

CITY COUNCIL AGENDA

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

WORK SESSION
March 17, 2014
6:00 PM

CALL TO ORDER BY MAYOR ROGERS

1 ROLL CALL BY THE CITY CLERK

2 UNFUNDED CAPITAL IMPROVEMENT PROJECTS UPDATE

City Council will receive an update regarding unfunded Capital Improvement Plan projects and prioritization of the projects by the Capital Improvement Plan Committee. For information, discussion and direction.

3 ADJOURNMENT

Respectfully submitted,

A handwritten signature in cursive script that reads "Carmen Martinez".

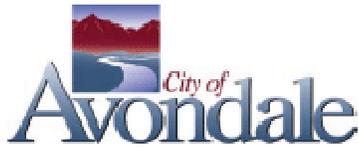
Carmen Martinez
City Clerk

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Notice is hereby given that pursuant to A.R.S. § 1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council may be audio and/or video recorded and, as a result, proceedings in which children are present may be subject to such recording. Parents, in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. § 1-602.A.9 have been waived.

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CITY COUNCIL REPORT

SUBJECT:

Unfunded Capital Improvement Projects Update

MEETING DATE:

March 17, 2014

TO: Mayor and Council

FROM: Kevin Artz, Finance and Budget Director

THROUGH: David Fitzhugh, Acting City Manager

PURPOSE:

To provide Council with an update of unfunded Capital Improvement Plan projects, a prioritization of the projects by the Capital Improvement Plan Committee, and to seek direction from Council.

BACKGROUND:

Staff has prepared the Fiscal Year 2015-2024 Capital Improvement Plan (CIP) and has determined that over the ten-year period there is approximately a \$45M funding gap. Over the first three years of the program the funding gap is approximately \$20M.

Staff presented the draft CIP to the Citizens CIP Committee on February 12, 2014. The entire CIP was presented to the Committee, and the unfunded projects were discussed separately. Staff requested the Committee prioritize the unfunded projects, and informed the Committee that their prioritization would be presented to City Council.

Staff presented a list of 17 new or existing projects, that had a significant scope change (ranging from \$4K to \$13.5M in funding deficit). A summary of the priorities from the Committee are in Attachment A. Projects priorities were ranked as High (1 point), Medium (2 points) and Low (3 points).

DISCUSSION:

The projects that generated the most discussion with the CIP Committee were: 1) Dysart Road - Van Buren to MC 85 improvements, 2) Van Buren Drainage Channel, 3) the trail system, 4) Festival Fields improvements, and 5) Friendship Park enhancements.

Dysart Road - Van Buren to MC85

This is a new project that was not identified in the previous CIP. Total costs are estimated to be \$3.9M, with \$1.04M available in cost sharing from other entities. Net cost to the General Fund is estimated to be approximately \$2.9M for FY 2015. The Committee ranked the project as a high priority with an average score of 1.5 points.

Van Buren Drainage channel

This project was included in the previous CIP at a cost of \$6.45M. Current estimated total costs are \$19.0M, with \$7.6M available in cost sharing from other entities. Net costs to the General Fund are estimated to be \$8.4M over FY 15-17 and \$13.4M over the ten-year period. The committee ranked the project as a high priority with an average score of 1.5 points.

Multi-modal Trail system

This project was included in the previous CIP at a cost of \$3.75M. Current estimated total cost are \$13.5M, with \$13.0M in cost sharing. However, no grant funding has been identified or approved for this project. Net costs to the General Fund are estimated to be \$13.5M over FY 2015-2024. The committee ranked the project as a high priority with an average score of 1.5 points.

Festival Fields

This project was included in the previous CIP at a cost of \$1.42M. Current estimated total costs are \$3.15M, with no cost sharing. Net costs to the General Fund are \$1.52M in FY 2015 and \$1.6M in FY 2020. The committee ranked the project as a medium priority with an average score of 2.25 points.

Friendship park enhancements

This project was included in the previous CIP at a cost of \$650K. Current estimated total costs are \$7.5M, with no cost sharing. Net costs to the General Fund are \$2.2M in FY 2015 and 5.3M in FY 2019-20. The committee ranked the project as a low priority with an average score of 2.50 points.

The CIP Committees prioritization of the rest of the projects and detailed descriptions are included in attachment A.

BUDGETARY IMPACT:

The funding deficit over the next three years for all 17 of the projects totals \$19.6M. For the five projects discussed above, the total deficit is \$16M.

Staff projects \$8M to \$10M of unassigned/uncommitted fund balance in the General Fund, that would be available to fund CIP projects in FY 2015.

Debt options

The Dysart road project and the two park projects would be eligible to be funded with General Obligation bonds. The City currently has \$7M in street authorization and \$7.2M in park authorization.

Issuing \$7M in General Obligation bonds would require secondary property taxes to recover an additional \$800K per year, and would require an increase in the property tax rate of \$.25 per \$100 of assessed valuation. This would increase the combined rate from \$1.80 to \$2.00 per \$100 of assessed valuation, or \$33 per year for the median home.

RECOMMENDATION:

Staff recommends Council provide a prioritization of the projects that will align with the projected available resources (\$8-10M).

ATTACHMENTS:

Click to download

[Attachment A - Project Ranking and Project Detail](#)

Projects Needing General Fund Transfer

(H-1 point, M-2 points, L-3points)

Project	2015	2016	2017	2018	2019	2020-24	10 Yr Total	Grant	GF Transfer	Rank
Grant \$ in Bold										
Crash Analysis Software Upgrade	3,750	25,000					28,750	25,000	3,750	1.5
		-25,000								
I-10 Underpass Trail	440,000	1,341,000					1,781,000	1,300,000	481,000	1.5
		-1,300,000								
Dysart Bike/Ped Facilities - Van Buren to MCG85/Buckeye	3,000,000						3,000,000	840,000	2,160,000	1.5
	-840,000									
Van Buren Drainage Channel (99th to Agua Fria River)	3,000,000	6,000,000	5,000,000	0	0	5,000,000	19,000,000	5,600,000	13,400,000	1.5
	-1,200,000	-2,400,000	-2,000,000							
Multi-Modal Trail System	500,000	500,000	500,000	500,000	500,000	11,500,000	13,500,000	0	13,500,000	1.5
Western Ave Drainage Outfall	650,000	650,000					650,000	0	650,000	1.75
Western Ave Storm Drain Improve (Dysart to 5th Street)	950,000	950,000					950,000	0	950,000	1.75
Pedestrian Countdown Signals	15,000	135,840					150,840	135,840	15,000	2
		-135,840								
Avondale Blvd. Landscape/Median Improvements (I-10 to MCG85)	450,000		450,000				900,000	0	900,000	2
Citywide Landscape Improvements			50,000	50,000	50,000	250,000	400,000	0	400,000	2
Western Ave Park - Offsite Improve (Dysart & Western)		350,000					350,000	0	350,000	2
Festival Fields (Central and Lower Buckeye)	1,520,000					1,627,170	3,147,170	0	3,147,170	2.25
Sernas Park Renovation (Western and 5th Street)		205,000					205,000	0	205,000	2.25
Doc Rhodes Renovation (Western & Central)		140,000					140,000	0	140,000	2.25
Art Park - Western & Dysart Friendship Park Enhancements	2,191,000	500,000					500,000	0	500,000	2.5
	25,000	25,000	25,000	25,000	25,000	125,000	7,516,000	0	7,516,000	2.5
Bike Retrofit Program	8,604,750	6,961,000	4,025,000	575,000	3,900,000	20,502,170	52,468,760	7,900,840	44,567,920	2.75

Western Ave Storm Drainage Improvements

The project will extend the existing storm drain along Western Avenue (completed in the Phase I of the Western Avenue Improvement Project. FCDMC and the City installed storm drain from Dysart Road to 5th Street). This project will install approximately 800 lf of storm drain and laterals. This project will also install catch basins along Western Avenue and side streets.

Pedestrian Countdown Signals

This project will upgrade all remaining pedestrian signal heads to MUTCD-compliant man-hand with countdown. Grant funding of \$135,840 is available in FY 2016.

Avondale Blvd. Landscape/Median Improvements

This project will repair the existing curb, pavers and medians and supplement the existing landscaping with additional trees, shrubs and plants. The project will beautify one of Avondale's major corridors.

Citywide Landscape Improvements

This annual program will provide citywide landscape and median improvements.

Western Ave Park - Offsite Improvements

This project will provide off-site improvements such as ADA sidewalks, ramps, water, sewer and power infrastructure to support the future Western Avenue Art Park.

Festival Fields

Festival Fields projects include (1) the compleion of the Phase II and (2) relocation of ball fields from Friendship community park, located at Central Avenue and Lower Buckeye Road. Amenities may include youth and adult ball fields, additional ramadas, football fields, splash area, enhanced play area, additional parking and support facilities.

(2) Constructioun of ball fields to replace Friendship park fields (included in Phase II project)

Sernas Park Renovation - Phase 2

Phase 2 will be the performing arts space. Sernes Plaza enhancements will formalize amphitheater-style seating space and provide for larger, flexible performance areas. Enhancements will include removal of the shade structures to provide better visibility, street appeal, and engagement of the public; replacement of natural grass with synthetic turf; improved pedestrian flows and seating areas; and increased electrical and lighting opportunities for performers, instruments, and sound systems.

Doc Rhodes Renovation - Phase 1

Phase 1 will be a kinetic, multi-purpose creative space for community activities: ceremonies, demonstration projects, and art classes. Enhancements to Doc Rhodes will include an outdoor plazz for individual and group events and gatherings; replacement of natural grass with synthetic turf; photo-quality landscaping; increased electrical outlets and lighting; and public art elements.

Art Park - Western & Dysart - Phase 3

Projects Needing General Fund Transfer

Crash Analysis Software Upgrade

Intersection Magic, the City's current crash analysis software, is not compatible with Windows 7 or above operating systems. This project will allow for the purchase of Crash Magic, which will enable the City to continue analyzing crash data and planning safety improvements. Project includes \$25,000 in grant funding in FY 2016.

I-10 Underpass Trail with Pedestrian Bridge

path system at Friendship Park. This connection is part of a larger multi-use path system along Agua Fria that will provide an alternative route for pedestrian and bicyclists to arterial north-south routes such as Dysart Road and Avondale Boulevard. The project improvements involve construction of a paved path approximately 1/4 mile long and 12 to 16-foot wide for pedestrian and bicycle use. The paths system elements include: ramps, lighting, pedestrian amenities, an underpass at I-10, and a pedestrian bridge crossing of the existing ADOT channel. Grant funding in the amount of \$1,300,000 is available in FY 2016.

Dysart Bike/Pedestrian Facilities - Van Buren to MC85

bus-stop facilities along both sides of Dysart Rd from Van Buren St to MC85 (Buckeye Rd) providing improved pedestrian and bicyclist accessibility, connectivity and safety. Project includes grant funds of \$840,000 in FY 2015.

Van Buren Drainage Channel

This project will design and construct a drainage channel between the Agua Fria River and 99th Avenue. The proposed drainage channel would intercept flows along Van Buren Street and convey these flows west to the Agua Fria River. By intercepting flows that originate north of Van Buren Street, relief would be provided to the existing "drop" drainage corridor located to the south of Van Buren Street. The City of Avondale feels that the proposed drainage channel would not only satisfy Avondale's needs, but also the Flood Control District of Maricopa County (FCDMC) due to the projects regional drainage aspect and importance. The implementation and ultimate construction of the Van Buren Street Drainage Channel project will alleviate existing flooding in and around 99th Avenue and assist in the formation of future development that would benefit from such a regional drainage facility. The Flood Control District will be responsible for 50% of the project cost. Flood Control will cost share \$3,600,000 and MAG will cost share \$2,000,000 in FY 2017.

Multi-Modal Trail System

Phased implementation of recreational trails and improvements throughout the West Valley Recreation Corridor. A multi-modal trail system will be developed to provide connectivity between the Agua Fria River, the El Rio WaterCourse Master Plan, Tres Rios, and the City of Avondale Bike, Pedestrian and Trails Master Plan.

Western Ave Drainage Outfall

This project will replace an inadequately sized pipe penetration that causes a negative backwater effect on the newly constructed (by FCDMC and City of Avondale) storm drain system. By eliminating or reducing the backwater or tailwater elevation, the newly constructed storm drain will have additional capacity and reduce the probability of drainage being pushed up onto the street through the catch basins.

Phase 3 will be a highly visible, visual arts space creating a major gateway for the Creative Arts District in Historic Avondale. Proposed improvements will include clearing and grubbing of the site in addition to developing infrastructure features that integrate artistic elements; site amenities; and a Western Avenue gateway. The park will include art spaces that can be used for art demonstrations, art displays, outdoor art galleries, art classes, passive activities, and contemplation. Proposed elements will include pathways and exhibit platforms, electrical and lighting capabilities, seating and gathering areas, and educational and interpretive features.

Friendship Park Enhancements

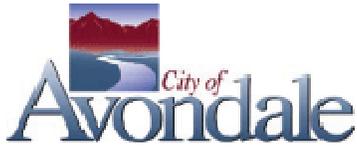
Friendship Park enhancements include two separate projects: (1) Three phase renovation project of football fields and enhanced play area. The park is located at McDowell Road and 125th Avenue. Additional planning may include the purchase of land adjacent to the park site or future expansion: splash pad, additional parking, additional green space, bike or skate park. Projected phase completion:

Phase 1: June 2014 - Additional Parking, Relocate Dog Park, Picnic area improvements, sports fencing, and design f

Phase 2: Funding required - Additional parking, ramadas, clubhouse and maintenance building, restroom renovations, expanded tennis courts and playground equipment (\$1,816,000)

Phase 3: Funding required - sports complex (including concession), trailhead, spectator bleachers, west field lighting, re-locate ball fields, program space, east entry road and parking (\$3,325,000)

Addition: Purchase of land for future expansion - \$2,000,000



CITY COUNCIL AGENDA

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

REGULAR MEETING
March 17, 2014
7:00 PM

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

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

2 RECOGNITION ITEMS (MAYOR PRESENTATIONS)

a. [RESOLUTION 3175-314 - HONORING JUDGE RICHARD LYNCH ON OCCASION OF HIS RETIREMENT](#)

3 UNSCHEDULED PUBLIC APPEARANCES

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

4 CONSENT AGENDA

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

a. [APPROVAL OF MINUTES](#)

1. Special Meeting of February 24, 2014
2. Work Session of March 3, 2014
3. Regular Meeting of March 3, 2014
4. Special Meeting of March 5, 2014

b. [SPECIAL EVENT LIQUOR LICENSE - EVENING UNDER THE STARS 2014 AT TRINITY FAMILY LIFE CENTER](#)

City Council will consider a request from Ms. Elizabeth Contreras on behalf of Trinity TEAM, the parent-teacher organization at Trinity Lutheran School, for a special event liquor license application to be used in conjunction with a fundraising event to be held on Saturday, April 12, 2014 at the Trinity Life Center located at 830 E. Plaza Circle in Avondale. The Council will take appropriate action.

c. [LIQUOR LICENSE - PERSON AND LOCATION TRANSFER SERIES 6 BAR LICENSE - CLUB SANTA FE](#)

City Council will consider a request for approval of an application submitted by Mr. Samuel Rodriguez Contreras for a Person and Location Transfer of a Series 6 - Bar Liquor License to serve all spirituous liquors to be used at Club Santa Fe located at 10907 W Buckeye Road in Avondale. The Council will take appropriate action.

- d. **COOPERATIVE PURCHASING AGREEMENT - PSC ENVIRONMENTAL SERVICES, LLC**
City Council will consider a request to approve a Cooperative Purchasing Agreement with Environmental Services, LLC for the collection and disposal of household hazardous waste for an annual aggregate amount not to exceed \$15,000, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.
- e. **PROFESSIONAL SERVICES AGREEMENT - KENNEDY-WILSON PROPERTIES OF AZ**
City Council will consider a request to approve a Professional Services Agreement with Kennedy-Wilson Properties, Ltd. to provide property management services for Avondale Corporate Center, 125 South Avondale Boulevard, and the City Center retail area in the amount of \$21,239 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.
- f. **PROFESSIONAL SERVICES AGREEMENT - ARCADIS U.S., INC. - WATER MODEL UPDATE AND PRESSURE ZONE STUDY**
City Council will consider a request to approve a Professional Services Agreement with ARCADIS US, Inc. to provide services pertaining to a Water Model Update and Pressure Zone Study in the amount of \$66,500, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.
- g. **FIRST AMENDMENT TO COOPERATIVE PURCHASING AGREEMENT – PUEBLO MECHANICAL AND CONTROL, INC.**
City Council will consider a request to approve the first amendment to the Cooperative Purchasing Agreement with Pueblo Mechanical & Controls, Inc. to increase the amount of the agreement by \$68,608.48 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.
- h. **RESOLUTION 3174-314 AND ORDINANCE 1539-314 - AVONDALE CITY CODE CHAPTER 14, PROPERTY MAINTENANCE ORDINANCE**
City Council will consider a resolution declaring as a public record the “City of Avondale Property Maintenance Ordinance, March 17, 2014.” and an ordinance deleting from the Avondale City Code Chapter 15, Article III, Property Maintenance Code and Chapter 15, Article IV, Registration of Residential Rental Property and adding a new Chapter 14, Property Maintenance Ordinance. The Council will take appropriate action.
- i. **RESOLUTION 3176-314 EXPRESSING SUPPORT FOR THE RESTORATION OF THE ARIZONA HIGHWAY USER REVENUE FUND DISTRIBUTION**
City Council will consider a resolution supporting the restoration of the Arizona Highway User Revenue Fund to cities, towns, counties and State highways. The Council will take the appropriate action.
- j. **ORDINANCE 1538-314 - ACCEPTING DEDICATION OF WATERLINE EASEMENT - AGUA FRIA HIGH UNION SCHOOL DISTRICT, NO. 216**
City Council will consider an ordinance accepting the dedication of a waterline easement for the Agua Fria High School campus located at the northwest corner of Dysart Road and Riley Drive and authorize the Mayor or City Manager and City Clerk to execute all the necessary documents. The Council will take the appropriate action.
- k. **ORDINANCE 1541-314 - ACQUISITION OF RIGHT-OF-WAY AND FOR VAN BUREN MULTI-USE CORRIDOR (LEGACY CHARTER SCHOOL)**
City Council will consider an ordinance authorizing the dedication, purchase or condemnation of right-of-way, access and maintenance easement, and temporary construction easement for the Van Buren Multi-use Corridor located west of Fairway Drive and east of 127th Avenue and authorize the Mayor or City Manager and City Clerk to execute the necessary document. The Council will take appropriate action.

5 PUBLIC HEARING AND ORDINANCE 1540-314 – DESERT SUN MARKET REZONING

City Council will consider an ordinance rezoning approximately 0.5 acres from Single Family Residential (R1-6) to Cashion Business District (CBD) in conformance with the General Plan Land Use Map, which shows the property as Local Commercial. The property consists of two platted lots in the Cashion subdivision. The Council will take appropriate action.

6 FUND TRANSFER - WASTEWATER CONTINGENCY FUNDS

City Council will consider a request to approve the transfer of appropriations from the wastewater contingency funds in the amount of \$534,200 to the wastewater operating budget. The Council will take the appropriate action.

7 EXECUTIVE SESSION

City Council may hold an executive session pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(4) for (i) discussion or consultation with the City's Attorney in order to consider its position and instruct the City's Attorney regarding potential litigation with respect to tax matters and (ii) discussion or consultation with the City's Attorney in order to consider its position and instruct the City's Attorney regarding potential litigation.

8 SETTLEMENT AGREEMENT AND PAYMENT FROM RISK MANAGEMENT FUND - GORLA V AVONDALE

City Council will consider a request to approve the settlement agreement with Mark Gorla in the amount of \$195,000 and authorize the City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

9 RESOLUTION 3177-314 - HONORING LT. MARK GORLA ON THE OCCASION OF HIS RETIREMENT

City Council will consider a resolution honoring Lt. Mark Gorla on the occasion of his retirement. Council will take appropriate action.

10 ADJOURNMENT

Respectfully submitted,



Carmen Martinez
City Clerk

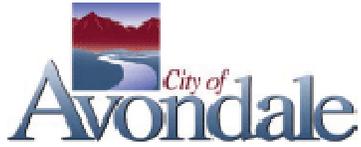
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CITY COUNCIL REPORT

SUBJECT:

Resolution 3175-314 - Honoring Judge Richard Lynch on occasion of his retirement

MEETING DATE:

March 17, 2014

TO: Mayor and Council

FROM: Carmen Martinez

THROUGH: David Fitzhugh, Acting City Manager

ATTACHMENTS:

Click to download

[Resolution 3175-314](#)

RESOLUTION NO. 3175-314

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, HONORING RICHARD T. LYNCH FOR TEN YEARS OF DEDICATED SERVICE TO THE CITY OF AVONDALE.

WHEREAS, on April 1, 2004, the Honorable Richard T. Lynch began his career with the City of Avondale when he was hired as the Presiding Judge; and

WHEREAS, Judge Lynch provided leadership and direction to court staff, so as to carry out the City Council's goals and objectives; and

WHEREAS, Judge Lynch's legal career began at the City of Phoenix where he provided outstanding service to law enforcement and excelled as an Assistant City Prosecutor and continued excellent work in his private practice; and

WHEREAS, Judge Lynch's experience in working as both a prosecutor and presiding judge has enabled him to understand the perspectives of both sides of the bench; and

WHEREAS, Judge Lynch contributed to the judicial system by serving as a pro tempore judge for the Maricopa County Superior Court and by allowing law students from the Phoenix College of Law to train in the Avondale Court under the supervision of the City Prosecutor; and

WHEREAS, Judge Lynch's distinguished career included making time for service to the community during which he supported community outreach, education and improving public access to the Court; and

WHEREAS, Judge Lynch developed strategies to improve domestic violence case processing and to give crime victims a voice; and

WHEREAS, Judge Lynch partnered with the Regional Homeless Court Program, Veterans Stand Up and Veteran's Stand Down events; and

WHEREAS, the City Council wishes to express its appreciation for his hard work and dedication, and to honor Richard T. Lynch on the occasion of his retirement after ten years of service to the citizens of Avondale.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, that the City of Avondale does hereby thank the Honorable Richard T. Lynch for his loyal, dedicated service to the City of Avondale and its citizens.

PASSED AND ADOPTED by the Council of the City of Avondale, March 17, 2014.

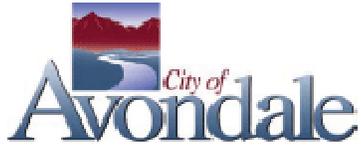
Marie Lopez Rogers, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney



CITY COUNCIL REPORT

SUBJECT:

Approval of Minutes

MEETING DATE:

March 17, 2014

TO: Mayor and Council

FROM: Carmen Martinez, City Clerk (623) 333-1214

THROUGH: David Fitzhugh, Acting City Manager

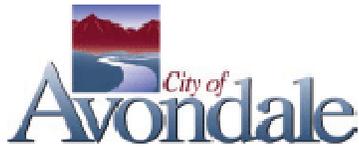
PURPOSE:

1. Special Meeting of February 24, 2014
2. Work Session of March 3, 2014
3. Regular Meeting of March 3, 2014
4. Special Meeting of March 5, 2014

ATTACHMENTS:

[Click to download](#)

No Attachments Available



CITY COUNCIL REPORT

SUBJECT:

Special Event Liquor License - Evening Under the Stars 2014 at Trinity Family Life Center

MEETING DATE:

March 17, 2014

TO: Mayor and Council

FROM: Carmen Martinez, City Clerk (623) 333-1214

THROUGH: David Fitzhugh, Acting City Manager

PURPOSE:

Staff is recommending approval of a request from Ms. Elizabeth Contreras on behalf of Trinity TEAM, the parent-teacher organization at Trinity Lutheran School, for a special event liquor license application to be used in conjunction with a fundraising event to be held on Saturday, April 12, 2014 at the Trinity Life Center located at 830 E. Plaza Circle in Avondale.

DISCUSSION:

The City Clerk's Department has received a special event liquor license application from Ms. Elizabeth Contreras on behalf of Trinity TEAM, the parent-teacher organization at Trinity Lutheran School.

The event is an invitation only dinner and auction to be held at Trinity Life Center on Saturday, April 12, 2014 from 5:30 to 10:30 pm. The required fees have been paid. The Police and Fire Department have reviewed the application and are recommending approval.

Staff reviewed the application using the 14 factors set forth in Ordinance 1031-04. The findings are as follows:

Criminal history of the applicant - A background check of the representative, Ms. Contreras revealed no contact with the Avondale Police Department.

1. The event is a fundraiser
2. Security measures taken by the applicant - This is an adult only ticketed event. Attendees will be carded at registration
3. Beer, wine and spirituous liquors will be served
4. Beverages will be dispensed in disposable cups
5. This is the first time the organizer of this event has submitted an application for a special event liquor license
6. No problems are foreseen for this event in terms of noise, time or length of the event as it will be held indoors
7. The event will last five hours
8. Sanitary facilities are available within the facility
9. Zoning designation at this location is Planned Area Development. Development Services staff has indicated that the proposed use will not result in incompatible land uses.
10. Anticipated daily attendance in the liquor area is 200
11. The event is a dinner and auction
12. Per the Police and Engineering Department, no traffic control measures will be necessary as there is ample parking within the facility

RECOMMENDATION:

Staff is recommending approval of a request from Ms. Elizabeth Contreras on behalf of Trinity TEAM, the parent-teacher organization at Trinity Lutheran School, for a special event liquor license application to be used in conjunction with a fundraising event to be held on Saturday, April 12, 2014 at the Trinity Life Center located at 830 E. Plaza Circle in Avondale.

ATTACHMENTS:

Click to download

- [Application](#)
- [Review by Departments](#)

10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?
 YES NO (attach explanation if yes)

11. This organization has been issued a special event license for 1 days this year, including this event
(not to exceed 10 days per year).

12. Is the organization using the services of a promoter or other person to manage the event? YES NO
If yes, attach a copy of the agreement.

13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.
**THE ORGANIZATION APPLYING MUST RECEIVE 25% OF THE GROSS REVENUES OF THE SPECIAL
EVENT LIQUOR SALES.**

Name Trinity TEAM PTO 100%
Percentage

Address 830 E. Plaza Circle, Litchfield Park, AZ 85340

Name _____ Percentage

Address _____
(Attach additional sheet if necessary)

14. Knowledge of Arizona State Liquor Laws Title 4 is important to prevent liquor law violations. If you have any questions regarding the law or this application, please contact the Arizona State Department of Liquor Licenses and Control for assistance.

NOTE: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.
"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT PREMISES."

15. What security and control measures will you take to prevent violations of state liquor laws at this event?
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

_____ # Police Fencing
_____ # Security personnel Barriers

This is an adult only ticketed event. Attendees must register at entrance to be seated for the meal and to purchase alcohol tickets.

Alcohol tickets must be purchased at registration desk. Alcohol will be served by a licensed caterer, Heidi's Events and Catering.

The entire campus is enclosed by 6 foot high fencing and drinks will be consumed inside perimeter.

16. Is there an existing liquor license at the location where the special event is being held? YES NO
If yes, does the existing business agree to suspend their liquor license during the time period, and in the area in which the special event license will be in use? YES NO

(ATTACH COPY OF AGREEMENT)

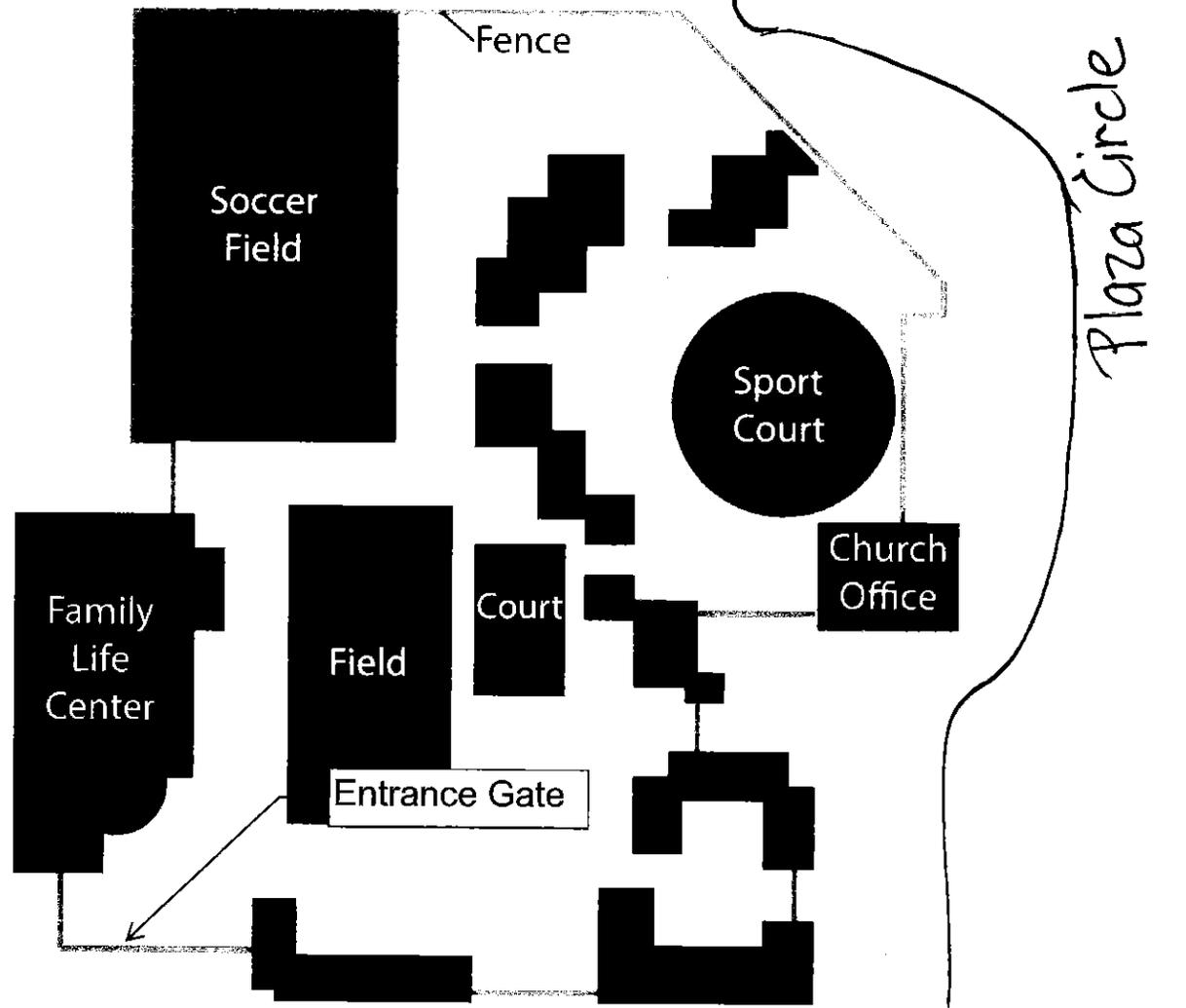
Name of Business ()
Phone Number

17. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page is to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

Trinity Lutheran Church & School

Indian School Rd.

132nd Ave



Event will take place in the Family Life Center. Attendees will enter in gate and register before being seated or given drink tickets. Entire campus is fenced-in.

