City of Avondale

City Council Meeting

Monday, March 6, 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, March 6, 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. **VALLEY OF THE SUN UNITED WAY PRESENTATION**
   Laura Kaiser, Chief Corporate Relations & Brand Officer of Valley of the Sun United Way, will provide an update to City Council regarding the 2022 Employee Giving Campaign. This item is for discussion only.

3. **SWEARING-IN AND BADGE-PINNING CEREMONY**
   Mr. Larry Rooney will be sworn in as the new Fire Chief of the City of Avondale. This item is for discussion only.

4. **ADJOURNMENT**

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

REGULAR MEETING
6:00 PM

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

1. ROLL CALL BY THE CITY CLERK

2. UNSCHEDULED PUBLIC APPEARANCES (Time is limited per person. Please state your name.)

3. CONSENT AGENDA

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

a. MINUTES

City Council will consider a request to approve the February 06, 2023 City Council meeting minutes. The Council will take appropriate action.

b. SERIES 7 (BEER AND WINE BAR) LIQUOR LICENSE - VALLEY GOLF CENTER

City Council will consider a request to recommend approval to the Arizona Department of Liquor License and Control of an application for a Series 7 (Beer and Wine Bar) Liquor License submitted by Jeffrey Craig Miller for the sale of alcohol at Valley Golf Center located at 12247 West Indian School Road in Avondale and authorize the City Clerk to execute the necessary documents. The Council will take appropriate action.

c. PARK 10 PHASE 4 – RE-PLAT – APPLICATION PL-22-0106

City Council will consider a request by Jeff D. Behrana of Optimus Design Group, on behalf of the property owner Gunbo LLC, for approval of a Re-Plat for Park 10 Phase 4. The proposed Re-Plat divides 9.81 acres of undeveloped land into four (4) lots. The property is located approximately 1,200 feet east of the southeast corner of McDowell Road and 107th Avenue. The Council will take appropriate action.

d. RESOLUTION 1014-0323 - INTERGOVERNMENTAL AGREEMENT WITH VARIOUS AGENCIES FOR AND ON BEHALF OF ARIZONA STATE UNIVERSITY FOR THE RIO REIMAGINED PROJECT

City Council will consider a request to adopt Resolution 1014-0323, approving an Intergovernmental Agreement with the City of Buckeye, the City of Goodyear, the City of Mesa, the City of Phoenix, the City of Tempe, the Gila River Indian Community, the County of Maricopa, the Salt River Pima-Maricopa Indian Community, the Salt River Project Agricultural Improvement and Power District, the Maricopa Association of Governments, and the Arizona Board of Regents for and on behalf of Arizona State University; relating to the engagement of an outside consultant to represent the Rio Reimagined Project and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. ORDINANCE 2015-0323 – ACCEPTANCE OF DEDICATION OF PUBLIC UTILITY EASEMENTS FROM BROOKFIELD LAKIN, LLC

City Council will consider a request to adopt Ordinance 2015-0323 authorizing the acceptance of dedication of public utility easements along El Mirage Road from Brookfield Lakin, LLC, 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 2016-0323 – ACCEPTANCE OF DEDICATION OF PUBLIC DRAINAGE EASEMENTS FROM BROOKFIELD LAKIN, LLC

City Council will consider a request to adopt Ordinance 2016-0323 authorizing the acceptance of dedication of public drainage easements along El Mirage Road from Brookfield Lakin, LLC, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

g. ORDINANCE 2017-0323 – ACCEPTANCE OF DEDICATION OF PUBLIC SIDEWALK EASEMENTS FROM BROOKFIELD LAKIN, LLC

City Council will consider a request to adopt Ordinance 2017-0323 authorizing the acceptance of dedication of public sidewalk easements along El Mirage Road from Brookfield Lakin, LLC, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

h. ORDINANCE 2018-0323 - LOWER BUCKEYE ROAD AND EL MIRAGE ROAD RIGHT-OF-WAY ANNEXATION

City Council will consider a request to adopt Ordinance 2018-0323 authorizing the annexation of portions of Lower Buckeye Road and El Mirage Road right-of-way and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

i. ORDINANCE 2019-0323 - REPEAL AND REPLACE ORDINANCE 2068-1222 FOR LOWER BUCKEYE ROAD RIGHT-OF-WAY ANNEXATION

City Council will consider a request to repeal and replace Ordinance 2068-1222 and adopt Ordinance 2019-0323 to correct the legal description previously approved authorizing the annexation of a portion of Lower Buckeye Road right-of-way from 4th Street to Litchfield Road and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

j. ORDINANCE 2020-0323 - ACQUISITION OF REAL PROPERTY FOR PUBLIC USE AS A PUBLIC SAFETY FACILITY

City Council will consider a request to adopt Ordinance 2020-0323 authorizing the acquisition, by dedication, purchase, or condemnation of real property for public use as a public safety facility 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 – CONDITIONAL USE PERMIT FOR KIDS BLVD CHILD CARE CENTER – APPLICATION PL-22-0226

City Council will hold a public hearing and consider a request by Sahib Singh, GM Capital Investments LLC, for approval of a Conditional Use Permit (CUP) to allow for the operation of a child care center. The 2.58-acre subject property is located approximately 800 feet west of the southwest corner of Van Buren Street and Avondale Boulevard. Council will take appropriate action.

b. USE OF ONE ARIZONA DISTRIBUTION OF OPIOID SETTLEMENT FUNDS

City Council will consider a request to: a) approve the use of the yearly One Arizona Distribution of Opioid Settlement Funds for the education and prevention of the use and misuse of opioids in our community; b) authorize staff to process the necessary budget transfers; and c) authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

5. ADJOURNMENT

Council Members of the City of Avondale will attend either in person or by telephone or video conference call. Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Los miembros del Concejo de la Ciudad de Avondale participaran ya sea en persona o por medio de llamada telefonica o por vídeo.Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oido, o con necesidad de impresion grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta del Concejo.

Item Number: 2.

CITY COUNCIL REPORT

SUBJECT: Valley of the Sun United Way Presentation

MEETING DATE: 3/6/2023

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: 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:
Laura Kaiser, Chief Corporate Relations & Brand Officer of Valley of the Sun United Way, will provide an update to City Council regarding the 2022 Employee Giving Campaign. This item is for discussion only.

BACKGROUND:
Valley of the Sun United Way has an organizational mission to improve lives by mobilizing the caring power of the community. Their number one focus is to nimbly and effectively respond to, and develop solutions for, the Valley's most pressing needs. Their five-year plan for Mighty Change by 2026 will put all of their efforts toward reaching bold goals for Maricopa County in health, housing and homelessness, education and workforce development. Raising dollars for the Valley of the Sun United Way is an important part of the city of Avondale's culture of giving. Year after year, Avondale employees set a high goal for contributions and have consistently exceeded the goals they establish.

For the 2022 campaign, the following employees representing each City department were part of the United Way Committee who helped towards this Mighty Change:

Court
Abril Ruiz-Ortega
Elisa Sauceda
Micaela Machuca

City Attorney's Office
Fran Bartlett

City Clerk
Chris Pierson

City Manager's Office
James Milanese

Development Services
Raquel Llanez

Economic Development
Nikki Taylor
Ken Chapa

Engineering Department
Veanette Hanson
Aric Stewart
Katie Hein

Facilities
Joel Evans

Finance & Budget
America Prieto

Fire & Medical
Ben Avitia
Jonathan Almanza
Marsha Chavez
Calen Smith

Human Resources
Nikki Cross (Committee Chair)

IT
Bob Mann (Committee Vice-Chair)

Neighborhood & Family Srvs
Edith Baltierrez

Marketing & Public Relations
MacKenzie Henderson

Office of Public Safety
Dale Nannenga

Parks & Recreation
Rachelle Nunez
Angelo Fobbs-Valentino

Police
Glenn Hutchinson

Public Works
Kirk Beaty (Director Sponsor)
Sterling Bell
Jazmine Oropeza
Nancy Wallace
Suzie Hunter
Danae Presler

DISCUSSION:
A total of 471 employees contributed to the Valley of the Sun United Way giving campaign this year through pledges, one-time contributions, and the purchase of various activity and raffle tickets. The campaign committee set a goal this year to raise $105,000 and City employees exceeded this goal in dramatic fashion, raising over $122,000. The dollars that City of Avondale employees raised will have a positive impact on the Avondale community.

BUDGET IMPACT:
This item does not have a budget impact.

RECOMMENDATION:
This item is for discussion only.

Contact person for document distribution: *None*

Item Number: 3.a.

CITY COUNCIL REPORT

SUBJECT: Minutes

MEETING DATE: 3/6/2023

TO: Mayor and Council

FROM: Marcella Carrillo, City Clerk

THROUGH: Cherlene Penilla, Assistant City Manager

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. The approval of this agenda item provides residents with access to a previous meeting's minutes. The meeting minutes provide another outlet for residents to connect with the City Council.

PURPOSE:
City Council will consider a request to approve the February 06, 2023 City Council meeting minutes. The Council will take appropriate action.

BACKGROUND:
Pursuant to Arizona Revised Statute §§ 38-431.01(B), the City must provide written minutes of all City Council meetings.

DISCUSSION:
City Council held a meeting and the attached minutes have been prepared for approval.

BUDGET IMPACT:
This item has no budget impact.

RECOMMENDATION:
Staff recommends City Council approve the February 06, 2023 City Council meeting minutes.

Contact person for document distribution: *Chris Pierson*

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
February 6, 2023

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

Members Present: Mayor Kenn Weise; Vice Mayor Mike Pineda; Council Members Tina Conde, Veronica Malone, Curtis Nielson, Gloria Solorio and Max White.

Members Absent: None.

Other Municipal Officials Present: Ron Corbin, City Manager; Cherlene Penilla, Assistant City Manager; Tracy Stevens, Assistant City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Margaret Carey, Deputy City Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Ted Flores, Acting Human Resources Director; Bryan Hughes, Parks and Recreation Director; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Director; Abril Ruiz-Ortega, Court Administrator; Larry Rooney, Acting Fire Chief; Jeffrey Scheetz, Chief Information Officer; Aric Stewart, Engineering Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately ten members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. EMPLOYEE INTRODUCTIONS (DISCUSSION ONLY)

The following Fire and Medical Department employees were introduced to City Council.

- Jeff Henderson, Firefighter
- Rhett Livingston, Firefighter
- Oscar Lopez Coronel, Firefighter
- Jacob Sease, Firefighter

Justin Ernst was sworn in as the new Assistant Fire Chief of the City of Avondale.

3. PRESENTATION OF SIGNED FOOTBALL BY SANTONIO HOLMES

Mr. Santonio Holmes, Former NFL Wide Receiver and Super Bowl XLIII MVP, presented an autographed football to the Mayor, Vice Mayor, and Council Members as a token of appreciation to the community. This item was for discussion only.

4. ADJOURNMENT

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

Upon vote, the motion was carried unanimously 6 to 1.

Council Member Conde	Aye
Council Member Malone	Nay*
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

**Council Member Malone accidently selected "nay" using the digital voting system, but had the intent of voting "aye."*

Meeting adjourned at 5:48 p.m.

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

Mayor Kenn Weise led the Pledge of Allegiance followed by a moment of silent reflection in remembrance.

Members Present: Mayor Kenn Weise; Vice Mayor Mike Pineda; Council Members Tina Conde, Veronica Malone, Curtis Nielson, Gloria Solorio and Max White.

Members Absent: None.

Other Municipal Officials Present: Ron Corbin, City Manager; Cherlene Penilla, Assistant City Manager; Tracy Stevens, Assistant City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Margaret Carey, Deputy City Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Ted Flores, Acting Human Resources Director; Bryan Hughes, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Director; Larry Rooney, Acting Fire Chief; Jeffrey Scheetz, Chief Information Officer; Aric Stewart, Engineering Director; and Renee Weatherless, Finance and Budget Director.

Audience: One member of the public was present.

1. ROLL CALL BY THE DEPUTY CITY CLERK

2. UNSCHEDULED PUBLIC APPEARANCES

Mayor Weise stated Mr. Uber reported seeing improvement of Historic Avondale over the past month.

3. CONSENT AGENDA

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

Mayor Weise asked if any Council Member wished to have an item removed from the Consent Agenda. Council Member Malone requested agenda item 3d be pulled from the consent agenda to be considered separately. Motion was made by Vice Mayor Pineda, seconded by Council Member White, to approve the Consent Agenda with the exception of agenda item 3d.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

a. MINUTES
City Council approved the January 9, 2023 City Council meeting minutes.

b. BUDGET ADJUSTMENT FOR THREE REAR LOAD GARBAGE TRUCKS
City Council authorized the use of contingency funds in the amount of $1,095,000 for the purchase of three new rear load garbage trucks, amend the award authority necessary to facilitate the purchase, and authorized staff to take the necessary actions to facilitate this request.

c. RENAMING OF THE AVONDALE COMMUNITY CENTER
City Council approved the Parks and Recreation Advisory Board's recommendation to adopt the name of “Mountain View Community Center” for the renovated facility that was formerly known as the “Avondale Community Center”, and authorized staff to take the necessary actions to facilitate this request.

d. RESOLUTION 1009-0223 – INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF TOLLESON FOR THE DEANNEXATION AND ANNEXATION OF VAN BUREN STREET RIGHT OF WAY

This item was pulled from the consent agenda for further discussion. Item is listed below in more detail.

e. RESOLUTION 1012-0223 - AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF LITCHFIELD PARK FOR FLEET MAINTENANCE AND REPAIR SERVICES

City Council adopted Resolution 1012-0223 approving an Amended and Restated Intergovernmental Agreement with the City of Litchfield Park for the City of Avondale Fleet Maintenance Division of Public Works to provide preventative maintenance and repair services for the City of Litchfield Park automobile and equipment fleet, and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

f. ORDINANCE 2007-0223 – ABANDONMENT OF A SLOPE EASEMENT ON CITY-OWNED PROPERTY

City Council adopted Ordinance 2007-0223 authorizing the abandonment of a slope easement located generally north of Western Avenue and east of the 9th Street alignment and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

g. ORDINANCE 2008-0223 – ABANDONMENT OF A PUBLIC UTILITY EASEMENT ON CITYOWNED PROPERTY

City Council adopted Ordinance 2008-0223 authorizing the abandonment of a public utility easement located generally north of Western Avenue and east of the 9th Street alignment and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

h. ORDINANCE 2009-0223 – ABANDONMENT OF 9TH STREET RIGHT OF WAY

City Council adopted Ordinance 2009-0223 authorizing the abandonment of the 9th Street public right of way located generally north of Western Avenue and east of Dysart Road and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

i. ORDINANCE 2010-0223 – ABANDONMENT OF TEMPORARY DRAINAGE EASEMENTS ON CITY-OWNED PROPERTIES

City Council adopted Ordinance 2010-0223 authorizing the abandonment of temporary drainage easements located generally north of Western Avenue and east of the 9th Street alignment and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

j. ORDINANCE 2011-0223 – SRP POWER DISTRIBUTION EASEMENT FOR THE AVONDALE AQUATIC CENTER

City Council adopted Ordinance 2011-0223 authorizing the granting of a power distribution easement to Salt River Project (SRP) in connection with the Avondale Aquatic Center Project and authorized the Mayor or City Manager, City Attorney, and City Clerk

to execute the necessary documents.

THE FOLLOWING ITEM WAS PULLED FROM THE CONSENT AGENDA TO BE VOTED ON SEPARATELY:

d. RESOLUTION 1009-0223 – INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF TOLLESON FOR THE DEANNEXATION AND ANNEXATION OF VAN BUREN STREET RIGHT OF WAY

City Council considered a request to adopt Resolution 1009-0223 authorizing an Intergovernmental Agreement with the City of Tolleson for the de-annexation and annexation of the eastbound lanes of Van Buren Street right-of-way from 99th Avenue to 107th Avenue and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

In response to questions from Council Member Malone, Aric Stewart, Engineering Director, stated monument and speed limit signage can be put anywhere. There is a Tolleson monument sign on 99th Avenue as they have a right-of-way. Memo Espinoza, Police Chief stated the police department has jurisdiction throughout the entire state of Arizona.

In response to questions from Mayor Weise, Chief Espinoza stated they will enforce the ordinance that does not allow trucks to park on the street. An educational period will be offered to inform the truck drivers of the new jurisdiction and city ordinance. The first step will be to provide a warning and issue a citation to repeat offenders. Mayor Weise suggested installing no parking signs to eliminate confusion.

Council Member Malone moved to adopt Resolution 1009-0223 authorizing an Intergovernmental Agreement with the City of Tolleson for the de-annexation and annexation of the eastbound lanes of Van Buren Street right-of-way from 99th Avenue to 107th Avenue and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents; Council Member Solorio seconded the motion.

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

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

4. REGULAR AGENDA

a. OVERVIEW OF CITY DEBT AND BONDS

Staff presented an overview of the city's debt and bonds and provide information on possible financing options for future city projects. This item was for discussion only.

Mayor Weise stated it is important to have regular reviews of debt, bond capacity, and status of current bonds, as it helps Council to determine the City's financial status.

Renee Weatherless, Finance and Budget Director, presented an overview of financing options available to Avondale to fund larger capital improvement projects. As of July 2022, Avondale has $72 million in outstanding debt. In comparison to surrounding cities, Avondale has a low debt ratio per capita.

Financing options include:

- Cash reserves, which the city has used as the FY 23 budget, has over $230 million funding capital projects.
- Dedicated revenue streams, that use revenue from dedicated sales tax, development, and impact fees.
- Bonds are debt instruments.

Municipal Bonds:

- Has a stated amount and interest rate.
- Matures on a specific date when the bondholder will be paid in full plus interest.
- Interest received by the bondholder is exempt from Federal taxation, which makes bonds more attractive to investors.
- Primarily used to fund capital projects.
- Structured with repayment terms from 20-30 years and coincides with the useful life of the funded asset(s).
- Payments are made in the future using future generated revenue.

The benefit of using bonds is to manage cash flow, low interest rates, which allows investments into public infrastructure with low borrowing costs and supports intergenerational equity, meaning that those who benefit from the asset will pay for it.

General Obligation (GO) Bonds:

- Repaid through a secondary property tax levy.
- State law requires voter approval during November elections.
- Avondale's credit worthiness and ability to repay debt rating is AAA from Fitch and Aa2 (Moody's). This signifies to investors Avondale is low risk.
- Used to fund all infrastructure projects within the city.
- Comparable to taking out a mortgage.
- State law limits the bonding capacity based on net assessed value of property within the city. Avondale's net assessed value for FY 23 is over $860 million with a bonding limit of over $224 million, but only using $50 million or 22% of that amount.

- Current GO bond funded projects include: street and sewer improvements, multi-purpose rec center, resource center, park improvements, police and fire station, and visitor center.
- Tax rate cannot exceed $2 / $100 net assessed value, per Avondale's financial policy.

Current outstanding GO bond debt has payments scheduled through FY 2041 with a bond issued in 2017 maturing between 2028 and 2029. These payments are factored into the five-year forecast. When GO bonds are approved on the ballot, voters are granting the City authorization to issue debt, which does not expire. Currently, $12 million is authorized for water improvement projects and $9.2 million for street projects, which would only need Council's approval.

Excise Tax Revenue Obligations
- Do not require voter approval.
- Backed by a revenue source.
- No statutory limit, however, Avondale's financial policy states bonds which pledge excise taxes will be issued only when collections exceed the annual debt service by three times. This would be evaluated by staff prior to making a recommendation to use this debt instrument.
- Used for all infrastructure improvements.
- Avondale's debt is high quality and low risk based on credit rating of AA from S&P and Aa3 by Moody's.
- Current funded projects include: library construction, wastewater, water, street improvements, and construction of aquatic center.

Outstanding excise tax revenue obligations are $43 million with $24 million scheduled to be paid by 2024, leaving $19 million associated with the aquatic center and some water system design and construction.

Utility Revenue Obligations
- Does not require voter approval.
- Backed by revenue from utility services.
- Funds utility improvements for water and wastewater.
- Low interest rates, resulting in low borrowing costs.
- Avondale's debt is high quality and low risk based on credit rating of AA from S&P and Aa2 by Moody's.
- Avondale financial policy states, water and wastewater operating funds must maintain 1.5 times the debt service requirements over the perspective five years.

This funding source would be evaluated prior to making a recommendation to pursue this type of debt instrument. Utility revenue bonds were issued in 2016 for system improvements for a 19-year period with $6.2 million outstanding.

Water Infrastructure Financing Authority (WIFA) Loan
- A state agency bond bank that provides funding to communities to construct and maintain wastewater and drinking water infrastructure.
- Applications are accepted all year to be reviewed by the WIFA board.

- Debt is repaid using utility revenue.
- Does not require voter approval.
- Low interest rates.
- Solely for projects eligible under the Drinking Water State Revolving fund or Clean Water State Revolving Fund programs.
- Subject to additional reporting requirements.
- Must follow federal procurement standards, which can result in higher project costs.
- Avondale does not have any outstanding WIFA loans.

Bonds are useful to finance large capital projects. The GO bonds require voter approval, and staff will assess the situation prior to making recommendations on the proper debt instrument to use for projects, as they could be funded by multiple funding sources.

Future Projects:
- Wastewater treatment plant project
- Additional public safety facilities
- New or expanded parks

Mayor Weise stated debt provides the city with flexibility because to do necessary projects with revenue and cash can be nearly impossible. Kirk Beaty, Public Works Director, stated the plan for the wastewater treatment facility project is to start the design in FY 24, which would cost $8.5 million and construction in FY 25, estimated to cost between $100 - $110 million and extend over a two-year period.

In response to questions from Council Member White, Ms. Weatherless stated all debt instruments will be reviewed for the water project and no recommendations have been made at this time. Each agency has their own criteria based on rating calls, research, and review. Mr. Corbin stated another factor is the diversity of revenue. Not raising property taxes could hurt the rating, but they really want to make sure there is an ability to repay the debt. Mayor Weise added the agencies look at the stability of council. Ms. Weatherless clarified the statutory limit on GO bonds is $224 million, of which the City is only using $50 million.

In response to questions from Council Member Nielson, Ms. Weatherless stated the City manages their own financial policies, which are brought before the council every year with the budget. Obviously paying off debt sooner saves interest costs; however, with bonds the terms are established upfront and paying it off early may not be an option. Council has the ability to decide to issue additional GO bonds at any point to fund new projects. A discussion ensued regarding WIFA loans and potentially grouping the asks with other municipalities. Mr. Corbin cautioned the Council on the WIFA loans, as they add costs to the projects. Mr. Beaty stated popular projects among municipalities is the direct potable reuse, which Avondale would not be interested in, as they reclaim and recharge wastewater.

Council Member Conde stated she looks forward to staff's recommendation on the wastewater treatment plant expansion.

In response to a question from Council Member Malone, Mr. Corbin stated he would not recommend the use of bonding for road maintenance. In March, a presentation will be made to the Council regarding the road study and the plan moving forward and Ms. Weatherless, her team and he will provide a funding recommendation.

In response to questions from Vice Mayor Pineda, Ms. Weatherless stated the financial policies and the $2 cap on the property tax rate dictates the debt limit for GO bonds; however, the Council can look at the financial policies and establish a debt ratio. Mr. Corbin stated he anticipates the next project where they will be recommending GO bonds to finance is the Alamar public safety substation. Vice Mayor Pineda stated it is important to be able to communicate to residents in layman's terms if taxes need to be increased.

Mayor Weise stated he is not in favor of adding extra burden to the residents by increasing taxes; however, it is important to educate the residents on what is needed to fund projects.

5. ADJOURNMENT

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

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

Council Member Conde	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Solorio	Aye
Council Member White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

Meeting adjourned at 6:40 p.m.

_____
Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting and Regular Meeting of the Council of the City of Avondale held on the 6th day of February 2023. I further certify that the meeting was duly called and held, and that the quorum was present.

_____ _____

Marcella Carrillo, City Clerk Date Approved by City Council

Item Number: 3.b.

CITY COUNCIL REPORT

SUBJECT: Series 7 (Beer and Wine Bar) Liquor License - Valley Golf Center

MEETING DATE: 3/6/2023

TO: Mayor and Council

FROM: Marcella Carrillo, City Clerk

THROUGH: Cherlene Penilla, Assistant City Manager

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

STRATEGIC PLAN:
This agenda item supports the following Avondale Strategic Outcome Area:

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

The approval of this agenda item will promote Avondale community's social connectivity by providing a new social environment for family and friends. This item will increase visitor traffic to Avondale's local businesses.

PURPOSE:
City Council will consider a request to recommend approval to the Arizona Department of Liquor License and Control of an application for a Series 7 (Beer and Wine Bar) Liquor License submitted by Jeffrey Craig Miller for the sale of alcohol at Valley Golf Center located at 12247 West Indian School Road in Avondale and authorize the City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:
Valley Golf Center is an existing establishment located at 12247 West Indian School Road in Avondale. The Arizona State Statute requires a Series 07 liquor license to be separated a minimum of 300 feet from K-12 schools or church buildings. It also requires 300 feet of separation from fenced recreational areas that are part of a school building. There are no churches, schools, or fenced recreational areas associated with schools located within 300 feet of the Valley Golf Center.

On January 9, 2023, City Council recommended approval of a Series 12 (Restaurant) Liquor License.The establishment has since submitted a new application for a Series 7 (Beer and Wine) Liquor License.

DISCUSSION:
As required by state law and city ordinance, the application was posted for the required period of time. The Police, Fire & Medical, Development & Engineering Services and Finance Departments have reviewed the application and are recommending approval.

BUDGET IMPACT:
The liquor license application fee of $250 has been paid in full.

RECOMMENDATION:
Staff is recommending City Council recommend approval to the Arizona Department of Liquor License and Control of an application for a Series 7 (Beer and Wine Bar) Liquor License submitted by Jeffrey Craig Miller for the sale of alcohol at Valley Golf Center located at 12247 West Indian School Road in Avondale and authorize the City Clerk to execute the necessary documents. The Council will take appropriate action.

Contact person for document distribution: *Maria James*

State of Arizona
Department of Liquor Licenses and Control

Created 02/08/2023 @ 04:04:02 PM

Local Governing Body Report

LICENSE

Number:		Type:	007 BEER AND WINE BAR
Name:	VALLEY GOLF CENTER		
State:	Pending		
Issue Date:		Expiration Date:	
Original Issue Date:			
Location:	12247 W INDIAN SCHOOL ROAD AVONDALE, AZ 85392 USA		
Mailing Address:	[redacted] [redacted] USA		
Phone:	(623)248-4090		
Alt. Phone:	[redacted]		
Email:	LIQUORLICENSE@AZLIC.COM		

AGENT

Name:	JEFFREY CRAIG MILLER
Gender:	Male
Correspondence Address:	[redacted] USA
Phone:	[redacted]
Alt. Phone:	
Email:	LIQUORLICENSE@AZLIC.COM

OWNER

Name:	VALLEY GOLF LLC		
Contact Name:	JEFFREY CRAIG MILLER		
Type:	LIMITED LIABILITY COMPANY		
AZ CC File Number:	1867238	State of Incorporation:	AZ
Incorporation Date:	11/14/2022		
Correspondence Address:	[redacted] USA		
Phone:	[redacted]		
Alt. Phone:			
Email:	LIQUORLICENSE@AZLIC.COM		

Officers / Stockholders

Name:	Title:	% Interest:
THERESA MARIE OLDENBURG	MEMBER	43.00
RICHARD JOHN OLDENBURG	MEMBER	43.00

VALLEY GOLF LLC - MEMBER

Name: RICHARD JOHN OLDENBURG
Gender: Male
Correspondence Address: [redacted]
USA
Phone: (623)986-0460
Alt. Phone:
Email: [redacted]

VALLEY GOLF LLC - MEMBER

Name: THERESA MARIE OLDENBURG
Gender: Female
Correspondence Address: [redacted]
USA
Phone: [redacted]
Alt. Phone:
Email: [redacted]

APPLICATION INFORMATION

Application Number: 224270
Application Type: New Application
Created Date: 12/28/2022

QUESTIONS & ANSWERS

007 Beer and Wine Bar

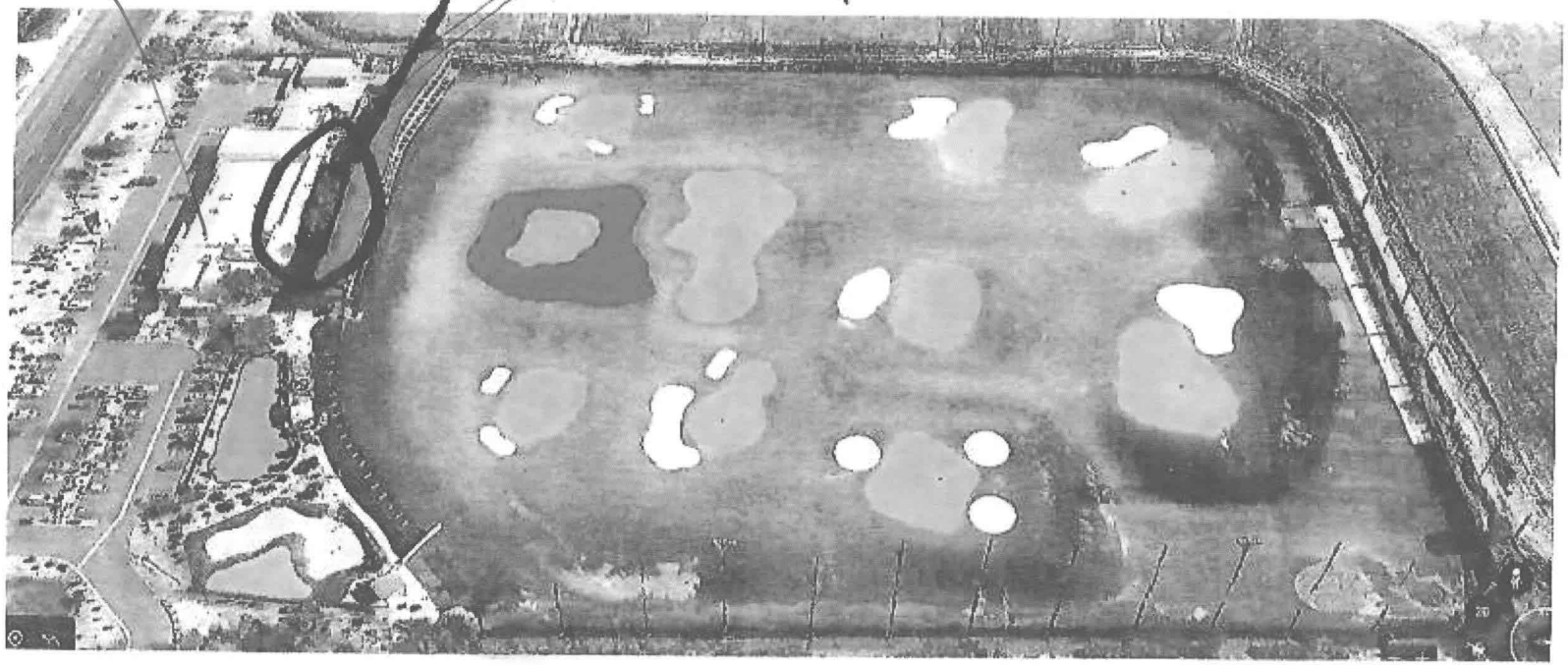
1) Are you applying for an Interim Permit (INP)?
   No
2) Provide name, address, and distance of nearest school.
   (If less than one (1) mile note footage)
   CANYON BREEZE 11675 W ENCANTO BLVD AVONDALE AZ 85392
   1.45 MILES
3) Are you one of the following? Please indicate below.
   Property Tenant
   Subtenant
   Property Owner
   Property Purchaser
   Property Management Company
   OWNER
4) Is there a penalty if lease is not fulfilled?
   No
5) Is the Business located within the incorporated limits of the city or town of which it is located?
   Yes
6) What is the total money borrowed for the business not including the lease?
   Please list each amount owed to lenders/individuals.
   0
7) Are there walk-up or drive-through windows on the premises?
   No
8) Does the establishment have a patio?
   Yes
   Is the patio contiguous or non-contiguous (within 30 feet)?
   CONTIGUOUS
9) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
   No

13 acres

entrance/exit

Patio Restaurant AREA Between Double Deck Building & Retail Golf Shop. patio fenced in

Also entire Driving Range is fenced with one entrance and Exit for Customers

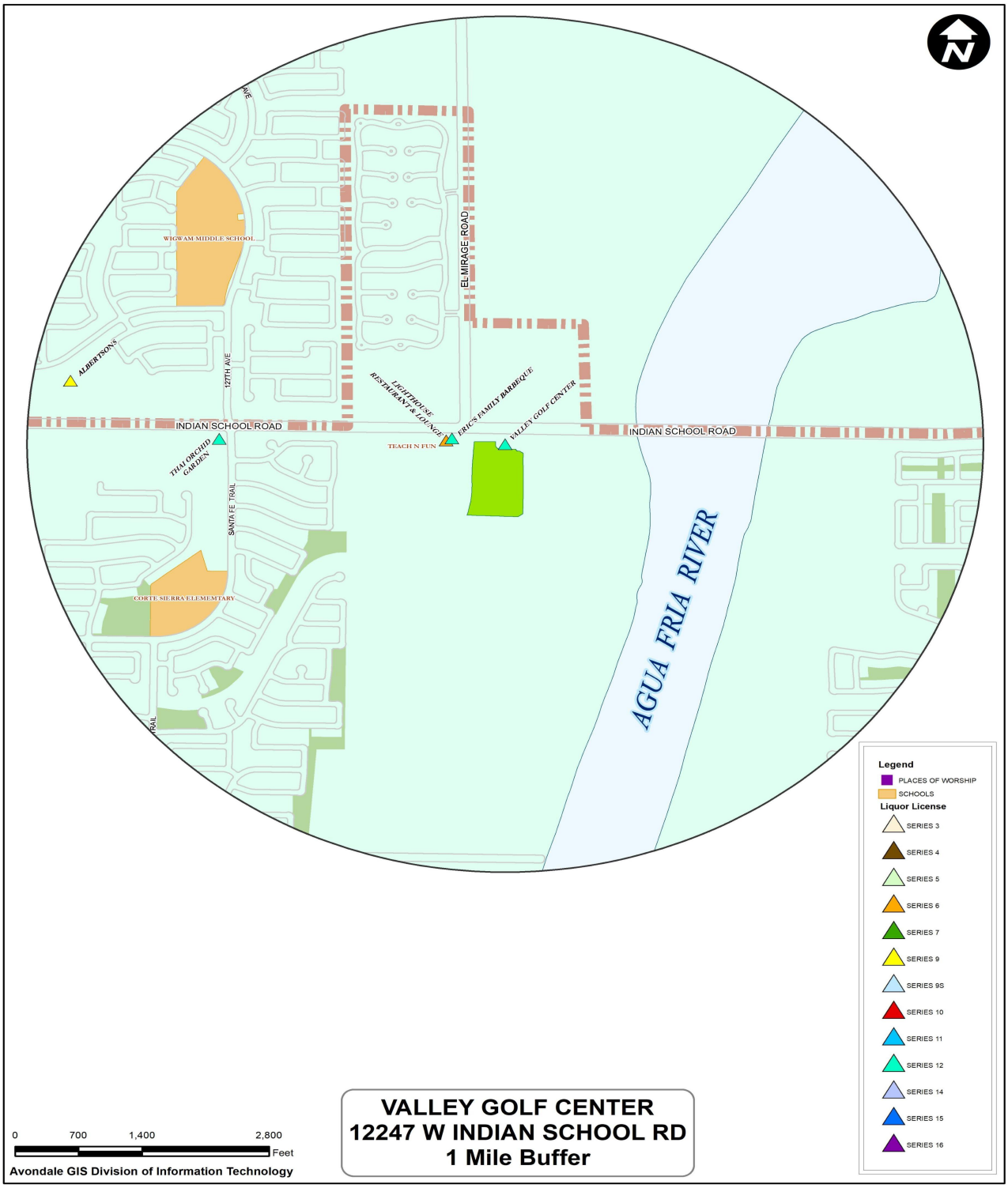


Valley
Golf CENTER
12247 W. Indian School Rd.
Avondale, AZ. 85392

'22 DEC 28 Liq. Lic. PM 4:45

Avondale
Aspiring. Achieving. Accelerating.

