



City of Avondale

City Council Meeting

Monday, October 7, 2024

Mayor and Council

Kenneth Weise, Mayor

Mike Pineda, Vice Mayor

Tina Conde, Councilmember | Curtis Nielson, Councilmember

Veronica Malone, Councilmember | Gloria Solorio, Councilmember

Max White, Councilmember

Administration

Ron Corbin, City Manager

Tracy Stevens, Assistant City Manager | Katie Gregory, Assistant City Manager

Dale Nannenga, Deputy City Manager | Nicholle Harris, City Attorney

Marcella Sarmiento, City Clerk

City Council Chamber

11465 West Civic Center Drive

Avondale, AZ 85323

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Visit the link below to watch a City Council meeting live online:

<https://www.avondaleaz.new.swagit.com/views/540/>

Please note, the live stream will not be monitored by staff; therefore, anyone wishing to address the City Council shall appear in person to speak.



City Council Meeting Notice & Agenda Monday, October 7, 2024

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

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

5:30 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. PRESENTATION ITEMS (DISCUSSION ONLY)

a. EMPLOYEE ANNOUNCEMENTS

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

City Manager's Office

- Aneyssa Romo, Senior Management Analyst (promotion)

Development Services

- Torin Sadow, Business Operations & Strategy Manager (promotion)

b. PROCLAMATION - NATIONAL COMMUNITY PLANNING MONTH

City Council will present a Proclamation recognizing the month of October 2024 as Community Planning Month in Avondale and extend appreciation to the staff of the Development Services Department for their dedication and service to Avondale. This item is for discussion only.

c. PROCLAMATION - CODE COMPLIANCE MONTH

City Council will present a Proclamation recognizing the month of October 2024 as Code Compliance Month and extend appreciation to the staff of the Code Compliance Division for their dedication and service to Avondale. This item is for discussion only.

d. PROCLAMATION - FIRE PREVENTION WEEK

City Council will present a Proclamation recognizing the week of October 6-12, 2024 as Fire Prevention Week in Avondale and extend appreciation to the staff of the Fire and Medical Department for their dedication and service to Avondale. This item is for discussion only.

e. PROCLAMATION - DOMESTIC VIOLENCE AWARENESS MONTH

City Council will present a Proclamation recognizing the month of October 2024 as Domestic Violence Awareness Month. This item is for discussion only.

f. PROCLAMATION - CITIES AND TOWN WEEK 2024

The City Council will present a Proclamation recognizing the week of October 13-19, 2024, as Arizona Cities and Towns Week. This item is for discussion only.

g. HOMELESS SERVICES UPDATE, 2024

City Council will receive an update from staff on the City's Homeless Services. This item is for discussion only.

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

4. CONSENT AGENDA

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

a. MINUTES

City Council will consider a request to approve the September 9, 2024 City Council meeting minutes. The Council will take appropriate action.

b. SERIES 12 (RESTAURANT) LIQUOR LICENSE - ROLLIN SMOKE BBQ

City Council will consider a request to recommend approval to the Arizona Department of Liquor License and Control of an application for a Series 12 (Restaurant) Liquor License submitted by Christopher Michael Devers for the sale of alcohol at Rollin Smoke BBQ, located at 10120 W McDowell Road, Suite 160 in Avondale and authorize the City Clerk to execute the necessary documents. The Council will take appropriate action.

c. SERIES 10 (BEER AND WINE STORE) LIQUOR LICENSE - SPRINGHILL SUITES AVONDALE

City Council will consider a request to recommend approval to the Arizona Department of Liquor License and Control of an application for a Series 10 (Beer and Wine Store) Liquor License submitted by Lonnie Lee Kim for the sale of alcohol at Springhill Suites Avondale, located at 9950 W Encanto Blvd in Avondale and authorize the City Clerk to execute the necessary documents. The Council will take appropriate action.

d. RESOLUTION 1099-1024 - AMENDING THE COUNCIL RULES OF PROCEDURE, SECTIONS 6.10 BUSINESS ITEMS AND 10.4 LIMITATION REGARDING PUBLIC COMMENT AND REPORTS

City Council will consider a request to adopt Resolution 1099-1024, amending the Council Rules of Procedure Sections 6.10 Business Items and 10.4 Limitation Regarding Public Comment and Reports and authorize the Mayor or City Manager, City Attorney and the City Clerk to execute the necessary documents. The Council will take appropriate action.

e. RESOLUTION 1100-1024 - FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR ADDITIONAL AMERICAN RESCUE PLAN ACT FUNDS FOR THE CONSTRUCTION OF BRIDGE HOUSING

City Council will consider a request to adopt Resolution 1100-1024, approving Amendment 1 to the Intergovernmental Agreement with Maricopa County Human Services Department to increase funding by \$286,061 (\$1,986,061 in total) toward the development of bridge housing for families in Avondale and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

5. REGULAR AGENDA

a. SOLID WASTE AND RECYCLING PROGRAM UPDATE

Staff will provide an update to City Council regarding the City's Solid Waste and Recycling Program. This item is for discussion and feedback only; no Council action will be taken.

6. SUMMARY OF CURRENT EVENTS FROM MAYOR, VICE MAYOR, AND COUNCILMEMBERS (5 minutes)

7. MAYOR'S REPORT

8. ADJOURNMENT

Councilmembers 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: 2.b.

SUBJECT: Proclamation - National Community Planning Month

MEETING DATE: 10/7/2024

TO: Mayor and Council

FROM: Jodie Novak, Director of Development Services

THROUGH: Katie Gregory, Assistant City Manager, (623) 333-1015

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

STRATEGIC PLAN:

STRATEGIC OUTCOME: 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.

STRATEGIC INITIATIVES:

1. Plan for development south of the Estrella Mountains
 2. Develop diverse housing options, to include workforce housing
 3. Utilize city assets to invest in the revitalization of Historic Avondale
 4. Increase sustainability initiatives
 5. Maintain and expand quality infrastructure and improve connectivity to city amenities
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PURPOSE:

City Council will present a Proclamation recognizing the month of October 2024 as Community Planning Month in Avondale and extend appreciation to the staff of the Development Services Department for their dedication and service to Avondale. This item is for discussion only.

BACKGROUND:

Planning can be defined as a comprehensive, community-focused activity that enhances choices and opportunities. While many people may not realize it, city planning has a significant impact on their day-to-day life. From where they live, to how they commute, to the type of home they live in; city planning plays a vital role in a person's life and well-being. Recognizing the month of October as Community Planning Month presents a unique occasion to spotlight the key role local government planning and development professionals have in the City of Avondale's current and future growth.

DISCUSSION:

Established in 2006, National Community Planning Month is celebrated each October as a way to highlight the role of city planners and the importance of good planning in our communities. Across the country, communities celebrate planning through a variety of avenues, including Mayor and City Council proclamations declaring the month of October as Community Planning Month. Planning is essential for our communities to prosper while maintaining balance and cohesiveness.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION:

The Development Services Department recommends City Council issue a proclamation recognizing the month of October 2024 as Community Planning Month.

Contact person for document distribution: Jodie Novak, Catherine Lorbeer



PROCLAMATION
COMMUNITY PLANNING MONTH
October 2024

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, rural areas, and other places; and

WHEREAS, community planning can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning require public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

WHEREAS, the American Planning Association endorses National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of Planning Commissions, City Council, and the public who have contributed their time and expertise to the growth and improvement of the City of Avondale; and

WHEREAS, we recognize the many valuable contributions made by the professionals within the City of Avondale Planning Division and Development Services Department and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, BE IT RESOLVED THAT the month of October 2024 is hereby designated as ***Community Planning Month*** in the City of Avondale in conjunction with the celebration of National Community Planning Month.

Proclaimed this 7th day of October 2024.

ATTEST:

Mayor

City Clerk

ITEM NUMBER: 2.c.

SUBJECT: Proclamation - Code Compliance Month

MEETING DATE: 10/7/2024

TO: Mayor and Council

FROM: Joshua Perez, Code Compliance Manager

THROUGH: Dale Nannenga, Deputy City Manager, (623) 333-1017

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

STRATEGIC PLAN:

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

PURPOSE:

City Council will present a Proclamation recognizing the month of October 2024 as Code Compliance Month and extend appreciation to the staff of the Code Compliance Division for their dedication and service to Avondale. This item is for discussion only.

BACKGROUND:

Code Compliance Officers provide for the safety and welfare of residents in Avondale through the enforcement of building, zoning, housing, environmental, property maintenance and other City Codes and Ordinances. Code Compliance Officers are dedicated and highly qualified professionals who share the goals of preventing neighborhood deterioration, enhancing and ensuring safety, and preserving property values through knowledge and application of housing, zoning, and nuisance codes and ordinances.

DISCUSSION:

Code Compliance Officers often have a highly visible and interactive role in the communities while providing quality customer service and excellence to the communities in Avondale. Code Compliance Officers are called upon to provide quality education and excellent customer service to the residents and businesses in Avondale. We recognize the many valuable contributions made by the Code Compliance Officers throughout our country and extend our heartfelt thanks for their continued commitment to public service.

The City Council will present a Proclamation recognizing October 2024 as Code Compliance Month.

BUDGET IMPACT:

This item does not have a budget impact.

RECOMMENDATION:

This item is for presentation only.

Contact person for document distribution: Joshua Perez



PROCLAMATION CODE COMPLIANCE MONTH

October 2024

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

WHEREAS, Code Compliance Officers often have a challenging and demanding role in improving living and working conditions for residents and businesses in Avondale; and

WHEREAS, Code Compliance Officers are dedicated, and highly qualified professionals who share the goals of preventing neighborhood deterioration, enhancing and ensuring safety, and preserving property values through knowledge and application of housing, zoning, and nuisance codes and ordinances; and

WHEREAS, Code Compliance Officers often have a highly visible and interactive role in the communities while providing quality customer service and excellence to the communities in Avondale; and

WHEREAS, Code Compliance Officers are called upon to provide quality education and excellent customer service to the residents and businesses in Avondale; and

WHEREAS, We recognize the many valuable contributions made by the Code Compliance Officers throughout our country and extend our heartfelt thanks for their continued commitment to public service.

NOW, THEREFORE, By virtue of the authority vested in me as Mayor for the City of Avondale, Arizona, do hereby proclaim the month of October 2024 as Code Compliance Month and we call upon Avondale communities to join in recognizing and expressing their appreciation for the dedication and service by the individuals who serve as our Code Compliance Officers.

Proclaimed this 7th day of October 2024.

ATTEST:

Mayor

City Clerk

ITEM NUMBER: 2.d.

SUBJECT: Proclamation - Fire Prevention Week

MEETING DATE: 10/7/2024

TO: Mayor and Council

FROM: Larry Rooney, Fire Chief

THROUGH: Dale Nannenga, Deputy City Manager, (623) 333-1017

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

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

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

PURPOSE:

City Council will present a Proclamation recognizing the week of October 6-12, 2024 as Fire Prevention Week in Avondale and extend appreciation to the staff of the Fire and Medical Department for their dedication and service to Avondale. This item is for discussion only.

BACKGROUND:

Fire Prevention week, October 6-12, 2024 is focused on educating communities about prevention measures to be taken to prevent fires.

DISCUSSION:

It is critical to continually educate the community on fire prevention measures that can be taken. Home fires killed more than 2,700 people in the United States in 2022, according to the National Fire Protection Association, and fire departments in the United States responded to 374,000 home fires.

BUDGET IMPACT:

This item does not have a budget impact.

RECOMMENDATION:

This item is for presentation only.

Contact person for document distribution:



PROCLAMATION
Fire Prevention Week
October 6-12, 2024

Whereas, the City of Avondale is committed to ensuring the safety and security of all those living in and visiting our city; and

Whereas, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire.

Whereas, home fires killed more than 2,700 people in the United States in 2022, according to the National Fire Protection Association, and fire departments in the United States responded to 374,000 home fires; and

Whereas, roughly three out of five deaths happen in homes with either no smoke alarms or with no working smoke alarms; and

Whereas, working smoke alarms cut the risk of dying in reported home fires almost in half; and

Whereas, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as two minutes to escape safely; and

Whereas, City of Avondale's residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and

Whereas, residents will make sure their smoke alarms meet the needs of all their family members, including those with sensory or physical disabilities; and

Whereas, City of Avondale residents should test smoke alarms at least once a month.

Whereas, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

Whereas, City of Avondale first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

Whereas, City of Avondale residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

Whereas, the 2024 Fire Prevention Week theme, "Smoke alarms: Make them work for you," serves to remind us the importance of having working smoke alarms in the home.

NOW THEREFORE, I, Kenneth Weise, by virtue of the authority vested in me as Mayor of the City of Avondale, Arizona, do hereby proclaim the week of October 6-12, 2024, as Fire Prevention Week 2024 and ask citizens to make sure their homes have working smoke alarms and to support the many public safety activities and efforts of the City of Avondale fire and emergency services.

ATTEST:

Mayor

City Clerk

ITEM NUMBER: 2.e.

SUBJECT: Proclamation - Domestic Violence Awareness Month

MEETING DATE: 10/7/2024

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 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.
-

PURPOSE:

City Council will present a Proclamation recognizing the month of October 2024 as Domestic Violence Awareness Month. This item is for discussion only.

BACKGROUND:

In just one day, across the U.S. and its territories, nearly 75,000 victims of domestic violence sought services from domestic violence programs and shelters. That same day, more than 9,000 requests for services, including emergency shelter, housing, transportation, childcare, and legal representation, could not be provided because programs lacked the resources to meet victims' needs. The impact of domestic violence is wide-ranging, directly affecting individuals and society as a whole here in this community and throughout the United States and the world. Discrimination based on physical ability, nationality, or other factors helps to perpetuate domestic violence and makes finding safety even more difficult for some victims. The need for a safe house continues to be rated as survivors' most urgent need. The City of Avondale joins with others across Arizona and the nation in supporting victims of domestic violence, as well as local programs, state coalitions, national organizations, and other agencies nationwide who are committed to increasing public awareness of domestic violence and sending a clear message to abusers that domestic violence is not tolerated. Domestic violence impacts millions of people each year, but it can be prevented. Preventing domestic violence requires the collective voice and power of individuals, families, institutions, and systems – each whose “#1 Thing” adds a valuable and powerful component to transforming our communities.

DISCUSSION:

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

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

This item is for discussion only.

*Contact person for document distribution: Aneyssa Romo, Sr Management Analyst
Sandra Salas, Management Analyst*



PROCLAMATION
DOMESTIC VIOLENCE AWARENESS MONTH

Whereas, in just one day, across the U.S. and its territories, nearly 75,000 victims of domestic violence sought services from domestic violence programs and shelters. That same day, more than 9,000 requests for services, including emergency shelter, housing, transportation, childcare and legal representation, could not be provided because programs lacked the resources to meet victims' needs; and

Whereas, the impact of domestic violence is wide-ranging, directly affecting individuals and society as a whole, here in this community, throughout the United States and the world; and

Whereas, discrimination based on physical ability, nationality, or other factors helps to perpetuate domestic violence and make finding safety even more difficult for some victims; and

Whereas, the need for safe house continues to be rated as survivors' most urgent need; and

Whereas, the City of Avondale joins with others across Arizona and the nation in supporting victims of domestic violence, as well as local programs, state coalitions, national organizations, and other agencies nationwide who are committed to increasing public awareness of domestic violence and sending a clear message to abusers that domestic violence is not tolerated; and

Whereas, domestic violence impacts millions of people each year, but it can be prevented. Preventing domestic violence requires the collective voice and power of individuals, families, institutions, and systems – each whose “#1 Thing” adds a valuable and powerful component to transforming our communities.

NOW THEREFORE, Mayor and Council of the City of Avondale, Arizona, do hereby proclaim the month of October 2024 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 Weise

Vice Mayor Pineda

Council Member Conde

Council Member Malone

Council Member Nielson

Council Member Solorio

Council Member White

Attest: City Clerk

ITEM NUMBER: 2.f.

SUBJECT: Proclamation - Cities and Town Week 2024

MEETING DATE: 10/7/2024

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 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.
-

PURPOSE:

The City Council will present a Proclamation recognizing the week of October 13-19, 2024, as Arizona Cities and Towns Week. This item is for discussion only.

BACKGROUND:

The citizens of Avondale rely on the city to provide a high quality of life for our community. Cities and Towns in Arizona work 24 hours a day, seven days a week, to deliver vital city services such as fire, police, and emergency medical response, to ensure safe communities. Cities and Towns in Arizona also provide services and programs that enhance the quality of life for residents, such as parks, utilities, street maintenance, sanitation and recycling services, libraries, community centers, and recreational programs. It is important for Avondale to continue to provide the excellent delivery of service and programs that our citizens have come to expect in our community. It is one of the responsibilities of Avondale officials to ensure open and accessible government through frequent communication with citizens using various avenues and means. Through participation and cooperation, citizens, community leaders, local businesses, and municipal staff can work together to ensure that services provided by Avondale can remain exceptional elements of the quality of life of our community.

DISCUSSION:

The City Council will present a Proclamation recognizing October 13-19, 2024, as Cities & Towns Week.

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

This item is for discussion only.

*Contact person for document distribution: Aneyssa Romo, Sr Management Analyst
Sandra Salas, Management Analyst*



CITIES AND TOWNS WEEK 2024

Whereas, the citizens of Avondale rely on the City to experience a high quality of life in our community; and

Whereas, Cities and Towns in Arizona work 24 hours a day, seven days a week to deliver vital city services such as fire, police and emergency medical response to ensure safe communities; and

Whereas, Cities and Towns in Arizona also provide services and programs that enhance the quality of life for residents such as parks, utilities, street maintenance, sanitation and recycling services, libraries, community centers and recreational programs; and

Whereas, it is important for Avondale to continue to provide the excellent delivery of service and programs that our citizens have come to expect in our community; and

Whereas, it is one of the responsibilities of Avondale officials to ensure open and accessible government through frequent communication with citizens using various avenues and means; and

Whereas, through participation and cooperation; citizens, community leaders, local businesses and municipal staff can work together to ensure that services provided by Avondale can remain exceptional elements of the quality of life of our community; and

NOW, THEREFORE, BE IT RESOLVED, I Mayor Weise, by virtue of the authority vested in me as Mayor of the City of Avondale, Arizona, do hereby join with the League of Arizona Cities and Towns and fellow municipalities across the State of Arizona in declaring October 13-19, 2024, Arizona Cities & Towns week in Avondale.

Attest:

Mayor

City Clerk

ITEM NUMBER: 2.g.

SUBJECT: Homeless Services Update, 2024

MEETING DATE: 10/7/2024

TO: Mayor and Council

FROM: Christopher Lopez, Director of Neighborhood and Family Services

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:

- 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 receive an update from staff on the City's Homeless Services. This item is for discussion only.

BACKGROUND:

In 2019, the City of Avondale, through a partnership with Maricopa County Human Services Department, implemented emergency shelter services, outreach, and case management for Avondale community members experiencing homelessness. This agreement with Maricopa County served as the catalyst for ongoing partnerships with Lutheran Social Services to provide shelter services through their Interfaith Homeless Emergency Lodging Program (I-HELP), Phoenix Rescue Mission to provide street outreach and case management services, and an internal City position to assist in managing the City's response to homelessness.

During 2019, the Neighborhood and Family Services Department also secured the professional consulting services of Harris Consulting to assist the City through the process of developing a community-wide strategic plan to address homelessness in our community. The assessment provided a specific set of recommended goals that were to be accomplished within a three (3) to four (4) year timeframe. All goals included in the plan have been accomplished and are incorporated into the City's ongoing strategy.

In 2021, through American Rescue Plan Act funding, a Homeless Services Coordinator was added to the Neighborhood and Family Services team. This position enhanced ongoing efforts to coordinate a city-wide response to homelessness: convening partners, coordinating with public safety and other city departments, and providing direct services to community members seeking assistance at the Arizona Complete Health Avondale Resource Center.