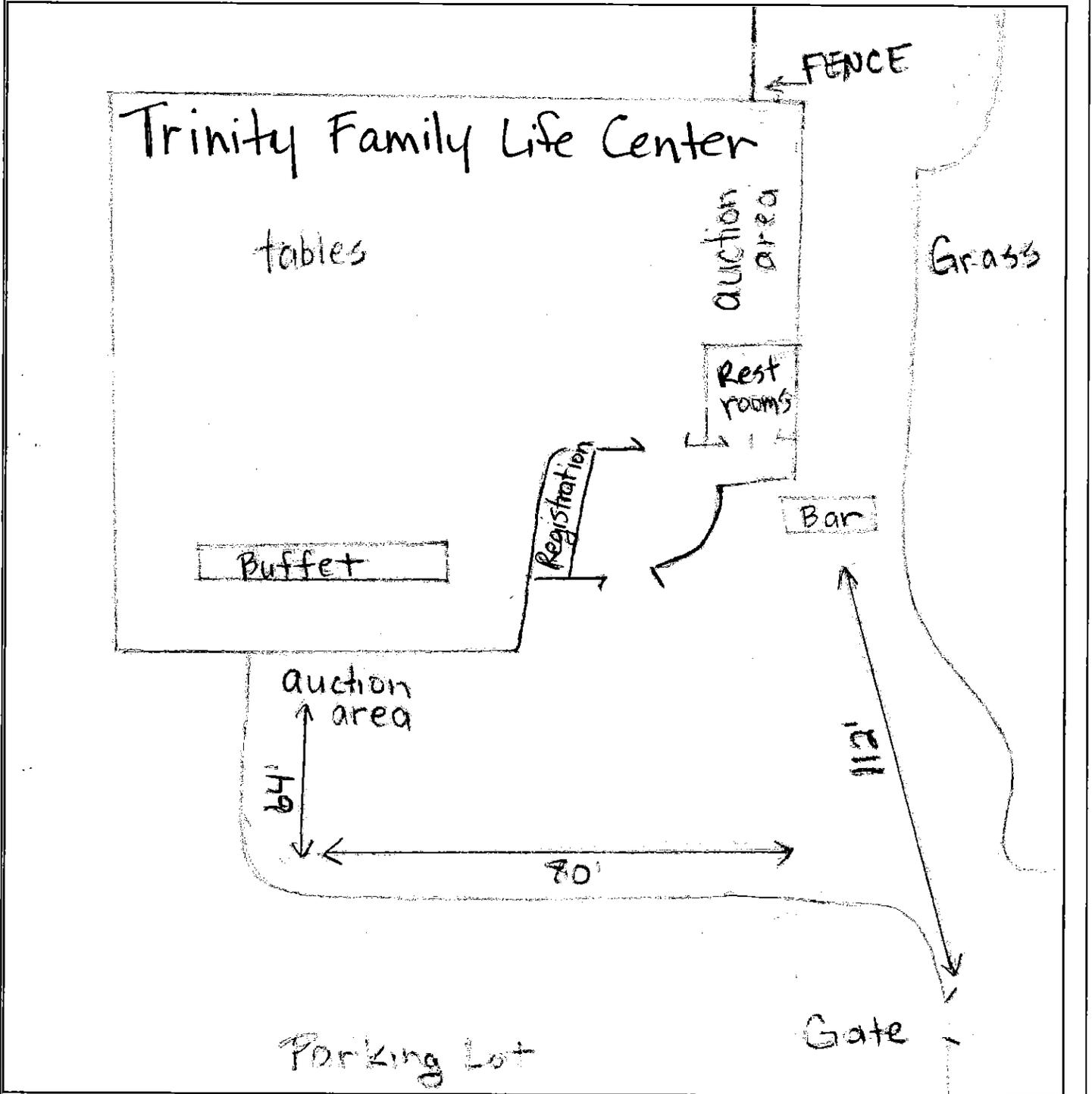
830 E. Plaza Circle

SPECIAL EVENT LICENSED PREMISES DIAGRAM
(This diagram must be completed with this application)

Special Event Diagram: (Show dimensions, serving areas, and label type of enclosure and security positions)
NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.

* NOT TO SCALE

See attached campus map for further details.



830 E. Plaza Circle

THIS SECTION TO BE COMPLETED ONLY BY AN OFFICER, DIRECTOR OR CHAIRPERSON OF THE ORGANIZATION NAMED IN QUESTION #1

18. I, Doug Palmer declare that I am an Officer/Director/Chairperson appointing the applicant listed in Question 6, to apply on behalf of the foregoing organization for a Special Event Liquor License.

X [Signature] Vice President 2-19-14 (310) 403-0626
(Signature) (Title/Position) (Date) (Phone #)
State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 19th Feb. 2014
Day Month Year

My Commission expires on: 6-16-2017 Heather Chapman
(Date) (Signature of NOTARY PUBLIC)

THIS SECTION TO BE COMPLETED ONLY BY THE APPLICANT NAMED IN QUESTION #6

19. I, Elizabeth Contreras declare that I am the APPLICANT filing this application as listed in Question 6. I have read the application and the contents and all statements are true, correct and complete.

X [Signature] State of Arizona County of Maricopa
(Signature) The foregoing instrument was acknowledged before me this

19th Feb. 2014
Day Month Year

My commission expires on: 6-16-2017 Heather Chapman
(Date) (Signature of NOTARY PUBLIC)

You must obtain local government approval. City or County MUST recommend event and complete item #20. The local governing body may require additional applications to be completed and submitted 60 days in advance of the event. Additional licensing fees may also be required before approval may be granted.

LOCAL GOVERNING BODY APPROVAL SECTION

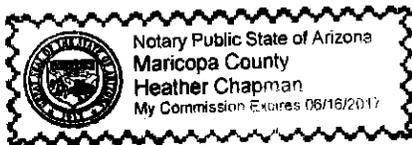
20. I, _____ hereby recommend this special event application
(Government Official) (Title)
on behalf of _____
(City, Town or County) (Signature of OFFICIAL) (Date)

FOR DLLC DEPARTMENT USE ONLY

Department Comment Section:

(Employee) (Date)

APPROVED DISAPPROVED BY: _____
(Title) (Date)





DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

SPECIAL EVENT

ROUTING:

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

APPLICANT'S NAME: ELIZABETH CONTRERAS

BUSINESS NAME: TRINITY FAMILY LIFE CENTER

NATURE OF EVENT: DINNER AND AUCTION

BUSINESS ADDRESS: 830 E. PLAZA CIRCLE

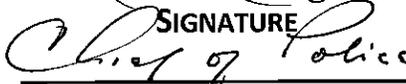
CITY: LITCHFIELD PARK STATE: AZ ZIP CODE: 85340

DEPARTMENTAL COMMENTS:

APPROVED

DENIED



SIGNATURE


TITLE

2/24/14

DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MARCH 17, 2014
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEB. 24, 2014



DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

SPECIAL EVENT

ROUTING:

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

APPLICANT'S NAME: ELIZABETH CONTRERAS

BUSINESS NAME: TRINITY FAMILY LIFE CENTER

NATURE OF EVENT: DINNER AND AUCTION

BUSINESS ADDRESS: 830 E. PLAZA CIRCLE

CITY: LITCHFIELD PARK STATE: AZ ZIP CODE: 85340

DEPARTMENTAL COMMENTS:

APPROVED

DENIED

Valerie Russell

SIGNATURE

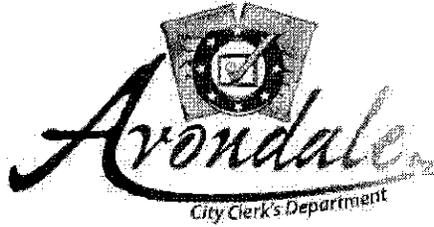
Fire Inspector

TITLE

2/20/14

DATE

**THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MARCH 17, 2014
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEB. 24, 2014**



DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

SPECIAL EVENT ✓

ROUTING:

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

APPLICANT'S NAME: ELIZABETH CONTRERAS

BUSINESS NAME: TRINITY FAMILY LIFE CENTER

NATURE OF EVENT: DINNER AND AUCTION

BUSINESS ADDRESS: 830 E. PLAZA CIRCLE

CITY: LITCHFIELD PARK STATE: AZ ZIP CODE: 85340

DEPARTMENTAL COMMENTS:

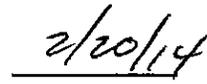
APPROVED

DENIED



SIGNATURE


TITLE



DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MARCH 17, 2014
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEB. 24, 2014



DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

SPECIAL EVENT

ROUTING:

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

APPLICANT'S NAME: ELIZABETH CONTRERAS

BUSINESS NAME: TRINITY FAMILY LIFE CENTER

NATURE OF EVENT: DINNER AND AUCTION

BUSINESS ADDRESS: 830 E. PLAZA CIRCLE

CITY: LITCHFIELD PARK STATE: AZ ZIP CODE: 85340

DEPARTMENTAL COMMENTS:

APPROVED
 DENIED



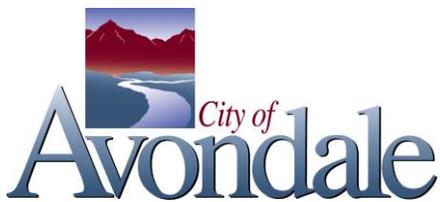
SIGNATURE
Zoning Specialist

TITLE

2/24/14

DATE

**THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MARCH 17, 2014
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEB. 24, 2014**



DEVELOPMENT SERVICES

MEMORANDUM

DATE: February 24, 2014

TO: Carmen Martinez, City Clerk

PREPARED BY: Jennifer Fostino, Zoning Specialist 623-333-4022

SUBJECT: Evening Under the Stars 2014
Series 15 Liquor License – Special Event Liquor License
830 E Plaza Circle

The site is located on the southwest corner of Dysart Road and Indian School Road. The buildings are existing.

A Series 15 Liquor License is exempt from the 300 foot separation requirement from a church, school, or fenced school recreational area.

The General Plan designates the property as Commercial. The current zoning is Planned Area Development (PAD).

Staff recommends approval of this request.

Attachment: 2013 Aerial Photography
Zoning Vicinity Map

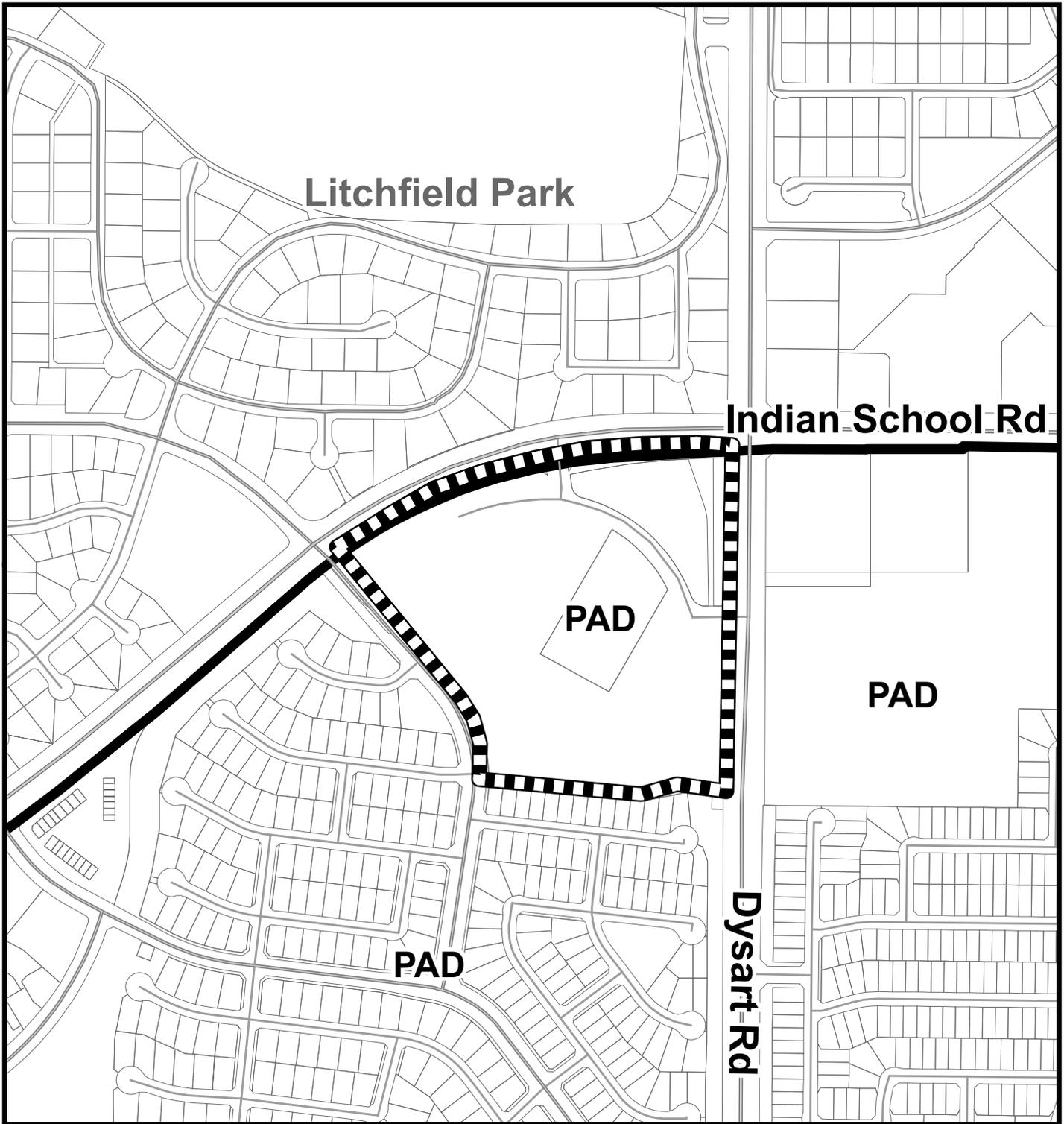


2013 Aerial Photograph



Subject Property



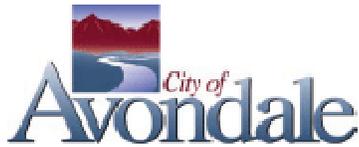


Zoning Vicinity map



Subject Property





CITY COUNCIL REPORT

SUBJECT:

Liquor License - Person and Location Transfer
Series 6 Bar License - Club Santa Fe

MEETING DATE:

March 17, 2014

TO: Mayor and Council

FROM: Carmen Martinez, City Clerk (623) 333-1214

THROUGH: David Fitzhugh, Acting City Manager

PURPOSE:

Staff is recommending approval of an application submitted by Mr. Samuel Rodriguez Contreras for a Person and Location Transfer of a Series 6 - Bar Liquor License to serve all spirituous liquors to be used at Club Santa Fe located at 10907 W Buckeye Road in Avondale.

DISCUSSION:

The City Clerk's Department has received an application from Mr. Samuel Rodriguez for a Person and Location Transfer of a Series 6 - Bar License to serve all spirituous liquor at Club Santa Fe located at 10907 W Buckeye Road in Avondale. The Series 6 Bar License was previously owned by Ms. Judy Taylor and operated at Coach Cocktails Beer in Phoenix.

The fees in the amount of \$1,350.00 have been paid.

As required by state law and city ordinance, the application was posted from February 20, 2014 to present. Notices were published in the West Valley View on March 8 and March 12, 2014. No comments have been received.

The Arizona Department of Liquor Licenses and Control has accepted the submitted application as complete.

The Development Services, Finance, Fire and Police Departments have reviewed the application and are recommending approval. Their comments are attached.

RECOMMENDATION:

Staff is recommending approval of an application submitted by Mr. Samuel Rodriguez Contreras for a Person and Location Transfer of a Series 6 - Bar Liquor License to serve all spirituous liquors to be used at Club Santa Fe located at 10907 W Buckeye Road in Avondale.

ATTACHMENTS:

Click to download

- [Application](#)
- [Review by Departments](#)
- [Posting photos](#)
- [Vicinity Map](#)

Arizona Department of Liquor Licenses and Control
 800 West Washington, 5th Floor
 Phoenix, Arizona 85007
 www.azliquor.gov
 602-542-5141

APPLICATION FOR LIQUOR LICENSE
TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- MORE THAN ONE LICENSE
- INTERIM PERMIT *Complete Section 5*
- NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16*
- PERSON TRANSFER (Bars & Liquor Stores ONLY)
Complete Sections 2, 3, 4, 11, 13, 15, 16
- LOCATION TRANSFER (Bars and Liquor Stores ONLY)
Complete Sections 2, 3, 4, 12, 13, 15, 16
- PROBATE/WILL ASSIGNMENT/DIVORCE DECREE
Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)
- GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16*

SECTION 2 Type of ownership:

- J.T.W.R.O.S. *Complete Section 6*
- INDIVIDUAL *Complete Section 6*
- PARTNERSHIP *Complete Section 6*
- CORPORATION *Complete Section 7*
- LIMITED LIABILITY CO. *Complete Section 7*
- CLUB *Complete Section 8*
- GOVERNMENT *Complete Section 10*
- TRUST *Complete Section 6*
- OTHER (Explain) _____

SECTION 3 Type of license and fees LICENSE #(s): 06070227

1. Type of License(s): BAR - SERIES 6

2. Total fees attached: \$ 200.00 Department Use Only

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.
 The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant

1. Owner/Agent's Name: Mr. CONTRERAS SAMUEL RODRIGUEZ
(Insert one name ONLY to appear on license) Last First Middle

2. Corp./Partnership/L.L.C.: MALACHI, LLC B1051081
(Exactly as it appears on Articles of Inc. or Articles of Org.)

3. Business Name: CLUB SANTA FE B1004411
(Exactly as it appears on the exterior of premises)

4. Principal Street Location 10907 W. BUCKEYE RD. CASHION MARICOPA 85329
(Do not use PO Box Number) City County Zip

5. Business Phone: 602 936 9141 Daytime Phone: _____ Email: NONE

6. Is the business located within the incorporated limits of the above city or town? YES NO

7. Mailing Address: _____
City State Zip

8. Price paid for license only bar, beer and wine, or liquor store: Type ⁶ \$ _____ Type _____ \$ _____

DEPARTMENT USE ONLY

Fees: 200.00
 Application Interim Permit Site Inspection Finger Prints \$ 200.00
TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? YES NO

Accepted by: EV Date: 1-30-14 Lic. # 06070227

SECTION 5 Interim Permit:

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. _____
4. Is the license currently in use? YES NO If no, how long has it been out of use? _____

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, _____, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER,
 (Print full name)
 MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

State of _____ County of _____

X _____
 (Signature)

The foregoing instrument was acknowledged before me this
 _____ day of _____, _____ Year
 Day Month Year

My commission expires on: _____

 (Signature of NOTARY PUBLIC)

SECTION 6 Individual or Partnership Owners:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City	State	Zip

Partnership Name: (Only the first partner listed will appear on license) _____

General-Limited	Last	First	Middle	% Owned	Mailing Address	City	State	Zip
<input type="checkbox"/>								
<input type="checkbox"/>								
<input type="checkbox"/>								
<input type="checkbox"/>								

) Y R A S S E C E N F I

2. Is any person, other than the above, going to share in the profits/losses of the business? YES NO
 If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

- CORPORATION **Complete questions 1, 2, 3, 5, 6, 7, and 8.**
 L.L.C. **Complete 1, 2, 4, 5, 6, 7, and 8.**

1. Name of Corporation/L.L.C.: MALACHI, LLC
 (Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 1/30/14 State where Incorporated/Organized: ARIZONA
3. AZ Corporation Commission File No.: _____ Date authorized to do business in AZ: _____
4. AZ L.L.C. File No: PENDING Date authorized to do business in AZ: Pending
5. Is Corp./L.L.C. Non-profit? YES NO
6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip
CONTRERAS	SAMUEL	RODRIGUEZ	MGR/MEM	6036 W AVALON DRIVE	PHOENIX AZ 85033

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City State Zip
CONTRERAS	SAMUEL	RODRIGUEZ	100%	6036 W AVALON DRIVE	PHOENIX AZ 85033

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Name of Club: _____ Date Chartered: _____
 (Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)
2. Is club non-profit? YES NO
3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:

- 1. Current Licensee's Name: _____
(Exactly as it appears on license) Last First Middle
- 2. Assignee's Name: _____
Last First Middle
- 3. License Type: _____ License Number: _____ Date of Last Renewal: _____
- 4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

SECTION 10 Government: (for cities, towns, or counties only)

- 1. Governmental Entity: _____
- 2. Person/designee: _____
Last First Middle Contact Phone Number

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

SECTION 11 Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

- 1. Current Licensee's Name: TAYLOR JUDY KATHLEEN Entity: AGENT
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
- 2. Corporation/L.L.C. Name: _____
(Exactly as it appears on license)
- 3. Current Business Name: COACH COCKTAILS BEER
(Exactly as it appears on license)
- 4. Physical Street Location of Business: Street 15410 N. 19TH AVENUE
City, State, Zip PHOENIX, ARIZONA 85023
- 5. License Type: BAR - SERIES 6 License Number: 06070227
- 6. If more than one license to be transferred: License Type: _____ License Number: _____
- 7. Current Mailing Address: Street _____
(Other than business) City, State, Zip _____
- 8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer? YES NO
- 9. Does the applicant intend to operate the business while this application is pending? YES NO If yes, complete Section 5 of this application, attach fee, and current license to this application.

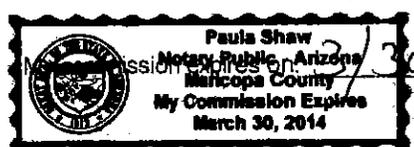
14 JAN 30 4PM L.C. #1302

10. I, PATRICK C SYKES, hereby authorize the department to process this application to transfer the privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.

I, PATRICK C. SYKES, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

Patrick C Sykes
(Signature of CURRENT LICENSEE)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this
21 Day January 2014 Year
Paula Shaw
(Signature of NOTARY PUBLIC)



2/30/14

BILL OF SALE

IN CONSIDERATION OF \$77,400.00 (SEVENTY-SEVEN THOUSAND FOUR HUNDRED DOLLARS), and other valuable consideration, receipt of which is hereby acknowledged, the SELLER:

PATRICK C. SYKES

Hereby grants, bargains, sell, and transfer unto the Buyer:

MALACHI, LLC

And his, her or their, personal representatives, or assigns, to have and to hold forever, the following described personal property, goods, or chattels:

State of Arizona Series #6 Liquor License # 06070227

Business known as: CLUB SANTE FE

AND

PATRICK C. SYKES

FURTHERMORE, SELLER warrants that he, she, or they are the lawful owner of said goods and hereby certifies, under oath, the he, she, or they have good right to sell the same as aforesaid, and that the above described property is free and clear of all claims, liens, and other encumbrances whatsoever. Seller agrees to deduct the outstanding inactive fees due to the Arizona Department of Liquor in the amount of \$3,400.00 from the price of the liquor license. Seller warrant and defend same against the lawful claims and demands of all persons whomsoever. Any and all delinquent taxes owed prior to the sale of this liquor license shall be the responsibility of the seller.

DATED THIS 1-24, 2014

SELLER:

Agrees to accept \$74,000.00 (SEVENTY-FOUR THOUSAND on this 24th day of January, 2014

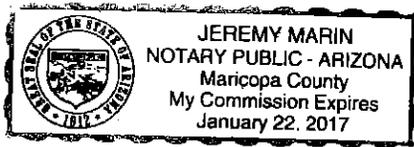
SELLER:

Patrick C. Sykes
Patrick C. Sykes

State of Arizona)
)ss
County of Maricopa)

On the 24th day of January, 2014, before me, the undersigned Notary Public, personally appeared Patrick C. Sykes and that he being duly authorized to do so, executed the foregoing instrument for the sole purpose contained therein.

Jeremy Marin
Notary Public
January 22, 2017
My Commission Expires



14 JAN 30 09:14 PM '14

DATED AND ACCEPTED THIS 24th DAY OF January, 2014

BUYER:

Samuel Rodriguez Contreras
MALACHI, LLC
BY: Samuel Rodriguez Contreras
SAMUEL RODRIGUEZ CONTRERAS
ITS: Manager/Member

March 13, 2013

Bill of Sale

FOR AND IN CONSIDERATION OF the sum of \$1.00 U.S. Dollars, inclusive with all sales tax, paid by Cash, the receipt of which is hereby acknowledged, Judy Kathleen Taylor (the "Seller") of 4018 W. Morrow Dr, Glendale, Arizona 85308 **DOES HEREBY SELL, ASSIGN, AND TRANSFER** to Patrick C. Sykes (the "Buyer") of 4018 W. Morrow Dr, Glendale, Arizona 85308, the following described property (the "Property"):

liquor License # 06070227 Maricopa county state of Arizona

The Property is being sold on an "AS IS" basis and the Seller explicitly disclaims all warranties, whether expressed or implied, including but not limited to, any warranty as to the condition of the Property. However, the Seller's above warranty disclaimer does not, in any way, affect the terms of any applicable warranties from the manufacturer of the Property.

The Buyer has been given the opportunity to inspect the Property, or alternatively, have the Property inspected. Additionally, the Buyer has accepted the Property in its existing condition.

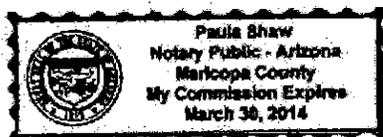
IN WITNESS WHEREOF, the parties have executed this Bill of Sale on March 13, 2013.

By: Judy K. Taylor Date: March 13, 2013
Judy Kathleen Taylor
4018 W. Morrow Dr
Glendale, Arizona 85308

By: Patrick C. Sykes Date: March 13, 2013
Patrick C. Sykes
4018 W. Morrow Dr
Glendale, Arizona 85308

NOTARY SIGNATURE:

By: Paula Shaw Date: March 13, 2013



14 JAN 30 11:41 AM '13

13 JUL 17 11:31 AM '13

July 12, 2013

Mr. Alan Everett, Director
Arizona Department of Liquor
Licenses and Control
800 W. Washington, 5th Floor
Phoenix, AZ 85007

Sent via US Mail and
Faxed to: (602) 542-5707

SUBJECT: Liquor License Reversion Extension Request - License #06070227, Coach Cocktails
Beer, 15410 19th Ave., Phoenix, AZ 85023 - Licensee/Agent - Judy Taylor;
License Original In-Active Date - 10/31/10; License Expiration Date 1/31/14

Dear Director Everett:

Per the subject above, I am Patrick Sykes husband of the late Judy Taylor who passed recently after an extended illness and cancer who had owned the liquor license and ran her business Coach Cocktails Beer from 1992 until December 2010 when her illness forced the closure of the business.

With Judy's recent passing, I have been working to resolve the issues of her estate, including the liquor license which I have recently transferred the ownership to me with the filing of applicable documents with your department in order to sell the liquor license.

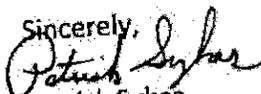
With those items now in good order to sell the liquor license, I have engaged Bob Stump, a Liquor License Broker to List and Market the Liquor License for sale as soon as possible.

The liquor license at present is subject to potential reversion on 10/31/13 and there are at present thirty-seven (37) In-Active Maricopa #6 Bar Liquor Licenses available For Sale in the market per the Arizona Department of Liquor Licenses and Control website of In-Active Liquor Licenses besides mine, therefore a quick sale in this weak economy, is not very good.

In view of the circumstances of this license recently becoming available for sale and the large number of similar liquor licenses available for sale in the still weak economy, I would appreciate your consideration to allow an extension of the Liquor License reversion date for one (1) year beyond current reversion date, in order to facilitate it's sale in good order.

Thank you in advance for your consideration of this matter.

Sincerely,


Patrick Sykes

4018 West Morrow Drive
Glendale, AZ 85308
(602) 540-1700

14 JAN 30 11:41 AM '13

STATE OF ARIZONA

DEPARTMENT OF LIQUOR LICENSES
AND CONTROL
ALCOHOLIC BEVERAGE LICENSE

License 06070227

Issue Date: 12/30/1992

Expiration Date: 1/31/2015

Issued To:
JUDY KATHLEEN TAYLOR, Owner

Location:
COACH COCKTAILS BEER
15410 N 19TH AVE
PHOENIX, AZ 85023

Bar

Mailing Address:

JUDY KATHLEEN TAYLOR
COACH COCKTAILS BEER
4018 W MARROW DR
GLENDALE, AZ 85308



EXP 1/31/2015

POST THIS LICENSE IN A CONSPICUOUS PLACE

ARTICLES OF ORGANIZATION

OF

MALACHI, LLC

The undersigned, desiring to form a limited liability company under the provisions of Arizona Revised Statutes §29-632, hereby sets forth the following:

Article I

The name of the Limited Liability Company is: MALACHI, LLC

Article II

The known place of business of the limited liability company is:
10907 W Buckeye Rd.
Cashion, Arizona 85329

Article III

The name and address of the statutory agent of the company is:
Samuel Rodríguez Contreras
10907 W Buckeye Rd.
Cashion, Arizona 85329

Article IV

The term of the liability company shall be perpetual.

Article V

The management of the limited liability company is vested in its Managers.

Article VI

The names and addresses of each person who is a member who owns capital or profits of the limited liability company are:

Samuel Rodríguez Contreras, Manager/Member
10907 W Buckeye Rd.
Cashion, Arizona 85329

EXECUTED this 29 day of January, 2014 by its Manager/Member

Printed Name: Samuel Rodriguez Contreras
Manager/Member

Signed: Samuel Rodriguez Contreras

14 JAN 30 11:41 AM '14

RECEIVED
JAN 30 2014

ARIZONA CORP COMMISSION
CORPORATIONS DIVISION

ACCEPTANCE OF APPOINTMENT BY STATUTORY AGENT

I, Samuel Rodríguez Contreras, having an address of 10907 W Buckeye Rd. Cashion, Arizona 85329 have been designated to act as Statutory Agent of MALACHI, LLC hereby consent to act to that capacity until removed or resignation is submitted in accordance with the Arizona Revised Statutes effective this 29 day of January, 2014.

Signed: Samuel Rodríguez Contreras
Printed Name: Samuel Rodríguez Contreras

14 JAN 30 11:41 AM '14

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: Name COACH COCKTAILS BEER
 (Exactly as it appears on license) Address 15410 N. 19TH AVENUE PHOENIX, AZ 85023
2. New Business: Name CLUB SANTA FE
 (Physical Street Location) Address 10907 W. BUCKEYE RD. CASHION AZ 85329
3. License Type: 6 License Number: 06070227
4. If more than one license to be transferred: License Type: _____ License Number: _____
5. What date do you plan to move? UPON APPROVAL (CITY/STATE) What date do you plan to open? UPON APPROVAL

SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02) c) Government license (§ 4-205.03)
 b) Hotel/motel license (§ 4-205.01) d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 2,112 ft. Name of school UNDERDOWN JR HIGH SCHOOL
 Address 1642 107TH AVE. TOLLESON AZ 85353
 City, State, Zip _____
2. Distance to nearest church: 1,373 ft. Name of church ST. WILLIAMS CATHOLIC CHURCH
 Address 1001 W. 3RD ST. AVONDALE AZ 85323
 City, State, Zip _____
3. I am the: Lessee Sublessee Owner Purchaser (of premises)
4. If the premises is leased give lessors: Name GUILLERMO LUA
 Address 10953 W. BUCKEYE RD. AVONDALE AZ 85323
 City, State, Zip _____
- 4a. Monthly rental/lease rate \$ 3,800.00 What is the remaining length of the lease 4 yrs. _____ mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ 3,000 or other OTHER LANDLORD REMEDIES
 (give details - attach additional sheet if necessary)
5. What is the total **business** indebtedness for this license/location excluding the lease? \$ ZERO
 Please list lenders you owe money to.