GIS MAP



VALLEY GOLF CENTER
12247 W INDIAN SCHOOL RD
1 Mile Buffer

Harley Maniago
Harley Maniago (Dec 6, 2022 16:43 MST)

Avondale
Aspiring. Achieving. Accelerating.

LICENSE REVIEW FORM

Type of License	7 Beer and Wine
Applicant's Name	Jeffrey Craig Miller
Business Name	Valley Golf Center
Business Address	12247 W Indian School Rd Avondale, AZ 85392

Department Comments

The General Plan designates this property as Local Commercial. The current Zoning of the property is Community Commercial (C-2) with the SUD special use overlay. The use of a restaurant is consistent with the City of Avondale's adopted Zoning Ordinance.

- ☐ **Police Department**
- ☐ **Fire Department**
- ☑ **Development Services**
- ☐ **Finance Department**

- ◉ **Approved**
- ○ **Denied**

E-Signature	Associate Planner **Title**
Augustus Gerletti **Name**	Feb 2, 2023 **Date**

This license is scheduled for the City Council Meeting on: March 6, 2023

Please complete form by: February 20, 2023

Avondale
Aspiring. Achieving. Accelerating.

LICENSE REVIEW FORM

Type of License	7 Beer and Wine
Applicant's Name	Jeffrey Craig Miller
Business Name	Valley Golf Center
Business Address	12247 W Indian School Rd Avondale, AZ 85392
Department Comments	

- ☐ **Police Department**
- ☐ **Fire Department**
- ☐ **Development Services**
- ☑ **Finance Department**

- ◉ **Approved**
- ○ **Denied**

Finance & Budget Business License Finance & Budget Business License (Feb 2, 2023 12:09 MST) **E-Signature**	Customer Service Representative **Title**
Finance & Budget Business License **Name**	Feb 2, 2023 **Date**

This license is scheduled for the City Council Meeting on: March 6, 2023

Please complete form by: February 20, 2023

Avondale
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LICENSE REVIEW FORM

Type of License	7 Beer and Wine
Applicant's Name	Jeffrey Craig Miller
Business Name	Valley Golf Center
Business Address	12247 W Indian School Rd Avondale, AZ 85392

Department Comments

No comments

- ☐ **Police Department**
- ☑ **Fire Department**
- ☐ **Development Services**
- ☐ **Finance Department**

- ◉ **Approved**
- ○ **Denied**

Jason Napier
Jason Napier (Feb 2, 2023 12:52 MST)
E-Signature

Fire Marshal
Title

Jason Napier
Name

Feb 2, 2023
Date

This license is scheduled for the City Council Meeting on: March 6, 2023

Please complete form by: February 20, 2023

Avondale
Aspiring. Achieving. Accelerating.

LICENSE REVIEW FORM

Type of License	7 Beer and Wine
Applicant's Name	Jeffrey Craig Miller
Business Name	Valley Golf Center
Business Address	12247 W Indian School Rd Avondale, AZ 85392
Department Comments	

- [x] **Police Department**
- [ ] **Fire Department**
- [ ] **Development Services**
- [ ] **Finance Department**

- (●) **Approved**
- ( ) **Denied**

Mathew Hintz
Mathew Hintz (Feb 13, 2023 10:34 MST)
E-Signature

Police Lieutenant
Title

Mathew Hintz
Name

Feb 13, 2023
Date

This license is scheduled for the City Council Meeting on: March 6, 2023

Please complete form by: February 20, 2023

Item Number: 3.c.

CITY COUNCIL REPORT

SUBJECT: Park 10 Phase 4 – Re-Plat – Application PL-22-0106

MEETING DATE: 3/6/2023

TO: Mayor and Council

FROM: Jodie Novak, Director of Development Services

THROUGH: Tracy Stevens, Assistant City Manager

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

STRATEGIC PLAN:
STRATEGIC OUTCOME AREA: Creative and Sustainable Community Development
STRATEGY: Increase sustainability initiatives such as renewable clean energy or sustainable design and construction

---

PURPOSE:
City Council will consider a request by Jeff D. Behrana of Optimus Design Group, on behalf of the property owner Gunbo LLC, for approval of a Re-Plat for Park 10 Phase 4. The proposed Re-Plat divides 9.81 acres of undeveloped land into four (4) lots. The property is located approximately 1,200 feet east of the southeast corner of McDowell Road and 107th Avenue. The Council will take appropriate action.

BACKGROUND:
The subject property is approximately 9.81 acres in size and includes Lot 2 of Park 10 Phase 2, an existing 2.74 acre platted parcel; Lot 2 of Park 10 Phase 1, an existing 0.59 acre platted parcel; Lot 4 of Park 10 Phase 3, an existing 3.57 acre; and Lot 5 of Park 10 an existing 2.90 acre platted parcel, all of which will be re-platted as part of this request. The property was annexed into the City's corporate limits on April 3, 1986, and rezoned in February 2006 from Agricultural (AG) to West 10 Corporate Center Planned Area Development (PAD). In March 2018, City Council approved a major PAD amendment.

The property is designated by the General Plan 2030 Land Use Map as Freeway Commercial (Exhibit C). This land use category primarily accommodates the more intense uses of the I-10 Freeway, Loop 101, SR 30, and other future parkway corridors. This category allows for a broad range of non-residential uses and development flexibility by promoting community-wide and regional retail, medical, office, higher educational complexes, hospitality, sports and family entertainment, commercial complexes, and service destinations to a larger trade area.

The property has approximately 300 feet of frontage on McDowell Road. Currently, the property is vacant and undeveloped. Park 10 has developed to the north with various commercial buildings.

The existing uses and zoning of surrounding properties include:

- **NORTH:** Aventura Apartments, zoned Aventura Apartments Planned Area Development (PAD).
- **EAST:** Park 10 commercial center, zoned Park 10 PAD.

- **SOUTH:** I-10 and the I-10 frontage road, zoned Agricultural (AG).
- **WEST:** Park 10 commercial center and vacant land, zoned Park 10 PAD.

PUBLIC PARTICIPATION:
Public notification is not required for Re-Plat applications.

PLANNING COMMISSION ACTION:
The Planning Commission does not review Re-Plat applications.

ANALYSIS:

- The proposed Re-Plat has been reviewed by the City's contracted Registered Land Surveyor and the document has been confirmed as geometrically accurate and in conformance with Arizona Statutes governing the subdivision of real property.

- The proposed Re-Plat is in conformance with the City of Avondale Zoning Ordinance, Subdivision Regulations, and Park 10 Planned Area Development (PAD) Development Plan.

- Approval of the Re-Plat is required before the City will issue Certificates of Occupancy for any building within Phase 4.

DISCUSSION:

- The condition of approval are reasonable to ensure conformance with the provisions as outlined in the Avondale Zoning Ordinance and all other applicable City codes, ordinances, and policies.

BUDGET IMPACT:
No budget impacts.

RECOMMENDATION:
Staff recommends that City Council **APPROVE** Application PL-22-0106 Park 10 Phase 4 Re-Plat, subject to the following condition of approval:

1. The recorded plat shall be in conformance with the Park 10 Phase 4 Re-Plat submitted electronically and date stamped January 3rd, 2023, as per Exhibit D.

Contact person for document distribution: *Jani Wertin*

Exhibit A

Aerial Map

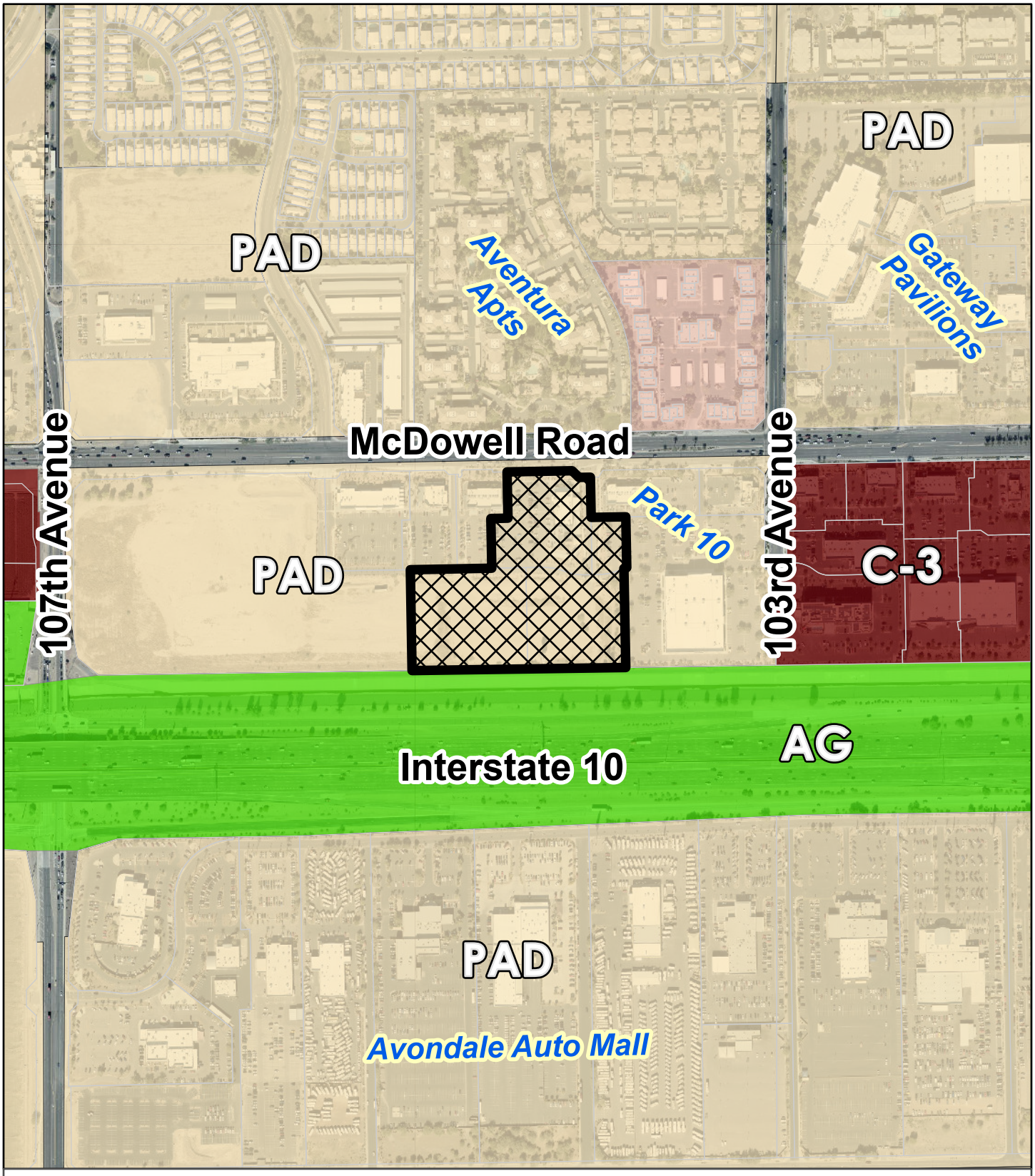
Avondale

Subject Property

N
W E
S

Date: 1/30/2023

Exhibit B



Zoning Vicinity

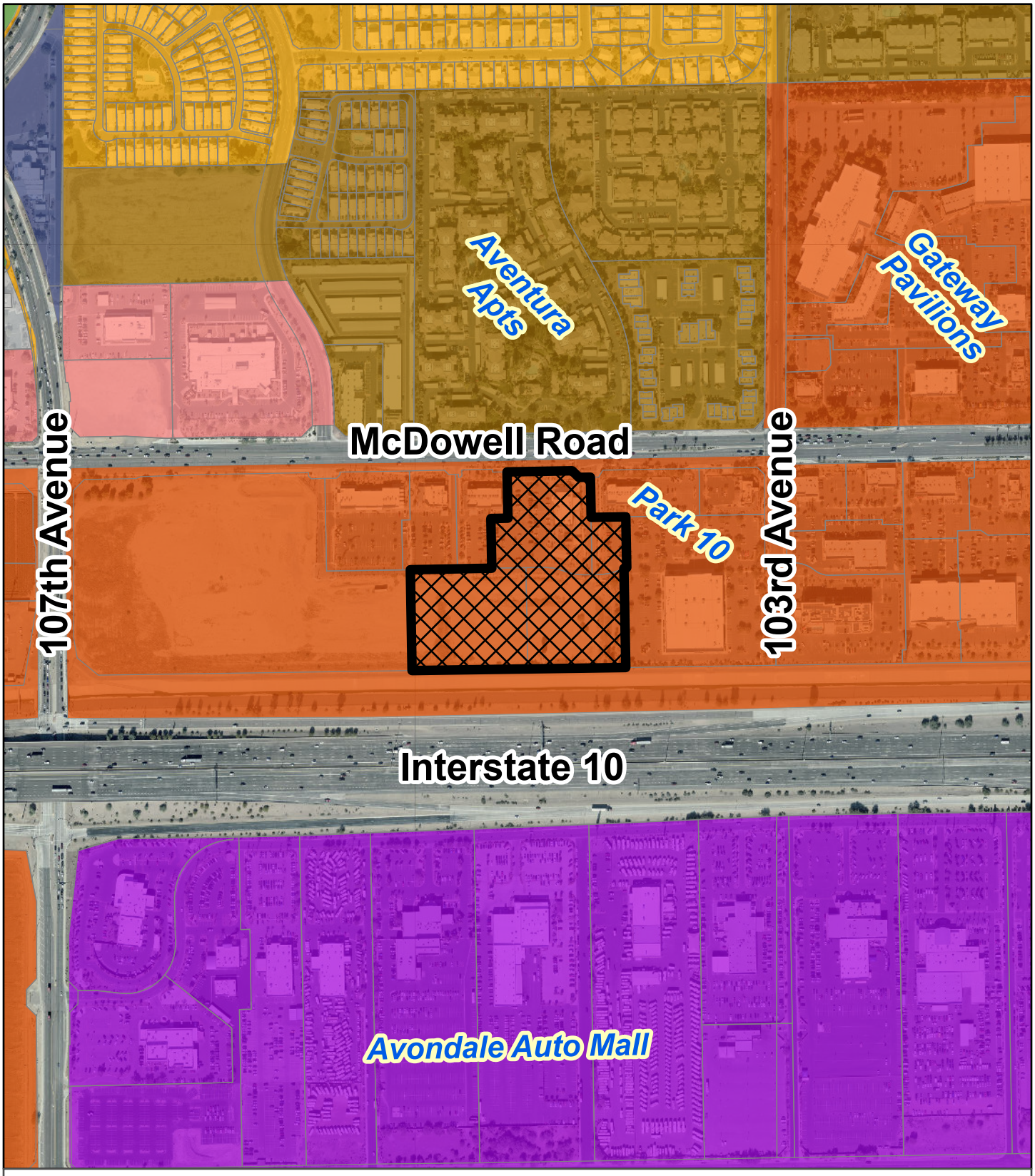
Avondale

Subject Property

N
W E
S

Date: 1/30/2023

Exhibit C



General Plan Land Use

Avondale

- Business Park
- Public / Civic
- Freeway Commercial
- High Density Residential
- Local Commercial
- Medium Density Residential

Subject Property

N
W E
S

Date: 1/30/2023

Recieved Electronically January 3rd, 2023.

FINAL PLAT
PARK 10, PHASE 4

A REPLAT OF LOT 2, PARK 10, PHASE 1, RECORDED IN BOOK 1224 OF MAPS, PAGE 38, LOT 2, PARK 10, PHASE 2, RECORDED IN BOOK 1478 OF MAPS, PAGE 1, LOT 4 AND ALL OF LOT 5, PARK 10, PHASE 3, BOOK 1550 OF MAPS, PAGE 39, RECORDS OF MARICOPA COUNTY, ARIZONA, BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS:

THAT PARK 10 SHOPS A, LLC, AN OREGON LIMITED LIABILITY COMPANY, AS OWNER OF LOT 2, PARK 10, PHASE 1, ACCORDING TO BOOK 1224 OF MAPS, PAGE 38, PARK 10 PT LLC, AN OREGON LIMITED LIABILITY COMPANY, AS OWNER OF LOT 2, PARK 10, PHASE 2, ACCORDING TO BOOK 1478 OF MAPS, PAGE 1, PARK 10 MSF LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER OF LOT 4, PARK 10, PHASE 3, ACCORDING TO BOOK 1550 OF MAPS, PAGE 39, GUNBO LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER OF LOT 5, PARK 10, PHASE 3, ACCORDING TO BOOK 1550 OF MAPS, PAGE 39, HAS SUBDIVIDED UNDER THE NAME "PARK 10, PHASE 4", A REPLAT OF LOT 2, PARK 10, PHASE 1, RECORDED IN BOOK 1224 OF MAPS, PAGE 38, LOT 2, PARK 10, PHASE 2, RECORDED IN BOOK 1478 OF MAPS, PAGE 1, LOT 4 AND ALL OF LOT 5, PARK 10, PHASE 3, BOOK 1550 OF MAPS, PAGE 39, RECORDS OF MARICOPA COUNTY, ARIZONA, BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF "PARK 10, PHASE 4" AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT CONSTITUTING SAME, AND THAT EACH LOT SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF: PARK 10 SHOPS A, LLC, AN OREGON LIMITED LIABILITY COMPANY, AS OWNER, HAS HERETO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, THEREUNTO DULY AUTHORIZED

THIS _____ DAY OF _____, 20__

BY: _____

ITS: MANAGER

IN WITNESS WHEREOF: PARK 10 PT, LLC, AN OREGON LIMITED LIABILITY COMPANY, AS OWNER, HAS HERETO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, THEREUNTO DULY AUTHORIZED

THIS _____ DAY OF _____, 20__

BY: _____

ITS: MANAGER

IN WITNESS WHEREOF: PARK 10 MSF, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HERETO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, THEREUNTO DULY AUTHORIZED

THIS _____ DAY OF _____, 20__

BY: _____

ITS: MANAGER

ACKNOWLEDGMENT

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

ON _____, 2022, BEFORE ME PERSONALLY APPEARED SEJIN KIM THE MANAGER OF PARK 10 SHOPS A, LLC, AN OREGON LLC ON BEHALF OF THE LLC, WHOSE IDENTITY WAS PROVEN TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHO HE/SHE CLAIMS TO BE, AND ACKNOWLEDGED THAT HE/SHE SIGNED THE ABOVE DOCUMENT ON BEHALF OF THE LLC.

_____
NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

ON _____, 2022, BEFORE ME PERSONALLY APPEARED SEJIN KIM THE MANAGER OF PARK 10 PT, LLC, AN OREGON, LLC ON BEHALF OF THE LLC, WHOSE IDENTITY WAS PROVEN TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHO HE/SHE CLAIMS TO BE, AND ACKNOWLEDGED THAT HE/SHE SIGNED THE ABOVE DOCUMENT ON BEHALF OF THE LLC.

_____
NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

ON _____, 2022, BEFORE ME PERSONALLY APPEARED SEJIN KIM THE MANAGER OF PARK 10 MSF, LLC, AN ARIZONA, LLC ON BEHALF OF THE LLC, WHOSE IDENTITY WAS PROVEN TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHO HE/SHE CLAIMS TO BE, AND ACKNOWLEDGED THAT HE/SHE SIGNED THE ABOVE DOCUMENT ON BEHALF OF THE LLC.

_____
NOTARY PUBLIC

NOTES

1. ALL LANDSCAPING WITHIN ADJACENT PUBLIC RIGHT-OF-WAY IS TO BE MAINTAINED BY THE COMMON OPERATION AND RECIPROCAL EASEMENT AGREEMENT (CORE A), RECORDED IN DOCUMENT NUMBER 2015-0135307, MARICOPA COUNTY RECORDS, ARIZONA, EXCLUDING MEDIANS ON ARTERIAL STREETS.

2. ALL UTILITY AND PUBLIC SERVICE EASEMENTS, INCLUDING ANY LIMITATIONS OF EASEMENTS; AND CONSTRUCTION WITHIN SUCH EASEMENTS SHALL BE LIMITED TO UTILITIES, LANDSCAPING, AND WOOD, WIRE OR REMOVABLE SECTION TYPE FENCES.

3. ALL EXISTING OVERHEAD UTILITIES SHALL BE INSTALLED UNDERGROUND IN ACCORDANCE WITH CITY OF AVONDALE MUNICIPAL CODE AND AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION.

4. NO ALTERATIONS SHALL BE MADE TO THE STORM WATER RETENTION AREAS AND APPROVED OR EXISTING CONVEYANCE PATTERNS THAT ARE A PART OF THESE PREMISES WITHOUT WRITTEN APPROVAL BY THE CITY OF AVONDALE.

5. NO STRUCTURES SHALL BE CONSTRUCTED IN OR ACROSS NOR SHALL OTHER IMPROVEMENTS OR ALTERATIONS BE MADE TO THE DRAINAGE FACILITIES THAT ARE A PART OF THIS SUBDIVISION WITHOUT WRITTEN AUTHORIZATION BY THE CITY OF AVONDALE.

6. NO WALLS/FENCES SHALL BE BUILT WITHOUT PRIOR CITY OF AVONDALE APPROVAL.

7. ALL STORM DRAIN PIPES FROM THE CATCH BASINS TO THE RETENTION BASINS SHALL BE MAINTAINED BY THE OWNER.

BASIS OF BEARING

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

FLOOD ZONE

ACCORDING TO THE FLOOD INSURANCE RATE MAP #04013C210 M, DATED SEPTEMBER 18, 2022 THIS PROPERTY IS LOCATED IN FLOOD ZONE "X".
AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

100-YEAR ASSURED WATER SUPPLY

THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREAS OF THE CITY OF AVONDALE WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO SECTION 45-576 ARIZONA REVISED STATUTES.

REFERENCE DOCUMENTS

FINAL PLAT FOR PARK 10, PHASE 1, RECORDED IN BOOK 1224 OF MAPS. PAGE 38, M.C.R.
FINAL PLAT FOR PARK 10, PHASE 2, RECORDED IN BOOK 1478, PAGE 1, M.C.R.
FINAL PLAT FOR PARK 10, PHASE 3, RECORDED IN BOOK 1550, PAGE 39, M.C.R.

LEGAL DESCRIPTION

LOT 2, PARK 10, PHASE 1, RECORDED IN BOOK 1224 OF MAPS, PAGE 38, LOT 2, PARK 10, PHASE 2, RECORDED IN BOOK 1478 OF MAPS, PAGE 1, LOT 4 AND LOT 5, PARK 10, PHASE 3, BOOK 1550 OF MAPS, PAGE 39, RECORDS OF MARICOPA COUNTY, ARIZONA, BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2 OF PARK 10, PHASE 2, AS RECORDED IN BOOK 1478 OF MAPS, PAGE 1, MARICOPA COUNTY RECORDS, ARIZONA;

THENCE NORTH 88 DEGREES 58 MINUTES 43 SECONDS EAST, ALONG THE SOUTH RIGHT OF WAY FOR MCDOWELL ROAD, A DISTANCE OF 236.92 FEET;

THENCE SOUTH 46 DEGREES 01 MINUTES 17 SECONDS EAST, CONTINUING ALONG SAID RIGHT OF WAY, A DISTANCE OF 35.36 FEET;

THENCE NORTH 88 DEGREES 58 MINUTES 43 SECONDS EAST, CONTINUING ALONG SAID RIGHT OF WAY, A DISTANCE OF 41.28 FEET;

THENCE DEPARTING SAID RIGHT OF WAY, SOUTH 01 DEGREES 01 MINUTES 17 SECONDS EAST, ALONG THE EAST LINE OF LOT 2, PARK 10, PHASE 2, RECORDED IN BOOK 1478 OF MAPS, PAGE 1, A DISTANCE OF 146.50 FEET;

THENCE DEPARTING SAID EAST LINE, NORTH 88 DEGREES 58 MINUTES 43 SECONDS EAST, ALONG THE NORTH LINE OF LOT 2, PARK 10, PHASE 1, RECORDED IN BOOK 1224 OF MAPS, PAGE 38, A DISTANCE OF 126.71 FEET;

THENCE DEPARTING SAID NORTH LINE, SOUTH 01 DEGREES 01 MINUTES 17 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 185.44 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY, SAID CURVE HAS A RADIUS OF 215.50 FEET, TO WHICH A RADIAL LINE BEARS NORTH 15 DEGREES 24 MINUTES 50 SECONDS WEST;

THENCE WESTERLY CONTINUING ALONG SAID LOT 2 AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02 DEGREES 45 MINUTES 47 SECONDS AN ARC DISTANCE OF 10.39 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 4;

THENCE SOUTH 01 DEGREES 01 MINUTES 17 SECONDS EAST A DISTANCE OF 370.71 FEET;

THENCE SOUTH 89 DEGREES 09 MINUTES 29 SECONDS EAST A DISTANCE OF 424.00 FEET;

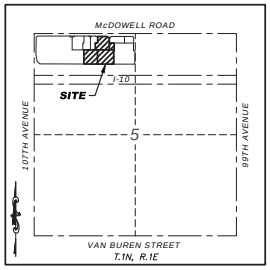
THENCE NORTH 01 DEGREES 01 MINUTES 17 SECONDS WEST A DISTANCE OF 369.38 FEET;

THENCE NORTH 88 DEGREES 58 MINUTES 43 SECONDS EAST A DISTANCE OF 57.91 FEET;

THENCE NORTH 01 DEGREES 01 MINUTES 17 SECONDS WEST, ALONG THE EASTERLY LINE OF SAID LOT 1, A DISTANCE OF 181.60 FEET;

THENCE CONTINUING ALONG SAID LOT 1, NORTH 88 DEGREES 58 MINUTES 43 SECONDS EAST, A DISTANCE OF 62.00 FEET;

THENCE CONTINUING ALONG SAID LOT 1, NORTH 01 DEGREES 01 MINUTES 17 SECONDS WEST, A DISTANCE OF 169.08 FEET TO THE POINT OF BEGINNING;



VICINITY MAP
N.T.S.

OWNER - LOT 1

PARK 10 PT, LLC
16083 SW UPPER BOONES FERRY ROAD, STE. 120
TIGARD, OREGON 97224
PHONE: 602.286.9300
CONTACT: SEJIN KIM

OWNER - LOT 2

PARK 10 SHOPS A, LLC
16083 SW UPPER BOONES FERRY ROAD, STE. 120
TIGARD, OREGON 97224
PHONE: 602.286.9300
CONTACT: SEJIN KIM

OWNER - LOT 3

PARK 10 GUNBO, LLC
16083 SW UPPER BOONES FERRY ROAD, STE. 120
TIGARD, OREGON 97224
PHONE: 602.286.9300
CONTACT: SEJIN KIM

OWNER - LOT 4

PARK 10 MSF, LLC
16083 SW UPPER BOONES FERRY ROAD, STE. 120
TIGARD, OREGON 97224
PHONE: 602.286.9300
CONTACT: SEJIN KIM

SHEET INDEX

1- COVER
2- FINAL PLAT

SURVEYOR

RICK ENGINEERING COMPANY
22425 N. 16TH STREET, SUITE 1
PHOENIX, ARIZONA 85024
PHONE: 480.922.0780
CONTACT: MICHAEL A. BAN, RLS

CIVIL ENGINEER

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

AREA

LOT AREA TABLE

LOT #	AREA (SF)	AREA (AC)
1	116,242	2.669
2	22,780	0.523
3	131,139	3.011
4	156,898	3.602
TOTAL	427,059	9.805

R/W DEDICATION

STREET CLASSIFICATION	AREA(SF)	AREA (AC)
LOCAL	0	0
COLLECTOR	0	0
ARTERIAL	0	0

CERTIFICATION

I, MICHAEL A. BANTA, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA AND THAT THE SURVEY SHOWN HEREON WAS COMPLETED UNDER MY DIRECT SUPERVISION DURING THE MONTH OF FEBRUARY, 2022, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE MONUMENTS SHOWN ACTUALLY EXIST.

MICHAEL A. BANTA
22425 N. 16TH STREET, SUITE 1
PHOENIX, ARIZONA 85024
PHONE: 480-922-0780
MBANTA@RICKENGINEERING.COM

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
38175
MICHAEL A.
BANTA
EXPIRATION DATE 12/31/23
ARIZONA U.S.A.

