



City of Avondale
City Council Meeting
Monday, October 7, 2019

Mayor and Council

Kenn Weise, Mayor

Pat Dennis, Vice Mayor

Tina Conde, Council Member | Bryan Kilgore, Council Member
Veronica Malone, Council Member | Curtis Nielson, Council Member
Mike Pineda, Council Member

Administration

Charles A. Montoya, City Manager
Gina Montes, Assistant City Manager
Michael Wawro, City Attorney
Marcella Carrillo, City Clerk

City Council Chambers

11465 West Civic Center Drive
Avondale, AZ 85323



City Council Meeting
Agenda
Monday, October 7, 2019

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

WORK SESSION
6:30 PM

CALL TO ORDER BY MAYOR

1. ROLL CALL BY THE CITY CLERK

2. FEDERAL LEGISLATIVE UPDATE

City Council will receive an update from Capital Edge regarding Avondale's legislative priorities, as well as an update on recently proposed federal policies. For information and discussion only.

3. ADJOURNMENT

Request to Speak: Anyone wishing to address the Council regarding items listed on the agenda or under unscheduled public appearance should fill out a card located at the back of the Council Chambers and hand it to the City Clerk prior to consideration of that agenda item.

REGULAR MEETING

7:00 PM

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

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

2. UNSCHEDULED PUBLIC APPEARANCES

(Limit three minutes per person. Please state your name.)

3. RECOGNITION ITEMS (MAYOR PRESENTATIONS)

a. RECOGNITION OF AVONDALE CITIZEN WATER ALLIANCE ACADEMY GRADUATES

The City Council will recognize the participants of the Public Works Department's first Avondale Citizen Water Alliance (ACWA) Academy.

b. PROCLAMATION - 2019 COMMUNITY PLANNING MONTH

Mayor and Council to issue a Proclamation recognizing the month of October 2019 as Community Planning Month in the City of Avondale

4. CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the City Council and 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 August 12, 2019 City Council Meeting Minutes. The Council will take the appropriate action.

b. ACQUISITION OF CONTROL FOR A SERIES 12 LIQUOR LICENSE - EL TATAKI MEXICAN & TRADITIONAL SUSHI RESTAURANT

City Council will consider a request to approve an application for an Acquisition of Control of a Series 12 (Restaurant) Liquor License submitted by Manuel De Jesus Herrera Jr. to sell all spirituous liquors at El Tataki Mexican & Traditional Sushi located at 10685 West Indian School Road Suite K, in Avondale and authorize the Mayor and City Clerk to execute the necessary documents. The Council will take appropriate action.

c. FISCAL YEAR 2019-2020 BUDGET CONTINGENCY ADJUSTMENTS

City Council will consider a request to approve various budget amendments to the Fiscal Year (FY) 2019-2020 budget. The City Council will take appropriate action.

d. GENERAL FUND CONTINGENCY TRANSFER FOR PURCHASE AND INSTALLATION OF SECURITY EQUIPMENT

City Council will consider a request to approve a General Fund Contingency Transfer in the amount up to \$40,000 for the purchase and installation of security cameras for City facilities and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. RESOLUTION 3588-1019 - BYLAWS OF THE PARKS AND RECREATION ADVISORY BOARD

City Council will consider a request to adopt Resolution 3588-1019 amending the bylaws of the Parks and Recreation Advisory Board removing all references of the libraries and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. ORDINANCE 1706-1019 - ROOSEVELT IRRIGATION DISTRICT AGREEMENT & PERPETUAL EASEMENT FOR NORTH AVONDALE WATER SUPPLY PROJECT

City Council will consider a request to adopt Ordinance 1706-1019, for an Agreement and dedication of a Perpetual Easement with the Roosevelt Irrigation District (RID) for Avondale to operate, construct and maintain water lines and associated facilities across RID right of way and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

5. ADJOURNMENT

Council Members of the City of Avondale will attend either in person or by telephone conference call.

Los miembros del Concejo de la Ciudad de Avondale participaran ya sea en persona o por medio de llamada telefonica.

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.

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.

CITY COUNCIL REPORT

SUBJECT: Federal Legislative Update

MEETING DATE: 10/7/2019

TO: Mayor and Council

FROM: Jessica Blazina, Intergovernmental Affairs Administrator, (623) 333-1612

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will receive an update from Capital Edge regarding Avondale's legislative priorities, as well as an update on recently proposed federal policies. For information and discussion only.

BACKGROUND:

In July 2015, the Avondale Council approved the City's contract with Capital Edge, Inc. for federal advocacy services. Capital Edge, a Washington, D.C. based advocacy and consulting firm, specializes in representing municipal government, and has represented Avondale's interests at the federal level since December 2009.

DISCUSSION:

Capital Edge's services to the city include:

- Advocating for (or opposing) legislation that may impact the City
- Identifying and promoting pertinent federal grant opportunities
- Influencing the regulatory activities of federal agencies
- Serving as a liaison between the City and the congressional delegation
- Promoting City priorities with national local government organizations

Some recent issues on which Capital Edge has worked include: passage of a five-year reauthorization of federal highway and transit programs known as the "FAST Act;" supporting funding in annual federal budgets for important local government programs such as Community Development Block Grant (CDBG) and HOME Investment Partnership from the U.S. Department of Housing and Urban Development (HUD) and the Community Oriented Policing Services (COPS) program at the Department of Justice and federal investments in water infrastructure through the Environmental Protection Agency (EPA); opposing federal infringement on local zoning and regulation; promoting consideration of legislation to allow states and local governments to collect sales taxes on out-of-state online purchases; and opposing efforts to eliminate or scale back the tax-exempt status of municipal bonds. Capital Edge's Washington, D.C. presence continues to serve as a valuable resource in arranging meetings for Avondale officials with offices of the City's congressional delegation in Washington, D.C.

Recent activities by Congress and the President will shape what is to come for local governments for the remainder of 2019 and 2020. Capital Edge will discuss how these policies and others may affect Avondale.

Some of these matters include:

- FY 2019 budget highlights
- Infrastructure package
- Federal regulatory issues
- Law enforcement and immigration
- Lands and Conservation
- Comprehensive tax reform/municipal bonds
- Federal intrusion on local control
- Opportunity Zones

BUDGET IMPACT:

There is no budgetary impact.

RECOMMENDATION:

This item is for information and discussion.

CITY COUNCIL REPORT

SUBJECT: Recognition of Avondale Citizen Water Alliance Academy Graduates

MEETING DATE: 10/7/2019

TO: Mayor and Council

FROM: Cindy Blackmore, Public Works Director, (623) 333-4410

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

The City Council will recognize the participants of the Public Works Department's first Avondale Citizen Water Alliance (ACWA) Academy.

BACKGROUND:

The 2019 ACWA Academy is the first held by the Public Works Department and was created to educate consumers on all aspects of the Water and Wastewater systems and build a community based legion of knowledgeable users and advocates. Participants engaged directly with water professionals who plan, build, protect and deliver services for water and wastewater infrastructure. The classes included in-house presentations and behind-the-scenes tours of water production, water treatment, water distribution, sewer, wetlands, water reclamation and aquaculture facilities. Participants learned where their water comes from, how its treated, delivered, reclaimed and funded through water rates. They received a first-hand look at the specialized tools, equipment and processes necessary to properly operate and maintain the water and sewer systems. Once graduated, participants become a member of the Avondale Citizen Water Alliance.

DISCUSSION:

Citizens and business members participated in a hands-on, interactive, highly informative series of four, two and a half hour sessions devoted to the intricate and specialized world of water and wastewater. The ACWA Academy is an opportunity for members of the community to learn how their essential water and wastewater services are delivered and the diverse group of highly trained professional required to operate and maintain them. As members of the Alliance, graduates will continue to be informed of Water and Wastewater activities, events and information to foster an ongoing relationship and build a growing base of knowledgeable users and advocates for conservation and community engagement. The City would like to recognize the following members of Public Works inaugural ACWA Academy for their time, energy and enthusiasm and welcome them as the first members of the Avondale Citizen Water Alliance:

- | | | | |
|---------------------|------------------|---------------------|---------------------|
| • Maxine DeLaRosa | • Katherine Hall | • Charles Morrison | • Ace Santana |
| • Beatrice Furmanek | • Timothy Hayes | • Tiffany Peroutka | • Alan Tew |
| • Mark Gage | • Heather Hendon | • James Roderick | • Melissa Valdez |
| • Stephanie Gage | • Mitch James | • Elizabeth Rothner | • Michael Worringer |
| • Louisa Gomez | • Naomi Lake | • Rachel Stringham | • Larry White |
| • Vicki Hendon | • Teresa Montano | • Patty Rudolfo | • Marsha White |
| | | | • Maureen Wilson |

BUDGET IMPACT:

The Public Works Department plans to continue to invest approximately \$3,000 in the public awareness and information program. Existing funds will be used to cover the costs.

RECOMMENDATION:

The Mayor and Council are asked to recognize and congratulate the graduating members of the 2019 Avondale Citizens Leadership Alliance Academy inaugural class.

CITY COUNCIL REPORT

SUBJECT: Proclamation - 2019 Community Planning Month

MEETING DATE: 10/7/2019

TO: Mayor and Council

FROM: Tracy Stevens, Development & Engineering Services Department Director

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

Mayor and Council to issue a Proclamation recognizing the month of October 2019 as Community Planning Month in the City of Avondale

BACKGROUND:

Established in 2006, National Community Planning Month is celebrated each October as a way to highlight the role of 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.

DISCUSSION:

Planning can be defined as comprehensive, community-focused, and enhancing choices. While many people may not realize it, 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; 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 opportunity to spotlight the key role local government planning and development professionals have in City of Avondale's current and future growth.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION:

The Development and Engineering Services Department recommends that Council issue a proclamation recognizing the month of October 2019 as Community Planning Month.



COMMUNITY PLANNING MONTH PROCLAMATION

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

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work, live, play, and shop; 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 and its professional institute, the American Institute of Certified Planners, endorse 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 Commission, 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 & Engineering 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 2019 is hereby designated as **Community Planning Month** in the City of Avondale in conjunction with the celebration of National Community Planning Month.

Adopted this 7th day of October, 2019.

Chief Elected Official

(SEAL)

Clerk

CITY COUNCIL REPORT

SUBJECT: Minutes

MEETING DATE: 10/7/2019

TO: Mayor and Council

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

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to approve the August 12, 2019 City Council Meeting Minutes. The Council will take the appropriate action.

BACKGROUND:

n/a

DISCUSSION:

n/a

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

Staff recommends City Council approval of the August 12, 2019 City Council Meeting minutes.

MINUTES OF THE AVONDALE CITY COUNCIL
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
August 12, 2019

A **Special Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 Civic Center Drive in open and public session at 5:33 p.m.

Members Present: Mayor Kenn Weise; Vice Mayor Pat Dennis; Council Members Tina Conde, Bryan Kilgore, Veronica Malone, Curtis Nielson, and Mike Pineda.

Note: Mayor Weise participated by telephone.

Members Absent: None.

Other Municipal Officials Present: Gina Montes, Assistant City Manager; Tracy Stevens, Deputy City Manager; Michael Wawro, City Attorney; Marcella Carrillo, City Clerk; David Jones, Police Sergeant; and Dale Nannenga, Police Chief.

Audience: No members of the public were present.

1 ROLL CALL BY THE CITY CLERK

2 EXECUTIVE SESSION

The Council held an executive session pursuant to: (a) Ariz. Rev. Stat. § 38-431.03(A)(2) to conduct a security threat training and to discuss records exempt by law from public inspection, including the discussion of information that is specifically required to be maintained as confidential by state or federal law.

3 ADJOURNMENT

Council Member Kilgore moved to adjourn the meeting into Executive Session; Council Member Pineda seconded the motion.

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

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

Meeting adjourned at 5:34 p.m.

A **Work Session** of the City Council of the City of Avondale, Arizona was convened at 11465 Civic Center Drive in open and public session at 6:16 p.m.

Members Present: Mayor Kenn Weise; Vice Mayor Pat Dennis; Council Members Tina Conde, Bryan Kilgore, Veronica Malone, Curtis Nielson, and Mike Pineda.

Note: Mayor Weise participated by telephone.

Members Absent: None.

Other Municipal Officials Present: Gina Montes, Assistant City Manager; Tracy Stevens, Deputy City Manager; Michael Wawro, City Attorney; Marcella Carrillo, City Clerk; Cindy Blackmore, Public Works Director; Jessica Blazina, Intergovernmental Affairs Administrator; Kirk Haines, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Police Chief; Cherlene Penilla, Human Resources Director; Larry Rooney, Acting Fire Chief; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Community Relations and Public Affairs Director.

Audience: Approximately two members of the public were present.

1 ROLL CALL BY THE CITY CLERK

2 PARKS PLANNING AND MAINTENANCE UPDATE

Kirk Haines, Parks and Recreation Director, presented a one-year progress report on park maintenance and operations, as well as planned park improvements for the coming year.

Mr. Haines provided the following presentation:

- The Parks Master Planning and Maintenance plan was updated approximately three years ago as part of an overall Master Plan update. Approximately two years ago, City Council approved capital funding for parks improvements and maintenance.
- Las Ligas Park was a capital improvement focus two years ago.
- Fred Campbell Park, Mountain View Park, DeConcini, and Dessi Lorenz were capital improvement focus areas for fiscal year 2018-2019.
- Improvements focused on lighting, security, picnic shelters, basketball court surfaces, sidewalks, turf areas, shade structures, restrooms, and irrigation systems.
- Photos of improvements and an overview of the improvements were presented.
- Problem areas at all parks include trash maintenance, standing water, and gophers.
- Signage within the parks are being updated to include the new branding as well as updated park rules.

Council Member Kilgore thanked Mr. Haines for the presentation, for the hard work it took to solve the problems within the parks, and for listening to the concerns of Council and the residents. In relation to the updates to the basketball courts at Friendship Park, Council Member Kilgore asked that staff consider installing a water fountain within the

area. Lastly, Council Member Kilgore thanked Mr. Haines for tending to the dog park as he received several inquiries from residents regarding that matter.

Council Member Conde was glad to see Mountain View Park has sustained its revitalization and liked the upgraded benches and trashcans. She expressed her appreciation for the extra lighting as there was a lot of activity in the evening at a recent visit to the park. Council Member Conde asked if Friendship Park was the only park experiencing issues with gophers. Mr. Haines explained that Festival Fields and Friendship Park have regularly scheduled pest control and several neighborhood parks have intermittent pest control scheduled to address the gopher issues. He explained Dessi Lorenz, DeConcini, and Mountain View Park receives pest control services more frequently than the other parks. Council Member Conde inquired on the directional arrows on the street within Friendship Park to help address traffic flow. Mr. Haines explained there has been a divider within the road with arrows at the entrance of the park to help direct traffic. Council Member Conde explained her concern is after motorists go right, they are then confused on where to go. She requested a continued discussion with staff to show her concerns in more detail at a later date.