14 JAN 30 1994, 11:33 AM

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

**SEE
AMENDMENT**

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? BAR

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

- 1. Current Business: Name COACH COCKTAILS BEER
(Exactly as it appears on license) Address 15410 N. 19TH AVENUE, PHOENIX, AZ. 85023
- 2. New Business: Name CLUB SANTA FE
(Physical Street Location) Address 10907 W. BUCKEYE RD., CASHION, AZ. 85329
- 3. License Type: 6 License Number: 06070227
- 4. If more than one license to be transferred: License Type: _____ License Number: _____
- 5. What date do you plan to move? UPON APPROVAL (CITY/STATE) What date do you plan to open? UPON APPROVAL

SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

AMENDMENT

- 1. Distance to nearest school: 2675.00 ft. Name of school LITTLETON ELEMENTARY SCHOOL
Address 1252 S. AVONDALE BLVD., AVONDALE, AZ. 85323
City, State, Zip
- 2. Distance to nearest church: 1373 ft. Name of church ST. WILLIAMS CATHOLIC CHURCH
Address 1001 W. 3RD ST., AVONDALE, AZ. 85323
City, State, Zip
- 3. I am the: Lessee Sublessee Owner Purchaser (of premises)
- 4. If the premises is leased give lessors: Name GUILLERMO LUA
Address 10953 W. BUCKEYE RD., AVONDALE, AZ. 85323
City, State, Zip
- 4a. Monthly rental/lease rate \$ 3,800.00 What is the remaining length of the lease 4 yrs. 0 mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ 3,000 or other OTHER LANDLORD REMEDIES
(give details - attach additional sheet if necessary)
- 5. What is the total business indebtedness for this license/location excluding the lease? \$ ZERO

Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

- 6. What type of business will this license be used for (be specific)? BAR

SECTION 13 - continued

- 7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?
 YES NO If yes, attach explanation.
- 8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? YES NO
- 9. Is the premises currently licensed with a liquor license? YES NO If yes, give license number and licensee's name:
License # 07070310 (exactly as it appears on license) Name SAMUEL RODRIGUEZ CONTRERAS

SECTION 14 Restaurant or hotel/motel license applicants:

- 1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? YES NO
If yes, give the name of licensee, Agent or a company name:
_____ and license #: _____
Last First Middle
- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this hotel/motel restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

applicant's signature

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary and the new inspection date you are requesting. To schedule your site inspection visit www.azliquor.gov and click on the "Information" tab.

applicants initials

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

- 1. Check ALL boxes that apply to your business:
 Entrances/Exits Liquor storage areas Patio: Contiguous
 Service windows Drive-in windows Non Contiguous
- 2. Is your licensed premises currently closed due to construction, renovation, or redesign? YES NO
If yes, what is your estimated opening date? _____
month/day/year
- 3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
- 4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spiritous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
- 5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

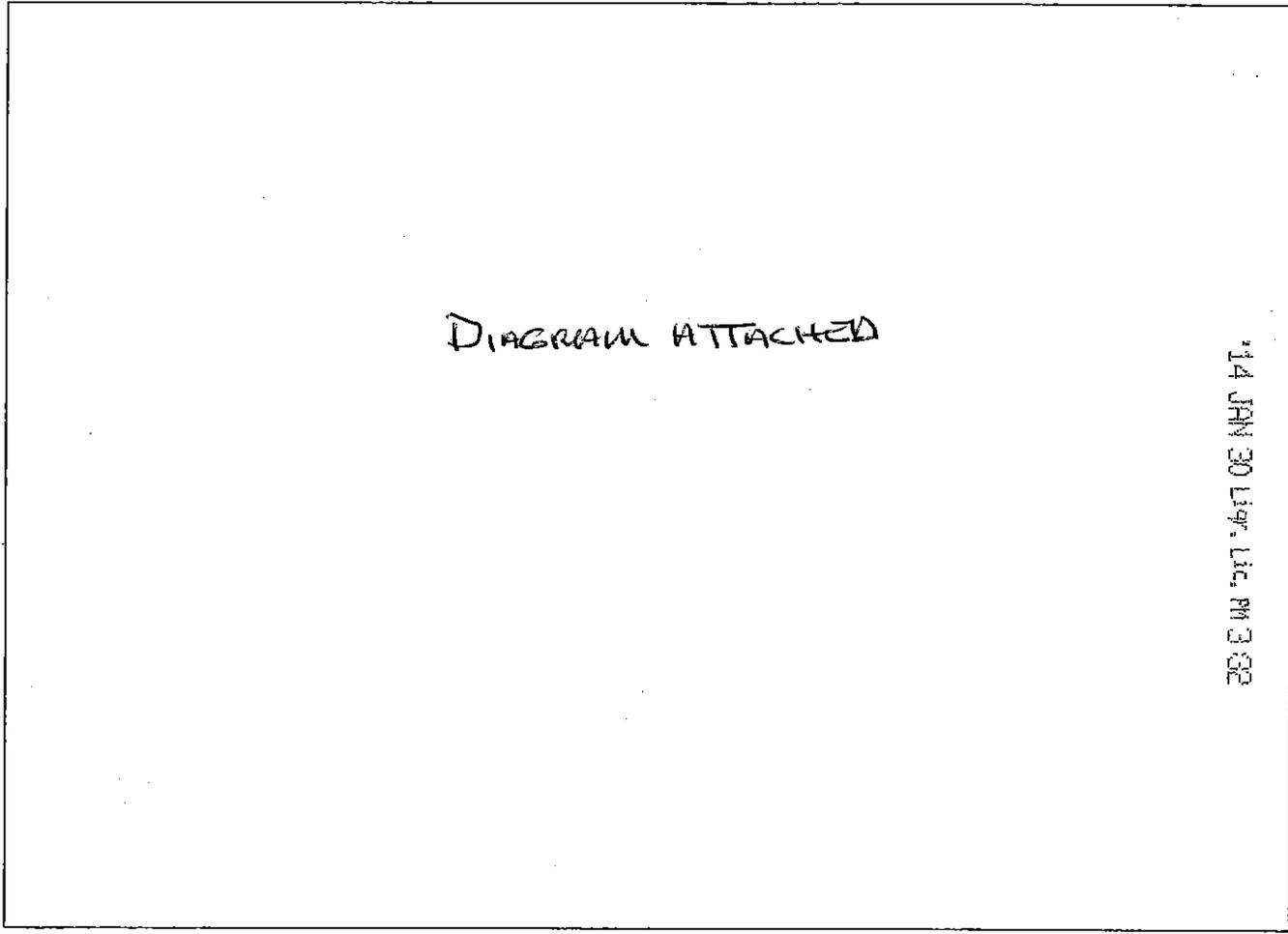
As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

S.R.
applicants initials

SECTION 15 Diagram of Premises

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.



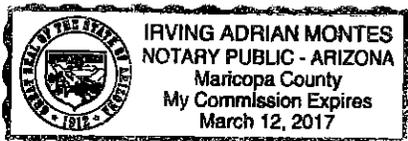
SECTION 16 Signature Block

I, SAMUEL RODRIGUEZ CONTRERAS, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

(print full name of applicant)

X Samuel Rodriguez Contreras

(signature of applicant listed in Section 4, Question 1)



State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

29th of January, 2014

Day Month Year

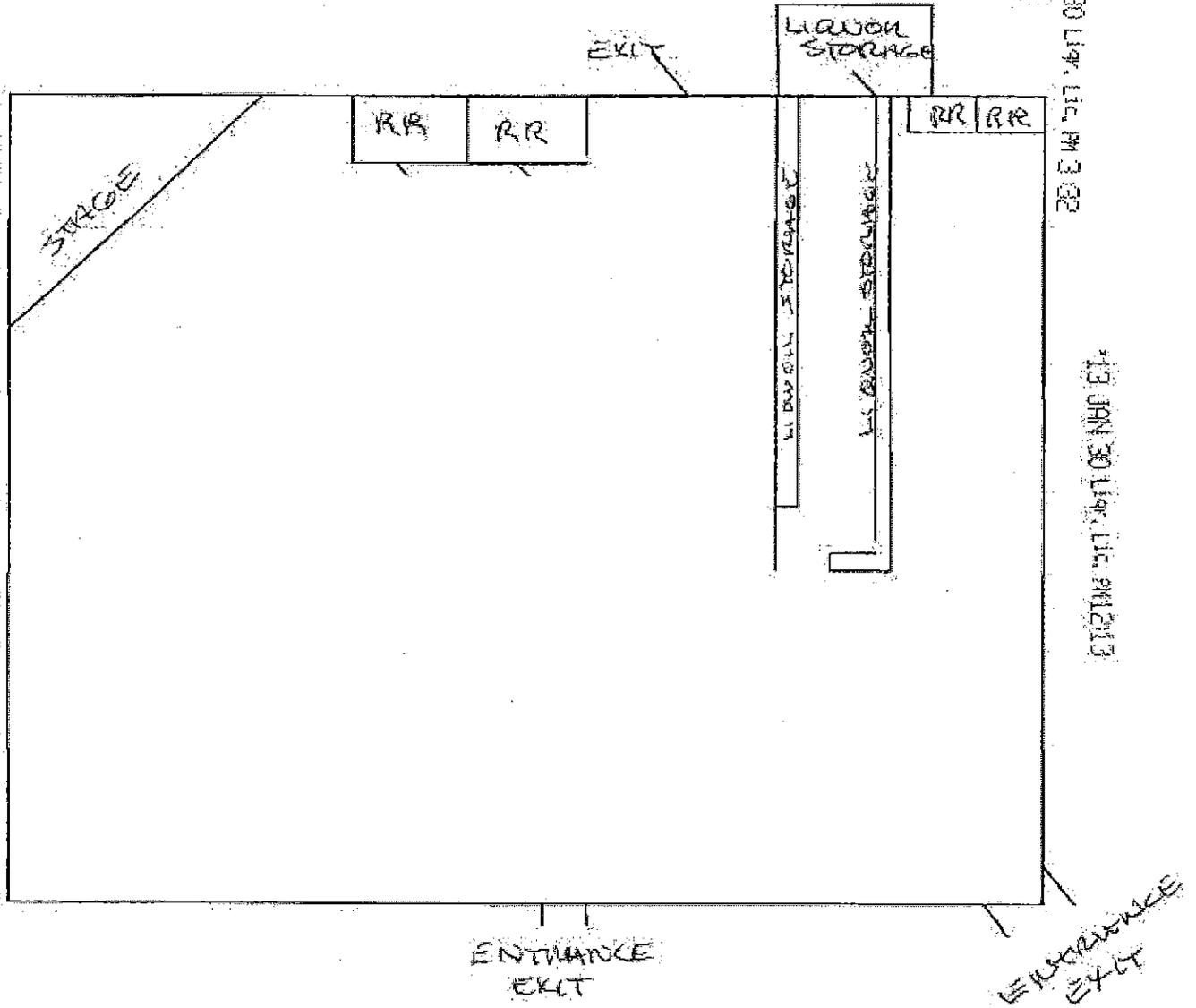
[Signature]

signature of NOTARY PUBLIC

My commission expires on: 12 March 2017
Day Month Year

DIAGRAM OF LICENSED PREMISES

CLUB SANTA FE



TOTAL SQ FT 3,996

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

P1027603 FD
FP Current 3/2013

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD AVAILABLE AT THIS OFFICE. FINGERPRINTS ON FBI-APPROVED CARDS ARE ACCEPTED FROM LAW ENFORCEMENT AGENCIES, BONA FIDE FINGERPRINT SERVICES, OR THE DEPARTMENT OF LIQUOR. THE DEPARTMENT CHARGES A \$13 FEE.

In addition to other fingerprint fees, a \$22 DPS background check fee will be charged for each fingerprint card.

The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

Liquor License #

06070107

(If the location is currently licensed)

1. Check appropriate box → Controlling Person (Complete Questions 1-19) Agent Manager (Only) (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete #21 for a Manager

2. Name: CONTRERAS SAMUEL RODRIGUEZ Date of Birth: _____
Last First Middle (NOT a Public Record)

3. Social Security Number: _____ Drivers License #: _____ State: ARIZONA
(NOT a public record) (NOT a public record)

4. Place of Birth: DURANGO DURANGO MEXICO Height: 508 Weight: 180 Eyes: BRO Hair: BK
City State Country (not county)

5. Marital Status Single Married Divorced Widowed

6. Name of Current or Most Recent Spouse: OLAGUEZ MARIA VIRGINA MARTINEZ Date of Birth: _____
(List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden (NOT a public record)

7. You are a bona fide resident of what state? ARIZONA If Arizona, date of residency: _____

8. Telephone number to contact you during business hours for any questions regarding this document. _____

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: CLUB SANTA FE Premises Phone: 602-936-9141

11. Physical Location of Licensed Premises Address: 10907 W. BUCKEYE RD CASHION MARI COPA 85329
Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
4/13	CURRENT	BAR	CLUB SANTA FE 10907 W BUCKEYE RD CASHION AZ 85329
3/10	Current	BAR	EL DORADO 4124 N 67TH AVE PHOENIX AZ 85033
2/09	3/10	UNEMPLOYED	6036 W AVALON DR PHOENIX AZ 85009

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION 12 OR 13

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENTIAL Street Address (If rented, attach additional sheet with name, address and phone number of landlord)	City	State	Zip
7/2006	CURRENT	O				
	Current					
	3/10					

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises?
 If you answered YES, how many hrs/day? 4, and **answer #14a below**. If NO, skip to #15. ✓ YES NO

14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof)
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license. YES **NO**

15. Have you been cited, arrested, indicted or summoned into court for violation of ANY law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years?
 In addition, please include all traffic tickets and complaints within the last ten (10) years that resulted in a warrant for arrest AND any traffic tickets and complaints that are alcohol or drug-related. YES ✓ NO
16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? Include only criminal traffic tickets and complaints. YES ✓ NO
17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? ✓ YES NO
18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? YES ✓ NO
19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? ✓ YES NO

If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement.
 Give complete details including dates, agencies involved, and dispositions.
SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

*14 JAN 30 LIQ. LIC. PK 3-52

20. I, SAMUEL RODRIGUEZ CONTRERAS, hereby declare that I am the APPLICANT/REPRESENTATIVE
 (print full name of Applicant)
 filing this questionnaire. I have read this questionnaire and all statements are true, correct and complete.

x Samuel Rodriguez Contreras
 (Signature of Applicant)

IRVING ADRIAN MONTES
 NOTARY PUBLIC - ARIZONA
 Maricopa County
 My Commission Expires
 March 12, 2017

My commission expires on: 12 / March / 2017
 Day Month Year

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this
29th day of January, 2014
 Month Year

[Signature]
 (Signature of NOTARY PUBLIC)

COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license.
 The manager named must be at least 21 years of age.

State of _____ County of _____

The foregoing instrument was acknowledged before me this
 _____ day of _____, _____
 Month Year

x _____
 Signature of Controlling Person or Agent (circle one)

 Print Name

My commission expires on: _____
 Day Month Year

 (Signature of NOTARY PUBLIC)

Certificate # _____

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

Theresa J. Morse
Full Name (please print)

[Signature]
Signature

2/26/2014
Training Completion Date

2/26/2017
Certificate Expiration Date
(three years from completion date)

Training Provider Information

Avant Garde Alcohol Training & Education

Company Name

530 East McDowell Road, #107-241 Phoenix, AZ 85004

Mailing Address

(480) 353-8035
Daytime Contact Phone Number

14 MAR 10 10:09 AM '14

I, TERESA J. MORSE, 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).

[Signature]
Instructor Signature

26 2 2014
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) | Government (series 5) | Bar (series 6) | Beer & Wine Bar (series 7) |
| Conveyance (series 8) | Liquor Store (series 9) | Private Club (series 14) | Hotel/Motel w/restaurant (series 11) |
| Restaurant (series 12) | In-state Farm Winery (series 13) | | 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

Certificate # _____

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

<input type="checkbox"/>	On-sale
<input type="checkbox"/>	Off-sale
<input checked="" type="checkbox"/>	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

Samuel Rodriguez Contreras
Full Name (please print)

Samuel Rodriguez Contreras
Signature

2/26/2014
Training Completion Date

2/26/2017
Certificate Expiration Date
(three years from completion date)

14 MAR 10 11:47 LIC. M 8 244

Training Provider Information

Avant Garde Alcohol Training & Education
Company Name

530 East McDowell Road, #107-241 Phoenix, AZ 85004
Mailing Address

(480) 353-8035
Daytime Contact Phone Number

I, THERESA J. MORSE, certify that the above named individual did successfully complete
Instructor Name (please print)

Title 4 BASIC 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).

[Signature]
Instructor Signature

26 / 2 / 2014
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) | Government (series 5) | Bar (series 6) | Beer & Wine Bar (series 7) |
| Conveyance (series 8) | Liquor Store (series 9) | Private Club (series 14) | Hotel/Motel w/restaurant (series 11) |
| Restaurant (series 12) | In-state Farm Winery (series 13) | | 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

ADDENDUM TO QUESTIONNAIRE
SAMUEL ROGRIGUEZ CONTRERAS

Question #12:

03/1996 - 02/2009 Bar Saddlehorn 2338 W. Buckeye Rd. Phoenix, AZ 85009

Question #17:

In 2010, Mr. Loza applied for the liquor license at El Dorado Bar and did not disclose me as a partner. Subsequently, the Arizona Department of Liquor fined Mr. Loza \$1,500 for not disclosing me as a partner.

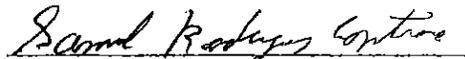
Question #19:

Since March 2010, I was part owner of El Dorado Sports Bar (07070862). However, I am currently 100% owner of the bar.

In April 2013, I purchased Club Santa Fe in Cashion AZ. as 100% owner (07070310)

I have had no violations at either of my bars. All of members of my staff have attended liquor law training. ^{Employees} Employees hired for ~~Club Saddlehorn~~ ^{Club Santa Fe} will also attend liquor law training.

Respectfully,



Samuel Rodriguez Contreras

14 JAN 30 11:41 AM '02



DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

SERIE 07: BEER AND WINE BAR
(PERSON TRANSFER)

ROUTING:

POLICE DEPARTMENT
 FIRE DEPARTMENT
 FINANCE DEPARTMENT
 DEVELOPMENT SERVICES

APPLICANT'S NAME: SAMUEL RODRIQUEZ CONTRERAS

BUSINESS NAME: CLUB SANTA FE

BUSINESS ADDRESS: 10907 W. BUCKEYE ROAD

CITY: CASHION **STATE:** AZ **ZIP CODE:** 85329

DEPARTMENTAL COMMENTS:

APPROVED

DENIED



SIGNATURE
Chief of Police

TITLE

3/23/13

DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MAR. 18, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEB. 28, 2013



DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

**SERIE 07: BEER AND WINE BAR
(PERSON TRANSFER)**

ROUTING:

POLICE DEPARTMENT
 FIRE DEPARTMENT
 FINANCE DEPARTMENT
 DEVELOPMENT SERVICES

APPLICANT'S NAME: SAMUEL RODRIQUEZ CONTRERAS

BUSINESS NAME: CLUB SANTA FE

BUSINESS ADDRESS: 10907 W. BUCKEYE ROAD

CITY: CASHION **STATE:** AZ **ZIP CODE:** 85329

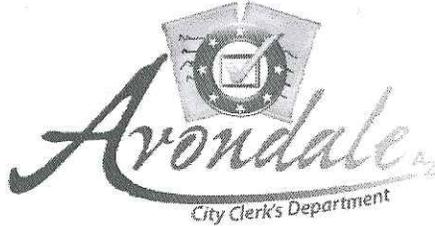
DEPARTMENTAL COMMENTS:

APPROVED
 DENIED

James Y. Young
SIGNATURE
Fire Inspector
TITLE

2/25/13
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MAR. 18, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEB. 28, 2013



DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

SERIE 07: BEER AND WINE BAR
(PERSON TRANSFER)

ROUTING:

- POLICE DEPARTMENT
- FIRE DEPARTMENT
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- DEVELOPMENT SERVICES

APPLICANT'S NAME: SAMUEL RODRIQUEZ CONTRERAS

BUSINESS NAME: CLUB SANTA FE

BUSINESS ADDRESS: 10907 W. BUCKEYE ROAD

CITY: CASHION **STATE:** AZ **ZIP CODE:** 85329

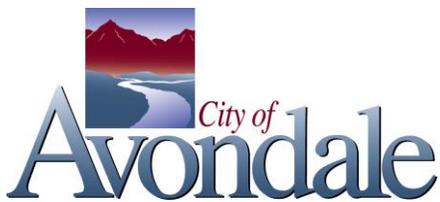
DEPARTMENTAL COMMENTS:

APPROVED
 DENIED

Lonny Fastino
SIGNATURE
Zoning Specialist
TITLE

2/25/13
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MAR. 18, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEB. 28, 2013



DEVELOPMENT SERVICES

MEMORANDUM

DATE: February 25, 2013

TO: Carmen Martinez, City Clerk

PREPARED BY: Jennifer Fostino, Zoning Specialist (623) 333-4022

SUBJECT: Interim Permit and New Series 7 Liquor License
Club Santa Fe
10907 W. Buckeye Rd

The site is located just west of the southwest corner of 109th Avenue and Buckeye Road. The structure is complete.

A Series 10 Liquor License was approved in December of 1991. A change in ownership triggered the application for a new liquor license. An Interim Permit is also being applied for to allow the business to continue operating without interruption.

Having met the State statute requiring a minimum separation of 300 feet from schools, school recreational areas, and churches back in 1991 and with no disruption between licenses, the current application is exempt from having to meet this requirement now.

The General Plan designates the property as Commercial. The property is zoned R1-6 (Single Family Residential). The site is currently being used as Club Santa Fe. The use is legal nonconforming.

Staff recommends approval of this request.

Attachment: 2012 Aerial Photo
Zoning Vicinity Map

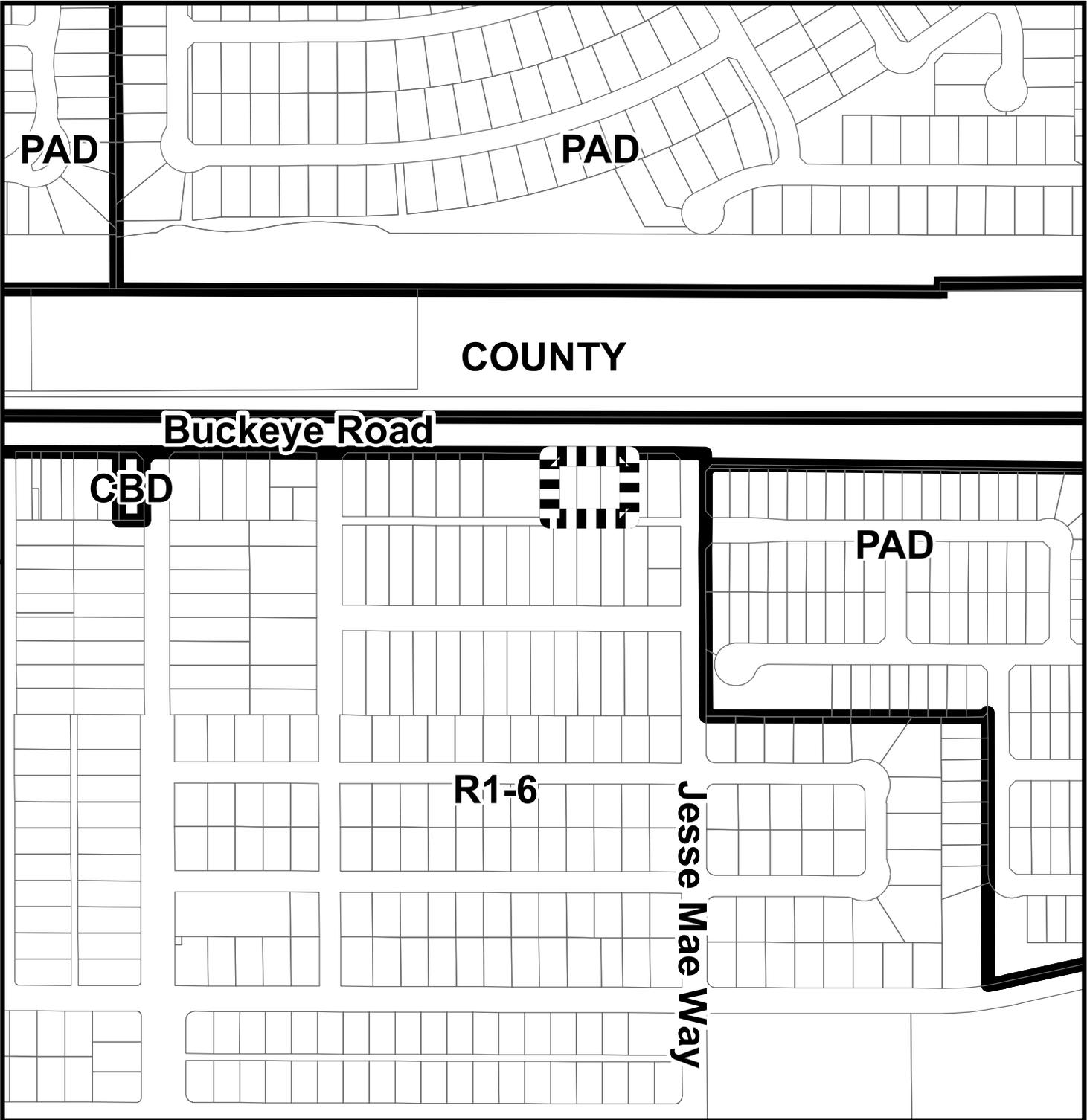


2012 Aerial Photograph



Subject Property

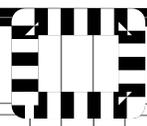




COUNTY

Buckeye Road

CBD

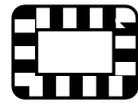


PAD

R1-6

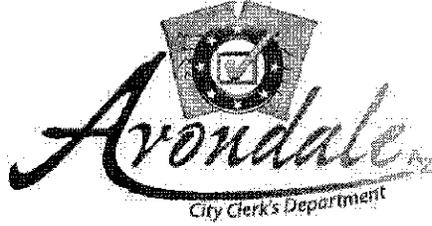
Jesse Mae Way

Zoning Vicinity Map



Subject Property





DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

**SERIE 07: BEER AND WINE BAR
(PERSON TRANSFER)**

ROUTING:

POLICE DEPARTMENT
 FIRE DEPARTMENT
 FINANCE DEPARTMENT
 DEVELOPMENT SERVICES

APPLICANT'S NAME: SAMUEL RODRIQUEZ CONTRERAS

BUSINESS NAME: CLUB SANTA FE

BUSINESS ADDRESS: 10907 W. BUCKEYE ROAD

CITY: CASHION **STATE:** AZ **ZIP CODE:** 85329

DEPARTMENTAL COMMENTS:

APPROVED
 DENIED

Neil E. Gray
SIGNATURE
Tax Audit Supervisor
TITLE

2/27/13
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MAR. 18, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEB. 28, 2013

NOTICE

APPLICATION TO SELL ALCOHOLIC BEVERAGES
DATE POSTED: FEBRUARY 20, 2014

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

LOCATION: 11465 WEST CIVIC CENTER DRIVE
DATE: MONDAY, MARCH 17, 2014
AT 7:00 PM.

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

SERIES 06: BAR LIQUOR LICENSE

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 PROCEDURES BEFORE THE BOARD AND NOTICE OF ANY BOARD HEARINGS REGARDING:

Club Santa Fe

**10907 W. Buckeye Road
Cashion, AZ. 85329**

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.

2014.02.20 10:59

Office memo

Arizona Department of Liquor Licenses and Control
800 West Washington, 5th Floor
Phoenix, Arizona 85007
www.azdqlc.gov
602-542-5161

APPLICATION FOR LIQUOR LICENSE
TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, all licenses, permits, transfers, renewals, corrections, or transfers require proof of attendance within the last five years. See page 1 of the handbook that should accompany this application. A Department approved liquor law training course or private proof of attendance within the last five years may be used in lieu of the license course.

SECTION 1 This application is for a:

MORE THAN ONE LICENSE
 INTERIM PERMIT Complete Sections 2, 3, 4, 13, 14, 15, 16
 NEW LICENSE Complete Sections 2, 3, 4, 13, 14, 15, 16
 PERSON TRANSFER (See Sub A License Section ONLY)
 LOCATION TRANSFER (See Sub A License Section ONLY)
 COMPLETE SECTIONS 2, 3, 4, 13, 15, 16
 PROBATIONARY LICENSES AND/OR LICENSES
 GOVERNMENT Complete Sections 2, 3, 4, 10, 13, 15, 16

SECTION 2 Type of ownership:

JT W/L/O Complete Section 6
 INDIVIDUAL Complete Section 6
 PARTNERSHIP Complete Section 7
 CORPORATION Complete Section 7
 LIMITED LIABILITY CO. Complete Section 7
 TRUST Complete Section 8
 GOVERNMENT Complete Section 8
 OTHER (Specify) _____

SECTION 3 Type of license and fees LICENSE # (A): 00000227

1. Type of License(s): BAR - SERIES 6

2. Total fees attached: \$ 200.00 (printed Use Only)

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.
The fees allowed under A.R.S. 41-8652 will be charged for all electronic checks.

SECTION 4 Applicant:

1. Owner/Agent's Name: MR. CONTRERAS Last First Middle Initial
 Corp./Partnership, L.L.C. MALACHI LLC (Indicate as follows on Address of Inc. or Address of Org.)

2. Business Name: CLUB SANTA FE (Indicate as it appears on Address of Inc. or Address of Org.)

3. Principal Street Location: 10907 W. BUCKEYE RD. City: CASHION State: AZ
 (Print and PO Box Number) City State Zip

4. Business Phone: 602-936-4141 Daytime Phone: Email: NCP@C

5. Is the business located within the incorporated limits of the above city or town? YES NO

6. Making Address: _____ Type _____ Fee _____ Type _____ Fee _____

7. Prices paid for license only bar, beer and wine, or liquor store: Type _____ Fee _____ Type _____ Fee _____

DEPARTMENT USE ONLY

Fees: Application \$ 200.00
 Interim Permit \$ _____
 Site Inspection \$ _____
 Finger Prints \$ _____
 TOTAL OF ALL FEES \$ _____

Is Arizona Statement of Citizenship and Alien Status For State Benefits complete? YES NO

Accepted by: [Signature] Date: 1-20-14 Lic # 00000227

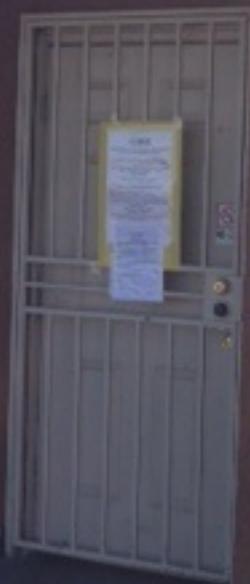
3/10/13 *Disabled individuals requiring special accommodation, please call (602) 542-9027.