APPROVALS

PLAT APPROVED AND DEDICATED BY THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA

THIS _____ DAY OF _____, 20__

_____ _____
MAYOR DATE

_____ _____
ATTEST: CITY CLERK DATE

_____ _____
CITY ENGINEER DATE

OPTIMUS CIVIL DESIGN GROUP
4650 E. COTTON CENTER BLVD.
PHOENIX, AZ 85040
PH: (602) 286-9300 FAX: (602) 286-9400

NO.	BY	DATE	REVISION

SURVEYOR:

SIG SURVEY INNOVATION GROUP, INC.
Land Survey Services
22425 N 16TH STREET SUITE #1
PHOENIX, AZ 85024
A RICK ENGINEERING COMPANY

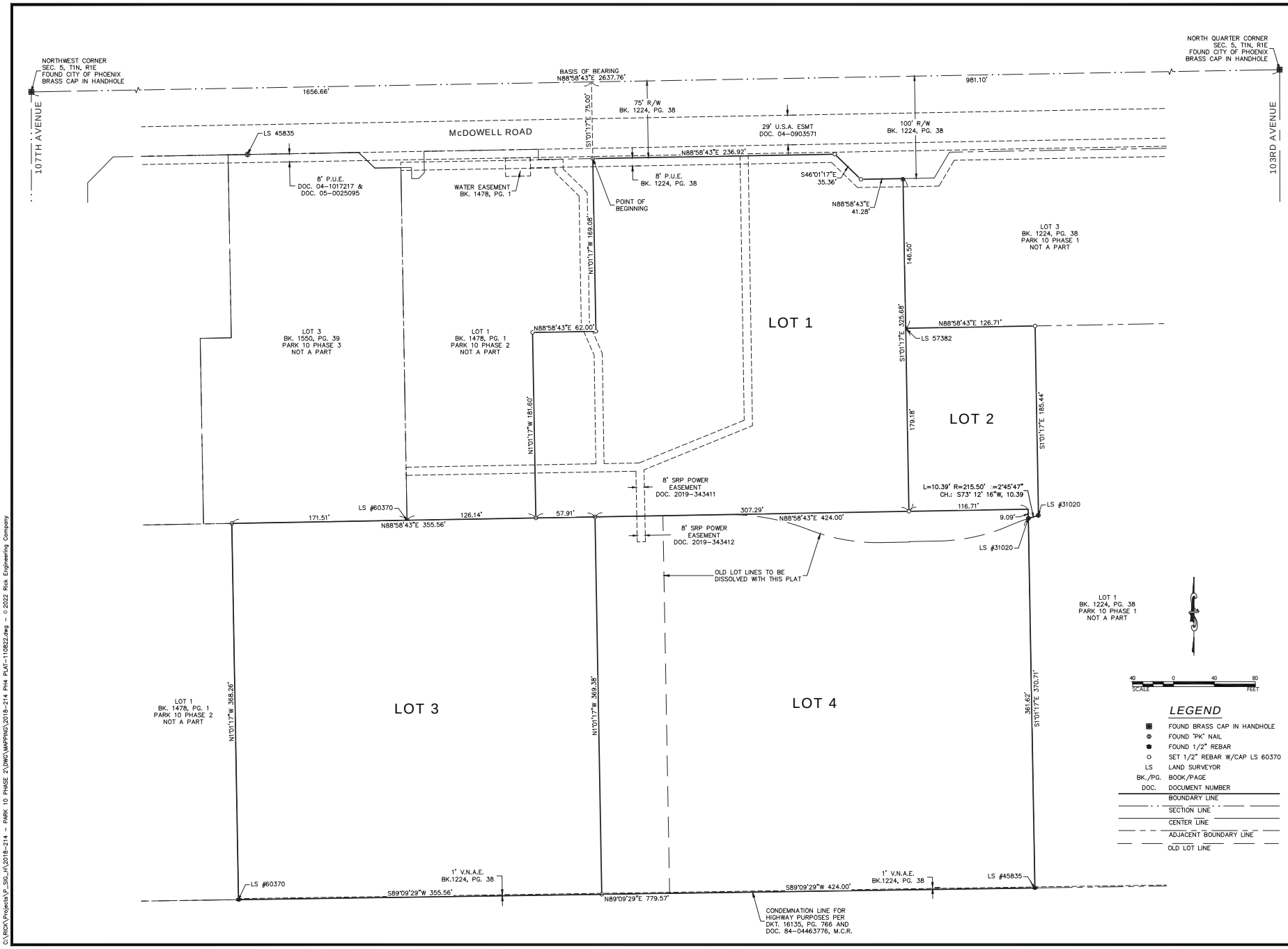
DRAWN BY: LKB SCALE: N.T.S.
CHECKED BY: MAB DATE: 11/8/2022

FINAL PLAT
PARK 10, PHASE 4
AVONDALE, ARIZONA

Contact Arizona 811 at least two full working days before you begin excavation
Call 811 or click Arizona811.com

PROJECT NO.
18-214
SHEET NO. 1 OF 2

C:\RICK\Projects\P_SIG_A\2018-214 - PARK 10 PHASE 2\DWG\MAPPING\2018-214 PH4 PLAT-110822.dwg - © 2022 Rick Engineering Company



C:\RICK\Projects\P_SIG_A\2018-214 - PARK 10 PHASE 2\DWG\MAPPING\2018-214 PH4 PLAT-110822.dwg - © 2022 Rick Engineering Company

OPTIMUS
CIVIL DESIGN GROUP
4850 E. COTTON GIN LOOP
PHOENIX, AZ 85040
PH: (602) 386-9900 FAX: (602) 286-9400

NO.	BY	DATE	REVISION

SURVEYOR:
REGISTERED LAND SURVEYOR
36175
MICHAEL A. BANTA
12-30-22
ARIZONA U.S.A.

SURVEY INNOVATION GROUP, INC.
Land Survey Services
22425 N 16TH STREET SUITE #1
PHOENIX, AZ 85024

A RICK ENGINEERING COMPANY

DRAWN BY: LKB | SCALE: 1"=40'
CHECKED BY: MAB | DATE: 12/30/2022

FINAL PLAT
PARK 10, PHASE 4
AVONDALE, ARIZONA

Contact Arizona 811 at least two full working days before you begin excavation
Call 811 or click ArizonaBlue811.com

PROJECT NO.
18-214
SHEET NO. 2 OF 2

Item Number: 3.d.

CITY COUNCIL REPORT

SUBJECT: Resolution 1014-0323 - Intergovernmental Agreement with Various Agencies for and on behalf of Arizona State University for the Rio Reimagined Project

MEETING DATE: 3/6/2023

TO: Mayor and Council

FROM: Bryan Hughes, Parks and Recreation Director

THROUGH: Tracy Stevens, Assistant City Manager

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

STRATEGIC PLAN:
This agenda item supports the following Avondale Strategic Outcome Areas:

- Diverse Recreation and Entertainment Opportunities - Avondale provides residents with the ability to connect with amenities, businesses, and their community, enhancing the opportunity to live, work, and enjoy a healthy, active, and affordable lifestyle.
- Natural Resources and Open Spaces - Avondale recognizes the value of its natural resources and promotes environmental sustainability and conservation in its operations, activities, and planning.

PURPOSE:
City Council will consider a request to adopt Resolution 1014-0323, approving an Intergovernmental Agreement with the City of Buckeye, the City of Goodyear, the City of Mesa, the City of Phoenix, the City of Tempe, the Gila River Indian Community, the County of Maricopa, the Salt River Pima-Maricopa Indian Community, the Salt River Project Agricultural Improvement and Power District, the Maricopa Association of Governments, and the Arizona Board of Regents for and on behalf of Arizona State University; relating to the engagement of an outside consultant to represent the Rio Reimagined Project and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:
Rio Salado Project
On March 30, 2018, the City of Buckeye, the City of Goodyear, the Gila River Indian Community, the City of Avondale, the City of Phoenix, the City of Tempe, the Salt River Pima-Maricopa Indian Community, the City of Mesa, Maricopa County, Arizona, and the Salt River Project Agricultural Improvement and Power District entered into a Statement of Intent (“SOI”) for the Rio Salado Project, which is now known as Rio Reimagined (“RIO”).

Arizona State University (“ASU”), through its University City Exchange (“UCX”) is a non-member facilitator and coordinating partner for RIO.

The scope of the partnership was the 58-mile stretch of the Rio Salado from Granite Reef Dam east of Mesa to

State Route 85 including the Rio Salado and Gila Rivers.

The focus of the partnership was to reconnect the community to the river and establish a vision for the future.

Urban Water Federal Partnership

On September 1, 2020, the U.S. Government designated RIO as the 20th Urban Waters Federal Partnership location.

The Urban Waters Federal Partnership (UWFP) is supported by 15 Federal agencies and more than 28 non-governmental organization (NGO) partners working in 20 designated locations.

> *The UWFP seeks to reconnect urban communities, particularly those that are overburdened or economically distressed, with their waterways to become stewards for clean urban waters. Through the Partnership, communities gain economic, environmental, and social benefits, and collaborate with Federal agencies, state and local agencies, and community-led efforts to achieve common goals.*
>
> *The 20 geographically dispersed locations are working to revitalize urban waterways and the communities that surround them, transforming overlooked watersheds into community assets.*

The designation will allow the City of Avondale and the RIO partners to leverage UWFP for assistance and funding to supporting the restoration of native habitat, expanding our trail systems, engaging the community and driving sustainable economic growth along the Agua Fria, Gila and Salt Rivers.

DISCUSSION:

The goals of Rio Reimagined are:

- Restore ecosystem functions.
- Balance revitalization with issues of urban resilience and public safety (flood mitigation, urban fire, air quality, water quality, conservation and urban heat mitigation).
- Maximize multi-benefit watershed goals through water conservation and stewardship.
- Foster climate adaptation and urban resilience.
- Foster diverse participation and equitable community benefits respectful of the power of place.

The RIO partners have identified the need for a full-time professional who can act as the regional representative for RIO and oversee RIO's collaborations with federal agencies and stakeholders in connection with RIO's UWFP designation.

The purpose of the Agreement is to set forth the terms and conditions under which the RIO partners agree to: (a) the terms under which the Maricopa Association of Governments ("MAG") will engage an outside consultant who will act as RIO Ambassador to the UWFP with direction from an advisory group composed of one representative from each RIO partner; and (b) contribute to the cost of the Position.

- The initial term of the Agreement is for a period of four years. Thereafter, this Agreement may be renewed and updated, subject to available funding support and mutual written agreement of the RIO partners for additional two-year terms.The RIO Ambassador to the UWFP will be engaged by MAG, which will be solely responsible for compensating the Ambassador and providing administrative support. MAG will engage the Ambassador as an independent contractor with no benefits.
- In recognition of the regional benefits the Ambassador will provide, each RIO partner will make an equal, annual contribution to MAG to partially reimburse MAG for the cost of the Ambassador's Total Compensation. During the term of this Agreement, a $15,000 annual contribution will be made by each of the RIO partners.

BUDGET IMPACT:

During the Term of the Agreement, the $15,000 annual contribution from the City of Avondale will be included in the Parks and Recreation budget.

RECOMMENDATION:

Staff recommends City Council adopt a Resolution approving Intergovernmental Agreement with various agencies for and on behalf of Arizona State University relating to the engagement of an outside consultant to represent the Rio Reimagined Project and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution:

RESOLUTION NO. 1014-0323

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH MULTIPLE PUBLIC ENTITIES RELATING TO THE ENGAGEMENT OF AN OUTSIDE CONSULTANT TO REPRESENT THE RIO REIMAGINED PROJECT.

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

SECTION 1. The Intergovernmental Agreement with the City of Buckeye, the City of Goodyear, the City of Mesa, the City of Phoenix, the City of Tempe, the Gila River Indian Community, the County of Maricopa, the Salt River Pima-Maricopa Indian Community, the Salt River Project Agricultural Improvement and Power District, the Maricopa Association of Governments, and the Arizona Board of Regents for and on behalf of Arizona State University; relating to the engagement of an outside consultant to represent the Rio Reimagined Project (the "Agreement") is hereby approved in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to 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, March 6, 2023.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1014-0323

[Agreement]

See following pages.

RIO REIMAGINED – URBAN WATERS AMBASSADOR

INTERGOVERNMENTAL AGREEMENT / MEMORANDUM OF UNDERSTANDING

This Intergovernmental Agreement (this "Agreement") is entered into as of _____, 2023 (the "Effective Date"), by and among the City of Avondale, the City of Buckeye, the City of Goodyear, the City of Mesa, the City of Phoenix, the City of Tempe, the County of Maricopa, the Salt River Pima-Maricopa Indian Community ("SRP-MIC"), the Salt River Project Agricultural Improvement and Power District, the Arizona Board of Regents for and on behalf of Arizona State University, and the Maricopa Association of Governments, which joins in this Agreement by way of Memorandum of Understanding (each, a "Party" and, collectively, the "Parties").

1. BACKGROUND

1.1 On March 30, 2018, the City of Buckeye, the City of Goodyear, the Gila River Indian Community, the City of Avondale, the City of Phoenix, the City of Tempe, the Salt River Pima-Maricopa Indian Community, the City of Mesa, Maricopa County, Arizona, and the Salt River Project Agricultural Improvement and Power District entered into a Statement of Intent ("SOI") for the Rio Salado Project, which is now known as Rio Reimagined ("RIO"). The SOI describes the purposes of RIO and the signing parties' commitments to pursuing specified goals and themes related to river revitalization for the Rio Salado.

1.2 Arizona State University ("ASU"), through its University City Exchange ("UCX") is a non-member facilitator and coordinating partner for RIO.

1.3 On September 1, 2020, the U.S. Government designated RIO as an Urban Waters Federal Partnership location ("UWFP").

2. LEGAL AUTHORITY

2.1 Arizona Revised Statutes ("A.R.S.") §§ 11-951 through 11-954 provide that public agencies may enter into intergovernmental agreements for the provision of services or for joint or cooperative action.

2.2 ASU is empowered by A.R.S. §§15-1625, *et seq*., to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of ASU.

2.3 The City of Avondale, an Arizona municipal corporation, is empowered by Article I, Section 3 of the Charter of the City of Avondale to enter into this Agreement, and by resolution of its City Council has been authorized to enter into this Agreement and has authorized the undersigned to execute this Agreement on its behalf.

2.4 The City of Buckeye, an Arizona municipal corporation, is empowered by Charter or Statute to enter into this Agreement, and by appropriate action has been authorized to enter into this Agreement and has authorized the undersigned to execute this Agreement on its behalf.

2.5 The City of Goodyear, an Arizona municipal corporation, is empowered by Charter or Statute to enter into this Agreement, and by appropriate action has been authorized to enter into this Agreement and has authorized the undersigned to execute this Agreement on its behalf.

2.6 The City of Mesa, an Arizona municipal corporation, is empowered by A.R.S. §§ 9-240 and 9-276 to enter into this Agreement, and by appropriate action has been authorized to enter into this Agreement and has authorized the undersigned to execute this Agreement on its behalf.

2.7 The City of Phoenix, an Arizona municipal corporation, is empowered by Charter or Statute to enter into this Agreement, and by appropriate action has been authorized to enter into this Agreement and has authorized the undersigned to execute this Agreement on its behalf.

2.8 The City of Tempe, an Arizona municipal corporation, is empowered by Charter or Statute to enter into this Agreement, and by appropriate action has been authorized to enter into this Agreement and has authorized the undersigned to execute this Agreement on its behalf.

2.9 The County of Maricopa, a political subdivision of the State of Arizona, is empowered by statute to enter into this Agreement, and, by action of its Board of Supervisors, has been authorized to enter into this Agreement and has authorized the undersigned to execute this Agreement on its behalf.

2.10 The Salt River Pima-Maricopa Indian Community, a sovereign tribal government, is empowered by Article VII, Section 1(h) of the SRP-MIC Constitution to enter into this Agreement, and by action of its Tribal Council has been authorized to enter into this Agreement and has authorized the undersigned to execute this Agreement on its behalf.

2.11 The Salt River Project Agricultural Improvement and Power District, a political subdivision of the State of Arizona, is empowered by Charter or Statute to enter into this Agreement, and by appropriate action has been authorized to enter into this Agreement and has authorized the undersigned to execute this Agreement on its behalf.

2.12 The Maricopa Association of Governments joins in this Agreement by way of Memorandum of Understanding, and by action of its Board of Directors has been authorized to enter into this Agreement and has authorized the undersigned to execute this Agreement on its behalf.

3. PURPOSE

3.1 The Parties have identified the need for a full-time professional who can act as the regional representative for RIO and oversee RIO's collaborations with federal agencies and stakeholders in connection with RIO's UWFP designation.

3.2 The purpose of this Agreement is to set forth the terms and conditions under which the Parties agree to: (a) the terms under which the Maricopa Association of Governments ("MAG") will engage an outside consultant who will act as RIO Ambassador to the UWFP (the "Position") with direction from an advisory group composed of one representative from each Party; and (b) contribute to the cost of the Position.

3.3 Nothing in this Agreement, or the funding of the Position, is intended to limit or otherwise restrict the right of any Party to secure and manage funding and relationships independently of the other Parties.

4. THE POSITION

4.1 The Position will include regional responsibility for relationships and funding related to UWFP, with direction from the Rio Advisory Board described in this Agreement. The job description for the Position is set forth on **Exhibit A**.

4.2 The individual occupying the Position will be an outside consultant engaged by MAG as an independent contractor and will report to a MAG-designated staff person.

4.3 MAG shall be responsible for compensating the consultant occupying the Position ("Total Compensation") using the amounts provided to MAG by the Parties pursuant to this Agreement as well as funding designated for the Position from other sources, including federal funding. MAG will be responsible for processing such additional funding designated for the Position from third-party sources and will draw fiscal service fees in connection with MAG's responsibilities under this Agreement from such funds. The Parties will reimburse MAG for the cost of the Total Compensation on an annual basis during the Term of this Agreement as detailed in **Exhibit B**. The Parties shall not owe or provide any reimbursement, compensation or fees to MAG above and beyond what is detailed in **Exhibit B**.

4.4 During the Term of this Agreement, MAG will invoice each Party for its reimbursement contribution set forth in **Exhibit B**. Each Party will remit payment upon receipt of MAG's invoice by means of a check payable to MAG, electronic funds transfer or another agreed-upon transaction. In the event that MAG does not receive full funding for the Position from the Parties and from third-party sources, MAG shall have no obligation to make up the difference.

4.5 MAG will provide a secured physical work location for the individual occupying the Position as well as all reasonable administrative and peripheral support recommended by the Rio Advisory Board, and agreed to by MAG.

4.6 At any Party's request, MAG shall provide a written accounting of all funds provided to MAG under this Agreement, documenting MAG's use of such funds. If an audit is requested by the majority of the Rio Advisory Board, the Parties will equally share the costs of any audit unless such audit reveals a material discrepancy on the part of MAG in which case MAG shall be responsible for such costs.

4.7 The Position will be recruited by MAG, which will be responsible for conducting the search, interviewing candidates and onboarding the RIO Ambassador to UWFP, all in direct consultation with the Rio Advisory Board which will participate in the search and interviews. MAG will not offer the Position to a candidate without the prior consent of a majority of the Rio Advisory Board.

5. RIO ADVISORY BOARD

5.1 The Parties shall establish the Rio Advisory Board, which will provide direction to the individual occupying the Position. The Rio Advisory Board will be composed of one (1) representative selected by each Party. Each Party reserves the right to substitute a different representative at its discretion at any time and shall provide reasonable notice to the other Parties if such a substitution occurs.

The representative of each Party will serve as a primary point of contact, managing communication to other Parties, the individual occupying the Position, and other stakeholders for matters related to UWFP. In addition, the representative of each Party will vote on matters requiring the Rio Advisory Board's approval.

5.2 The Rio Advisory Board may establish schedules for regular meetings and a process for minutes, reports, methods and manner for review of activities undertaken by the individual occupying the Position. The Rio Advisory Board will recommend annual performance metrics for the Position to be adopted by MAG at its discretion. The Rio Advisory Board will establish a subcommittee responsible for determining whether the RIO Ambassador to UWFP is satisfactorily performing the duties of the Position set forth in **Exhibit A** and meeting the established performance metrics.

5.3 The Rio Advisory Board will determine the number and frequency of reports and assessments to be delivered to the Board by the individual occupying the Position. The Parties will update and communicate changing needs and priorities based on such reports and assessments.

5.4 The Rio Advisory Board may make changes to **Exhibit B** from time to time during the Term of this Agreement if such changes are unanimously agreed to.

6. TERM AND TERMINATION

6.1 This Agreement will begin on the Effective Date and continue for a period of four years (the "Initial Term"). Thereafter, this Agreement may be renewed and updated, subject to available funding support and mutual written agreement of the Parties for additional two-year terms (each a "Renewal Term"). The Initial Term, together with any Renewal Term(s), is referred to in this Agreement as the "Term".

6.2 In the event of termination of the UWFP program, or any substantive change affecting RIO participation in the UWFP program, the Parties will work together to effect an orderly transition and/or wind-down of any collaborative activities then in process under this Agreement.

6.3 The Parties acknowledge that this Agreement is subject to cancellation pursuant to A.R.S. § 38-511.

7. DISPUTE RESOLUTION

7.1 If the Parties disagree about the responsibilities, duties, time allocation and/or performance of the individual occupying the Position, the Parties will work together within the framework of the Rio Advisory Board, to resolve the disagreement. If any Party desires to have a more formal conflict resolution, then the Parties will engage in a conflict resolution process and document the resolution in writing. If the conflict resolution process results in a written agreement by a majority of Parties to terminate the Agreement, then the termination will be effective on a day mutually agreed by the Parties. The Parties will continue to equally contribute to the Total Compensation through the conclusion (or earlier termination) of the engagement agreement related to the Position.

7.2 As required by A.R.S. § 12-1518, the Parties agree to make use of arbitration in disputes that are subject to mandatory arbitration pursuant to A.R.S. § 12-133.

7.3 Nothing in this Agreement, or any current or future schedule, attachment, exhibit, amendment, or addenda is intended to be or shall be construed as a waiver of the SRP-MIC sovereign immunity, or any other immunity otherwise available to any of the governmental Parties, except as provided in this Section 7. Neither the SRP-MIC limited waiver of sovereign immunity, nor the limited waiver of any other immunity available to any of the governmental Parties, extends to any person or entity other than the Parties, or to any claims for punitive damages.

8. GENERAL TERMS AND CONDITIONS

8.1 Each Party is an independent contractor and is independent of each other Party. This Agreement does not create an employment relationship, partnership, joint venture or agency relationship of any kind among the Parties. This Agreement does not create any fiduciary or other obligation among the Parties, except for those obligations expressly and specifically set forth in this Agreement. No Party will have any right, power or authority under this Agreement to act as a legal representative of any other Party. No Party will have any right or authority to bind or obligate the others or make any representation or warranty on behalf of the others. Nothing in this Agreement shall be construed to indicate, suggest or make the individual occupying the Position the employee, contractor or agent of any Party other than MAG, which shall engage the individual occupying the Position.

8.2 The Parties will highlight their collaborative relationship in all communications related to the subject matter of this Agreement and will promote such relationship as part of their outreach and public relations efforts. No Party will issue a press release, public statement, advertisement or announcement regarding this Agreement or the Position without the prior input and consent of the other Parties.

8.3 No Party will use any names, service marks, trademarks, trade names, logos or other identifying names, domain names or identifying marks of any other Party ("Marks") without the prior written permission of the Party that owns the Marks in each instance. Use of any Party's Marks must comply with the owning Party's requirements, including using the "®" indication of a registered trademark where applicable.

8.4 Except as otherwise specifically provided in this Agreement, each Party will be responsible for its own costs and expenses incurred in connection with the performance of its duties and obligations.

8.5 With the exception of payment obligations, no Party will be in default hereunder by reason of its delay in performing or failure to perform any of its obligations under this Agreement if such delay or failure is caused by or results from acts of terrorism, strikes, acts of God or the public enemy, riots, epidemics or pandemics, mass health issues or disease, quarantine restrictions, interference by civil or military authorities, or other emergencies that may disrupt a Party's operations.

8.6 The Parties' payment obligations are subject to the appropriation and budgeting of funds for that purpose during the then-current fiscal year. Obligations under any agreement are current expenses subject to the "budget law" and the unfettered legislative discretion of each Party's governing body concerning budgeted purposes and appropriation of funds. The Parties agree that no Party has any obligation to budget or appropriate funds for payment in any budget in any fiscal year other than the fiscal year in which an agreement is executed and delivered.

8.7 The Parties will comply with all applicable state and federal laws, rules, regulations, and executive orders governing equal employment opportunity, immigration, and nondiscrimination, including the Americans with Disabilities Act.

8.8 To the extent required by A.R.S. § 35-214, each Party will retain all records relating to this Agreement and make those records available at all reasonable times for inspection and audit by each other Party or the Auditor General of the State of Arizona during the Term of this Agreement and for a period of five years after the completion of this Agreement.

8.9 This Agreement may be executed by the Parties in any number of separate counterparts, each of which when executed and delivered shall be deemed an original, and all such counterparts shall together constitute one original document. The Parties may evidence execution of this Agreement by means of photocopy, facsimile, or other electronic means, copies of which shall have the same effect for all purposes as a signed original.

8.10 This Agreement constitutes the entire understanding of the Parties with respect to the subject matter and supersedes all previous representations, written or oral, with respect to the subject matter of this Agreement. Except as provided in Section 5.4, this Agreement may not be modified or amended except by a written document signed by authorized representatives of each Party.

9. JOINDER

The Parties acknowledge that other parties, including without limitation, municipalities, agencies, counties or other entities ("Joining Party"), may desire to participate in this Agreement. If a Joining Party desires to become a Party, the Joining Party may do so with the consent of the Rio Advisory Board and after execution of a joinder agreement in a form satisfactory to the Rio Advisory Board, a copy of which joinder agreement will be circulated to all the existing Parties. Any Joining Party that becomes a Party to this Agreement will be subject to all of the obligations herein, including the funding obligations of Section 4.

[Signatures on next page.]

This Intergovernmental Agreement / Memorandum of Understanding is signed and delivered by authorized representatives of the Parties effective as of the Effective Date.

The Arizona Board of Regents for and on behalf of Arizona State University

By: _____

Name: _____

Title: _____

Date: _____

Approved as to Form

Legal Counsel: _____

City of Avondale

By: _____

Name: _____

Title: _____

Date: _____

Approved as to Form

City Attorney: _____

City of Buckeye

By: _____

Name: _____

Title: _____

Date: _____

Approved as to Form

City Attorney: _____

City of Goodyear

By: _____

Name: _____

Title: _____

Date: _____

Approved as to Form

City Attorney: _____

City of Mesa

By: _____

Name: _____

Title: _____

Date: _____

Approved as to Form

City Attorney: _____

City of Phoenix

By: _____

Name: _____

Title: _____

Date: _____

Approved as to Form

City Attorney: _____

City of Tempe

By: _____

Name: _____

Title: _____

Date: _____

Approved as to Form

City Attorney: _____

Maricopa County, Arizona

By: _____

Name: _____

Title: _____

Date: _____

Approved as to Form

County Attorney: _____

Salt River Pima-Maricopa Indian Community

By: _____

Name: _____

Title: _____

Date: _____

Approved as to Form

Legal Counsel: _____

Salt River Project Agricultural Improvement And Power District

By: _____

Name: _____

Title: _____

Date: _____

Approved as to Form

SRP Attorney: _____

<u>JOINED AS A MEMORANDUM OF UNDERSTANDING</u>:

Maricopa Association of Governments

By: _____

Name: _____

Title: _____

Date: _____

Approved as to Form

Legal Counsel: _____

EXHIBIT A

JOB DESCRIPTION:

RIO REIMAGINED AMBASSADOR TO THE URBAN WATERS FEDERAL PARTNERSHIP

Full-time consultant (engaged as an independent contractor), representing the regional stakeholders engaged in the Rio Reimagined partnership, with direct responsibility to the Urban Waters Federal Partnership (UWFP) program. Responsibilities include:

- Promote/advocate Rio Reimagined regional strategy with Urban Waters program staff, federal agencies, non-profits, federal delegation, etc.
- Promote the benefits and opportunities within the UWFP and its Urban Waters Learning Network to local RIO stakeholders and partners
- Serve as the primary liaison/program manager to the UWFP on behalf of the local regional Rio Reimagined partnership. May include travel to national Urban Waters conferences and events.
- Identify funding opportunities, convene local stakeholders to apply for opportunities
- Connect public, private, and non-profit tools & resources to the needs of Rio Reimagined in collaboration with the local partnership.
- Identify and assist in the preparation of grant applications that benefit the Rio Reimagined region and support projects within the work plan.
- Convene Rio Reimagined meetings with proactive, inclusive outreach to ensure all partners and community-based organizations have a seat at the table. May include travel and in-person field meetings, events and conferences.
- Report on the progress, value, and outcomes of the Rio Reimagined partnership, including success stories, barriers, and best practices.
- Identify opportunities to improve and expand the regional Rio Reimagined partnership by engaging with participating organizations and recruiting new partners.
- Report progress on Rio Reimagined work plan, on agreed-upon frequency, to Rio Advisory Board.
- Coordinate with the other Urban Waters locations to identify best practices to further the implementation of priority projects and advance the overall goals and objectives of the local partnership.
- Implement, refine, and update the annual partnership workplan as required by UWFP.

Recommended Characteristics/Roles

- Ability to relate, listen, work with wide variety of stakeholders and build trust
- Ability to demonstrate neutrality and build bridges among stakeholders
- Familiarity with federal agencies, legislative/policy process
- Organizational skill set to create structure (work groups) for planning and collaboration
- Experience in researching and writing grant proposals/applications

- Serve as a liaison to various partner organizations in region and assist in connecting RIO vision to complementary initiatives
- Local knowledge and relationships/network

Qualifications

- Master's Degree in Urban Planning or a closely related degree
- Minimum of 5 years of progressive, professional working experience in urban planning, or a related field such as economics, economic development, urban design, architecture, engineering, environmental design, geography, political science or public administration
- Experience working with diverse stakeholders, including government officials and administrations, in the areas of urban design, master planning and public open space transformation
- Experience with federal agencies as well as legislative policy and process
- Experience in research, strategy, and preparation of grant proposals or applications
- Demonstrated understanding of urban planning related processes typical within cities (land use policy, real estate development processes, sustainability, environmental sciences, green infrastructure, economic development, social and environmental justice, etc.)
- Ability to diagnose urban planning proposals and projects as well as provide recommendations for both large and small intervention to improve urban resilience and river and community revitalization
- Excellent project management skills with the ability to independently coordinate and lead multiple tasks simultaneously with a focus on quality and metrics
- Experience working in dynamic, impact orientated environments and a proven track record in meeting deadlines
- Track record of creating data driven reports, memos and presentations; with a sharp eye for detail
- Excellent written and oral communication skills showcasing a capacity to synthesize information and develop compelling narratives
- Creative problem-solving skills; including an ability to grasp key issues and make recommendations for improvements

EXHIBIT B

REIMBURSEMENT BUDGET FOR RIO AMBASSADOR TO UWFP

The RIO Ambassador to the UWFP will be engaged by MAG, which will be solely responsible for compensating the Ambassador and providing administrative support. MAG will engage the Ambassador as an independent contractor with no benefits.

In recognition of the regional benefits the Ambassador will provide, each Party will make an equal, annual contribution to MAG to partially reimburse MAG for the cost of the Ambassador's Total Compensation. During the Term of this Agreement, a $15,000 annual contribution will be made by each of the following Parties:

City of Avondale

City of Buckeye

City of Goodyear

City of Mesa

City of Phoenix

City of Tempe

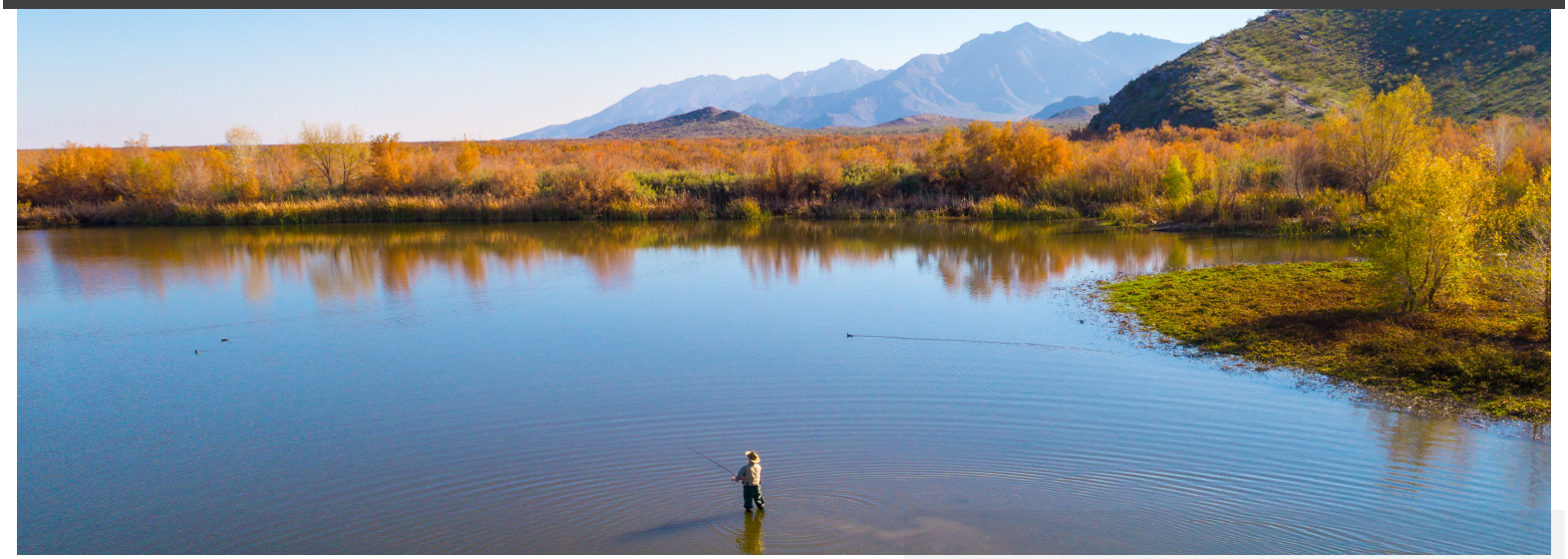
Maricopa County

Salt River Pima Maricopa Indian Community

Salt River Project

Arizona State University

MAG will serve as a fiscal agent to receive and process Total Compensation funding, as well as federal or other funding sources in support of the Ambassador as needed or recommended by the Rio Advisory Board. If annual contributions from the Parties and other funding for the RIO Ambassador exceed the Total Compensation, MAG will issue a credit to the Parties fairly and equitably. Each Party may elect to use the credit to reduce its annual contribution or receive a refund. If a refund is requested, MAG will issue the refund within 90 days of receiving a written request for such refund.



What RIO REIMAGINED & URBANWATERS FEDERAL PARTNERSHIP mean for Avondale

The City of Avondale has a long history with its river corridors and is a proud partner of the Rio Reimagined Project and an active leader on the Lower Gila River Collaborative.

The recent designation of Rio Reimagined as the 20th Urban Waters Federal Partnership location connects Avondale and seven communities along the Salt and Gila Rivers with 15 federal agencies and provides access to technical assistance and grant funding.

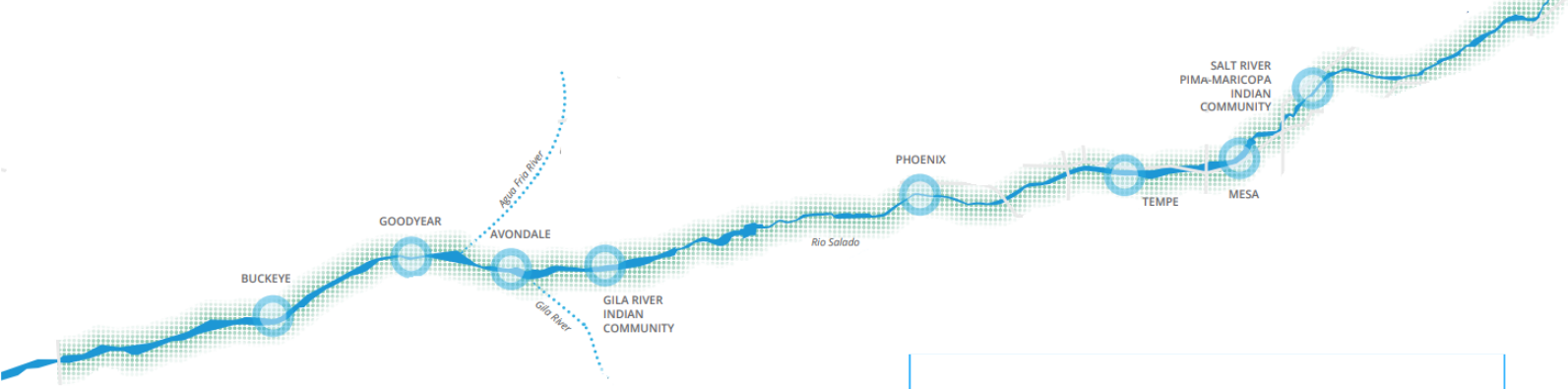
This report situates Avondale within these frameworks and provides project updates.

River Priorities

- Restoration
- Recreation
- Economic Development
- Engagement & Outreach

Current Projects

- ✔ El Rio Confluence Lake
- ✔ Brownfields Assessment
- ✔ Van Buren Multi-Use Trail
- ✔ Agua Fria Trail Expansion
- ✔ Tres Rios Nature Festival
- ✔ River cleanups



Rio Reimagined

The Rio Reimagined project area stretches 58 miles from the Granite Reef Dam east of Mesa to State Route 85 and includes the Salt, Gila, and Agua Fria Rivers. Eight river communities are connected through this project: Avondale, Buckeye, Goodyear, Gila River Indian Community (GRIC), Phoenix, Tempe, Mesa, and the Salt River Pima-Maricopa Indian Community.

Rio Reimagined Goals:

- Restore ecosystem functions.
- Balance revitalization with issues of urban resilience and public safety (flood mitigation, urban fire, air quality, water quality, conservation and urban heat mitigation).
- Maximize multi-benefit watershed goals through water conservation and stewardship.
- Foster climate adaptation and urban resilience.
- Foster diverse participation and equitable community benefits respectful of the power of place.

"The Rio Salado Project has the potential to transform the Salt River bottom and realize an untapped Valley treasure."
- U.S. Senator John McCain

Urban Waters

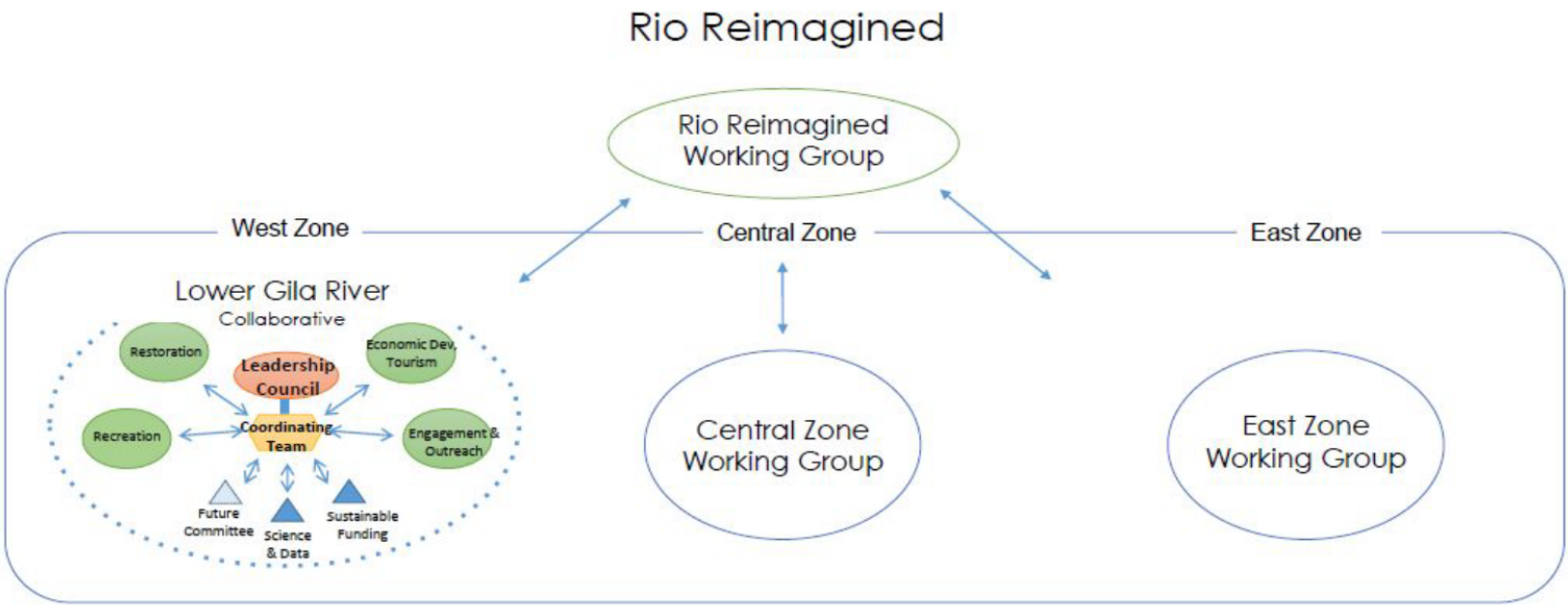
The Urban Waters Federal Partnership reconnects urban communities with their waterways by improving coordination among federal agencies. On September 1, 2020, the Rio Reimagined Project was dedicated as the 20th Urban Waters location, opening new doors for collaborations, technical assistance and funding opportunities.

On October 7th & 8th, 2020, Avondale city staff attended an On-Boarding Workshop and were introduced to 15 federal agencies and connected with other Urban Waters communities.

Next, the Rio Reimagined partners will select an Ambassador for the project and will work with the community to create a unified vision for our rivers.

FOR MORE INFORMATION
lowergilariver.net

rioreimagined.org
epa.gov/urbanwaterspartners



Lower Gila River Collaborative

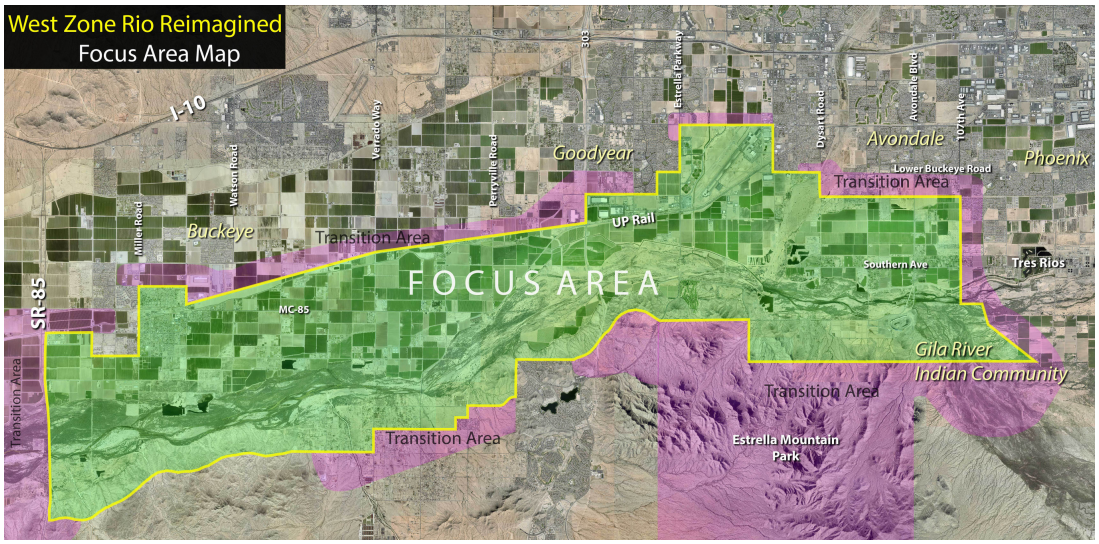
The Rio Reimagined Project is organized into three geographic zones, the West, Central, and East. The City of Avondale is situated in the West Zone. Efforts are coordinated through the Lower Gila River Collaborative (LGRC), a voluntary partnership between Avondale, Buckeye, Goodyear, Phoenix, Maricopa County, AZ Game and Fish, GRIC, and AZ Department of Forestry.

Mayor Ken Weise serves on the Leadership Council and several city staff are involved in the Coordination Teams.

To-date, there are 23 active or completed restoration and recreation projects within the focus area, encompassing nearly 6,500 acres. Five (5) projects are located in Avondale.

The LGRC consists of a Leadership Council and four (4) Coordination Teams:

- Restoration
- Recreation
- Economic Development and Tourism
- Outreach and Engagement



FOR MORE INFORMATION

lowergilariver.net

rioreimagined.org

epa.gov/urbanwaterspartners

Project Overview

The City of Avondale is supporting the restoration of native habitat, expanding our trail systems, engaging the community and driving sustainable economic growth along the Agua Fria, Gila and Salt Rivers. Several projects and initiatives are currently underway in Avondale and are summarized below.

El Rio Confluence Lake

Conceptual designs and feasibility studies for the development of a lake at the confluence of Agua Fria and Gila Rivers are currently underway, under the leadership of the Flood Control District of Maricopa County. The idea was proposed in the 2006 El Rio Watercourse Master Plan.

Brownfields Assessment Grant

The cities of Avondale, Phoenix and Tempe were awarded a joint $600,000 Brownfields Assessment Grant from the EPA in 2020. Over the next three years, Avondale will complete an inventory of brownfields along the riverways and select a site to conduct an environmental assessment and develop a cleanup plan. This work aims to spur sustainable economic development along the river.

Trail Expansions

Multi-use paths are being constructed along Van Buren Road and the Agua Fria levee.

Festivals & River Cleanups

Avondale plans to hold the annual Tres Rios Nature Festival and river cleanup events in February, 2021 but is subject to change due to COVID-19.

Next Steps

In response to the launching of Rio Reimagined, formation of the Lower Gila River Collaborative and designation as Urban Waters location, the City will also take the following steps.

1. Create a community vision for Avondale's river corridors that is connected to the larger Rio Reimagined efforts.
2. Develop strategies to achieve this vision and prioritize projects.
3. Seek out partnerships through Rio Reimagined and Lower Gila River Collaborative and leverage Urban Waters Federal Partnership for assistance and funding.
4. Grow awareness for Lower Gila River Collaborative and Rio Reimagined.

FOR MORE INFORMATION

lowergilariver.net

rioreimagined.org

epa.gov/urbanwaterspartners

A Brief History

The City of Avondale has been reimagining and revitalizing its river system for more than two decades. The timeline below summarizes key decisions, documents, and partnerships from the past 21-year journey.

1999 El Rio Vision
El Rio Partners: Avondale, Buckeye, Goodyear and Maricopa County

2006 El Rio Watercourse Master Plan
Scope: 17.5 miles of river corridor from SR 85 to confluence of Agua Fria
Focus: Maintain and enhance natural functions of the Gila River through flood control and erosion control measures. Proposes lake at confluence of Agua Fria and Gila Rivers.

2007 MOU signed by El Rio Partners
Endorsed the El Rio Watercourse Master Plan

2013 IGA with El Rio Partners
Consultant hired to prepare design guidelines and planning standards

2014 El Rio Design Guidelines and Planning Standards

2016 EL Rio Vegetation Management Plan

2018 EL Rio MOU for Lake Project

2018 Rio Reimagined Project Launched
Scope: 58-mile stretch of the Rio Salado from Granite Reef Dam east of Mesa to State Route 85 including the Rio Salado and Gila Rivers.
Focus: Reconnect community to the river and establish a vision for the future.
Partners: Avondale, Buckeye, Goodyear, Phoenix, Tempe, GRIC, Mesa, Salt River Pima-Maricopa Indian Community

2019 Lower Gila River Collaborative Charter
Scope: 17.5 miles of river corridor from SR 85 to confluence of Agua Fria
Focus: Restoration, recreation, economic development and outreach and engagement.
Leadership Council: Avondale, Buckeye, Goodyear, Phoenix, Maricopa County, GRIC, AZ Game and Fish, AZ Dept of Forestry

2020 Rio Reimagined dedicated as 20th Urban Waters Federal Partnership location

FOR MORE INFORMATION
lowergilariver.net
rioreimagined.org
epa.gov/urbanwaterspartners

URBANWATERS
FEDERAL PARTNERSHIP
Restoring Urban Waters, Revitalizing Communities

The Urban Waters Program helps urban and metropolitan areas, particularly those that are under-served or economically distressed, connect with their waterways and work to improve them.

Working with a diverse set of partners, we seek to help communities restore and protect water quality and revitalize adjacent rural, suburban, and urban neighborhoods throughout the watershed.

Through this partnership program, communities gain economic, environmental, and social benefits,and collaborate with federal, state, and local agencies, as well as community-led efforts, to achieve common goals.

National Reach, Local Results

- 15 federal agencies
- More than 28 non governmental organization partners
- 20 partnership locations.

Advancing Environmental Justice:

- **65%** of Five Star grants in low-income/minority communities
- Funded 12 U.S. EPA Environmental Justice grants in 2018 and 2019 **($540K)**
- Supported four local **environmental justice projects** in 2020 (over $125K)
- Hosted two national training **workshops on equity**

Environmental Results Snapshot:

Reached
164,349
community members through events and campaigns

Removed
258,000
cubic yards of contaminated sediment and soil

Prevented
500,000
gallons of stormwater from entering waterbodies

Restored
155
acres of marshes, wetlands and fields

Collected
23,139
pounds of trash and 106 pounds of recycling

Engaged
3,550
volunteers and participants at events

The UW Program:

Funded Five Star and Urban Waters Restoration Grants to watershed projects that:

Engaged more than **30,000 volunteers** across over **270 organizations** implementing dozens of projects across the country, which resulted in over **10,000 trees** and **20,000 marsh plants**, seeds and native grasses planted, preventing over **500,000 gallons** of stormwater from entering waterbodies.

Facilitated Information Exchange through the Urban Waters Learning Network:

More than **580 members** in the online network connected to share best practices through seven webinars, five newsletters and **700 website visitors** per month.

Leveraged Funds:

Secured more than **$33 million** in grants and federal funding for Urban Waters projects.

United States Environmental Protection Agency

For additional information on the Urban Waters program, please visit: https://www.urbanwaters.gov/.

January 2021

Document Number: 842F21001

Local Efforts, Watershed-Wide Impacts

Anacostia River (DC/MD) –

Released a river sediment cleanup plan in an **815-acre** area to make the river safer.

Patapsco River (MD) –

Distributed **376 trees**, over **39 cubic yards of mulch** and **121 recycling bins**; trained community members on stormwater management practices.

Bronx and Harlem River (NY) –

Developed **75 watershed-wide recommendations** for water quality improvement.

Delaware River (PA/NJ/DE) –

Restored **14 acres** of wetlands and enhanced coastal resiliency.

Grand River (MI) –

River habitat restoration expected to draw **500K** visitors and generate **$15-19M** revenue annually.

Green Duwamish (WA) –

Engaged students in green infrastructure practices to support salmon recovery.

Lake Pontchartrain (LA) –

Monitored water health by using cyanobacterial sampling to determine that waters are meeting EPA recreational water criteria.

Los Angeles River (CA) –

Studied how urban riverbeds can be redesigned to provide improved habitat and fish passage, and stakeholders received funding to develop partial designs.

Meramec/Big River (MO) –

Coordinated and developed a plan to restore **1,600 acres** of degraded habitat.

Middle Blue River (MO/KS) –

Restored **23 acres** of wetlands, engaged **150 volunteers**, reached **150,000 community members** through its Renew the Blue Campaign.

Middle Rio Grande (NM) –

Opened Albuquerque's first "Mobile Pop-up Park."

Mystic River (MA) –

Led watershed community meetings to discuss and begin implementing nutrient reduction strategies.

Lower Passaic River (NJ) –

Reduced trash in the river through an education campaign.

Northwest Indiana (IN) –

Remediated **24 acres**, converted **40 acres** of farmland to native grasslands to restore water quality, restored **16 acres** of dune habitat.

Proctor Creek (GA) –

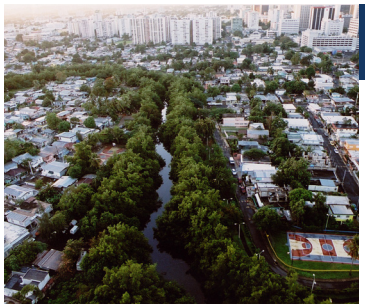
Installed trash capture devices to remove **80% of upstream litter** through a public/private partnership.

Salt and Gila River (AZ) –

Developed plan to improve **14 miles** of rivers, create **5 miles** of trails and improve **1,485 acres** of habitat.

San Antonio River Basin (TX) –

Advanced ozone and smog reduction planning efforts to reduce water contamination.



Martín Peña Channel (PR) –

Created Resilient Community hubs to address resiliency challenges and engage citizen scientists in environmental monitoring.

South Platte (CO) –

Updated Water Quality Assessment Tool to provide up-to-date data of important water quality parameters.

Western Lake Erie Basin (OH) –

300 citizen scientists entered **10 years** of historical data to a new water quality database.

United States Environmental Protection Agency

For additional information on the Urban Waters program, please visit: https://www.urbanwaters.gov/.

January 2021

Document Number: 842F21001

Item Number: 3.e.

CITY COUNCIL REPORT

SUBJECT: Ordinance 2015-0323 – Acceptance of Dedication of Public Utility Easements from Brookfield Lakin, LLC

MEETING DATE: 3/6/2023

TO: Mayor and Council

FROM: Aric Stewart, Director, Engineering Department

THROUGH: Tracy Stevens, Assistant City Manager

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 maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:
City Council will consider a request to adopt Ordinance 2015-0323 authorizing the acceptance of dedication of public utility easements along El Mirage Road from Brookfield Lakin, LLC, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

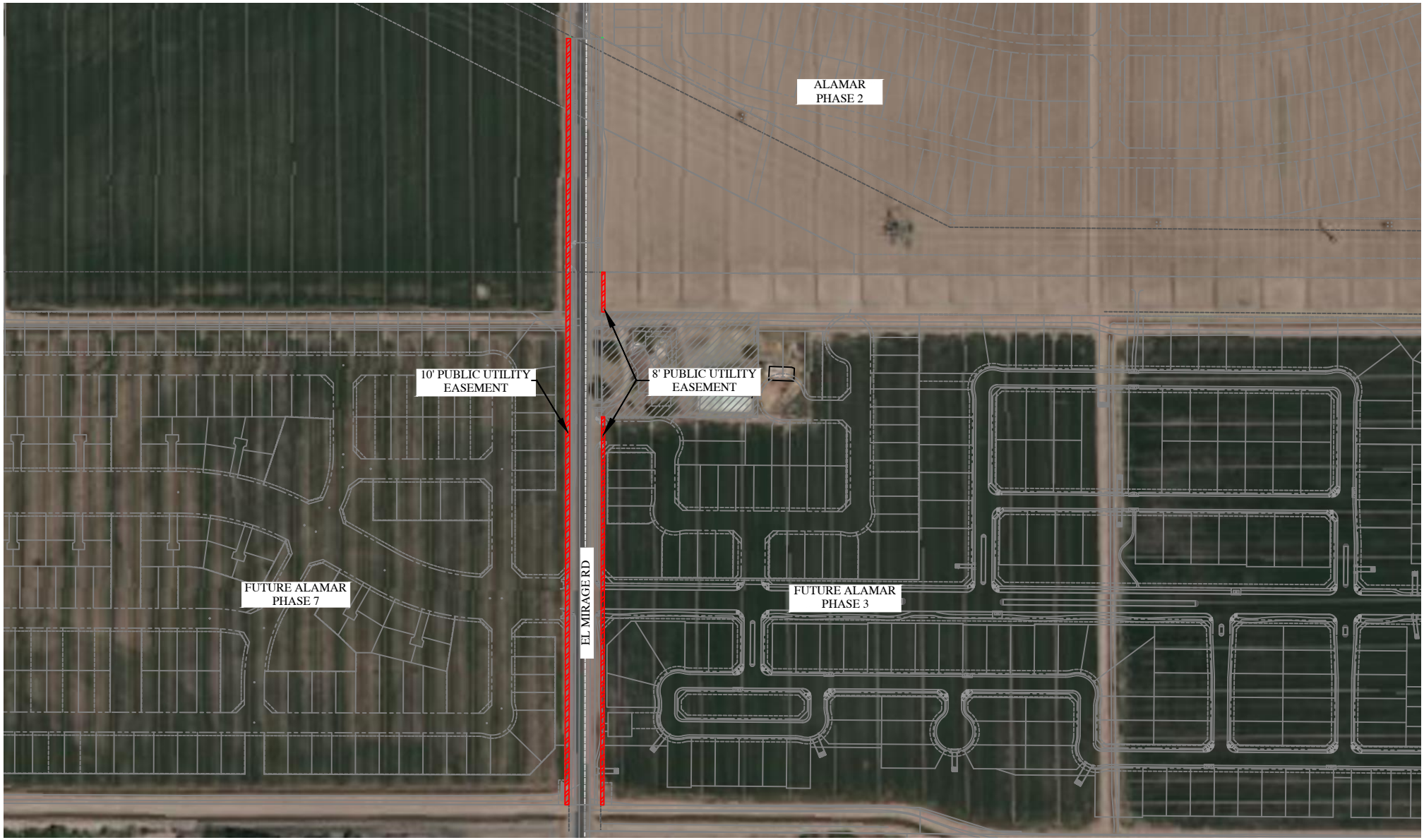
BACKGROUND:
The dedication of public utility easements was to be part of the Alamar Phase 3 final plat. Brookfield Lakin, LLC (Brookfield), has delayed the Phase 3 plat due to current housing market conditions. The public utility easements will now be dedicated by this ordinance.

DISCUSSION:
Brookfield will construct Alamar Phase 3 street improvements, which include the installation of streetlights and conduits along the east and west sides of El Mirage Road, approximately 1,525 feet south of Broadway Road. The installation of the streetlight conduit will require public utility easements adjacent to the existing El Mirage Road right-of-way. Brookfield will dedicate public utility easements along both sides of El Mirage Road.

BUDGET IMPACT:
There is no impact to the budget for this action.

RECOMMENDATION:
Staff recommends City Council adopt an Ordinance authorizing the acceptance of dedication of public utility easements along El Mirage Road from Brookfield Lakin, LLC, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: *Yulonda Moore, Terry Dorschied*



N

VICINITY MAP

ORDINANCE NO. 2015-0323

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ACCEPTING THE DEDICATION OF A PUBLIC UTILITY EASEMENT FOR PUBLIC USE.

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

SECTION 1. The dedication of a public utility easement over, under and across ± 0.6306 acres of real property generally located along the east and west side of El Mirage Road and south of West Broadway Road in Avondale, Arizona, as more particularly depicted and described in Exhibit A, attached hereto and incorporated herein by reference, is hereby accepted by the City of Avondale (the "City") from Brookfield Lakin, LLC for public use.

SECTION 2. 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, March 6, 2023.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2015-0323

[Legal Description and Map]

See following pages.

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

Revised January 13, 2023
Revised January 5, 2023
Revised December 29, 2022
December 12, 2022
WP# 174612.11

See Exhibit "A"

LEGAL DESCRIPTION
Alamar
Public Utility Easements

A portion of that certain parcel of land recorded in Document 2018-0474315, Maricopa County Records (MCR), lying within Section 26, Township 1 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the northeast corner of said Section 26, a 3-inch Maricopa County Department of Transportation (MCDOT) brass cap in handhole, from which the east quarter corner of said section, a 3-inch Maricopa County Highway Department (MCHD) brass cap in handhole, bears South 00°07'07" West (basis of bearing), a distance of 2615.86 feet;
THENCE along the east line of said section, South 00°07'07" West, a distance of 1927.73 feet, to the south right-of-way line of El Mirage Road as shown on Final Plat of Alamar – Phase 2, recorded in Book 1537, page 35, MCR;
THENCE leaving said east line, along said south right-of-way line, North 89°52'53" West, a distance of 40.00 feet, to the southwest corner of said south right-of-way line and the **POINT OF BEGINNING**;
THENCE leaving said south right-of-way line, along the west right-of-way line of said El Mirage Road, South 00°07'07" West, a distance of 688.13 feet, to the east-west mid-section line of said section;
THENCE leaving said mid-section line, continuing along said west right-of-way line, South 00°07'00" West, a distance of 1241.74 feet, to the north line of the south 66 feet of the northeast quarter of the southeast quarter of said section;
THENCE leaving said west right-of-way line, along said north line, North 89°51'06" West, a distance of 10.00 feet, to the west line of the east 50 feet of said section;
THENCE leaving said north line, along said west line, North 00°07'00" East, a distance of 1241.74 feet, to said mid-section line;
THENCE leaving said mid-section line, continuing along said west line, North 00°07'07" East, a distance of 464.45 feet;
THENCE leaving said west line, South 89°52'53" East, a distance of 2.00 feet, to the west line of the east 48 feet of said section;
THENCE along said west line, North 00°07'07" East, a distance of 223.69 feet, to the southwest corner of that certain Public Utility Easement as shown on said Final Plat of Alamar – Phase 2;

THENCE leaving said west line, along the south line of said certain Public Utility Easement, South 89°52'53" East, a distance of 8.00 feet, to the **POINT OF BEGINNING**;

TOGETHER WITH

A portion of that certain parcel of land recorded in Document 2018-0474315, Maricopa County Records (MCR), lying within Section 25, Township 1 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the west quarter corner of said Section 25, a 3-inch Maricopa County Highway Department (MCHD) brass cap in handhole, from which the southwest corner of said section, a 3-inch MCHD brass cap in handhole, bears South 00°07'00" West (basis of bearing), a distance of 2615.17 feet;
THENCE along the east-west mid-section line of said section, South 89°34'11" East, a distance of 40.00 feet, to the east right-of-way line of El Mirage Road and the **POINT OF BEGINNING**;
THENCE leaving said mid-section line, along said east right-of-way line, North 00°07'07" East, a distance of 100.00 feet, to the southwest corner of Tract Z, Alamar – Phase 2, recorded in Book 1537, page 35, MCR;
THENCE leaving said east right-of-way line, along the south line of said Tract Z, South 89°34'11" East, a distance of 8.00 feet, to the east line of the west 48 feet of said section;
THENCE leaving said south line, along said east line, South 00°07'07" West, a distance of 100.00 feet, to said mid-section line;
THENCE leaving said east line, along said mid-section line, North 89°34'11" West, a distance of 8.00 feet, to the **POINT OF BEGINNING**.

TOGETHER WITH

A portion of that certain parcel of land recorded in Document 2022-0247430, Maricopa County Records (MCR), lying within Section 25, Township 1 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the west quarter corner of said Section 25, a 3-inch Maricopa County Highway Department (MCHD) brass cap in handhole, from which the southwest corner of said section, a 3-inch MCHD brass cap in handhole, bears South 00°07'00" West (basis of bearing), a distance of 2615.17 feet;
THENCE along the west line of said section, South 00°07'00" West, a distance of 264.58 feet;
THENCE leaving said west line, South 89°53'00" East, a distance of 40.00 feet, to the most southerly northwest corner of said certain parcel of land and the **POINT OF BEGINNING**;
THENCE along the northerly line of said certain parcel of land, continuing South 89°53'00" East, a distance of 8.00 feet, to the east line of the west 48 feet of said section;
THENCE leaving said northerly line, along said east line, South 00°07'00" West, a distance of 404.04 feet, to the south line of said certain parcel of land;
THENCE leaving said east line, along said south line, North 89°34'11" West, a distance of 8.00 feet, to the southwest corner of said certain parcel of land;

THENCE leaving said south line, along the west line of said certain parcel of land, North 00°07'00" East, a distance of 404.00 feet, to the **POINT OF BEGINNING**.

TOGETHER WITH

A portion of that certain parcel of land recorded in Document 2018-0474315, Maricopa County Records (MCR), lying within Section 25, Township 1 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the west quarter corner of said Section 25, a 3-inch Maricopa County Highway Department (MCHD) brass cap in handhole, from which the southwest corner of said section, a 3-inch MCHD brass cap in handhole, bears South 00°07'00" West (basis of bearing), a distance of 2615.17 feet;
THENCE along the west line of said section, South 00°07'00" West, a distance of 668.58 feet;
THENCE leaving said west line, South 89°53'00" East, a distance of 40.00 feet, to the southwest corner of that certain parcel of land recorded in Document 2022-0247430 MCR, the east right-of-way line of El Mirage Road and the **POINT OF BEGINNING**;
THENCE leaving said east right-of-way line, along the south line of said certain parcel of land, South 89°34'11" East, a distance of 8.00 feet, to the east line of the west 48 feet of said section;
THENCE leaving said south line, along said east line, South 00°07'00" West, a distance of 573.43 feet, to the north line of the south 66 feet of the northwest quarter of the southwest quarter of said section;
THENCE leaving said east line, along said north line, North 89°32'03" West, a distance of 8.00 feet, to said east right-of-way line;
THENCE leaving said north line, along said east right-of-way line, North 00°07'00" East, a distance of 573.43 feet, to the **POINT OF BEGINNING**.

Containing 27,471 square feet or 0.6306 acres, more or less.

Subject to existing right-of-ways and easements.

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

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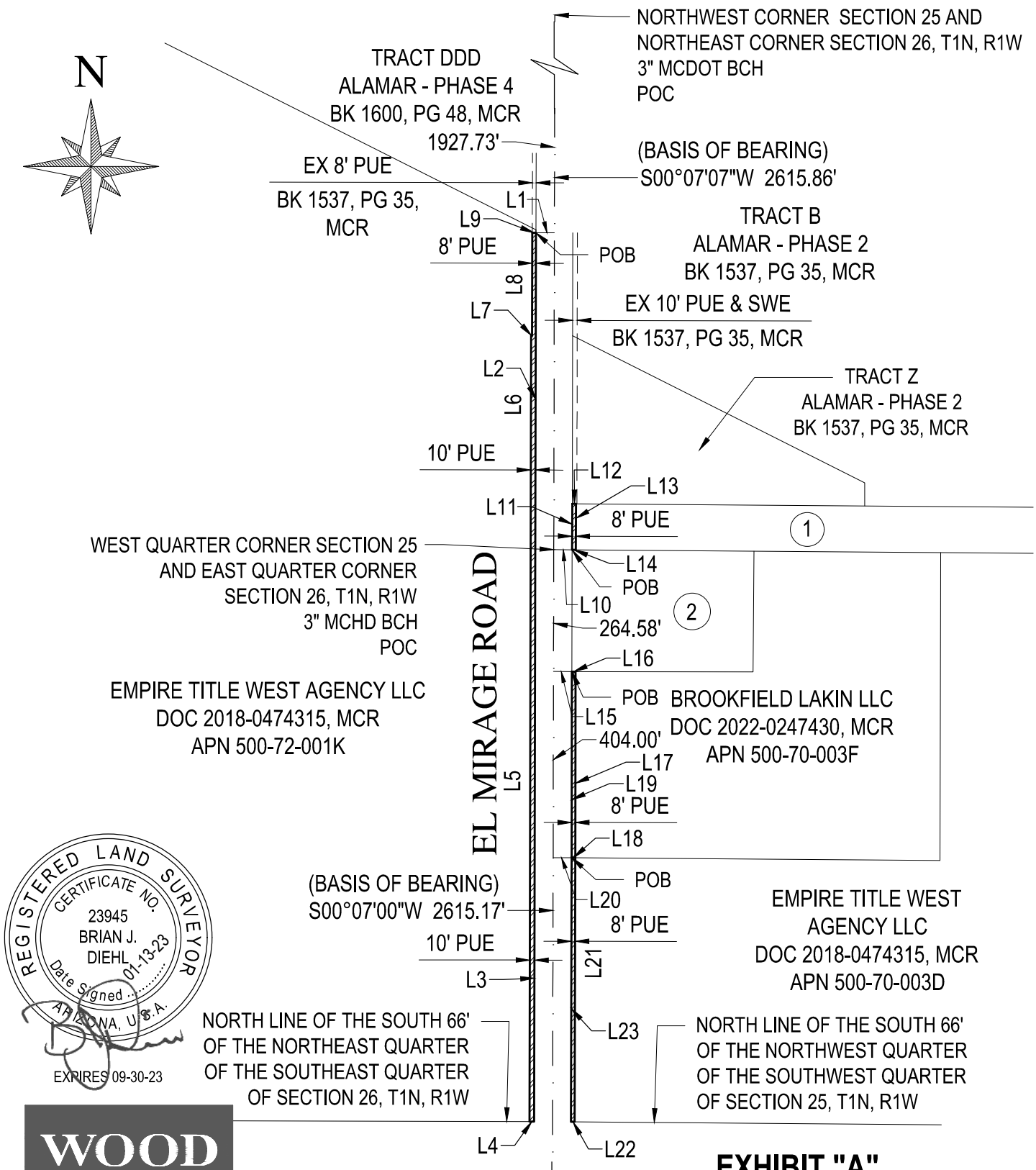
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
23945
BRIAN J.
DIEHL
Date Signed 01-13-23
ARIZONA, U.S.A.
EXPIRES 09-30-23



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
23945
BRIAN J.
DIEHL
Date Signed 01-13-23
ARIZONA, U.S.A.
EXPIRES 09-30-23

WOOD PATEL

EXHIBIT "A"

ALAMAR
PUBLIC UTILITY EASEMENTS
REVISED 01/13/2023
WP# 174612.11
PAGE 4 OF 5
NOT TO SCALE
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LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°52'53"W	40.00'
L2	S00°07'07"W	688.13'
L3	S00°07'00"W	1241.74'
L4	N89°51'06"W	10.00'
L5	N00°07'00"E	1241.74'
L6	N00°07'07"E	464.45'
L7	S89°52'53"E	2.00'
L8	N00°07'07"E	223.69'
L9	S89°52'53"E	8.00'
L10	S89°34'11"E	40.00'
L11	N00°07'07"E	100.00'
L12	S89°34'11"E	8.00'
L13	S00°07'07"W	100.00'
L14	N89°34'11"W	8.00'

LINE TABLE		
LINE	BEARING	DISTANCE
L15	S89°53'00"E	40.00'
L16	S89°53'00"E	8.00'
L17	S00°07'00"W	404.04'
L18	N89°34'11"W	8.00'
L19	N00°07'00"E	404.00'
L20	S89°53'00"E	40.00'
L21	S00°07'00"W	573.43'
L22	N89°32'03"W	8.00'
L23	N00°07'00"E	573.43'

(1) EMPIRE TITLE WEST AGENCY LLC
DOC 2018-0474315, MCR
APN 500-71-003C

(2) YERINGTON LIVING TRUST
DOC 2017-0704314, MCR
APN 500-70-003G

WOOD PATEL

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 23945
BRIAN J. DIEHL
Date Signed 01-13-23
ARIZONA, U.S.A.
EXPIRES 09-30-23

EXHIBIT "A"
ALAMAR
PUBLIC UTILITY EASEMENTS
REVISED 01/13/2023
WP# 174612.11
PAGE 5 OF 5
NOT TO SCALE
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Item Number: 3.f.

CITY COUNCIL REPORT

SUBJECT: Ordinance 2016-0323 – Acceptance of Dedication of Public Drainage Easements from Brookfield Lakin, LLC

MEETING DATE: 3/6/2023

TO: Mayor and Council

FROM: Aric Stewart, Director, Engineering Department

THROUGH: Tracy Stevens, Assistant City Manager

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 maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:
City Council will consider a request to adopt Ordinance 2016-0323 authorizing the acceptance of dedication of public drainage easements along El Mirage Road from Brookfield Lakin, LLC, 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 dedication of public drainage easements was to be part of the Alamar Phase 3 final plat. Brookfield Lakin, LLC (Brookfield), has delayed the Phase 3 plat due to current housing market conditions. The public drainage easements will now be dedicated by this ordinance.

DISCUSSION:
Brookfield will construct Alamar Phase 3 street improvements which include the installation of 30" storm drainpipes and headwalls along both sides of El Mirage Road approximately 1,400 feet north of Southern Avenue. Because the pipes and headwalls would extend outside of the existing El Mirage Road right-of-way, drainage easements must be dedicated that will allow the City future access for maintenance purposes.

BUDGET IMPACT:
There is no impact to the budget for this action.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance authorizing the acceptance of the dedication of public drainage easements along El Mirage Road from Brookfield Lakin, LLC, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: *Yulonda Moore*

VINICITY MAP

N

ORDINANCE NO. 2016-0323

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ACCEPTING THE DEDICATION OF A PUBLIC DRAINAGE EASEMENT FOR PUBLIC USE.

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

SECTION 1. The dedication of a public drainage easement over, under and across ± 0.0725 acres of real property, generally located along the east and west side of El Mirage Road and south of West Broadway Road in Avondale, Arizona, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby accepted by the City of Avondale (the "City") from Brookfield Lakin, LLC for public use.

SECTION 2. 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, March 6, 2023.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2016-0323

[Legal Description and Map]

See following pages.

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

LEGAL DESCRIPTION
Alamar
Drainage Easements

A portion of that certain parcel of land recorded in Document 2018-0474315, Maricopa County Records (MCR), lying within Section 26, Township 1 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the east quarter corner of said Section 26, a 3-inch Maricopa County Highway Department (MCHD) brass cap in handhole, from which the southeast corner of said section, a 3-inch MCHD brass cap in handhole, bears South 00°07'00" West (basis of bearing), a distance of 2615.17 feet;
THENCE along the east line of said section, South 00°07'00" West, a distance of 1179.65 feet;
THENCE leaving said east line, North 89°53'00" West, a distance of 40.00 feet, to the west right-of-way line of El Mirage Road and the **POINT OF BEGINNING**;
THENCE along said west right-of-way line, South 00°07'00" West, a distance of 62.09 feet, to the north line of the south 66 feet of the northeast quarter of the southeast quarter of said section;
THENCE leaving said west right-of-way line, along said north line, North 89°51'06" West, a distance of 26.00 feet, to the west line of the east 66 feet of said section;
THENCE leaving said north line, along said west line, North 00°07'00" East, a distance of 62.07 feet;
THENCE leaving said west line, South 89°53'00" East, a distance of 26.00 feet, to the **POINT OF BEGINNING**.

TOGETHER WITH

A portion of that certain parcel of land recorded in Document 2018-0474315, Maricopa County Records (MCR), lying within Section 25, Township 1 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the west quarter corner of said Section 25, a 3-inch Maricopa County Highway Department (MCHD) brass cap in handhole, from which the southwest corner of said section, a 3-inch MCHD brass cap in handhole, bears South 00°07'00" West (basis of bearing), a distance of 2615.17 feet;
THENCE along the west line of said section, South 00°07'00" West, a distance of 1185.89 feet;
THENCE leaving said west line, South 89°53'00" East, a distance of 40.00 feet, to the east right-of-way line of El Mirage Road and the **POINT OF BEGINNING**;

THENCE leaving said east right-of-way line, continuing South 89°53'00" East, a distance of 27.50 feet, to the east line of the west 67.50 feet of said section;
THENCE along said east line, South 00°07'00" West, a distance of 56.28 feet, to the north line of the south 66 feet of the northwest quarter of the southwest quarter of said section;
THENCE leaving said east line, along said north line, North 89°32'03" West, a distance of 27.50 feet, to said east right-of-way line;
THENCE leaving said north line, along said east right-of-way line, North 00°07'00" East, a distance of 56.12 feet, to the **POINT OF BEGINNING**.

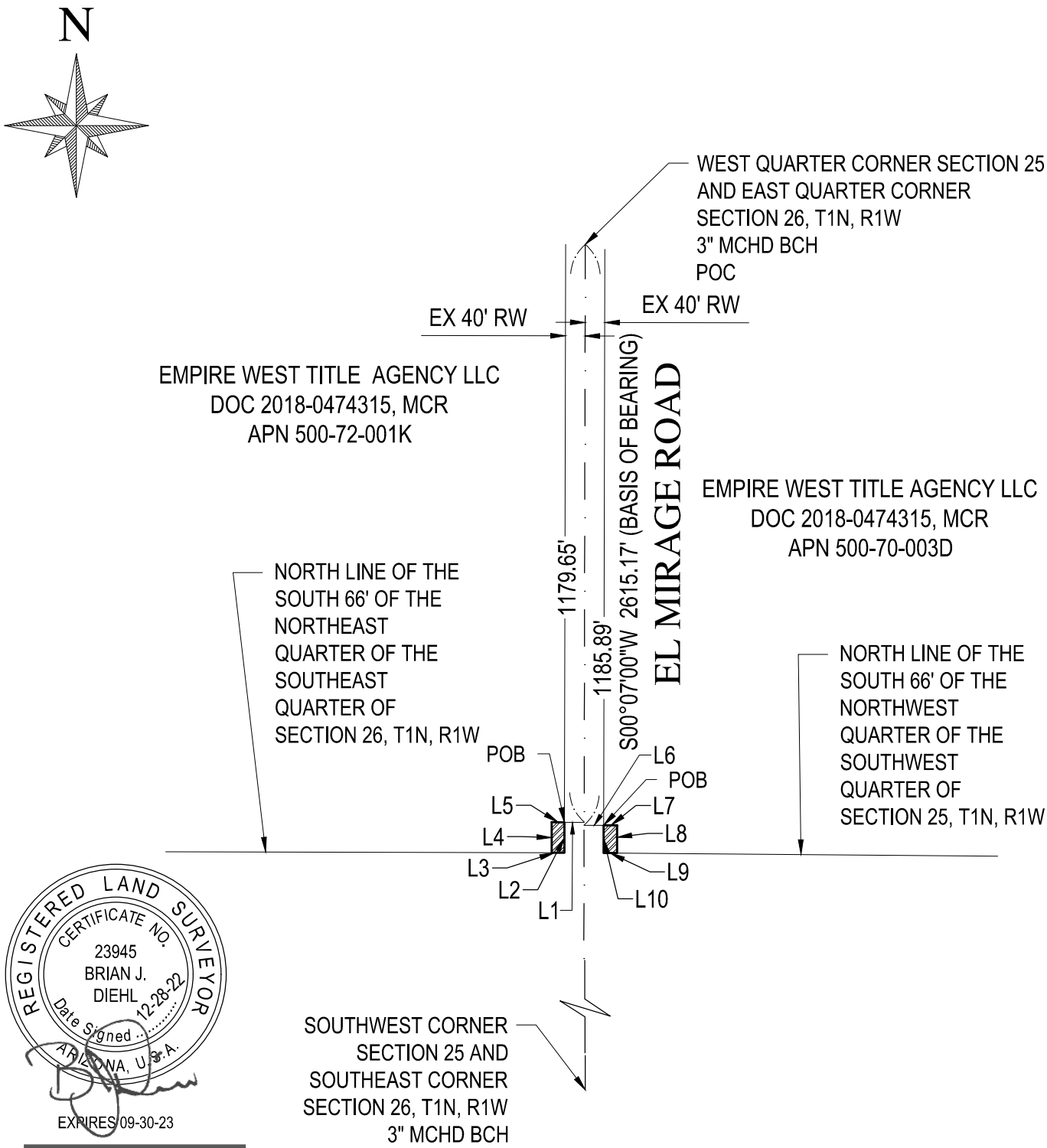
Containing 3,160 square feet or 0.0725 acres, more or less.

Subject to existing right-of-ways and easements.

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

Y:\WP\Parcel Descriptions\2017\174612.11 Alamar Drainage Easements L87R01 12-28-22.docx

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
23945
BRIAN J.
DIEHL
Date Signed 12-28-22
ARIZONA, U.S.A.
EXPIRES 09-30-23



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
23945
BRIAN J.
DIEHL
Date Signed 12-28-22
ARIZONA, U.S.A.
EXPIRES 09-30-23

WOOD PATEL

EXHIBIT "A"

ALAMAR
DRAINAGE EASEMENTS
REVISED 12/28/2022
WP# 174612.11
PAGE 3 OF 4
NOT TO SCALE
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LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°53'00"W	40.00'
L2	S00°07'00"W	62.09'
L3	N89°51'06"W	26.00'
L4	N00°07'00"E	62.07'
L5	S89°53'00"E	26.00'
L6	S89°53'00"E	40.00'
L7	S89°53'00"E	27.50'
L8	S00°07'00"W	56.28'
L9	N89°32'03"W	27.50'
L10	N00°07'00"E	56.12'

WOOD PATEL

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
23945
BRIAN J.
DIEHL
Date Signed 12-28-22
ARIZONA, U.S.A.
EXPIRES 09-30-23

EXHIBIT "A"
ALAMAR
DRAINAGE EASEMENTS
REVISED 12/28/2022
WP# 174612.11
PAGE 4 OF 4
NOT TO SCALE
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Item Number: 3.g.

CITY COUNCIL REPORT

SUBJECT: Ordinance 2017-0323 – Acceptance of Dedication of Public Sidewalk Easements from Brookfield Lakin, LLC

MEETING DATE: 3/6/2023

TO: Mayor and Council

FROM: Aric Stewart, Director, Engineering Department

THROUGH: Tracy Stevens, Assistant City Manager

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 maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:
City Council will consider a request to adopt Ordinance 2017-0323 authorizing the acceptance of dedication of public sidewalk easements along El Mirage Road from Brookfield Lakin, LLC, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

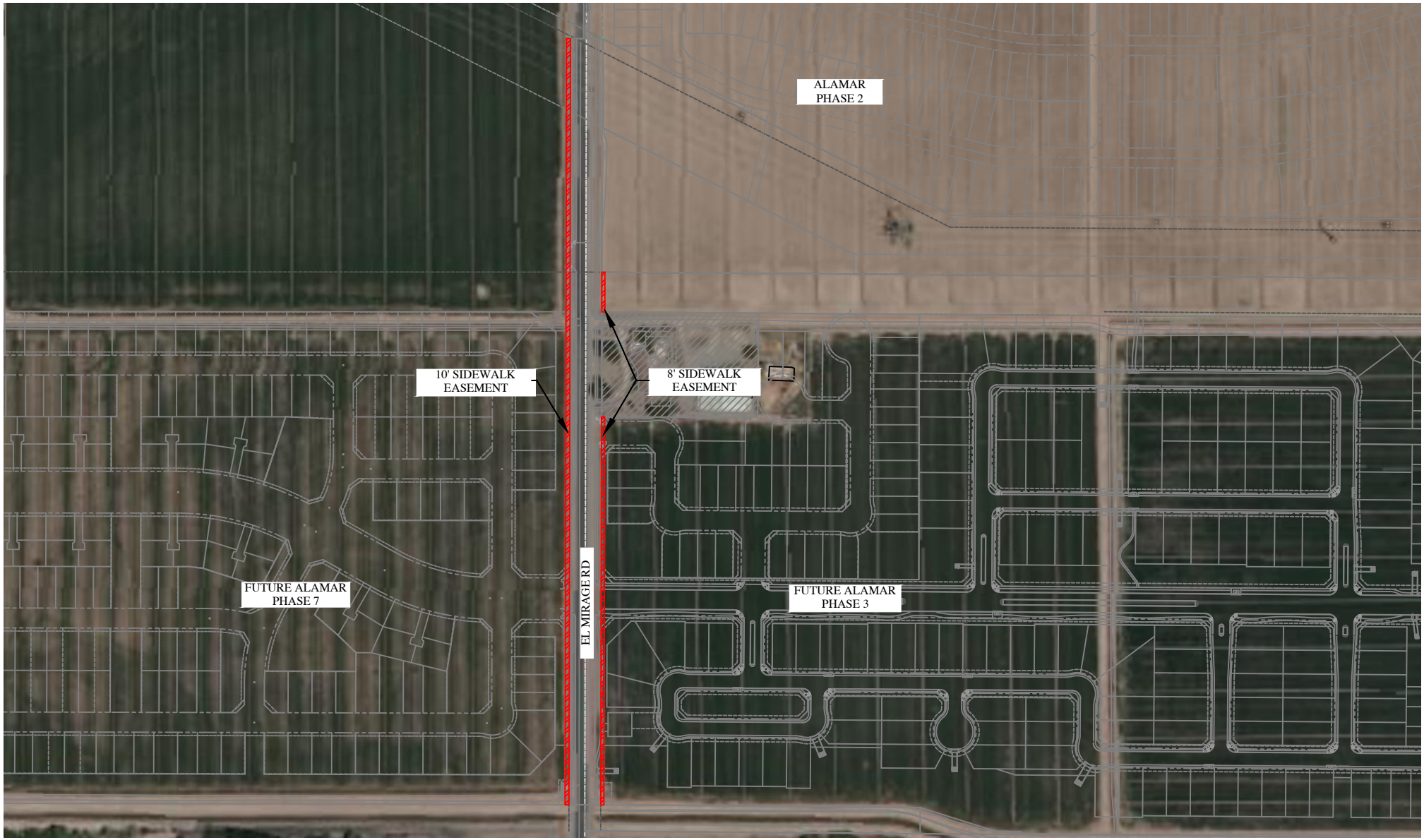
BACKGROUND:
The dedication of public sidewalk easements (SWE) was to be part of the Alamar Phase 3 final plat. Brookfield Lakin, LLC (Brookfield), has delayed the Phase 3 plat due to current housing market conditions. The SWEs will now be dedicated by this ordinance.

DISCUSSION:
Brookfield will construct Alamar Phase 3 street improvements along El Mirage Road, which includes the installation of sidewalks along the east and west sides of El Mirage Road approximately 1,525 feet south of Broadway Road. The installation of the sidewalks will require an SWE adjacent to the existing El Mirage Road right-of-way. Brookfield will dedicate a SWE along both sides of El Mirage Road due to the sidewalk's extra width (10-feet) and its meandering design.

BUDGET IMPACT:
There is no impact to the budget for this action.

RECOMMENDATION:
Staff recommends City Council adopt an Ordinance authorizing the acceptance of dedication of public sidewalk easements along El Mirage Road from Brookfield Lakin, LLC, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: *Yulonda Moore, Terry Dorschied*



N

VICINITY MAP

ORDINANCE NO. 2017-0323

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ACCEPTING THE DEDICATION OF A PUBLIC SIDEWALK EASEMENT FOR PUBLIC USE.

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

SECTION 1. The dedication of a public sidewalk easement over, under and across ± 0.6306 acres of real property, generally located along the east and west side of El Mirage Road and south of West Broadway Road in Avondale, Arizona, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby accepted by the City of Avondale (the "City") from Brookfield Lakin, LLC for public use.

SECTION 2. 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, March 6, 2023.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2017-0323

[Legal Description and Map]

See following pages.

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

LEGAL DESCRIPTION
Alamar
Sidewalk Easements

A portion of that certain parcel of land recorded in Document 2018-0474315, Maricopa County Records (MCR), lying within Section 26, Township 1 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the northeast corner of said Section 26, a 3-inch Maricopa County Department of Transportation (MCDOT) brass cap in handhole, from which the east quarter corner of said section, a 3-inch Maricopa County Highway Department (MCHD) brass cap in handhole, bears South 00°07’07” West (basis of bearing), a distance of 2615.86 feet;
THENCE along the east line of said section, South 00°07'07" West, a distance of 1927.73 feet, to the south right-of-way line of El Mirage Road as shown on Final Plat of Alamar – Phase 2, recorded in Book 1537, page 35, MCR;
THENCE leaving said east line, along said south right-of-way line, North 89°52'53" West, a distance of 40.00 feet, to the southwest corner of said south right-of-way line and the **POINT OF BEGINNING**;
THENCE leaving said south right-of-way line, along the west right-of-way line of said El Mirage Road, South 00°07'07" West, a distance of 688.13 feet, to the east-west mid-section line of said section;
THENCE leaving said mid-section line, continuing along said west right-of-way line, South 00°07'00" West, a distance of 1241.74 feet, to the north line of the south 66 feet of the northeast quarter of the southeast quarter of said section;
THENCE leaving said west right-of-way line, along said north line, North 89°51'06" West, a distance of 10.00 feet, to the west line of the east 50 feet of said section;
THENCE leaving said north line, along said west line, North 00°07'00" East, a distance of 1241.74 feet, to said mid-section line;
THENCE leaving said mid-section line, continuing along said west line, North 00°07'07" East, a distance of 464.45 feet;
THENCE leaving said west line, South 89°52'53" East, a distance of 2.00 feet, to the west line of the east 48 feet of said section;
THENCE along said west line, North 00°07'07" East, a distance of 223.69 feet, to the southwest corner of that certain Public Utility Easement as shown on said Final Plat of Alamar – Phase 2;

THENCE leaving said west line, along the south line of said certain Public Utility Easement, South 89°52'53" East, a distance of 8.00 feet, to the **POINT OF BEGINNING**;

TOGETHER WITH

A portion of that certain parcel of land recorded in Document 2018-0474315, Maricopa County Records (MCR), lying within Section 25, Township 1 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the west quarter corner of said Section 25, a 3-inch Maricopa County Highway Department (MCHD) brass cap in handhole, from which the southwest corner of said section, a 3-inch MCHD brass cap in handhole, bears South 00°07'00" West (basis of bearing), a distance of 2615.17 feet;
THENCE along the east-west mid-section line of said section, South 89°34'11" East, a distance of 40.00 feet, to the east right-of-way line of El Mirage Road and the **POINT OF BEGINNING**;
THENCE leaving said mid-section line, along said east right-of-way line, North 00°07'07" East, a distance of 100.00 feet, to the southwest corner of Tract Z, Alamar – Phase 2, recorded in Book 1537, page 35, MCR;
THENCE leaving said east right-of-way line, along the south line of said Tract Z, South 89°34'11" East, a distance of 8.00 feet, to the east line of the west 48 feet of said section;
THENCE leaving said south line, along said east line, South 00°07'07" West, a distance of 100.00 feet, to said mid-section line;
THENCE leaving said east line, along said mid-section line, North 89°34'11" West, a distance of 8.00 feet, to the **POINT OF BEGINNING**.

TOGETHER WITH

A portion of that certain parcel of land recorded in Document 2022-0247430, Maricopa County Records (MCR), lying within Section 25, Township 1 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the west quarter corner of said Section 25, a 3-inch Maricopa County Highway Department (MCHD) brass cap in handhole, from which the southwest corner of said section, a 3-inch MCHD brass cap in handhole, bears South 00°07'00" West (basis of bearing), a distance of 2615.17 feet;
THENCE along the west line of said section, South 00°07'00" West, a distance of 264.58 feet;
THENCE leaving said west line, South 89°53'00" East, a distance of 40.00 feet, to the most southerly northwest corner of said certain parcel of land and the **POINT OF BEGINNING**;
THENCE along the northerly line of said certain parcel of land, continuing South 89°53'00" East, a distance of 8.00 feet, to the east line of the west 48 feet of said section;
THENCE leaving said northerly line, along said east line, South 00°07'00" West, a distance of 404.04 feet, to the south line of said certain parcel of land;
THENCE leaving said east line, along said south line, North 89°34'11" West, a distance of 8.00 feet, to the southwest corner of said certain parcel of land;

THENCE leaving said south line, along the west line of said certain parcel of land, North 00°07'00" East, a distance of 404.00 feet, to the **POINT OF BEGINNING**.

TOGETHER WITH

A portion of that certain parcel of land recorded in Document 2018-0474315, Maricopa County Records (MCR), lying within Section 25, Township 1 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the west quarter corner of said Section 25, a 3-inch Maricopa County Highway Department (MCHD) brass cap in handhole, from which the southwest corner of said section, a 3-inch MCHD brass cap in handhole, bears South 00°07'00" West (basis of bearing), a distance of 2615.17 feet;
THENCE along the west line of said section, South 00°07'00" West, a distance of 668.58 feet;
THENCE leaving said west line, South 89°53'00" East, a distance of 40.00 feet, to the southwest corner of that certain parcel of land recorded in Document 2022-0247430 MCR, the east right-of-way line of El Mirage Road and the **POINT OF BEGINNING**;
THENCE leaving said east right-of-way line, along the south line of said certain parcel of land, South 89°34'11" East, a distance of 8.00 feet, to the east line of the west 48 feet of said section;
THENCE leaving said south line, along said east line, South 00°07'00" West, a distance of 573.43 feet, to the north line of the south 66 feet of the northwest quarter of the southwest quarter of said section;
THENCE leaving said east line, along said north line, North 89°32'03" West, a distance of 8.00 feet, to said east right-of-way line;
THENCE leaving said north line, along said east right-of-way line, North 00°07'00" East, a distance of 573.43 feet, to the **POINT OF BEGINNING**.

Containing 27,471 square feet or 0.6306 acres, more or less.

Subject to existing right-of-ways and easements.

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

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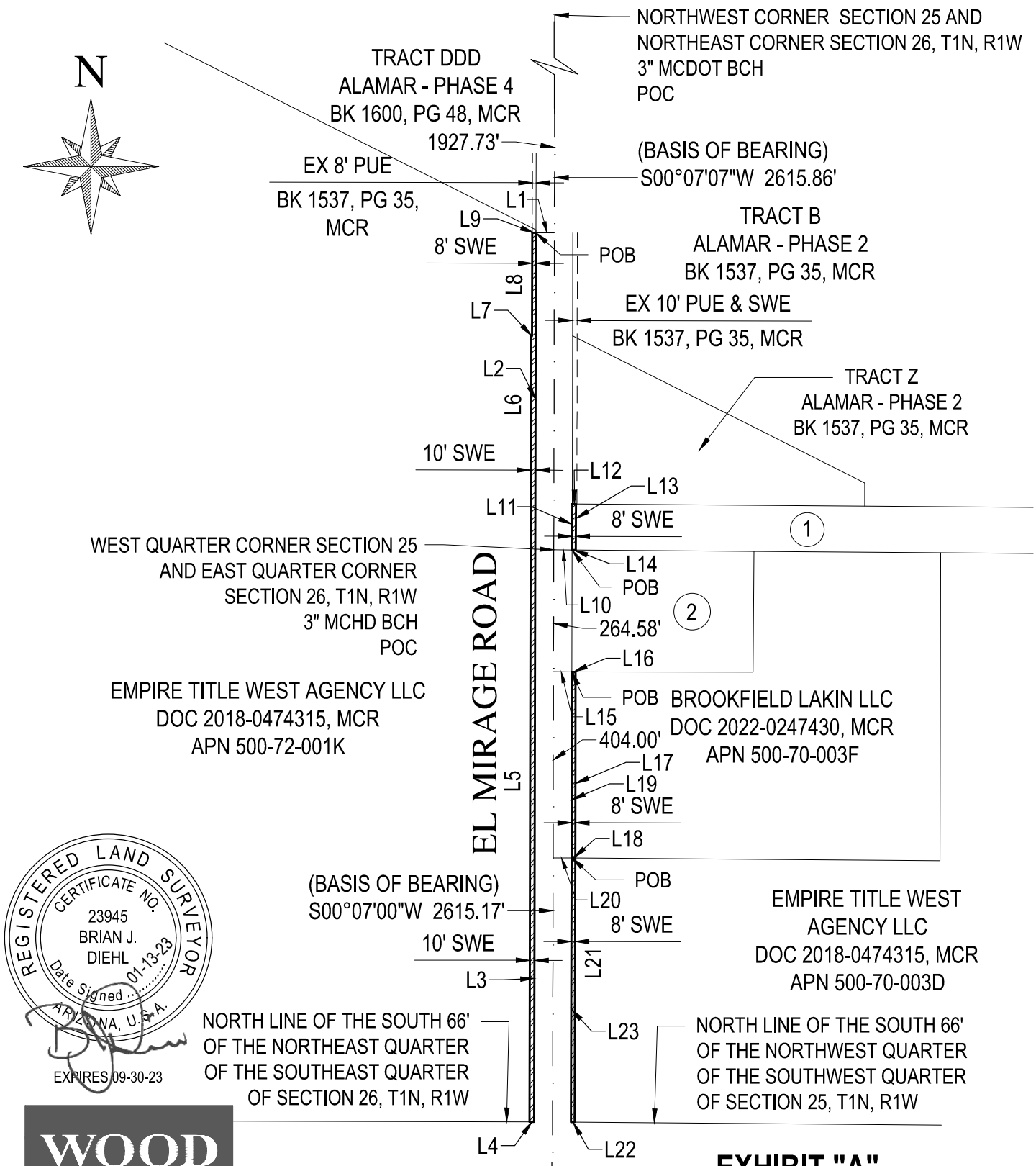
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
23945
BRIAN J.
DIEHL
Date Signed 01-13-23
ARIZONA, U.S.A.
EXPIRES 09-30-23



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
23945
BRIAN J.
DIEHL
Date Signed 01-13-23
ARIZONA, U.S.A.
EXPIRES 09-30-23

WOOD
PATEL

EXHIBIT "A"

ALAMAR
SIDEWALK EASEMENTS
01/13/2023
WP# 174612.11
PAGE 4 OF 5
NOT TO SCALE
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LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°52'53"W	40.00'
L2	S00°07'07"W	688.13'
L3	S00°07'00"W	1241.74'
L4	N89°51'06"W	10.00'
L5	N00°07'00"E	1241.74'
L6	N00°07'07"E	464.45'
L7	S89°52'53"E	2.00'
L8	N00°07'07"E	223.69'
L9	S89°52'53"E	8.00'
L10	S89°34'11"E	40.00'
L11	N00°07'07"E	100.00'
L12	S89°34'11"E	8.00'
L13	S00°07'07"W	100.00'
L14	N89°34'11"W	8.00'

LINE TABLE		
LINE	BEARING	DISTANCE
L15	S89°53'00"E	40.00'
L16	S89°53'00"E	8.00'
L17	S00°07'00"W	404.04'
L18	N89°34'11"W	8.00'
L19	N00°07'00"E	404.00'
L20	S89°53'00"E	40.00'
L21	S00°07'00"W	573.43'
L22	N89°32'03"W	8.00'
L23	N00°07'00"E	573.43'

(1) EMPIRE TITLE WEST AGENCY LLC
DOC 2018-0474315, MCR
APN 500-71-003C

(2) YERINGTON LIVING TRUST
DOC 2017-0704314, MCR
APN 500-70-003G

WOOD PATEL

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 23945
BRIAN J. DIEHL
Date Signed 01-13-23
ARIZONA, U.S.A.
EXPIRES 09-30-23

EXHIBIT "A"
ALAMAR
SIDEWALK EASEMENTS
01/13/2023
WP# 174612.11
PAGE 5 OF 5
NOT TO SCALE
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Item Number: 3.h.

CITY COUNCIL REPORT

SUBJECT: Ordinance 2018-0323 - Lower Buckeye Road and El Mirage Road Right-of-Way Annexation

MEETING DATE: 3/6/2023

TO: Mayor and Council

FROM: Aric Stewart, Director, Engineering Department

THROUGH: Tracy Stevens, Assistant City Manager

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 maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:
City Council will consider a request to adopt Ordinance 2018-0323 authorizing the annexation of portions of Lower Buckeye Road and El Mirage Road right-of-way 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 proposed right-of-way annexation includes an area located at the southwest corner of Lower Buckeye Road and El Mirage Road containing 32,887 square feet.

DISCUSSION:
The purpose of the annexation is for the City's Traffic Signal and Roadway Improvements Project at El Mirage Road and Lower Buckeye Road (T0138). This project includes the design and construction of a traffic signal at the intersection and roadway improvements to include the addition of a sidewalk. The traffic signal will improve traffic flow, reduce delays along arterial roadways, and provide safer access for vehicles exiting adjacent developments.

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 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 is no impact to the budget for this action. The CIP project related to this annexation is budgeted in the FY2023 budget.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance authorizing the annexation of portions of Lower Buckeye Road and El Mirage Road right-of-way and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: *Yulonda Moore, Suneel Garg*

N
W E
S

Not to Scale

VICINITY MAP

ORDINANCE NO. 2018-0323

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 A PORTION OF RIGHT OF WAY AND ROADWAY; GENERALLY LOCATED ALONG THE SOUTHWEST CORNER OF LOWER BUCKEYE ROAD AND EL MIRAGE ROAD.

WHEREAS, the City of Avondale (the "City), and Maricopa County (the "County") entered into an intergovernmental agreement, approved and accepted by the City of Avondale on May 10, 2021 and recorded as document 2021-0580798 in the records of the Maricopa County Recorder pertaining to the financing, planning, construction, maintenance and eventual annexation by the City, of Lower Buckeye Road from South 124th Avenue to the intersection with El Mirage Road; and

WHEREAS, it is the desire of the Council of the City of Avondale (the "City Council") to annex a portion of the southwest corner of Lower Buckeye Road and El Mirage Road for future traffic signal intersection improvements; 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 Maricopa County right-of-way and roadway and (ii) 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 in Maricopa County, Arizona, an area bounded by 618.90 feet west of El Mirage Road and 205.13 feet south of Lower Buckeye Road, totaling approximately ± 0.75 acres, generally located between South 124th Avenue and El Mirage 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, March 6, 2023.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE 2018-0323

[Legal Description and Map of Annexation Area]

See following pages.

EXHIBIT "A"
ANNEXATION OF THE
SOUTHWEST CORNER OF EL MIRAGE ROAD AND LOWER BUCKEYE ROAD
RIGHT OF WAY
IN MARICOPA COUNTY, STATE OF ARIZONA

A Parcel of Land in the Northeast Quarter (NE 1/4) of Section Twenty-Three (23), 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 in Hand Hole at the Northeast Corner (NE) of Section Twenty-Three (23) of Township One (1) North Range One (1) West. Also being the Intersection of El Mirage Road and Lower Buckeye Road. from which a Found Brass Cap in Hand Hole at the North Quarter Corner (N1/4) of said Section 23, bears North 89°06'50" West, a distance of 2,595.68 feet based on Field measurement between the two points. Also, the said Northeast Section corner is the point of Beginning;

THENCE South 01 degrees 08 minutes 23 seconds East, a distance of 205.13 feet along the East line of Section 23 also being the Centerline of El Mirage Road;

THENCE Departing Said Line North 89 degrees 06 minutes 50 seconds West, a distance of 55.03 feet;

THENCE North 01 degrees 08 minutes 23 seconds West a distance of 150.09 feet;

THENCE North 89 degrees 06 minutes 50 seconds West a distance of 269.25 feet;

THENCE North 01 degrees 03 minutes 56 seconds West a distance of 22.01 feet;

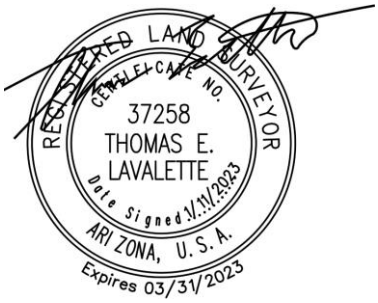
THENCE North 89 degrees 06 minutes 50 seconds West a distance of 294.69 feet;

THENCE North 01 degrees 03 minutes 56 seconds West a distance of 33.03 feet;

THENCE South 89 degrees 06 minutes 50 seconds East a distance of 618.90 feet to the Point of Beginning;

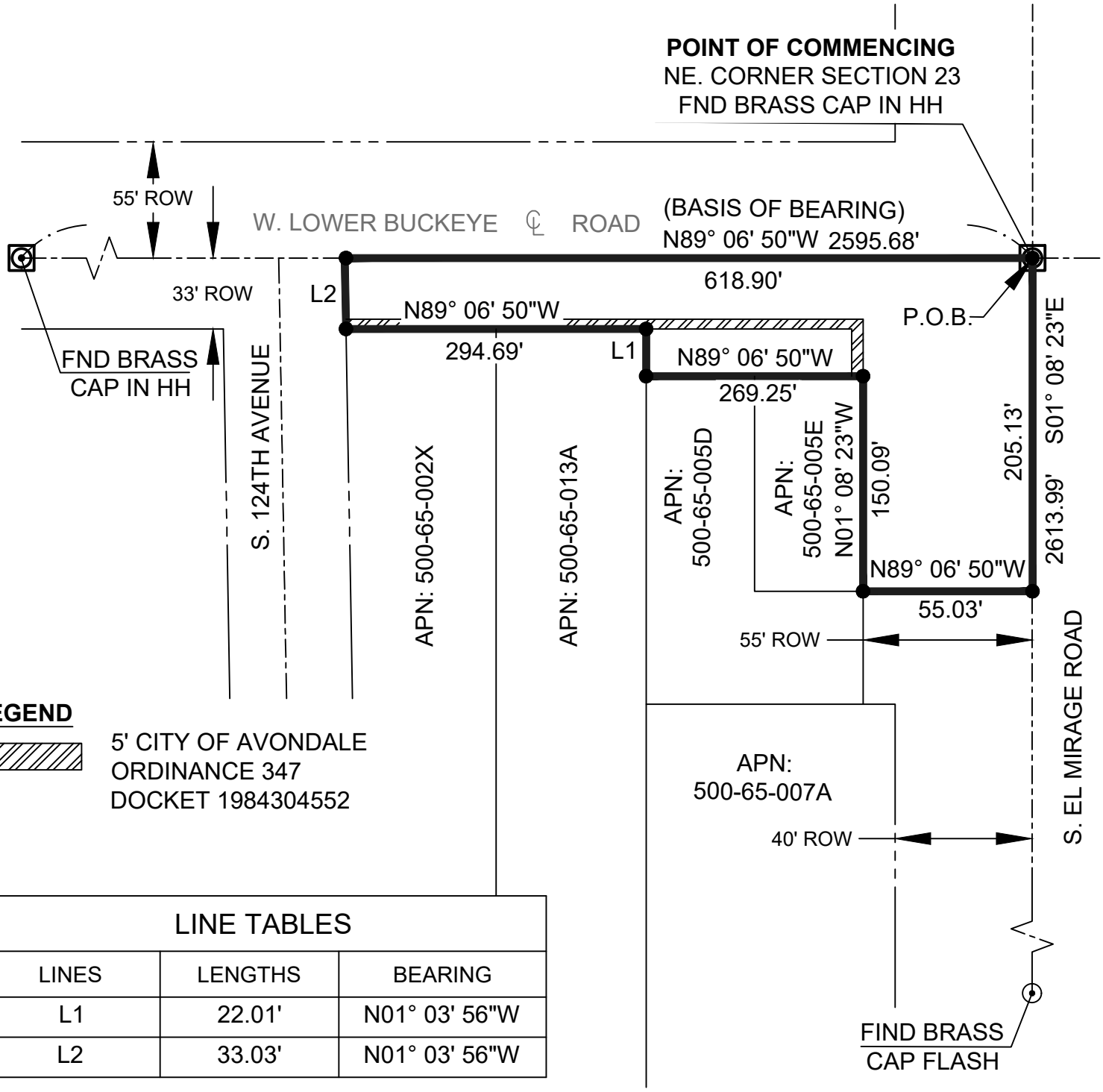
Except that portion of land as described in City of Avondale Ordinance 347 Document No: 1984304552;

Containing 32,887.39 sqft or 0.75 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"



LEGEND

5' CITY OF AVONDALE
ORDINANCE 347
DOCKET 1984304552

LINE TABLES		
LINES	LENGTHS	BEARING
L1	22.01'	N01° 03' 56"W
L2	33.03'	N01° 03' 56"W

NORTH

SCALE:
NTS
T1N R1W

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37258
THOMAS E.
LAVALETTE
Date Signed 1/11/2023
ARIZONA, U.S.A.
Expires 03/31/2023

ENGINEERING ALLIANCE
INC

PROJECT: 2022-M-031	
DATE: 1-11-2023	CHKD BY: TL
DRN BY: BL	SCALE: N.T.S.
TITLE: ANNEXATION OF LOWER BUCKEYE AND EL MIRAGE COUNTY ROAD	
SHEET NO: 1 OF 1	

Item Number: 3.i.

CITY COUNCIL REPORT

SUBJECT: Ordinance 2019-0323 - Repeal and Replace Ordinance 2068-1222 for Lower Buckeye Road Right-of-Way Annexation

MEETING DATE: 3/6/2023

TO: Mayor and Council

FROM: Aric Stewart, Director, Engineering Department

THROUGH: Tracy Stevens, Assistant City Manager

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 maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:
City Council will consider a request to repeal and replace Ordinance 2068-1222 and adopt Ordinance 2019-0323 to correct the legal description previously approved authorizing the annexation of a portion of Lower Buckeye Road right-of-way from 4th Street to Litchfield 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:
On December 5, 2022, City Council adopted Ordinance 2068-1222 that extended and increased the corporate limits of the City by annexing a portion of right-of-way and roadway located along Lower Buckeye Road east of Litchfield Road.

DISCUSSION:
Ordinance 2068-1222 adopted by City Council incorrectly included 13 feet of right-of-way east of the Litchfield Road section line that was previously annexed by the City of Goodyear and should have been excluded from the right-of-way annexation legal description. The legal description and exhibit have now been corrected and staff wishes to replace the legal description and exhibit with the revised and corrected version.

BUDGET IMPACT:
There are no impacts to the budget for this action.

RECOMMENDATION:

Staff recommends City Council repeal and replace Ordinance 2068-1222 and adopt an Ordinance to correct the legal description previously approved authorizing the annexation of a portion of Lower Buckeye Road right-of-way from 4th Street to Litchfield 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, Terry Dorschied*

VICINITY MAP

ORDINANCE NO. 2019-0323

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, REPEALING ORDINANCE 2068-1222 AND EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF AVONDALE BY ANNEXING THERETO A PORTION OF RIGHT-OF-WAY AND ROADWAY, GENERALLY LOCATED ALONG LOWER BUCKEYE ROAD EAST OF LITCHFIELD ROAD.

WHEREAS, the Council of the City of Avondale (the "City Council") adopted Ordinance No. 2068-1222 on December 5, 2022, annexing a portion of Maricopa County ("County") right-of-way and roadway generally located along Lower Buckeye Road east of Litchfield Road (the "Original Ordinance"); and

WHEREAS, the legal description included in the Original Ordinance did not accurately describe and depict the right-of-way and roadway being annexed; and.

WHEREAS, the City Council desires to correct the error in the Original Ordinance by repealing the Original Ordinance and annexing the County right-of-way and roadway with the correct legal description; 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 Maricopa County right-of-way and roadway (ii) 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. Ordinance No. 2068-1222 is hereby repealed.

SECTION 3. The parcel of land in Maricopa County, Arizona, generally located along Lower Buckeye Road east of Litchfield Road, as more particularly and correctly described in Exhibit A and depicted in Exhibit B attached hereto and incorporated herein by reference (the "Annexation Area"), is hereby annexed into the corporate boundaries of the City of Avondale.

SECTION 4. 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 5. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision of 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 6. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, March 6, 2023.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2019-0323

[Legal Description of Annexation Area]

See following pages.

EXHIBIT "A"

LEGAL DESCRIPTION FOR COUNTY RIGHT OF WAY

A portion of the Southwest quarter of the Southeast quarter (SW4 SE4) of Section 15 and also of the North half of Section 22. All in Township 1 North, Range 1 West of the Gila & Salt River Meridian, Maricopa County, Arizona and described as follows:

The South 33.00 feet of the Southwest quarter of the Southeast quarter of Section 15; and
The North 33.00 feet of the North half of Section 22, EXCEPT the West 13.00 feet and the East 1,360.00 feet thereof.

The above described parcels contain 3.9791 Acres more or less.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
22260
KENNETH W.
GREEN
Date Signed 1.25.2023
ARIZONA, U.S.A.

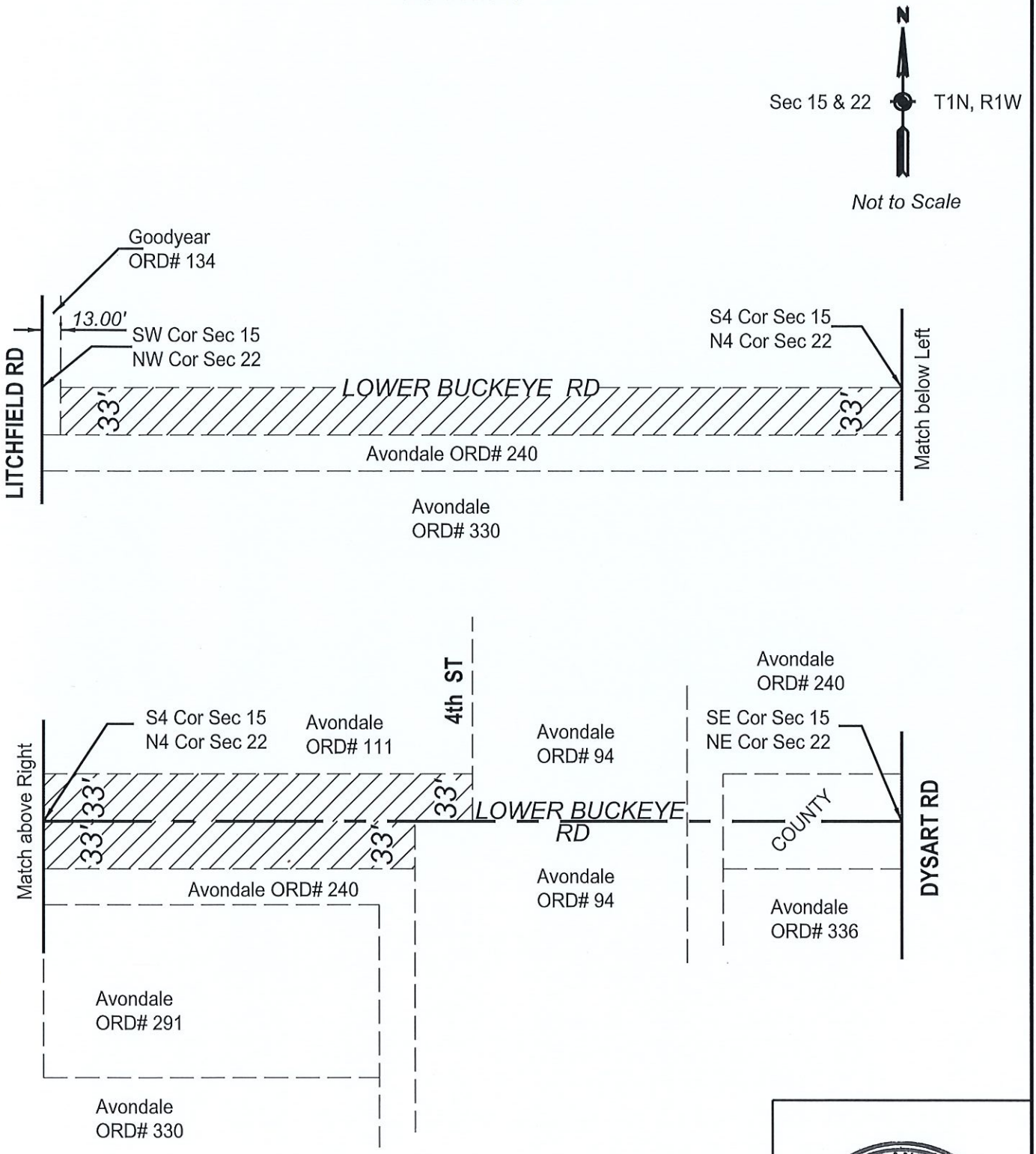
CITY OF AVONDALE	
Prepared By Maricopa County Real Estate Department	

EXHIBIT B
TO
ORDINANCE NO. 2019-0323

[Map of Annexation Area]

See following pages.

Exhibit "B"



Total Area: 3.9791 acres

CITY OF AVONDALE

Prepared by: Maricopa County Real Estate Department

SHT 1 of 1

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
22260
KENNETH W.
GREEN
Date Signed 1-25-2023
ARIZONA U.S.A.

Item Number: 3.j.

CITY COUNCIL REPORT

SUBJECT: Ordinance 2020-0323 - Acquisition of Real Property for Public Use as a Public Safety Facility

MEETING DATE: 3/6/2023

TO: Mayor and Council

FROM: Aric Stewart, Director, Engineering Department

THROUGH: Tracy Stevens, Assistant City Manager

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 maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:
City Council will consider a request to adopt Ordinance 2020-0323 authorizing the acquisition, by dedication, purchase, or condemnation of real property for public use as a public safety facility and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:
On May 21, 2018, City Council approved a Pre-Annexation Development Agreement with Brookfield Lakin, LLC, for an area of real property that has become known as Alamar. As part of the agreement, Brookfield agreed to convey real property for use as a police substation, police communication tower or equipment and fire station.

DISCUSSION:
The developer, Brookfield Lakin, LLC (Brookfield), will dedicate three acres of real property to accommodate the Alamar Public Safety Substation which will include a police substation and fire station to provide coverage and address response needs for the Alamar community and surrounding development in the area. The property is located on El Mirage Road approximately 1,700 feet south of Broadway Road.

BUDGET IMPACT:
Brookfield will deed the property to the City. Closing costs will be shared between Brookfield and the City. $2,500 will be the city's share and will come from the department's operating budget.

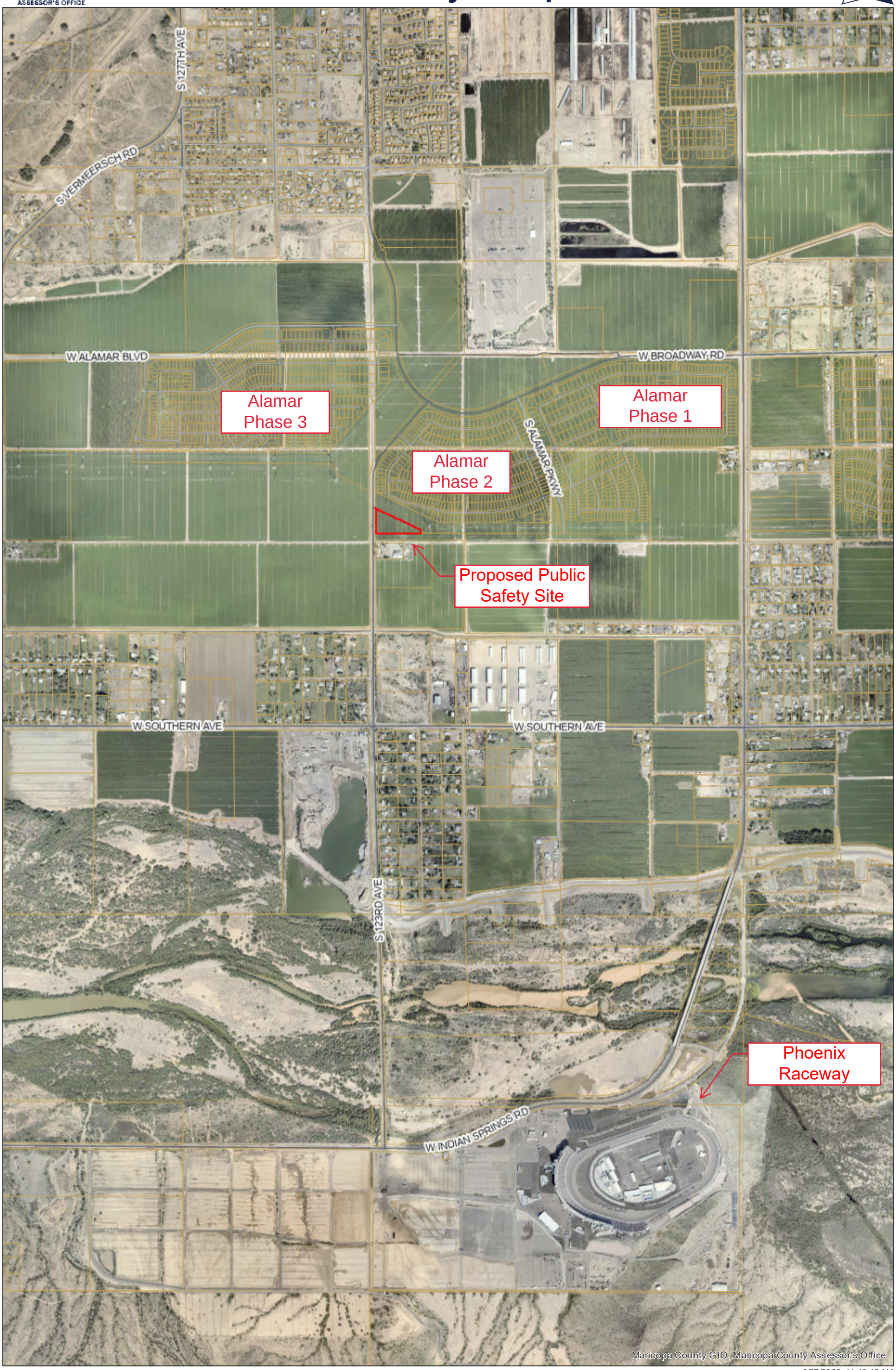
RECOMMENDATION:

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

Contact person for document distribution: *Yulonda Moore*

MARICOPA COUNTY
ASSESSOR'S OFFICE

Vicinity Map



2/27/2023 11:49:13 AM

ORDINANCE NO. 2020-0323

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

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

WHEREAS, on May 21, 2018, the City Council of the City of Avondale (the "City Council") by Resolution No. 3454-518, authorized the Pre-Annexation Development Agreement with Brookfield Lakin, LLC (the "developer") which included the development of a police substation, police communication tower or equipment and fire station (the "Public Safety Facility") within the developer's property; and

WHEREAS, the Council of the City of Avondale (the "City Council") desires to authorize the acquisition of real property generally located along the east side of El Mirage Road, south of West Broadway Road for the Public Safety Facility.

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

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

SECTION 2. The acquisition, by purchase, dedication, or condemnation of real property totaling ± 3.0228 acres, generally located along the east side of El Mirage Road, south of West Broadway Road, Assessor's Parcel Number 500-71-372, as described in Exhibit A to the Special Warranty Deed attached hereto at Exhibit 1, is hereby authorized.

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

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, March 6, 2023.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT 1
TO
ORDINANCE NO. 2020-0323

[Special Warranty Deed]

See following pages.

When Recorded Mail To:

City Clerk
City of Avondale
11465 West Civic Center Drive, Suite 200
Avondale, Arizona 85323-6806

SPECIAL WARRANTY DEED

THIS DEED IS EXEMPT FROM THE REQUIREMENT OF FILING AN AFFIDAVIT OF VALUE PURSUANT TO ARIZ. REV. STAT. § 11-1134(A)(3).

GRANTOR: Brookfield Lakin LLC, a Delaware limited liability company

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

For Ten Dollars ($10.00) and other good and valuable consideration, the Grantor hereby conveys to City all right, title and interest in the following real property situated in Maricopa County, Arizona, together with all rights and privileges appurtenant thereto:

See Exhibit A, attached hereto and incorporated herein by reference.

The Grantor hereby binds itself and its successors to warrant and defend the title as against all acts of Grantor herein and none other, subject to current taxes and assessments, reservations and all easements, rights of way, covenants, conditions, restrictions, liens and encumbrances as may appear of record and subject to the reservation set forth below:

RESERVATION

Notwithstanding the foregoing, Brookfield Lakin LLC, a Delaware limited liability company (the "Owner") hereby reserves all interest in and does not convey any interest in and to any "public infrastructure" as such term is defined in Section 48-701, Arizona Revised Statutes, as amended, which has been or will in the future be constructed on any of the real property described on Exhibit A. Except if released prior thereto as hereinafter described, such interest is to be acquired by a community facilities district to be established pursuant to the Development Agreement between Owner and the City of Avondale, Arizona (the "Municipality"). (Such interest is limited to one necessary to accommodate the financing of such public infrastructure (including of such interest in such real property) pursuant to a subsequent development agreement to be entered into among the Owner, such district and the Municipality). Such interest is to be released upon the earlier of the acquisition of such public infrastructure only by such district pursuant to such development agreement.

[SIGNATURES ON FOLLOWING PAGES]

"**Grantor**"

BROOKFIELD LAKIN LLC,
a Delaware limited liability company

By:_____

Its: _____

By: _____

Its: _____

ACKNOWLEDGMENT

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2023 by _____ and _____the _____ and _____, respectively of BROOKFIELD LAKIN LLC, a Delaware limited liability company, on behalf of the company.

_____
Notary Public in and for the State of Arizona

(Seal)

[SIGNATURES CONTINUE ON FOLLOWING PAGES]

Accepted by: "**City**"

CITY OF AVONDALE,
an Arizona municipal corporation

_____
Ron Corbin, City Manager

ATTEST:

_____
Marcella Carrillo, City Clerk

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2023, by Ron Corbin, the City Manager of the City of Avondale, an Arizona municipal corporation, on behalf of the City.

_____
Notary Public in and for the State of Arizona

(Seal)

EXHIBIT A

Legal Description of the Tract

TRACT Z OF ALAMAR – PHASE 2, ACCORDING TO THE FINAL PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, AS BOOK 1537 OF MAPS, PAGE 35

Item Number: 4.a.

CITY COUNCIL REPORT

SUBJECT: Public Hearing – Conditional Use Permit for Kids BLVD Child care Center – Application PL-22-0226

MEETING DATE: 3/6/2023

TO: Mayor and Council

FROM: Jodie Novak, Director of Development Services

THROUGH: Tracy Stevens, Assistant City Manager

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

STRATEGIC PLAN:
OUTCOME AREA: 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 by Sahib Singh, GM Capital Investments LLC, for approval of a Conditional Use Permit (CUP) to allow for the operation of a child care center. The 2.58-acre subject property is located approximately 800 feet west of the southwest corner of Van Buren Street and Avondale Boulevard. Council will take appropriate action.

BACKGROUND:
The 2.58-acre subject property (Exhibits A, B, & C) is part of a larger commercial center, Coldwater Springs Promenade. The parcel is undeveloped and mostly rectangular in shape with a 240-foot long strip extending north to south connecting to Van Buren Street. The property was annexed in May 1997 and rezoned on March 17, 1997 to Planned Area Development (PAD) zoning as a part of the Coldwater Springs PAD (Exhibit B). Commercial portions of the approved Coldwater Springs PAD follow C-2 (Community Commercial) uses and development standards. Child care centers require approval of a Conditional Use Permit in the C-2 zoning district.

The General Plan 2030 Land Use Map designates the site within The Boulevard Specific Plan Area's Promenade District (Exhibit C). The Promenade District is intended to accommodate commercial land use such as retail, restaurant, services, and office development for residents in the area.
The existing uses and zoning of surrounding properties include:

- **NORTH:** Vacant/Coldwater Springs Promenade; zoned Coldwater Springs PAD.
- **NORTH OF VAN BUREN STREET:** Vacant; zoned The BLVD Village District.
- **EAST**: Coldwater Springs Promenade; zoned C-2 (Community Commercial).
- **SOUTH:** Coldwater Springs Master Planned Community; Coldwater Springs PAD.
- **WEST:** Vacant; zoned Coldwater Springs PAD.

SUMMARY OF REQUEST:
The applicant is requesting approval of a Conditional Use Permit to allow for the operation of a child care center in the Coldwater Springs PAD (Exhibit D).

The proposed development will involve the construction of a single-story 8,488 square foot building on 2.58 acres west of the southwest corner of Van Buren Street and Avondale Boulevard (Exhibit E & F). The child care center will accommodate children between the ages of 6 weeks and 12 years old with an estimated capacity of approximately 172 children. The planned hours of operation are 6:00 am to 6:00 pm, Monday through Friday, with outdoor play hours from 8:00 am to 4:00 pm.

The child care center will include an outdoor recreation area south of the building located more than 50 feet north of existing single-family residential homes. This outdoor play area includes three playgrounds, partitioned internally with a wrought iron fence. In order to mitigate any noise from the playground to nearby homes, a six (6)-foot high solid block wall and additional landscaping will be located along the southern boundary of the playground. The parking area is on the building's north side and will consist of 43 parking spaces for both employee and customer parking. The parking spaces will utilize bollards/guards at the head of these spaces, allowing parents and children more direct and protected access to the child care center's entrance. Access to this site will primarily occur from existing driveways off of Van Buren Street; however, vehicles can also access the commercial center from Avondale Boulevard.

The proposed building's architecture was done with the existing commercial center's buildings in mind, incorporating similar style, form, paint color, and materials. The building includes stucco, a combination of brick/stone veneers, steel awnings, and an earth-tone color scheme complementary to the surrounding center (Exhibit F). A more detailed review of the building design will occur administratively through the Site Plan and Design Review process.

All lighting will follow the Zoning Ordinance. The existing parking lot to the south and driveway lighting will remain as currently installed.

PUBLIC PARTICIPATION:
A virtual Neighborhood Meeting to discuss the proposal with neighboring property owners and other interested parties was held on Tuesday, October 4, 2022, via Zoom.

Required notices of the meeting were completed in accordance with the City's notification requirements. In addition to City staff and the applicant's team, two (2) members of the public attended the virtual meeting (Exhibit G). Following the presentation made by the applicant's team, the meeting was opened up for questions and comments, of which there were none.

All required notifications for the Planning Commission and City Council public hearings were completed in accordance with the City's notification processes. No additional comments have been received to date.

PLANNING COMMISSION ACTION:
On February 15, 2023, the Planning Commission conducted a public hearing and recommended approval (5-0 vote) of the proposed Conditional Use Permit. The Commission asked questions about access to the site, what are the existing turn lanes along the adjacent streets, would any new turn lanes be needed, and if a traffic impact study was submitted. Staff responded that a traffic analysis or study was not necessary following multiple reviews of the project by traffic engineering staff. There will be no off-site right-of-way improvements necessary since the lot is existing and is on the commercial center's interior, not along the arterial street. Traffic from this one business will not impact vehicle capacity on the existing arterial streets. The existing right-turn deceleration lanes will remain along both streets. A left-turn movement to go westbound on McDowell Road exists and will remain. There is no left-turn lane to go north on Avondale Boulevard from this commercial center other than at the Coldwater Springs Road and Avondale Boulevard signalized intersection. The Commission also asked how many parking spaces exist south of the vacant lot where the child care center plans to develop and what the building setback is from the residential subdivision. There are approximately 30 existing parking spaces and the building is approximately 123 feet north of existing residential lots and the playground is approximately 70 feet north of existing homes.

ANALYSIS:
To grant a Conditional Use Permit, five (5) findings must be met as outlined in the Zoning Ordinance Section 28-8(b). Each finding is presented below as follows:

1. **That the proposed use (a) is consistent with the land use designation set forth in the general plan, (b) will further the City's general guidelines and objectives for development of the area, as set forth in the general plan and (c) will be consistent with the desired character for the surrounding area.**
   The subject site is located within The Boulevard Specific Plan (BSP) area and is within the Promenade District, as indicated in the General Plan. This commercial land use is designed to accommodate suburban-style retail, restaurant, services, and office development for residents in the BSP and the surrounding area. The focus for all uses should be pedestrian-oriented and support the overall vision for the BSP while also allowing limited development of drive-through restaurants, banks, pharmacies, and similar.

   The proposed child care center use, a use that provides a service for area residents, is consistent with the type of commercial uses desired in the Promenade District. The proposed child care use furthers multiple goals of both the General Plan 2030 and the Boulevard Specific Plan (BSP), to include:

   <u>General Plan 2030</u>
   Land use Element, Goal 1.D: "Enhance the attractiveness of infill parcels as an option for new development throughout Avondale."

   Land use Element, Goal 3.C.: "Encourage a mix of uses and amenities when master planning large developments, such as single-family residences, offices, educational institutions, shopping centers, trails, parks, community gardens, and recreational facilities, to encourage social interaction, and to create a larger sense of community amongst residents."

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

   Economic Element, Goal 5: "Encourage and facilitate small/local business development and diversity."

   <u>The Boulevard Specific Plan</u>
   Goal 5: "Facilitate development of mixed-use projects within the BSP to create a live, work, play environment."

   In addition to bringing a much-needed service to the area, this infill project further diversifies the commercial businesses offered in the existing shopping center, grows Avondale's employment base, and generally enhances the area to further promote a live, work, play environment.

   The building's architectural design includes stucco, a combination of brick/stone veneers, and an earth-tone color scheme complementary to the surrounding built environment.

   This finding has been met.

2. **That the use will be (a) compatible with other adjacent and nearby land uses and (b) will not be detrimental to persons residing or working in the area, adjacent property, the neighborhood or the public welfare in general.**
   This site is located within the Coldwater Springs Promenade, which has undeveloped commercial pads to the west and north, as well as existing commercial businesses (personal services, grocery store, restaurant uses, etc.) to the east. North of Van Buren Street is vacant land zoned The BLVD Village District. To the south are single-family residential homes.

   The property is designated by the General Plan 2030 Land Use Map as The Boulevard Specific Plan

Area: Promenade District (Exhibit C). This commercial land use is designed to accommodate suburban style retail, restaurant, services, and office development for residents in the Boulevard Specific Plan (BSP) and the surrounding area.

Upon approval of the Conditional Use Permit, the child care center will be providing a much needed service for area residents. This use is compatible with the existing commercial uses in this shopping center. Given the nature of the use and the site design, which minimizes potential noise impacts on the existing homes or businesses in the vicinity, this use will not be detrimental to persons residing or working in the area, adjacent property, the neighborhood or the public welfare in general.

This finding has been met.

3. **That the site is adequate in size and shape to accommodate the proposed use, allow safe on-site circulation, and meet all required development standards including, but not limited to, setbacks, parking, screening, and landscaping.**
   As conditioned, the proposed new development will meet or exceed all applicable City of Avondale development standards including, but not limited to, setbacks, landscape area, parking, and screening.

   Additionally, the proposed development and existing on-site circulation are designed to meet codes.

   This finding has been met.

4. **That the site has appropriate access to public streets with adequate capacity to carry the type and quantity of traffic generated by the proposed use.**
   The site will utilize the two (2) existing full-access driveways off Van Buren Street. As presently built, Van Buren Street is designed to accommodate the traffic anticipated from the proposed child care center, which will have a more limited impact on traffic in and out of the shopping center due to the limited number of children that can be enrolled and the staggered pick-up schedule.

   This finding has been met.

5. **That adequate conditions have been incorporated into the approval to ensure that any potential adverse effects will be mitigated.**
   Conditions of approval are recommended, which are standard for development of this type (see "Conditions of Approval" section, below).

   This finding has been met.

DISCUSSION:
Staff recommends approval of the request for the following reasons:

- The proposed land use meets the five (5) required findings for a Conditional Use Permit (CUP) per the Zoning Ordinance.

- Approval of the proposal will result in development compatible with The BLVD Promenade District General Plan land use designation, the Coldwater Springs PAD zoning, and existing development in the area.

- The proposed land use will not be detrimental to persons residing or working in the area, on adjacent properties, or to the public welfare in general.

BUDGET IMPACT:
No budget impacts.

RECOMMENDATION:

City Council will conduct a public hearing and recommend **APPROVAL** of Application PL-22-0226 Kids BLVD Childcare Center, a request for approval of a Conditional Use Permit to allow for the operation of a child care center approximately 800 feet west of the southwest corner of Van Buren Street and Avondale Boulevard, subject to the following three (3) conditions of approval:

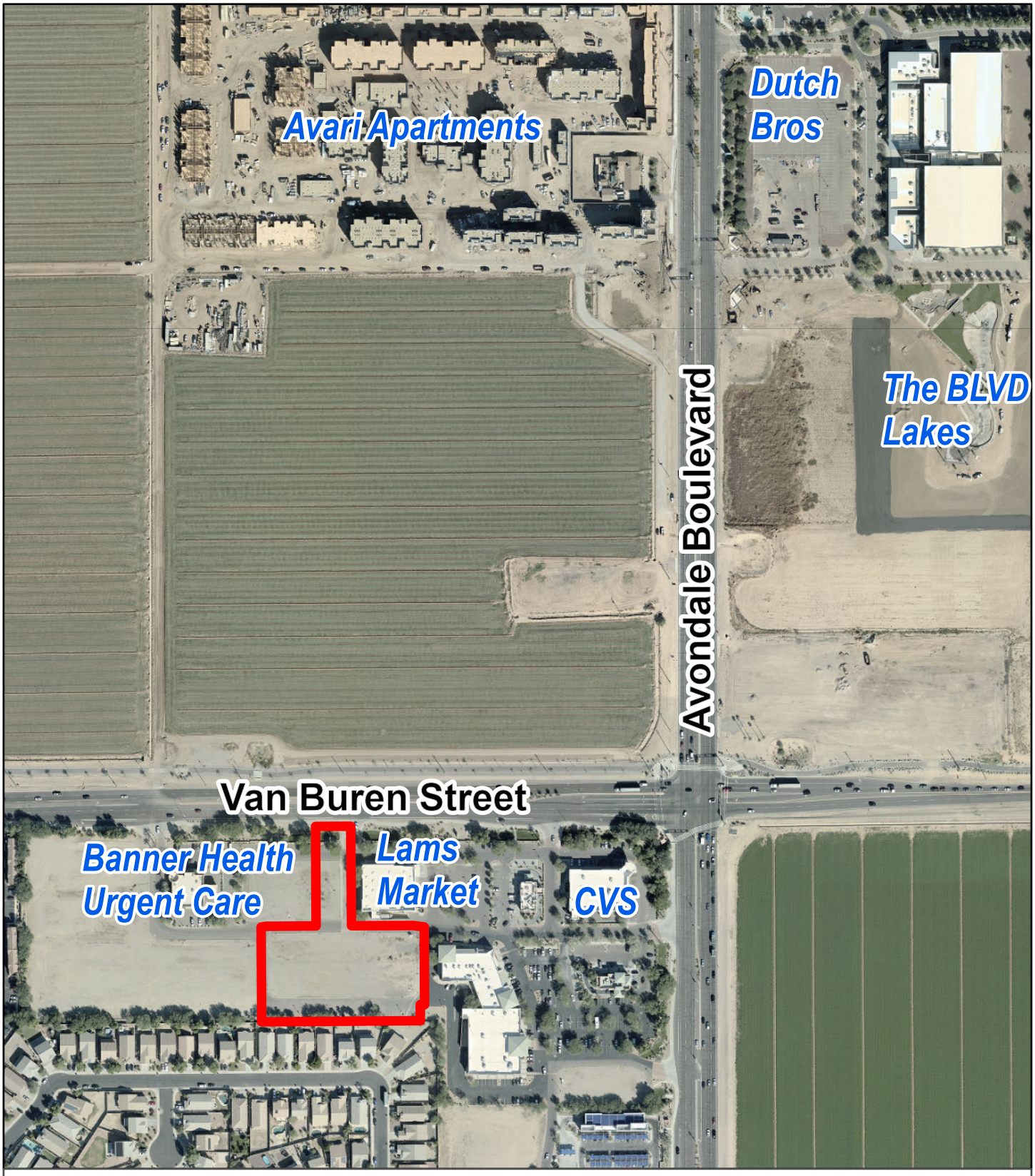
1. Development and use of the site shall conform to the Kids BLVD Childcare Center Conditional Use Permit Narrative (Exhibit D) dated January 12, 2023, Site Plan and Landscape Plan (Exhibits E) dated December 19, 2022, and Building Elevations (Exhibit F) dated December 19, 2022.

2. Administrative approval of a Site Plan and Design Review application is required prior to issuance of a building permit.

3. In accordance with the city's Zoning Ordinance, Chapter 28, the Conditional Use Permit shall expire two (2) years from the date of Council approval if the use has not commenced.

Contact person for document distribution: *Catherine Lorbeer*

Exhibit A



Aerial Map

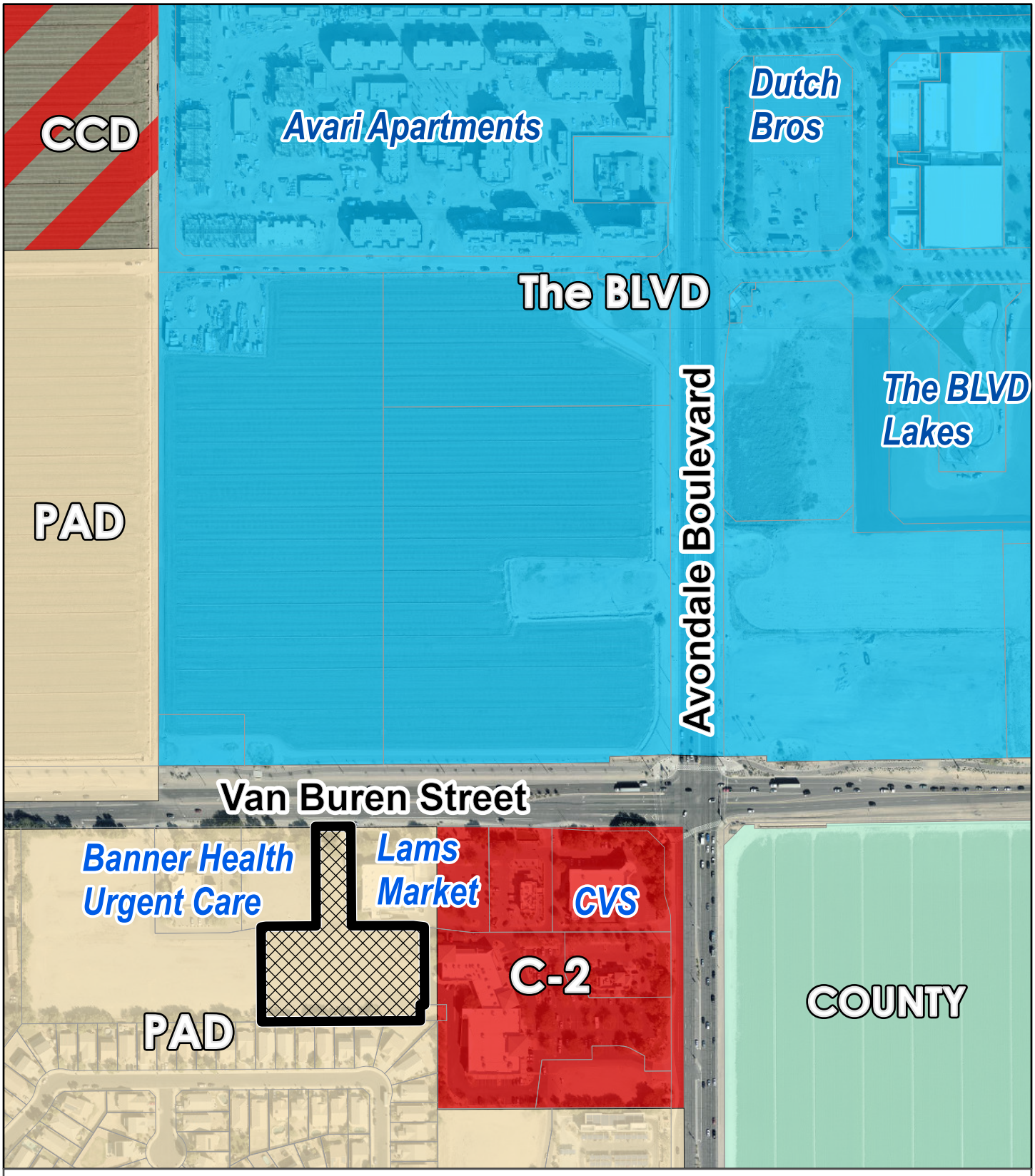
Avondale

Subject Property

N
W E
S

Date: 2/1/2023

Exhibit B



Zoning Vicinity

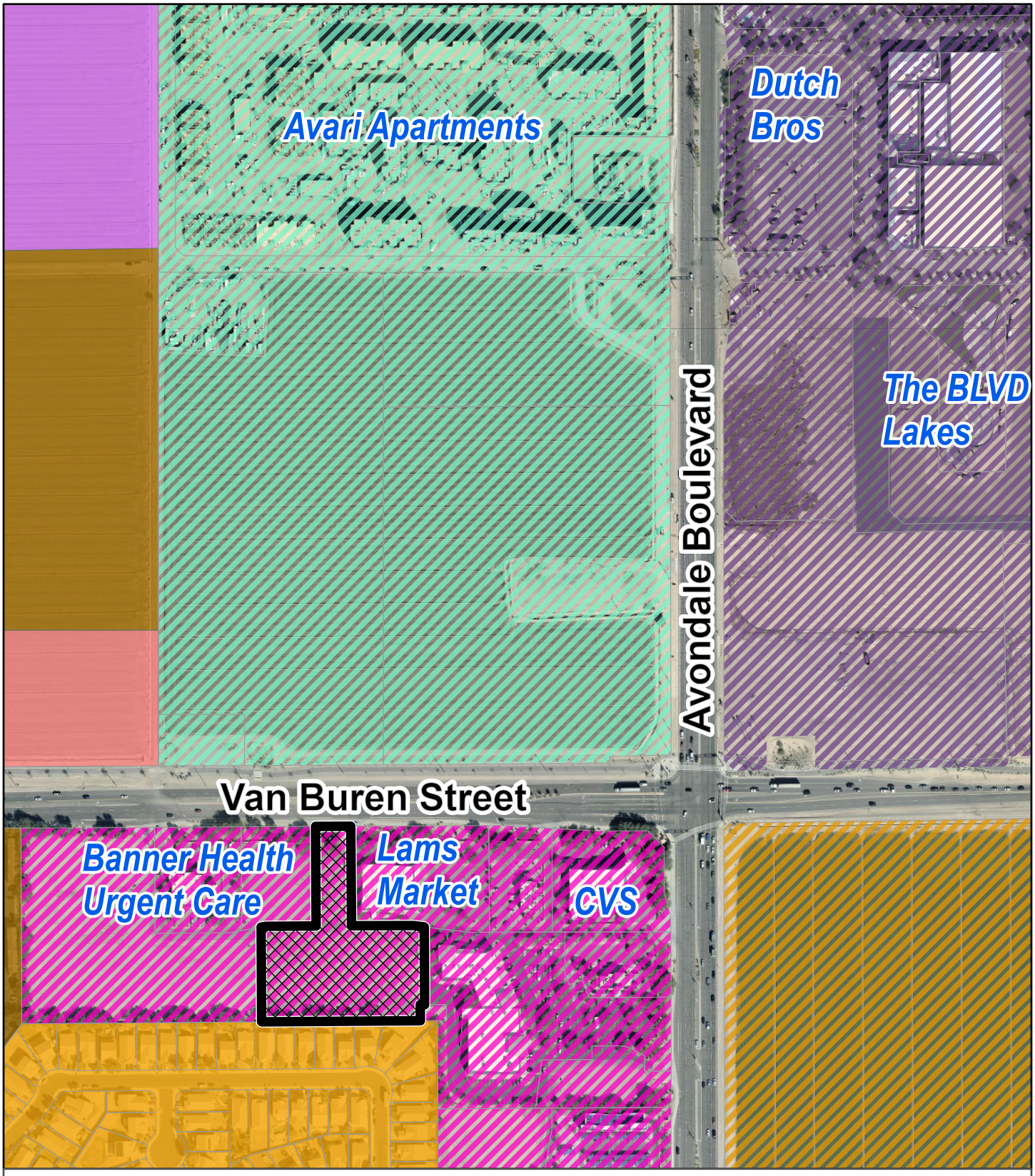
Avondale

Subject Property

N
W E
S

Date: 2/1/2023

Exhibit C



General Plan Land Use

Avondale

- Local Commercial
- High Density Residential
- Medium Density Res.
- Open Space and Parks
- Public/Civic
- Neighborhood District
- Park Avenue District
- Promenade District
- Village District
- Subject Property

N W E S

Date: 2/1/2023

Received Electronically
January 12, 2023

Exhibit D

Kids BLVD Childcare Center

Lot 4, Coldwater Springs Promenade

CONDITIONAL USE PERMIT PROJECT NARRATIVE

We are requesting a Conditional Use Permit to develop a licensed childcare center on a portion of this parcel. The remainder of the parcel will be reserved for future development.

Introduction

We have been residents of Avondale since 2016 and Phoenix since 2005. Since 2015, we have owned and operated nationally accredited childcare centers in Peoria and Phoenix. Over the years, we have noticed that out of a total of 14 licensed childcare centers in the City of Avondale, only 4 are licensed for Infants and Toddlers (ages 0 through 24 months) and none in the 2 mile radius of Avondale Blvd and Van Buren St [1][2]**.** With the increased growth and housing developments in and around the BLVD area and the Avondale Blvd corridor, this part of the city is clearly underserved to meet the growing childcare needs of the working community of Avondale.

The Center will have an approximate capacity of 172 children, we anticipate over 50% enrollment within the first year of opening. Kids BLVD would provide employment to 20-25 individuals comprising of teachers, assistant directors, director and a cook.

Kids BLVD will provide early childhood education and care for children between the ages of 6 weeks and 12 years. Similar to our other two centers in the valley, we will participate in the Arizona's First things first Quality first program, Arizona Department of Education's Child and Adult Care Food Program and strive to be nationally accredited by the National Accreditation Commission. Children will be provided two meals and a snack every day as per USDA nutritional guidelines and CACFP standards. Meals will be prepared on site by a trained cook under the supervision of a Food service Manager.

Kids BLVD plans to operate between 6:00 am to 6:00 pm on weekdays. Play times will be scheduled from 8 am to 4 pm.

It poses no threat to the persons residing or working in this area, adjacent property, neighborhood or the public welfare in general. There will be no smoke, unpleasant odor, dust or vibration created by this center. On the contrary, it will be a very useful addition to the shopping center for the working parents with children living or working in this neighborhood as a beneficial and missing service that promotes the land use development goals to create a vibrant live work district.

Existing Conditions

The subject site is zoned Planned Area Development (PAD) and allows for Community Commercial (C-2) uses. The parcel is partially developed with landscaping and drainage at the perimeter of the Coldwater Springs Promenade master development, fire hydrants, pole mounted lights along the driveways, driveway entrance at Van Buren St, and internal paved driveways that tie vehicular and pedestrian circulation to the main shopping center building and adjacent pads. The portion of Lot 4 where the building and playground are situated is approximately 160 feet wide x 368 feet long with existing concrete curbs at the surrounding paved driveways. The proposed building covers approximately 9.5 percent of the net site area. The existing shopping center perimeter development provides parking screening and landscaping. Additional landscaping will be provided to promote pedestrian walkable environment in the areas disturbed or developed associated with this project, particularly the pedestrian access from Van Buren St to the building.

Architecture

The building is a single story structure with a raised parapet at the northeast corner to identify the entry and for the business sign facing Van Buren. The parapet at the entry is 30 feet tall. The remainder of the building has varying parapet heights with a maximum of 22 feet tall. The materials will be stucco exterior and a combination of brick/stone veneers, storefront entry to the reception with steel box-frame awning with steel rod/buckle brace. Similar awnings at exterior doors to classrooms and exits. The colors, materials and forms are compatible with the existing retail buildings. The building will include 10 classrooms with direct exits to the exterior and playgrounds for the different age groups. The emergency exits are at the front entry, the west end of the building and out of each classroom into the playground to a safe dispersal area at the south end of the playground.

Landscaping

The street frontage and the south property boundary are landscaped. Shade trees and shrubs landscaping will be added along the sidewalk leading south from the Van Buren driveway to the building. The building and playground perimeter will be landscaped with trees and shrubs, as will the parking islands. Children of different age groups will use three playgrounds, partitioned internally with wrought iron fences. Fabric shade canopies will provide shade over the play structures in each playground. The playgrounds will be fenced in with a combination of solid block wall along the south edge, and a fence that combines cmu pillars and a cmu base with wrought iron above. The south playground wall is a 6 foot tall solid wall, which along with a dense treeline, will mitigate playground noise. Trees and shrubs around the building will further dampen the sounds of outdoor activities. The undeveloped portions of the lot east of the building and west of the north sidewalk will be covered in decomposed granite for dust control.

Lighting

All illumination will follow the requirements of Article 7 of the Zoning ordinance and Building Code. Existing parking lot and driveway lighting will remain as is currently installed. Shielded wall mounted lights will be located at all building entrances at 12 ft above grade.

Grading and Drainage

The majority of the retention drainage is expected to occur on the north undeveloped portion west of the access sidewalk, and a portion of the area east of the building and playgrounds. Some retention can be accommodated in the playgrounds. An existing retention area/swale exists along the south boundary of the property.

Access and Circulation

The addition of Kids BLVD childcare center to the shopping center will add traffic belonging to either the parents or the staff.

The Childcare Center parents' traffic will be spread out during the day, unlike a traditional school which has specific drop off and pickup times during which the traffic volumes peak. Childcare parents typically bring their children to the Childcare Center on their way to and from work. Most young parents of small children work jobs that have varying shift hours, thus staggering when their child attends the Childcare Center.

Parents are required by State Law to sign their children in and out of the Childcare Center, therefore they are obligated to park their vehicle and personally escort their child into the school.

Ingress and egress to the site is directly from Van Buren Street as well as paved driveways that encircle the entire building pad. The Van Buren access driveway is approximately 850 feet west of the intersection of Van Buren Street and Avondale Blvd.

The existing driveways that encircle the building pad provide public and emergency vehicle access to the building and playground on all sides.

A truck delivery loading space for supplies is located at the west side of the building for access to the kitchen pantry. This will also be the location for the pump truck to service the nearby grease interceptor.

Pedestrian access is by way of the existing sidewalks and crosswalks from Van Buren St to the entry at the northeast corner of the building. New sidewalks at the perimeter of the developed portion of the lot will connect to the existing sidewalk system at existing driveway crossings.

Parking

We are adding dedicated parking spaces along the north side of the building for parents use when bringing and picking up their children to avoid crossing any roads or driveways. These spaces access the entrance through a walkway protected using bollards and guards at the head of the spaces.

Staff parking will be the existing parking spaces along the south property boundary.

A total of 22 parking spaces are required per the Zoning Ordinance requirements and 43 total parking spaces are provided. Two spaces are dedicated ADA compliant parking spaces.

Two parking spaces are for electric charging; one electric charging space is ADA compliant.

Bicycle parking for four bicycles is located at the front entrance of the building.

References:
[1] Azcarecheck.com (https://hsapps.azdhs.gov/ls/sod/SearchProv.aspx?type=CC)
[2] CHILDCARE_LIST.xls dated Oct 2021 from Bureau of Childcare Licensing ADHS

Conditional Use Permit Required Findings

Pursuant to the Avondale Zoning Ordinance Section 1.108.B, a Conditional Use Permit may only be approved if all the following findings are met:

A. That the proposed use is (i) consistent with the land use designation set forth in the General Plan, (ii) will further the City's general guidelines and objectives for development of the area, as set forth in the General Plan, and (iii) will be consistent with the desired character for the surrounding area.

The current Avondale General Plan (GP) land use designation is Promenade, in the Promenade District of the BLVD Specific Plan. The subject site is zoned Planned Area Development (PAD) and allows for Community Commercial (C-2) uses.

Goal 1.D.: Enhance the attractiveness of infill parcels as an option for new development throughout Avondale.

This infill project is aligned with the City's goal to preserve and enhance the vitality of existing neighborhoods in and around Avondale. The proposed exterior design will be compatible with the adjacent shopping center and the residential scale of the nearby homes.

Goal 3.C.: Encourage a mix of uses and amenities when master planning large developments, such as single-family residences, offices, educational institutions, shopping centers, trails, parks, community gardens, and recreational facilities, to encourage social interaction, and to create a larger sense of community amongst residents.

With the increased growth and housing developments in and around the BLVD area and the Avondale Blvd corridor, this part of the city is underserved to meet the growing childcare needs of the working community of Avondale. Childcare services satisfy a need in the residential neighborhoods in the immediate surrounding area, as well residents using the Avondale Boulevard corridor to access Interstate 10. The proposed childcare center will be licensed for Infants and Toddlers (ages 0 through 24 months) and currently there are none within the 2 mile radius of Avondale Blvd and Van Buren St.

B. That the use will be (i) compatible with other adjacent and nearby land uses and (ii) will not be detrimental to (1) persons residing or working in the area, (2) adjacent property, (3) the neighborhood, or (4) the public welfare in general.

The proposed childcare center provides a service and employment to nearby neighborhoods and citizens. The childcare center promotes the public welfare for the working parents with children living or working in this neighborhood as a beneficial and missing service that promotes the land use development goals to create a vibrant live work district.

The proposed exterior design will be compatible with the adjacent shopping center and the residential scale of the nearby homes. All rooftop equipment, including kitchen exhaust fans, will be screened from view by minimum 5 feet tall parapets integrated into the building elevations. The childcare center does not create any detrimental traffic, odors, or noise to surrounding businesses or residences. Playground use is restricted to week-days between 8 am and 4 pm. Sound mitigation is also in effect with solid walls and landscaping which diffuse and deflect noise.

C. That the site is adequate in size and shape to accommodate the proposed use, allow safe on-site circulation, and meet all required development standards, including, but not limited to, setbacks, parking, screening, and landscaping.

The portion of Lot 4 where the building and playground are situated is approximately 160 feet wide x 368 feet long. The proposed building covers approximately 9.5 percent of the net site area. The site layout supports all of the required setbacks, parking requirements, vehicular and pedestrian circulation. The existing shopping center perimeter development provides parking screening and landscaping. Additional landscaping will be provided to promote pedestrian walkable environment in the areas disturbed or developed associated with this project.

D. That the site has appropriate access to public streets with adequate capacity to carry the type and quantity of traffic generated by the proposed use.

The existing vehicular circulation drives at the existing Coldwater Springs Promenade will remain the same so that traffic patterns and emergency/service vehicle access is not altered from the original approved layout of the shopping center. The entrance and exit drives on W. Van Buren St and S. Avondale Blvd will remain unchanged.

Parking at the childcare building is a combination of existing perimeter parking spaces along W Van Buren St and at the southern perimeter of the lot, primarily for staff parking. Additional parking spaces are proposed at the north side of the building for parents use when bringing and picking up their children to avoid crossing any roads or driveways. These spaces access the entrance through a protected walkway using bollards and guards at the head of the spaces. There are also 2 ADA compliant spaces and two spaces (including one of the ADA spaces) for electric vehicle charging. Two of the spaces at the southern perimeter are fenced to protect the van, used to transport children to and from school, from vandalism.

A loading space is located at the west side of the building for supply delivery and servicing the grease interceptor.

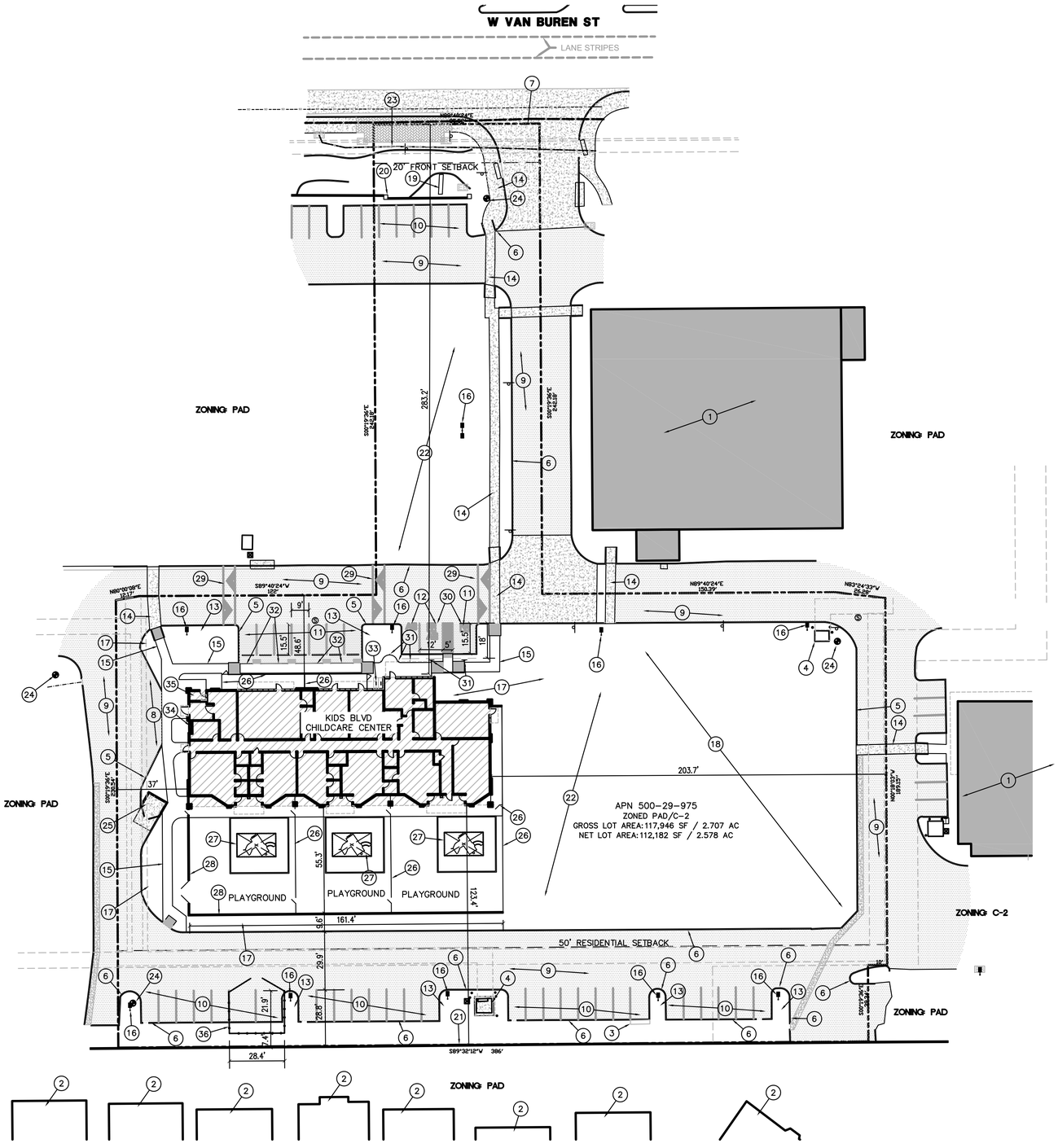
E. That adequate conditions have been incorporated into the project to ensure that any potential adverse effects will be mitigated.

The identified potential adverse activity of the playground to disrupt sleep or relaxation is mitigated by time of use scheduling to weekdays from 8am to 4pm, solid 6 feet tall walls and enhanced landscaping to diffuse and deflect the sound. All exterior light fixtures added to the site will be full cut-off fixtures and limited to a maximum of 12 feet above grade to avoid any light spill into the adjacent residential lots.

Exhibit E

Received Electronically
December 19, 2022

THESE DOCUMENTS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND THE INFORMATION CONTAINED HEREIN IS INCOMPLETE UNLESS USED IN CONJUNCTION WITH THE ARCHITECT'S INTERPRETATIONS, DECISIONS, OBSERVATIONS AND ADMINISTRATION. USE OR REPRODUCTION OF THESE DOCUMENTS IN WHOLE OR IN PART WITHOUT THE ARCHITECT'S CONSENT IS IN VIOLATION OF COMMON LAW, COPYRIGHTS, STATUTORY AND OTHER RESERVED RIGHTS. REFER TO ACT 17 U.S.C. PAR. 511 (1991), WHICH PREEMPTS STATE AND LOCAL PUBLIC RECORD ACTS. REFER TO ACT 17 U.S.C. PAR. 301 (1991).



APPLICANT/OWNER
GM CAPITAL INVESTMENTS, LLC
11293 W VERNON AVE
AVONDALE, AZ 85392
(480) 678-2839

SAHIB SINGH

ARCHITECT
ARCHI-CAD ARCHITECTS PLLC
2101 E BROADWAY RD, SUITE 36
TEMPE, AZ 85282
(480) 962-3823 office

KENNETH R ELLER
AZ REG: 23481

PROPERTY DESCRIPTION
LOT 4, COLDWATER SPRINGS PROMENADE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 993 OF MAPS, PAGE 42 AND THEREAFTER AFFIDAVIT OF CORRECTION RECORDED AS DOCUMENT NO. 2008-585275.

PARCEL NUMBER
500-29-975

ZONING
EXISTING ZONING: PAD/C-2 (NO CHANGE)

LOT SIZE:
GROSS = 117,946 SF (2.71 AC)
NET = 112,182 SF (2.58 AC)
LOT COVERAGE
10,707/112,182 = 0.095 = 9.5%

BUILDING HEIGHT
ALLOWED BUILDING HEIGHT: 30' TWO STORY
PROPOSED BUILDING HEIGHT: 30' ONE STORY

CONSTRUCTION TYPE
V-B (E)
FIRE SPRINKLER PER NFPA 13 – YES
FIRE ALARM – YES
EMERGENCY LIGHTING – YES

OCCUPANCY TYPE
E CHILDCARE

ALLOWABLE BUILDING AREA
OCCUPANCY E, (S1) 38,000 SQ.FT.

BUILDING AREA
PROPOSED BUILDING AREA 8,488 SF

PARKING CALCULATIONS
SPACES REQUIRED:
GENERAL: = 4 spaces
CHILDREN: 172 / 10 = 18 spaces
TOTAL: 22 spaces

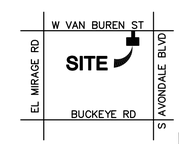
SPACES PROVIDED: 43 spaces

ACCESSIBLE REQUIRED: 2
ACCESSIBLE PROVIDED: 2

NOTES

1. EXISTING RETAIL BUILDING.
2. EXISTING RESIDENTIAL BUILDING.
3. EXISTING MAILBOX PEDESTAL.
4. EXISTING ELECTRICAL TRANSFORMER.
5. NEW CURB AND GUTTER.
6. EXISTING CURB.
7. EXISTING DRIVEWAY ENTRANCE.
8. LOADING SPACE.
9. EXISTING ASPHALT DRIVEWAY.
10. EXISTING PARKING SPACES.
11. NEW PARKING SPACES.
12. ADA ACCESSIBLE PARKING SPACE WITH ACCESS AISLE, 1:12 RAMPS AT SIDEWALKS AND SIGNS AT HEADS OF SPACES.
13. PARKING LOT LANDSCAPING.
14. EXISTING CONCRETE SIDEWALK, ADA ACCESSIBLE ROUTE TO BUILDING WITH ADA COMPLIANT RAMPS.
15. NEW CONCRETE SIDEWALK WITH ADA COMPLIANT RAMPS.
16. EXISTING LIGHT POLE.
17. NEW LANDSCAPING.
18. UNDEVELOPED PORTION OF EXISTING PAD, COVERED WITH DECOMPOSED GRANITE FOR DUST CONTROL.
19. EXISTING MONUMENT SIGN.
20. EXISTING SCREENING BLOCK WALL, 3 FEET TALL.
21. EXISTING BLOCK WALL, 6 FEET TALL.
22. RETENTION BASIN AREA.
23. EXISTING FRONTAGE LANDSCAPING.
24. EXISTING FIRE HYDRANT.
25. TRASH ENCLOSURE WITH GATES.
26. 6' TALL WROUGHT IRON FENCE, SEE WROUGHT IRON FENCE DETAIL SHEET A-2.
27. SHADE CANOPY OVER PLAY STRUCTURE.
28. 6' TALL CMU WALL, SEE CMU/STUCCO WALL DETAIL SHEET A-2.
29. SPEED BUMPS.
30. ELECTRIC CAR CHARGING STATION.
31. 6" CONC FILLED BOLLARDS.
32. 5' TALL W.I. FENCE WITH 6" CONC FILLED BOLLARD POSTS.
33. BICYCLE PARKING.
34. ELECTRICAL SERVICE CABINET.
35. FIRE SPRINKLER RISER ROOM AND ROOD ACCESS LADDER/HATCH.
36. CHILDCARE VAN PARKING ENCLOSURE, 6' TALL WROUGHT IRON FENCE WITH LOCKING GATES, SEE WROUGHT IRON FENCE DETAIL SHEET A-2.

SITE PLAN
NORTH SCALE:1"= 30'
0 15' 30' 60'



VICINITY MAP: NORTH

KIDS BLVD CHILDCARE

Coldwater Springs Promenade

Avondale, AZ

Site Plan

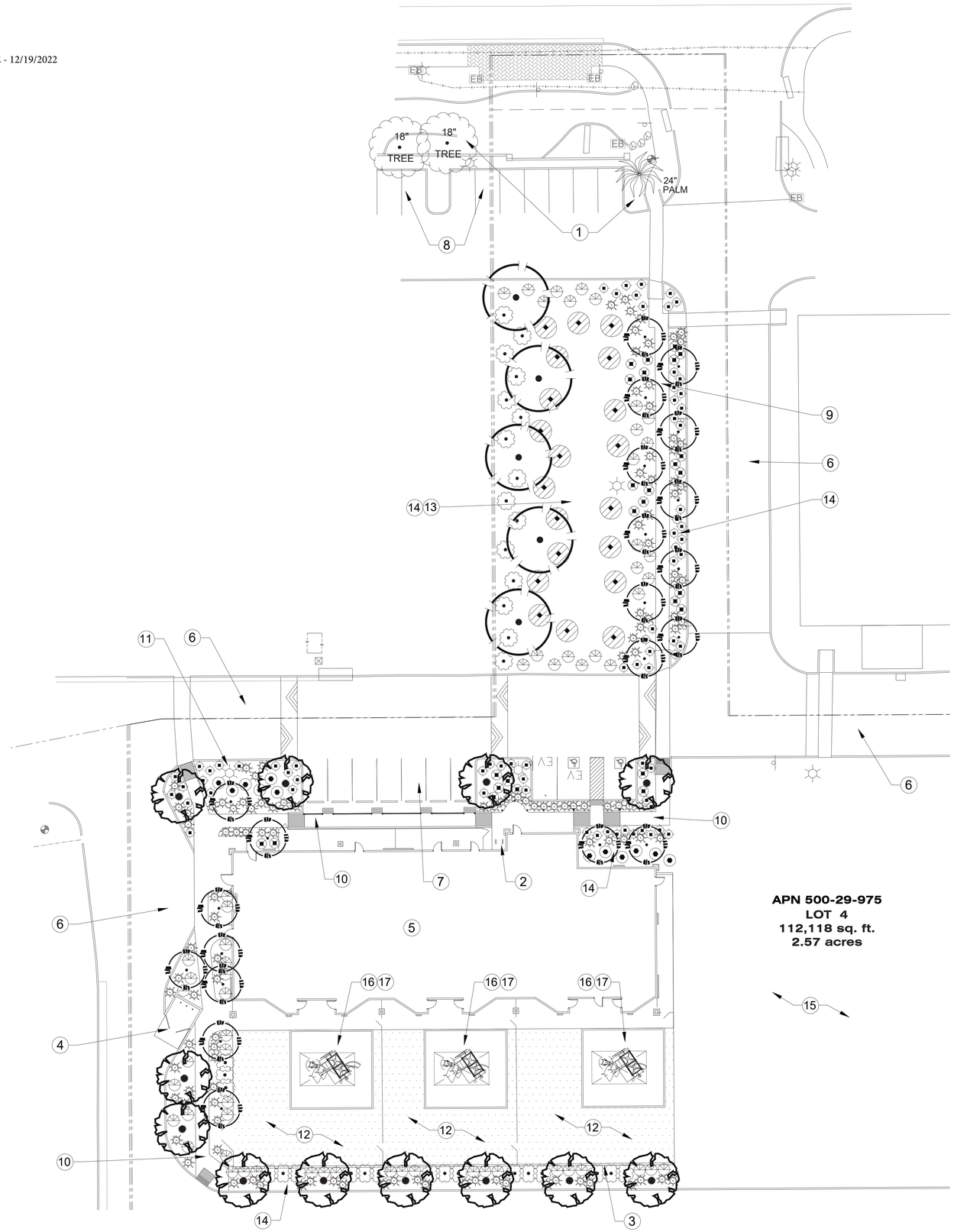
SHEET NUMBER **A-0**

Archi-CAD
ARCHITECTS, PLLC
2101 E Broadway Rd, Suite 36, Tempe, AZ 85282
Office (480) 962-3823 * archicad@earthlink.net

PROJECT	2128
DATE	7/18/22
REVISION	

REGISTERED ARCHITECT CERTIFICATE NO. 23481 KENNETH R. ELLER Date Signed 9/1/22 ARIZONA U.S.A.
Expires: 9/30/23

Exhibit E - 12/19/2022



LANDSCAPE LEGEND

SYM.	BOTANICAL/ COMMON NAME	SIZE
TREES		
	OLEA EUROPAEA 'SWAN HILL'/ SWAN HILL FRUITLESS OLIVE TREE	24" BOX
	DALBERGIA SISSOO/ SISSOO TREE	24" BOX
	ACACIA SALICINA/ WILLOW ACACIA	24" BOX
SHRUBS		
	TECOMA HYBRID 'BELLS OF FIRE'/ BELLS OF FIRE TECOMA	5 GALLON
	LEUCOPHYLLUM LANGMANIAE 'LYNN'S LEGACY'/ LYNN'S LEGACY TEXAS RANGER	5 GALLON
	TECOMA HYBRID 'CRIMSON FLARE'/ CRIMSON FLARE TECOMA	5 GALLON
	ABUTILON PALMERI/ INDIAN MALLOW	5 GALLON
ACCENTS		
	HESPERALOE X 'PINK PARADE'/ PINK PARADE YUCCA	5 GALLON
GROUNDCOVERS		
	LANTANA CAMARA "NEW GOLD"/ NEW GOLD LANTANA	1 GALLON
	ACACIA REDOLENS "LOW BOY"/ LOW BOY PROSTRATE ACACIA	5 GALLON
ROCK		
	DECOMPOSED GRANITE: COLOR-TABLE MESA BROWN	3/8" SCREENED 2" DEEP

KEY NOTES

1. EXISTING LANDSCAPING TO REMAIN.
2. NEW BIKE PARKING.
3. NEW WALL.
4. NEW TRASH ENCLOSURE.
5. NEW BUILDING.
6. EXISTING ASPHALT DRIVE.
7. NEW ASPHALT PARKING.
8. EXISTING ASPHALT PARKING.
9. EXISTING CONCRETE SIDEWALK.
10. NEW CONCRETE SIDEWALK.
11. NEW AREA LIGHT, TYP.
12. SYNTHETIC TURF IN PLAY YARDS.
13. NEW RETENTION BASIN.
14. DECOMPOSED GRANITE IN ALL LANDSCAPE AREAS.
15. UNDEVELOPED AREA.
16. PLAY STRUCTURE WITH RUBBER MATTING UNDERNEATH.
17. SHADE STRUCTURE OVER PLAY STRUCTURE.

TURF COVERAGE

5,352 SF TURF
22,332 SF LANDSCAPE AREA

5,352 / 22,332 = 24% TURF COVERAGE

LANDSCAPE COVERAGE

22,332 SF LANDSCAPE AREA
112,118 SF NET LOT AREA

22,332 / 112,118 = 20% LANDSCAPE COVERAGE

NORTH

PRELIMINARY LANDSCAPE PLAN
SCALE: 1" = 20'-0"
0 10' 20' 40'

RUBEN VALENZUELA
Landscape Architect
480 Converse Avenue
Claremont, CA 91711
p. 818-859-8116
e. rubenv@rubenvalenzuela.com
RVLA

NOTES

LANDSCAPE NOTES

1. ALL PLANTS SHALL BE QUALITY MATERIAL HAVING A GROWTH HABIT WHICH IS NORMAL FOR THE SPECIES AND BE SOUND, VIGOROUS, HEALTHY AND FREE FROM INSECTS, DISEASE AND INJURY.
2. FINISH GRADE IN GROUNDCOVER, GRANITE AND LAWN AREAS SHALL BE 1" BELOW ADJACENT HEADER, PAVING OR CURB.
3. DECOMPOSED GRANITE SHALL BE PLACED IN ALL LANDSCAPE AREAS AND EXTEND UNDER ALL SHRUBS AND GROUNDCOVERS .
4. EXISTING LANDSCAPE DISTURBED BY NEW CONSTRUCTION SHALL BE REPAIRED WITH MATCHING MATERIALS. DISTURBED AREAS SHALL TRANSITION SMOOTHLY INTO NEW CONSTRUCTION.
5. LANDSCAPE INSTALLATION SHALL CONFORM TO APPLICABLE CITY OF AVONDALE DESIGN STANDARDS.

IRRIGATION NOTES

1. ALL PLANTS SHALL RECEIVE 100% IRRIGATION COVERAGE FROM AN AUTOMATIC, UNDERGROUND IRRIGATION SYSTEM.
2. ALL IRRIGATION INSTALLATION AND EQUIPMENT SHALL CONFORM TO APPLICABLE CITY OF AVONDALE DESIGN STANDARDS.
3. TREES WILL BE ON SEPARATE DRIP VALVES FROM ALL OTHER PLANT MATERIALS.

KIDS BLVD CHILDCARE
Coldwater Springs Promenade
Avondale, AZ
Site Plan

SHEET NUMBER L0.1

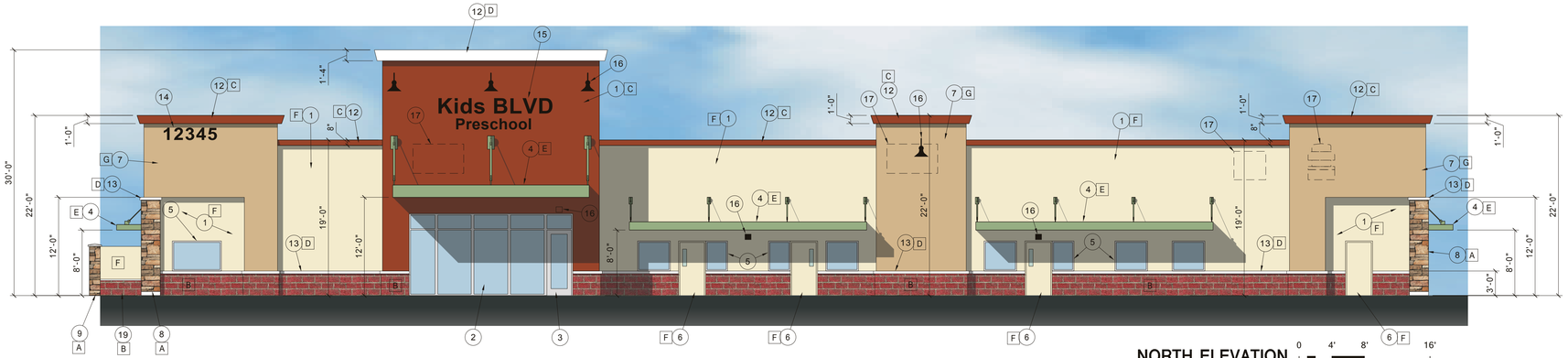
Archi-CAD
ARCHITECTS, PLLC
2101 E Broadway Rd, Suite 36, Tempe, AZ 85282
Office (480) 962-3823 * archicad@earthlink.net

PROJECT 2128
DATE 6/30/22
REVISION

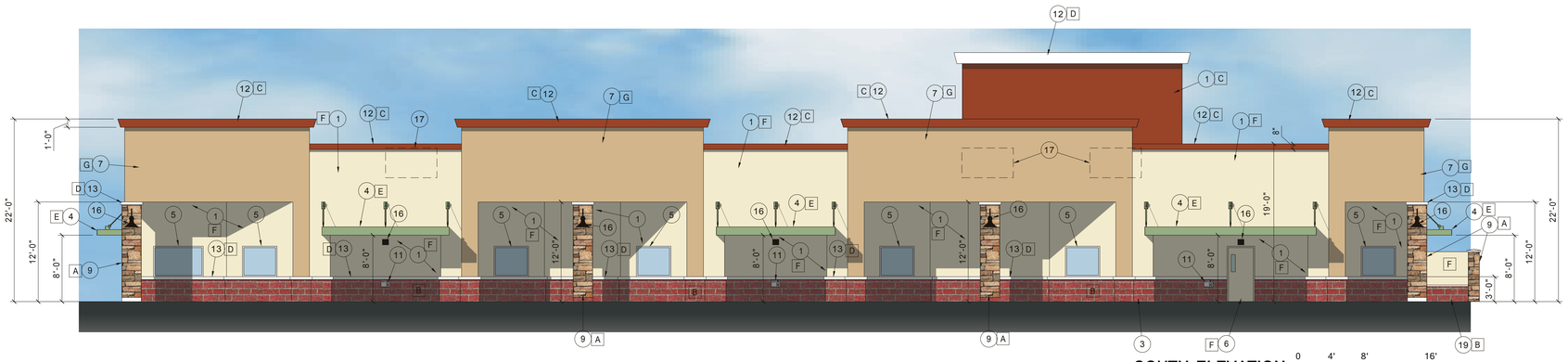
REGISTERED LANDSCAPE ARCHITECT CERTIFICATE NUMBER 25623 RUBEN LOUIS VALENZUELA DATE SIGNED 8-29-2022 ARIZONA, U.S.A.
EXP: 9-20-2024

Exhibit F

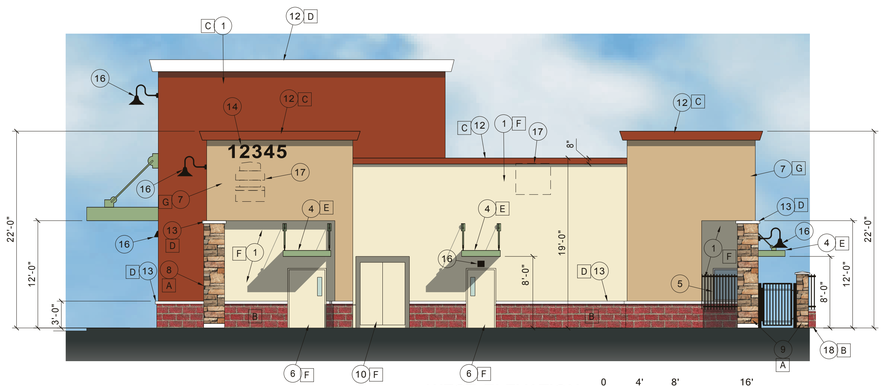
Received Electronically
December 19, 2022



NORTH ELEVATION
SCALE: 1/8"=1'-0"

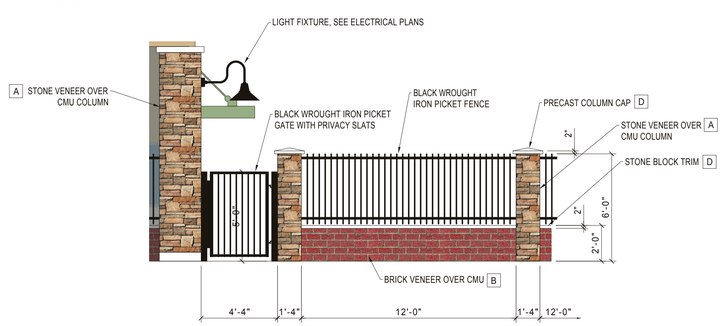


SOUTH ELEVATION
SCALE: 1/8"=1'-0"

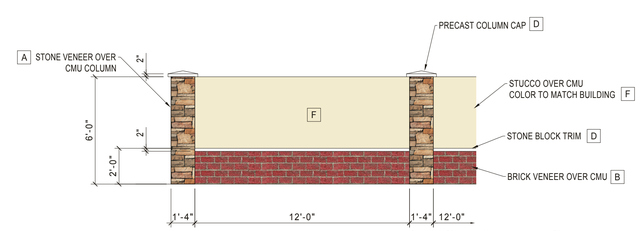


WEST ELEVATION
SCALE: 1/8"=1'-0"

EAST ELEVATION
SCALE: 1/8"=1'-0"



WROUGHT IRON FENCE DETAIL - TYP
SCALE: 1/4"=1'-0"



CMU/STUCCO WALL DETAIL - TYP
SCALE: 1/4"=1'-0"

NOTES

1. EXTERIOR WALL, MTL STUDS WITH FIBERGLASS BATT INSULATION, STUCCO EXTERIOR WITH BRICK VENEER WAINSCOT, FINISHES AND COLOR TO MATCH SHOPPING CENTER, GYP BD INTERIOR.
2. STOREFRONT SYSTEM, CLEAR ANNODIZED FRAME, TINTED DUAL PANE GLAZING.
3. ENTRY DOOR TO MATCH STOREFRONT.
4. STEEL FRAME OVERHANG WITH STEEL ROD BRACING.
5. ALUMINUM WINDOWS, CLEAR ANNODIZED FRAME, TINTED DUAL PANE GLAZING.
6. INSULATED STEEL DOOR WITH VISION PANEL, PAINTED FRAME AND DOOR.
7. MTL STUD FRAME STUCCO POP-OUT WITH BRICK VENEER WAINSCOT, FINISHES AND COLOR TO MATCH SHOPPING CENTER.
8. MTL STUD COLUMN SURROUND WITH STONE VENEER TO MATCH SHOPPING CENTER.
9. CMU COLUMN WITH STONE VENEER TO MATCH SHOPPING CENTER.
10. ELECTRICAL SERVICE ENTRANCE CABINET.
11. DRINKING FOUNTAIN.
12. STUCCO CORNICE.
13. STONE BLOCK TRIM.
14. BUILDING ADDRESS NUMBERS, BLACK PAN LETTERS, 18" TALL, MIN 3" STROKE.
15. PROPOSED SIGN LOCATION, UNDER SEPARATE PERMIT.
16. LIGHT FIXTURE, FULL CUT-OFF, BLACK, SEE ELECTRICAL PLANS.
17. ROOF-TOP MOUNTED EQUIPMENT, FULLY SCREENED BY BUILDING PARAPETS.
18. BLACK WROUGHT IRON FENCE WITH CMU AND BRICK VENEER BASE.
19. EXTERIOR WALL, CMU, STUCCO EXTERIOR WITH BRICK VENEER WAINSCOT, FINISHES AND COLOR TO MATCH SHOPPING CENTER.

COLOR LEGEND

- A CULTURESTONE COUNTRY LEDGESTONE "MOJAVE"
- B BARRON DESIGNS FAUX BRICK "BORDEAUX"
- C DUNN EDWARDS DE5118 "BBQ"
- D DUNN EDWARDS DEW380 "WHITE"
- E DUNN EDWARDS DE5495 "GRAPE LEAVES"
- F DUNN EDWARDS DE5323 "QUIET SPLENDOR"
- G DUNN EDWARDS DEC714 "FRIAR TUCK"

KIDS BLVD CHILDCARE

Coldwater Springs Promenade

Avondale, AZ

Building Elevations

SHEET NUMBER A-2

Archi-CAD
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PROJECT	2128
DATE	7/18/22
REVISION	

REGISTERED ARCHITECT CERTIFICATE NO. 23481 KENNETH R. ELLER Date Signed 9/2/22 ARIZONA, U.S.A. Expires: 9/30/23

THESE DOCUMENTS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND THE INFORMATION CONTAINED HEREIN IS INCOMPLETE UNLESS USED IN CONJUNCTION WITH THE ARCHITECT'S INTERPRETATIONS, DECISIONS, OBSERVATIONS AND ADMINISTRATION. USE OR REPRODUCTION OF THESE DOCUMENTS IN WHOLE OR IN PART WITHOUT THE ARCHITECT'S CONSENT IS IN VIOLATION OF COMMON LAW, COPYRIGHTS, STATUTORY AND OTHER RESERVED RIGHTS. REFER TO ACT 17 U.S.C. PAR. 511 (1991) WHICH PREMPTS STATE AND LOCAL PUBLIC RECORD ACTS. REFER TO ACT 17 U.S.C. PAR. 301 (1991).

Exhibit G

Kids BLVD Childcare Center
Lot 4, Coldwater Springs Promenade
CASE PL-22-0226 CUP

NEIGHBORHOOD MEETING (Scheduled Date/Time: Tuesday Oct 4, 2022 at 6:00 pm)
NARRATIVE REPORT

Public Notification

Newspaper ad was published in the Southwest Valley Arizona Republic on Wednesday Sep 14, 2022. Sign was erected on site on Friday Sep 9, 2022. Mailed notice was mailed to all property owners within 1000 feet of the subject property on Sep 15, 2022. Properties with same ownership and same mailing address were grouped and only one notice was mailed out to them. They are highlighted in the submitted spreadsheet. One parcel did not have a property address or mailing address, therefore no mailed notice could be sent for that parcel. One mailed out notice was sent to an international mailing address.

Neighborhood Meeting

The neighborhood meeting was conducted virtually via Zoom. The instructions to join were distributed via mailed notice, newspaper ad and also posted on the physical sign at the proposed development site. Zoom meeting was opened to public at 5:50pm on Tuesday Oct 4, 2022. Participants started to join. At 6:00 pm the presenter waited for a few more minutes to let more participants to join. There were a total of 5 participants including the Presenter, Architect and the City Planner. The attendance was captured in the chat window by letting everyone type in their first and last names.

Presentation

At 6:05 pm the meeting was commenced. The presenter shared the screen with PowerPoint presentation and went over each slide meticulously. There were a total of 11 slides covering the following topics:

1. Greetings (opening slide)
2. Goal of the meeting
3. Pictorial representation of Lot 4 among Coldwater Springs Promenade
4. Introductions to the development team
5. Background of the Applicant
6. Childcare statistics in the neighborhood
7. Pictorial representation of childcare centers in the neighborhood and proposed location of Kids BLVD childcare center
8. Specifics of Kids BLVD childcare center
9. Site Plan including landscape plan of Kids BLVD childcare center
10. Elevations including playground fence details of Kids BLVD childcare center
11. Questions/Comments

The Architect provided additional input to the slides 9 and 10. The recording of this meeting has been submitted as well.

Questions/Comments/Concerns

At the end of the presentation, the meeting was opened to the participants for questions, comments or concerns that they may have. No questions, comments or concerns were brought up. At 6:25 pm the meeting was concluded with the consent of the City Planner.

Item Number: 4.b.

CITY COUNCIL REPORT

SUBJECT: Use of One Arizona Distribution of Opioid Settlement Funds

MEETING DATE: 3/6/2023

TO: Mayor and Council

FROM: Dale Nannenga, Chief of Public Safety

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

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: a) approve the use of the yearly One Arizona Distribution of Opioid Settlement Funds for the education and prevention of the use and misuse of opioids in our community; b) authorize staff to process the necessary budget transfers; and c) authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:
In November of 2021, the City Council approved the City of Avondale to join the One Arizona Distribution of Opioid Settlement Funds Agreement. The agreement, finalized in 2022, was part of the 2021 National Opioid Settlement, which resolved all opioid litigation from states and local subdivisions against pharmaceutical distributors. Over 18 years, local governments of Maricopa County will receive an estimated 80 million dollars as their share of the settlement. Per the agreement, local governments receive 56% of the total state settlement. The City's share is .98% based on three factors: (1) the amount of opioids shipped to the region; (2) the number of opioid deaths that occurred in that region; and (3) the number of people who suffer opioid use disorder in that region. The City of Avondale has already received three separate payments totaling $161,290 in varying amounts depending on the settlement agreement.

DISCUSSION:
A team consisting of the Police Department, Neighborhood Family Services, the Office of Public Safety, the Marketing and Public Relations Department, and the Fire and Medical Department was created to develop strategies using the guidance from the Arizona Distribution of Opioid Settlement Funds Agreement. The funds may be used, as directed in the One Arizona Settlement Agreement, for "approved purpose (s)" and may be used for treatment, prevention, or other strategies, such as initiatives for first responders, leadership, planning and coordination, training, or research.

The team is developing concepts and strategies on the dangers of fentanyl and opioids, emphasizing prevention and education in our community. The strategies being developed include:

- Education and Awareness Strategies - The Community Outreach Coordinator for the Office of Public Safety (OPS) is taking the lead on developing, connecting, and partnering with our stakeholders in the Avondale community. The Coordinator will develop partnerships with Neighborhood and Family Services, the Fire and Medical Department, the Marketing and Public Relations Department, and the Police Department in reaching our citizens through school districts, youth programs, neighborhood groups, the business community, or faith-based groups.
- Prevention and Intervention Strategies – Neighborhood and Family Services will liaison with our most vulnerable community members exposed to opioid use and addiction. They will look for opportunities to partner with other organizations and non-profits to provide outreach to those in need and develop strategies to reduce opioid incidents.
- Engaged Mitigation Strategies – The Police Department will develop action items to address the presence of opioids in our community and research technology and equipment to keep all City staff safe. The Police Department will develop partnerships with other public safety entities to reduce the presence of opioids within the Avondale community while looking for opportunities to expand their connection with citizens, either in person or via social media, to bring awareness to the opioid problem.

BUDGET IMPACT:
Staff requests authorization to process the necessary budget transfers for use of funds received to date.

RECOMMENDATION:
Staff recommends City Council approve the use of the yearly One Arizona Distribution of Opioid Settlement Funds for the education and prevention of the use and misuse of opioids in our community and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

Contact person for document distribution: *Dale Nannenga*