Council Member Nielson thanked Mr. Haines as well as his staff who contributed to the park improvements. He asked that Mr. Haines express Council's appreciation to staff for their hard work and dedication to this project.

Mayor Weise commented that Dessie Lorenz Park is a point of pride for the City of Avondale. He expressed thanks to staff for their continuing improvement efforts.

Council Member Malone expressed amazement with the great strides that have been made to improve the neighborhood community parks and bring the community back to what it used to be.

Council Member Pineda commented on the proactive steps that are being taken within the parks. He commended staff for addressing the dust problem at Friendship Park. Council Member Pineda commended staff and stated that both Council and the community are noticing their efforts.

Vice-Mayor Dennis stated the parks are a point of pride for Council and commented on the investment made into the parks. She requested that a list of completed park improvements as well as an ongoing pending improvements list be provided to Council on an ongoing basis.

3 RESOURCE CENTER BUILDING ELEVATIONS

Christopher Lopez, Neighborhood and Family Services Department Director, presented the elevations for the new Resource Center.

Mr. Lopez provided the following presentation:

- Purpose of the presentation is to provide an update regarding the design process, share elevation designs, discuss timelines and next steps for the project.

- Core values for the Resource Center are to create a welcoming, friendly, and warm environment that will set the tone as people step into the community.
- Key features of the Resource Center include ample parking, great views, outdoor space, a walking path, seating nodes, covered barbeque area, and a garden.
- The facility is designed to have a welcoming grand entrance.
- The entrance is to include a pedestrian promenade with a palette inspired by the surrounding natural environment.
- Design is anticipated for completion in December 2019, construction to begin in January 2020, and project completion in Fall 2020.

Council Member Malone suggested putting a privacy wall or safety feature in the area of the dining room. Mr. Lopez stated he would bring that recommendation back to the architects, explaining a privacy film could be added to the dining room windows to add privacy but also allow for natural light. Council Member Malone thanked Mr. Lopez for taking into consideration the feedback from Council.

Council Member Pineda thanked Mr. Lopez for the presentation and commented on the modern building architecture. He stated the attendees will appreciate the building and he explained this building sets the tone on where the city is going in the future.

On behalf of Mayor Weise, Vice Mayor Dennis stated he did not have any comments but wanted to share that he was very happy with the results of the building.

Council Member Kilgore complimented the design and layout of the plan. As an artist himself, he expressed his appreciation for the images from the graphic artist which made the plan feel in motion. He stated the plan creates a vision that speaks volumes on what Avondale cares about which are the seniors, who are not to be forgotten. Lastly, he expressed his appreciation for Mayor Marie's name on the building and thanked staff for the good work.

Council Member Conde thanked Mr. Lopez for the presentation. She inquired on if artificial turf will be used within the large grass area. Mr. Lopez stated the area enclosed within the walking path will be actual turf, but staff are still working with the landscaping architect on that aspect. She suggested that benches be added to the turf areas to allow seating to the seniors who may not be able to sit on the floor. She also suggested charging stations be added outside. Lastly, she requested designated veteran parking spots be added. Mr. Lopez explained benches will be added outside near the walking path and staff are exploring the idea of charging stations outside.

Council Member Nielson inquired if the conceptual drawings would be presented at the senior center to allow them something to look forward to. Mr. Lopez said that staff give periodic updates at the senior center and to other community partners.

Vice-Mayor Dennis inquired on the potential of covered parking. Mr. Lopez explained covered parking is not included within the existing plan and budget, but it is something that can be explored in the future. Vice Mayor Dennis expressed interest in solar parking structures as well as electric car charging stations. Mr. Lopez explained staff are currently

exploring the concept of car charging stations but at the very least, the infrastructure will be included for future charging stations.

Council Member Malone echoed the comments by Vice Mayor Dennis, stating covered parking should be included in the initial design.

4 ADJOURNMENT

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

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

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

Meeting adjourned at 7:05 p.m.

A Regular Meeting of the City Council of the City of Avondale, Arizona was convened at 11465 Civic Center Drive in open and public session at 7:15 p.m.

Vice Mayor Dennis led the Pledge of Allegiance followed by a moment of silent reflection in remembrance of the victims in El Paso, Texas and Dayton, Ohio shooting. She asked that City Council send messages to State and Federal Legislatures for commonsense gun laws and reform.

Members Present: Mayor Kenn Weise; Vice Mayor Pat Dennis; Council Members Tina Conde, Bryan Kilgore, Veronica Malone, Curtis Nielson, and Mike Pineda.

Note: Mayor Weise participated by telephone.

Members Absent: None.

Other Municipal Officials Present: Gina Montes, Assistant City Manager; Tracy Stevens, Deputy City Manager; Michael Wawro, City Attorney; Marcella Carrillo, City Clerk; Cindy Blackmore, Public Works Director; Jessica Blazina, Intergovernmental Affairs Administrator; Kirk Haines, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Dale Nannenga, Police Chief; Cherlene Penilla, Human Resources Director; Larry Rooney, Acting Fire Chief; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Community Relations and Public Affairs Director.

Audience: Three members of the public were present.

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

2 UNSCHEDULED PUBLIC APPEARANCES

None.

3 PRESENTATION ITEMS

a. NEW EMPLOYEE INTRODUCTION

Cindy Blackmore, Public Works Director, introduced new Public Works Assistant Director, Jeremy Abbott. Mayor and City Council welcomed Mr. Abbott to the City of Avondale.

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.

Vice Mayor Dennis asked if any Councilmember wished to have an item removed from the Consent Agenda. Vice Mayor Dennis requested agenda item 4e. Resolution 3571-819 - Amendment to Intergovernmental Agreement with the Regional Public Transit Authority be pulled for further discussion. Motion was made by Council Member Kilgore, seconded by Council Member Pineda, to approve the Consent Agenda with the exception of agenda item 4e. Resolution 3571-819 - Amendment to Intergovernmental Agreement with the Regional Public Transit Authority.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

a. MINUTES

City Council approved the April 29, 2019 City Council Meeting Minutes.

b. COUNCIL MEETING SCHEDULE FOR 2020

City Council approved the 2020 City Council Meeting Schedule.

c. COOPERATIVE PURCHASING AGREEMENT WITH ANCON MARINE FOR SEWER AND LIFT STATION CLEANING

City Council approved a Cooperative Purchasing Agreement with Ancon Marine, Inc., for sewer and lift station cleaning services in a maximum aggregate not to exceed amount of \$175,000 over the five-year contract term and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

d. SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH PREMIER ENGINEERING CORPORATION

City Council will consider a request to approve a Second Amendment to the Professional Services Agreement with Premier Engineering Corporation to provide additional design services and post design services for the Van Buren Multi-Use Trail Project, in the amount of \$62,121, and authorized the Mayor, or City Manager and City Clerk to execute the necessary documents.

e. RESOLUTION 3571-819 - AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH THE REGIONAL PUBLIC TRANSIT AUTHORITY

Kristen Taylor, Management Assistant, presented an update on the Intergovernmental Agreement with the Regional Public Transportation Authority (RPTA).

Ms. Taylor's presentation included:

- The intergovernmental agreement with the RPTA is renewed annually.
- Avondale is classified as a small urbanized area to receive funds from RPTA and because of its classification, the city can use those funds to operate transit services.
- It is anticipated that funds for transit will be eliminated following the next census.
- Avondale receives a portion of the Maricopa County half-cent sales tax (Prop 400) which work has begun to extend the proposition.
- Regional Public Transportation Authority is legislatively mandated to implement Maricopa Association of Governments' regional transportation plan.
- The intergovernmental agreement with RPTA outlines Avondale's costs and revenues received from the FTA and Prop 400 sales tax.
- Fiscal year 2020 transit operating costs include the following:
 - Express service operated through a park-and-ride at a cost of \$124,891, which is completely funded by fares and prop 400.
 - Regional routes include route 3 on Van Buren Road and route 17 on McDowell Road at a cost of \$1,157,385, which is completely funded through fares and PTF.
 - Zoom Circulator operates north and south at a cost of \$2.6 million, which is partially funded through FTA and the City's cost is \$1.2 million.
 - The City is required to operate paratransit within three-quarters of a mile of any fixed route service. Dial-a-Ride is partially funded through fares and PTF with the City's cost being \$6,000.
 - Ride Choice is a new program under Valley Metro that Avondale has opted to participate in as well as the Dial-a-Ride program. Those programs are covered in part by Prop 400 funds, leaving a cost of \$11,000 to the City.
- The total impact of the intergovernmental agreement to the City is \$1.2 million.
- Additional information on these topics will be presented during the next meeting.

Vice-Mayor Dennis noted the importance of monitoring ridership numbers. She inquired if the Zoom routes are counted as fixed routes with respect to providing paratransit services. Ms. Taylor explained the Zoom routes are considered a fixed route and are required to provide paratransit service within three-quarters of a mile.

Motion was made by Council Member Nielson to adopt Resolution 3571-819 approving an Amendment to the Intergovernmental Agreement with the Regional Public Transportation Authority for fiscal year 2020 relating to public transportation services and authorized the Mayor or City Manager and City Clerk to execute the necessary documents; seconded by Council Member Malone.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

f. RESOLUTION 3572-819 - GRANT FROM THE GILA RIVER INDIAN COMMUNITY TO PURCHASE A WATER TENDER FIRE APPARATUS

City Council adopted Resolution 3572-819 acknowledging willingness to accept and use grant funds in the amount of \$286,300 accordingly from the Gila River Indian Community for purchase of a Water Tender Fire Apparatus for the Avondale Fire and Medical Department and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

g. RESOLUTION 3573-819 - COMMERCIAL AND INDUSTRIAL DESIGN MANUAL (APPLICATION PL-19-0074)

City Council adopted Resolution 3573-819 approving application PL-19-0074, the Commercial and Industrial Design Manual.

h. RESOLUTION 3574-819 - INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR THE PHOENIX FIRE DEPARTMENT REGIONAL DISPATCH SYSTEM

City Council adopted Resolution 3574-819 approving an Intergovernmental Agreement with the City of Phoenix for the Phoenix Fire Department Regional Dispatch System and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

i. MINOR LAND DIVISION - AVONDALE COMMERCE PARK (APPLICATION

PL-19-0080) City Council approved request by Mr. James A. Brucci, Hunter Engineering for approval of Application PL-19-0080 Avondale Commerce Park Minor Land Division on 34.7 net acres of property located at the southwest corner of 101st Avenue and Roosevelt Street. The proposed Minor Land Division will dedicate public right-of-way, sidewalk

easements, and utility easements for Pierce Street, 103rd Avenue, Roosevelt Street, and 101st Avenue.

j. MINOR LAND DIVISION - WOO PROPERTY (APPLICATION PL-18-0263)

City Council approved a request by Mr. David Kenyon, Kenyon Architects, LLC. for approval of Application PL-18-0263 Woo Property Minor Land Division on 2.37 acres of land located at the southwest corner of Buckeye Road and El Mirage Road. The proposed Minor Land Division subdivides the subject site into two parcels and dedicates public right-of-way and utility easements.

5 DISCUSSION ITEMS

a. LEAGUE OF ARIZONA CITIES AND TOWNS RESOLUTIONS

Jessica Blazina, Intergovernmental Affairs Administrator, presented the proposed resolutions which will be voted on at the August 20, 2019 League of Arizona Cities and Towns (LACT) Resolutions Committee meeting.

Ms. Blazina's presentation included the 2020 legislative agenda as follows:

- Further study and explore legislation to address the property tax code regarding salvage property valuations and use those funds to establish a revolving fund available to cities and towns to fight blight abatement efforts.
 - Recommendation is to support this proposed resolution.
- Allow public bodies the ability to address security measures for emergency situations as part of an executive session during a council meeting.
 - This resolution was proposed by the City of Avondale because it was discovered this is not covered in state statute as part of reason to meet in executive session.
 - Recommendation is to support this proposed resolution.
- Allow governing bodies to use newspapers printed and published in their county when state statute requires or allows the publication of a notice in a newspaper.
 - Recommendation is to support this proposed resolution.
- Support federal legislation in enacting the Nogales Wastewater Fairness Act that will appropriate the cost for the operation and maintenance of the Nogales International Wastewater Treatment Plant and the International Outfall Interceptor, based on the average daily volume of wastewater originating from Nogales, Arizona.
 - This resolution was proposed by the City of Nogales.
 - Recommendation is to support this proposed resolution.
- Allow local regulation of investor-owned short-term rentals to provide local governments with more recourse with vacation rental issues.
 - Recommendation is to support this proposed resolution.
- Supporting legislation for Arizona to ratify the equal rights amendment.
 - This resolution was proposed by Quartzsite.
 - Recommendation is to remain neutral on this proposed resolution as this resolution does not support local control or protect shared revenues.
- Support appropriations for the Heritage Fund which was brought forward by the League of Arizona Cities and Towns' staff.
 - Recommendation is to support this proposed resolution.

Vice Mayor Dennis inquired on what other cities have done to address the proposed equal rights amendment resolution. Ms. Blazina explained that only a few cities have adopted an Ordinance and taken a position on the matter, with Quartzsite being one of them.

Ms. Blazina explained that Mayor Weise will represent the City of Avondale at the Resolutions Committee and he has the authority to act on the City's behalf.

b. MULTI-FAMILY RESIDENTIAL DESIGN MANUAL UPDATE (APPLICATION PL-19-0074)

Jodie Novak, Planning Manager, presented Application PL-19-0074, a request by the City's Planning Division to update the design manual for Multi-Family Residential development. The update is intended to refine development design guidelines reflecting local best practices in design standards, new development trends, increased attention to sustainability in the development process, and changes to industry standards as well as to reflect the City's current level of expectation for quality development in Avondale.

Ms. Novak's presentation included:

- The Commercial and Industrial Design Manual and the Multi-Family Design Manual were adopted in 2008 as one manual.
- Based on Council direction, the goal was to update the design manuals to have them meet current development expectations and create a better practice for building and site design.
- The purpose of the project:
 - Bring together new design standards for the development community.
 - Promote healthy initiatives and sustainability measures.
 - Create innovative and attractive sites throughout the city.
- The manual is a guideline that supplements the City's zoning ordinance.
- Design manual components:
 - Focus on sustainability and environment to include low impact development and green building.
 - Site and building design.
 - Open space design and amenities.
 - Crime prevention design through environmental design.
- Image demonstrated a natural design for pedestrian access.
- Image demonstrated creating a natural environment through walkways.
- The goal of the design guidelines is to create a sense of place.
- Public outreach included a draft to developers, posting the manual on aVOICE, and a draft to the AZ Multihousing Association (comments provided).
- The manual will go to the Planning Commission for action on September 19, 2019 and to City Council for action on October 21, 2019.

Vice Mayor Dennis expressed concern about the changes made in response to the comments received by the AZ Multihousing Association as this is a guideline and not an Ordinance. She opined that it was her preference to leave the document as is.

After surveying the Council, it was unanimous that the document be maintained as a guideline and keep it as it was initially presented.

Ms. Novak indicated that staff will replace the items that were removed from the document before the final version is brought forth for action.

6 ADJOURNMENT

There being no further business before the Council, Council Member Kilgore moved to adjourn the meeting; Council Member Conde seconded the motion.

Upon vote, the motion carried unanimously 7 to 0.

Council Member Conde	Aye
Council Member Kilgore	Aye
Council Member Malone	Aye
Council Member Nielson	Aye
Council Member Pineda	Aye
Vice Mayor Dennis	Aye
Mayor Weise	Aye

Meeting adjourned at 7:40 p.m.

Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting, Work Session and Regular Meeting of the Council of the City of Avondale held on the 12th day of August 2019. I further certify that the meeting was duly called and held and that the quorum was present.

Marcella Carrillo, City Clerk

CITY COUNCIL REPORT

SUBJECT: Acquisition of Control for a Series 12 Liquor License - El Tataki Mexican & Traditional Sushi Restaurant

MEETING DATE: 10/7/2019

TO: Mayor and Council

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

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to approve an application for an Acquisition of Control of a Series 12 (Restaurant) Liquor License submitted by Manuel De Jesus Herrera Jr. to sell all spirituous liquors at El Tataki Mexican & Traditional Sushi located at 10685 West Indian School Road Suite K, in Avondale and authorize the Mayor and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

El Tataki Mexican & Traditional Sushi, a restaurant specializing in “Sushi Fusion” cuisine, has operated in Fry’s Shopping Center, located at the southeast corner of 107th Avenue and Indian School Road, since 2017. The suite occupied by El Tataki is located at the west end of the inline shops building and had been vacant for nearly 10 years following the closure of the previous tenant, Blockbuster Video. Since opening, El Tataki has operated with a Series 12 (Restaurant) liquor license, allowing the sale of alcoholic beverages ancillary to the sale of food on the premises. Due to a change in the ownership of the restaurant, approval of a new Series 12 license is required to allow the sale of alcoholic beverages to continue.

Series 12 (Restaurant) liquor licenses are exempt from state-mandated 300-foot separation requirement from churches, schools, or fenced school recreational areas.

The General Plan designates the property as Local Commercial and the current zoning is Planned Area Development (PAD), with allowances for C-2 (Community Commercial) uses. Restaurant uses are compatible with both the General Plan designation and PAD/C-2 zoning.

DISCUSSION:

Staff has received an application from Manuel De Jesus Herrera Jr. for a Series 12 (Restaurant) Liquor License to sell all spirituous liquors at El Tataki Mexican & Traditional Sushi located at 10685 W Indian School Road Suite K, in Avondale.

As required by state law and city ordinance, the application was posted for the required period of time, beginning on September 12, 2019. A notice was published in the Southwest Valley Republic on September 18th and September 25th. No comments have been received.

The Arizona Department of Liquor License and Control has accepted the submitted application as complete. The Police, Fire, Development Services and Finance Departments have reviewed the application and are

recommending approval. Their comments are attached.

BUDGET IMPACT:

The fees in the amount of \$1350 have been paid in full.

RECOMMENDATION:

Staff is recommending approval of an application for an Acquisition of Control of a Series 12 (Restaurant) Liquor License submitted by Manuel De Jesus Herrera Jr. to sell all spirituous liquors at El Tataki Mexican & Traditional Sushi located at 10685 W Indian School Road Suite K, in Avondale.

State of Arizona
Department of Liquor Licenses and Control

Created 09/06/2019 @ 02:37:11 PM

Local Governing Body Report

LICENSE

Number:	1207B009	Type:	012 RESTAURANT
Name:	EL TATAKI MEXICAN & TRADITIONAL SUSHI		
State:	Pending		
Issue Date:		Expiration Date:	03/31/2020
Original Issue Date:	07/19/2017		
Location:	10685 W INDIAN SCHOOL ROAD STE K AVONDALE, AZ 85392 USA		
Mailing Address:	[REDACTED]		
Phone:	(623)230-3668		
Alt. Phone:	[REDACTED]		
Email:	[REDACTED]		

Currently, this license has pending applications.

AGENT

Name:	MANUEL DE JESUS HERRERA JR.
Gender:	Male
Correspondence Address:	[REDACTED]
Phone:	[REDACTED]
Alt. Phone:	[REDACTED]
Email:	[REDACTED]

OWNER

Name:	EL TATAKI SUSHI & MEXICAN GRILL LLC		
Contact Name:	MANUEL HERRERA		
Type:	LIMITED LIABILITY COMPANY		
AZ CC File Number:	L19376930	State of Incorporation:	AZ
Incorporation Date:			
Correspondence Address:	[REDACTED]		
Phone:	[REDACTED]		
Alt. Phone:	[REDACTED]		
Email:	[REDACTED]		

Officers / Stockholders

Name:
MANUEL DE JESUS HERRERA JR.
SILVIA HERRERA

Title:
MEMBER
MEMBER

% Interest:
50.00
50.00

**EL TATAKI SUSHI & MEXICAN GRILL LLC -
MEMBER**

Name: MANUEL DE JESUS HERRERA JR.
Gender: Male
Correspondence Address: [REDACTED]

Phone: [REDACTED]
Alt. Phone: [REDACTED]
Email: [REDACTED]

**EL TATAKI SUSHI & MEXICAN GRILL LLC -
MEMBER**

Name: SILVIA HERRERA
Gender: Female
Correspondence Address: [REDACTED]

Phone: [REDACTED]
Alt. Phone: [REDACTED]
Email: [REDACTED]

APPLICATION INFORMATION

Application Number: 75801
Application Type: Acquisition of Control
Created Date: 09/06/2019

QUESTIONS & ANSWERS

012 Restaurant

- 3) Have you submitted questionnaires? Each person listed must submit a questionnaire and mail in a fingerprint card along with a \$22. processing fee per card.
Yes
- 4) Is the Business located within the incorporated limits of the city or town of which it is located?
Yes
- 5) Does the Business location address have a street address for a City or Town but is actually in the boundaries of another City, Town or Tribal Reservation?
No



19 SEP 6 Ltr. Lic. PM 2:45
Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

QUESTIONNAIRE
A.R.S. § 4-202, 4-210
Type or Print with Black Ink

The fees allowed by R19-1-102 will be charged for all dishonored checks.

804-781

ATTENTION APPLICANT: This is a legally binding document. Please type or print in black ink. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information may be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT AND MANAGER BEING DISCLOSED TO THE DEPARTMENT. EACH PERSON COMPLETING THIS FORM MUST SUBMIT A BLUE OR BLACK LINED FINGERPRINT CARD ALONG WITH A \$22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE. FOR AN ADDITIONAL \$13 FEE, FINGERPRINTS MAY BE DONE AT THE DEPARTMENT OF LIQUOR WHEN ACCOMPANIED BY A COMPLETED APPLICATION.

Liquor License#: 1207B009 / 75801

1. Check the
Appropriate
Box

☒ Controlling Person

☒ Agent

☐ Premises Manager

(complete all questions except #12)

2. Name: Herrera Jr. Mannel De Jesus Birth Date: [REDACTED]
Last First Middle (NOT a public record)

3. Social Security #: [REDACTED] Driver License #: [REDACTED] State: Arizona

4. Place of birth: Burley ID U.S.A Height: 5'11 Weight: 225 Eyes: BRN Hair: Black
City State COUNTRY (not county)

5. Name of current/most recent spouse: _____ Birth Date: ____/____/____
Last First Middle (NOT a public record)

6. Are you a bona fide resident of Arizona? ☒ Yes ☐ No If yes, what is your date of residency: [REDACTED]

7. Daytime telephone number: [REDACTED] E-mail address: [REDACTED]

8. Business Name: El Tataki Mexican & Traditional Sushi Business Phone: 623 / 230 / 3668

9. Business Location Address: 10685 W. Indian School Rd. Suite K. Avondale, AZ Maricopa 85392
Street (do not use PO Box) City State County Zip

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
8/2014	CURRENT	owner / Sushi Restaurant	El Tataki Sushi / 10685 W. Indian School Rd. Suite K. Avondale, AZ 85392

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years: A.R.S. §4-202(D)

FROM Month/Year	TO Month/Year	RESIDENTIAL Street Address
7/19	CURRENT	[REDACTED]
12/16	7/19	[REDACTED]
2/11	12/16	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises?
If you answered YES, then answer #13 below. If NO, skip to #14. ☒ Yes ☐ No
13. Have you attended a DLLC approved Basic & Management Liquor Law Training Course within the past 3 years? ☒ Yes ☐ No
14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? ☐ Yes ☒ No
15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses pending against you? (Do not include civil traffic tickets.) A.R.S. §4-202,4-210 ☐ Yes ☒ No
16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? ☐ Yes ☒ No
17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) ☐ Yes ☒ No
18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) ☐ Yes ☒ No

If you answered "YES" to any Question 14 through 18 **YOU MUST** attach a signed statement.
Give complete details including dates, agencies involved and dispositions.

CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

NOTARY

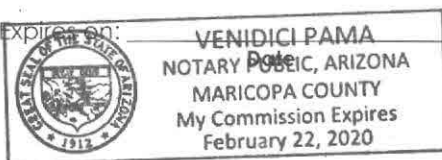
I (Print Full Name) Manuel de Jesus Herrera Jr. hereby declare that I am the Agent/ Controlling Person / Premises Manager filing this application. I have read this document and verify the contents and all statements are true, correct and complete, to the best of my knowledge.

Signature: [REDACTED]

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

My Commission Expires on:



30th Day of August, 2019

Day

Month

Year

[REDACTED]
Signature of Notary

The Licensee has authorized the person named on this questionnaire to act as manager for the above License.

PRINT NAME: _____

SIGNATURE: _____



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

**ARIZONA STATEMENT OF CITIZENSHIP
OR ALIEN STATUS FOR STATE PUBLIC BENEFITS**

19 SEP 6 14P.12. PM 2:45

Title IV of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), 8 U.S.C. § 1621, provides that, with certain exceptions, only United States citizens, United States non-citizen nationals, non-exempt "qualified aliens" (and sometimes only particular categories of qualified aliens), nonimmigrant, and certain aliens paroled into the United States are eligible to receive state, or local public benefits. With certain exceptions, a professional license and commercial license issued by a State agency is a State public benefit.

Arizona Revised Statutes § 41-1080 requires, in general, that a person applying for a license must submit documentation to the license agency that satisfactorily demonstrates the applicant's presence in the United States is authorized under federal law.

Directions: All applicants must complete Sections I, II, and IV. Applicants who are not U.S. citizens or nationals must also complete Section III.

Submit this completed form and a copy of one or more document(s) from the attached "Evidence of U.S. Citizenship, U.S. National Status, or Alien Status" with your application for license or renewal. If the document you submit does not contain a photograph, you must also provide a government issued document that contains your photograph. You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

SECTION I – APPLICANT INFORMATION

INDIVIDUAL OWNER/AGENT NAME (Print or type) Manuel De Jesus Herrera Jr.

SECTION II – CITIZENSHIP OR NATIONAL STATUS DECLARATION

Are you a citizen or national of the United States? ☒ Yes ☐ No

If **Yes**, indicate place of birth:

City Burley State (or equivalent) Idaho Country or Territory U.S.A

If you answered **Yes**, 1) Attach a legible copy of a document from the attached list.

2) Name of document: AZ Drivers License
Go to Section IV.

If you answered **No**, you must complete Section III and IV.

SECTION III – ALIEN STATUS DECLARATION

To be completed by applicants who are not citizens or nationals of the United States. Please indicate alien status by checking the appropriate box. Attach a legible copy of a document from the attached list or other document as evidence of your status.

Name of document provided

Qualified Alien Status (8 U.S.C. §§ 1621(a)(1), -1641(b) and (c))

- ☐ 1. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA)
- ☐ 2. An alien who is granted asylum under Section 208 of the INA.
- ☐ 3. A refugee admitted to the United States under Section 207 of the INA.
- ☐ 4. An alien paroled into the United States for at least one year under Section 212(d)(5) of the INA.
- ☐ 5. An alien whose deportation is being withheld under Section 243(h) of the INA.
- ☐ 6. An alien granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980.
- ☐ 7. An alien who is a Cuban/Haitian entrant.
- ☐ 8. An alien who has, or whose child or child's parent is a "battered alien" or an alien subject to extreme cruelty in the United States.

Nonimmigrant Status (8 U.S.C. § 1621(a)(2))

- ☐ 9. A nonimmigrant under the Immigration and Nationality Act [8 U.S.C § 1101 et seq.] Non immigrants are persons who have temporary status for a specific purpose. See 8 U.S.C § 1101(a)(15).

Alien Paroled into the United States for Less Than One Year (8 U.S.C. § 1621(a)(3))

- ☐ 10. An alien paroled into the United States for less than one year under Section 212(d)(5) of the INA

Other Persons (8 U.S.C § 1621(c)(2)(A) and (C))

- ☐ 11. A nonimmigrant whose visa for entry is related to employment in the United States, or
- ☐ 12. A citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect [Freely Associated States include the Republic of the Marshall Islands, Republic of Palau and the Federate States of Micronesia, 48 U.S.C. § 1901 et seq.];
- ☐ 13. A foreign national not physically present in the United States.

Otherwise Lawfully Present

- ☐ 14. A person not described in categories 1-13 who is otherwise lawfully present in the United States.

PLEASE NOTE: The federal Personal Responsibility and Work Opportunity Reconciliation Act may make persons who fall into this category ineligible for licensure. See 8 U.S.C. § 1621(a).

SECTION IV - DECLARATION

All applicants must complete this section.

I declare under penalty of perjury under the laws of the state of Arizona that the answers and evidence I have given are true and correct to the best of my knowledge.

Manuel De Jesus Herrera Sr.
Individual Owner/Agent Printed Name



Individual Owner/Agent Signature

8/30/19

Today's Date

EVIDENCE OF U.S. CITIZENSHIP, U.S. NATIONAL STATUS, OR ALIEN STATUS

You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

Evidence showing authorized presence in the United State includes the following:

1. An Arizona driver license issued after 1996 or an Arizona non-operating identification card.
2. A driver license issued by a state that verifies lawful presence in the United States.
3. A birth certificate or delayed birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4, 1986, Northern Mariana Islands local time)
4. A United States certificate of birth abroad.
5. A United States passport. ***Passport must be signed***
6. A foreign passport with a United States visa.
7. An I-94 form with a photograph.
8. A United States citizenship and immigration services employment authorization document or refugee travel document.
9. A United States certificate of naturalization.
10. A United States certificate of citizenship.
11. A tribal certificate of Indian blood.
12. A tribal or bureau of Indian affairs affidavit of birth.
13. Any other license that is issued by the federal government, any other state government, an agency of this state or a political subdivision of this state that requires proof of citizenship or lawful alien status before issuing the license.

17 APR 27 11:41 AM 2017

Certificate # ON-LINE

Certificate of Completion
For
Title 4 **MANAGEMENT** Liquor Law Training

A Certificate of Completion must be on a form provided by the Arizona Department of Liquor. Certificates are completed by a state-approved training provider and, when issued, the Certificate is signed by the course participant.

Basic Title 4 training is a prerequisite for MANAGEMENT Title 4 training. A valid Certificate of Completion for BASIC Title 4 training must be on file at the Department of Liquor and satisfactory completion of a State-approved BASIC Title 4 course must be verified by the training provider prior to issuing a Certificate of Completion for MANAGEMENT Title 4 training.

A replacement Certificate of Completion for Title 4 training must be available through the training provider for two years after the training completion date.

Student Information

Manuel Herrera Jr

Full Name (please print)

Signature

04/25/2017

Training Completion Date

04/25/2020

Certificate Expiration Date
(three years from completion date)

Training Provider Information

AATF – All-Star Alcohol Awareness

Company Name

P.O. Box 6252, Chandler, Arizona 85246

Mailing Address

(480) 664-0389

Daytime Contact Phone Number

I, Jared Repinski, certify that the above named individual did successfully complete

Instructor Name (please print)

Title 4 MANAGEMENT Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.) R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).

Instructor Signature

25 / 04 / 2017
Day Mo Year

Persons required to complete BASIC & MANAGEMENT Title 4 training: 1) owner(s) actively involved in the daily business operations of a liquor-licensed business of a series listed below
2) licensees, agents and managers actively involved in the daily business operations of a liquor-licensed business of a series listed below

In-state Microbrewery (series 3)
Conveyance (series 8)
Restaurant (series 12)

Government (series 5)
Liquor Store (series 9)
In-state Farm Winery (series 13)

Bar (series 6)
Private Club (series 14)

Beer & Wine Bar (series 7)
Hotel/Motel w/restaurant (series 11)
Beer & Wine Store (series 10)

Liquor license applications (initial and renewal) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

The questionnaire (which designates a manager to a location) and the agent change form (which assigns a new agent to active liquor licenses) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

July 11, 2013

19 SEP 6 11:41 AM 2017

17 APR 27 14:14 PM 2 59

Certificate # ON-LINE

Certificate of Completion
For
Title 4 **BASIC** Liquor Law Training

☐	On-sale
☐	Off-sale
☒	On- and off-sale

A Certificate of Completion must be on a form provided by the Arizona Department of Liquor. Certificates are completed by a state-approved training provider and, when issued, the Certificate is signed by the course participant.

The State requires BASIC Title 4 training only as a prerequisite for MANAGEMENT Title 4 training or as a result of a liquor law violation. Persons required to have BASIC Title 4 training are listed at the base of this Certificate. Licensees sometimes require BASIC Title 4 Training a condition of employment.

A replacement Certificate of Completion for Title 4 training must be available through the training provider for two years after the training completion date.

Student Information

Manuel Herrera Jr

Full Name (please print)

Signature

04/25/2017

Training Completion Date

04/25/2020

Certificate Expiration Date
(three years from completion date)

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AATF – All-Star Alcohol Awareness

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Instructor Signature

25 / 04 / 2017
Day Mo Year

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July 11, 2013

19 SEP 6 14:14 PM 2 45



*19 SEP 6 Ligr. Lic. PM 2:45
Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

QUESTIONNAIRE
A.R.S. § 4-202, 4-210
Type or Print with Black Ink

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804-781

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Liquor License#:

1207B009-75801

1. Check the Appropriate Box



Controlling Person



Agent



Premises Manager
(complete all questions except #12)

2. Name: Herrera Silvia Birth Date: [REDACTED]
Last First Middle (NOT a public record)

3. Social Security #: [REDACTED] Driver License #: [REDACTED] State: Arizona

4. Place of birth: Santiago Papasquiaro Durango, Mexico Height: 5'5 Weight: 150 Eyes: BRO Hair: BRO
City State COUNTRY (not county)

5. Name of current/most recent spouse: _____ Birth Date: ____/____/____
Last First Middle (NOT a public record)

6. Are you a bona fide resident of Arizona? ☒ Yes ☐ No If yes, what is your date of residency: [REDACTED]

7. Daytime telephone number: [REDACTED] E-mail address: NONE

8. Business Name: El Tataki Mexican & Traditional Sushi Business Phone: 623 / 230 / 3668

9. Business Location Address: 10685 W. Indian School Rd. Suite K. Avondale, AZ Maricopa 85392
Street (do not use PO Box) City State County Zip

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
8/2014	CURRENT	Kitchen manager	El Tataki Sushi / 10685 W. Indian School Rd. Suite K. Avondale, AZ 85392

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years: A.R.S. §4-202(D)

FROM Month/Year	TO Month/Year	RESIDENTIAL Street Address
8/19	CURRENT	[REDACTED]
12/16	8/19	[REDACTED]
2/11	12/16	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises?
If you answered YES, then answer #13 below. If NO, skip to #14. ☐ Yes ☒ No
13. Have you attended a DLLC approved Basic & Management Liquor Law Training Course within the past 3 years? ☐ Yes ☒ No
14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? ☐ Yes ☒ No
15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses pending against you? (Do not include civil traffic tickets.) A.R.S. §4-202, 4-210 ☐ Yes ☒ No
16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? ☐ Yes ☒ No
17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) ☐ Yes ☒ No
18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) ☐ Yes ☒ No

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement.
Give complete details including dates, agencies involved and dispositions.

CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

NOTARY

I (Print Full Name) Silvia Herrera hereby declare that I am the Agent/ Controlling Person / Premises Manager filing this application. I have read this document and verify the contents and all statements are true, correct and complete, to the best of my knowledge.

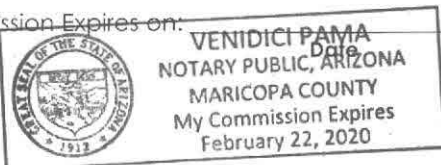
Signature: [REDACTED] ERA

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

30th Day of August, 2019
Day Month Year

My Commission Expires on:



Signature of Notary

The Licensee has authorized the person named on this questionnaire to act as manager for the above License.

PRINT NAME: _____ SIGNATURE: _____

LICENSE REVIEW FORM

Type of License	Series 12 - Restaurant
Applicant's Name	Manuel De Jesus Herrera Jr.
Business Name	El Tataki Mexican & Traditional Sushi
Business Address	10685 W Indian School Road Suite K
Department Comments	
☒ Police Department ☐ Development Services	☐ Fire Department ☐ Finance Department
☒ Approved	☐ Denied
<i>Mike Sgrillo</i> E-Signature Mike Sgrillo Name	Lieutenant Title 9/11/19 Date

LICENSE REVIEW FORM

Type of License	Series 12 - Restaurant
Applicant's Name	Manuel De Jesus Herrera Jr.
Business Name	El Tataki Mexican & Traditional Sushi
Business Address	10685 W Indian School Road Suite K
Department Comments	
None	
☐ Police Department ☒ Fire Department	
☐ Development Services ☐ Finance Department	
☒ Approved ☐ Denied	
<i>Jason Napier</i> E-Signature Jason Napier Name	Fire Marshal Title 9-11-19 Date

LICENSE REVIEW FORM

Type of License	Series 12 - Restaurant
Applicant's Name	Manuel De Jesus Herrera Jr.
Business Name	El Tataki Mexican & Traditional Sushi
Business Address	10685 W Indian School Road Suite K
Department Comments	
No concerns.	
☐ Police Department	☐ Fire Department
☐ Development Services	☒ Finance Department
☒ Approved	☐ Denied
<i>Daniel Vazquez</i> _____ E-Signature Daniel Vazquez _____ Name	Privilege Tax Auditor _____ Title 9/11/19 _____ Date

LICENSE REVIEW FORM

Type of License	Series 12 - Restaurant
Applicant's Name	Manuel De Jesus Herrera Jr.
Business Name	El Tataki Mexican & Traditional Sushi
Business Address	10685 W Indian School Road Suite K
Department Comments	
See attached memo.	
☐ Police Department ☐ Fire Department	
☒ Development Services ☐ Finance Department	
☒ Approved ☐ Denied	
<i>Ken Galica</i> E-Signature Ken Galica Name	Division Lead Planner Title September 9, 2019 Date



Development & Engineering Services Department

DATE: September 9, 2019

TO: Marcella Carrillo, City Clerk

PREPARED BY: Ken Galica, Division Lead Planner (623) 333-4019

SUBJECT: Series 12 (Restaurant) Liquor License
El Tataki Sushi & Mexican Grill
10685 West Indian School Road, Suite K

El Tataki Sushi & Mexican Grill, a restaurant specializing in “Sushi Fusion” cuisine, has operated in Fry’s Shopping Center, located at the southeast corner of 107th Avenue and Indian School Road, since 2017. The suite occupied by El Tataki is located at the west end of the inline shops building and had been vacant for nearly 10 years following the closure of the previous tenant, Blockbuster Video. Since opening, El Tataki has operated with a Series 12 (Restaurant) liquor license, allowing the sale of alcoholic beverages ancillary to the sale of food on the premises. Due to a change in the ownership of the restaurant, approval of a new Series 12 license is required to allow the sale of alcoholic beverages to continue.

Series 12 (Restaurant) liquor licenses are exempt from state-mandated 300-foot separation requirement from churches, schools, or fenced school recreational areas.

The General Plan designates the property as Local Commercial and the current zoning is Planned Area Development (PAD), with allowances for C-2 (Community Commercial) uses. Restaurant uses are compatible with both the General Plan designation and PAD/C-2 zoning.

Staff recommends approval of this request.

Attachment: Aerial Photograph
Zoning Vicinity Map

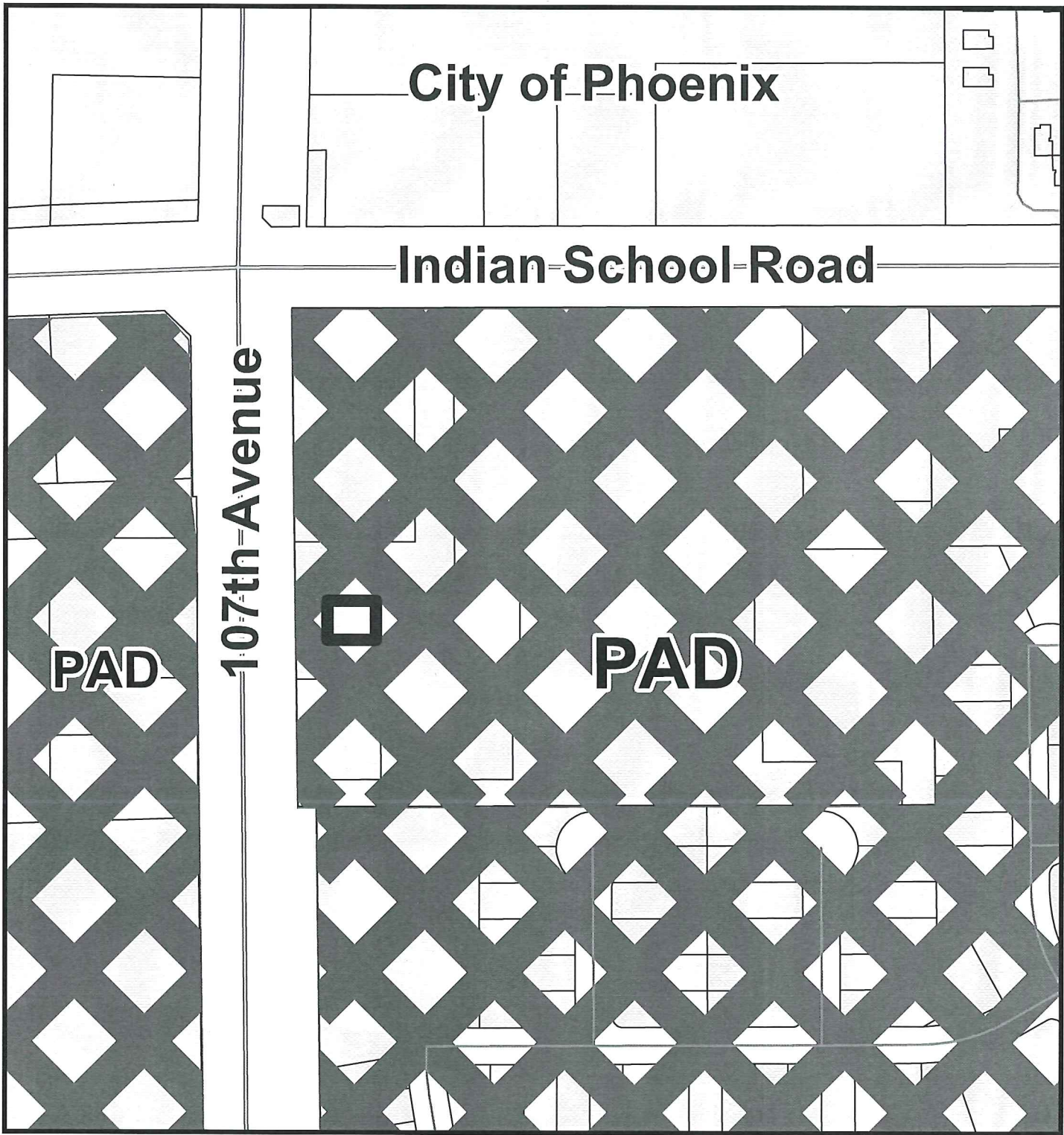


Aerial Photograph



 Business Location



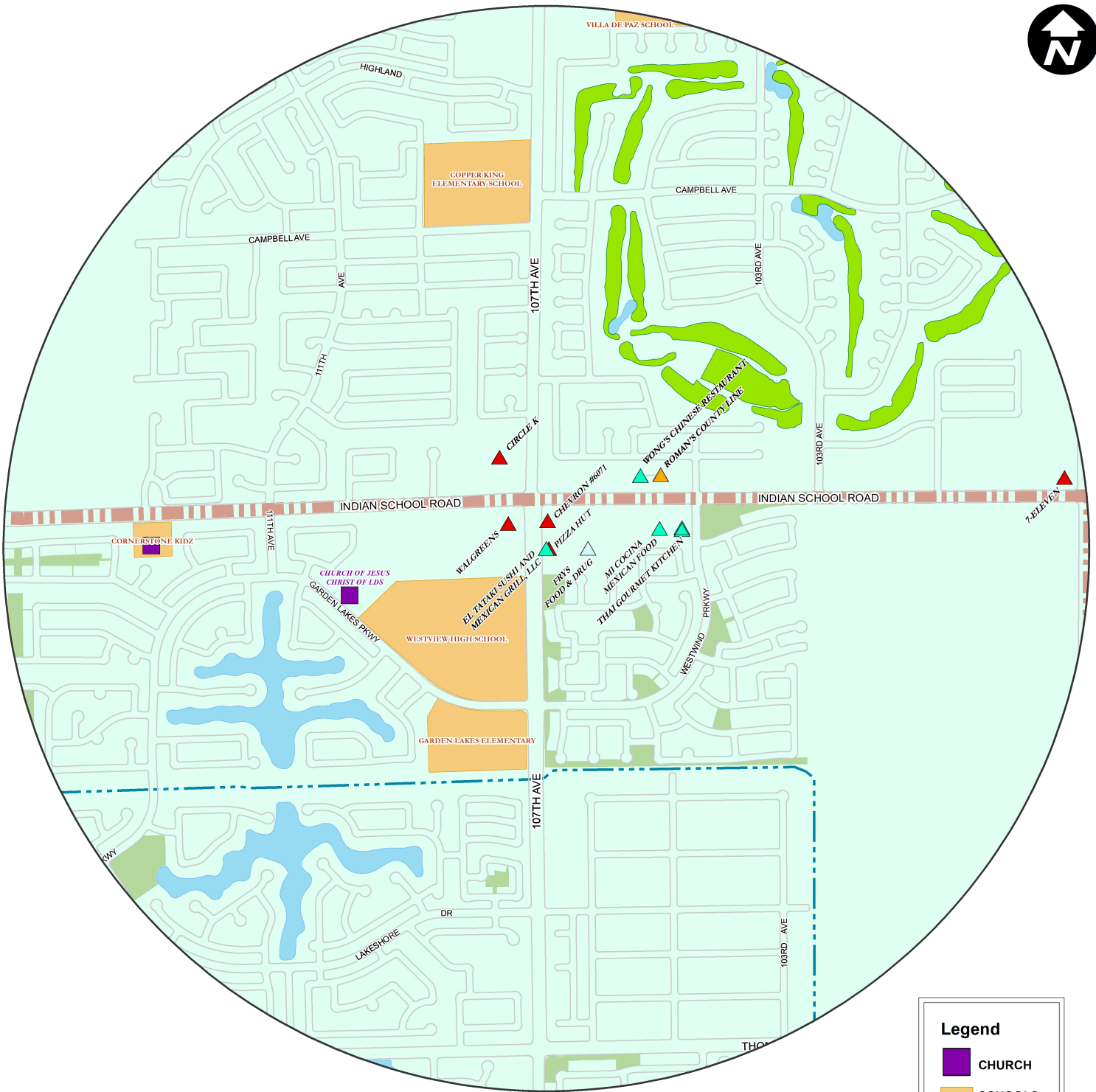


Zoning Vicinity Map



 Business Location





**EL TATAKI SUSHI AND
MEXICAN GRILL, LLC
10685 W INDIAN SCHOOL RD, STE #K
1 Mile Buffer**

Legend

-  CHURCH
-  SCHOOLS
- Liquor License
 -  SERIES 5
 -  SERIES 6
 -  SERIES 7
 -  SERIES 9
 -  SERIES 9S
 -  SERIES 10
 -  SERIES 11
 -  SERIES 12
 -  SERIES 15
 -  SERIES 16

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NOTICE

APPLICATION TO SELL ALCOHOLIC BEVERAGES
DATE POSTED: SEPTEMBER 12, 2019

A HEARING ON A LIQUOR LICENSE APPLICATION
SHALL BE HELD BEFORE THE AVONDALE CITY COUNCIL.

LOCATION: 11465 WEST CIVIC CENTER DRIVE
DATE: OCTOBER 7, 2019
AT 7:00 PM.

(HEARING DATES SUBJECT TO CHANGE.
TO VERIFY CALL: 623-333-1200)

****SERIES 12: RESTAURANT ****

THE LOCAL GOVERNING BODY WILL RECOMMEND TO THE STATE LIQUOR BOARD
WHETHER THE BOARD SHOULD GRANT OR DENY THE LICENSE. THE STATE LIQUOR
BOARD MAY HOLD A HEARING TO CONSIDER THE RECOMMENDATION OF THE LOCAL
GOVERNING BODY. ANY PERSON RESIDING OR OWNING OR LEASING PROPERTY
WITHIN A ONE-MILE RADIUS MAY CONTACT THE STATE LIQUOR BOARD IN WRITING
TO REGISTER AS A PROTESTER. TO REQUEST INFORMATION REGARDING PROCE-
DURES BEFORE THE BOARD AND NOTICE OF ANY BOARD HEARINGS REGARDING.

EL TATAKI MEXICAN & TRADITIONAL SUSHI
10685 W INDIAN SCHOOL ROAD SUITE K
AVONDALE, AZ 85392

THIS APPLICATION, CONTACT STATE LIQUOR BOARD - 800 W. WASHINGTON, 5TH
FLOOR, PHOENIX, AZ 85007 STATE LIQUOR DEPT. (602) 542-9789
INDIVIDUALS REQUIRING ADA ACCOMMODATIONS CALL THE
CITY CLERK AT 623-333-1200.

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CITY COUNCIL REPORT

SUBJECT: Fiscal Year 2019-2020 Budget Contingency Adjustments

MEETING DATE: 10/7/2019

TO: Mayor and Council

FROM: Lindsey Duncan, Finance & Budget Director, (623) 333-2011

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to approve various budget amendments to the Fiscal Year (FY) 2019-2020 budget. The City Council will take appropriate action.

BACKGROUND:

Staff is recommending four (4) budget adjustments to the Fiscal Year (FY) 2019-2020 budget that require City Council approval. The adopted Financial Policies of the City requires City Council approval for transfer of appropriations between funds and the transfer of appropriation from General Fund contingency.

DISCUSSION:

Staff is recommending four adjustments to the FY 2019-2020 budget that require City Council approval. The adjustments are detailed below, and specific dollar amounts to be transferred are detailed in Exhibit A.

1) Operating Carryover Adjustment: Carryover is the process by which the budget appropriated in one fiscal year is moved to the following fiscal year. Carryover ensures that previously approved budgeted expense capacity is available if those planned expenses occur after the close of the fiscal year (June 30). The budget for the following fiscal year is approved before June 30, so the amount necessary to carryover is a forecast. Staff recommends transferring the carryover budget capacity for expenses that occurred prior to June 30 to the Grant Contingency Fund, line item 209-5300-00-6990, and Water Operations Contingency Fund 501-9110-00-9900.

2) Capital Carryover Adjustment: As capital expenses are one-time in nature and there is less predictability in the timing of capital expenses, the amount to carryover for capital improvements is harder to forecast. For example, for Festival Fields, the City budgeted \$13,500,000 in carryover in the FY 2019-2020 adopted budget but a significant portion of the expenses related to the project occurred prior to June 30. As a result, the project budget for FY 2019-2020 is currently overstated. The City takes a conservative approach to capital carryover to ensure capital projects have adequate capacity for planned expenses. Staff recommends transferring \$10,034,000 in budget capacity for capital improvement expenses that occurred prior to June 30 to the Grant Contingency Fund, line item 209-5300-00-6990. During FY 2019-2020, staff may transfer from the grant contingency line item for unbudgeted expenses in FY 2019-2020 with identified funding sources.

3) Computer Replacement Program: During the FY 2019-20 budget process, the line items related to computer replacement were unintentionally excluded in the adopted budget. Computer replacement is funded through on-going contributions from operating departments to the Equipment Replacement Fund. The

Equipment Replacement Fund has sufficient fund balance to support the program, and this request allows the Information Technology Department to use the available fund balance for the computer replacement program. The proposed contingency would transfer \$348,400 in budget capacity from the Grant Contingency Fund, line item 209-5300-00-6900, to the Information Technology line item for computer replacement, 606-5122-00-7081.

4) Van Buren Multi-Use Path: The City of Avondale, through the Maricopa Association of Governments (MAG) received Transportation Alternatives Program (TAP) funding for the construction of a multi-use path along Van Buren Street. Land acquisition for the project was approved on October 1, 2018 by City Council but those costs were not included in the original budget for the project nor was budget transferred at that time. Additional costs such as design services and Avondale's grant match and legal services related to the land acquisition also have not been accounted for in the project budget. The proposed budget amendment would increase the project budget to cover the previously approved land acquisition and other unanticipated costs of the project. The total amount needed to be transferred from the general fund contingency is \$1,042,000.

BUDGET IMPACT:

The proposed budget amendments will decrease the General Fund contingency available by \$1,042,000 and increase the Grant Contingency by \$9,877,516. The budget transfer for the Van Buren Multi-Use path will affect the General Fund fund balance, decreasing the available fund balance by \$1,042,000. The additional budget capacity from the budget transfers of excess carryover capacity do not indicate additional funding is available, as the expenses tied to the additional budget capacity occurred during FY 2018-2019.

RECOMMENDATION:

It is recommended that City Council approve the four proposed budget amendments, which would transfer of budget capacity detailed in Exhibit A.

Exhibit A - Proposed Budget Amendments
October 7, 2019

Net Transfer by Fund

Fund Number	Amount
101 - General Fund	\$ (1,213,268)
209 - General Grants	\$ 9,877,516
246 - Public Arts Fund	\$ (20,048)
304 - Street Construction	\$ (548,200)
308 - Police Development	\$ (120,800)
310 - Parkland	\$ (6,045,800)
319 - Fire Development	\$ (94,300)
322 - One-Time Capital	\$ (253,200)
501 - Water Operations	\$ -
513 - Sewer Development	\$ (172,100)
514 - Water Development	\$ (1,758,200)
603 - Technology Replacement	\$ 348,400
Total	\$ -

Transfer From

Account Number	Item Description	Amount	Adjustment
101-5010-00-6995	Council Discretionary Fund	\$ (834)	Operating Carryover Adjustment
101-5035-00-6995	Council Discretionary Fund	\$ (980)	Operating Carryover Adjustment
101-5040-00-6995	Council Discretionary Fund	\$ (1,876)	Operating Carryover Adjustment
101-5080-00-6995	Council Discretionary Fund	\$ (1,000)	Operating Carryover Adjustment
101-5090-00-6995	Council Discretionary Fund	\$ (2,784)	Operating Carryover Adjustment
101-5122-00-6325	Library Website Maintenance - Library Admin. 8110	\$ (3,109)	Operating Carryover Adjustment
101-5124-00-6520	Certificate classes	\$ (670)	Operating Carryover Adjustment
101-5220-00-8120	Ford F-150 (2) and Ford F-350 (1)	\$ (84,970)	Operating Carryover Adjustment
101-5700-00-6531	Tuition Reimbursement	\$ (22,760)	Operating Carryover Adjustment
101-6110-00-7551	Donations for Cashion Christmas Event	\$ (677)	Operating Carryover Adjustment
101-6115-00-7160	Tasers, duty weapons, ammunition	\$ (7,140)	Operating Carryover Adjustment
101-7502-00-6180	AmeriCorps VISTA, Mortgage and Rental Assistance	\$ (3,274)	Operating Carryover Adjustment
101-7502-00-6951	AmeriCorps VISTA, Mortgage and Rental Assistance	\$ (1,800)	Operating Carryover Adjustment
101-7550-00-7551	Youth Advisory Commission events and conferences	\$ (1,445)	Operating Carryover Adjustment
101-8100-00-7551	Summer Reading Program	\$ (242)	Operating Carryover Adjustment
101-8105-00-8012	Automatic Sorter	\$ (12,839)	Operating Carryover Adjustment
101-8125-00-6182	Sports Revenue	\$ (7,036)	Operating Carryover Adjustment
101-8125-00-6183	Leisure Program Revenue	\$ (17,832)	Operating Carryover Adjustment
246-5105-00-6180	Other Professional Services	\$ (83)	Operating Carryover Adjustment
246-5105-00-8225	Artwork	\$ (19,965)	Operating Carryover Adjustment
501-9122-00-8120	Ford F-350 (1)	\$ (32,311)	Operating Carryover Adjustment
304-1009-00-8420	City Wide Street Enhancements	\$ (38,800)	CIP Carryover Adjustment
304-1020-00-8420	Preventative street maintenance (City wide)	\$ (173,300)	CIP Carryover Adjustment
304-1220-00-8420	Pedestrian Ramp/Sidewalks Program (Citywide)	\$ (38,200)	CIP Carryover Adjustment
304-1224-00-8410	107th Avenue/McDowell Widening and Well Relocation	\$ (99,000)	CIP Carryover Adjustment
304-1294-00-8410	ITS Fiber Backbone Program	\$ (77,200)	CIP Carryover Adjustment
304-1336-00-8410	Fairway Drive Improvements	\$ (107,500)	CIP Carryover Adjustment
304-1365-00-8420	Dysart/Rancho Santa Fe Intersection Improvement	\$ (2,400)	CIP Carryover Adjustment
304-1381-00-8420	Traffic Signal at Maricopa St. and Avondale Blvd	\$ (2,500)	CIP Carryover Adjustment
304-1459-00-8420	El Mirage Rd & Buckeye Rd - Install NBR Turn Lane	\$ (4,600)	CIP Carryover Adjustment
310-1408-00-8210	Van Buren Multi-Use Path	\$ (830,100)	CIP Carryover Adjustment
304-1465-00-8420	Dysart Rd Median Improvements - I-10 to Indian School	\$ (4,700)	CIP Carryover Adjustment
514-1162-00-8520	CDBG Street and Sidewalk Improvements	\$ (77,400)	CIP Carryover Adjustment
319-1364-00-8120	Fire Apparatus	\$ (94,300)	CIP Carryover Adjustment
322-1410-00-8001	Resource Center	\$ (253,200)	CIP Carryover Adjustment
310-1027-00-8210	Friendship Park - Youth Sports Complex	\$ (460,700)	CIP Carryover Adjustment
310-1105-00-8210	Festival Fields Park	\$ (5,606,000)	CIP Carryover Adjustment

Exhibit A - Proposed Budget Amendments
October 7, 2019

310-1329-00-8210	Neighborhood Park Enhancements	\$	(96,300)	CIP Carryover Adjustment
310-1387-00-8210	Goodyear Farms Cemetery Gate	\$	(94,700)	CIP Carryover Adjustment
308-1161-00-8001	Property and Evidence Room	\$	(120,800)	CIP Carryover Adjustment
513-1339-00-8620	WRF Facility Upgrades	\$	(1,500)	CIP Carryover Adjustment
513-1356-00-8610	Large Diameter Pipe Rehabilitation	\$	(19,000)	CIP Carryover Adjustment
513-1367-00-8620	Sewer System Improvements	\$	(30,400)	CIP Carryover Adjustment
513-1368-00-8620	Lift Station Security Upgrades	\$	(25,900)	CIP Carryover Adjustment
513-1378-00-8620	Lift Station Rehabilitation Program	\$	(73,700)	CIP Carryover Adjustment
513-1389-00-8610	Dysart Road Sewer Replacement - Riley to Corral	\$	(21,100)	CIP Carryover Adjustment
513-1391-00-8620	Relocate Riley Lift Station	\$	(500)	CIP Carryover Adjustment
514-1057-00-8520	Citywide Water Improvements	\$	(181,000)	CIP Carryover Adjustment
514-1068-00-8520	Well Head Treatment	\$	(8,400)	CIP Carryover Adjustment
514-1090-00-8520	Nelson Well - South of I-10/East of Agua Fria	\$	(241,200)	CIP Carryover Adjustment
514-1169-00-8510	Rio Vista Waterline Replacement	\$	(59,800)	CIP Carryover Adjustment
514-1343-00-8520	Water System line replacements and expansions	\$	(176,600)	CIP Carryover Adjustment
514-1372-00-8520	Reservoir Repairs and Rehab	\$	(748,800)	CIP Carryover Adjustment
514-1469-00-8520	North Avondale Water Supply	\$	(191,600)	CIP Carryover Adjustment
514-1474-00-8520	McDowell Recharge Basin Improvements	\$	(56,100)	CIP Carryover Adjustment
514-1475-00-8520	Well and Booster Station Metering Upgrades	\$	(17,300)	CIP Carryover Adjustment
209-5300-00-9900	Grant Contingency	\$	(348,400)	Computer Replacement
101-5300-00-9900	General Fund Contingency	\$	(1,042,000)	Van Buren Multi-Use Path
Total		\$	(11,648,627)	

Transfer To

Account Number	Account Title	Amount	Description
209-5300-00-6900	Grant Contingency	\$ 191,316	Operating Carryover Adjustment
209-5300-00-6990	Grant Contingency	\$ 10,034,600	CIP Carryover Adjustment
501-9110-00-9900	Water Operations Contingency	\$ 32,311	Operating Carryover Adjustment
603-5120-00-7081	Computer Replacement Fund	\$ 348,400	Computer replacement
310-1408-00-8210	Van Buren Multi-Use Path	\$ 1,042,000	Van Buren Multi-Use Path
Total		\$ 11,648,627	

CITY COUNCIL REPORT

SUBJECT: General Fund Contingency Transfer for Purchase and Installation of Security Equipment

MEETING DATE: 10/7/2019

TO: Mayor and Council

FROM: Jeff Scheetz, Chief Information Officer, (623) 333-5011

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to approve a General Fund Contingency Transfer in the amount up to \$40,000 for the purchase and installation of security cameras for City facilities and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The City recently conducted an internal security assessment looking at security, access, and sensitive information. This project and request is considered to Phase 1 of this project and will address some of the issues found by City staff in the recent assessment.

DISCUSSION:

Over the past few months, the Avondale Police Department has conducted a site survey to assess potential areas of concern. This project will increase visibility into the Civic Campus area and provide additional tools to be used to prevent theft, vandalism, and address overall security concerns.

Facilities, IT and the Police Department will collaborate on the installation of all equipment, monitoring stations, and door enhancements.

BUDGET IMPACT:

Requested authorization to move funds from the General Fund Contingency, Account#: 101-5300-00-9900, totaling \$40,000 to be transferred to the Information Technology fund, Account # 101-5120-00-7081 for the purchase and installation of security cameras and improve secure door access around the Civic Campus.

RECOMMENDATION:

Staff is recommending that City Council approve a General Fund Contingency Transfer, Account # 101-5300-00-9900 in the amount of \$40,000 to be transferred into the City Information Technology Hardware Fund, Account # 101-5120-00-7081 for the purchase and installation of equipment for enhanced security for the Civic Campus.

CITY COUNCIL REPORT

SUBJECT: Resolution 3588-1019 - Bylaws of the Parks and Recreation Advisory Board

MEETING DATE: 10/7/2019

TO: Mayor and Council

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

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to adopt Resolution 3588-1019 amending the bylaws of the Parks and Recreation Advisory Board removing all references of the libraries and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

The Parks and Recreation Advisory Board and the Library Advisory Board were established by the City Council as separate groups in the second half of the 1980's and the two boards were combined in early 2014. Since that time, the library division was moved under the Neighborhood and Family Services department. On September 11, 2019, the Parks, Recreations and Libraries Advisory Board approved an amendment to the board bylaws, removing all reference of the library division.

DISCUSSION:

Since the library division is now under the Neighborhood and Family Services (NFS) department, all library references are being removed from the Parks, Recreation and Libraries Advisory Board bylaws. The removed verbiage will be subsequently placed under the Neighborhood and Family Services Commission. A separate agenda item will be submitted revising the NFS Commission bylaws. The following section of the Parks, Recreation and Libraries Advisory Board bylaws is being removed from the bylaws:

Library Services:

- Plan future libraries and modifications of existing facilities
- Promote the interest and foster closer relationships between the library and consortium partners
- Provide ideas to enhance services, expand programs, and add new dimensions that maximize the library's role and usefulness to the community

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDATION:

Staff is recommending that Council adopt a resolution amending the bylaws of the Parks, Recreation and Libraries Advisory Board, renaming the board the Parks and Recreation Advisory Board.

RESOLUTION NO. 3588-1019

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE CITY OF AVONDALE PARKS AND RECREATION ADVISORY BOARD BYLAWS.

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

SECTION 1. The City of Avondale Parks and Recreation Advisory Board Bylaws, Amended and Restated September 9, 2019 (the "Bylaws"), are hereby adopted in substantially the form and substance attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to 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, 2019.

Kenneth Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Michael Wawro, City Attorney

EXHIBIT A TO
RESOLUTION NO. 3588-1019

[Bylaws]

See following pages.

**AMENDED AND RESTATED
OCTOBER 7, 2019
CITY OF AVONDALE
PARKS AND RECREATION ADVISORY BOARD
BYLAWS**

I. Name. The name of this organization shall be the City of Avondale Parks and Recreation Advisory Board (the "Board").

II. Powers and Duties of the Board. The Board shall advise the City Council and City staff on matters and issues pertaining to the quality of life for Avondale residents and visitors, particularly relating to parks and recreation. The Board shall also promote and advocate for park and recreation services. This includes, but is not limited to:

A. Parks and Recreation:

- (i) Plan future neighborhood, community, and regional parks and modifications to existing facilities.
- (ii) Promote the interest and foster closer relations between City recreation programs, communities, and schools in Avondale.

B. Tree Board: Serve as the designated Avondale Tree Board in accordance with the requirements of the City of Avondale Tree City USA designation.

III. Membership and Composition.

A. Number of Board Members. The Board shall be composed of seven regular members (collectively, the "Members"). The Board shall also have one alternate member ("Alternate Member") who shall attend and may participate in Board meetings but shall not vote in any Board meeting, except as provided in Section V(E) below.

B. Membership Eligibility and Appointment. Each of the Members and the Alternate Member shall be Avondale residents and shall meet all eligibility criteria as outlined in the City Council Rules of Procedure. Appointment of Members and the Alternate Member shall be conducted according to the City Council Rules of Procedure.

C. Term. Unless appointed to fill a vacancy mid-term, each Member's or Alternate Member's term of office shall be three years, unless the Member or Alternate Member resigns sooner or is removed from his or her position.

D. Term Limits. No Member may serve more than two consecutive terms; provided, however, that a Member appointed to fill a vacancy may serve two consecutive terms after the conclusion of the unexpired term to which he or she was appointed.

E. Vacancy. Any vacancy on the Board shall be filled for the unexpired term by the Alternate Member if one has been appointed by the City Council pursuant to the established procedures. If an Alternate Member has not been appointed, the position shall remain vacant until a new Member is appointed by the City Council to fill the vacancy. In cases of a vacancy

due to the expiration of a Member's term, the Member shall remain seated until a successor is appointed.

F. Attendance. All Members and the Alternate Member are required to attend all Board meetings unless excused by the Chairperson. Three consecutive unexcused or unexplained absences from any regular or special meeting shall result in a vacancy in the position and the Member shall be grounds for removal as outlined in Section G below.

G. Removal. Any Member or Alternate Member may be removed upon a vote of not less than five City Council members for any cause as determined by the City Council; provided, however, that in the case of removal of a Member or Alternate Member due to excessive absences, it shall be assumed that said Member or Alternate Member has chosen to forfeit his or her seat on the Board. The Board may vote to remove said Member or Alternate Member upon a seven-day notification to the Member or Alternate Member of the Board's intent to vote on his or her removal,

H. Statement of Ethics. Members and the Alternate Member shall observe the Statement of Ethics, attached hereto as Appendix A and incorporated herein by reference.

IV. Board Officers and Staff.

A. Chairperson and Vice-Chairperson. At the first regularly scheduled Board meeting of each calendar year, the Board shall elect a Chairperson and Vice-Chairperson from among the Members. The Chairperson and Vice-Chairperson shall assume responsibilities at the next scheduled meeting. The term of the Chairperson and Vice-Chairperson shall be for one year. Any Member serving as Chairperson or Vice-Chairperson shall be eligible for re-election; provided, however, that each Member may serve no more than two terms per office.

B. Duties of the Chairperson and Vice-Chairperson. The Chairperson shall (i) preside at all Board meetings, (ii) decide all points of order and procedure, (iii) appoint committees if necessary and coordinate the work of the committees, (iv) serve as a representative of the Board to other governmental units on such matters as have been approved and designated by the Board and (v) perform any duties as required by law, ordinance or these Bylaws. The Chairperson shall have the right to vote on all matters before the Board and shall have the right to make or second motions in the absence of a motion or a second. The Vice-Chairperson shall act as an aid to the Chairperson and shall perform the duties of the Chairperson in his or her absence or inability to serve. In the absence of the Chairperson and the Vice Chairperson, the City Staff Liaison shall call the meeting to order and a simple majority of the Members then present shall select an acting Chairperson for the meeting. If the Members present are unable to select an acting Chairperson, the City Staff Liaison shall act as the Chairperson for the meeting but without voting privileges,

C. Vacancy. A vacancy in the office of Chairperson shall be filled by the Vice-Chairperson. A vacancy in the office of Vice-Chairperson shall be filled by a simple majority vote of the Members then present at the next meeting of the Board.

- D. Removal. The Chairperson or Vice-Chairperson may be removed from office at any time at a Board meeting by an affirmative vote of a three-fourths majority of the Members then present.
- E. City Staff Liaison. The City of Avondale Parks and Recreation Director or authorized designee shall serve as the City Staff Liaison to furnish support to the Board as requested or as required to advise and furnish professional and technical advice.
- F. Legal Counsel. The Board may request that the Avondale City Attorney or authorized designee provide legal advice on points of order, procedure, or other matters related to the Board's duties.

V. Board Meetings.

- A. Frequency. Board meetings shall be held monthly at the City of Avondale Civic Center, Avondale, Arizona, unless posted differently at least 24 hours in advance.
- B. Additional Board Meetings. Additional Board meetings may be held (i) on the call of the Chairperson, (ii) by the request of two or more Members or (iii) by giving notice to all the Members and the Alternate Member by electronic, telephone or personal delivery or by verbal comment during a regular meeting. All notices shall be given, and posted according to the Arizona Open Meeting Law, at least 24 hours before the meeting.
- C. Participation by the Public. Board meetings shall be open to the public. For any matter under consideration, any person may submit written comments and, if attending in person, may speak to the issue upon being recognized by the Chairperson and stating his or her name and, if applicable, the names of any person or organization on whose behalf he or she is appearing.
- D. Quorum. A Board meeting where a majority of its Members are present shall constitute a quorum. A majority vote of those Members present shall be required to take official action. No action shall be taken at any meeting in absence of a quorum, except to adjourn the meeting to a subsequent date.
- E. Alternate Member Quorum. At a Board meeting where a majority of the Members are not present and the Alternate Member is present, the Alternate Member may be counted to constitute a quorum to conduct the meeting. The Alternate Member may also vote at the meeting. At a Board meeting where a majority of the Members are present to constitute a quorum, the Alternate Member will not count towards the quorum and may not vote at the meeting.
- F. Agenda. The agenda shall be prepared by the City Staff Liaison, reviewed by the Chairperson, and posted no less than 24 hours before the Board meeting in accordance with the Arizona Open Meeting Law.
- G. Minutes. Minutes of the proceedings shall be retained and filed with the City Clerk's Department who will, in turn, file and post the minutes according to applicable law.

H. Open Meeting Law. The Board is subject to the Arizona Open Meeting Law.

VI. Standing and Special Committees.

A. Standing Committees. The Board may create standing committees at the beginning of each calendar year as it deems necessary to carry on the work of the Board. The term shall be for the remainder of the calendar year or until terminated by a vote of the Board at a regular meeting.

B. Special Committees. The Board may create special committees for specific purposes as it deems necessary. Such committees shall automatically dissolve when their work is completed and after their final report has been accepted by the Board.

VII. Amendments. Recommendations for amendments to these Bylaws must be approved by the affirmative vote of a majority of the Members then present. The Board will then forward the recommendations for amendments to the Bylaws to the City Council for its approval.

APPENDIX A
TO
CITY OF AVONDALE
PARKS AND RECREATION ADVISORY BOARD
BYLAWS

[Statement of Ethics]

See following page.

STATEMENT OF ETHICS

Board Members must promote a high level of service while observing ethical standards.

Board Members must avoid situations in which personal interests might be served.

It is incumbent upon any Board Member to immediately disqualify himself or herself whenever an actual conflict of interest exists or the appearance of a conflict of interest exists.

Board Members must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the organization, acknowledging the formal position of the Board even if they personally disagree.

A Board Member must respect the confidential nature of Board business while being aware of and in compliance with applicable laws governing freedom of information.

A Board Member may not represent the Board in any official capacity except as provided for in the Bylaws or as such authority is granted and approved by the Board at a regular or special meeting of the Board.

A Board Member shall not receive a salary or other compensation for services as a Board Member.

CITY COUNCIL REPORT

SUBJECT: Ordinance 1706-1019 - Roosevelt Irrigation District Agreement & Perpetual Easement for North Avondale Water Supply Project

MEETING DATE: 10/7/2019

TO: Mayor and Council

FROM: Cindy Blackmore, Public Works Director, (623) 333-4410

THROUGH: Charles A. Montoya, City Manager, (623) 333-1016

PURPOSE:

City Council will consider a request to adopt Ordinance 1706-1019, for an Agreement and dedication of a Perpetual Easement with the Roosevelt Irrigation District (RID) for Avondale to operate, construct and maintain water lines and associated facilities across RID right of way and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

This easement and the access it provides is a critical component of the North Avondale Water Supply Project, Interconnect and Offsite Pipelines. This easement provides access for the installation of two 18" lines transporting City of Phoenix potable water into and out of the Interconnect site and to the site itself which is adjacent to the RID right-of-way. See attached Vicinity Map.

The North Avondale Water Supply Project will provide the necessary infrastructure for the City of Avondale to receive our CAP allocation through the City of Phoenix distribution system, creating more redundancy to our own water distribution system.

DISCUSSION:

The agreement will grant the City a formal easement to maintain the waterlines proposed to cross through RID right-of-way, as well as give access to City facilities. An easement is necessary as the only access available to the proposed site is along the RID canal maintenance road.

BUDGET IMPACT:

There is no budgetary impact to the City for this action.

RECOMMENDATION:

Staff recommends that the City Council adopt an Ordinance, approving an agreement and dedication of a Perpetual Easement with the Roosevelt Irrigation District (RID) for Avondale to operate, construct and maintain water lines and associated facilities across RID right of way and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

ORDINANCE NO. 1709-1019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING THE AGREEMENT BETWEEN THE CITY OF AVONDALE AND THE ROOSEVELT IRRIGATION DISTRICT FOR A PERPETUAL EASEMENT TO CONSTRUCT, OPERATE AND MAINTAIN POTABLE WATER TRANSMISSION PIPELINES AND FACILITIES ACROSS THE ROOSEVELT IRRIGATION DISTRICT RIGHT OF WAY.

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

SECTION 1. The Agreement between the City of Avondale and the Roosevelt Irrigation District 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 to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, October 7, 2019.

Kenneth N. Weise, Mayor

ATTEST:

Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

Michael Wawro, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1706-1019

[Agreement and Perpetual Easement to Construct, Operate and Maintain Potable Water
Transmission Pipelines & Facilities Across the Roosevelt Irrigation District Right of Way]

See following pages.

When recorded please return to:

Jake D. Curtis, Esq.
Burch & Cracchiolo, P.A.
702 East Osborn Road
Suite 200
Phoenix, Arizona 85014

**AGREEMENT AND PERPETUAL EASEMENT
TO CONSTRUCT, OPERATE AND MAINTAIN POTABLE WATER TRANSMISSION
PIPELINES & FACILITIES ACROSS
THE ROOSEVELT IRRIGATION DISTRICT RIGHT OF WAY**

THIS AGREEMENT AND PERPETUAL EASEMENT TO CONSTRUCT, OPERATE AND MAINTAIN Potable Water Transmission Pipelines & Facilities ACROSS THE ROOSEVELT IRRIGATION DISTRICT RIGHT OF WAY is made between THE ROOSEVELT IRRIGATION DISTRICT, an Arizona municipal corporation (hereinafter the "District") and CITY OF AVONDALE, an Arizona municipal corporation (hereinafter "City").

RECITALS:

- A. City desires to construct a Potable Water Transmission Pipelines & Facilities within the District's Right-of-Way to meter City's Central Arizona Project (CAP) water allocation through the City of Phoenix potable water system into the City of Avondale's potable water system.
- B. The District has agreed to grant to City a perpetual easement under and around its Main Canal and Right of Way for the purpose of construction, operation and maintenance of a Potable Water Transmission Pipelines & Facilities.
- C. City and the District desire to enter into this Agreement which authorizes City access under and around and to use the District's property for the purpose of operating and maintaining a Potable Water Transmission Pipelines & Facilities.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- 1. The District hereby grants to City an exclusive utility-easement upon that portion of District property which is more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (hereinafter "District Right of Way"), the

use of the space above and below the established grade line of the RID Main Canal for the purpose of a Potable Water Transmission Pipelines & Facilities on, over, across, under, in and upon the area of District Land in Exhibit "A."

2. The District hereby grants City a nonexclusive license for ingress and egress upon District property to construct, operate and maintain the Potable Water Transmission Pipelines & Facilities within the District Right of Way as is deemed necessary, provided however, that such construction, operation and maintenance shall not interfere with the District's operation, maintenance and repair of its facilities. Upon completion of the work, City shall return the District's property to the same or better condition as it was in prior to the commencement of the work.
3. City understands that prior to the commencement of the initial construction of the Potable Water Transmission Pipelines & Facilities within the District Right of Way, City (or City's authorized agent and/or contractor) must obtain a District RIGHT-OF-WAY CROSSING PERMIT. It is further understood that City must obtain a separate District RIGHT-OF-WAY CROSSING PERMIT for each future occurrence of operations and maintenance work on the Potable Water Transmission Pipelines & Facilities involving an excavation within, or a jack/bore operation across, the District Right of Way.
4. Plans and specifications for the initial construction of the Potable Water Transmission Pipelines & Facilities: North Avondale Water Supply Project, WA1469 Interconnect and Offsite Pipelines (the "Approved Plans") have been or will be submitted to the District for the District's review and approval, copies of which will be on file with the District and incorporated herein by this reference. City hereby represents and warrants to the District that such Approved Plans will meet all guidelines and criteria for utility construction.
5. The initial construction of the Potable Water Transmission Pipelines & Facilities shall be in accordance with the Approved Plans, including the type and quality of materials used. No alteration, addition, modification or other amendment to the Approved Plans within the District's Right of Way shall be made, nor shall any deviation from the Approved Plans within the District's Right of Way be permitted without the District's prior approval. All construction within the District's Right of Way and under the District's Main Canal shall specifically be done so as to assure the District that water delivery will at no time be interrupted.
6. The District shall not be responsible for any costs and expenses of designing, constructing or maintaining the Potable Water Transmission Pipelines & Facilities. City shall be responsible for ensuring that the initial construction is completed in a good and workmanlike manner, in accordance with the Approved Plans. Maintenance, operations and associated costs for City facilities covered by the agreement will be the responsibility of City.
7. City understands and agrees that in the event of an emergency, the District shall have the right to alter, relocate or remove any facilities installed for the benefit of

City. In such event, the District shall have no obligation to reinstate or reconstruct such facilities. To the extent possible, the District shall notify City of any such emergency and the need to alter, relocate or remove any facilities. The District shall further, to the extent possible, try to make repairs to District facilities in such a way as to not have to alter, relocate or remove any facilities installed for the benefit of City.

8. City shall keep the District's Right of Way free and clear of any or all liens, including, but not limited to, mechanics and materialmen's liens relating to the work contemplated hereby.
9. City agrees to indemnify and hold harmless and release the District from any and all claims for damages or injury arising from or in any way incident to the design, engineering, construction, maintenance or repair of the Potable Water Transmission Pipelines & Facilities, or the exercise of any other rights or obligations under this Agreement. City's indemnification shall expressly include, but shall not be limited to, damages to the District or its members' properties resulting from failure of or damage to the District Right of Way.
10. Notwithstanding anything contained herein to the contrary, nothing contained in this Agreement shall be construed as a consent by the District to any expansion of the Potable Water Transmission Pipelines & Facilities beyond the stated size, quality and character as set forth in the Approved Plans. Any such modification to or enlargement of the improvements shall require a new Agreement and license to be executed by the parties.
11. City acknowledges and warrants to the District that it will not assign this Agreement and will not cause or allow the Potable Water Transmission Pipelines & Facilities to be owned, operated or managed by any party or entity other than City or its approved assigns. Any assignment document must state that the Assignee agrees to assume the obligations of City hereunder.
12. City understands the District's and all of its agents' right to construct, maintain, and operate canal facilities over and/or under the City facilities within the District Right of Way.
13. Any party may enforce this Agreement by appropriate legal action and the prevailing party in such litigation may recover as part of its costs in such action reasonable attorneys' fees, costs and expenses of enforcing its rights hereunder. This Agreement contains the entire agreement between the parties. Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in writing and signed by each party. This Agreement shall be construed in accordance with the laws of the State of Arizona.
14. The acceptance date of this Agreement shall be the day which the last party executes the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

Counsel Accepted:

ROOSEVELT IRRIGATION DISTRICT,
an Arizona municipal corporation

Title: _____

By: _____

Its: _____

Date: _____

THE CITY OF AVONDALE, a municipal
corporation

Title: _____

By: _____

Its: _____

Date: _____

ACKNOWLEDGMENT BY DISTRICT

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by _____, the _____ of the Roosevelt Irrigation
District on behalf of said corporation.

Notary Public

Notary Seal:

ACKNOWLEDGMENT BY CITY OF AVONDALE

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by _____, the _____ of the City of
Avondale, on behalf of said _____.

Notary Public

Notary Seal:

EXHIBIT "A"

Legal Description

Easement for Potable Water Transmission Pipelines & Facilities Across Roosevelt
Irrigation District Right of Way

EXHIBIT A

LEGAL DESCRIPTION

A CITY OF AVONDALE POTABLE WATER TRANSMISSION PIPELINES AND FACILITIES CONSTRUCTION, OPERATION & MAINTENANCE EASEMENT OVER THAT TRACT AS CONVEYED TO ROOSEVELT IRRIGATION DISTRICT (RID) BY DEED OF RECORD IN DEED BOOK 215, PAGE 413, MARICOPA COUNTY RECORDS (MCR) AND LYING WITHIN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA & SALT RIVER MERIDIAN, CITY OF AVONDALE, MARICOPA COUNTY, ARIZONA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 29 (MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HAND HOLE) FROM WHICH POINT THE WEST QUARTER CORNER THEREOF (BRASS CAP STEM) BEARS S00°46'59"E A DISTANCE OF 2675.04 FEET;

THENCE S00°46'59"E, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER WITH SAID LINE BEING THE CENTERLINE OF 107TH AVENUE, A DISTANCE OF 825.50 FEET;

THENCE N89°13'01"E, ACROSS THE RIGHT-OF-WAY OF SAID 107TH AVENUE, A DISTANCE OF 33.00 FEET TO A POINT ON THE EAST LINE THEREOF BEING THE POINT OF BEGINNING;

THENCE CONTINUING N89°13'01"E, ACROSS SAID RID TRACT, A DISTANCE OF 45.00 FEET;

THENCE N00°46'59"W, CONTINUING ACROSS SAID RID TRACT ALONG A LINE 45.00 FEET EAST OF AND PARALLEL TO SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 94.16 FEET TO A POINT ON THE SOUTH LINE OF LOT 2 AS SHOWN ON THE FINAL PLAT FOR FRY'S AVONDALE PLAZA RECORDED IN BOOK 476, PAGE 9, MCR;

THENCE N89°41'08"E, ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 20.00 FEET TO THE NORTHWEST CORNER OF TRACT I AS SHOWN ON THE FINAL PLAT OF WESTWIND - UNIT 2 RECORDED IN BOOK 449, PAGE 7, MCR;

THENCE S00°46'59"E, ALONG SAID WEST LINE BEING 65.00 FEET EAST OF AND PARALLEL TO SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 114.00 FEET;

THENCE S89°13'01"W, ACROSS SAID RID TRACT, A DISTANCE OF 65.00 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF 107TH AVENUE;

THENCE N00°46'59"W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

Sheet 1 of 4

TITLE: CITY OF AVONDALE WATERLINE EASEMENT

Preparing Firm: RITTOCH-POWELL & ASSOCIATES, INC.

Address: 5727 N. 7TH STREET, SUITE 120 PHOENIX, AZ 85014

Phone: 602-263-1177

Fax: 602-277-6286

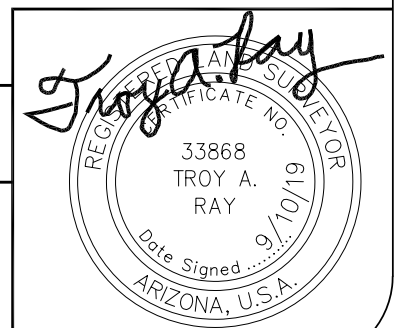


EXHIBIT A

LEGAL DESCRIPTION

THE ABOVE DESCRIBED EASEMENT CONTAINS 0.0730 ACRE (3,181.64 S.F.) OF LAND, MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS S00°46'59"E FOR THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA & SALT RIVER MERIDIAN AS COLLECTED THROUGH GPS OBSERVATIONS.

Sheet 2 of 4

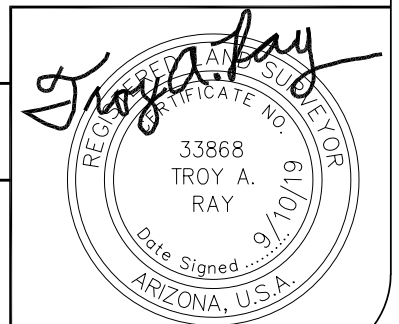
TITLE: CITY OF AVONDALE WATERLINE EASEMENT

Preparing Firm: RITICH-POWELL & ASSOCIATES, INC.

Address: 5727 N. 7TH STREET, SUITE 120 PHOENIX, AZ 85014

Phone: 602-263-1177

Fax: 602-277-6286



POC
NW COR. SEC. 29
(MARICOPA COUNTY
HIGHWAY DEPARTMENT
BRASS CAP IN HAND HOLE)

EXHIBIT A SKETCH

FINAL PLAT FOR
FRY'S AVONDALE PLAZA
BK. 476, PG. 9,MCR
LOT 2

APN 102-27-730
SMITH'S FOOD AND
DRUG CENTERS, INC.
INST. NO. 2002-
0106399,MCR

FINAL PLAT OF
WESTWIND UNIT 2
BK. 447, PG. 07,MCR
TRACT I

APN 102-27-723
WESTWIND
HOMEOWNER'S
ASSOCIATION
INST. NO. 1998-
0538215,MCR

APN-NONE
ASSIGNED
ROOSEVELT
IRRIGATION
DISTRICT

APN-NONE
ASSIGNED
ROOSEVELT
IRRIGATION
DISTRICT
BK. 215,
PG. 413,MCR

CITY OF AVONDALE
POTABLE WATER TRANSMISSION
PIPELINES AND FACILITIES
CONSTRUCTION, OPERATION &
MAINTENANCE EASEMENT
0.0730 ACRE
(3,181.64 S.F.)

WEST 1/4
COR. SEC. 29
(BRASS CAP STEM)

SEE SHEET 4 OF 4 FOR LINE TABLE

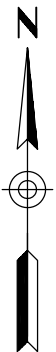
R/W = RIGHT-OF-WAY LINE

APN 102-28-977B
DONALD E. STUDDT,
TRUSTEE
INST. NO. 2007-
0407704,MCR

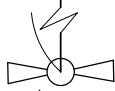
APN 102-28-006H
TOLLESON UNION HIGH
SCHOOL DISTRICT
INST. NO. 1985-0106068,MCR

INDIAN
SCHOOL
ROAD

107TH AVENUE



SCALE:
1"=40'
NW 1/4
SEC. 29
T 2 N
R 1 E



TITLE: CITY OF AVONDALE WATERLINE EASEMENT

Preparing Firm: RITTOCH-POWELL & ASSOCIATES, INC.

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Sheet 3 of 4

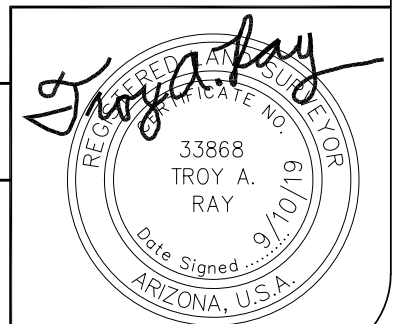


EXHIBIT A

LINE TABLE

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°13'01"E	33.00'
L2	N89°13'01"E	45.00'
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L4	S89°13'01"W	65.00'
L5	N00°46'59"W	20.00'

Sheet 4 of 4

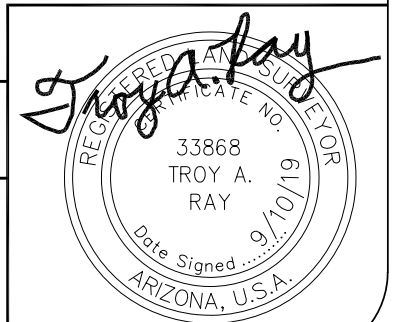
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Address: 5727 N. 7TH STREET, SUITE 120 PHOENIX, AZ 85014

Phone: 602-263-1177

Fax: 602-277-6286



CITY OF AVONDALE WATERLINE EASEMENT

NORTH: 906629.5928' EAST: 586242.8815'

SEGMENT #1 : LINE

COURSE: N89° 13' 01"E LENGTH: 45.00'
NORTH: 906630.2078' EAST: 586287.8773'

SEGMENT #2 : LINE

COURSE: N0° 46' 59"W LENGTH: 94.16'
NORTH: 906724.3590' EAST: 586286.5905'

SEGMENT #3 : LINE

COURSE: N89° 41' 08"E LENGTH: 20.00'
NORTH: 906724.4688' EAST: 586306.5902'

SEGMENT #4 : LINE

COURSE: S0° 46' 59"E LENGTH: 114.00'
NORTH: 906610.4794' EAST: 586308.1482'

SEGMENT #5 : LINE

COURSE: S89° 13' 01"W LENGTH: 65.00'
NORTH: 906609.5911' EAST: 586243.1543'

SEGMENT #6 : LINE

COURSE: N0° 46' 59"W LENGTH: 20.00'
NORTH: 906629.5892' EAST: 586242.8809'

PERIMETER: 358.16'

AREA: 3,181.64 SQ. FT.(0.0730 ACRE)

ERROR CLOSURE: 0.0036'

COURSE: S9° 49' 02"W

ERROR NORTH: -0.00358'

EAST: -0.00062'

PRECISION 1: 99,488.89



When recorded please return to:

Jake D. Curtis, Esq.
Burch & Cracchiolo, P.A.
702 East Osborn Road
Suite 200
Phoenix, Arizona 85014

**AGREEMENT AND PERPETUAL EASEMENT
TO CONSTRUCT, OPERATE AND MAINTAIN POTABLE WATER TRANSMISSION
PIPELINES & FACILITIES ACROSS
THE ROOSEVELT IRRIGATION DISTRICT RIGHT OF WAY**

THIS AGREEMENT AND PERPETUAL EASEMENT TO CONSTRUCT, OPERATE AND MAINTAIN Potable Water Transmission Pipelines & Facilities ACROSS THE ROOSEVELT IRRIGATION DISTRICT RIGHT OF WAY is made between THE ROOSEVELT IRRIGATION DISTRICT, an Arizona municipal corporation (hereinafter the "District") and CITY OF AVONDALE, an Arizona municipal corporation (hereinafter "City").

RECITALS:

- A. City desires to construct a Potable Water Transmission Pipelines & Facilities within the District's Right-of-Way to meter City's Central Arizona Project (CAP) water allocation through the City of Phoenix potable water system into the City of Avondale's potable water system.
- B. The District has agreed to grant to City a perpetual easement under and around its Main Canal and Right of Way for the purpose of construction, operation and maintenance of a Potable Water Transmission Pipelines & Facilities.
- C. City and the District desire to enter into this Agreement which authorizes City access under and around and to use the District's property for the purpose of operating and maintaining a Potable Water Transmission Pipelines & Facilities.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- 1. The District hereby grants to City an exclusive utility-easement upon that portion of District property which is more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (hereinafter "District Right of Way"), the

use of the space above and below the established grade line of the RID Main Canal for the purpose of a Potable Water Transmission Pipelines & Facilities on, over, across, under, in and upon the area of District Land in Exhibit "A."

2. The District hereby grants City a nonexclusive license for ingress and egress upon District property to construct, operate and maintain the Potable Water Transmission Pipelines & Facilities within the District Right of Way as is deemed necessary, provided however, that such construction, operation and maintenance shall not interfere with the District's operation, maintenance and repair of its facilities. Upon completion of the work, City shall return the District's property to the same or better condition as it was in prior to the commencement of the work.
3. City understands that prior to the commencement of the initial construction of the Potable Water Transmission Pipelines & Facilities within the District Right of Way, City (or City's authorized agent and/or contractor) must obtain a District RIGHT-OF-WAY CROSSING PERMIT. It is further understood that City must obtain a separate District RIGHT-OF-WAY CROSSING PERMIT for each future occurrence of operations and maintenance work on the Potable Water Transmission Pipelines & Facilities involving an excavation within, or a jack/bore operation across, the District Right of Way.
4. Plans and specifications for the initial construction of the Potable Water Transmission Pipelines & Facilities: North Avondale Water Supply Project, WA1469 Interconnect and Offsite Pipelines (the "Approved Plans") have been or will be submitted to the District for the District's review and approval, copies of which will be on file with the District and incorporated herein by this reference. City hereby represents and warrants to the District that such Approved Plans will meet all guidelines and criteria for utility construction.
5. The initial construction of the Potable Water Transmission Pipelines & Facilities shall be in accordance with the Approved Plans, including the type and quality of materials used. No alteration, addition, modification or other amendment to the Approved Plans within the District's Right of Way shall be made, nor shall any deviation from the Approved Plans within the District's Right of Way be permitted without the District's prior approval. All construction within the District's Right of Way and under the District's Main Canal shall specifically be done so as to assure the District that water delivery will at no time be interrupted.
6. The District shall not be responsible for any costs and expenses of designing, constructing or maintaining the Potable Water Transmission Pipelines & Facilities. City shall be responsible for ensuring that the initial construction is completed in a good and workmanlike manner, in accordance with the Approved Plans. Maintenance, operations and associated costs for City facilities covered by the agreement will be the responsibility of City.
7. City understands and agrees that in the event of an emergency, the District shall have the right to alter, relocate or remove any facilities installed for the benefit of

City. In such event, the District shall have no obligation to reinstate or reconstruct such facilities. To the extent possible, the District shall notify City of any such emergency and the need to alter, relocate or remove any facilities. The District shall further, to the extent possible, try to make repairs to District facilities in such a way as to not have to alter, relocate or remove any facilities installed for the benefit of City.

8. City shall keep the District's Right of Way free and clear of any or all liens, including, but not limited to, mechanics and materialmen's liens relating to the work contemplated hereby.
9. City agrees to indemnify and hold harmless and release the District from any and all claims for damages or injury arising from or in any way incident to the design, engineering, construction, maintenance or repair of the Potable Water Transmission Pipelines & Facilities, or the exercise of any other rights or obligations under this Agreement. City's indemnification shall expressly include, but shall not be limited to, damages to the District or its members' properties resulting from failure of or damage to the District Right of Way.
10. Notwithstanding anything contained herein to the contrary, nothing contained in this Agreement shall be construed as a consent by the District to any expansion of the Potable Water Transmission Pipelines & Facilities beyond the stated size, quality and character as set forth in the Approved Plans. Any such modification to or enlargement of the improvements shall require a new Agreement and license to be executed by the parties.
11. City acknowledges and warrants to the District that it will not assign this Agreement and will not cause or allow the Potable Water Transmission Pipelines & Facilities to be owned, operated or managed by any party or entity other than City or its approved assigns. Any assignment document must state that the Assignee agrees to assume the obligations of City hereunder.
12. City understands the District's and all of its agents' right to construct, maintain, and operate canal facilities over and/or under the City facilities within the District Right of Way.
13. Any party may enforce this Agreement by appropriate legal action and the prevailing party in such litigation may recover as part of its costs in such action reasonable attorneys' fees, costs and expenses of enforcing its rights hereunder. This Agreement contains the entire agreement between the parties. Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in writing and signed by each party. This Agreement shall be construed in accordance with the laws of the State of Arizona.
14. The acceptance date of this Agreement shall be the day which the last party executes the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

Counsel Accepted:

ROOSEVELT IRRIGATION DISTRICT,
an Arizona municipal corporation

Title: _____

By: _____

Its: _____

Date: _____

THE CITY OF AVONDALE, a municipal
corporation

Title: _____

By: _____

Its: _____

Date: _____

ACKNOWLEDGMENT BY DISTRICT

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by _____, the _____ of the Roosevelt Irrigation
District on behalf of said corporation.

Notary Public

Notary Seal:

ACKNOWLEDGMENT BY CITY OF AVONDALE

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by _____, the _____ of the City of
Avondale, on behalf of said _____.

Notary Public

Notary Seal:

EXHIBIT "A"

Legal Description

Easement for Potable Water Transmission Pipelines & Facilities Across Roosevelt
Irrigation District Right of Way

EXHIBIT A

LEGAL DESCRIPTION

A CITY OF AVONDALE POTABLE WATER TRANSMISSION PIPELINES AND FACILITIES CONSTRUCTION, OPERATION & MAINTENANCE EASEMENT OVER THAT TRACT AS CONVEYED TO ROOSEVELT IRRIGATION DISTRICT (RID) BY DEED OF RECORD IN DEED BOOK 215, PAGE 413, MARICOPA COUNTY RECORDS (MCR) AND LYING WITHIN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA & SALT RIVER MERIDIAN, CITY OF AVONDALE, MARICOPA COUNTY, ARIZONA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 29 (MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HAND HOLE) FROM WHICH POINT THE WEST QUARTER CORNER THEREOF (BRASS CAP STEM) BEARS S00°46'59"E A DISTANCE OF 2675.04 FEET;

THENCE S00°46'59"E, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER WITH SAID LINE BEING THE CENTERLINE OF 107TH AVENUE, A DISTANCE OF 825.50 FEET;

THENCE N89°13'01"E, ACROSS THE RIGHT-OF-WAY OF SAID 107TH AVENUE, A DISTANCE OF 33.00 FEET TO A POINT ON THE EAST LINE THEREOF BEING THE POINT OF BEGINNING;

THENCE CONTINUING N89°13'01"E, ACROSS SAID RID TRACT, A DISTANCE OF 45.00 FEET;

THENCE N00°46'59"W, CONTINUING ACROSS SAID RID TRACT ALONG A LINE 45.00 FEET EAST OF AND PARALLEL TO SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 94.16 FEET TO A POINT ON THE SOUTH LINE OF LOT 2 AS SHOWN ON THE FINAL PLAT FOR FRY'S AVONDALE PLAZA RECORDED IN BOOK 476, PAGE 9, MCR;

THENCE N89°41'08"E, ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 20.00 FEET TO THE NORTHWEST CORNER OF TRACT I AS SHOWN ON THE FINAL PLAT OF WESTWIND - UNIT 2 RECORDED IN BOOK 449, PAGE 7, MCR;

THENCE S00°46'59"E, ALONG SAID WEST LINE BEING 65.00 FEET EAST OF AND PARALLEL TO SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 114.00 FEET;

THENCE S89°13'01"W, ACROSS SAID RID TRACT, A DISTANCE OF 65.00 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF 107TH AVENUE;

THENCE N00°46'59"W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

Sheet 1 of 4

TITLE: CITY OF AVONDALE WATERLINE EASEMENT

Preparing Firm: RITTOCH-POWELL & ASSOCIATES, INC.

Address: 5727 N. 7TH STREET, SUITE 120 PHOENIX, AZ 85014

Phone: 602-263-1177

Fax: 602-277-6286

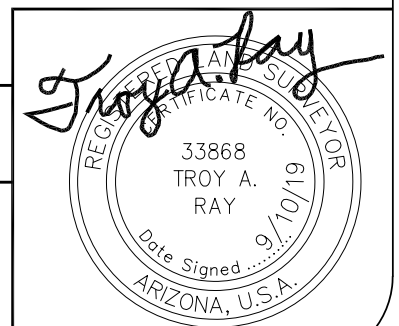


EXHIBIT A

LEGAL DESCRIPTION

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THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS S00°46'59"E FOR THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA & SALT RIVER MERIDIAN AS COLLECTED THROUGH GPS OBSERVATIONS.

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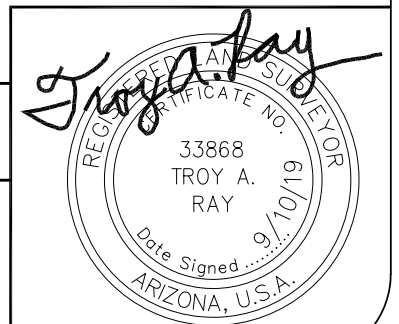
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POC
NW COR. SEC. 29
(MARICOPA COUNTY
HIGHWAY DEPARTMENT
BRASS CAP IN HAND HOLE)

EXHIBIT A SKETCH

FINAL PLAT FOR
FRY'S AVONDALE PLAZA
BK. 476, PG. 9,MCR
LOT 2

APN 102-27-730
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INST. NO. 2002-
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FINAL PLAT OF
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BK. 447, PG. 07,MCR
TRACT I

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ASSOCIATION
INST. NO. 1998-
0538215,MCR

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ASSIGNED
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IRRIGATION
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APN-NONE
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BK. 215,
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CITY OF AVONDALE
POTABLE WATER TRANSMISSION
PIPELINES AND FACILITIES
CONSTRUCTION, OPERATION &
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0.0730 ACRE
(3,181.64 S.F.)

WEST 1/4
COR. SEC. 29
(BRASS CAP STEM)

SEE SHEET 4 OF 4 FOR LINE TABLE

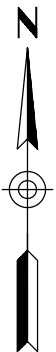
R/W = RIGHT-OF-WAY LINE

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DONALD E. STUDDT,
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SCHOOL DISTRICT
INST. NO. 1985-0106068,MCR

INDIAN
SCHOOL
ROAD

107TH AVENUE



SCALE:
1"=40'
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T 2 N
R 1 E

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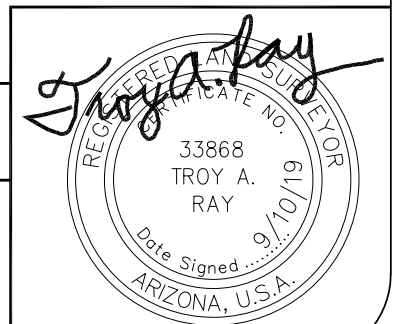


EXHIBIT A

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L2	N89°13'01"E	45.00'
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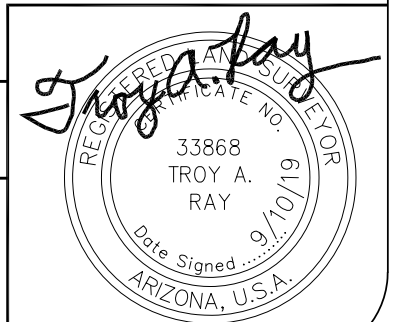
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Fax: 602-277-6286



CITY OF AVONDALE WATERLINE EASEMENT

NORTH: 906629.5928' EAST: 586242.8815'

SEGMENT #1 : LINE

COURSE: N89° 13' 01"E LENGTH: 45.00'
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ERROR CLOSURE: 0.0036'

COURSE: S9° 49' 02"W

ERROR NORTH: -0.00358'

EAST: -0.00062'

PRECISION 1: 99,488.89



NORTH AVONDALE WATER SUPPLY PROJECT