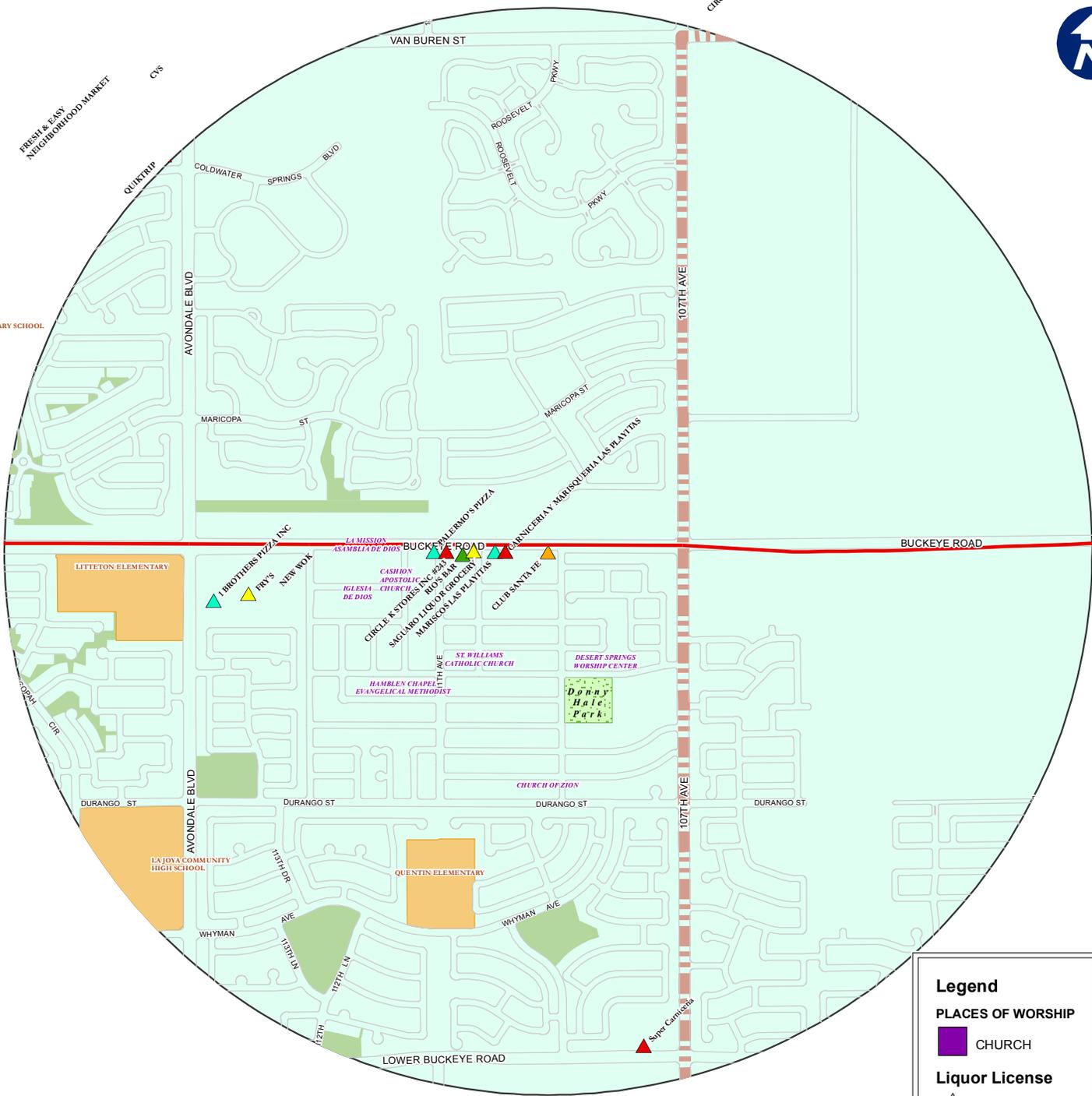


Secured by



901





Legend

PLACES OF WORSHIP

 CHURCH

Liquor License

 SERIES 5

 SERIES 6

 SERIES 7

 SERIES 9

 SERIES 9S

 SERIES 10

 SERIES 10 S

 SERIES 11

 SERIES 12

 SERIES 14

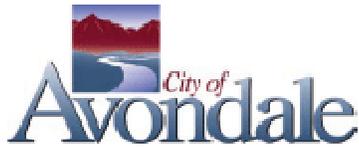
 SERIES 15

 SERIES 16

 SCHOOLS

CLUB SANTA FE
10907 W BUCKEYE RD
1 Mile Buffer





CITY COUNCIL REPORT

SUBJECT:

Cooperative Purchasing Agreement - PSC
Environmental Services, LLC

MEETING DATE:

March 17, 2014

TO: Mayor and Council

FROM: Wayne Janis, P.E., Public Works Director, 623-333-4411

THROUGH: David Fitzhugh, Acting City Manager

PURPOSE:

City Council will consider a request to approve a purchase agreement with PSC Environmental Services, LLC for the collection and disposal of household hazardous waste (HHW) for an annual amount of \$15,000 and an aggregate amount not to exceed \$75,000 over five years and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

The City holds HHW events, allowing citizens the opportunity to properly dispose of any hazardous waste generated at their residence. PSC has provided this service at previous events. At each event PSC has performed as required, assisting city staff in providing a positive experience for our citizens.

DISCUSSION:

The HHW events are scheduled in April and November. The next event is scheduled for April 5th and will be held at Coldwater Park. As agreed to in the IGA the Cities of Avondale, Goodyear and Tolleson will again be partnering. Staff is requesting approval to contract with PSC to provide collection and disposal service at upcoming events. The City will be attaching to the current Mojave contract. The contract is in effect until November 7, 2014, with four successive one-year renewal options. Staff is requesting an annual amount not to exceed of \$15,000, with a maximum aggregate amount not to exceed of \$75,000.

BUDGETARY IMPACT:

The HHW event is included as a funding request through the annual budget process. Based on previous events, the estimated cost of holding the HHW day is \$15,000. The actual cost will be dependent on the types and amount of waste residents drop off for disposal. Funding is available in the current operating budget.

RECOMMENDATION:

Staff recommends that the City Council approve a purchase agreement with PSC Environmental Services, LLC for the collection and disposal of household hazardous waste for an annual amount of \$15,000 and an aggregate amount over five (5) years not to exceed \$75,000, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

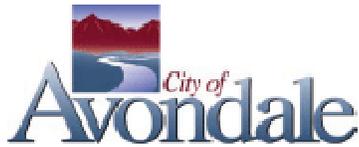
[PBA - PSC Environmental Services](#)

PSC ENVIRONMENTAL SERVICES LLC

DUE TO ITS SIZE, THIS DOCUMENT
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/34081>



CITY COUNCIL REPORT

SUBJECT:

Professional Services Agreement - Kennedy-Wilson Properties of AZ

MEETING DATE:

March 17, 2014

TO: Mayor and Council

FROM: Daniel Davis, Economic Development Director (623) 333-1411

THROUGH: David Fitzhugh, Acting City Manager

PURPOSE:

Staff requests that the City Council approve a Professional Services Agreement with Kennedy-Wilson Properties, Ltd to provide property management services for Avondale Corporate Center, 125 South Avondale Boulevard, and the City Center retail area in the amount of \$21,239 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

The city has been providing property management services for the City Center retail area through the Economic Development Department since its inception. Carlos O'Brien's has been the only tenant in the retail center, but this will change when the Anderson Institute of Music opens in April when their tenant improvements are completed. In addition, the City acquired the Avondale Corporate Center property in September 2013, which included two (2) existing tenants.

DISCUSSION:

Given the increased number of tenants, it is appropriate for a professional and certified property management company to be hired to handle the daily management responsibilities. This includes managing lease transactions such as the monthly invoice, collection and reconciliation of lease revenues and expenses. It will also include the responsibility for general maintenance issues for the two properties.

A Request for Proposals was issued in December 2013 and a pre-submittal conference was held on January 9, 2014. Three (3) proposals were received by the January 29, 2014 deadline. Two (2) of the proposals were considered non-responsive. Kennedy Wilson submitted a complete proposal in compliance with our requirements. Staff completed the background reference check on the firm and believes they are qualified to perform the duties required by the City. The term of this agreement is one year with four (4) one year extensions.

BUDGETARY IMPACT:

Funding for this agreement is available in line item 101-6720-00-6180. The contract amount for property management services will be paid from the lease revenues collected from the tenants.

RECOMMENDATION:

Staff recommends that the City Council approve a Professional Services Agreement with Kennedy-Wilson Properties, Ltd. to provide property management services for Avondale Corporate Center and the City Center retail area in the amount of \$21,239.00 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

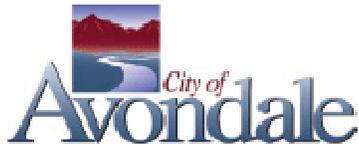
[PSA - Kennedy-Wilson](#)

PSA – KENNEDY-WILSON PROPERTIES, LTD.

DUE TO ITS SIZE, THIS DOCUMENT
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/34084>



CITY COUNCIL REPORT

SUBJECT:

Professional Services Agreement - ARCADIS U.S.,
Inc. - Water Model Update and Pressure Zone
Study

MEETING DATE:

March 17, 2014

TO: Mayor and Council

FROM: Wayne Janis, P.E., Public Works Director (623) 333-4411

THROUGH: David Fitzhugh, City Manager

PURPOSE:

Staff is requesting that the City Council approve a Professional Services Agreement with ARCADIS US, Inc. to provide services for a Water Model Update and Pressure Zone Study costing \$66,500, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

The City completed a water infrastructure master plan update in 2005. At that time, a hydraulic model was created of the water distribution system, that model was last updated in 2009. Since 2009, this model has been used to evaluate the impacts of new demands, system improvements, and changes to system operations. Most recently the model was used in the 2013 Water Master Plan Update and in the development of design criteria for the Northside Water Supply Facility booster station rehabilitation project, also in 2013. The hydraulic water model serves as an important tool to support key decisions related to operational changes. During the 2013 master plan update and the more recent modeling efforts, it has become apparent that the model may not be accurately simulating all portions of the water system, discrepancies between actual and modeled ground elevations and system pressures are suspected.

DISCUSSION:

Staff proposes to review the City water model to ensure that it gives accurate results matching field observations. This will increase confidence in the results when an analysis is completed. The City will then be able to propose system improvements that are more cost effective. Examples of previous model usage include the incorporation of the Rigby system, the PIR water supply line and the Central Avenue improvements. The last significant update was done in 2009. Not included in that study, because of time constraints, were ground elevations' effects on the system, and matching actual pressures to predicted pressures, including predicted and actual fire flows. A review of model inputs will be done, including water lines, booster station pump curves and facility elevations. Efforts include field collection of data for model calibration and model result verification. This work is necessary to assist the City in adjusting the water system to address water pressure issues brought forth in the resident survey. A second part of this contract will address water pressures in the City. The City currently operates as one pressure zone, with sections of the City protected with pressure reducing valves as required due to high pressures or concerns about older system pipes. This study will provide some alternate scenarios and costs, should the City desire to raise system pressures.

BUDGETARY IMPACT:

Funding for this work is available in the Water Administration Operating Budget (Other Professional Services), line item 501-9110-00-6180.

RECOMMENDATION:

Staff is recommending that the City Council approve a Professional Services Agreement with ARCADIS US, Inc. to provide services pertaining to a Water Model Update and Pressure Zone Study in the amount of \$66,500, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

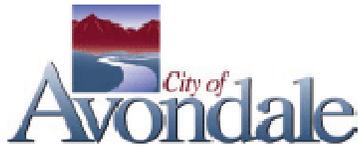
[PSA - Arcadis U.S., Inc.](#)

PSA – ARCADIS U.S., INC.

DUE TO ITS SIZE, THIS DOCUMENT
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/34080>



CITY COUNCIL REPORT

SUBJECT:

First Amendment to Cooperative Purchasing Agreement – Pueblo Mechanical and Control, Inc.

MEETING DATE:

March 17, 2014

TO: Mayor and Council

FROM: Christopher Reams, Parks, Recreation and Libraries Director (623) 333-2412

THROUGH: David Fitzhugh, Acting City Manager

PURPOSE:

Staff is requesting that the City Council approve the first amendment to the Cooperative Purchasing Agreement between the City of Avondale (the City) and Pueblo Mechanical & Controls, Inc. (Pueblo Mechanical) to increase the amount of the agreement by \$68,608.48 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

On December 18, 2012 the City and Pueblo Mechanical entered into the initial Cooperative Purchasing Agreement for HVAC services that include preventive and routine maintenance as well as emergency repairs to HVAC systems at city facilities. The initial Cooperative Purchasing Agreement limits contract expenditures to \$40,000 annually and \$80,000 as an aggregate contract total over the two year term of the contract.

The initial contract expired between Pueblo Mechanical and the City expired on September 2, 2013. On June 20, 2013 the City extended the agreement for an additional one year. The terms of the amended agreement are effective until September 2, 2014.

DISCUSSION:

Staff is requesting a one time extension of \$55,608.48 to enhance the insulation of the Civic Center Library and an ongoing extension of \$13,000 for increased ongoing maintenance due to the maintenance requirements of the Avondale Corporate Center recently purchased by the City. The total request for this amendment is \$68,608.48.

The acquisition of the Avondale Corporate Center located at 125 S. Avondale Blvd. requires that the annual contract amount with Pueblo Mechanical for routine annual maintenance be revised by \$13,000 dollars, increasing the ongoing annual expenditure from \$40,000 to \$53,000 dollars.

The Parks, Recreation and Libraries Department identified the need to contract with Pueblo Mechanical to install air conditioning duct insulation at the Civic Center Library. The duct work is required in order to increase building energy efficiency and control the temperatures inside the Civic Center Library staff and patron areas. Staff is requesting the addition of a onetime expense of \$55,608.48 in order to accommodate this project.

BUDGETARY IMPACT:

Funding for the additional HVAC services with Pueblo Mechanical has been planned and budgeted for in the Facilities Division operating budget line item 101-5420-00-6320 (Contractual Maintenance Buildings & Grounds) and in the Libraries Division line item 101-8105-00-6730 (Repair & Maintenance).

RECOMMENDATION:

Staff recommends that the City Council approve the first amendment to the Cooperative Purchasing Agreement between the City of Avondale (the City) and Pueblo Mechanical & Controls, Inc. (Pueblo Mechanical) to increase the amount of the agreement by \$68,608.48 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

[CPA - Pueblo Mechanical](#)

**FIRST AMENDMENT
TO
COOPERATIVE PURCHASING AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
PUEBLO MECHANICAL AND CONTROLS, INC.**

THIS FIRST AMENDMENT TO COOPERATIVE PURCHASING AGREEMENT (this "First Amendment") is entered into as of March 17, 2014, between the City of Avondale, an Arizona municipal corporation (the "City"), and Pueblo Mechanical and Controls, Inc., an Arizona corporation (the "Contractor").

RECITALS

A. After a competitive procurement process, Mohave Educational Services Cooperative, Inc. ("Mohave"), entered into Contract No. 09D-PMAC2-0902 dated September 2, 2009, as amended by letter agreement dated November 17, 2010, and extended four times by letter agreement, with the Contractor for the Contractor to provide heating, ventilation and air conditioning services (the "Mohave Contract").

B. The City and the Contractor entered into a Cooperative Purchasing Agreement dated December 18, 2012, based upon the Mohave Contract (the "Agreement"), for the Contractor to provide the City with air conditioning repair and service (the "Services").

C. The City has determined that additional Services by the Contractor are necessary for air conditioning repair and service, as well as duct insulation services at the Civic Center Library.

D. The City and the Contractor desire to enter into this First Amendment to (i) provide for the cost of and purchase additional Services and (ii) extend the term of the Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Contractor hereby agree as follows:

1. Term of the Agreement. The term is hereby extended, and this Agreement shall remain in full force and effect until September 2, 2014, unless terminated as otherwise provided pursuant to the terms and conditions of the Agreement.

2. Compensation. The City shall increase the compensation to Contractor by \$68,608.48.00 for the Services at the rates as set forth in the Mohave Contract and the Proposal

dated January 23, 2014, which is attached hereto as Exhibit A and incorporated herein by reference, resulting in an increase of the total compensation, from \$80,000.00 to an aggregate amount not to exceed \$148,608.48.

3. Effect of Amendment. In all other respects, the Agreement is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the Agreement shall remain in full force and effect.

4. Non-Default. By executing this First Amendment, the Contractor affirmatively asserts that (i) the City is not currently in default, nor has been in default at any time prior to this First Amendment, under any of the terms or conditions of the Agreement and (ii) any and all claims, known and unknown, relating to the Agreement and existing on or before the date of this First Amendment are forever waived.

5. Conflict of Interest. This First Amendment and the Agreement may be canceled by the City pursuant to ARIZ. REV. STAT. § 38-511.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the date and year first set forth above.

“City”

CITY OF AVONDALE,
an Arizona municipal corporation

David W. Fitzhugh, Acting City Manager

ATTEST:

Carmen Martinez, City Clerk

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On _____, 2014, before me personally appeared David W. Fitzhugh, the Acting City Manager of the CITY OF AVONDALE, an Arizona municipal corporation, whose identity was proven to me on the basis of satisfactory evidence to be the person who he claims to be, and acknowledged that he signed the above document.

Notary Public

(Affix notary seal here)

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

EXHIBIT A
TO
FIRST AMENDMENT
TO
COOPERATIVE PURCHASING AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
PUEBLO MECHANICAL AND CONTROLS, INC.

[Proposal]

See following pages.



(800) 840-9170

PROPOSAL – Insulating Exposed Duct Work Civic Center Library (Mohave – #09D PMAC2 0902)

From: Pueblo Mechanical and Controls, Inc.

Date: 1/23/2014

Attn: Dave Ramuz
City Of Avondale Civic Center Library
11465 W Civic Center Library
Avondale, Az 85323

Dear Dave,

Pueblo Mechanical and Controls is pleased to provide pricing for the Civic Center Library exposed duct insulation.

- All book shelves, desks, chairs will be moved and or covered by plastic sheeting
- All duct joints will be sealed with duct sealant prior to ducts being insulated.
- All exposed main duct work and all drops to diffusers will be insulated and wrap with black jacketing.
- Main duct work insulation will be 2-inch $\frac{3}{4}$ - pound R-5.6 per IMC/IECC
- Drops to the diffusers will be 2-inch pipe and tank.
- Customer to provide floor covering for lifts, moving any furniture that is secured to the ground and moving all electronic equipment prior to start of work.
- All work will be preformed after hours.

We Exclude The Following:

- Any concealed duct, HVAC and plumbing piping
- Floor covering for lifts
- Moving furniture that is secured to the ground
- Moving all electronic equipment.

Complete material, service, and labor sub total:	\$ 52,599.77
Mandated applicable taxes (5.72%):	\$ 3,008.71
Bonding [N/A]:	<u>\$ 00.00</u>
Total Cost:	\$ 55,608.48

All projects over \$100,000 must be individually bonded, projects under this amount are at the discretion of the customer; if the project is under \$100,000 by accepting this proposal you agree to waive bonding for this project. If you require bonding please contact Pueblo Mechanical immediately and we will provide quote for the bonding amount.

ALL PRICES QUOTED ABOVE ARE GOOD FOR 90 DAYS

Mohave JOC #09D-PMAC2-0902 • AZ State JOC #ADSP011-009974 • TCPN #R5044 • 1GPA #13-80
6771 E. Outlook Dr. • Tucson, AZ 85756 • Office - (520) 545-1044 • Fax - (520) 545-1048
www.pueblo-mechanical.com

AZ LIC: K-39 # ROC176640 • AZ LIC: B-01 # ROC173953 • AZ LIC: K-74 # ROC260462



(800) 840-9170

We look forward to providing this important service please call if you have any questions.

Sincerely,
Rob Andersen
520-545-1044 Fax 520-545-1048
Rob@pueblo-mechanical.com

ALL PRICES QUOTED ABOVE ARE GOOD FOR 90 DAYS

Mohave JOC #09D-PMAC2-0902 • AZ State JOC #ADSP011-009974 • TCPN #R5044 • 1GPA #13-80
6771 E. Outlook Dr. • Tucson, AZ 85756 • Office - (520) 545-1044 • Fax - (520) 545-1048
www.pueblo-mechanical.com

AZ LIC: K-39 # ROC176640 • AZ LIC: B-01 # ROC173953 • AZ LIC: K-74 # ROC260462

City of Avondale PO 65813 (duct wrap)

FEB 14 2014

**Pueblo Mechanical & Controls, Inc. [Effective 8/28/13]
Mohave Contract #09D-PMAC2-0902**

Client: City of Avondale
Project: Civic Center Library Duct Work (AFTER HOURS WORK)
 To provide the labor and materials to prep area including covering desks and chairs, tarp, sealants for duct, lift, duct insulation with an additional wrap,
Description: startup/checkout duct for proper seal.
Prepared by: Phil L. - 850XX - 2014 Base Year Pricing

2014 RS Means Facilities Construction CostBook - NORMAL DUTY HOURS					
Qty.	Unit	Means Number	Description	Price	Extension
2014 RS Means Mechanical CostBook - NORMAL DUTY HOURS					
				#DIV/0!	
2014 RS Means Facilities Maintenance & Repair - NORMAL DUTY HOURS					
				#DIV/0!	

RS MEANS COSTBOOK SUBTOTAL \$0.00
 MOHAVE DISCOUNT \$0.00
 COSTBOOK ESTIMATE \$0.00

2014 RS Means Facilities Construction CostBook - OFF DUTY HOURS/WEEKENDS					
Qty.	Unit	Means Number	Description	Price	Extension
5875.0	S.F.	23071 310 3480	Duct thermal insulation, blanket type, fib	\$3.77	\$22,148.75
5875.0	S.F.	23071 310 3900	Duct thermal insulation, finishes, 8 oz. ca	\$5.50	\$32,312.50
92.0	L.F.	07921 610 6002	Joint sealants, rigid joint sealants, tapes,	\$0.10	\$9.20
3.0	Week	01543 340 0170	Rent aerial lift, telescoping boom to 40' h	\$984.50	\$2,953.50
2.0	Job	22131 660 9000	Traps, minimum labor/equipment charge	\$189.00	\$378.00
2014 RS Means Mechanical CostBook - OFF DUTY HOURS/WEEKENDS					
				#DIV/0!	
				#DIV/0!	
2014 RS Means Facilities Maintenance & Repair CostBook - OFF DUTY HOURS/WEEKENDS					
				#DIV/0!	
				#DIV/0!	

RS MEANS COSTBOOK SUBTOTAL \$57,801.95
 MOHAVE DISCOUNT \$5,202.18
 COSTBOOK ESTIMATE \$52,599.77

2014 Costworks
 pmac2 full price update 082813.PDF
 pmac2 2014 cci base rates 011614.pdf

(after hours) [initials]

2014 HVACR Price Guide				
				#DIV/0!
				#DIV/0!

HVACR Price Guide SUBTOTAL \$0.00

MOHAVE DISCOUNT \$0.00

HVACR Price Guide ESTIMATE \$0.00

2014 Non-Prepriced [No Book Price Available] Quote Based				
				\$0.00
				\$0.00
				\$0.00

NON-PRICED SUBTOTAL \$0.00

APPROVED MARK-UP FACTOR \$0.00

NON-PRICED ESTIMATE \$0.00

Unit	Standard Professional/Maintenance Labor [If Req]		Rate	Extension
	HRS	HVAC Centrifugal Absorption Tech	\$95.25	\$0.00
	HRS	HVAC Reciprocal Commercial Tech	\$91.00	\$0.00
	HRS	Pipefitter / Steamfitter	\$88.25	\$0.00
	HRS	Sheet Metal Installation	\$67.50	\$0.00
	HRS	Water Treatment	\$92.25	\$0.00
	HRS	HVAC Building Automation Tech - Controls	\$85.75	\$0.00
	HRS	General Labor	\$36.25	\$0.00
	HRS	Design Services [Mech/Electrical]	\$101.50	\$0.00
	HRS	Engineering Services	\$128.50	\$0.00
	HRS	Drafting [CAD] Design	\$81.50	\$0.00
	HRS	Architect	\$128.50	\$0.00

Note: See Overtime/Holiday Rates Below:

Ancillary/Professional/Maintenance Labor [If Required] Subtotal \$0.00

PREPRICED/NON PREPRICED SUBTOTAL [Include Mohave Admin] \$52,599.77

Transportation Costs IF REQUIRED/AUTHORIZED [Entire term of project]			
Vehicle	Essential Mileage Total	Rate	Extension
Operations Truck(s)		\$0.445	\$0.00
Pueblo Stakebed Truck		\$0.445	\$0.00

Lodging Costs IF REQUIRED/AUTHORIZED [Entire term of project]		
Total Room Nights Required [Double Occupancy]	Rate	Extension
	\$60.00	\$0.00

Meal Costs IF REQUIRED/AUTHORIZED [Entire term of project]		
Total Reimbursable Meals [full days] Required	Rate	Extension
	\$34.00	\$0.00

Reimbursable Expenses			
Unit	Description	Rate	
			\$0.00
			\$0.00

Reimbursable Expenses Subtotal: \$0.00

M&IE, TRANSPORTATION, LODGING, REIMBURSEABLES SUBTOTAL \$0.00

PROJECT SUBTOTAL: \$52,599.77

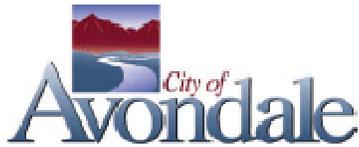
Sales Tax @ 5.720% \$3,008.71

Bond [Projects > \$100,000] \$0.00

Project Total \$55,608.48

Mohave Administration Fee (included in total) \$525.95

	After Hours / Emergency Hours	Holidays
HVAC Centrifugal Absorption Tech	\$142.75	\$190.50
HVAC Reciprocal Commercial Tech	\$136.50	\$182.00
Pipefitter / Steamfitter	\$132.25	\$176.50
Sheet Metal Installation	\$101.25	\$135.00
Water Treatment	N/A	N/A
HVAC Building Automation Tech - Controls	\$128.50	\$171.50
General Labor	\$54.25	\$72.50
Design Services [Mech/Electrical]	N/A	N/A
Engineering Services	N/A	N/A
Drafting [CAD] Design	N/A	N/A
Architect	N/A	N/A



CITY COUNCIL REPORT

SUBJECT:

Resolution 3174-314 and Ordinance 1539-314 -
Avondale City Code Chapter 14, Property
Maintenance Ordinance

MEETING DATE:

March 17, 2014

TO: Mayor and Council

FROM: Gina Montes, Assistant City Manager, 623-333-2727

THROUGH: David Fitzhugh, Acting City Manager

PURPOSE:

Staff is recommending Council adoption of resolution declaring as a public record the "City of Avondale Property Maintenance Ordinance, March 17, 2014." and an ordinance deleting from the Avondale City Code Chapter 15, Article III, Property Maintenance Code and Chapter 15, Article IV, Registration of Residential Rental Property and adding a new Chapter 14, Property Maintenance Ordinance.

BACKGROUND:

At the Council Work Session on February 18, 2014, the City Council was presented with a staff-initiated comprehensive Property Maintenance Ordinance to replace the existing International Property Maintenance Code with Avondale Amendments.

The 2003 International Property Maintenance Code (IPMC) was adopted with Avondale amendments by the City Council on March 1, 2004 and became effective May 3, 2004. On September 8, 2008, Council adopted the 2006 International Property Maintenance Code with Avondale amendments. The IPMC is a set of codes created by the International Code Council that do not focus on specific needs of any one community. Over the years, the City has amended the IPMC to meet the needs of the Avondale community.

Many other jurisdictions adopt property maintenance ordinances unique to their communities, and staff is now proposing to adopt a new Avondale property maintenance code. The proposed Property Maintenance Ordinance has been expressly designed based on past experience for the City of Avondale to ensure that properties are maintained to a minimum standard that supports community safety and healthy, vibrant neighborhoods.

DISCUSSION:

With the exception of a few smaller cities, the majority of Valley cities have chosen to adopt their own property maintenance related codes designed to meet the needs of their communities. This proposed ordinance is a compilation of well-founded codes from throughout the Valley that streamlines the enforcement process and provides the tools to elevate the appearance of challenged areas in the city while preserving the newer neighborhoods for years to come. Highlights of the new ordinance include:

- Equips the Code Enforcement Division with its own primary set of ordinances conveniently located in one section and provides the ability to publish the codes making them more accessible to the citizens. The current IPMC cannot be published making it difficult for the public to review.

- Provides for a simplified process for the issuance of a violation notice and civil citation that is aligned with the enforcement process of the Zoning Ordinance.
- Currently, the code provides thirty days for compliance regardless of the violation. This has proven to be excessive and problematic in many cases. The proposed ordinance provides for a shorter compliance time of ten to thirty days except in cases involving health and safety violations, imminent hazards, recidivist offenders, or as otherwise prescribed by ordinance.
- Creates the ability to recover a portion of the associated administrative costs incurred when Code Enforcement is forced to clean and lien a property. The proposed ordinance would add an additional 25% to the actual cost to clean a property. Currently, the average cost to clean a property is approximately \$300, which would result in a \$375 bill to the property owner including the administrative fee.
- In extreme cases, provides a process whereby Code Enforcement may obtain an Inspection Warrant to gain access to inspect areas not visible from public view or adjacent properties when there is probable cause to believe that a violation exists.
- Allows code enforcement to address trees, shrubs and plants that obstruct public sidewalks and streets and provides specific minimum standards of thirteen feet above a street and eight feet above a sidewalk.
- Addresses excessive vehicle repairs at residential properties that negatively impact neighborhoods.
- Requires properties to eliminate dirt yards by providing landscaping including turf, granite, groundcover, or other natural topping material.
- Provides enforcement remedies for vehicles displayed for sale on private including requiring that the vehicle be registered to the owner/occupant of the property, no more than one vehicle to be displayed for sale at a time and no more than three vehicles to be displayed for sale within a calendar year.
- Creates a rental housing section that provides minimum standards for single family, multi-family, and mobile home rentals that protects tenants from substandard living conditions and improves the quality of neighborhoods.

The proposed Property Maintenance Ordinances, customized for the City of Avondale, is considerably more detailed, provides clarity and transparency to the citizens, and is vital to the long range goal of managing both growth and aging of the city.

Staff has presented the proposed codes to the Neighborhood and Family Services Commission on three occasions in which the Commission provided staff with recommendations and direction. On January 22, 2014, the Commission unanimously voted to recommend the proposed ordinance to the City Council for adoption.

At the Council Work Session on February 18, 2014, Council requested that staff review and adjust certain sections of the proposed Property Maintenance Ordinance. Staff has made the following adjustments in response to the Council's request:

Section 14-160: Painted Surfaces

Added "substantial fading" in addition to excessive peeling, flaking, chipping or cracking as a factor when considering if a painted surface represents a blight or deteriorated appearance.

Section 14-180: Vehicle Repairs

Removed the minor and major repair distinctions, simply requiring that vehicle repairs be customary and incidental to the principal use of the property, that any vehicle undergoing repair be titled to the owner or occupant of the property, that vehicle repairs last no more than ten calendar days, and prohibiting the painting of vehicles in any residentially zoned district.

BUDGETARY IMPACT:

There is no budgetary impact associated with this item.

RECOMMENDATION:

Staff recommends Council adoption of a resolution declaring as a public record the “City of Avondale Property Maintenance Ordinance, March 17, 2014.” and an ordinance deleting from the Avondale City Code Chapter 15, Article III, Property Maintenance Code and Chapter 15, Article IV, Registration of Residential Rental Property and adding a new Chapter 14, Property Maintenance Ordinance.

ATTACHMENTS:

Click to download

- [Resolution 3174-314](#)
- [Property Maintenance Ordinance](#)
- [Ordinance 1539-314](#)

RESOLUTION NO. 3174-314

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED THE "CITY OF AVONDALE PROPERTY MAINTENANCE ORDINANCE, MARCH 17, 2014."

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

SECTION 1. That certain document entitled the "City of Avondale Property Maintenance Ordinance, March 17, 2014," of which three copies are on file in the office of the City Clerk and open for public inspection during normal business hours, is hereby declared to be a public record and said copies are ordered to remain on file with the City Clerk.

PASSED AND ADOPTED by the Council of the City of Avondale, March 17, 2014.

Marie Lopez Rogers, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney

**CITY OF AVONDALE
PROPERTY MAINTENANCE ORDINANCE
MARCH 17, 2014**

Chapter 14 – Property Maintenance Ordinance

Article I – General Provisions

14-10	Title.
14-20	Scope and intent.
14-30	Conflict of ordinances.
14-40	Severability.
14-50	Definitions.

Article II – Administration and Enforcement

14-60	Enforcement – General
14-70	Owner of record.
14-80	Notice of violation.
14-90	Civil citations.
14-100	Civil procedure.
14-110	Civil penalties.
14-120	Recidivist offenders.
14-130	Criminal complaints.
14-140	Violators liable for costs.
14-150	Inspection warrants.

Article III – Specific Acts, Omissions and Conditions

14-160	Buildings and structures.
14-170	Land maintenance.
14-180	Vehicles.
14-190	Miscellaneous.
14-200	Vacant structures; unsafe structures and unsafe equipment; condemnation.
14-210	Demolition.

Article IV – Residential Rental Property

14-220	Purpose.
14-230	Application.
14-240	General.
14-250	Plumbing systems and fixtures.
14-260	Sanitary facilities.
14-270	Kitchen and laundry facilities.
14-280	Electrical and lighting.
14-290	Heating, cooling and ventilation systems.
14-300	Emergency escapes and fire protection systems.
14-310	Light and natural ventilation.
14-320	Interior sanitation.
14-330	Interior of buildings.
14-340	Exterior of buildings.
14-350	Exterior premises and common areas.
14-360	Residential rental property inspections; inspection warrants.
14-370	Re-occupancy prohibited.
14-380	Owner’s responsibility for violations by occupants.

Article V – Registration of Residential Rental Property

14-390	State registration requirements.
14-400	Civil violations.
14-410	Notices and orders.
14-420	Civil penalties.

Chapter 14 – Property Maintenance Ordinance

Article I – General Provisions

14-10	Title.
14-20	Scope and intent.
14-30	Conflict of ordinances.
14-40	Severability.
14-50	Definitions.

14-10 Title.

This Ordinance shall be known as the "Property Maintenance Ordinance of the City of Avondale, Arizona." Within the Ordinance text, the following terms (whether capitalized or not) shall be synonymous with the Property Maintenance Ordinance of the City of Avondale: "this Ordinance," "Avondale Property Maintenance Ordinance," and "The Property Maintenance Ordinance."