In 2022, the City of Avondale established a new Homeless Services division within the Neighborhood and Family Services Department. The division added four multidisciplinary positions dedicated to the City's goal of making an experience of homelessness rare, brief, and non-recurring. The street outreach team, consisting of a Homelessness Outreach and Solutions Coordinator, a Homeless Outreach Specialist, and a Homeless Crisis Intervention Coordinator, was branded as the Street Outreach, Navigation, and Resources (SONAR) Team.

Through a Request for Proposals, the City procured the services of a third-party consulting agency, Public Works, LLC (PWLLC) in November 2023 to develop a strategic plan for homelessness resolution. The intent of this plan is to guide the City's response to the homelessness crisis over the next five (5) years. Over the course of the engagement, the Neighborhood and Family Services Department has supported PWLLC's research, discovery, review, and analysis. Stakeholder engagement included focus groups, individual interviews, and a community symposium on February 28, 2024. An outline of the Strategic Plan for Homelessness Resolution was presented to Council on May 20, 2024, with staff currently working on implementing aspects of the plan.

DISCUSSION:

The City's goal is to make homelessness rare, brief, and non-recurring by providing leadership, coordination, planning and mobilization of resources. The Neighborhood and Family Services Department, Avondale Police Department, along with the support of several other departments work collaboratively with county, state, and federal governmental entities and more than 50 human service providers to comprise Avondale's homeless service network. This network provides emergency shelter and services to people who are both experiencing homelessness or at imminent risk of homelessness.

The Homeless Services team will continue to strengthen partnerships within the city and with community partners in order to meet the City's goal. The Homeless Services Division continues to have a significant positive impact, assisting those experiencing homelessness through a combination of direct service, strategic coordination, innovative programming and best practices, and using data to tell the story.

The Homeless Services Division will provide an update on progress to date and highlight accomplishments in the following areas:

- Data Collection and Reporting
- Bridge Housing for Families and Family Navigation Services
- Strategic Plan for Homelessness Resolution
- Service Coordination and Community Partnerships

BUDGET IMPACT:

There is no budgetary impact regarding the program at the current time.

RECOMMENDATION:

This item is for information and City Council discussion.

Contact person for document distribution: Brian Planty, Homeless Services Manager

ITEM NUMBER: 4.a.

SUBJECT: Minutes

MEETING DATE: 10/7/2024

TO: Mayor and Council

FROM: Marcella Sarmiento, City Clerk

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: 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 9, 2024 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 9, 2024 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 9, 2024

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 5:30 p.m.

Mayor Kenn Weise led the Pledge of Allegiance, followed by a moment of silent reflection in remembrance of Phoenix Police Officer Zane Coolidge who was killed in the line of duty on September 3, 2024. Additionally, Mayor Weise asked for a moment of silent reflection for Phoenix Police Officer Matthew Haney who was also injured in the incident.

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

Members Absent: None.

Other Municipal Officials Present: Ron Corbin, City Manager; Tracy Stevens, Assistant City Manager; Katie Gregory, Assistant City Manager; Dale Nannenga, Deputy City Manager; Lisa Maxie-Mullins, Deputy City Attorney; Marcella Sarmiento, City Clerk; Liz Barker Alvarez, Intergovernmental Affairs Administrator; Kirk Beaty, Public Works Director; Barbara Coppage, City Auditor; Cheryl Covert, Interim Economic Development Services Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Corey Larriva, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Kimberly Moon, Engineering Director; Jodie Novak, Development Services Director; Larry Rooney, Fire Chief; Jeffrey Scheetz, Chief Information Officer; Pier Simeri, Marketing and Public Relations Director; Ted Flores, Human Resources Assistant Director; and Renee Weatherless, Finance and Budget Director.

Audience: Approximately fifteen members of the public were present.

1. ROLL CALL BY THE CITY CLERK

2. PRESENTATION ITEMS (DISCUSSION ONLY)

a. NEW EMPLOYEE INTRODUCTIONS

The following new employees were presented to City Council. This item was for discussion only.

City Manager's Office

- Sandy Moshi, Management Intern

Development Services Department

- Mark Byrd, Deputy Building Official
- Christina LaVelle, Senior Planner

Fire and Medical Department

- Parker James, Firefighter
- Alan Galvez, Firefighter

Information Technology Department

- Tanner Engelhardt, Help Desk Technician

Engineering Department

- Chris Ray, CIP Project Manager

Finance and Budget Department

- Emily Zenk, Senior Budget Analyst
- Vasile Samartinean, Revenue Manager

Parks, Recreation, & Libraries Department

- Marysol Ortiz, Recreation Programmer
- Brittany Garcia, Administrative Assistant
- Stacy Swainston, Assistant Director

b. EMPLOYEE RECOGNITION – CERTIFIED DESTINATION MANAGEMENT EXECUTIVE (CDME)

City Council recognized Nikki Taylor for earning the Certified Destination Management Executive (CDME) designation. This item was for discussion only.

c. PROCLAMATION – NATIONAL SUICIDE PREVENTION MONTH

City Council presented a Proclamation recognizing September 2024 as National Suicide Prevention Month. This item was for discussion only.

d. PUBLIC ART UPDATE

City Council received an update from staff regarding Public Art. This item was for discussion only.

Dominic DeCono, Senior Management Analyst and Stephanie Flood, Library Manager, presented an update on the Public Art Program that included completed projects, projects in progress, upcoming projects, and funding.

The Public Art Program utilized the 2021 Master Plan as a guide on art project priorities within the city and to guide decisions and best practices. Public art not only humanizes the environment and invigorates space but adds cultural, social, and economic value to the community.

Over the past year thirteen projects were completed and three are in progress, three art sponsorships totaling \$7,000 were approved through the Municipal Art Committee, and four scholarships were awarded through the high school arts competition.

There are three funding sources for Public Art being the Public Art Fund, which is money from the General Fund and fees from developers: CIP program, and the private sector. The Public Art fund has a balance of \$525,000 with approximately \$97,000 under contract. This Fiscal Year \$314,000 has been budgeted for CIP Public Art with \$146,000 under contract.

Ms. Flood reviewed the projects completed in 2024 which included the sculpture at the Aquatic Center, the mural at Goodyear Farm Cemetery, Historic Marker at Cashion, and the traffic wraps on McDowell Road and Dysart Road.

Mr. DeCono reviewed the three projects in progress being the Nexus at the North Public Safety Facility, the Inspiring Yount Minds at the Mountain View Community Center, and Confluence at Park Avenue Plaza. An overview of the nine projects

planned for FY 2025 was reviewed which included five from the Public Arts Fund, three from the CIP fund, and one from a Private Developer.

Mayor Weise suggested an art piece should be included in the long-term planning along with the building of the train station. It was also noted that Cooper's Hawk Winery is coming to Avondale and is the private developer putting Park 10 Mural(s) on their building.

Ms. Flood explained the Confluence sculpture will be lit however she is unsure if the Nexus will be. Marketing is working on creating a map of all the wonderful public art within Avondale.

Mr. Corbin explained the commission is working on partnerships to offer visual, musical, and use the amphitheater to provide a variety of art within Avondale.

Councilmembers were very grateful for what is being done around the city.

e. AQUATIC CENTER UPDATE

City Council received an update from staff regarding the Avondale Aquatic Center operations. This item was for discussion only.

Mark Foote, Aquatic Center Supervisor, provided an update on the operations since opening in April through Labor Day.

- 75,000 people utilized the facility.
 - 60,000 people for public swim
 - 11,000 prebooking
 - 44,000 resident attendants
 - 3,000 non-resident guests
 - 1,000 for camps and other events
- They received 4.3 stars via Google reviews
- Room rentals are full every Friday through Sunday
- 62 part-time/seasonal employees completed 5,000 shifts or 21,000 hours over the past four-months
- 95% of the swimming lessons and classes have wait list
 - 1,500 individual registrations
 - Classes meet eight times per session
 - 15,000 individual visits to the center

Overall revenues were just over \$230,000 which fell between FY24 (\$143,000) and FY25 (\$86,726) and exceeding estimated revenues and will continue to grow as operations continue during FY25.

Mr. Foote reviewed seven events that were hosted by the Aquatic Center between April 11, 2024, and August 1, 2024. The facility received the 2024 Outstanding Facility Award from the Arizona Parks and Recreation Association two weeks ago. Many external groups partner with the facility including the local high schools for swim

meets, the Arizona Parks and Recreation Association Lifeguard Challenge, Micheal Phelps Foundation, the Boys and Girls Club, and food trucks during public swim.

A lot has been learned over the past four months and modifications are being planned for staffing efficiency, adding security and maintenance staff. Based on the community interest's night swim, swimming lessons, swimming team, water polo, and pool bookings will be expanded. This is a year-round facility, and the fall programming was reviewed as well as upcoming special events scheduled for September 28, 2024, October 10, 2024, and November 16, 2024.

Councilmembers Solorio spoke about the successful decision to open the facility to residents only and the helpful staff. Mr. Foote discussed the surprising and appreciated support of residents from the beginning, especially with a year-round facility. Mayor Weise suggested having football Sunday events and a brief discussion ensued.

3. UNSCHEDULED PUBLIC APPEARANCES

None.

4. CONSENT AGENDA

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

Mayor Wiese announced that staff has requested agenda item 4g be removed from the Consent Agenda and presented with the Regular Agenda. Mayor Weise asked if any Councilmember wished to have another item removed from the Consent Agenda. Motion was made by Councilmember Solorio, seconded by Councilmember White, to approve the Consent Agenda with the exception of item 4g.

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

Councilmember Conde	Aye
Councilmember Malone	Aye
Councilmember Nielson	Aye
Councilmember Solorio	Aye
Councilmember White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

a. MINUTES

City Council approved the August 19, 2024 City Council meeting minutes.

b. RESOLUTION 1087-0924 - FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY HUMAN SERVICES DEPARTMENT- LEGACY AVONDALE HOUSING REDEVELOPMENT PROJECT PHASE 3 AND AVONDALE INFILL HOUSING PROGRAM

City Council adopted Resolution 1087-0924, approving a First Amendment to an Intergovernmental Agreement with the Maricopa County Human Services Department (MCHSD) for the development of affordable housing in Avondale and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

c. RESOLUTION 1088-0924 - INTERGOVERNMENTAL AGREEMENT WITH AGUA FRIA UNION HIGH SCHOOL DISTRICT #216 - SCHOOL RESOURCE OFFICER

City Council adopted Resolution 1088-0924, authorizing an Intergovernmental Agreement between the Agua Fria Union High School District #216 and the City of Avondale to share the cost of providing a School Resource Officer at Agua Fria High School to provide a safer learning environment during the 2024/2025 school year and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

d. RESOLUTION 1089-0924 - INTERGOVERNMENTAL AGREEMENT WITH TOLLESON UNION HIGH SCHOOL DISTRICT #214, LA JOYA/WESTVIEW - SCHOOL RESOURCE OFFICER

City Council adopted Resolution 1089-0924, authorizing an Intergovernmental Agreement with Tolleson Union High School District #214 and the City of Avondale to share the cost of providing School Resource Officers (SROs) at La Joya and Westview High Schools to provide a safer learning environment during the 2024/2025 school year and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

e. RESOLUTION 1090-0924 - INTERGOVERNMENTAL AGREEMENT WITH AMERICAN CHARTER SCHOOLS FOUNDATION, ESTRELLA HIGH SCHOOL - SCHOOL RESOURCE OFFICER

City Council adopted Resolution 1090-0924, authorizing an Intergovernmental Agreement between the American Charter Schools Foundation and the City of Avondale to share the cost of providing a School Resource Officer at Estrella High School to provide a safer learning environment during the 2024/2025 school year and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

f. RESOLUTION 1091-0924 - INTERGOVERNMENTAL AGREEMENT WITH TOLLESON UNION HIGH SCHOOL DISTRICT #214, WEST POINT HIGH SCHOOL - SCHOOL RESOURCE OFFICER

City Council adopted Resolution 1091-0924, authorizing an Intergovernmental Agreement between the Tolleson Union High School District #214 and the City of Avondale to share the cost of providing a School Resource Officer at West Point High School to provide a safer learning environment during the 2024/2025 school year and

authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

g. ORDINANCE 2026-0924 – AMENDING THE AVONDALE CITY CODE, CHAPTER 3, ARTICLE II, LIVESTOCK, FOWL, ETC TO ALLOW FOR BACKYARD FOWL

Agenda item 4g was pulled from the Consent Agenda for further discussion. Item discussion and vote is listed below with Regular Agenda item 5b.

5. REGULAR AGENDA

a. GENERAL OBLIGATION (G.O.) BONDS

City Council a) received a presentation from staff related to General Obligation (G.O.) bonds and information on a potential November 2025 ballot question; b) considered a request to adopt Resolution 1092-0924, approving the creation of the Avondale 2025 Citizen Bond Election Committee and the adoption of the Citizen Bond Election Committee bylaws; and c) considered a request to authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Renee Weatherless, Director of Finance and Budget, discussed the potential bond election in November 2025, creating a Citizen Bond Committee, and adopting Committee bylaws. General Obligation (G.O.) Bonds require voter approval/authorization during a November election. They are rated by two credit rating agencies which tell investors what the risk is and what affects the interest rates. Avondale has an AAA or AA rating which equals a low risk and interest rates. G.O. Bonds are used to fund infrastructure within the city and are repaid using a secondary property tax. Ms. Weatherless reviewed and discussed the current primary tax rate of \$1.46 / \$100.00 of assessed valuation. The primary tax funds operational expenses for the city and the secondary tax solely repays any debt or obligations of the city. The adopted financial policies say the combined tax rate will not exceed \$2 / \$100 of assessed valuation.

The city has two categories with remaining prior authorization, being Water and Sewer with \$15.5 million and Streets with \$9.2 million. All others would need new authorization solicited in those areas. When you look at the five-year CIP and projects that were presented during the FY2025 budget, the Water Reclamation Facility Expansion Project has an estimated cost of \$133 million. This project will use \$8.5 million of prior authorized debt, upon approval from the City Council and the remaining \$4 million would need to be solicited from the voters. The proposal is to have the additional \$100 million issued in \$20 million increments over five years which would allow the city to maintain a consistent tax rate.

The proposal is to create a Citizen Bond Election Committee that reports to City Council. There would be seven members and two alternates. Members would meet with city departments and identify anticipated capital needs, prioritize future projects, inform questions to voters of potential G.O. voter authorization, and make a final recommendation to the City Council by April 2025. The timeline was reviewed, and the Council was reminded they are only voting on the creation of the committee.

Councilmembers were given an opportunity to ask questions and comment. Mayor Weise spoke of the importance for community members to understand what is required and to have a voice. A discussion ensued on the process for selecting community members to serve on the committee.

Councilmember White moved to adopt Resolution 1092-0924, approving the creation of the Avondale 2025 Citizen Bond Election Committee and the adoption of the Citizen Bond Election Committee bylaws and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents; Councilmember Solorio seconded the motion.

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

Councilmember Conde	Aye
Councilmember Malone	Aye
Councilmember Nielson	Aye
Councilmember Solorio	Aye
Councilmember White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

Note from the Clerk: Consent Agenda Item 4g is listed below with Regular Agenda Item 5b.

b. PUBLIC HEARING

City Council held a public hearing and considered a City-initiated request to adopt Ordinance 2027-0924, approving text amendments to the Zoning Ordinance to modify definitions and standards in the Zoning Ordinance to reflect recent changes in State law related to backyard fowl, provide for cross- references, and address the overall accuracy and usability and authorized the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents.

Catherine Lorbeer, Deputy Director of Planning, explained the purpose of the text amendments to the Zoning Code Chapters 3 and 28 related to backyard chickens are in response to recent changes to the State Law and the passage of HB-2325 that allows single-family detached residences to keep up to six chickens in their backyard. The bill becomes effective on September 14, 2024.

The proposed changes are:

- ▶ Section 3-17, (New) Definitions – Add definition for backyard fowl
- ▶ Section 3-26, (New) Allowance – Allowance for up to six backyard fowl, and enclosure as discussed in Section 28-133 (e)
- ▶ Section 28-15, Definitions – Backyard fowl will be defined consistent with State Law which excludes roosters. Swine will be removed from the definition of farm animals because the City Code prohibits them.

- ▶ Section 28-33(g), Permitted Uses with Conditions – Farm animals are permitted in certain areas with conditions, typically the larger lot zoning districts, but specifically by right in the agricultural zones. Backyard fowl will be added to subsection (g) and cross referenced to the City Code Chapter 3 which discusses the keeping of livestock and fowl. Additionally, text about keeping livestock will be removed because it is also contained in Chapter 3.
- ▶ Section 28-133 (e), Detached Accessory Buildings – The word fowl will be removed within the height limitation language because the changes to State Law set the max height for a chicken enclosure at 8-feet.

All required notifications were completed, the Chapter 28 revisions are posted on Avondale Connect, and one comment was received in support of the changes. The Planning Commission conducted a public hearing on August 21, 2024. No questions or comments were offered, and the motion passed 5-0 to recommend approval of Chapter 28 changes to the City Council.

Mayor Weise opened the public hearing and did not receive any requests to speak. Mayor Weise closed the public hearing and opened the floor for comments from Council.

Councilmembers were given an opportunity to ask questions and comment. Mayor Weise discussed Avondale being a “Charter City” and the potential future need to push back on legislative decisions have overreached their authority.

Councilmember Vice Mayor Pineda moved to adopt Ordinance 2026-0924, amending the Avondale City Code, Chapter 3, Article II, Livestock, Fowl, etc. to allow for Backyard Fowl, and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents; Councilmember Nielson seconded the motion.

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

Councilmember Conde	Aye
Councilmember Malone	Aye
Councilmember Nielson	Aye
Councilmember Solorio	Aye
Councilmember White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

Councilmember Conde moved to adopt Ordinance 2027-0924, approving Application PL-24-0174, Zoning Ordinance Text Amendment, a request for text amendments to the City of Avondale Zoning Ordinance and authorize the Mayor or City Manager, City Attorney, and City Clerk to execute the necessary documents; Councilmember Malone seconded the motion.

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

Councilmember Conde	Aye
Councilmember Malone	Aye
Councilmember Nielson	Aye
Councilmember Solorio	Aye
Councilmember White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

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

Mayor Weise stated the Phoenix Law Enforcement Association is holding a fundraiser for fallen Officer Zane Coolidge tomorrow at 1102 West Adams Street from 10:00 a.m. to 9:00 p.m.

Councilmember Conde recognized Councilmember Nielson and his wife Patty and the 95 volunteers who made beds for Sleep in Heavenly Peace. Over thirty beds were delivered and assembled along with mattresses, pillows, and comforters to children who are currently sleeping on the floor.

Mayor Weise reminded everyone the anniversary of 9/11 is in two days and to take a moment to remember the events of that day and how it affected our nation.

7. ADJOURNMENT

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

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

Councilmember Conde	Aye
Councilmember Malone	Aye
Councilmember Nielson	Aye
Councilmember Solorio	Aye
Councilmember White	Aye
Vice Mayor Pineda	Aye
Mayor Weise	Aye

The meeting was adjourned at 7:01 p.m.

Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Council of the City of Avondale held on the 9th day of September 2024. I further certify that the meeting was duly called and held, and that the quorum was present.

Marcella Sarmiento, City Clerk

Date Approved by City Council

ITEM NUMBER: 4.b.

SUBJECT: Series 12 (Restaurant) Liquor License - Rollin Smoke BBQ

MEETING DATE: 10/7/2024

TO: Mayor and Council

FROM: Marcella Sarmiento, City Clerk

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:

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

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

PURPOSE:

City Council will consider a request to recommend approval to the Arizona Department of Liquor License and Control of an application for a Series 12 (Restaurant) Liquor License submitted by Christopher Michael Devers for the sale of alcohol at Rollin Smoke BBQ, located at 10120 W McDowell Road, Suite 160 in Avondale and authorize the City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Rollin Smoke BBQ is a new establishment previously occupied by Café Rio Mexican Grill located at 10120 W McDowell Road, Suite 160, Avondale, AZ 85392. Issuance of a Series 12 (Restaurant) liquor license is required to allow alcohol sales on the premises. Series 12 restaurant liquor licenses are exempt from the state-mandated 300-foot separation requirement from churches, schools, or fenced school recreational areas.

