



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

Mayor and Council

Kenneth Weise, Mayor

Mike Pineda, Vice Mayor

Tina Conde, Council Member | Curtis Nielson, Council Member
Veronica Malone, Council Member | Gloria Solorio, Council Member
Max White, Council Member

Administration

Ron Corbin, City Manager

Cherlene Penilla, Assistant City Manager | Tracy Stevens, Assistant City Manager
Nicholle Harris, City Attorney | Marcella Carrillo, City Clerk

City Council Chamber

11465 West Civic Center Drive
Avondale, AZ 85323



City Council Meeting Notice & Agenda Monday, October 23, 2023

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

SPECIAL MEETING

5:30 PM

Physical Access to the Council Chambers will be available 30 minutes prior to the meeting.

CALL TO ORDER BY MAYOR

1. ROLL CALL BY THE CITY CLERK

2. NEW EMPLOYEE INTRODUCTIONS (DISCUSSION ONLY)

The following employees will be introduced to the City Council. This item is for discussion only.

City Manager's Office

- Dillard Collier, ASU Marvin Andrews Fellow (Intern)
- Alexis Ayala, Administrative Assistant

City Clerk's Office

- Emily Soria, City Clerk Specialist

Information and Technology Department

- Carlos Garcia, Network Analyst
- Abby Schultz, Application Manager

Parks and Recreation Department

- | | |
|---|--|
| - Juan Castillo, Parks Main. Worker | - Ali Modrell, Parks and Recreation Intern |
| - Leonard Lara, Parks Main. Worker | - Laine Secrest, Recreation Programmer |
| - Jose Vegara, Parks Main. Worker | - Victoria Robertson, Librarian II |
| - Esteban Fana, Aquatics Main. Coordinator | - Christina Amarillas, Librarian I |
| - Brittany Westlund, Recreation Coordinator | |

Police Department

- | | |
|---------------------------|---|
| - Officer Valente Peru | - Officer Rafael Spindola |
| - Officer Berton Van Rens | - Officer Frank Robles-Gerds |
| - Officer Jose Guerra | - Support Services Manager Gregory Harsha |

3. PROCLAMATION - DOMESTIC VIOLENCE AWARENESS MONTH

The City Council will present a Proclamation recognizing October 2023 as Domestic Violence Awareness Month. This item is for discussion only.

4. BOARD & COMMISSION RECRUITMENT VIDEO

The City Clerk will present the newly produced Board & Commission recruitment video. This item is for discussion only.

5. EXCEPTIONAL STUDENT OF AVONDALE RECOGNITION (AVI STAR STUDENT)

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

6. ADJOURNMENT

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

REGULAR MEETING

6:00 PM

Physical Access to the Council Chambers will be available 30 minutes prior to the meeting.

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 September 11, 2023 City Council meeting minutes. The Council will take appropriate action.

b. RESOLUTION 1063-1023 - AMENDMENT NO. 3 TO INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY, TRELLIS

City Council will consider a request to adopt Resolution 1063-1023 approving Amendment No. 3 to an Intergovernmental Agreement (IGA) between Maricopa County, Trellis, and the City of Avondale relating to the construction of three single-family homes and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

c. RESOLUTION 1064-1023 AMENDMENTS TO THE PERSONNEL POLICIES AND PROCEDURES, CHAPTER 4 RECRUITMENT AND SELECTION

City Council will consider a request to adopt Resolution 1064-1023, amending the Personnel Policies and Procedures Chapter Policy 4, Recruitment and Selection to add language that will allow for the hiring of individuals less than eighteen (18) years of age for positions in the temporary service (including Seasonal Appointments) as determined by department directors, with concurrence from the Human Resources Department and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

d. ORDINANCE 2060-1023 - AVONDALE CITY CODE AMENDMENT, CHAPTER 13 LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE IX, RELATING TO THE LICENSING AND REGULATION OF SHORT-TERM RENTALS

City Council will consider a request to adopt Ordinance 2060-1023, amending Avondale City Code Chapter 13 relating to the licensing and regulation of short-term rentals 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 2061-1023 - TEMPORARY FIRE ACCESS EASEMENT AGREEMENT FROM ALAMAR COMMUNITY ASSOCIATION, INC.

City Council will consider a request to adopt Ordinance 2061-1023 accepting the dedication of a temporary fire access easement agreement from Alamar Community Association, Inc., as it relates to the Sierra Estrella Energy Storage development 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 2062-1023 - LIMITED AND TEMPORARY EMERGENCY ACCESS EASEMENT AGREEMENT WITH SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT AND ARIZONA PUBLIC SERVICE COMPANY

City Council will consider a request to adopt Ordinance 2062-1023 accepting the dedication of a limited and temporary emergency access easement agreement from Salt River Project Agricultural Improvement and Power District (SRP) and Arizona Public Service Company (APS) as it relates to the Sierra Estrella Energy Storage development 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 2063-1023 - ACQUISITION OF REAL PROPERTY - SOUTH OF THE SOUTHWEST CORNER OF AVONDALE BOULEVARD AND LOWER BUCKEYE ROAD FOR A PRESSURE REDUCING VALVE FACILITY

City Council will consider a request to adopt Ordinance 2063-1023 authorizing the acquisition by purchase, dedication, or condemnation of real property for a Pressure Reducing Valve Facility 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 2064-1023 – ACQUISITION OF REAL PROPERTY LOCATED AT 351 E. WESTERN AVENUE

City Council will consider a request to adopt Ordinance 2064-1023 authorizing acquisition by purchase or dedication of real property for public use located at 351 E. Western Avenue and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

i. SIERRA ESTRELLA MINOR LAND DIVISION – APPLICATION PL-23-0119

City Council will consider a request to: (a) approve Application PL-23-0119, a request by Parker Froehlich with Coe and Van Loo Consultants, Inc., on behalf of Dustin Pulciani with Sierra Estrella Energy Storage, LLC, and Chris Sumter with 11753 Lower Buckeye Property, LLC, for approval of a Minor Land Division for Sierra Estrella located west of Avondale Boulevard and north of Broadway Road; and (b) 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. AVONDALE AQUATIC CENTER PROJECT UPDATE

City Council will receive an update from staff regarding the Avondale Aquatic Center Project. This item is for discussion only.

b. RESOLUTION 1065-1023 AMENDMENTS TO THE PERSONNEL POLICIES AND PROCEDURES, CHAPTER 18 DISCIPLINE

City Council will consider a request to: (a) adopt Resolution 1065-1023, amending the Personnel Policies and Procedures Chapter Policy 18, Discipline to add language indicating that policy implementing executive level positions or above as determined by the City Manager and appointed on or after October 30, 2023, have no appeal rights for disciplinary actions outlined in these policies; (b) declare an emergency and shall be effective immediately upon its passage and adoption; and (c) authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

c. RESOLUTION 1066-1023 AMENDMENTS TO THE PERSONNEL POLICIES AND PROCEDURES, CHAPTER 19 APPEALS

City Council will consider a request to: (a) adopt Resolution 1066-1023, amending the Personnel Policies and Procedures Chapter Policy 19, Appeals to add language clarifying that the appeal process associated with disciplinary actions does not apply to policy implementing executive level positions or above as determined by the City Manager for individuals appointed on or after October 30, 2023; (b) declare an emergency and shall be effective immediately upon its passage and adoption; and (c) authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

d. ORDINANCE 2065-1023 - AVONDALE CITY CODE AMENDMENT, CHAPTER 2 ADMINISTRATION, ARTICLE 2, DIVISION 3 SECTION 2-36 RELATING TO THE MERIT SYSTEM

City Council will consider a request to adopt (a) Ordinance 2065-1023 amending Avondale City Code, Chapter 2, Administration relating to the scope and creation of the Merit System; (b) declare an emergency and shall be effective immediately upon its passage and adoption; and (c) authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. CAPITAL IMPROVEMENT PLAN UPDATE, QUARTERLY BUDGET TRANSFERS, & ARPA UPDATE

City Council will: (a) receive a presentation from staff regarding a Capital Improvement Plan update; (b) consider a request to approve quarterly budget transfers as summarized in the attached Exhibit A; and (c) modify the city's American Rescue Plan Act (ARPA) plan as summarized in the attached Exhibit B. The Council will take appropriate action.

5. SUMMARY OF CURRENT EVENTS FROM THE MAYOR, VICE MAYOR, AND COUNCIL MEMBERS
(5 minutes)

6. ADJOURNMENT INTO EXECUTIVE SESSION

City Council will consider a request to adjourn the Regular Meeting and hold an Executive Session pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(3) and (A)(4), discussion with the City Attorney or attorneys for the City for legal advice concerning contemplated or pending litigation and to instruct the City Attorney and attorneys for the City on such litigation for the matter of Keitha Tucker v. City of Avondale.

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 video. 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: 3.

SUBJECT: Proclamation - Domestic Violence Awareness Month

MEETING DATE: 10/23/2023

TO: Mayor and Council

FROM: Sandra Salas, Management Analyst

THROUGH: Ron Corbin, City Manager, (623) 333-1011

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This item supports the following Avondale Strategic Outcome Area:

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

PURPOSE:

The City Council will present a Proclamation recognizing October 2023 as Domestic Violence Awareness Month. This item is for discussion only.

BACKGROUND:

The City Council will present a Proclamation recognizing October 2023 as Domestic Violence Awareness Month.

DISCUSSION:

One in three women and one in four men have been victims of physical violence by an intimate partner in their lifetime; 72% of all murder suicides involve an intimate partner; and 94% of the victims of these murder suicides are female. One in fifteen children are exposed to intimate partner violence each year, and 90% of these children are eyewitnesses to this violence.

More than 10% of community-residing older adults experience physical abuse, psychological abuse, sexual abuse, financial abuse or neglect at the hands of a trusted individual annually in the United States. Elder abuse is believed to be widely underreported, with only 1 in 24 cases reported. Victims of domestic violence are more likely to experience long-term mental and physical health concerns, including a higher risk of depression, anxiety, and risky behaviors. Promoting healthy, respectful and nonviolent relationships can help reduce the occurrence of intimate partner violence and lessen the harm to individuals and families.

BUDGET IMPACT:

This item does not have a budget impact.

RECOMMENDATION:

This item is for presentation only.

Contact person for document distribution: Torin Sadow, Aneyssa Romo, Sandra Sals



PROCLAMATION

DOMESTIC VIOLENCE AWARENESS

Whereas, one in three women and one in four men have been victims of physical violence by an intimate partner in their lifetime; 72% of all murder suicides involve an intimate partner; and 94% of the victims of these murder suicides are female; and

Whereas, 1 in 15 children are exposed to intimate partner violence each year, and 90% of these children are eyewitnesses to this violence; and

Whereas, More than 10% of community-residing older adults experience physical abuse, psychological abuse, sexual abuse, financial abuse or neglect at the hands of a trusted individual annually in the United States; and

Whereas, elder abuse is believed to be widely underreported, with only 1 in 24 cases reported; and

Whereas, victims of domestic violence are more likely to experience long-term mental and physical health concerns including a higher risk of depression, anxiety, and risky behaviors; and

Whereas, promoting healthy, respectful and nonviolent relationships can help reduce the occurrence of intimate partner violence and lessen the harm on individuals and families.

NOW THEREFORE, I, Kenneth Weise, by virtue of the authority vested in me as Mayor of the City of Avondale, Arizona do hereby proclaim October 2023 as Domestic Violence Awareness Month and encourage all Avondale residents, businesses, schools, and hospitals to support domestic violence survivors and stand against all forms of violence and abuse in relationships.

Mayor

Attest:

City Clerk

ITEM NUMBER: 4.

SUBJECT: Board & Commission Recruitment Video

MEETING DATE: 10/23/2023

TO: Mayor and Council

FROM: Marcella Carrillo, City Clerk

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

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 that connect residents to the city's resources, the region, and each other.
-

PURPOSE:

The City Clerk will present the newly produced Board & Commission recruitment video. This item is for discussion only.

BACKGROUND:

The City of Avondale has 14 Boards and Commissions with over 60 residents serving in volunteer positions. In January 2024, the City of Avondale will have openings on the following Boards & Commissions:

- Employee Benefit Trust Board
- Sustainability Commission
- Planning Commission
- Risk Management & Worker's Compensation Board

DISCUSSION:

As part of the City's ongoing recruitment efforts, the City Clerk's Office, in partnership with the Marketing and Public Relations Department, produced a new recruitment video to be posted to the City website and on various social media channels.

BUDGET IMPACT:

This item does not impact the city's budget.

RECOMMENDATION:

This item is for discussion only.

Contact person for document distribution: n/a

ITEM NUMBER: 5.

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

MEETING DATE: 10/23/2023

TO: Mayor and Council

FROM: Christopher Lopez, Neighborhood and Family Services Director

THROUGH: Cherlene Penilla, Assistant City Manager, (623) 333-1015 **OR**
Tracy Stevens, Assistant City Manager, (623) 333-1014 **OR**
Ron Corbin, City Manager, (623) 333-1011

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

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

PURPOSE:

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

BACKGROUND:

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

DISCUSSION:

Avondale students will be recognized for their character and achievement.

BUDGET IMPACT:

None

RECOMMENDATION:

This item is for information and discussion only.

Contact person for document distribution: Christopher Lopez; Edith Baltierrez; Donna Gardner

ITEM NUMBER: 3.a.

SUBJECT: Minutes

MEETING DATE: 10/23/2023

TO: Mayor and Council

FROM: Marcella Carrillo, City Clerk

THROUGH: Cherlene Penilla, Assistant City Manager

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

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 September 11, 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 September 11, 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
September 11, 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 5:30 p.m.

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

Note: Council Member Conde attended the meeting by telephone.

Members Absent: Council Member Nielson.

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; Edith Baltierrez, Assistant Director of Neighborhood and Family Services; Liz Barker Alvarez, Intergovernmental Affairs Administrator; Kirk Beaty, Public Works Director; Margaret Carey, Deputy City Clerk; Ken Chapa, Economic Development Services Director; Barbara Coppage, City Auditor; Memo Espinoza, Police Chief; Bryan Hughes, Parks and Recreation Director; Ted Flores, Human Resources Assistant Director; Craig Jennings, Judge; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Director; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately thirty members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. PROCLAMATION – US CONSTITUTION WEEK

City Council presented a Proclamation recognizing US Constitution Week, September 17-23, 2023. This item was for discussion only.

3. PROCLAMATION – NATIONAL HOUSEKEEPING WEEK

City Council presented a Proclamation recognizing National Housekeeping Week, September 10-16, 2023. This item was for discussion only.

4. RECOGNITION OF 2023 ARIZONA PARKS AND RECREATION ASSOCIATION AWARDS

City staff presented the four awards that the City of Avondale received at the Arizona Parks and Recreation Association (APRA) Annual Awards Banquet on August 22, 2023. This item was for discussion only.

5. SWEARING-IN AND BADGE-PINNING CEREMONY (DISCUSSION ONLY)

The following Fire and Medical Department employees will be sworn into their newly promoted roles:

- Dave Wagner, promoted to Assistant Fire Chief
- Freddy Cruz, promoted to Battalion Chief
- Steve Mayhew, promoted to Battalion Chief
- Garry Siler, promoted to Battalion Chief

6. ADJOURNMENT

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

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

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

Meeting adjourned at 5:50 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 6:00 p.m.

The presentation of colors and the pledge of allegiance was presented by the Avondale Police Department and the Fire and Medical Department honor guards in remembrance of 9/11.

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

Note: Council Member Conde attended the meeting by telephone.

Members Absent: Council Member Curtis Nielson.

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; Edith Baltierrez, Assistant Director of Neighborhood and Family Services; Liz Barker Alvarez, Intergovernmental Affairs Administrator; Kirk Beaty, Public Works Director; Margaret Carey, Deputy City Clerk; Ken Chapa, Economic Development Services Director; Barbara Coppage, City Auditor; Memo Espinoza, Police Chief; Bryan Hughes, Parks and Recreation Director; Ted Flores,

Human Resources Assistant Director; Craig Jennings, Judge; Dale Nannenga, Public Safety Chief; Jodie Novak, Development Services Director; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; and Renee Weatherless, Finance and Budget Director.

Audience: One members of the public was present.

1. ROLL CALL BY THE CITY CLERK

2. UNSCHEDULED PUBLIC APPEARANCES

None.

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 White request agenda item 3d be removed from the Consent Agenda. Motion was made by Vice Mayor Pineda, seconded by Council Member Malone, to approve the Consent Agenda with the exception of agenda item 3d.

Upon vote, the motion carried unanimously 6 to 0.

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

a. ACCOUNT TRANSFER - GENERAL OBLIGATION (GO) BOND CONSTRUCTION 2019 FUND

City Council approved the transfer of interest accumulated in the GO Bond Construction 2019 Fund, approximately \$20,500, to the General Fund along with the necessary budget adjustments utilizing the unanticipated revenue contingency budget and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

b. EMERGENCY SERVICES AGREEMENT - PHOENIX SPEEDWAY, LLC - ISM RACEWAY

City Council approved an Emergency Services Agreement with Phoenix Speedway, LLC, for the City to provide emergency services during certain events at ISM Raceway in Avondale and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

c. WIRED TELECOMMUNICATIONS LICENSE AND RIGHT-OF-WAY USE AGREEMENT WITH TELEPORT COMMUNICATIONS AMERICA, LLC

City Council approved a Wired Telecommunications License and Right-of-Way Use Agreement with Teleport Communications America, LLC, to allow the placement of fiber telecommunication infrastructure in City right-of-way, and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

d. REDUCTION IN FORCE FOR DEPARTMENT REORGANIZATION

This item was pulled from the consent agenda to be considered separately. Full discussion and vote is listed below.

e. RESOLUTION 1053-0923 - SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR THE PHOENIX FIRE DEPARTMENT REGIONAL DISPATCH SYSTEM

City Council adopted Resolution 1053-0923, approving the second amendment to an Intergovernmental Agreement with the City of Phoenix for the Phoenix Fire Department Regional Dispatch System and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents

f. RESOLUTION 1054-0923 - INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA DEPARTMENT OF HOMELAND SECURITY - CYBER READINESS PROGRAM

City Council adopted Resolution 1054-0923, approving an intergovernmental agreement with the State of Arizona Department of Homeland Security to use the statewide Cyber Readiness Program and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

g. RESOLUTION 1055-0923 - AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY FOR THE SISTERHOOD AGREEMENT BETWEEN THE CITY OF AVONDALE, ARIZONA AND ROCKY POINT, SONORA

City Council adopted Resolution 1055-0923, authorizing the Mayor to sign on behalf of the City for the Sisterhood Agreement between the City of Rocky Point of the State of Sonora of the United Mexican States and the City of Avondale of the State of Arizona of the United States of America and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

h. RESOLUTION 1056-0923 - AMENDMENT NO. 1 TO THE INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY HUMAN SERVICES DEPARTMENT - COMMUNITY ACTION PROGRAM (CAP) SERVICES

City Council adopted Resolution 1056-0923, approving Amendment No. 1 of the Intergovernmental Agreement (IGA) with the Maricopa County Human Services Department for the provision of the Community Action Program (CAP) services, and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

i. RESOLUTION 1057-0923 AMENDMENT NO. 2 TO THE INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY HUMAN SERVICES DEPARTMENT - COMMUNITY ACTION PROGRAM (CAP) SERVICES

City Council adopted Resolution 1057-0923, approving Amendment No. 2 of the Intergovernmental Agreement (IGA) with the Maricopa County Human Services Department for the provision of the Community Action Program (CAP) services, and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

d. REDUCTION IN FORCE FOR DEPARTMENT REORGANIZATION

City Council considered a request pursuant to Avondale Chapter Policy 17 section B to approve a reduction in force due to the Human Resource Department's reorganization resulting in the elimination of the Human Resource Manager position.

Council Member White expressed concern with this employee not having benefits during the holiday season and asked for reconsideration for the timing of the benefits to end. City Manager Corbin explained a person must be employed to have the benefits attached; therefore, the benefits would end when the employment ends. He suggested the City pay the COBRA payment for the employee until the end of the year. This employee is leaving in good standing, is currently not working in the office but is available by telephone to assist the HR department and declined a job opportunity with the City at a lower rate of pay.

Mayor Weise made clear this would not set a new policy as this is not a reflection on the City and is a one-time situation making sure this employee has health care coverage during the holidays. He stated he would like to add if this employee finds employment with health insurance, the City will not cover the COBRA payment.

Council Member White moved to approve a reduction in force due to the Human Resource Department's reorganization resulting in the elimination of the Human Resource Manager position, to include the City paying for COBRA benefits through December 31, 2023 as applicable; Council Member Malone seconded the motion.

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

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

4. REGULAR AGENDA

a. GENERAL PLAN PROGRESS UPDATE

City Staff, in partnership with the consultant Michael Baker International, have been preparing the General Plan update and conducting this City Council work session to present what has transpired since the last General Plan presentation to the City Council and Planning Commission at a work session held on November 7, 2022. This item was for information and discussion only.

Mayor Weise noted his term will be up in 15 months and stated any changes discussed and/or made will impact how things are done in the future.

Jodie Novak, Director of Development Services, provided the Council with a progress update on the major General Plan (GP) amendment, which consists of making amendments to text and language, updating outdated information, and updating maps. This presentation will focus on the text and map amendments.

To date a lot has been accomplished within the “engage and recognize” section. A work session was held with the Commission and Council, documents were prepared for internal work on modifications, a technical advisory committee meeting was held with department directors and other staff representatives, a meeting was held with a stakeholders committee inclusive of external agencies, such as utility agencies, school districts, and the like along with their representatives. Two community workshop / neighborhood meetings were held, and no citizens attended either of them. A second Commission and Council work session was held recently and feedback was provided regarding expectations for land use in the future.

The GP has many elements; including land use, economic vitality, community facilities, community mobility, open spaces, and sustainability, which remain intact from the prior ratification, as this update is modifications to bring data current. Some of the updates include incorporating the newly adopted Transportation and Community Sustainability Plans, and removing reference to the City Center Specific Plan, which has been replaced with the BLVD Specific Plan.

Economic vitality relates to economic development and cost of development growth, such as the SR30 Corridor. The neighborhood, sustainability, and open space sections will consist of updating data points and text information. Quality of life, community facilities, and community mobility will consist of transportation updates, such as WeRide and the Avondale Goodyear Transit Plan. Staff is working with Public Works to update the 2018 Integrated Utility Master Plan on water demand, especially with growth and development within the City.

There are multiple tables within the land use element of the GP and land use map categories and locations that are being updated to reflect current conditions within the City. Feedback from the commission and council work session was how to balance residential land uses within the City, provide starter housing, applicable housing for the workforce, and make sure there is a mix of sale products in addition to leased products.

Ms. Novak outlined proposed key land use changes going forward to reflect the current land uses and alignment of land uses within the common area, such as the area around SR30 that can provide a balance for employment opportunities and a mix of housing.

According to figures within the City and Maricopa Association of Government (MAG), Avondale is 94% built out, not including the County properties. Single family housing accounts for 76% of the housing, 20% is multifamily, and 4% is mobile homes. In partnership with the Economic Development team, it is estimated 32% of the commercial land is developed.

In summary, they are in their 60-day review period, which is a requirement under State Statute and will close on September 22, 2023. An initial plan has been drafted with some changes; modifications and updates are still being worked on. Feedback is still being received from stakeholders, community members, and staff. Everything is posted on Avondale Connect, the City's platform for public use. Next steps are to finish the 60-day review, finalize the draft, and schedule a meeting with the Planning Commission and City Council between October and December. The GP amendment is recommended by the Commission and adopted by Council.

Mayor Weise stated he assumed the percentage of multifamily housing would be higher. It is the Planning Commission and Council's desire to move away from "for lease" products and provide more affordable homes, condos, or tiny homes for residents who were born and raised in Avondale, which is the next step in the City's development and needs to be conveyed to developers. Regarding developing around SR30, it will depend on what the voters do next year. One example of possible development is the 202 corridor heading to Chandler. It makes sense to have a mix of land uses like Phoenix does along the 202 corridor. He further stated Council will need to decide what to do with the development south of the Estrellas and the executive housing.

Council Member White stated the ideas for the Gila River Scenic District were great and will provide some eco-friendly possibilities. Regarding the elimination of the office professional use, she would like to retain that use in hopes of bringing a world headquarters to the area. Citizens do not want industrial warehouses to take over the City. Realistically residents cannot afford to live in Avondale on warehouse jobs.

Mayor Weise stated tech follows tech and there is an opportunity for Avondale to support technology, but it will take time. Ms. Novak stated the Hermosa Technology Campus was approved for 75-80 acres and they are actively reviewing another data campus on a larger lot.

Council Member Solorio stated the proposal makes sense and there will always be a need to consider new and upcoming developments.

Council Member Conde stated she agreed with Council Member White to retain the office professional use.

Council Member Malone stated she also agreed with Council Member White in retaining the office professional use.

Vice Mayor Pineda stated this plan provides context for where Avondale is headed, and it drives decisions. However, they need to be cautious as the market and voters will dictate where things go from there, and it will be important to keep the residents in mind when considering development. Regarding tiny homes, do they have a place in Avondale, would they be considered manufactured housing, and will they become affordable housing for the younger generation? Town Manager Corbin stated this would be a zoning issue, not a General Plan Amendment and could be discussed in more detail down the road. No developers have approached Avondale regarding putting in “tiny homes.” A discussion ensued among Council Members.

5. SUMMARY OF CURRENT EVENTS FROM THE MAYOR, VICE MAYOR, AND COUNCIL MEMBERS

Council Member Malone stated she attended the League of Arizona Cities and Towns. One attendee stated how awesome the Mayor and staff are, so kudos to them. She also had an opportunity to meet Avondale’s farm workers on Saturday, September 9, 2023. It was heartwarming to see the USDA providing them with \$600 checks, as they did not receive any assistance during COVID, and work very hard to feed our state.

Vice Mayor Pineda stated he visited the Agua Fria High School and was advised by Principal Daniels that they have the “Owl Closet” that provides resources to students on campus. They are looking to raise funds to support the closet and continue to provide resources to students. It is important to recognize the many groups that are not nonprofit agencies but are providing support to community members.

Mayor Weise reminded the Council of Mayor Marie Lopez Rogers’ 75th birthday celebration at the Resource Center on September 12, 2023.

6. ADJOURNMENT INTO EXECUTIVE SESSION

There being no further business before the Council, Council Member White moved to adjourn the Regular Meeting into Executive Session pursuant to Ariz. Rev. Stat. § 38-431.03(A)(1) for discussion of the City Auditor’s employment evaluation; Council Member Malone seconded the motion.

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

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

Meeting adjourned at 7:15 p.m.

Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting and Regular Meeting of the Council of the City of Avondale held on the 11th day of September 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.

SUBJECT: Resolution 1063-1023 - Amendment No. 3 to Intergovernmental Agreement with Maricopa County, Trellis

MEETING DATE: 10/23/2023

TO: Mayor and Council

FROM: Chris Lopez, Director of Neighborhood and Family Services

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

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

PURPOSE:

City Council will consider a request to adopt Resolution 1063-1023 approving Amendment No. 3 to an Intergovernmental Agreement (IGA) between Maricopa County, Trellis, and the City of Avondale relating to the construction of three single-family homes and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

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

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

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

DISCUSSION:

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

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

On February 2, 2023, Trellis, the City of Avondale, and the Maricopa HOME Consortium executed Amendment No. 2 to the IGA (contract number 20-226C) to provide an additional \$150,000 from its Urban County HOME allocation to provide additional gap financing to complete the single-family housing development.

On July 20, 2023, 12310 W. Elwood Street was sold to an eligible low-income family earning 80% or below the Area Median Income as required by the HOME regulations. As of October 16, 2023, the remaining two homes are on the market, and two potential buyers have been identified and are awaiting approval. If the remaining two homebuyers are determined to be income eligible, closings are expected to occur prior to the end of the calendar year.

Maricopa County has authorized a third amendment. This amendment will extend the Agreement's termination date from September 30, 2023, through February 1, 2024.

BUDGET IMPACT:

There is no budgetary impact to the City associated with this request.

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 1063-1023 amending the IGA with Maricopa County and Trellis and authorize the Mayor, City Manager and City Clerk to execute the necessary documents.

Contact person for document distribution: Regina Marette

RESOLUTION 1063-1023

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

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

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

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

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

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1063-1023

[Third Amendment]

See following pages.

AMENDMENT NO. 3 TO THE
AGREEMENT
BETWEEN
MARICOPA COUNTY
ADMINISTERED BY ITS
HUMAN SERVICES DEPARTMENT
AND
TRELLIS COMMUNITY DEVELOPMENT
A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION
AND
CITY OF AVONDALE

- I. Maricopa County ("County") administered by its Human Services Department, Trellis Community Development, a Community Housing Development Organization ("CHDO"), and the City of Avondale ("Administrator") entered into a financial agreement ("Agreement"), on or about July 13, 2020, through September 30, 2023. The purpose of the Agreement is for the CHDO to construct one (1) single-family home for a low-income household in the City of Avondale. The County provided \$155,000 in PY2019 HOME Investment Partnerships Program (HOME) funds from the U.S. Department of Housing and Urban Development (HUD) under Assistance Listing Number (ALN) 14.191. The County, CHDO, and the Administrator collectively are referred to as the "Parties."

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

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

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

The Parties fully executed Amendment No. 2 on or about February 2, 2023. The Amendment provided an increase in HOME PY2019 funding under ALN 14.191, in the amount of \$150,000. Additional required language was added to Section 3 (General Provisions). The total Agreement funding increased from \$445,000 to a not-to-exceed amount of \$595,000.

- II. The Parties agree to enter into this Amendment No. 3 to the Agreement as follows:
- A. Extend the Agreement termination date from September 30, 2023, through February 1, 2024.
- III. The Agreement is amended to incorporate the changes contained in this Amendment No. 3. All other terms and conditions of the original Agreement and previously approved Amendment remain the same and unchanged and in full force and effect as executed by the Parties.

Contract No. C-22-20-055-3-03

Amendment No. 3

IV. The Parties have authorized the undersigned to execute this Amendment No. 3, and it shall be effective upon approval and signature by both Parties.

IN WITNESS, the Parties have approved and signed this Amendment No. 3:

APPROVED BY:
MARICOPA COUNTY

APPROVED BY:
CITY OF AVONDALE (Administrator)

Clint Hickman Date
Chairman, Board of Supervisors

Ron Corbin Date
City Manager

Attested to:

Attested to:

Juanita Garza Date
Clerk of the Board

Marcella Carrillo Date
City Clerk

IN ACCORDANCE WITH A.R.S. §§ 11-201 AND 11-251, THIS AMENDMENT NO. 3 HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY WHO HAS DETERMINED IT IS PROPER IN FORM AND WITHIN THE POWERS AND AUTHORITY OF GRANTED TO MARICOPA COUNTY UNDER THE LAWS OF THE STATE OF ARIZONA.

IN ACCORDANCE WITH A.R.S. § 9-240, THIS AMENDMENT NO. 3 HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY WHO HAS DETERMINED II IS PROPER IN FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO THE CITY OF AVONDALE UNDER THE LAWS OF THE STATE OF ARIZONA.

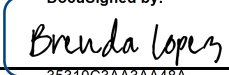
APPROVED AS TO FORM:

APPROVED AS TO FORM:

Deputy County Attorney Date

Attorney for the City of Avondale Date

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

DocuSigned by:
 10/10/2023

Brenda Lopez Date
Interim President and CEO

ITEM NUMBER: 3.c.

SUBJECT: Resolution 1064-1023 Amendments to the Personnel Policies and Procedures, Chapter 4 Recruitment and Selection

MEETING DATE: 10/23/2023

TO: Mayor and Council

FROM: Andrew Mesquita, Human Resources Director

THROUGH: Ron Corbin, City Manager, (623) 333-1011

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

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

PURPOSE:

City Council will consider a request to adopt Resolution 1064-1023, amending the Personnel Policies and Procedures Chapter Policy 4, Recruitment and Selection to add language that will allow for the hiring of individuals less than eighteen (18) years of age for positions in the temporary service (including Seasonal Appointments) as determined by department directors, with concurrence from the Human Resources Department and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Current language in Avondale Chapter Policy 4, Recruitment and Selection, restricts the City's ability to hire youth under the age of 18.

DISCUSSION:

With the City expanding services, to include the new Aquatics Center in the Parks & Recreation Department, a need exists to allow for the hiring of youth under the age of 18 in the temporary service (including Seasonal Appointments) to expand our potential applicant pool and provide meaningful employment opportunities for those who meet minimum job requirements. Additionally, this allows the City to effectively compete with other local municipalities and organizations offering similar employment opportunities to youth under the age of 18.

BUDGET IMPACT:

There are no direct costs associated with the amendments to the City of Avondale Policies and Procedures.

RECOMMENDATION:

Staff recommends Council adopt the proposed revisions to Avondale Chapter Policy 4, Recruitment and Selection.

Contact person for document distribution: Andrew Mesquita

RESOLUTION NO. 1064-1023

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING CHAPTER 4 OF THE PERSONNEL POLICIES AND PROCEDURES RELATING TO RECRUITMENT AND SELECTION.

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

SECTION 1. Chapter 4 – Recruitment and Selection of the City of Avondale Personnel Policies and Procedures dated March 01, 2021 (“Chapter 4”), is hereby adopted in substantially the form and substance attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 2. It is necessary for the preservation of the peace, health and safety of the City of Avondale that an emergency is hereby declared to exist and this Resolution shall be effective immediately upon its passage and adoption.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution or any part of Chapter 4 adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

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

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

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1064-1023
[Chapter 4]
See following pages.

CHAPTER 4

Recruitment and Selection

A. Affirmative Action Policy

The City of Avondale is committed to the principles of affirmative action and proactively seeks to hire and promote qualified minorities, women, disabled persons, and veterans throughout all levels of the organization.

B. Vacancies

All vacancies in any class of position in the exempt and nonexempt services will be filled by an eligible applicant from a recruitment and selection process, an appropriate certified list, or by means of voluntary demotion or a lateral transfer as approved by the Human Resources Director.

C. Minimum Age of Applicants

1. **For most positions**, an applicant for employment must be at least eighteen (18) years of age by the date of hire and must be able to perform the essential functions and duties of the position, with or without reasonable accommodation.
2. The City of Avondale recognizes the importance of providing employment opportunities to local youth; therefore, individuals less than eighteen (18) years of age may be considered for hire for positions in the temporary service (including Seasonal Appointments) as determined by department directors, with concurrence from the Human Resources Department. When employing individuals less than eighteen (18) years of age, department directors must ensure compliance with applicable state and federal youth employment laws.

D. Preference Points

Preference points shall be applied in accordance with Arizona Revised Statutes (A.R.S. § 38-492).

E. Recruitment and Selection Process

1. Authority

The Human Resources Director is the final decision-making authority with regard to the entire recruitment and selection process.

2. Vacancies

When a vacancy occurs, the department shall notify the Human Resources Department and provide information on the vacancy. The Human Resources Department will verify the information, check for a current certified list, and consider any special circumstances.

3. Recruitment Strategy

- a. Human Resources will meet with department representative(s) to determine the steps in the recruitment and selection process and devise a recruitment plan. The position will be reviewed and analyzed to make sure the job description is current and reflects the current requirements of the position.
- b. The Human Resources Department will advise departments on advertising and outreach approaches to ensure a diverse applicant pool. Labor market conditions and/or any special requirements of the position will determine recruiting sources to be used, and the recruitment time period.
- c. Vacancies will generally be filled through an “open-competitive” recruitment process. These recruitments are open to the public. Although the City aspires to attain these goals, exceptions to the general rule will inevitably occur. The Human Resources Director has the authority to approve any exception to these guidelines.
- d. “Closed-promotional” recruitments are open only to City employees and must be approved by the Human Resources Director. A department director’s request for closed-promotional recruitment must include a written explanation of how “closed promotional” recruitments will meet the requirement for a diverse and qualified pool of applicants.

4. Recruitment

- a. Notices of all City recruitments will be posted on the City website and any other sources identified by the hiring department.
- b. All applications for employment must be submitted online at www.avondaleaz.gov. Resumes and attachments will be accepted only as a supplement to the application.
- c. Applications will be accepted only during the posted recruitment period. A separate application must be submitted for each position.
- d. Completed applications and supplements (if applicable) must be submitted online by the date and time indicated on the posting.
- e. Applications will only be accepted when submitted online and fully completed.

5. Screening Applications

- a. Applications are screened for the minimum qualifications (MQs). Each application is reviewed for the education and experience to meet the stated MQs on the job announcement.
- b. The Human Resources Director and the hiring department will generally determine the method of evaluating the MQs prior to the job announcement.
- c. Applicants meeting the MQs will continue in the selection process. Job selection criteria must be job related and specific to the position that is being filled.
- d. Applicants making any false statements of any material fact or attempts to practice any deception or fraud on his/her application and/or attachments, or exams or resumes will be rejected from the selection process.

6. Testing

- a. The selection process may contain one or more tests, including but not limited to interviews, written tests, skill tests, physical ability/fitness tests. Departments must submit to the Human Resources Department the names of applicants to be tested, test information, and panel composition prior to any testing.
- b. Certain positions may be subject to competitive testing and applicants will be informed of the nature of such testing in advance.
- c. The Human Resources Department will be responsible for the administration and security of all tests and testing materials.
- d. The Human Resources Department shall send notification to all applicants once the selection process has concluded.

7. Certified Lists

- a. Completion of some selection processes may result in the establishment of an employment certified list.
- b. All certified lists will remain in effect for up to six (6) months, unless sooner exhausted, prior to their expiration dates, by action of the Human Resources Director for additional periods, but in no event will employment certified lists remain in effect for longer than one (1) year.

8. Reference and Background Checks

- a. The Human Resources Department is authorized to receive, and such persons shall submit, pursuant to A.R.S. § 41-1750, fingerprints for state criminal history record information for the purpose of evaluating the fitness of prospective employees, contract employees, or volunteers. The fingerprints received shall be submitted to the Arizona Department of Public Safety, and the Arizona Department of Public Safety may exchange this fingerprint data with the Federal Bureau of Investigation.
- b. Applicants being considered for hire are subject to a background check, fingerprinting, and reference checks.
- c. Required education and professional certifications will generally be verified.

9. Employment Offers

- a. Prior to making a conditional job offer the hiring department shall consult with the Human Resources Department to discuss the selection, starting date, and compensation.
- b. Once the candidate has been selected and a salary offer is confirmed, the Human Resources Department will extend a conditional offer contingent upon successful completion of the pre-employment drug testing (specified positions only) and/or medical examination(s) (specified positions only).
- c. All background, reference, and testing information must be reviewed and confirmed by the Human Resources Department before employment may begin.

10. Medical, Psychological and Polygraph Examination

- a. Following a conditional offer of employment, a pre-employment drug screen, medical examination, psychological evaluation, and/or polygraph may be required for specified positions with an acceptable result.
- b. After consultation with the department director and appropriate subject matter experts, the Human Resources Director will make the final determination of fitness for employment based on the results of pre-employment examinations.

F. Required New Hire Documentation

1. New hire paperwork must be carefully reviewed and completed within three (3) days of the start of employment. The paperwork to be reviewed, completed, and filed in the Human Resources Department includes:
 - a. Loyalty Oath (Arizona Revised Statutes 38-231)
 - b. I-9 Form (Employment Eligibility Verification)
 - c. Selective Service Acknowledgement

- d. AZ Wage Withholding form
- 2. New hires not presenting acceptable identification documents by the end of three business days after the first day of work may be terminated for failure to meet the requirements of the I-9 process.

G. Returning Recruitment Materials to Human Resources Department

All recruitment and selection materials must be returned to the Human Resources Department after testing has been completed.

H. New Hire Training

All newly hired full-time and part-time regular status employees are required to attend new employee training. Temporary and contractual staff as well as volunteers may attend if referred by their supervisors.

I. Temporary Appointments

- 1. When the need for a temporary employee occurs, the department shall notify the Human Resources Department and discuss the details of the appointment.
- 2. Length of Temporary Employment
 - a. In order to work within legal constraints and to preserve the “temporary” status of temporary employment, the maximum length of continuous service that a temporary employee can be employed will be based on the needs of the City.
 - b. Exceptions may be made for temporary employees who are hired to work less than nineteen (19) hours per week. Requests for exceptions under this provision shall be submitted in writing to the Human Resources Director for approval.
 - c. Temporary employees categorized as “seasonal” are not subject to a service limit.
 - 1) “Seasonal Appointments” are defined as: performing duties for only one season or project per year, working no more than six (6) consecutive months during a twelve (12) month period, and having at least a six (6) month break in service before being rehired for the next season or project.
 - 2) This provision applies to all departments throughout the City.
 - d. Some temporary employees work on an as needed basis for the City and are kept on the records as active employees year-round, even though they may only work sporadically during the year.
 - e. Department directors will notify Human Resources of temporary employees working more than twenty (20) hours a week for twenty (20) weeks in a fiscal year.

3. Temporary Agency Staffing

- a. Temporary employees working through a temporary agency are to be paid the salary the department and agency agree upon.
- b. Temporaries hired through City of Avondale must be hired within the pay range for an equivalent job.

4. Payroll Taxes and Retirement Contributions

- a. Temporary employees are subject to the normal payroll taxes including federal and state income tax and social security tax.
- b. Temporary employees may be subject to Arizona State Retirement System contributions if the employee works twenty (20) or more hours per week for twenty (20) or more weeks per fiscal year.
- c. The employee may also be subject to retirement contributions if the employee is already contributing to the retirement system through another employer.

J. Seasonal Appointments

1. Seasonal appointments will be made to positions that are seasonal in nature.
2. A person who receives a seasonal appointment is eligible for successive seasonal appointments to the same class without going through a recruitment process.
3. Appointments of seasonal employees will be limited to a maximum of six (6) months of consecutive employment in a twelve (12) month period.

K. Limited Appointments

1. Limited appointments will be made to positions that are expected to support special projects or interim assignments for a limited time period.
2. Appointments shall be made for no less than six (6) months and no more than three (3) years.
3. The length of the appointment is dependent upon project needs, available revenue from the funding source, and/or the City's ability to fund the appointment.

L. Emergency Appointments

In the event of an emergency, the City Manager may select and appoint persons without regard to the policies and procedures governing appointments, but in no case will such emergency appointments continue longer than ninety (90) days nor will it be renewed after ninety (90) days by successive appointment of the same person to the same class in the same department.

M. Probationary Period

All appointments to positions in the service of the City of Avondale are made subject to a probationary period.

1. Purpose

The purpose of a probationary period is to provide a reasonable time for the employee to perform the full range of duties of the position and allow the City a reasonable amount of time to fully assess the employee in this position. The probationary period may be adjusted to exclude suspensions, leaves of absence, sick, and vacation leave or any other absences.

2. Types of Probation.

a. Original Probation.

- 1) An original probationary period is as stated in the Offer Letter. The City Manager may establish a longer period but in no case will the specified probationary period be less than one year.
- 2) **Police.** Sworn Police Officers shall complete a twelve (12) month original probationary period following graduation from the training academy. All certified detention staff will serve a twelve (12) month original probationary period following graduation from the training academy.
- 3) **Fire.** Firefighters shall complete a twelve (12) month original probationary period following graduation from the recruit training academy.

4) Extensions of Original Probation.

- a) A department director may extend an employee's original probationary period. These extensions must be made in writing and acknowledged by the employee and the Human Resources Department.
- b) No original probationary period may be extended beyond one (1) additional year. The Human Resources Department must authorize any extension of probation.
- c) The probationary period may be extended to include suspensions, reductions in pay in lieu of suspension without pay, sick, and vacation leaves, leaves of absence, or any other absences.
- d) Employees on original probation may have their probationary period extended due to performance concerns identified in their performance evaluation.

5) Completion of Original Probation.

- a) Completion of probation shall be indicated by submission of a performance evaluation to the Human Resources Department. A satisfactory performance evaluation is required to justify completion of probation.
- b) The employee's supervisor must evaluate a probationary employee and submit an employee performance evaluation to the Human Resources Department at least fifteen (15) days prior to the expiration of the employee's probationary period.
- c) If an employee performance evaluation is not submitted fifteen (15) days prior to the expiration of the employee's probationary period, the probationary period of the employee will automatically be extended for thirty (30) calendar days.
- d) Written justification must be provided to the employee to extend the original probation beyond the thirty (30) calendar day period.

6) Completing Original Probation early.

- a) A department director may request to end an employee's original probationary period early.
- b) A written request with justification shall be made to the Human Resources Director prior to completing the performance evaluation.

7) Probationary Termination.

- a) If the department director determines at any time during an original probationary period that the services of the probationary employee are no longer required for any reason or for no reason, the employee may be dismissed without the right of appeal.
- b) A written notice of termination must be provided to the probationary employee.
- c) All terminations of probationary employees must be authorized by the Human Resources Department.

b. Promotional Probation.

1) Duration.

- a) An employee who is promoted shall serve a six (6) month promotional probationary period except as noted otherwise in these policies.
- b) Employees on promotional probation may have their probationary period extended due to performance concerns identified in their performance evaluation.

- c) The probationary period may be extended with HR department authorization for reasons which may include suspensions, reductions in pay in lieu of suspension without pay, sick, and vacation leaves, leaves of absence, or any other absences.
- 2) Police and Fire.
 - a) All Police Department employees shall serve a twelve (12) month promotional probationary period.
 - b) All Fire Department positions under the Public Safety Retirement System shall serve a twelve (12) month promotional probationary period.
 - c) Extensions. The probationary period for fire employees under the public safety retirement system and for all police employees may be extended to include suspensions, reductions in pay in lieu of suspension without pay, sick, and vacation leaves, leaves of absence, or any other absences.
- 3) All employees on promotional probation may have their probationary period extended due to performance concerns identified in their performance evaluation. No promotional probationary period may exceed a total of 12 months.
- 4) Reversions.
 - a) An employee who fails to successfully complete a promotional probation shall revert to a vacancy in the current employing department in the class in which regular status was held immediately prior to the promotion, without the right of appeal.
 - b) A reversion shall not preclude the imposition of any disciplinary action.
 - c) A reduction in force may be conducted if no vacancy exists.
- 5) Demotion.

Except as otherwise provided in these policies, if a department director demotes an employee, the employee shall not be required to serve a probationary period in the position to which demoted unless the employee was still on probation at the time of the promotion.
- 6) Reduction in Grade for Promoted Employees.
 - a) Employees serving a probation period as a result of promotion may be returned to their former positions for a variety of reasons.
 - b) Promoted employees reduced in grade for non-disciplinary reasons may be returned to their former positions without having to repeat the probation period for that position.

7) No Appeal Rights.

The City may, within its sole discretion, suspend or dismiss any employee during his/her original probationary period and demote any employee during his/her subsequent promotional probationary periods. There is no right of appeal for such actions.

8) Accrual of Leave.

- a) Employees serving an original probationary period will accrue leave.
- b) During the original probationary period accrued leave may be granted with the approval of the department director.

ITEM NUMBER: 3.d.

SUBJECT: Ordinance 2060-1023 - Avondale City Code Amendment, Chapter 13 Licenses, Taxation and Miscellaneous Business Regulations, Article IX, Relating to the Licensing and Regulation of Short-Term Rentals

MEETING DATE: 10/23/2023

TO: Mayor and Council

FROM: Renee Weatherless, Finance and Budget Department Director

THROUGH: Ron Corbin, City Manager, (623) 333-1011

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

Public Health and Safety

Avondale is a city where all people feel safe and secure, relying on trusted public and community-based resources.

PURPOSE:

City Council will consider a request to adopt Ordinance 2060-1023, amending Avondale City Code Chapter 13 relating to the licensing and regulation of short-term rentals and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Arizona Revised Statute §9-500.39 was amended, effective September 24, 2022, to allow cities to regulate short-term rentals. Avondale has an estimated 445 short-term rentals located throughout the city. A short-term rental is a residential unit that is offered for transient use. A short-term rental is also commonly referred to as a vacation rental.

DISCUSSION:

The primary form of short-term regulation allowed by state law is requiring a license or permit to operate a short-term rental.

This ordinance would require owners or operators of short-term rentals to have a license. The primary requirements and terms for the license are as follows:

- Transaction privilege tax (sales tax) license number for the short-term rental issued by the State of Arizona
- Emergency contact information of someone who will respond to emergencies within one hour of contact
- Emergency contact information shall be posted in a conspicuous place that is clearly visible upon entry through the primary entrance
- Acknowledgement to comply with all applicable laws, regulations, and ordinances

- Attestation that the owner or the owner's designee is not a registered sex offender, been convicted of a felony that resulted in death or serious physical injury, nor been convicted of felony use of a deadly weapon within five years
- Attest that they have at least \$500,000 in liability insurance, which may be provided by an online lodging marketplace
- Written notification of neighbors, including emergency contact information
- Advertisements for the short-term rental must include the license number
- Owner or owner's designee shall perform, or have an online lodging marketplace perform, a background check on every guest or renter to ensure that there are no sex offenders at the short-term rental
- Penalties are established for violations of \$500 to \$3,500, which are the statutory maximums
- Allows the city to suspend the license for violations
- The application and renewal fees are to be prescribed in the City's schedule of fees and charges

The Ordinance has a delayed effective date of February 1, 2024. It has an additional 90-day delay for the penalties for not having a license. Therefore, penalties for non-licensed short-term rentals may be imposed starting May 1, 2024.

BUDGET IMPACT:

No budget changes are required for fiscal year 2024 due to this ordinance and the cost will be covered by the current appropriation. It is anticipated that the total cost will be consistent with the revenue generated, as required by statute. The application and renewal fees will be considered by the Council in a future agenda item.

RECOMMENDATION:

Staff recommends approving Ordinance 2060-1023 to regulate short-term rentals and establish a licensing program.

Contact person for document distribution: Keith Fallstrom

ORDINANCE NO. 2060-1023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE AVONDALE CITY CODE, CHAPTER 13 (LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS), TO ADD A NEW ARTICLE IX (SHORT-TERM RENTALS), RELATING TO THE LICENSING AND REGULATION OF SHORT-TERM RENTALS.

WHEREAS, the City of Avondale (“City”) is authorized to enact and enforce laws and regulations on short-term rentals pursuant to ARIZ. REV. STAT. § 9-500.39;

WHEREAS, short-term rentals operate throughout residential areas of the City and the City seeks, to enact reasonable regulations for the purpose of protecting the public health, safety, and welfare; requiring, in pertinent part: licensing of short-term rentals; liability insurance; background checks; neighbor notifications; disclosure of an emergency point of contact responsible for responding to emergencies and complaints associated with a short-term rental; compliance with rules and regulations related to zoning, fire and building codes, health and sanitation, transportation, traffic control, solid or hazardous waste and pollution control, noise, protection of welfare, property maintenance, and nuisance issues; and prohibiting short-term rentals from being used for purposes that are harmful to the public such as for housing sex offenders, maintaining a sober living home, selling liquor and illegal drugs, pornography, obscenity, and adult-oriented businesses; and

WHEREAS, the Council of the City of Avondale finds that licensing and regulating short-term rentals in the City will protect the health, safety, and welfare of the public; while also preserving property owners’ rights to rent their property in a manner that does not disturb the peace or harm public health, safety, or welfare by encouraging efficient and appropriate responses to complaints and emergencies by a designated emergency point of contact, notifying neighbors of the intent to use a property as a short-term rental, and implementing reasonable penalties for the misuse of short-term rentals to help mitigate public health and safety issues associated with short-term rentals.

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

SECTION 1. The Avondale City Code, Chapter 13 (Licenses, Taxation and Miscellaneous Business Regulations) is hereby amended to add a new Article IX (Short-Term Rentals) to read as follows:

ARTICLE IX – SHORT TERM RENTALS

13-180 Purpose.

This article is adopted to protect the health, safety, and welfare of the City’s residents and visitors by enacting reasonable regulations of Short-Term Rentals consistent with ARIZ. REV. STAT § 9-500.39 to help mitigate harmful abuses associated with Short-Term Rentals; while preserving property owners’ rights to rent their property in a manner that does not disturb the peace or harm public health, safety, or welfare. Such reasonable regulations include requiring: (1) licensing of Short-Term Rentals; (2) liability insurance; (3) background checks; (4) neighbor notifications (5) compliance with zoning, safety, and nuisance standards; (6) disclosure of contact information of the property Owner or Owner’s Designee responsible for responding to complaints, incidences, and emergencies associated with a Short-Term Rental; (7) prohibition of the use of Short-Term Rentals for illegal or harmful purposes; and (8) implementation of an administrative process to suspend Short-Term Rental Licenses and reasonable civil penalties for the misuse of Short-Term Rentals.

It is the responsibility of the Licensing Administrator to administer the provisions of this article, including the issuance, denial, and suspension of Licenses. Pursuant to these responsibilities, the Licensing Administrator has the authority to create rules, regulations, and policies consistent with the purpose of this article. The Avondale Police Department, Code Compliance Department, or any other City department or official designated by the City Manager is authorized to enforce the provisions of this article.

13-181 Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Civil hearing officer” means the Judge of the Avondale Municipal Court or an authorized designee of the City Manager who may conduct hearings and make rulings related to this article on short-term rental license suspensions, civil violations, and citations issued.

“Emergency point of contact” means the owner or owner’s designee responsible for responding to complaints, incidences, and emergencies associated with the short-term rental in compliance with section 13-185.

“License” means a short-term rental license issued to a person in accordance with the provisions of this article.

“Licensing administrator” means the City’s Finance and Budget Director or their designee.

“Online lodging marketplace” has the same meaning prescribed in ARIZ. REV. STAT. § 42-5076.

“Owner” means any person who, alone or with other persons, has title to or interest in a short-term rental, with or without actual possession of the short-term rental.

“Owner’s designee” means an agent or representative of the short-term rental owner, such as a landlord, statutory agent, or property manager, or other designee, agent, executor, administrator, or guardian acting on behalf of the Owner, who controls or otherwise regulates the occupancy or use of the short-term rental.

“Person” means an individual, firm, partnership, joint venture, association, corporation, any other group or combination acting as a unit, or any other entity of whatever kind or nature.

“Short-term rental” means any individually or collectively owned residential unit, dwelling unit, or individual unit or group of units in a condominium, cooperative, or timeshare that is also a transient public lodging establishment or owner-occupied residential home offered for transient use that is not classified for property taxation under ARIZ. REV. STAT. § 42-12001. A "short-term rental" is also commonly referred to as a “vacation rental.”

“Special event” has the same meaning as defined by Chapter 7 of this Code.

“Timely manner” means within one hour of the initiation of contact with the emergency point of contact regarding a complaint, incident, or emergency associated with a short-term rental for which public safety personnel are dispatched; and within twenty-four hours of the initiation of contact with the emergency point of contact regarding all other complaints, incidences, and emergencies associated with a short-term rental. “initiation of contact” means the first actual contact or documented attempt to contact, such as leaving a voicemail at the designated number for the emergency point of contact or sending an email to the designated email address for the emergency point of contact.

“Transient” has the same meaning as defined by ARIZ. REV. STAT. § 42-5070.

“Verified violation” means a finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in ARIZ. REV. STAT. § 9-500.39 (B) or (K) that has been finally adjudicated.

13-182 Licensing.

- (a) A person shall not offer for rent or rent a short-term rental within the city without a valid license issued pursuant to this article. Each day a short-term rental is operated without a valid license constitutes a separate offense.
- (b) A separate license is required for each short-term rental. A license is valid for one year from the date of issuance or renewal. A license is not transferable nor assignable. Attempted transfer or assignment shall void the license and all fees paid shall be forfeited.

(c) To obtain a new or renewal license, a person shall submit to the city a complete application on the forms prescribed by the licensing administrator. A complete application shall include the following:

(1) The name, address, phone number, and email address for the owner or, if the owner is a business entity, the name of the business entity, and the name, address, phone number, and email address of the business entity's statutory agent;

(2) The address of the short-term rental;

(3) The transaction privilege tax license number issued for the short-term rental by the State of Arizona, including the location code (where applicable);

(4) The name, address, phone number, and email address for the emergency point of contact;

(5) An acknowledgment by the owner or the owner's designee of an agreement to comply with all applicable laws, regulations, and ordinances, including compliance with neighbor notification, background check, and liability insurance requirements;

(6) Attestation that neither the owner or the owner's designee, if applicable: (i) is a registered sex offender; (ii) has been convicted of a felony that resulted in death or serious physical injury; or (iii) has been convicted of felony use of a deadly weapon within five years of submitting the applications for a license; and

(7) The fees prescribed in the city's then current schedule of fees and charges.

(d) License Denial. The city may deny issuance of a new short-term rental license or renewal License for any of the following reasons:

(1) Failure to provide the information or pay the fee required under subsection (c) of this section;

(2) The applicant provides false information;

(3) The owner or owner's designee: (i) is a registered sex offender, (ii) has been convicted of a felony that resulted in death or serious physical injury, or (iii) has been convicted of felony use of a deadly weapon within five years of submitting the applications for a license; or

(4) at the time of application, the owner has a suspended license for the same short-term rental or any of the following applies: (a) one verified violation at the short-term rental that resulted in or constituted any of the offenses described in section 13-187(a)(1); or (b) three verified violations of this article at the short-term rental within a twelve month period,

beginning with the first offense, not including an aesthetic, solid waste disposal, or vehicle parking violation that is also not a serious threat to public health and safety.

- (e) The owner or owner's designee shall update the licensing administrator in writing of any change to the application information listed in subsection 13-182(c) within ten calendar days of occurrence of the change.

13-183 Neighbor Notification Required.

- (a) Prior to offering a short-term rental for rent for the first time the owner or owner's designee is required to notify all single-family residential properties, adjacent to, directly, and diagonally across the street from the property, or in a multi-family residential building to all units on the same building floor. After providing such notification the owner or owner's designee shall attest compliance on a form prescribed by the city's finance department that shall contain the following information:
 - (1) The Short-Term Rental License number required by this article;
 - (2) The address of each property notified;
 - (3) The method of the notification provided; and
 - (4) The name and contact information of the person attesting to compliance.
- (b) The notification required by subsection (a) above is also required anytime the contact information for the short-term rental changes. Notification pursuant to this subsection shall occur within fifteen business days of such change.
- (c) For purposes of this section, written notice includes notice sent by electronic means, US mail, or hand delivered. The notice required by this section shall be in writing and include the following information:
 - (1) The short-term rental license number issued pursuant to this article;
 - (2) The physical address of the short-term rental;
 - (3) The name address and the twenty-four hour telephone number of the emergency point of contact; and
 - (4) The name address and telephone number of the owner or of the owner's designee who is responsible for responding to complaints.

- (d) Short-term rentals that are lawfully operating prior to the effective date of this section must comply with this section within thirty days of obtaining a short-term rental license required by this article.
- (e) It shall be unlawful to operate a short-term rental without complying with the notification requirements in this section.

13-184 Insurance Required.

- (a) Unless provided by an online lodging marketplace that provides primary liability insurance coverage of at least \$500,000 for the short-term rental, every owner of a short-term rental shall maintain liability insurance to cover each short-term rental in the aggregate of at least \$500,000.
- (b) Owner or owner's designee shall attest that they are in compliance with the insurance requirements of this section on a form prescribed by the city's finance department and shall provide proof of insurance upon request of the city.
- (c) The owner or owner's designee of the short-term rental shall provide proof of compliance with subsection (a) above upon demand by the city.
- (d) It shall be unlawful for the owner or operator of a short-term rental to fail to comply with the insurance requirements as specified herein.

13-185 Operations.

- (a) The emergency point of contact shall affirmatively respond in a timely manner, as that term is defined in section 13-181, no matter the time of day, to all complaints, incidences, and emergencies associated with the short-term rental and (1) shall respond in person if requested by public safety personnel, including the Avondale Police Department and the Avondale Fire and Medical Department; and (2) may respond in person or by phone or email in all other instances.
- (b) The owner or owner's designee shall post the emergency point of contact information required by subsection 13-182(c)(4) in a conspicuous place in the short-term rental that is clearly visible upon entry through the primary entrance to the short-term rental, in a form determined by the licensing administrator.
- (c) Owners and owners' designee shall at all times comply with federal, state, and local laws, rules, and regulations applicable to the short-term rental, notably, chapters 7, 14, 15, and 28 of this code.
- (d) The owner or owner's designee shall maintain with the Maricopa County Assessor all information required pursuant to ARIZ. REV. STAT. §§ 33-1901 through 33-1907.

- (e) A short-term rental shall not be rented or used for any of the following uses or purposes.
 - (1) Housing individuals classified as level 2 or level 3 sex offenders.
 - (2) Operating or maintaining a sober-living home, regardless of whether the facility has been licensed by the Arizona Department of Health Services.
 - (3) Operating or maintaining a sexually oriented business as defined in section 28-223 of this code.
 - (4) Selling or offering for sale, consideration, or entrance fee, liquor or controlled substances under state or federal law.
 - (5) Commercial display of any material that constitutes an item as defined in ARIZ. REV. STAT. § 13-3501(2).
 - (6) The use of the premises in violation of ARIZ. REV. STAT. § 13-3502.
 - (7) Special events requiring a special event permit pursuant to chapter 7 of this code.
 - (8) Retail business, restaurant, banquet space, or other similar use.
- (f) Advertisements for a short-term rental within the city shall display or list applicable short-term rental license numbers on each advertisement.

13-186 Sex Offender Background Checks.

- (a) Within twenty-four hours of every booking the owner or owner's designee shall perform a background check on every guest or renter of a short-term rental to ensure that there are no sex offenders at the short-term rental. However, this requirement may be satisfied by the owner or owner's designee by providing evidence that the online lodging marketplace on which the short-term rental is booked conducted a sex offender background check of every guest.
- (b) An owner or owner's designee shall retain a printout either in hard copy or electronic form of the background check on each guest or renter for twelve months after the booking date. Records of each background check shall be made available for inspection by the city upon request.
- (c) It shall be a civil offense for owners or owner's designees who fail to comply with the requirements of this section and shall be punished by a mandatory minimum fine of \$1,000. The court shall not suspend any part of any fine required by this section.

- (d) It shall be a civil offense for a person to intentionally or knowingly book a short-term rental on behalf of a sex offender when the person booking the reservation will not be staying at the short-term rental. A verified violation of this subsection shall be punishable by a mandatory minimum fine of \$1,000. The court shall not suspend any part of any fine required by this section.
- (e) The requirements of this section are satisfied and/or waived if the online lodging marketplace on which the short-term rental is advertised performs the required background checks.
- (f) For the purposes of this section booking means the act of securing a reservation for the use of a short-term rental.

13-187 Enforcement.

- (a) The city manager, or their designee, may suspend a license for up to twelve months for any of the following reasons:
 - (1) One verified violation of this article associated with a short-term rental that results in or constitutes any of the following:
 - i. A felony offense committed by the owner or owner's designee at the short-term rental;
 - ii. A serious physical injury or wrongful death at or related to the short-term rental resulting from the knowing, intentional, or reckless conduct of the owner or owner's designee.
 - iii. The owner or owner's designee knowingly or intentionally renting or allowing the use of a short-term rental in violation of subsection 13-185(e).
 - (2) Three verified violations of this article associated with the same short-term rental within a twelve-month period; except not including a violation that is for an aesthetic, solid waste disposal, or vehicle parking violation, unless the city demonstrates that the subject violation was also a serious threat to public health and safety. The twelve-month period shall be calculated starting on the date on which the first verified violation occurred.
- (b) The following process shall apply to the suspension of a license by the city manager, or their designee:
 - (1) The licensing administrator shall give written notice to the owner or owner's designee of a violation that may result in the suspension of the license. The

notice shall include description of the violation, the statutory or code reference, notification that a hearing may be requested, the time limit for requesting a hearing, and a warning that failure to timely request a hearing may result in suspension of the license. The notice shall be served on the owner or owner's designee by either personal service or registered/certified mail using the address provided pursuant to subsection 13-182(c)(1). Service of the notice shall be deemed complete upon mailing to, or receipt of personal service on, the owner or owner's designee.

- (2) The owner or owner's designee receiving a notice under this subsection may request a hearing. If requested, the hearing shall be conducted in the same manner as set forth in section 14-100 of this code. Requesting a hearing shall stay the decision of the licensing administrator to suspend a license until the civil hearing officer has rendered their decision. If the decision to suspend the license is upheld by the civil hearing officer, and the original period of suspension has passed, in whole or in part, the civil hearing officer may designate the period of suspension for up to twelve months.
- (3) If the owner or owner's designee does not request a hearing, the licensing administrator may suspend the license for up to twelve months.
- (c) In addition to subsections 13-187(a)(1) and (2), judicial relief in the form of a suspension of the property's use as a short-term rental may be granted in accordance with ARIZ. REV. STAT. § 9-500.39(D)(3).
- (d) If a license is suspended pursuant to this article, the short-term rental is prohibited from operating during the suspension period and, if the suspension is for a period beyond the term of the license, the owner shall be required to obtain a new license pursuant to section 13-182 after the completion of the suspension period. A person shall not apply for a new license for a short-term rental until the suspension period is over.
- (e) If multiple verified violations arise out of the same response to an incident associated with a short-term rental, those violations shall be considered a single verified violation for the purpose of suspending a license pursuant to this subsection.
- (f) If the last day of a suspension occurs after the license expiration date, the licensing administrator shall extend the license expiration date to the last day of the suspension.

13-188 Civil Violations and Penalties.

- (a) No person shall operate, offer for rent, rent, occupy, or use a short-term rental in violation of any provision of this article, code, or other applicable law, rule, or regulation.

- (b) The owner shall be subject to the suspensions, civil violations, and penalties set forth in this article for the owner's designee's violation of any provision of this article or failure to perform any act or duty required by this article.
- (c) Each day a violation of any provision of this article continues shall constitute a separate violation.
- (d) In addition to any other penalty pursuant to this code, and notwithstanding any other law, if any person causes, permits, facilitates, aides, or abets any verified violation of a provision of this article or fails to perform any act or duty required by this article, the city may impose a fine of up to:
 - (1) \$500 or up to an amount equal to one night's rent for the short-term rental as advertised, whichever is greater, for the first verified violation.
 - (2) \$1,000 or up to an amount equal to two nights' rent for the short-term rental as advertised, whichever is greater, for the second verified violation related to the same short-term rental within the same twelve-month period.
 - (3) \$3,500 or up to an amount equal to three nights' rent for the short-term rental as advertised, whichever is greater, for the third verified violation related to the same short-term rental within the same twelve-month period.
- (e) In addition to any other penalty pursuant to this code, and notwithstanding any other law, the city may impose a fine of up to \$1,000 for each month the owner or owner's designee operates a short-term rental while failing to possess a license for that short-term rental or for each month the owner or owner's designee fails to provide accurate and complete contact information required by 13-182(c)(4) for the same short-term rental.
- (f) Before imposing the initial penalty under subsection (e) herein, the city shall provide owner or owner's designee thirty calendar days written notice of the failure to comply.
- (g) Any attempted or completed felony act arising from the occupancy or use of the short-term rental that results in a death or actual or attempted serious physical injury may result in the suspension of the property's use as a short-term rental. The city prosecutor or their designee may initiate proceedings in the city municipal court or other court of competition jurisdiction to enforce the provisions of this article. If proven by a preponderance of the evidence, the court shall suspend the property's use as a short-term rental for a period of time not to exceed twelve months.

SECTION 2. This Ordinance shall have a delayed effective date of February 1, 2024; except Section 13-188 (e) pertaining to the penalty for failure to have a License, which shall become effective 90 days from the delayed effective date.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. 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, October 23, 2023.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

ITEM NUMBER: 3.e.

SUBJECT: Ordinance 2061-1023 - Temporary Fire Access Easement Agreement from Alamar Community Association, Inc.

MEETING DATE: 10/23/2023

TO: Mayor and Council

FROM: Kirk Beaty, Interim Director/Interim City Engineer, Engineering Department

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

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 2061-1023 accepting the dedication of a temporary fire access easement agreement from Alamar Community Association, Inc., as it relates to the Sierra Estrella Energy Storage development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Sierra Estrella Energy Storage, LLC is to be located on the 11.5 acres of property identified by APN 500-66-005E west of Avondale Boulevard and north of Broadway Road and immediately east of the SRP Rudd Substation. A condition for development of the facility is the dedication of a second temporary fire access easement to meet the City's fire code.

DISCUSSION:

A primary access easement has been provided off Avondale Boulevard as recorded in Deed Book 2022, Page 0894598 with the Maricopa County Recorder's Office. Alamar Community Association, Inc., has agreed to grant the City a temporary fire access easement agreement along their property adjacent to Alamar Park. The easement consists of an area containing 24,810 square feet. The agreement will remain in effect until the sooner of (a) the development of the Sierra parcel that creates access from the Sierra parcel to Broadway Road or (b) the construction of an alternate road that provides alternate or replacement access providing for emergency services to the Sierra parcel that has been accepted by the City.

BUDGET IMPACT:

There is no impact to the budget for this action.

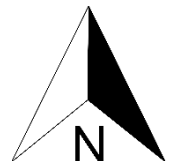
RECOMMENDATION:

Staff recommends City Council adopt an Ordinance accepting the dedication of a temporary fire access easement agreement from Alamar Community Association, Inc., as it relates to the Sierra Estrella Energy Storage development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Yulonda Moore



Vicinity Map



ORDINANCE NO. 2061-1023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ACCEPTING THE GRANT OF A TEMPORARY FIRE ACCESS EASEMENT FROM ALAMAR COMMUNITY ASSOCIATION, INC.

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

SECTION 1. A temporary fire access easement over, across and under $\pm$ 0.570 acres of real property generally located west of Avondale Boulevard and north of Broadway Road in Avondale, Arizona, as more particularly depicted and described in Exhibit A, attached hereto and incorporated herein by reference, is hereby accepted in substantially the form and substance set forth in Exhibit A, by the City of Avondale, Arizona from Alamar Community Association, Inc.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

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

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2061-1023

[Temporary Fire Access Easement]

See following pages.

When recorded, please return to:

ATTN: CITY CLERK
CITY OF AVONDALE
11465 W. CIVIC CENTER DRIVE, STE 200
AVONDALE, AZ 85323

TEMPORARY FIRE ACCESS EASEMENT AGREEMENT

THIS TEMPORARY FIRE ACCESS EASEMENT AGREEMENT (this “**Agreement**”) is made as of this ____ day of _____, 2023, by ALAMAR COMMUNITY ASSOCIATION, INC., an Arizona corporation (“**Grantor**”) and the CITY OF AVONDALE, an Arizona municipal corporation (“**Grantee**”).

RECITALS:

A. Grantor is the record owner of the land described on Exhibit “A” attached hereto (the “**Easement Area**”).

B. Grantee has requested, and Grantor has agreed to grant to the Grantee, a nonexclusive temporary fire access easement upon, over, across, in, through and under the Easement Area for the purpose of providing ingress and egress by police, fire and similar emergency personnel and their vehicles to the land described on Exhibit “B” attached hereto (the “**Sierra Parcel**”) located northeast of the Easement Area (the “**Access**”).

NOW, THEREFORE, for good and valuable consideration, Grantor and Grantee hereby declare as follows:

1. Grant of Temporary Fire Access Easement. Grantor hereby grants and conveys to Grantee a temporary fire access easement (the “**Easement**”) upon, over, across, in, through and under the Easement Area for purpose ingress and egress by lawful governmental or private emergency services providing (i) fire and police protection, and (ii) ambulances and rescue services (collectively, “**Emergency Services**”), to the Sierra Parcel.

2. Maintenance and Use of Easement. Grantor shall not maintain the Easement Area in a manner that impairs the ability or capacity of Grantee to fully utilize the Easement Area. Grantor shall not construct, install or place, or permit to be constructed, installed or placed upon the Easement Area any fence, wall, structure or other improvement or obstruction that may interfere with or impede Grantee’s access to the Sierra Parcel or the Grantee’s right to the Access.

3. Term. This Agreement and the rights, privileges and duties contained herein shall remain in full effect until the sooner of (a) the development of the Sierra Parcel that creates

access from the Sierra Parcel to Broadway Road or (ii) the construction of an alternate road that provides alternate or replacement access providing for Emergency Service to the Sierra Parcel that has been accepted by the City (each, a “**Terminating Event**”). At such time as a Terminating Event occurs, this Agreement, and the Easement created herein, shall automatically terminate without further action of the either Grantor or Grantee; provided, however, either party shall be permitted (but not required) to record a formal termination of this Agreement at such time.

4. Indemnification. To the fullest extent permitted by law, Grantee shall indemnify, defend and hold harmless Grantor, its successors and assigns, for, from and against any and all losses, liabilities and expenses which may be claimed or asserted against Grantor, its successors or assigns, or the Easement Area (and any adjoining land owned by Grantor), arising from the Grantee's negligent acts in conjunction with the use of the Easement.

5. Consideration. Grantor agrees the Access will provide a benefit to the owner of the Sierra Parcel who has compensated Grantor for granting this Easement and, therefore agrees to furnish the Easement at no additional consideration to the Grantee.

6. Reservation of Rights. Grantor hereby reserves all such rights and privileges in the Easement Area as may be used and enjoyed by Grantor without interfering with or abridging the rights conveyed to Grantee.

7. Running of Benefits and Burdens. This Agreement shall be appurtenant to and run with the land. This Agreement shall be binding upon Grantor and Grantee and their respective successors and assigns, as applicable, and the Easement Area and the Adjacent Parcel, as applicable.

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

9. Counterparts. This Agreement may be executed in counterparts, all of which are identical, each of which shall be deemed an original, and all of which counterparts, when executed, taken together shall constitute one and the same instrument

10. No Implied Easements. Nothing contained in this Agreement shall be deemed to create any implied easements not otherwise expressly provided for herein.

11. Recording. This Agreement shall become effective and binding upon the Easement Area and Sierra Parcel at such time as a fully executed and acknowledged version hereof is recorded in the official records of Maricopa County, Arizona.

12. No Waiver. No waiver of any default of any obligation by any party hereto shall be implied from any omission by any other person or entity to take any action with respect to such default.

13. Amendment. This Agreement may be modified only by a written amendment signed by persons duly authorized to enter into contracts on behalf of the Grantee and the Grantor.

14. Cancellation by Grantee. This Agreement may be cancelled by Grantee pursuant to ARIZ. REV. STAT. § 38-511.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective as of the date first set forth above.

GRANTOR:

ALAMAR COMMUNITY ASSOCIATION, INC.,
an Arizona nonprofit corporation

By: _____

Its: _____

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by _____, the _____ of ALAMAR COMMUNITY ASSOCIATION, INC., an Arizona nonprofit corporation, on behalf of the corporation.

Notary Public

(Seal)

GRANTEE:

CITY OF AVONDALE,
an Arizona municipal corporation

By: _____

Its: _____

ATTEST:

City Clerk

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____,
2023, by _____, the _____ of the CITY OF
AVONDALE, an Arizona municipal corporation, for and on behalf thereof.

Notary Public

(Seal)

*EXHIBIT A TO TEMPORARY FIRE ACCESS EASEMENT:
LEGAL DESCRIPTION AND MAP OF EASEMENT AREA
MARICOPA COUNTY, ARIZONA*

METES AND BOUNDS DESCRIPTION FOR A 30' WIDE TEMPORARY EMERGENCY ACCESS
EASEMENT

A METES AND BOUNDS DESCRIPTION FOR A PROPOSED 30' WIDE TEMPORARY EMERGENCY ACCESS EASEMENT ACROSS A TRACT OF LAND SITUATED IN SECTIONS 24 AND 25, TOWNSHIP 1 NORTH, RANGE 1 WEST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AND BEING A PART OF A TRACT OF LAND DESCRIBED IN DEED TO ALAMAR COMMUNITY ASSOCIATION, INC., RECORDED IN INSTRUMENT NO. 20210485965, OF THE RECORDS OF MARICOPA COUNTY, ARIZONA (R.M.C.AZ.), SAID DESCRIPTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 17°19'37", RADIUS OF 70.00 FEET, A CHORD BEARING OF NORTH 46°05'39" EAST, 21.09 FEET, AND AN ARC LENGTH OF 21.17 FEET, ON THE SOUTHWEST LINE OF THE SAID ALAMAR COMMUNITY ASSOCIATION, INC. TRACT, FROM WHICH A 2-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID SECTION 24 BEARS, NORTH 51°56'12" WEST, 920.55 FEET;

THENCE, OVER AND ACROSS SAID ALAMAR COMMUNITY ASSOCIATION, INC. TRACT IN SAID SECTIONS 24 AND 25 THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

ALONG SAID CURVE TO THE RIGHT, 21.17 FEET TO A CALCULATED POINT;

NORTH 54°45'27" EAST, 56.79 FEET TO A CALCULATED POINT AT THE BEGINNING OF A CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 12°56'59", RADIUS OF 40.00 FEET, AND AN ARC LENGTH OF 9.04 FEET;

ALONG SAID CURVE TO THE LEFT, 9.04 FEET TO A CALCULATED POINT;

NORTH 41°48'28" EAST, 705.22 FEET TO A CALCULATED POINT AT THE BEGINNING OF A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 39°30'13", RADIUS OF 70.00 FEET, AND AN ARC LENGTH OF 48.26 FEET;

ALONG SAID CURVE TO THE RIGHT, 48.26 FEET TO A CALCULATED POINT ON A COMMON LINE OF SAID ALAMAR COMMUNITY ASSOCIATION INC. TRACT AND A SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT AND ARIZONA PUBLIC SERVICE COMPANY TRACT, RECORDED IN INSTRUMENT NO. 20180487138, AND INSTRUMENT NO. 20190319022 OF THE R.M.C.AZ.;

THENCE, WITH SAID COMMON LINE, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

SOUTH 00°55'59" EAST, WITH SAID COMMON LINE, 26.51 FEET TO A CALCULATED POINT AT AN ANGLE BREAK FOR SAID ALAMAR COMMUNITY ASSOCIATION INC. TRACT AND A SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT AND ARIZONA PUBLIC SERVICE COMPANY TRACTS, FROM WHICH A 1/2-INCH IRON ROD WITH A DAMAGED CAP FOUND AT THE SOUTH QUARTER CORNER OF SAID SECTION 24 BEARS, SOUTH 88°54'12" EAST, 1,305.93 FEET;

SOUTH 41°16'16" WEST, 7.53 FEET TO A CALCULATED POINT AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 26°00'09", RADIUS OF 40.00 FEET, A CHORD BEARING OF SOUTH 54°48'33" EAST, 18.00 FEET, AND AN ARC LENGTH OF 18.15 FEET;

THIS EXHIBIT AND DESCRIPTION IS NOT CONSIDERED COMPLETE IF SHEETS 1-5 ARE NOT
BOUND TOGETHER.



*EXHIBIT A TO TEMPORARY FIRE ACCESS EASEMENT: LEGAL
DESCRIPTION AND MAP OF EASEMENT AREA
MARICOPA COUNTY, ARIZONA*

THENCE, OVER AND ACROSS SAID ALAMAR COMMUNITY ASSOCIATION, INC. TRACT IN SAID SECTIONS 24 AND 25 THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

ALONG SAID CURVE TO THE RIGHT, 18.15 FEET TO A CALCULATED POINT;

SOUTH 41°48'28" WEST, 705.22 FEET TO A CALCULATED POINT AT THE BEGINNING OF A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 12°56'59", RADIUS OF 70.00 FEET, AND AN ARC LENGTH OF 15.82 FEET;

ALONG SAID CURVE TO THE RIGHT, 15.82 FEET TO A CALCULATED POINT;

SOUTH 54°45'27" WEST, 56.79 FEET TO A CALCULATED POINT AT THE BEGINNING OF A CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 18°12'53", RADIUS OF 40.00 FEET, AND AN ARC LENGTH OF 12.72 FEET;

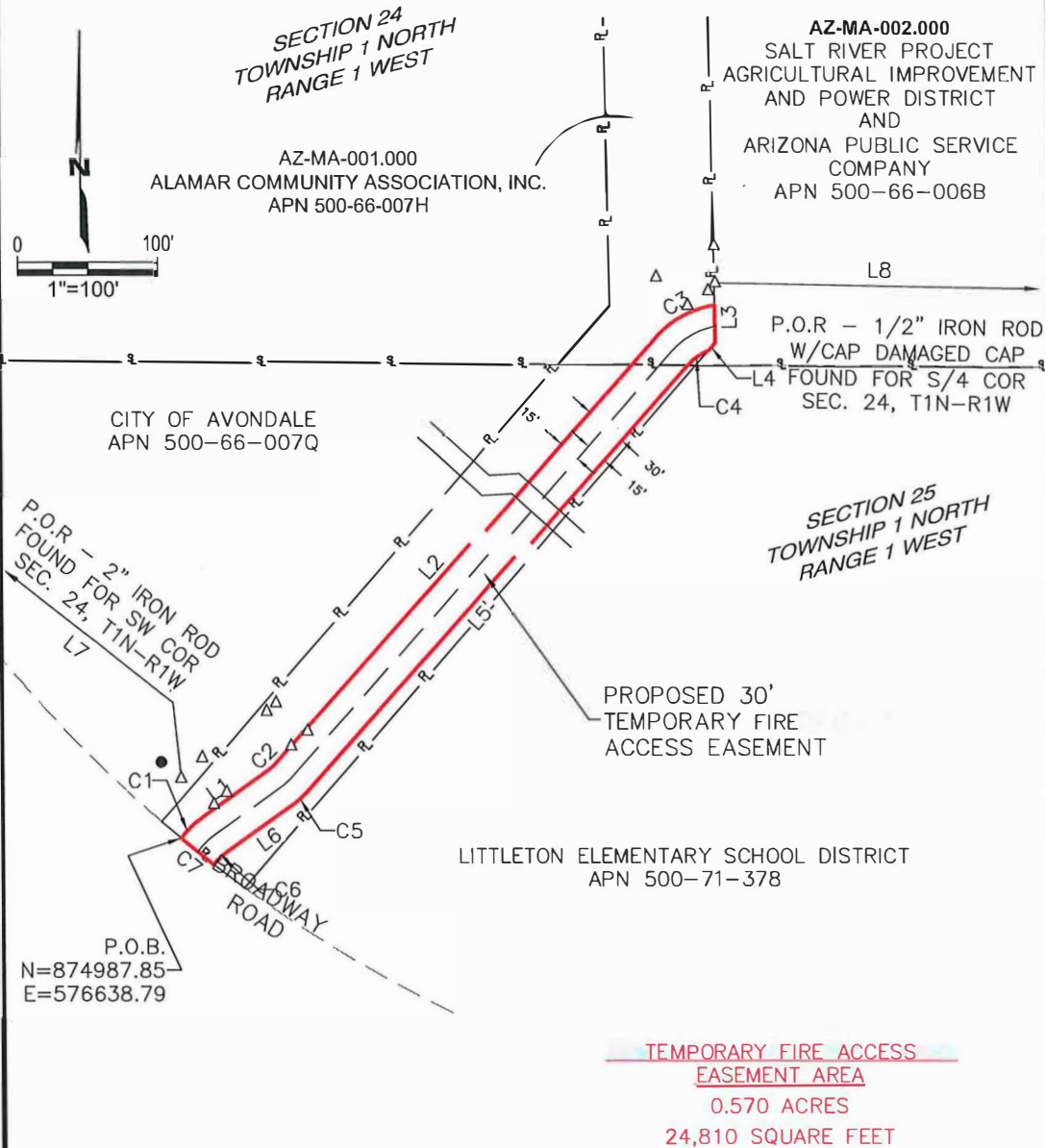
ALONG SAID CURVE TO THE LEFT, 12.72 FEET TO A CALCULATED POINT AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 01°44'45", RADIUS OF 984.94 FEET, A CHORD BEARING OF NORTH 51°23'10" WEST, A CHORD LENGTH OF 30.01 FEET, AND AN ARC LENGTH OF 30.01 FEET, ON THE SAID SOUTHWEST LINE OF THE ALAMAR COMMUNITY ASSOCIATION, INC. TRACT;

THENCE, ALONG SAID CURVE TO THE RIGHT, 20.01 FEET TO THE PLACE OF BEGINNING, SAID EASEMENT CONTAINS 0.570 ACRES (24,810 SQUARE FEET) OF LAND, MORE OR LESS.

THIS EXHIBIT AND DESCRIPTION IS NOT CONSIDERED COMPLETE IF SHEETS 1-5 ARE NOT BOUND TOGETHER.



**EXHIBIT A TO TEMPORARY FIRE ACCESS EASEMENT: LEGAL
DESCRIPTION AND MAP OF EASEMENT AREA
MARICOPA COUNTY, ARIZONA**



PROJECT: BMCD - PLUS POWER		30' WIDE TEMPORARY FIRE ACCESS EASEMENT ON AN ALAMAR COMMUNITY ASSOCIATION, INC. TRACT SECTIONS 24 & 25, T1N-R1W MARICOPA COUNTY, ARIZONA
JOB NUMBER: 74562		
DATE: 08/24/2023		
SCALE: 1"=100'		
TRACT ID: AZ-MA-001.000		
BURNS & MCDONNELL	 1341 W. Mockingbird Lane, Suite 400W, Dallas, Tx 75247 (214) 631-7888, SAM@SAM.BIZ	DRAWN BY: TDR CHECKED BY: MS SHEET NO. 3 OF 5

**EXHIBIT A TO TEMPORARY FIRE ACCESS EASEMENT: LEGAL
DESCRIPTION AND MAP OF EASEMENT AREA MARICOPA
COUNTY, ARIZONA**

CURVE TABLE					
CURVE NO.	CENTRAL ANGLE	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	017°19'37"	70.00'	21.17'	N46°05'39"E	21.09'
C2	012°56'59"	40.00'	9.04'	N48°16'58"E	9.02'
C3	039°30'13"	70.00'	48.26'	N61°33'35"E	47.31'
C4	026°00'09"	40.00'	18.15'	S54°48'33"W	18.00'
C5	012°56'59"	70.00'	15.82'	S48°16'58"W	15.79'
C6	018°12'53"	40.00'	12.72'	S45°39'01"W	12.66'
C7	001°44'45"	984.94'	30.01'	N51°23'10"W	30.01'

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L1	N54°45'27"E	56.79'
L2	N41°48'28"E	705.22'
L3	S00°55'59"E	26.51'
L4	S41°16'16"W	7.53'
L5	S41°48'28"W	705.22'
L6	S54°45'27"W	56.79'
L7	N51°56'12"W	920.55'
L8	S88°54'12"E	1,305.93'



PROJECT: BMCD - PLUS POWER		30' WIDE TEMPORARY FIRE ACCESS EASEMENT ON AN ALAMAR COMMUNITY ASSOCIATION, INC. TRACT SECTIONS 24 & 25, T1N-R1W MARICOPA COUNTY, ARIZONA	
JOB NUMBER: 74562			
DATE: 08/24/2023			
SCALE: 1"=100'			
TRACT ID: AZ-MA-001.000			
BURNS & MEDONNELL	 1341 W. Mockingbird Lane, Suite 400W, Dallas, Tx 75247 (214) 631-7888, SAM@SAM.BIZ	DRAWN BY: TDR	
		CHECKED BY: MS	
		SHEET NO. 4 OF 5	

*EXHIBIT A TO TEMPORARY FIRE ACCESS EASEMENT: LEGAL
DESCRIPTION AND MAP OF EASEMENT AREA MARICOPA
COUNTY, ARIZONA*

NOTES:

1. BEARINGS, DISTANCES, AND AREAS ARE ARIZONA COORDINATE SYSTEM, NAD83 (2011), CENTRAL ZONE, GRID, INTERNATIONAL FEET.
2. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THERE MAY BE EASEMENTS OR OTHER MATTERS OF RECORD NOT SHOWN. RECORD INFORMATION SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PERFORMED BY OTHERS.
3. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENT OF RECORD, OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
4. THIS EXHIBIT AND DESCRIPTION IS NOT CONSIDERED COMPLETE IF SHEET 1-5 ARE NOT BOUND TOGETHER.
5. DATE OF FIELDWORK: MONTH OF MAY OF 2023.

CERTIFICATE OF SURVEYOR:

I, MICHAEL SEGROVES, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA AND THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF ON THE DATE OF MY SIGNATURE, THIS EXHIBIT ACCURATELY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY MADE UNDER MY RESPONSIBLE CHARGE, FOR AND ON BEHALF OF SAM, LLC.

MICHAEL SEGROVES, R.L.S. 77568



LEGEND

	PROPOSED TEMPORARY FIRE EMERGENCY ACCESS EASEMENT
	PROPOSED ACCESS ROAD CENTERLINE
	PROPERTY LINE
	SECTION LINE
	QUARTER SECTION LINE
	1/2" IRON ROD W/CAP STAMPED "WOODPATEL LS 23945" FOUND (UNLESS OTHERWISE NOTED)
	CALCULATED POINT
P.O.B.	POINT OF BEGINNING
P.O.R.	POINT OF REFERENCE

PROJECT: BMCD - PLUS POWER	30' WIDE TEMPORARY FIRE ACCESS EASEMENT ON AN ALAMAR COMMUNITY ASSOCIATION, INC. TRACT SECTIONS 24 & 25, T1N-R1W MARICOPA COUNTY, ARIZONA			
JOB NUMBER: 74562				
DATE: 08/24/2023				
SCALE: 1"=100'				
TRACT ID: AZ-MA-001.000				
BURNS & McDONNELL	SAM 1341 W. Mockingbird Lane, Suite 400W, Dallas, Tx 75247 (214) 631-7888, SAM@SAM.BIZ	DRAWN BY: TDR	CHECKED BY: MS	SHEET NO. 5 OF 5

August 25, 2023

EXHIBIT B TO TEMPORARY FIRE ACCESS EASEMENT
LEGAL DESCRIPTION AND MAP FOR THE SIERRA PARCEL

APN 500-66-005E:

That part of the North Half of the Southeast Quarter of Section 24, Township 1 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the 1-1/2" Iron Pipe marking the South Quarter Corner of said Section 24, from which the 1/2" Rebar with no identification marking the Center of said Section 24 bears North 00°18'32" West, a distance of 2628.39 feet;

Thence North 00°18'32" West, along the West line of the Southeast Quarter, a distance of 1314.20 feet to a point marking the Southwest Corner of said North Half and the Point of Beginning;

Thence continuing North 00°18'32" West, along said West line, a distance of 765.10 feet to a point on a line which is parallel with and 765.00 feet Northerly from the South line of the North Half of the Southeast Quarter of said Section 24;

Thence South 89°23'38" East, along said parallel line, a distance of 654.87 feet to a point on a line which is parallel with and 654.79 feet Easterly said West line;

Thence South 00°18'32" East, along last said parallel line, a distance of 765.10 feet to a point on the South line of the North Half of the Southeast Quarter of said Section 24;

Thence North 89°23'38" West, along said South line, a distance of 654.87 feet to the Point of Beginning.

Containing 500,978 Square Feet or 11.501 Acres, more or less.



N:\01\0316901\Admin\Legal Descriptions\G-LG-MLD-LOT2.docx

4550 NORTH 12TH STREET PHOENIX, ARIZONA 85014-4291 (602) 264-6831 FAX (602) 264-0928



SIERRA ESTRELLA
MINOR LAND DIVISION

RESULTANT PARCEL 2:

N00°18'31.7692" W 1314.20

BOUNDARY

N00°18'31.7692" W 765.10

S89°23'38.0189" E 654.87

S00°18'31.7692" E 765.10

N89°23'38.0189" W 654.87
to

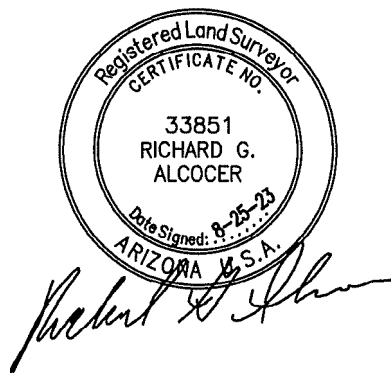
Area = 500978 11.501 AC

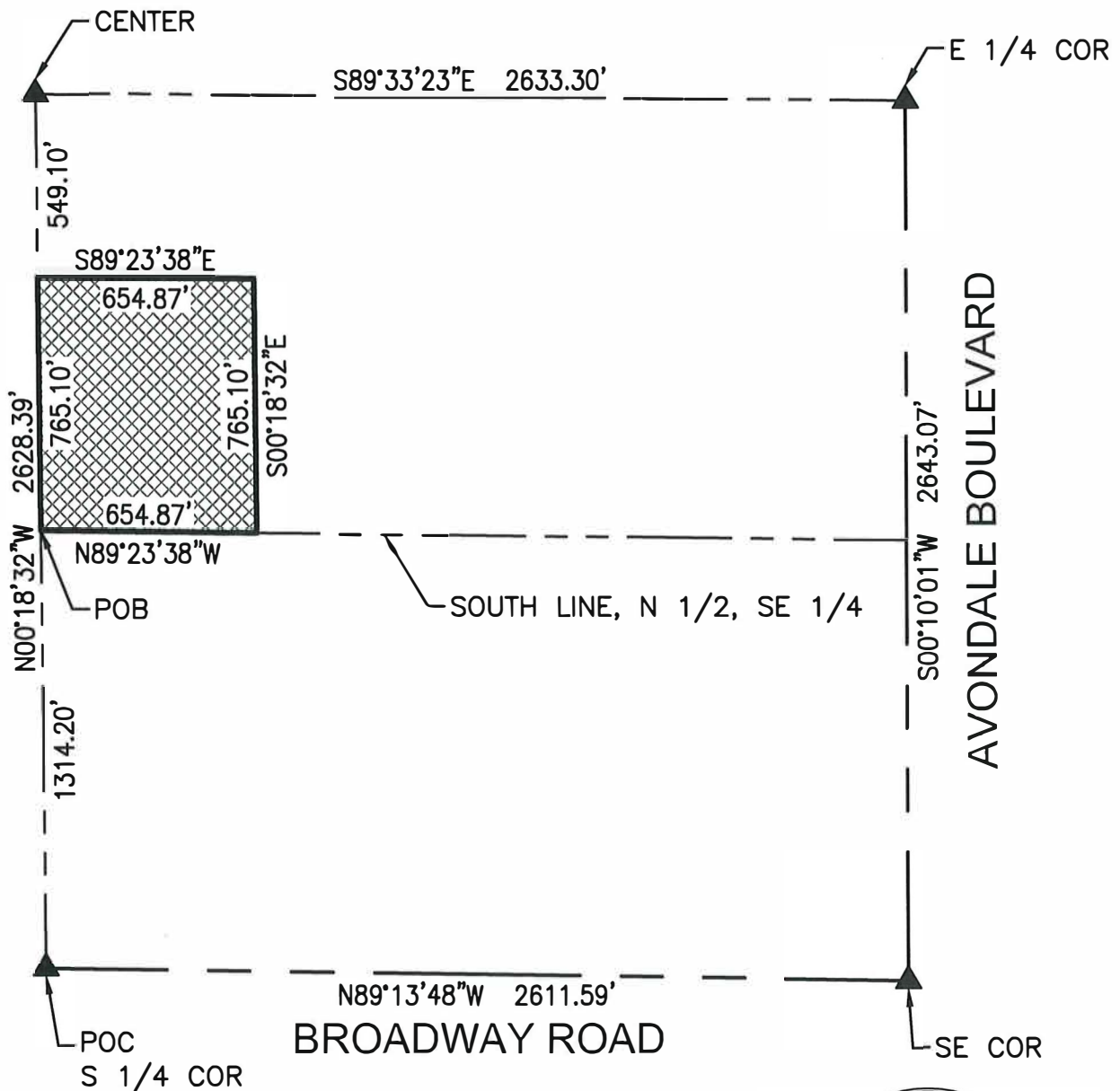
Closing course: 00°00'00.0000" 0.000000

Misclosure: 1/Infinity

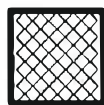
North Error: 0.000000

East Error: 0.000000

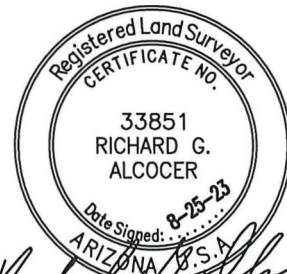




SOUTHEAST QUARTER, SECTION 24
TOWNSHIP 1 NORTH, RANGE 1 WEST



SIERRA ESTRELLA
= ENERGY STORAGE LLC
APN 500-66-005E



Richard G. Alcocer

SCALE 1" = 500'

EXHIBIT

4550 North 12th Street
Phoenix, Arizona 85014
Phone 602-264-6831
<http://www.cvlci.com>

EXHIBIT B: SIERRA
PARCEL

TEMPORARY FIRE ACCESS
EASEMENT



ITEM NUMBER: 3.f.

SUBJECT: Ordinance 2062-1023 - Limited and Temporary Emergency Access Easement Agreement with Salt River Project Agricultural Improvement and Power District and Arizona Public Service Company

MEETING DATE: 10/23/2023

TO: Mayor and Council

FROM: Kirk Beaty, Interim Director/Interim City Engineer, Engineering Department

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

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 2062-1023 accepting the dedication of a limited and temporary emergency access easement agreement from Salt River Project Agricultural Improvement and Power District (SRP) and Arizona Public Service Company (APS) as it relates to the Sierra Estrella Energy Storage development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Sierra Estrella Energy Storage, LLC, to be located on the 11.5 acres of property identified by APN 500-66-005E, located west of Avondale Boulevard and north of Broadway Road. The proposed facility will be located immediately east of the SRP Rudd Substation. A condition for development of the facility is the dedication of a second temporary fire access easement to meet the City's fire code.

DISCUSSION:

A primary access easement has been provided off Avondale Boulevard as recorded in Deed Book 2022, Page 0894598 with the Maricopa County Recorder's Office. A second access easement will be located on property co-owned by SRP and APS. Both entities have agreed to grant the City a limited and temporary emergency access easement agreement along their property. The easement consists of a combined area containing 97,624 square feet. The agreement will remain in effect until the construction of an alternate road that

provides alternate or replacement access providing for emergency service to the project that has been accepted by the City.

BUDGET IMPACT:

There is no impact to the budget for this action.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance accepting the dedication of a limited and temporary emergency access easement agreement from Salt River Project Agricultural Improvement and Power District (SRP) and Arizona Public Service Company (APS) as it relates to the Sierra Estrella Energy Storage development and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Yulonda Moore



SRP/APS Rudd Substation

Sierra Estrella Energy Storage

Limited & Temp. Emergency Access Easement to be granted to City of Avondale

South Avondale Blvd.

West Broadway Road

Vicinity Map



ORDINANCE NO. 2062-1023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ACCEPTING THE GRANT OF A LIMITED AND TEMPORARY EMERGENCY ACCESS EASEMENT FROM SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT POWER DISTRICT AND ARIZONA PUBLIC SERVICE COMPANY RELATING TO A LITHIUM BATTERY SUBSTATION OWNED BY SIERRA ESTRELLA ENERGY STORAGE, LLC.

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

SECTION 1. A nonexclusive limited and temporary emergency access easement upon, over, across, under and through certain portions of owner's real property, APN 500-66-005E, containing $\pm$ 11.501 acres generally located west of Avondale Boulevard and north of Broadway Road in Avondale, Arizona, as more particularly depicted and described in Exhibit A, attached hereto and incorporated herein by reference, is hereby accepted in substantially the form and substance set forth in Exhibit A, by the City of Avondale from Salt River Project Agricultural Improvement Power District and Arizona Public Service.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

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

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2062-1023

[Limited and Temporary Emergency Access Easement]

See following pages.

When recorded return to:
City Clerk
City of Avondale
11465 West Civic Center Drive, Suite 200
Avondale, Arizona 85323

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

LIMITED AND TEMPORARY EMERGENCY ACCESS EASEMENT AGREEMENT

THIS LIMITED AND TEMPORARY EMERGENCY ACCESS EASEMENT AGREEMENT (this "Agreement") is entered into on this ____ day of _____, 2023, by and between Salt River Project Agricultural Improvement and Power District, an agricultural improvement district organized and existing under the laws of the State of Arizona, as to its 50% undivided interest as a tenant in common, and ARIZONA PUBLIC SERVICE COMPANY, an Arizona corporation, as to its 50% undivided interest as a tenant in common (collectively, "Grantor"), and the City of Avondale, an Arizona municipal corporation ("Grantee").

RECITALS

A. Grantor is the record owner of certain real property located in the City of Avondale, adjacent to certain real property, legally described in Exhibit A, attached hereto and incorporated herein by reference (the "Project Property") on which a lithium battery substation (the "Project") is owned and operated by Sierra Estrella Energy Storage, LLC, an Arizona limited liability company (the "Project Owner").

B. Grantee has requested, and Grantor has agreed to grant to the Grantee, a non-exclusive temporary emergency access easement upon, over, across, and through certain portions of Grantor's Property for the purpose of providing ingress and egress by police, fire and similar emergency personnel and their vehicles to the Project.

AGREEMENT

NOW, THEREFORE, in consideration of the recitals set forth above, which are incorporated herein by reference, the mutual covenants set forth herein and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and the Grantee agree as follows:

1. Grant of Temporary Emergency Access Easement. Grantor hereby grants and conveys to Grantee a temporary emergency access easement (the "Easement") upon, over, across, in and through the Grantor Property, at the location depicted and legally described in

Exhibit B, attached hereto and incorporated herein by reference (the "Easement Area"). The Easement shall be used solely for ingress and egress to the Project Property by lawful governmental or private emergency services providing (i) fire and police protection, and (ii) ambulances and rescue services (collectively, "Emergency Services"), to the Project. The Easement shall in no way be construed as a dedication of any roadways to the public. No easement, except that expressly set forth in this Agreement, shall be implied by this Agreement.

2. Term. This Agreement and the rights, privileges and duties contained herein shall remain in full effect until the construction of an alternate road that provides alternate or replacement access providing for Emergency Service to the Project that has been accepted by Grantee (the "Terminating Event"). At such time as the Terminating Event occurs, this Agreement, and the Easement created herein, shall automatically terminate without further action of the either Grantor or Grantee. Within five (5) days after the occurrence of the Terminating Event, Grantee shall cause the recordation of an instrument evidencing such termination and releasing this Agreement from the Easement Area, provided that the termination of this Agreement shall be automatic and the recordation of an instrument evidencing such termination shall not be necessary to effectuate the termination.

3. No Improvements. Nothing in this Agreement shall be construed as an obligation of Grantor to construct any improvements on or to the Grantor Property or the Easement Area. In addition, nothing in this Agreement shall be construed as Grantor's consent for Grantee or the Project Owner to construct any improvements on or to the Easement Area. In the event the Grantee or the Project Owner wishes to construct improvements on or to the Easement Area, such party shall first (i) obtain the prior written consent of Grantor, which may be granted or denied through the exercise of Grantor's sole discretion, and (ii) execute Grantor's standard form Right of Entry.

4. Amendment. Grantor and Grantee anticipate the possibility that the Easement Area may need to be relocated to a different area to facilitate construction on the Grantor Property. Subject to the approval of the City Fire Marshall as to an alternate location for the Easement Area (which approval shall not be unreasonably withheld, conditioned or delayed), Grantee agrees to amend this Agreement upon the request of Grantor to relocate the Easement Area within the Property unless this Agreement is sooner terminated pursuant to Section 2.

5. Indemnification. To the fullest extent permitted by law, Grantee shall indemnify, defend and hold harmless Grantor, its successors and assigns, for, from and against any and all losses, liabilities and expenses which may be claimed or asserted against Grantor, its successors or assigns, or the Grantor Property, arising from the Grantee's use of the Easement.

6. Mortgagee Protection. This Agreement shall be superior and senior to any lien of any mortgage or deed of trust. Notwithstanding the foregoing, nothing herein shall defeat, render invalid, diminish or impair the lien of any mortgage or deed of trust made in good faith and for value subsequent to the date of this Agreement.

7. Reservation of Rights. The use and enjoyment of the Easement by Grantee is nonexclusive, such that Grantor and its authorized agents and grantees shall have the right to use the Easement Area for the same purpose or any other purpose which does not interfere with

Grantee's permitted use of the Easement Area. Grantor hereby reserves all such rights and privileges in the Grantor Property as may be used and enjoyed by Grantor without interfering with or abridging the rights conveyed to Grantee in this Agreement.

8. Running of Benefits and Burdens. This Agreement shall be appurtenant to and run with the Easement Area and the Project Property. This Agreement shall be binding upon Grantor, Grantee, and their successors and assigns.

9. Counterparts. This Agreement may be executed in counterparts, all of which are identical, each of which shall be deemed an original, and all of which counterparts, when executed, taken together shall constitute one and the same instrument.

10. Cancellation by Grantee. Except as to Grantee's indemnification obligations, this Agreement may be cancelled by Grantee pursuant to ARIZ. REV. STAT. § 38-511.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, Grantor and Grantee have executed this Agreement on the date first set forth above.

GRANTOR:

**SALT RIVER PROJECT AGRICULTURAL
IMPROVEMENT AND POWER DISTRICT, an
agricultural improvement district organized and
existing under the laws of the State of Arizona**

BY:

President / Vice President

David Rousseau / Christopher Dobson

ATTEST AND COUNTERSIGN:

Secretary / Assistant Secretary

John M. Felty / Lora F. Hobaica

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by David Rousseau / Christopher Dobson as President/Vice President and John M. Felty / Lora F. Hobaica as Secretary/Assistant Secretary of **Salt River Project Agricultural Improvement and Power District**, on behalf of such district.

Notary Public

My Commission expires:

IN WITNESS WHEREOF, Grantor and Grantee have executed this Agreement on the date first set forth above.

GRANTOR:

**ARIZONA PUBLIC SERVICE COMPANY, an
Arizona corporation**

By _____

Its _____

STATE OF _____)
) ss
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by _____ as _____, respectively, of **ARIZONA PUBLIC SERVICE COMPANY, an Arizona corporation**, a 50% undivided interest, as a tenant in common, on behalf of such corporation.

My Commission Expires:

Notary Public

Stamp/Seal

GRANTEE:

**CITY OF AVONDALE,
an Arizona municipal corporation**

**By: _____
Ron Corbin, City Manager**

ATTEST:

APPROVED AS TO FORM:

Marcella Carillo, City Clerk

City Attorney

(ACKNOWLEDGEMENT)

STATE OF ARIZONA)
) ss.
County of MARICOPA)

On _____, 2023, before me personally appeared Ron Corbin, The City Manager of the CITY OF AVONDALE, an Arizona municipal corporation whose identity was proven to me on the basis of satisfactory evidence to be the person who he claims to be, and acknowledged that he signed the above document on behalf of the City of Avondale.

Notary Public

My Commission expires:

PROJECT OWNER CONSENT

This Project Owner Consent (this “Consent”) is provided by Sierra Estrella Energy Storage, LLC, an Arizona limited liability company (“Project Owner”), as fee title owner of the Project Property (as defined in the Agreement). Project Owner hereby: (i) agrees to the easement instrument to which this Consent is attached (the “Agreement”); and (iii) approves the recordation of the Agreement against the Project Property.

PROJECT OWNER:

**Sierra Estrella Energy Storage, LLC,
an Arizona limited liability company**

By: _____

Its: _____

STATE OF _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me on this _____ day of _____, 2023, by _____, as manager of Sierra Estrella Energy Storage, LLC, an Arizona limited liability company, on behalf of the company.

Notary Public

My Commission expires:

August 25, 2023

EXHIBIT A
LIMITED AND TEMPORARY EMERGENCY ACCESS EASEMENT
LEGAL DESCRIPTION FOR THE PROJECT PROPERTY

APN 500-66-005E:

That part of the North Half of the Southeast Quarter of Section 24, Township 1 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the 1-1/2" Iron Pipe marking the South Quarter Corner of said Section 24, from which the 1/2" Rebar with no identification marking the Center of said Section 24 bears North 00°18'32" West, a distance of 2628.39 feet;

Thence North 00°18'32" West, along the West line of the Southeast Quarter, a distance of 1314.20 feet to a point marking the Southwest Corner of said North Half and the Point of Beginning;

Thence continuing North 00°18'32" West, along said West line, a distance of 765.10 feet to a point on a line which is parallel with and 765.00 feet Northerly from the South line of the North Half of the Southeast Quarter of said Section 24;

Thence South 89°23'38" East, along said parallel line, a distance of 654.87 feet to a point on a line which is parallel with and 654.79 feet Easterly said West line;

Thence South 00°18'32" East, along last said parallel line, a distance of 765.10 feet to a point on the South line of the North Half of the Southeast Quarter of said Section 24;

Thence North 89°23'38" West, along said South line, a distance of 654.87 feet to the Point of Beginning.

Containing 500,978 Square Feet or 11.501 Acres, more or less.



SIERRA ESTRELLA
MINOR LAND DIVISION

RESULTANT PARCEL 2:

N00°18'31.7692" W 1314.20

BOUNDARY

N00°18'31.7692" W 765.10

S89°23'38.0189" E 654.87

S00°18'31.7692" E 765.10

N89°23'38.0189" W 654.87
to

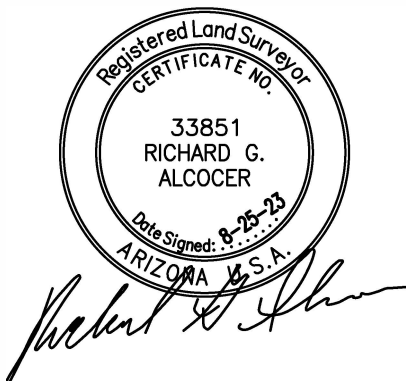
Area = 500978 11.501 AC

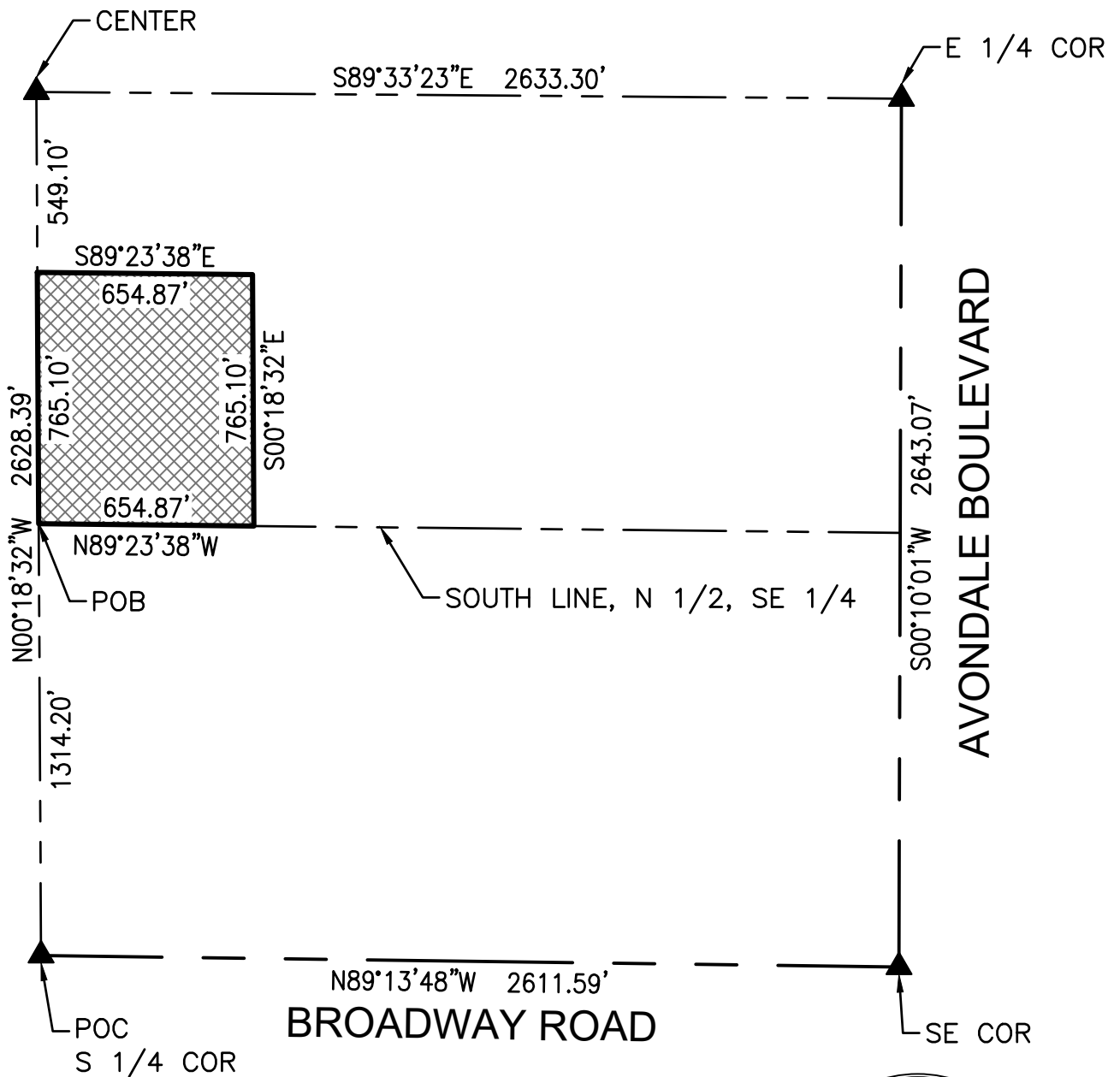
Closing course: 00°00'00.0000" 0.000000

Misclosure: 1/Infinity

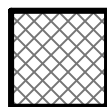
North Error: 0.000000

East Error: 0.000000





SOUTHEAST QUARTER, SECTION 24
TOWNSHIP 1 NORTH, RANGE 1 WEST



SIERRA ESTRELLA
= ENERGY STORAGE LLC
APN 500-66-005E



Richard G. Alcocer

SCALE 1" = 500'

EXHIBIT

4550 North 12th Street
Phoenix, Arizona 85014
Phone 602-264-6831
<http://www.cvlci.com>

EXHIBIT A

PROJECT PROPERTY

LIMITED AND TEMPORARY EMERGENCY

ACCESS EASEMENT



1 OF 1

*EXHIBIT B TO LIMITED AND TEMPORARY
EMERGENCY ACCESS EASEMENT:
LEGAL DESCRIPTION AND MAP OF EASEMENT AREA
MARICOPA COUNTY, ARIZONA*

METES AND BOUNDS DESCRIPTION FOR A VARIABLE WIDTH ACCESS EASEMENT

A METES AND BOUNDS DESCRIPTION FOR A VARIABLE WIDTH ACCESS ROAD EASEMENT ACROSS A TRACT OF LAND SITUATED IN SECTION 24, TOWNSHIP 1 NORTH, RANGE 1 WEST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AND BEING A PART OF A TRACT OF LAND DESCRIBED IN DEED TO SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT AND ARIZONA PUBLIC SERVICE COMPANY, AN ARIZONA CORPORATION, RECORDED IN INSTRUMENT NO. 20180487138, AND IN INSTRUMENT NO. 20190319022 OF THE RECORDS OF MARICOPA COUNTY, ARIZONA (R.M.C.AZ.), SAID DESCRIPTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT ON THE COMMON LINE OF SAID SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT AND ARIZONA PUBLIC SERVICE COMPANY TRACT AND AN ALAMAR COMMUNITY ASSOCIATION, INC. TRACT, DESCRIBED IN INSTRUMENT NO. 20210485965 OF THE R.M.C.AZ., FROM WHICH A 1/2-INCH IRON ROD WITH DAMAGED CAP FOUND AT THE SOUTH QUARTER CORNER OF SAID SECTION 24 BEARS, SOUTH 89°09'17" EAST, 1,310.79, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:875557.28, E:577214.29;

THENCE, WITH SAID COMMON LINE, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

NORTH 41°16'16" EAST, 7.53 FEET TO A CALCULATED POINT AT A BREAK IN SAID COMMON LINE;

NORTH 00°55'59" WEST, 35.18 FEET TO A CALCULATED POINT;

THENCE, OVER AND ACROSS SAID SECTION 24, THE FOLLOWING EIGHTEEN (18) COURSES AND DISTANCES:

NORTH 87°59'34" EAST, A DISTANCE OF 12.70 FEET;

SOUTH 83°51'34" EAST, A DISTANCE OF 25.45 FEET;

SOUTH 67°18'12" EAST, A DISTANCE OF 15.94 FEET;

SOUTH 89°13'55" EAST, 1,186.55 FEET TO A CALCULATED POINT AT THE BEGINNING OF A CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 91°27'14", RADIUS OF 40.00 FEET, AND AN ARC LENGTH OF 63.85 FEET;

ALONG SAID CURVE TO THE LEFT, 63.85 FEET TO A CALCULATED POINT;

NORTH 00°41'09" WEST, 866.05 FEET TO A CALCULATED POINT AT THE BEGINNING OF A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 15°00'00", RADIUS OF 50.00 FEET, AND AN ARC LENGTH OF 13.09 FEET;

ALONG SAID CURVE TO THE RIGHT, 13.09 FEET TO A CALCULATED POINT;

NORTH 14°18'51" EAST, A DISTANCE OF 2.64 FEET TO A CALCULATED POINT AT THE BEGINNING OF A CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 15°00'00", RADIUS OF 40.00 FEET, AND AN ARC LENGTH OF 10.47 FEET;

ALONG SAID CURVE TO THE LEFT, 10.47 FEET TO A CALCULATED POINT;

NORTH 00°41'09" WEST, A DISTANCE OF 30.98 FEET;

NORTH 03°28'25" WEST, A DISTANCE OF 66.41 FEET;

NORTH 03°30'26" WEST, 355.90 FEET TO A CALCULATED POINT;



THIS EXHIBIT AND DESCRIPTION IS NOT CONSIDERED COMPLETE IF SHEETS 1-8 ARE NOT BOUND TOGETHER.

*EXHIBIT B TO LIMITED AND TEMPORARY
EMERGENCY ACCESS EASEMENT:
LEGAL DESCRIPTION AND MAP OF EASEMENT AREA
MARICOPA COUNTY, ARIZONA*

NORTH 00°18'32" WEST, 231.93 FEET TO A CALCULATED POINT AT THE BEGINNING OF A CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 15°00'00", RADIUS OF 40.00 FEET, AND AN ARC LENGTH OF 10.47 FEET;

ALONG SAID CURVE TO THE LEFT, 10.47 FEET TO A CALCULATED POINT;

NORTH 15°18'32" WEST, 105.01 FEET TO A CALCULATED POINT AT THE BEGINNING OF A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 14°36'44", RADIUS OF 70.00 FEET, AND AN ARC LENGTH OF 17.85 FEET;

ALONG SAID CURVE TO THE RIGHT, 17.85 FEET TO A CALCULATED POINT;

NORTH 00°41'48" WEST, 188.19 FEET TO A CALCULATED POINT AT THE BEGINNING OF A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 90°27'08", RADIUS OF 70.00 FEET, AND AN ARC LENGTH OF 110.51 FEET, FROM WHICH A 3" CITY OF AVONDALE BRASS CAP FOUND FOR THE WEST QUARTER CORNER OF SAID SECTION 24 BEARS, NORTH, 75°33'27" WEST, 2,654.02 FEET;

ALONG SAID CURVE TO THE RIGHT, 110.51 FEET TO A CALCULATED POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24;

THENCE, SOUTH 00°42'21" EAST, WITH THE EAST LINE OF SAID SOUTHWEST QUARTER, 30.00 FEET TO A CALCULATED POINT AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 90°47'54", RADIUS OF 40.00 FEET, CHORD BEARING OF SOUTH 44°42'09" WEST, CHORD LENGTH OF 56.96 FEET, AND AN ARC LENGTH OF 63.39 FEET;

THENCE, OVER AND ACROSS SAID SECTION 24, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

ALONG SAID CURVE TO THE LEFT, 63.39 FEET TO A CALCULATED POINT;

SOUTH 00°41'48" EAST, 45.00 FEET TO A CALCULATED POINT AT THE BEGINNING OF A CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 90°49'37", RADIUS OF 40.00 FEET, AND AN ARC LENGTH OF 63.41 FEET;

ALONG SAID CURVE TO THE LEFT, 63.41 FEET TO A CALCULATED POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER;

THENCE, SOUTH 00°42'21" EAST, WITH THE EAST LINE OF SAID SOUTHWEST QUARTER, 30.02 FEET TO A CALCULATED POINT AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 90°50'02", RADIUS OF 40.00 FEET, CHORD BEARING OF SOUTH 44°43'13" WEST, 56.98 FEET, AND AN ARC LENGTH OF 63.41 FEET;

THENCE, OVER AND ACROSS SAID SECTION 24, THE FOLLOWING SEVEN (7) COURSES AND DISTANCES:

ALONG SAID CURVE TO THE LEFT, 63.41 FEET TO A CALCULATED POINT;

SOUTH 00°41'48" EAST, 33.18 FEET TO A CALCULATED POINT AT THE BEGINNING OF A CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 14°36'44", RADIUS OF 40.00 FEET, AND AN ARC LENGTH OF 10.20 FEET;

ALONG SAID CURVE TO THE LEFT, 10.20 FEET TO A CALCULATED POINT;



THIS EXHIBIT AND DESCRIPTION IS NOT CONSIDERED COMPLETE IF SHEETS 1-8 ARE NOT BOUND TOGETHER.

*EXHIBIT B TO LIMITED AND TEMPORARY
EMERGENCY ACCESS EASEMENT:
LEGAL DESCRIPTION AND MAP OF EASEMENT AREA
MARICOPA COUNTY, ARIZONA*

SOUTH 15°18'32" EAST, 105.01 FEET TO A CALCULATED POINT AT THE BEGINNING OF A CURVE TO THE RIGHT, WITH A CENTRAL ANGLE OF 15°00'00", RADIUS OF 70.00 FEET, AND AN ARC LENGTH OF 18.33 FEET;

ALONG SAID CURVE TO THE RIGHT, 18.33 FEET TO A CALCULATED POINT;

SOUTH 00°18'32" EAST, 231.10 FEET TO A CALCULATED POINT;

SOUTH 03°30'26" EAST, 248.96 FEET TO A CALCULATED POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER;

THENCE, SOUTH 00°42'21" EAST, WITH THE EAST LINE OF SAID SOUTHWEST QUARTER, 1,171.70 FEET TO A CALCULATED POINT;

THENCE, OVER AND ACROSS SAID SECTION 24, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

NORTH 88°05'25" WEST, A DISTANCE OF 168.50 FEET;

NORTH 89°13'55" WEST, 1,126.68 FEET TO A CALCULATED POINT AT THE BEGINNING OF A CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 22°57'28", RADIUS OF 40.00 FEET, AND AN ARC LENGTH OF 16.03 FEET;

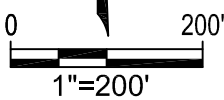
ALONG SAID CURVE TO THE LEFT, 16.03 FEET TO THE PLACE OF BEGINNING, SAID EASEMENT CONTAINS 2.241 ACRES (97,624 SQUARE FEET) OF LAND, MORE OR LESS.

THIS EXHIBIT AND DESCRIPTION IS NOT CONSIDERED COMPLETE IF SHEETS 1-8 ARE NOT BOUND TOGETHER.



EXHIBIT B TO LIMITED AND TEMPORARY
EMERGENCY ACCESS EASEMENT:
LEGAL DESCRIPTION AND MAP OF EASEMENT AREA
MARICOPA COUNTY, ARIZONA

MATCH LINE — SHEET 5 OF 7



AZ-MA-002.000
SALT RIVER PROJECT AGRICULTURAL
IMPROVEMENT AND POWER DISTRICT AND
ARIZONA PUBLIC SERVICE COMPANY
APN 500-66-006B

AZ-MA-003.000
EMPIRE WEST TITLE
AGENCY LLC TR NO
1305TRTAZ
APN 500-66-008D

AZ-MA-001.000
ALAMAR COMMUNITY
ASSOCIATION, INC.

AZ-MA-003.000
EMPIRE WEST TITLE
AGENCY LLC TR NO
1305TRTAZ
APN 500-67-004E

PROPOSED VARIABLE
WIDTH ACCESS ROAD
EASEMENT

SECTION 24
TOWNSHIP 1 NORTH
RANGE 1 WEST

SEE DETAIL
"A" SHEET 3

P.O.B.
N=875557.28
E=577214.29

S89°09'17"E 1310.79'

P.O.R.

LITTLETON ELEMENTARY SCHOOL DISTRICT
APN 500-71-378

SECTION 25
TOWNSHIP 1 NORTH
RANGE 1 WEST

ALAMAR COMMUNITY ASSOCIATION, INC.,
APN 500-67-510



ACCESS EASEMENT AREA
2.241 ACRES
97624 SQUARE FEET

PROJECT: BMCD - PLUS POWER

JOB NUMBER: 74562

DATE: 08/24/2023

SCALE: 1"=200'

TRACT ID: AZ-MA-002.000

BURNS & MCDONNELL

SAM 1341 W. Mockingbird Lane,
Suite 400W, Dallas, Tx 75247
(214) 631-7888, SAM@SAM.BIZ

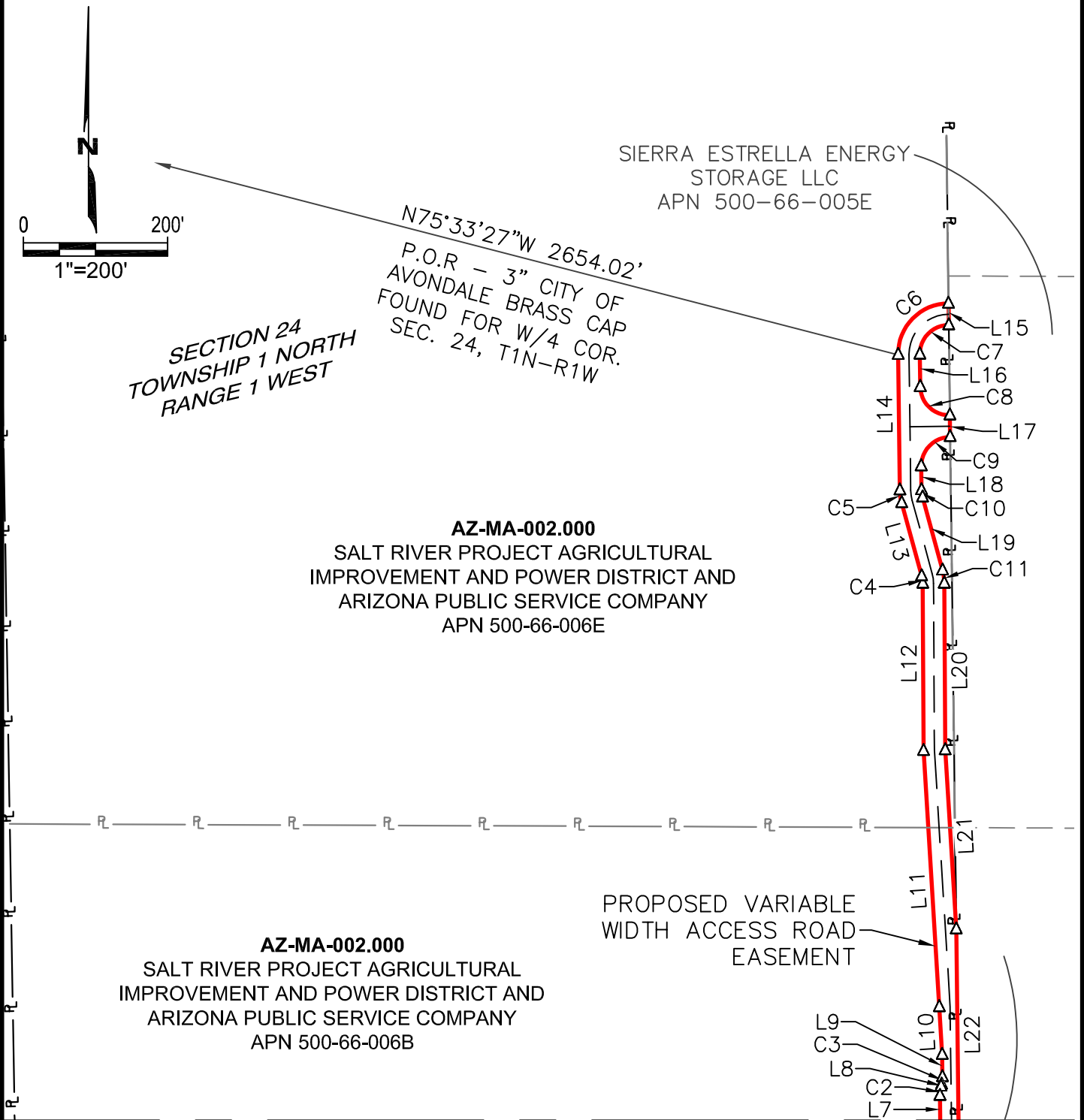
VARIABLE WIDTH ACCESS ROAD
EASEMENT ACROSS A SALT RIVER
PROJECT AGRICULTURAL IMPROVEMENT
AND POWER DISTRICT AND ARIZONA
PUBLIC SERVICE COMPANY TRACT
SECTION 24, T1N-R1W
MARICOPA COUNTY, ARIZONA

DRAWN BY: TDR

CHECKED BY: MS

SHEET NO. 4 OF 8

EXHIBIT B TO LIMITED AND TEMPORARY
EMERGENCY ACCESS EASEMENT:
LEGAL DESCRIPTION AND MAP OF EASEMENT AREA
MARICOPA COUNTY, ARIZONA

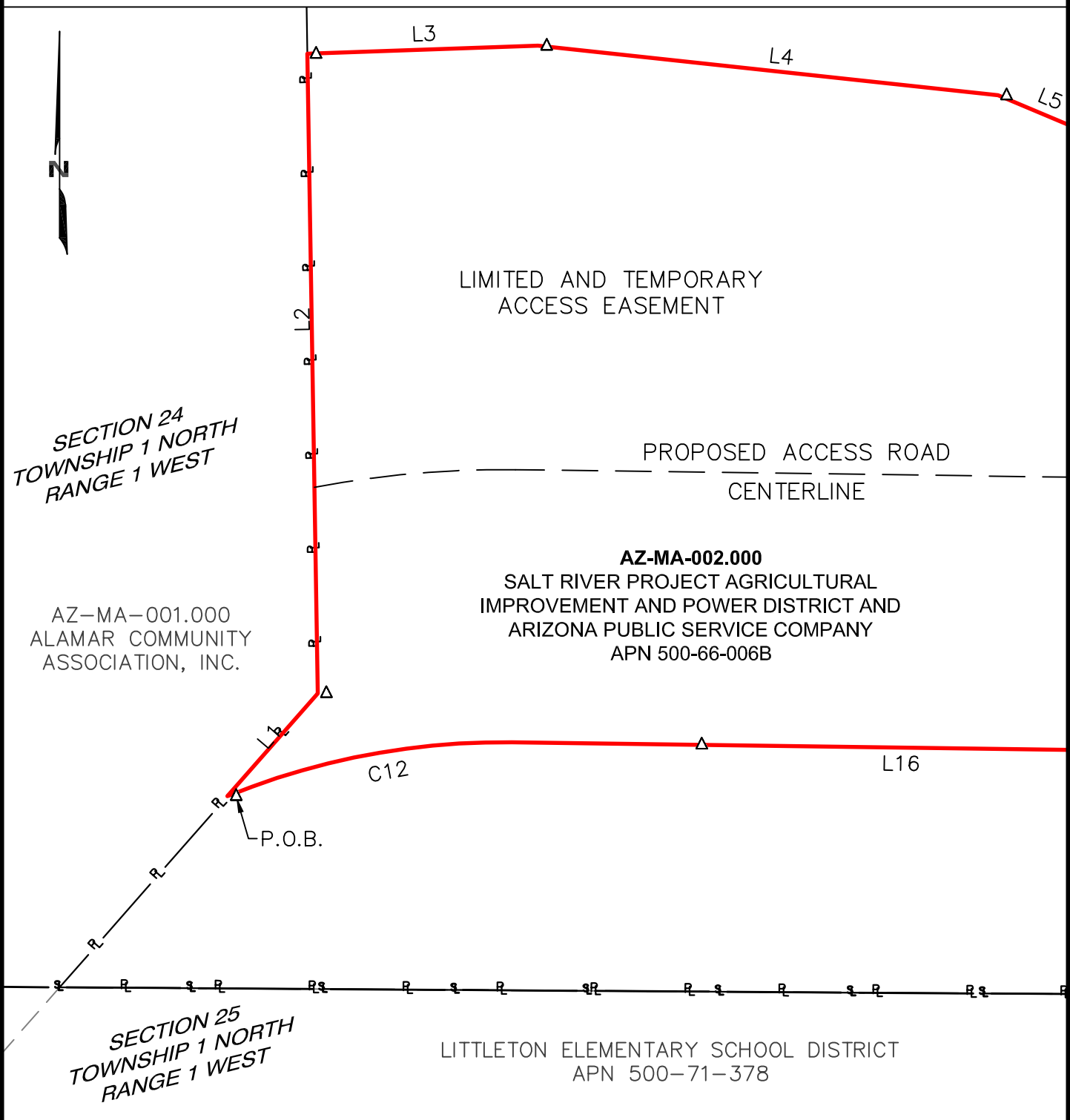


ACCESS EASEMENT AREA
2.241 ACRES
97624 SQUARE FEET

AZ-MA-003.000
EMPIRE WEST TITLE
AGENCY LLC TR NO
1305TRTAZ
APN 500-66-008D

PROJECT: BMCD - PLUS POWER		VARIABLE WIDTH ACCESS ROAD EASEMENT ACROSS A SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT AND ARIZONA PUBLIC SERVICE COMPANY TRACT SECTION 24, T1N-R1W MARICOPA COUNTY, ARIZONA				
JOB NUMBER: 74562						
DATE: 08/24/2023						
SCALE: 1"=200'						
TRACT ID: AZ-MA-002.000						
BURNS  MCDONNELL 1341 W. Mockingbird Lane, Suite 400W, Dallas, Tx 75247 (214) 631-7888, SAM@SAM.BIZ		DRAWN BY: TDR			CHECKED BY: MS	SHEET NO. 5 OF 8

EXHIBIT B TO LIMITED AND TEMPORARY
EMERGENCY ACCESS EASEMENT:
LEGAL DESCRIPTION AND MAP OF EASEMENT AREA
MARICOPA COUNTY, ARIZONA



DETAIL "A"
(NOT TO SCALE)



Michael Segroves

PROJECT: BMCD - PLUS POWER
JOB NUMBER: 74562
DATE: 08/24/2023
SCALE: NOT TO SCALE
TRACT ID: AZ-MA-002.000
BURNS & MCDONNELL SAM 1341 W. Mockingbird Lane, Suite 400W, Dallas, Tx 75247 (214) 631-7888, SAM@SAM.BIZ

VARIABLE WIDTH ACCESS ROAD EASEMENT ACROSS A SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT AND ARIZONA PUBLIC SERVICE COMPANY TRACT SECTION 24, T1N-R1W MARICOPA COUNTY, ARIZONA		
DRAWN BY: TDR	CHECKED BY: MS	SHEET NO. 6 OF 8

EXHIBIT B TO LIMITED AND TEMPORARY
EMERGENCY ACCESS EASEMENT:
LEGAL DESCRIPTION AND MAP OF EASEMENT AREA
MARICOPA COUNTY, ARIZONA

CURVE TABLE					
CURVE NO.	CENTRAL ANGLE	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	91°27'14"	40.00'	63.85'	N45°02'28"E	57.28'
C2	15°00'00"	50.00'	13.09'	N06°48'51"E	13.05'
C3	15°00'00"	40.00'	10.47'	N06°48'51"E	10.44'
C4	15°00'00"	40.00'	10.47'	N07°48'32"W	10.44'
C5	14°36'44"	70.00'	17.85'	N08°00'10"W	17.80'
C6	90°27'08"	70.00'	110.51'	N44°31'46"E	99.38'
C7	90°47'54"	40.00'	63.39'	S44°42'09"W	56.96'
C8	90°49'37"	40.00'	63.41'	S46°06'37"E	56.98'
C9	90°50'02"	40.00'	63.41'	S44°43'13"W	56.98'
C10	14°36'44"	40.00'	10.20'	S08°00'10"E	10.17'
C11	15°00'00"	70.00'	18.33'	S07°48'32"E	18.27'
C12	22°57'28"	40.00'	16.03'	S79°17'21"W	15.92'

LINE TABLE			LINE TABLE		
NUMBER	DIRECTION	LENGTH	NUMBER	DIRECTION	LENGTH
L1	N41°16'16"E	7.53'	L9	N00°41'09"W	30.98'
L2	N00°55'59"W	35.18'	L10	N03°28'25"W	66.41'
L3	N87°59'34"E	12.70'	L11	N03°30'26"W	355.90'
L4	S83°51'34"E	25.45'	L12	N00°18'32"W	231.93'
L5	S67°18'12"E	15.94'	L13	N15°18'32"W	105.01'
L6	S89°13'55"E	1,186.55'	L14	N00°41'48"W	188.19'
L7	N00°41'09"W	866.05'	L15	S00°42'21"E	30.00'
L8	N14°18'51"E	2.64'	L16	S00°41'48"E	45.00'
			L17	S00°42'21"E	30.02'
			L18	S00°41'48"E	33.18'
			L19	S15°18'32"E	105.01'
			L20	S00°18'32"E	231.10'
			L21	S03°30'26"E	248.96'
			L22	S00°42'21"E	1,171.70'
			L23	N88°05'25"W	168.50'
			L24	N89°13'55"W	1,126.68'



PROJECT: BMCD - PLUS POWER		VARIABLE WIDTH ACCESS ROAD EASEMENT ACROSS A SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT AND ARIZONA PUBLIC SERVICE COMPANY TRACT SECTION 24, T1N-R1W MARICOPA COUNTY, ARIZONA		
JOB NUMBER: 74562				
DATE: 08/24/2023				
SCALE: 1"=200'				
TRACT ID: AZ-MA-002.000				
BURNS & McDONNELL SAM 1341 W. Mockingbird Lane, Suite 400W, Dallas, Tx 75247 (214) 631-7888, SAM@SAM.BIZ		DRAWN BY: TDR	CHECKED BY: MS	SHEET NO. 7 OF 8

EXHIBIT B TO LIMITED AND TEMPORARY
EMERGENCY ACCESS EASEMENT:
LEGAL DESCRIPTION AND MAP OF EASEMENT AREA
MARICOPA COUNTY, ARIZONA

NOTES:

- 1. BEARINGS, DISTANCES, AND AREAS ARE ARIZONA COORDINATE SYSTEM, NAD83 (2011), CENTRAL ZONE, GRID, INTERNATIONAL FEET.
- 2. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THERE MAY BE EASEMENTS OR OTHER MATTERS OF RECORD NOT SHOWN. RECORD INFORMATION SHOWN HEREON ARE BASED UPON A PUBLIC RECORDS SEARCH PERFORMED BY OTHERS.
- 3. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENT OF RECORD, OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
- 4. THIS EXHIBIT AND DESCRIPTION IS NOT CONSIDERED COMPLETE IF SHEETS 1-7 ARE NOT BOUND TOGETHER.
- 5. DATE OF FIELDWORK: MONTH OF MAY OF 2023.

CERTIFICATE OF SURVEYOR:

I, MICHAEL SEGROVES, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA AND THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF ON THE DATE OF MY SIGNATURE, THIS EXHIBIT ACCURATELY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY MADE UNDER MY RESPONSIBLE CHARGE, FOR AND ON BEHALF OF SAM, LLC.

MICHAEL SEGROVES, R.L.S. 77568



LEGEND

- PROPOSED ACCESS ROAD
- EASEMENT
- PROPOSED ACCESS ROAD CENTERLINE
- PROPERTY LINE
- SECTION LINE
- QUARTER SECTION LINE
- 1/2" IRON ROD W/ DAMAGED CAP FOUND (ULESS OTHERWISE NOTED)
- CALCULATED POINT
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE

PROJECT: BMCD - PLUS POWER	VARIABLE WIDTH ACCESS ROAD EASEMENT ACROSS A SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT AND ARIZONA PUBLIC SERVICE COMPANY TRACT SECTION 24, T1N-R1W MARICOPA COUNTY, ARIZONA		
JOB NUMBER: 74562			
DATE: 08/24/2023			
SCALE: 1"=200'			
TRACT ID: AZ-MA-002.000			
BURNS & McDONNELL	SAM 1341 W. Mockingbird Lane, Suite 400W, Dallas, Tx 75247 (214) 631-7888, SAM@SAM.BIZ	DRAWN BY: TDR	CHECKED BY: MS
		SHEET NO. 8 OF 8	

ITEM NUMBER: 3.g.

SUBJECT: Ordinance 2063-1023 - Acquisition of Real Property - South of the southwest corner of Avondale Boulevard and Lower Buckeye Road for a Pressure Reducing Valve Facility

MEETING DATE: 10/23/2023

TO: Mayor and Council

FROM: Kirk Beaty, Interim Director/Interim City Engineer, Engineering Department

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

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 2063-1023 authorizing the acquisition by purchase, dedication, or condemnation of real property for a Pressure Reducing Valve 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 October 2, 2011, City Council adopted Ordinance 1470-1011 authorizing the acquisition of real property located south of the southwest corner of Avondale Boulevard and Lower Buckeye Road for public use relating to the construction of a pressure reducing valve (PRV) facility. The proposed acquisition was in relation to a Development Agreement with Phoenix Raceway that was approved by City Council on November 22, 2010. As part of the Agreement, the City was to provide water and sewer facilities to serve the raceway and the Rigby Water Company service areas. The staff were in discussion with the owner at the time (Pylman Farms) to acquire property for the PRV. The PRV was built but the acquisition of the property was never finalized. A new development, Sierra Estrella Energy Storage, will be constructed on the parcel that the PRV is located upon.

DISCUSSION:

The developer of Sierra Estrella, 11753 Lower Buckeye Property, LLC, will deed a portion of property for the

PRV to the City and will grant a permanent access easement through their final plat from Avondale Boulevard right-of-way to allow City staff access to maintain and operate the PRV facility. The PRV site is a 40' x 15' area consisting of 600 square feet.

BUDGET IMPACT:

It is expected that 11753 Lower Buckeye Property, LLC, will deed the property for the PRV and grant access to the City at no cost. However, there will be minimal real estate transaction costs which will be covered by the Engineering Department's operating budget.

RECOMMENDATION:

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

Contact person for document distribution: Yulonda Moore

VICINITY MAP



ORDINANCE NO. 2063-1023

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

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

WHEREAS, the Council of the City of Avondale (the “City Council”) desires to authorize the acquisition by purchase, condemnation or dedication of certain real property necessary for such public use for a pressure reducing valve site north of West Broadway Road and west of South Avondale Boulevard.

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

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

SECTION 2. The acquisition, by purchase, condemnation or dedication, of real property totaling ± 0.014 acres, generally located north of West Broadway Road and west of South Avondale Boulevard as more particularly described and depicted on Exhibit A attached hereto and incorporated herein by reference, is hereby authorized.

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

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

[SIGNATURES ON FOLLOWING PAGES]

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

Kenneth N. Weise, Mayor

ATTEST:

Marcella, Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2063-1023

[Legal Description and Map]

See following pages.

September 22, 2023

LEGAL DESCRIPTION FOR
SIERRA ESTRELLA
PRV PROPERTY

That part of the North Half of the Southeast Quarter of Section 24, Township 1 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Brass Cap in hand hole marking the East Quarter Corner of said Section 24, from which the Brass Cap in hand hole marking the Southeast Corner of said Section 24 bears South 00°10'01" West, a distance of 2643.07 feet;

Thence South 00°10'01" West, along the East line of said Southeast Quarter, a distance of 1106.53 feet;

Thence North 89°23'38" West, departing said East line, a distance of 50.00 feet to the Point of Beginning;

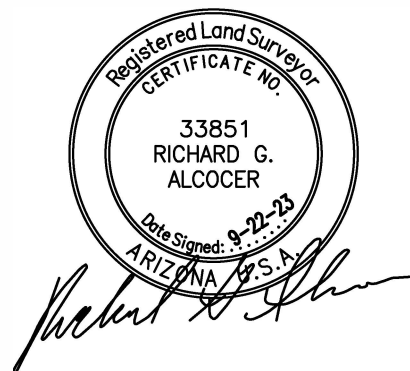
Thence continuing North 89°23'38" West, a distance of 15.00 feet to a point on a line which is parallel with and 65.00 feet Westerly from said East line;

Thence North 00°10'01" East, along said parallel line, a distance of 40.00 feet;

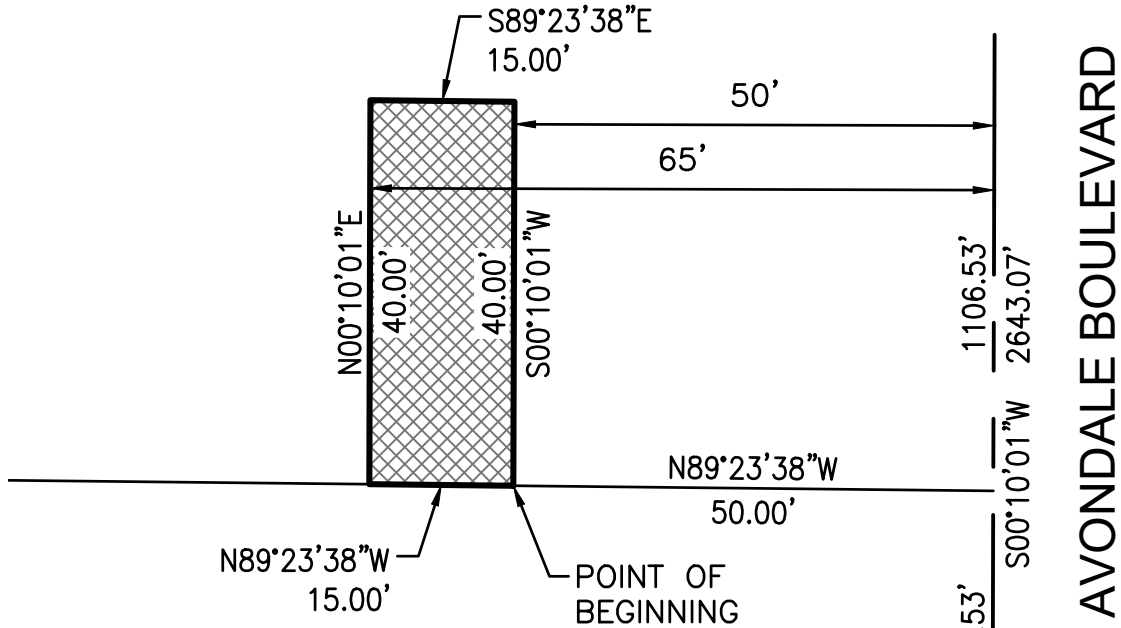
Thence South 89°23'38" East, departing said parallel line, a distance of 15.00 feet to a point on a line which is parallel with and 50.00 feet Westerly from said East line;

Thence South 00°10'01" West, along last said parallel line, a distance of 40.00 feet to the Point of Beginning.

Containing 600 Square Feet or 0.014 Acres, more or less.



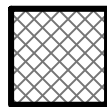
11753 LOWER BUCKEYE PROPERTY LLC
APN 500-66-005D
DOC. NO. 2019-059455 M.C.R.



LOPEZ RAMIRO
APN 500-66-005
DOC. NO. 2006-1618835 M.C.R.
(NOT A PART)



SOUTHEAST QUARTER, SECTION 24
TOWNSHIP 1 NORTH, RANGE 1 WEST



=PRV PROPERTY AREA



Richard G. Alcocer

SCALE 1" = 20'

EXHIBIT

4550 North 12th Street
Phoenix, Arizona 85014
Phone 602-264-6831
<http://www.cvlci.com>

EXHIBIT A

PRV PROPERTY



1 OF 1

ITEM NUMBER: 3.h.

SUBJECT: Ordinance 2064-1023 – Acquisition of Real Property located at 351 E. Western Avenue

MEETING DATE: 10/23/2023

TO: Mayor and Council

FROM: Kirk Beaty, Interim Director/Interim City Engineer, Engineering Department

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

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 2064-1023 authorizing acquisition by purchase or dedication of real property for public use located at 351 E. Western Avenue 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 Roosevelt Irrigation District (RID) acquired a parcel identified by APN 500-44-084A on June 8, 1929. The property is located west of 4th Street and east of 3rd Street in Old Town Avondale with an address of 351 E. Western Avenue. The City began utilizing the property in 1986 as a park known as City Park (“park site”).

In 1995, City Council adopted Resolution 1363-95 renaming City Park to Dennis DeConcini Park after Senator Dennis DeConcini.

Over the years, amenities have been added to the park site, including a playground, ramadas, basketball court, sand volleyball court, area lighting, benches, and trash receptacles. There are no records indicating when the City began maintaining the park site or when the capital improvements were completed.

DISCUSSION:

The DeConcini Park Enhancements Project (P0193) includes replacing the playground and ramadas along

with upgrading site amenities including trash receptacles, benches, and picnic tables. The project also includes electrical upgrades and sidewalk improvements to make the ramadas ADA compliant.

The project will utilize American Rescue Plan Act (ARPA) funding along with general funds allocated and approved by City Council in the FY2024 budget. To receive ARPA funding, the City must own the park site. To meet the provisions for receiving ARPA Funds, the RID has agreed to sell the park site to the City. The City will reserve an irrigation easement to the RID for their existing infrastructure.

BUDGET IMPACT:

Purchase of the property is based on the fair market value as determined by an independent real estate appraiser, which is \$200,000. Funding for the purchase along with real estate transaction costs will be covered under the DeConcini Park Enhancements (P0193) project. Construction costs for the DeConcini Park Enhancements project have not been determined and future council action may be needed to adjust the budget.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance authorizing acquisition by purchase or dedication of real property for public use located at 351 E. Western Avenue and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Yulonda Moore

ORDINANCE NO. 2064-1023

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 March 6, 1995, the City Council of the City of Avondale (the “City Council”), by Resolution No. 1363-95, authorized the renaming of “City Park”, APN 500-44-084A, generally located west of 4th Street and east of 3rd Street in Old Town Avondale to “Dennis DeConcini Park”, (the “Park Parcel”); and

WHEREAS, the Park Parcel is currently owned by the Roosevelt Irrigation District (RID) and maintained by the City of Avondale, Arizona, (the “City”) which includes various capital improvements performed by the City; and

WHEREAS, the City Council desires to utilize American Rescue Plan Act (ARPA) funding and FY2024 budget allocations, to further improve Dennis DeConcini Park, which requires the City to acquire the Park Parcel from RID; and

WHEREAS, RID has agreed to sell the Park Parcel to the City and the City Council desires to authorize the acquisition of the Park Parcel from RID.

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 $\pm$ 0.83 acres, generally located west of 4th Street and east of 3rd Street in Old Town Avondale, Assessor's Parcel Number 500-44-084A, as depicted and described in and attached hereto as Exhibit A, 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,
October 23, 2023

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2064-1023

[Legal Description and Map]

See following pages.

EXHIBIT "A"
APN: 500-44-084A
IN MARICOPA COUNTY, STATE OF ARIZONA

A Parcel of Land in the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section Fifteen (15), 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 intersection of Dysart and Western Avenue also being the Northeast Corner (NE) of section 15 from which a found Brass cap in Hand Hole at the North Quarter Corner (N1/4) of said Section 15, at the intersection of Central Avenue and Western Avenue, bears North 89°44'19" West, a distance of 2,634.02 feet based on the Amended Results of Survey, Street Monument Inventory drawing recorded in book 1145, Page 18 of the Maricopa County Recorder's Office;

THENCE along said section line, North 89 degrees 44 minutes 19 seconds West, a distance of 1340.64 feet to a point;

THENCE South 00 degrees 15 minutes 41 seconds West, a distance of 51.00 feet to a point on the West Right of Way of 4th Street and also the Point of Beginning;

THENCE Continuing along Said Right of Way South 01 degrees 27 minutes 24 seconds East a distance of 279.35 feet;

THENCE Departing Said Right of Way North 89 degrees 44 minutes 19 seconds West a distance of 124.65 feet;

THENCE North 01 degrees 27 minutes 24 seconds West a distance of 290.35 feet to a point on the South Right of Way Line of Western Avenue;

THENCE Continuing on said Right of Way line South 89 degrees 44 minutes 19 seconds East a distance of 113.53 feet;

THENCE South 42 degrees 12 minutes 53 seconds East a distance of 8.53 feet;

THENCE South 13 degrees 46 minutes 09 seconds East a distance of 4.85 feet;

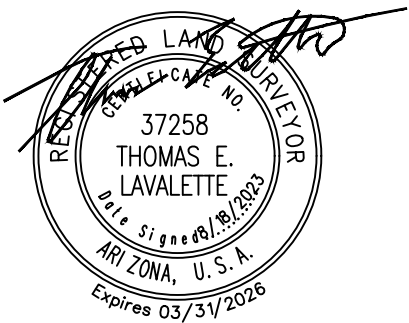
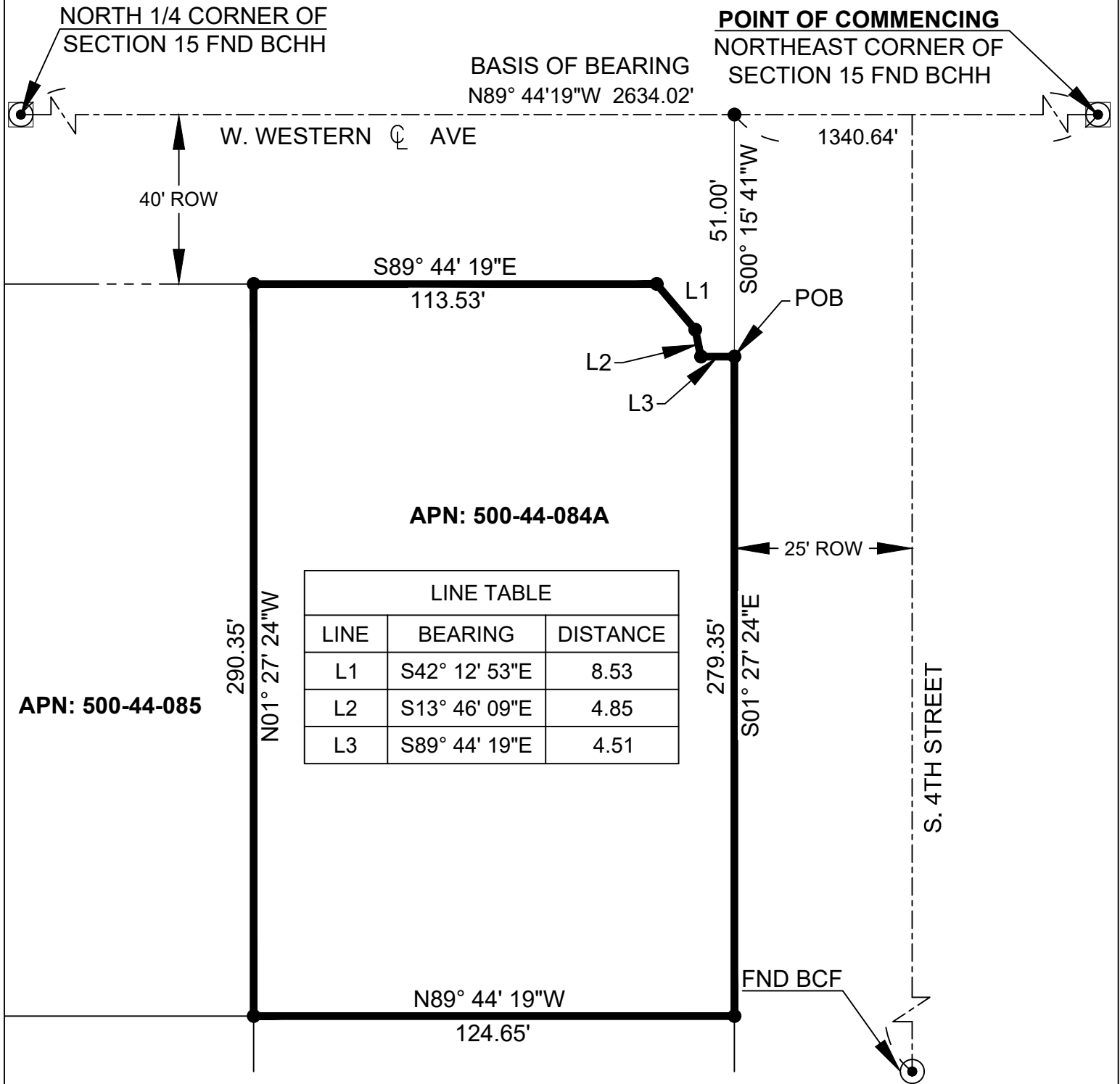
THENCE South 89 degrees 44 minutes 19 seconds East a distance of 4.51 feet to the **Point of Beginning**;

Containing 36,099.8 sqft or 0.83 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"



PROJECT: 2023-M-024	
DATE: 08-18-2023	CHKD BY: TL
DRN BY: BL	SCALE: N.T.S.
TITLE:	
APN: 500-44-084A	
SHEET NO: 1 OF 1	

SCALE:
NTS
T1N R1E

VICINITY MAP



ITEM NUMBER: 3.i.

SUBJECT: Sierra Estrella Minor Land Division – Application PL-23-0119

MEETING DATE: 10/23/2023

TO: Mayor and Council

FROM: Kirk Beaty, Interim Director/Interim City Engineer, Engineering Department

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

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: (a) approve Application PL-23-0119, a request by Parker Froehlich with Coe and Van Loo Consultants, Inc., on behalf of Dustin Pulciani with Sierra Estrella Energy Storage, LLC, and Chris Sumter with 11753 Lower Buckeye Property, LLC, for approval of a Minor Land Division for Sierra Estrella located west of Avondale Boulevard and north of Broadway Road; and (b) authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Sierra Estrella Energy Storage, LLC, and 11753 Lower Buckeye Property, LLC, is planned as a battery storage facility and data storage facility (the "Facility") located on 77 acres of property identified by APNs 500-66-005D, 500-66-005E and 500-66-005F, located west of Avondale Boulevard and north of Broadway Road.

On January 23, 2023, City Council approved Ordinance 2006-0123, amending the City's zoning atlas for the subject site from Diamond P Ranch Planned Area Development (PAD) to Hermosa Ranch Technology Campus – South PAD to allow a data center and related employment uses.

DISCUSSION:

The facility will be located immediately east of the SRP Rudd Substation. The facility will be privately owned and developed by Plus Power. The facility is intended to serve as an extension of the existing substation and will allow for greater amounts of renewable energy to serve the Avondale grid.

The proposed Minor Land Division has been reviewed by the City's contracted Registered Land Surveyor (R.L.S.) and the document has been confirmed as geometrically accurate and in conformance with Arizona Statutes governing the subdivision of real property.

Approval of the proposed Minor Land Division will dedicate right-of-way and easements necessary to serve the future development of the property. The Minor Land Division will dedicate 50-feet of right-of-way in Avondale Boulevard along with an adjacent 8-foot public utility easement.

The Minor Land Division dedicates an access easement to the existing pressure reducing valve (PRV) site and sets aside a 40' x 15' area for the PRV site.

Approval of the Minor Land Division conforms to the boundaries of the Minor Land Division Map certified by the R.L.S. dated September 25, 2023.

BUDGET IMPACT:

There is no impact to the budget for this action.

RECOMMENDATION:

Staff recommends City Council approve application PL-23-0119, Sierra Estrella Minor Land Division, subject to the following condition of approval:

The recorded Minor Land Division shall be in conformance with the Sierra Estrella Minor Land Division dated September 25, 2023.

Contact person for document distribution: Yulonda Moore

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA }SS

KNOW ALL MEN BY THESE PRESENTS:

SIERRA ESTRELLA ENERGY STORAGE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND 11753 LOWER BUCKEYE PROPERTY, LLC, A DELAWARE LIMITED LIABILITY COMPANY AS OWNERS, HAVE SUBDIVIDED UNDER THE NAME OF SIERRA ESTRELLA, A SUBDIVISION OF A PORTION OF LAND LOCATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, CITY OF AVONDALE, MARICOPA COUNTY, ARIZONA AS SHOWN PLATTED HEREON AND HEREBY DECLARES THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE STREETS, LOTS, TRACTS, AND EASEMENTS CONSTITUTING SAME AND THAT SAID STREETS, LOTS, TRACTS, AND EASEMENTS SHALL BE KNOWN BY THE NAME, NUMBER OR LETTER GIVEN TO EACH RESPECTIVELY.

THE OWNERS, AS LISTED ABOVE, HEREBY DEDICATE IN FEE ALL RIGHTS, TITLE AND INTEREST TO THE CITY FOR USE AS SUCH, THE STREET RIGHT-OF-WAY AS SHOWN ON SAID MAP AND INCLUDED IN THE ABOVE DESCRIBED PREMISES.

A PUBLIC UTILITY EASEMENT IS DEDICATED HEREON AS SHOWN TO THE CITY OF AVONDALE.

AN EASEMENT FOR PUBLIC ACCESS IS HEREBY DEDICATED ACROSS LOT 1 AS SHOWN TO THE CITY OF AVONDALE.

AN EASEMENT FOR EMERGENCY ACCESS IS HEREBY DEDICATED ACROSS LOT 1 AS SHOWN TO THE CITY OF AVONDALE AND MAINTAINED BY OTHERS.

IN WITNESS WHEREOF:

SIERRA ESTRELLA ENERGY STORAGE, LLC A DELAWARE LIMITED LIABILITY COMPANY AS OWNER, HAS HEREUNTO CAUSED THEIR NAME TO BE AFFIXED AND HAVE EXECUTED THIS SUBDIVISION PLAT BY THE SIGNATURE OF THE UNDERSIGNED, DULY AUTHORIZED,

THIS ____ DAY OF _____, 2023.

SIERRA ESTRELLA ENERGY STORAGE, LLC A DELAWARE LIMITED LIABILITY COMPANY

BY: _____

NAME: _____

ITS: _____

11753 LOWER BUCKEYE PROPERTY, LLC, A DELAWARE LIMITED LIABILITY COMPANY AS OWNER, HAS HEREUNTO CAUSED THEIR NAME TO BE AFFIXED AND HAVE EXECUTED THIS SUBDIVISION PLAT BY THE SIGNATURE OF THE UNDERSIGNED, DULY AUTHORIZED,

THIS ____ DAY OF _____, 2023.

11753 LOWER BUCKEYE PROPERTY, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: _____

NAME: _____

ITS: _____

ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }
COUNTY OF _____ }SS

ON _____, BEFORE ME, _____

PERSONALLY APPEARED _____

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE _____

ACKNOWLEDGEMENT

STATE OF COLORADO }
COUNTY OF _____ }SS

ON THIS ____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED,

PERSONALLY APPEARED _____ WHO ACKNOWLEDGED HIMSELF/HERSELF TO

BE _____ OF SIERRA ESTRELLA ENERGY STORAGE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND BEING AUTHORIZED TO DO SO ON BEHALF OF SAID ENTITY, EXECUTED THIS PLAT FOR THE PURPOSES THEREIN CONTAINED.

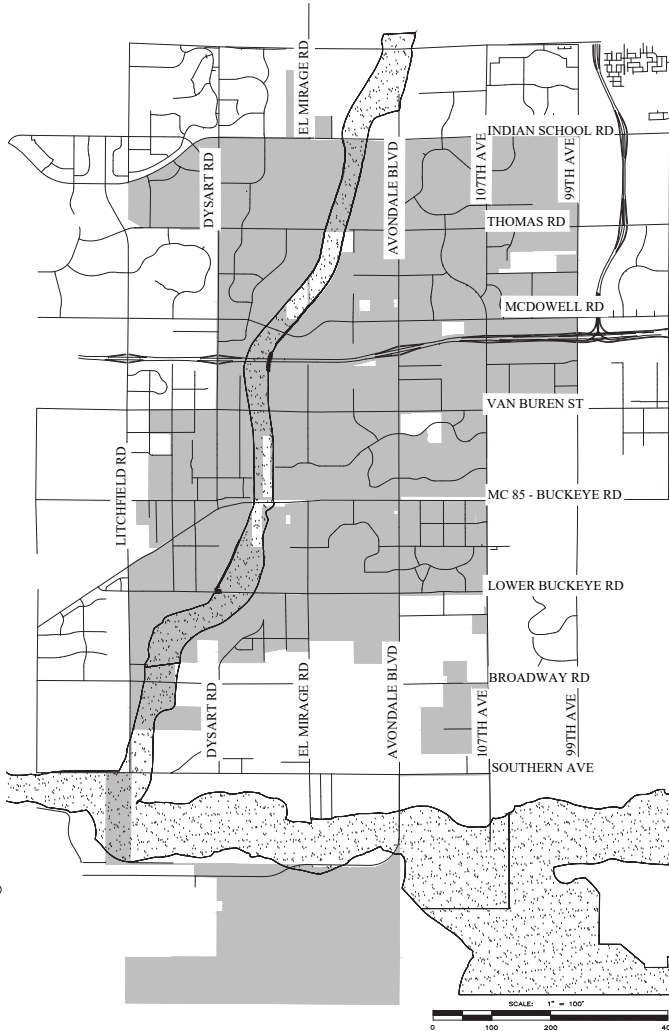
IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

MINOR LAND DIVISION MAP SIERRA ESTRELLA

A PORTION OF LAND LOCATED IN THE NORTH
HALF OF THE SOUTHEAST QUARTER OF
SECTION 24, TOWNSHIP 1 NORTH, RANGE 1 WEST,
OF THE GILA AND SALT RIVER MERIDIAN,
CITY OF AVONDALE, MARICOPA COUNTY, ARIZONA



OWNER/DEVELOPER

SIERRA ESTRELLA ENERGY STORAGE, LLC
1780 HUGHES LANDING BLVD, SUITE 675
THE WOODLANDS, TEXAS 77381
CONTACT: DUSTIN PULCIANI
EMAIL: DPULCIANI@PLUSPOWER.COM
PHONE: (303) 426-8930

OWNER/DEVELOPER

11753 LOWER BUCKEYE PROPERTY, LLC
110 PACIFIC AVE
SAN FRANCISCO, CA 94111
CONTACT: CHRIS SUMTER
EMAIL: CSUMTER@PRIMEDATACENTERS.COM
PHONE: (925) 786-8722

ENGINEER

COE & VAN LOO CONSULTANTS, INC.
4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
PHONE: (602) 264-6831
FAX: (602) 264-0928
CONTACT: PARKER FROELICH, P.E.
EMAIL: PARKER@CVLCL.COM

PROPERTY ADDRESS:

SOUTH AVONDALE BOULEVARD
AVONDALE, AZ. 85353

STREET CLASSIFICATION	R.O.W. DEDICATION	
	SF	AC
ARTERIAL	55,323	1.270

BENCHMARK:

BRASS CAP IN HAND HOLE AT INTERSECTION OF AVONDALE BLVD & BROADWAY ROAD (SOUTHEAST CORNER, SECTION 24), TOWNSHIP 1 NORTH, RANGE 1 WEST)
ELEVATION = 948.702 (NAVD 88 DATUM)

BASIS OF BEARING:

THE BASIS OF BEARINGS FOR THIS SURVEY IS SOUTH 00°10'01" WEST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, ACCORDING TO THE PARENT PARCEL LEGAL DESCRIPTION.

APPROVALS AND ACCEPTANCE OF DEDICATION

PLAT APPROVED AND DEDICATED RIGHT-OF-WAY EASEMENTS ACCEPTED BY THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, THIS ____ DAY OF _____, 20XX.

MAYOR _____ DATE _____

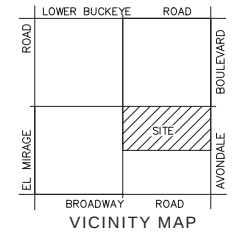
ATTEST, CITY CLERK _____ DATE _____

CITY ENGINEER _____ DATE _____

SURVEYOR'S CERTIFICATION:

I, RICHARD G. ALCOOER, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS MAP, CONSISTING OF THREE (3) SHEETS, CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF DECEMBER, 2022, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

BY: *Richard G. Alcooer*
RICHARD G. ALCOOER—REGISTRATION NUMBER 33851
4550 N. 12TH STREET
PHOENIX, ARIZONA 85014
(602)—264-6831
CVLSURVEY@CVLCL.COM



Coe & Van Loo Consultants, Inc.
4550 North 12th Street, Phoenix, Arizona 85014
602-264-6831 www.cvlcl.com

SIERRA ESTRELLA
MINOR LAND DIVISION



SHEET NUMBER
1 OF 3
PROJECT NUMBER
01-0316901

LEGAL DESCRIPTION

PARENT PARCEL:

THAT PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE BRASS CAP IN HAND HOLE MARKING THE EAST QUARTER CORNER OF SAID SECTION 24 FROM WHICH THE BRASS CAP IN HAND HOLE MARKING THE SOUTHEAST CORNER OF SAID SECTION 24 BEARS SOUTH 00°10'01" WEST, A DISTANCE OF 2643.07 FEET;

THENCE SOUTH 00°10'01" WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 1106.53 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 2009-0960116, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89°23'38" WEST, ALONG THE NORTH LINE OF SAID PARCEL A DISTANCE OF 233.00 FEET TO THE NORTHWEST CORNER THEREOF;

THENCE SOUTH 00°10'01" WEST, ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 215.00 FEET TO THE SOUTHWEST CORNER THEREOF, ALSO BEING A POINT ON THE SOUTH LINE OF SAID NORTH HALF;

THENCE NORTH 89°23'38" WEST, ALONG SAID SOUTH LINE A DISTANCE OF 2389.43 FEET SOUTHWEST CORNER OF SAID NORTH HALF;

THENCE NORTH 00°18'32" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1314.20 FEET TO THE 1/2" REBAR MARKING THE CENTER OF SAID SECTION 24;

THENCE SOUTH 89°33'23" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2633.30 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,412,860 SQUARE FEET OR 78.348 ACRES, MORE OR LESS.

RESULTANT PARCEL 1:

THAT PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE 1/2" REBAR WITH NO IDENTIFICATION MARKING THE CENTER OF SAID SECTION 24 FROM WHICH THE BRASS CAP IN HAND HOLE MARKING THE EAST QUARTER CORNER OF SAID SECTION 24 BEARS SOUTH 89°33'23" EAST, A DISTANCE OF 2633.30 FEET;

THENCE SOUTH 89°33'23" EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER, A DISTANCE OF 2583.30 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 55.00 FEET WESTERLY FROM THE EAST LINE OF SAID SOUTHEAST QUARTER;

THENCE SOUTH 00°10'01" WEST, DEPARTING SAID NORTH LINE AND ALONG SAID PARALLEL LINE, A DISTANCE OF 1066.39 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 40.00 FEET NORTHERLY FROM THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 2009-0960116, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89°23'38" WEST, ALONG LAST SAID PARALLEL LINE, A DISTANCE OF 15.15 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 65.15 FEET WESTERLY FROM SAID EAST LINE;

THENCE SOUTH 00°10'01" WEST, ALONG LAST SAID PARALLEL LINE, A DISTANCE OF 40.00 FEET TO A POINT ON SAID NORTH LINE;

THENCE NORTH 89°23'38" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 167.85 FEET TO THE NORTHWEST CORNER OF SAID PARCEL;

THENCE SOUTH 00°10'01" WEST, ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 215.00 FEET TO THE SOUTHWEST CORNER THEREOF, ALSO BEING A POINT ON THE SOUTH LINE OF SAID NORTH HALF;

THENCE NORTH 89°23'38" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1734.58 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 654.79 FEET EASTERLY FROM THE WEST LINE OF SAID SOUTHEAST QUARTER;

THENCE NORTH 00°18'32" WEST, DEPARTING SAID SOUTH LINE AND ALONG SAID PARALLEL LINE, A DISTANCE OF 765.10 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 765.00 FEET NORTHERLY FROM SAID SOUTH LINE;

THENCE NORTH 89°23'38" WEST, ALONG LAST SAID PARALLEL LINE, A DISTANCE OF 654.87 FEET TO A POINT ON SAID WEST LINE;

THENCE NORTH 00°18'32" WEST, ALONG SAID WEST LINE, A DISTANCE OF 549.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,855,952 SQUARE FEET OR 65.564 ACRES, MORE OR LESS.

LEGAL DESCRIPTION CONT.

RESULTANT PARCEL 2:

THAT PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE 1-1/2" IRON PIPE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 24, FROM WHICH THE 1/2" REBAR WITH NO IDENTIFICATION MARKING THE CENTER OF SAID SECTION 24 BEARS NORTH 00°18'32" WEST, A DISTANCE OF 2628.39 FEET;

THENCE NORTH 00°18'32" WEST, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER, A DISTANCE OF 1314.20 FEET TO A POINT MARKING THE SOUTHWEST CORNER OF SAID NORTH HALF AND THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00°18'32" WEST, ALONG SAID WEST LINE, A DISTANCE OF 765.10 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 765.00 FEET NORTHERLY FROM THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 24;

THENCE SOUTH 89°23'38" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 654.87 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 654.79 FEET EASTERLY SAID WEST LINE;

THENCE SOUTH 00°18'32" EAST, ALONG LAST SAID PARALLEL LINE, A DISTANCE OF 765.10 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 24;

THENCE NORTH 89°23'38" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 654.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 500,978 SQUARE FEET OR 11.501 ACRES, MORE OR LESS.

RESULTANT TRACT A:

THAT PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE BRASS CAP IN HAND HOLE MARKING THE EAST QUARTER CORNER OF SAID SECTION 24 FROM WHICH THE BRASS CAP IN HAND HOLE MARKING THE SOUTHEAST CORNER OF SAID SECTION 24 BEARS SOUTH 00°10'01" WEST, A DISTANCE OF 2643.07 FEET;

THENCE SOUTH 00°10'01" WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 1066.15 FEET;

THENCE NORTH 89°49'59" WEST, DEPARTING SAID EAST LINE, A DISTANCE OF 50.00 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 50.00 FEET WESTERLY FROM SAID EAST LINE, BEING THE POINT OF BEGINNING;

THENCE SOUTH 00°10'01" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTH LINE THAT CERTAIN PARCEL OF LAND DESCRIBED IN DOCUMENT NUMBER 2009-0960116, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89°23'38" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 15.15 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 65.15 FEET WESTERLY FROM SAID EAST LINE;

THENCE NORTH 00°10'01" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 40.00 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 40.00 FEET NORTHERLY FROM SAID NORTH LINE;

THENCE SOUTH 89°23'38" EAST, ALONG LAST SAID PARALLEL LINE, A DISTANCE OF 15.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 606 SQUARE FEET OR 0.014 ACRES, MORE OR LESS.

LEGEND

---▲---	SECTION CORNER -- FOUND BRASS CAP (UNLESS OTHERWISE NOTED)
---○---	CORNER OF THIS SUBDIVISION -- SET SURVEY MARKER PER M.A.G. STD. DTL. 120, TYPE "B" -- MODIFIED (UNLESS OTHERWISE NOTED)
---○---	CORNER OF THIS SUBDIVISION -- SET SURVEY MARKER PER M.A.G. STD. DTL. 120, TYPE "C" -- MODIFIED (UNLESS OTHERWISE NOTED)
---	EASEMENT
---⊗---	SET 1/2" REBAR WITH TAG LS#33851
---	EXISTING PROPERTY LINE
P.U.E.	PUBLIC UTILITY EASEMENT
PG.	PAGE
BK.	BOOK
MISC.	MISCELLANEOUS
R/W	RIGHT--OF--WAY
EX.	EXISTING
M.C.R.	MARICOPA COUNTY RECORDER
APN	ASSESSOR PARCEL NUMBER
DOC.	DOCUMENT
DK.	DOCKET

FLOOD ZONE INFORMATION

THIS IS TO CERTIFY THAT THIS PROPERTY IS LOCATED WITHIN THE ZONE "X" FLOOD HAZARD AREA PER FIRM MAP PANEL NUMBER 04013-C2165N DATED 9/18.2020, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

ZONE "X" AS DEFINED BY FEMA IS: 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 AREA OF THE CITY OF AVONDALE WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO SECTION 45-476 ARIZONA REVISED STATUTES.

NOTES

- ALL LANDSCAPING WITHIN ADJACENT PUBLIC RIGHT-OF-WAY IS TO BE MAINTAINED BY THE LOT OWNERS, EXCLUDING MEDIANS ON ARTERIAL STREETS.
- 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.
- ALL EXISTING OVERHEAD POWER LINES LESS THAN 69 KV AND UTILITY LINES SHALL BE INSTALLED UNDERGROUND IN ACCORDANCE WITH CITY OF AVONDALE MUNICIPAL CODE AND AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION.
- NO ALTERATION 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.
- 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.
- NO WALLS/FENCES SHALL BE BUILT WITHOUT PRIOR CITY OF AVONDALE APPROVAL.
- BLANKET EASEMENTS ALLOWS CROSS ACCESS AND UTILITY LINES TO CROSS PROPERTY LINES.
- THE PURPOSE OF TRACT "A" IS FOR FUTURE AVONDALE PRESSURE REDUCING VALVE FACILITY SITE. THIS TRACT IS TO BE DEDICATED TO THE CITY BY SEPARATE INSTRUMENT.

AREA TABLE	SF	AC
LOT 1	2,855,958	65.564
LOT 2	500,978	11.501
RIGHT OF WAY	55,323	1.270
TRACT A	600	0.014
TOTAL GROSS AREA	3,412,859	78.348

Coe & Van Loo Consultants, Inc.

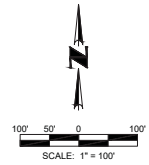
4550 North 12th Street, Phoenix, Arizona 85014
602-264-6831 www.cvlcd.com

SIERRA ESTRELLA

MINOR LAND DIVISION

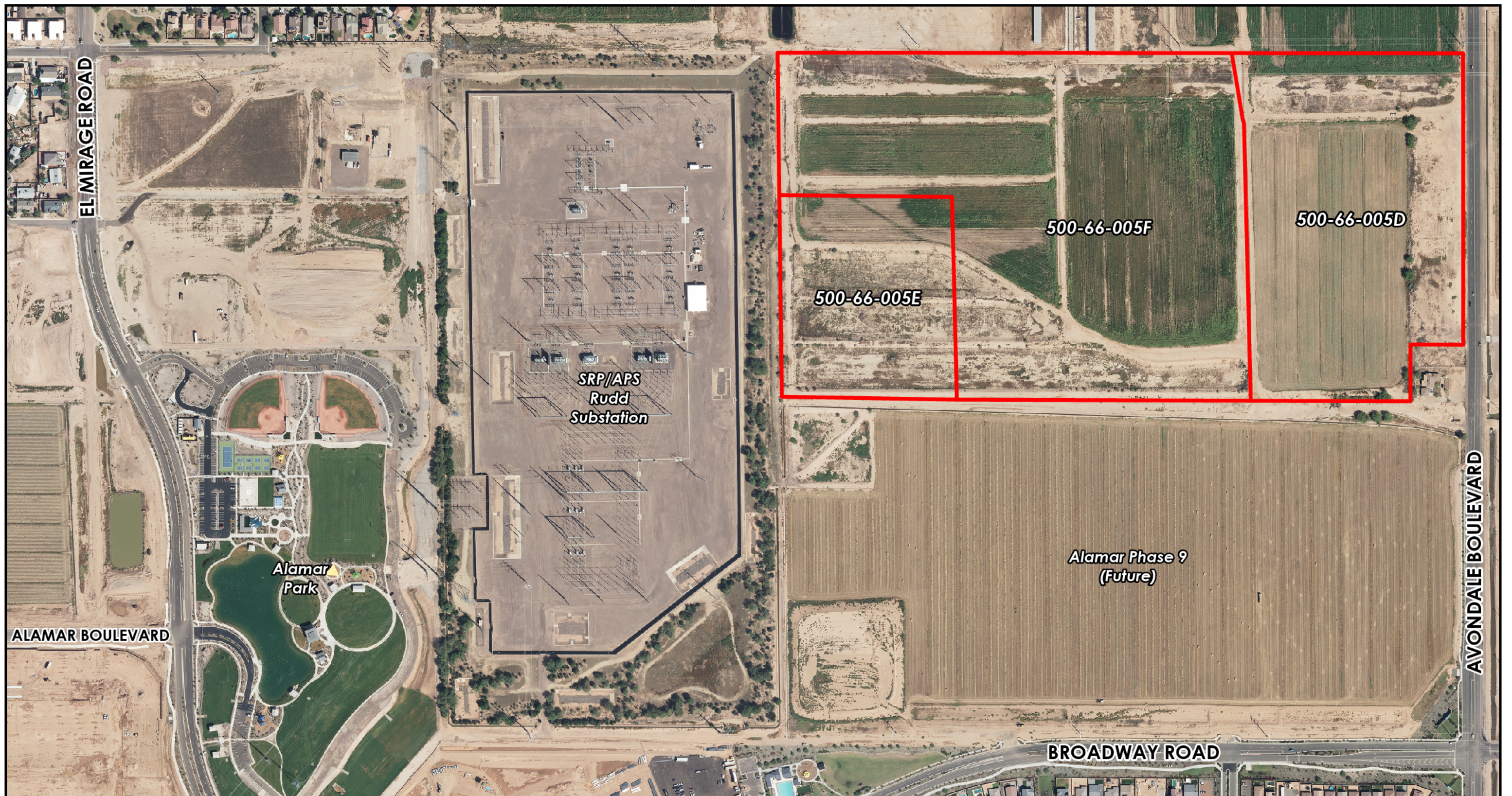


SHEET NUMBER
2 OF 3
PROJECT NUMBER
01-0316901

[illegible]

4550 North 12th Street, Phoenix, Arizona 85014
602-264-6831 www.cvlci.com

SHEET NUMBER	
3	OF 3
PROJECT NUMBER	
01-0316901	



Sierra Estrella Minor Land Division - Aerial Map



Subject Parcels

Not to Scale



ITEM NUMBER: 4.a.

SUBJECT: Avondale Aquatic Center Project Update

MEETING DATE: 10/23/2023

TO: Mayor and Council

FROM: Bryan Hughes, Director of Parks and Recreation

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

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

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.

A modern aquatic center will provide opportunities for learn-to-swim classes, competitive swimming/diving, instructional programs such as lifeguarding courses, recreational swimming, lap swimming, exercise and aerobic classes, event rentals, scuba diving, and family and group gatherings.

PURPOSE:

City Council will receive an update from staff regarding the Avondale Aquatic Center Project. This item is for discussion only.

BACKGROUND:

On July 5, 2021, the City Council approved funding for an aquatic center on the Civic Center Campus. Following a successful Request for Qualifications (RFQ) process, the City awarded a contract to Gabor Lorant Architects, Inc. of Phoenix, Arizona, to lead the design team, including Counsilman-Hunsaker as the aquatic consultant. CORE Construction was awarded the Construction Manager At-Risk (CMAR) to develop the project.

Additionally, the city has recruited three full-time aquatic employees who report to the Parks and Recreation Department. This division has focused on the early establishment of local partnerships, completion of comparative analyses, and building operating procedures to prepare for opening the City's first aquatic center.

The aquatic center is scheduled for completion in January 2024 with an April 2024 grand opening.

DISCUSSION:

Staff will present an overview of the construction progress, tentative aquatic program schedules, and draft fee

proposals.

BUDGET IMPACT:

The total project budget is \$32,500,000 for the aquatic center design, construction, technology and equipment, and land acquisition. Operating costs and projected revenues are included in the FY2024 budget. Aquatic Center fee adoptions will be a future Council agenda item.

RECOMMENDATION:

No action required.

Contact person for document distribution: n/a

ITEM NUMBER: 4.b.

SUBJECT: Resolution 1065-1023 Amendments to the Personnel Policies and Procedures, Chapter 18 Discipline

MEETING DATE: 10/23/2023

TO: Mayor and Council

FROM: Andrew Mesquita, Human Resources Director

THROUGH: Ron Corbin, City Manager, (623) 333-1011

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

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

PURPOSE:

City Council will consider a request to: (a) adopt Resolution 1065-1023, amending the Personnel Policies and Procedures Chapter Policy 18, Discipline to add language indicating that policy implementing executive level positions or above as determined by the City Manager and appointed on or after October 30, 2023, have no appeal rights for disciplinary actions outlined in these policies; (b) declare an emergency and shall be effective immediately upon its passage and adoption; 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:

Currently, all employees who work under the City Manager are covered employees who have a right to appeal any and all disciplinary actions. They are not "at will" and can only be terminated or demoted for cause (unless on probation). This includes all department directors and other senior leadership positions. This ordinance would allow the City Manager to identify key executive level positions, as they become vacant, that would become "at will".

DISCUSSION:

The changes to Chapter 18 provide the City Manager with the necessary flexibility in selecting his or her team in order to ensure that the City's Leadership Team is united and implementing the Council's goals and objectives in a manner aligned with the City Manager's vision. The updated policy would allow the City Manager to demote or separate an executive employee with the least amount of disruption to the City. The proposed revisions do not change the City's obligation to comply with all state and federal employment laws. The City cannot discipline (to include termination) employees for discriminatory reasons.

This policy change is aligned with comparable municipalities. The cities of Buckeye, Goodyear, and Glendale have personnel rules that designate department directors and above as At-Will. The city of Surprise's list of At-Will employees includes department directors, managers, and employees of several departments, including human resources, finance, city manager's office, IT and others. The City of Scottsdale allows the City Manager to determine which positions in the city are At-Will.

This revision would only apply to employees hired into the designated positions after the effective date of this ordinance.

This revision coincides with proposed amendments submitted for Council action for City Code, Section 2-36 and Chapter 19, Appeals.

BUDGET IMPACT:

There are no direct costs associated with the amendments to the City of Avondale Policies and Procedures.

RECOMMENDATION:

Staff recommends Council adopt the proposed revisions to Avondale Chapter Policy 18, Discipline.

Contact person for document distribution: Andy Mesquita

RESOLUTION NO. 1065-1023

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING CHAPTER 18 OF THE PERSONNEL POLICIES AND PROCEDURES RELATING TO EMPLOYEE DISCIPLINE.

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

SECTION 1. Chapter 18 – Employee Benefits of the City of Avondale Personnel Policies and Procedures dated May 19, 2014 (“Chapter 18”), is hereby adopted in substantially the form and substance attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 2. It is necessary for the preservation of the peace, health and safety of the City of Avondale that an emergency is hereby declared to exist and this Resolution shall be effective immediately upon its passage and adoption.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution or any part of Chapter 18 adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

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

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

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1065-1023
[Chapter 18]
See following pages.

CHAPTER 18

Discipline

A. Statement

This Chapter applies to all employees including represented and certified employee units. Any action that reflects negatively upon the City of Avondale will be considered good cause for disciplinary action against any officer or employee. For all disciplinary actions that are implemented in hours, a 1.4 times conversion rate will be applied to sworn fire personnel on a 56-hour schedule.

As way of example only, the following are the types of behavior that constitute grounds for termination. These examples are simply that, and do not constitute an all-inclusive list:

1. Incompetency, inefficiency or in attendance to, or dereliction of duty.
2. Dishonesty, intemperate conduct, insubordination, discourteous treatment of the public or of fellow employees, any act or commission or omission tending to injure the public service, any failure on the part of the employee to properly conduct himself or herself, or violations of the Arizona Revised Statutes, City ordinances, or other rules and regulations applicable to the employee.
3. Any violation of the City's substance abuse policy.
4. Conviction of any felony or misdemeanor that involves dishonesty, scandal, or in any other way may bring disrepute to the employee or the City.
5. Arrest for any matter that makes it impossible and/or impractical to properly complete their duties.
6. Any violation of the policies contained in this manual, departmental rules, supervisory instructions, any other City rules/policies (e.g. those contained in the Ethics Handbook), or any other conduct that may bring discredit to the City.

B. Unlawful Acts Prohibited

1. No person will willfully make any false statement, certificate, mark, rating, or report in regard to any application for employment, test, rating, certification, or appointment held or made under these policies and procedures or ordinances of the City of Avondale. Such conduct may be grounds for disciplinary action, up to and including termination.

2. No person seeking appointment to or promotion in any position in the City service will either directly or indirectly give, promise, render, or pay any money, service, or anything else of value to any person for, on account of, or in connection with their test, appointment, proposed appointment, promotion, or proposed promotion.

C. Procedures

The City does not have a progressive discipline policy. It may take varying forms of discipline against its employees, as best serve the City's and the citizens' interests in each circumstance. The City reserves the right to take any appropriate disciplinary action that circumstances require. Temporary and probationary employees have no appeal rights for actions outlined in these policies. Part-time employees hired before June 18, 2014, have appeal rights for actions outlined in these policies, but part-time employees hired after June 18, 2014, have no appeal rights for actions outlined in these policies. **Policy implementing executive level positions or above as determined by the City Manager and appointed on or after October 30, 2023, have no appeal rights for actions outlined in these policies.** When a department director identifies the need for employee discipline, they shall meet with the Human Resources Director or designee prior to any discussion with the employee. Before any employee is given a letter of reprimand, notice of intent to suspend without pay, notice of intent to reduce pay, notice of intent to demote, or notice of intent to terminate, the Department Director shall consult with the Human Resources Director or designee. Below are examples of forms of discipline that the City may take. However, this is not an exclusive list.

1. Formal Reprimand

- a. The immediate supervisor, department director, one of the Assistant City Managers, or the City Manager may formally reprimand any employee under their supervision for cause.
- b. Such a formal reprimand will be in writing and addressed to the employee.
- c. A signed copy will be forwarded to the employee and the Human Resources Director for inclusion in the employee's personnel file. The City Manager will also be notified of the reprimand.
- d. Formal reprimands cannot be appealed to the Independent Hearing Officer.
- e. However, within ten (10) working days of receipt, the employee may file a letter of response to the reprimand, which will be attached to the reprimand in their file. In its sole discretion, City management may choose to modify or revoke the reprimand after reviewing the employee's letter and circumstances surrounding the discipline.

2. Suspension

- a. The City Manager or an Assistant City Manager, at their own discretion or upon the recommendation of a department director, may suspend an employee for cause without pay for a period or periods not exceeding thirty (30) calendar days in any twelve (12) month period -except as provided in subsection (2)(d) below.
- b. Suspensions of 40 hours or less cannot be appealed to the Independent Hearing Officer, except as specified for law enforcement officers and detention officers in ARIZ. REV. STAT. § 38-1101; however, the employee may request review of the decision within ten (10) working days of the notice. Upon receipt of the employee's request for review, the Human Resources Department shall coordinate and appoint another department director or supervisor to review the matter. The designated department director or supervisor will issue a written memorandum either upholding the non-appealable suspension or suggesting that the City Manager reverse or modify the discipline. If the designated department director or supervisor suggests a reversal or modification, the City Manager will review the matter and make a final decision.
- c. If an employee appeals their suspension of more than 40 hours, they must first receive a hearing before the Assistant City Manager or designee prior to suspension. After the hearing, the Assistant City Manager or designee will determine whether this action is appropriate. The City Manager will be notified of the decision. If the suspension is upheld, the employee may request an appeal to the City's Independent Hearing Officer within ten (10) working days of receipt of the hearing decision. The appeal must be in writing and submitted to the Human Resources Director as outlined in Chapter 19. After the Independent Hearing Officer conducts a hearing as outlined in Chapter 19, they will make a written recommendation within (10) working days to the City Manager or designee for final determination. The Independent Hearing Officer serves an advisory role to the City Manager or designee.
- d. Any regular employee who is arrested for a serious public offense, other than minor traffic violations, whether imprisoned, pending probation, or released on bail, may be suspended without pay until such time that judgment is rendered by the court; provided, however, if the employee is found not guilty, they will receive compensation for the period of suspension. The employee may not appeal a suspension under this provision.

3. Reduction in Pay in Lieu of Suspension

- a. A department director may choose to impose a reduction in pay of an employee instead of a suspension without pay. Any reduction in pay in lieu of suspension that is equal to forty (40) hours or less cannot be appealed to the Independent

Hearing Officer, except as specified for law enforcement officers and detention officers in ARIZ. REV. STAT. § 38-1101; however, the employee may request review of the decision within ten (10) working days of the effective date. Upon receipt of the employee's request for review, the Human Resources Department shall coordinate and appoint another department director or supervisor to review the matter. The designated department director or supervisor will issue a written memorandum either upholding the non-appealable reduction in pay or suggesting that the City Manager reverse or modify the discipline. If the designated department director or supervisor suggests a reversal or modification, the City Manager will review the matter and make a final decision.

- b. The total dollar amount of the reduction in pay shall not exceed the dollar amount of the suspension for which the reduction is substituted.
- c. The reduction in pay shall not reduce the employee's salary below the Federal minimum wage.
- d. If an employee appeals their reduction in pay in lieu of suspension (for amounts equivalent to or more than forty (40) hours suspension), they must first receive a hearing before an Assistant City Manager, or designee, prior to implementing a reduction in pay in lieu of suspension. After the hearing, the Assistant City Manager, or designee, will determine whether this action is appropriate. The City Manager will be notified of the decision. If the reduction in pay in lieu of suspension is upheld, the employee may appeal the decision within ten (10) working days of receipt of the hearing decision. The appeal must be in writing and submitted to the Human Resources Director as outlined in Chapter 19. After the Independent Hearing Officer conducts a hearing as outlined in Chapter 19, they will make a written recommendation within (10) working days to the City Manager or designee for final determination. The Independent Hearing Officer serves an advisory role to the City Manager or designee.

4. Demotion

- a. The City Manager or an Assistant City Manager, at their own discretion or upon the recommendation of a department director, may demote an employee for cause. If appealed pursuant to subsection 4(b) below, the City Manager or designee will make the final determination after receiving a recommendation from the Independent Hearing Officer.
- b. If an employee appeals their demotion, they must first receive a hearing before the Assistant City Manager or designee prior to implementing the demotion. After the hearing, the Assistant City Manager, or designee, will determine whether the demotion is appropriate. The City Manager will be notified of the decision. If the demotion is upheld, the employee may request an appeal to the

Independent Hearing Officer within ten (10) working days of receipt of the hearing decision. The appeal must be in writing and submitted to the Human Resources Director as outlined in [Chapter 19](#). After the Independent Hearing Officer conducts a hearing as outlined in [Chapter 19](#), they will make a written recommendation within (10) working days to the City Manager or designee for final determination. The Independent Hearing Officer serves an advisory role to the City Manager or designee.

- c. All regular employees demoted for disciplinary reasons will not be eligible for promotion or an increase in compensation for a period of one (1) year from the time of the demotion.

5. Termination

- a. The City Manager or an Assistant City Manager may terminate for cause any employee of the City by delivery of a Notice of Intent to Terminate, which outlines a statement of reasons for potential termination. In most cases, the Assistant City Manager or designee will make the initial termination decision. If appealed, the City Manager or designee will make the final determination after receiving a recommendation from the Independent Hearing Officer.
- b. Part-time employees or employees serving in the probationary period need not receive a Notice of Intent to Terminate prior to termination.
- c. Pre-Termination Hearing

If an employee appeals their termination, they must receive a pre-termination hearing before the Assistant City Manager or designee prior to termination.

- d. Final Decision

After the pre-termination hearing, the Assistant City Manager or designee will determine whether termination is appropriate. The City Manager will be notified of the termination decision. If terminated, the employee may request an appeal Independent Hearing Officer within ten (10) working days of receipt of the hearing decision. The appeal must be in writing and submitted to the Human Resources Director as outlined in Chapter 19. After the Independent Hearing Officer conducts a hearing as outlined in Chapter 19, they will make a written recommendation within (10) working days to the City Manager or designee for final determination. The Independent Hearing Officer serves an advisory role to the City Manager or designee.

- e. Process

Managers requesting termination of an employee as a disciplinary measure will first consult with the Human Resources Director or designee.

6. Exit Interviews

Any employee leaving the City's services is given the option to provide Human Resources with an exit interview.

D. For the purposes of this Chapter:

1. "Working Days" means Monday through Thursday, exclusive of City designated Holidays.
2. "Law Enforcement Officer" means an individual, other than a probationary employee, who is certified by the Arizona Peace Officer Standards and Training Board and employed by the City of Avondale.
3. "Detention Officer" means a detention officer, other than a probationary employee, who is employed by the City of Avondale.

ITEM NUMBER: 4.c.

SUBJECT: Resolution 1066-1023 Amendments to the Personnel Policies and Procedures, Chapter 19 Appeals

MEETING DATE: 10/23/2023

TO: Mayor and Council

FROM: Andrew Mesquita, Human Resources Director

THROUGH: Ron Corbin, City Manager, (623) 333-1011

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

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

PURPOSE:

City Council will consider a request to: (a) adopt Resolution 1066-1023, amending the Personnel Policies and Procedures Chapter Policy 19, Appeals to add language clarifying that the appeal process associated with disciplinary actions does not apply to policy implementing executive level positions or above as determined by the City Manager for individuals appointed on or after October 30, 2023; (b) declare an emergency and shall be effective immediately upon its passage and adoption; 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:

Currently, all employees who work under the City Manager are covered employees who have a right to appeal any and all disciplinary actions. They are not "At-Will" and can only be terminated or demoted for cause (unless on probation). This includes all department directors and other senior leadership positions. This ordinance would allow the City Manager to identify key executive level positions, as they become vacant, that would become "At-Will".

DISCUSSION:

The changes to Chapter 18 provide the City Manager with the necessary flexibility in selecting his or her team in order to ensure that the City's Leadership Team is united and implementing the Council's goals and objectives in a manner aligned with the City Manager's vision. The updated policy would allow the City Manager to demote or separate an executive employee with the least amount of disruption to the City. The proposed revisions do not change the City's obligation to comply with all state and federal employment laws. The City cannot discipline (to include termination) employees for discriminatory reasons.

This policy change is aligned with comparable municipalities. The cities of Buckeye, Goodyear, and Glendale have personnel rules that designate department directors and above as At-Will. The city of Surprise's list of At-Will employees includes department directors, managers, and employees of several departments, including human resources, finance, city manager's office, IT and others. The City of Scottsdale allows the City Manager to determine which positions in the city are At-Will.

This revision would only apply to employees hired into the designated positions after the effective date of this ordinance.

This revision coincides with proposed amendments submitted for Council action for City Code, Section 2-36 and Chapter 18, Discipline.

BUDGET IMPACT:

There are no direct costs associated with the amendments to the City of Avondale Policies and Procedures.

RECOMMENDATION:

Staff recommends Council adopt a Resolution, approving the revisions to Avondale Chapter Policy 19, Appeals.

Contact person for document distribution:

RESOLUTION NO. 1066-1023

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE,
ARIZONA, AMENDING CHAPTER 19 OF THE PERSONNEL POLICIES AND
PROCEDURES RELATING TO EMPLOYEE APPEALS.

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

SECTION 1. Chapter 19 – Employee Benefits of the City of Avondale Personnel Policies and Procedures dated March 1, 2021 (“Chapter 19”), is hereby adopted in substantially the form and substance attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 2. It is necessary for the preservation of the peace, health and safety of the City of Avondale that an emergency is hereby declared to exist and this Resolution shall be effective immediately upon its passage and adoption.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution or any part of Chapter 19 adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

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

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

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1066-1023
[Chapter 19]
See following pages.

CHAPTER 19

Appeals

A. Statement

This Chapter **is applicable to certain** employees including represented and certified employee units. The City of Avondale, in keeping with its policy of maintaining satisfactory working conditions, will provide a means to ensure fair handling of employee complaints and grievances. Any employee whose state of mind is so affected by a grievance that they will not endeavor to or cannot do the proper thing in the course of performing their regular duties should immediately pursue the prescribed procedures for grievances.

B. Matters Subject to an Appeal

If applicable, an employee will have the right to appeal, under this rule, a decision affecting their employment, over which their appointing power has partial or complete jurisdiction, with the exception of suspensions, demotions, reductions in pay in lieu of suspension, or terminations which will be appealed directly to the Independent Hearing Officer, through the Assistant City Manager, or designee, as provided by these policies.

C. Appeal to the Independent Hearing Officer or Personnel Board

1. Right to Appeal

Any regular employee will have the right to appeal to the Independent Hearing Officer any disciplinary action by the City which involves termination, demotion, suspension without pay, or reduction in pay in lieu of suspension without pay, except in instances where the right of appeal is specifically prohibited by these policies. **The right of appeal shall not apply to policy implementing executive level positions or above as determined by the City Manager and appointed on or after October 30, 2023.**

2. Methods of Appeal

- a. Appeals will be in writing, signed by the appellant, and delivered in person, email, or by first-class mail to the Human Resources Director.
 - 1) Appeals must be delivered to the Human Resources Director within ten (10) working days of the date of the disciplinary action to be appealed.
 - 2) The formality of a legal pleading is not required. However, failure to file the appeal on time will constitute a waiver, and the decision will become final.

- b. Within ten (10) working days after receipt of the appeal, the Human Resources Director will notify the Assistant City Manager, the Independent Hearing Officer, and such other persons named or affected by the appeal.
 - c. Upon filing of an appeal, the Independent Hearing Officer will set a date for a hearing on the appeal not less than ten (10) working days or no more than thirty (30) working days from the date of filing.
 - d. The Human Resources Director will notify all interested parties of the date, time, and place of the hearing. The Human Resources Department will provide administrative assistance to the Independent Hearing Officer.
 - e. The appeal will be a written statement, addressed to the Independent Hearing Officer, explaining the matter appealed, the specific grounds for the appeal (explaining why they believe the decision appealed is incorrect), and setting forth therein a statement of the action desired by the appellant.
 - 1) The written appeal will constitute the entire matter before the Independent Hearing Officer.
 - 2) The appellant may not add new matters, grounds, facts, or theories to those already stated in the original appeal.
 - 3) The Independent Hearing Officer will not have jurisdiction to consider any such additional matters, grounds, facts, or theories outside of the written appeal.
3. Independent Hearing Officer
- a. Pursuant to a periodic solicitation of qualifications or through cooperative solicitation, the City shall establish a list of at least three attorneys (or fewer if an insufficient number of qualified candidates respond to the solicitation), who are licensed and in good standing with the State Bar of Arizona and who have at least five years of experience and knowledge, or municipal law and/or employment law, to serve as the Independent Hearing Officer. Upon receipt of a written appeal, the City Manager or designee shall select the Independent Hearing Officer from the qualified list.
 - b. The City shall pay the reasonable fees and costs of the Independent Hearing Officer; however, the Independent Hearing Officer will not represent either the City or the appellant. The duties of the Independent Hearing Officer are to make rulings and determinations pursuant to these rules.
 - c. The Independent Hearing Officer shall have the following duties and authority.
 - 1) Pre-Hearing:
 - a) Consider and rule on any pre-hearing motions, including those that could result in the dismissal of the appeal for failure to follow these rules.

- b) Set reasonable restrictions and deadlines for the method (in person or virtual), timing, and conduct of the hearing.
 - c) Prepare the hearing notice and agenda.
- 2) Presiding over the Hearing:
 - a) Rule on objections and motions by a party, unless they are dispositive of the appeal.
 - b) Submit their findings and recommendations on the merits of the appeal; in accordance with the timeframe and procedure set forth in subsection (f) below.
 - c) Prepare a written report and recommendation for the City Manager.
- 4. Pre-hearing Procedures
 - a. As outlined above, the Independent Hearing Officer shall set the time and place for the hearing.
 - b. Prior to the hearing, the Independent Hearing Officer shall do the following:
 - 1) Within five (5) working days of filing the written appeal with the Human Resources Director, the appellant may request their personnel record from the City. Neither party shall be entitled to any additional discovery in this process, except as outlined below.
 - 2) At least seven (7) working days prior to the hearing, the City and the appellant shall disclose to one another the witnesses that each anticipates calling, a synopsis of their testimony, and any documents each anticipates presenting to the Independent Hearing Officer.
 - a) The proposed testimony and exhibits must relate to the written appeal filed by the appellant.
 - b) Any proposed testimony or exhibits that do not relate to the written appeal shall not be considered or presented. The Independent Hearing Officer will make this determination, as necessary.
 - 3) Not less than three (3) working days after the exchange of proposed testimony and exhibits, the parties shall work together to determine if either side objects to any exhibits, and work through those objections.
 - a) If after consulting with one another, there is still a disagreement, the parties shall file a brief letter (no more than one page) outlining the disputed items to the Independent Hearing Officer. The letter must be filed at least two (2) working days prior to the hearing. If there is no dispute, no letter need be filed.

- b) The Independent Hearing Officer shall rule on any disagreement prior to the hearing.
- c) All exchanged exhibits will be deemed admissible and presented to the Independent Hearing Officer at the hearing.

5. Hearings

- a. The appellant shall appear either personally or virtually and testify before the Independent Hearing Officer at the time and place of the hearing.
- b. The proposed testimony and exhibits used by the appellant shall only be those permitted pursuant to subsection (d) above.
 - 1) No other witnesses or documents will be considered by the Independent Hearing Officer unless (i) the party can show that it was newly discovered, there was prompt disclosure, and the evidence is crucial or (ii) the Independent Hearing Officer may, at their discretion, exclude certain witnesses or documents even if timely disclosed if such evidence would be irrelevant, cumulative, redundant, or overly prejudicial.
- c. The appellant may be represented by any person (other than the Independent Hearing Officer) or attorney as they may select, and at the hearing may produce on their behalf relevant oral or documentary evidence.
- d. The City will present its case first, establishing the reasons for the employment action.
 - 1) At the conclusion of the City's case, the appellant will then present their case in opposition. Each side may call its disclosed witnesses.
 - 2) The parties are responsible for securing the attendance of their own witnesses, but the City will make City employees available for the hearing if timely disclosed.
 - 3) The parties do not have any subpoena power to compel a witness's attendance.
- e. Cross-examination of witnesses will be permitted.
- f. The conduct and decorum of the hearing will be under the control of the Independent Hearing Officer, with due regard to the rights and privileges of the parties.
- g. Hearings need not be conducted according to technical rules relating to evidence and witnesses.
- h. Hearings will be closed or held in executive session, as applicable, unless the appellant, in writing, requests an open, public hearing.
 - 1) A closed hearing does not preclude the attendance of (i) persons necessary to assist in the presentation of evidence and arguments, (ii) the Human Resources Director or authorized designee or (iii) the appellant's department director or authorized designee. Notwithstanding anything herein to the contrary, this paragraph does not

apply to hearings held pursuant to the Peace Officers Bill of Rights, A.R.S. §38-1101 et. Seq.

6. Findings and Recommendations

- a. The Independent Hearing Officer will, within fifteen (15) working days after the conclusion of the hearing, submit their findings and recommendations that will be advisory to the City Manager.
 - 1) The Independent Hearing Officer may recommend that the City Manager affirm, revoke, or modify the employment action taken.
- b. The City Manager or designee will review the findings and recommendations of the Independent Hearing Officer. They may then affirm, revoke, or modify the employment action taken as in their judgment seems warranted.
- c. The City Manager or designee will inform the appellant within twenty (20) working days of their decision. The action of the City Manager or designee will be final.

7. Conduct of Appeal Procedure

The time limits specified above may be extended to a definite date by mutual agreement of the employee and the reviewer concerned.

D. Matters Subject to A.R.S. §§ 38-531 through 534 Disclosure of Information by Public Employees

This section does not apply to any persons outside the definition of Employee (as hereinafter defined).

1. When a complaint is filed by a former or current employee (the “Employee”) as defined by A.R.S. § 38-531, alleging violation of A.R.S. §§ 38-531 *et. seq.*, the City Manager shall convene an *ad hoc* independent personnel board (“Board”) pursuant to A.R.S. §§ 38-532 and 534, which shall consist of five (5) members having the following qualifications:
 - a. Three (3) members who are residents of the City, not employed by the City, and not related to the Employee;
 - b. One (1) member who is employed by another municipality as an administrator in the department of human resources or personnel and who is not related to the Employee; and,
 - c. One (1) member who is employed by another municipality, who does not belong to any professional organizations or affiliates that the Employee belongs to and who is not related to the Employee.
2. The members of the Board shall meet, hear evidence, and decide the following:

- a. The validity of the complaint.
 - b. Whether a prohibited personnel practice, as defined by A.R.S. § 38-532(A), was committed against the employee or former employee as a result of disclosure of information by the employee or former employee.
3. The provisions of A.R.S. § 38-532 are incorporated by this reference.

E. For the purposes of this Chapter:

1. “Working Days” means Monday through Thursday, exclusive of City designated Holidays.

ITEM NUMBER: 4.d.

SUBJECT: Ordinance 2065-1023 - Avondale City Code Amendment, Chapter 2 Administration, Article 2, Division 3 Section 2-36 relating to the Merit System

MEETING DATE: 10/23/2023

TO: Mayor and Council

FROM: Andrew Mesquita, Human Resources Director

THROUGH: Ron Corbin, City Manager, (623) 333-1011

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

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

PURPOSE:

City Council will consider a request to adopt (a) Ordinance 2065-1023 amending Avondale City Code, Chapter 2, Administration relating to the scope and creation of the Merit System; (b) declare an emergency and shall be effective immediately upon its passage and adoption; 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:

The Avondale City Charter includes appointments and promotions in the City's merit system and authorizes the Human Resources Director to establish a disciplinary appeal system as approved by City Council. The current language of City Code, Section 2-36 includes appointments, promotions, demotions, discharges and reinstatements in the merit system scope.

DISCUSSION:

The Avondale Chapter and Administrative Policies defines "merit system" as "a system whereby employees are promoted or rewarded based on ability." Based on the language of the City Charter and the City Chapter Policy definitions, the merit system is applicable to the appointment process (hiring) and the promotion process. Currently, City Code, Section 2-36 integrates the merit system and disciplinary appeal system and this proposed amendment modifies the language of Section 2-36 to provide consistency with other applicable City provisions.

This revision coincides with proposed amendments submitted for Council action related to Avondale Chapter Policy 18, Discipline and Chapter 19, Appeals.

BUDGET IMPACT:

There are no direct costs associated with the amendments to the City Code.

RECOMMENDATION:

Staff recommends Council adopt a Resolution and Ordinance, amending Avondale City Code Chapter 2 Administration, Section 2-36 and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution:

ORDINANCE NO. 2065-1023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE AVONDALE CITY CODE, CHAPTER 2 (ADMINISTRATION), ARTICLE II (OFFICERS AND EMPLOYEES), SECTION 2-36 (CREATION AND SCOPE) RELATING TO THE MERIT SYSTEM.

SECTION 1. The Avondale City Code, Chapter 2 (Administration), Article II (Officers and Employees), Section 2-36 (Creation and Scope), Subsection (a) is hereby amended to read as follows:

2-36 Creation and scope.

(a) There is hereby adopted a merit system for the employees of the city for the purpose of regulating and controlling the appointments, AND promotions, ~~demotions, discharges and reinstatement~~ of all officers and employees of the city, the provisions of which shall apply to all officers and employees of the city except those elected by the people. Additionally, the merit system shall not apply to the city manager, city attorney, city presiding municipal judge, city auditor, persons engaged under contract to supply expert, professional or technical services, temporary employees, volunteer firemen and volunteer personnel who receive no regular compensation from the city.

SECTION 2. It is necessary for the preservation of the peace, health and safety of the City of Avondale that an emergency is hereby declared to exist and this Ordinance shall be effective immediately upon its passage and adoption.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. 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.

[SIGNATURES ON FOLLOWING PAGE.]

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

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

ITEM NUMBER: 4.e.

SUBJECT: Capital Improvement Plan Update, Quarterly Budget Transfers, & ARPA Update

MEETING DATE: 10/23/2023

TO: Mayor and Council

FROM: Renee Weatherless, Finance & Budget Director

THROUGH: Ron Corbin, City Manager, (623) 333-1011

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Innovative Program and Service Delivery - Avondale will continue to serve as a model of innovative, efficient, and responsive government. This action will help ensure planned capital projects have adequate capacity and will enhance the flexibility within the budget, allowing the city to further innovate.
 - Strategy – Approving these quarterly budget transfers enables the City to apply limited resources to priorities.
-

PURPOSE:

City Council will: (a) receive a presentation from staff regarding a Capital Improvement Plan update; (b) consider a request to approve quarterly budget transfers as summarized in the attached Exhibit A; and (c) modify the city's American Rescue Plan Act (ARPA) plan as summarized in the attached Exhibit B. The Council will take appropriate action.

BACKGROUND:

Per the city's adopted Comprehensive Financial Policies, budget transfers between departments, between funds, and between capital projects greater than \$50,000 require council approval.

Rules relating to the use of American Rescue Plan Act (ARPA) funds have been updated. Staff recommends changes to the city's ARPA plan to ensure these funds are spent in a timely manner and follow the latest federal rules relating to the use of these funds.

DISCUSSION:

Budget Transfers between departments – Staff recommends the budget transfers listed below between departments that will match the budget to the area that manages the related service. These budget transfers do not increase or decrease the budget related to these areas:

- Transfer of Landscaping Budget from Facilities to Parks and Recreation

- Transfer of Sam Garcia Library and Sernas Plaza Improvements (M0325) from Neighborhood and Family Services to Parks and Recreation

Operating carryover adjustments - Carryover appropriations accommodate projects and other expenses that are not able to be completed during the budget year. These are often needed for one-time expenses that take more than one year to complete. Staff estimates the amount needed to be "carried over" as part of the development of the budget. Now that FY2023 is complete, these estimates need to be adjusted to match what was spent in FY2023 and what is still needed in FY2024 to complete these items.

American Rescue Plan Act adjustments – Based on the latest federal rules related to technology projects funded by ARPA, staff recommends switching Citywide Fiber Expansion & Redundancy (M0177) and the Fiber Optic Connectivity in Parks (P0055) from the ARPA to the General Capital Fund and replacing those projects in ARPA with the DeConcini Park Enhancements (P0193), Mountain View Park Enhancements (P0083), and FY2023 expenses related to the city's homeless services. The proposed budget allows the city to maintain compliance with ARPA rules. No additional appropriation for these projects is being requested.

Project Budget Adjustments – Staff projects the Aquatic Center budget will have enough realized savings to accommodate these budget transfers.

- Transfer from Aquatic Center project for a vehicle for servicing the city's aquatic facilities (\$40,000)
- Transfer from Aquatic Center for a study for possible uses for the land adjacent to the Aquatic Center (\$50,000).

An additional budget transfer would transfer budget from Old Town Avondale Phase III to Old Town Avondale Phase II to reimburse Old Town Avondale Phase II for design expenses related to Old Town Avondale Phase III.

BUDGET IMPACT:

The proposed ARPA plan changes will allow the city to use these resources in a timely manner while maintaining compliance with new federal rules. The proposed budget transfers do not increase or decrease the available resources of the city.

RECOMMENDATION:

Staff recommends that City Council approve the transfer of budget capacity listed in the attached Exhibit A and modify the city's American Rescue Plan Act (ARPA) plan as summarized in the attached Exhibit B.

Contact person for document distribution:

Exhibit A: Quarterly Budget Transfer Schedule - October 23, 2023

FY2023

Transfer	From Account	From Project/Fund	To Account	To Project/Fund/Dept	Amount	Notes
c.1	10150700-various	Homeless Services - General Fund	25750700-various	Homeless Services - ARPA	127,900	ARPA adjustment
c.2	11055900-80000-P0193	Deconcini Park - General Capital	25755900-80000-P0193	Deconcini Park - ARPA	97,551	ARPA adjustment

FY2024

Transfer	From Account	From Project/Fund	To Account	To Project/Fund/Dept	Amount	Notes
(a.1)	10110101-69000	Mayor Discretionary	28090000-69000	Unanticipated Revenues	838	Carryover adjustment
(a.2)	10110201-69000	City Council 1 Discretionary (Nielson)	28090000-69000	Unanticipated Revenues	4,135	Carryover adjustment
(a.3)	10110301-69000	City Council 2 Discretionary (White)	28090000-69000	Unanticipated Revenues	5,112	Carryover adjustment
(a.4)	28090000-69000	Unanticipated Revenues	10110401-69000	City Council 3 Discretionary (Solario)	496	Reimburse for travel not taken. 300 would have been carryover reversed otherwise
(a.5)	10110501-69000	City Council 4 Discretionary (Malone)	28090000-69000	Unanticipated Revenues	3,753	Carryover adjustment
(a.6)	10110601-69000	City Council 5 Discretionary (Conde)	28090000-69000	Unanticipated Revenues	3,782	Carryover adjustment
(a.7)	10110701-69000	City Council 6 Discretionary (Pineda)	28090000-69000	Unanticipated Revenues	3,254	Carryover adjustment
(a.8)	10116001-various	Technology Services	28090000-69000	Unanticipated Revenues	141,400	Carryover adjustment
(a.9)	10130000-83900	PD Administration	28090000-69000	Unanticipated Revenues	20,000	Carryover adjustment
(a.10)	10130410-79000	Community Action Team	28090000-69000	Unanticipated Revenues	10,000	Carryover adjustment
(a.11)	10130500-79000	Support Services	28090000-69000	Unanticipated Revenues	2,000	Carryover adjustment
(a.12)	10134140-70050	Low Acuity Unit	28090000-69000	Unanticipated Revenues	10,700	Carryover adjustment
(a.13)	10134210-79000	Fire Prevention	28090000-69000	Unanticipated Revenues	5,200	Carryover adjustment
(a.14)	10139000-70030	Public Safety Administration	28090000-69000	Unanticipated Revenues	2,000	Carryover adjustment
(a.15)	10139220-various	Security	28090000-69000	Unanticipated Revenues	7,200	Carryover adjustment
(a.16)	10140100-61800	Planning	28090000-69000	Unanticipated Revenues	97,500	Carryover adjustment
(a.17)	10150100-83100	Library Administration	28090000-69000	Unanticipated Revenues	22,700	Carryover adjustment
(a.18)	10150510-61800	Home Grant Admin	28090000-69000	Unanticipated Revenues	16,600	Carryover adjustment
(a.19)	10170500-85000	Fleet Services	28090000-69000	Unanticipated Revenues	242,000	Carryover adjustment
(a.20)	11070500-85000	Fleet Service	28090000-69000	Unanticipated Revenues	84,400	Carryover adjustment
(a.21)	20430100-various	Patrol	28090000-69000	Unanticipated Revenues	23,200	Carryover adjustment
(a.22)	20430520-70030	Professional Standards	28090000-69000	Unanticipated Revenues	1,000	Carryover adjustment
(a.23)	20439220-various	Security	28090000-69000	Unanticipated Revenues	1,200	Carryover adjustment
(a.24)	20670700-61800	Sustainability	28090000-69000	Unanticipated Revenues	10,000	Carryover adjustment
(a.25)	60115100-61800	Risk Management Operations	28090000-69000	Unanticipated Revenues	5,200	Carryover adjustment
(b.1)	22040901-86000-T0200	Old Town Avondale Phase III - Infrastructure (HURF)	20340901-86000-T0091	Old Town Avondale Phase II - Infrastructure (DST)	95,022	A portion of Design in FY2022 for Phase III was paid using Phase II budget
(b.2)	51140901-86000-T0200	Old Town Avondale Phase III - Infrastructure	51140901-86000-T0091	Old Town Avondale Phase II - Infrastructure	71,857	A portion of Design in FY2022 for Phase III was paid using Phase II budget
(c.3)	25716900-84000-M0177	Citywide Fiber Expansion - Technology (ARPA)	11016900-84000-M0177	Citywide Fiber Expansion - Technology GF	604,874	ARPA Adjustment
(c.4)	11055900-83000-P0083	Mountain View Park Expansion (GF)	25755900-83000-P0083	Mountain View Park Expansion (ARPA)	902,623	ARPA Adjustment
(c.5)	25755900-84000-P0055	Fiber Optic Connectivity - Technology (ARPA)	11055900-84000-P0055	Fiber Optic Connectivity - Technology (GF)	80,000	ARPA Adjustment
(c.6)	25716900-84000-M0101	Public Wifi Enhancements - ARPA	11016900-84000-M0101	Public Wifi Enhancements - General Capital	57,000	ARPA Adjustment
(d)	10118100-62520	Building Maintenance - Contract Maint Bldg & Grounds	10155200-62520	Grounds Maintenance - Contract Maint Bldg & Grounds	273,000	Transfer between departments
(e)	25650900-Various-M0325	Sam Garcia Library Remodel - NFS	25655900-Various-M0325	Sam Garcia Library Remodel - Parks	488,147	Transfer between departments
(g)	11055900-80000-P0175	Aquatic Center - Design/Engineering	1015510-85000	Aquatic - Vehicle - CAP	40,000	Aquatic Center has realized savings to cover transfer
(h)	11055900-80000-P0175	Aquatic Center - Design/Engineering	11055900-80000-P0356	Parcel Adjacent to Aquatic Center Study	50,000	Aquatic Center has realized savings to cover transfer

Exhibit B - Proposed ARPA Allocation

Project	FY22 Actuals	FY23 Actuals	FY2024 Est.	FY2025 Est.	Total
Homeless Services	55,837	463,655	874,800		1,394,292
Neighborhood Revitalization	121,135	-	-		121,135
On Demand Technical Assistance Platform	245,650	64,063	500,000		809,713
Quarterly Job Fairs for Avondale Businesses (Tourism, Hospitality, and Restaurant Focus)			40,000		40,000
Scholarships to attend EMCC/NAU Hospitality Leadership Program	149,605	199,980	160,000		509,585
Contributions Assistance Program	113,300	200,000	200,000		513,300
Non-profit expansion	73,120	44,232	-		117,352
City Events: Billy Moore, Fiesta, and Cycle Avondale Events	87,414	-	-		87,414
Tourism NASCAR promotion	17,995	172,850	-		190,845
Destination Marketing Organization (Tourism)- local match	86,487	-	-		86,487
Community Action Program	118,055	222,538	547,200		887,793
Youth Services	217,604	(664)	-		216,940
Resource Management Software	13,759	-	-		13,759
Police Salaries		4,000,000	4,000,000		8,000,000
Fire Salaries		1,000,000	1,000,000		2,000,000
Deconcini Park Improvements		97,551	1,000,000		1,097,551
Agua Fria Wetlands Conceptual Design for new Recharge Basin	139,170	191,597	84,000		414,767
Public Wifi Enhancements		-	-		-
Wifi in Common Areas		-	-		-
Fiber Optic Connection in parks		-	-		-
Special Event Wifi		-	-		-
Western Avenue WiFi and Digital Signage & Information Kiosks		-	-		-
City-Wide Fiber Expansion and Redundancy		-	-		-
Mountain View Park Improvements			902,623		902,623
Bridge Housing Project		-	613,000		613,000
	1,439,131	6,655,802	9,921,623	-	18,016,556
ARPA Allocation					17,887,327
Unallocated / (Over Allocated)					(129,229)

*While this shows ARPA being slightly over allocated, staff does anticipate savings