14-20 Scope and Intent.

- (a) This Ordinance shall apply to all buildings, structures and lands within the City without regard to the use, the date of construction, improvement or alteration.
- (b) This Ordinance shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Unless specifically exempted in Subsection 14-20(c) below, existing structures and premises that do not comply with the provisions of this Ordinance shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with City codes, ordinances and regulations.
- (c) This Ordinance shall not require changes in existing buildings and utilities when alterations were installed and have been maintained in accordance with the City Codes in effect at the time of construction or alteration of the subject building or utilities. This Subsection does not apply when the building has been determined to be an imminent hazard, unsafe, unhealthy, blighted or deteriorated.

14-30 Conflict of ordinances.

- (a) In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code existing on the effective date of this Ordinance, the provision of the zoning, building, fire, safety, or health ordinance or code shall prevail.
- (b) Nothing in this Ordinance shall be construed to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or with private restrictions placed upon property by covenant, deed or other private agreement.

14-40 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and to this end, the provisions of this Ordinance are hereby declared to be severable.

14-50 Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Abandoned or inoperable vehicle: Any vehicle that is partially or wholly dismantled, discarded, wrecked; or on blocks, stands or similar devices; or stripped or scrapped; or inoperable due to mechanical disassembly; or with a deflated tire or tires, or physically incapable of operation; or is incapable of operation for other reasons that may include an expired (more than one month) license plate or the absence of a license affixed or assigned thereto.

Adopted Codes: Any of the provisions of the building code, the mechanical code, the electrical code, the plumbing code, the residential code, the fuel gas code or the energy conservation code, as amended and adopted by the City.

Animal waste: Household pet waste and waste from stables, kennels, pet pens, chicken coops, veterinary establishments and others of a similar nature.

Blight, blighted or blighting: Any unsightly, deteriorated, dilapidated, withered or decayed condition of a building, structure, accessory building, fence, landscaping or property characterized by neglect, lack of maintenance, damage or any other similar condition. Examples include, but are not limited to, the accumulation of debris, wood, scrap iron or other metal, boxes, paper, vehicle parts, tires, abandoned or inoperable equipment or vehicles; discarded appliances; or any items that may harbor insect or vermin infestation or create a fire hazard; landscaping that is overgrown, dead or damaged; fences that are broken, rotted, damaged or leaning; buildings or structures exhibiting general disrepair or dilapidation including but not limited to deteriorated shingles, peeling paint, broken doors or windows or any other evidence of neglect or lack of maintenance.

Boardinghouse: A single-family detached or attached dwelling unit in which any of the rooms are rented or leased to persons on a transient basis, but which does not include group homes, dormitories, convalescent homes, nursing homes, substance abuse detoxification centers or substance abuse treatment centers.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter and enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.

Code Official: The executive official in charge of enforcing violations of this Ordinance; the Code Official shall be the City Manager or his authorized designee.

Construction materials: Any material commonly used in construction or landscaping including, but not limited to, asphalt, concrete, plaster, tile, rocks, bricks, sand, dirt, lumber, blocks or other similar materials.

Debris: Substance or material of little or no apparent value including, but not limited to, deteriorated lumber, old newspapers, cardboard material, scrap metal, vehicle parts, discarded furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, abandoned, broken or neglected equipment or the scattered remains of items.

Deteriorate, deteriorated, deterioration: A lowering in quality of the condition of a building, structure or parts thereof including, but not limited to, holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, neglect or lack of maintenance.

Driveway: An unobstructed paved area directly connecting a public or private street with vehicle parking, loading, or maneuvering areas.

Exterior Property: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Fence (includes screen walls and/or retaining walls): A self-standing structure constructed of wood, chain link, metal, masonry or similar materials designed for and commonly used to provide semi-privacy, security, screening or bank retention between grade separations.

Graffiti: The writing, drawing, inscribing, etching, spray painting, sketching or otherwise applied message, initials, designs, drawing, slogan, sign, symbol or mark of any type that is made on any public or private building, structure or surface, and that is made without the express permission of the building, structure or surface owner.

Habitable space/room: A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

Hotel/motel: An establishment, other than a boarding house, containing five (5) or more guest rooms that, for a fee, provides temporary sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture, bed linens, telephone and desk service, as well as related ancillary uses including, but not limited to, conference and meeting rooms, restaurants, bars, and recreational facilities. For the purposes of this Ordinance, a motel shall be considered a hotel.

Imminent hazard: A condition that could cause serious or life-threatening injury or death at any time.

Inspection warrant: An order, in writing, signed by a judge of a court of competent jurisdiction, directed to a state, county or local official, authorizing entry into private property to inspect for violations of the Avondale City Code or other relevant laws and regulations.

Judge: A City of Avondale Municipal Court Judge.

Municipal Court: The City of Avondale Municipal Court.

Occupant: Any individual living or sleeping on premises, in a building or structure, or having possession or custody of a space on or within a premise, building or structure.

Owner: Any individual, association, corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust.

Person: An individual, proprietorship, partnership, corporation, or other legal entity.

Private property: Land owned by any person other than the United States, the State of Arizona, a County, a City, a school district or a special district.

Premises: A lot, plot or parcel of land including any buildings thereon.

Potential hazard: A condition that can cause an unreasonable risk of death or serious personal injury or serious damage to property and which can become an imminent hazard if further deterioration occurs.

Residential rental property: Any property or premises that is used solely as leased or rented property for residential purposes. If the property is a space rental mobile home park, residential rental property includes the rental space that is leased or rented by the owner of that rental space, but does not include the mobile home or recreational vehicle that serves as the actual dwelling if the dwelling is owned and occupied by the tenant of the rental space and not by the owner of the rental space. It does not include any facilities owned, operated or licensed by the federal, state or county government or any of their agencies or dormitories operated by educational institutions.

Sound condition: Free from decay or defects and capable of performing the task for which it was designed and in the manner it was intended.

Strict liability offense: An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act that was prohibited, or failed to do an act that the defendant was legally required to do.

Structure: Any piece of work artificially built up or composed of parts joined together in some definite manner.

Tenant: A person, lessee, occupant, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Trash: All non-putrescible wastes consisting of both combustible and noncombustible solid waste material, excluding ashes.

Unsafe Equipment: Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

Unsafe Structure: A structure that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants, in the event of fire, or because such structure contains unsafe equipment or is so damaged,

decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Unsheltered: Any area on a premise located outside a garage or other building or structure in such a manner as to be visible to a person standing upon any public street, sidewalk or at ground level upon any adjoining piece of property.

Utility service: Those services required for plumbing and electrical systems, heating and cooling systems, ventilation systems and fixtures and appliances to properly operate, including water service, sewer service, electric service and gas service.

Vehicle: Every device by which any person or property is or may be transported or drawn; including, but not limited to, automobiles, motor homes, travel trailers, utility trailers or watercraft. Devices moved by human power or used exclusively upon stationary rails or tracks are exempt.

Vehicle parts: Any part(s), component(s) or accessory of a vehicle.

Vehicle repair: The service, repair or routine maintenance of a vehicle, including, but not limited to, lubrication, minor repair and tune-up of engines, tire rotation, engine or transmission overhaul or replacement, body or frame repair or replacement work or other repair, replacement, restoration or other similar activities.

Weed: Any valueless, undesirable or troublesome plant growing wild or where it is not wanted including, but not limited to, vegetation which bears seeds of a downy or wingy nature; tumbleweed, sagebrush, chaparral and any other brush or vegetation of uncontrolled growth which may provide harborage for insects or other infestations or which is likely to become a fire hazard when dry; and vegetation that is otherwise noxious or dangerous; or dry grass, stubble or brush or other flammable material which may endanger the public health or safety.

Yard, front: A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

Yard, rear: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

Zoning Ordinance: The Zoning Ordinance of the City of Avondale, Arizona.

Article II – Administration and Enforcement

14-60	Enforcement – General
14-70	Owner of record.
14-80	Notice of violation.
14-90	Civil citations.
14-100	Civil procedure.
14-110	Civil penalties.
14-120	Recidivist offenders.
14-130	Criminal complaints.
14-140	Violators liable for costs.
14-150	Inspection warrants.

14-60 Enforcement – General.

- (a) The Code Enforcement Division shall be charged with the administration of this Ordinance. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Code Official shall have the authority to appoint deputy code officials, code enforcement officers and other related technical officers, inspectors and employees.
- (b) The Code Official shall have authority, as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures, to interpret and implement the provisions of this Ordinance and to secure the intent thereof.
- (c) The City shall proceed either civilly or criminally against any person who is found to be responsible for causing, permitting, facilitating, or aiding or abetting any violation of any provision of this Ordinance or for failing to perform any act or duty required by this Ordinance. A written notice of violation shall be issued to the alleged violator, in accordance with the provisions of Section 14-80. If the violation is not remedied within the time frame specified in the notice of violation, a citation may be issued.
- (d) Each day a violation of any provision of this Ordinance or the failure to perform any act or duty required by this Ordinance continues shall constitute a separate violation or offense.
- (e) It shall be unlawful for any responsible party who has received a notice of a violation to sell, transfer, mortgage, lease or otherwise dispose of such property until the provisions of this Ordinance have been complied with, or until such responsible party first furnishes the grantee, transferee, mortgagee or lessee a true copy of any notice issued by the Code Official or his authorized designee and furnishes to the Code Official or his authorized designee a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of such notice and fully accepting the responsibility without condition for making the corrections or repairs required by such notice.
- (f) When two (2) or more persons have liability to the City or are responsible for a violation of this Ordinance, their responsibility shall be joint and several.
- (g) Violations of this Ordinance are in addition to any other violation enumerated within the City Code and in no way limit the penalties, actions or procedures which may be taken by the City for any violation of this Ordinance which is also a violation of any other provision of the City Code or any other applicable law. The remedies specified herein are cumulative and the City may proceed under these or any other remedies authorized by law.
- (h) Any responsible party failing to comply with the provisions of this Ordinance shall be deemed guilty of a misdemeanor for those offenses deemed criminal under this Ordinance or a civil violation for all other offenses.

14-70 Owner of record.

The owner(s) of record, as recorded in the Maricopa County Recorder's Office or as stated on the Maricopa County Assessor's Office tax bill, may be presumed to have lawful control over any building or parcel of land.

14-80 Notice of violation.

The Code Official or his authorized designee shall seek voluntary compliance with the provisions of this Ordinance before issuing a civil citation or criminal complaint, as applicable. This shall include a written notice of violation served on the responsible person or persons.

- (a) A notice of violation may be issued by the Code Official, any code enforcement officer, police officer, or other City agent or employee duly authorized by the City Manager.
- (b) A notice of violation shall include:
 - (1) Identification of the property or location of the violation;
 - (2) A statement of the violation(s) in sufficient detail to allow a responsible party to identify and correct the problem;
 - (3) A re-inspection date; and
 - (4) The name of the person at the City to contact for further information.
- (c) A notice of violation shall be deemed effective on the date when the written notice is:
 - (1) Hand delivered in person to the owner, occupant, manager, or agent of the premises where the violation has occurred, or to the person responsible for the violation.
 - (2) Posted on or about the entrance of the premises where the violation occurred.
 - (3) Mailed by certified or first class mail, postage prepaid addressed to the owner, occupant, agent, manager or responsible person at the last known mailing address and three business days have elapsed.
 - (4) Served on the owner, occupant, agent, manager or responsible person by the same manner as provided in the Arizona Rules of Civil Procedure.
 - (5) For the purpose of parking violations, placed on the subject vehicle's windshield or mailed by certified or first class mail to the subject vehicle's registered owner's last known address with the Arizona Motor Vehicle Division.
- (d) Except in cases involving health and safety violations, imminent hazards, recidivist offenders, or as otherwise prescribed by ordinance, a responsible person will be provided the following amount of time for compliance:

Section 14-160	30 calendar days
Section 14-170	10 calendar days

Section 14-180	10 calendar days
Section 14-190	10 calendar days
Section 14-200	30 calendar days
Section 14-210	30 calendar days
Article IV	10 calendar days
Article V	15 calendar days

- (e) Failure of the responsible party, property owner, occupant, manager or authorized agent of the property owner to receive a notice of violation shall not preclude the subsequent issuance of a civil citation or criminal complaint, as applicable.
- (f) Nothing in this Section shall prevent the City from taking immediate action to protect the public from an imminent hazard to health or safety as otherwise provided by law.

14-90 Civil Citations.

- (a) Unless otherwise designated as a criminal offense in this Ordinance, if a violation continues past the time provided for voluntary compliance in the notice of violation, a civil citation may be issued to the person responsible for the violation.
- (b) A civil citation may be issued by the Code Official, any code enforcement officer, inspector, police officer, or other City agent or employee duly authorized by the City Manager.
- (c) The citation shall include the date of the violation, the location of the property and reference(s) to the section(s) of this Ordinance violated.
- (d) The citation shall direct the defendant to pay the fine imposed pursuant to Section 14-100 of this Ordinance or appear in Municipal Court within ten (10) days of the issuance of the citation.
- (e) The citation shall provide notice that if the defendant fails to pay the fine or appear in Municipal Court as directed, a default judgment will be entered in the amount of the fine designated on the citation for the violation. In addition, a default fee may be imposed for failure to appear as set forth in Section 14-100 of this Ordinance.
- (f) Service of the citation may be accomplished and will be deemed proper and complete by any of the following means:
 - (1) Hand delivering the citation to the defendant.
 - (2) Mailing a copy of the citation by certified or registered mail, return receipt requested, to the defendant's last known address. If the citation is returned showing that the certified mail was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such citation.
 - (3) Any means allowed by the Arizona Rules of Civil Procedure for the Superior Court.

- (4) Service of a citation for a parking violation may be accomplished by placing a copy of the citation on the subject vehicle's windshield or by mailing the citation by certified or registered mail, return receipt requested to the subject vehicle's registered owner's last known address on file with the Arizona Motor Vehicle Division.

14-100 Civil Procedure.

- (a) The defendant shall, within ten (10) days of the issuance of the citation, either pay the fine indicated on the citation or appear in Municipal Court to admit or deny the allegations contained in the citation.
 - (1) The defendant may pay the fine in person or by mailing the citation with a check for the amount of the fine to the Municipal Court. By paying the fine, the defendant admits the violation described in the citation and accepts responsibility for the offense.
 - (2) The defendant may appear in person or through an attorney in Municipal Court and either admit or deny the allegations contained in the citation. If the defendant admits the allegations, the court shall immediately enter a judgment against the defendant in the amount of the fine for the violation charged. If the defendant denies the allegations contained in the citation, the court shall set a hearing date for the matter.
- (b) If the defendant fails to pay the fine or appear in Municipal Court as directed by the citation, the court shall enter a default judgment and impose the fine and default fee required by Section 14-110 of this Ordinance.
- (c) If the defendant fails to appear at the time and place set for hearing by the court, the court shall enter a default judgment and impose the fine and default fee required by Section 14-110 of this Ordinance.
- (d) The Arizona Rules of Procedure in Civil Traffic Violation cases shall be followed by the Municipal Court for civil violations of this Ordinance, except as modified or where inconsistent with the provisions of this Ordinance, local rules of the Municipal Court or rules of the Arizona Supreme Court.

14-110 Civil Penalties.

- (a) Any person that violates this Ordinance shall be subject to a civil penalty of two hundred fifty dollars (\$250) base fine for the first violation, five hundred dollars (\$500) base fine for a second violation and one thousand dollars (\$1,000) base fine for a third violation in any twenty-four (24) month period. The dates of the offenses are the determining factor for calculating the twenty four (24) month period.
- (b) Any defendant that fails to pay the fine or appear in Municipal Court as directed by a citation issued pursuant to this Ordinance, or who fails to appear at the time and place set for hearing of a matter arising under this Ordinance, shall be subject to an additional default fee as established by the Municipal Court.

- (c) Any judgments issued by the Municipal Court shall be subject to all surcharges and fees imposed by state law in addition to the civil fines required by this Ordinance.
- (d) Judgments shall be collected in the same manner as any other civil judgment as provided by law.

14-120 Recidivist Offenders.

Any person deemed to be a recidivist offender shall be penalized and fined subject to the provisions of Section 1-9(D)(6) of the City Code.

14-130 Criminal Complaints.

The Code Official or any other City agent or employee duly authorized by the City Manager may seek the issuance of a complaint by a police officer or the Avondale City Prosecutor for criminal prosecution of any person who commits a criminal offense as set forth in this Ordinance.

- (a) Every criminal action and proceeding under this Ordinance shall be designated a class one misdemeanor and commenced and prosecuted in accordance with the laws of the State of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.
- (b) Upon conviction of a person for a criminal offense, the court may impose any combination of the following:
 - (1) A sentence of incarceration not to exceed six (6) months in jail.
 - (2) A base fine not to exceed two thousand five hundred dollars (\$2,500), exclusive of penalty assessments prescribed by law.
 - (3) A term of probation.
 - (4) Notwithstanding the elective penalty above, a recidivist offender shall be subject to the penalties set forth in Chapter 1 of the City Code.

14-140 Abatement Costs.

- (a) If the owner or occupant of any property within the City does not remove or abate from its property a violation that constitutes a hazard to public health and safety within 30 days after written notice has been served by the City, the City may, at the expense of the owner or occupant, remove or cause the removal thereof and the record owner shall be liable for all costs incurred. The notice shall include the cost of such removal to the City if the owner or occupant does not comply.
- (b) Any person who places, deposits, leaves or causes in or upon any public street, alleyway, sidewalk, park or other City building or property a violation that constitutes a hazard to public health and safety shall be liable for all costs incurred by the City to remove or clean up such violation.

- (c) When the City has effected removal or abatement of a violation that constitutes a hazard to public safety from any building or property pursuant to this article, the actual cost of such removal, including twenty-five percent (25%) for additional inspection and other incidental costs in connection therewith, shall become an assessment upon the building or real property from which such violation is removed. The owner of record of such property shall be liable for the payment of same. If the actual cost for removal, including twenty-five percent (25%) for additional inspection and other incidental costs in connection therewith, has not been paid within thirty (30) days of billing by the City, such assessment shall be recorded in the office of the County Recorder. From the date of the recording it shall be a lien on such building or property until paid. Such liens shall be prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes.
- (d) A prior assessment against the building or property shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same property may be enforced in the same action.
- (e) A notice of abatement or assessment may be appealed to the City Manager for an administrative hearing for review of such notice. If the City Manager is the designated Code Official, the appeal shall be made to the City civil enforcement officer. A request for an administrative hearing shall be made within the time frame prescribed for compliance in the notice and within 30 calendar days from the date of the assessment.

14-150 Inspection Warrants.

- (a) As set forth herein, the Code Official may seek the issuance of an inspection warrant by the Judge if the Code Official or his authorized designee is denied access to any property, building or structure that the Code Official has authority to inspect. The Code Official shall, in a supporting affidavit, establish that there is probable cause that a violation of this Ordinance or the City Code exists and that the proposed inspection is reasonable and necessary. Probable cause may be established based on any of the following:
 - (1) Previous inspections have shown violations and the present inspection is necessary to determine whether those violations have been abated.
 - (2) Complaints have been received by the Code Enforcement Division and presented to the issuing code enforcement officer from persons, who by status or position have personal knowledge of the violations of law occurring on the subject property, building or structure.
 - (3) The inspection of the premises in question was to be made pursuant to an administrative plan containing neutral criteria supporting the need for the inspection.
- (b) In executing an inspection warrant on an occupied property, the code enforcement officer shall, before entry, make a reasonable effort to present the person's credentials, authority and purpose to the owner, occupant, agent, manager or person in possession of the property and produce the warrant or a copy thereof upon request. A copy of the warrant shall be left with the owner, occupant, agent, manager or person in possession of the property.

- (c) In executing an inspection warrant on an unoccupied property, the code enforcement officer authorized to execute the warrant need not inform anyone of the person's authority and purpose, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case, a copy of the inspection warrant shall be conspicuously posted on the property.
- (d) Any person who willfully refuses to permit an inspection lawfully authorized by warrant issued pursuant to this Section is guilty of a class 1 misdemeanor.
- (e) An inspection warrant shall be executed within five (5) calendar days from its issuance. The warrant shall be returned to the Judge within three (3) court business days after the inspection warrant is executed.

Article III – Specific Acts, Omissions and Conditions

14-160	Buildings and structures.
14-170	Land maintenance.
14-180	Vehicles.
14-190	Miscellaneous.
14-200	Vacant structures; unsafe structures and unsafe equipment.
14-210	Demolition.

14-160 Buildings and structures.

- (a) The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.
- (b) All dwelling units shall contain plumbing systems, electrical systems, heating systems, ventilating systems, fixtures and appliances that are properly installed maintained in a safe working condition and capable of performing their intended function(s), as required by the Adopted Codes. If a cooling system is installed is shall be maintained in a safe working condition and capable of performing its intended function(s). All utility service connections shall be active for the proper operation of all systems and appliances.
- (c) All exterior property including yards, ground covers, trees, shrubs or other landscaping; and any exterior surfaces of any buildings or structures including, but not limited to, fences, walls, or roofs or appurtenances including, but not limited to, windows, window frames, window screens, doors, garage doors, door frames, canopies, awnings, cornices, porches, stairways, railings or similar items shall be properly maintained and shall not otherwise present a blighted or deteriorated appearance.
- (d) All exterior doors, garage doors, door frames, skylights, windows and window frames shall be maintained in sound condition, securely fit in their frames, be substantially weather tight and shall not otherwise present a deteriorated or blighted appearance. Window screens, if present, shall be free from excessive tears or holes or bent or broken frames. All glazing

materials shall be maintained free from cracks and holes. Boarded window or door openings on an occupied structure are prohibited. Temporary boarding prior to repairs is acceptable.

- (e) All fences, screen walls and retaining walls on the property shall be maintained in a safe and structurally sound condition and shall not otherwise present a deteriorated or blighted appearance. This includes, but is not limited to, leaning or damaged fences, use of tarps, fences missing slats or blocks, deterioration of paint or materials or any other materials that are otherwise broken, damaged or rotting in such amounts as to present a deteriorated or blighted appearance. All materials shall be of typical fence type, uniform, compatible in color and structure and consistent with the design thereof.
- (f) All exterior wood surfaces exposed to weather, except decay resistant woods, shall be protected with paint or other protective covering. All exterior painted surfaces shall be maintained in sound condition. Painted surfaces that represent a blighted or deteriorated appearance including, but not limited to, substantial fading, excessive peeling, flaking, chipping or cracking shall be eliminated and surfaces repainted. This Subsection shall apply to any exterior surfaces of any buildings or structures including, but not limited to, fences, walls, roofs or appurtenances including, but not limited to, windows, window frames, window screens, doors, garage doors, door frames, canopies, awnings, cornices, porches, stairways, railings or similar items in public view or an unsheltered area of the property.
- (g) Roofs and all appurtenances shall be structurally sound and maintained in a safe condition. Roof coverings shall be substantially free from broken, rotted, split or curled materials and shall not otherwise present a deteriorated or blighted appearance. All materials shall be uniform, compatible and consistent with the design thereof.
- (h) All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (i) All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from deteriorated or blighted appearance or hazardous conditions.

14-170 Land maintenance.

- (a) No person shall place any personal property, materials, goods, wares, merchandise or similar items of any kind in or upon any public street, sidewalk, alleyway or right-of-way. Items placed by or approved by the City are exempt from this Subsection.
- (b) No person shall attach or place any sign, placard, poster, banner or any other advertising device to any tree, public utility structure, traffic control device, streetlight standard or any

other device upon the public streets, alleyways, sidewalks or rights-of-way unless pursuant to a permit, license or other approval from the City.

- (c) No person shall place, deposit or leave in or upon any public or private property, public street, alleyway, sidewalk, rights-of-way, park or other City building or property any waste materials, trash, weeds, bottles, glass, cans, graffiti, handbills, posters, pieces of scrap metal, metal articles, paper or other accumulation of debris or items other than placement of refuse for collection in accordance with Chapter 11 of the City Code.
- (d) No owner or occupant of any property shall allow or permit any trees, shrubs or other plant growth on the property to (1) impede, obstruct or interfere with the free passage upon any public street, sidewalk or alleyway; (2) obstruct the visibility of drivers; or (3) interfere with any traffic control device or signs or street lighting. Tree limbs must be maintained to hang no lower than thirteen (13) feet above any public street or alleyway and eight (8) feet above any public sidewalk. Trees below eight (8) feet, shrubs or other plant growth must be maintained away from any public sidewalk.
- (e) No person shall allow the accumulation of rubbish, debris, trash, garbage, refuse or other wastes, except that which is deposited in proper containers for sanitation collection, in unsheltered areas of private property, including items such as, but not limited to, cardboard, bottles, glass, cans, pieces of scrap wood, metal, metal articles, paper, plastic, boxes, tires, vehicle parts or other such materials or items which constitute a hazard to the health and safety of the occupants, the neighborhood, the public or others or creates a blighted condition.
- (f) No person shall place or store furniture, except furniture designed and placed for outdoor use, household equipment, appliances, vehicle parts, landscape material, or construction material (except in accordance with Section 14-170(g) below), cardboard material, plastic material, debris or any similar materials in public view or any unsheltered area of any property.
- (g) No person shall store construction materials in unsheltered areas in which insects may breed or multiply, or which provides harborage for rodents or which constitutes a hazard to the public health or safety. This paragraph shall not apply to any construction material when a valid building permit exists for the property on which the construction material is located and the construction material is intended to be incorporated in the project for which the permit is issued.
- (h) No person owning or occupying any property fronting on any street, alleyway or public place in the City, shall allow thereon grass or weeds characterized as uncontrolled, unmaintained or overgrown when such conditions create a blighted condition or may harbor infestations or are likely to become a hazard to the public health or safety.
- (i) No person shall allow any landscaping conditions that contribute to visual blight including, but not limited to, dirt yards or vegetation of any kind that is substantially dead or damaged or characterized by uncontrolled growth or lack of maintenance or any similar conditions. All landscaped areas shall be finished with a natural topping material including, but not limited to, turf, groundcover, planting, decomposed granite, river rock, expanded shale,

native stone or bark. Ground cover consisting of crushed rock, gravel or similar materials shall be maintained at a sufficient depth that covers all exposed areas of dirt. Parcels with existing undisturbed natural desert vegetation are exempt from this Subsection.

- (j) No person shall allow any palm tree to have an excessive accumulation of dead or dry fronds that descend downward from the base of the lowest living frond that may result in insect or other infestations or result in other conditions that are likely to become a hazard to public health or safety.
- (k) No person shall allow graffiti on any sidewalk, wall, building, fence or sign, or on any other structure or surface owned by such person. The owner shall keep such property free from graffiti when the graffiti is visible from the street or other public way, or any other public or private property. Any surface that has been defaced with graffiti must be restored to its original state by the owner.
- (l) No person shall erect, cause, allow, leave or permit to be or remain in or upon any private lot, building, structure or property any electric fence or razor wire except where the electric fence or razor wire is intended to contain livestock in approved zoning districts. Barbed wire fence shall not be within eight (8) feet of any public street, alleyway, sidewalk or right-of-way or at a height of less than six (6) feet.

14-180 Vehicles.

- (a) No person shall park or permit to be parked any vehicle displayed for sale upon any public street or private property including vacant property except where the sale of a vehicle is customary and incidental to the principal use of the property and in accordance with the Zoning Ordinance, except as follows:
 - (1) The display of one (1) vehicle for sale is permitted at a residence when the vehicle is titled to the owner or occupant of the property, is parked on an improved parking surface on the property and is not being sold in connection with an automobile sales business.
 - (2) No more than three (3) vehicles may be displayed for sale at the same residence within a calendar year.
 - (3) No more than one (1) vehicle shall be displayed for sale at any one (1) time.
- (b) No person shall park or permit to be parked any vehicle on any property or vacant property except where the parking of such vehicles is customary and incidental to the principal use of the property and in accordance with the Zoning Ordinance.
- (c) A vehicle cover placed on any vehicle that is visible from any public street or sidewalk must be properly maintained and made exclusively for covering vehicles. A proper cover does not include bed linen, paper, cardboard, plastic sheeting, tarps or any other item or material not manufactured specifically as a vehicle cover. The use of a vehicle cover on any abandoned or inoperable vehicle as defined in this Ordinance is limited to a vehicle that is stored in a carport.

- (d) No person shall store an abandoned or inoperable vehicle, including any vehicle being repaired or restored, that is visible from any public street or sidewalk except where the storage, repair or restoration is customary and incidental to the principal use of the property and in accordance with the Zoning Ordinance. An abandoned or inoperable vehicle, including any vehicle being repaired or restored, may be stored in a carport if the vehicle is covered with a properly maintained vehicle cover made exclusively for covering vehicles as described in Subsection 14-180(c) above.
- (e) Within any residentially zoned district, no person shall perform any vehicle repairs except as follows:
 - (1) All vehicle repairs performed must be customary and incidental to the principal use of the property.
 - (2) Any vehicle undergoing repair must be titled to the owner or occupant of the property.
 - (3) Vehicle repairs shall not exceed ten (10) calendar days.
 - (4) The painting of vehicles in any residentially zoned district is prohibited.
- (f) No person shall leave, place or park any abandoned vehicle or inoperable vehicle upon any public street, alleyway, public or private parking lot or City property.
- (g) Within any residentially zoned district, no person shall park or permit to be parked any vehicle within a front yard or side yard area except on the driveway or in accordance with the Zoning Ordinance.

14-190 Miscellaneous.

- (a) No person shall erect, maintain, use, place, deposit, cause, allow, leave or permit to be or remain in or upon any private lot, building, structure or property or in or upon any public street, alleyway, sidewalk, right-of-way or other public or private place, any condition, thing or act, that constitutes a hazard to public health or safety.
- (b) No person shall abandon, discard, store or keep in any place accessible to children, a refrigerator or any other self-latching container of a capacity greater than one and one-half cubic feet which is outside of any dwelling unit or within any unoccupied or abandoned building or structure without removing the doors, lids, hinges, latches, or securing it to prevent access.
- (c) All property shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water (with the exception of approved retention areas and reservoirs) which may cause a hazardous or unhealthy condition or breed insects.

- (d) No person shall allow any swimming pool, architectural pool, hot tub, spa or pond to remain or be maintained in a condition that (1) may breed insects or result in insect or other infestations, (2) is polluted or stagnant or (3) creates a blighting condition.
- (e) No person shall permit or cause the discharge of water from any swimming pool, architectural pool or spa into any public street, alleyway, rights-of-way or any abutting or adjacent public or private property.
- (f) No person who keeps or controls any animal shall cause, allow or permit any manure or liquid discharge of such animal to be unloaded, left or dumped in or upon any ditch, street, alleyway, sidewalk, place, vacant lot or public property within the City.
- (g) Animal waste such as, but not limited to, manure and droppings shall be removed from pens, kennels, stables, yards and other enclosures at least twice weekly and from residentially zoned properties at least once each week or more frequently if the conditions so necessitate.
- (h) It shall be unlawful for any person to deposit, or permit to be deposited, in an unsanitary manner, upon public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, sewage, household or industrial wastes, or other polluted water or objectionable waste.
- (i) All property shall be kept free of noxious odors. Odors from agriculturally zoned parcels resulting from an approved agricultural use are exempt from this Subsection.
- (j) No person shall cause, allow or permit any pipe, duct, conductor, fan or blower to discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon any abutting or adjacent public or private property, except in accordance with applicable Adopted Codes.
- (k) All buildings, structures, accessory structures, detached garages, fences, walls and storage structures shall be maintained in a structurally sound condition, free from blight and in good repair, and must not be erected, altered or occupied contrary to applicable law.
- (l) Upon issuance of a stop work order, no person shall continue any work on any building, structure, accessory structure, detached garage, fence, wall or storage structure erected, altered or occupied contrary to applicable law.
- (m) No person shall cause, allow, leave or permit to be or remain in or upon any private lot, building, structure or property any insect, bee, wasp, pigeon, rat, rodent or any vector or vermin infestation of any kind. All premises shall be kept free from the presence or apparent evidence of insects and rodent infestation, other noxious pests, nesting places and any other unsightly or unsanitary condition which could harbor insects, rodents or other vector or vermin.
- (n) Buildings shall have approved premises identification address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These

numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four (4) inches high with a minimum stroke width of one-half (1/2) inch.

