



CITY COUNCIL AGENDA

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

WORK SESSION
November 16, 2015
6:30 PM

CALL TO ORDER BY MAYOR

1 ROLL CALL BY THE CITY CLERK

2. **2015 FEDERAL LEGISLATIVE UPDATE**

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

3 ADJOURNMENT

Respectfully submitted,

Carmen Martinez
City Clerk

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

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

Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oido, o con necesidad de impresion grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta del Concejo.

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.

De acuerdo con la ley A.R.S. 1-602.A.9, y sujeto a ciertas excepciones legales, se da aviso que los padres tienen derecho a dar su consentimiento antes de que el Estado o cualquier otra entidad politica haga grabaciones de video o audio de un menor de edad. Las juntas del Concejo de la Ciudad pueden ser grabadas y por consecuencia, existe la posibilidad de que si hay menores de edad presentes estos aparezcan en estos videos o grabaciones de audio. Los padres puedan ejercitar su derecho si presentan su consentimiento por escrito a la Secretaria de la Ciudad, o pueden asegurarse que los ninos no sten presentes durante la grabacion de la junta. Si hay algun menor de edad presente durante la grabacion, la Ciudad dara por entendido que los padres han renunciado sus derechos de acuerdo a la ley contenida A.R.S. 1-602.A.9.



CITY COUNCIL AGENDA

SUBJECT:

2015 Federal Legislative Update

MEETING DATE:

11/16/2015

TO: Mayor and Council

FROM: Jessica Blazina, Community Relations and Public Affairs Assistant Director

THROUGH: David Fitzhugh, City Manager

PURPOSE:

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

BACKGROUND:

In July 2015, the Avondale Council approved the City's contract with Capital Edge, Inc. for federal advocacy services for FY2016. Capital Edge, a Washington, D.C. based advocacy and consulting firm, specializes in representing municipal government, and has represented Avondale's interests at the federal level since December 2009.

DISCUSSION:

Capital Edge's services to the city include:

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

Some recent issues on which Capital Edge has worked include promoting legislative changes that would increase the percentage of federal highway funds that are allocated directly to metropolitan areas; supporting increased funding in the FY 2016 budget for the HOME program at HUD, which is the main source of federal affordable housing funds; opposing congressional efforts to deny federal CDBG and COPS funding from communities in certain situations; advancing efforts in the House for consideration of legislation to allow states and local governments to collect sales taxes on out-of-state online purchases; and opposing efforts to eliminate or scale back the tax-exempt status of municipal bonds. Capital Edge's DC- presence continues to serve as a valuable resource in arranging meetings for Avondale officials with offices of the City's congressional delegation in Washington, DC.

Recent activities by Congress and the President will shape what is to come for local governments for the remainder of 2015 and 2016. Capital Edge will discuss how these policies and others may affect Avondale. Some of these matters include:

- Impacts of new Leadership election in the House
- FY 2016 and FY 2017 budget deal

- Federal highway and transit programs reauthorization
- Marketplace Fairness Act/Internet Tax Freedom Act
- Comprehensive tax reform

BUDGET IMPACT:

Capital Edge's fee is included in the FY 2015-2016 budget in the amount of \$69,000. Council approved their contract in July 2015.

RECOMMENDATION:

For information and discussion.



CITY COUNCIL AGENDA

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

**REGULAR MEETING
November 16, 2015
7:00 PM**

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

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

2 UNSCHEDULED PUBLIC APPEARANCES

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

3 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

Regular Meeting of November 2, 2015

b. 2016 COUNCIL MEETING SCHEDULE

City Council will consider a request to approve the Council Meeting Schedule for 2016 which includes the rescheduling of six council meetings in observance of holidays and to allow for a summer break. The Council will take appropriate action.

c. RE-PLAT OF DESERT SPRINGS VILLAGE SUBDIVISION (PL-15-0174)

City Council will consider a request to approve a Re-Plat of the Desert Springs Village Subdivision located at the northwest corner of Van Buren Street and 119th Avenue to revise existing lot lines and Use and Benefit Easements (UBEs), converting 71 undeveloped "Z-Lots" to rectangular lots with 5' UBEs. The Council will take appropriate action.

d. PROFESSIONAL SERVICES AGREEMENT - ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC.

City Council will consider a request to approve a Professional Services Agreement with Arthur J. Gallagher Risk Management Services, Inc. for brokerage and consulting services for the Risk Management self-insurance retention program in the amount of \$33,000 for first year with four one-year options with the maximum aggregate of \$175,000 and authorize the Mayor or City Manager and City Clerk to execute the documents. The Council will take appropriate action.

e. CONSTRUCTION AGREEMENT - SRP - 107TH AVENUE FROM ROOSEVELT STREET TO VAN BUREN STREET

City Council will consider a request to approve a Construction Agreement with Salt River Project (SRP) to provide design and construction services for irrigation improvements associated with the 107th Avenue from Roosevelt Street to Van Buren Street Improvement Project in the amount of \$342,866 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. COOPERATIVE PURCHASING AGREEMENTS - DELL MARKETING LP AND RICOH USA, INC.

City Council will consider a request to approve cooperative purchase agreements with Dell Marketing LP and Ricoh USA, Inc. for the purchase of computers, peripherals, copiers, printers, faxes, and maintenance and support for City departments in a maximum amount of \$1,486,000 for Dell and \$675,000 for Ricoh for fiscal years 2016-2018 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 PURCHASE AGREEMENT - CACTUS TRANSPORT, INC. FOR CRACK SEAL ASPHALT SERVICES

City Council will consider a request to approve the First Amendment to a Cooperative Purchasing Agreement with Cactus Transport, Inc. d/b/a Cactus Asphalt to provide asphalt crack seal services in an amount of \$300,000/year for an aggregate not-to-exceed amount of \$650,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

h. RESOLUTION 3280-1115 - TITLE VI IMPLEMENTATION PLAN RELATING TO PUBLIC TRANSPORTATION SERVICES

City Council will consider a Resolution adopting the City of Avondale Title VI Implementation Plan relating to public transportation in order to ensure compliance with the applicable requirements and be entitled to receive federal funds for the program. The Council will take appropriate action.

4 PUBLIC HEARING AND ORDINANCE 1591-1115 - REZONING THE SOUTHEAST CORNER OF THIRD STREET AND HILL DRIVE

City Council will hold a public hearing and consider an Ordinance rezoning .92 acres of land from the R-4 Multi-Family Zoning District to the Historic Avondale Infill Overlay (HAIO) Zoning District located at the southeast corner of Third Street and Hill Drive. The Council will take appropriate action.

5 PUBLIC HEARING AND ORDINANCE 1592-1115 - 811 E RILEY REZONE

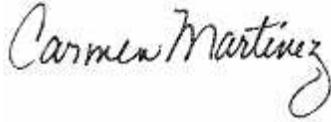
City Council will hold a public hearing and consider an ordinance rezoning approximately 0.75 gross acres for a site at 811 East Riley from A-1 (Industrial) to C-2 (Community Commercial). The Council will take appropriate action.

6 EXECUTIVE SESSION

The Council may hold an executive session pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(4) for discussion or consultation with the City's Attorney in order to consider its position and instruct the City's Attorney regarding Winners Development Company vs City of Avondale.

7 ADJOURNMENT

Respectfully submitted,



Carmen Martinez
City Clerk

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CITY COUNCIL AGENDA

SUBJECT:

2016 Council Meeting Schedule

MEETING DATE:

11/16/2015

TO: Mayor and Council

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

THROUGH: David Fitzhugh, City Manager

PURPOSE:

Staff is recommending approval of the Council Meeting schedule for 2016. The proposed schedule includes the rescheduling of four council meetings in observance of holidays, one meeting to allow council members to attend the National League of Cities conference and one meeting to allow for a summer break.

BACKGROUND:

According to the City's Charter, the City Council shall meet no less than two times per month. The Council Rules of Procedures set the regular meetings to be held on the first and third Monday of the month. The Rules of Procedure provide for the rescheduling of council meetings when the day of a regularly scheduled council meeting falls on a legal holiday or for another reason provided that a seven day notice is published in the newspaper.

DISCUSSION:

The attached schedule proposes to reschedule four City Council meetings in observance of Martin Luther King Jr. Day, Presidents' Day, July 4th and Labor Day.

The 2016 National League of Cities conference in Washington DC is scheduled for March 5-9, 2016 which conflicts with the first meeting in March, so staff is proposing to reschedule that meeting to the following week (March 11, 2016.)

Following past practice, staff is also proposing to reschedule the second meeting in August to allow for a summer break.

Over the last few years, staff has presented the Council Meeting schedule for approval once a year as we believe this allows for better planning for everyone. Approval of this item will constitute direction to staff to publish the seven day notice as required by the City Charter.

RECOMMENDATION:

Staff is recommending approval of the Council Meeting schedule for 2016 to reschedule four council meetings in observance of holidays, one meeting to allow council members to attend the National League of Cities conference and one meeting to allow for a summer break.

ATTACHMENTS:**Description**

[2016 Council Meeting schedule - draft](#)

CITY OF AVONDALE 2016 COUNCIL MEETING SCHEDULE

Month	Regular Meeting*	Work Session**
January	January 4, 2016	January 11, 2016
	January 19, 2016 (due to MLK Day)	
February	February 1, 2016	February 8, 2016
	February 16, 2016 (due to Presidents' Day)	
March	March 14, 2016 (due to NLC Conference)	March 14, 2016
	March 21, 2016	
April	April 4, 2016	April 11, 2016
	April 18, 2016	
May	May 2, 2016	May 9, 2016
	May 16, 2016	
June	June 6, 2016	June 13, 2016
	June 20, 2016	
July	July 11, 2016 (due to July 4 th holiday)	July 11, 2016
	July 18, 2016	
August	August 1, 2016	August 8, 2016
	August 8, 2016 (to allow for summer break)	
September	September 12, 2016 (due to Labor Day)	September 12, 2016
	September 19, 2016	
October	October 3, 2016	October 10, 2016
	October 17, 2016	
November	November 7, 2016	November 14, 2016
	November 21, 2016	
December	December 5, 2016	December 12, 2016
	December 19, 2016	

* Regular Meetings are held at 7:00 p.m.

** Work Sessions are held at 6:00 p.m. as needed before regular Council meetings and on the second Monday of the month.



CITY COUNCIL AGENDA

SUBJECT:

Re-Plat of Desert Springs Village Subdivision
(PL-15-0174)

MEETING DATE:

11/16/2015

TO:

Mayor and Council

FROM:

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

THROUGH:

David Fitzhugh, City Manager (623) 333-1014

REQUEST:

Approval of a Re-Plat of the Desert Springs Village Subdivision revising existing lot lines and Use and Benefit Easements (UBEs), converting 71 existing, undeveloped "Z-Lots" to rectangular lots with 5' UBEs.

PARCEL SIZE:

Area Subject to Re-Plat: 71 lots totaling approximately 5.73 acres; Total Subdivision Area: 30.4 acres

LOCATION:

Northwest Corner of Van Buren Street and 119th Avenue (Exhibits A and B)

APPLICANT:

Mr. Kendall Baxley, Baxley Architectural & Consulting, PLC (480) 205-5276

OWNER:

Mr. Todd Tucker, Pinnacle West Homes (602) 332-0801

BACKGROUND:

Desert Springs Village is a 30.36 acre, single-family residential subdivision located at the northwest corner of 119th Avenue and Van Buren Street. The subdivision is partially developed. Pinnacle West Homes, has acquired the remaining 76 vacant lots in the subdivision and plans to complete the community.

The property is part of the Desert Springs PAD that was approved by the City Council in January 2000. A Preliminary Plat and Final Plat were approved for the subdivision in February 2003 and February 2004, respectively, with construction of a 174 lot single family subdivision starting in 2005. Rather than platting conventional, rectangular shaped lots, the original concept was to configure lots in an interlocking "Z" pattern and creating a "Use and Benefit Easement (UBE)". The provision of a UBE adjacent to each lot line allowed for larger side yards, increasing the usability of those private open spaces. Rather than having two small side yards that can accommodate a little more than outdoor storage, the UBE concept allows each property owner to have a single, larger side yard which can accommodate a wider variety of uses.

A Development Agreement between the City, previous owner Lennar Homes of Arizona, and the

Desert Springs Village Homeowners Association was approved by the City Council on October 15, 2012. The agreement allowed the City to acquire property adjacent to Van Buren Street for purposes of constructing a regional drainage conveyance channel adjacent to Van Buren Street. The original configuration of the Desert Springs Village Subdivision conflicted with the proposed channel, with 12 lots and portions of 2 landscape tracts located within the channels planned path. To rectify this issue, the City Council approved a Re-Plat of Desert Springs Village in January 2013.

An amendment to the 2012 Development Agreement was approved by the City Council on November 2, 2015. The amended Development Agreement is a performance based agreement that requires the home builder, Pinnacle West Homes, to pull a minimum number of building permits on a yearly basis and commence construction in order to qualify for a Partial Development Impact Fee under the original Agreement.

SUMMARY OF REQUEST:

Pinnacle West Homes has acquired the remaining 76 undeveloped lots within the Desert Springs Village Subdivision and is proposing a Re-Plat in order enhance the outdoor area and house products.

The proposed Re-Plat (Exhibit C) revises lot lines to change 71 of the existing, undeveloped Z-Lots to standard rectangular lots. The new rectangular lots, if approved, will allow for construction of conventional house products with forward garages, reducing the encroachment of garages into rear yards and increasing the useable private open space provided for each new residence. Additionally, the proposal maintains a 5' use and benefit easement adjacent to each property line, maintaining the ability for each home to have one 10' wide, useable side yard as opposed to two 5' side yards. A conceptual exhibit demonstrating how the proposed UBEs will function is attached as Exhibit D.

New homes offered by Pinnacle West will be different from the products previously built on the site, but will complement the architecture of the existing homes within the development. Conceptual house plans and elevations are attached as Exhibit E.

Five undeveloped Z-Lots will remain, as existing development on adjacent lots prevents modifications to those property lines. None of the previously developed lots within Desert Springs Village are affected by the proposal. Furthermore, no new dedications of public right-of-way or public easements are required as part of this proposal.

PARTICIPATION:

Public notification is not required for Final Plat (Re-Plat) applications.

PLANNING COMMISSION ACTION:

The Planning Commission does not review Final Plat (Re-Plat) applications.

ANALYSIS:

Approval of the proposed Re-Plat, replacing 71 undeveloped Z-Lots with conventional rectangular lots, will allow Pinnacle West Homes to build conventional house products with forward garages and larger rear yards, products that the applicant has stated are more marketable than the homes that can be accommodated by the existing lot configuration in Desert Springs Village.

By approving the amended Development Agreement on November 2nd, through which financial incentives were pledged to Pinnacle West to fully complete full buildout of the Desert Springs Village community, the City Council prioritized the completion of this half-finished residential subdivision. Approval of the proposed Re-Plat will, according to the applicant, increase the

marketability of the subdivision and reinforce the City Council's commitment to seeing full build-out of the community.

FINDINGS:

The proposed request complies with the Avondale Subdivision Regulations, Desert Springs Village Development Agreement as amended, General Plan 2030, and the General Engineering Requirements Manual.

RECOMMENDATION:

Staff recommends that the City Council **APPROVE** application PL-15-0174, a request for approval of a Re-Plat of the Desert Springs Village Subdivision, subject to the following three conditions of approval:

1. Prior to issuance of any building permit, a revised construction document set shall be provided and shall identify the locations of all existing water service lines, meter boxes, streetlights, fire hydrants, above ground utility facilities, driveways, and landscape and irrigation adjacent to any lot replatted with this project. The locations shall be identified with a topographic survey per City standards.
2. Construction documents shall depict the proposed lot lines per the approved Re-plat.
3. Should any of the infrastructure be incorrectly located, the cost to relocate and or re-establish the facility will be at the developer's cost.

PROPOSED MOTION:

I move that the City Council **APPROVE** application PL-15-0174, a request for approval of a Re-Plat of the Desert Springs Village Subdivision, subject to three conditions of approval.

ATTACHMENTS:

Description

[Exhibit A - Zoning Vicinity Map](#)

[Exhibit B - Aerial Photograph](#)

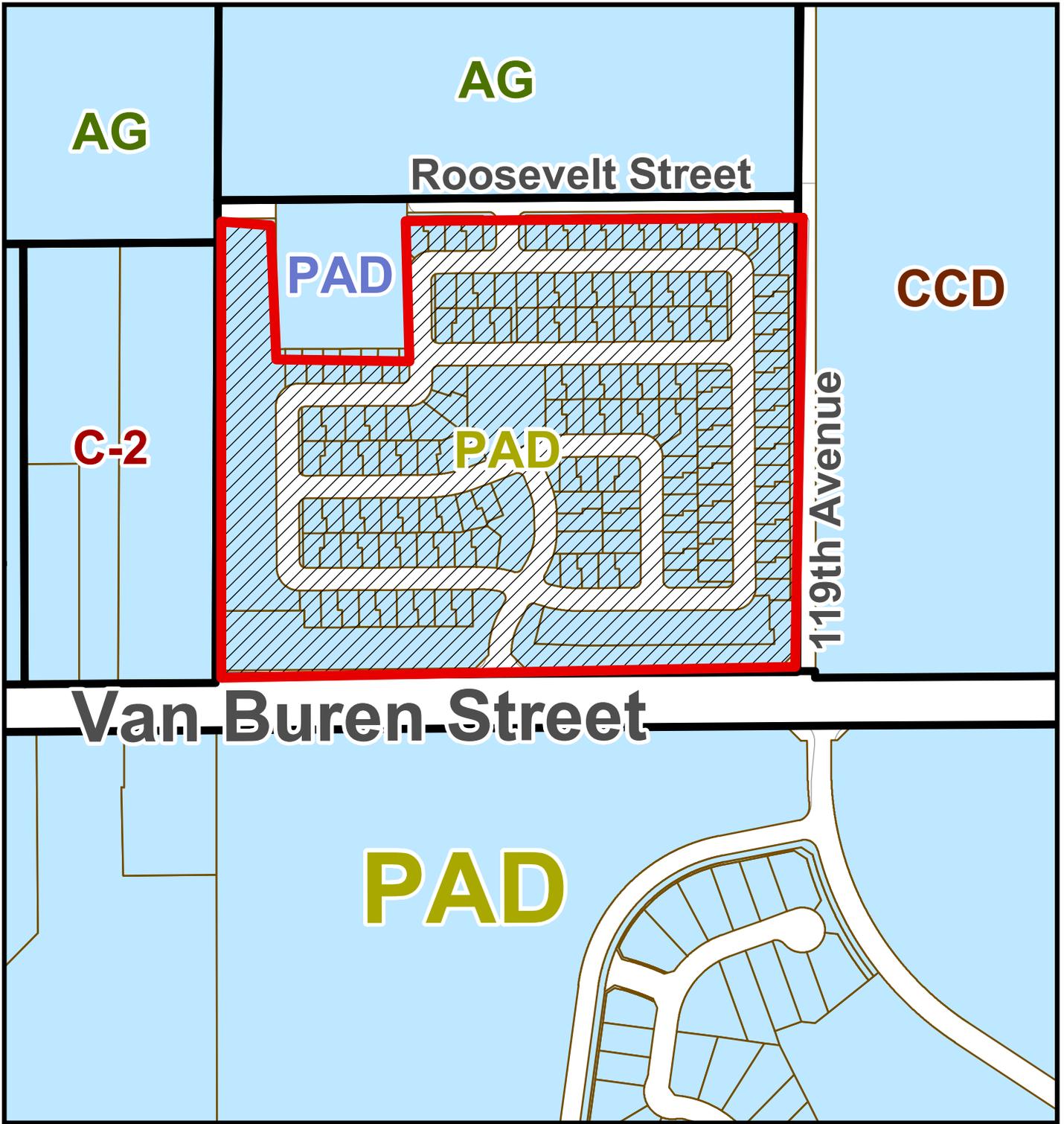
[Exhibit C - Proposed Re-Plat of Desert Springs Village](#)

[Exhibit D - Typical Use and Benefit Easement Concept Plan](#)

[Exhibit E - Conceptual Pinnacle West Homes House Plans and Elevations](#)

PROJECT MANAGER

Ken Galica, Senior Planner (623) 333-4019



Zoning Vicinity Map



Subject Property





Aerial Photograph



 Subject Property



EXHIBIT C – PROPOSED REPLAT

DUE TO ITS SIZE, THIS DOCUMENT
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/36748>

Exhibit D

Typical Use & Benefit Easement
Concept Plan

Exhibit E

Pinnacle West Homes
Conceptual House Plans & Elevations



FRONT ELEVATION
HUNTERS HILL

Scheme #10



FRONT ELEVATION
WESTERN COUNTRY

Scheme #9



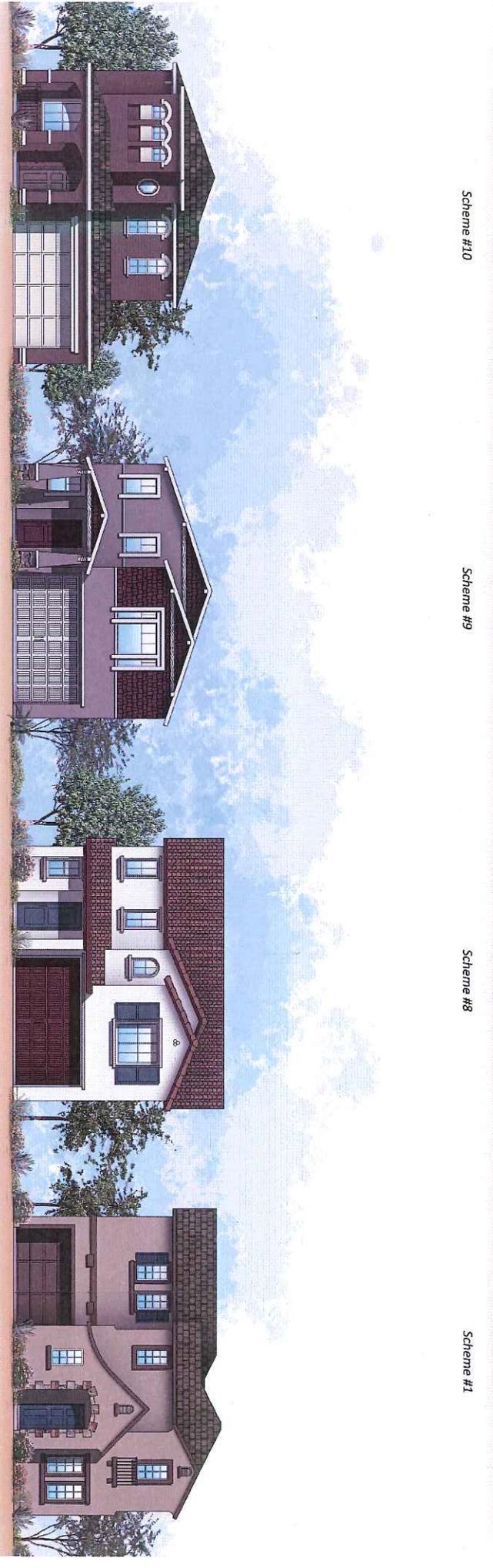
FRONT ELEVATION
TRINITY SPARK

Scheme #8



FRONT ELEVATION
SMART COUNTRY

Scheme #1



FRONT ELEVATION
TULANE

Scheme #7



FRONT ELEVATION
CANTON

Scheme #6



FRONT ELEVATION
SPRING COUNTRY

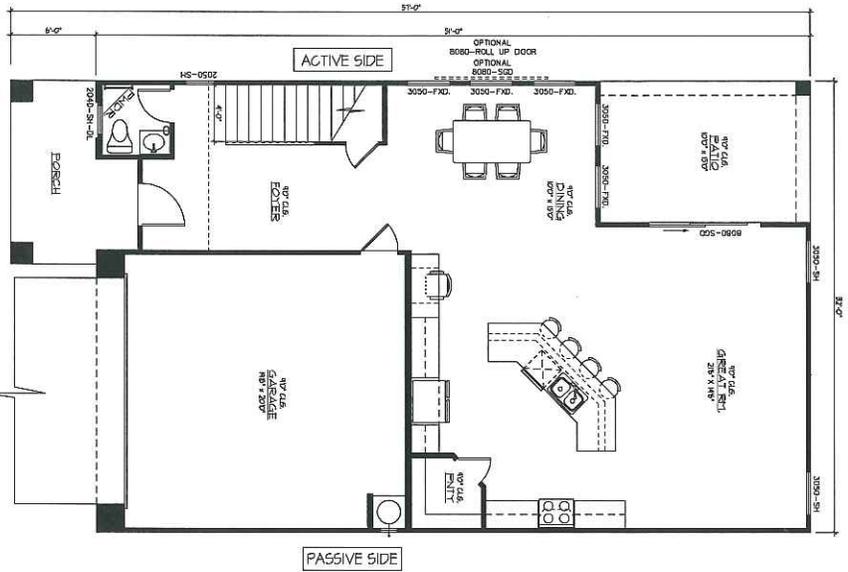
Scheme #2



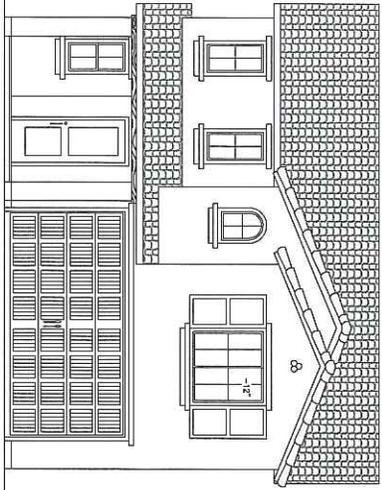
FRONT ELEVATION
MARCHWAY

Scheme #5

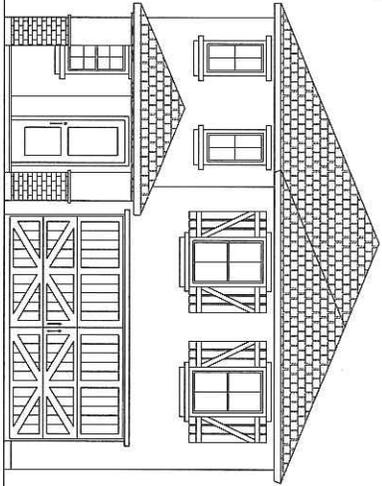
1st FLOOR PLAN
SCALE: 1/8" = 1'-0"



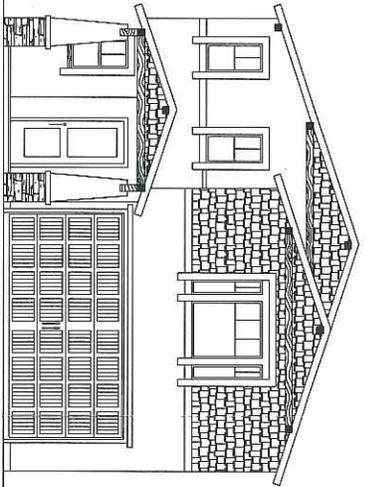
SPANISH COLONIAL



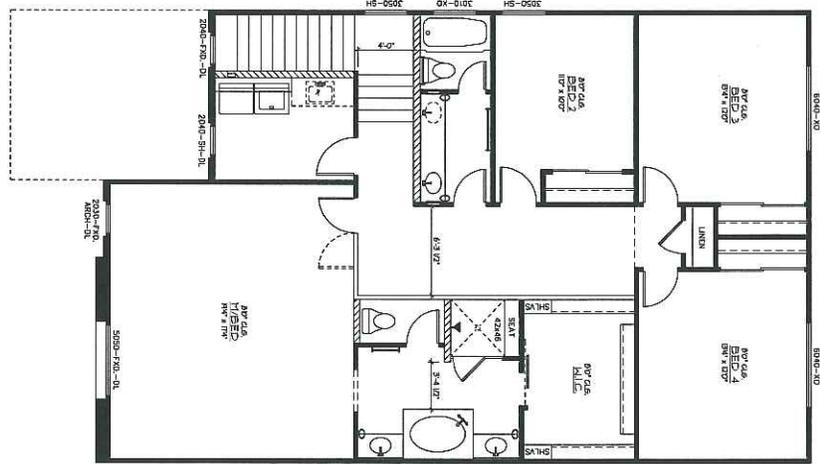
TERRITORIAL RANCH



CRAFTSMAN



ACTIVE SIDE



PASSIVE SIDE

2nd FLOOR PLAN
SCALE: 1/8" = 1'-0"

SQUARE FOOTAGE TABLE	
1st FLOOR LUMBLE:	1028 #
2nd FLOOR LUMBLE:	1452 #
TOTAL LUMBLE:	2480 #
PORCH:	97 #
SITL PANO:	150 #
WALK DECK:	126 #
CHARGE:	402 #
TOTAL NON-LUMBLE:	775 #
TOTAL NEW SF:	3255 #

DRAWING TITLE:
DESERT SPRINGS VILLAGE
PRODUCT EXHIBIT
CITY OF AVONDALE

PROJECT:

1512 S. Sunnyvale Circle, Mesa, Arizona, 85206 Ph. 480.265.5276



DRAWN BY:
KENDALL
6-15-15

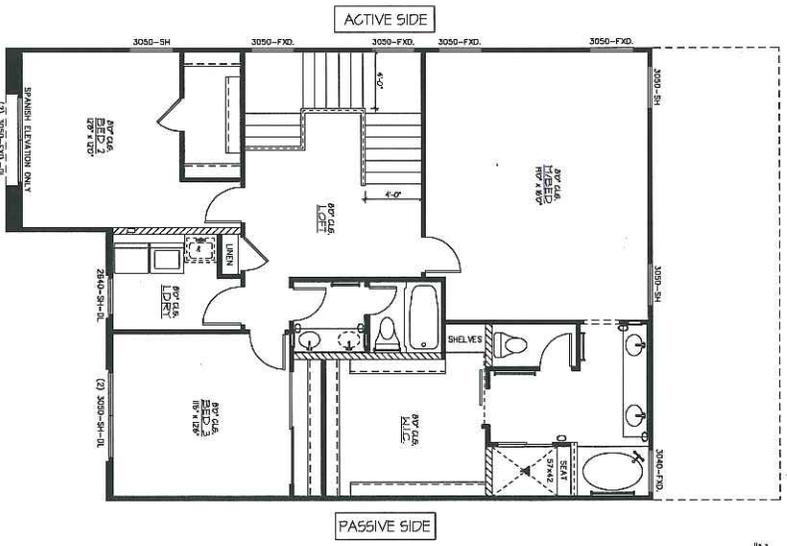
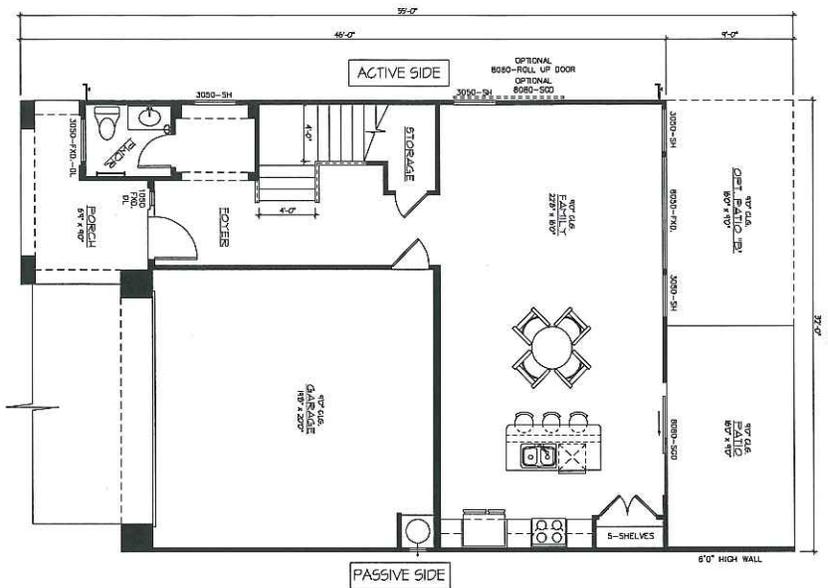
REVISIONS:

- 1
- 2
- 3
- 4
- 5

SHEET NO.
A1.0

Plan
2480

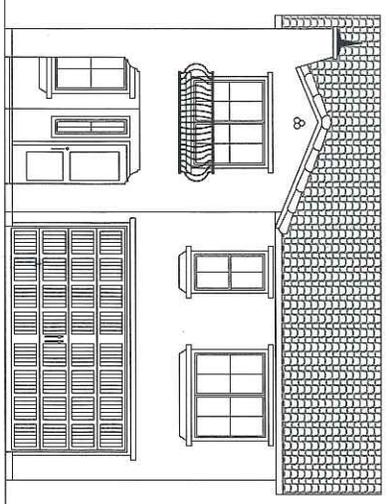
1st FLOOR PLAN



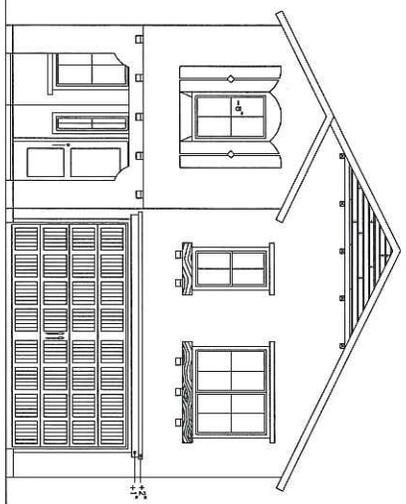
SQUARE FOOTAGE TABLE

1st FLOOR LUMBLE:	814 #
2nd FLOOR LUMBLE:	1248 #
TOTAL LUMBLE:	2062 #
PORCH:	88 #
STL. PATH:	144 #
CARAGE:	440 #
TOTAL NON-LUMBLE:	672 #
TOTAL NEW SF:	2724 #
OPT. PANO-B:	144 #

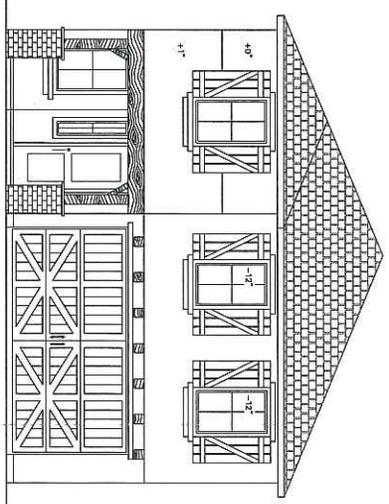
SPANISH COLONIAL



WESTERN COTTAGE



TERRITORIAL RANCH



DRAWING TITLE:
**DESERT SPRINGS VILLAGE
 PRODUCT EXHIBIT
 CITY OF AVONDALE**

DESIGNED BY:
KENDALL

DATE:
6-15-15

REVISIONS:

Δ	
Δ	
Δ	
Δ	

SHEET NO.
A10

Plan
2052

PROJECT:

BAXLEY
 ARCHITECTURAL &
 CONSULTING

1512 S. Sunnyvale Circle, Mesa, Arizona, 85226 Ph. 480.205.5276

Pinnacle West Homes
 ELEVATE YOUR LIFE

7490 E. Baseline Rd. Suite 107, Mesa, AZ 85226 Ph: 602.932.6001



CITY COUNCIL AGENDA

SUBJECT:

Professional Services Agreement - Arthur J. Gallagher Risk Management Services, Inc.

MEETING DATE:

11/16/2015

TO: Mayor and Council**FROM:** Cherlene Penilla, Human Resources Director (623) 333-2218**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff is requesting that the City Council enter into a Professional Services Agreement with Arthur J. Gallagher & Co. for brokerage and consulting services for the Risk Management self-insurance retention program in the amount of \$33,000 for the initial one year base term with four one-year options increasing by \$1,000 each year, with the maximum aggregate not to exceed \$175,000 and authorize the Mayor or City Manager and City Clerk to execute the documents.

BACKGROUND:

The City uses a self-insurance retention program with several insurance carriers for the purpose of insuring auto and general liability claims. The City's Human Resources and Risk Management Department develops and administers the in-house programs needed to manage the City's liability and internal claims administration. Risk Management staff utilize the services of a broker to access the property and liability market to obtain coverage for all the City's buildings, contents and vehicles. Additionally, the City obtains general and auto liability coverage in excess of our \$500,000 self-retention or self-insurance level in the amount of \$20,000,000.00. The broker will act as the connection between the various companies in the marketplace and the City and provide consulting services that will assist the City in evaluating the need for various coverage and programs. The City will pay a flat fee for these services.

DISCUSSION:

The PSA is between City of Avondale and Arthur J. Gallagher & Co. for Brokerage and Consulting Services. Arthur J. Gallagher & Co., will work with the City's Risk Manager to assess the City's risks, identify and negotiate on the City's behalf with insurers and keep the City apprised of significant developments. The consultant shall represent and assist the City in all discussions and transactions with all insurers and perform other services necessary to obtain commitments for and implement the City's insurance program. Additionally, the consultant will monitor financial information of the City's current insurers and inform the City of the status of insurers, keep the City informed of significant changes and trends in the insurance marketplace, review audits, rating adjustments, dividend calculations and loss data. Arthur J. Gallagher will consult with the City regarding specific claims and follow-up with insurers with respect to the timely collection of claims and conduct strategic planning sessions to review current performance and establish future objectives and strategies for the City's risk and insurance program.

BUDGET IMPACT:

The funds for the consultant services are I Line Item 605-5165-00-6450.

RECOMMENDATION:

Staff recommends that the City Council enter into a Professional Services Agreement with Arthur J. Gallagher & Co. for brokerage and consulting services for the Risk Management self-insurance retention program in the amount of \$33,000 for the initial one year base term with four one-year options increasing by \$1,000 each year, with the maximum aggregate not to exceed \$175,000 and authorize the Mayor or City Manager and City Clerk to execute the documents.

ATTACHMENTS:**Description**

[PSA - Arthur Gallagher](#)

PROFESSIONAL SERVICES AGREEMENT - ARTHUR J. GALLAGHER & CO. -
CONSULTING SERVICES FOR RISK MANAGEMENT SELF-INSURANCE
RETENTION PROGRAM

DUE TO ITS SIZE, THIS DOCUMENT
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/36744>



CITY COUNCIL AGENDA

SUBJECT:

Construction Agreement - SRP - 107th Avenue
from Roosevelt Street to Van Buren Street

MEETING DATE:

11/16/2015

TO: Mayor and Council**FROM:** Tracy Stevens, Development and Engineering Services Director, 623-333-4012**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff is requesting that the City Council approve a Construction Agreement with Salt River Project (SRP) to provide design and construction services for irrigation improvements associated with the 107th Avenue from Roosevelt Street to Van Buren Street Improvement Project in the amount of \$342,866, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

The City's current Capital Improvement Program (CIP) includes a project to widen the roadway on 107th Avenue from Roosevelt Street to Van Buren Street. 107th Avenue will be widened to a 5-lane section within the limits. Temporary drainage will be included as well. This project will work in conjunction with SRP irrigation improvements to the west side of 107th Avenue from Roosevelt Street to Van Buren Street.

DISCUSSION:

In order to prepare for the road widening project, the existing SRP irrigation ditch has to be relocated and piped by SRP contractors.

SRP will utilize Aesthetic Funding for the majority of the project costs. The total estimated project costs are \$1,746,000. The City's SRP Aesthetic Fund allocation is \$1,403,134. Any work exceeding the allocated amount is the City's responsibility. Therefore, the City's cost share of the work to be completed is \$342,866.

The scope of work for this project will include, but not be limited to:

- Installation of a 78-inch RGRCP, concrete collars, and manholes.
- Removal of existing irrigation facilities.
- Construction Engineering.

The Project is located within right-of-way the City recently purchased along the west side of 107th Avenue, between Van Buren and Roosevelt Street. Staff is working with SRP on the land swap, as the existing ditch is USA Fee. USA Fee Title land is federally-owned and administered by the U.S. Department of the Interior through the Bureau of Land Management through the Salt River Project.

BUDGET IMPACT:

Funding for this Project in the amount of \$342,866 is available in CIP Street Fund Line Item No. 304-1330-00-8420, 107th Avenue, Roosevelt Street to Van Buren Street.

RECOMMENDATION:

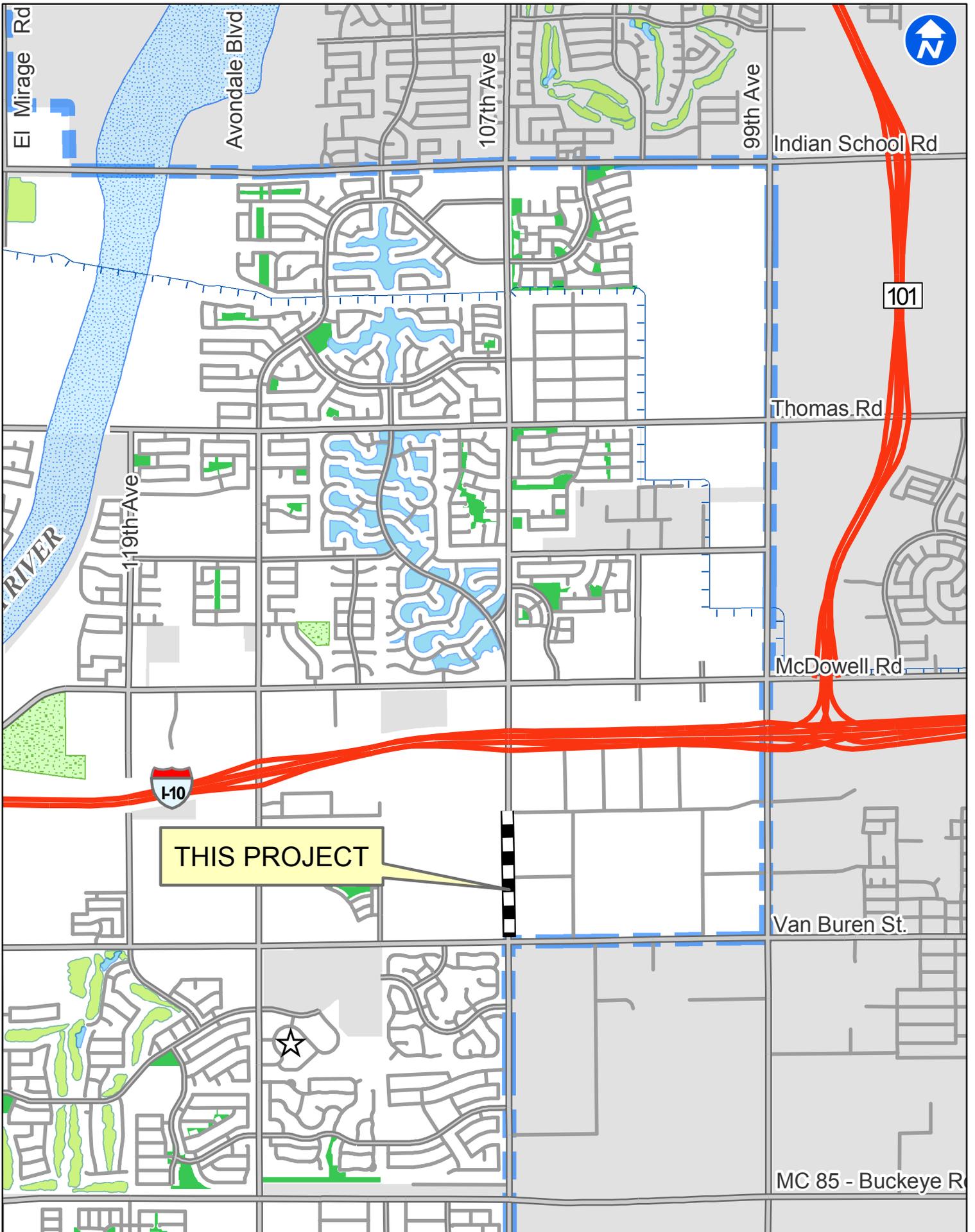
Staff recommends that the City Council approve a Construction Agreement with Salt River Project (SRP) to provide design and construction services for irrigation improvements associated with the 107th Avenue from Roosevelt Street to Van Buren Street Improvement Project in the amount of \$342,866 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:**Description**

[Vicinity Map](#)

[SRP Construction Agreement](#)

City of Avondale



Vicinity Map
107th Avenue - Van Buren St to Roosevelt St



P.O. Box 52025
Mail Station: «Proj_Ldr_MailStop»
Phoenix, Arizona 85072-2025
(602) 236-5900
www.srpnet.com

File: WD-32986
Coord: 1.00E - 5.00N

October 26, 2015

City of Avondale
Attn: Mr. Chris Hamilton
11465 W. Civic Center Drive
Avondale, AZ 85323

RE: City of Avondale
107th Avenue and Van Buren Street

Dear Mr. Hamilton:

In order to proceed with construction of your project, we have prepared, for your review and acceptance, our standard AGREEMENT FOR CONSTRUCTION OF SRP FACILITIES (two copies enclosed). Also enclosed is one copy of final SRP irrigation plans for your project.

We propose to construct the irrigation facilities shown on our plans, as detailed on the Engineering Costs and Construction Bid Summary. Please review the Agreement and return a signed copy of the agreement to Robert Padilla, Water Engineering Manager, at the above address. Note that our cost proposal is only valid to January 15, 2016. If the signed Agreement is not received by this date a new Agreement with updated costs will be necessary if you wish to proceed with the project at a later date.

In order to meet your construction schedule, please allow sufficient lead-time for the manufacture of pipe and scheduling of our work crews. The Notice to Proceed for construction will be available approximately two weeks after receipt of the agreement, and resolution of any land issues.

In the preparation of these plans, considerable efforts have been made to identify and avoid conflicts with other major underground utilities. The costs of unanticipated conflicts, which require changes during construction, are not part of the cost estimate. We will request a change order to cover our increased costs, should conflicts occur.

We appreciate the opportunity to provide engineering and construction services for your project. If you have any questions concerning the agreement, plans or specifications, contact the Project Leader, Victor Lucero, at (602) 236-5586 or email at Victor.Lucero@srpnet.com. Tonja Garfinkel at (602) 236-4951, can answer questions concerning scheduling or the construction proposal. Please reference our file number WD-32986 on any correspondence regarding this project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert E. Larchick".

Robert E. Larchick, P.E.

Director, Water Engineering and Groundwater

vl:kjt
Enclosure



AGREEMENT FOR CONSTRUCTION OF SRP FACILITIES

This Agreement for construction, modification or relocation of SRP irrigation facilities ("Agreement") is entered into between the Salt River Valley Water Users' Association, a corporation organized under the laws of the Territory of Arizona, ("SRP"), and the City of Avondale, an Arizona municipal corporation ("City"). SRP and City may be referred to as "Party", or collectively as "Parties".

WHEREAS, City has requested that SRP irrigation facilities be modified or relocated to accommodate certain improvement or other development needs of City for City of Avondale, 107th Ave/Van Buren St located at 107th Avenue and Van Buren Street, AND;

WHEREAS, SRP is willing to construct such accommodation, in whole or in part, or to permit the City to construct such accommodation in whole or in part ("Work") with certain conditions.

THEREFORE, in consideration of the matters described herein and of the mutual benefits and obligations set forth herein, SRP and City agree as follows:

- 1) SRP shall perform the Work listed on the Construction Bid Summary Section I, and optional Section II if offered by SRP and selected by the City. The Construction Bid Summary is attached hereto as Exhibit A. The Work is further detailed in SRP's Plans & Specifications, which are attached hereto as Exhibit B.
- 2) City shall select the desired option below by checking the box.

X OPTION A - Work that must be performed by SRP exceeding City aesthetic fund allocation. City shall pay SRP \$342,866 as set forth in Section I of Exhibit A.

 OPTION B NOT AVAILABLE - Work that must be performed by SRP and optional pipeline construction by SRP. City shall pay SRP \$ N/A as set forth in Sections I and II of Exhibit A.
- 3) The City shall perform any Work not included in the Work to be performed by SRP and comply with following conditions:
 - a. City shall obtain such other licenses, permits, and agreements as required by any governing bodies having jurisdiction over the location which is the subject hereof.
 - b. Construction shall not commence until receipt of SRP's Notice to Proceed.



- c. City shall notify the SRP inspector and request a dryup if necessary to perform the Work. SRP cannot assure a dryup, which may only be possible for brief periods and certain times of the year.
 - d. City shall be liable for any and all damage to the property of the United States of America (USA), SRP, the Salt River Project Agricultural Improvement and Power District, or any other party, caused by or arising out of its performance hereunder, or the performance of any of its contractors or subcontractors. To the extent permitted by law, City shall indemnify and hold harmless the USA, SRP and the Salt River Project Agricultural Improvement and Power District (Indemnitees), against and from any claims, actions, loss, damage, costs, expenses, or other liabilities for property damage or personal injuries in any way caused by or arising out of the City's performance hereunder, or the performance of its contractors or subcontractors. City's obligations to Indemnitees pursuant to this paragraph shall extend to and encompass all costs incurred by Indemnitees in defending against such claims or actions, and shall survive termination of this Agreement.
 - e. City warrants that construction shall conform to SRP plans and specifications and be free from defects in material and workmanship. If defect in materials or workmanship or other non-conformance with plans and specifications appears within one year from the date of SRP acceptance, and SRP so notifies City within a reasonable time after its discovery, City shall immediately correct the non-conformity at City's sole cost and expense within thirty (30) calendar days of notice by SRP. If City fails to correct the non-conformity within the time period specified by SRP, SRP may correct the non-conformity and City will pay for the cost of performing the Work.
 - f. In the event the City is unable to complete its Work, SRP shall have the right, but not be obligated, to complete the Work by whatever method SRP deems appropriate. This includes providing or obtaining any labor, materials or equipment and perform any part of the incomplete Work or Work that must be redone. The cost of completing the Work, along with reasonable administrative charges or other damages caused by delays in completing the Work shall be charged to City.
- 4) Changes to the plans and specifications will only be made by SRP. SRP shall provide City with prior written notice of any changes in costs. City must agree in writing to any changes in cost to the City.
 - 5) This Agreement shall be governed in all respects by the laws of the state of Arizona.
 - 6) Either Party may terminate this Agreement at any time by providing thirty (30) days written notice to the other Party. In the event the City desires to terminate



this Agreement prior to the completion of SRP's work, City shall reimburse SRP for the actual costs incurred as well as reasonable costs required to restore SRP's facilities.

- 7) If City's sub-contractor(s) file a lien against the premises where the Work and services are being performed, City shall, at its own expense, promptly take any and all action necessary to cause any such lien to be released or discharged. If City does not satisfy the lien in a prompt manner, SRP may satisfy the amount of the lien and then City shall reimburse SRP for the amounts paid in settling the lien.
- 8) In the event of dispute involving the terms of this Agreement or an allegation of material breach by either Party, the Parties reserve all rights and remedies, arising by law or equity, but shall waive any right to demand a trial by jury in an action commenced in court with respect to any legal proceeding arising out of or relating to this Agreement.
- 9) This Agreement is subject to the provisions of ARIZ. REV. STAT. § 38-511.
- 10) This Agreement is subject to the provisions of ARIZ. REV. STAT. § 42-17106.
- 11) Notices:

If to City:
City of Avondale
Mr. Chris Hamilton
11465 W Civic Center Drive
Avondale, AZ 85323

If to SRP:
SRP
Attn: Robert Larchick
Water Engineering and Groundwater, MS PAB 106
P.O. Box 52025
Phoenix, Arizona 85072-2025
- 12) This Agreement is binding upon the Parties hereto, their respective successors and assigns.
- 13) To the extent applicable under ARIZ. REV. STAT. § 41-4401, SRP and its subcontractors warrant compliance with all federal immigration laws and regulations that relate to their employees and compliance with the E-verify requirements under ARIZ. REV. STAT. § 23- 214(A). SRP's or its subcontractor's failure to comply with such warranty shall be deemed a material breach of this Agreement and may result in the termination of this Agreement by the City.



- 14) All data, regardless of form, including originals, images and reproductions, prepared by, obtained by, or transmitted to SRP in connection with this Agreement is confidential, proprietary information owned by the City. Except as specifically provided in this Agreement, SRP shall not disclose data generated in the performance of the services to any third person without the prior written consent of the City, or its designee.
- 15) In the event there is a breach of this Agreement, the prevailing Party to litigation shall be entitled to its reasonable attorney's fees and court costs. It is further understood and agreed that in the event any dispute arises regarding this Agreement or the terms and conditions hereof, the sole venue for litigation regarding this Agreement shall be in the Courts of Maricopa County, Arizona.
- 16) Pursuant to ARIZ. REV. STAT. §§ 35-391.06 and 35-393.06, SRP certifies that it does not have scrutinized business operations in Sudan or Iran. For the purpose of this subsection the term "scrutinized business operations" shall have the meanings set forth in ARIZ. REV. STAT. § 35-391 or 35-393, as applicable. If the City determines that SRP submitted a false certification, the City may impose remedies as provided by law including terminating this Agreement.
- 17) This Agreement represents the entire agreement of the Parties and supersedes all negotiations, representations, prior discussions or preliminary agreements between the Parties. No statements, warranties or representations of any kind not created in this Agreement shall in any way bind the Parties. This Agreement can only be changed or modified by a writing signed by all of the Parties hereto.
- 18) No term or provision of this Agreement that is determined by a court of competent jurisdiction to be invalid or unenforceable shall affect the validity or enforceability of the remaining terms and provisions of this Agreement. Any term found to be invalid or unenforceable shall be deemed as severable from the remainder of the Agreement.
- 19) This Agreement is not intended to constitute, create, give rise to, or otherwise recognize a joint venture, partnership or formal business association or organization of any kind, and the rights and obligations of the Parties shall be only those expressly set forth in this Agreement. The Parties agree that no individual performing under this Agreement on behalf of SRP will be considered a City employee, and that no rights of City civil service, City retirement or City personnel rules shall accrue to such individual. SRP shall have total responsibility for all salaries, wages, bonuses, retirement, withholdings, worker's compensation, other employee benefits, and all taxes and premiums appurtenant thereto concerning such individuals and shall save and hold harmless the City with respect thereto.

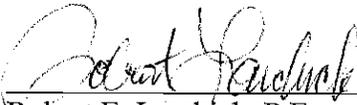


- 20) SRP shall comply with all existing and subsequently enacted federal, state and local laws, ordinances, codes, and regulations that are, or become applicable to this Agreement. If a subsequently enacted law imposes substantial additional costs on SRP, a request for an amendment may be submitted.
- 21) This Agreement is in the nature of a personal services agreement and SRP shall have no power to assign its rights and obligations under this Agreement without the prior written consent of the City. Any attempt to assign without such prior written consent shall be void.
- 22) This Agreement is may be canceled by City for a conflict of interest pursuant to Arizona Revised Statutes §38-511.

IN WITNESS HEREOF, each Party has caused the execution of this Agreement by the undersigned, who is vested with authority to bind such Party to the terms and conditions herein.

“SRP”
Salt River Valley Water Users’
Association, an Arizona corporation

“City”
City of Avondale, an Arizona
municipal corporation



Robert E. Larchick, P.E.
Director
Water Engineering and Groundwater

City Representative

10/26/2015

Date Signed

Title of Representative

Date Signed

EXHIBIT A Aesthetics Total

WD-32986
City of Avondale
107th AVE & VAN BUREN STREET

SECTION I - Items by SRP (AESTHETICS)

Item	Item Description	TASK	Unit	Quantity	\$/Unit	Net Bid
1.	Design Engineering		LS	1	62,974	62,974
2.	Construction Engineering	10	LS	1	1,046	1,046
3.	Project Supervision	11	LS	1	2,190	2,190
4.	Administrative Support	12	LS	1	4,557	4,557
5.	As Built Drawings	13	LS	1	3,318	3,318
6.	Inspection	15	LS	1	6,895	6,895
7.	Cost & Scheduling	16	LS	1	3,310	3,310
8.	Survey	17	LS	1	10,994	10,994
9.	78" RGRCP Class 5	81	LF	1850	669.46	1,238,503
10.	Manholes	52	EA	3	30,396	91,187
11.	Barricades, Traffic Control, Security, Safety	87	LS	1	110,691	110,691
12.	Mobilize, Dust Control, Bluestake	58	LS	1	35,700	35,700
13.	Trucking & Dump Fees	89	LS	1	75,765	75,765
14.	Construction Supervision	38	LS	1	18,170	18,170
15.	Removal Items	57	LS	1	80,700	80,700

SECTION I TOTALS = 1,746,000

TOTAL AESTHETICS FUNDING = 1,403,134

UNFUNDED AESTHETICS COSTS - CITY RESPONSIBILITY = \$342,866

NOTES:

1. Items listed within Bid Summary constitute a total bid valid for 90 days until: **February 15, 2016**
2. This Construction Estimate Bid Summary was prepared by SRP Water Construction.
3. All utility conflicts must be resolved and completed prior to arrival of SRP Constructions Crews.
4. This Estimate was prepared with input from Water Construction.



CITY COUNCIL AGENDA

SUBJECT:

Cooperative Purchasing Agreements - Dell Marketing LP and Ricoh USA, Inc.

MEETING DATE:

11/16/2015

TO: Mayor and Council**FROM:** Rob Lloyd, Chief Information Officer (623) 333-5011**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff request that the City Council approve the multi-year purchase agreements with Dell Marketing LP and Ricoh USA, Inc. for the purchase of computers, peripherals, copiers, printers, faxes, and maintenance and support for City departments not to exceed an aggregate total of \$1,486,000, \$675,000, respectively, and authorizing the Mayor or City Manager and City Clerk to execute the agreements.

BACKGROUND:

The City's consolidated Technology Equipment Replacements program and Internal Services Fund accrues monies for replacement of computing and reprographic equipment used by City staffs on defined lifecycles. Equipment rotations and funding are approved by City Council as part of the annual budget process. Fiscal Year 2016 technology replacements are published on page 279 of the City's 2015-2016 Annual Budget and Financial Plan.

The requested agreements would allow the Finance and Budget and Information Technology departments to execute purchases of scheduled replacement computers, copiers, maintenance, and related equipment as approved by City Council each fiscal year. The cooperative nature of the contract provides the City of Avondale with access to discounts resulting from the large, aggregated purchasing power of many states. The proposed purchase agreement use the cooperative awards and State of Arizona participating addenda to access that pricing—Dell on State of Arizona contract ADSPO16-098163; and Ricoh on State of Arizona contract ADSPO13-050373.

These agreements replace expired contracts 13377c and 13539c that were previously approved by City Council. New bids, cooperatives awards, and State of Arizona addenda require the City to refresh the agreements on record to continue to access the purchasing vehicles.

DISCUSSION:

The proposed purchase agreements will be used to execute the Technology Equipment Replacements Schedule and related purchases as approved by the Mayor and City Council in the annual budget process and as permitted by the availability of funds. The agreements are written as "up-to" contracts, which allows for purchases that do not exceed the stated maximum value and only as requested by the City. No purchases are required under the contract, minimizing risk. Further, continuation of the City's agreements in future year requires extension by the respective contracting alliance, the State of Arizona, and the City of Avondale.

Annual values are defined using the Technology Equipment Replacements Schedule from the City's budget process, plus \$25,000 per year of extra capacity on the Dell contract to support special grant and project needs that can arise. Note that some years carry significantly more computers to be replaced, resulting in totals that fluctuate.

The Finance and Budget and Information Technology departments work together to facilitate all computer purchases made by departments. Requests are held to the City's procurement and IT procedures for purchasing, asset tracking, and compatibility.

BUDGET IMPACT:

For Fiscal Year 2016 through Fiscal Year 2020, expenditures capacity totals up to \$2,161,000. Actual expenditures will be less as they will be based on allocation of funds by the Mayor and City Council in the annual budget processes, departmental requirements, and on available revenues to make purchases.

The breakdown of planned replacements and fiscal year purchasing capacities are as follows:
Dell Marketing LP

- FY2016 = Up to \$401,000 (\$376,000 + \$25,000)
- FY2017 = Up to \$289,000 (\$264,000 + \$25,000)
- FY2018 = Up to \$105,000 (\$80,000 + \$25,000)
- FY2019 = Up to \$290,000 (\$265,000 + \$25,000)
- FY2020 = Up to \$401,000 (\$376,000 + \$25,000)
- Aggregate Total Capacity = Up to \$1,486,000

Ricoh USA, Inc.

- FY2016 = Up to \$225,000
- FY2017 = Up to \$225,000
- FY2018 = Up to \$225,000
- Aggregate Total Capacity = Up to \$675,000

Expenditures will primarily be made through accounts 603-5120-00-7085, 530-5120-00-7085, 531-5120-00-7085, 532-5120-00-7085, 604-5300-00-6310, 604-5300-00-7012, 604-5300-00-7080, 604-5300-00-7990, and 604-5300-00-8012.

RECOMMENDATION:

Staff recommends that City Council approve the multi-year purchase agreements with Dell Marketing LP and Ricoh USA, Inc. for the purchase of computers, peripherals, copiers, printers, faxes, and maintenance and support for City departments not to exceed an aggregate total of \$1,486,000, \$675,000, respectively, and authorizing the Mayor or City Manager and City Clerk to execute the agreements.

ATTACHMENTS:

Description

[CPA - Dell and Ricoh](#)

COOPERATIVE PURCHASING AGREEMENTS:

RICOH USA, INC.

DELL MARKETING LIMITED PARTNERSHIP

DUE TO ITS SIZE, THIS DOCUMENT

HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

RICOH: <http://www.avondale.org/DocumentCenter/View/36746>

DELL: <http://www.avondale.org/DocumentCenter/View/36747>



CITY COUNCIL AGENDA

SUBJECT:

First Amendment to Cooperative Purchase Agreement - Cactus Transport, Inc. for Crack Seal Asphalt Services

MEETING DATE:

11/16/2015

TO: Mayor and Council**FROM:** Tracy Stevens, Development and Engineering Services Director, 623-333-4012**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff is requesting that the City Council approve Amendment 1 to a Cooperative Purchasing Agreement with Cactus Transport, Inc. d/b/a Cactus Asphalt to provide asphalt crack seal services in an amount of \$300,000/year for an aggregate not-to-exceed amount of \$650,000 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

City staff continuously researches preservative treatments that most efficiently meet preservation needs. Several factors are used to evaluate pavement preservation strategies including age, history of prior treatments, current pavement conditions, and usage. With the assistance of the Pavement Management System (PMS) and in conjunction with the appropriated budget, staff determines the best treatment and prioritizes the streets to be treated.

Maricopa County currently has a contract with Cactus Transport, Inc. d/b/a Cactus Asphalt to provide asphalt repairs and crack seal services. The Maricopa County Contract contains cooperative use language which extends the use of the contract to other municipalities. On March 16, 2015, City Council approved a Cooperative Purchasing Agreement with Cactus Asphalt in an amount not-to-exceed \$50,000 per fiscal year, for an aggregate Agreement amount not-to-exceed \$150,000.

DISCUSSION:

Staff has determined that additional asphalt crack sealing services are needed. A critical element of the "system" of preservation treatments and choices for premier pavement management is sealing of cracks that develop in city roadways. Sealing cracks prevents water from seeping into soils supporting the road surface and sealing cracks prior to preservation treatments prolongs the life of those treatments. Today's crack seal processes are more effective than ever using polymer modified, environmentally friendly, hot pour rubberized sealants that last a long time and provide superior protection.

SCOPE OF WORK:

The scope of work for this project will include:

- Select city roadways that require refreshing or new crack seal (typically just ahead of programmed preservation treatments).
- Clean and prepare cracks in roadways.
- Provide adequate traffic control to prevent sealant from getting on motorist tires.
- Apply rubberized hot pour crack sealant.
- Clean-up as required.

The streets selected to be treated are in all areas of the city.

BUDGET IMPACT:

Maricopa County's Agreement with Cactus Asphalt is effective through September 30, 2017. City staff would like to utilize this Agreement with Cactus Asphalt for this Term. The Initial Term of the Agreement was through September 30, 2015, and in an amount not-to-exceed \$50,000. Amendment 1 will increase the annual not-to-exceed amount to \$300,000/year for the remaining two years of the Agreement. The aggregate compensation amount for the entire Term of the Agreement is an amount not-to-exceed \$650,000, subject to availability and appropriation of funds, in CIP Street Fund Line Item No. 304-1020-00-8420, Citywide Preventive Street Maintenance.

RECOMMENDATION:

Staff recommends that the City Council approve Amendment 1 to a Cooperative Purchasing Agreement with Cactus Transport, Inc. d/b/a Cactus Asphalt to provide crack seal asphalt service and repair in an amount of \$300,000/year for an aggregate not-to-exceed amount of \$650,000 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Description

[CPA first amendment - Cactus Asphalt](#)

**FIRST AMENDMENT
TO
COOPERATIVE PURCHASING AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
CACTUS TRANSPORT, INC.
d/b/a CACTUS ASPHALT**

THIS FIRST AMENDMENT TO COOPERATIVE PURCHASING AGREEMENT (this "First Amendment") is entered into as of November 16, 2015, between the City of Avondale, an Arizona municipal corporation (the "City"), and Cactus Transport, Inc., an Arizona corporation, d/b/a Cactus Asphalt (the "Contractor").

RECITALS

A. After a competitive procurement process, Maricopa County, Arizona (the "County") entered into Serial Contract No. 11067-S dated September 28, 2011, and revised on September 25, 2014, with the Contractor for the Contractor to provide asphalt service and repair (the "County Contract").

B. The City and the Contractor entered into a Cooperative Purchasing Agreement, No. 14062C, dated March 16, 2015, based upon the County Contract (the "Agreement"), for the Contractor to provide the City with crack seal asphalt materials and services (the "Materials and Services"). All capitalized terms not otherwise defined in this First Amendment have the same meanings as contained in the Agreement.

C. The City has determined that additional Materials and Services by the Contractor are necessary (the "Additional Materials and Services").

D. The City and the Contractor desire to enter into this First Amendment to (i) provide for the cost of and purchase the Additional Materials and 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 of the Agreement is hereby extended and shall remain in full force and effect until September 30, 2016, unless terminated as otherwise provided pursuant to the terms and conditions of the Agreement.

2. Compensation. The City shall pay Contractor up to \$300,000.00 per renewal term for the Additional Materials and Services, (i) increasing the annual not-to-exceed amount from

\$50,000.00 to \$300,000.00 at the rates set forth in the County Contract for the first renewal term and the second renewal term, if any, and (ii) increasing the aggregate not-to-exceed compensation for the entire Term, from \$150,000.00 to \$650,000.00.

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, City Manager

ATTEST:

Carmen Martinez, City Clerk

(ACKNOWLEDGMENT)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On _____, 2015, before me personally appeared David W. Fitzhugh, the City Manager of the CITY OF AVONDALE, an Arizona municipal corporation, whose identity was proven to me on the basis of satisfactory evidence to be the person who he claims to be, and acknowledged that he signed the above document, on behalf of the City of Avondale.

Notary Public

(Affix notary seal here)

[SIGNATURES CONTINUE ON FOLLOWING PAGE]



CITY COUNCIL AGENDA

SUBJECT:

Resolution 3280-1115 - Title VI Implementation Plan Relating to Public Transportation Services

MEETING DATE:

11/16/2015

TO: Mayor and Council**FROM:** Pier Simeri, Community Relations and Public Affairs Director (623) 333-1611**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff requests the City Council approve a Resolution adopting the City of Avondale Title VI Implementation Plan relating to public transportation in order to ensure compliance with the applicable requirements and be entitled to receive federal funds for the program. The Title VI Implementation Plan will continue to provide the community with access to transit and transit amenities without regards to race, color, or national origin.

BACKGROUND:

The Civil Rights Act of 1964 prohibits discrimination on the basis of race. Section 601 of Title VI of the Civil Rights Act of 1964 states that "No person in the United States shall, on grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

To achieve the purpose of Title VI, Federal department and agency which provides financial assistance for any program or activity is authorized and directed by U.S. Department of Justice to evaluate provisions of Title VI for each program or activity by issuing generally applicable rules, regulation, or requirements.

This implementation plan does not impact services that our residents have come to expect.

DISCUSSION:

It is the responsibility of applicants, recipients and subrecipients of Federal Transit Administration (FTA) assistance, to distribute transit services and related benefits in a manner consistent with Title VI. As a subrecipient of Federal Funds from the City of Phoenix, and to ensure compliance with the requirements of Title VI, the City of Avondale is required to implement a Title VI Plan and submit updates to the City of Phoenix every three years as part of the Triennial Review.

Some elements of the Title VI Implementation plan are:

- Notice to the Public – this is Avondale notice to the public that we will operate our transit programs and services without regard to race, color, national origin or disability
- Complaint Procedures – this section of the report states that any person who believes she or he has been discriminated against on the basis of race, color, or national origin by Valley Metro or our transit service provider may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form or by calling Valley Metro's Customer Service.

- Public Participation Plan – this states that the City of Avondale and Valley Metro are engaging the public in its planning and decision-making processes, as well as its marketing and outreach activities.
- Limited English Proficiency Plan (LEP) - Valley Metro conducted a thorough LEP four factor analysis and resulting Language Access Plan to be utilized by all Valley Metro member agencies. This Language Access Plan, as set forth below, will be utilized by the City of Avondale to ensure compliance with its obligations to Limited English Proficiency (LEP) persons under Title VI. The City of Avondale will provide language assistance to LEP persons in a competent and effective manner that will help ensure that their services are safe, reliable, convenient and accessible to those persons.

BUDGET IMPACT:

There is no financial impact.

RECOMMENDATION:

Recommend approving resolution adopting the Title VI Implementation Plan.

ATTACHMENTS:

Description

[RESOLUTION 3280-1115](#)

RESOLUTION 3280-1115

**ADOPTING THE CITY OF AVONDALE TITLE VI IMPLEMENTATION PLAN
RELATING TO PUBLIC TRANSPORTATION SERVICES**

**DUE TO ITS SIZE, THIS DOCUMENT
HAS BEEN POSTED SEPARATELY**

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/36754>



CITY COUNCIL AGENDA

SUBJECT:

Public Hearing and Ordinance 1591-1115 -
Rezoning the Southeast Corner of Third Street
and Hill Drive

MEETING DATE:

11/16/2015

TO:

Mayor and Council

FROM:

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

THROUGH:

David Fitzhugh, City Manager (623) 333-1014

REQUEST:

Rezone from R-4 Multi-Family to Historic Avondale Infill Overlay (HAIO)

PARCEL SIZE:

Approximately .92 Acres

LOCATION:

Southeast corner of 3rd Street and Hill Drive (Exhibits A - C)

APPLICANT:

City of Avondale

OWNER:

Multiple Owners, including the City of Avondale

BACKGROUND:

The subject property was incorporated as part of the City of Avondale's original townsite on December 16, 1946. Upon adoption of the City's new zoning map in 1990, the property was zoned R-4 (Multiple Family Residential). The property remains zoned R-4, which allows for the development of both single family residences and multi-family housing.

The subject property had been previously developed with one-story apartment buildings that, over time, fell into disrepair resulting in crime and blight issues for the surrounding neighborhood. In 2014, using federal Neighborhood Stabilization Program funds, the City acquired the property, demolished the apartment buildings, and constructed four single family attached residences as part of the phase one development. Phase two consists of two additional residences planned for the rear (south end) of the property with phase three eventually completing the project with four additional units being constructed on the two adjacent parcels to the west.

SUMMARY OF REQUEST:

Hill Tract Estates is a unique single family attached development that does not fit into any of Avondale's traditional zoning districts. The vision behind the development places an emphasis on the proximity to Western Avenue and promotes pedestrian oriented circulation in the historic downtown area. The development feature average lot sizes of 2,590 square feet which are

perpendicular to Hill Drive. The front entrances to the homes face inward across from each other creating a courtyard atmosphere. Parking garages for the attached single-family homes are located at the rear of the property and are accessed off of 3rd and 5th Avenues. The development features zero setback lot lines internally with five foot street side setbacks adjacent to Hill Drive and the alley in the rear of the property. Maximum heights for the structures are consistent with the current R-4 zoning at 45-feet. All permitted, permitted with conditions, and conditionally permitted uses per the standard R-4 Zoning District shall remain in full force and effect.

Requested Development Standards are as follows - Differences from current R-4 are noted in **bold**:

District	R-4	HAIO
Maximum units allowed	1 unit for every 1,452 sf net site area	1
Minimum lot width	50'	35'
Minimum lot depth	100'	65'
Maximum height	45'	45'
Maximum building coverage	50%	--
Minimum setbacks: Front Yard	25'	10'
Side Yard	15'	5'
Interior Side Yards	N/A	0'
Rear Yard	15'	7'
Street Side	25'	5'

PARTICIPATION:

The Development and Engineering Services Department conducted a neighborhood meeting to offer interested parties an opportunity to discuss the proposal on Wednesday, September 16th, at 6:00 P.M. at the Sam Garcia Public Library located in the Historic Downtown Avondale District. The meeting was advertised in the September 1, 2015 edition of the West Valley View. A notification sign was erected on the subject property on August 31, 2015. Additionally, 96 property owners within 500 feet of the subject property were notified of the meeting by letters sent by the applicant on August 31, 2015. Three members of the public attended the neighborhood meeting. Planning staff gave a brief overview of the proposed rezoning and then opened the floor for general questions. The residents asked questions regarding the City's desire to acquire additional parcels of land in the area and build more homes, what the new home developments were going to look like, when construction was scheduled to begin, and what the process was for purchasing one of the new homes. Staff stated that they were not aware of any additional impending acquisitions in the area, that the phase two development would be a continuation of the existing development, that construction was slated for the first of the year, and that anyone interested in purchasing one of the new homes should contact the Neighborhood and Family Services Department with the City of Avondale for the process (Exhibit D).

Letters notifying nearby property owners of this Planning Commission meeting were mailed on July 24, 2015. Additionally, a notice of the Planning Commission hearing was published in the West Valley View on July 29, 2015.

Letters notifying nearby property owners of the November 16, 2015 City Council meeting were mailed on October 29, 2015. The sign was updated to include the date, time, and location of the City Council meeting on October 29, 2015. Additionally, a notice of the City Council hearing was published in the West Valley View on October 27, 2015.

PLANNING COMMISSION ACTION:

The Planning Commission conducted public hearings on the request on October 15, 15 (Exhibit G).

Commission had the following questions and comments:

Commissioner Pineda asked about the zoning for Phase I. Mr. Williams responded that the request will bring the existing and future phases in conformance with the proposed development standards.

No one from the public spoke in support or opposition to the requested rezone.

Upon conclusion of the public hearing, the Commission voted 7-0 to recommend approval of the requested rezone from R-4 to Historic Avondale Infill Overlay.

ANALYSIS:

The subject property lies within the boundaries of the Historic Avondale Infill Overlay District (HAIO). The purpose of this district is to promote and facilitate the development and redevelopment of vacant, underutilized, or abandoned properties within the City's revitalization area. It has been established as a method to address potentially incompatible development standards while maintaining the character of the surrounding area. Site specific development standards and performance requirements are established at the time of the overlay zoning. It is the intent of this district to:

- Accommodate growth by encouraging and facilitating new development on vacant and underutilized land in areas that already have infrastructure, utilities, and public facilities.
- Encourage the use of innovative approaches to development that utilize sustainable development practices and incorporate environmental performance standards.
- Provide flexibility in development standards to facilitate infill development and redevelopment.
- Encourage pedestrian-oriented design and development consistent with the historic character.
- Promote a positive artistic environment within the district.

Phase I of the development project is complete and the first four homes have been purchased. It is anticipated that Phase II of the development, development of the two remaining parcels, will commence on or about the first of the year. Phase III, the development of the recently acquired parcels to the west, has yet to be determined. If approved, the rezone request currently under review would bring the existing developments into conformance with the HAIO Zoning District and would provide appropriate zoning and development standards for Phases II & III.

FINDINGS:

Section 504-F of the City's Zoning Ordinance states that any application requesting a rezone to the HAIO District must meet specific findings. Listed below are the required findings followed by response in italics:

- a. The project will further the objectives of the General Plan and not adversely affect the historic character of the community.

Land Use Element, Goal 2, Policy C - Preserve and enhance the vitality of existing neighborhoods in and around the Historic Avondale area by continuing to promote the rehabilitation of mature housing and the development of infill lots.

The subject property had previously been developed with one-story apartment buildings that fell into despair and became a dilapidated hub for crime and blight. The overwhelming success of Phase I redevelopment plan has transformed a problem area of the past into a vibrant new urbanistic development that strengthens the fabric of the community with local home ownership.

Economic Element, Goal 6, Policy E – Periodically evaluate the Commercial and Residential Infill Incentive Plans, the Old Town Avondale Zoning District/Design Guidelines, and other tools that support redevelopment.

The main purpose of the HAIO District is to promote and facilitate the development and redevelopment of vacant, underutilized, or abandoned properties within the City’s revitalization area. The HAIO District was created specifically as a method to address potentially incompatible development standards while maintaining the character of the surrounding area. As previously stated, the Hill Tract Estates is a unique development that doesn’t fit into any traditional zoning district Avondale has to offer. The HAIO District provides a district where creative development standards are encouraged in order to promote redevelopment and maintain the character of the surrounding area.

- b. Sufficient proof has been provided that other tools available in the Zoning Ordinance, such as administrative Relief, will not work to address the site specific need of the project.

The HAIO District was created specifically as a method to address potentially incompatible development standards while maintaining the character of the surrounding area. As previously stated, the Hill Tract Estates is a unique development that does not fit into any traditional zoning district Avondale has to offer. The HAIO District provides a district where creative development standards are encouraged in order to promote redevelopment and enhance the character of the surrounding area.

- c. The project provides a historic design that creates a pedestrian oriented environment.

The Estates development, with its customized development standards and proximity to Western Avenue not only encourages pedestrian environment but a social environment as well. The main entrances to the residential units are located interior to the parcels and face each other creating common areas for home owners to socialize. The side street setbacks have been reduced moving the units adjacent to the sidewalk enhancing the pedestrian environment.

RECOMMENDATION:

The City Council should adopt the Ordinance approving Application PL-15-0165, a request to rezone approximately .92 acres of land from the R-4 Zoning District to the HAIO Zoning District, subject to the condition of approval, as recommended by the Planning Commission.

1. Development of the site shall be in substantial conformance with the “Hill Tract Estates HAIO Overlay Narrative” date stamped October 15, 2015.

PROPOSED MOTION:

I move that the City Council accept the findings and adopt the Ordinance approving Application PL-15-0165, a request to rezone approximately .92 acres of land from the R-4 Zoning District to the HAIO Zoning District, subject to condition of approval, as recommended by the Planning Commission.

ATTACHMENTS:

Description

[Exhibit A - General Plan Land Use Map](#)

[Exhibit B - Zoning Map](#)

[Exhibit C - Vicinity Map](#)

[Exhibit D - Summary Neighborhood Meeting](#)

[Exhibit E - Hill Tract Estates Narrative](#)

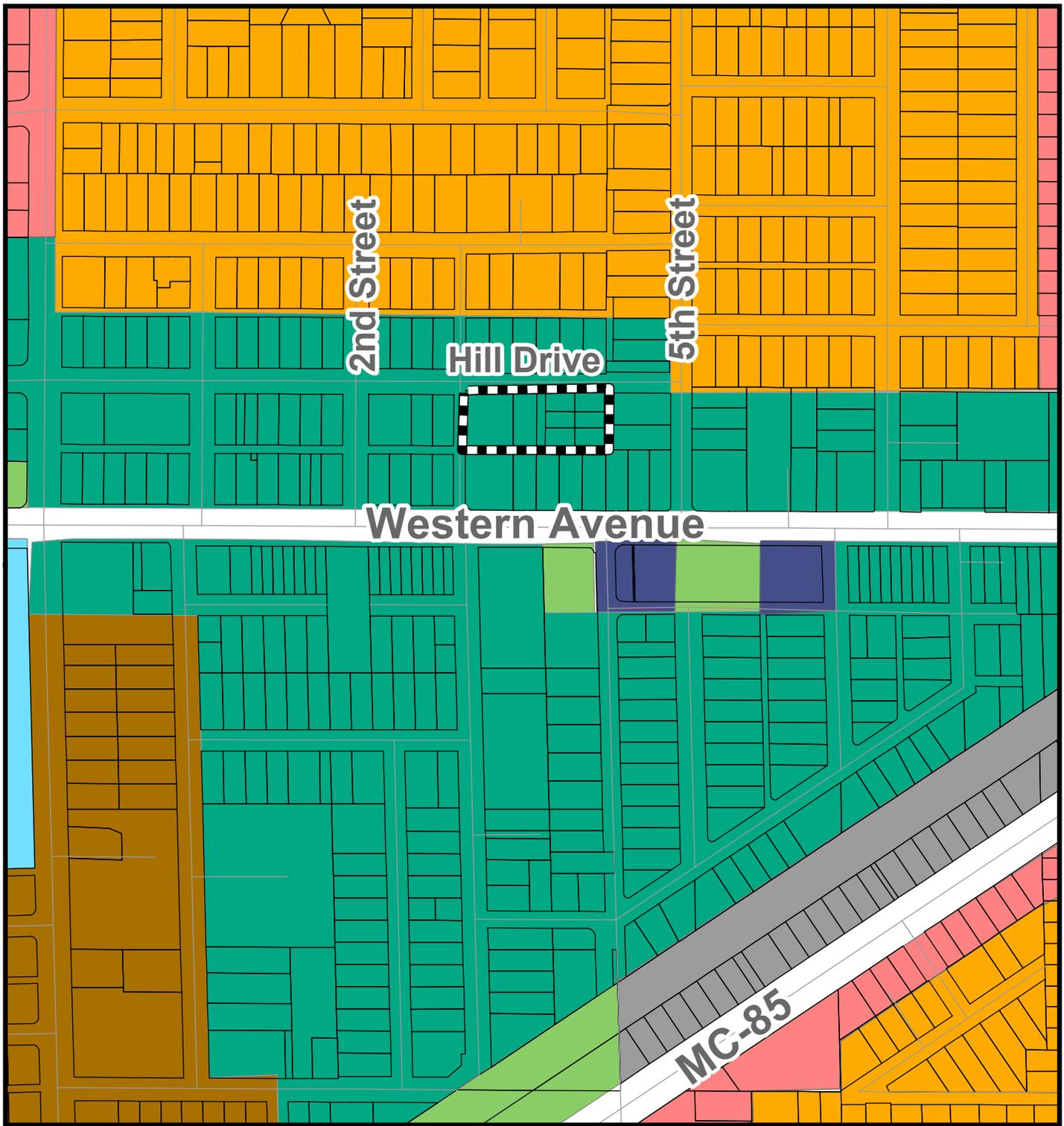
[Exhibit F - Summary of Related Facts](#)

[Exhibit G - October 15, 2015 Planning Commission Minutes](#)

[Ordinance 1591-1115](#)

PROJECT MANAGER

Rick Williams, Planner II, 623-333-4018

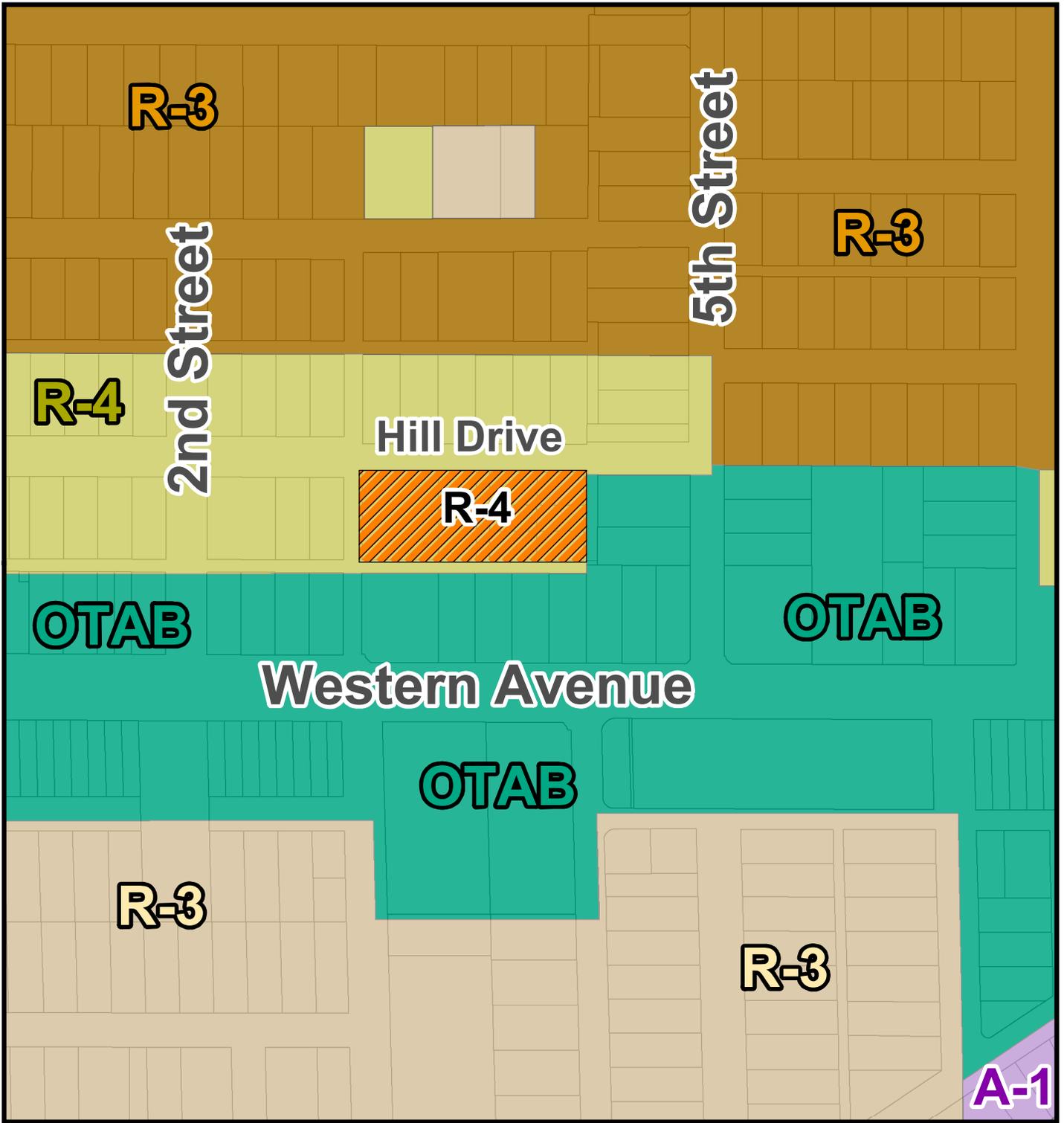


General Plan Land Use Map

 Subject Property



- | | | |
|--|--|---|
|  Local Commercial |  Public/Civic |  High Density Residential |
|  Medium Density Residential |  Industrial |  Open Space and Parks |
|  Education |  Historic Avondale District | |



Zoning Vicinity Map



Subject Property





Aerial Vicinity Map



Subject Property



Hill Tract Estates Rezone

Neighborhood Meeting Summary

9-16-2015

Attendees

Rick Williams – City of Avondale

3 Neighbors (See Sign-In Sheet)

Rezoning Overview by Rick Williams

- Current Zoning and Conditions
- General Plan Designation
- Explanation of Historic Avondale Infill Overlay District (HAIO)
- Public Meeting Process
- Time Frames

Questions and Answers

1. Is the City of Avondale going to be purchasing more properties for home sites?
 - *To the best of my knowledge there currently are no other sites that the city is planning on purchasing for housing redevelopment.*
2. How much of the area is going to be affected by the rezone? I live across the street, is my property going to be rezoned as well?
 - *The current request is for approximately eight parcels of land consisting of just less than 1 acre. No other parcels will be rezoned at this time.*

3. What will the new developments look like?

- *The first two dwelling units built will be a continuation of the first four that are existing now. The units built on the parcels that have just been clear will be similar but may not be exactly like the first six units built.*

4. How do we get in line to purchase one of the new houses?

- *I'm not exactly sure what the process is but I would recommend contacting Stephanie Small in the Neighborhood Services Division at the City of Avondale.*

5. Does the City have any desire to purchase my house?

- *No.*

6. When will construction begin?

- *Construction is slated to commence in December/January.*

Hill Tract Estates

REZONE – HAIO Overlay

Development Plan



October 15, 2015

Overview:

The subject property was incorporated as part of the City of Avondale’s original town site on December 16, 1946. Upon adoption of the City’s new zoning map in 1990, the property was zoned R-4 (Multi-Family Residential). The property remains zoned R-4, which allows for the development of both single-family residences and multi-family housing.

The subject property had been previously developed with one-story apartment buildings that, over time, fell into disrepair and caused crime and blight issues for the surrounding neighborhood. In 2014, using Federal Neighborhood Stabilization Program funds, the City acquired the property, demolished the apartment buildings, and designed and constructed four single-family attached residences as part of the phase one development. Phase two consists of two additional residences planned for the rear (south end) of the property with phase three eventually completing the project with four additional units being constructed on the two adjacent parcels to the west.

General Plan Designation:

The General Plan designation for the property is Historic Avondale District. Land uses within this business core permit and promote a vibrant mix of residential and non-residential uses.

Current Zoning:

The current zoning for the subject property is R-4. The following table provides the minimum development standards within the specified zoning district:

District	R-4
Maximum units allowed	1 unit for every 1,452 sf net site area
Minimum lot width	50’
Minimum lot depth	100’
Maximum height	45’ ³
Maximum building coverage	50%
Minimum setbacks: Front Yard	25’ ⁴
Side Yard	15’ ¹
Rear Yard	15’
Street Side	25’ ⁴

Purpose & Intent:

The subject property lies within the boundaries of the Historic Avondale Infill Overlay District (HAIO). The purpose of this district is to promote and facilitate the development and redevelopment of vacant, underutilized, or abandoned properties within the City's revitalization area. It has been established as a method to address potentially incompatible development standards while maintaining the character of the surrounding area. Site specific development standards and performance requirements are established at the time of the overlay zoning. It is the intent of this district to:

- Accommodate growth by encouraging and facilitating new development on vacant and underutilized land in areas that already have infrastructure, utilities, and public facilities.
- Encourage the use of innovative approaches to development that utilize sustainable development practices and incorporate environmental performance standards.
- Provide flexibility in development standards to facilitate infill development and redevelopment.
- Encourage pedestrian-oriented design and development consistent with the historic character.
- Promote a positive artistic environment within the district.

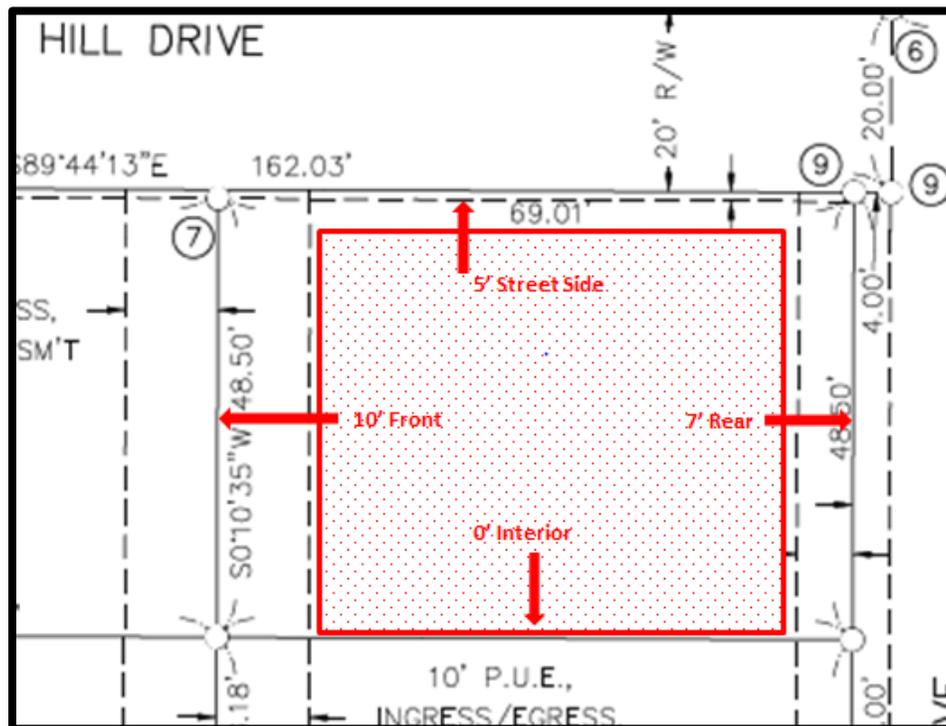
Proposed Zoning:

Hill Tract Estates is a unique single-family attached development that does not fit into any of Avondale's traditional zoning districts. The vision behind the development places an emphasis on the proximity to Western Avenue and promotes pedestrian activity in the historic downtown area. The Hill Drive Estates feature average lot sizes of 2,590 square feet which are perpendicular to Hill Drive. The front entrances to the homes face inward across from each other creating a courtyard atmosphere. Parking garages for the attached single-family homes are located in the rear of the property and are accessed off of 3rd and 5th Avenues respectively. The development features zero setback lot lines internally with five foot street side setbacks adjacent to Hill Drive and the alleyway in the rear of the property. Maximum heights for the structures are consistent with the current R-4 zoning at 45-feet. All permitted, permitted with conditions and conditional uses per the R-4 Zoning District shall remain in full force and effect.

Requested Development Standards are as follows - Differences from current R-4 are noted in **bold:**

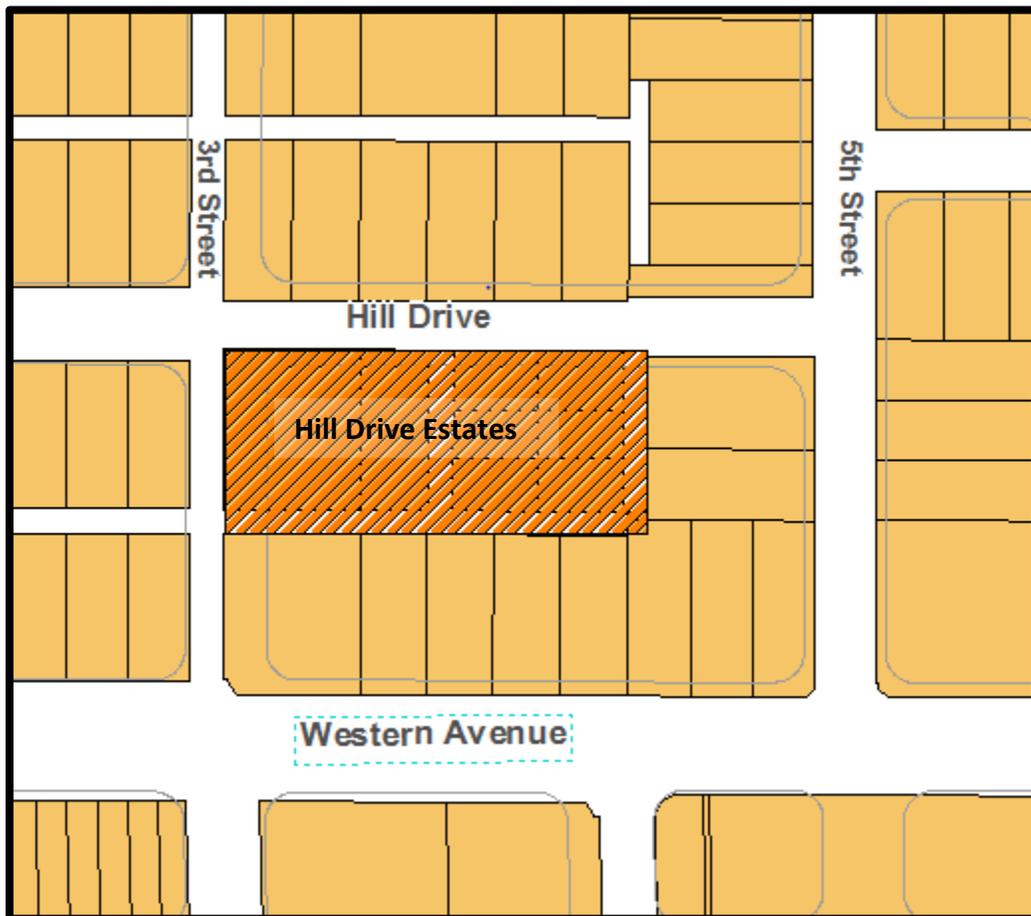
District	R-4	HAIO
Maximum units allowed	1 unit for every 1,452 sf net site area	1
Minimum lot width	50'	37'
Minimum lot depth	100'	69'
Maximum height	45'	45'
Maximum building coverage	50%	--
Minimum setbacks: Front Yard	25'	10'
Side Yard	15'	5'
Interior Side Yards	N/A	0'
Rear Yard	15'	7'
Street Side	25'	5'

Typical Lot Detail Illustrating Unit Placement and Setbacks



Site:

Site Location Map



Public Utilities:

Water:

Water will be provided by the City of Avondale via an 8-inch water line located in Hill Drive and a 4-inch line located in the alleyway behind the subject parcels.

Sewer:

Sewer service will be provided by the City of Avondale via an 8-inch sewer line located in Hill Drive and a 4-inch line located in the alleyway behind the subject parcels.

*SUMMARY OF RELATED FACTS
APPLICATION PL-15-0165*

<i>THE PROPERTY</i>	
PARCEL SIZE	.92 Acres
LOCATION	Southeast corner of 3 rd Street and Hill Drive
PHYSICAL CHARACTERISTICS	Relatively flat.
EXISTING LAND USE	The site is currently undeveloped.
EXISTING ZONING	Residential R-4
ZONING HISTORY	The property was a portion of Avondale's original townsite, incorporated on December 16, 1946. Upon adoption of the City's new zoning map in 1990, the property was zoned R-4. The property remains zoned R-4, which allows for the development of both single-family residences and multi-family housing.
DEVELOPMENT HISTORY	The subject property had been previously developed with one-story apartment buildings that, over time, fell into disrepair and caused crime and blight issues for the surrounding neighborhood. Using federal Neighborhood Stabilization Program funds, the City acquired the property, demolished the apartment buildings, and designed and constructed four single family residences, with two additional residences planned for the rear (south end) of the property.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	Single-Family Residential zoned R-4
EAST	Christ Gospel Church of Avondale zoned Old Town Avondale Business (OTAB)
SOUTH	A variety of commercial uses zoned Old Town Avondale Business (OTAB)
WEST	Single-Family Residential zoned R-4

<i>GENERAL PLAN</i>	
The property is designated by the General Plan 2030 land use map as "Historic Avondale District". The subject parcel also falls within the boundaries of the "Creative Arts District" identified in the Historic Avondale Design & Development Guidelines.	

<i>PUBLIC SCHOOLS</i>	
SCHOOL DISTRICT(S)	Avondale Elementary School District, Agua Fria Union High School District
ELEMENTARY SCHOOL	Lattie Coor K-8
HIGH SCHOOL	Agua Fria High School

ADJACENT STREETS	
Hill Drive	
Classification	Local Collector
Existing half street ROW	30 Feet
Standard half street ROW	30 Feet
Existing half street improvements	Single through lane, curb, gutter, sidewalk, landscape, and street lights.
Standard half street improvements	Single through lane, curb, gutter, sidewalk, landscape, and street lights.
Western Avenue	
Classification	Collector
Existing half street ROW	40+ Feet (varies)
Standard half street ROW	40 Feet
Existing half street improvements	One 28' wide traffic lane with unmarked on-street parking, curb and gutter, attached sidewalk
Standard half street improvements	One 12' traffic lane, delineated on-street parking, curb and gutter, sidewalk, landscaping, and streetlights

<i>Utilities</i>
The property has access to an existing 8" water line and an existing 8" sewer line in Hill Drive



**PLANNING COMMISSION
REGULAR MEETING
MINUTES**

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

**Thursday, October 15, 2015
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

Sean Scibienski, Chair
Grace Carrillo, Commissioner
Michael Long, Commissioner
Olivia Pineda, Commissioner
Kevin Kugler, Commissioner
Gloria Solorio, Commissioner
Russell Van Leuven, Commissioner

COMMISSIONERS ABSENT

CITY STAFF PRESENT

Robert Gubser, Planning Manager
Gary Verburg, Legal Counsel
Rick Williams, Planner II
Alison Rondone, Planner II
Linda Herring, Development Services Rep

III. OPENING STATEMENT

Chair Scibienski read the Opening Statement.

IV. APPROVAL OF MINUTES

Chair Scibienski invited a motion to approve the minutes. Commissioner Long moved to accept the minutes from the September 17, 2015 regular meeting with the correction that Commissioner Pineda was present and Commission Solorio was unexcused. Commissioner Pineda seconded the motion. The motion passed unanimously.

V. SCHEDULED PUBLIC APPEARANCES

There were no scheduled public appearances.

VI. WITHDRAWALS AND CONTINUANCES:

None.

VII. PUBLIC HEARING ITEMS:

1. PL-15-0165: Hill Drive Estates Rezone

This is a public hearing before the Planning Commission to review and solicit public input on application PL-15-0165, a City-initiated request to rezone six parcels of land from the Multiple Family Residential R-4 Zoning District to the Historic Avondale Infill Overlay (HAIO) Zoning District. The 0.92-acre property is located at the southeast corner of 3rd Street and Hill Drive. Staff Contact: Rick Williams

Rick Williams, Planner II, said the parcel is surrounded by Old Town Avondale Business (OTAB) District to the south and single-family residential to the north. The General Plan designates this area as the Historic Avondale District (HAIO). The area has a rich history and is considered the heart of the community. A vibrant mix of uses is pinpointed for this area, with a focus on the pedestrian-oriented environment. It was incorporated with the original town site in 1935, and in 1990 was rezoned to R-4 Multi-Family Residential. Eventually it developed as one-story apartments on part of the property and single-family residential on the remainder. Over time the property fell into disrepair, and provided a haven for unlawful activity.

Mr. Williams said the City of Avondale acquired a portion of the property in 2012, and the remainder in 2014. Using federal neighborhood stabilization funds, the City built Phase 1, which consisted of four single-family attached units. Phase 2 is scheduled to be built in 2016, and Phase 3 will be recently acquired and demolished land adjacent to the parcel in question. This City-initiated request comes in the absence of a zoning district that applies to the development that has already commenced. The HAIO was specifically created for development of this nature. It provides flexibility and development standards not found in any other zoning district within the Ordinance. It focuses on pedestrian-oriented design, but also promotes infill and redevelopment. The HAIO establishes a set of performance requirements for future development.

Mr. Williams stated that it is staff's opinion that the requested zoning is appropriate, given that it meets the required findings in Section 504(f) of the Zoning Ordinance. It advances the goals and objectives of the General Plan. The current and planned future development does not fit within any existing zoning district. It will not have an adverse effect on the area, and in fact will promote a pedestrian environment, which is critical to the health of Western Avenue. The zoning is compatible with adjacent and nearby uses and brings existing and planned development into conformance with current zoning.

Mr. Williams explained that a neighborhood meeting was held on September 16 at the Sam Garcia Public Library. Property owners within 500 feet were notified. An ad was run in the *West Valley View* and a sign was posted on site. Three citizens attended, and inquired more about the surrounding area than the subject property itself. They asked about the City's future acquisitions, and the scope and range of the actual rezoning.

Mr. Williams said the City met all the required Planning Commission notifications with updated ads in the newspaper, and owner-occupied mailing. To date, no additional comments have been received. Staff recommends approval of Application PL-15-0165, subject to one stipulation.

Commissioner Pineda inquired about the zoning for Phase I. Mr. Williams responded that this request will bring all phases in conformance with the development standards.

Chair Scibienski opened the public hearing. After confirming there were no requests to speak, he closed the public hearing.

Chair Scibienski invited a motion. Commissioner Carrillo moved to recommend approval of Application PL-15-0165, a request for approval to rezone six parcels of land from the Multiple Family Residential R-4 Zoning District to the Historic Avondale Infill Overlay (HAIO) Zoning District. Commissioner Kugler seconded the motion.

ROLL CALL VOTE

Sean Scibienski Chair	Aye
Michael Long, Acting Chair	Aye
Kevin Kugler, Commissioner	Aye
Grace Carrillo, Commissioner	Aye
Olivia Pineda, Commissioner	Aye
Gloria Solorio, Commissioner	Aye
Russell Van Leuven, Commissioner	Aye

The motion carried by a 7-0 vote.

ORDINANCE NO. 1591-1115

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 0.92 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THIRD STREET AND HILL DRIVE, AS SHOWN IN APPLICATION PL-15-0165, REZONING SUCH PROPERTY FROM MULTIPLE FAMILY RESIDENTIAL-4 (R-4) TO HISTORIC AVONDALE INFILL OVERLAY (HAIO).

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 ± 0.92 acre parcel of real property referred to as “Hill Tract Estates” from Multiple Family Residential to Historic Avondale Infill Overlay (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 Commission (the “Commission”) and the City Council were given in the time, form and substance provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the Commission held a public hearing on the Zoning Atlas Amendment on Thursday, October 15, 2015, after which the Commission recommended approval; and

WHEREAS, the City Council held an additional public hearing regarding the Zoning Atlas Amendment on November 16, 2015.

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 ± 0.92 acre parcel of real property generally located at the southeast corner of Third Street and Hill Drive, as shown in Application PL-15-0165 (the “Property”), as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from Multiple Family Residential-4 (R-4) to Historic Avondale Infill Overlay (HAIO), subject to the City’s adopted codes, requirements, standards and regulations, and the following stipulations:

1. Development of the site shall be in substantial conformance with the “Hill Tract Estates HAIIO Overlay Narrative” date stamped October 15, 2015.

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, November 16, 2015.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED:

Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1591-1115

[Legal Description and Map]

See following pages.

LEGAL DESCRIPTION
FOR
HILL DRIVE ESTATES REZONING

A PARCEL OF LAND SITUATED WITHIN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, INCLUDING LOTS 1 THROUGH 6 INCLUSIVE, OF THE FINAL PLAT OF HILL TRACT ESTATES, AS RECORDED IN BOOK 1157 OF MAPS PAGE 25 OF THE OFFICIAL RECORDS OF MARICOPA COUNTY ARIZONA, TOGETHER WITH LOT 2 AND LOT 4, BLOCK 1 OF HILL TRACT AS RECORDED IN BOOK 29 OF MAPS PAGE 45 OF THE OFFICIAL RECORDS OF MARICOPA COUNTY ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 10, BEING A CITY OF AVONDALE BRASS CAP FROM WHENCE THE SOUTH QUARTER CORNER THEREOF, A BRASS CAP IN HANDHOLE, BEARS NORTH 89 DEGREES 44 MINUTES 13 SECONDS WEST, A DISTANCE OF 2633.80 FEET, AS A BASIS OF BEARING;

THENCE NORTH 89 DEGREES 44 MINUTES 13 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION 10, A DISTANCE OF 1316.90 FEET;

THENCE DEPARTING FROM SAID SOUTH SECTION LINE, NORTH 00 DEGREES 09 MINUTES 32 SECONDS WEST, A DISTANCE OF 180.00 FEET TO A POINT ON A LINE 10 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID HILL TRACT ESTATES AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 44 MINUTES 13 SECONDS WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 342.76 FEET, TO A POINT ON THE CENTERLINE OF 3RD STREET;

THENCE NORTH 00 DEGREES 14 MINUTES 20 SECONDS EAST, A DISTANCE OF 160.00 FEET TO THE INTERSECTION OF 3RD STREET AND HILL DRIVE;

THENCE SOUTH 89 DEGREES 44 MINUTES 13 SECONDS EAST, ALONG THE CENTERLINE OF HILL DRIVE, A DISTANCE OF 358.54 FEET;

THENCE DEPARTING FROM THE CENTERLINE OF HILL DRIVE, SOUTH 00 DEGREES 09 MINUTES 32 SECONDS WEST, ALONG THE EAST RIGHT OF WAY LINE OF 4TH DRIVE, A DISTANCE OF 160.00 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 13 SECONDS WEST, A DISTANCE OF 16.00 FEET TO THE TRUE POINT OF BEGINNING;

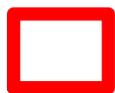
SAID PARCEL CONTAINS 57,384 SQUARE FEET OR 1.317 ACRES OF LAND, MORE OR LESS.

THE ATTACHED EXHIBIT IS TO BE INCLUDED AND MADE PART OF THIS DESCRIPTION.





Application PL-15-0165



Subject Property





CITY COUNCIL AGENDA

SUBJECT:

Public Hearing and Ordinance 1592-1115 - 811 E
Riley Rezone

MEETING DATE:

11/16/2015

TO:

Mayor and Council

FROM:

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

THROUGH:

David Fitzhugh, City Manager (623) 333-1014

This is a City-initiated request to rezone an approximately 0.75 acre parcel of land located at 811 East Riley (East of the Southeast Corner of Riley Dr and Dysary Rd) from A-1 Industrial to C-2 Community Commercial.

REQUEST:

The current property owner, Portable Practical Educational Preparation, Inc. (PPEP), would like to expand their rehabilitation services that have been in operation since 1993. The use is considered legal non-conforming in the A-1 Industrial District. The legal non-conforming status allows the business to continue operating but does not allow the use to expand. The use is permitted in the C-2, Community Commercial District.

PARCEL SIZE:

0.75 acre

LOCATION:

East of the Southeast Corner of Dysart Road and Riley Drive (Exhibits A-C)

APPLICANT:

City of Avondale

OWNER:

Portable Practical Education Preparation, Inc,

BACKGROUND:

The subject property is a paved relatively flat site, occupied by an approximately 10,050 sf single-story commercial/industrial style building oriented in a north/south direction. Staff estimates the annexation of the property occurred between 1956 and 1960. The parcel has been zoned A-1 Industrial since at least 1980 and utilized for commercial uses since at least 1993. PPEP Inc., has occupied the building in continuous operation since 1993, and purchased the subject property in July 2014.

The existing uses of the surrounding properties (Exhibits B and C) are as follows:

- North - Directly across Riley Drive, there is a 1.24 acre undeveloped parcel zoned C-2. Also across Riley Drive and slightly to the east is a 1.34 acre parcel developed with commercial uses zoned C-3. Further east across Riley Drive are additional vacant parcels zoned A-1.

North and west across Dysart Road is Agua Fria High School.

- East - A 2.22 acre developed property owned by All-Service Automotive Professionals and zoned A-1 lies to the east of the subject property.
- South - To the south are two parcels zoned A-1, totaling approximately 4.92 acres, developed with buildings and surface parking.
- West - Adjacent to the subject parcel is a 1.07 acre vacant, undeveloped parcel owned by All-Service Automotive Professionals, also zoned A-1.

A Zoning Interpretation Request was filed in June 2015, and supporting documentation disclosed a letter from the City, dated February 2006, that contained factual errors concerning the zoning of the property. That letter further stated that the property is not subject to any current zoning violations and as a legal non-conforming use, the commercial use is permitted to continue in operation, regardless of ownership, subject to conditions per (then) Section 101.L.3 of the Zoning Ordinance: *...The use may be expanded or enlarged, subject to review and approval of a Conditional Use Permit, to an extent not to exceed 25% of the land area and/or building ground floor area existing in 1990....*

No additional activities or requests have occurred relative to the subject property since issuance of the February 2006 letter.

PPEP, Inc. occupies approximately 3,100 sf of the existing 10,050 sf building and provides rehabilitation and adult care services funded and licensed by the Arizona Department of Economic Security, Division of Developmental Disabilities. PPEP was formerly a tenant of the building subject to a lease beginning in 1993, and outright ownership in 2014, and has been operating continuously. PPEP wishes to expand its operations within the existing building to encompass 8,650 sf, with the remaining 1,400 sf to be occupied by Easy Street Realty & Management, a residential property management company. It was determined during the recent zoning interpretation request in July while PPEP may continue to operate as they are, they could not expand into the existing space pursuant to Section 101G.2 of the Zoning Ordinance without rezoning the property.

Relative to expansion of non-conforming uses, Section 101.G.2 of the Zoning Ordinance, which states:

A non-conforming use shall not be expanded into additional building area or land area, even if the building is allowed to be expanded as set forth in this subsection 101(G).

SUMMARY OF REQUEST:

The subject use is classified in the Zoning Ordinance as Rehabilitation, which is not a permitted use in the A-1 Industrial zoning district, but is permitted in Community Commercial (C-2). Given the factual errors contained in the City's letter of February 2006 to the applicant, and per the Zoning Ordinance Interpretation dated July 16, 2015, it is recommended that the City proceed with the rezone from A-1 to C-2, which is in conformance with the underlying General Plan land use category of Local Commercial. No changes in use or expansion of existing building area are proposed as part of the rezone. No additional parking will be required.

Development standards of the C-2 Community Commercial zoning district would be applicable to the identified property.

PARTICIPATION:

The City, as the Applicant, invited property owners within a 500' radius of the subject parcel and other interested parties to a neighborhood meeting held on September 23, 2015 in the Mesquite Room at City Hall to discuss the proposal. Letters were sent to 21 property owners on September 2, 2015. No property owners or interested parties attended the meeting. The Planning Division has received no phone calls, emails, or correspondence opposing the proposed rezone. One telephone call was received asking for more information, but not opposing the proposed rezone. The property

was posted on September 8, 2015 and notices were published in the *West Valley View* on September 8, 2015, September 29, 2015, and on October 27, 2015

PLANNING COMMISSION ACTION:

The Planning Commission conducted a public hearing on the proposed rezone on October 15, 2015 in Council Chambers.

During the public hearing portion of the meeting, no residents requested to speak on this item. Benjamin Graff, Esq., representing the property owner, thanked staff for its efforts on the rezone request.

The Commission had the following questions and comments:

- Commissioner Pineda asked for confirmation that the property owner would not be allowed to expand its operations under current zoning, which was confirmed by both Chair Scibienski and staff.

The Commission had no other comments or questions and voted 6-0 to recommend approval of the request.

ANALYSIS:

The purpose of the C-2 Community Commercial zoning district is to accommodate development of commercial complexes providing goods and services to a community-wide trade area. It encourages commercial centers that are planned, developed and managed as integrated complexes with individual users and development that is consistent with the policies and the guidelines established in the General Plan. The existing use serves both the immediate community and residents in the larger West Valley environs. While the existing use is not considered a "commercial complex," it does provide services to the entire community and is consistent with other commercial concerns on Riley Drive and Dysart Road, which include auto body and repair and office, as well as Agua Fria High School. The Local Commercial General Plan land use designation is applicable to uses providing daily needs of services to the residents residing within the surrounding area.

PPEP is a 501(C)(3) Nonprofit Organization that has served the City of Avondale for more than 20 years. It offers a variety of rehabilitation services, including educational, behavioral health, human services, and employment training programs for minor and adults with disabilities and mental illnesses. The Avondale location offers PPEP's Encompass program, a program focused on "enabling individuals with developmental disabilities to maintain or move toward economic and social self-sufficiency through an integrated delivery system." Encompass offers a number of services, including vocational training, job coaching, job development, employment opportunities, and services that care for individual during the day while they receive rehabilitation and occupational training services. There are currently 29 participants at the Avondale location, the maximum capacity of the 3,100 sf currently in use by the organization. As there is a waiting list, PPEP would like to expand its use to 8,650 sf within the existing building. Under current zoning regulations, as a non-conforming use, this expansion would not be allowed. As noted, rezoning to C-2 Community Commercial would allow PPEP to become a conforming use that would be permitted to expand in the current building footprint.

The requested expansion represents an increase in approximately 56% of existing occupied space by PPEP and would not result in substantial new traffic generation, given that the building has been occupied by commercial tenants since the 1980s and the use will not materially change. PPEP currently maintains a staff of approximately 8 on the premises and provides transportation to 95% of

its students, using 4 vans during morning and afternoon peak hours. During the day PPEP also transports its members to outings in 1 to 4 vans, normally departing anytime from 8:30 to noon. According to PPEP staff, there have been no issues with traffic conflicts or congestion as a result of operations during peak hours. The expansion would likely result in accommodation of an additional 8 staff, 20 students, and 1 or 2 additional vans, bringing the total to 16 staff, 49 students, and up to 6 vans. Riley Drive is a two-lane local street controlled by a traffic signal at its intersection with Dysart Road, a four-lane arterial with dedicated left-turn lanes. Thus, the existing streets can accommodate an anticipated incremental increase in traffic.

PPEP is required to provide approximately 9 parking spaces for its operations. The remaining tenant, Easy Street Realty & Management, requires one space per 250 square feet; as this entity would occupy 1,400 sf of building area, 6 parking spaces would be required for this business use.

The existing parking lot contains 33 striped parking spaces. Of this total, 9 would be required for PPEP and 6 for Easy Street Realty & Management, for a total requirement for 15 spaces. Thus, even with all vans and the maximum of 16 staff parking on site, bringing total potential occupancy to 22 spaces, adequate parking would be provided.

Water and sewer are provided to the site by an existing 8" waterline in Riley Drive, connected to a 12" waterline in Dysart Road, and an existing 10" sewer line in Riley Drive. Storm water drains east to the Agua Fria River outfall #13. The expansion of PPEP within the existing building footprint would not result in a substantial increased demand on the utility service systems. Therefore, based on the foregoing, the proposed rezone would not result in significant adverse impacts to the community.

The existing uses on the site would be considered local commercial, providing services community-wide. The proposed rezone would not result in any changes to the exterior of the building, parking, or expansion of building footprint at this time. Any future redevelopment would require consistency with the development standards of the C-2 zoning as well as commercial design guidelines. Commercial zoning (C-0, C-2, and C-3) exists in the immediate vicinity (Exhibit B) and there are existing office uses zoned C-3 across Riley Drive. The properties along Dysart Road, approximately 265 feet from the subject property, are within the Dysart Road Business District. Since the existing use is considered local commercial, and potential future redevelopment of the site would require consistency with C-2 development standards, the requested rezone is consistent with the General Plan Land Use designation of Local Commercial.

The rezone will not adversely impact the community as a whole or a portion of the community by significantly altering the acceptable land use patterns, requiring larger and more expensive public infrastructure improvements including; but not limited to, roads, water and wastewater, and public safety facilities than would otherwise be needed without the proposed change, or adversely impacting the existing land uses.

FINDINGS:

1. The rezoning of 811 East Riley Drive, Assessors' Parcel Number 500-21-014G, to C-2 (Community Commercial) is in conformance with the subject property's General Plan Land Use designation of "Local Commercial".
2. The rezone will not adversely impact the community as a whole or a portion of the community by significantly altering the acceptable land use patterns, requiring larger and more expensive public infrastructure improvements including; but not limited to, roads, water and wastewater, and public safety facilities than would otherwise be needed without the proposed change, or adversely impacting the existing land uses.
3. The proposed rezone is in the best long-term interest of the City and is consistent with the goals and objectives of the General Plan.

RECOMMENDATION:

On October 15, 2015, the Planning Commission recommended that City Council approve application PL-15-0207, a request to rezone the property at 811 East Riley Drive from A-1 Industrial to C-2 Community Commercial.

PROPOSED MOTION:

I move that the City Council accept the findings and adopt the Ordinance approving Application PL-15-0207, a request to rezone approximately 0.75 acres of land from the A-1 Industrial zoning district to the C-2 Community Commercial zoning district, as recommended by the Planning Commission.

ATTACHMENTS:**Description**

[Exhibit A - General Plan Land Use Map](#)

[Exhibit B - Zoning Vicinity Map](#)

[Exhibit C - Aerial Photograph](#)

[Exhibit D - Summary of Related Facts](#)

[Exhibit E - Section 306 Commercial Development Standards](#)

[Exhibit F - Zoning Interpretation Letter 7-16-15](#)

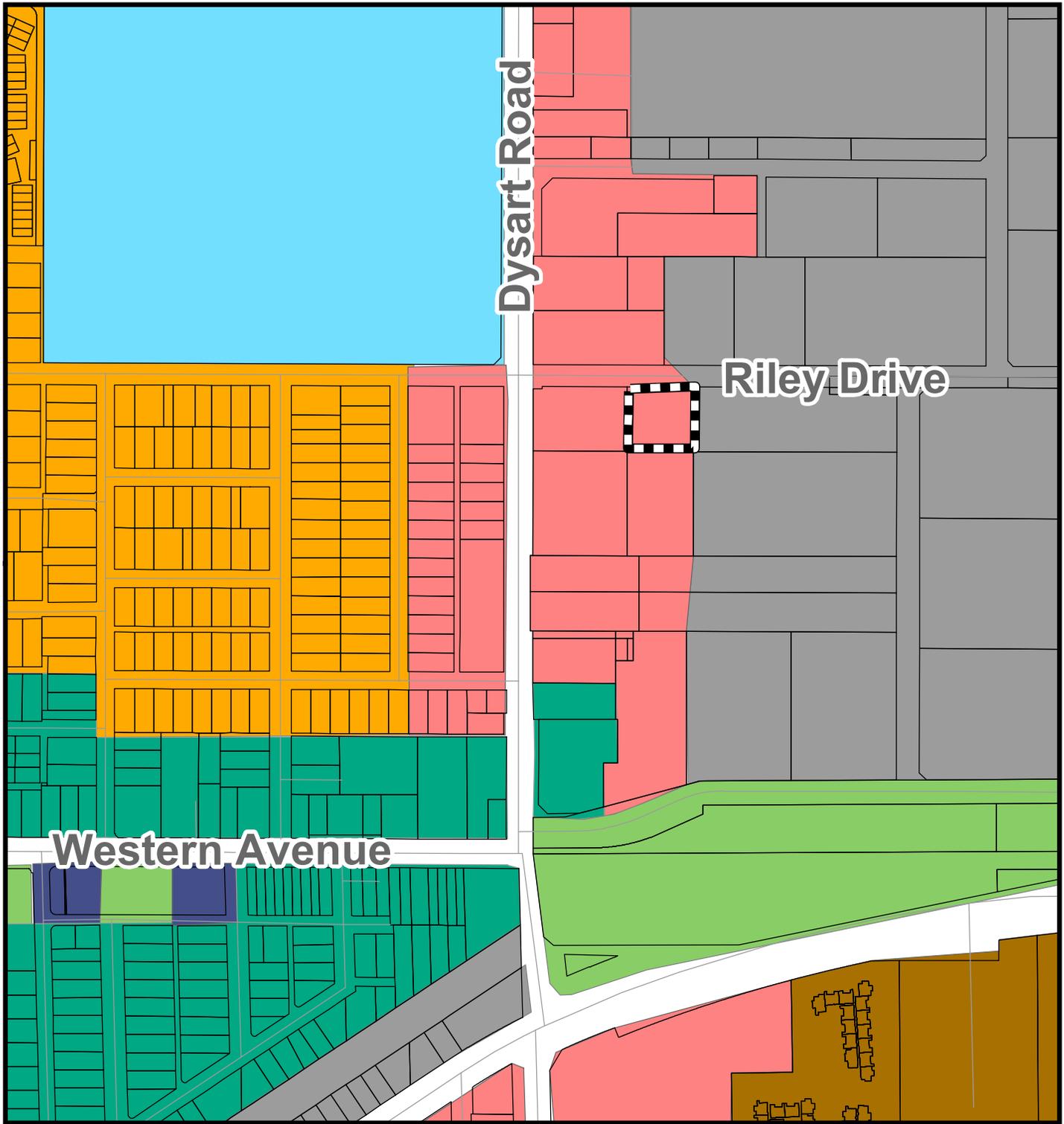
[Exhibit G - Narrative Supporting Rezone 8-13-15](#)

[Exhibit H - PC Minutes 10-15-15](#)

[Ordinance 1592-1115](#)

PROJECT MANAGER

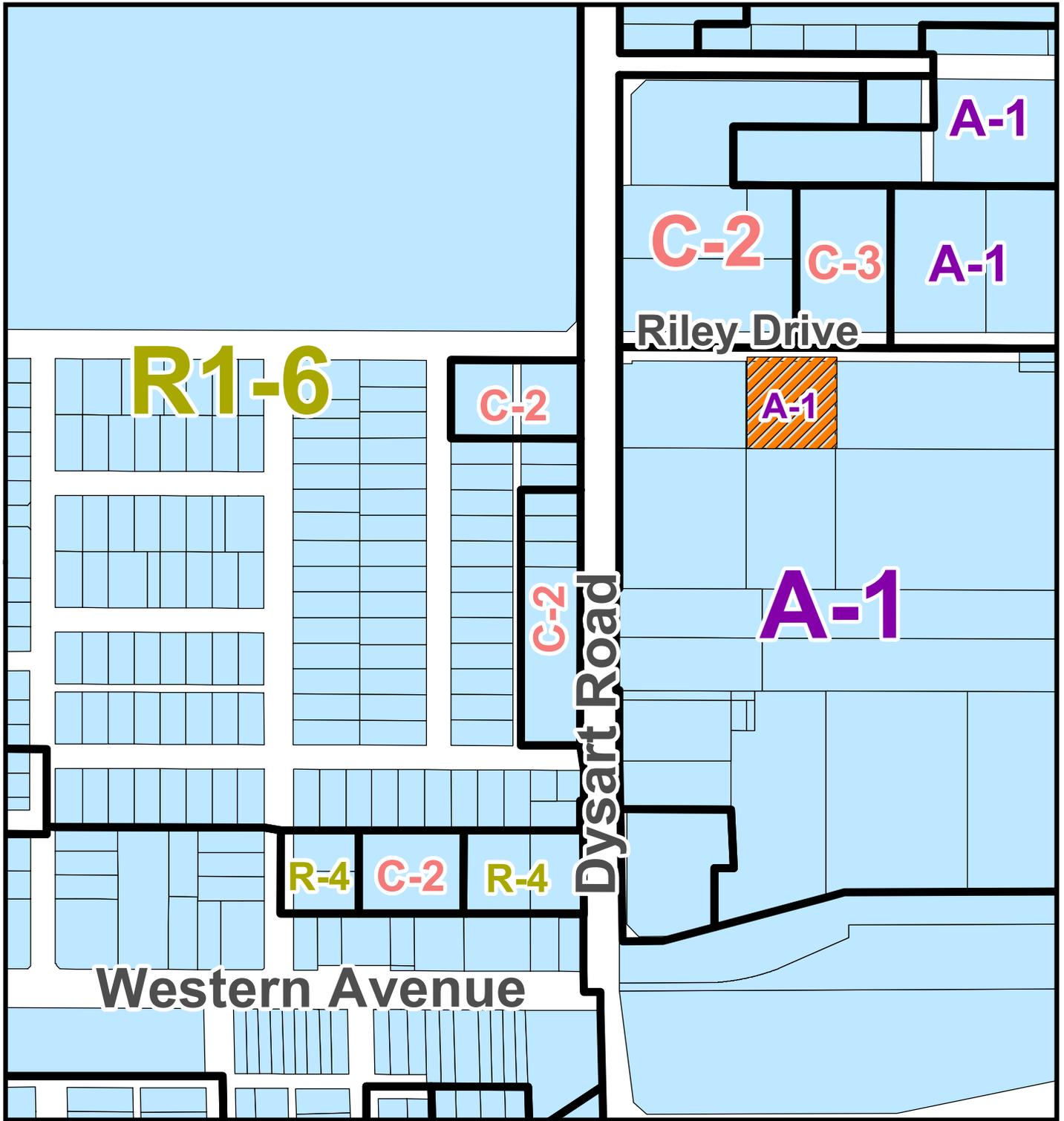
Alison Rondone, Planner II



General Plan Land Use Map

 Subject Property 

- | | | |
|--|--|---|
|  Local Commercial |  Public/Civic |  High Density Residential |
|  Medium Density Residential |  Industrial |  Open Space and Parks |
|  Education |  Historic Avondale District | |



Zoning Vicinity Map



Subject Property





Aerial Photograph



 Subject Property



*SUMMARY OF RELATED FACTS
APPLICATION PL-15-0207*

<i>THE PROPERTY</i>	
PARCEL SIZE	Approximately 0.75 acres
LOCATION	Approximately 265 east of the southeast corner of Dysart Road and East Riley Drive, adjacent to the Dysart Road Business District, and just east of the Historic Avondale District.
PHYSICAL CHARACTERISTICS	The site is flat, completely paved, and occupied by an approximately 10,000 sf one-story structure oriented in a north/south direction.
EXISTING LAND USE	The property is currently occupied by the property owner, with some vacant commercial space
EXISTING ZONING	A-1 Industrial
ZONING HISTORY	The property was annexed into Avondale's Corporate Limits between 1956 and 1960 and zoned A-1 Industrial.
DEVELOPMENT HISTORY	The year built is unknown, but from its plain architectural style the building on site is likely to have been constructed in the 1970s or 1980s. The property has been occupied by commercial uses since at least 1993; prior uses are also unknown, although it is likely they were similar commercial/retail/small office uses. Portable Practical Education Preparation, Inc. (PPEP) has occupied the building in continuous operation since 1993, and purchased the property in 2014.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	Directly across East Riley is a 1.24-acre undeveloped parcel zoned C-2 (Community Commercial). Also across East Riley is a 1.34-acre parcel developed with commercial uses and zoned C-3 (Freeway Commercial). Further east across Riley Drive are additional vacant parcels zoned A-1 (Industrial). North and west across Dysart is Agua Fria High School, which is zoned R1-6 (Urban Residential).
SOUTH	To the south are two parcels totaling approximately 4.92 acres developed with commercial buildings and surface parking, zoned A-1 (Industrial).
EAST	To the east is a developed commercial use, a 2.22-acre parcel zoned A-1 (Industrial).
WEST	To the west at the corner of Dysart Road and Riley Drive is a 1.07-acre vacant, undeveloped parcel, also zoned A-1 (Industrial).

GENERAL PLAN

The Avondale General Plan 2030 designates the subject property as “Local Commercial”, a category that is intended to provide the goods and services needs for residents of the surrounding area. Uses appropriate for this category include retail, office, medical, and limited services.

PUBLIC SCHOOLS

SCHOOL DISTRICT(S)	Avondale Elementary School District; Agua Fria Union High School District
ELEMENTARY SCHOOLS	Lattie Coor K-8
HIGH SCHOOL	Agua Fria High School

UTILITIES

Development on the property will be served by an existing 8” waterline in Riley Drive, connected to a 12” waterline in Dysart Road, and an existing 10” sewer line in Riley Drive. Storm water drains east to the Agua Fria River outfall #13.

STREETS

Dysart Road

Classification	Modified Arterial (South of Van Buren Street)
Existing half street ROW	40’
Standard half street ROW	40’
Existing half street improvements	Two through lanes, left-turn lane, curb, attached sidewalk, gutter, and street lights (east side only).
Standard half street improvements	Two through lanes, left-turn lane, curb, gutter, detached sidewalk, street lights, and right-of-way landscaping.

East Riley Drive

Classification	Local
Existing half street ROW	30’
Standard half street ROW	30’
Existing half street improvements	One through lane, curb, gutter and street lights (north side from Dysart Road to Eliseo C Felix Jr Way and south side from Dysart Road to approximately 180 feet from intersection. Intersection of Dysart Road and Riley Drive is improved with a traffic-signal. Detached sidewalk in front of developed parcels only on north side; attached sidewalk, curb, and gutter on south side to Eliseo C Felix Jr Way.
Standard half street improvements	One through lane, curb, gutter and street lights, detached sidewalk.

306 Commercial Development Standards

The following development standards shall apply to all commercial developments zoned R-O, C-O, C-1, C-2, or C-3, except if otherwise noted above.

- A. All activities, except as otherwise permitted herein, shall be conducted entirely within enclosed buildings.
- B. Outdoor storage of goods and materials shall be prohibited.
- C. Warehousing or indoor storage of goods or material beyond that normally incidental to permitted uses shall be prohibited.
- D. All new buildings and uses of land or substantial additions to or remodeling of existing buildings/uses shall be subject to site plan review in accordance with Section 107.
- E. The following table outlines the minimum development standards within each district. Yard, height, and area requirements in excess of these minimum standards may be required in accordance with the design standards outlined in the Zoning Ordinance, conditions required of conditional use permits or uses permitted with conditions, and/or the Design Manuals:

	R-O	C-O	C-1	C-2	C-3
Minimum Lot Width	45'	60'	None	None	None
Minimum Site Depth	100'	100'	None	None	None
Maximum Lot Coverage	35%	35%	None	None	None
Maximum Building Height	30'	30'	30'	30'	40'
Front Setback	20'	20'	20'	20'	20'
Street Setback	20'	20'	20'	20'	20'
Rear Setback	20'	20'	20'	20'	20'
Side Setback	20'	15'	15'	15'	20'
Parking Setback	10'	20'	30'	30'	30'
Interior Setback	15'	15'	None	None	None
Setback from a Residential District or Use *	1' per 1' bldg. height	1' per 1' bldg. height	1' per 1' bldg. height	50'	100'
Parking Setback from Residential District or Use*	25'	25'	25'	25'	25'
Maximum Accessory Structure Height	15'	15'	15'	15'	15'

* Not applicable to manufactured home parks.



Development and Engineering Services
Department
ZONING ORDINANCE INTERPRETATION

DATE: July 16, 2015

CASE: PL-15-0164

SUBJECT OF INTERPRETATION:

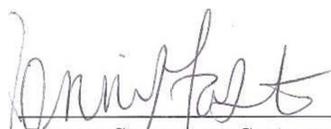
To determine if the building located at 811 East Riley Drive has legal non-conforming status as commercial.

CAUSE FOR INTERPRETATION:

A request was submitted by Benjamin Graff, with Withey Morris, who represents the property owner and tenant Portable Practical Educational Preparation Inc (PPEP). PPEP currently occupies 3,100 square feet (sf) of the 10,050 sf existing building and would like to expand within the existing building. They have been located at 811 E Riley Dr since 1993. The zoning district for this property has been General Industrial (A-1) since 1980. This use is classified in the Zoning Ordinance as Rehabilitation, which is not allowed in A-1, but is outright permitted in Community Commercial (C-2).

INTERPRETATION:

Because PPEP is a nonprofit organization, a business license was never warranted, which led to the Planning Division never being given the opportunity to classify the use at the time the business began operating at this location. The use is currently considered legal non-conforming. Section 101.G. of the Zoning Ordinance states that a non-conforming use shall be allowed to continue operating in the manner it existed at the time it became non-conforming. Section 101.G.2 states a non-conforming use shall not expand into additional building area or land area. While PPEP may continue to operate as they are, they may not expand without rezoning the property. The current land use designation is Local Commercial, which allows staff to support a rezone from A-1 to C-2. This will allow PPEP to expand within the entire building, while bringing the zoning of the property into conformance with the 2030 General Plan.



ZONING SPECIALIST SIGNATURE



Planning Manager Signature



DATE

DATE: August 13, 2015

CASE: PL-15-0207

SUBJECT PROPERTY: 811 East Riley Drive

SUBJECT OF APPLICATION:

Staff-initiated request for rezone of site operated as a commercial use (legally non-conforming) on site zoned A-1 Industrial. Property owner wishes to expand operations into existing building, currently occupied by various commercial tenants.

PPEP, Inc. currently occupies approximately 3,100 sf of an existing 10,000 sf building at 811 East Riley Drive, zoned A-1 Industrial since 1980. PPEP was formerly a tenant of the building subject to a lease beginning in 1993, and has been operating continuously since that time. PPEP is now the owner of the subject property rather than a tenant.

PPEP provides rehabilitation and adult care services funded and licensed by the Arizona Department of Economic Security, Division of Developmental Disabilities. PPEP wishes to expand to encompass 8,650 sf of the existing 10,000 sf building, with the remaining 1,400 sf to be occupied by Easy Street Realty & Management, a residential property management company.

RECOMMENDATIONS:

A zoning verification letter dated February 15, 2006 was prepared by Joshua Cook of the City stating (likely incorrectly) that the subject property is zoned R-4 (Multi-Family Residential) and that the property has been used for commercial purposes dating back to the 1980s. That letter further stated that the property is not subject to any current zoning violations and as a legal non-conforming use the commercial use is permitted to continue in operation, regardless of ownership, subject to conditions per (then) Section 101.L.3 of the ZO:

...The use may be expanded or enlarged, subject to review and approval of a Conditional Use Permit, to an extent not to exceed 25% of the land area and/or building ground floor area existing in 1990....

Section 101.L.3 no longer exists, and non-conforming uses are now controlled by Section 101.G.2 of the ZO, which states:

- a. *A non-conforming use shall not be expanded into additional building area or land area, even if the building is allowed to be expanded as set forth in this subsection 101(G).*

The use is currently considered legal non-conforming. The subject property and requested expansion would be controlled by Section 101.G.2 of the ZO. While PPEP may continue to operate as they are, they may not expand without rezoning the property.

Surrounding properties to the north and west are generally zoned Commercial (C-0, C-2 or C-3). The subject use is classified in the ZO as Rehabilitation, which is not allowed in A-1, but is permitted by right in Community Commercial (C-2). Per the Zoning Ordinance Interpretation dated July 16, 2015, It is recommended that the City proceed with a staff-initiated re-zone from A-1 to C-2, which is in conformance with the underlying General Plan land use category of Local Commercial.



Alison Rondone, Planner II



**PLANNING COMMISSION
REGULAR MEETING
MINUTES**

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

**Thursday, October 15, 2015
6:30 P.M.**

I. CALL TO ORDER

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

...

VI. PUBLIC HEARING ITEMS:

...

1. PL-15-0207: 811 East Riley Drive Rezone

This is a public hearing before the Planning Commission to review and solicit public input on application PL-15-0207, a City-initiated request to rezone the parcel located at 811 East Riley Drive from A-1 Industrial to C-2 Community Commercial. The 0.75-acre property is located east of the southeast corner of Dysart Road and Riley Drive. Staff Contact: Alison Rondone

Alison Rondone, Planner II, said the parcel in question is adjacent to the Dysart Business District and east of the Historic Avondale District. Surrounding zoning is A-1 to the south, east, and west. C-2 and C-3 zoning is to the north across Riley Drive. The General Plan land use designation for this parcel is Local Commercial. The property was annexed between 1956 and 1960.

Ms. Rondone said this is a staff-initiated request based on a zoning verification letter originally issued in February 2006 which contained an error. It identified the site as being zoned R-4 and indicated that the Zoning Ordinance at that time allowed a limited expansion of the use of the building. The current Zoning Ordinance has replaced that original section on legal non-conforming uses, and no longer allows expansion.

Ms. Rondone stated that the tenant and owner, Portable Practical Education Preparation Inc. (PPEP), is a non-profit organization providing rehabilitation and adult daycare services. They have been in continuous operation on the site since 1993. PPEP currently occupies about 3,100 square feet of the existing 10,000 s.f. building, and would like to expand their occupancy to 8,650 s.f., with the remaining portion of the building remaining occupied by Easy Street Residential.

Ms. Rondone said a new zoning interpretation request was submitted in June 2015. Staff submitted a zoning interpretation letter in July that indicated that the owner could not expand its existing use within the existing building under current zoning, but it would be permitted under C-2 zoning.

Ms. Rondone explained that the request is consistent with the General Plan land use designation. It has been occupied by various commercial uses since the 1980s. PPEP is a legal non-conforming use. Future redevelopment would be subject to C-2 zoning requirements. There are no plans for any new exterior construction. The expansion would provide additional jobs and accommodate more students.

Ms. Rondone reported that a neighborhood meeting was held on September 23 at City Hall, but no citizens attended. All public notification requirements were met for the neighborhood meeting and the Planning Commission meeting. Staff recommends approval of Application PL-15-0207.

Benjamin Graff of Withey Morris PLC, 2525 E. Arizona Biltmore Circle, Phoenix, representing PPEP, thanked staff for their assistance in this matter. There are gaps in the history of this site, and staff worked through the problems to figure out a way to expand this use.

Chair Scibienski summarized that PPEP's current activity is essentially grandfathered in and they cannot expand without rezoning. He opened the public hearing. After confirming no requests to speak, he closed the public hearing. Chair Scibienski said he would recuse himself from this vote because Withey Morris PLC was a customer of his.

Commissioner Pineda asked for confirmation that the property owner cannot expand operations within the existing building under current zoning, which both Chair Scibienski and staff confirmed.

Chair Scibienski invited a motion. Commissioner Carrillo moved to recommend approval of Application PL-15-0207, a request for approval to rezone the parcel located at 811 East Riley Drive from A-1 Industrial to C-2 Community Commercial. Commissioner Pineda seconded the motion.

ROLL CALL VOTE

Sean Scibienski Chair
Michael Long, Acting Chair

Recused
Aye

Kevin Kugler, Commissioner	Aye
Grace Carrillo, Commissioner	Aye
Olivia Pineda, Commissioner	Aye
Gloria Solorio, Commissioner	Aye
Russell Van Leuven, Commissioner	Aye

The motion carried by a 6-0 vote.

ORDINANCE NO. 1592-1115

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 0.75 ACRES GENERALLY LOCATED EAST OF DYSART ROAD BETWEEN BRINKER DRIVE AND WESTERN AVENUE, AS SHOWN IN APPLICATION PL-15-0207, REZONING SUCH PROPERTY FROM GENERAL INDUSTRIAL (A-1) TO COMMUNITY COMMERCIAL (C-2).

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 ± 0.75 acre parcel of real property referred to as “811 East Riley Drive” from General Industrial to Community Commercial (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 Commission (the “Commission”) and the City Council were given in the time, form and substance provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the Commission held a public hearing on the Zoning Atlas Amendment on Thursday, October 15, 2015, after which the Commission recommended approval; and

WHEREAS, the City Council held an additional public hearing regarding the Zoning Atlas Amendment on November 16, 2015.

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 ± 0.75 acre parcel of real property generally located east of Dysart Road between Brinker Drive and Western Avenue, as shown in Application PL-15-0207 (the “Property”), as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from General Industrial (A-1) to Community Commercial (C-2), subject to the City’s adopted codes, requirements, standards and regulations.

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, November 16, 2015.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED:

Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1592-1115

[Legal Description and Map]

See following pages.

EXHIBIT A
LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF **MARICOPA**, STATE OF **ARIZONA**, AND IS DESCRIBED AS FOLLOWS:

The West 182.5 feet of that property described as follows:

**Beginning at the Northwest corner of the Southwest quarter of the Southwest quarter of Section 11, Township 1 North,
Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;**

Thence South 89 degrees 48 minutes 59 seconds East, 300 feet;

Thence South, 30 feet to the point of beginning;

Thence South 89 degrees 48 minutes 59 seconds East, 743.5 feet;

Thence South, 178.7 feet;

Thence North 89 degrees 48 minutes 59 seconds West, 743.5 feet;

Thence North, 178.7 feet to the point of beginning;

Except that property described as follows:

**Beginning at the Northwest corner of the Southwest quarter of the Southwest quarter of Section 11, Township 1 North,
Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;**

Thence South 89 degrees 48 minutes 59 seconds East, 300 feet;

Thence South, 30 feet;

Thence South 89 degrees 48 minutes 59 seconds East, 558 feet, more or less, to the point of beginning;

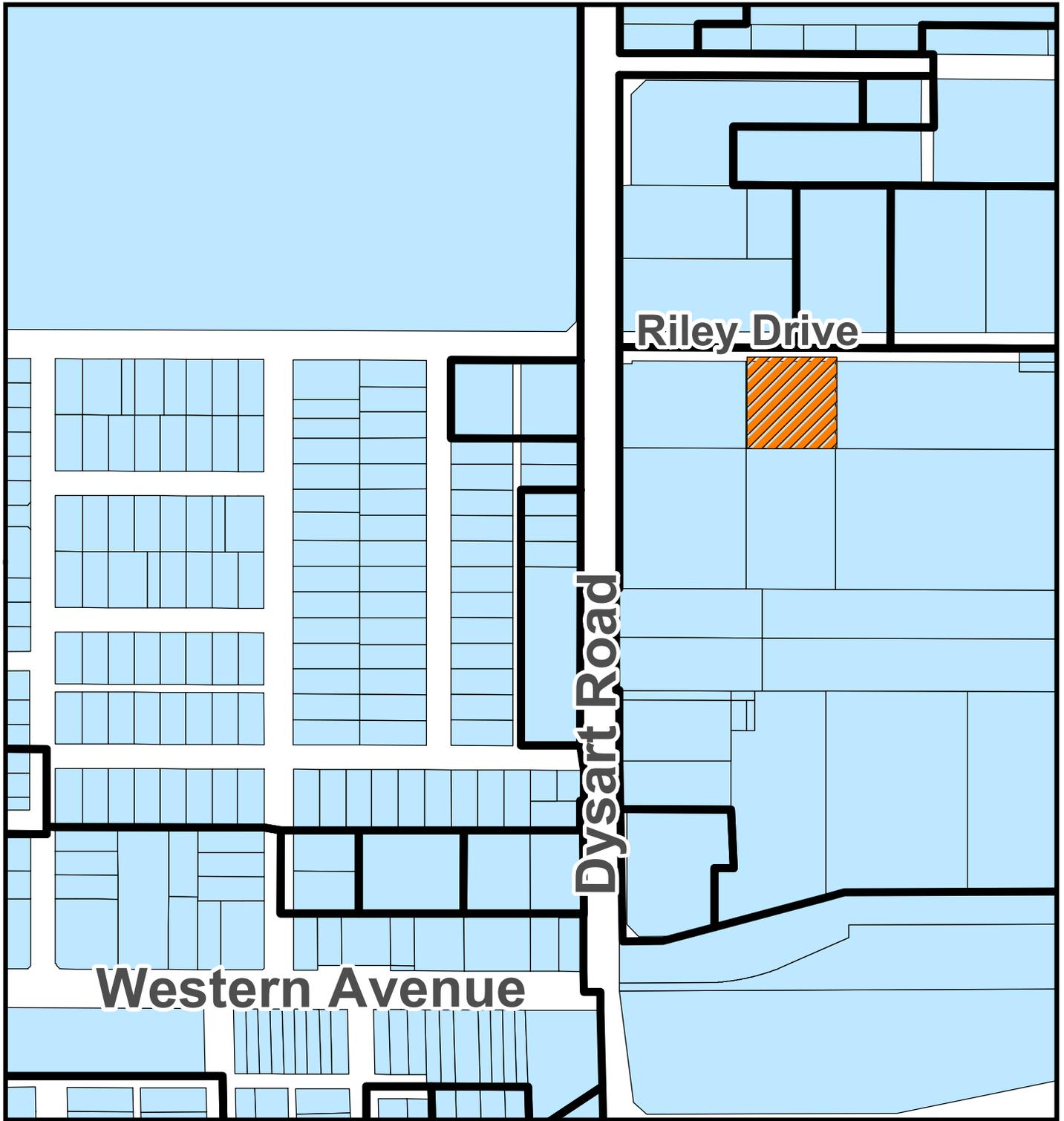
Thence South 89 degrees 48 minutes 59 seconds East, 185.5 feet, more or less;

Thence South, 19.5 feet;

Thence North 89 degrees 48 minutes 59 seconds West, 185.5 feet, more or less;

Thence North, 19.5 feet to the point of beginning.

APN: 500-21-014G



Application PL-15-0207



Subject Property