DISCUSSION:

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

BUDGET IMPACT:

The liquor license application fee of \$250 has been paid in full.

RECOMMENDATION:

Staff is recommending City Council recommend approval to the Arizona Department of Liquor License and Control of an application for a Series 12 (Restaurant) Liquor License submitted by Christopher Michael Devers for the sale of alcohol at Rollin Smoke BBQ, located at 10120 W McDowell Road, Suite 160 in Avondale.

Contact person for document distribution: Maria James

State of Arizona
Department of Liquor Licenses and Control

Created 08/21/2024 @ 03:57:28 PM

Local Governing Body Report

LICENSE

Number:		Type:	012 RESTAURANT
Name:	ROLLIN SMOKE BBQ		
State:	Pending		
Issue Date:		Expiration Date:	
Original Issue Date:			
Location:	10120 W MCDOWELL ROAD AVONDALE, AZ 85392 USA		
Mailing Address:	10120 W MCDOWELL ROAD AVONDALE, AZ 85392 USA		
Phone:	(623)236-5929		
Alt. Phone:			
Email:			

AGENT

Name:	CHRISTOPHER MICHAEL DEVERS
Gender:	Male
Correspondence Address:	10120 W MCDOWELL ROAD AVONDALE, AZ 85392 USA
Phone:	(623)236-5929
Alt. Phone:	
Email:	

OWNER

Name:	CMD ENTERPRISE LLC		
Contact Name:	CHRISTOPHER MICHAEL DEVERS		
Type:	LIMITED LIABILITY COMPANY		
AZ CC File Number:	23468390	State of Incorporation:	AZ
Incorporation Date:	02/08/2023		
Correspondence Address:	10120 W MCDOWELL ROAD AVONDALE, AZ 85392 USA		
Phone:	(623)236-5929		
Alt. Phone:			
Email:			

Officers / Stockholders

60 Day 10/20/24
105 Day 12/4/24

Name:
CHRISTOPHER MICHAEL DEVERS

Title:
CEO

% Interest:
100.00

CMD ENTERPRISE LLC - CEO

Name: CHRISTOPHER MICHAEL DEVERS
Gender: Male
Correspondence Address: 10120 W MCDOWELL ROAD
AVONDALE, AZ 85392
USA
Phone: (623)236-5929
Alt. Phone:
Email: [REDACTED]

APPLICATION INFORMATION

Application Number: 300231
Application Type: New Application
Created Date: 06/26/2024

QUESTIONS & ANSWERS

012 Restaurant

- 1) Are you applying for an Interim Permit (INP)?
No
- 2) Are you one of the following? Please indicate below.
Property Tenant
Subtenant
Property Owner
Property Purchaser
Property Management Company
property tenant
- 3) Is there a penalty if lease is not fulfilled?
Yes
What is the penalty?
full term of lease agreement paid to landlord
- 4) Is the Business located within the incorporated limits of the city or town of which it is located?
Yes
- 5) What is the total money borrowed for the business not including the lease?
Please list each amount owed to lenders/individuals.
0
- 6) Are there walk-up or drive-through windows on the premises?
No
- 7) Does the establishment have a patio?
Yes
Is the patio contiguous or non-contiguous (within 30 feet)?
contiguous
- 8) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
Yes
If yes, what is your estimated completion date?
August 1 2024

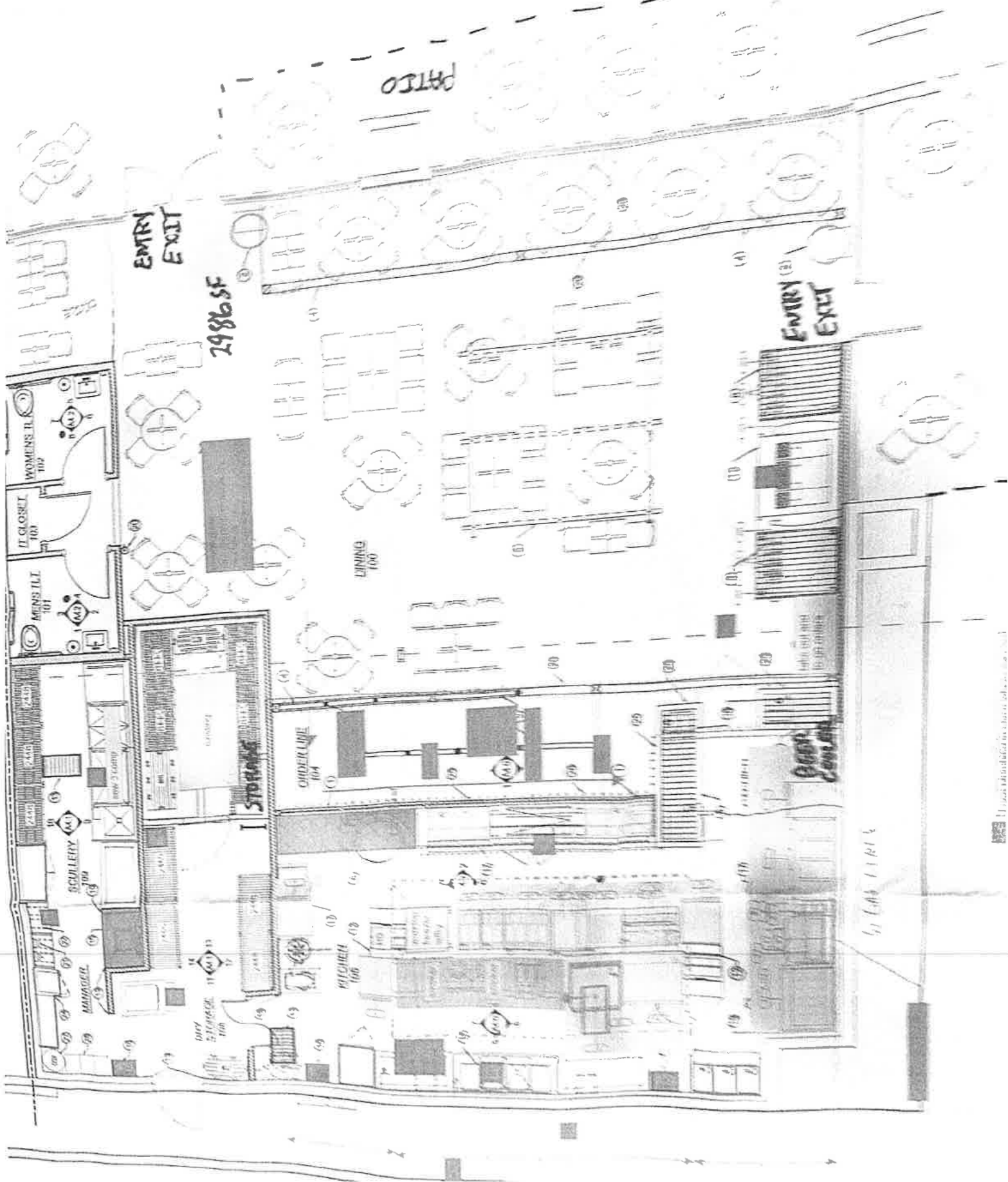
- 9) What type of business will this license be used for?
BBQ Restuarant

DOCUMENTS

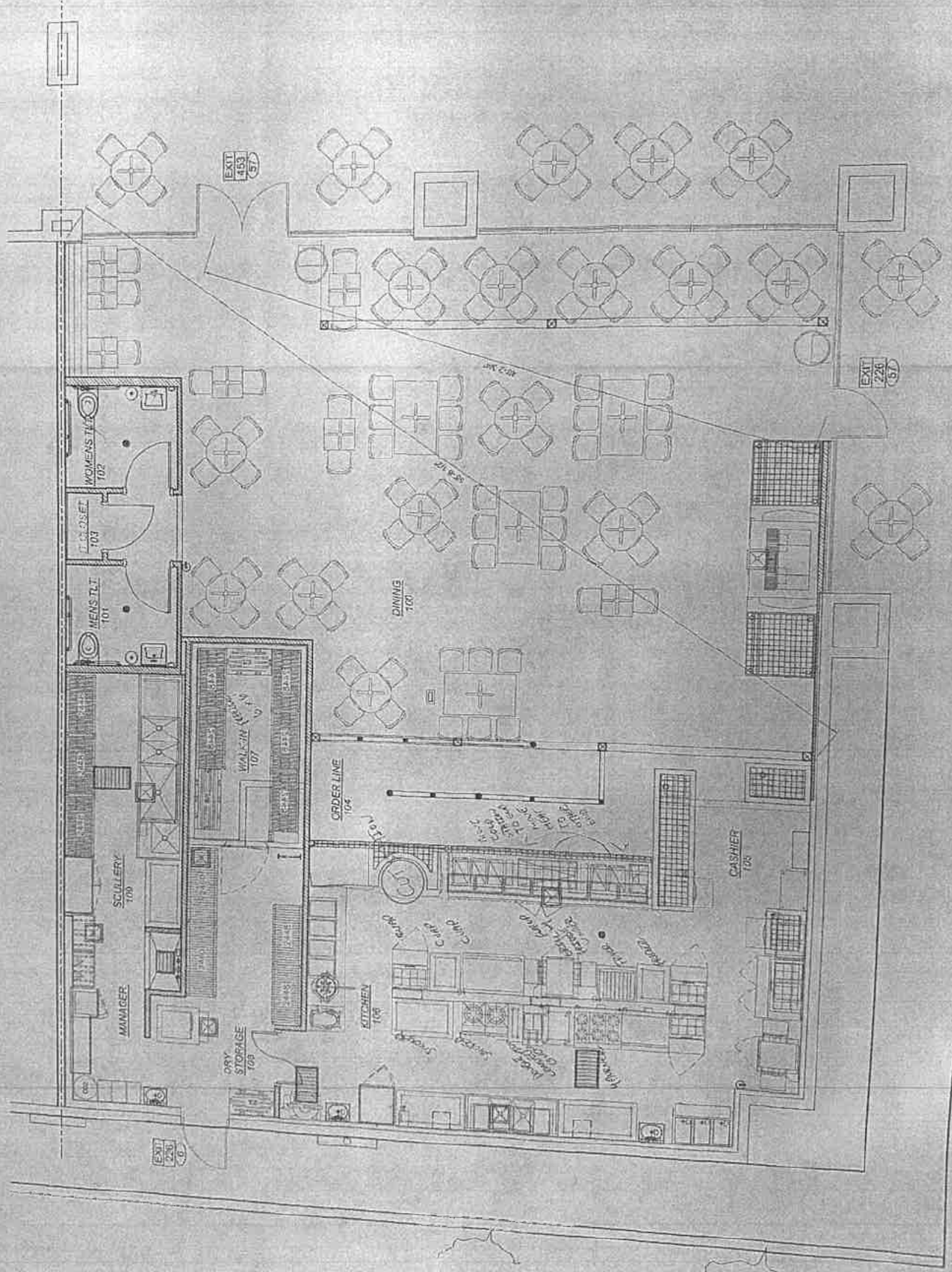
DOCUMENT TYPE	FILE NAME	UPLOADED DATE
MENU	Photo Jun 17 2024, 4 47 32 PM.jpg	06/27/2024
MENU	Photo Jun 27 2024, 2 36 16 PM.jpg	06/27/2024
DIAGRAM/FLOOR PLAN	IMG_3319.jpg	06/27/2024
QUESTIONNAIRE	liquor questionnaire.pdf	06/27/2024
RECORDS REQUIRED FOR AUDIT	GetFilingDocuments.pdf	06/27/2024
RESTAURANT OPERATION PLAN	Rollin Smoke BBQ Business Plan - Chris Devers.pdf	06/27/2024
	liquor - resturant application.pdf	07/23/2024
	Plans for liquor.pdf	07/23/2024
	liquor - alien statues.pdf	07/23/2024
	Chris dl.pdf	07/23/2024
	2024-08-05 14.10.24.pdf	08/05/2024
	aud_requiredrecords_notary.pdf	08/05/2024
	lic_restaurantoperationplan_access.pdf	08/05/2024
	liquor - alien statues.pdf	08/05/2024
	Liquor license.pdf	08/05/2024

PA 10/10

24 8 21 Ligr. Dept PM 3 21



1. EXIT
2. ACCESSIBLE ROUTE
3. ACCESSIBLE HOO
4. CLUSTERED AT A 3'
5. ACCESSIBLE FNT
6. DIRECTIONAL SIG
7. DIRECTIONAL SIGN
8. ELEMENT SHALL BE
9. ELEMENT SHALL BE
10. ACCESSIBLE BI
11. ACCESSIBLE BI
12. AT EACH SEPARA
13. THE HOO'S LINE
14. ACCESSIBLE UPAS
15. OTHER HOOS
16. STORAGE PRODUCT
17. DOOR TO ANCH
18. WATER CLOSET
19. ACCESSIBLE WAT
20. MINIMUM 10 IN
21. TOILET ROOM C
22. FLUSH/CONTROL
23. PROVIDE ACCE
24. SOAP DISPENSE
25. ALL BOWS SH
26. SEE A0.3 FOR
27. A MINIMUM C
28. DINING TABLES
29. SHALL BE PROV
30. CLEARANCE IN



174 7 5 LAY. DEPT. PM 4/11



RESTAURANT/HOTEL/MOTEL OPERATION PLAN

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

1. Name of restaurant (Please print): ROLLIN SMOKE BBQ

2. Must indicate the equipment below by Make, Model, and Capacity:

LIST ONLY THE FOLLOWING - NO ATTACHMENTS

Grill	AMARCO CAB-24 60,000 BTU
Oven	NONE
Freezer	BEVERAGE-AIR FB12HC-SS 75" 69 CU FT
Refrigerator	WALK IN 14 FT X 7 FT
Sink	REGENCY 106" 16 GAUGE THREE COMPARTMENT SINK
Dish Washing Facilities	3 compartment sink
Food Preparation Counter (Dimensions)	REGENCY 30" 96" STAINLESS WORK TABLE X 3
Other	

3. Attach a copy of your FULL menu with pricing INCLUDING NON-ALCOHOLIC BEVERAGES

4. What percentage of your public premises is used primarily for restaurant dining?

(Do not include kitchen, bar, hi-top tables, or game area.) 60 %

5. Does your restaurant have a bar area that is distinct and separate from the dining area? ☐ YES ☒ No

(If yes, what percentage of the public floor space does this area cover?) _____ %

6. List the seating capacity for:

a) Restaurant dining area of your premises:

| 89 |

(DO NOT INCLUDE PATIO SEATING)

b) Bar area

| + 0 |

TOTAL | = 89 |

7. What type of dinnerware is primarily used in your restaurant?

☐ Reusable

☒ Disposable

☐ Both

8. Does your restaurant contain any games, televisions, or any other entertainment?

☒ YES

☐ No

If yes, specify what types and how many (examples: 4-TV's, 2-Pool Tables, 1-Video Game, etc.)

4- TV'S

9. Do you have live entertainment or dancing?

☐ YES ☒ No

If yes, what type and how often (example: DJ-2 x a week, Karaoke-2 x a month, Live Band-1 x a month, etc.)

10. List number of employees for each position:

Position	How many
Cooks	11
Bartenders	0
Hostesses	0
Managers	2
Servers	4
Other ()	
Other ()	
Other ()	

I, (Print Full Name) CHRISTOPHER DEVERS, hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Applicant Signature: Chris Devers

All Items Include Tax

ROLLIN SMOKE PARTY PACKS

D'S DELICIOUS SAMPLER

6 St. Louis Spare Ribs 1 Pint of Sauce
1/4 Chicken 12 Slider Rolls
1/4 lb Brisket* (Feeds 2-3)
1/4 lb Pulled Pork
1/4 lb Hot Links
2 Pints of Sides

BBO SAMPLER

1 Whole Chicken
1/2 lb Brisket*
1/2 lb Pulled Pork
1/2 lb Hot Links
4 Pints of Sides
1 Pint of Sauce
12 Slider Rolls
(Feeds 4-6)

BBO SANDWICH PACK

1 lb Brisket*
1 lb Pork
1 lb Hot Link
1/2 Gallon of Any Side
24 Slider Rolls
or 12 Hoesles
2 Pints of Sauce
(Feeds 8-10)

SUPER SAMPLER

1 Full Rack St. Louis Ribs
1 Whole Chicken
1 lb Brisket*
1 lb Pulled Pork
1 lb Hot Links
1 lb Rib Tips
3 Quarts of Sides
2 Pints of Sauce
24 Slider Rolls
(Feeds 8-10)

RIB FEST

1 Whole Rack Beef Ribs
1 Whole Rack St. Louis Ribs
1 Whole Rack Babyback Ribs
2 lbs. Rib Tips
4 Pints of Sides
2 Pints of Sauce
24 Slider Rolls
(Feeds 10-12)

BIG MAN'S

2 Whole Racks St. Louis Ribs
2 Whole Chickens
1 lb Brisket*
1 lb Pulled Pork
1 lb Hot Links
1 lb Rib Tips
4 Quarts of Sides
2 Pints of Sauce
24 Slider Rolls
(Feeds 10-12)

Add a Gallon of Tea or Lemonade

*Brisket is Served Chopped unless Otherwise Requested.



Two Locations

3185 S. HIGHLAND DR STE. 2

LAS VEGAS, NV 89109

Phone: (702) 836-3621

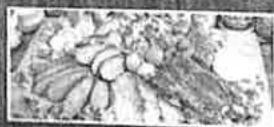
4115 S. GRAND CANYON DR STE. 100

LAS VEGAS, NV 89147

Phone: (702) 816-3634

A Note to Our Delivery & Take-Out Customers:

At RSBBO we hand slice our brisket to order for in-house guests, therefore the quality will be noticeably higher than for our delivery and take-out customers. As the brisket is not at its optimal level of quality immediately after being sliced, please note due to time in transit, we cannot guarantee that the quality of our brisket, when delivered or picked up, will match that of when it is ordered and consumed on premises. We sincerely thank you for your order and hope that you will come back soon.



CHECK US OUT ON



@rollinsmokebbq #rsbbq
facebook.com/RSBBQ
RSBBQ.com



RSBBQ.com

CAUTION
WE RUB OUR MEAT!

MENU

24 7 5 Ligt. Dept PW 4 12

SANDWICHES

Make any sandwich a combo with a side and drink for \$8

BURNT ENDS

\$15.00

CHOPPED BRISKET

\$13.00

HOT LINK

\$12.00

PULLED PORK

\$13.00

SMOKED CHICKEN

\$12.00

SMOKED TURKEY

With L, T, O on Texas toast

\$15.00

PO-BOY (CATFISH, SHRIMP, OR SLICED BRISKET)

With lettuce, tomato (tartar/BBQ sauce)

\$16.00

TRIO SLIDERS

With choice of meat (P, B, C, HL)

\$14.00

RACKS & BIRDS

ST. LOUIS PORK SPARE RIBS

Half \$19.00

Whole \$32.00

PORK "BABY BACKS"

Half \$20.00

Whole \$33.00

"WORLD FAMOUS" BEEF RIBS

Half \$30.00

Whole \$55.00

SMOKED CHICKEN

Half \$13.00

Whole \$22.00

WHOLE SMOKED CHICKEN WINGS

Choice of Arkansas: Mama's Sweet, House BBQ, Buffalo, Sweet Country Girl, Spicy, or "DAM" Hot OR House Rubs: Lemon Pepper, Cajun, or RSB Hot Chicken

5 Piece \$18.00

10 Piece \$32.00

MENU

THE "BIG HAWG"

10 oz pulled pork, with slaw &
Carolina vinegar sauce

\$16.00

THE "BIGGIN"

DAD'S FAVORITE

Hot link, smothered with chopped
brisket and pulled pork!

\$16.00

BRISKET DOG

¼ lb beef hot dog, brisket, smothered
in cheese and onion strings

\$17.00

½ LB WAGYU

BRISKET BURGER

Topped with cheddar cheese, L, T, O

\$18.00

Add sliced brisket + \$4.00

THE "OUTLAW"

BURGER

Best burger in vegas! Hamburger
mixed with brisket, onion, bell pepper,
topped with onion strings, red cabbage
slaw, lettuce, tomato, cheddar cheese,
and chipotle aioli. "It's Dam Good!"