14-200 Vacant structures; unsafe structures and unsafe equipment; condemnation.

(a) All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause blight or adversely affect the public health or safety.

(1) Any unsecured vacant or abandoned building or structure that is structurally sound, weatherproof and otherwise safe must be permanently secured to prevent entry by unauthorized persons. Any wood or similar material used to secure a building or structure must be painted a color compatible with the building or structure. A copy of board-up specifications may be obtained from the Code Enforcement Division.

(2) Unsecured vacant structures and land which have been subject to dumping on more than one occasion shall have signs stating "no dumping" erected thereon in accordance with applicable laws and shall be secured to prevent future occurrences of dumping by installing permanent fencing, ditches or berms, or by placing four (4) foot high posts at four (4) foot intervals, or any other equally effective method approved by the Code Official or Adopted Codes.

(b) When a structure or equipment is found by the Code Official, working in conjunction with the City building official or fire marshal, as applicable, to be (i) a potential or imminent hazard, (ii) an unsafe structure, (iii) unsafe equipment or (iv) unfit for human use or occupancy, the Code Official is authorized to condemn such structure or equipment pursuant to the provisions of this Subsection.

(1) When the Code Official or his authorized designee has condemned a premises, building, structure or equipment, the Code Office shall post a notice bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, building and structure, operating the equipment or removing the notice. The notice shall be served on the owner or the person responsible for the property in accordance with Section 14-80 of this Ordinance.

(2) No person shall occupy any unsafe building or structure condemned by the Code Official.

(3) No person shall operate any unsafe equipment that has been condemned by the Code Official.

(4) No owner or responsible party of any property or premises shall allow anyone to occupy any unsafe building or structure condemned by the Code Official.

(5) No owner or responsible party of any equipment shall allow anyone to operate any unsafe equipment that has been condemned by the Code Official.

- (6) No person shall deface or remove a condemnation notice without the approval of the Code Official.
- (7) Notwithstanding other provisions of this Ordinance, whenever, in the opinion of the Code Official, working in conjunction with the City building official or fire marshal, if applicable, there is imminent danger due to an unsafe condition of a unsecured vacant or abandoned building or structure, the Code Official shall order the necessary work to be done, including the boarding up of openings to render such structure temporarily safe whether or not the legal procedure herein described have been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

14-210 Demolition.

- (a) The Code Official, working in conjunction with the City building official and fire marshal, as applicable, may request the owner or responsible party of any property where a dilapidated building or structure is located that it is unreasonable to repair and that constitutes a hazard to public health and safety to demolish or remove the dilapidated building or structure within 30 days after written notice has been served by the City. The notice shall include the cost of such removal or demolition to the City if the owner or responsible party does not comply.
- (b) If the owner or responsible party fails to comply with the notice within the time frame provided for compliance, the City may, at the expense of the owner or responsible party, remove or demolish the dilapidated building or structure and the owner or responsible party shall be liable for all cost incurred.
- (c) When the City has removed or demolished the dilapidated building or structure, the actual cost of such removal or demolition, including twenty-five percent (25%) for other incidental costs in connection therewith, shall become an assessment upon the property from which the dilapidated building or structure was removed. The owner of record of such property shall be liable for the payment of same. If the actual cost for removal, including twenty-five percent (25%) for other incidental costs in connection therewith, has not been paid within thirty (30) days of billing by the City, such assessment shall be recorded in the office of the County Recorder. From the date of the recording it shall be a lien on such property until paid. Such liens shall be prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes.
- (d) A prior assessment against the property shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same property may be enforced in the same action.
- (e) A notice of removal or assessment may be appealed to the City Manager for an administrative hearing for review of such notice. If the City Manager is the designated Code Official, the appeal shall be made to the City civil enforcement officer. A request for an administrative hearing shall be made within the time frame prescribed for compliance in the notice and within 30 days from the date of the assessment.

Article IV – Residential Rental Property

14-220	Purpose.
14-230	Application.
14-240	General.
14-250	Plumbing systems and fixtures.
14-260	Sanitary facilities.
14-270	Kitchen and laundry facilities.
14-280	Electrical and lighting.
14-290	Heating, cooling and ventilation systems.
14-300	Emergency escapes and fire protection systems.
14-310	Light and natural ventilation.
14-320	Interior sanitation.
14-330	Interior of buildings.
14-340	Exterior of buildings.
14-350	Exterior premises and common areas.
14-360	Residential rental property inspections.
14-370	Re-occupancy prohibited.
14-380	Owner’s responsibility for violations by occupants.

14-220 Purpose.

The purpose of this article is to establish the minimum standards for residential rental properties to preserve and promote the public health, safety and general welfare of residents of the City of Avondale and to enhance the appearance and quality of neighborhoods in the City of Avondale.

14-230 Application.

The provisions of this article are minimum standards that apply to all residential rental properties located within the City of Avondale. Residential rental properties must also comply with the provisions contained in this Ordinance. For the purposes of this article, residential rental properties include single family homes, multi-family units, mobile homes, boardinghouses and hotels/motels.

14-240 General.

- (a) All buildings both existing and new and all parts thereof shall be maintained in a safe and sanitary condition. All equipment, devices or safeguards which are required by this Ordinance or any other City Code shall be maintained in a safe and operable condition.
- (b) Every plumbing system, electrical system, heating and cooling system, ventilating system, fixture and appliance shall be properly installed, maintained in a safe working condition and shall be capable of performing the intended function(s).
 - (1) The owner, manager, agent or responsible party shall obtain all required permits necessary for any repair, alteration or replacement of any system or appliance.

- (2) All utility service connections shall be active for the proper operation of all systems and appliances.
- (c) All exterior property, premises and common areas shall be maintained in a clean, safe and sanitary condition free from deterioration and blighting conditions.
- (d) The exterior and interior of all buildings and structures shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

14-250 Plumbing systems and fixtures.

- (a) *General.* Every residential rental property shall have a plumbing system maintained in good working condition, free from defects, leaks and obstructions. All plumbing fixtures, drains, waste and vent piping shall be maintained in proper working order, connected to an approved disposal system and shall be kept free from obstructions, leaks and defects.
- (b) *Water system.* The water system shall be installed and maintained to provide a supply of water to each fixture in sufficient volume and at pressures adequate such that the fixtures will function safely and properly, free from defects and leaks and will perform their intended function(s).
- (c) *Water heating facilities.* Water heating facilities shall be properly installed and maintained and capable of providing a supply of water in sufficient volume at every required sink, lavatory, bathtub or shower and laundry facility, if provided, at a temperature of not less than one hundred ten (110) degrees.
 - (1) A gas burning water heater shall be installed in accordance with the applicable Adopted Codes.
 - (2) An approved combination temperature and pressure relief valve and relief valve discharge line shall be properly installed and maintained on water heaters.

14-260 Sanitary facilities.

- (a) Every residential rental property shall be provided with a bathroom equipped with plumbing fixtures consisting of a water closet, lavatory basin and either a bathtub or shower.
- (b) A lavatory basin is required in, or immediately adjacent to, any room containing a water closet. A kitchen sink may not be substituted for the lavatory basin.
- (c) Each water closet, lavatory basin, bathtub and shower shall be properly installed and maintained free from defects and leaks. Each lavatory basin, bathtub and shower shall be supplied with hot and cold running water in sufficient volume necessary for its normal operation.

14-270 Kitchen and laundry facilities.

- (a) Every residential rental property shall have a kitchen or kitchen area with space to store, prepare and serve food in a sanitary manner.
- (b) Every residential rental property shall be equipped with an oven and range or stove, and a refrigerator. Hot plates, toaster ovens, microwaves, propane cooking equipment or similar devices cannot be used as a substitute to an oven and range or stove. Each appliance shall be properly installed and operating in a manner for which the appliance was designed. The oven and range or stove and refrigerator may be provided by the owner or tenant as part of the rental agreement.
- (c) Every residential rental property shall be provided with a kitchen sink properly installed, maintained free from defects and leaks, and supplied with hot and cold running water in sufficient volume necessary for its normal operation.
- (d) When supplied, clothes washer and dryer appliances shall be installed, operational and maintained in accordance with manufacturer's specifications. All electrical and gas connections must be properly installed and maintained. Clothes washers must properly drain in accordance with the applicable Adopted Code. Clothes dryers must be properly vented to the outside of the building or structure.
- (e) Any kitchen or laundry appliance that is required or provided that has become inoperable must be repaired or replaced.

14-280 Electrical and lighting.

- (a) Every residential rental property shall have electrical service and lighting that is maintained in a hazard free condition and in a state of good repair. The capacity of all electrical systems shall be able to safely supply power to the existing appliances, fixtures and facilities in the building or structure.
- (b) The electrical system shall be free from such hazards as broken wiring, non-insulated wiring, exposed wiring, missing or cracked receptacle or switch covers, improper types of wiring, poor connections, overloaded circuits, feeders or services, equipment not properly grounded, over-fused circuits, misuse of wiring, wiring not properly supported, non-approved wiring and wiring exposed to extreme heat, moisture, gases or other harmful vapors or liquids.

14-290 Heating, cooling and ventilation systems.

- (a) Heating, cooling and ventilation systems in any building or structure shall be maintained hazard-free, operational and in a state of good repair. All heating, cooling and ventilation systems shall be free from defects and hazards associated with ventilation, equipment status, mounting, electrical connections and other potential defects.
- (b) Heating, cooling and ventilation systems in residential rental dwellings or dwelling units intended to be used for living or sleeping by human occupants shall not be removed except for immediate repair or replacement.

- (c) All heating, cooling and ventilation systems mounting apparatuses shall be structurally sound.
- (d) Where a heating, cooling or ventilation system has previously existed in a residential rental dwelling or dwelling unit but has been removed, such dwelling or dwelling unit shall not be occupied unless the heating, cooling or ventilation system is re-installed.
- (e) The heating or cooling equipment shall be designed and installed in conformance with the Adopted Codes in effect at the time of installation and maintained in accordance with the manufacture's specifications.
- (f) Evaporative cooling equipment shall be maintained in a condition free from excessive accumulation of rust, corrosion or mineral deposits that limit its proper operation.
- (g) All condensate from air cooling coils and overflow from evaporative coolers shall be piped from the roof.
- (h) Unused and deteriorated heating, cooling, evaporative coolers or ventilation systems shall be removed from the building or structure.

14-300 Emergency escapes and fire protection systems.

- (a) Any room used or designed to be used for sleeping must have at least one (1) functional window or door unit providing access to the exterior of the building or structure for emergency escape or rescue. The window or door unit shall be operable from the inside and provide a clear, unobstructed opening without the use of separate tools.
- (b) All systems, devices and equipment to detect a fire, actuate a local alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times.
- (c) Smoke alarms shall be installed and maintained in good operating condition in accordance with the City Code in effect when the residential rental property was constructed or altered.
- (d) If smoke alarms were not required when the residential rental property was constructed or altered, or if smoke alarms are not centrally located in each corridor or area giving access to a sleeping area then smoke alarms shall be installed not later than thirty (30) days after the effective date of this Ordinance.
- (e) Smoke alarms required under this Section may be battery operated or may receive power from the building wiring and shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to each sleeping area.
- (f) Smoke alarms shall sound an alarm audible in all sleeping areas of the residential rental unit in which they are located.
- (g) Multi-level residential rental units requiring smoke alarms under this Section shall have no less than one (1) smoke alarm per level.

14-310 Light and natural ventilation.

- (a) Habitable rooms within a residential rental property shall be provided with natural light by means of an exterior glazed opening facing to the outside.
- (b) Natural ventilation shall be provided by means of an exterior opening vented directly to the outside. If natural ventilation by means of an exterior opening vented to the outside is not provided, a mechanical ventilating system shall be provided.
- (c) Bathrooms, water closet compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of operable exterior openings. If natural ventilation by means of an exterior opening is not provided, a mechanical ventilating system connected directly to the outside shall be provided.

14-320 Interior sanitation.

The interior of every residential rental property or unit shall be kept free from the presence or apparent evidence of insect, rodent or vermin infestation, and shall be maintained free from any unsafe or unsanitary condition such as, but not limited to, excessive moisture, accumulation of garbage, food waste, trash, rubbish, refuse or litter, human or animal waste, any condition which could promote or harbor infestation by insects, rodents, vermin or other noxious pests or any condition that could create a potential or imminent hazard to its occupants or any others.

14-330 Interior of buildings.

- (a) *Structural members.* All structural members, walls, floors, partitions or ceilings shall be structurally sound and be capable of supporting the imposed loads.
- (b) *Interior surfaces.* All interior surfaces, including walls, ceilings, floors, floor coverings and doors shall be maintained in good repair and free from defective conditions.
- (c) *Handrails and guardrails.* Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in sound condition.
- (d) *Stairways.* Every interior stairway shall be maintained in sound condition and free from any broken, rotted or missing steps or tripping hazards.

14-340 Exterior of buildings.

- (a) *Foundations, walls and roofs.* Every foundation, exterior wall, roof and all exterior surfaces shall be structurally sound and maintained in a weather tight, watertight condition and substantially vector and vermin proof.
- (b) *Exterior surfaces.* Exterior surfaces of buildings not naturally resistant to decay shall be treated and maintained to protect against excessive peeling, flaking or chipping with a protective coating of paint or other suitable preservative which will provide resistance to weathering and deterioration.

- (c) *Roof coverings.* Roof coverings and flashings shall be free from any defects that admit rain or cause dampness in the walls or interior portion of the building.
- (d) *Handrails and guardrails.* Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in sound condition.
- (e) *Stairways and balconies.* Every outside stairway and balcony shall be maintained in sound condition and free from any broken, rotted or missing material or steps or tripping hazards.
- (f) *Doors and windows.* Every door, door frame, window, window frame, locking device and related hardware shall be properly installed and maintained in sound condition. Acrylic glass, plastic or any other material other than glass shall not be used as glazing for doors and windows. Exterior doors and windows that provide access to a residential rental property shall be equipped with locking devices and shall be maintained in a substantially weather tight condition. Window screening, if present, shall be maintained in good condition free from tears or holes or imperfections of the frame that could admit insects or other vermin.

14-350 Exterior premises and common areas.

- (a) *Sidewalks, common areas, parking lots and driveways.* All sidewalks, common areas, walkways, parking lots, driveways and similar areas shall be maintained free from potentially dangerous holes, depressions, projections or surface deterioration that may cause tripping or injury to a person or otherwise present a hazardous or blighted condition.
- (b) *Parking areas.* All parking lots, driveways and similar areas designed or used for parking must be an improved surface in accordance with the Zoning Ordinance.
- (c) *Drainage.* All premises shall be maintained to prevent the accumulation of stagnant water when such water may cause an unhealthy or hazardous condition, become a breeding area for insects or cause damage to foundation walls.
- (d) *Grass and weeds.* All premises, including common areas, shall not have grass or weeds characterized as uncontrolled, unmaintained or overgrown when such conditions create a blighted condition or may harbor infestations or are likely to become a hazard to the public health or safety.
- (e) *Landscaping.* All premises, including common areas, shall be kept free from any conditions that contribute to visual blight including, but not limited to, dirt yards, un-landscaped areas or vegetation of any kind that is substantially dead or damaged characterized by uncontrolled growth or lack of maintenance.
- (f) *Abandoned or inoperable vehicles.* The storage of any abandoned or inoperable vehicle, including any vehicle being repaired or restored, that is visible from any public right-of-way or common area of a residential rental property is prohibited.
- (g) *Rubbish and debris.* All premises shall be maintained free from an accumulation of rubbish, debris, trash, garbage, refuse or other wastes, except that which is deposited in proper

containers for sanitation collection, including items such as, but not limited to, cardboard, bottles, glass, cans, pieces of scrap wood, metal, metal articles, paper, plastic, boxes, tires, vehicle parts or other such materials or items which constitute a hazard to the health and safety of the occupants, the neighborhood, the public, or others or creates a blighted condition.

- (h) *Items stored in public view.* No person shall place and/or store furniture, except furniture designed and placed for outdoor use, household equipment, appliances, construction or landscape material, cardboard material, plastic material, debris or similar materials in a location that is visible to a person standing upon any public street or sidewalk or any common area of residential rental property.
- (i) *Exterior pest control.* All premises shall be kept free from the presence or apparent evidence of any insect, bee, wasp, pigeon, rat, rodent or any vector or vermin infestation of any kind and any other unsightly or unsanitary condition which could harbor insects, rodents or other vector or vermin.
- (j) *Swimming pools.* All swimming pools, architectural pools and spas shall be properly maintained so as not to create a health or safety hazard, harbor insect infestation, be polluted, become stagnant or create a blighting condition. All enclosures, gates and doors shall be installed and properly maintained in accordance with the City Code.
- (k) *Fences, screening walls and retaining walls.* All fences, screening walls and retaining walls on the premises shall be safe and structurally sound and shall not otherwise contribute to a deteriorated or blighted appearance. This includes, but is not limited to, leaning or damaged fences or walls, missing slats or blocks or any other materials that are broken or damaged. All fencing and wall materials shall be uniform, compatible and commonly used and recognized as fencing or wall material.
- (l) *Exterior lighting.* All exterior lighting including parking lot, common area and security lighting shall be properly maintained and capable of performing its intended function.
- (m) *Graffiti.* All premises shall be kept free of graffiti visible from any public right-of-way, private street or common area of a residential rental property.
- (n) *Common laundry facilities.* All provided common laundry facilities must be properly maintained and cleaned so as not to affect the health, safety or welfare of the occupants or others. All provided common laundry appliances that become inoperable must be repaired or replaced.
- (o) *Exterior sanitation.* All premises and common areas shall be kept sanitary, clean and free of any human or animal waste, hazardous materials or any other condition which may affect the health, safety or welfare of the occupants or others.

14-360 Residential rental property interior inspections; inspection warrants.

The Code Official or his authorized designee may conduct an interior inspection of a residential rental property to determine compliance with this article in accordance with Ariz. Rev. Stat. § 9-1302, as

amended and Ariz. Rev. Stat. § 33-1904(A)(1), as amended. Inspection warrants for such inspection shall be issued in accordance with Section 14-150 of this Ordinance.

14-370 Re-occupancy prohibited.

If a violation of any interior standard of this article is found to exist, the owner will be required to correct all violation(s) within a reasonable amount of time. If during that time the building or unit becomes vacant and unoccupied, the building or unit shall not be leased, rented or occupied until the violation(s) have been corrected, inspected and approved by the Code Official.

14-380 Owner's responsibility for violations by occupants.

The owner(s) of a residential rental property shall not permit the occupant(s) of said property to commit a violation of this Ordinance. The owner(s) shall be deemed to have permitted the occupant(s) to commit a violation if the owner fails, after being notified by the Code Official, to take substantial action to prevent the occupant(s) from committing future violations of this Ordinance.

Article V – Registration of Residential Rental Property

- 14-390 State registration requirements.
- 14-400 Civil violations.
- 14-410 Notices and orders.
- 14-420 Civil penalties.

14-390 State registration requirements.

All owners of residential rental property located within the corporate boundaries of the City shall register with the Maricopa County Assessor the information required by Title 33, Chapter 17, Article 1 of the Arizona Revised Statutes, as amended, in the manner prescribed by the Maricopa County Assessor.

14-400 Civil violations; civil citations

- (a) It shall be unlawful, punishable by civil penalties as set forth below, for any owner of residential rental property to fail to perform any act or duty required by any provision of Title 33, Chapter 17, Article 1 of the Arizona Revised Statutes, as amended, and any such owner may be issued a civil citation and is liable for all costs which may be assessed pursuant to state and local law.
- (b) When two or more persons have liability to the City or are responsible for a violation of this article, their responsibility shall be joint and several.
- (c) The Code Official or his authorized designee shall serve a notice of violation or order in accordance with Section 14-410 of this article.
- (d) Service of the civil citation may be accomplished and will be deemed proper and complete by any one of the methods set forth in Section 14-410 below. Such civil citation shall be

deemed a complaint that notices a violation for purposes of Ariz. Rev. Stat. § 33-1902, as amended.

- (e) The defendant may admit the allegations in the civil citation and pay the fine in Section 14-420, below, by mailing the civil citation, together with a check for the amount of the fine made payable to the Municipal Court.
- (f) A civil citation issued under this article shall:
 - (1) Direct the defendant to appear in Municipal Court within ten (10) days of the issuance of the citation.
 - (2) Include the date, address and parcel number of the residential rental property for which an owner has failed to comply with the provisions of Title 33, Chapter 17, Article 1 of the Arizona Revised Statutes.
 - (3) Include a reference to the City Code provision or ordinance violated.
 - (4) Include a statement directing that, if the owner complies with the provisions of this article and Title 33, Chapter 17, Article 1 of the Arizona Revised Statutes, written proof of such compliance shall be provided to the Code Official, or authorized designee, prior to any court hearing ordered.
 - (5) Include a notice that if the defendant fails to appear as directed, a default judgment will be entered in the amount of the fine designated on the citation for the violation charged in addition to a penalty for failure to appear as set forth in Subsection 14-400(f) below.
- (g) Within ten (10) days of the issuance of the citation, the defendant shall appear in person or through his attorney in Municipal Court and shall either admit or deny the allegations contained in the civil citation or the defendant may proceed as provided by the provisions of this article. If the defendant admits the allegations, the court shall immediately enter judgment against the defendant in the amount of the fine assessed under Section 14-420, below, for the violation charged. If the defendant denies the allegations contained in the citation, the court shall set a hearing date for trial of the matter.
- (h) If the defendant fails to appear as directed on the civil citation, the Municipal Court, upon request by the Code Official, or authorized designee, shall enter a default judgment for the amount of the fine indicated for the violation charged. Additionally, the defendant may be fined up to one hundred dollars (\$100.00) for failure to appear at the time and place set for trial of a matter arising under the provisions of this article.
- (i) If, after receiving a notice of violation or civil citation under this article, an owner complies with the provisions of this article and Title 33, Chapter 17, Article 1 of the Arizona Revised Statutes the owner shall provide written proof of such compliance to the Code Official, or authorized designee, prior to any hearing requested or any court hearing ordered under the provisions of this article.

- (j) The Arizona Rules of Procedure in Civil Traffic Violation Cases shall be followed by the Municipal Court for civil violations of this article, except as modified or where inconsistent with the provisions of the City Code, local rules of the Municipal Court or rules of the Arizona Supreme Court.
- (k) Any person failing to comply with a notice of violation, civil citation or order served in accordance with Section 14-410, below, shall be deemed guilty of a civil violation as determined by the Code Official, or authorized designee, and the violation shall be deemed a strict liability offense.

14-410 Notices and orders.

- (a) Whenever the Code Official, or authorized designee, determines that there has been a violation of this article or Title 33, Chapter 17, Article 1 of the Arizona Revised Statutes or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in this Subsection (b) below to a person who is an owner of a residential rental property as specified in this article. If the residential rental property is owned by an entity, notice shall be given to a person described by or registered under Ariz. Rev. Stat. § 33-1902(A)(2), as amended.
- (b) Such notice prescribed in Subsection 14-410(a) above shall be in accordance with all of the following:
 - (1) Be in writing.
 - (2) Include the date, address and parcel number of the residential rental property.
 - (3) Include a statement that the notice of violation shall not be deemed a complaint that notices the violation for the purposes of Ariz. Rev. Stat. § 33-1902.
 - (4) Include a statement of the violation(s) and why the notice is being issued.
 - (5) Include a correction order giving the owner ten (10) days to register the information required by Title 33, Chapter 17, Article 1 of the Arizona Revised Statutes
 - (6) Include a statement directing that, if the owner complies with the provisions of this article and Title 33, Chapter 17, Article 1 of the Arizona Revised Statutes, written proof of such compliance shall be provided to the Code Official, or his authorized designee, prior to any hearing requested under the provisions of this article.
- (c) Such notice shall be deemed to be properly served if a copy thereof is either:
 - (1) Given by personal service to the owner, owner's authorized agent or owner's statutory agent; or.
 - (2) Sent by certified mail, return receipt requested, addressed to the (i) owner's last known address, the owner's authorized agent or the owner's statutory agent; and (ii) to the address to which the tax bill for the property was last mailed.

- (3) If the notice is returned showing that the certified mail, return receipt requested letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

14-420 Civil penalties.

- (a) For residential rental property that is acquired by an owner after the date of the notice of assessed valuation and the notice prescribed by Ariz. Rev. Stat. § 42-15103, until the issuance of the next notice of assessed valuation, the City shall assess a civil penalty of one thousand dollars (\$1,000.00) base fine against a person who fails to comply with the provisions of Title 33, Chapter 17, Article 1 of the Arizona Revised Statutes, as amended, plus an additional one hundred dollars (\$100.00) for each month after the date of the original violation until compliance occurs. The Municipal Court shall not suspend any portion of the civil penalty provided by this Subsection.
- (b) Notwithstanding Section 14-420(a) above, if a person complies within ten (10) days after receiving the complaint that notices the violation, the court or hearing officer shall dismiss the complaint and shall not impose a civil penalty.
- (c) Except for newly acquired residential rental property as prescribed by subsection 14-420(a), if a residential rental property owner fails to register with the Maricopa County Assessor as prescribed by the provisions of Title 33, Chapter 17, Article 1 of the Arizona Revised Statute, as amended, the City may impose a civil penalty in the amount of one hundred fifty dollars (\$150.00) per day for each day of violation after the date of the most recent notice of assessed valuation and the notice prescribed by Ariz. Rev. Stat. § 42-15103. If a person complies within ten (10) days after receiving the notice from the Maricopa County Assessor, the court shall dismiss the complaint and shall not impose a civil penalty.
- (d) The Code Official or his authorized designee shall provide shall provide written notice, an upon written request, an opportunity to be heard to any person to whom a notice of violation is issued under this article. Within fifteen days (15) of receipt of the notice of violation, such person shall file a written request with the Code Enforcement Division. If a hearing is held, the Code Official or his authorized designee shall issue a written decision within five (5) days of the hearing, and such decision shall be final. Upon the filing of the written request for a hearing, the Code Official or authorized designee shall not issue a civil citation under this article until the Code Official or authorized designee issues a decision as described in this subsection
- (e) Any person who violates a provision of this article, or fails to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws.
- (f) Any judgment for civil penalties taken pursuant to this article may be enforced as any other civil judgment.
- (g) Violations of this article are in addition to any other violation enumerated within this Ordinance and the City Code and in no way limit the penalties, actions or procedures which may be taken by the City for any violation of this article which is also a violation of any other

provision of this Ordinance or any other applicable law. The remedies specified herein are cumulative and the City may proceed under these or any other remedies authorized by law.

ORDINANCE NO. 1539-314

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE AVONDALE CITY CODE BY DELETING CHAPTER 15, ARTICLE III, PROPERTY MAINTENANCE CODE AND CHAPTER 15, ARTICLE IV, REGISTRATION OF RESIDENTIAL RENTAL PROPERTY; BY ADDING A NEW CHAPTER 14, PROPERTY MAINTENANCE ORDINANCE AND ADOPTING BY REFERENCE THE “CITY OF AVONDALE PROPERTY MAINTENANCE ORDINANCE, MARCH 17, 2014.”

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

SECTION 1. The Avondale City Code, Chapter 15 (Miscellaneous Provisions and Offenses), Article III (Property Maintenance Code), is hereby deleted in its entirety and reserved for future use.

SECTION 2. The Avondale City Code, Chapter 15 (Miscellaneous Provisions and Offenses), Article IV (Registration of Residential Rental Property), is hereby deleted in its entirety and reserved for future use.

SECTION 3. That certain document known as the “City of Avondale Property Maintenance Ordinance, March 17, 2014” (the “Property Maintenance Ordinance”) three copies of which are on file in the office of the City Clerk, which document was made a public record by Resolution No. 3174-314 of the City of Avondale, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

SECTION 4. The Avondale City Code, Chapter 14 (Reserved), is hereby amended by adding the Property Maintenance Ordinance as a new Chapter 14 (Property Maintenance Ordinance).

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Property Maintenance Ordinance adopted herein by reference is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 6. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, March 17, 2014.

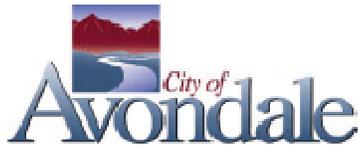
Marie Lopez Rogers, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney



CITY COUNCIL REPORT

SUBJECT:

Resolution 3176-314 Expressing Support for the Restoration of the Arizona Highway User Revenue Fund Distribution

MEETING DATE:

March 17, 2014

TO: Mayor and Council

FROM: David Fitzhugh

THROUGH: David Fitzhugh, Acting City Manager

PURPOSE:

Staff requests the Mayor and Council adopt Resolution 3176-314 supporting the restoration of the Arizona Highway User Revenue Fund to cities, towns, counties and State highways.

DISCUSSION:

The Arizona Highway Users Revenue Fund (HURF) was established in 1974, and is the primary source of revenues available for highway related construction, maintenance and operations in Arizona. The collections for HURF come from gasoline and use taxes, motor carrier fees, vehicle license tax, motor vehicle registration fees and other miscellaneous fees. These revenues are then distributed to counties, cities, towns and the State Highway Fund. Since 2009, the State has swept HURF money State-wide and shifted it to paying other budget line items at the state level directly affecting Avondale's budget dedicated to street construction, operations and maintenance activities. The consequences of the funding reduction is less resources to fund needed road maintenance projects. Resolution 3176-314 urges the Governor and State Legislature to restore full funding of HURF to cities, towns, counties and the State Highway Fund according to the statutory distribution methodology.

BUDGETARY IMPACT:

There is no direct budget impact with the adoption of this proposed resolution. However, action by the State Legislature restoring the funds will result in an increase of 2014 HURF distribution to the City of Avondale of approximately \$380,000.

RECOMMENDATION:

Staff recommends the Mayor and Council adopt Resolution 3176-314 supporting the restoration of the Arizona Highway User Revenue Fund to cities, towns, counties and State highways.

ATTACHMENTS:

Click to download

[Resolution 3176-314 - Support Restoration of HURF Distribution](#)

RESOLUTION NO. 3176-314

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, EXPRESSING SUPPORT FOR RESTORATION OF THE ARIZONA HIGHWAY USER REVENUE FUND DISTRIBUTION TO CITIES, TOWNS, COUNTIES AND STATE HIGHWAYS.

WHEREAS, the State of Arizona taxes motor fuels and collects a variety of fees and charges relating to the registration and operation of motor vehicles on the public highways of the state, including gasoline and use-fuel taxes, motor-carrier taxes, vehicle-license taxes, motor vehicle registration fees and other miscellaneous fees; and

WHEREAS, these revenues are deposited in the Arizona Highway User Revenue Fund (HURF) for distribution to the cities, towns and counties and to the State Highway Fund; and

WHEREAS, these taxes represent a primary source of revenues available to the state and local governments for street and highway construction, improvements and other related expenses; and

WHEREAS, in the last ten years, more than \$200 million in city and town HURF funds have been transferred to the Department of Public Safety, including more than \$34 million in each of the last three years of money intended for municipal use; and

WHEREAS, the impact of this revenue loss is leading to the increased deterioration of the City's essential transportation infrastructure as well as a loss of construction-related jobs.

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

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

SECTION 2. The City Council hereby urges the Governor and State Legislature to (i) restore full funding of the HURF account to cities, towns, counties and the State Highway Fund in 2014 according to the statutory distribution methodology for the intended purposes of road, street and highway construction, maintenance and preservation, and (ii) ensure that all future HURF revenues be protected from diversions to other purposes.

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

PASSED AND ADOPTED by the Council of the City of Avondale, March 17, 2014.

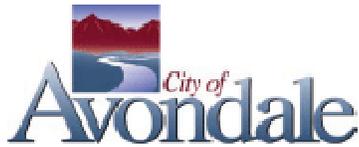
Marie Lopez Rogers, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney



CITY COUNCIL REPORT

SUBJECT:

Ordinance 1538-314 - Accepting Dedication of Waterline Easement - Agua Fria High Union School District, No. 216

MEETING DATE:

March 17, 2014

TO: Mayor and Council

FROM: Charles Andrews, P.E., City Engineer, 623-333-4216

THROUGH: David Fitzhugh, Acting City Manager

PURPOSE:

Staff is requesting that the City Council adopt an ordinance accepting the dedication of a waterline easement for the Agua Fria High School campus located at the northwest corner of Dysart Road and Riley Drive and authorize the Mayor, City Clerk and City Attorney to execute the necessary documents.

