRY, AGRICULTURE
NORTH	ESTATE/LOW DENSITY RESIDENTIAL, MEDIUM DENSITY RESIDENTIAL	PAD (Z-07-04 AND Z-05-18)	POWERLINE CORRIDOR, DAIRY, AGRICULTURE
SOUTH	MEDIUM DENSITY RESIDENTIAL, MEDIUM HIGH DENSITY RESIDENTIAL	PAD (PL-19-0231)	FUTURE ALAMAR MASTER PLANNED COMMUNITY
EAST	MEDIUM DENSITY RESIDENTIAL	PAD (PL-21-0087)	FUTURE SHADOW RIDGE COMMUNITY
WEST	PUBLIC / CIVIC	RR-43	SRP/APS RUDD SUBSTATION



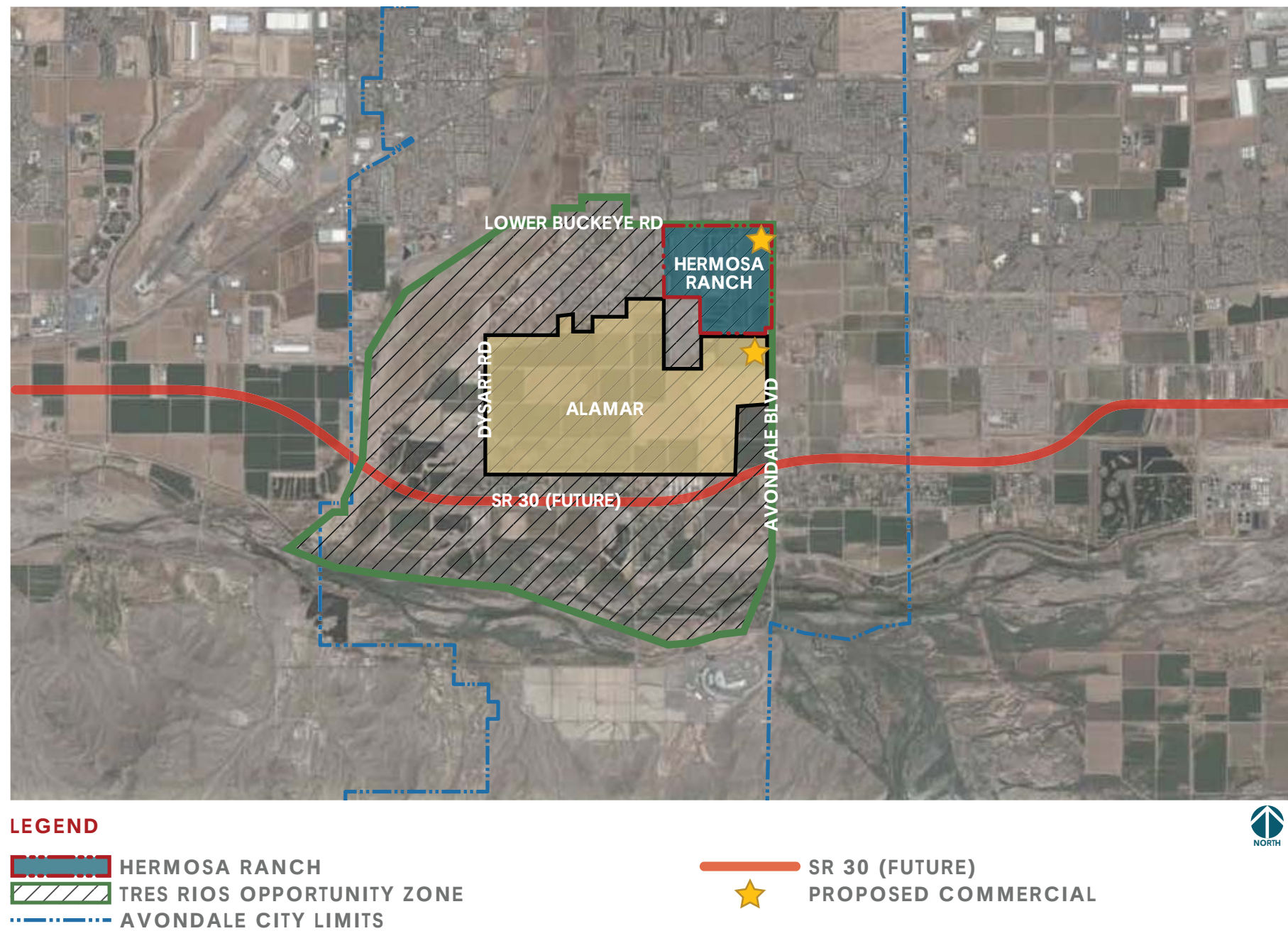
LEGEND

- HERMOSA RANCH
- AVONDALE CITY LIMITS

- RIVER/WATERSHED AREA
- MARICOPA COUNTY JURISDICTION



EXHIBIT 2 | TRES RIOS OPPORTUNITY ZONE



LEGEND

- HERMOSA RANCH
- TRES RIOS OPPORTUNITY ZONE
- AVONDALE CITY LIMITS

- SR 30 (FUTURE)
- ★ PROPOSED COMMERCIAL

EXHIBIT 3 | VICINITY MAP



LEGEND

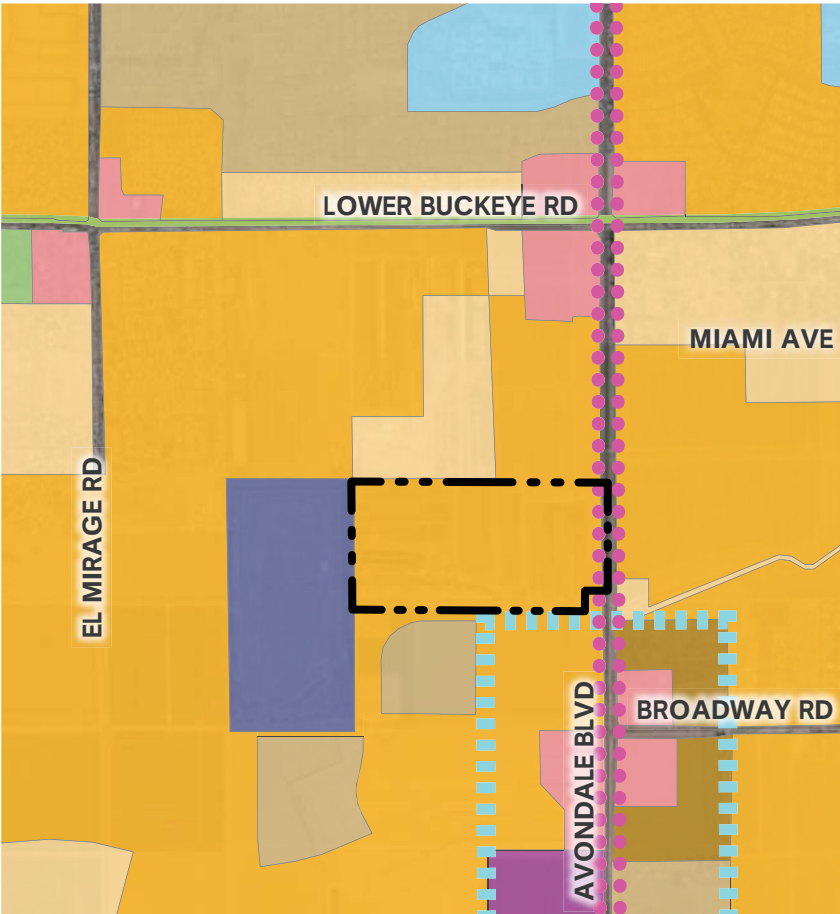
HERMOSA RANCH TECHNOLOGY CAMPUS - SOUTH
 AVONDALE CITY LIMITS

RIVER/WATERSHED AREA
 MARICOPA COUNTY JURISDICTION



EXHIBIT 4 | GENERAL PLAN

EXISTING GENERAL PLAN

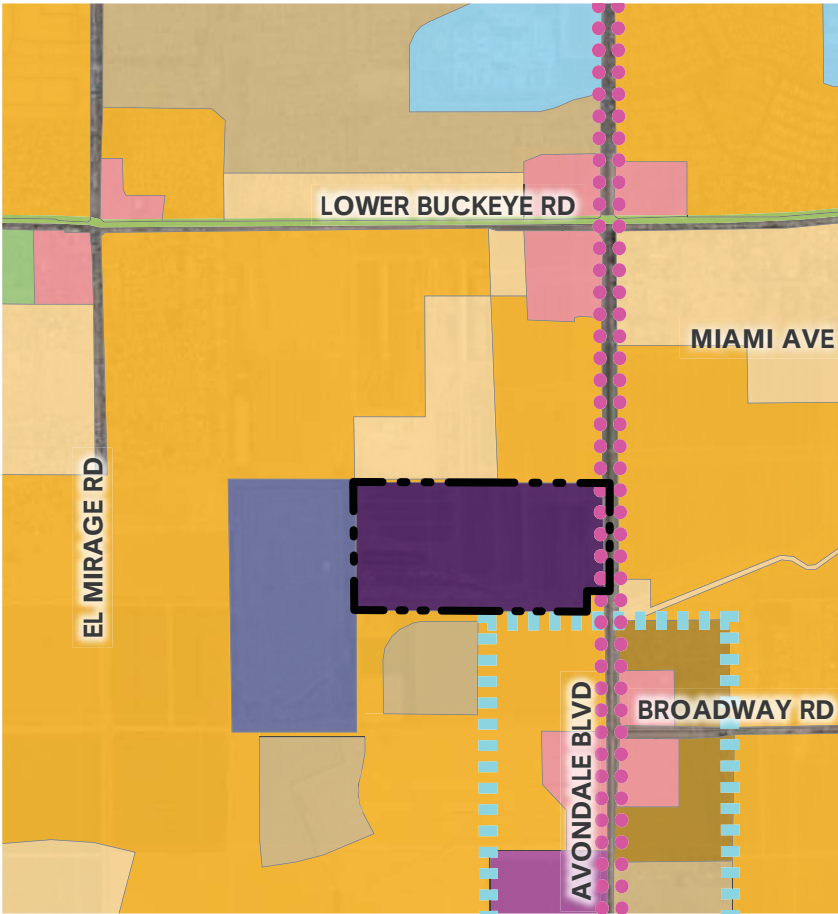


LEGEND

- MEDIUM DENSITY RESIDENTIAL
- ESTATE/LOW DENSITY RESIDENTIAL
- LOCAL COMMERCIAL
- BUSINESS PARK
- MEDIUM/HIGH DENSITY RESIDENTIAL
- PUBLIC/CIVIC
- OPEN SPACE AND PARKS



PROPOSED GENERAL PLAN



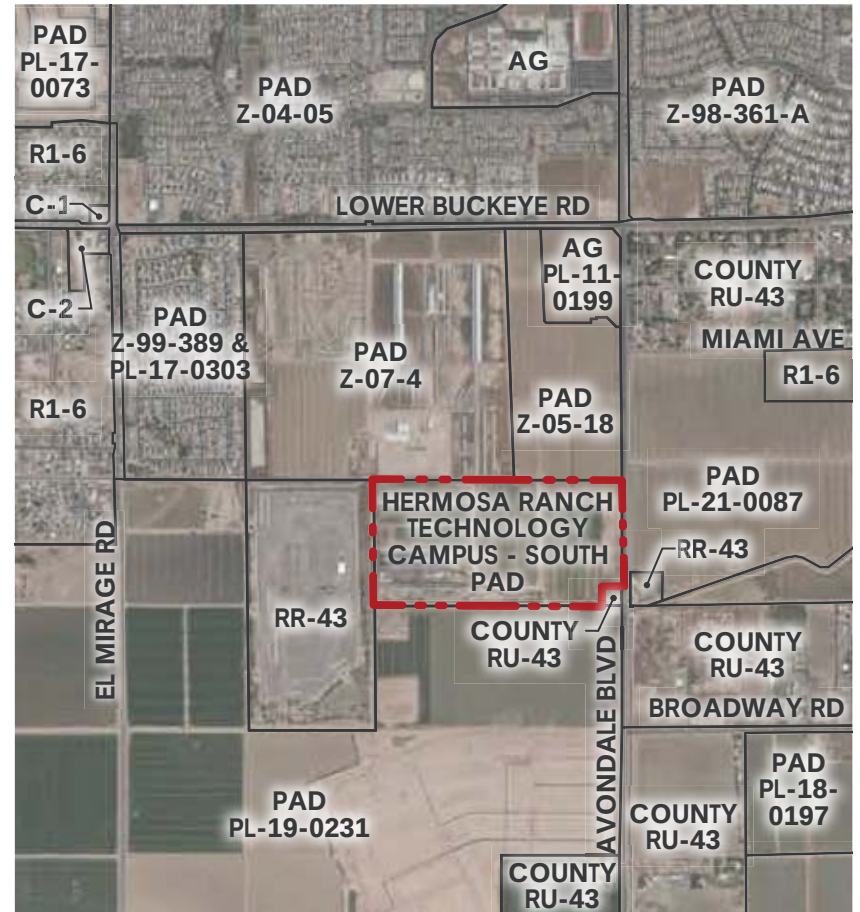
- EDUCATION
- MIXED USE
- HIGH DENSITY RESIDENTIAL
- GROWTH AREA
- AVONDALE BLVD EMPLOYMENT AND COMMERCIAL CORRIDOR
- HERMOSA RANCH TECHNOLOGY CAMPUS - SOUTH



EXISTING ZONING PLAN



PROPOSED ZONING PLAN



LEGEND

— — — — — HERMOSA RANCH TECHNOLOGY CAMPUS - SOUTH

[illegible]

8

IV. MINOR GENERAL PLAN AMENDMENT REVIEW + ANALYSIS

1 Availability of current and future water supplies.

The Property is served by the City of Avondale with an existing 16-inch water line located within Avondale Boulevard which borders the eastern property line. The future technology campus will connect to the existing waterline in Avondale Boulevard and provide a looped system. When compared to the water supply necessary to serve the Property under the existing MDR designation, the demand associated with the proposed data centers with closed-loop systems and battery energy storage facility are over 90% less than single-family residential uses. Additional information regarding the impact on water services can be found in Section 5 below and in the supporting Master Water Report prepared by Coe and Van Loo LLC.

2 Impact on and potential support of the City's transportation systems.

Avondale Boulevard, located along the eastern boundary, is designated as an Arterial Road on the General Plan Circulation and Streets Classification Map. This roadway is a prominent north/south route through the City of Avondale and has been planned as a major employment and commercial corridor from McDowell Road south to Southern Avenue. The location of the Hermosa Ranch Technology Campus – South is further highlighted due to its proximity to future State Route 30, planned approximately 1 mile to the south, providing for efficiency in trip generation and access routes. The existing and planned transportation network fully supports the employment uses on the Property and the modification in land use designation from MDR to BP will have no negative impacts on the City's transportation

system. The daily trips associated with the data center uses are significantly lower than if the Property developed as single family residential.

Offsite improvements will include widening of Avondale Boulevard adjacent to the Property, meeting the City's half-street requirements for the planned minor arterial roadway, and installation of two new driveways. Driveway locations and circulation will be designed to create an efficient, functional, and safe network that is easily accessible and will have minimal impact on traffic in the surrounding area.

3 Impact on the natural environment, including, but not limited to, hillsides, riparian areas, and floodways.

This GPA will not adversely impact the natural environment, including, but not limited to, hillsides, riparian areas, and floodways, as none of these exist on the Property.

4 Extent to which the proposal contributes to achieving the (i) job to population ratio, (ii) square foot per capita ratio, and (iii) multi-family housing ratio identified within this General Plan 2030.

With the development of Hermosa Ranch Technology Campus - South a significant concentration of capital investment in new employment space will advance the City's efforts to meet the targeted jobs-to-population ratio of 0.50 jobs for every resident. The immediate area surrounding the Property is predominately single family residential and the addition of employment uses on the approximately 78 acres will aid in providing a balance of uses and jobs for nearby residents. Additionally, the requested land use modification will not negatively impact the multi-family housing ratio, but in contrary, may create a demand for new multi-family residential development in the surrounding area.

5

Impact on City services and facilities including, but not limited to, police, fire, water, and wastewater.

This GPA will not negatively impact City services and is anticipated to create less demand on these systems than if the Property was to develop as single family residential. Replacing residential with employment uses will generate less demand for public safety services as calls will likely be fewer in scope and frequency. Additionally, the future technology campus will provide on-site and remote private security, which further reduces reliance on public safety services.

The proposed amendment will not burden the City with regards to needing additional extensions of utility infrastructure since there are existing water and sewer lines available in Avondale Boulevard. Both of these utility lines have adequate capacity for the proposed technology campus and connections to serve the Property will be built at the developer's cost. The following tables summarize scenarios for development of the Property under both the current and proposed General Plan land use designations, comparing estimated water and wastewater demands.

TABLE 2 | WATER DEMAND COMPARISON

SCENARIO	<u>MDR LAND USE</u> Old Demand Based on 1997 Standards (gpd)	<u>MDR LAND USE</u> New Demand Based on 2018 IUMP (gpd)	<u>BP LAND USE</u> Technology Campus Demand (gpd)	DEMAND DECREASE (gpd)	% DECREASE
AVERAGE DAY DEMAND	148,378	37,741	3,041	34,700	91.94
MAXIMUM DAY DEMAND	244,823	62,273	3,041	59,231	95.12
PEAK HOUR DEMAND	470,357	119,639	3,041	116,598	97.46

TABLE 3 | WASTEWATER FLOW COMPARISON

SCENARIO	<u>MDR LAND USE</u> Old Flows Based on 1997 Standards (gpd)	<u>MDR LAND USE</u> New Flows Based on 2018 IUMP (gpd)	<u>BP LAND USE</u> Technology Campus Flows (gpd)	FLOW DIFFERENCE (gpd)	% DECREASE
AVERAGE FLOW	55,642	24,909	2,741	22,168	89.00
PEAK FLOW	144,383	64,724	2,741	61,982	95.76

Although the battery energy storage facility will not generate a water demand, the developer of the data center campus recognizes concerns around data center water usage and the impact imposed on the environment and local communities and therefore applies design, procurement, and construction standards to significantly minimize the water consumption required to mechanically serve the buildings. The developer's air-cooled chilled water system design and technology uses a closed loop system coupled with turbo air-cooled chillers to support computer room air handler units efficiently and reliably. Altogether, this system significantly minimizes water usage to cool the data center buildings, greatly improving a measurable Water Utility Efficiency (WUE). Once charged, the closed loop system requires zero water use, with the exception of occasional maintenance.

6 Extent to which the goals of this General Plan 2030 are accomplished.

The following summary highlights a few of the Avondale General Plan 2030 goals and policies which this Minor General Plan Amendment supports:

Land Use Element

Goal 3: Promote a strong balance of high quality residential, employment, recreation, and educational land uses.

Policy D: Ensure adequate transitions and/or buffers are provided when adjacent land uses vary in character and intensity.

This GPA to modify the land use from MDR to BP for the Property will introduce BP uses into the Avondale Boulevard Employment and Commercial Corridor. Diversity and balance of land uses within this Corridor, specifically between Buckeye Road and Broadway Road, is currently lacking and medium density residential is the predominant use. This GPA increases the mix of land uses for the Corridor and places new jobs in proximity to residents.

The BP land use category supports employment uses that can incorporate modern campus planning, design, and architecture that will take into account the City's expectations for design quality and consideration of

surrounding existing and planned uses. The companion PAD application will establish generous building setbacks to provide for adequate transitions and landscaped buffers adjacent to existing and planned residential uses, aiding both with noise abatement and visual buffering. The development of the Property will enhance the visual attractiveness of the currently underdeveloped agricultural land use.

Goal 4: Ensure all land use decisions meet the long-term social and economic goals of the community.