\$20.00

BY THE LB

BRISKET

Sliced or Chopped

½ Lb **\$17.00**

1 Lb **\$29.00**

BURNT ENDS

½ Lb **\$19.00**

1 Lb **\$31.00**

PULLED PORK

½ Lb **\$16.00**

1 Lb **\$26.00**

HOT LINKS

½ Lb **\$16.00**

1 Lb **\$25.00**

SMOKED TURKEY

½ Lb **\$20.00**

1 Lb **\$31.00**

RIB TIPS

½ Lb **\$11.00**

1 Lb **\$19.00**

CATFISH

½ Lb **\$20.00**

1 Lb **\$31.00**

SHRIMP

½ Lb **\$20.00**

1 Lb **\$31.00**

MENU

SALADS | WRAPS | SPUDS

BBQ SMOKED SALAD

Choice of meat (P, B, C, T, HL).
Lettuce, onions, tomato, pickles,
peppers, red cabbage. Dressing: ranch
or chipotle
\$15.00

CLUB WRAP

Lettuce, cheese, bacon, chicken, pork
& chipotle aioli
\$14.00

THE "SPUDTASTIC"

Baked potato with choice of meat (P,
B, C, HL) smothered in beans, cheese,
sour cream, green onions
\$16.00

KIDS MENU

Lil' Bitty Piggy's menu ages 10 &
under \$10 | Includes one side & a
drink

HOT DOG ON A HOAGIE

2 SLIDERS (P, B, C, HL)

2 ST. LOUIS SPARE RIBS

3 CHICKEN FINGERS

HAMBURGER

Add cheese + \$1.00

OUR HOMEMADE ARKANSAUCES

8 oz **\$6.00**
Pint **\$11.00**
Quart **\$21.00**
1 Gallon **\$40.00**

HOUSE SAUCE

SWEET COUNTRY GIRL

MAMA'S SWEET D- LICIOUS

SPICY

"DAM" HOT

CAROLINA VINEGAR

HOMEMADE DESSERTS

SOUTHERN PEACH COBBLER

8 oz **\$7.00**
16 oz **\$11.00**

"MAMA'S" BANANA PUDDING

8 oz **\$7.00**

MENU

24 7 5 Lique Dept PM 4:12

2 WHOLE BBQ WINGS

ALL YOU CAN EAT

Anything on the menu

Everyone in your party must get

AYCE

Limit 1/2 Rack Beef Ribs

Drink Included

No Sharing and No To-Go's

\$50.00

Drink included, no sharing and no to-go's

SMOKIN PLATES

Brisket served chopped unless otherwise requested. Comes with one side & white bread. Any/all substitutions subject to an upcharge

THE PIT SPECIAL 5 MEATS, 3 SIDES

16 oz \$11.00

DESSERT OF THE DAY

8 oz \$7.00

16 oz \$11.00

ICE CREAM SUNDAE WITH CHOCOLATE SYRUP

8 oz \$7.00

ROOT BEER FLOAT

8 oz \$7.00

A LA MODE

Any dessert

8 oz \$3.00

BEVERAGES

All beverages \$5 with free refills In-House

Bring your reusable RSBBQ cup for \$1 off

SWEET/UNSWEET TEA

MENU

Brisket, pulled pork, ¼ chicken, 2
spare ribs, hot links. Limit one
substitution.

\$38.00

DUO CHOICE OF 2 MEATS

Brisket, pork, ¼ chicken, turkey, 2
spare ribs, hot links

\$19.00

TRIO CHOICE OF 3 MEATS

Brisket, pork, ¼ chicken, turkey, 2
spare ribs, hot links

\$23.00

BRISKET THREE WAYS

Chopped, sliced, burnt ends

\$25.00

RIB PLATTER SPECIAL

3 baby backs, 2 spare ribs, 1 beef rib

\$33.00

Extra beef rib + \$13.00

CATFISH PLATE

3 pieces of catfish, 3 hush puppies

\$21.00

COKE

DIET COKE

SPRITE

ORANGE

LEMONADE

ROOT BEER

DR. PEPPER

HI-C FRUIT PUNCH

KOOL AID

Flavors vary

ROLLIN SMOKE BOTTLED WATER

\$3.00

ROLLIN SMOKE PARTY PACKS

MENU

24 7 5 Day, Sept PM 4 12

SHRIMP PLATE

10 pieces of shrimp, 3 hush puppies
\$22.00

SEAFOOD COMBO

2 pc of catfish, 5 pc shrimp, 3 hush puppies
\$23.00

AS FEATURED ON THE TRAVEL CHANNEL

SMOKED MEATLOAF

Loaded mash topped with "mama's"
sweet d-licious sauce and fried onion
strings
\$21.00

HOMEMADE SMOKIN SIDES

D'S DELICIOUS SAMPLER

Feeds 2-3
6 St. Louis Spare Ribs
¼ Chicken
¼ lb Brisket
¼ lb Pulled Pork
¼ lb Hot Links
2 Pints of Sides
1 Pint of Sauce
8 Slider Rolls
\$70.00

BBQ SAMPLER

Feeds 4-6
1 Whole Chicken
½ lb Brisket
½ lb Pulled Pork
½ lb Hot Links
4 Pints of Sides
1 Pint of Sauce
12 Slider Rolls
\$100.00

BBQ SANDWICH

Feeds 8-10
1 lb Brisket
1 lb Pork
1 lb Hot Link
½ Gallon of Any Side
24 Slider Rolls or 12 Hoagies
2 Pints of Sauce
\$130.00

MENU

8 oz \$5.00

Pint \$9.00

Quart \$19.00

½ Gallon \$31.00

1 Gallon \$55.00

KICK'N BBQ BEANS

\$5.00

BACON POTATO

SALAD

\$6.00

CHIPOTLE

COLESLAW

\$5.00

CHEESY MAC N

CHEESE

\$6.00

LOADED MASH

\$5.00

FRIED ONION

STRINGS

\$5.00

GREEN BEANS

\$6.00

RIB FEST

Feeds 10-12

1 Whole Rack Beef Ribs

1 Whole Rack St. Louis Ribs

1 Whole Rack Baby Back Ribs

2 lbs Rib Tips

4 Pints of Sides

2 Pints of Sauce

24 Slider Rolls

\$220.00

SUPER SAMPLER

Feeds 8-10

1 Full Rack St. Louis Ribs

1 Whole Chicken

1 lb Brisket

1 lb Pulled Pork

1 lb Hot Links

1 lb Rib Tips

3 Quarts of Sides

2 Pints of Sauce

24 Slider Rolls

\$220.00

BIG MAN'S

Feeds 10-12

2 Whole Racks St. Louis Ribs

2 Whole Chickens

1 lb Brisket

1 lb Pulled Pork

1 lb Hot Links

1 lb Rib Tips

4 Quarts of Sides

2 Pints of Sauce

MENU

SWEET CORNBREAD

\$5.00

24 Slider Rolls

\$275.00

WAFFLE FRIES

\$5.00

DIRTY RICE

\$5.00

YAMS

\$5.00

FRIED OKRA

\$5.00

CORN NUGGETS

\$5.00

HUSH PUPPIES

\$5.00

SIDE SALAD

With chipotle dressing

\$5.00

COLLARD GREENS

With brisket

\$5.00



RECORDS REQUIRED FOR AUDIT RESTAURANT/HOTEL/MOTEL

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

In the event of an audit, you will be asked to provide to the Department any documents necessary to determine Compliance with A.R.S. §4-205.02(G). Such documents requested may include however, are not limited to:

1. Name of restaurant (Please print): ~~Christopher Devers~~ Rollin Smoke BBQ
2. All invoices and receipts for the purchase of food and spirituous liquor for the licensed premises.
3. A list of **all** food and liquor vendors
4. The restaurant menu used during the audit period
5. A price list for alcoholic beverages during the audit period
6. Mark-up figures on food and alcoholic products during the audit period
7. A recent, **accurate** inventory of food and liquor (taken within two weeks of the Audit Interview Appointment)
8. Monthly Inventory Figures - beginning and ending figures for food and liquor
9. Chart of accounts (copy)
10. Financial Statements-Income Statements-Balance Sheets
11. General Ledger
 - A. Sales Journals/Monthly Sales Schedules
 - 1) Daily sales Reports (to include the name of each waitress/waiter, bartender, etc. with sales for that day)
 - 2) Daily Cash Register Tapes - Journal Tapes and Z-tapes
 - 3) Dated Guest Checks
 - 4) Coupons/Specials/Discounts
 - 5) Any other evidence to support income from food and liquor sales
 - B. Cash Receipts/Disbursement Journals
 - 1) Daily Bank Deposit Slips
 - 2) Bank Statements and canceled checks

12. Tax Records

- A. Transaction Privilege Sales, Use and Severance Tax Return (copies)
- B. Income Tax Return - city, state and federal (copies)
- C. Any supporting books, records, schedules or documents used in preparation of tax returns

13. Payroll Records

- A. Copies of all reports required by the State and Federal Government
- B. Employee Log (A.R.S. §4-119)
- C. Employee time cards (actual document used to sign in and out each work day)
- D. Payroll records for all employees showing hours worked each week and hourly wages

14. Off-site Catering Records (must be complete and separate from restaurant records)

- A. All documents which support the income derived from the sale of food off the license premises.
- B. All documents which support purchases made for food to be sold off the licensed premises.
- C. All coupons/specials/discounts

The sophistication of record keeping varies from establishment to establishment. Regardless of each licensee's accounting methods, the amount of gross revenue derived from the sale of food and liquor must be substantially documented.

**REVOCATION OF YOUR LIQUOR LICENSE MAY OCCUR IF YOU FAIL TO COMPLY WITH
A.R.S. §4-210(A)7 AND A.R.S. §4-205.02(G).**

A.R.S. §4-210(A)7

The licensee fails to keep for two years and make available to the department upon reasonable request all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of spirituous liquors and, in the case of a restaurant or hotel-motel licensee, all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of food.

A.R.S. §4-205.02(G)

For the purpose of this section:

- 1. "Restaurant" means an establishment which derives **at least forty percent (40%)** of its gross revenue from the sale of food
- 2. "Gross revenue" means the revenue derived from all sales of food and spirituous liquor on the licensed premises regardless of whether the sales of spirituous liquor are made under a restaurant license issued pursuant to this section or under any other license that has been issued for the premises pursuant to this article.

I, (Print Full Name) Christopher Devers, hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Applicant Signature: _____

MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH RECORDS REQUIRED BY THE STATE

LICENSE REVIEW FORM

Type of License	12 Restaurant
Applicant's Name	Christopher Michael Devers
Business Name	Rollin Smoke BBQ
Business Address	10120 W McDowell Rd Avondale, AZ
Department Comments	
Restaurants with liquor licenses are permitted per the PAD with the exception of any drive through uses.	
☐ Police Department	☐ Fire Department
☒ Development Services	☐ Finance Department
☒ Approved	☐ Denied
 _____ E-Signature	Lead Senior Planner _____ Title
Joshua Orton _____ Name	Aug 27, 2024 _____ Date

This license is scheduled for the City Council Meeting on: **Oct 7, 2024**

Please complete form by: **Sept. 16, 2024**

LICENSE REVIEW FORM

Type of License	12 Restaurant
Applicant's Name	Christopher Michael Devers
Business Name	Rollin Smoke BBQ
Business Address	10120 W McDowell Rd Avondale, AZ
Department Comments	
All business license requirements have been met.	
☐ Police Department	☐ Fire Department
☐ Development Services	☒ Finance Department
☒ Approved	☐ Denied
<u><i>Audrey Barron</i></u> Audrey Barroh (Sep 9, 2024 15:45 PDT)	Customer Service Representative
E-Signature	Title
<u>Audrey Barron</u>	<u>Sep 9, 2024</u>
Name	Date

This license is scheduled for the City Council Meeting on: **Oct 7, 2024**

Please complete form by: **Sept. 16, 2024**

LICENSE REVIEW FORM

Type of License	12 Restaurant
Applicant's Name	Christopher Michael Devers
Business Name	Rollin Smoke BBQ
Business Address	10120 W McDowell Rd Avondale, AZ
Department Comments	
No concern from Fire Prevention	
☐ Police Department ☐ Development Services ☒ Fire Department ☐ Finance Department	
☒ Approved ☐ Denied	
<u>L.Scott Miller</u> L.Scott Miller (Sep 9, 2024 15:53 PDT) E-Signature <u>L.Scott Miller</u> Name	<u>Fire Marshal</u> Title <u>Sep 9, 2024</u> Date

This license is scheduled for the City Council Meeting on: **Oct 7, 2024**

Please complete form by: **Sept. 16, 2024**

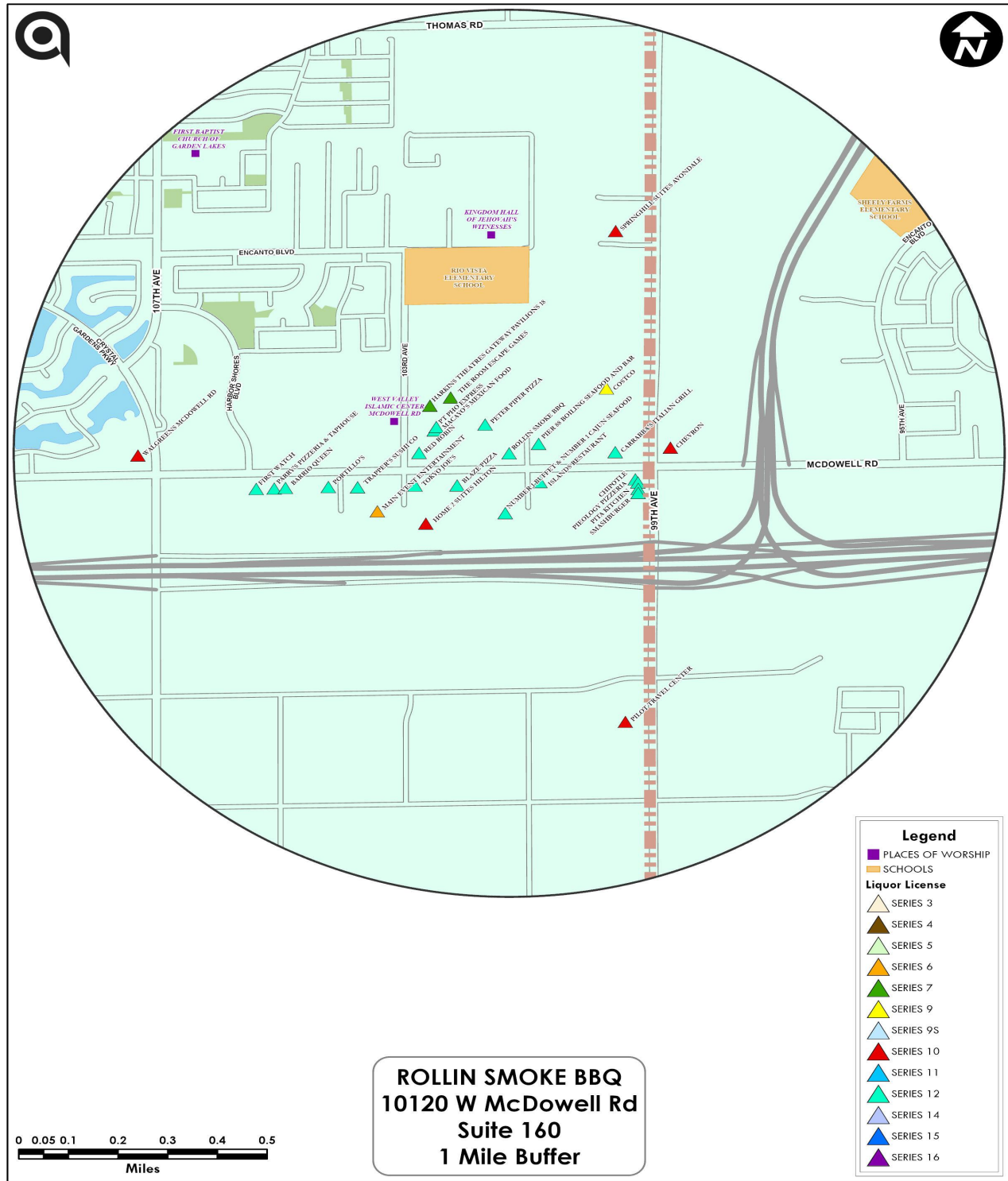
LICENSE REVIEW FORM

Type of License	12 Restaurant
Applicant's Name	Christopher Michael Devers
Business Name	Rollin Smoke BBQ
Business Address	10120 W McDowell Rd Avondale, AZ
Department Comments	
No concerns	
☒ Police Department ☐ Fire Department	
☐ Development Services ☐ Finance Department	
☒ Approved ☐ Denied	
 Varney Lopez (Sep 9, 2024 16:15 PDT)	Lieutenant
E-Signature	Title
Varney Lopez	Sep 9, 2024
Name	Date

This license is scheduled for the City Council Meeting on: **Oct 7, 2024**

Please complete form by: **Sept. 16, 2024**

GIS MAP



ITEM NUMBER: 4.c.

SUBJECT: Series 10 (Beer and Wine Store) Liquor License - Springhill Suites Avondale

MEETING DATE: 10/7/2024

TO: Mayor and Council

FROM: Marcella Sarmiento, City Clerk

THROUGH: Tracy Stevens, 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:

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

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

PURPOSE:

City Council will consider a request to recommend approval to the Arizona Department of Liquor License and Control of an application for a Series 10 (Beer and Wine Store) Liquor License submitted by Lonnie Lee Kim for the sale of alcohol at Springhill Suites Avondale, located at 9950 W Encanto Blvd in Avondale and authorize the City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

Springhill Suites Avondale is an existing establishment that is located at 9950 W Encanto Blvd, Avondale, AZ 85392. The Arizona State Statute requires all Series 10 liquor licenses to be separated by a minimum of 300 feet from K-12 schools or fenced recreational areas that are part of a school building. There are no schools or fenced recreational areas associated with schools located within 300 feet of the establishment.

DISCUSSION:

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

BUDGET IMPACT:

The liquor license application fee of \$250 has been paid in full.

RECOMMENDATION:

Staff is recommending City Council recommend approval to the Arizona Department of Liquor License and Control of an application for a Series 10 (Beer and Wine Store) Liquor License submitted by Lonnie Lee Kim for the sale of alcohol at Springhill Suites Avondale, located at 9950 W Encanto Blvd in Avondale.

Contact person for document distribution: Maria James

State of Arizona
Department of Liquor Licenses and Control

Created 08/13/2024 @ 12:04:59 PM

Local Governing Body Report

LICENSE

Number:	Type:	010 BEER AND WINE STORE
Name:	SPRINGHILL SUITES AVONDALE	
State:	Pending	
Issue Date:	Expiration Date:	
Original Issue Date:		
Location:	9950 W ENCANTO BOULEVARD AVONDALE, AZ 85392 USA	
Mailing Address:	9950 W ENCANTO BOULEVARD AVONDALE, AZ 85392 USA	
Phone:	[REDACTED]	
Alt. Phone:		
Email:	[REDACTED]	

AGENT

Name:	LONNIE LEE KIM
Gender:	Male
Correspondence Address:	9950 W ENCANTO BOULEVARD AVONDALE, AZ 85392 USA
Phone:	[REDACTED]
Alt. Phone:	
Email:	[REDACTED]

OWNER

Name:	HOTEL EQUITIES GROUP LLC	
Contact Name:	LONNIE LEE KIM	
Type:	LIMITED LIABILITY COMPANY	
AZ CC File Number:	23671453	State of Incorporation: AZ
Incorporation Date:	05/13/2024	
Correspondence Address:	9950 W ENCANTO BOULEVARD AVONDALE, AZ 85392 USA	
Phone:	[REDACTED]	
Alt. Phone:		
Email:	[REDACTED]	

Officers / Stockholders

Name:
HE INTERMEDIATE LLC

Title:
Member

% Interest:
100.00

HE INTERMEDIATE LLC - Member

Name: HE PLEDGECO LLC
Contact Name: LONNIE KIM
Type: LIMITED LIABILITY COMPANY
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: 9950 W ENCANTO BOULEVARD
AVONDALE, AZ 85392
USA
Phone: [REDACTED]
Alt. Phone:
Email: [REDACTED]

HOTEL EQUITIES GROUP LLC - Member

Name: HE INTERMEDIATE LLC
Contact Name: LONNIE KIM
Type: LIMITED LIABILITY COMPANY
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: 9950 W ENCANTO BOULEVARD
AVONDALE, AZ 85392
USA
Phone: [REDACTED]
Alt. Phone:
Email: [REDACTED]

MANAGERS

Name: BRAD ANDREW RAHINSKY
Gender: Male
Correspondence Address: 9950 W ENCANTO BOULEVARD
AVONDALE, AZ 85392
USA
Phone: [REDACTED]
Alt. Phone:
Email: [REDACTED]

APPLICATION INFORMATION

Application Number: 282330
Application Type: New Application
Created Date: 02/15/2024

QUESTIONS & ANSWERS

010 Beer and Wine Store

- 1) Are you applying for an Interim Permit (INP)?
No
- 2) Provide name, address, and distance of nearest school.
(If less than one (1) mile note footage)
Rio Vista Elementary School, 10237 W Encanto Blvd Avondale, AZ 85392
1.9 miles
- 3) Are you one of the following? Please indicate below.
Property Tenant
Subtenant
Property Owner
Property Purchaser
Property Management Company
Property Management Company
- 4) Is there a penalty if lease is not fulfilled?
No
- 5) Is the Business located within the incorporated limits of the city or town of which it is located?
Yes
- 6) What is the total money borrowed for the business not including the lease?
Please list each amount owed to lenders/individuals.
none
- 7) Are there walk-up or drive-through windows on the premises?
No
- 8) Does the establishment have a patio?
No
- 9) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
Yes
If yes, what is your estimated completion date?
Sept 1, 2024

DOCUMENTS

DOCUMENT TYPE	FILE NAME	UPLOADED DATE
MISCELLANEOUS	Driver License - GM.pdf	03/28/2024
QUESTIONNAIRE	Executed Questionnaire - Rahinsky.pdf	04/19/2024
QUESTIONNAIRE	Executed Questionnaire - DeCort.pdf	04/19/2024
DIAGRAM/FLOOR PLAN	Diagram.pdf	04/22/2024
MISCELLANEOUS	Training Certificate - Lonnie Kim.pdf	04/23/2024
ORGANIZATIONAL DOCUMENTS	Articles of Organization and Certificate of Name Change (GA).pdf	05/06/2024
ALIEN STATUS	Executed Alien Status - Lonnie Kim.pdf	05/22/2024
QUESTIONNAIRE	Executed Questionnaire - Uger.pdf	05/24/2024
QUESTIONNAIRE	Executed Questionnaire - Wirth.pdf	05/24/2024
QUESTIONNAIRE	Executed Agent Questionnaire - Lonnie Kim.pdf	05/24/2024
QUESTIONNAIRE	Executed Manager Questionnaire - Lonnie Kim.pdf	05/29/2024
QUESTIONNAIRE	Executed Questionnaire - Salzman.pdf	05/30/2024
ORGANIZATIONAL DOCUMENTS	Org Chart - Hotel Equities - AZ.pdf	06/07/2024

Executed Manager Questionnaire - Lonnie Kim.pdf	07/12/2024
Executed Agent Questionnaire - Lonnie Kim.pdf	07/12/2024
GM DL.pdf	07/12/2024
Diagram.pdf	07/12/2024

Hotel Equities Group, LLC
d/b/a SpringHill Suites Avondale

Mailing address for all officers and entities below is:
4800 North Point Parkway, Suite 250
Alpharetta, GA 30022

HE PledgeCo LLC *Member 100%*

(The members of this entity and the ownership above this level are investment groups with no direct or indirect control over the licensee

Tom Uger - Manager
Bennett Wirth - Manager
Ben Salzman - Manager

HE Intermediate, LLC (a Delaware limited liability company)

100% Member: HE PledgeCo, LLC

Brad Rahinsky, Manager
Tom Uger - Manager
Bennett Wirth - Manager
Ben Salzman - Manager

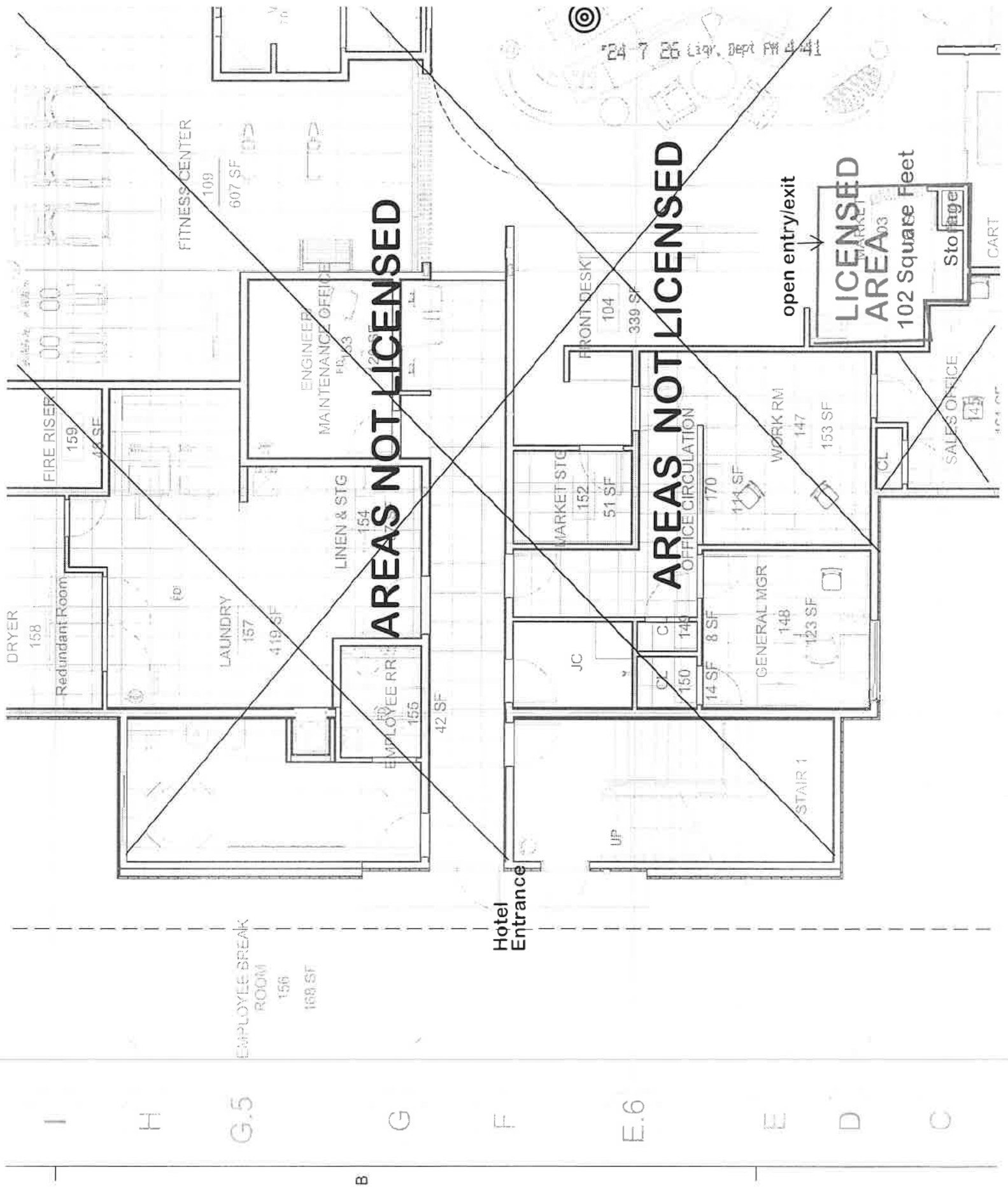
Hotel Equities Group, LLC (a Georgia limited liability Company) - Licensee

ACC # 23671453

100% Member HE Intermediate, LLC

Brad Rahinsky - Manager

Agent and Day to Day Manager - Lonnie Kim



24 7 25 Licr. Dept PM 441

AREAS NOT LICENSED

AREAS NOT LICENSED

LICENSED AREA
102 Square Feet

open entry/exit

Hotel Entrance

I

H

G.5

G

F

E.6

E

D

C

B

LICENSE REVIEW FORM

Type of License	10 Beer and Wine Store
Applicant's Name	Lonnie Lee Kim
Business Name	Springhill Suites Avondale
Business Address	9950 W Encanto Blvd
Department Comments	
Beer and wine sales will be limited to the market area shown on the original floor plan. Property was originally approved for a hotel and any additional retail service will be accessory and incidental to the primary use.	
☐ Police Department	☐ Fire Department
☒ Development Services	☐ Finance Department
☒ Approved	☐ Denied
<i>Joshua T Orton</i> _____ E-Signature Joshua Orton _____ Name	Lead Senior Planner _____ Title Aug 21, 2024 _____ Date

This license is scheduled for the City Council Meeting on: Oct 7, 2024

Please complete form by: Sept. 16, 2024

LICENSE REVIEW FORM

Type of License	10 Beer and Wine Store
Applicant's Name	Lonnie Lee Kim
Business Name	Springhill Suites Avondale
Business Address	9950 W Encanto Blvd
Department Comments	
No Concerns	
☐ Police Department	☐ Fire Department
☐ Development Services	☒ Finance Department
☒ Approved	☐ Denied
<u><i>Finance & Budget Business License</i></u> Finance & Budget Business License (Aug 21, 2024 09:52 PDT)	Customer Service Representative
E-Signature	Title
Finance & Budget Business License	Aug 21, 2024
Name	Date

This license is scheduled for the City Council Meeting on: Oct 7, 2024

Please complete form by: Sept. 16, 2024

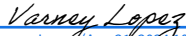
LICENSE REVIEW FORM

Type of License	10 Beer and Wine Store
Applicant's Name	Lonnie Lee Kim
Business Name	Springhill Suites Avondale
Business Address	9950 W Encanto Blvd
Department Comments	
Approved	
☐ Police Department	☒ Fire Department
☐ Development Services	☐ Finance Department
☒ Approved	☐ Denied
<u>L. Scott Miller</u> L. Scott Miller (Aug 21, 2024 10:02 PDT)	Fire Marshal
E-Signature	Title
<u>L. SCott Miller</u>	<u>Aug 21, 2024</u>
Name	Date

This license is scheduled for the City Council Meeting on: Oct 7, 2024

Please complete form by: Sept. 16, 2024

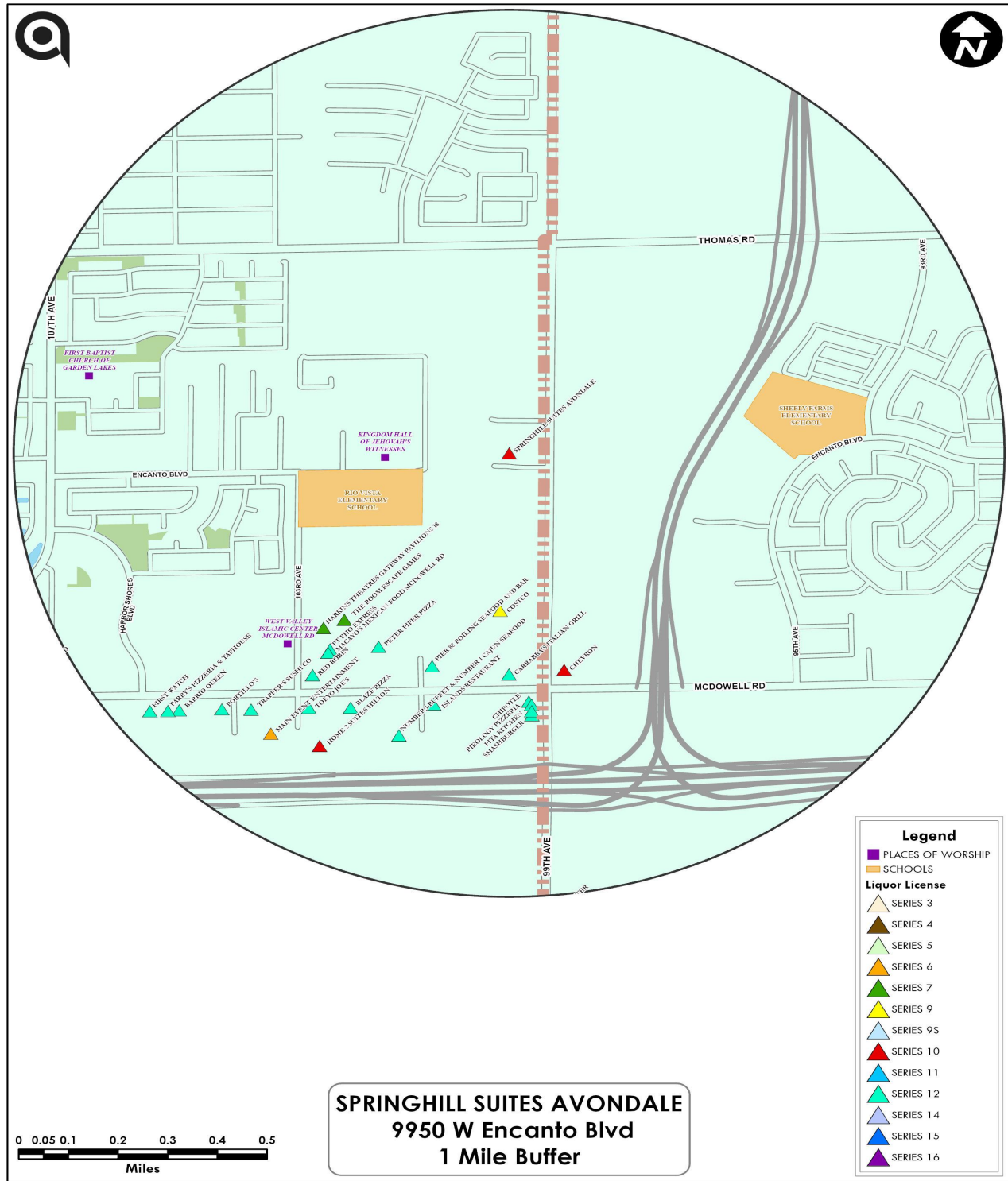
LICENSE REVIEW FORM

Type of License	10 Beer and Wine Store
Applicant's Name	Lonnie Lee Kim
Business Name	Springhill Suites Avondale
Business Address	9950 W Encanto Blvd
Department Comments	
No Concerns	
☒ Police Department ☐ Fire Department	
☐ Development Services ☐ Finance Department	
☒ Approved ☐ Denied	
 Varney Lopez (Aug 21, 2024 10:19 PDT)	Lieutenant
E-Signature	Title
Varney Lopez	Aug 21, 2024
Name	Date

This license is scheduled for the City Council Meeting on: **Oct 7, 2024**

Please complete form by: **Sept. 16, 2024**

GIS MAP



ITEM NUMBER: 4.d.

SUBJECT: Resolution 1099-1024 - Amending the Council Rules of Procedure, Sections 6.10 Business Items and 10.4 Limitation Regarding Public Comment and Reports

MEETING DATE: 10/7/2024

TO: Mayor and Council

FROM: Marcella Sarmiento, City Clerk

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

PURPOSE:

City Council will consider a request to adopt Resolution 1099-1024, amending the Council Rules of Procedure Sections 6.10 Business Items and 10.4 Limitation Regarding Public Comment and Reports and authorize the Mayor or City Manager, City Attorney and the City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The original Council Rules of Procedure was adopted in 2002 and has been amended several times since then. The City periodically reviews its policies and procedures and makes amendments when necessary to reflect the continuously changing legal landscape.

DISCUSSION:

Staff recommends the following two sections be revised to align with current practices at City Council meetings.

6.10 BUSINESS ITEMS

...

D. Proper decorum must be observed by Council Members, by speakers providing testimony and remarks and by the audience. In order to conduct an orderly business meeting, the Presiding Officer shall keep control of the Meeting and shall require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests or other conduct that disrupts or interferes with the orderly conduct of the business of the meeting. ~~Personal attacks on Council Members, City Staff or members of the public are not allowed. It is inappropriate to utilize the Public Hearing or other Agenda item for the purpose of making political speeches, including threats of political action.~~ Engaging in such conduct and failing to cease such conduct upon request of the Presiding Officer will be grounds for ending a speaker's time at the podium or, at the direction of the Presiding Officer, for removal of any disruptive

person from the Council Chambers.

10.4 LIMITATION REGARDING PUBLIC COMMENT AND REPORTS

...

~~C. Oral communications during the City Council Meeting may not be used to lodge charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference that tends to identify him. Any such charges or complaints against employees shall be submitted during normal business hours to the City Manager for appropriate action.~~

BUDGET IMPACT:

This item does not have a budget impact.

RECOMMENDATION:

Staff recommends City Council adopt a Resolution amending the Council Rules of Procedure Sections 6.10 Business Items and 10.4 Limitation Regarding Public Comment and Reports and authorize the Mayor or City Manager, City Attorney and the City Clerk to execute the necessary documents.

Contact person for document distribution: Marcella Sarmiento



City Council Rules of Procedure

**CITY OF AVONDALE, ARIZONA
CITY COUNCIL
RULES OF PROCEDURE**

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SECTION 1. RULES OF PROCEDURE/AUTHORITY

1.1 PROCEDURES

The following are the basis for and are used in conjunction with these Rules of Procedure for meetings of the City Council:

- A. Arizona Open Meetings Law (ARIZ. REV. STAT. § 38-431 *et seq.*, as amended)
- B. City Charter
- C. City Code
- D. Roberts Rules of Order, as amended

1.2 PARLIAMENTARIAN

City Council Meetings: The City Attorney shall serve as Parliamentarian for all City Council Meetings. The City Manager shall act as Parliamentarian in the absence of the City Attorney; and the City Clerk shall act as Parliamentarian in the absence of both the City Attorney and City Manager.

Boards/Commissions/Committees: The Chairperson shall serve as Parliamentarian for each respective Board, Commission or Committee.

SECTION 2. DEFINITIONS

2.1 AGENDA

As set forth in Section 6 below, an Agenda is the formal description of items to be considered by the City Council at a noticed meeting of the City Council. The final Agenda must be posted at least 24 hours prior to the City Council's meeting.

2.2 COUNCIL PACKET

The City Council packet is comprised of documents supporting the items listed on the Agenda and requiring Council Action, which may be used by City Council, staff, and the public for more in-depth information than may be presented in an oral report. The Packet is organized as set forth in Section 6 below and is provided to the City Council and made available to the public upon request.

2.3 MEETINGS

A Meeting is the gathering, in person or by technological devices, of a quorum of members, at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action. If a quorum is not present, those in attendance will be named for the record and in the absence of the Presiding Officer, the City Clerk or Departmental Liaison will adjourn the meeting.

2.4 NEWSPAPER

Typically, a daily or weekly publication of general circulation within the City of Avondale containing recent news, feature articles, editorials and general advertisements.

2.5 NOTICE

A formal announcement to the public that sets forth the name of the City Council, date, time and place for which a meeting of the City Council will be held. Giving formal notice of meetings is done as provided by Statute, Charter, or other Rules or Regulations of the City Council.

2.6 ORDINANCE

An Ordinance is a City Council action setting forth a rule of public conduct that is considered long-term and may prescribe a penalty for violations thereof. Long-term rules include zoning issues, annexations, abandonment's, laws of the City and such. The Ordinance, in addition to being referenced by number in the Minutes, will be recorded and maintained in numerical sequence as a permanent record of the City in a separate set of books. Effective dates of Ordinances shall be as provided by law.

2.7 PUBLIC BODY

Means the City Council, all Boards, Committees and Commissions of the City, and any specially created Board, Commission, Committee or Sub-Committee of the City whose members are appointed by the Mayor with the approval of the City Council.

2.8 QUORUM

A quorum is the minimum number of members of the City Council that must be present in order for business to be legally transacted. With a seven-member body, a quorum (by State Statute) is four members.

2.9 RESOLUTION

A Resolution is a more formal type of motion normally utilized to set forth policy of the City. The Resolution, in addition to being referenced by number and brief title in the Minutes, will be recorded as provided by law and maintained in numerical sequence as a permanent record of the City in a separate set of books. Resolutions are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future references back to its contents warrants a separate document to facilitate such future reference and research. Effective dates of Resolutions shall be as provided by law.

SECTION 3. PRESIDING OFFICER

3.1 PRESIDING OFFICER

As provided by the City Charter, the Mayor, or in the Mayor's absence the Vice-Mayor is the Presiding Officer of all meetings of the City Council. In the absence or disability of both the Mayor and the Vice-Mayor, the meeting shall be called to order by the City Clerk, whereupon, the City Clerk shall immediately call for the selection of a temporary Presiding Officer. The Council Members present shall, by majority vote, select a Presiding Officer for that meeting.

Upon the arrival of the Mayor or the Vice Mayor, the Vice Mayor or the temporary Presiding Officer shall immediately relinquish the chair upon the conclusion of the business immediately before the City Council.

3.2 ROBERT'S RULES OF ORDER

The Presiding Officer, or City Council by consensus, may suspend strict observance of these Rules of Procedure, other policies and procedures, and any applicable provision of Robert's Rules for the timely and orderly progression of the meeting. In the event of a conflict between these rules and Robert's Rules of Order, these rules shall govern.

SECTION 4. MEETINGS

Prior to the end of each calendar year, the City Clerk shall prepare and submit for Council approval, the upcoming year's meeting schedule, to include the place, time, and date of each meeting with a minimum of two meetings a month, as required in the Avondale City Charter Article II §12. If a change in approved meeting time or place shall be made, the City Clerk shall take appropriate action to publicly announce the change and publish a seven-day notice as required in the Avondale Charter Article II §12.

4.1 REGULAR MEETINGS

The City Council of the City of Avondale shall hold Regular Meetings for the purpose of discussion or action of the City Council on various issues deemed necessary to further the business of the City. These meetings may provide for "Citizen Comments/Unscheduled Public Appearances."

4.2 ADJOURNED MEETINGS

Any meeting may be adjourned to a time, place and date certain, but not beyond the next Regular City Council Meeting. Once adjourned, the meeting may not be reconvened except at the time, date, and place provided for in the motion. A motion to continue an item on the Council Agenda shall not be considered a motion to adjourn.

4.3 SPECIAL MEETINGS

- A. The Mayor may, or at the request of three (3) Council Members shall, by giving notice to all members of the City Council and posting an Agenda of such meeting, call a special meeting of the City Council for a time not earlier than 24 hours after the later of (i) the notice being given to all Council Members or (ii) the Agenda being posted, except in the case of an actual emergency. In the case of an actual emergency such notice as is practicable under the circumstances shall be given. Notice of all such City Council meetings must be made pursuant to state law.
- B. Special Meetings are held for the purpose of presentations, discussion, citizen comment or action of the City Council on various issues as deemed necessary to further the business of the City.

4.4 WORK SESSIONS

Work Sessions are held for the purpose of presentations and discussions on such issues that require more in-depth consideration of the City Council than may be possible at a Regular Meeting. No formal action of the City Council may be taken at such meetings, other than general consensus or conveying direction to Staff for further action. These meetings shall not provide for "Unscheduled Public Appearances."

4.5 EXECUTIVE SESSIONS

The City Council may hold an Executive Session pursuant to ARIZ. REV. STAT. § 38-431.01 *et seq.*

4.6 EMERGENCY MEETINGS

As provided for in State Statutes, the Mayor and City Council may call a Special Emergency Meeting to discuss or take action on an unforeseen issue where time is of the essence and there is not sufficient time for posting of a meeting notice 24-hours or more before the meeting. Notice of an Emergency Meeting of the Mayor and City Council will be posted within 24-hours following the holding of an Emergency Meeting. The Notice will include the Agenda and a brief but complete description of the nature of the emergency. Emergency Meetings shall not provide for a "Unscheduled Public Appearances."

4.7 MEETINGS TO BE OPEN TO THE PUBLIC

- A. With exception of Council Executive Sessions, all Regular Meetings, Special Meetings, Work Sessions and Emergency Meetings of the City Council shall be open to the public.
- B. All Public Meetings may be recorded or photographed by means of audio, video or photographic equipment provided, however, that there is no interference in the orderly conduct of the meeting, and that said equipment is placed in non-hazardous locations as designated by the City's Staff.
- C. Unscheduled Public Appearances are not provided for at Work Sessions or Emergency Meetings.

4.8 MINUTES OF COUNCIL MEETINGS

- A. The City Clerk's office shall provide staff support at all Regular, Special, Work Session and Emergency Meetings of the City Council for the purpose of taking notes and/or audio recordation of the Meeting.
- B. Written action Minutes instead of verbatim Minutes shall be taken so that a brief accounting of the issues discussed and actions taken is compiled and entered into the permanent Minute Book of the City and kept on file and of record in the Office of the City Clerk. The minutes shall reflect Council Member attendance for the entire meeting (if a Council Member arrives late or leaves early then the minutes should reflect when the Council Member arrived/left). Open Meetings may be recorded by means of audio or video technology. Audio or video recordings of meetings will be retained six months after being transcribed in accordance with the current City of Avondale/State of Arizona approved Records Retention and Disposition Schedules.
- C. All Minutes of the City Council are deemed to be Public Records, with the exception of Executive Session Minutes, which, while they fall under the definition of and are considered public records by State Statute, are deemed confidential and are only available under limited conditions or by court order. Transcribed minutes, or the audio or video recording of all Open Meetings of the

City Council, must be on file in the Office of the City Clerk, and available for public review by 5:00 p.m. on the third working day following each meeting, or as provided by Arizona Revised Statutes, whichever is sooner.

- D. Minutes of Executive Sessions shall be confidential, are maintained and secured by the City Clerk and may be accessed only as provided by Arizona Revised Statutes.

SECTION 5. NOTICE AND AGENDA

5.1 PREPARATION AND POSTING NOTICES

- A. The City Clerk shall prepare all Public Meeting Notices of the City Council, and shall ensure posting of the meeting notices no less than 24 hours before the date and time set for said meetings in accordance with ARIZ. REV. STAT. § 38-431.02.C.
- B. Meeting Notices shall, at a minimum, be posted in the following locations:
 - 1. On the City of Avondale website
 - 2. Posting board outside the east and west sides of City Hall
 - 3. Posting board outside the Sam Garcia Western Avenue Library

5.2 AGENDAS

- A. The City Clerk shall prepare the Agendas for all meetings of the City Council as set forth in Section 6 below or as directed by the Mayor through the City Manager. Agendas of all meetings of the City Council shall be available to the public no later than 24 hours prior to said meetings.
- B. The City Clerk, or designee, may prepare an addendum to the Agenda for items that have emerged after the Agenda has already been distributed.
- C. Agendas are made available through the City's web site and, upon request, will be provided at no charge to political subdivisions or educational institutions.

5.3 DISTRIBUTION OF NOTICES AND AGENDAS

- A. The City Clerk shall ensure that the Mayor and City Council receive copies of all City Council Meeting Notices and Agendas, and any documentation provided for said meeting, not less than 24 hours prior to the meeting.
- B. The City Clerk shall ensure that the City Council Meeting Notices, Agendas and documentation, as deemed necessary, are distributed to the City Manager and the City Attorney. Courtesy copies will be available to the press, public subdivisions and educational institutions, and others upon request or as directed by the Mayor through the City Manager, no less than 24 hours prior to said meeting.

- C. The City Clerk may amend a published Agenda, but not less than 24 hours prior to the designated meeting and only upon receipt of direction from (i) the Mayor or three members of the City Council acting through the City Manager or (ii) the City Manager, or to correct minor errors. Amended Agendas will indicate the sequential number of the amendment and the date amended.

SECTION 6. ORDER OF BUSINESS

6.1 ORDER OF BUSINESS

The Order of Business of each meeting shall be as contained in the Agenda as prepared by the City Clerk. The Agenda shall be a sequentially numbered listing by topic and a brief description of business Agenda items, including a dollar amount where appropriate, that shall be taken up for consideration.

6.2 REGULAR MEETINGS

The typical form of the Agenda shall be as follows and may be changed as necessary:

AGENDA

Council Members of the Avondale City Council may attend either in person or by consent of a majority of the City Council, by telephone conference call or video communications.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

EXCUSED ABSENCES (motion and vote by City Council)

STATEMENT BY THE CITY CLERK (regarding unscheduled public appearances)

CITY MANAGER'S REPORT

RECOGNITION ITEMS (MAYOR'S PRESENTATIONS)

UNSCHEDULED PUBLIC APPEARANCES (must fill out a card and give to City Clerk prior to meeting)

CONSENT AGENDA (including Minutes and Claims)

All items listed under consent are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a council member so requests; in which event the item will be removed from the Consent Agenda and considered in the normal sequence on the Agenda.

BUSINESS (action or information items)

DISCUSSION ITEMS (City Council)

EXECUTIVE SESSION

ADJOURNMENT

All Agendas will have the following statement placed at the bottom of the Agenda:

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Clerk at 623-333-1200 at least 48-hours prior to the City Council meeting.

DATE/TIME POSTED:

6.3 SPECIAL MEETINGS

- A. If a Special Meeting is being held in place of a Regular Meeting, the Agenda shall be as set forth for a Regular Meeting.
- B. For all other Special Meetings, the Agenda will typically be prepared in the following order:

AGENDA

Council Members of the Avondale City Council may attend either in person or by consent of a majority of the City Council, by telephone conference call or video communications.

CALL TO ORDER

ROLL CALL

CITY MANAGER'S REPORT

UNSCHEDULED PUBLIC APPEARANCES (must fill out a card and give to City Clerk prior to meeting)

BUSINESS

DISCUSSION ITEMS

ADJOURNMENT

6.4 WORK SESSION MEETINGS

Questions may be directed by the City Council to a member of the public or another interested party, or in appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an Agenda item or a particular question related to an Agenda item. Unless otherwise designated by the Presiding Officer, the time for such response to questions or presentations shall be limited to three minutes per speaker.

The Agenda will typically be prepared in the following order:

CALL TO ORDER (Convene)

ROLL CALL

ALL ITEMS LISTED ARE FOR DISCUSSION ONLY. NO ACTION CAN OR WILL BE TAKEN.

AGENDA ITEMS FOR DISCUSSION (Items numbered for order)

ADJOURNMENT

6.5 ITEMS TO BE TAKEN IN ORDER

- A. The Presiding Officer, or the City Council by consensus, may consider items out of sequence from the printed Agenda for the meeting.
- B. Action may be taken on all items listed for action on the Agenda. In the event of an emergency, action may be taken on items not listed on the Agenda. However, the action must subsequently be noticed in accordance with ARIZ. REV. STAT. § 38-431.02, as amended.

6.6 ROLL CALL ATTENDANCE

Following the Call to Order, the Pledge of Allegiance, and Invocation, and before the proceeding with the business of the City Council, the Presiding Officer shall direct the City Clerk to call the Roll, and the names of Council Members both present and absent shall be entered into the minutes. The Mayor may then ask for a motion to excuse those Council Members absent; if any.

6.7 ACTION ITEMS

Scheduled Public Appearances allow citizens to speak on a specific item before the City Council, including presentation of petitions, according to the following process:

1. A written request shall be submitted to the City Clerk for review by the City Manager not less than 15 days prior to the City Council meeting at which the person desires the item to be heard.
2. The City Manager or designee shall research the issue to determine if it may be handled administratively or will require City Council discussion. If it is determined that the matter should be placed before the City Council, the City Manager shall ensure that documentation, if any, is compiled and the material forwarded to the City Clerk in the same manner as other issues presented to the City Council.
3. If the City Manager determines that the subject should not be placed on a Council Agenda, an individual wishing to have an item on the Agenda as a "Scheduled Public Appearance" may (i) obtain approval of the Mayor to place the item on an Agenda or (ii) obtain the written request of three members of the City Council that such subject shall be placed on a Council Agenda.
4. If determined by the Mayor, three members of the City Council or the City Manager that an item should be placed on the Council's Agenda, the City Clerk shall place the item on a Regular Meeting Agenda of the City Council, and shall advise the citizen of the date and time of the meeting.

6.8 CITIZENS COMMENTS/APPEARANCES FROM THE FLOOR

- A. At the pleasure of the Mayor and City Council, individuals may address the City Council on any subject pertaining to or related to an item on the posted Agenda for that meeting.
- B. Call to the Public/Non Agenda Items: Presentation of petitions, or public comments on Non-Agenda issues are heard under "Unscheduled Public Appearances". All citizens and interested parties will be limited to a maximum of three minutes to address the City Council on a Non-Agenda item. However, the time limit may be waived by the Mayor or by consensus of the City Council.
- C. All citizens and interested parties wishing to speak before the City Council shall complete a card located at the back of the City Council chambers and submit the card to the City Clerk, or designee, prior to discussion of that item on the Agenda. These cards will be retained by the City Clerk for a period of one year.

- D. At the conclusion of all citizens' comments, the Mayor or any Council Member may take any or all of the following actions:
 - 1) Ask Staff to review the matter.
 - 2) Ask that the matter be put on a future Agenda.
 - 3) Thank the citizens for their comments.

6.9 CONSENT AGENDA

- A. The Consent Agenda includes items that (i) are of such a nature that discussion may not be required or (ii) have been previously studied by the City Council. These items may be adopted by a single motion, second and affirmative roll call vote of a majority of the City Council.
- B. There is no discussion on items listed under the Consent Agenda; however, a member of the City Council may request that an item or items be removed for discussion.
- C. Items removed from the Consent Agenda are considered in their normal sequence as listed on the Agenda, unless called out of sequence as provided in Section 6.5 above.

6.10 BUSINESS ITEMS

- A. At the time each Business Item is presented to City Council, the applicant, if applicable, may speak. The Mayor will then provide for citizen input and comments as requested prior to the meeting.
- B. Those speaking before City Council will be allowed three minutes to address City Council, but time limits may be waived upon consensus of the City Council. Such three-minute limit shall not apply to the applicant's presentation.
- C. The purpose of all public comments is to provide information and the speaker's views for City Council consideration. It is not appropriate for the speakers to question directly or debate the matter under consideration with Staff, other speakers, the audience or members of the City Council. All comments shall be addressed through the Presiding Officer. After being recognized by the Presiding Officer, Council Members may question the speakers, any applicant's representatives or City Staff. Except when answering a direct question from a Council Member, all remarks shall be addressed to the City Council as a whole, and not to individual members; provided, however, that all responses shall be directed through the Presiding Officer.
- D. Proper decorum must be observed by Council Members, by speakers providing testimony and remarks and by the audience. In order to conduct an orderly business meeting, the Presiding Officer shall keep control of the Meeting and shall require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests or other conduct that disrupts or interferes with the orderly conduct of the business of the meeting. **Personal attacks on Council Members, City Staff or members of the public are not**

allowed. It is inappropriate to utilize the Public Hearing or other Agenda item for the purpose of making political speeches, including threats of political action.

Engaging in such conduct and failing to cease such conduct upon request of the Presiding Officer will be grounds for ending a speaker's time at the podium or, at the direction of the Presiding Officer, for removal of any disruptive person from the Council Chambers.

- E. Generally, Public Hearings, other than those of a quasi-judicial nature, shall be conducted in the following Order:
 - 1. The Presiding Officer will announce the matter that is set forth for a Public Hearing and, if appropriate, ask the Staff to provide a short summary of the matter.
 - 2. The Presiding Officer will then ask the Applicant, if appropriate, to speak.
 - 3. At the conclusion of the Staff report and/or presentation by the Applicant, the Presiding Officer will open the Public Hearing for comments from the public.
 - 4. After all public comments are heard, the Presiding Officer will close the Public Hearing and may ask Staff or the Applicant to respond to the comments.
 - 5. The Presiding Officer may then call for a motion and second, if applicable, and/or ask if City Council wishes to discuss the motion/item. City Council may then proceed to discuss the matter.
 - 6. Upon the conclusion of discussion, the Presiding Officer will call for action on the motion.
 - 7. Exhibits, letters, petitions and other documentary items presented or shown to the City Council during a Public Hearing shall become part of the record of the Public Hearing and a copy thereof shall be submitted to the City Clerk.
- F. Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the Agenda, and the number of persons desiring to speak on an Issue, the Presiding Officer may, upon consensus of the City Council at the beginning of the hearing, limit testimony. Upon approval of the City Council, persons may be allowed to speak longer than three minutes. Council Members may ask the individual speaker questions, and the speaker may respond.
- G. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the City Attorney shall advise the City Council in this regard.

6.11 INFORMATION ITEMS

Mayor and Council Members may present or discuss information items only if the specific matter is listed on the posted Agenda under "Discussion Items".

6.12 ADJOURNMENT

The open public meetings of the City Council may be adjourned by a motion to adjourn, a second and an affirmative vote of the majority vote.

6.13 RECESS/BREAK

The Presiding Officer may call a recess/break if necessary during the course of a Public Meeting.

SECTION 7. AGENDA PREPARATION

7.1 AGENDA ITEM SUBMITTALS: REGULAR/SPECIAL/WORK SESSION

Items may be placed on the Agenda for City Council discussion and possible action by (i) the Mayor acting through the City Manager, (ii) three Council Members acting through the City Manager or (iii) the City Manager.

AGENDA ITEM SUBMITTALS FOR CITY COUNCIL EXECUTIVE SESSIONS

Items may be placed on the Agenda for Council Executive Session discussion if in compliance with the City Charter, the City Code and applicable State Statutes by the following process:

- A. Items may be placed on an Agenda for executive session discussion by (i) the Mayor acting through the City Manager, (ii) three Council Members acting through the City Manager or (iii) the City Manager.
- B. The City Attorney shall review all items submitted for Executive Session discussion, prior to placement on the Agenda, to ensure that the item is legally permissible to be discussed in Executive Session pursuant to ARIZ. REV. STAT. § 38-431.03. If permissible, the City Clerk shall place notice of such Executive Session discussion on the Agenda.

7.2 COUNCIL PACKETS

- A. City Council packets contain the Agenda, unapproved Minutes (which may be distributed electronically) of previous City Council Meetings, City Council communications and any ordinances, agreements or resolutions to be acted upon including documentation that may be attached to support items contained on a City Council Agenda for all noticed meetings of the City Council.
- B. Full Packets for ALL noticed City Council Meetings (except Executive Session documentation) are delivered to Council Members by the City Clerk's Office. Every effort will be made to distribute full packets by the Thursday prior to each regular City Council Meeting and not less than 72 hours prior to any Special City Council Meeting.

SECTION 8. PROCEDURES FOR CONDUCTING THE MEETING

8.1 CALL TO ORDER

All meetings of the City Council shall be called to order by the Presiding Officer, (the Mayor or in his/her absence, the Vice-Mayor). In the absence of both the Mayor and Vice-Mayor, a City Council Meeting shall be called to order by the City Clerk; whereupon, the City Clerk shall immediately call for the selection of a temporary Presiding Officer. The Council Members present shall, by a majority vote, select a Presiding Officer for that meeting.

8.2 PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer may move, second, debate and vote from the Chair, subject only to such limitations of debate as are imposed on all Council Members, and he/she shall not be deprived of any of the rights and privileges of a Council Member by reason of his/her acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting.

8.3 QUESTION TO BE STATED

The Presiding Officer shall verbally restate each question immediately prior to calling for discussion and/or the vote. Following the vote, the Presiding Officer shall verbally announce whether the question carried or was defeated. The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

8.4 MAINTENANCE OF ORDER

The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak unless they have first been recognized by the Presiding Officer. All questions and remarks shall be addressed to the Presiding Officer.

SECTION 9. RULES/DECORUM/ORDER

9.1 POINTS OF ORDER

The Presiding Officer shall, after consultation with the Parliamentarian, determine all Points of Order, subject to the right of any Council Member to appeal to the entire City Council. If any appeal is taken, the question (motion) shall be: "Shall the decision of the Presiding Officer be sustained?" In which event, following a second, a majority vote shall govern, and conclusively determine such question of order.

9.2 ORDER AND DECORUM

A. Council Members:

1. Any Council Member desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, may speak. The Presiding Officer shall not unreasonably withhold such recognition; however, the Presiding Officer may choose to not recognize similar or repetitive discussions or motions which would delay the meeting.
2. When two or more Council Members wish to speak, the Presiding Officer

shall determine the order of speaking and recognize the first speaker.

3. While a Council Member is speaking, no other Council Member shall interrupt except to make a point of order or point of personal privilege.
 4. When a motion is made and seconded, the Presiding Officer shall ensure that the debate is confined to the motion.
 5. The City Council may agree to limit debate on any matter before it. A limit may be formalized by a majority vote of the City Council, or the Presiding Officer, with the consensus of a majority of the City Council, may announce time limits on any Agenda item.
 6. Any Council Member may call for a previous question on any issues under debate. The call for previous question must receive a second and then receive at least a two-thirds vote. Passage of a motion to address the previous question terminates all debate on the original motion. The City Council shall immediately vote on such motion.
 7. The City Council will not tolerate harassment, personal attacks or discrimination against each other or by members of appointed Boards, Commissions or Committees. No one should be subject to unwelcomed verbal or physical conduct that shows hostility based upon gender, race, ethnicity, sexual orientation, religion, age, disability or national origin. Any City Council appointee who violates this provision will be subject to removal.
 8. If a Council Member acts in violation of these rules, the Presiding Officer shall, or any Council Member may, call that Council Member to order. The Council Member so called shall immediately cease speaking, but may appeal to the City Council. The City Council shall decide the appeal without debate. If the appeal is granted, such Council Member may continue speaking. If the appeal is denied, such Council Member shall remain silent. Any Council Member acting in violation of these rules is subject to censure or other punishment as the City Council, by a three quarters vote of the other Council Members present, deems just and proper under the law.
- B. Employees: Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applied to members of the City Council. The City Manager shall ensure that all City employees observe such decorum. Any staff members, including the City Manager, desiring to address the City Council or members of the public shall first be recognized by the Presiding Officer.
- B. Public: Members of the public attending the City Council Meetings shall observe the same rules of order and decorum applicable to the City Council. Unauthorized remarks or demonstrations from the audience, such as applause, stamping of feet, whistles, boos, yells, and/or other demonstrations shall not be permitted. The Presiding Officer may, after issuing a verbal warning to persons causing such disturbances, direct a police officer to remove such offender/s from the meeting

9.3 ENFORCEMENT OF DECORUM

Proper decorum is to be maintained during all meetings by the City Council, staff and guests. It is the responsibility of the Mayor or other person acting as Presiding Officer of the meeting to ensure compliance with this Policy. A police officer may be directed by the Mayor or Presiding Officer to remove from the meeting, after a verbal warning, any person whose conduct is disorderly or disruptive.

9.4 PROCEDURES IN ABSENCE OF RULES

In the absence of a rule herein to govern a point or procedure, Robert's Rules of Order, Newly Revised, shall be used as a guide.

9.5 RULINGS OF PRESIDING OFFICER ARE FINAL, UNLESS OVERRULED

In presiding over City Council Meetings, the Presiding Officer shall decide all questions of interpretation of these rules, points of order, or other questions of procedure requiring rulings. In making such determinations, the Presiding Officer may solicit the opinion of the City Attorney, or other such person serving as the Parliamentarian of the City Council.

9.6 APPEAL THE RULING OF THE PRESIDING OFFICER

Any procedural decision or ruling of the Presiding Officer shall be final. However, immediately following the Presiding Officer's ruling, a motion and second to appeal the ruling can be made and the ruling can be overridden or suspended by a majority vote of the Council Members present and voting. If not appealed, the Presiding Officer's ruling shall be binding and legally effective for purposes of the matter under consideration.

SECTION 10. ADDRESSING THE COUNCIL

10.1 PERSONS AUTHORIZED TO APPROACH COUNCIL DAIS AREA

During a City Council Meeting, no person except City Officials shall be permitted within the area in front of the City Council dais without the invitation or consent of the Presiding Officer.

10.2 MANNER OF ADDRESSING THE COUNCIL

- A. Any member of the public desiring to address the City Council shall proceed to the podium after having been recognized by the Presiding Officer. There shall be no loud vocalization (shouting or calling out) from the seating area of the Council Chamber. At the podium, he/she shall clearly state his/her name for the Record.
- B. Within 48-hours advance notice, special assistance can be provided for any individual with a qualified disability. Please call the City clerk to request an accommodation to participate in this Public Meeting.

10.3 ADDRESSING THE COUNCIL AFTER MOTION IS MADE

After the motion has been made, or after a Public Hearing has been closed, public comment shall not be allowed without a request from a Council Member or the Presiding Officer.

10.4 LIMITATION REGARDING PUBLIC COMMENT AND REPORTS

The making of oral communications to the City Council by any member of the public during the "Unscheduled Public Appearance" or under an action item, shall be subject to the following limitations:

- A. The Presiding Officer may limit the number of speakers heard on Non-Agenda topics at any single meeting to allow the meeting to proceed and end in a timely manner.
- B. If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer may limit the number of speakers.
- C. Oral communications during the City Council Meeting may not be used to lodge charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference that tends to identify him. Any such charges or complaints against employees shall be submitted during normal business hours to the City Manager for appropriate action.
- D. By policy, the City Council will refrain from commenting on the remarks given during "Unscheduled Public Appearances" but may direct staff to prepare a discussion or action agenda item at a future City Council meeting.

SECTION 11. MOTIONS

11.1 PROCESSING OF MOTIONS

- A. When a motion is made and seconded, it shall be stated by the Presiding Officer before debate.
- C. The maker has the right to modify his motion as he pleases, or to withdraw it entirely. If the motion is modified, the member who has seconded it has the right to withdraw his second.
- D. If a modification to a motion made by another Council Member is accepted by the maker of the motion, then the Council Member who seconded the unmodified motion shall be requested to reaffirm his second after modification. If the Council Member refuses to reaffirm his second, the second is presumed made by the suggestor of the modification.
- D. In the case of a tie in votes on any motion, the motion shall be considered lost.

11.2 DIVISION OF QUESTION

If the question contains two or more propositions that could be divided, the Presiding Officer may, upon the request of a Council Member, divide the propositions into separate questions.

11.3 PRECEDENCE OF MOTIONS

When a motion is before the City Council, no motion shall be entertained except the following, which shall have precedence in the following order:

- A. Fix the time to adjourn
- B. Adjourn
- C. Recess
- D. Raise a question of Privilege
- E. Table (temporarily)
- F. Move the Previous Question
- G. Close, limit or extend discussion
- H. Continue to a certain time and date
- I. Commit (Refer or remand to a Committee)
- J. Amend
- K. Table/Postpone Indefinitely
- L. Main Motion

11.4 MOTION TO POSTPONE INDEFINITELY

A motion to postpone indefinitely is used to dismiss an item on the Agenda. This motion is debatable, and because it can be applied only to the main question, it can, therefore, only be made while the main question is immediately pending (a motion and second is on the floor). This motion is commonly used to postpone an item until a more appropriate time.

11.5 MOTION TO TABLE

A motion to table enables the City Council to lay the pending question aside temporarily when something else of immediate urgency has arisen, in such a way that there is no set time for taking the matter up again. A motion to table shall be used to temporarily by-pass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next Regular City Council Meeting; provided, however, that such item is included on the duly posted Agenda of the City Council.

11.6 MOTION TO CLOSE, LIMIT OR EXTEND DISCUSSION

Such a motion shall be used to limit or close debate on, or further amend, the main motion. This is referred to as "Call For The Question" and is the motion used to cut off debate and to bring the group to an immediate vote on the pending motion. It requires a two-thirds vote. The vote on a motion to call for the question to terminate discussion shall be by roll call. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

11.7 MOTION TO AMEND

- A. A Motion to Amend shall be debatable only as to the amendment. A Motion to Amend an amendment shall be in order, but a Motion to Amend an amendment to the amendment shall not be in order.
- B. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

- C. A substitute motion on the same subject shall be acceptable and shall be voted on before a vote on the amendment.
- E. Amendments shall be voted on first, then the main motion as amended.

11.8 MOTION TO CONTINUE

Motions to Continue to a definite time shall be amendable and debatable only as to propriety of postponement and the time set.

SECTION 12. VOTING PROCEDURE

12.1 CASTING A VOTE

- A. In acting upon every motion, the vote shall be taken by casting an aye/nay vote by voice, roll call or any other method as determined by the Presiding Officer from which the vote of each Council Member can be clearly ascertained.
- B. The vote on each motion shall be entered into the Record by number of and the names of Council Members casting votes for or against.
- C. If a Council Member has declared a Conflict of Interest and is absent during the roll call vote, the City Clerk shall include "Absent for the Vote due to declared Conflict of Interest" in the Official Minutes as part of the results of the vote.
- D. If the roll call method of voting is used, the City Clerk shall call the names of all members with the Presiding Officer called last. Council Members shall respond "Aye" or "Nay". It shall be out of order for members to explain their vote during the roll call. Comments should be made during the discussion. There shall be no additional debate or speaking on the subject after the vote is taken.

12.2 FAILURE TO VOTE

All members of the City Council in attendance at a duly called meeting that requires formal City Council action are required to vote pursuant to Article II, Section 16 of the Avondale City Charter, unless the issue involves the conduct of that Council Member or a matter upon which that Council Member has declared a conflict of interest. In all other cases, a failure to vote shall be entered in the Minutes as an affirmative vote.

12.3 RECONSIDERATION

Any Council Member who voted with the majority may move for reconsideration of any action at the same or the next available City Council Meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without the unanimous consent of the City Council.

12.4 TIE VOTES

On a tie vote, a motion requiring a majority vote for adoption is a lost motion. When all Council Members are present, a tie vote on whether to grant an appeal from official action shall be

considered a denial of such appeal, unless City Council takes other action to further consider the matter.

SECTION 13. CONFLICT OF INTEREST

13.1 INTRODUCTION

Occasionally, a Council Member may find himself/herself in a situation which requires that Council Member remove himself/herself from participation in discussion and voting on a matter before the City Council. This situation exists when the Council Member has a “conflict of interest” as defined by the Arizona Conflict of Interest Law. This law establishes minimum standards for the conduct of public officers and employees who, in their official capacity, are, or may become involved with, a decision which might unduly affect their personal interests or those of their close relatives.

13.2 PURPOSE OF CONFLICT OF INTEREST LAWS

The purpose of Arizona’s Conflict of Interest Law is to prevent self-dealing by public officials and to remove or limit any improper influence, direct or indirect, which might bear on an official’s decision, as well as to discourage deliberate dishonesty.

13.3 APPLICABILITY OF THE ARIZONA CONFLICT OF INTEREST LAW

The Arizona Conflict of Interest Law, as now set forth or as amended in the future, applies to all actions taken by Council Members.

13.4 DISCLOSURE OF INTEREST

Any Council Member who may have a conflict of interest should seek the opinion of the City Attorney as to whether a conflict exists under the State law. Any Council Member who has a conflict of interest in any decision must disclose that interest. The Council Member may either file a signed written disclosure statement fully disclosing the interest, or declare the existence of the conflict and the reasons therefore at a City Council Meeting and then ensure that a copy of the Minutes is filed in the Clerk’s Office in the file containing Conflict of Interest disclosures. The Disclosure of the conflict shall include a statement that the Council Member withdraws from further participation regarding the matter. The City Clerk shall maintain for public inspection all documents necessary to memorialize all disclosures of a conflict of interest by a Council Member.

13.5 WITHDRAWAL FROM PARTICIPATION

Having disclosed the conflict of interest and withdrawn in the matter, the Council Member must not communicate about the matter with anyone involved in the decision making process in any manner. Further, the Council Member should not otherwise attempt to influence the decision and should remove himself/herself from the City Council dais while the matter is considered. Failure to disclose any conflict of interest is addressed in Section 13.8 below.

13.6 RULE OF IMPOSSIBILITY

In the unlikely situation the majority of Council Members have a conflict of interest and the City Council is unable to act in its official capacity, Members may participate in the City Council’s decision after making known their conflicts of interest in the official records.

13.7 IMPROPER USE OF OFFICE FOR PERSONAL GAIN

Public officers and employees are prohibited from using or attempting to use their official positions to secure valuable things or benefits for themselves, unless such benefits are part of the compensation they would normally be entitled to for performing their duties.

13.8 SANCTIONS FOR VIOLATIONS

Violations of the conflict of interest provisions set forth herein shall be punished as provided for in state law.

13.9 NON-STATUTORY CONFLICTS OF INTEREST

Occasionally, a Council Member may feel that he/she should ethically refrain from participation in a decision even though the circumstances may not amount to a conflict of interest under the state law described above. It is the policy of the City Council to encourage Council Members to adhere to strongly held ethical values which are exercised in good faith. However, Article II, Section 20 of the City Charter encourages participation in the decision making process unless the matter involves the Council Members personal conduct or a conflict of interest set forth by statute. Therefore, failure to vote on a matter for any reason other than a conflict of interest under state law shall be considered a vote in favor of such matter.

SECTION 14. ELECTION OF VICE MAYOR

In accordance with City Charter Article II, Section 8, the City Council shall designate one of its members as Vice-Mayor who shall serve in such capacity for a two-year term at the pleasure of the City Council. The Vice-Mayor shall perform the duties of the Mayor during the absence or disability of the Mayor. It is the intent of the City Council to select a Vice-Mayor every two years amongst all Council Members who desire to serve in the position. The Vice-Mayor position is intended to be limited to one two-year term; Provided, however, that a Council Member is not prohibited from serving more than one two-year term.

SECTION 15. BOARDS, COMMISSIONS AND COMMITTEES

The City Council may create such boards, commissions and committees as it deems necessary to assist in the conduct of the operation of City government.

15.1 REGULARLY SCHEDULED OR UNSCHEDULED BOARDS, COMMISSIONS AND COMMITTEES

- A. All boards, commissions and committees of the City shall be classified as a regularly scheduled or unscheduled boards, commissions and committees. Regularly scheduled boards, commissions and committees are those that meet on a regularly scheduled basis or may be quasi-judicial in nature. Unscheduled boards, commissions and committees meet on an as called basis.
- B. Regularly scheduled boards, commissions and committees include:
 - 1. Planning Commission
 - 2. Energy, Environment, And Natural Resources Commission
 - 3. Municipal Arts Committee
 - 4. Neighborhood And Family Services Commission
 - 5. Parks And Recreation Advisory Board

- C. Unscheduled boards, commissions and committees:
 - 1. Board of Adjustment
 - 2. Capital Improvement Plan Citizens Committee
 - 3. Judicial Advisory Board
 - 4. Worker's Compensation Trust Board
 - 5. Risk Management Trust Fund Board
 - 6. Public Safety Boards
 - a. Corrections Officer Retirement Pension Board
 - b. Fire Public Safety Personnel Retirement System Board
 - c. Police Public Safety Personnel Retirement System Board
 - d. Volunteer Fire Department Pension Board

- D. Other community group that addresses the needs of the City but are not considered a public body and are not appointed by the City Council, including:
 - 1. Youth Advisory Commission

- E. Any board, commission or committee created shall cease to exist (i) upon the accomplishment of the special purpose for which it was created (ii) when abolished by a majority vote of the City Council or (iii) as dictated by the City Charter.

15.2 RECOMMENDATIONS FOR APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- A. The Mayor may appoint a Council Subcommittee for Boards, Commissions and Committees Appointments. This Subcommittee shall be made up of three Council Members. The Mayor may appoint himself/herself to this subcommittee. If no such subcommittee is appointed, the entire City Council shall conduct interviews and appoint citizens to the various boards, commissions and committees.

- B. The purpose of this Council Subcommittee for Boards, Commissions and Committees Appointments is to interview applicants and recommend to the City Council possible candidates as described in 15.3.

- C. Members of the Avondale Youth Advisory Commission are appointed through an internal departmental process that has been prepared by the Neighborhood and Family Services Department.

15.3 SELECTION OF BOARD, COMMISSION OR COMMITTEE MEMBERS

- A. A call for applications to fill vacant seats to boards, commissions and committees shall be duly published for at least two weeks via government access channel, newspaper advertising, website and other means as available to the City.

- B. Individuals applying for boards, commissions or committees must fill out and submit the City application form to the City Clerk.

- C. The City Clerk will prepare materials and schedule an open meeting during

which the Subcommittee on Boards, Commissions and Committees Appointments may conduct interviews in the format specified by the Council.

- D. After review and consideration, the Council Subcommittee for Board, Commission and Committee Appointments shall deliberate and prepare recommendations for appointment. The City Clerk shall prepare a council report on behalf of the Subcommittee recommending council action to appoint members.
- E. The City Clerk shall notify recommended applicants for the open seat(s) of the recommendation of the Council Subcommittee for Board, Commission and Committee Appointments that he/she is a candidate for appointment. The City Clerk shall request that recommended candidates be present when the recommendation is presented to the City Council as a scheduled Agenda item.
- F. The City Clerk will notify the appointees as to their appointment and the next meeting date of the new member's board, commission or committee. Included in this notification is any official literature, agendas, minutes or other materials specific to the committee, board, or commission appointment.

15.4 QUALIFICATIONS FOR APPOINTMENTS; EMPLOYEES OR APPOINTED OFFICERS AS MEMBERS

- A. All members of boards, commissions and committees shall meet the following minimum qualifications upon their appointment to any board, commission or committee. Each member must be:
 - 1. Eighteen years of age or older, except for members appointed to any board, commission or committee seats designated by City Council for youth representation.
 - 2. An Avondale resident for at least one year, unless the City Council specifically designates to waives time or residency for a specific board, commission or committee.
 - 3. A registered voter, unless (a) the member is a youth member or (b) the registered voter requirement is waived as part of the City Council's appointment of the member.
- B. City employees or appointed officers shall not be eligible for appointment to any boards, commissions, and committee, except for members who are appointed as Mayor's designee. Staff may be requested to provide staff support thereto. Council Members may serve on boards, commissions or committees unless the bylaws of such boards, commissions or committees state otherwise.

15.5 TERMS, VACANCIES, REMOVAL

- A. All members of unscheduled boards, commissions and committees shall serve a term of up to three years, or until the board, commission or committee is dissolved, unless terms are specifically designated by City Council action, Charter language or Arizona Revised Statutes.

- B. For those regularly scheduled boards, commissions and committees, the Member's terms of office shall be staggered so that when possible, no more than the number of members constituting a quorum of the Board, Commission or Committee shall expire in any single year; provided, however, that no staggering of terms shall be required for any board, commission or committee that will be in existence for a single term.
- C. No individual may serve as a voting member on more than two regularly scheduled and one unscheduled board, commission and committee at one time.
- D. A vacancy on a board, commission or committee shall be deemed to have occurred upon the following:
 - 1. Death or resignation of a member of a board, commission or committee.
 - 2. A member ceasing to be an Avondale resident unless the City Council has provided that such member may be a non-resident.
 - 3. Three consecutive unexcused absences by a member from board, commission or committee meetings.
- E. Any board, commission or committee regular or alternate member may be removed as a member of that board, commission or committee upon a vote of not less than five (5) Council Members for any cause as determined by the City Council.
- F. Whenever a vacancy has occurred on one board, commission or committee and no alternate has been appointed as set forth in Section 15.6 below, the Council Subcommittee for Board, Commission and Committee Appointments shall meet to recommend a candidate to complete the remainder of the term. Procedures described in 15.3 above will be used to generate applicants, interview applicants, and make a recommendation. In cases of a vacancy due to the expiration of a member's term, the member shall remain seated until a successor is appointed and qualified.
- G. An individual is limited to two consecutive appointments/reappointments to any one board, commission or committee; provided, however, that the time during which the individual is an alternate shall not count against this term limitation.
- H. An incumbent member of a board, commission or committee seeking reappointment shall submit a new application under the provisions set forth in Section 15.3 above and shall be considered for appointment by the City Council in the same manner as all other applicants for such position.

15.6 ALTERNATES

- A. The City Council may appoint alternates to serve on boards, commissions and committees in the event of vacancy. Such alternates may attend and participate in meetings of the board, commission or committee but shall not vote in such meetings except as provided in section B below. If the City Council appoints more than one alternate for a particular board, commission or committee, the City Council shall designate the alternates as first alternate, second alternate and so

on such that immediately upon a vacancy occurring in a board, commission or committee, the first alternate shall fill such vacancy without the need for further City Council action.

- B. At a board, commission, or committee meeting where a majority of the members are not present and the alternate members are present, the alternate members may be counted to constitute a quorum to conduct the meeting. The alternate members may also vote at the meeting. At a commission meeting where a majority of the members are present to constitute a quorum, the alternate members will not count towards the quorum and may not vote at the meeting. The chair shall decide which alternate member be selected, giving the member with the longest tenure first preference.

15.7 APPLICABILITY OF THE ARIZONA OPEN MEETING LAW

All boards, commissions and committees are subject to the Arizona Open Meeting Law with the exception of the Youth Advisory Commission as they are not appointed by the Mayor with the approval of the City Council.

15.8 RESIDENCY REQUIREMENTS

Planning Commission, Board of Adjustment, and Personnel Board of Appeals members shall be residents of the City of Avondale. Any other boards, commissions or committees may have members who are not residents of the City of Avondale at the discretion of the City Council or as specified in the bylaws of the board, commission or committee; provided, however, that the majority of the members of any such board, commission or committee shall be residents of the City of Avondale.

SECTION 16. COUNCIL BUDGET, EXPENSES AND TRAVEL

- A. Council Members shall adhere to the adopted City of Avondale travel policy except as otherwise set forth herein.
- B. The City Council shall adopt, as part of the annual budget, specific travel budget amounts for each Council Member. The City Council may also establish a fund from which an individual Council Member may draw additional travel funds upon approval of the City Council acting upon an item listed upon a duly published Agenda and taking place an Open Public Meeting.

SECTION 17. CODE OF ETHICS

(RESERVED)

SECTION 18. COUNCIL RELATIONS

18.1 COUNCIL EXPECTATIONS OF THE CITY MANAGER'S OFFICE/MANAGEMENT STAFF

- A. Staff members agree that Council Members deserve the highest level of professional support that staff can offer.

- B. Staff should treat Council Members equally by providing them with the same access to City-related information.
- C. Staff will ensure that the City Manager's Office is updated on Council relations.
- D. The City Manager's Office will implement Council-adopted goals and objectives.
- E. The City Manager's Office will assign the appropriate management staff to Council-related projects outside of Council-adopted goals; ensuring professional attention is given to the project and avoid creating duplicate efforts among staff.
- F. The City Manager's Office will make commitments to support Council Members on a first come, first serve basis, as staff is balancing the needs of several Council Members. The City Manager's Office will assign back-up support to mediate need conflicts as they arise.
- G. Final solutions and follow-up actions by staff on a Council project will depend upon the situation, yet will be agreed upon by the Council representative and staff when the project is assigned by the City Manager's Office.
- H. The City Manager's Office will ensure that staff will return contact from Council Members as soon as possible that day, but under any circumstances within 24 hours.
- I. Staff should treat Council Members with consideration and respect.

18.2 COUNCIL COMMITMENTS TO STAFF

- A. Council Members will always distinguish between City-related work and personal interest/political work, and understand that it is inappropriate for staff to become involved in the latter.
- B. Council Members will be aware of conflicts of interest and will seek feedback from the City Manager/City Attorney when in doubt.
- C. When a Council Member serves on a committee and desires agenda briefings/action minutes to be recorded, the Council Member will notify the City Manager's Office as soon as possible to establish a schedule for this support.
- D. When a Council Member serves on a Committee and cannot make a meeting where formal action is to be taken, the Council Member will notify the City Manager's Office as soon as possible, who will then work with the rest of Council to find a voting substitute and prepare that Council Member for the meeting.
- E. Council understands that the entire Council will be briefed through staff on the outcome of a City-related meeting they are attending, be it a regional organization's meeting or a meeting with an individual elected official.
- F. Council Members will attempt to contact the City Manager's Office with concerns/questions they have about items in advance of a Council Meeting.

RESOLUTION NO. 1099-1024

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE CITY COUNCIL RULES OF PROCEDURE, SECTION 6.10 (BUSINESS ITEMS AND SECTION 10.4 (LIMITATION REGARDING PUBLIC COMMENT AND REPORTS) RELATING TO PROPER DECORUM AND CONDUCT DURING CITY COUNCIL MEETINGS.

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

SECTION 1. The City of Avondale, City Council Rules of Procedure, Section 6.10, (Business Items), subsection (D), is hereby amended to read as follows:

- D. Proper decorum must be observed by council members, by speakers providing testimony and remarks and by the audience. In order to conduct an orderly business meeting, the presiding officer shall keep control of the meeting and shall require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests or other conduct that disrupts or interferes with the orderly conduct of the business of the meeting. ~~Personal attacks on council members, city staff or members of the public are not allowed. It is inappropriate to utilize the public hearing or other agenda item for the purpose of making political speeches, including threats of political action.~~ Engaging in such conduct and failing to cease such conduct upon request of the presiding officer will be grounds for ending a speaker's time at the podium or, at the direction of the presiding officer, for removal of any disruptive person from the council chambers.

SECTION 2. The City of Avondale, City Council Rules of Procedure, Section 10.4, (Limitation Regarding Public Comment and Reports), subsection (C), is hereby deleted in its entirety and subsection (D) is renumbered as subsection (C):

- ~~C. Oral communications during the City Council Meeting may not be used to lodge charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference that tends to identify him. Any such charges or complaints against employees shall be submitted during normal business hours to the City Manager for appropriate action.~~

DC. By policy, the City Council will refrain from commenting on the remarks given during “Unscheduled Public Appearances” but may direct staff to prepare a discussion or action agenda item at a future City Council meeting.

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, October 7, 2024.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Sarmiento, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

ITEM NUMBER: 4.e.

SUBJECT: Resolution 1100-1024 - First Amendment to the Intergovernmental Agreement with Maricopa County for Additional American Rescue Plan Act Funds for the Construction of Bridge Housing

MEETING DATE: 10/7/2024

TO: Mayor and Council

FROM: Christopher Lopez, Director of Neighborhood and Family Services

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:

- Public Health and Safety - Avondale is a city where all people feel safe and secure, relying on trusted public and community-based resources. This agreement will serve to establish safe and healthy housing with support services for Avondale families experiencing homelessness.
-

PURPOSE:

City Council will consider a request to adopt Resolution 1100-1024, approving Amendment 1 to the Intergovernmental Agreement with Maricopa County Human Services Department to increase funding by \$286,061 (\$1,986,061 in total) toward the development of bridge housing for families in Avondale 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 July 5, 2021, City Council approved \$650,000 in funding for the development of a Family Bridge Housing project with four (4) to five (5) two-bedroom, single family units. On December 7, 2021, the City entered into an agreement with a Design-Build General Contractor selected by competitive process for the design and construction of three (3) Bridge Housing units. The budget for the project was increased by City Council for the Fiscal Year 2023 budget to a total of \$750,000. On August 24, 2022, the project was paused due to supply chain difficulties, rising construction costs and contractor performance, leaving a remaining project budget of \$640,000.

In October 2022, the Maricopa County Human Services Division approached Neighborhood and Family Services with funding available for development of shelter, including bridge housing. There are currently no shelter options for families with minor children in Avondale or the West Valley.

On April 4, 2023, City Council approved Resolution 1016-0423 and entered an Intergovernmental Agreement

with Maricopa County Human Services Department for \$1,700,000 for the design and construction of six (6) units of low-barrier bridge shelter for families, serving up to 10 families annually.

On May 20, 2024, Council approved an Administrative Change order related to delays in procurement, allowing for an updated project schedule.

DISCUSSION:

The County shall provide the Subrecipient with an increase of \$286,061 in American Rescue Plan Act (ARPA) ALN 21.027 funds, revising the Agreement's total amount to \$1,986,061. The additional funds will be used to improve building materials to meet durability expectations. The durable materials will include doors, flooring, kitchen, and bathroom finishes. Improving materials will prolong use, reduce repair and care costs, and ensure a safe and suitable environment for families recovering from homelessness.

BUDGET IMPACT:

If approved, the City will accept an additional \$286,061 in project funds from Maricopa County which will increase the total agreement amount to \$1,986,061. The \$286,061 will increase the Bridge Housing project (M0176) total project budget and award authority to \$2,736,061. A budget transfer from the unanticipated revenue line item is needed to appropriate the additional funds from the county.

RECOMMENDATION:

Staff recommend that City Council adopt a Resolution approving Amendment 1 to the Intergovernmental Agreement with Maricopa County Human Services Department to increase funding by \$286,061 (\$1,986,061 in total) toward the development of bridge housing for families in Avondale and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: Brian Planty

RESOLUTION NO. 1100-1024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY TO PROVIDE ADDITIONAL AMERICAN RESCUE PLAN ACT FUNDS FOR THE CONSTRUCTION OF BRIDGE HOUSING.

WHEREAS, the City of Avondale (the “City”) and Maricopa County (the County”) entered into a Subrecipient Agreement, dated on or about April 12, 2023; for the County to provide \$1,700,000 for the construction of bridge housing; and

WHEREAS, the City and County entered into Administrative Change Order No. 1 on or about May 30, 2024, revising the timeline for construction of the project; and

WHEREAS, the City and County now wish to enter into an Amendment No. 1 to increase the amount of funds provided by the County for construction of the project from \$1,700,000 to \$1,986,061.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE AS FOLLOWS:

SECTION 1. Amendment No. 1 to the Intergovernmental Agreement between the City and County, administered by its Human Services Department, to increase the amount of American Rescue Plan Act funds provided to the City for the construction of bridge housing from \$1,700,000 to \$1,986,061 (the “Amendment”), is hereby approved in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

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

[SIGNATURES ON FOLLOWING PAGE]

PASSED, AND ADOPTED by the City Council of the City of Avondale, Arizona,
October 7, 2024.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Sarmiento, City Clerk

APPROVED AS TO FORM:

Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1100-1024

[Amendment No. 1]

See following pages.

**AMENDMENT NO. 1 TO THE
CONTRACT
BETWEEN
MARICOPA COUNTY
ADMINISTERED BY ITS HUMAN SERVICES
DEPARTMENT
AND
THE CITY OF AVONDALE.**

- I. Maricopa County ("County") administered by its Human Services Department and the City of Avondale ("City" or "Subrecipient") entered into a financial agreement ("Agreement") on or about April 12, 2023. The Agreement term is April 12, 2023, through June 30, 2026. The purpose of the Agreement is for the Subrecipient to construct a building for the purpose of providing bridge housing to families experiencing homelessness. The construction of the property shall generate 6 units. These units shall serve up to 10 families experiencing homelessness annually. The County provided the Subrecipient with \$1,700,000 in American Rescue Plan Act (ARPA) funds under Assistance Listing Number (ALN) 21.027. The County and the Subrecipient may be referred to individually as "Party" or collectively as "Parties."

The Parties executed Administrative Change Order No. 1 on or about May 31, 2024. The purpose of the Administrative Change Order was to revise the timeline of the project. The last day of the revised schedule remained within the Agreement term.

- II. The Parties now agree to amend the Agreement as follows:

- A. The County shall provide the Subrecipient with an increase of \$286,061 in ARPA ALN 21.027 funds, revising the Agreement total amount to \$1,986,061. The additional funds will be used to improve building materials to meet durability expectations. The durable materials will include doors, flooring, kitchen, and bathroom finishes. Improving materials will prolong use, reduce repair and care costs, and ensure a safe and suitable environment for families recovering from homelessness.
- B. Revise Paragraph 6.0 (Funding), by removing in its entirety and replacing with the following:

6.0 FUNDING

The County shall provide the Subrecipient with \$1,986,061 in ARPA funds under Assistance Listing Number (ALN) 21.027 provided to the County through the U.S. Department of the Treasury.

- C. Revise Paragraph 13.0 (Notices) by updating the County contact with the following:

13.0 NOTICES

For Maricopa County:
Human Services Department
Community Resilience Division
TJ Reed, Assistant Director
Tj.Reed@maricopa.gov
602-506-4841
234 N. Central Ave, 3rd Floor
Phoenix, AZ 85004

- D. Revise Paragraph 36.0 (Agreement Compliance Monitoring/Auditing) by removing Subparagraph 36.2.14 to correct a typographical error.
- E. Add the following Paragraph to the Agreement:

57.0 PROVISIONS REQUIRED BY LAW

Each and every provision of law and any clause required by law to be in this Agreement will be read and enforced as though it were included herein and, if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either party, this Agreement will promptly be physically amended to make such insertion or correction.

- F. Revise Exhibit A-Statement of Work to address the following:

1. Update the County funding total in Paragraph 4.0 (Budget Sources) with the following:

FUND SOURCES	
SOURCES	TOTAL
Maricopa County-ARPA	\$1,986,061
City of Avondale	\$613,000

2. Delete Paragraph 5.0 (Budget Summary) in its entirety and replace with the attached budget.

- III. Under A.R.S. §38-511, the Parties may cancel this Agreement without penalty of further obligation within three years after execution of this Agreement if any person significantly involved in initiating, negotiating, securing, drafting, or creating this Agreement on behalf of the County is, at any time while this Agreement or any extension is in effect, an employee or agent of any other party to the Agreement in any capacity or consultant to any other party of this Agreement with respect to the subject matter of this Agreement.
- IV. The Agreement is amended to incorporate the changes contained in this Amendment No. 1. All other terms and conditions of the Agreement remain in full force and effect as approved, amended and executed by the Parties.

V. The Parties have authorized the undersigned to execute this Amendment No. 1 on their behalf.

IN WITNESS, the Parties have approved and signed this Amendment No. 1:

APPROVED BY:
CITY OF AVONDALE

APPROVED BY:
MARICOPA COUNTY

Mayor Date

Jack Sellers, Chairman Date
Board of Supervisors

Attested To:

Attested To:

City Clerk Date

Juanita Garza, Date
Clerk of the Board

IN ACCORDANCE WITH A.R.S. §§ 9-240, 9-500.11, 11-952, AND 46-241, ET SEQ., THIS AMENDMENT NO. 1 HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY WHO HAS DETERMINED IT IS PROPER IN FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO THE CITY OF AVONDALE UNDER THE LAWS OF THE STATE OF ARIZONA.

IN ACCORDANCE WITH A.R.S. §§ 11-201, 11-251, AND 11-952, THIS AMENDMENT NO. 1 HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY WHO HAS DETERMINED IT IS PROPER IN FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO MARICOPA COUNTY UNDER THE LAWS OF THE STATE OF ARIZONA.

APPROVED AS TO FORM:

APPROVED AS TO FORM:

BY: _____
Attorney for the City Date

BY: _____
Deputy County Attorney Date

Amendment 1			
BUDGET SUMMARY			
Name of Activity: Bridge Housing			
Acquisition Costs	TOTAL COST	City Contribution	County ARPA Funds
Land	-	-	-
Building Acquisition	-	-	-
Other: taxes, title, recording	-	-	-
TOTAL	-	-	-
Construction Costs			
Construction Hard Costs- Residential	1,250,000	-	1,250,000
Construction Costs- Nonresidential	400,000	-	400,000
Contractor OH, Profit, and Gen. Conditions	243,500	176,000	67,500
Hard Costs Contingency	200,000	-	200,000
Environmental- inspection and remediation	15,000	-	15,000
Demolition Inc. Architect	-	-	-
Site Planning Inc. Const	-	-	-
Architect Fees (@10% of Const Hard Costs	176,406	136,000	40,406
Soft Cost Contingency (@10% of soft costs	29,155	16,000	13,155
TOTAL	2,314,061	328,000	1,986,061
Design Costs			
Engineering Fees	50,000	50,000	-
Survey, Permit, Tests	150,000	150,000	-
Accounting and Cost Certification	15,000	15,000	-
Developer's Fee	70,000	70,000	-
TOTAL	285,000	285,000	-
Grand Total	2,599,061	613,000	1,986,061

ITEM NUMBER: 5.a.

SUBJECT: Solid Waste and Recycling Program Update

MEETING DATE: 10/7/2024

TO: Mayor and Council

FROM: Kirk L. Beaty, Public Works Director

THROUGH: Katie Gregory, 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:

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

The Public Works Solid Waste Division continues to adapt to the growing needs of Avondale's residents. By taking proactive operational measures, the City is able to continue to provide cost effective essential services.

PURPOSE:

Staff will provide an update to City Council regarding the City's Solid Waste and Recycling Program. This item is for discussion and feedback only; no Council action will be taken.

BACKGROUND:

In January 2023 the Public Works Solid Waste Division provided an update to City Council on the findings from a Solid Waste Operational Study that was conducted by the consultant NewGen Solutions & Strategies, which included reviewing current practices and identifying opportunities for improvements that would aid in meeting the current and future demand for solid waste and recycling services while at the same time controlling program costs and fee increases to modest levels. All recommended operational changes have been implemented since that update:

- 10-hour workdays providing services 5 days a week
- Rotating 4/10 staff work schedule
- Redistribute bulk trash collection zones to even out workload
- Provide services on all "non-major" holidays
- Hired additional heavy equipment mechanic
- Updated Solid Waste Chapter 11 code

In addition to implementing the recommended changes, the Solid Waste Division updated the Solid Waste Fee

Schedule establishing fees for replacement cans and courtesy collections and implemented a new solid waste management software that aides drivers with their collection routes, identifies code violations and provides clear communication between equipment operators, supervisors, and customer service personnel. Leveraging available technology like management software, GPS vehicle tracking, and video camera monitoring on collection equipment, and establishing secondary fees, has helped improve operational efficiency by reducing secondary collection (a.k.a. "courtesy") services when residents miss collection days or want cans replaced that have only minor or repairable damage.

The recycling program was also enhanced with the establishment of a recycling drop-off center located on the Civic Center campus. This center was established in part with a grant from the Arizona Department of Environmental Quality (ADEQ) with the focus on making recycling more available to Avondale residents living in multi-family developments where curbside or on-site recycling programs do not exist. While this program has slightly increased the overall solid waste program operating costs, the drop-off center has demonstrated success with regular use by residents and collection of high-quality recyclable material with little to no contamination.

While the noted changes to the Solid Waste and Recycling Program have improved efficiency and enabled the absorption of rising operating costs with only modest fee increases, ongoing market volatility in the recycling industry, rising costs for landfill services, increased costs for equipment, and the ongoing growth of the City continues to place operating and economic pressures on the City's Solid Waste and Recycling Program. After almost one and a half years since implementing operational changes, additional opportunities have been identified to improve operational efficiencies to control program costs as the City continues to grow.

DISCUSSION:

The Public Works Solid Waste Division has been experiencing growth in service needs and increases in costs to deliver services. Over the last two fiscal years, over 1,700 new home builds have been added to the Solid Waste Division's service routes and more new homes are added monthly. Additionally, costs have increased in the following areas:

- Landfill: 13% increase in the last two years
- Recycling: 64% increase in the last two years
- Equipment Costs: 48% increase in the last two years

Although the operational changes that were implemented allowed the program to absorb these increasing costs with only modest fee increases, further changes are required to keep costs down and limit the extent of increased fees as much as possible as the program continues to deal with growth and economic pressures.

Information on four impact areas will be provided for Council's consideration:

- Recycling market trends
- Pending environmental fees impacting landfill costs
- Management of the bulk trash collection program
- Proposed changes to curbside trash and recycling service schedules to provide for more efficient use of personnel and equipment resources while accommodating residential growth at the far north and far south limits of the City

This information and the following discussion will help set the stage for the upcoming utility rate and fee study and subsequent operating budget discussions related to the Solid Waste and Recycling Program.

BUDGET IMPACT:

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

RECOMMENDATION:

This item is for discussion only.

Contact person for document distribution: Harold Siguenza, Simon Lara, Suzie Hunter