BACKGROUND:

The City is installing a water meter within a vault for the Agua Fria High School campus located at the northwest corner of Dysart Road and Riley Drive. A waterline easement is necessary. This waterline easement is for 6-inch diameter service and meter near the transportation facility on the west side of the Agua Fria High School campus.

DISCUSSION:

The easement is an approximate 12' wide backwards "L" shaped 60' long strip located about a ¼ mile north of Riley Drive. The City will also enter into a License Agreement with the Agua Fria Union High School District No. 216 in order to access the city water facilities constructed in the easement. The License Area is a corridor bisecting the Agua Fria High School campus from Dysart Road west between the ball fields.

BUDGETARY IMPACT:

Accepting the dedication of the waterline easement and license agreement will have no budgetary impact on the City.

RECOMMENDATION:

Staff recommends that City Council adopt an ordinance accepting the dedication of a waterline easement for the Agua Fria High School campus located at the northwest corner of Dysart Road and Riley Drive and authorize the Mayor, City Clerk and City Attorney to execute the necessary documents.

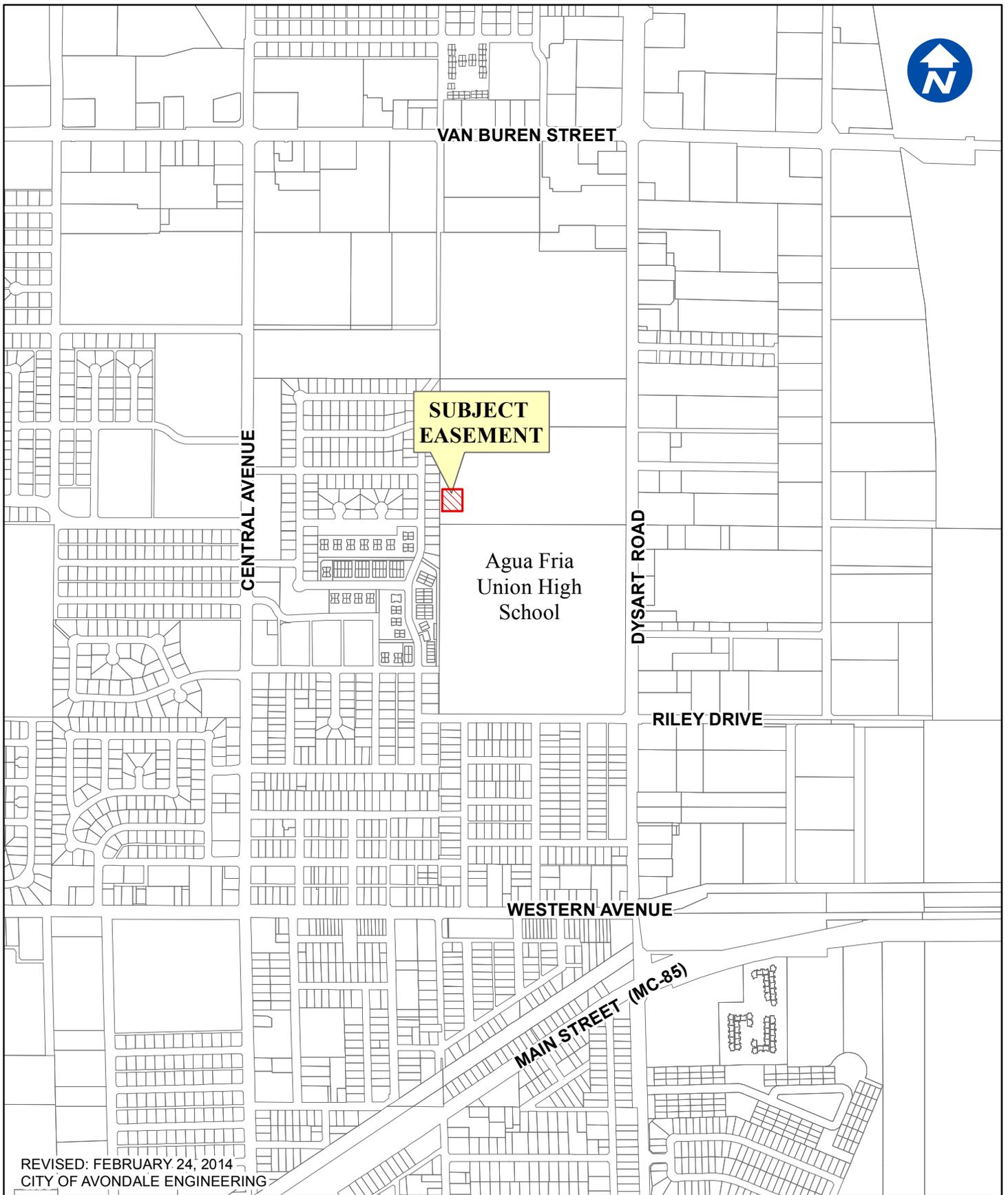
ATTACHMENTS:

Click to download

[Location Map](#)

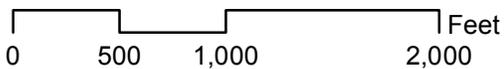
[Ordinance 1538-314](#)

LOCATION MAP



REVISED: FEBRUARY 24, 2014
CITY OF AVONDALE ENGINEERING

APPROXIMATE SCALE



**Waterline Easement at
Agua Fria High School**

ORDINANCE NO. 1538-314

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE,
ARIZONA, ACCEPTING THE DEDICATION OF A WATERLINE
EASEMENT.

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

SECTION 1. An easement over \pm 0.017 acres of real property, generally located south of Madison Street, east of Fourth Street in Avondale, Arizona and being a portion of Maricopa County Assessor's Parcel Number 500-10-006A, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby accepted by the City of Avondale from Agua Fria Union High School District No. 216, a political subdivision of the State of Arizona, for water purposes.

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

PASSED AND ADOPTED by the Council of the City of Avondale, March 17, 2014.

Marie Lopez Rogers, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1538-314

[Legal Description and Map]

See following pages.

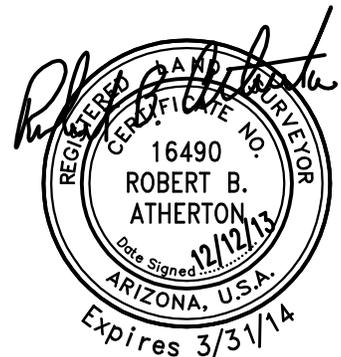
WATER LINE EASEMENT LEGAL DESCRIPTION

FOR

A WATERLINE EASEMENT LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10; THENCE NORTH 00 DEGREES 10 MINUTES 33 SECONDS EAST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 1422.30 FEET TO THE TRUE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED SAID POINT BEING THE SOUTHEAST CORNER OF LOT 87 OF CASA LOMAS, UNIT 2, A SUBDIVISION RECORDED IN BOOK 222, PAGE 37, MCR;

THENCE NORTH 00 DEGREES 10 MINUTES 33 SECONDS EAST, A DISTANCE OF 9.18 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 27 SECONDS EAST, A DISTANCE OF 16.00 FEET; THENCE NORTH 00 DEGREES 10 MINUTES 33 SECONDS EAST, A DISTANCE OF 31.70 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 27 SECONDS EAST, A DISTANCE OF 12.00 FEET; THENCE SOUTH 00 DEGREES 10 MINUTES 33 SECONDS WEST, A DISTANCE OF 14.06 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 27 SECONDS EAST, A DISTANCE OF 3.75 FEET; THENCE SOUTH 00 DEGREES 10 MINUTES 33 SECONDS WEST, A DISTANCE OF 6.00 FEET; THENCE NORTH 89 DEGREES 49 MINUTES 27 SECONDS WEST, A DISTANCE OF 3.75 FEET; THENCE SOUTH 00 DEGREES 10 MINUTES 33 SECONDS WEST, A DISTANCE OF 23.64 FEET; THENCE NORTH 89 DEGREES 49 MINUTES 27 SECONDS WEST, A DISTANCE OF 28.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10; THENCE NORTH 00 DEGREES 10 MINUTES 33 SECONDS EAST, A DISTANCE OF 2.82 FEET TO THE TRUE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED.



ATHERTON ENGINEERING, INC.

Civil Engineers and Land Surveyors

1203 E. MEADOWBROOK AVE., PHOENIX, AZ 85014-4028
(602) 279-7331 * FAX (602) 230-1908

**AGUA FRIA
HIGH SCHOOL**

530 EAST RILEY DRIVE
AVONDALE, AZ 85323

DRAWN BY:	RLS
CHECKED BY:	RBA
SCALE:	N/A
DATE:	12/12/13
JOB NO.	12-09
SHEET No.	Exhibit "A"
	SHEET <u>1</u> OF <u>2</u>

CASA LOMAS, UNIT 2
(BOOK 222, PAGE 37)

LOT 87

N 00°10'33" E
31.70'

S 89°49'27" E
16.00'

N 00°10'33" E
9.18'
T.P.O.B.

N 00°10'33" E
2.82'

S 89°49'27" E
12.00'

S 00°10'33" W
14.06'

S 89°49'27" E
3.75'

S 00°10'33" W
6.00'

N 89°49'27" W
3.75'

S 00°10'33" W
23.64'

N 89°49'27" W
28.00'

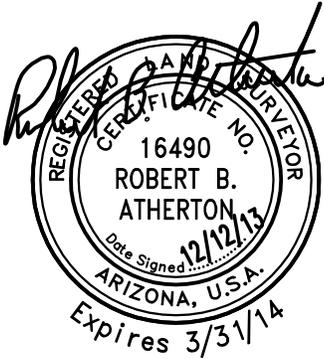
WATER LINE EASEMENT

APN 500-10-006A

N.W. COR. N.E.1/4
S.E.1/4, SEC. 10,
T.1N., R.1W.

AGUA FRIA HIGH SCHOOL
530 EAST RILEY DRIVE
AVONDALE, AZ 85323

APN 500-19-001A



1422.30'
1321.02'
N 00°10'33" E

30'
R/W

P.O.B.
E. RILEY DR.

S89°46'13"E 1313.91'

DYSART RD.

S.W. COR. N.E.1/4
S.E.1/4, SEC. 10,
T.1N., R.1W.

5TH ST.

S.E. COR. N.E.1/4
S.E.1/4, SEC. 10,
T.1N., R.1W.



ATHERTON ENGINEERING, INC.

Civil Engineers and Land Surveyors

1203 E. MEADOWBROOK AVE., PHOENIX, AZ 85014-4028
(602) 279-7331 * FAX (602) 230-1908

AGUA FRIA
HIGH SCHOOL

530 EAST RILEY DRIVE
AVONDALE, AZ 85323

DRAWN BY: RLS

CHECKED BY: RBA

SCALE: 1"=20'

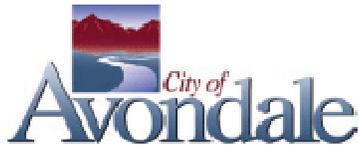
DATE: 12/12/13

JOB NO. 12-09

SHEET No.

Exhibit "B"

SHEET 2 OF 2



CITY COUNCIL REPORT

SUBJECT:

Ordinance 1541-314 - Acquisition of Right-of-Way and for Van Buren Multi-use Corridor (Legacy Charter School)

MEETING DATE:

March 17, 2014

TO: Mayor and Council

FROM: Charles Andrews, City Engineer (623) 333-4216

THROUGH: David Fitzhugh, Acting City Manager

PURPOSE:

Staff is requesting that the City Council adopt an ordinance authorizing the dedication, purchase or condemnation of right-of-way, access and maintenance easement, and temporary construction easement for the Van Buren Multi-use Corridor located west of Fairway Drive and east of 127th Avenue and authorize the Mayor or City Manager and City Clerk to execute the necessary document. The Council will take appropriate action.

BACKGROUND:

On May 20, 2013 City council approved Resolution 3110-513 Intergovernmental Agreement with Maricopa County Flood Control District for Van Buren Drainage-Recreation Corridor Project commonly named the Van Buren Multi-use Corridor Project. Staff have completed necessary due diligence to request approval to acquire the required right of way for the project.

DISCUSSION:

The right-of-way consists of three areas of property on the north side of Van Buren Street; the first area abuts the existing public rights-of-way along Van Buren Street and Fairway Drive in front of the legacy school with a gross area of 44,793 square feet. An approximate 90 foot wide by 556 feet long strip of right-of-way will be used for the multi-use corridor. The second area, an access and maintenance easement will consist of a portion of the existing cul-de-sac that is required for the multi-use corridor; this area has a gross area of 7,422 square feet. The third and last area is actually temporary construction easement or TCE that is needed for the construction of the multi-use corridor. This area is adjacent to the proposed rights-of-way along its northerly boundary.

The Legacy school is proposing expanding the Legacy Charter School by building an additional building south of the existing charter school buildings which places the new building in direct conflict with the proposed multi-use corridor. Staff and Legacy has tentatively agreed to the following terms:

- Legacy Charter School will donate all the required rights-of-way, access and maintenance easement and TCE as outlined above.
- Legacy School will be responsible for the maintenance of the portion of the cul-de-sac that a access and maintenance easement will be granted to the City.
- The City agrees to modify the design plans and extend the box culvert to Legacy's westerly property line. Currently, the design calls for a box culvert to convey drainage from the Van Buren -Fairway Drive intersection to past the existing Legacy cul-de-sac. This change entails extending the box culvert approximately 465 feet. Extending the box would cost the City an additional \$389,000 (the difference between constructing an open channel versus a box culvert for a length of 465 feet), however off-setting this costs would be the donation of the rights-of-

way, access and maintenance easement and TCE valued approximately at \$220,000. The off-sets reduce the differential to approximately \$169,000. Attempting to condemn the required rights-of-way would entail a costly and lengthy endeavor with no guaranteed favorable outcome.

BUDGETARY IMPACT:

Funding for the dedication, purchase or condemnation and associated legal fees for the acquisition of the property is available in CIP Street Fund Line Item No. 304-1286-00-8420. The Flood Control District is expected to pay a proportionate share of the right-of-way cost under the terms of the IGA.

RECOMMENDATION:

Staff recommends that the City Council adopt an ordinance authorizing the dedication, purchase or condemnation of right-of-way, access and maintenance easement, and temporary construction easement for the Van Buren Multi-use Corridor located west of Fairway Drive and east of 127th Avenue and authorize the Mayor, City Clerk and City Attorney to execute the necessary documents.

ATTACHMENTS:

Click to download

- [Ordinance 1541-314](#)
- [Vicinity Map](#)

ORDINANCE NO. 1541-314

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR PUBLIC USE.

WHEREAS, Article I, Section 3 of the Avondale City Charter authorizes the City of Avondale (the “City”) to acquire real property in fee simple or any lesser interest, inside or outside its corporate limits for any City purpose, when the public convenience requires it and in accordance with the provisions of State law; and

WHEREAS, the City Council desires to acquire certain real property generally located on Van Buren Street from 99th Avenue to the Agua Fria River area for the development of the Van Buren Street Channel project.

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

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

SECTION 2. The acquisition, by purchase, dedication or donation of real property totaling ± 1.03 acres, a portion of Maricopa County Assessor’s parcel number 500-02-095, generally located west of Fairway Drive, north of Van Buren Street, as more particularly described and depicted on Exhibit A attached hereto and incorporated herein by reference is hereby authorized.

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

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

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, March 17, 2014.

Marie Lopez Rogers, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1541-314

[Legal Description and Map]

See following pages.

Van Buren Multiuse Corridor – Right-of-Way
Part of Lot 3B, Avondale Commerce Center
APN 500-02-095

LEGAL DESCRIPTION

That part of Lot 3B of the Replat of Lot 4 of Avondale Commerce Center, as recorded in Book 1094, Page 47, official records of Maricopa County, situated in the Southeast Quarter of Section 2, Township 1, North Range 1 West of the Gila And Salt River Meridian, Maricopa county Arizona, described as follows;

Beginning at the southeast corner of said Section 2, monumented by a City of Avondale brass cap in hand hole, from which the south quarter corner of Section 2, a City of Avondale brass cap in hand hole, bears North 88°22'14" West, 2638.86 feet distant as the basis of bearing;

Thence North 88°22'14" West a distance of 555.63 feet;

Thence North 0° 03'25" East, a distance of 65.02 feet to the southwest corner of said Lot 3B, and the True Point of Beginning;

Thence North 0°03'25" East a distance of 90.03 feet along the west line of said Lot 3B to a point on a line 90 feet north of and parallel with the south line of said Lot 3B;

Thence South 88°22'14" East, along said parallel line for a distance of 244.99 feet;

Thence North 81°16'52" East, continuing along said parallel line for a distance of 55.67 feet;

Thence South 88°22'14" East, along said parallel line for a distance of 205.93 feet to a point on the East line of said Lot 3B;

Thence South 00°10'35" West a distance of 50.03 feet to the easterly most southeast corner of said Lot 3B;

Thence South 45°54'10" West a distance of 55.87 feet to the southerly most southeast corner of said Lot 3B;

Thence North 88°22'14" West along said south line a distance of 160.06 feet;

Thence South 81°16'52" West along said south line a distance of 55.67 feet;

Thence North 88°22'14" West a distance of 250.66 feet to the True Point of Beginning

Said Parcel contains 44,793 square feet area, more or less.



Expires: 6-30-16

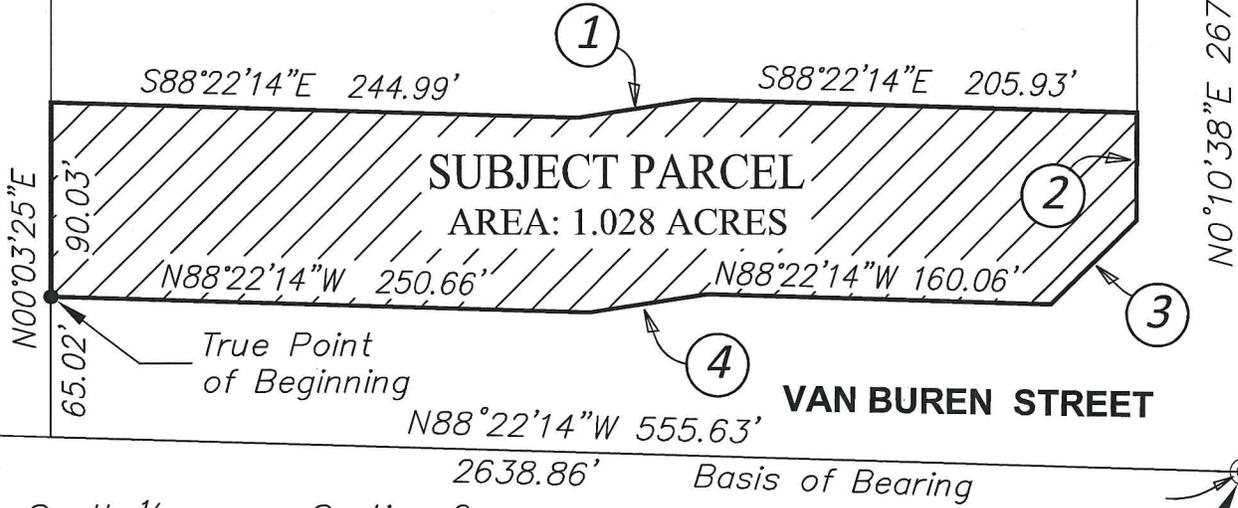
East Quarter Corner Section 2

LINE TABLE		
NO	BEARING	DISTANCE
1	N81°16'52"E	55.67'
2	S00°10'35"W	50.03'
3	S45°54'10"W	55.87'
4	S81°16'52"W	55.67'

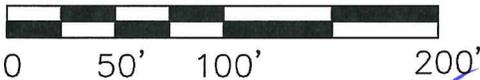


FAIRWAY DRIVE

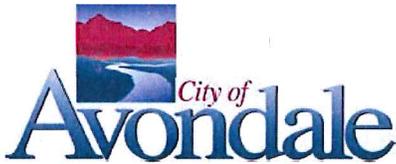
APN 500-02-095



SCALE



Southeast corner Section 2
Township 1 North, Range West
Gila & Salt River Meridian,
Maricopa County, Arizona



ENGINEERING
DEPARTMENT



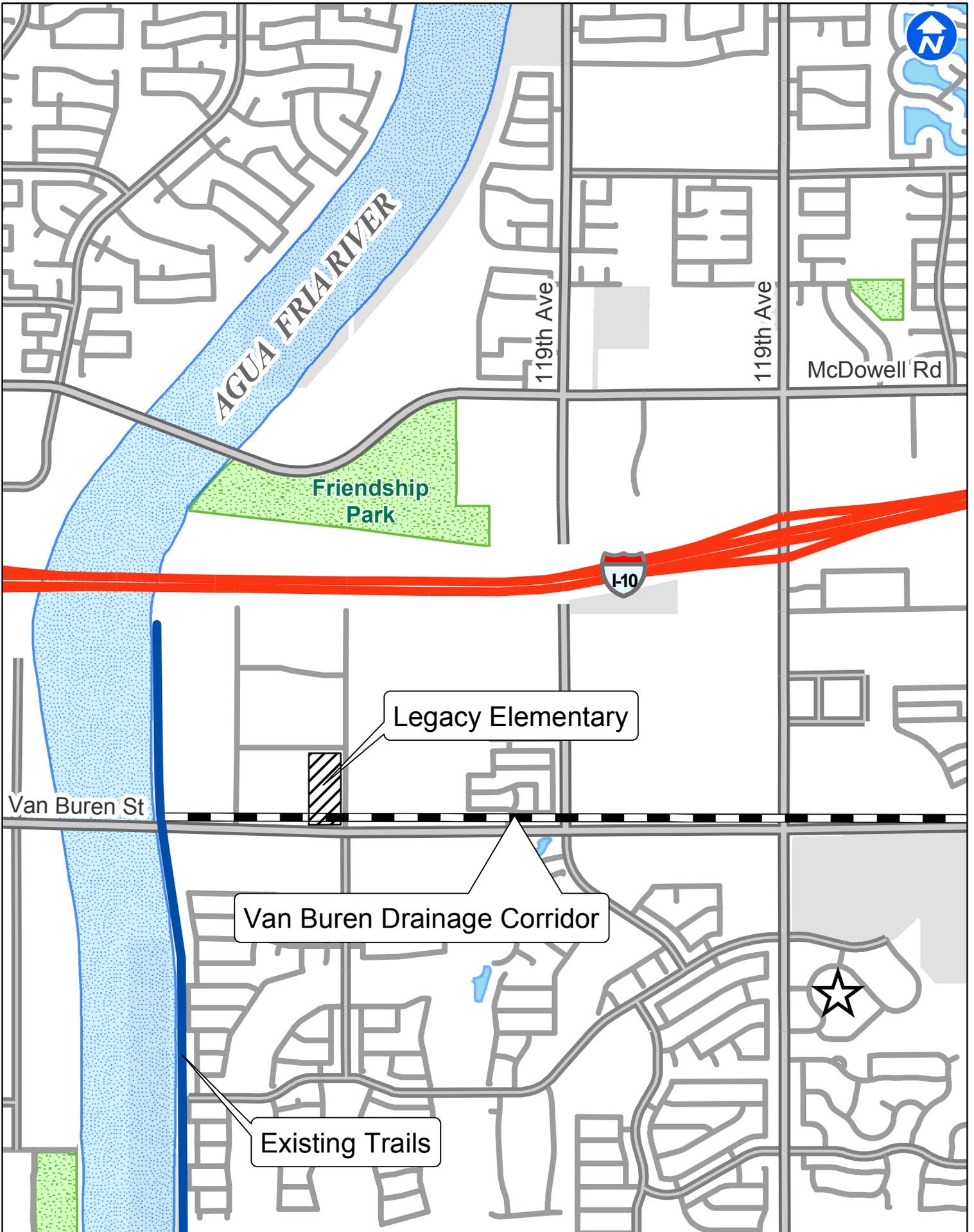
EXPIRES: 6-30-16

EXHIBIT MAP
VAN BUREN MULTIUSE
CORRIDOR RIGHT-OF-WAY
Part of Lot 3B, Replat of Lot 4
Avondale Commerce Center
Book 1094 Page 47, MCR

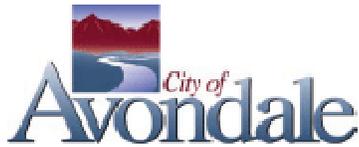
DATE: 3-06-2014
DSN: _____
DRN: LS
CHK: CH

PROJECT NAME
VBMC ROW-Legacy School
PAGE
1 OF 1

City of Avondale



Vicinity Map
Legacy Elementary



DEVELOPMENT SERVICES

SUBJECT:

Public Hearing and Ordinance 1540-314 – Desert Sun Market Rezoning

MEETING DATE:

March 17, 2014

TO: Mayor and Council

FROM: Tracy Stevens, Development & Engineering Services Department Director (623) 333-4012

THROUGH: David Fitzhugh, Acting City Manager

REQUEST: A request by the property owner to rezone approximately 0.5 acre from Single Family Residential (R1-6) to Cashion Business District (CBD).

PARCEL SIZE: Approximately 0.5 acre

LOCATION: Approximately 59 feet west of the southwest corner of 111th Avenue and Buckeye Road (MC 85).

APPLICANT: Mr. Fred Stern, Stern & Associates (602) 326-5104

OWNER: Nuredin "Dino" Tabaku (602) 435-7625

BACKGROUND:

The General Plan Land Use Map shows the property as Local Commercial (Exhibit A), and the Zoning Map shows the property as being zoned Single Family Residential (R1-6) (Exhibit B). Currently there is a vacant former grocery store, Desert Sun Market, of approximately 4,000 square feet on the property with eleven parking spaces (Exhibit C).

The property was annexed August 21, 1989 and zoned R-1. At the time, R-1 zoning allowed for residential and commercial uses. In 1990, the City Council amended the Zoning Ordinance. The amendment eliminated the R-1 zoning district and divided it into R1-5, R1-6, R1-8, R1-15, and R1-35. The City Council amended the Zoning Map in 1990 and changed the zoning of all property in Cashion from R-1 to R1-6. The R1-6 zoning district does not allow any commercial uses. The effect of the amendments was to make the grocery store on site, a retail use, now legal non-conforming.

Approximately nine months ago, the Desert Sun Market tenant vacated the building. On May 3, 2012, Mr. Tabaku purchased the property.

SUMMARY OF REQUEST:

The applicant is requesting to amend the Zoning Map from Single Family Residential (R1-6) to Cashion Business District (CBD) on the subject property, which consists of two platted lots in the Cashion subdivision (Exhibit E). The uses allowed in the CBD zoning district are the same as in the Community Commercial (C-2) zoning district with the following differences:

Automobile Service and Diagnostic Facilities – The minimum landscape buffer is 10 feet.

Tire Sales, Repair and Mounting Facilities – The minimum landscape buffer is 10 feet, and garage bay doors may face residential properties if screened in a method acceptable to the Zoning

Administrator. Drive-thru lanes are only required to be screened from public streets.

PARTICIPATION:

The applicant held a neighborhood meeting to discuss the project on Wednesday, January 8th at 6:00 p.m. at the Palermo's Pizza restaurant next door to the subject property. No members of the public attended. On January 9th, Ms. Joyce Jones, operator of the Saguaro Liquor Store, left a voicemail asking what was being proposed on the property. Staff responded that the current grocery store is legal non-conforming because it is zoned residential, and the property owner is requesting to rezone to CBD so that commercial uses may legally operate there. No further contact from Mr. Jones was received.

Notification of the neighborhood meeting was through a mailing of 74 First Class letters to surrounding property owners within 500 feet, posting of a 4-foot by 8-foot sign on the subject property, and placement of an 1/8 page notice in the West Valley View December 24th edition.

PLANNING COMMISSION ACTION:

The Planning Commission held a public hearing on February 20, 2014. There were no questions of staff from the Planning Commission and no member of the public spoke. The Planning Commission voted unanimously 6-0 to recommend approval of the request as presented by staff (Exhibit F).

Notification of the Planning Commission public hearing was through a mailing of 74 First Class letters to surrounding property owners within 500 feet, updating the existing posted 4-foot by 8-foot sign on the subject property, and placement of an 1/8 page notice in the West Valley View January 31st edition.

Notification of the City Council public hearing was through a mailing of 74 First Class letters to surrounding property owners within 500 feet, updating the existing posted 4-foot by 8-foot sign on the subject property, and placement of an 1/8 page notice in the West Valley View February 25th edition.

No additional comments on the proposal have been received.

ANALYSIS:

The General Plan Land Use Map identifies the property as Local Commercial. Local Commercial is a land use category that serves the daily needs of the residents residing in the surrounding area. Uses include: Grocery stores, gas stations, neighborhood/retail services, and office and medical uses. Ideally, the uses and site design would result in fostering walkability by the surrounding residents in accessing the goods and services. The requested zoning of CBD is in conformance with the Local Commercial land use.

The CBD is intended to facilitate the development of new commercial enterprises and/or expansion of existing businesses in the Cashion commercial corridor along Buckeye Road. These commercial uses will provide goods and services to both the Cashion neighborhood as well as traffic utilizing Buckeye Road, which is a major east-west regional travel corridor. CBD zoning on the property is more appropriate than R1-6. Unlike other residential developments that abut an arterial road elsewhere in the City, here there are neither perimeter subdivision walls nor 30-foot landscape buffers.

Because of the smaller lot sizes, the CBD provides for reduced setbacks and landscaping requirements on some portions of the lot. The development standard requirements of CBD are summarized as follows from Section 308 of the Zoning Ordinance:

Setbacks

Buckeye Road setback – 10 feet minimum and fully landscaped.

Secondary Street setback – Same as for Buckeye Road setback above.

Rear setback and abutting Residential – Same as for Buckeye Road setback above, except if there is an intervening utility easement between the non-residential and residential use (erroneously referred to as “alley”). In that case, there is no required rear setback. Because of the intervening utility easement, the effect setback/separation between the non-residential and residential would be the width of the utility easement, which is 20 feet total (10 feet on each property).

Parking setback from Residential – 5 feet minimum and fully landscaped.

Parking

Joint-use parking is allowed, in accordance with Section 8 of the Zoning Ordinance. This allows use of the same parking space by different businesses if those businesses have different peak demand hours. The specific uses and minimum parking required are listed in Section 807.B.1 of the Zoning Ordinance.

Landscaping

Landscaping is regulated by Section 12 of the Zoning Ordinance. The minimum onsite landscaping required in CBD is 10%. Offsite landscaping in the Buckeye Road right-of-way will comply with Section 12. Landscape buffer widths follow the building and parking setbacks of CBD, instead of the buffers listed in Sections 1204.C.3 and 1204.C.5 of the Zoning Ordinance.

Use Specific Standards

Automotive service and diagnostic facilities – Landscape buffer shall be 10 feet minimum, instead of 20 feet, and garage bay doors may face residential properties if adequately screened.

Tire sales, repair, and mounting facilities – Same as for automotive service and diagnostic facility above.

Uses with drive-thrus – Businesses with drive-thrus in CBD are required to screen the drive-thru from public streets, but are not required to face payment/pick-up windows away from public streets, cover the payment/pick-up windows with an architecturally integrated canopy, and ordering speaker boxes are not required to be a minimum of 70 feet from residential.

The applicant has no immediate plans for uses in the existing building or for redevelopment of the site. If the request is approved, uses allowed in the existing structure would subject to the Community Commercial (C-2) use list, Section 303 of the Zoning Ordinance, and with adequate parking existing onsite. Should the applicant wish to redevelop the site, staff approval of a Site Plan in conformance with the Zoning Ordinance and Commercial/Industrial/Multi-Family Design Guideline is required.

Conclusion:

Based on the information provided by the applicant, the public input received and the staff analysis, staff recommends approval of the requested rezoning from R1-6 to CBD.

FINDINGS:

The proposed request complies with the General Plan and Zoning Ordinance.