Policy C: Ensure Avondale is at the forefront of any emerging markets by continuously updating codes and policies to include standards for new business types and technologies.

Avondale has significantly grown its employment base with major medical, warehousing and office uses, however, it has limited land available with access to the required power infrastructure necessary to attract technology companies / data centers looking to locate in the area. This GPA will add to the City's land use mix and provide an opportunity to attract an increasingly growing technology market to Avondale. The development of a technology campus on the Property would constitute a significant capital investment in the City of Avondale and reinforce the General Plan's goal to provide a mix of employment areas with a wide range of salary levels that increase the stability and diversity of Avondale's economy. Not only will local jobs be created during construction and once operational, but the addition of a battery energy storage facility will enhance the resiliency and reliability of the electrical transmission network to support residential, commercial, and employment growth in Avondale.

Economic Element

Goal 1: Grow and diversify Avondale's economy and employment base through business retention, expansion, and development.

Policy E: Leverage the City's proximity to the west coast and port districts to attract international industries and high-tech companies.

This GPA leverages access to the west coast via Interstate 10 and the future State Route 30 through direct access to

Avondale Boulevard, a major north/south arterial roadway through Avondale. Additionally, the adjacency of the Property to the Rudd Substation is a significant attractor for high-tech companies, as proximity to power infrastructure drives the location for many large scale employment uses. The location of the Property is further incentivized by being within an Opportunity Zone. Few west valley properties can compare to this site in recruiting targeted growth sectors with an emphasis on professional and technical employment.

Goal 3: Enhance and market Avondale's business climate.

Policy E: Increase the supply of developable Business Park land and promote a flexibility of uses within.

This GPA supports the enhancement of Avondale's business climate and will allow for new development and business attraction opportunities by increasing the availability of developable land for business park uses. The BP land use category will create additional opportunities in the area for national and international industries, bringing additional business and visitors to Avondale and increasing the potential for new investment. The BP land use category also incorporates enough flexibility to provide many diverse employment opportunities, as well as ensure full utilization of the Property over time. The proposed uses associated with the Hermosa Ranch Technology Campus – South will further the City's priority and focus on economic vitality and competitiveness.

Goal 10: Reserve adequate lands to accommodate business parks, light industrial uses, and higher education facilities.

Policy A: Support efforts to locate and develop additional business park and industrial land along Avondale's business corridor.

The Property fronts on the Avondale Boulevard Employment and Commercial Corridor, which is recognized as a major corridor for employment and commercial uses. The BP land use category assists in the growth and development of this employment corridor, fulfills the purpose for this Corridor, and would adequately accommodate additional business park land within an underutilized area, as the General Plan intended. The addition of developable BP land will increase employment opportunities and create diversity in the area, which, according to the General Plan, will be more economically sustainable for the City.

Policy B: Promote Business Park employment uses adjacent to high-capacity roadway corridors, such as the I-10 Freeway and Van Buren Street.

The Property is located on Avondale Boulevard, which is the major north/south arterial roadway that runs between Interstate 10 and the future State Route 30. This GPA promotes business park employment uses within the designated Avondale Boulevard Employment and Commercial Corridor and adjacent to current and future high-capacity corridors, providing for efficiency in trip generation and access to employment for residents.

Energy Element

Goal 5: Integrate electric power line corridors, electric substations, and other energy infrastructure into future development.

Policy A: Work with developers and local utility provides to mitigate the off-site visual impacts on surrounding properties of electrical substations and well sites through decorative walls, opaque fencing, earthen berm, and dense landscaping.

Hermosa Ranch Technology Campus – South is planned to develop as a data center campus with supporting ancillary uses and a battery energy storage facility. The battery energy storage facility will function in conjunction with the Rudd Substation and support local energy resource needs for both existing and future development in Avondale. The location adjacent to the Rudd Substation is ideal and allows direct connectivity and transfer of power as well as providing a transition in land use intensity between the substation and the Alamar community to the south. The landscape buffer provided between the future technology campus and Alamar will not only aid in screening the proposed BP uses but provide visual enhancements to draw the eye away from the existing powerline corridor on the north edge of the Property.

Conformance With The 2021 Avondale Strategic Plan

The City of Avondale Strategic Plan sets Avondale “on a course for the future, with a five-year road map of aspiring but achievable goals”. The intent is to maintain what is currently unique and wonderful about Avondale while attracting new growth and development in the community through a collaborative process. The Strategic Plan represents a cohesive and intelligent approach which will enable Avondale to create a community that is family friendly and economically robust.

Hermosa Ranch Technology Campus – South will assist in achieving the goals associated with the Strategic Plan, in particular, encouraging economic development in furtherance of the Creative and Sustainable Community Development goal. The future technology campus will provide employment opportunities in close proximity to existing and planned residential, allowing residents an easy walk, ride, or short commute to future jobs. Located within the Avondale Boulevard Employment and Commercial Corridor, immediately adjacent to a designated Growth Area, and bound by a powerline corridor, substation and arterial roadway, the Property is an ideal location for BP land uses and promotes a sustainable development pattern.

V. FINDINGS

This Minor GPA request meets the following findings, as required by the General Plan 2030:

- 1 The development pattern contained on the Land Use Plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment.**

The development pattern contained on the Avondale Land Use Plan inadequately provides optional sites for the proposed BP land use as nearly all of the remaining BP land within the City’s Planning Area is either developed or in the process of being developed, and much of it is not developed

with BP uses but instead, auto dealerships. This GPA will facilitate employment uses at an appropriate location where alternatives are not available. The Property’s current land use designation of MDR does not allow for a major employment center, and as a result, does not advance the vision and/or goals of the Avondale Boulevard Employment and Commercial Corridor. This Property is ideally located adjacent to the South Core Growth Corridor, within the Tres Rios Opportunity Zone, and adjacent to supportive power and transportation infrastructure, making this a prime location for BP uses. The current General Plan does not have other BP sites with these advantages.

- 2 The amendment constitutes an overall improvement to the General Plan 2030 and is not solely for the good or benefit of a particular landowner or owners.**

This GPA improves the General Plan by introducing supportive land uses to planning areas designed to attract employment investment. This GPA provides new business opportunities within Avondale, particularly within the technological market that continues to rapidly grow and is attracted to areas with access to reliable power. This amendment reinforces Avondale’s economic stability and sustainability.

This GPA improves the General Plan by introducing BP uses to the Avondale Boulevard Employment and Commercial Corridor, which is designed to attract employment investment and offer employment opportunities. A technology campus designed to include a battery energy storage facility, data centers and ancillary uses is a significant investment in Avondale and will provide a source of readily available renewable energy as well as jobs in close proximity to residential. This amendment reinforces Avondale’s economic stability and sustainability.

3

The amendment will not adversely impact the community as a whole and/or a portion of the community by:

1. Significantly altering the acceptable land use patterns;
2. Requiring larger and more expensive public infrastructure improvements including, but not limited to, roads, water, wastewater, and public safety facilities than would otherwise be needed without the proposed change; or
3. Adversely impacting the existing land uses.

This GPA does not significantly alter acceptable land use patterns, but rather, advances the General Plan's land use goals and brings new jobs close to where residents live. Additionally, this GPA advances the goals of the Avondale Boulevard Employment and Commercial Corridor, recognized in the General Plan as a major corridor for employment.

The modification from MDR to BP will not require larger and more expensive public infrastructure improvements, conversely, replacing residential with employment uses will likely generate less demand for public safety services and less traffic, while providing a significant revenue enhancement to the City and school districts. As stated previously, the Property is ideally located to take advantage of the adjacent arterial roadway and regional transportation network, with offsite improvements limited to widening of Avondale Boulevard adjacent to the Property and installation of two new driveway. These improvements are not beyond the type of offsite improvements that would be required if the currently planned residential uses were developed. The companion PAD will establish future water and wastewater infrastructure to the Property and the associated Master Plans will establish sufficient water and sewer capacity.

This GPA will not adversely impact existing land uses in the surrounding area and will further advance the goals of the adjacent Growth Area and Avondale Boulevard Employment and Commercial Corridor by providing employment uses on the Property. The companion PAD for Hermosa Ranch Technology Campus – South will establish minimums for building setbacks and landscaped buffers and provide requirements to guarantee high-quality site

design ensuring compatibility with surrounding existing and planned uses.

4

That the amendment is consistent with the overall intent of the General Plan 2030 and other adopted plans, codes, and ordinances.

This GPA is consistent with the overall intent of the General Plan 2030 and helps further the growth of the Avondale Boulevard Employment and Commercial Corridor. This amendment encourages new investment, job creation, and a change to land use that advances economic sustainability and employment diversity.

There is also support for this request in the 2021 City of Avondale Strategic Plan. The Strategic Plan provides in its Creative and Sustainable Community Development Strategic Outcome Area that “economic development is also a key focus area for the city”. Identified strategies include “housing that is affordable to workers and close to their jobs.” With the recent development of the Alamar and Verde Trails communities in close proximity to the Property, there are thousands of residents within five miles of the future technology center. The BP land use designation will provide employment opportunities in the area and help balance the job-to-population ratio.

VI. CONCLUSION

A minor General Plan Amendment is being requested to facilitate the future development of the Hermosa Ranch Technology Campus - South which is planned to include a data center campus with additional ancillary uses and a battery energy storage facility. The Property is proposing to develop as a self-sufficient technology campus that will generate jobs and significant revenue for the City of Avondale and school districts and provide a renewable energy resource.

This GPA request provides an opportunity to introduce a land use designation for the Property that will support the employment corridor planning and business park goals established in Avondale's General Plan. The Property's location is ideally located for employment uses along a highly traveled and prominent transportation corridor, with great access to existing infrastructure. This amendment reinforces Avondale's economic stability and supports a higher quality of life for residents.



HERMOSA RANCH
TECHNOLOGY CAMPUS - SOUTH

MINOR GENERAL PLAN AMENDMENT



NORRIS DESIGN
Planning | Landscape Architecture | Branding

Hermosa Ranch Tech Campus - South
Summary of Neighborhood Meeting
July 25, 2022 at 6:00 pm
Case No. PL-22-0163 & PL-22-0166



July 25, 2022, Neighborhood Meeting

Hermosa Ranch Tech Campus - South

PL-22-0163 & PL-22-0166

The virtual meeting opened to the public at 6:00 PM and the presentation began at 6:02 PM. Carolyn Oberholtzer introduced the project explaining the proposed ~78-acre technology campus with a data center. Ms. Oberholtzer prefaced that this application involves the same property that was included within a similar application last year but covers a reduced area to accommodate a data center developer that is now involved on a smaller area. Members of the Development Team and City Staff that attended the meeting are provided in Appendix A to this Summary.

Ms. Oberholtzer began the presentation with a map showing the region of the existing agricultural land and dairy uses and outlined how the previous application boundaries differ from the current proposal boundaries. She noted that the property would be for a data center and that the PAD would be tailored to that use. She then showed the existing and proposed General Plan map, showcasing the change from Medium Density Residential to Business Park and emphasized how little of the City's General Plan acreage was devoted to the Business Park category. As a result, she said that the addition of this acreage as Business Park would benefit the City given its adjacency to the Rudd Substation and the Avondale Boulevard Employment and Commercial Corridor, which was envisioned for a more intense commercial/employment uses. Ms. Oberholtzer then showed a map of the existing and proposed zoning, noting that it would remain a PAD, but their intended request would change it from residential to data center uses while also providing for the battery storage project that was approved in a Conditional Use Permit ("CUP") last year. The PAD continues to permit that use by CUP. Ms. Oberholtzer showed the Conceptual Development Plan, highlighting the 100 ft setback west from Avondale Boulevard as well as the building and landscape setbacks on the south and north sides of the property. She then showed the Conceptual Site Plan of the five data center buildings at approximately 250,000 sq. ft each, which has a maximum building height of 68'. She presented the building height with elevations that show both the architectural theming and elevated design, as well as the additional height of the roof-mounted air-cooled systems surrounded by screening. Ms. Oberholtzer then explained the operational aspects of the campus and that the project is limited to a closed-loop system that uses virtually no water after start-up. She then explained that Prime Data Center uses a state-of-the-art cooler with "owl wing" blades that greatly reduce the sound emitted from the coolers. She pointed out in the renderings where the chillers would be located and noted that this location would both reduce its noise and provide a better aesthetic.

Ms. Oberholtzer briefly covered the Development Standards table, pointing out the roof height of 68 feet for the proposed PAD and the increased setbacks for buildings and landscaping.

Lastly, she noted where the project was in the permitting process and what the next stages would be starting with a hearing at Planning Commission, and then to City Council at some point in the Fall.

Ms. Oberholtzer then opened the meeting up for questions:

Councilman Mike Pineda asked in terms of water consumption, what does “virtually no water” mean?

Ms. Oberholtzer responded that the system is filled up only once during the start-up of the campus opening. She compared the campus’ water demands approximately what 10 residential units would consume.

Jonathon Gibbs explained that a closed-loop system doesn’t require water to cool since there’s no evaporative process between the chillers and the data hauls.

Mr. Pineda asked for an approximation of how many gallons are required to start-up the campus?

Both Mr. Gibbs and Ms. Oberholtzer discussed that they would have a better estimate after the site plan is further developed but that it is anticipated to be approximately 100,000 gallons.

Mr. Pineda asked how many jobs?

Ms. Oberholtzer explained that the project would probably be phased and 30-50 full-time jobs are expected. Mr. Gibbs confirmed this figure.

Mr. Pineda said he hoped there would be more community input.

Ms. Oberholtzer responded that the project has not received any calls or inquiries. She explained that the previous year’s application had more public engagement with Cantada Ranch because it was adjacent to residences. She also noted that the current application doesn’t have direct neighbors, but the lack of community engagement could change going forward. She informed Mr. Pineda that future meetings beyond the current presentation would be possible if others are interested.

Mr. Pineda mentioned the building rendering looked great and was curious to hear what Planning & Zoning thought about the building height?

Ms. Oberholtzer responded that beyond the 30-foot height of a two-story home, it is generally difficult to conceptualize greater height and used the ISM Raceway grandstands for comparison with a height roughly between 105-125 feet.

Mr. Pineda thanked Ms. Oberholtzer for the presentation and mentioned looking forward to working with council on this.

Ms. Oberholtzer responded up until the hearings they are available to meet or provide supplemental materials.

Around 6:25 PM, a member of the public joined the conversation. At 6:28 PM, Ms. Oberholtzer started the presentation again.

Citizen asked if the data center would be comparable to the Microsoft data center being built at MC-85 and Southern?

Ms. Oberholtzer responded that it won't be similar in appearance. Functionally data centers operate under similar standards with equipment such as cooling systems and generators. She added the cooling system for this project would utilize advanced technology that would eliminate much of the noise produced by its operation.

Citizen asked if there would be other uses for the project, such as restaurants?

Ms. Oberholtzer responded that those would not be included in this project and belonged to the previous application for the site. She showed the citizen the property map and outlined the old application boundaries. She explained that it might still happen in the future but is not part of this application. She then described other developments in the vicinity that would contain commercial areas.

The Citizen asked when the construction on the project would begin?

Ms. Oberholtzer responded that it would be next year so long as the approvals happen according to schedule.

Citizen asked if that was due to assembling all the required permits and drawings?

Ms. Oberholtzer responded with an affirmative and explained the permitting process leading up to the beginning of the construction in Summer of the following year. At 6:45 PM all members of the public had left the meeting.

The meeting concluded at 7:00 PM.

Appendix A: List of Participants

Development Team	
Carolyn Oberholtzer	Bergin, Frakes, Smalley & Oberholtzer
Mitchell Willard	Bergin, Frakes, Smalley & Oberholtzer
Nick Vanderwey	Rexo LLC + TGV Inverstments LLC
Terry Klinger	Rexo LLC + TGV Inverstments LLC
Chris Sumter	Prime Data Centers
Jonathon Gibbs	Prime Data Centers
Jennifer Meyers	Norris Design
Jackson Metcalf	Gensler
Carl Beardsley	JLL
City Staff	
Mike Pineda	Avondale City Councilman
Ken Chapa	City of Avondale Public Economic Development
Krik Beaty	Avondale Public Works
Citizens	
Cthiesfeldt	Sunset Farms Resident

RESOLUTION NO. 1011-0123

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE CITY OF AVONDALE GENERAL PLAN REGARDING THE LAND-USE DESIGNATION OF APPROXIMATELY $\pm$ 78 ACRES GENERALLY LOCATED ONE-HALF MILE SOUTH OF THE SOUTHWEST CORNER OF LOWER BUCKEYE ROAD AND AVONDALE BOULEVARD, AS SHOWN IN APPLICATION PL-22-0163 FROM MEDIUM DENSITY RESIDENTIAL TO BUSINESS PARK.

WHEREAS, the City of Avondale General Plan (the “General Plan”) was adopted by the Mayor and Council of the City of Avondale (the “City Council”) on April 2, 2012, and ratified by the qualified electors of the City of Avondale on August 28, 2012; and

WHEREAS, the General Plan was readopted by the City Council on May 2, 2022, and ratified by the qualified electors of the City of Avondale on August 2, 2022; and

WHEREAS, the City Council desires to amend the General Plan to change the land-use designation for approximately $\pm$ 78 acres generally located one-half mile south of the southwest corner of Lower Buckeye Road and Avondale Boulevard, from Medium Density Residential to Business Park, as shown in Application PL-22-0163 (the “General Plan Amendment”); and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the City of Avondale (the “City”) has consulted with, advised and provided the opportunity for public comment on the General Plan Amendment; and

WHEREAS, all due and proper notices of the public hearings on the General Plan Amendment held before the City of Avondale Planning Commission (the “Commission”) and the City Council were given in the time, form and substance required by ARIZ. REV. STAT. § 9-461.06; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the Commission held a public hearing on the proposed General Plan Amendment on December 14, 2022, after which the Commission recommended approval; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the City Council held a public hearing on the proposed General Plan Amendment on January 23, 2023.

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

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

SECTION 2. The General Plan is hereby amended to change the land-use designation for approximately $\pm$ 78 acres generally located one-half mile south of the southwest corner of Lower Buckeye Road and Avondale Boulevard, as depicted on Exhibit A, attached hereto and incorporated herein by reference, from Medium Density Residential to Business Park.

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, January 23, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

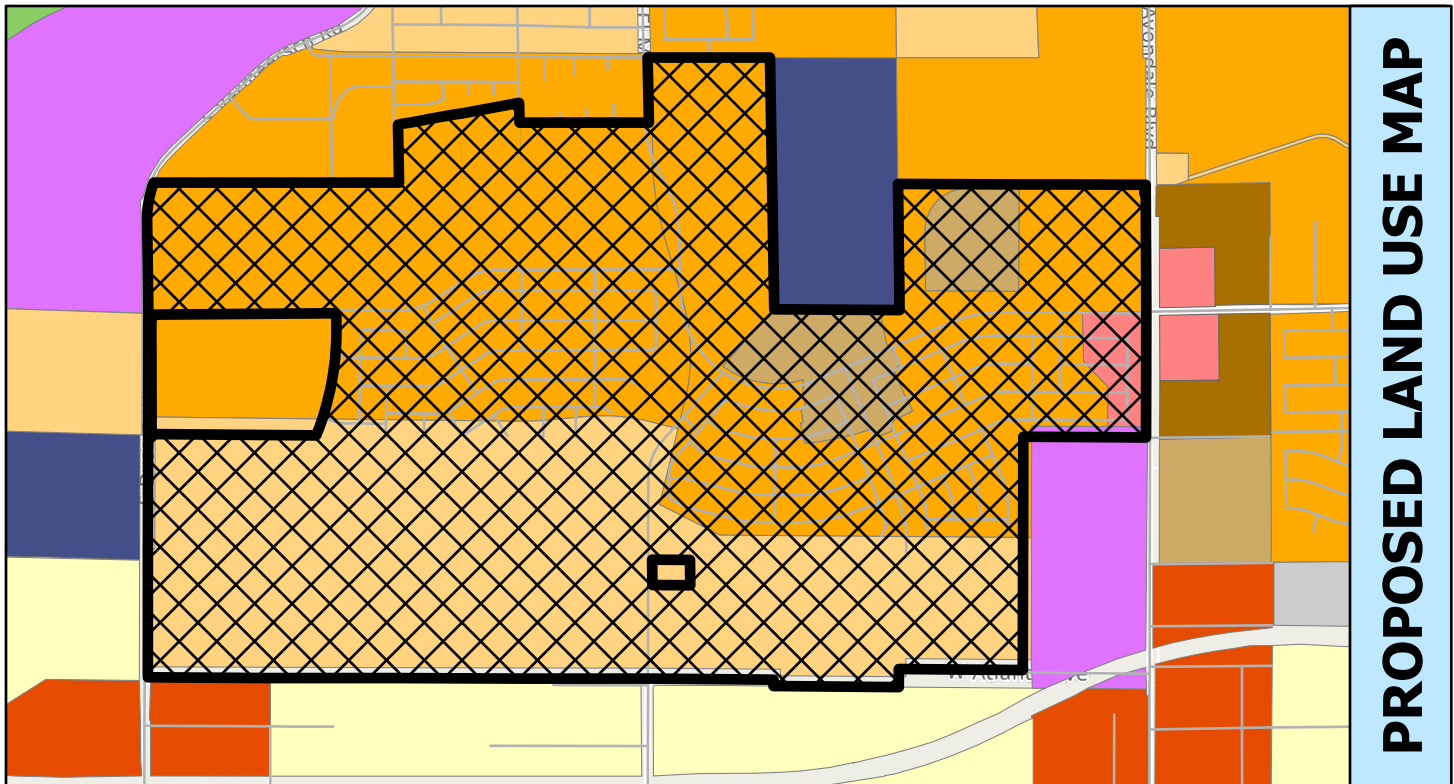
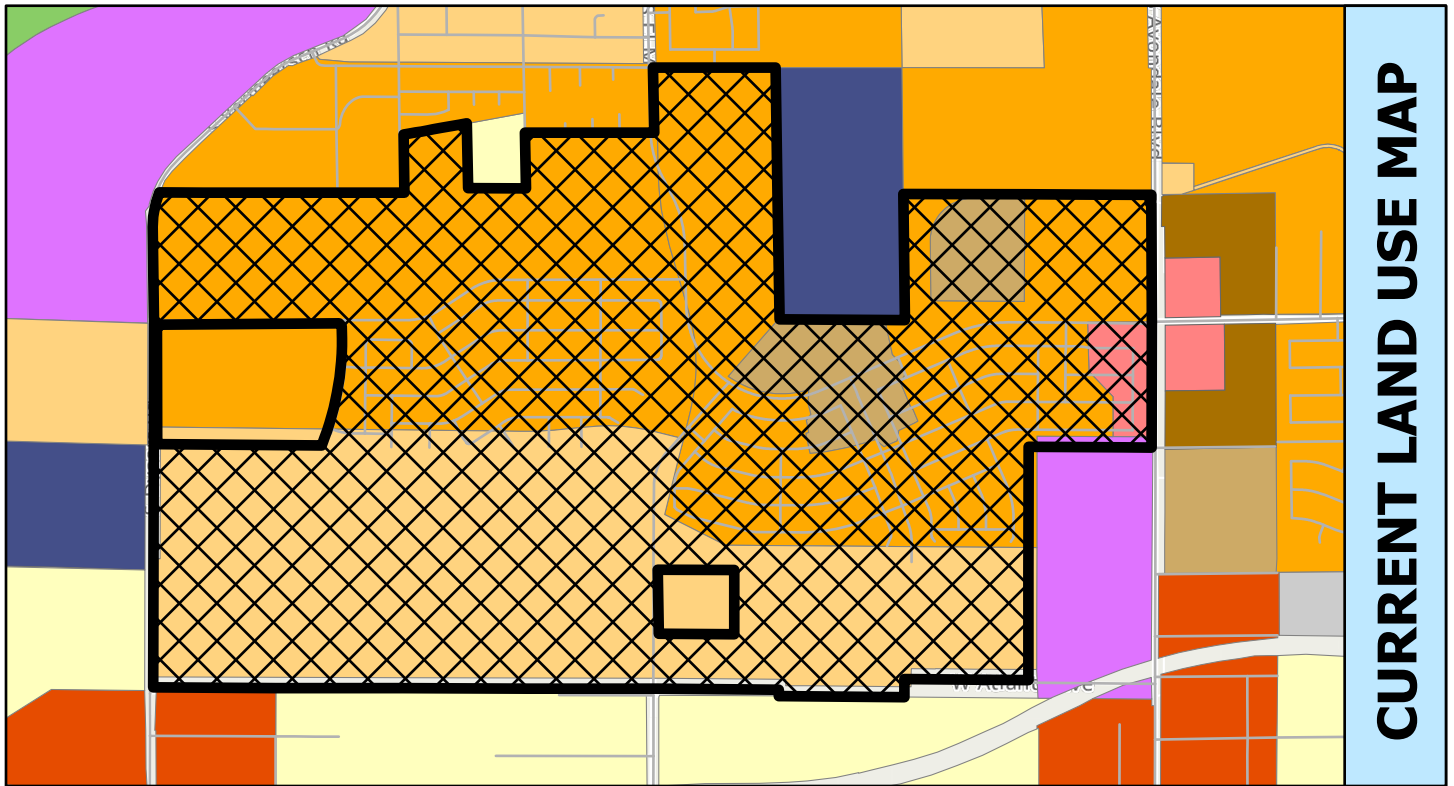
APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1011-0123

[General Plan Amendment Map]

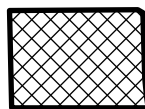
See following page.



General Plan Land Use



- Local Commercial
- Low Density Residential
- Medium Density Residential
- Medium High Density
- Rural Low Density Residential



Subject Property



Date: 11/1/2022

CITY COUNCIL REPORT

SUBJECT: Public Hearing and Ordinance 2006-0123 – Hermosa Ranch Technology Campus – South Rezoning to Planned Area Development (PAD) – Application PL-22-0166

MEETING DATE: 1/23/2023

TO: Mayor and Council

FROM: Jodie Novak, Director, Development Services

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

STRATEGIC PLAN:

STRATEGIC OUTCOME: Creative and Sustainable Community Development.

STRATEGY: Maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:

City Council will hold a public hearing and consider a request to adopt Ordinance 2006-0123, approving a request by Carolyn Oberholtzer with Bergin, Frakes, Smalley and Oberholtzer PLLC to rezone approximately 78 gross acres located one half mile south of the southwest corner of Avondale Boulevard and Lower Buckeye Road and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The proposed rezone, if approved, will change the zoning from Diamond P Ranch Planned Area Development (PAD) to Hermosa Ranch Technology Campus - South Planned Area Development (PAD) to allow a data center and related employment uses. The Council will take appropriate action.

BACKGROUND:

The 78-acre subject property (Exhibits A and B) is located a half mile south of the southwest corner of Avondale Boulevard and Lower Buckeye Road and is made up of two parcels, 500-66-005C (53.5 acres) and 500-66-005D (24.0 acres). This site is currently vacant.

Both parcels were annexed into the City's corporate limits on April 15, 2008. The site is currently zoned Diamond P Ranch Planned Area Development (PAD), which permits uses typical of single-family residential.

The site is designated by the General Plan 2030 Land Use Map (Exhibit C) as Medium Density Residential (MDR), a land use category which primarily accommodates the development of suburban detached single-family residential within a density range of 2.5 to 4.0 dwelling units per acre, with a target density of 2.5. There is a concurrent request to change the General Plan 2030 Land Use Map designation from Medium Density Residential to Business Park (BP) that will be considered separately, the BP designation being a land use category which primarily accommodates the development of enclosed light manufacturing, corporate commerce, hotel, multi-story offices, research and development industries, solar and renewable energy manufacturers, motor sports related industry manufacturers, and limited warehouse and support services that support these primary employment uses. Approval of the applicant's GPA request is required for this rezoning to be approved.

The existing uses and zoning of surrounding properties include:

North: Diamond P Ranch Planned Area Development (PAD) and Fleming Farms Planned Area Development (PAD); Agricultural, Vacant

South: Alamar Planned Area Development (PAD); Vacant

East: Shadow Ridge Planned Area Development (PAD), County Zoned Single Family Residential, and Rural Residential (RR-43); Vacant, Large Lot Single-Family Residential, Goodyear Raw Water Pump Station

West: Rural Residential (RR-43); Substation

SUMMARY OF REQUEST:

The applicant is requesting to rezone the property from Diamond P Ranch Planned Area Development (PAD) to Hermosa Ranch Technology Campus - South Planed Area Development (PAD). The proposed Hermosa Ranch Technology Campus - South PAD Narrative, included as Exhibit D, details permitted uses, development standards, and other requirements that will guide future development of the site.

The data center component, proposed on approximately 66.5 acres of the site, features approximately 1,300,000 square feet of data center use within five separate buildings, each building being two-stories in height, located behind two gated entries, and oriented so that utilities and services bays are located internal to the site and are screened from view from Avondale Boulevard. The buildings will utilize modern architecture and design techniques to create visual interest and each building's mechanical equipment is located on the roof and screened by a architecturally designed parapet wall. Access will be provided by two driveways off Avondale Boulevard. Internal vehicular circulation is efficiently designed with parking located at the front of each building.

A private substation to service the data center is proposed at the project's northwest corner, adjacent to the existing Rudd Substation, and will have its own gated entry. An access road along the southern portion of the site will provide direct access to the approximately 256,000 square foot substation, as well as the future battery energy storage facility (Sierra Estrella Energy Storage Facility) approved through a conditional use permit in 2021 through zoning case PL-21-0116.

The proposed battery energy storage facility will incorporate the latest battery technology and design practices, which has moved away from battery storage being placed within an enclosed building. Instead, the facility will include outdoor-rated, modular, battery containers or "packs." The site layout includes battery packs positioned in a grid-like pattern throughout the site, a fenced switchyard which will include the system components that facilitate the delivery of power from the site to the Rudd Substation, and a small maintenance shed. The proposed energy storage system is intended to function as an extension of the existing Rudd Substation. The gated facility will be an unmanned, remotely controlled, and monitored system that will not have any full-time employees on-site. Hours of operation will be continuous, similar to the adjacent substation.

The data center site will be fully enclosed by security fencing or solid walls, with secure, locked access gates allowing entrance for authorized users only. The proposed battery energy storage facility will provide a ten (10) foot high masonry wall along the north, east, and southern edges of the facility. Located along the common property line with the SRP/APS owned Rudd Substation, a steel wire fence, typical to electrical substation security fencing, is proposed which will measure ten (10) feet in height. All other fencing, perimeter and internal, will be high security steel fencing which will measure a maximum of twelve (12) feet in height. The perimeter fencing will be set back a minimum of fifty (50) feet from the north, south, and east property lines and will be accompanied by lush landscaping. Entry gates will match the design of the perimeter fencing.

Landscape setbacks and retention areas along the north, east, and south edges of the site will serve as buffers to screen and soften the perimeter of the data center project. Specifically, along Avondale Boulevard, a generous one hundred (100) foot building setback inclusive of a minimum fifty (50) foot landscape setback and ten foot (10) multi-use trail is provided for screening, separation, and visual enhancement along Avondale Boulevard. The ten (10) foot multi-use trail will be provided within the landscape setback adjacent to Avondale

Boulevard providing pedestrian connectivity north/south along Avondale Boulevard. Future extensions of this multi-use trail will be required with future development of the property to the north.

Infrastructure improvements with the development of Hermosa Ranch Technology Campus - South include internal private accessways, arterial street improvements for Avondale Boulevard along the property's frontage, as well as water and sewer connections. It is anticipated that the site will have the ability to connect to the 16-inch water main in Avondale Boulevard and the existing 30-inch sewer main in Avondale Boulevard. All offsite improvements will be completed in the first phase of development, except for the battery energy storage facility (Sierra Estrella Energy Storage Facility) that will instead be developed as required by the approved conditional use permit zoning case stipulations and subsequent site plan approval. Landscaped retention basins will be provided on the south side of the site to retain stormwater runoff.

The development will be required to construct Avondale Boulevard to the City's Minor Arterial street cross section along the project's street frontage. The site will have two full access driveways onto Avondale Boulevard with left-turn lanes and a right-turn deceleration lane for the north driveway. As the data center will be utilizing a closed-loop cooling system, the development requires minimal water use for system start up and ongoing maintenance with little impact on the City's water system.

Approval of the companion General Plan Amendment request, changing the Land Use Map designation of the property from Medium Density Residential (MDR) to Business Park (BP), is required to consider approval of this rezoning request.

PUBLIC PARTICIPATION:

A neighborhood meeting to discuss the proposal with neighboring property owners and other interested parties was held on July 25, 2022. An overview of the discussion topics is outlined in the Neighborhood Meeting Summary, attached as Exhibit E. In addition to City Staff and the applicant's team, two (2) people attended the virtual meeting, one (1) council member and one (1) citizen.

General questions were asked regarding the cooling system, number of jobs that will be created with this project, proposed height, and tentative building schedule. No opposition was voiced at the meeting.

All required notifications for the Planning Commission and City Council public hearings have been completed. To date, no public comments regarding this project have been received.

PLANNING COMMISSION ACTION:

On December 14, 2022, the Planning Commission conducted a public hearing on the General Plan Amendment alongside a public hearing on the Rezone.

The Commission had a number of questions regarding water conservation efforts, the relationship between the project and Rudd Substation, whether there are any known tenants or future plans for expansion at this time, what the projected number of employees for the data center is anticipated to be, if there will be any bus stops/bus service running to or near this project, what does the laboratory use entail/encompass, building height and how it will affect future residences, and finally, if there are any hazardous materials that will be stored on site.

Upon addressing these questions, the Commission opened the meeting for public comment and received none. The Commission voted unanimously (6-0) to recommend approval of the proposed Rezoning.

ANALYSIS:

Article 6, Section 28-113 of the Zoning Ordinance establishes **five (5) findings** that must be met in order to grant PAD zoning. The City Council must determine that the PAD complies with all five (5) findings prior to recommending approval.

Staff's analysis of each required finding is presented below:

- 1. The proposed PAD is in Conformance with the General Plan and applicable specific plan(s).**

A General Plan Amendment request to change the land use designation of the site to Business Park is being considered concurrently with this Rezoning request. The Business Park classification encourages uses that provide employment opportunities in a large-scale campus setting. The Hermosa Ranch Technology Campus- South PAD is in conformance with the requested Business Park designation.

Development of high-quality employment uses has long been a priority to the City, as evidenced by the development of a multitude of commerce parks along the Van Buren Street corridor and the development of medical, health and technology related uses in the McDowell Road corridor. Given that this property is located along Avondale Boulevard, which is planned to become the major north/south corridor to link the I-10 Freeway on the north to the future SR-30 Freeway to the south, carrying a designation of an Employment and Growth Corridor, this project would help Avondale achieve its long term goals of creating a premier business and employment area, furthering the City's goals of enhancing Avondale's business climate.

The PAD furthers several goals of the General Plan, most notably:

General Plan Land Use Element Goal #3, Policy D: "Ensure adequate transitions and/or buffers are provided when adjacent land uses vary in character and intensity."

General Plan Land Use Element Goal #4, Policy C: "Ensure Avondale is at the forefront of any emerging markets by continuously updating codes and policies to include standards for new business types and technologies."

General Plan Economic Element Goal #3, Policy E: "Increase the supply of developable Business Park land and promote a flexibility of uses within."

General Plan Economic Element Goal #10, Policy A: "Support efforts to locate and develop additional business park and industrial land along Avondale's business corridor."

This project will provide much-needed employment opportunities to the area, which is predominantly residential, and Avondale Boulevard is planned as the conduit to generate and support this use. The Project's location just south of two existing arterial roadways and immediate access to critical utility and power infrastructure, including the adjacent 230 kV Rudd Substation, provides further support for the proposed PAD request.

2. The proposed PAD meets the PAD requirements of the Zoning Ordinance, Subdivision Regulations, Design Manuals and other applicable regulations and requirements, unless otherwise modified by the PAD Narrative.

The City's Commerce Park (CP) zoning district is used as the basis for the PAD's development standards, with minor modifications to land uses and development standards to accommodate a largescale technology campus. The uses proposed by the PAD zoning are generally consistent with this zoning district, with several deviations requested, as outlined on page 10 of the PAD Narrative. In summary, the deviations are related to allowing "Dairy and Agricultural Farming" uses if existing prior to PAD approval; allowing "Data Center and Call Center" uses subject to the cooling system being a closed-loop system, or alternative equivalent; allowing "Outdoor Generators, Silos, Cooling Towers, and Similar Accessory Structures" as an accessory use subject to this equipment being screened or integrated into the design of the project such that it will not detract aesthetically from the proposed primary buildings and/or adjacent single-family residential use (proposed or existing); allow a "Private Battery Energy Storage Facility" use subject to the approval of a Conditional Use Permit (CUP). This is separate from the existing CUP approved for the Sierra Estrella Energy Storage Facility; and allow a "Private Substation" as an accessory use. Deviations will be further reviewed and require City approval through a separate site plan and design review application.

These requested deviations primarily offer clarity, as well as additional protection, for surrounding properties and property owners regarding noise and other nuisances that could arise with the establishment of these uses.

In addition to these uses, the applicant is requesting modifications to the base zoning development standards as they relate to building height, building setbacks, landscape setbacks, as well as modifications to screening, and parking requirements in order to create more of a buffer between the proposed uses and surrounding residential areas, as requested within the PAD Narrative document's Development Standards on page 11 (Exhibit D). In summary, modifications are to increase the maximum building height from thirty-five (35) feet in CP to fifty (50) feet; increase the maximum height allowance for screened rooftop equipment from ten (10) feet to twenty-five (25) feet; apply the City's parking ratio for Warehouse & Storage uses to the data center uses within the Project; increase front yard setback from twenty-five (25) feet to one hundred (100) feet; increase setback from any adjacent residential zoning district or use from twenty-five (25) feet to one hundred (100) feet; increase minimum landscape setback from twenty-five (25) feet to fifty (50) feet; allow required emergency turnouts to be located within the landscaped land use buffer, as approved by the City; allow steel fencing in lieu of providing solid block screen walls along the perimeter of Parcel A of the site; allow an enhanced and enlarged landscape buffer in lieu of providing masonry parking screen walls along Avondale Boulevard, as approved by the City.

The development standards proposed exceed the minimum requirements of the Zoning Ordinance and enhance the overall look and feel of the development, offering greater visual interest as well as a greater buffer between the proposed technology campus and surrounding residential districts.

One (1) modification to the City of Avondale's Commercial and Industrial Design Manual has been requested with this PAD; reducing the minimum required façade treatments to four (4) treatments for building lengths greater than fifty (50) feet; versus 6 to 10 treatments. Due to the elevated nature of the proposed design, granting a reduction to four façade treatments would not be a detriment to the design.

3. That adequate public infrastructure and services exist to serve the proposed development or all necessary public infrastructure and services to serve the proposed development will be completed in connection with development within the PAD.

Adequate public infrastructure and services exist in the immediate area to serve the proposed development. All necessary utility extensions and perimeter roadway improvements required as part of the development of the site will be constructed by the developer. The adjacency of the site to the existing Rudd Substation provides a mutual benefit and opportunity for the uses proposed with this PAD. To the extent that additional public infrastructure is required to serve the development, the developer will be responsible for providing that infrastructure and/or capacity.

4. The proposed PAD will result in compatible land use relationships within the proposed development and with adjacent properties.

The site is located south of the intersection of two major arterial roadways, one of which makes up the eastern property frontage. The property is near a single-family community, Alamar, and adjacent to the Rudd Substation. Future residential is planned east of Avondale Boulevard with the Shadow Ridge PAD. North of the proposed development is vacant agricultural land zoned for residential use, as well as an approximately 180-foot wide powerline corridor that runs along the northern property boundary from east to west. The land uses proposed with this PAD embrace the visual encumbrances of the site and provide the ability for a technology campus development in an area of Avondale which does not currently offer these types of uses.

This PAD has purposefully included excessive setbacks adjacent to the existing and proposed single family residential land uses to the north, south, and east to mitigate any additional negative visual impact perceived with a technology campus use. In addition to heavily landscaped perimeter setbacks, the parcels proposed for technology campus uses will include a wider than required street frontage setback in order to push the buildings further into the site and provide additional landscape and screening. The proposed PAD has been thoughtfully crafted to set the stage for compatibility with adjacent land uses and site constraints.

5. The development standards of the proposed PAD are consistent with or exceed the desired

character of development for the area.

The proposed development standards outlined in this PAD exceed the City's Commerce Park District requirements for all standards in order to foster compatibility with existing and future residential neighbors. By providing enhanced setbacks and landscape buffers, the proposed development will also provide a compatible transition and visual buffer from the Rudd Substation to neighbors to the north.

DISCUSSION:

The proposal meets the five (5) required findings for PAD Rezoning requests as detailed in the Analysis section above.

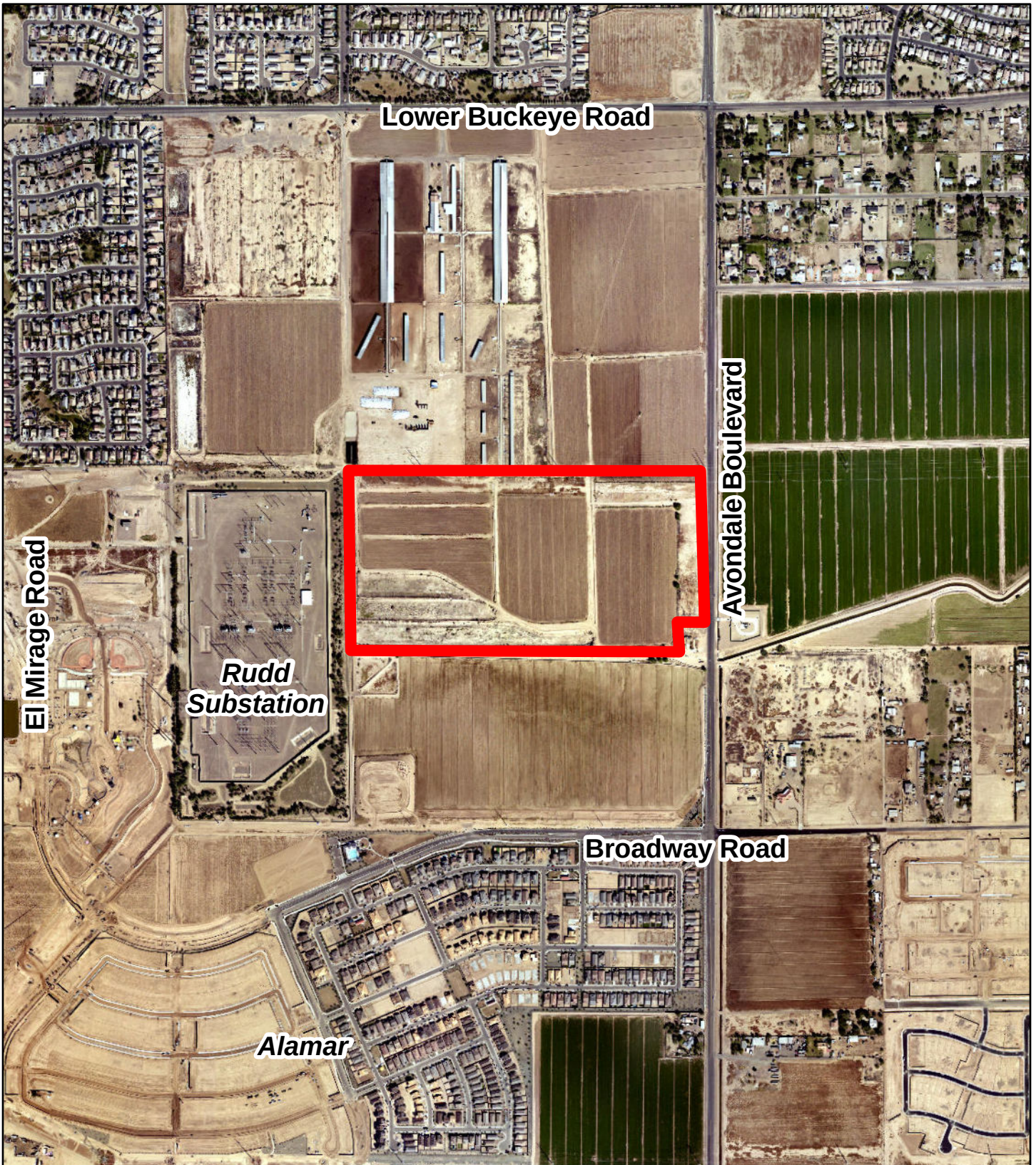
BUDGET IMPACT:

No budget impacts at this time.

RECOMMENDATION:

City Council will conduct a public hearing and adopt an Ordinance approving Application PL-22-0166 Hermosa Ranch Technology Campus - South, a request to rezone approximately 78 gross acres from Diamond P Ranch Planned Area Development (PAD) to Hermosa Ranch Technology Campus- South Planed Area Development (PAD) to allow a Data Center and related employment uses. Subject to the following eight (8) conditions of approval:

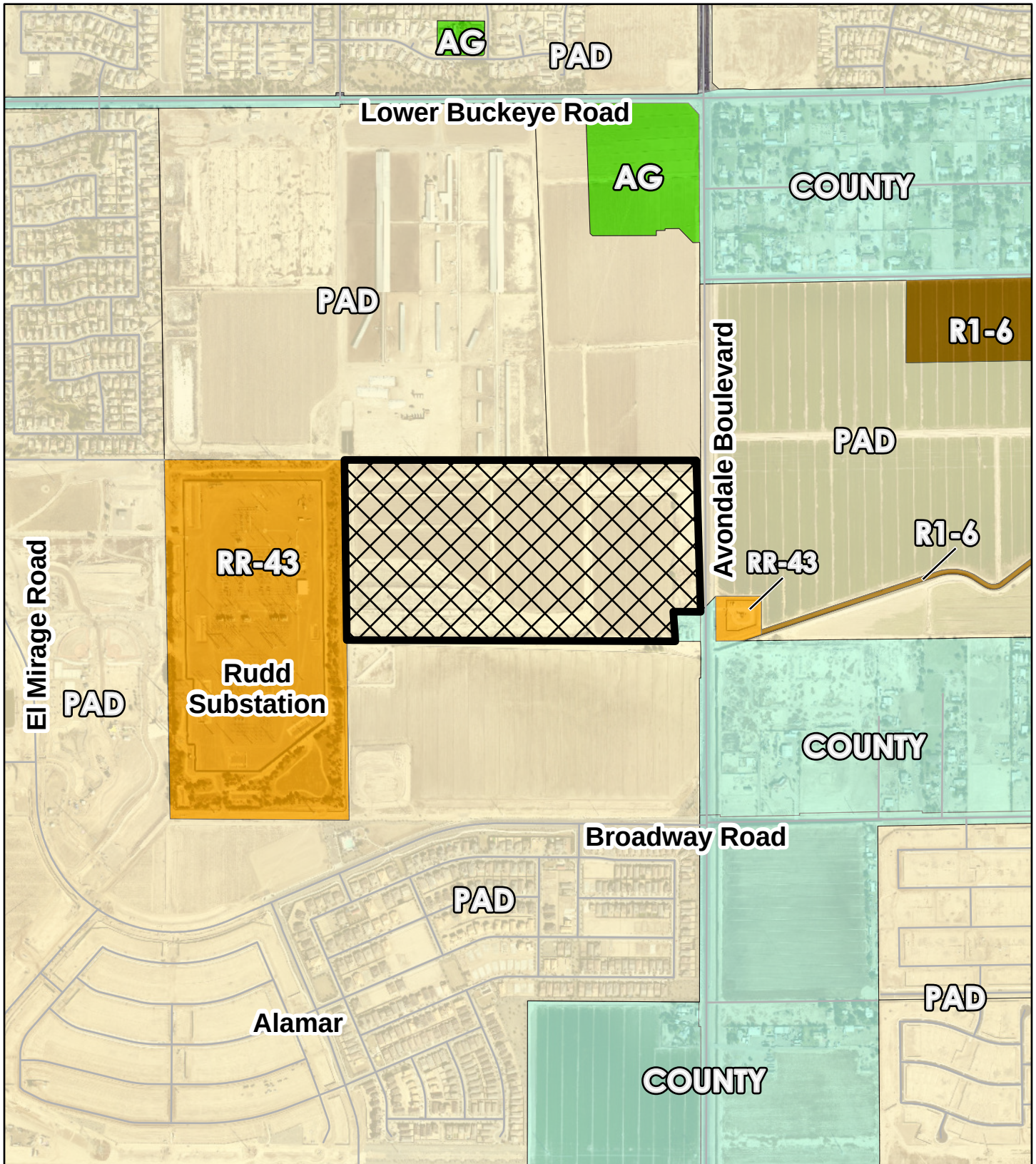
1. Development shall generally conform to the Hermosa Ranch Technology Campus PAD Narrative dated October 27, 2022, except as modified by these stipulations.
2. All development shall be completed in accordance with the City of Avondale General Engineering Requirements (GER) Manual and the City of Avondale Supplement to MAG Uniform Specifications and Details unless a standards deviation has been approved.
3. The development shall be required to construct Avondale Boulevard to the City's Minor Arterial street cross-section along the project's street frontage. The site will have two full access driveways onto Avondale Boulevard with left-turn lanes and right-turn deceleration lane for the north driveway. All required off-site improvements shall be completed in the first phase of development prior to issuance of the first Certificate of Occupancy for the project.
4. Grandfathered groundwater rights for the property shall be extinguished and pledged to the City of Avondale's designated account (58-106097.0004) prior to issuance of any construction permits for any portion of the project.
5. Approval of a Final Plat will be required prior to the City issuing any permit for construction of the proposed Hermosa Ranch Technology Campus - South development.
6. The developer shall submit an application for approval of a Comprehensive Sign Package for all building mounted and freestanding monument signage, prior to the issuance of any sign permits for the planned development.
7. The planned development shall be required to comply with the requirements of the Zoning Ordinance Article 11, Required Public Art for New Planned Area Developments (PAD), Commercial, Office, Employment, and Municipal Construction.
8. Any powerlines less than 69 kV and/or irrigation canals on or adjacent to the property shall be converted underground in the first phase of development.



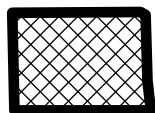
Aerial Photograph



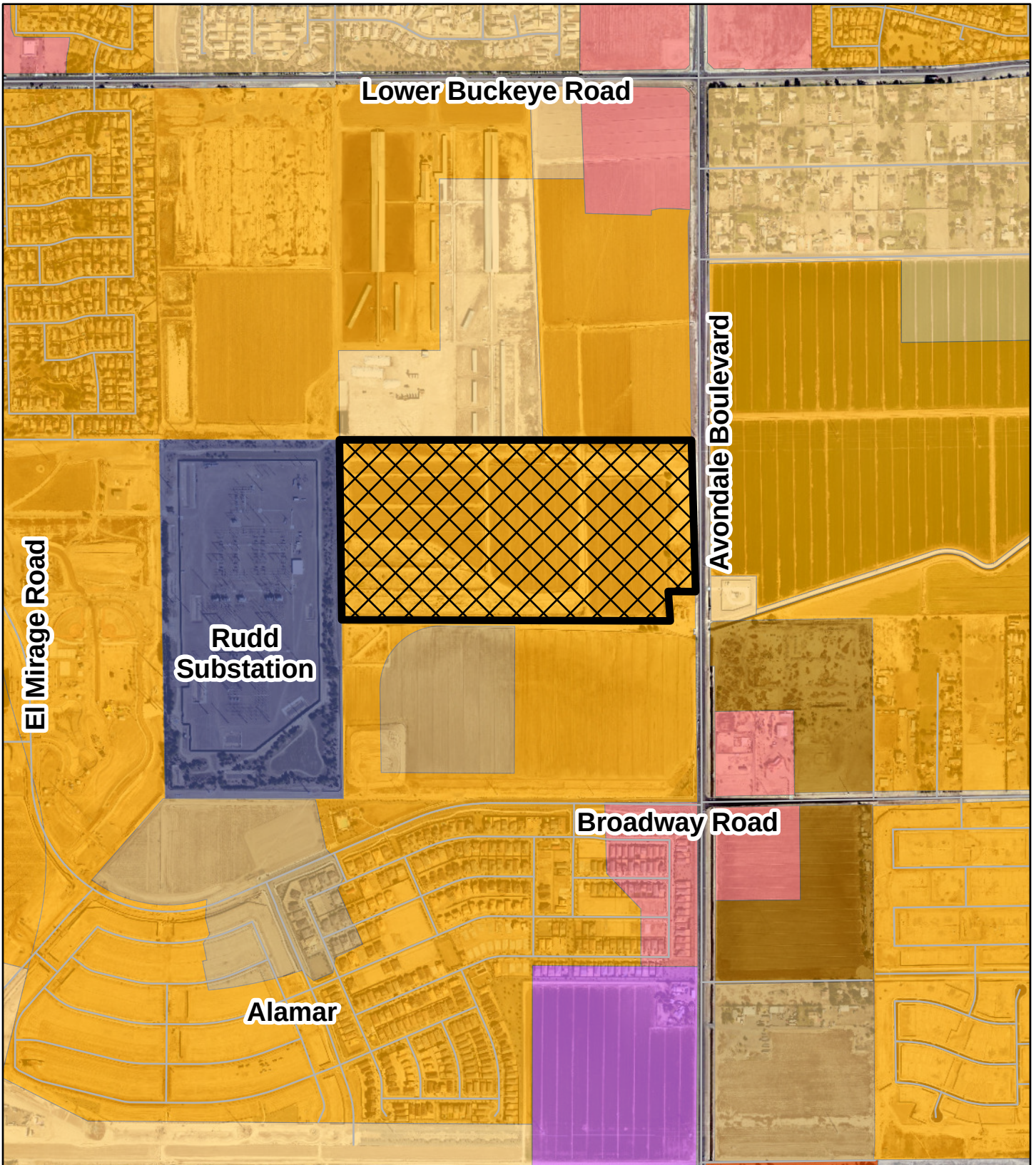
Subject Property



Zoning Vicinity



Subject Property

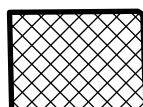


General Plan Land Use



- Local Commercial
- Low Density Residential
- Medium Density Residential
- Medium High Density
- High Density Residential

- Public / Civic
- Mixed Use



Subject Property

An architectural rendering of a modern, multi-story office building with a glass and steel facade. The building is situated on a street corner with trees and a sidewalk. The sky is blue with light clouds.

HERMOSA RANCH

TECHNOLOGY CAMPUS | SOUTH

PLANNED AREA DEVELOPMENT

Application PL-22-0166

May 20, 2022
Revised: September 20, 2022
Revised: October 26, 2022
City Council Version: January 23, 2023

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*NOTE: ALL IMAGES LOCATED WITHIN THIS PAD ARE INTENDED TO CONVEY DESIGN INTENT AND ARE CONCEPTUAL IN NATURE.

I. INTRODUCTION

This request is to rezone approximately seventy-eight (78) acres located approximately a half mile south of the southwest corner of Avondale Boulevard and Lower Buckeye Road and identified by the Maricopa County Assessor as parcels 500-66-005C and 500-66-005D (the “Property”). The Property, which is located within the Tres Rios Opportunity Zone and along the Avondale Boulevard Employment and Commercial Corridor, as designated on the 2030 General Plan, is planned to be developed as the **Hermosa Ranch Technology Campus - South** (the “Project”). This application requests Planned Area Development (PAD) zoning alongside a companion Minor General Plan Amendment to amend the General Plan land use designation for the Property to “Business Park” (BP). (See Exhibit 1 | Context Map)

The Property is currently zoned PAD as part of the approximately 245-acre Diamond P Ranch (Case No. Z-07-4). The Hermosa Ranch Technology Campus – South PAD will replace the existing PAD zoning on the southern seventy-eight (78) acres of the undeveloped Diamond P Ranch and provide employment opportunities in a planned employment corridor. Preliminary plats were prepared for Diamond P Ranch, but never approved and the site remains undeveloped.

Development of high-quality employment uses has long been a priority to the City of Avondale, as evidenced by the significant development of a multitude of commerce parks in the Van Buren Street corridor (with more planned) and the development of medical, health and technology related uses in the McDowell Road corridor. The Tres Rios Opportunity Zone (the “Opportunity Zone”) was established following the adoption of the Avondale General Plan 2030 (“General Plan”) as one of three Opportunity Zones in the City, and this Property is in the northern gateway location of that Opportunity Zone. These Zones attract new investment through the opportunity to defer capital gains taxes on the sale of any opportunity zones asset for qualified projects such as a major employment user. (See Exhibit 2 | Tres Rios Opportunity Zone)

In addition to being located within the Tres Rios Opportunity Zone, Avondale Boulevard, which borders the eastern edge of the Property, is designated as an Employment and Commercial Corridor. Avondale Boulevard will be the major north/south corridor that will link I-10 on the north to the future SR-30 to the south. The Project will provide some much-needed employment opportunities to the area, which currently is predominantly residential, and Avondale Boulevard is planned as the conduit to generate and support this use. The Project’s location adjacent to an existing arterial roadway and immediate access to critical utility and power infrastructure, including the adjacent 230 kV Rudd Substation (the “Substation”), provides further support for the proposed PAD request.

This PAD establishes customized zoning that will facilitate the development of a data center campus with supporting ancillary uses and a battery energy storage facility. Tailored uses, development standards, and architectural guidelines will ensure compatibility with neighboring uses (existing and planned) for development of this prime location that is unique given its adjacency to the Substation and location within the Opportunity Zone. The requirements of the City of Avondale Zoning Ordinance, (the “Zoning Ordinance”) as amended, and Avondale Subdivision Regulations, as amended, shall apply except where explicitly stated otherwise herein by this PAD. Conditions of the approved Conditional Use Permit (CUP) (PL-21-0116) for the battery energy storage facility (Sierra Estrella Energy Storage Facility) will supersede the standards and requirements of this PAD and nothing in this PAD will alter the approved CUP.

II. PROPERTY DESCRIPTION

The approximately seventy-eight (78) acres associated with this PAD request is located immediately adjacent to Avondale Boulevard and a half mile south of Lower Buckeye Road, two highly traveled arterial roadways. The western portion of the Property neighbors the existing Rudd Substation which serves the electrical supply networks for both the Salt River Project (SRP) and the Arizona Public

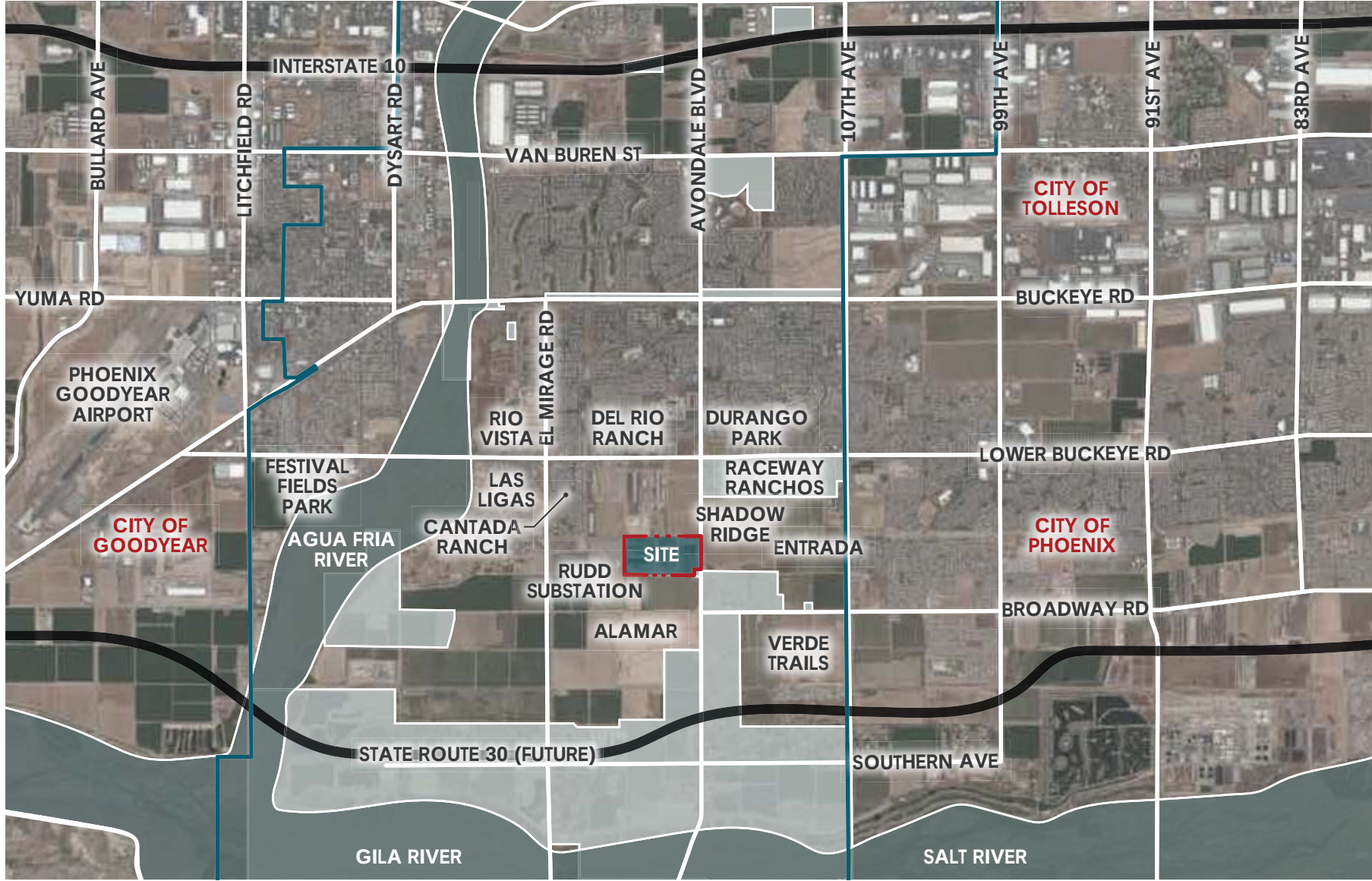
Service Company (APS). SRP, APS and WAPA powerlines (230 kv) are present on the site, running the length of the northern boundary while the southern boundary is adjacent to the master planned community of Alamar, which is still under construction. The site has a flood delineation of Zone “X” and slopes towards the south and southwest. Presently the Property is part of a larger operational dairy and agricultural farm. (See Exhibit 3 | Vicinity Map)

The Avondale General Plan 2030 identifies the land use designation for the Property as Medium Density Residential (MDR). (See Exhibit 4 | General Plan). A Minor General Plan Amendment (GPA) application to amend the General Plan land use designation for the Property to Business Park (BP) has been submitted concurrently with this PAD request. The Property is currently zoned PAD in association with Diamond P Ranch (Z-07-4). (See Exhibit 5 | Zoning)

The proposed Hermosa Ranch Technology Campus – South will integrate into the surrounding area in a manner which promotes compatibility with existing and planned uses. The proposed employment uses will generate a significantly lower traffic intensity than the currently allowed single family residential, providing additional compatibility with the existing and planned residential in the surrounding area. The existing uses and zoning of surrounding properties include:

TABLE 1 | EXISTING CONDITIONS

LOCATION	GENERAL PLAN LAND USE	EXISTING ZONING	EXISTING USE
SITE	MEDIUM DENSITY RESIDENTIAL	PAD (Z-07-4)	POWERLINE CORRIDOR, DAIRY, AGRICULTURE
NORTH	ESTATE/LOW DENSITY RESIDENTIAL, MEDIUM DENSITY RESIDENTIAL	PAD (Z-07-04 AND Z-05-18)	POWERLINE CORRIDOR, DAIRY, AGRICULTURE
SOUTH	MEDIUM DENSITY RESIDENTIAL, MEDIUM HIGH DENSITY RESIDENTIAL	PAD (PL-19-0231)	FUTURE ALAMAR MASTER PLANNED COMMUNITY
EAST	MEDIUM DENSITY RESIDENTIAL	PAD (PL-21-0087)	FUTURE SHADOW RIDGE COMMUNITY
WEST	PUBLIC / CIVIC	RR-43	SRP/APS RUDD SUBSTATION



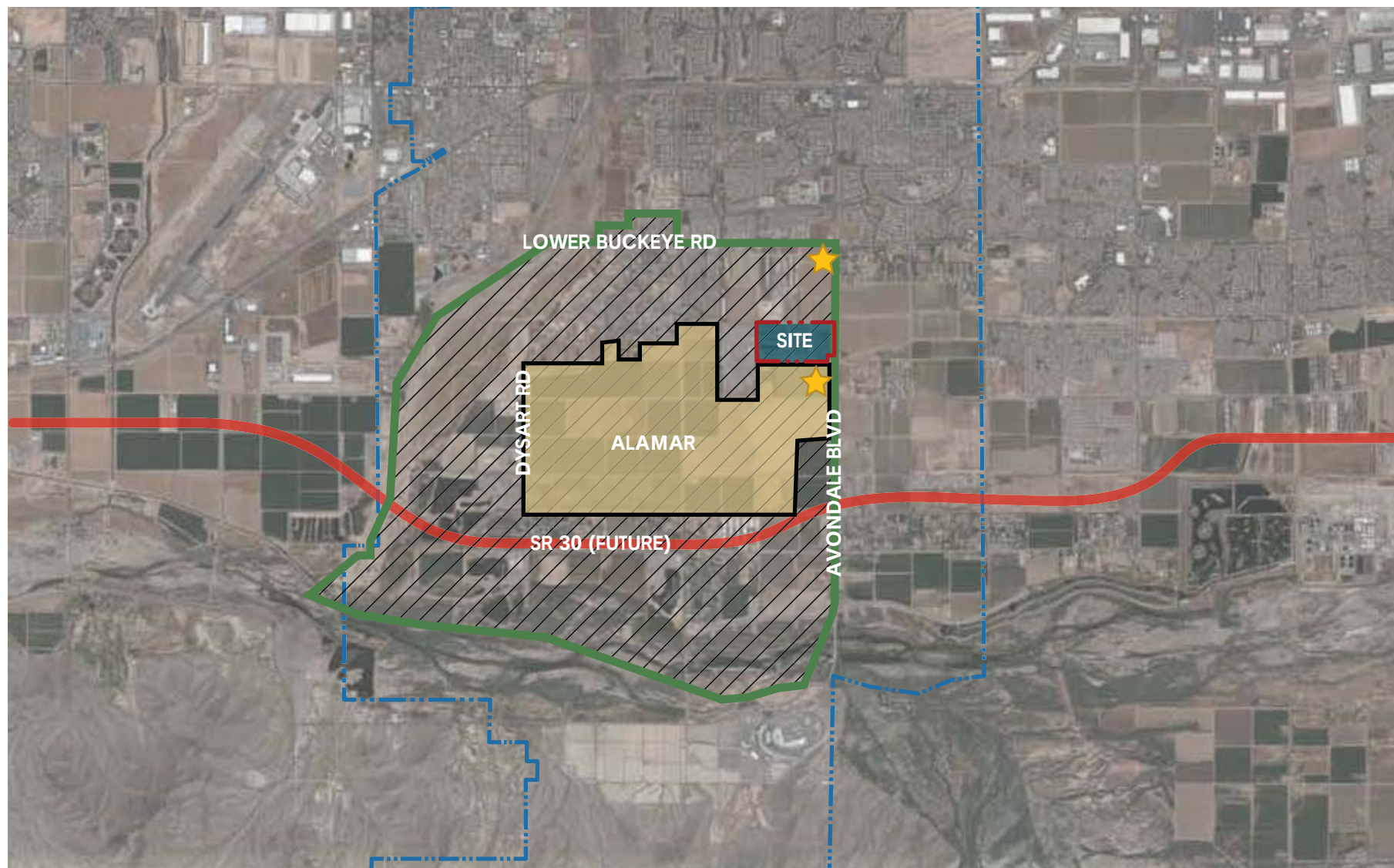
LEGEND

 HERMOSA RANCH TECHNOLOGY CAMPUS - SOUTH
 AVONDALE CITY LIMITS

 RIVER/WATERSHED AREA
 MARICOPA COUNTY JURISDICTION



EXHIBIT 2 | TRES RIOS OPPORTUNITY ZONE



LEGEND

- HERMOSA RANCH TECHNOLOGY CAMPUS - SOUTH
- TRES RIOS OPPORTUNITY ZONE
- AVONDALE CITY LIMITS

- SR 30 (FUTURE)
- PROPOSED COMMERCIAL



EXHIBIT 3 | VICINITY MAP



LEGEND

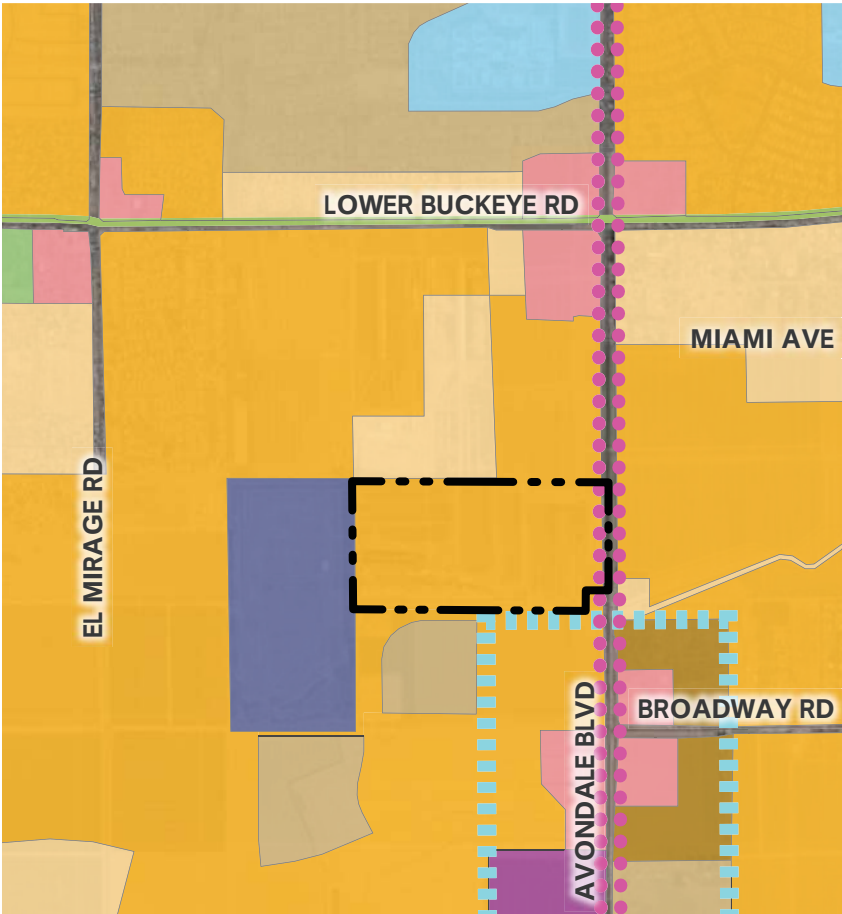
 HERMOSA RANCH TECHNOLOGY CAMPUS - SOUTH
 AVONDALE CITY LIMITS

 RIVER/WATERSHED AREA
 MARICOPA COUNTY JURISDICTION



EXHIBIT 4 | GENERAL PLAN

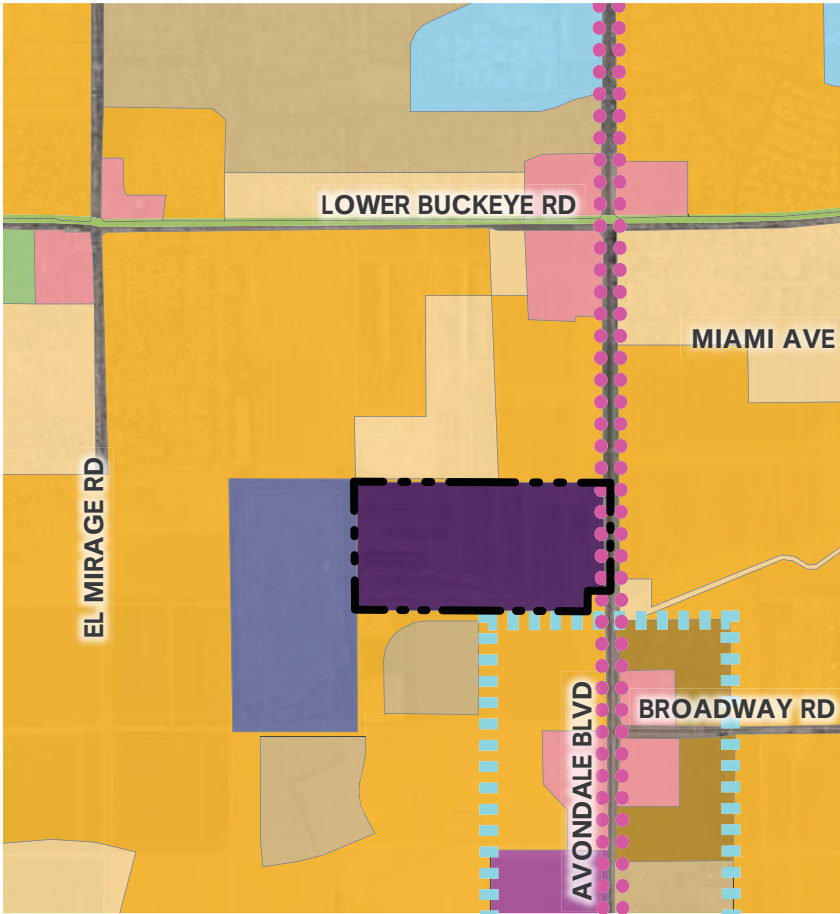
EXISTING GENERAL PLAN



LEGEND

- MEDIUM DENSITY RESIDENTIAL
- ESTATE/LOW DENSITY RESIDENTIAL
- LOCAL COMMERCIAL
- BUSINESS PARK
- MEDIUM/HIGH DENSITY RESIDENTIAL
- PUBLIC/CIVIC
- OPEN SPACE AND PARKS

PROPOSED GENERAL PLAN

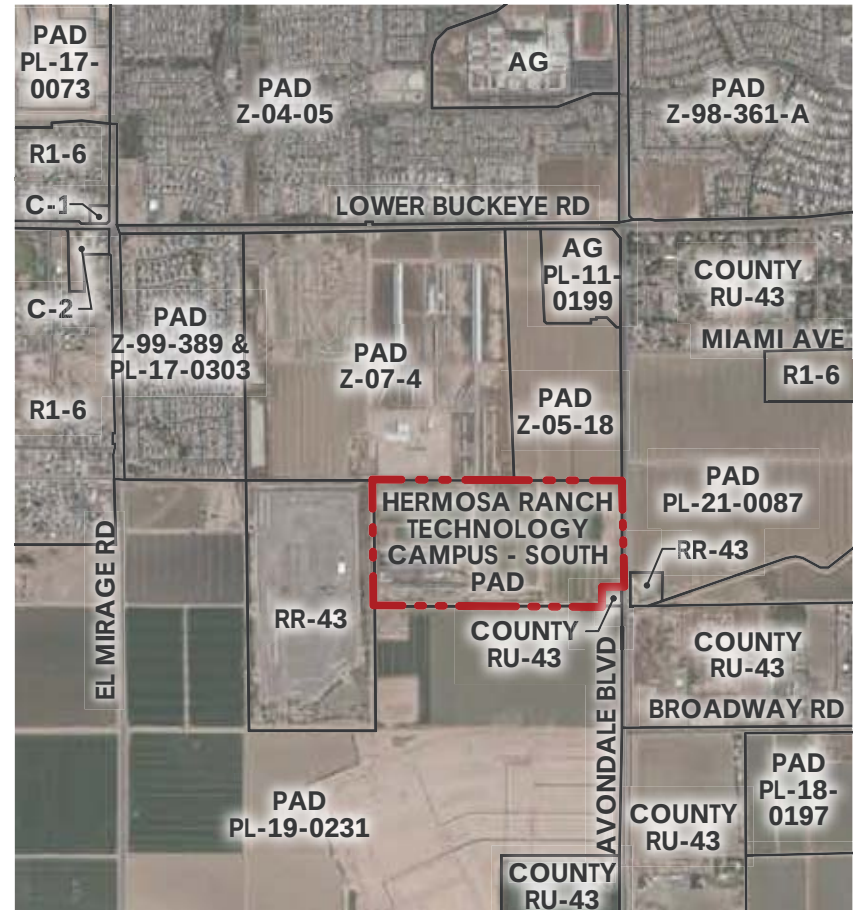


- EDUCATION
- MIXED USE
- HIGH DENSITY RESIDENTIAL
- GROWTH AREA
- AVONDALE BLVD EMPLOYMENT AND COMMERCIAL CORRIDOR
- HERMOSA RANCH TECHNOLOGY CAMPUS - SOUTH

EXISTING ZONING PLAN



PROPOSED ZONING PLAN



LEGEND

— — — — — HERMOSA RANCH TECHNOLOGY CAMPUS - SOUTH

III. PROJECT DESCRIPTION

Hermosa Ranch Technology Campus – South is designed to include a data center campus with supporting ancillary uses and a battery energy storage facility in an arrangement that will complement the surrounding built and planned environment. (See Exhibit 6 | Conceptual Development Plan) The Property owner is currently working with two developers to bring this campus to life and this PAD has been carefully crafted to incorporate details specific to these end users in order to create a successful Project.

The data center component, proposed on approximately 66.5 acres of the Property, will feature approximately 1,300,000 sf of data center use within five separate buildings, each two-story in height, located behind two gated entries. The buildings will utilize modern architecture and design techniques to create visual interest and the proposed complex will utilize data center industry best practices closed-loop cooling system technology. Access will be provided by two driveways off of Avondale Boulevard. Internal vehicular circulation is efficiently designed with parking adjacent to each building.

A substation to service the data centers is proposed for the northwest corner of the Property, adjacent to the existing Rudd Substation, and will have its own gated entry. An access road along the southern portion of the Property will provide direct access to the proposed approximately 256,000 sf substation, as well as the future battery energy storage facility (Sierra Estrella Energy Storage Facility).

The proposed battery energy storage facility will incorporate the latest battery technology and design practices, which has moved away from battery storage being placed within an enclosed building. Instead, the facility will include outdoor-rated, modular, battery containers or “packs.” The site layout includes battery packs positioned in a grid-like pattern throughout the site, a fenced switchyard which will include the system components that facilitate the delivery of power from the site to the Rudd Substation, and a small maintenance shed. The proposed approximately 250 MW/1,500 MWh energy storage system is intended to function as an extension of the existing Rudd Substation. The

energy storage will enable greater amounts of renewable energy to serve the Avondale grid and help advance municipal and state sustainability goals. The gated facility will be an unmanned, remotely controlled and monitored system that will not have any full-time employees on-site. Hours of operation will be continuous, similar to the adjacent substation.



VIEW OF DATA CENTER LOOKING NORTHWEST

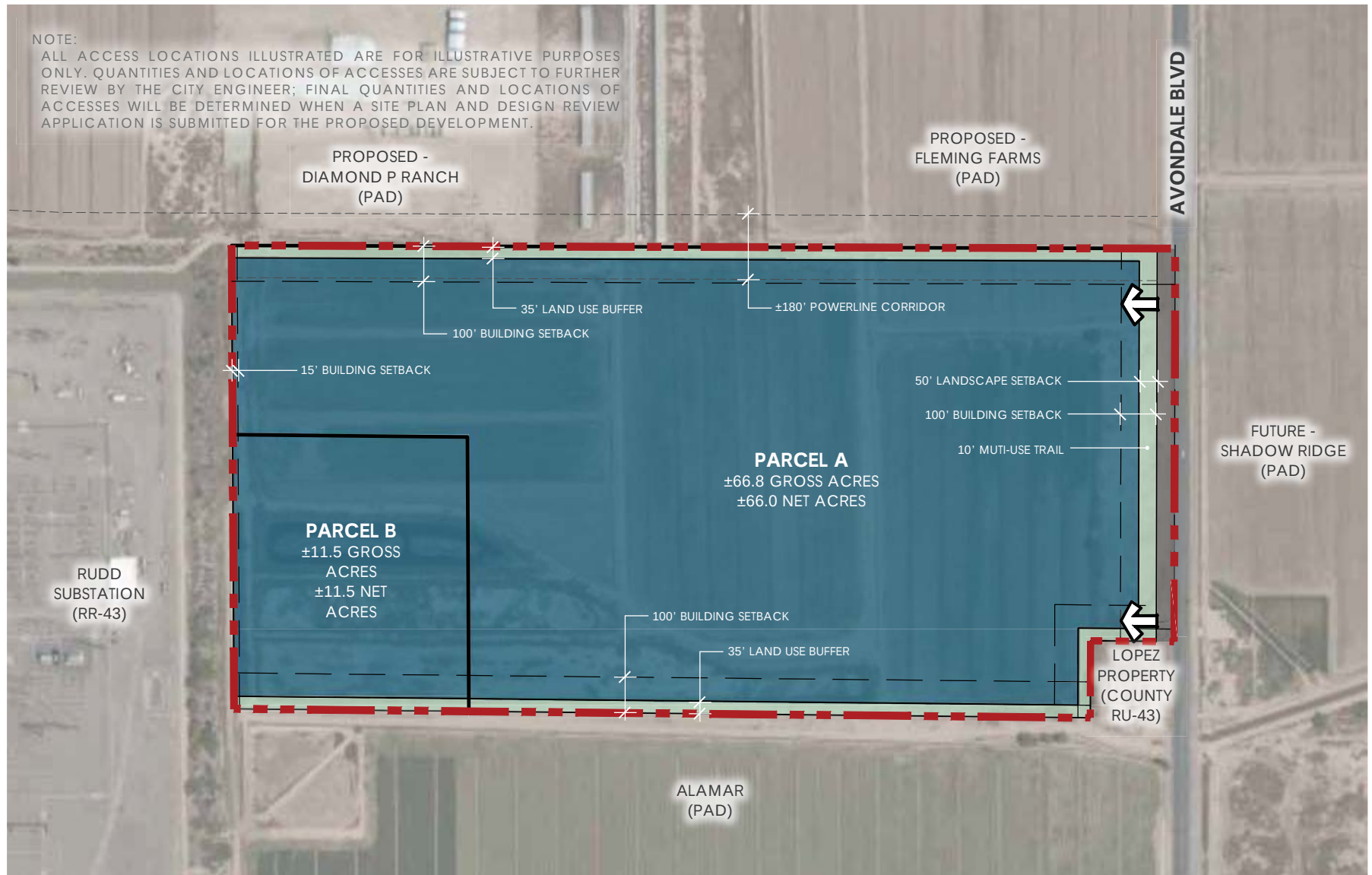


VIEW OF BATTERY ENERGY STORAGE LOOKING NORTHWEST

EXHIBIT 6 | CONCEPTUAL DEVELOPMENT PLAN

NOTE:

ALL ACCESS LOCATIONS ILLUSTRATED ARE FOR ILLUSTRATIVE PURPOSES ONLY. QUANTITIES AND LOCATIONS OF ACCESSSES ARE SUBJECT TO FURTHER REVIEW BY THE CITY ENGINEER; FINAL QUANTITIES AND LOCATIONS OF ACCESSSES WILL BE DETERMINED WHEN A SITE PLAN AND DESIGN REVIEW APPLICATION IS SUBMITTED FOR THE PROPOSED DEVELOPMENT.



LEGEND

— — — — — HERMOSA RANCH TECHNOLOGY CAMPUS - SOUTH
 ■ DEVELOPMENT PARCEL

■ ROADWAY
 ■ LANDSCAPE SETBACK / LAND USE BUFFER

↩ ACCESS



IV. LAND USE

This PAD establishes all of the permitted uses for the Property, and all uses not specifically provided for herein are prohibited unless a subsequent determination by the Zoning Administrator finds a specific use to be an analogous use to a permitted use.

(P) Permitted outright

(C) Permitted subject to a conditional use permit - must conform to all applicable use-based requirements contained in Zoning Ordinance Section 404

(PC) Permitted with conditions

(A) Accessory use to otherwise permitted use

The PAD uses most generally conform to the City's Commerce Park (CP) District as described in §402 of the Zoning Ordinance, with PAD deviations noted in **bold** and use specific conditions provided in the notes section of Table 2 | Permitted Uses.

TABLE 2 | PERMITTED USES

LAND USE	AVONDALE §402 COMMERCE PARK DISTRICT	PROPOSED PAD
DAIRY AND AGRICULTURAL FARMING	-	PC¹
DATA CENTER AND CALL CENTER	P	PC²
LABORATORIES FOR PRODUCT DEVELOPMENT, TESTING, EXPERIMENTING AND INVESTIGATING - BIO-SCIENCE, MEDICAL, DENTAL, PHARMACEUTICAL, ELECTRONIC AND SIMILAR USES	P	P
OUTDOOR GENERATORS, SILOS, COOLING TOWERS, AND SIMILAR ACCESSORY STRUCTURES	-	A³
PRIVATE BATTERY ENERGY STORAGE FACILITY	-	C
PRIVATE SUBSTATION	-	A
PROFESSIONAL OFFICES	P	P
PUBLIC UTILITY FACILITIES	P	P
TRANSMITTING AND RECEIVING TOWERS	C	C

Notes:

1. Permitted if an existing use prior to PAD approval.
2. Permitted if cooling system is an air-chilled closed-loop system or alternative equivalent as determined by the City.
3. Permitted if either screened or integrated into the design of the site such that they will not detract aesthetically from the proposed primary buildings and/or adjacent single family residential use (proposed or existing).

V. DEVELOPMENT STANDARDS

The Property will be developed in accordance with Table 3 | PAD Development Standards below. Deviations from Zoning Ordinance §405 development standards are noted in **bold**.

TABLE 3 | DEVELOPMENT STANDARDS

DESIGN STANDARD	AVONDALE §402 COMMERCE PARK DISTRICT	PROPOSED PAD
MAXIMUM HEIGHT	35' ¹ / 50' ²	50'¹ / 75'^{3,4}
MAXIMUM BUILDING COVERAGE	50%	50%
MINIMUM PERIMETER BUILDING SETBACKS		
ADJACENT TO ARTERIAL ROADWAY (EAST)	25'	100'
ADJACENT TO RESIDENTIAL ZONING DISTRICT OR USE (NORTH AND SOUTH)	50'	100'
ADJACENT TO EXISTING SUBSTATION (WEST)	15'	15'
MINIMUM LANDSCAPE SETBACK		
ADJACENT TO ARTERIAL ROADWAY (EAST)	25'	50'
MINIMUM LAND USE BUFFER (LANDSCAPED)		
ADJACENT TO RESIDENTIAL ZONING DISTRICT OR USE (NORTH AND SOUTH)	35'	35'

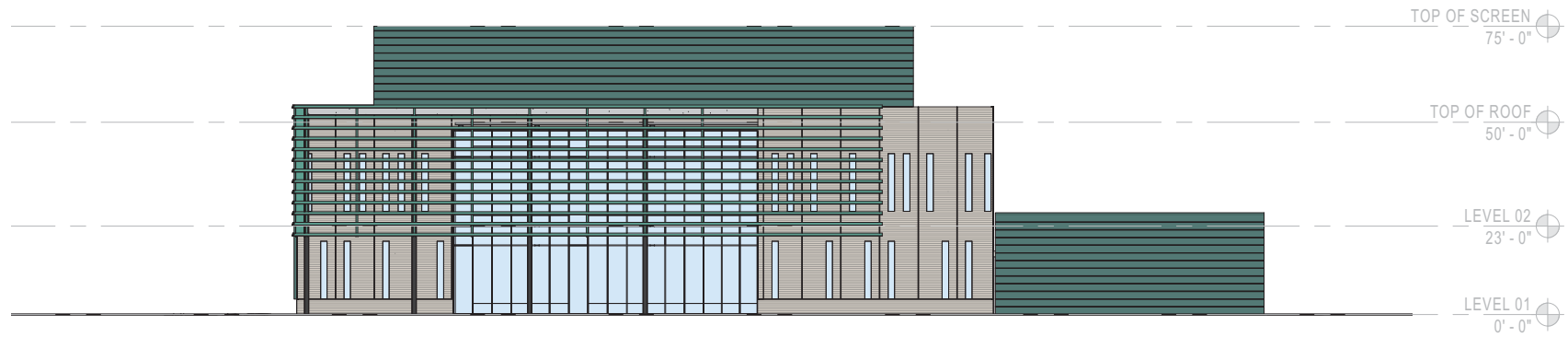
Notes:

1. Building height is the vertical distance measured from the adjacent grade level to top of roof.
2. Chimneys, bulkheads, penthouses not for human occupancy, ventilators, skylights, water tanks, and other similar mechanical equipment shall be limited to fifteen (15) feet above the building height limit and shall be fully screened or integrated into the building architecture. Parapet walls or cornices may extend to a maximum of five (5) feet above the building height limit. The height of the parapet wall or cornice shall be measured from the highest side of a sloped roof. (Section 28-134, Avondale Zoning Ordinance)
3. Chimneys, bulkheads, penthouses not for human occupancy, ventilators, skylights, water tanks, and other similar mechanical equipment shall be limited to twenty-five (25) feet above the building height limit and shall be fully screened or integrated into the building architecture. Parapet walls or cornices may extend to a maximum of five (5) feet above the building height limit. The height of the parapet wall or cornice shall be measured from the highest side of a sloped roof.
4. Illustration of this height limit is demonstrated on Exhibit 7 | Building Height Elevations within this PAD.

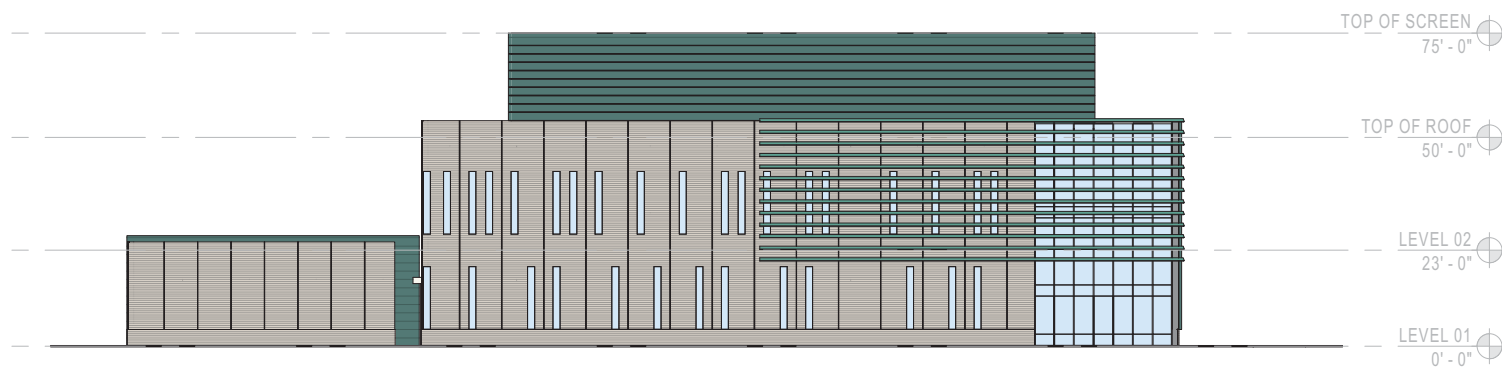
All uses established, maintained, or conducted within the Project shall meet the following performance standards:

- a. Smoke, gas and odor emissions shall comply with Regulation III of the Maricopa County Air Pollution Control rules and regulations.
- b. The equivalent continuous time-average noise level (Leq), evaluated at the common property line with a single family residential or multifamily residential use, shall not exceed 55 dBA. The Leq A-weighted sound pressure level is defined in ASTM standard E1686 – 10e1: Standard Guide for Applying Environmental Noise Measurement Methods and Criteria. Measurements shall be according to ANSI S12.18 Procedures for Outdoor Measurement of Sound Pressure Level which specifies the measurement duration for continuous sources to be at least two (2) minutes. An analytical Noise Study demonstrating conformance with the noise requirements will be provided prior to Site Plan approval.
- c. All direct sources of illumination, luminaries, shall be shielded so as not to be visible from adjacent residentially zoned property and shall not exceed 1-foot candle at the property lines.

EXHIBIT 7 | BUILDING HEIGHT ELEVATIONS



NORTH ELEVATION



SOUTH ELEVATION

VI. ARCHITECTURAL DESIGN CRITERIA

Except where otherwise provided in this PAD, architectural design standards shall be in conformance with the CP Zoning Ordinance requirements and the City of Avondale's Commercial and Industrial Design Manual. The architectural style of the data center buildings will be modern in appearance and include visual diversity through vertical and horizontal movement and variation in materials.

Building masses will include utilization of high-quality materials, texture, and windows to provide visual enhancement along the Avondale Boulevard frontage and primary visible areas of the building. Four sided architecture, appropriate to the scale of the buildings, will be provided to create a cohesive campus aesthetic. To reduce the visual impact of the mass of the buildings, rhythmic placement of windows and horizontal architectural trellis features are utilized to create shadow, movement, and texture along the building facades visible from the perimeter of the campus and internal to access drives. A combination of concrete tilt up wall panels with a series of reveals and patterns in the tilts will accent the building elevations. A significant amount of storefront glass at each corner entry highlights the material variation. Additionally, the entrances will be accented with horizontal metal trellis to provide a human scale element as one enters the building. The buildings will be earth tone in color with an accent color being used for the trellis/shade elements and the parapets. Although roof lines will not vary, the accent-colored parapet, which is a predominant feature on each building, will create additional visual interest.

Due to the elevated nature of the design, a request to reduce the minimum required facade treatments to four (4) treatments for building lengths greater than fifty feet (50') is being proposed with this PAD. (See Exhibit 8 | Data Center Conceptual Renderings)

EXHIBIT 8 | DATA CENTER CONCEPTUAL RENDERINGS



VIEW FROM SOUTHEAST CORNER



VIEW FROM NORTHEAST CORNER CLOSEUP



VIEW FROM NORTHEAST CORNER



AERIAL VIEW FROM NORTHEAST CORNER

RENDERINGS ARE INTENDED TO ILLUSTRATE DESIGN INTENT AND ARE SUBJECT TO CHANGE.

VII. SITE DESIGN CRITERIA

The Design Standards and Guidelines outlined in the City of Avondale's Commercial and Industrial Design Manual shall govern future development of the Project.

Building Orientation

The Project will feature approximately 1,300,000 sf of data center use within five (5) separate two-story buildings. The Conceptual Site Plan orients the eastern most building of the technology campus to Avondale Boulevard, the primary access to the Property. A generous one hundred foot (100') building setback inclusive of a minimum fifty foot (50') landscape setback is provided for screening, separation, and visual enhancement along Avondale Boulevard. The orientation of the additional four (4) buildings is such that fronts of buildings face each other with mechanical equipment and service areas strategically placed on the backside of buildings, out of public view. Access is efficiently accommodated around the Property and in between buildings with parking located at the front of each building.

Parking

The size of all parking spaces, accessways, parking lot islands, and other improvements in areas designated for vehicular parking shall conform to Section 8 – Parking of the Zoning Ordinance. The parking standards provided for in Section 804 – Required Parking of the Zoning Ordinance will govern the parking for uses within the PAD with the following exceptions:

- The private battery energy storage facility will have no on-site employees and therefor is exempt from providing required parking.
- The data center use will be parked under the "Warehouse & Storage" category and as a result, will utilize the following calculation:

1 space/500 SF for the first 10,000 SF plus 1 space/5,000 SF for the remaining floor area

MAXIMUM spaces allowed – 1 space/300 SF for the first 10,000 SF plus 1 space/3,000 SF for the remaining floor area

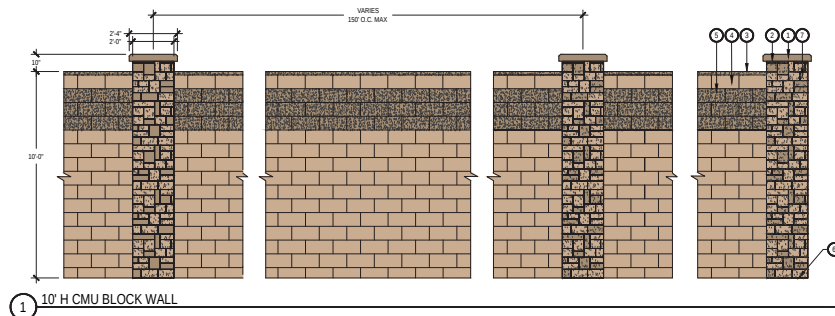
Required parking will be based on a calculated 90% of the gross floor area of the building or use. Where a use is not listed in the Required Parking Schedule of §804, the Zoning Administrator shall determine the minimum/maximum permitted as provided for in the Zoning Ordinance. Further, the City may permit deviations from the required parking schedules via a shared parking regime or where a Parking Demand Study completed in accordance with the City's requirements is provided with a Site Plan submittal.

Screening

The buildings associated with the data center use are oriented so that utilities and services bays are located internal to the site and are screened from view from Avondale Boulevard. Mechanical equipment will be located on the roofs of the buildings and will be screened by a parapet wall. Landscape setbacks and retention areas along the north, east and south edges of the Property will serve as buffers to screen and soften the perimeter of the Project. In lieu of providing masonry parking screen walls along Avondale Boulevard, an enhanced and enlarged landscape buffer will be provided.

Walls + Fences

The Property is fully enclosed by security fencing or solid walls, with secure, locked access gates allowing entrance for authorized users only. The proposed battery energy storage facility will provide a perimeter ten foot (10') high masonry wall that will be located along the north, east and southern edges of the facility. Located along the common property line with the SRP/APS owned Rudd Substation, a steel wire fence, typical to electrical substation security fencing, is proposed which will measure ten feet (10') in height. All other fencing, perimeter and internal, will be high security steel palisade fencing which will measure a maximum of twelve feet (12') in height. The perimeter fencing will be set back a minimum of fifty feet (50') from the north, south, and east property lines and will be accompanied by lush landscaping. Entry gates will match the stylish design of the perimeter fencing.



Lighting

Nighttime security lighting ranging from sixteen feet (16') to twenty-five feet (25') in height will be provided within the Property. Lighting will not exceed sixteen feet (16') in height if located within seventy-five feet (75') of residentially zoned property lines. Lighting will be pole mounted with shielded downcast lights to prevent glare to adjacent properties and will meet the requirements of the Avondale Zoning Ordinance Section 707, Outdoor Lighting. A Lighting Plan and Photometric Study will be provided with each individual Site Plan application.

Specific to the data center buildings, bollard lighting will be encouraged at pedestrian building entries and outdoor spaces, and decorative architectural lighting will be provided at each building entrance. Lighting associated with the buildings and emergency ingress/egress lighting shall be finished in a similar architectural style and/or color palette as adjacent buildings/walls.

Lighting within the battery energy storage facility will be on a motion sensor so that they typically operate at only 50% to provide general security lighting until motion is sensed and then they would increase to 100% illumination. No light will project outside the on-site landscape buffer.

VIII. LANDSCAPING, PEDESTRIAN OPEN SPACE + AMENITIES

Open Space for the Project will be provided in the form of landscape setbacks, land use buffers, power line corridors, drainage retention, and stormwater conveyance. These open space elements will complement each other in form, texture and visual appearance creating an open space fabric that will play as a backdrop to the built environment.

The overall planting design for the Project will be designed to enhance the desert environment through the use of native desert and desert adapted low water use plant material. Landscape will be utilized to provide shade, visual interest, and buffering. Street trees along Avondale Boulevard will be per the Avondale Street Tree Master Plan and will maintain the aesthetic character for major streets and routes within the City.

Vehicular entrances to the Property will be landscaped to create a sense of arrival and plantings will be provided in parking islands to provide shade and visual interest. Foundation plantings will be used on the front and side building facades to provide human scale and to break up long wall lengths, while massing of trees and shrubs will be used between the property line and building on the east and south sides to provide screening and visual interest along the more visible property edges. Additionally, the Project will include low-impact design elements such as vegetated retention basins that encourage ground percolation.

General Landscape Provisions provided for in §1203 of the Zoning Ordinance and the Landscape Design Standards of §1204 of the Zoning Ordinance will govern landscaping for the Project except that Required Landscape Areas will be determined utilizing the following alternate standards.

- A 50-foot landscape setback shall be provided along Avondale Boulevard. This setback will include one (1) 24-inch box tree and ten (10) 5-gallon shrubs, planted for every twenty (20) feet of street frontage, except for driveways, utility easements, sight visibility triangles, and walkways. Trees may be planted in groupings to maximize viability and buffering as approved by the City in Site Plan review. Parking and maneuvering areas shall not be permitted within the landscape setback adjacent to Avondale Boulevard.
- Adjacent to the southern perimeter of the Project, the required landscaped land use buffer adjacent to residential is thirty-five feet (35') and will include a minimum of one (1) 24-inch box tree and three (3) 5-gallon shrubs for every fifteen (15) lineal feet of the property boundary being screened. The thirty-five feet (35') does

not allow for parking, maneuvering or accessways, but may include emergency pullouts.

- Adjacent to the northern project boundary, the required landscaped land use buffer adjacent to single family residential use is thirty-five feet (35') and may be located within the powerline easement that runs along the common boundary. Due to planting limitations within power line easements, no trees will be allowed within this thirty-five foot (35') landscaped buffer. Three (3) 5-gallon shrubs for every fifteen (15) lineal feet of the property boundary being screened will be provided and the incorporation of larger shrubs along this property edge shall be considered where feasible.

A ten foot (10') multi-use trail will be provided within the landscape setback adjacent to Avondale Boulevard. The intent of the multi-use trail is to provide pedestrian connectivity north/south along Avondale Boulevard. Future extensions of this multi-use trail will be required with future development of the property to the north.

IX. SIGNAGE

Minimal signage is anticipated with the development of the technology campus, and of critical importance will be wayfinding for emergency services. Project signage will include monument signage, tenant signage, and addressing as defined in a Comprehensive Sign Plan for the data center use, under a future separate application. Signage associated with the battery energy storage use has already been permitted through the approved Conditional Use Permit (PL-21-0116).

X. INFRASTRUCTURE

Infrastructure improvements anticipated with the development of Hermosa Ranch Technology Campus – South shall include internal private accessways, half-street improvements for Avondale Boulevard along the property frontage as required, a possible decel lane at the north Project entry, as well as water and sewer connections. It is anticipated that the Project will have the ability to connect to the 16-inch water main in Avondale Boulevard and the existing 30-inch sewer main in Avondale Boulevard. All off-site improvements will be completed in the first phase of development, except for the battery energy storage facility (Sierra Estrella Energy Storage Facility) that will instead be developed as required by the CUP stipulations and subsequent Site Plan approval.

Existing drainage on the Property generally flows to the south and west. Landscaped retention basins will be provided on the south side of the Property to retain the runoff volume for the 100 year 2-hour storm event for both on-site and adjacent half-street for Avondale Boulevard.

XI. OWNERSHIP + MAINTENANCE

The Property will be subdivided into two (2) parcels, which may be owned and maintained individually. Site features within each parcel, including but not limited to paving surfaces, landscaping, fences/walls, gates, entry features, light poles, signs, paint, stone or brick, seating furniture, and other related items will be maintained by the individual property owner(s) or Owner's Association(s). A shared access easement will be recorded to provide the battery energy storage facility vehicular access to the Sierra Estrella Battery Storage Facility in the southwest corner of the Property.

A statement shall be placed on the approved site plan or plat, as appropriate, of the development parcel adjacent to Avondale Boulevard stating that landscaping in the adjacent right-of-way shall be maintained by the Project.

XII. JUSTIFICATION + MITIGATION

To accommodate development of a technology campus with a focus on modern design and state-of-the-art technology, this PAD modifies the CP district's development standards for building height, parking, landscape buffer / screening, and walls/fences, as well as the Avondale Commercial and Industrial Design Manual building facade treatment requirement. The proposed modifications allow the Project to meet the intent of the CP district, while providing site specific modifications that respond to this uniquely situated property positioned adjacent to a regional power substation and powerline corridor. Project mitigation is achieved through a focus on design elements that provide additional community benefit and buffering, without applying traditional development standards that

did not contemplate the scale of a high-tech campus.

A summary of the justifications for specific deviations is provided below.

- Maximum Building Height: The PAD development standard for maximum building height will exceed the maximum building height of the CP Zoning District by a total of fifteen feet (15') for a maximum building height of fifty feet (50'). Additionally, the additional height allowance for screened rooftop equipment will exceed the City's standard by ten feet (10') for a total of twenty-five feet (25'). The additional height allows for parapets and screen walls necessary to screen and attenuate sound from mechanical equipment located on the roof of the building. The increased height allowance will allow for parapets and mechanical screen walls, as well as accommodate modern design and innovative technology that will attract high-quality tenants to the City of Avondale. The proposed mechanical screen walls will be stepped back from the roof line edge, providing both visual interest and practical screening. Additionally, to offset the requested increases to building and mechanical screen wall heights, perimeter building setbacks adjacent to Avondale Boulevard and the planned community of Alamar have been significantly increased to mitigate any potential visual impacts to future Alamar residents.
- Parking: The City's parking standards associated with "Warehouse" uses are applied to the data center uses within the Project, which is otherwise "parked" under the call-center use. Employee counts between these uses differ greatly and a data center is more akin to a "tech warehouse".
- Landscape Buffer / Screening: Custom screening standards have been applied in this PAD that take existing adjacent uses into account. Required emergency turnouts may be located within the landscaped land use buffer. Parking and maneuvering areas are normally not permitted within landscaped areas, however, given the size and design of this campus, emergency turnouts

in strategic locations may be necessary to facilitate response times from first responders.

- Walls/Fences: The allowance of steel fencing, in lieu of solid block screen walls, is permitted along the perimeter of Parcel A of the Property and will be further enhanced with increased landscaped setbacks and land use buffers. The fencing will secure the data center site, provide visual interest with views into the technology campus, and allow for easier maintenance and upkeep of the perimeter wall/fence treatment. Traditional solid block walls are a security concern for large campus settings such as Hermosa Ranch Technology Campus – South due to scalability for intruders as well as lack of visual security surveillance for early intruder detection. Aesthetically, the permeable fencing affords the opportunity for patrons and the public passing by to enjoy the building and landscape aesthetics, while also contributing to better site acoustics. The proposed steel fencing also provides noise attenuation as opposed to solid block walls which present an opportunity for sound reverberation.
- Building Facade Treatments: Due to the elevated nature of the architectural design of the data center buildings, a request to reduce the minimum required facade treatments to four (4) treatments for building lengths greater than fifty feet (50') is being proposed with this PAD. The perceived scale of the buildings will be reduced through increased building setbacks provided around the Property and enhanced landscaping.

XIII. CONFORMANCE WITH AVONDALE PLANS

Concurrently with this PAD request, a Minor General Plan Amendment (GPA) has been submitted to modify the current land use of Medium Density Residential (MDR) to Business Park (BP) which is intended to allow for large scale campus development that provides abundant employment opportunities. The following summary highlights a few of the Avondale General Plan 2030 goals and policies this Project supports:

Land Use Element

Goal 3: Promote a strong balance of high quality residential, employment, recreation, and educational land uses.

Policy D: Ensure adequate transitions and/or buffers are provided when adjacent land uses vary in character and intensity.

The Project will introduce employment uses into the Avondale Boulevard Employment and Commercial Corridor. Diversity and balance of land uses within this Corridor, specifically between Buckeye Road and Broadway Road, is currently lacking and medium density residential is the predominant use. This Project increases the mix of land uses for the Corridor and places new jobs in proximity to residents.

The BP land use category supports employment uses that can incorporate modern campus planning, design, and architecture that will promote the City's expectations for design quality and consideration of surrounding existing and planned uses. This PAD establishes generous building setbacks to provide for adequate transitions and landscaped buffers adjacent to existing and planned residential uses, aiding both with noise abatement and visual buffering. The development of the Property will enhance the visual attractiveness of the currently underdeveloped agricultural land use.

Goal 4: Ensure all land use decisions meet the long-term social and economic goals of the community.

Policy C: Ensure Avondale is at the forefront of any emerging markets by continuously updating codes and policies to include standards for new business types and technologies.

Avondale has significantly grown its employment base with major medical, warehousing and office uses, however, it has limited land available with access to the required power infrastructure necessary to attract technology companies / data centers looking to locate in the area. This PAD request will allow the Project to add to the City's land use mix and provide an opportunity to attract an increasingly growing technology market to Avondale. The development of a technology campus on the Property would constitute a significant capital investment in the City of Avondale and reinforce the General Plan's goal to provide a mix of employment areas with a wide range of salary levels that increase the stability and diversity of Avondale's economy. Not only will local jobs be created during construction and once operational, but the addition of a battery energy storage facility will enhance the resiliency and reliability of the electrical transmission network to support residential, commercial, and employment growth in Avondale.

Economic Element

Goal 3: Enhance and market Avondale's business climate.

Policy E: Increase the supply of developable Business Park land and promote a flexibility of uses within.

This PAD and concurrent GPA request supports the enhancement of Avondale's business climate and will allow for new development and business attraction opportunities by increasing the availability of developable land for business park uses. The Project will create additional opportunities in the area for national and international industries, bringing additional business and visitors to Avondale and increasing the potential for new investment. The proposed uses associated with Hermosa Ranch Technology Campus – South will further the City's priority and focus on economic vitality and competitiveness.

Goal 10: Reserve adequate lands to accommodate business parks, light industrial uses, and higher education facilities.

Policy A: Support efforts to locate and develop additional business park and industrial land along Avondale's business corridor.

The Property fronts on the Avondale Boulevard Employment and Commercial Corridor, which is recognized as a major corridor for employment and commercial uses. The Project assists in the growth and development of this employment corridor, fulfills the purpose for this Corridor, and would adequately accommodate additional business park land within an underutilized area, as the General Plan intended. The Project will increase employment opportunities and create diversity in the area, which, according to the General Plan, will be more economically sustainable for the City.

XIV. MASTER SITE PLAN + SITE PLAN REVIEW

A Conceptual Site Plan depicting circulation, scale and overall site design of the technology campus is included in this submittal under separate cover for reference only and is subject to change. The Hermosa Ranch Technology Campus – South is anticipated to be platted as two (2) separate parcels with each parcel processing an individual Site Plan.

XV. PAD REQUIRED FINDINGS

The Hermosa Ranch Tech Campus PAD meets the required findings outlined in §603 A of the Zoning Ordinance as demonstrated below.

1 **The proposed PAD is in conformance with the General Plan and applicable specific plan(s).**

The Avondale General Plan 2030 identifies the land use designation for the Property as Medium Density Residential (MDR). A GPA application to amend the General Plan land use designation for the Property to Business Park (BP) has been submitted to the City of Avondale concurrently with this rezone request. This PAD will be in conformance with the BP designation and the goals of the Avondale Boulevard Employment and Commercial Corridor.

2 **The proposed PAD meets the PAD requirements of the Zoning Ordinance, Subdivision Regulations, Design Manuals and other applicable regulations and requirements, unless otherwise modified by the PAD Narrative.**

The Hermosa Ranch Tech Campus – South PAD clearly defines any requested deviations from the City's Zoning Ordinance and Commercial and Industrial Design Manual. Minor modifications to land use, development standards, and design guidelines are requested to accommodate a large-scale technology campus. Development standards proposed exceed the minimum requirements of Zoning Ordinance §405, providing larger setbacks from adjacent existing and proposed residential uses as well as Avondale

Boulevard. The Project, which will be platted as two (2) separate parcels, will comply with the Subdivision Regulations and be consistent with the Street Tree Master Plan.

3 That adequate public infrastructure and services exist to serve the proposed development or all necessary public infrastructure and services to serve the proposed development will be completed in connection with development of the PAD.

Adequate public infrastructure and services exist in the immediate area to serve the proposed development. All necessary utility extensions and perimeter roadway improvements required as part of the development of the Property will be constructed as necessary. The adjacency of the Property to the existing Rudd Substation provides a mutual benefit and opportunity for the uses proposed with this PAD.

Although the battery energy storage facility will not generate a water demand, the developer of the data center campus recognizes concerns around data center water usage and the impact imposed on the environment and local communities and therefore applies design, procurement, and construction standards to significantly minimize the water consumption required to mechanically serve the buildings. The developer's air-cooled chilled water system design and technology uses a closed-loop system coupled with turbo air-cooled chillers to support computer room air handler units efficiently and reliably. Altogether, this system significantly minimizes water usage to cool the data center buildings, greatly improving a measurable Water Utility Efficiency (WUE). **Once charged, the closed-loop system requires zero water use, with the exception of occasional maintenance.**

When public infrastructure and service needs are compared for the proposed technology campus use and the existing

allowed single family residential use, it is clear that the future technology campus will significantly reduce the burden on the existing infrastructure. The water supply demand associated with the proposed data centers with closed-loop systems and battery energy storage facility are over 90% less than single-family residential uses. Additionally, the technology campus will generate far less vehicular traffic on adjacent and surrounding roadways than a residential use.

4 The proposed PAD will result in compatible land use relationships within the proposed development and with adjacent properties.

The Property is located along a major arterial roadway, adjacent to the Rudd Substation and bound by a powerline corridor along the north. Bordering the southern edge of the Property is the master planned community of Alamar, which is still under construction. The land uses proposed with this PAD embrace the visual encumbrances of the site and provide the ability for business park uses, in the form of a technology campus, to be developed in an area of Avondale which does not currently offer these types of uses.

This PAD has purposefully included excessive setbacks adjacent to the proposed single family residential land uses to the south and north to mitigate any additional negative visual impact perceived with a technology campus use. In addition to large building setbacks and heavily landscaped buffers adjacent to proposed single family residential, an increased street frontage setback is proposed to push the data center buildings further into the site and provide for additional landscape and screening. The proposed PAD has been thoughtfully crafted to set the stage for compatibility with adjacent land uses and site constraints.

5 The development standards of the proposed PAD are consistent with or exceed the desired character of development for the area.

The proposed development standards outlined in this PAD are consistent with the desired character of development for the area and will encourage employment growth within the Avondale Boulevard Employment and Commercial Corridor. By providing enhanced building setbacks and landscape buffers around much of the Property, the proposed development will provide a compatible land use transition and perhaps a visual buffer from the Rudd Substation and powerline corridor to the future Alamar neighbors to the south.

XVI. CONCLUSION

The proposed PAD has been carefully designed to encourage appropriately scaled employment uses within the Avondale Boulevard Employment and Commercial Corridor, immediately north of the South Avondale Growth Area, while providing compatibility with the surrounding area. The Project will provide a modern, state-of-the-art, and holistically designed self-sufficient technology campus that will provide a renewable energy resource and generate jobs and significant revenue for the City of Avondale.



HERMOSA RANCH
TECHNOLOGY CAMPUS - SOUTH
PLANNED AREA DEVELOPMENT



NORRIS DESIGN
Planning | Landscape Architecture | Branding

Hermosa Ranch Tech Campus - South
Summary of Neighborhood Meeting
July 25, 2022 at 6:00 pm
Case No. PL-22-0163 & PL-22-0166



July 25, 2022, Neighborhood Meeting

Hermosa Ranch Tech Campus - South

PL-22-0163 & PL-22-0166

The virtual meeting opened to the public at 6:00 PM and the presentation began at 6:02 PM. Carolyn Oberholtzer introduced the project explaining the proposed ~78-acre technology campus with a data center. Ms. Oberholtzer prefaced that this application involves the same property that was included within a similar application last year but covers a reduced area to accommodate a data center developer that is now involved on a smaller area. Members of the Development Team and City Staff that attended the meeting are provided in Appendix A to this Summary.

Ms. Oberholtzer began the presentation with a map showing the region of the existing agricultural land and dairy uses and outlined how the previous application boundaries differ from the current proposal boundaries. She noted that the property would be for a data center and that the PAD would be tailored to that use. She then showed the existing and proposed General Plan map, showcasing the change from Medium Density Residential to Business Park and emphasized how little of the City's General Plan acreage was devoted to the Business Park category. As a result, she said that the addition of this acreage as Business Park would benefit the City given its adjacency to the Rudd Substation and the Avondale Boulevard Employment and Commercial Corridor, which was envisioned for a more intense commercial/employment uses. Ms. Oberholtzer then showed a map of the existing and proposed zoning, noting that it would remain a PAD, but their intended request would change it from residential to data center uses while also providing for the battery storage project that was approved in a Conditional Use Permit ("CUP") last year. The PAD continues to permit that use by CUP. Ms. Oberholtzer showed the Conceptual Development Plan, highlighting the 100 ft setback west from Avondale Boulevard as well as the building and landscape setbacks on the south and north sides of the property. She then showed the Conceptual Site Plan of the five data center buildings at approximately 250,000 sq. ft each, which has a maximum building height of 68'. She presented the building height with elevations that show both the architectural theming and elevated design, as well as the additional height of the roof-mounted air-cooled systems surrounded by screening. Ms. Oberholtzer then explained the operational aspects of the campus and that the project is limited to a closed-loop system that uses virtually no water after start-up. She then explained that Prime Data Center uses a state-of-the-art cooler with "owl wing" blades that greatly reduce the sound emitted from the coolers. She pointed out in the renderings where the chillers would be located and noted that this location would both reduce its noise and provide a better aesthetic.

Ms. Oberholtzer briefly covered the Development Standards table, pointing out the roof height of 68 feet for the proposed PAD and the increased setbacks for buildings and landscaping.

Lastly, she noted where the project was in the permitting process and what the next stages would be starting with a hearing at Planning Commission, and then to City Council at some point in the Fall.

Ms. Oberholtzer then opened the meeting up for questions:

Councilman Mike Pineda asked in terms of water consumption, what does “virtually no water” mean?

Ms. Oberholtzer responded that the system is filled up only once during the start-up of the campus opening. She compared the campus’ water demands approximately what 10 residential units would consume.

Jonathon Gibbs explained that a closed-loop system doesn’t require water to cool since there’s no evaporative process between the chillers and the data hauls.

Mr. Pineda asked for an approximation of how many gallons are required to start-up the campus?

Both Mr. Gibbs and Ms. Oberholtzer discussed that they would have a better estimate after the site plan is further developed but that it is anticipated to be approximately 100,000 gallons.

Mr. Pineda asked how many jobs?

Ms. Oberholtzer explained that the project would probably be phased and 30-50 full-time jobs are expected. Mr. Gibbs confirmed this figure.

Mr. Pineda said he hoped there would be more community input.

Ms. Oberholtzer responded that the project has not received any calls or inquiries. She explained that the previous year’s application had more public engagement with Cantada Ranch because it was adjacent to residences. She also noted that the current application doesn’t have direct neighbors, but the lack of community engagement could change going forward. She informed Mr. Pineda that future meetings beyond the current presentation would be possible if others are interested.

Mr. Pineda mentioned the building rendering looked great and was curious to hear what Planning & Zoning thought about the building height?

Ms. Oberholtzer responded that beyond the 30-foot height of a two-story home, it is generally difficult to conceptualize greater height and used the ISM Raceway grandstands for comparison with a height roughly between 105-125 feet.

Mr. Pineda thanked Ms. Oberholtzer for the presentation and mentioned looking forward to working with council on this.

Ms. Oberholtzer responded up until the hearings they are available to meet or provide supplemental materials.

Around 6:25 PM, a member of the public joined the conversation. At 6:28 PM, Ms. Oberholtzer started the presentation again.

Citizen asked if the data center would be comparable to the Microsoft data center being built at MC-85 and Southern?

Ms. Oberholtzer responded that it won't be similar in appearance. Functionally data centers operate under similar standards with equipment such as cooling systems and generators. She added the cooling system for this project would utilize advanced technology that would eliminate much of the noise produced by its operation.

Citizen asked if there would be other uses for the project, such as restaurants?

Ms. Oberholtzer responded that those would not be included in this project and belonged to the previous application for the site. She showed the citizen the property map and outlined the old application boundaries. She explained that it might still happen in the future but is not part of this application. She then described other developments in the vicinity that would contain commercial areas.

The Citizen asked when the construction on the project would begin?

Ms. Oberholtzer responded that it would be next year so long as the approvals happen according to schedule.

Citizen asked if that was due to assembling all the required permits and drawings?

Ms. Oberholtzer responded with an affirmative and explained the permitting process leading up to the beginning of the construction in Summer of the following year. At 6:45 PM all members of the public had left the meeting.

The meeting concluded at 7:00 PM.

Appendix A: List of Participants

Development Team	
Carolyn Oberholtzer	Bergin, Frakes, Smalley & Oberholtzer
Mitchell Willard	Bergin, Frakes, Smalley & Oberholtzer
Nick Vanderwey	Rexo LLC + TGV Inverstments LLC
Terry Klinger	Rexo LLC + TGV Inverstments LLC
Chris Sumter	Prime Data Centers
Jonathon Gibbs	Prime Data Centers
Jennifer Meyers	Norris Design
Jackson Metcalf	Gensler
Carl Beardsley	JLL
City Staff	
Mike Pineda	Avondale City Councilman
Ken Chapa	City of Avondale Public Economic Development
Krik Beaty	Avondale Public Works
Citizens	
Cthiesfeldt	Sunset Farms Resident

ORDINANCE NO. 2006-0123

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 78 ACRES GENERALLY LOCATED, ONE-HALF MILE SOUTH OF THE SOUTHWEST CORNER OF LOWER BUCKEYE ROAD AND AVONDALE BOULEVARD, AS SHOWN IN APPLICATION PL-22-0166, AND REZONING SUCH PROPERTY FROM DIAMOND P RANCH PLANNED AREA DEVELOPMENT (PAD) TO HERMOSA RANCH TECHNOLOGY CAMPUS – SOUTH PLANNED AREA DEVELOPMENT (PAD).

WHEREAS, the Council of the City of Avondale (the “City Council”) desires to amend the City of Avondale Zoning Atlas (the “Zoning Atlas”), pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for $\pm$ 78 acres generally located one-half mile south of the southwest corner of Lower Buckeye Road and Avondale Boulevard, as shown in application PL-22-0166, from Diamond P Ranch Planned Area Development (PAD) to Hermosa Ranch Technology Campus – South Planned Area Development (PAD) (the “Zoning Atlas Amendment”); and

WHEREAS, all due and proper notices of the public hearings on the Zoning Atlas Amendment held by the City of Avondale Planning Commission (the “Commission”) and by the City Council were given in the time, form and substance provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, on December 14, 2022, the Commission held a public hearing on the Zoning Atlas Amendment, after which hearing the Commission recommended approval; and

WHEREAS, the City Council held an additional public hearing regarding the Zoning Atlas Amendment on January 23, 2023; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Arizona Constitution, the City Council has considered the individual property rights and personal liberties of the residents of the City before adopting this Ordinance; and

WHEREAS, the City Council has considered the probable impact of the Zoning Atlas Amendment on the cost to construct housing for sale or rent and finds that the proposed Zoning Atlas Amendment will have no probable impact on the cost to construct housing for sale or rent.

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 Zoning Atlas Amendment, is hereby approved, for $\pm$ 78 acres generally located one-half mile south of the southwest corner of Lower Buckeye Road and Avondale Boulevard, as more particularly described and depicted on Exhibit A attached hereto and incorporated herein by reference, subject to the City of Avondale adopted codes, requirements, standards and regulations, and the following stipulations:

1. Development shall generally conform to the Hermosa Ranch Technology Campus PAD Narrative dated October 27, 2022, except as modified by these stipulations.

2. All development shall be completed 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.

3. The development shall be required to construct Avondale Boulevard to the City's Minor Arterial street cross-section along the project's street frontage. The site will have two full access driveways onto Avondale Boulevard with left-turn lanes and right-turn deceleration lane for the north driveway. All required off-site improvements shall be completed in the first phase of development prior to issuance of the first Certificate of Occupancy for the project.

4. Grandfathered groundwater rights for the property shall be extinguished and pledged to the City of Avondale's designated account (58-106097.0004) prior to issuance of any construction permits for any portion of the project.

5. Approval of a Final Plat will be required prior to the City issuing any permit for construction of the proposed Hermosa Ranch Technology Campus - South development.

6. The developer shall submit an application for approval of a Comprehensive Sign Package for all building mounted and freestanding monument signage, prior to the issuance of any sign permits for the planned development.

7. The planned development shall be required to comply with the requirements of the Zoning Ordinance Article 11, Required Public Art for New Planned Area Developments (PAD), Commercial, Office, Employment, and Municipal Construction.

8. Any powerlines less than 69 kV and/or irrigation canals on or adjacent to the property shall be converted underground in the first phase of development.

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

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, January 23, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2006-0123

[Legal Description and Map]

See following pages.

**HERMOSA RANCH TECHNOLOGY CAMPUS - SOUTH
ZONING BOUNDARY
LEGAL DESCRIPTION**

A portion of land being situated within the Southeast Quarter of Section 24, Township 1 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a found 3 inch MCDOT brass cap in hand hole accepted as the East Quarter corner of said Section 24 from which a found 3 inch MCDOT brass cap in hand hole accepted as the Southeast corner thereof bears South 00°00'00" East, 2643.18 feet;

Thence South 00°00'00" East, 1106.58 feet along the east line of the Southeast Quarter of said Section 24;

Thence leaving said east line, North 89°33'27" West, 233.01 feet to a line lying 233.00 feet west of and parallel with the east line of said Southeast Quarter;

Thence South 00°00'00" East, 215.01 feet along said parallel line to the south line of the North Half of said Southeast Quarter;

Thence North 89°33'27" West, 2389.37 feet along said south line to the west line of said Southeast Quarter;

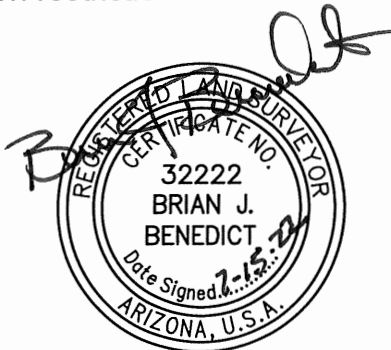
Thence North 00°28'21" West, 1314.20 feet along said west line to the Center Quarter corner of said Section 24;

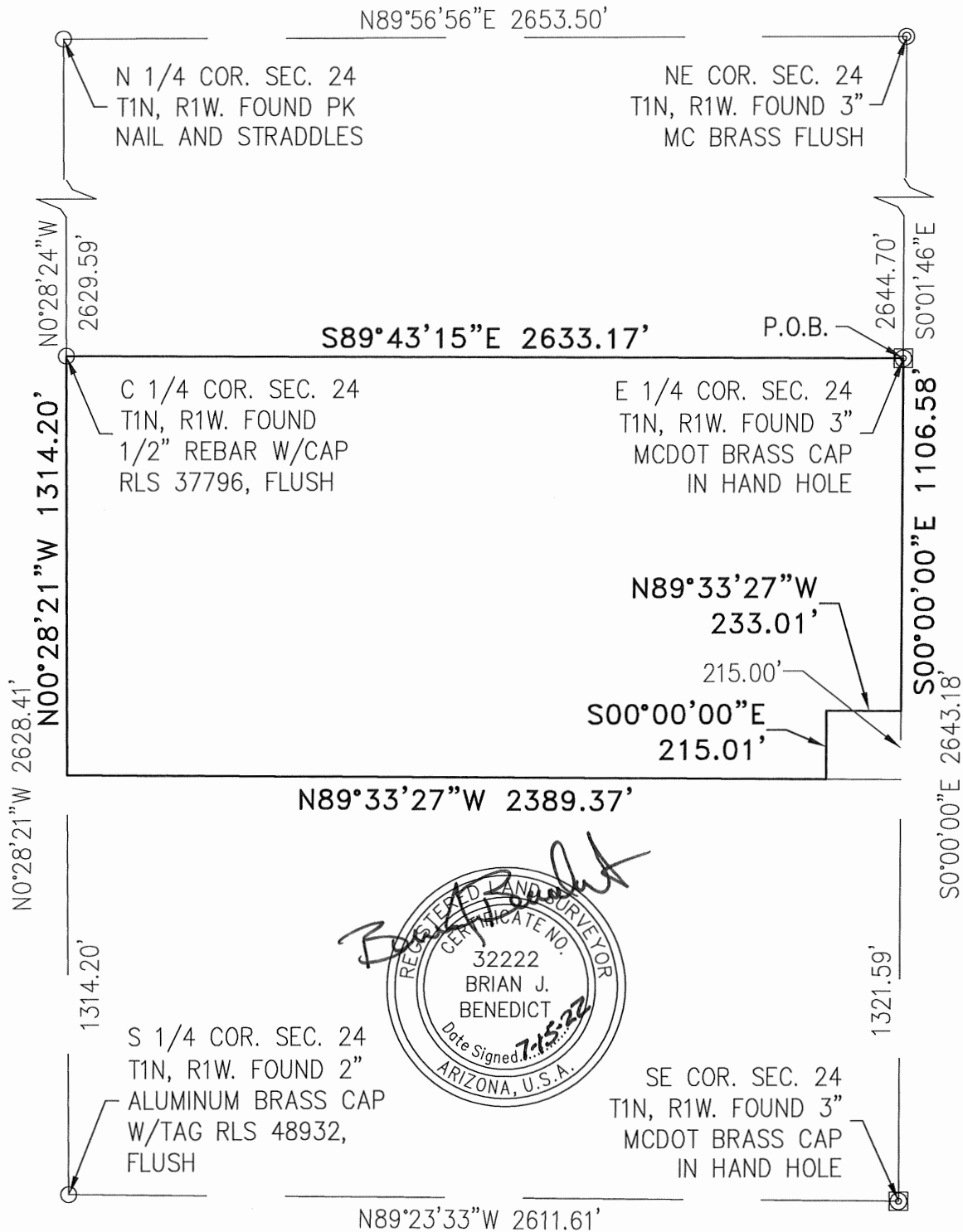
Thence South 89°43'15" East, 2633.17 feet along the north line of said Southeast Quarter to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 3,412,822 sq. ft. (78.3476 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

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

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No. 1896
Date July 2022





P.O.B. = POINT OF BEGINNING

PAGE 1 OF 1

PROJ.NO.: 1896	HERMOSA RANCH TECHNOLOGY CAMPUS - SOUTH ZONING BOUNDARY AVONDALE, ARIZONA	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: JULY		
SCALE: N.T.S.		
DRAWN BY: MRM		
CHECKED BY: BJB	EXHIBIT	

CITY COUNCIL REPORT

SUBJECT: 2023 Legislative Update

MEETING DATE: 1/23/2023

TO: Mayor and Council

FROM: Liz Barker Alvarez, Intergovernmental Affairs Administrator

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

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.

PURPOSE:

City Council will review and provide guidance to staff on the proposed 2023 City of Avondale State Legislative Agenda. This report presents state legislative policy priorities that have been identified by staff as well as the Council. This item is for discussion and feedback only; no Council action will be taken.

BACKGROUND:

Legislation enacted at the state level can have significant effects on the ability of municipal governments to serve their citizens. Therefore, it is important to identify the City of Avondale's Legislative priorities regarding potential or pending legislative actions.

This Agenda will define the City's legislative priorities and guide the staff's advocacy efforts. Updates will be provided during the legislative session as necessary.

The 1st Regular Session of the Fifty-Sixth Legislature convened on Monday, January 9, 2023. Governor Hobbs gave her State of the State address on this same day and released her budget priorities on Friday, January 13, 2023.

Representative Ben Toma, District 27, serves as Speaker of the House while Warren Petersen, District 14, serves as Senate President. The Senate is comprised of 16 Republicans and 14 Democrats, while the House is comprised of 31 Republicans and 29 Democrats.

DISCUSSION:

Avondale's Guiding Principles

To prioritize and guide staff's lobbying efforts, staff recommends that the Council endorse the following two key principles as our highest priorities.

- Support to Preserve Local Funding Mechanisms and Ensure Financial Stability*

Protect existing federal and state funding sources and authorities that generate revenue for the City of Avondale. Work to maintain local taxing authority; support the maintenance of state-shared revenues from sales and income tax revenues; oppose any state action that would reduce state-shared revenues; and oppose unfunded mandates for local governments.

- Oppose any Preemption of Local Authority

Support efforts to ensure continuing local decision-making authority and to prohibit preemption. Like other municipalities, Avondale has unique needs and characteristics and those needs are best met by policies set by its local governing body. Statewide preemptive efforts to remove the ability to set policy at the local level should be opposed.

**The City's budget includes revenues from several state sources, most notably state-shared revenues. State-shared revenues comprise about 30% of the City's general fund, which assists in supporting police, fire, streets, parks and other critical City services. Staff recommends opposing any action that would reduce state-shared revenue.*

Legislation Impacting Cities

Council will be briefed on actual or potential legislation that could impact cities, including bills already filed in the current Legislative session; budget proposals; and priorities established with municipal input by regional and statewide partner organizations such as the Maricopa Association of Governments and the League of Arizona Cities and Towns.

BUDGET IMPACT:

Staff will closely monitor and take appropriate action on any legislation that may have a budgetary impact on the City.

RECOMMENDATION:

Staff seeks input and direction from Council regarding the 2023 City of Avondale State Legislative Guiding Principles and Priorities

Contact person for document distribution: n/a

CITY COUNCIL REPORT

SUBJECT: Avondale's Solid Waste Program Update

MEETING DATE: 1/23/2023

TO: Mayor and Council

FROM: Kirk Beaty, Public Works Director

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1016

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.

The solid waste operational study is a direct response to the growing demand for solid waste services due to the tremendous growth the City has experienced. The Public Works Solid Waste Division's proactive approach through the study identified operational efficiencies that will enhance services while having minimal impact on residents.

PURPOSE:

City Council will receive an update from Public Work's staff on the current status of Avondale's Solid Waste program and proposed changes based on the recently completed Solid Waste Operations Study. This item is for discussion only.

BACKGROUND:

The City of Avondale has experienced tremendous growth over the last decade and service demand levels have increased for public services such as Solid Waste. While an immediate solution to meet increasing demand might be the addition of resources (labor and equipment), also necessary is to ensure that all resources are used as effectively and efficiently as possible. Therefore, the Public Works Department contracted NewGen Strategies & Solutions to perform a study on the Solid Waste Division operations for the purpose of reviewing current practices and identifying opportunities for improvements that will aid in meeting the current and future demand for solid waste services. The scope of the study included the following:

- Review of current operations
- Identify opportunities for operational improvements and efficiencies
- Provide alternative operating scenarios to meet current and future demand
- Provide cost analysis for each alternative operating scenario

NewGen Strategies and Solutions was awarded a contract in early August following a competitive selection process. The study kicked off in late August and was completed in early November. The overall goal of the study was to provide operational scenarios that were efficient and resulted in limited impact to our customers in both cost and service levels.

Public Works provided a vast amount of historical data that the consultant used to quantify the volume of work and costs for services. The consultant also spent a week on site with the solid waste team to observe first-hand the City's solid waste operation and see the types of challenges staff face in each day's work, and to discuss those challenges with the members of the team. During the final stages of the consultant study, the City's Finance and Budget Department reviewed the consultant's cost analyses for various scenarios and compared this data with the City's own rate analysis model in an effort to validate the cost portion of the study, and to identify how the proposed alternative scenarios would impact overall costs to the City and the impact to solid waste customers in the form of the monthly rate they pay for trash services.

DISCUSSION:

The solid waste operations study identified several key elements impacting current solid waste operations. These substantial elements are:

- The amount of work each day cannot be completed in an 8-hour shift.
- Bulk trash zones are highly unbalanced in the number of homes in each zone, causing a substantial increase in work effort and overtime when working in zones with high home counts.
- Customers are not adhering to the City's outdated Solid Waste disposal Code.
- Additional fleet mechanic support is needed to appropriately service solid waste equipment.
- The City's solid waste staff work extremely hard to meet the demands of the job by consistently exceeding industry standard performance levels, but this high level of effort is not sustainable long term and can negatively impact employee well-being and morale.

Based on the findings and suggestions derived from the solid waste operations study, Public Works is implementing the following changes to the City's solid waste program starting as early as April 2023 and continuing through June 2023:

- Solid waste operations will transition to a 5/10 schedule. This will increase the amount of time operators are in the field from 8 hours to 10 hours each day in order to complete each day's work.
- Solid waste personnel will transition to a rotating 4/10 work schedule with one "work crew" off duty each day of the work week. This will allow staff to complete their assigned work within a designated 40-hour work week, will reduce expended overtime, and will provide for the necessary level of "off the clock" rest time for each staff member. The rotating 4/10 schedule will be administered to ensure fairness among all members of the team.
- Keep trash collections Monday – Wednesday with minimal impact to current routes.
- Keep recycling collections Thursday – Friday with minimal impact to current routes.
- Redistribute Bulk Trash collection zones to even out the workload but still continue to provide monthly service.
- Provide trash collection services on all "non-major" holidays. The only observed holidays impacting trash services will be Thanksgiving Day, Christmas Day, and New Year's Day.
- Add one additional full time heavy equipment mechanic through the FY2024 budget process.

Lastly, City staff will update the City's Chapter 11 – Sanitation Code and will request Council approval of the update on a future date. Following approval of the updated Code, the Solid Waste staff will embark on an enhanced communication and education campaign to inform customers of the updated Code and their duty for proper disposal of solid waste. Following the education efforts, enforcement actions will be taken against those customers who repeatedly violate the City Code.

BUDGET IMPACT:

This update has no budget impact. Future budget considerations will be presented in future agenda items.

RECOMMENDATION:

This item is for information and discussion only.

Contact person for document distribution: Simon Lara, Solid Waste Manager