RECOMMENDATION:

Staff recommends that the City Council **APPROVE** application PL-13-0228.

PROPOSED MOTION:

I move that the City Council adopt an ordinance rezoning approximately 0.5 acre from Single Family Residential (R1-6) to Cashion Business District.

ATTACHMENTS:

Click to download

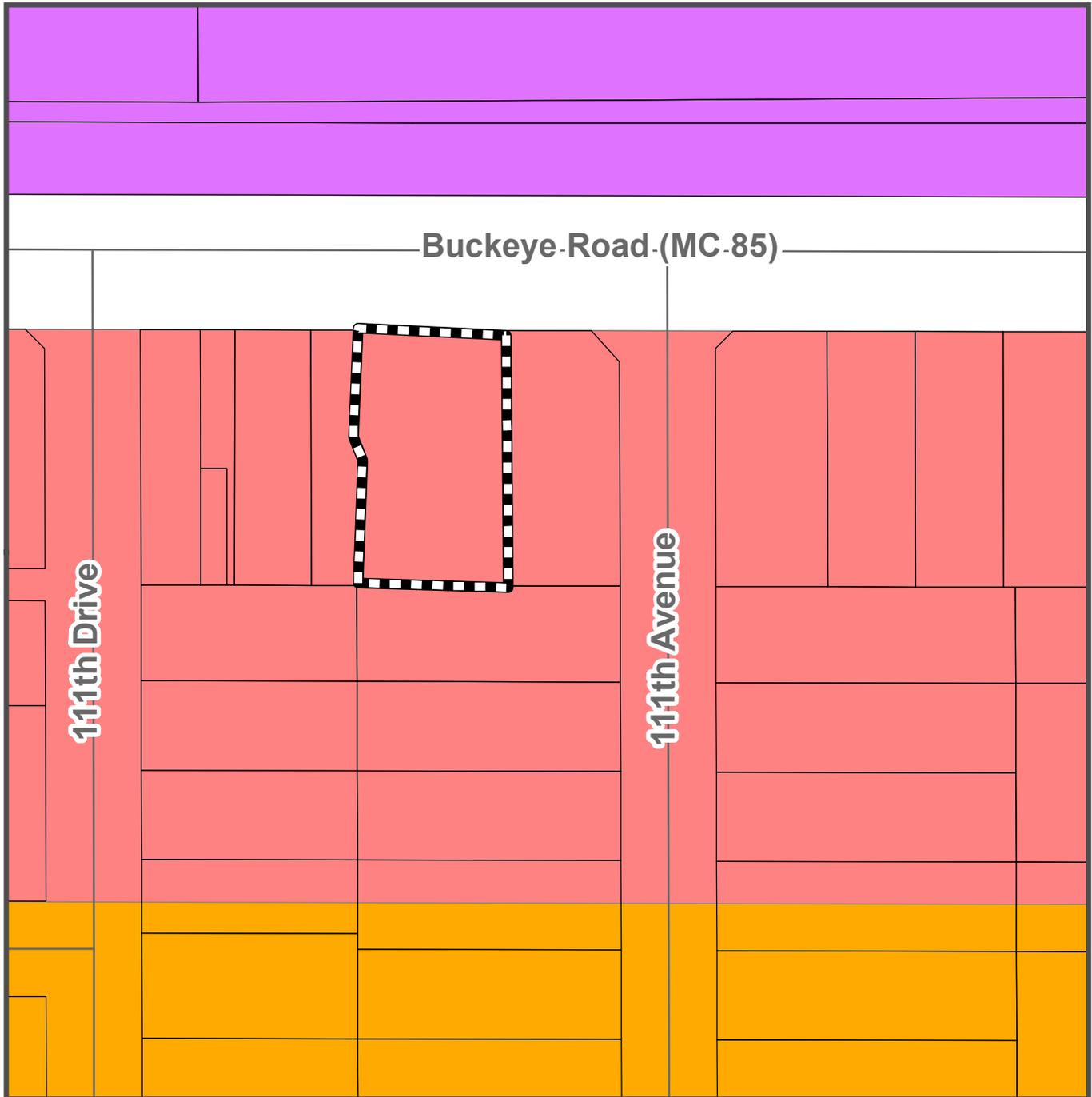
- [Exhibit A - Vicinity General Plan Land Use Map](#)
- [Exhibit B - Zoning Vicinity Map](#)
- [Exhibit C - Vicinity Aerial Photo 2013](#)
- [Exhibit D - Summary of Related Facts](#)
- [Exhibit E - Applicant's Request Narrative](#)
- [Exhibit F - Draft PC minutes for 2/20/2014](#)
- [Ordinance 1540-314](#)

FULL SIZE COPIES (Council Only):

None

PROJECT MANAGER:

Eric Morgan, Planner II (623) 333-4017



Vicinity General Plan Land Use Map
Desert Sun Market
PL-13-0228

General Plan Land Use Map

-  Mixed Use
-  Local Commercial
-  Medium Density Residential

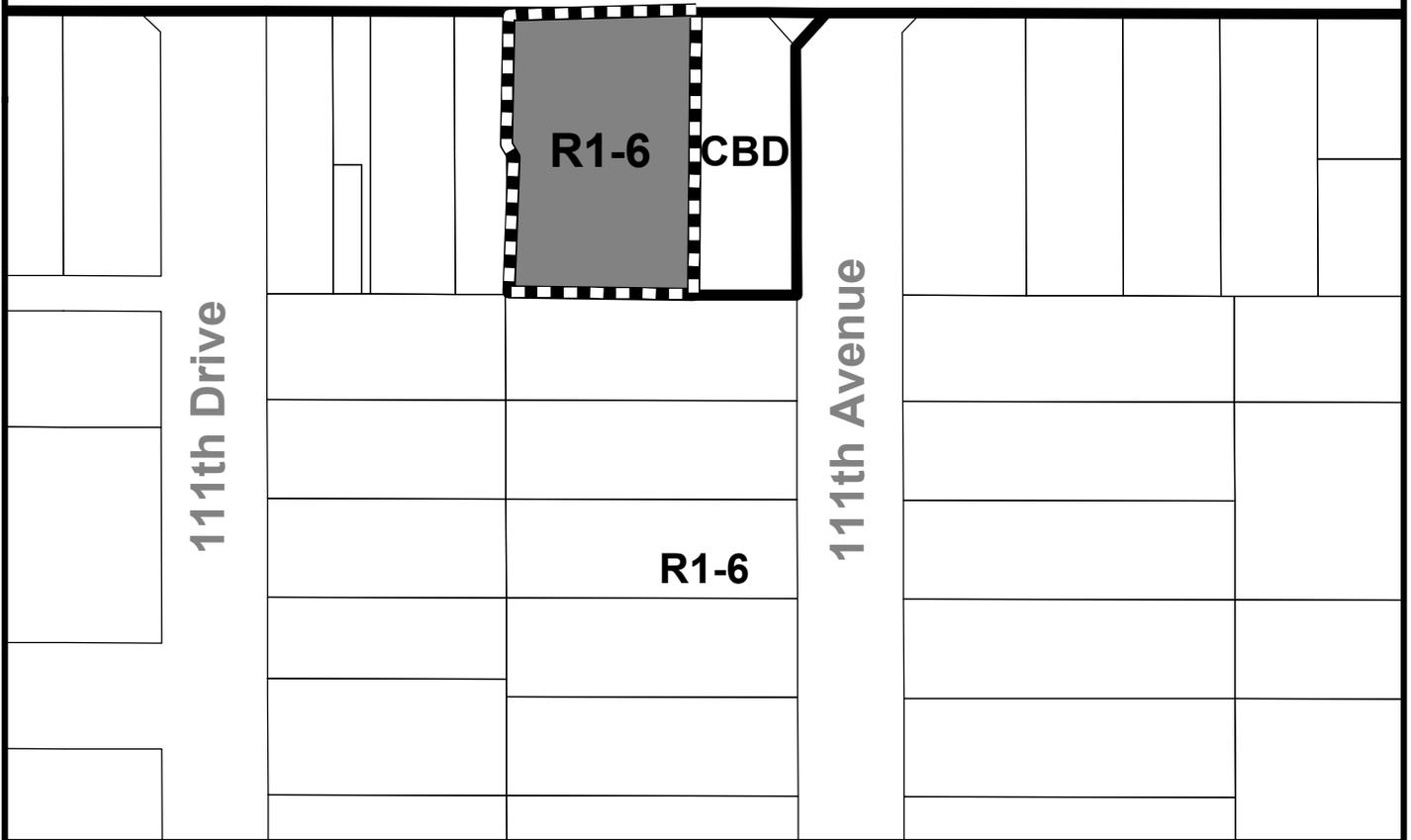
Subject Property 



COUNTY

Union Pacific Railroad

Buckeye Road (MC 85)

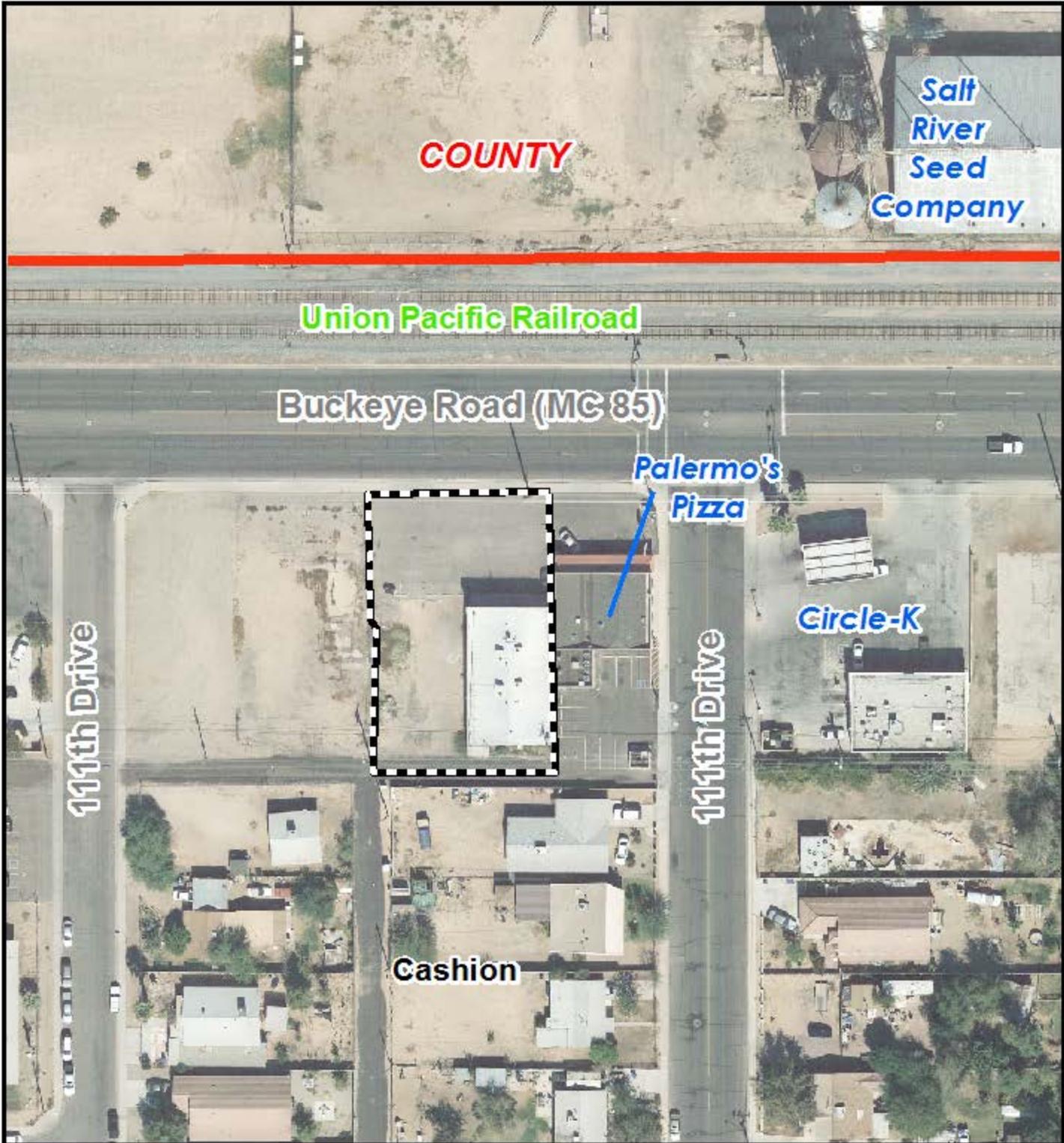


**Zoning Vicinity Map
Desert Sun Market Rezone
PL-13-0228**



Subject Property





**Aerial Photograph 2013
Desert Sun Market
PL-13-0228**



Subject Property



*SUMMARY OF RELATED FACTS
APPLICATION PL-13-0228 DESERT SUN MARKET*

<i>THE PROPERTY</i>	
PARCEL SIZE	Approximately 0.51 gross acres
LOCATION	Approximately 59 feet west of the SWC of 111 th Avenue and Lower Buckeye Road
PHYSICAL CHARACTERISTICS	Flat rectangular property, improved with one 4,000 square foot non-residential building and paved parking area
EXISTING LAND USE	Vacant (former grocery store)
EXISTING ZONING	Single Family Residential (R1-6)
ZONING HISTORY	Annexed August 21, 1989, and zoned R-1. At the time, R-1 zoning included commercial uses under County jurisdiction. In 1990, an amendment to the Avondale Zoning Ordinance eliminated R-1 zoning districts and replaced them with the various R1-5, R1-6, R1-8, etc., zoning districts. The Zoning Map was amended to conform to the Zoning Ordinance districts, and all of Cashion was assigned R1-6.
DEVELOPMENT AGREEMENT	No.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	COUNTY – Union Pacific Railroad, vacant land, and Manufacturing (Salt River Seed Company)
EAST	Cashion Business District – Restaurant without Drive-thru (Palermo’s Pizza)
SOUTH	R1-6 – Single Family Residential (Cashion)
WEST	R1-6 - vacant
<i>GENERAL PLAN</i>	
The property is Local Commercial on the General Plan Land Use Map.	

<i>PUBLIC SCHOOLS</i>	
SCHOOL DISTRICT(S)	Littleton Elementary School District and Tolleson Union High School District
ELEMENTARY SCHOOLS	Littleton Elementary School
HIGH SCHOOL	La Joya Community High School

Buckeye Road (MC 85)	
Classification	Arterial
Existing half street ROW	50 feet
Standard half street ROW	65 feet
Existing half street improvements	2 travel lanes, median turn lane, sidewalk, curb-and-gutter, street lights
Standard half street improvements	3 travel lanes, deceleration lane (when warranted), ½ median turn lane, sidewalk, curb-and-gutter, street lights, and landscaping

<i>UTILITIES</i>
There is an existing 12” (trunk) water line in Buckeye Road and a 6” water line in the utility easement drive south of the property.
There is an existing 8” sewer line in the utility easement drive south of the property.



ZONING



Lots 2&3 Block 4 Cashion
11107 W. Buckeye Road
Avondale, AZ 85323

NARRATIVE

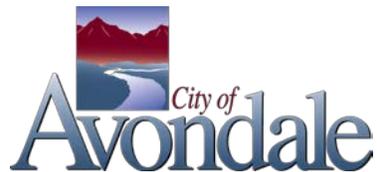
The property consists of 2 lots. Lot 2 has an existing building that has been use as a convenience store and has been vacant for several months. Lot 3 is an empty undeveloped lot. The property is zoned residential (R1-6), but has historically been used as a commercial property.

The property has been reduce in size due to the expansion of Buckeye Road on the North and a utility easement on the south. We are seeking to rezone to the Cashion Business District Zoning in order to conform to the General Plan for the area and become a leader in the creation of the proposed district. The property as zoned is not suitable for the uses that are suitable for a property located on such a highly trafficked highway.

The change in zoning will have no affect on traffic demands as the current use is already commercial use. The property is fronted on the north by Buckeye Road, (one of the busiest east-west streets in the area. There is an alley easement along the south property line. Access to the parking is from Buckeye Road.

Water and sewer are already provided to the building and rezoning will have no affect on the current drainage and runoff.

Staff has already indicated that the City of Avondale will support rezoning for the current properties in the area that front on Buckeye Road.



**AGENDA
PLANNING COMMISSION
REGULAR MEETING**

**CITY COUNCIL CHAMBERS
11465 W CIVIC CENTER DRIVE
AVONDALE, AZ 85323**

**Thursday, February 20, 2014
6:30 P.M.**

I. CALL TO ORDER

Chair Scibienski called the Regular Meeting to order at approximately 6:30 p.m.

II. ROLL CALL

The following members and representatives were present:

COMMISSIONERS PRESENT

Kevin Kugler, Chair
Lisa Amos, Vice Chair
Michael Demlong, Commissioner
Michael Long, Commissioner
Grace Carrillo, Commissioner
Sean Scibienski, Commissioner

COMMISSIONERS ABSENT

Gary Smith, Commissioner - Excused

CITY STAFF PRESENT

Tracy Stevens, Development & Engineering Services Director
Chris Schmaltz, Legal Counsel
Ken Galica, Senior Planner
Eric Morgan, Planner II
Linda Herring, Development Services Representative

VII. PUBLIC HEARING ITEMS

PL-13-0228

A public hearing before the Planning Commission to review and solicit public input on application PL-13-0228, Desert Sun Market, a request by Fred Stern, Stern and Associates, for approval of a request to rezone approximately 0.4 acres from Single Family Residential (R1-6) to Cashion Business District (CBD). The subject property is located 11111 W. Buckeye Road, the former Desert Sun Market. Staff Contact: Eric Morgan

Commissioner Amos moved that the Planning Commission recommend approval of application PL-13-0228, a request to rezone approximately 0.4 acres from Single Family Residential (R1-6) to Cashion Business District (CBD). Commissioner Carrillo seconded.

ROLL CALL VOTE

Kevin Kugler, Chair	Aye
Lisa Amos, Vice Chair	Aye
Michael Demlong, Commissioner	Aye
Michael Long, Commissioner	Aye
Gary Smith, Commissioner	Excused
Sean Scibienski, Commissioner	Aye
Grace Carrillo, Commissioner	Aye

Approved 6-0.

ORDINANCE 1540-314

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 0.51 ACRES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 111TH AVENUE AND BUCKEYE ROAD, AS SHOWN IN APPLICATION PL-13-0228, REZONING SUCH PROPERTY FROM SINGLE FAMILY RESIDENTIAL (R1-6) TO CASHION BUSINESS DISTRICT (CBD).

WHEREAS, the Council of the City of Avondale (the “City Council”) desires to amend the City of Avondale Zoning Atlas (the “Zoning Atlas”), pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for a ± 0.51 acre parcel of real property from Single Family Residential (R1-6) to Cashion Business District (CBD) (the “Zoning Atlas Amendment”); and

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

WHEREAS, the Commission held a public hearing on Thursday, February 20, 2014, on the Zoning Atlas Amendment, after which the Commission recommended approval; and

WHEREAS, the City Council held an additional public hearing regarding the Zoning Atlas Amendment on March 17, 2014.

NOW, TH EREFORE, BE IT O RDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

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

SECTION 2. The ± 0.51 acre parcel of real property generally located at the southwest corner of 111th Avenue and Buckeye Road, as shown in Application PL-13-0228 (the “Property”), as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from Single Family Residential (R1-6) to Cashion Business District (CBD).

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

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

PASSED AND ADOPTED by the Council of the City of Avondale, March 17, 2014.

Marie Lopez Rogers, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED:

Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1540-314

[Legal Description and Map]

See following pages.

February 12, 2014

DESERT SUN MARKET REZONING

LEGAL DESCRIPTION FOR REZONING PURPOSES

That part of the north half of the northeast quarter of the northwest quarter of Section 18, Township 1 North, Range 1 East of the Gila and Salt River Meridian including Lot 2 and Lot 3, of Block 4, Cashion, as recorded in Book 43 of Maps, Page 28, official records of Maricopa County, Arizona, and more particularly described as follows;

Commencing at the ADOT brass cap in hand hole monumenting the north quarter corner of said Section 18, from which the northwest corner thereof bears West, 2582.84 feet distant, as a basis of bearing;

Thence West along the north line of said Section 18, a distance of 86.81 feet to the True Point of Beginning;

Thence South $0^{\circ} 17' 20''$ East a distance of 50.00 feet to the south right-of-way line of Buckeye Road and the northeast corner of said Lot 2;

Thence South $0^{\circ} 17' 20''$ East a distance of 160.03 feet along the east line of said Lot 2 to the southeast corner thereof;

Thence South $89^{\circ} 59' 48''$ West a distance of 106.06 feet to the southwest corner of said Lot 3;

Thence North $0^{\circ} 17' 13''$ West a distance of 160.03 feet the northwest corner of said lot 3 on the south right-of-way line of Buckeye Road;

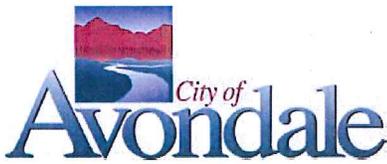
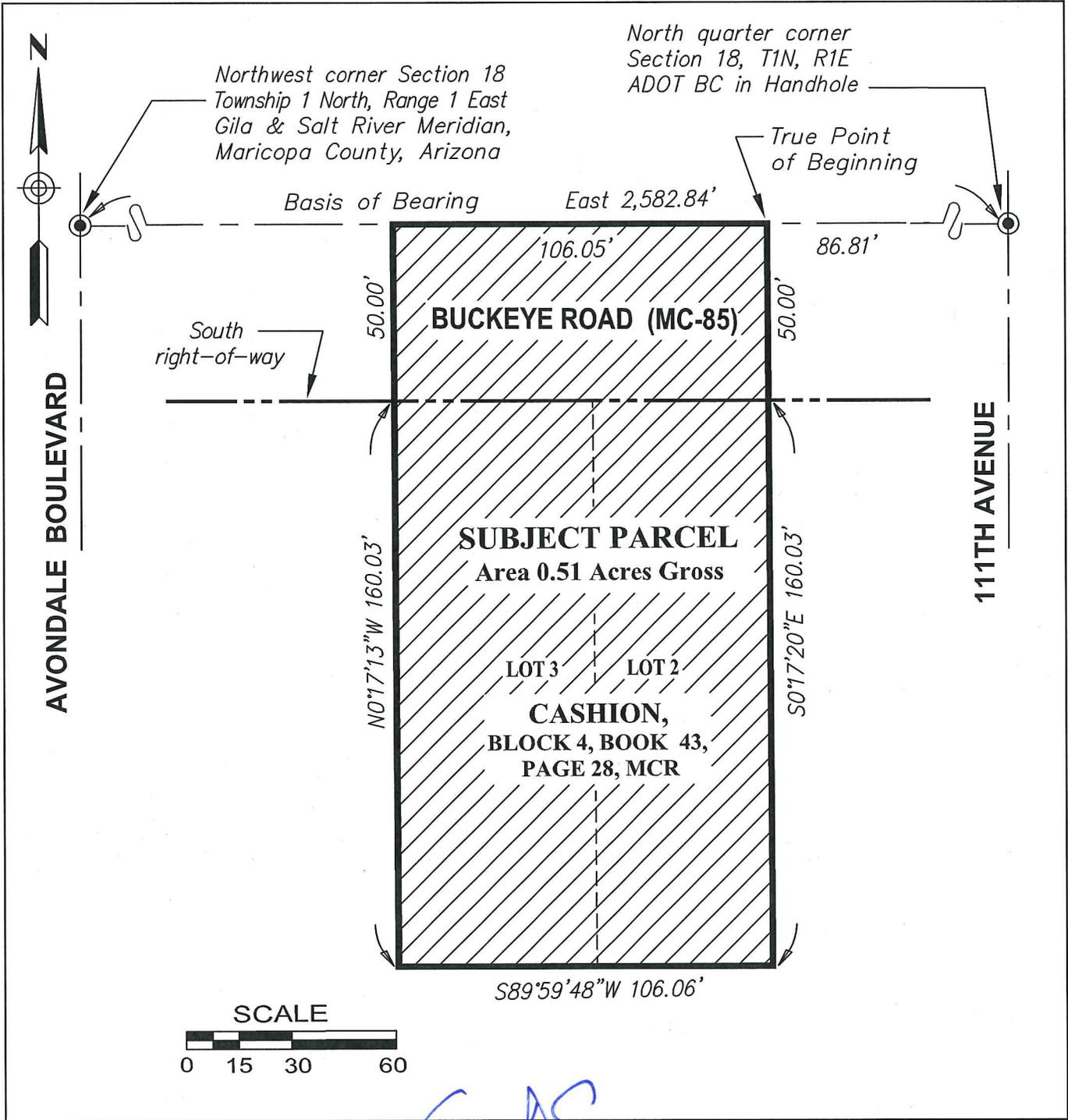
Thence North $0^{\circ} 17' 13''$ West a distance of 50.00 feet to a point on the north line of said Section 18;

Thence East a distance of 106.05 feet to the True Point of Beginning;

Said parcel contains 0.51 acres gross area, more or less.



Expires: June 30, 2016



ENGINEERING
DEPARTMENT



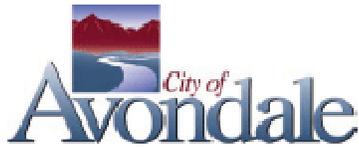
EXPIRES: JUNE 30, 2016

EXHIBIT MAP
TO LEGAL DESCRIPTION
FOR ZONING PURPOSES
DESERT SUN MARKET

DATE: 2-12-2014
DSN: _____
DRN: LS
CHK: _____

PROJECT NAME
PL-13-0228 RE-ZONE

PAGE: 1 of 1



CITY COUNCIL REPORT

SUBJECT:
Fund Transfer - Wastewater Contingency Funds

MEETING DATE:
March 17, 2014

TO: Mayor and Council
FROM: Wayne Janis, P.E., Public Works Director, 623-333-4411
THROUGH: David Fitzhugh, City Manager

PURPOSE:

Staff requests the City Council approve the transfer of appropriations from the wastewater contingency funds in the amount of \$534,200 to the wastewater operating budget.

BACKGROUND:

The Charles M. Wolf Water Resources Center (WRC) has experienced conditions that have warranted the purchase and repair of several high cost equipment assets during the current fiscal year. In order to facilitate the repairs and continue proper operation and maintenance of the WRC, staff is requesting that contingency funds be transferred into the operations budget.

DISCUSSION:

In the past year the WRC has undergone an extensive evaluation by the CH2M-Hill consulting firm. During that evaluation it became apparent that critical equipment was needed to ensure compliance with regulatory agencies by providing operational control to the plant staff. At that time, the facility had experienced several breakdowns of the older equipment. Subsequently, several other high use systems failed necessitating additional maintenance and replacement costs. The following is a list of the events and costs:

Project	Cost
Purchase of DO Probes	\$21,100
Installation of DO Probes	\$41,800
Repair of Influent Pump	\$15,500
Polymer Condition Equipment Upgrades	\$30,000
Repair of Clarifier #2 Gear Drive System	\$5,700
Repair of Sludge Dewatering Centrifuge	\$68,100
Replacement of worn Chemical Tanks	\$70,000
Repair of Headworks Step Screen	\$42,000
Headworks Crane Installation	\$240,000
Total	\$534,200

The above listed items, with the exception of the Headworks Crane Installation, have been completed. Staff is requesting funding for the Headworks Crane Installation to provide necessary access to the step screens at the headworks for maintenance and repair.

BUDGETARY IMPACT:

The wastewater fund has \$1,000,000 in contingency funding in the current operating budget. With the exception of the headworks crane installation, staff has completed and paid for the above listed items in the amount of \$294,200. This has depleted the WRC operating budget. Approval of the transfer of contingency funds will restore the operating budget, allowing staff to move forward with operations and maintenance for the remainder of the fiscal year. The following outlines the amount and line item for the requested funds transfer:

Line Item #	Amount
503-9230-00-6180	\$39,700
503-9230-00-6720	\$15,000
503-9230-00-6770	\$148,400
503-9230-00-7155	\$70,000
503-9230-00-7165	\$21,100
503-9230-00-8620	\$240,000
Total	\$534,200

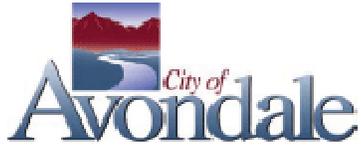
RECOMMENDATION:

Staff recommends the City Council approve the transfer of appropriations from the wastewater contingency funds in the amount of \$534,200 to the wastewater operating budget.

ATTACHMENTS:

[Click to download](#)

No Attachments Available



CITY COUNCIL REPORT

SUBJECT:
Executive Session

MEETING DATE:
March 17, 2014

TO: Mayor and Council
FROM: Andrew McGuire, City Attorney (602) 257-7664
THROUGH: David Fitzhugh, Acting City Manager

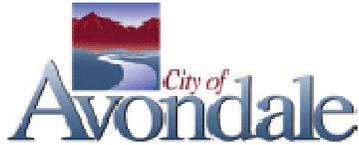
PURPOSE:

City Council may hold an executive session pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(4) for (i) discussion or consultation with the City's Attorney in order to consider its position and instruct the City's Attorney regarding potential litigation with respect to tax matters and (ii) discussion or consultation with the City's Attorney in order to consider its position and instruct the City's Attorney regarding potential litigation.

ATTACHMENTS:

[Click to download](#)

No Attachments Available



CITY COUNCIL REPORT

SUBJECT:

Settlement Agreement and Payment from Risk Management Fund - Gorla v Avondale

MEETING DATE:

March 17, 2014

TO: Mayor and Council

FROM: Cherlene Penilla, Human Resources Director (623) 333-2218

THROUGH: David Fitzhugh, Acting City Manager

PURPOSE:

Staff is recommending approval of a settlement agreement with Mark Gorla in the amount of \$195,000 and authorize the Mayor or the City Manager and City Clerk to execute the necessary documents.

BUDGETARY IMPACT:

The settlement amount of \$195,000 will be paid out of the City's Risk Management Trust Fund account # 605-5165-00-6480.

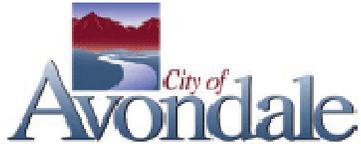
RECOMMENDATION:

Staff is recommending approval of a settlement agreement with Mark Gorla in the amount of \$195,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

[Click to download](#)

No Attachments Available



CITY COUNCIL REPORT

SUBJECT:

Resolution 3177-314 - Honoring Lt. Mark Gorla on
the Occasion of his Retirement

MEETING DATE:

March 17, 2014

TO: Mayor and Council

FROM: Carmen Martinez, City Clerk

THROUGH: David Fitzhugh, Acting City Manager

PURPOSE:

City Council will consider a resolution honoring Lt. Mark Gorla on the occasion of his retirement. Council will take appropriate action.

ATTACHMENTS:

Click to download

[Resolution 3177-314 Lt. Mark Gorla Retirement](#)

RESOLUTION NO. 3177-314

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA,
HONORING MARK GORLA FOR NINE YEARS OF DEDICATED SERVICE TO
THE CITY OF AVONDALE.

WHEREAS, on April 25, 2005, Mark Gorla began his career with the City of Avondale when he was hired as a Lieutenant; and

WHEREAS, Lieutenant Gorla served the City as a Lieutenant, and most recently as the Emergency Management Officer in the City Manager's office to coordinate all actions necessary to build, sustain and improve the capability to prepare for, guard against and respond to, recover from or mitigate against threatened or actual natural disasters, acts of terrorism or further human-caused disasters; and

WHEREAS, Lieutenant Gorla has demonstrated integrity and professionalism to all customers and has faithfully served during the periods of transition and growth; and

WHEREAS, the Council of the City of Avondale wishes to express its appreciation for his hard work, dedication and years of service, and to honor Lieutenant Mark Gorla on the occasion of his retirement after nine years of service to the citizens of Avondale.

NOW, T HEREFOR E, BE IT R ESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, that the City of Avondale does hereby thank Lieutenant Mark Gorla for his nine years of dedicated service to the City of Avondale and its citizens.

PASSED AND ADOPTED by the Council of the City of Avondale, March 17, 2014.

Marie Lopez Rogers, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney