



CITY COUNCIL AGENDA

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

WORK SESSION
November 21, 2016
6:00 PM

CALL TO ORDER BY MAYOR

1 ROLL CALL BY THE CITY CLERK

2. ANALYSIS OF THE ACCELERATE NOW DEVELOPMENT FEE SUBSIDY PROGRAM FOR FY 2015-2016

Staff will present an analysis of the Accelerate Now development fee subsidy program for FY 2015-2016 as directed by Council. This item is for information only. No action is required.

3. FINANCE AND BUDGET DEPARTMENT ANNUAL UPDATE

City Council will receive an update from the Finance and Budget Department. For information only.

4 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:

Analysis of the Accelerate Now Development
Fee Subsidy Program for FY 2015-2016

MEETING DATE:

11/21/2016

TO: Mayor and Council

FROM: Kevin Artz, Assistant City Manager (623) 333-1013

THROUGH: David Fitzhugh, City Manager

PURPOSE:

Staff will present to the City Council an analysis of the Accelerate Now development fee subsidy program for FY 2015-2016 as directed by Council. This item is for information and discussion only. No action is required.

BACKGROUND:

On May 19, 2014, Council approved resolution 3189-514, which adopted the City's 2014 development fees. The development fees, which are based upon the City's land use assumptions and infrastructure improvement plan, were adopted at the maximum justifiable fee, in the amount of \$17,707 (single family residential with a $\frac{3}{4}$ inch water meter).

Historically, the City of Avondale has implemented the maximum justifiable fee (development fee studies done in 1998, 2002, 2006 and 2014). The theory behind implementing the maximum justifiable fee is that new growth pays for the full share of capital projects that are required, as a result of the new growth.

For example, today the City's water reclamation facility is adequately sized for the current demand of the residents currently living in Avondale. Without additional growth, the City would not need to expand the facility. However, as the City grows and new homes are built, the water reclamation facility will have to be expanded to accommodate additional flows into the plant. When development fees are implemented at the maximum, the new residents (growth) are paying for the full cost of the expansion. Conversely, if fees are implemented below the maximum, growth will pay for a portion of the expansion cost through development fees, and current residents are paying a portion of the expansion costs through taxes or utility fees.

In January 2015, the Council held a goal setting retreat and directed staff to present options to Council that would help spur residential and commercial growth.

On May 4, 2015, staff presented options to reduce development fees to help spur residential and commercial development. The three options were as follows:

- Option 1 – maintain the maximum justifiable fee and wait for development to return under market conditions
- Option 2 – adopt a resolution reducing the development fees a fixed amount

- Option 3 – adopt a resolution creating an economic incentive fund, which would pay for 20% of all development fees and would be evaluated on an annual basis.

On June 1, 2015, Council adopted resolution 3256-615 creating a development Impact fee incentive program, which effectively reduced the City's development fees by 20% (from \$17,707 to \$14,166 for residential with ¾ inch meter).

DISCUSSION:

There appears to be a strong correlation between the Accelerate Now program and Council's desire to spur residential and commercial growth.

From the inception of the Accelerate Now program through June 30, 2016 (13 months), the City committed \$1,067,064 for the reduction of development fees. \$56,857 was for multi-family, \$230,414 was for commercial projects and \$779,793 was for residential.

Residential building permits increased by over 216% from 68 permits in FY2015 to 215 permits in FY 2016. In fact, the 215 permits in FY 2016 was greater than the permits issued for the previous 5 years combined (176 permits from FY 2011 to FY 2015). The trend continues in FY 2017, as 94 single family residential permits have been issued in three months (which would project to 376 permits for the year). Approximately \$620,000 of the incentive program has been expended in the first three months of FY 2017.

The City has experienced a corresponding increase to building permit revenue and construction sales tax (which were identified as the funding sources for the program). Building permit revenue increased by \$242,000 and construction sales tax has increased by \$317,000 over FY 2015, for a total increase of \$559,000. It is important to note that construction sales tax on homes is paid when the home sells and typically lags the building permit by 9-12 months. Therefore, staff expected that there would be a timing difference on the amount development fee reductions and the increase in construction sales tax revenue. Staff projects that construction sales tax for FY 2017 will exceed the prior year by over \$1.5M.

Another factor to be considered with the increase in residential building permits is the impact to State Shared Revenues (SSR). State Shared Revenues are distributed based on a population formula and for FY 2016, the city received approximately \$323 in SSR per capita (\$24.5M in revenue/76,000 population). There have been 309 new residential permits issued since the start of the program. On average, Avondale has 3.4 residents per home. Therefore, 309 new homes equate to a population increase of 1,051 (309x3.4). 1,051 new residents' projects to increase SSR by \$339,473 (1,051x323), each and every year, and is on-going revenue to the City. At some point in the future, the new population will increase the service demand needs, and the City will have to fund additional public safety, parks and recreation, and general government needs.

Conclusion

Resolution 3256-615 was adopted by Council to create a development impact fee incentive program, to help spur residential and commercial growth. Coming out of the recession, the City of Avondale had experienced a sharp drop in the number of residential building permits, was lagging behind neighboring communities in terms of residential permits issued, had insufficient revenues to invest in infrastructure, and was at risk for a reduction in State Shared Revenues, as a result of a growth rate slower than neighboring communities.

Based on the first year of the incentive program, staff believes the program has met Council's goal to spur residential and commercial growth. Following is data that supports that assertion:

- Residential permits have increased 216% over FY 2015

- 215 residential permits in FY 2016 is greater than the permits issued the previous 5 years combined
- Increases in building permit and construction sales tax revenue is projected to cover the costs of the program
- The City collected \$5.3M in development fees that will be used to fund growth related infrastructure
- State Shared revenues are projected to increase by over \$330,000 annually because of the new growth
- The development community has indicated there is a renewed interest in Avondale, as a result of the incentive program
- Subdivisions, such as Del Rio Ranch and Roosevelt Park, have experienced significant new activity after having little building activity for several years

The Resolution adopting the program directed staff to include funding in the City Manager's recommended budget for three fiscal years. Funding has been approved for the first two years, and staff will include funding for FY 2017-18 in the City Manager's recommended budget for Council consideration.

RECOMMENDATION:

For information and discussion.



CITY COUNCIL AGENDA

SUBJECT:

Finance and Budget Department Annual Update

MEETING DATE:

11/21/2016

TO: Mayor and Council

FROM: Abbe Yacoben

THROUGH: David Fitzhugh, City Manager

PURPOSE:

The Finance and Budget Department will give its annual update to Council.

BACKGROUND:

Beginning in 2016, departments will present their departmental operations, goals and objectives, and any pertinent achievements to the City Council annually.

DISCUSSION:

The Finance and Budget Department is comprised of three divisions: Finance, Budget, and Customer Service/Utility Billing. The City's Assistant Finance Director, Budget Manager, and Customer Service Manager will be presenting for a few minutes about their divisions operational duties, achievements, and upcoming projects (goals and objectives). Staff is excited to share with Council, and encourages questions during this presentation.

There will be specific discussion above-and-beyond the current operations to discuss an upcoming modernization effort by the Customer Service/Utility Billing Division. Improved customer interaction, customer driven experiences and modernization of the Customer Service/Utility Billing Division is the goal for the next year. This Division of the Finance Department is looking ahead as to how staff can meet customers' expectations in a changing world. Some of the service staff is looking to implement include: e-billing, enhanced payment options via the web and strategically placed payment kiosks. Along with customer enhancements, staff is looking to improve internal process to rely less on employees while maximizing our investment in technology. A number of internal processes will be automated and one result will be a change in customers' due dates as shown on the bills. Once implemented, bills will be due on the same date each month, regardless of the day. These improvements will mean cost savings to the City and greater efficiencies within the Department. This modernization is part of Finance and Budget's Strategic Plan to increase efficiencies and enhance customer service.

BUDGET IMPACT:

This information is given for informational purposes only; any budgetary impact will be to future budgets and will be done through the supplemental budget request process.

RECOMMENDATION:

This presentation is for informational purposes only.



CITY COUNCIL AGENDA

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

**REGULAR MEETING
November 21, 2016
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 SCHEDULED PUBLIC APPEARANCES

a. PROJECT CONNECT AND WEST VALLEY HOMELESS INITIATIVE UPDATE

Pastor Jack Marslender of the First Southern Baptist Church in Avondale will update the Council on the Project Connect event that was held in November at his church in partnership with United Way and the West Valley Homeless Initiative that came about from a discussion at the February 2016 Interfaith Council meeting.

3 UNSCHEDULED PUBLIC APPEARANCES

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

4 CONSENT AGENDA

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

a. APPROVAL OF MINUTES

Regular Meeting of November 7, 2016

b. SPECIAL EVENT LIQUOR LICENSE - TATUAJE WINNER TOUR 2016 CIGAR & BEER FESTIVAL

City Council will consider a request to approve a special event liquor license application submitted by Mr. Samuel Lopez on behalf of New Horizon Group Home to be used in conjunction with a fundraiser for the organization on Saturday, December 10, 2016 at Fine Ash Cigars located at 12725 W Indian School Road B-104 in Avondale. The Council will take appropriate action.

c. SPECIAL EVENT LIQUOR LICENSE - WILDCAT POKER TOURNAMENT

City Council will consider a request from Louis Sisbarro on behalf of St. Thomas Aquinas' Wildcat Dads Club for approval of a special event liquor license to be used in conjunction with their Wildcat Poker Tournament scheduled for Saturday, December 10, 2016 at St. Thomas Aquinas Church located at 13720 W Thomas Road in Avondale. The Council will take appropriate action.

d. CONSTRUCTION CONTRACT AWARD COMBS CONSTRUCTION COMPANY FOR THOMAS RD IMPROVEMENTS

City Council will consider a request to award a Construction Contract to Combs Construction Company to provide construction services for the Thomas Road Improvements in the amount of \$1,207,476.83, authorize the necessary transfer and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. SETTLEMENT AGREEMENT - MONICA MILLEDGE

City Council will consider a request to authorize a Settlement Agreement with Monica Milledge in the amount of \$50,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take the appropriate action.

f. COOPERATIVE PURCHASING AGREEMENT - ARIZONA REFUSE SERVICING, LLC

City Council will consider a request to approve a Cooperative Purchasing Agreement with Arizona Refuse Servicing, LLC for sanitation vehicle/equipment parts and repair services for a maximum annual amount of \$60,000 and a maximum aggregate amount of \$300,000 over the five-year term of the contract, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The City Council will take the appropriate action.

g. FIRST AMENDMENT TO COOPERATIVE PURCHASING AGREEMENT - MUNICIPAL EMERGENCY SERVICES, INC.

City Council will consider a request to approve the first amendment to a cooperative purchasing agreement with Municipal Emergency Services, Inc. in the amount not to exceed \$55,000 for the purchase of firefighter protective equipment and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

h. RESOLUTION 3346-1116 - INTERGOVERNMENTAL AGREEMENT WITH PUBLIC PROCUREMENT AUTHORITY

City Council will consider a resolution approving an Intergovernmental Agreement with Public Procurement Authority relating to cooperative purchasing. The Council will take the appropriate action.

i. RESOLUTION 3350-1116 - AUTHORIZING ACCEPTANCE OF GRANT FROM AZ DEPARTMENT OF HOUSING

City Council will consider a resolution authorizing execution of a Funding Agreement with the Arizona Department of Housing (ADOH) to commit \$385,000 in grant funds to support the City's Substantial Home Repair Program, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

j. RESOLUTION 3347-1116 - CANVASS OF VOTES OF THE NOVEMBER 8, 2016 GENERAL ELECTION

City Council will consider a resolution canvassing the results of the November 8, 2016 General Election. The Council will take appropriate action.

k. ORDINANCE - 1614-1116 - AMENDMENT TO CITY CODE CHAPTER 2, ARTICLE IV, RISK MANAGEMENT

City Council will consider an ordinance amending the Avondale Municipal Code, Chapter 2, Risk Management to allow the City Manager's authority for signing

settlement agreements with his general authority for signing contracts. The Council will take appropriate action.

5 PUBLIC HEARING - CONDITIONAL USE PERMIT FOR A SELF-SERVICE CARWASH (PL-16-0139)

City Council will hold a public hearing and consider a request by Brian Greathouse, Burch & Cracchiolo, P.A., requesting approval of a Conditional Use to allow for the construction and operation of a self-service carwash on a 1.47-acre vacant parcel located approximately 325 feet north of the northwest corner of Avondale Boulevard and Coldwater Springs Boulevard. The Council will take appropriate action.

6 PUBLIC HEARING AND ORDINANCE 1613-1116 - PROPOSED TEXT AMENDMENT TO ZONING ORDINANCE RELATED TO MEDICAL MARIJUANA DISPENSARY HOURS OF OPERATION (PL-16-0198)

City Council will hold a public hearing and consider a request by Mr. Ravikumar Balenalli, Golden Leaf Wellness, Inc., to adopt an Ordinance amending Section 1303.B of the City of Avondale Zoning Ordinance to allow Medical Marijuana Dispensaries to operate between the hours of 8:00 a.m. and 9:00 p.m., seven days a week. The Council will take the appropriate action.

7 RESOLUTION 3348-1116 - DEVELOPMENT AGREEMENT WITH VP GATEWAY SIGN, LLC

City Council will consider a resolution approving a development agreement with VP Gateway Sign, LLC, for the construction of an off-premise billboard sign within the the Gateway Village master-planned development located at the southeast corner of McDowell Road and 103rd Avenue. The Council will take appropriate action.

8 ENERGY, ENVIRONMENT, AND NATURAL RESOURCES COMMISSION UPDATE

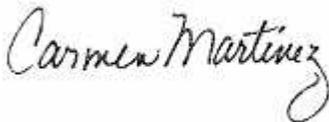
Energy, Environment, and Natural Resources Commission member Lisa Amos will update the Mayor and City Council on the progress made toward the general goals of the Energy, Environment & Natural Resources Commission.

9 CONTINUATION OF PUBLIC HEARING ON WATER AND SEWER RATE INCREASES

The City Council will consider a motion to continue its scheduled public hearing on water and sewer rate increases until December 19, 2016.

10 ADJOURNMENT

Respectfully submitted,



Carmen Martinez
City Clerk

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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 niños no estén 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:

Project Connect and West Valley Homeless Initiative Update

MEETING DATE:

11/21/2016

TO: Mayor and Council

FROM: Pier Simeri, Director of Community Relations and Public Affairs

THROUGH: David Fitzhugh, City Manager

PURPOSE:

Pastor Jack Marslender of the First Southern Baptist Church in Avondale will provide council with a brief update of the Project Connect event that was held in November at his church in partnership with United Way. He will also update the council on the West Valley Homeless Initiative that came about from a discussion at the February 2016 Interfaith Council meeting.

BACKGROUND:

Valley of the Sun United Way started Project Connect to bring together a broad range of vital health and human services to a single accessible location. These critical resources are provided at a different Valley location each month to broaden their reach. On November 3rd, this event was hosted at the First Southern Baptist Church of Avondale. Pastor Jack and his staff have partnered with United Way for several years to bring this event to the Southwest Valley. In February of 2016, the Avondale Interfaith Council welcomed a guest speaker from the AZ Dept of Economic Security - I Help Program (Interfaith Homeless Emergency Lodging Program). During the roundtable discussion at that meeting, the need for those types of services in the west valley was discussed and several members voiced an interest in developing a similar program to the one that is in Tempe.

DISCUSSION:

Since that initial discussion at the February meeting, Pastor Jack has taken the lead and formed a committee to bring this program to the West Valley. Several representatives from area churches and resource center staff toured the Tempe program and began designing a West Valley program. An application through the city's Contributions Assistance Program was submitted to assist with the start-up costs of this initiative and they were awarded \$8,000. The group has worked hard to ready themselves to start assisting clients beginning January 2017.

BUDGET IMPACT:

None



CITY COUNCIL AGENDA

SUBJECT:

Special Event Liquor License - Tatuaje Winner
Tour 2016 Cigar & Beer Festival

MEETING DATE:

11/21/2016

TO: Mayor and Council

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

THROUGH: David Fitzhugh, City Manager

PURPOSE:

Staff is recommending approval of a special event liquor license application submitted by Mr. Samuel Lopez on behalf of New Horizon Group Home to be used in conjunction with a fundraiser for the organization on Saturday, November 27, 2016 at Fine Ash Cigars located at 12725 W Indian School Road B-104 in Avondale.

DISCUSSION:

The City Clerk's Department has received a request from Mr. Samuel Lopez on behalf of the New Horizon Group Home for a special event liquor license to be used in conjunction with a fundraising event scheduled for Saturday, November 27, 2016 at Fine Ash Cigars located at 12725 W Indian School Road, Suite B 104 in Avondale.

The required fees have been paid. Staff has determined that the applicant is not requesting any city support other than normal city services. The Police and Fire Departments have reviewed the application and are recommending approval. Their comments are attached.

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

1. The event will be open to the public
2. Criminal history of the applicant - A background check of the representative, Mr. Samuel Lopez, revealed no contact with the Avondale Police Department
3. The event is a cigar and beer festival to raise funds
4. Security measures taken by the applicant - The Police Department has reviewed the security plan and has determined it to be sufficient
5. Beer, wine and spirituous liquors will be served
6. Beverages will be dispensed in disposable cups and cans
7. This is the first time a similar event is being held at this location
8. This event is being held outside an existing business in a retail development, so no disturbance to surrounding residences is anticipated
9. The event will last eight hours
10. Sanitary facilities are available within the business, a portable restroom will also be available

11. Zoning is appropriate - Zoning is C-2 (Community Commercial). Special events may be held on any property regardless of General Plan designation or zoning
12. Anticipated total daily attendance is 80 people
13. There will be a stage for entertainment. Entertainers will use their own amplification equipment
14. Per the Police Department, traffic control measures will not be necessary

RECOMMENDATION:

Staff is recommending approval of a special event liquor license application submitted by Mr. Samuel Lopez on behalf of New Horizon Group Home to be used in conjunction with a fundraiser for the organization on Saturday, November 27, 2016 at Fine Ash Cigars located at 12725 W Indian School Road B-104 in Avondale.

ATTACHMENTS:

Description

[Application and related documents](#)

SERIES 15 SPECIAL EVENT
LIQUOR LICENSE APPLICATION FOR
TATUAJE WINNER TOUR 2016
CIGAR/BEER FESTIVAL

DUE TO THEIR SIZE, THE FOLLOWING DOCUMENTS
HAVE BEEN POSTED SEPARATELY:

APPLICATION
DEPARTMENTAL REVIEW

<http://www.avondale.org/DocumentCenter/View/39430>



CITY COUNCIL AGENDA

SUBJECT:

Special Event Liquor License - Wildcat Poker
Tournament

MEETING DATE:

11/21/2016

TO: Mayor and Council

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

THROUGH: David Fitzhugh, City Manager

PURPOSE:

Staff is recommending approval of an application submitted by Mr. Louis Sisbarro on behalf of Wildcat Dads Club for a special event liquor license to be used in conjunction with their Wildcat Poker Tournament scheduled for Saturday, December 10, 2016 at St. Clare Hall in St. Thomas Aquinas Church located at 13720 W Thomas Road in Avondale.

DISCUSSION:

The City Clerk's Department has received a request from Mr. Louis Sisbarro on behalf of the Wildcat Dads Club at St. Thomas Aquinas School for a special event liquor license to be used in conjunction with their Wildcat Poker Tournament scheduled for Saturday, December 10, 2016 at St. Clare Hall within St. Thomas Aquinas Church.

The required fees have been paid. Staff has determined that the applicant is not requesting any city support other than normal city services. The Police and Fire Departments have reviewed the application and are recommending approval. Their comments are attached.

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

1. The event will be open to the public
2. Criminal history of the applicant - A background check of the representative, Mr. Louis Sisbarro, revealed no contact with the Avondale Police Department
3. The event is a Texas Hold'em Poker tournament to raise funds
4. Security measures taken by the applicant - The Police Department has reviewed the security plan and has determined it to be sufficient
5. Beer and wine will be served
6. Beverages will be dispensed in disposable cups and containers
7. The previous event held in September 2016 revealed no neighborhood disturbances
8. Event activities will be confined to St. Clare Hall within the St. Thomas Aquinas Church campus so there is no potential for problems in the neighborhood in terms of noise, hours and time of the event
9. The event will last six hours
10. Sanitary facilities are available within the church campus

11. Zoning is appropriate - Zoning is Planned Area Development. Planning staff has indicated that the proposed use will not result in incompatible land uses
12. Anticipated total daily attendance is 85 people
13. There will not be sound amplification.
14. Per the Police Department, traffic control measures will not be necessary

BUDGET IMPACT:

This item does not have any budgetary impact.

RECOMMENDATION:

Staff is recommending approval of an application submitted by Mr. Louis Sisbarro for a special event liquor license to be used in conjunction with their Wildcat Poker Tournament scheduled for Saturday, December 10, 2016 at St. Clare Hall in St. Thomas Aquinas Church located at 13720 W Thomas Road in Avondale.

ATTACHMENTS:

Description

[Application and related documents](#)

SERIES 15 SPECIAL EVENT
LIQUOR LICENSE APPLICATION FOR
WILDCATS DADS CLUB
WILDCATS POKER TOURNAMENT

DUE TO THEIR SIZE, THE FOLLOWING DOCUMENTS
HAVE BEEN POSTED SEPARATELY:

APPLICATION
DEPARTMENTAL REVIEW

<http://www.avondale.org/DocumentCenter/View/39420>



CITY COUNCIL AGENDA

SUBJECT:

Construction Contract Award Combs
Construction Company for Thomas Rd
Improvements

MEETING DATE:

11/21/2016

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

City Council will consider approving a Construction Contract with Combs Construction Company to provide construction services for the Thomas Road Improvements in the amount of \$1,207,476.83, authorize the transfer of \$236,376.83 from CIP Street Fund Line Item 304-1330-00-8420, 107th Ave – Roosevelt to Van Buren, to CIP Street Fund Line Item 304-1306-00-8420, Thomas – 99th Ave to 103rd Ave, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

The City's current Capital Improvement Program includes a project to improve the roadway on Thomas Road from the 99th Avenue to 103rd Avenue. This project will enhance the aesthetics along the corridor, and will include LED street lights and bike lanes. Thomas Road will be repaved within the project limits and landscaped median islands will be installed.

Council approved the First Amendment to the Design Contract with Jacobs on August 3, 2015 to allow the firm to complete design of the improvements within the project corridor. Plans and specifications have been reviewed and approved.

DISCUSSION:

The main scope of work for this project will include:

- Pavement replacement, curb, gutter and sidewalk installation
- Median island installation
- LED lighting
- Landscaping

BID PROCESS:

Requests-for-Bid notices were published in the West Valley View on October 12 and October 19, 2016 and the Arizona Business Gazette on October 13, 2016. The Development and Engineering Services Department held a non-mandatory pre-bid meeting on October 19, 2016. Nine (9) bids were received and opened on November 2, 2016. Each bid package was thoroughly reviewed and eight (8) bidders were determined to have met the bidding requirements and deemed

responsive. The bids from the firms deemed responsive are as follows:

<u>BIDDER</u>	<u>TOTAL BID AMOUNT</u>	<u>M/DBE</u>
AJP	\$1,292,542.16	No
Visus	\$1,345,000.00	No
Standard	\$1,382,689.05	No
ALR	\$1,285,676.60	No
Markham	\$1,305,400.00	No
Combs	\$1,207,476.83	No
Blucor	\$1,259,194.75	No
Talis	\$1,338,536.62	No

Combs, with a bid of \$1,207,476.83, was determined to have submitted the lowest, responsible and qualified bid. Staff contacted references and believes Combs to be competent and qualified for this project. Combs has successfully completed similar work for other local government agencies. Staff contacted the Registrar of Contractors and found no claims on file against this Contractor. The bid tabulation sheet, which provides a detailed bid item breakdown of each submitted bid, is attached.

SCHEDULE:

A tentative construction schedule is as follows:

<u>PROJECT MILESTONES</u>	<u>TARGET DATES</u>
Issue Notice of Award	11/22/16
Pre-Construction Conference	12/13/16
Notice-To-Proceed	1/2/17
Begin Construction	1/2/17
Project Completion	5/5/17

BUDGET IMPACT:

Funding in the amount of \$236,376.83 is available in CIP Street Fund Line Item 304-1330-00-8420, 107th Ave – Roosevelt to Van Buren, and is proposed to be transferred to CIP Street Fund Line Item 304-1306-00-8420, Thomas – 99th Ave to 103rd Ave, for completion of this project. The remaining \$971,100.00 is available in CIP Street Fund Line Item No. 304-1306-00-8420, Thomas – 99th Ave to 103rd Ave.

Algodon will be reimbursing the City for improvements along their frontage. This reimbursement amount will be in the amount of \$243,480.25. The Owner reimbursement will be deposited into CIP Street Fund Revenue Line Item 304-6600-00-4890, Reimbursement/Projects by City.

RECOMMENDATION:

Staff recommends that City Council approve a Construction Contract with Combs Construction Company to provide construction services for the Thomas Road Improvements Project in the amount of \$1,207,476.83, authorize the transfer of \$236,376.83 from CIP Street Fund Line Item 304-1330-00-8420, 107th Ave – Roosevelt to Van Buren, to CIP Street Fund Line Item 304-1306-00-8420, Thomas – 99th Ave to 103rd Ave, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

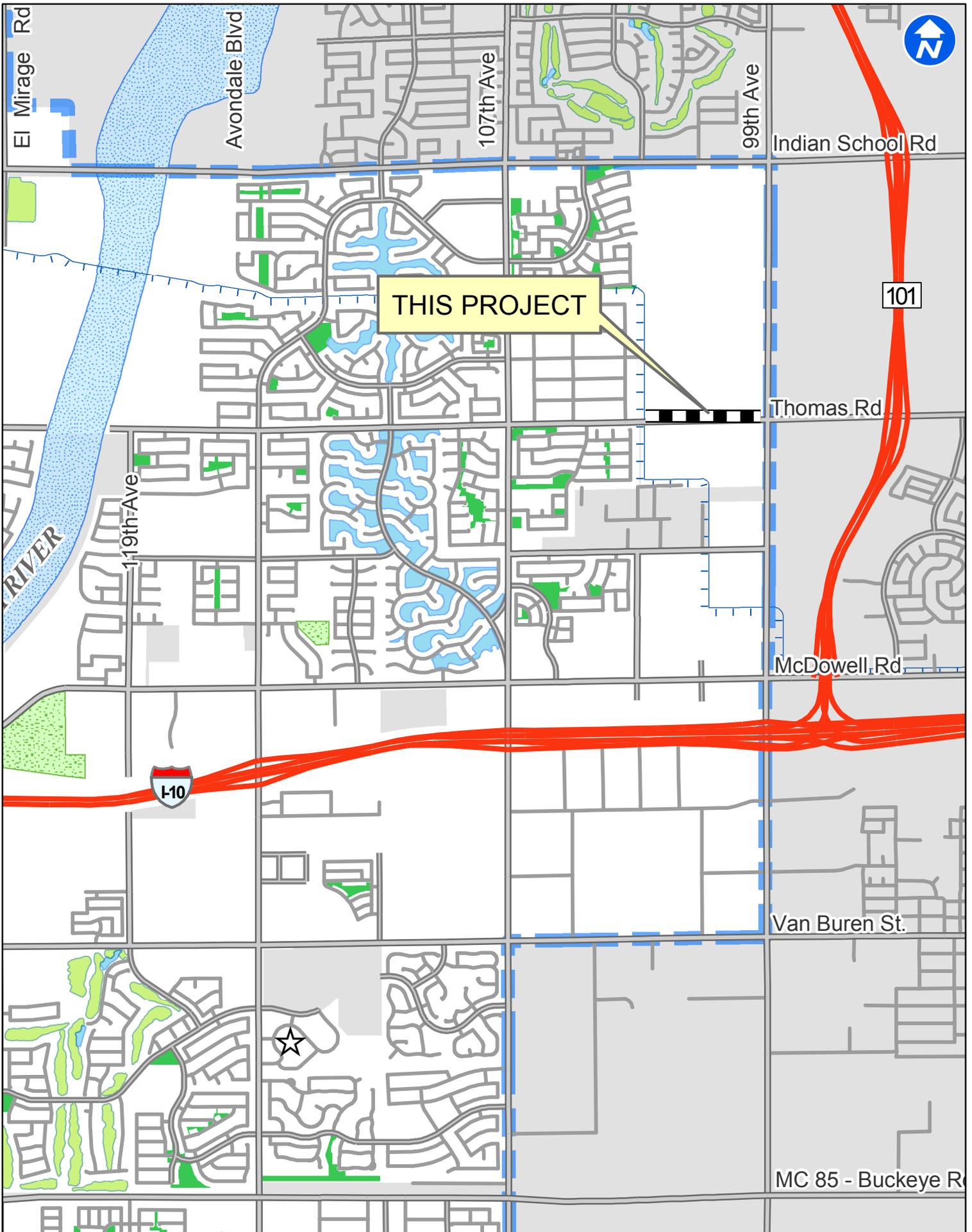
Description

[Vicinity Map](#)

[Bid Tab](#)

[Contracts](#)

City of Avondale



Vicinity Map
Thomas Rd - 99th Ave to 103rd Ave



CITY OF AVONDALE
 BID TABULATION SHEET
 Solicitation # EN17-020 Thomas Road Improvements
 BID DATE: November 2, 2016

				AJP		Visus		Sunland		Standard		ALR		Markham	
Item No.	Description of Materials and/or Services	Unit	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
105.30010	Preparation of As-Built Plans	1	LS	\$2,230.00	\$2,230.00	\$4,000.00	\$4,000.00		\$0.00	\$1,900.00	\$1,900.00	\$2,000.00	\$2,000.00	\$4,000.00	\$4,000.00
105.80010	Construction Staking, Surveying and Layout	1	LS	\$18,570.00	\$18,570.00	\$25,000.00	\$25,000.00		\$0.00	\$19,000.00	\$19,000.00	\$16,500.00	\$16,500.00	\$20,200.00	\$20,200.00
107.02000	AZPDES (NPDES)/SWPPP	1	LS	\$6,600.00	\$6,600.00	\$15,000.00	\$15,000.00		\$0.00	\$5,500.00	\$5,500.00	\$19,000.00	\$19,000.00	\$15,000.00	\$15,000.00
107.15000	Community Relations (Allowance)	1	LS	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00		\$0.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
107.20020	Permit and Development Fee for Landscape Meter (Allowance):	1	LS	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00		\$0.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00
109.10010	Mobilization/Demobilization	1	LS	\$50,000.00	\$50,000.00	\$100,000.00	\$100,000.00		\$0.00	\$58,000.00	\$58,000.00	\$20,000.00	\$20,000.00	\$55,000.00	\$55,000.00
109.50010	Miscellaneous Reimbursable (Allowance)	1	LS	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00		\$0.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
215.01510	Earthwork for Retention Basins	747	CY	\$14.00	\$10,458.00	\$16.00	\$11,952.00		\$0.00	\$29.00	\$21,663.00	\$13.00	\$9,711.00	\$20.00	\$14,940.00
301.01000	Subgrade Preparation	11,092	SY	\$8.00	\$88,736.00	\$18.00	\$199,656.00		\$0.00	\$10.00	\$110,920.00	\$7.00	\$77,644.00	\$11.50	\$127,558.00
301.02000	Subgrade Preparation (Farm Road)	2,538	SY	\$1.00	\$2,538.00	\$5.00	\$12,690.00		\$0.00	\$4.50	\$11,421.00	\$7.00	\$17,766.00	\$4.50	\$11,421.00
309.01012	Lime Slurry Stabilization, 12" Depth (Contingent Item)	4,100	SY	\$4.35	\$17,835.00	\$3.00	\$12,300.00		\$0.00	\$4.75	\$19,475.00	\$5.00	\$20,500.00	\$4.40	\$18,040.00
310.03275	Aggregate Base Course	6,611	TON	\$22.00	\$145,442.00	\$15.00	\$99,165.00		\$0.00	\$19.00	\$125,609.00	\$14.00	\$92,554.00	\$13.00	\$85,943.00
317.01000	Mill Existing AC Pavement	5,221	SY	\$2.80	\$14,618.80	\$3.00	\$15,663.00		\$0.00	\$4.00	\$20,884.00	\$2.50	\$13,052.50	\$4.00	\$20,884.00
321.01200	Asphaltic Concrete Pavement (12.5 mm Surface Course HV)	1,857	TON	\$85.00	\$157,845.00	\$64.00	\$118,848.00		\$0.00	\$90.00	\$167,130.00	\$83.00	\$154,131.00	\$80.00	\$148,560.00
321.01300	Asphaltic Concrete Pavement (19 mm Base Course HV)	1,873	TON	\$85.00	\$159,205.00	\$75.00	\$140,475.00		\$0.00	\$90.00	\$168,570.00	\$83.00	\$155,459.00	\$79.00	\$147,967.00
329.02000	Emulsified Bituminous Tack Coat	5	TON	\$720.00	\$3,888.00	\$700.00	\$3,780.00		\$0.00	\$575.00	\$3,105.00	\$930.00	\$5,022.00	\$750.00	\$4,050.00
332.10200	MAG Type II Slurry Seal Application	2,750	SY	\$6.20	\$17,050.00	\$2.00	\$5,500.00		\$0.00	\$6.00	\$16,500.00	\$6.00	\$16,500.00	\$5.50	\$15,125.00
340.01110	6" Vertical Curb and Gutter, MAG Detail 220-1, Type A	7,165	LF	\$11.00	\$78,815.00	\$11.00	\$78,815.00		\$0.00	\$16.00	\$114,640.00	\$9.00	\$64,485.00	\$10.00	\$71,650.00
340.01210	Concrete Sidewalk, MAG Detail 230 (4" Thick)	3,827	SF	\$4.25	\$16,264.75	\$4.00	\$15,308.00		\$0.00	\$3.50	\$13,394.50	\$3.50	\$13,394.50	\$3.60	\$13,777.20
340.01304	Pedestrian Ramp, City of Phoenix Detail P1236	1	EA	\$3,150.00	\$3,150.00	\$1,500.00	\$1,500.00		\$0.00	\$1,300.00	\$1,300.00	\$2,560.00	\$2,560.00	\$2,600.00	\$2,600.00
340.01306	Pedestrian Ramp, COA Detail A1235 (Mod)	6	EA	\$2,450.00	\$14,700.00	\$900.00	\$5,400.00		\$0.00	\$1,300.00	\$7,800.00	\$2,000.00	\$12,000.00	\$2,200.00	\$13,200.00
340.01307	Bike Transition Ramp, Detail C	1	EA	\$2,010.00	\$2,010.00	\$900.00	\$900.00		\$0.00	\$1,300.00	\$1,300.00	\$1,650.00	\$1,650.00	\$1,800.00	\$1,800.00
340.01452	Driveway Entrance, COA Detail A1252 (Residential)	2	EA	\$2,500.00	\$5,000.00	\$1,900.00	\$3,800.00		\$0.00	\$1,200.00	\$2,400.00	\$1,815.00	\$3,630.00	\$2,000.00	\$4,000.00
340.01600	Concrete Valley Gutter and Apron	970	SF	\$11.50	\$11,155.00	\$8.00	\$7,760.00		\$0.00	\$7.50	\$7,275.00	\$9.00	\$8,730.00	\$10.00	\$9,700.00
340.04225	Median Nose Transition, COA Detail A1220 (Monolithic Construction)	2	EA	\$450.00	\$900.00	\$200.00	\$400.00		\$0.00	\$250.00	\$500.00	\$330.00	\$660.00	\$360.00	\$720.00
342.01200	Brick Pavers	87	SY	\$65.00	\$5,655.00	\$70.00	\$6,090.00		\$0.00	\$165.00	\$14,355.00	\$40.00	\$3,480.00	\$85.00	\$7,395.00
345.01410	Adjust Water Valve Box and Cover to Grade	9	EA	\$350.00	\$3,150.00	\$500.00	\$4,500.00		\$0.00	\$500.00	\$4,500.00	\$375.00	\$3,375.00	\$550.00	\$4,950.00



CITY OF AVONDALE
 BID TABULATION SHEET
 Solicitation # EN17-020 Thomas Road Improvements
 BID DATE: November 2, 2016

				AJP		Visus		Sunland		Standard		ALR		Markham	
Item No.	Description of Materials and/or Services	Unit	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
350.01124	Remove Irrigation Pipe, Backfill and Compact, D=24"	68	LF	\$12.00	\$816.00	\$20.00	\$1,360.00		\$0.00	\$16.00	\$1,088.00	\$20.00	\$1,360.00	\$19.50	\$1,326.00
350.01500	Remove Concrete Headwall	2	EA	\$600.00	\$1,200.00	\$900.00	\$1,800.00		\$0.00	\$600.00	\$1,200.00	\$500.00	\$1,000.00	\$600.00	\$1,200.00
350.01600	Remove Concrete Irrigation Structure	1	LS	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00		\$0.00	\$1,500.00	\$1,500.00	\$750.00	\$750.00	\$1,150.00	\$1,150.00
350.01800	Remove Existing Concrete Curb and Gutter	265	LF	\$5.00	\$1,325.00	\$8.00	\$2,120.00		\$0.00	\$5.00	\$1,325.00	\$5.00	\$1,325.00	\$6.00	\$1,590.00
350.01810	Remove Existing Concrete Valley Gutter and Apron	1,476	SF	\$5.00	\$7,380.00	\$1.50	\$2,214.00		\$0.00	\$2.50	\$3,690.00	\$2.00	\$2,952.00	\$2.25	\$3,321.00
350.01900	Remove Existing Concrete Sidewalk, Ramp, Driveway and Slab	2,957	SF	\$3.00	\$8,871.00	\$1.00	\$2,957.00		\$0.00	\$1.25	\$3,696.25	\$2.00	\$5,914.00	\$1.20	\$3,548.40
350.04000	Remove and Salvage Traffic Sign	6	EA	\$60.00	\$360.00	\$60.00	\$360.00		\$0.00	\$200.00	\$1,200.00	\$125.00	\$750.00	\$100.00	\$600.00
351.23000	Relocate Existing Gate	1	EA	\$1,000.00	\$1,000.00	\$600.00	\$600.00		\$0.00	\$1,500.00	\$1,500.00	\$1,000.00	\$1,000.00	\$1,056.00	\$1,056.00
351.46004	Remove and Salvage Street Light Pole (mast arm and luminaire only)	8	EA	\$350.00	\$2,800.00	\$400.00	\$3,200.00		\$0.00	\$320.00	\$2,560.00	\$300.00	\$2,400.00	\$300.00	\$2,400.00
401.01000	Traffic Control	1	LS	\$41,000.00	\$41,000.00	\$25,000.00	\$25,000.00		\$0.00	\$27,000.00	\$27,000.00	\$32,000.00	\$32,000.00	\$60,500.00	\$60,500.00
401.01100	Uniformed Off-Duty Officer (Allowance)	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00		\$0.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
430.01002	Landscape Restoration (Allowance)	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00		\$0.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
430.01005	Plant - 3 and 5 gallon	464	EA	\$15.00	\$6,960.00	\$23.00	\$10,672.00		\$0.00	\$32.00	\$14,848.00	\$28.00	\$12,992.00	\$14.00	\$6,496.00
430.01053	Tree - 36 Inch Box	38	EA	\$525.00	\$19,950.00	\$525.00	\$19,950.00		\$0.00	\$800.00	\$30,400.00	\$690.00	\$26,220.00	\$475.00	\$18,050.00
430.30000	2" Decomposed Granite (All Gradations and Colors)	40,668	SF	\$0.52	\$21,147.36	\$0.50	\$20,334.00		\$0.00	\$0.50	\$20,334.00	\$0.45	\$18,300.60	\$0.50	\$20,334.00
430.30001	2" Decomposed Granite with Pre-Emergent (Retention Basin)	3,550	SY	\$4.75	\$16,862.50	\$4.00	\$14,200.00		\$0.00	\$4.50	\$15,975.00	\$40.00	\$142,000.00	\$4.50	\$15,975.00
440.01101	1" Sleeve (Sch. 40 PVC)	164	LF	\$5.00	\$820.00	\$3.00	\$492.00		\$0.00	\$2.00	\$328.00	\$1.70	\$278.80	\$2.00	\$328.00
440.01104	4" Sleeve (Sch. 40 PVC)	175	LF	\$21.00	\$3,675.00	\$5.00	\$875.00		\$0.00	\$5.00	\$875.00	\$5.00	\$875.00	\$5.10	\$892.50
440.01106	6" Sleeve (Sch. 40 PVC)	164	LF	\$25.00	\$4,100.00	\$7.00	\$1,148.00		\$0.00	\$10.00	\$1,640.00	\$9.00	\$1,476.00	\$10.10	\$1,656.40
440.01109	1" Ball Valve Assembly	2	EA	\$62.00	\$124.00	\$200.00	\$400.00		\$0.00	\$275.00	\$550.00	\$240.00	\$480.00	\$275.00	\$550.00
440.01200	3/4" Drip Lateral Pipe (Class 200 PVC)	4,590	LF	\$1.55	\$7,114.50	\$2.00	\$9,180.00		\$0.00	\$1.30	\$5,967.00	\$2.00	\$9,180.00	\$1.25	\$5,737.50
440.01201	1" Mainline Pipe (Sch. 40 PVC)	1,238	LF	\$1.90	\$2,352.20	\$3.50	\$4,333.00		\$0.00	\$2.00	\$2,476.00	\$1.70	\$2,104.60	\$1.90	\$2,352.20
440.01400	Irrigation Solar Controller	1	EA	\$1,860.00	\$1,860.00	\$3,500.00	\$3,500.00		\$0.00	\$2,400.00	\$2,400.00	\$2,010.00	\$2,010.00	\$1,700.00	\$1,700.00
440.03000	Multi-Outlet Emitter	76	EA	\$20.00	\$1,520.00	\$23.00	\$1,748.00		\$0.00	\$30.00	\$2,280.00	\$26.00	\$1,976.00	\$29.00	\$2,204.00
440.03001	Single-Outlet Emitter	464	EA	\$10.00	\$4,640.00	\$11.00	\$5,104.00		\$0.00	\$9.00	\$4,176.00	\$8.00	\$3,712.00	\$9.00	\$4,176.00
440.50001	Electric Valve 1" (Drip Remote Control Valve Assembly)	4	EA	\$340.00	\$1,360.00	\$400.00	\$1,600.00		\$0.00	\$525.00	\$2,100.00	\$455.00	\$1,820.00	\$320.00	\$1,280.00
460.02000	Remove Thermoplastic Stripe	2,000	LF	\$1.05	\$2,100.00	\$1.00	\$2,000.00		\$0.00	\$1.00	\$2,000.00	\$2.20	\$4,400.00	\$1.00	\$2,000.00



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 Solicitation # EN17-020 Thomas Road Improvements
 BID DATE: November 2, 2016

				AJP		Visus		Sunland		Standard		ALR		Markham	
Item No.	Description of Materials and/or Services	Unit	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
461.01520	Paint Symbol (Bike Lane Marking Set)	2	EA	\$230.00	\$460.00	\$200.00	\$400.00		\$0.00	\$240.00	\$480.00	\$94.00	\$188.00	\$230.00	\$460.00
461.01600	Paint Median Island	4	LF	\$112.00	\$448.00	\$100.00	\$400.00		\$0.00	\$110.00	\$440.00	\$110.00	\$440.00	\$110.00	\$440.00
461.02100	Remove Thermoplastic Symbol (Bike Lane and Arrow, "ONLY")	1	EA	\$62.00	\$62.00	\$60.00	\$60.00		\$0.00	\$65.00	\$65.00	\$83.00	\$83.00	\$60.00	\$60.00
461.02110	Remove Thermoplastic Arrow (Left and Right Turn)	2	EA	\$62.00	\$124.00	\$60.00	\$120.00		\$0.00	\$65.00	\$130.00	\$83.00	\$166.00	\$60.00	\$120.00
462.01100	4" White Thermoplastic Traffic Stripe	8,599	LF	\$0.45	\$3,869.55	\$0.40	\$3,439.60		\$0.00	\$0.45	\$3,869.55	\$0.60	\$5,159.40	\$0.45	\$3,869.55
462.01200	4" Yellow Thermoplastic Traffic Stripe	3,765	LF	\$0.45	\$1,694.25	\$0.40	\$1,506.00		\$0.00	\$0.45	\$1,694.25	\$0.60	\$2,259.00	\$0.45	\$1,694.25
462.01511	Thermoplastic Symbol Left Turn Arrow	4	EA	\$205.00	\$820.00	\$170.00	\$680.00		\$0.00	\$200.00	\$800.00	\$110.00	\$440.00	\$200.00	\$800.00
463.01100	Reflectorized Raised Pavement Marker (Type D, Yellow, 2- Way)	188	EA	\$4.00	\$752.00	\$4.00	\$752.00		\$0.00	\$4.00	\$752.00	\$3.90	\$733.20	\$4.00	\$752.00
463.01200	Reflectorized Raised Pavement Marker (Type G, Clear, 1- Way)	180	EA	\$4.00	\$720.00	\$4.00	\$720.00		\$0.00	\$4.00	\$720.00	\$3.90	\$702.00	\$4.00	\$720.00
463.01400	Reflectorized Raised Pavement Marker (Type 911-A, Blue, 2-Way)	3	EA	\$4.00	\$12.00	\$4.00	\$12.00		\$0.00	\$4.00	\$12.00	\$5.00	\$15.00	\$4.00	\$12.00
464.02000	Perforated Sign Post	47	LF	\$6.00	\$282.00	\$9.00	\$423.00		\$0.00	\$10.00	\$470.00	\$10.00	\$470.00	\$5.00	\$235.00
464.02001	Perforated Sign Post Foundation, MCDOT Detail 2058	4	EA	\$130.00	\$520.00	\$170.00	\$680.00		\$0.00	\$190.00	\$760.00	\$100.00	\$400.00	\$200.00	\$800.00
465.01003	Flat Sheet Aluminum Sign Panel, Diamond Grade	60	SF	\$17.00	\$1,020.00	\$25.00	\$1,500.00		\$0.00	\$20.00	\$1,200.00	\$29.00	\$1,740.00	\$25.00	\$1,500.00
470.00020	Remove and Salvage Traffic Signal Poles and Equipment	1	LS	\$2,600.00	\$2,600.00	\$1,000.00	\$1,000.00		\$0.00	\$1,200.00	\$1,200.00	\$1,000.00	\$1,000.00	\$1,100.00	\$1,100.00
470.00030	Remove Foundations, Pull Boxes and Conductors	1	LS	\$1,800.00	\$1,800.00	\$1,000.00	\$1,000.00		\$0.00	\$2,500.00	\$2,500.00	\$1,000.00	\$1,000.00	\$2,300.00	\$2,300.00
471.60010	Street Light Junction Box (Avondale Detail A1090)	12	EA	\$300.00	\$3,600.00	\$400.00	\$4,800.00		\$0.00	\$375.00	\$4,500.00	\$375.00	\$4,500.00	\$350.00	\$4,200.00
471.60047	No. 7 Pull Box	3	EA	\$500.00	\$1,500.00	\$700.00	\$2,100.00		\$0.00	\$850.00	\$2,550.00	\$685.00	\$2,055.00	\$750.00	\$2,250.00
471.61112	Sch. 40 PVC Electrical Conduit, 2" with 1/4" Nylon Pull Rope and #8 Bare Copper Wire (Trench)	116	LF	\$10.00	\$1,160.00	\$7.00	\$812.00		\$0.00	\$18.00	\$2,088.00	\$7.00	\$812.00	\$16.00	\$1,856.00
471.61212	Sch. 40 PVC Electrical Conduit, 2 1/2" with 1/4" Nylon Pull Rope and #8 Bare Copper Wire (Trench)	1,905	LF	\$8.50	\$16,192.50	\$11.00	\$20,955.00		\$0.00	\$15.00	\$28,575.00	\$11.40	\$21,717.00	\$14.00	\$26,670.00
471.61213	Sch. 40 PVC Electrical Conduit, 2 1/2" with 1/4" Nylon Pull Rope and #8 Bare Copper Wire (Horizontal Bore)	200	LF	\$24.00	\$4,800.00	\$30.00	\$6,000.00		\$0.00	\$38.00	\$7,600.00	\$31.00	\$6,200.00	\$38.00	\$7,600.00
471.61280	Sch. 80 PVC Electrical Conduit, 2 1/2" with 1/4" Nylon Pull Rope and #8 Bare Copper Wire (Trench)	190	LF	\$26.00	\$4,940.00	\$12.00	\$2,280.00		\$0.00	\$37.00	\$7,030.00	\$13.00	\$2,470.00	\$37.00	\$7,030.00
472.61500	Pole Foundation, Type PB (Push Button), MCDOT Detail 4720	1	EA	\$1,325.00	\$1,325.00	\$700.00	\$700.00		\$0.00	\$950.00	\$950.00	\$740.00	\$740.00	\$900.00	\$900.00
472.61600	Pole Foundation, Type Giraffe Light Pole	1	EA	\$3,500.00	\$3,500.00	\$850.00	\$850.00		\$0.00	\$2,500.00	\$2,500.00	\$910.00	\$910.00	\$2,300.00	\$2,300.00
477.71840	LED Street Light (Pole, Mast Arm, Luminaire and Photocell) and Foundation Complete	12	EA	\$4,015.00	\$48,180.00	\$5,000.00	\$60,000.00		\$0.00	\$5,000.00	\$60,000.00	\$4,400.00	\$52,800.00	\$4,600.00	\$55,200.00
505.06504	Concrete Scupper and Spillway, COA Detail A1510, S/W=5', Curb Opening = 4'	1	EA	\$2,060.00	\$2,060.00	\$2,000.00	\$2,000.00		\$0.00	\$5,800.00	\$5,800.00	\$1,700.00	\$1,700.00	\$1,700.00	\$1,700.00
505.30100	Reinforced Concrete Box Culvert Extension and Headwall, SRP Design (Irrigation) (Contingent Item)	1	LS	\$35,000.00	\$35,000.00	\$50,000.00	\$50,000.00		\$0.00	\$22,000.00	\$22,000.00	\$28,000.00	\$28,000.00	\$27,000.00	\$27,000.00
523.10124	Concrete Headwall, MAG Detail 501, Straight Type, 24" Pipe	3	EA	\$3,200.00	\$9,600.00	\$1,600.00	\$4,800.00		\$0.00	\$3,100.00	\$9,300.00	\$2,510.00	\$7,530.00	\$2,250.00	\$6,750.00



CITY OF AVONDALE
 BID TABULATION SHEET
 Solicitation # EN17-020 Thomas Road Improvements
 BID DATE: November 2, 2016

				AJP		Visus		Sunland		Standard		ALR		Markham	
Item No.	Description of Materials and/or Services	Unit	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
523.11124	Concrete Headwall, MAG Detail 501, 'L' Type, 24" Pipe	1	EA	\$3,400.00	\$3,400.00	\$2,000.00	\$2,000.00		\$0.00	\$3,100.00	\$3,100.00	\$2,750.00	\$2,750.00	\$2,400.00	\$2,400.00
523.20024	Concrete Trash Rack, SRP Detail, 24" Pipe	1	EA	\$6,000.00	\$6,000.00	\$5,500.00	\$5,500.00		\$0.00	\$700.00	\$700.00	\$4,400.00	\$4,400.00	\$4,800.00	\$4,800.00
610.10540	New Water Service	1	EA	\$2,715.00	\$2,715.00	\$3,100.00	\$3,100.00		\$0.00	\$2,900.00	\$2,900.00	\$1,500.00	\$1,500.00	\$2,800.00	\$2,800.00
615.04008	8" PVC Sanitary Sewer SDR 35 with fittings complete in place	154	LF	\$115.00	\$17,710.00	\$50.00	\$7,700.00		\$0.00	\$55.00	\$8,470.00	\$26.00	\$4,004.00	\$210.00	\$32,340.00
618.20008	8" PVC Sewer line	56	LF	\$22.00	\$1,232.00	\$15.00	\$840.00		\$0.00	\$76.00	\$4,256.00	\$35.00	\$1,960.00	\$28.00	\$1,568.00
618.20324	24" RGRCP, Class III	112	LF	\$72.00	\$8,064.00	\$100.00	\$11,200.00		\$0.00	\$150.00	\$16,800.00	\$110.00	\$12,320.00	\$92.00	\$10,304.00
625.01101	SRP Manhole with Base, Frame and Cover, per SRP Detail	1	EA	\$7,000.00	\$7,000.00	\$12,144.40	\$12,144.40		\$0.00	\$11,000.00	\$11,000.00	\$4,000.00	\$4,000.00	\$7,000.00	\$7,000.00
635.04000	Earthen Irrigation Ditch with 2-Foot Bottom, MAG Detail 520	2,411	LF	\$4.25	\$10,246.75	\$7.00	\$16,877.00		\$0.00	\$2.50	\$6,027.50	\$3.00	\$7,233.00	\$6.00	\$14,466.00
757.40002	Backflow Prevention Device Smaller Than 3" (With Concrete Pad and Cage)	1	EA	\$2,480.00	\$2,480.00	\$2,500.00	\$2,500.00		\$0.00	\$3,200.00	\$3,200.00	\$2,200.00	\$2,200.00	\$2,500.00	\$2,500.00
TOTAL*				\$1,292,542.16		\$1,345,000.00		\$0.00		\$1,382,689.05		\$1,285,676.60		\$1,305,400.00	
TOTAL SUBMITTED BY BIDDER*				\$1,292,542.16		\$1,345,000.00				\$1,382,699.05		\$1,283,793.60		\$1,305,400.00	
Met Requirements and Required Attachments Included?				Yes		Yes		No		Yes		Yes		Yes	

*All bids are presumed to include all applicable taxes.

Calculation or Extension Error

Avondale

Item No.	Description of Materials and/or Services	Unit	Qty	Combs		Blucor		Talis	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
105.30010	Preparation of As-Built Plans	1	LS	\$2,000.00	\$2,000.00	\$4,548.00	\$4,548.00	\$2,500.00	\$2,500.00
105.80010	Construction Staking, Surveying and Layout	1	LS	\$35,000.00	\$35,000.00	\$20,470.00	\$20,470.00	\$15,000.00	\$15,000.00
107.02000	AZPDES (NPDES)/SWPPP	1	LS	\$10,000.00	\$10,000.00	\$21,178.50	\$21,178.50	\$9,000.00	\$9,000.00
107.15000	Community Relations (Allowance)	1	LS	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
107.20020	Permit and Development Fee for Landscape Meter (Allowance):	1	LS	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00
109.10010	Mobilization/Demobilization	1	LS	\$107,000.00	\$107,000.00	\$56,162.00	\$56,162.00	\$58,000.00	\$58,000.00
109.50010	Miscellaneous Reimbursable (Allowance)	1	LS	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
215.01510	Earthwork for Retention Basins	747	CY	\$16.00	\$11,952.00	\$17.50	\$13,072.50	\$46.00	\$34,362.00
301.01000	Subgrade Preparation	11,092	SY	\$8.00	\$88,736.00	\$6.85	\$75,980.20	\$10.00	\$110,920.00
301.02000	Subgrade Preparation (Farm Road)	2,538	SY	\$3.00	\$7,614.00	\$1.35	\$3,426.30	\$11.50	\$29,187.00
309.01012	Lime Slurry Stabilization, 12" Depth (Contingent Item)	4,100	SY	\$4.65	\$19,065.00	\$5.66	\$23,206.00	\$4.50	\$18,450.00
310.03275	Aggregate Base Course	6,611	TON	\$11.00	\$72,721.00	\$12.45	\$82,306.95	\$16.30	\$107,759.30
317.01000	Mill Existing AC Pavement	5,221	SY	\$2.50	\$13,052.50	\$3.90	\$20,361.90	\$4.00	\$20,884.00
321.01200	Asphaltic Concrete Pavement (12.5 mm Surface Course HV)	1,857	TON	\$69.00	\$128,133.00	\$87.20	\$161,930.40	\$80.70	\$149,859.90
321.01300	Asphaltic Concrete Pavement (19 mm Base Course HV)	1,873	TON	\$70.00	\$131,110.00	\$87.20	\$163,325.60	\$80.60	\$150,963.80
329.02000	Emulsified Bituminous Tack Coat	5	TON	\$550.00	\$2,970.00	\$1,043.00	\$5,632.20	\$525.00	\$2,835.00
332.10200	MAG Type II Slurry Seal Application	2,750	SY	\$5.00	\$13,750.00	\$6.85	\$18,837.50	\$6.00	\$16,500.00
340.01110	6" Vertical Curb and Gutter, MAG Detail 220-1, Type A	7,165	LF	\$11.00	\$78,815.00	\$9.55	\$68,425.75	\$13.00	\$93,145.00
340.01210	Concrete Sidewalk, MAG Detail 230 (4" Thick)	3,827	SF	\$4.00	\$15,308.00	\$3.25	\$12,437.75	\$3.50	\$13,394.50
340.01304	Pedestrian Ramp, City of Phoenix Detail P1236	1	EA	\$1,500.00	\$1,500.00	\$1,544.00	\$1,544.00	\$3,600.00	\$3,600.00
340.01306	Pedestrian Ramp, COA Detail A1235 (Mod)	6	EA	\$800.00	\$4,800.00	\$660.00	\$3,960.00	\$3,600.00	\$21,600.00
340.01307	Bike Transition Ramp, Detail C	1	EA	\$950.00	\$950.00	\$1,052.00	\$1,052.00	\$1,500.00	\$1,500.00
340.01452	Driveway Entrance, COA Detail A1252 (Residential)	2	EA	\$2,400.00	\$4,800.00	\$1,684.00	\$3,368.00	\$3,800.00	\$7,600.00
340.01600	Concrete Valley Gutter and Apron	970	SF	\$5.50	\$5,335.00	\$6.30	\$6,111.00	\$6.75	\$6,547.50
340.04225	Median Nose Transition, COA Detail A1220 (Monolithic Construction)	2	EA	\$265.00	\$530.00	\$285.00	\$570.00	\$350.00	\$700.00
342.01200	Brick Pavers	87	SY	\$57.00	\$4,959.00	\$74.50	\$6,481.50	\$63.00	\$5,481.00
345.01410	Adjust Water Valve Box and Cover to Grade	9	EA	\$375.00	\$3,375.00	\$228.00	\$2,052.00	\$600.00	\$5,400.00

Avondale

Item No.	Description of Materials and/or Services	Unit	Qty	Combs		Blucor		Talis	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
350.01124	Remove Irrigation Pipe, Backfill and Compact, D=24"	68	LF	\$36.00	\$2,448.00	\$8.00	\$544.00	\$20.00	\$1,360.00
350.01500	Remove Concrete Headwall	2	EA	\$625.00	\$1,250.00	\$521.00	\$1,042.00	\$1,800.00	\$3,600.00
350.01600	Remove Concrete Irrigation Structure	1	LS	\$750.00	\$750.00	\$2,014.00	\$2,014.00	\$1,800.00	\$1,800.00
350.01800	Remove Existing Concrete Curb and Gutter	265	LF	\$2.30	\$609.50	\$3.50	\$927.50	\$2.50	\$662.50
350.01810	Remove Existing Concrete Valley Gutter and Apron	1,476	SF	\$1.25	\$1,845.00	\$3.50	\$5,166.00	\$3.35	\$4,944.60
350.01900	Remove Existing Concrete Sidewalk, Ramp, Driveway and Slab	2,957	SF	\$1.00	\$2,957.00	\$0.50	\$1,478.50	\$1.90	\$5,618.30
350.04000	Remove and Salvage Traffic Sign	6	EA	\$20.00	\$120.00	\$69.00	\$414.00	\$82.00	\$492.00
351.23000	Relocate Existing Gate	1	EA	\$375.00	\$375.00	\$1,407.00	\$1,407.00	\$750.00	\$750.00
351.46004	Remove and Salvage Street Light Pole (mast arm and luminaire only)	8	EA	\$275.00	\$2,200.00	\$690.00	\$5,520.00	\$250.00	\$2,000.00
401.01000	Traffic Control	1	LS	\$84,685.00	\$84,685.00	\$28,945.00	\$28,945.00	\$30,000.00	\$30,000.00
401.01100	Uniformed Off-Duty Officer (Allowance)	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
430.01002	Landscape Restoration (Allowance)	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
430.01005	Plant - 3 and 5 gallon	464	EA	\$13.00	\$6,032.00	\$34.50	\$16,008.00	\$19.00	\$8,816.00
430.01053	Tree - 36 Inch Box	38	EA	\$450.00	\$17,100.00	\$861.50	\$32,737.00	\$575.00	\$21,850.00
430.30000	2" Decomposed Granite (All Gradations and Colors)	40,668	SF	\$0.45	\$18,300.60	\$0.30	\$12,200.40	\$0.48	\$19,520.64
430.30001	2" Decomposed Granite with Pre-Emergent (Retention Basin)	3,550	SY	\$4.00	\$14,200.00	\$4.10	\$14,555.00	\$4.80	\$17,040.00
440.01101	1" Sleeve (Sch. 40 PVC)	164	LF	\$2.25	\$369.00	\$14.00	\$2,296.00	\$2.38	\$390.32
440.01104	4" Sleeve (Sch. 40 PVC)	175	LF	\$4.75	\$831.25	\$15.55	\$2,721.25	\$6.00	\$1,050.00
440.01106	6" Sleeve (Sch. 40 PVC)	164	LF	\$9.00	\$1,476.00	\$19.35	\$3,173.40	\$9.50	\$1,558.00
440.01109	1" Ball Valve Assembly	2	EA	\$75.00	\$150.00	\$300.00	\$600.00	\$275.00	\$550.00
440.01200	3/4" Drip Lateral Pipe (Class 200 PVC)	4,590	LF	\$1.35	\$6,196.50	\$1.45	\$6,655.50	\$1.43	\$6,563.70
440.01201	1" Mainline Pipe (Sch. 40 PVC)	1,238	LF	\$1.60	\$1,980.80	\$2.10	\$2,599.80	\$2.40	\$2,971.20
440.01400	Irrigation Solar Controller	1	EA	\$1,600.00	\$1,600.00	\$2,513.00	\$2,513.00	\$2,375.00	\$2,375.00
440.03000	Multi-Outlet Emitter	76	EA	\$17.00	\$1,292.00	\$33.00	\$2,508.00	\$25.00	\$1,900.00
440.03001	Single-Outlet Emitter	464	EA	\$8.50	\$3,944.00	\$9.65	\$4,477.60	\$8.30	\$3,851.20
440.50001	Electric Valve 1" (Drip Remote Control Valve Assembly)	4	EA	\$300.00	\$1,200.00	\$572.00	\$2,288.00	\$500.00	\$2,000.00
460.02000	Remove Thermoplastic Stripe	2,000	LF	\$0.90	\$1,800.00	\$0.76	\$1,520.00	\$1.00	\$2,000.00

Avondale

Item No.	Description of Materials and/or Services	Unit	Qty	Combs		Blucor		Talis	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
461.01520	Paint Symbol (Bike Lane Marking Set)	2	EA	\$195.00	\$390.00	\$117.00	\$234.00	\$220.00	\$440.00
461.01600	Paint Median Island	4	LF	\$95.00	\$380.00	\$138.00	\$552.00	\$110.00	\$440.00
461.02100	Remove Thermoplastic Symbol (Bike Lane and Arrow, "ONLY")	1	EA	\$55.00	\$55.00	\$83.00	\$83.00	\$60.00	\$60.00
461.02110	Remove Thermoplastic Arrow (Left and Right Turn)	2	EA	\$55.00	\$110.00	\$83.00	\$166.00	\$60.00	\$120.00
462.01100	4" White Thermoplastic Traffic Stripe	8,599	LF	\$0.37	\$3,181.63	\$0.40	\$3,439.60	\$0.44	\$3,783.56
462.01200	4" Yellow Thermoplastic Traffic Stripe	3,765	LF	\$0.37	\$1,393.05	\$0.45	\$1,694.25	\$0.44	\$1,656.60
462.01511	Thermoplastic Symbol Left Turn Arrow	4	EA	\$175.00	\$700.00	\$138.00	\$552.00	\$200.00	\$800.00
463.01100	Reflectorized Raised Pavement Marker (Type D, Yellow, 2- Way)	188	EA	\$3.50	\$658.00	\$4.15	\$780.20	\$4.00	\$752.00
463.01200	Reflectorized Raised Pavement Marker (Type G, Clear, 1- Way)	180	EA	\$3.50	\$630.00	\$4.15	\$747.00	\$4.00	\$720.00
463.01400	Reflectorized Raised Pavement Marker (Type 911-A, Blue, 2-Way)	3	EA	\$3.50	\$10.50	\$4.15	\$12.45	\$4.00	\$12.00
464.02000	Perforated Sign Post	47	LF	\$7.50	\$352.50	\$11.00	\$517.00	\$11.00	\$517.00
464.02001	Perforated Sign Post Foundation, MCDOT Detail 2058	4	EA	\$185.00	\$740.00	\$207.00	\$828.00	\$107.00	\$428.00
465.01003	Flat Sheet Aluminum Sign Panel, Diamond Grade	60	SF	\$14.50	\$870.00	\$22.05	\$1,323.00	\$32.00	\$1,920.00
470.00020	Remove and Salvage Traffic Signal Poles and Equipment	1	LS	\$1,600.00	\$1,600.00	\$1,075.00	\$1,075.00	\$3,900.00	\$3,900.00
470.00030	Remove Foundations, Pull Boxes and Conductors	1	LS	\$4,600.00	\$4,600.00	\$1,140.00	\$1,140.00	\$1,850.00	\$1,850.00
471.60010	Street Light Junction Box (Avondale Detail A1090)	12	EA	\$225.00	\$2,700.00	\$468.00	\$5,616.00	\$240.00	\$2,880.00
471.60047	No. 7 Pull Box	3	EA	\$450.00	\$1,350.00	\$852.00	\$2,556.00	\$660.00	\$1,980.00
471.61112	Sch. 40 PVC Electrical Conduit, 2" with 1/4" Nylon Pull Rope and #8 Bare Copper Wire (Trench)	116	LF	\$4.50	\$522.00	\$8.25	\$957.00	\$29.00	\$3,364.00
471.61212	Sch. 40 PVC Electrical Conduit, 2 1/2" with 1/4" Nylon Pull Rope and #8 Bare Copper Wire (Trench)	1,905	LF	\$5.00	\$9,525.00	\$14.25	\$27,146.25	\$11.00	\$20,955.00
471.61213	Sch. 40 PVC Electrical Conduit, 2 1/2" with 1/4" Nylon Pull Rope and #8 Bare Copper Wire (Horizontal Bore)	200	LF	\$34.00	\$6,800.00	\$38.40	\$7,680.00	\$55.50	\$11,100.00
471.61280	Sch. 80 PVC Electrical Conduit, 2 1/2" with 1/4" Nylon Pull Rope and #8 Bare Copper Wire (Trench)	190	LF	\$6.00	\$1,140.00	\$16.00	\$3,040.00	\$26.50	\$5,035.00
472.61500	Pole Foundation, Type PB (Push Button), MCDOT Detail 4720	1	EA	\$3,600.00	\$3,600.00	\$924.00	\$924.00	\$725.00	\$725.00
472.61600	Pole Foundation, Type Giraffe Light Pole	1	EA	\$4,900.00	\$4,900.00	\$1,139.00	\$1,139.00	\$1,120.00	\$1,120.00
477.71840	LED Street Light (Pole, Mast Arm, Luminaire and Photocell) and Foundation Complete	12	EA	\$4,600.00	\$55,200.00	\$5,495.00	\$65,940.00	\$3,400.00	\$40,800.00
505.06504	Concrete Scupper and Spillway, COA Detail A1510, S/W=5', Curb Opening = 4'	1	EA	\$2,600.00	\$2,600.00	\$1,965.00	\$1,965.00	\$3,200.00	\$3,200.00
505.30100	Reinforced Concrete Box Culvert Extension and Headwall, SRP Design (Irrigation) (Contingent Item)	1	LS	\$17,000.00	\$17,000.00	\$34,920.00	\$34,920.00	\$22,500.00	\$22,500.00
523.10124	Concrete Headwall, MAG Detail 501, Straight Type, 24" Pipe	3	EA	\$1,800.00	\$5,400.00	\$2,260.00	\$6,780.00	\$1,250.00	\$3,750.00

Avondale

				Combs		Blucor		Talis	
Item No.	Description of Materials and/or Services	Unit	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
523.11124	Concrete Headwall, MAG Detail 501, 'L' Type, 24" Pipe	1	EA	\$2,200.00	\$2,200.00	\$2,260.00	\$2,260.00	\$1,800.00	\$1,800.00
523.20024	Concrete Trash Rack, SRP Detail, 24" Pipe	1	EA	\$4,500.00	\$4,500.00	\$4,462.00	\$4,462.00	\$6,000.00	\$6,000.00
610.10540	New Water Service	1	EA	\$2,400.00	\$2,400.00	\$3,370.00	\$3,370.00	\$5,000.00	\$5,000.00
615.04008	8" PVC Sanitary Sewer SDR 35 with fittings complete in place	154	LF	\$52.00	\$8,008.00	\$121.00	\$18,634.00	\$163.00	\$25,102.00
618.20008	8" PVC Sewer line	56	LF	\$41.00	\$2,296.00	\$33.00	\$1,848.00	\$24.00	\$1,344.00
618.20324	24" RGRCP, Class III	112	LF	\$76.00	\$8,512.00	\$76.00	\$8,512.00	\$91.00	\$10,192.00
625.01101	SRP Manhole with Base, Frame and Cover, per SRP Detail	1	EA	\$9,000.00	\$9,000.00	\$9,822.00	\$9,822.00	\$13,300.00	\$13,300.00
635.04000	Earthen Irrigation Ditch with 2-Foot Bottom, MAG Detail 520	2,411	LF	\$6.00	\$14,466.00	\$6.00	\$14,466.00	\$8.00	\$19,288.00
757.40002	Backflow Prevention Device Smaller Than 3" (With Concrete Pad and Cage)	1	EA	\$2,500.00	\$2,500.00	\$3,263.00	\$3,263.00	\$2,850.00	\$2,850.00
TOTAL*				\$1,207,476.83		\$1,259,194.75		\$1,338,536.62	
TOTAL SUBMITTED BY BIDDER*				\$1,207,476.83		\$1,259,194.75		\$1,338,536.62	
Met Requirements and Required Attachments Included?				Yes		Yes		Yes	

*All bids are presumed to include all applicable taxes.

Calculation or Extension Error

CONSTRUCTION CONTRACT AWARD – COMBS CONSTRUCTION

DUE TO ITS SIZE, THIS DOCUMENT
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/39455>



CITY COUNCIL AGENDA

SUBJECT:

Settlement Agreement - Monica Milledge

MEETING DATE:

11/21/2016

TO: Mayor and Council

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

THROUGH: David Fitzhugh, City Manager

PURPOSE:

Staff is recommending Council approval of a Settlement Agreement with Monica Milledge in the amount of \$50,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

Auto accident involving Avondale Police car and city bus.

DISCUSSION:

On August 14, 2015 Avondale Police Officer struck the rear of a city bus owned and operated by Valley Metro at the intersection of S. Dysart Road and E. Main St. The bus was stopped at this intersection letting passengers off and other passengers on. Our Police Officer did not see the bus or slow down prior to impact and struck the rear of the bus. Damage to the bus was in excess of \$13,000.00 and has been repaired with Risk Management paying for the damage. The Police car sustained \$5,000.00 of damage and this too has been paid by Risk Management. The driver of the bus Monica Milledge was injured during the accident and retained the services of an attorney and presented a claim for damages against the City of Avondale in the amount of \$150,000.

With assistance from the City Attorney's office a settlement agreement was reached in the amount of \$50,000. Risk Management is requesting authorization from council to pay this amount and close this claim.

BUDGET IMPACT:

\$50,000 from Risk Management Trust Fund 65.5165.00.6480

RECOMMENDATION:

Staff is recommending Council approval of a Settlement Agreement with Monica Milledge in the amount of \$50,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Description

[Settlement Agreement - Milledge](#)

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement ("Agreement") is made in the State of Arizona by and between Monica E. Milledge ("CLAIMANT"), and the City of Avondale (the "City").

RECITALS

WHEREAS, CLAIMANT has alleged that certain matters relating to a traffic accident with a City employee gives rise to legal claims; and

WHEREAS, the City expressly denies any and all liability to CLAIMANT on any basis or that it has engaged in any improper or unlawful conduct or wrongdoing; and

WHEREAS, the parties have agreed to a full settlement of CLAIMANT's claims;

AGREEMENT

NOW THEREFORE, in consideration of the premises and the mutual agreements, covenants, and provisions contained in this Agreement, the parties agree and declare as follows:

1. Payment For Release Of Claims. Within 30 calendar days of the date CLAIMANT delivers this fully executed Agreement, the City will pay to the CLAIMANT the total gross amount of \$50,000.00. The settlement check will be made payable to Monica Milledge and Smith Alston, PLC. CLAIMANT acknowledges that it is not the City's usual policy to provide the consideration set forth in this Agreement, and that she would not necessarily be entitled to that consideration if he were not entering into this Agreement.

2. Waiver And Release Of Claims.

a. Excluding any new obligations created by this Agreement, CLAIMANT on behalf of herself and her marital community, if any, waives, releases, and discharges all Claims and all of her existing rights to any relief of any kind (known and unknown) against the City, its councilmembers, and each of its respective current and former insurers, affiliates, divisions, directors, board members, officers, employees, agents, attorneys, successors, and assigns (all of whom are referred to collectively in this Agreement as "the City"), including without limitation all claims that arise out of or that relate to her traffic accident with a City employee on August 14, 2015 and all claims that she asserted or could have asserted in her Notice of Claim, all claims for attorneys' fees, liquidated damages, punitive damages, costs, and disbursements or other relief (all of which are referred to here collectively as "Claims").

b. CLAIMANT acknowledges and agrees that the waiver, release, and discharge in this Agreement is a general release of all existing Claims, known and unknown, that CLAIMANT may have had at the time this Agreement is signed. CLAIMANT acknowledges that she may hereafter discover Claims, facts, or causes of action presently unknown, unsuspected, or different from those that she now suspects or believes to be true. CLAIMANT expressly waives and assumes the risk that the facts or law may be other than she believes them to be. CLAIMANT further agrees that she is accepting the consideration under this Agreement as a complete compromise of matters involving disputed issues of law and fact. CLAIMANT

intends by the execution of this Agreement to fully, finally, and forever release all known and unknown Claims, notwithstanding the discovery or existence of any additional or different facts or Claims at any time after he signs this Agreement.

3. Payment Of Taxes. The City makes no representation or warranty to CLAIMANT regarding the tax treatment or consequences of the payment to her under this Agreement. CLAIMANT will be solely responsible for the payment of all taxes of whatever kind that may be due or payable in connection with the payment to her under this Agreement, and will indemnify and hold the City harmless from all liens, actions, or claims on the part of the Internal Revenue Service or any other tax authority in connection with the payment to her under this Agreement. This indemnity and hold harmless agreement will apply as to the full amount of all such liens, actions, or claims, and all expenses incurred in connection therewith.

4. Legal Representation. CLAIMANT acknowledges that she has been advised by her own attorney about the terms and conditions of this Agreement prior to executing this Agreement.

5. No Admission Of Wrongdoing. This Agreement does not constitute an admission that any person or entity violated any local, state, or federal ordinance, regulation, ruling, statute, rule of decision, or principle of common law, or that any person or entity engaged in any improper or unlawful conduct or wrongdoing. The parties will not characterize this Agreement or the payment of any money or other consideration in accord with this Agreement as an admission or indication that any person or entity engaged in any improper or unlawful conduct or wrongdoing.

6. Statements By City. CLAIMANT acknowledges that in deciding whether to sign this Agreement, she has not relied upon any statements, representations, or promises made by the City, other than the statements made in this Agreement.

7. Authority. CLAIMANT represents and warrants that she has the authority to enter into this Agreement, that she has not assigned any Claims to any person or entity, and that she has not filed for personal bankruptcy or been involved in any personal bankruptcy proceedings between the accrual of any Claims and his execution of this Agreement.

8. Invalidity. In the event that a court of competent jurisdiction determines that any provision of this Agreement is invalid, illegal, or unenforceable in any respect, such a determination will not affect the validity, legality, or enforceability of the remaining provisions of this Agreement, and the remaining provisions of this Agreement will continue to be valid and enforceable.

9. No Third-Party Beneficiaries. Nothing in this Agreement will be construed to give any rights or benefits in this Agreement to anyone other than CLAIMANT and the City. All duties and responsibilities undertaken under this Agreement will be for the sole and exclusive benefit of CLAIMANT and the City, and not for the benefit of any other party.

10. No Rule Of Strict Construction. All parties have approved the language of this Agreement, and no rule of strict construction will be applied against any party.

11. Entire Agreement. The parties intend for this Agreement to define the full extent of their legally enforceable undertakings. The parties do not intend that any representations or statements made in any prior conversations, discussions, negotiations, correspondence, or writings between them be legally enforceable, and all other agreements and understandings between them relating to the subject matter of this Agreement are superseded by this Agreement. The parties will execute and deliver to each other any and all such further documents and instruments, and shall perform any and all such other acts, as reasonably may be necessary or proper to carry out or effect the purposes of this Agreement.

12. Headings. The descriptive headings of the paragraphs and subparagraphs of this Agreement are intended for convenience only, and do not constitute parts of this Agreement.

13. Governing Law. This Agreement will be construed in accord with, and any dispute or controversy arising from any breach or asserted breach of this Agreement will be governed by, the laws of the State of Arizona.

IN WITNESS WHEREOF, CLAIMANT has executed this Agreement on the date indicated by his signature below.

DATED this 8 day of November, 2016.



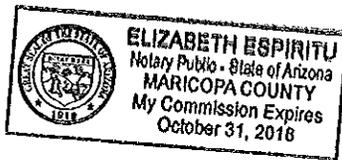
Monica Milledge

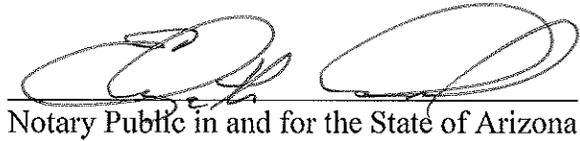
STATE OF ARIZONA)
) ss.
County of Maricopa)

On this 8th day of November, 2016, before me personally appeared Monica Milledge, the CLAIMANT of this SETTLEMENT AGREEMENT AND RELEASE, whose identity was proven to me on the basis of satisfactory evidence to be the person who she claims to be, and acknowledged that she signed the SETTLEMENT AGREEMENT AND RELEASE on behalf of Monica Milledge.

I certify under PENALTY OF PERJURY under the laws of the State of Arizona that the foregoing paragraph is true and correct.

(Seal and Expiration Date)





Notary Public in and for the State of Arizona

CITY OF AVONDALE

By _____
Allen Iampaglia, Risk Manager

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this ___ day of _____, 2016, before me personally appeared Allen Iampaglia, the Risk 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 he claims to be, and acknowledge that he signed the SETTLEMENT AGREEMENT AND RELEASE on behalf of the City of Avondale.

I certify under PENALTY OF PERJURY under the laws of the State of Arizona that the foregoing paragraph is true and correct.

(Seal and Expiration Date)

Notary Public in and for the State of Arizona

SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I Monica Milledge appoint, constitute and authorize as my true and lawful attorney-in-fact, Kenneth P. Smith, John M. Alston, and Jonathan D. Darner of Smith Alston, P.L.C., to act for me in my name, place and stead to do and perform or otherwise authorize the following acts:

1. To present, negotiate, and accept on my behalf and in my place and stead the settlement of my claim or claims associated with injuries and or illness I received as a result of my automobile accident on or about 8/14/15, as well as the corresponding Release.
2. To deposit said draft in the Trust Account of Smith Alston, P.L.C., 6816 E. Brown Road, Suite 101, Mesa, AZ 85207.
3. To deduct from the said draft all attorneys' fees, costs and medical expenses and pay on my behalf said fees, costs and expenses as agreed upon in the fee agreement.
4. After ten (10) working days from receipt of the said draft, to issue a check from the Trust Account of Smith Alston, P.L.C., in the amount of the balance of said draft (after deduction of the items mentioned in paragraph 3 above), payable _____.

It is my intention that this Special Power of Attorney shall permit my attorney-in-fact to do and perform the acts as set forth above as if I were personally present, and I hereby ratify and condone said acts that said attorney-in-fact shall do or cause to be done by virtue of this Special Power of Attorney.

This Special Power of Attorney shall not be affected by my disability.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of Nov., 2015.

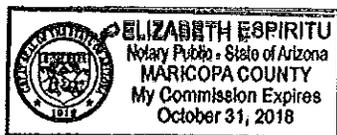
Monica Milledge
CLIENT

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me on 11/3, 2015, by Monica Milledge

[Signature]
Notary Public

My Commission Expires:
10-31-18





CITY COUNCIL AGENDA

SUBJECT:

Cooperative Purchasing Agreement - Arizona
Refuse Servicing, LLC

MEETING DATE:

11/21/2016

TO: Mayor and Council**FROM:** Cindy Blackmore, Public Works Director 623-333-4410**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff is requesting that the City Council approve a Cooperative Purchasing Agreement with Arizona Refuse Sales, LLC. for sanitation vehicle/equipment parts and repair services for a maximum annual amount of \$60,000 and a maximum aggregate amount of \$300,000 over the five-year term of the contract and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

The Public Works Fleet division strives to keep the city's sanitation fleet operating efficiently to ensure the solid waste staff can provide uninterrupted services to our residents. Due to the harsh operating conditions sanitation vehicles/equipment often need servicing or have parts that break. Having a vendor available to provide replacement parts or complete repairs is critical to ensure that the vehicles can be maintained properly and limit the amount of down time caused by unplanned events.

The City of Tempe currently has a contract with Arizona Refuse Servicing LLC. to provide sanitation vehicle/equipment parts and repair services. The Tempe contract contains cooperative use language which extends the use of the contract to other municipalities.

DISCUSSION:

In order to properly maintain the City's solid waste vehicles and equipment, staff must be able purchase parts or utilize contractual maintenance services in a timely manner. Arizona Refuse Servicing is located in west Phoenix and is the designated parts distributor and certified maintenance provider for the solid waste vehicles/equipment in our fleet. Having a contract with Arizona Refuse Servicing will allow the fleet services staff to complete timely repairs for our solid waste operations.

BUDGET IMPACT:

Staff estimates \$60,000 in expenditure per fiscal year, for a cumulative total over the contract period not to exceed \$300,000. Expenditures are typically charged to the fleet services budget under lines 606-5200-00-6330 contractual maintenance and 606-5200-00-7410 parts and are subject to annual budget authority.

RECOMMENDATION:

Staff is recommending that the City Council approve a Cooperative Purchasing Agreement with Arizona Refuse Servicing, LLC, to provide sanitation vehicle/equipment parts and repair services for a maximum annual amount of \$60,000 and a maximum aggregate amount of \$300,000 over the five-year term of the contract, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:**Description**

[CPA - Arizona Refuse Servicing, LLC](#)

COOPERATIVE PURCHASING AGREEMENT –
ARIZONA REFUSE SERVICING, LLC.

DUE TO ITS SIZE, THIS DOCUMENT
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/39442>



CITY COUNCIL AGENDA

SUBJECT:

First Amendment to Cooperative Purchasing Agreement - Municipal Emergency Services, Inc.

MEETING DATE:

11/21/2016

TO: Mayor and Council**FROM:** Paul Adams, Chief, Fire & Medical Department (623) 333-6100**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff requests that the City Council approve the first Amendment to a cooperative purchasing agreement with Municipal Emergency Services in the amount not to exceed \$55,000 for the purchase of firefighter protective equipment and authorize the Mayor or City Manager and City Clerk to execute the appropriate documents.

BACKGROUND:

On May 5, 2014 the city entered into a cooperative purchasing agreement with Municipal Emergency Services in the amount not to exceed \$25,000 for the purchase of firefighter protective equipment.

DISCUSSION:

Staff desires to extend the original contract term until September 23, 2017 with two successive renewal options and increase the aggregate not to exceed amount over the term of the agreement to \$55,000 for the purchase of various items of firefighter protective clothing.

BUDGET IMPACT:

Funding will be available in line item 101-6330-0-6180 in the Fire and Medical Department budget over the term of the agreement for the necessary purchases.

RECOMMENDATION:

Staff recommends that the City Council approve the first Amendment to a cooperative purchasing agreement with Municipal Emergency Services in the amount not to exceed \$55,000 for the purchase of firefighter protective equipment and authorize the Mayor or City Manager and the City Clerk to execute the appropriate documents.

ATTACHMENTS:

Description

[CPA - Municipal Emergency Services](#)

**FIRST AMENDMENT
TO
COOPERATIVE PURCHASING AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
MUNICIPAL EMERGENCY SERVICES, INC.**

THIS FIRST AMENDMENT TO COOPERATIVE PURCHASING AGREEMENT (this “First Amendment”) is entered into as of November 21, 2016, between the City of Avondale, an Arizona municipal corporation (the “City”), and Municipal Emergency Services, Inc., a Nevada corporation (the “Vendor”).

RECITALS

A. After a competitive procurement process, South Davis Metro Fire Agency (“SDMFA”) entered into Master Purchase Agreement, dated September 23, 2013, as amended by that Amendment to Master Purchase Agreement, dated March 1, 2016, and that Notice of Intent to Extend Contract Term, dated August 22, 2016, with the Vendor for the Vendor to provide fire turnouts and fire-related equipment (collectively, the “SDMFA Contract”). A copy of the SDMFA Contract Amendments are attached hereto as Exhibit 1 and incorporated herein by reference.

B. The City and the Vendor entered into a Cooperative Purchasing Agreement, No. 13905C, dated May 5, 2014 (the “Agreement”), based upon the SDMFA Contract, for the Vendor to provide the City with fire turnouts and fire-related equipment (the “Equipment”). 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 Equipment by the Vendor is necessary (the “Additional Equipment”).

D. The City and the Vendor desire to enter into this First Amendment to (i) extend the term of the Agreement and (ii) provide for the increase in compensation to the Vendor for the Additional Equipment.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing introduction and 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 Vendor 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 23, 2017 (the “First Renewal Term”), unless terminated as otherwise provided pursuant to the terms and conditions of the Agreement. After the expiration of the First Renewal Term, this Agreement may be renewed for up to two

successive one-year terms (each, a “Subsequent Renewal Term”) if (i) it is deemed in the best interests of the City, subject to availability and appropriation of funds for renewal in each subsequent year, (ii) the term of the SDMFA Contract has not expired, (iii) at least 30 days prior to the end of the then-current term of this Agreement, the Vendor requests, in writing, to extend this Agreement for an additional one-year term and (iv) the City approves the additional one-year term in writing (including any price adjustments approved as part of the SDMFA Contract), as evidenced by the City Manager’s signature thereon, which approval may be withheld by the City for any reason. The Vendor’s failure to seek a renewal of this Agreement shall cause this Agreement to terminate at the end of the then-current term of this Agreement; provided, however, that the City may, at its discretion and with the agreement of the Vendor, elect to waive this requirement and renew this Agreement. The initial Term, First Renewal Term and any Subsequent Renewal Term(s) are collectively referred to herein as the “Term.” Upon renewal, the terms and conditions of this Agreement shall remain in full force and effect.

2. Compensation. The City shall pay Vendor an amount not to exceed \$100,000.00 for the First Renewal Term and each Subsequent Renewal Term, if any, for the Additional Equipment at the rates set forth in the SDMFA Contract, resulting in an increase of the aggregate not-to-exceed compensation from \$25,000.00 to \$55,000.00.

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 Vendor 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. Israel. Vendor certifies that it is not currently engaged in, and agrees for the duration of this Agreement that it will not engage in a “boycott,” as that term is defined in ARIZ. REV. STAT. § 35-393, of Israel.

6. 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 _____, 2016, 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]

EXHIBIT 1
TO
FIRST AMENDMENT
TO
COOPERATIVE PURCHASING AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
MUNICIPAL EMERGENCY SERVICES, INC.

[SDMFA Contract Amendments]

See following pages.

**Amendment to Fire Turnouts and Fire Related Equipment
Master Purchase Agreement**

Distribution Area Adjustment

This Amendment to the Master Purchase Agreement is entered into this 1st day of March, 2016 by SOUTH DAVIS METRO FIRE AGENCY ("Purchaser") and MUNICIPAL EMERGENCY SERVICES INC. (MES) ("Supplier") based upon the sales and/or service of Fire Turnouts and Fire Related Equipment.

RECITALS

WHEREAS, Purchaser and Supplier entered into a Master Purchase Agreement on or about September 23, 2013 and by this reference incorporated herein; and

WHEREAS, Pursuant to section 1.1 of RFP 2013 - 1, Supplier desires to update its distribution area for select manufacturers and products offered under Attachment A of the Master Purchase Agreement; and

WHEREAS, Supplier has provided notice of distribution area adjustment on or about February 1, 2016; and

WHEREAS, Expansion of the distribution area is consistent with the original intent of the RFP and to the benefit of Purchaser and other government entities that desire to utilize the Master Purchase Agreement; and

WHEREAS, Purchaser and Supplier desire that the Master Purchase Agreement shall be amended in part to reflect the distribution area adjustment;

NOW, THEREFORE, Purchaser and Supplier enter into the following:

AMENDMENT TO MASTER PURCHASE AGREEMENT

1. **Adjustment to distribution area on Fire Turnouts and Fire Related Equipment.** Attachment A to the Master Purchase Agreement shall be amended in part to reflect the distribution area additions:

Globe Turnouts are 41% off MSRP (limited to NC, SC, VA, IL, IN, NJ, DE, MD, NY, TN, PA, MO, NE, KS, IA, MN, SD, ND)

Globe Footwear is 25% off MSRP (limited to NC, SC, VA, IL, IN, NJ, DE, MD, NY, TN, PA, MO, NE, KS, IA, MN, SD, ND)

Hurst Rescue Tools are 20% off MSRP (limited to NC, SC, NJ, PA, VA, TX, ND, SD, NE, IA, FL, TN, AL, GA, MS)

2. **Full Force and Effect.** In each and every other respect, the terms of the Master Purchase Agreement, as amended, entered into between the parties on or about September 23, 2013 shall remain in full force and effect during the term of the agreement and the parties hereto hereby ratify said Master Purchase Agreement in its entirety, as if fully set out herein, along with the modifications identified herein.

IN WITNESS WHEREOF, the parties have hereto signed this Amendment on the day and year first above written.

SOUTH DAVIS METRO FIRE AGENCY:

Jeff Bassett

Diguly signed by Jeff Bassett
DN: cn=Jeff Bassett, o=South Davis Metro Fire, ou=South Davis Metro Fire, email=jbassett@sdmfd.com, c=US

Date 3/23/16

BY:
ITS:

MUNICIPAL EMERGENCY SERVICES INC.:



Date 3/1/16

BY:
ITS: Gov't Sales, Contract Administrator

**Fire Turnouts and Fire Related Equipment
Request for Proposal Solicitation No. 2013 - 1**

Notice of Intent to Extend Contract Term

Municipal Emergency Services Inc. (MES) and all other interested parties are hereby notified of South Davis Metro Fire Agency's intent to extend the Master Purchase Agreement, entered into between South Davis Metro Fire Agency and Municipal Emergency Services Inc. (MES), for the first of three one-year extension options, through September 23, 2017, pursuant to Article 3.1 of the Master Purchase Agreement.

Please contact Jeff Bassett, Chief, South Davis Metro Fire Agency at 801.677.2400 or jbassett@sdmetrofire.org or Bruce R. Busch, Legal Counsel, NPPGov at 206.494.4556 or Bruce.Busch@mynpp.com with questions or concerns.

SOUTH DAVIS METRO FIRE AGENCY:

 Date 8-22-16
BY: Jeff Bassett
ITS: Chief



CITY COUNCIL AGENDA

SUBJECT:

Resolution 3346-1116 - Intergovernmental Agreement with Public Procurement Authority

MEETING DATE:

11/21/2016

TO: Mayor and Council**FROM:** Dale Nannenga, Chief of Police (623) 333-7207**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff requests that the Mayor and City Council adopt a resolution approving an Intergovernmental Agreement with Public Procurement Authority, as the lead contracting agency for National Purchasing Partners, and authorize the Mayor or City Manager and the City Clerk to execute the document.

BACKGROUND:

The Public Procurement Authority, as lead contracting agency, issued a Request for Proposals for law enforcement equipment for itself and all government members of National Purchasing Partners and negotiated a Master Price Agreement with L.N. Curtis and Sons, Inc., d/b/a Curtis Blue Line. National Purchasing Partners requires all members who wish to "piggyback" off the Master Price Agreement to enter into an Intergovernmental Cooperative Purchasing Agreement with the lead contracting agency. The City desires to "piggyback" off the Master Price Agreement to purchase SWAT tactical vests.

DISCUSSION:

Upon approval of the Intergovernmental Agreement, the City will have the option of purchasing law enforcement equipment through the Master Price Agreement over the next five years.

BUDGET IMPACT:

None

RECOMMENDATION:

Staff recommends that the Mayor and City Council adopt a resolution approving an Intergovernmental Agreement with Public Procurement Authority, as the lead contracting agency for National Purchasing Partners, and authorize the Mayor or City Manager and the City Clerk to execute the document.

ATTACHMENTS:

Description

[Resolution 3346-1116](#)

RESOLUTION NO. 3346-1116

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH PUBLIC PROCUREMENT AUTHORITY RELATING TO COOPERATIVE PURCHASING.

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

SECTION 1. The Intergovernmental Cooperative Purchasing Agreement with Public Procurement Authority, as Lead Contracting Agency for National Purchasing Partners (the “Intergovernmental Agreement”), is hereby approved substantially in the form attached hereto as Exhibit A.

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

PASSED AND ADOPTED by the Council of the City of Avondale, November 21, 2016.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 3346-1116

(Intergovernmental Agreement)

See following pages.

Intergovernmental Cooperative Purchasing Agreement

This Intergovernmental Agreement (Agreement) is by and between the “Lead Contracting Agency” and participating government entities (“Participating Agencies”), that are members of National Purchasing Partners (“NPP”), including members of FireRescue GPO and Public Safety GPO, that agree to the terms and conditions of this Agreement. The Lead Contracting Agency and all Participating Agencies shall be considered as “parties” to this agreement.

WHEREAS, upon completion of a formal competitive solicitation and selection process, the Lead Contracting Agency has entered into Master Price Agreements with one or more Vendors to provide goods and services, often based on national sales volume projections;

WHEREAS, NPP provides group purchasing, marketing and administrative support for governmental entities. NPP’s marketing and administrative services are free to its membership, which includes participating public entities and nonprofit institutions throughout North America.

WHEREAS, NPP has instituted a cooperative purchasing program under which member Participating Agencies may reciprocally utilize competitively solicited Master Price Agreements awarded by the Lead Contracting Agency;

WHEREAS, the Master Price Agreements provide that all qualified government members of NPP may purchase goods and services on the same terms, conditions and pricing as the Lead Contracting Agency, subject to applicable local and state laws of the Participating Agencies;

WHEREAS, the parties agree to comply with the requirements of the Intergovernmental Cooperation Act as may be applicable to the local and state laws of the Participating Agencies;

WHEREAS, the parties desire to conserve and leverage resources, and to improve the efficiency and economy of the procurement process while reducing solicitation and procurement costs;

WHEREAS, the parties are authorized and eligible to contract with governmental bodies and Vendors to perform governmental functions and services, including the purchase of goods and services; and

WHEREAS, the parties desire to contract with Vendors under the terms of the Master Price Agreements;

NOW, THEREFORE, the parties agree as follows:

ARTICLE 1: LEGAL AUTHORITY

Each party represents and warrants that it is eligible to participate in this Agreement because it is a local government created and operated to provide one or more governmental functions and possesses adequate legal authority to enter into this Agreement.

ARTICLE 2: APPLICABLE LAWS

The procurement of goods and services subject to this Agreement shall be conducted in accordance with and subject to the relevant statutes, ordinances, rules, and regulations that govern each party's procurement policies. Competitive Solicitations are intended to meet the public contracting requirements of the Lead Contracting Agency and may not be appropriate under, or satisfy Participating Agencies' procurement laws. It is the responsibility of each party to ensure it has met all applicable solicitation and procurement requirements. Participating Agencies are urged to seek independent review by their legal counsel to ensure compliance with all local and state solicitation requirements.

ARTICLE 3: USE OF BID, PROPOSAL OR PRICE AGREEMENT

- a. A "procuring party" is defined as the Lead Contracting Agency or any Participating Agency that desires to purchase from the Master Price Agreements awarded by the Lead Contracting Agency.
- b. Each procuring party shall be solely responsible for their own purchase of goods and services under this Agreement. A non-procuring party shall not be liable in any fashion for any violation of law or contract by a procuring party, and the procuring party shall hold non-procuring parties and all unrelated procuring parties harmless from any liability that may arise from action or inaction of the procuring party.
- c. The procuring party shall not use this agreement as a method for obtaining additional concessions or reduced prices for similar goods and services outside the scope of the Master Price Agreement.
- d. The exercise of any rights or remedies by the procuring party shall be the exclusive obligation of such procuring party.
- e. The cooperative use of bids, proposals or price agreements obtained by a party to this Agreement shall be in accordance with the terms and conditions of the bid, proposal or price agreement, except as modified where otherwise allowed or required by applicable law, and does not relieve the party of its other solicitation requirements under state law or local policies.

ARTICLE 4: PAYMENT OBLIGATIONS

The procuring party will make timely payments to Vendors for goods and services received in accordance with the terms and conditions of the procurement. Payment for goods and services, inspections and acceptance of goods and services ordered by the procuring party shall be the exclusive obligation of such procuring party. Disputes between procuring party and Vendor shall be resolved in accordance with the law and venue rules of the state of the procuring party.

ARTICLE 5: COMMENCEMENT DATE

This Agreement shall take effect after execution of the "Lead Contracting Agency Endorsement and Authorization" or "Participating Agency Endorsement and Authorization," as applicable.

ARTICLE 6: TERMINATION OF AGREEMENT

This Agreement shall remain in effect until terminated by a party giving 30 days written notice to "Lead Contracting Agency"

ARTICLE 7: ENTIRE AGREEMENT

This Agreement and any attachments, as provided herein, constitute the complete Agreement between the parties hereto, and supersede any and all oral and written agreements between the parties relating to matters herein.

ARTICLE 8: CHANGES AND AMENDMENTS

This Agreement may be amended only by a written amendment executed by all parties, except that any alterations, additions, or deletions of this Agreement which are required by changes in Federal and State law or regulations are automatically incorporated into this Agreement without written amendment hereto and shall become effective on the date designated by such law or regulation.

ARTICLE 9: SEVERABILITY

All parties agree that should any provision of this Agreement be determined to be invalid or unenforceable, such determination shall not affect any other term of this Agreement, which shall continue in full force and effect.

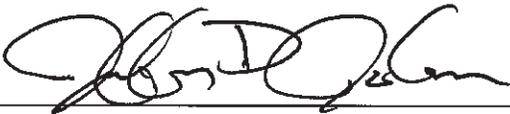
THIS INSTRUMENT HAS BEEN EXECUTED IN TWO OR MORE ORIGINALS BY EXECUTION AND ATTACHMENT OF "THE LEAD CONTRACTING AGENCY ENDORSEMENT AND AUTHORIZATION" OR "PARTICIPATING AGENCY ENDORSEMENT AND AUTHORIZATION," AS APPLICABLE. ONCE EXECUTED, IT IS THE RESPONSIBILITY OF EACH PARTY TO FILE THIS AGREEMENT WITH THE PROPER AGENCY IF REQUIRED BY LOCAL OR STATE LAW.

**PUBLIC PROCUREMENT AUTHORITY
ENDORSEMENT AND AUTHORIZATION**

The undersigned acknowledges, on behalf of the Public Procurement Authority ("Lead Contracting Agency") that he/she has read and agrees to the general terms and conditions set forth in the enclosed Intergovernmental Cooperative Purchasing Agreement regulating use of the Master Price Agreements and purchase of goods and services that from time to time are made available by the Public Procurement Authority to Participating Agencies locally, regionally, and nationally through NPP. Copies of Master Price Agreements and any amendments thereto made available by the Public Procurement Authority will be provided to Participating Agencies and NPP to facilitate use by Participating Agencies.

The undersigned understands that the purchase of goods and services under the provisions of the Intergovernmental Cooperative Purchasing Agreement is at the absolute discretion of the Participating Agencies.

The undersigned affirms that he/she is an agent of the Public Procurement Authority and is duly authorized to sign this Public Procurement Authority Endorsement and Authorization.



Date: 2-13-2014

BY: Jeffrey D. Johnson
ITS: Administrator/Board Member

Public Procurement Authority Contact Information:

Contact Person: Heidi Chames
Address: 25030 SW Parkway Ave., Suite 330
Wilsonville, OR 97070
Telephone No.: 855-524-4572
Email: questions@procurementauthority.org

**PARTICIPATING AGENCY
ENDORSEMENT AND AUTHORIZATION**

The undersigned acknowledges, on behalf of _____ (“Participating Agency”) that he/she has read and agrees to the general terms and conditions set forth in the enclosed Intergovernmental Cooperative Purchasing Agreement regulating use of the Master Price Agreements and purchase of goods and services that from time to time are made available by the Lead Contracting Agency to Participating Agencies locally, regionally, and nationally through NPP.

The undersigned further acknowledges that the purchase of goods and services under the provisions of the Intergovernmental Cooperative Purchasing Agreement is at the absolute discretion of the Participating Agency and that neither the Lead Contracting Agency nor NPP shall be held liable for any costs or damages incurred by or as a result of the actions of the Vendor or any other Participating Agency. Upon award of contract, the Vendor shall deal directly with the Participating Agency concerning the placement of orders, disputes, invoicing and payment.

The undersigned affirms that he/she is an agent of _____ and is duly authorized to sign this Participating Agency Endorsement and Authorization.

_____ Date: _____
BY: _____
ITS: _____

Participating Agency Contact Information:

Contact Person: _____
Address: _____

Telephone No.: _____
Email: _____



CITY COUNCIL AGENDA

SUBJECT:

Resolution 3350-1116 - Authorizing Acceptance
of Grant from AZ Department of Housing

MEETING DATE:

11/21/2016

TO: Mayor and Council**FROM:** Stephanie Small, Neighborhood and Family Services Director, 623-333-2711**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff requests approval of a resolution authorizing execution of a Funding Agreement with the Arizona Department of Housing (ADOH) to commit \$385,000 in grant funds to support the City's Substantial Home Repair Program, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

In April 2015, City Council authorized the 2015-2020 HUD Consolidated Plan, which contained a strategy to preserve the City's existing single-family housing stock in the revitalization areas.

Much of this housing is in severely substandard condition, and occupied predominantly by low and moderate income households.

To advance this strategy, the City designates a portion of our CDBG and HOME funds to operate two parallel housing rehabilitation programs. Combined, these programs improve living conditions for low and moderate income residents and revitalize these aging neighborhoods. The Emergency Home Repair Program provides grants to eligible homeowners to eliminate immediate health and safety conditions, such as substandard roofing, non-functioning HVAC systems, leaking plumbing and damaged electrical systems.

The Substantial Home Repair Program provides non-amortizing, forgivable loans to eligible homeowners to comprehensively rehabilitate substandard homes. The scope of rehabilitation includes the immediate health and safety repairs, code violations, as well as replacement of doors/windows, flooring, cabinetry/countertops, stucco and painting, among others.

The City currently allocates a portion of HOME funds received through the Maricopa HOME Consortium to fund the Substantial Home Repair Program. However, the City's share of Consortium HOME funds is insufficient based on the need identified in the Consolidated Plan, and in order to sustain the program, the City pursues other funding, including HOME grants from the Arizona Dept. of Housing.

DISCUSSION:

The City's most recent application to ADOH was authorized by City Council via resolution # 3326-716 and submitted in late July, 2016. The application requested \$350,000 in HOME funds and \$35,000 in State Housing Trust Fund (SHTF) funds to rehabilitate seven homes occupied by low

and moderate income homeowners. Further, the City's application proposed to target these funds to seniors, the disabled and those households with the lowest incomes (<30% of area median income). SHTF funds are designated for administration (i.e. personnel, training, and other indirect costs), and HOME funds designated for direct project costs (i.e. construction and delivery expenses).

ADOH notified Neighborhood and Family Services staff in early October that the City's application for funding was successful, and reserved these funds pending execution of a Funding Agreement. Pending Council approval, all program activities will be completed by June 30, 2018.

BUDGET IMPACT:

Grant funds will be appropriated in line items 205-7569-*, which are reserved for HOME and SHTF funds received from ADOH. There is no City match requirement for these funds, as the State meets the HOME match obligation on behalf of its grantees.

RECOMMENDATION:

Staff recommends approval of the Resolution authorizing execution of a Funding Agreement with the Arizona Department of Housing (ADOH) to commit \$385,000 in grant funds to support the City's Substantial Home Repair Program, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Description

[Resolution 3350-1116](#)

RESOLUTION NO. 3350-1116

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE ARIZONA DEPARTMENT OF HOUSING FOR STATE HOUSING FUNDS THROUGH THE HOME INVESTMENT PARTNERSHIP PROGRAM.

WHEREAS, the Arizona Department of Housing (“ADOH”) has awarded the City of Avondale (the “City”) a grant in the amount of \$385,000.00 for project funding for housing rehabilitation programs for owner-occupied single family dwellings (the “Grant”); and

WHEREAS, the Mayor and Council of the City of Avondale (“City Council”) desire to accept the Grant funds.

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

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

SECTION 2. The City Council hereby authorizes (i) the acceptance of the Grant funds in the amount of \$385,000.00 and (ii) the execution of the Funding Agreement with ADOH relating to the acceptance and administration of the Grant funds (the “Agreement”) in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 3. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute and submit the Agreement and any other necessary or desirable instruments in connection with the Grant and to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, November 21, 2016.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 3350-1116

[Agreement]

See following pages.



CITY COUNCIL AGENDA

SUBJECT:

Resolution 3347-1116 - Canvass of Votes of the
November 8, 2016 General Election

MEETING DATE:

11/21/2016

TO: Mayor and Council

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

THROUGH: David Fitzhugh, City Manager

PURPOSE:

Staff is recommending adoption of a resolution canvassing the results of the November 8, 2016 General election.

DISCUSSION:

The City of Avondale held its General Election on November 8, 2016 for the election of the Mayor.

Three Council Members were elected at the August 30, 2016, but none of the candidates for Mayor was successful in obtaining the majority necessary to be declared elected at the primary election. The candidate with the top two vote totals advanced to the general election and Mayor Weise was elected Mayor to a four-year term ending on December 31, 2020.

At the time of publication of this agenda packet, Maricopa County Elections Department has not yet concluded tabulation of early and provisional ballots; they expect this task to be completed over the weekend (11/19-11/20). Upon receiving final results from Maricopa County, the City Attorney will prepare the appropriate resolution and provide to Council Members for their consideration.

A special meeting will be scheduled on November 28, 2016 in the event that final results are not received from the County in time for the Council to adopt the resolution.

RECOMMENDATION:

Staff is recommending adoption of a resolution canvassing the results of the November 8, 2016 General election.

ATTACHMENTS:**Description**

[Resolution 3347-1116](#)

RESOLUTION NO. 3347-1116

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE GENERAL ELECTION HELD ON NOVEMBER 8, 2016.

WHEREAS, the City of Avondale (the “City”), Arizona, held a general election on November 8, 2016 (the “Election”), for the election of Mayor; and

WHEREAS, the Election returns, which are depicted on Exhibit A attached hereto, have been presented to, and have been canvassed by, the Council of the City of Avondale.

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

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

SECTION 2. The total number of registered voters was XX,XXX, the total number of ballots cast at the Election, as shown by the poll lists, was XX,XXX and the total rate of return was XX.XX%.

SECTION 3. The number of provisional ballots was XXX and XXX ballots were found to be ineligible.

SECTION 4. The votes cast for the candidates for Mayor were as follows:

Karlin,	Stephanie	X,XXX	_____
Weise,	Kenneth	X,XXX	_____

SECTION 5. It is hereby found, determined and declared of record, that Kenneth Weise received the majority of valid votes cast at the General Election, and the City Clerk is directed to issue a certificate of election.

SECTION 6. This Resolution shall be in full force and effect immediately upon its adoption.

SECTION 7. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
November 21, 2016.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION 3347-1116

[Election Returns]

(See following page.)



CITY COUNCIL AGENDA

SUBJECT:

Ordinance - 1614-1116 - Amendment to City Code Chapter 2, Article IV, Risk Management

MEETING DATE:

11/21/2016

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

Staff is recommending Council adoption of the attached Ordinance 1614-1116, amending the City Code, Chapter 2, Risk Management.

DISCUSSION:

The City Manager's contract authorization pursuant to the City Charter is \$50,000. The settlement agreement authorization pursuant to City Code, Chapter 2, Risk Management is \$25,000. This amendment will clear the confusion and align the City Manager's authority for signing settlement agreements with his general authority for signing contracts.

RECOMMENDATION:

Staff is recommending adoption of the attached Ordinance 1614-1116, amending the City Code, Chapter 2, Risk Management.

ATTACHMENTS:**Description**

[Ordinance 1614-1116](#)

ORDINANCE NO. 1614-1116

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE AVONDALE CITY CODE, CHAPTER 2, ADMINISTRATION, ARTICLE IV, RISK MANAGEMENT.

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

SECTION 1. The Avondale City Code, Chapter 2 (Administration), Article IV (Risk Management), Section 2-76 (Manner of approval or disapproval of claims) is hereby amended as follows:

- (a) The risk manager, acting within the parameters set by the city attorney for determining that the city has exposure to legal liability, and upon further determining that the proposed expenditure of risk management trust funds is reasonable, may authorize and pay any SIR claim in an amount not to exceed the sum of ~~five thousand dollars (\$5,000.00)~~ in the aggregate for any single demand and for any single claim. The risk manager shall consult with the city attorney prior to any determination to pay any claim for which the exposure to legal liability is unclear. No SIR claim in litigation can be settled or paid by the risk manager without prior determination by the city attorney that the city has exposure to legal liability.
- (b) The risk manager may, with the concurrence of the city manager and the city attorney, authorize payment of any claim in any amount between ~~five thousand dollars (\$5,000.00)~~ and ~~twenty-five thousand dollars (\$25,000.00)~~ \$50,000.00 for any single demand for any single claim.
- (c) No claim in excess of ~~twenty-five thousand dollars (\$25,000.00)~~ \$50,000.00 for any single demand and for any single claim may be paid without city council approval.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

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

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
November 21, 2016.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney



CITY COUNCIL AGENDA

SUBJECT: Public Hearing - Conditional Use Permit for a Self-Service Carwash (PL-16-0139)
MEETING DATE: 11/21/2016

TO: Mayor and Council

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

THROUGH: David Fitzhugh, City Manager (623) 333-1014

REQUEST: Approval of a Conditional Use Permit (CUP) for the Francis & Sons Self-Service Carwash.

PARCEL SIZE: 1.47 Acres

LOCATION: 325 feet north of the northwest corner of Avondale Boulevard and Coldwater Springs Boulevard.

APPLICANT: Brian Greathouse, Burch & Cracchiolo, P.A. (602) 234-9903

OWNER: Doug Moreland, Moreland AZ Properties (303) 898-4066

BACKGROUND:

The subject property was annexed April 7, 1997 as a part of the larger Coldwater Springs area annexation, and was subsequently rezoned to Coldwater Springs Planned Area Development (PAD) on March 17, 1997 (Ord. 637-97). The PAD development plan indicated that this portion of the property was designated as commercial with a zoning designation of C-2. The General Plan Land Use Map shows the property as City Center-Neighborhood Commercial.

On June 15, 2015, the Avondale City Council approved a Conditional Use Permit (PL-14-0239) for the Quik Trip gas station and convenience store south of the proposed carwash.

SUMMARY OF REQUEST:

The applicant is proposing to construct and operate a self-service express carwash on a 1.47-acre vacant site located approximately 325-feet north of the northwest corner of Coldwater Springs and Avondale Boulevards. The express carwash will be developed with a conveyor style carwash tunnel with cleaning equipment and chemical solutions. Carwash customers will remain in their vehicles throughout the entire carwash process, starting at the automated pay stations to the west and continuing through the tunnel exit to the east. South of the carwash tunnel will be twenty-five (25) self-service bays for vacuuming and additional cleaning.

The building design incorporates a variety of features providing horizontal and vertical articulation as well as a diverse set of materials, textures and colors that complement the QuikTrip to the south and the Coldwater Springs Promenade to the north. Circulation to the site is provided by right-in/right-out access via Avondale Boulevard and a drive aisle connecting Coldwater Springs Boulevard to the Coldwater Springs Promenade commercial development to the north. The hours of operation for the carwash will vary with the time of the year, with summer hours of operation being from 7am to 8pm and winter hours being 7am to 7pm. The carwash will be manned by a minimum of one (1) full-time employee on site during all business hours and will be open seven (7) days a week.

The applicant is requesting a Conditional Use Permit (CUP), in conformance with Section 303 of the Avondale Zoning Ordinance, which is required for a self-service express carwash in the Community Commercial (C-2) Zoning District. A companion site plan/design review application has been submitted under case PL-16-0140.

PARTICIPATION:

The applicant conducted two neighborhood meetings to discuss the proposed request for Conditional Use Approval for the carwash. The first meeting was held on Thursday, April 27, 2016 at 6:00 P.M. at Avondale City Hall. The second meeting was held on Wednesday, August 24, 2016 at 6:00 P.M. also at Avondale City Hall. Both meetings were advertised in the West Valley View and a notification sign was erected on the subject property. Additionally, property owners within 1,000 feet were notified of the meetings by post cards and letters sent by the applicant and City staff.

The first neighborhood meeting was attended by six (6) citizens who had questions regarding the circulation in and around the site, noise levels and the impact on the neighborhood to the west, hours of operation, loud music and noise coming from the site, additional services provided, amount of traffic expected, and how environmentally friendly is the use. The applicant addressed their concerns with the following:

- The main access point for the carwash would be from Avondale Blvd. via a shared access with the QuikTrip convenience store. Additional access would be provided by a north/south drive aisle that provides access to the Coldwater Springs Promenade development from Coldwater Springs Blvd.
- The carwash will incorporate new technologies in the washing and drying process that minimize noise generally associated with a carwash. Additionally, the mechanical devices, more specifically the blowers, have been located at the east end of the wash tunnel maximizing the distance from the equipment to the nearest residential property line. Furthermore, the carwash will use LED lighting on site and will reduce onsite lighting to security level when the carwash is closed.
- The hours of operation will vary according to time of the year. Winter hours will be shorter than summer hours. The carwash will operate seven (7) days a week.
- A paid employee will be on site during business hours to monitor customer conduct on site. Signs will be posted directing potential customers to be respectful of the adjacent neighborhood.
- There will be no additional maintenance services provided at the carwash.
- The carwash will have a queuing capacity of twenty-one (21) cars. It is anticipated that at maximum the carwash will generate less than 600 average daily trips.

- The carwash utilizes a reverse osmosis system for the rinse water in the tunnel. In addition, there is a reuse and recapture system built into the wash system to minimize water use and wastewater.

A second neighborhood meeting for the carwash was held on August 24, 2016 at 6:00 P.M. at Avondale City Hall. The second neighborhood meeting was not attended by any members of the community.

Postcards notifying nearby property owners of this Planning Commission meeting were mailed on September 29, 2016. The public hearing notice sign was updated to reflect the date, time, and location of this Planning Commission meeting on October 5, 2016. A notice of the Planning Commission hearing was published in the West Valley View on October 5, 2016. Staff received one letter in opposition to the self-service carwash stating that a self-service carwash was not the best use for the vacant property and that the carwash would diminish the value of homes in the community. Staff entered the letter into the public record at the Planning Commission Meeting on October 20, 2016 (Exhibit J).

PLANNING COMMISSION ACTION:

The Planning Commission conducted a public hearing on this item on October 20, 2016 (EXHIBIT I).

Commission asked the following questions during the question and answer portion of the session:

- Commissioner Kugler stated that the shared drive aisle with the existing QT would help with circulation in and around the site but had concerns with the vacuuming equipment and the visibility from Avondale Blvd. Staff stated that all the vacuuming equipment would be housed in the equipment building and the only piece of equipment that would be visible would be the vacuum hose its self. Additionally, staff stated that additional landscaping and landscaped berms had been incorporated into the design along Avondale Blvd. in lieu of 3-foot screen walls and at maturation will provide maximum screening.
- Vice Chair Solorio was concerned with traffic backing up into the drive aisles with cars waiting to enter the wash tunnel and asked if there were adequate queuing distances. Staff stated that the site was designed with three lanes of queuing at the self-pay station. Additionally, the City's traffic engineer had reviewed the traffic plan for the site and had no additional concerns.
- Chair Person Pineda had concerns with overall site lighting and security lighting. The applicant stated that all lighting would be shielded from the neighborhood and pointed down in order to reduce lighting levels at the property line. Staff also stated that the applicant had submitted a photometric plan with the site plan that met or exceeded all lighting requirements for the site.
- Chair Person Pineda asked whether other services other than carwashes would be performed on site. The applicant stated that no other services would be offered at the site.

Upon conclusion of the public hearing, the Commission voted 6-0 to recommend approval of the requested PAD Amendment subject to four staff recommended conditions of approval, as follows:

1. The use and development of the site shall conform to the Conditional Use Permit Narrative dated September 12, 2016, Conceptual Site Plan, Conceptual Landscape Plan, and Conceptual Building Elevations, attached as staff report Exhibits E, F, G, and H.
2. In accordance with Section 109 of the Zoning Ordinance, the Conditional Use Permit shall expire within two years from the date of approval if the use has not commenced.

3. Winter hours of operation shall be 7am to 7pm commencing on Labor Day and ending on Memorial Day. Summer hours of operation shall be from 7am to 8pm commencing on Memorial Day and ending on Labor Day.
4. All deliveries shall occur during regular business hours.

The conditions of approval are reasonable to ensure conformance with the provisions as outlined in the Avondale Zoning Ordinance and all other applicable City codes, ordinances, and policies.

ANALYSIS:

In order to grant a Conditional Use Permit, five findings must be met as outlined in Zoning Ordinance Section 109.B. The burden of proof is upon the applicant. Each finding is presented below along with staff's analysis.

1. That the proposed use (i) is consistent with the land-use designation set forth in the General Plan, (ii) will further the City's general guidelines and objectives for development of the area, as set forth in the General Plan and (iii) will be consistent with the desired character for the surrounding area.

i. The General Plan Land Use Map identifies the subject property as City Center-Neighborhood Commercial. The commercial land use designation allows such uses as grocery stores, self-service carwashes, neighborhood/retail services, and office and medical uses serving consumers residing in adjacent residential areas. More specifically, neighborhood commercial type uses that provide basic services to an immediate area may be allowed in any land-use classification based on the merits of the project. This request is in conformance with the underlying Neighborhood Commercial land use category as it is in a commercial designation and will provide services to the adjacent neighborhoods.

ii. The subject property is within the City Center Specific Plan (CCSP) but is not subject to the design requirements of the City Center.

iii. A self-service express carwash is compatible with the desired character. The site will not directly abut against any residences and is separated by more than 270 feet to the nearest property line. It is anticipated that the future commercial development between the subject property and the residences would provide an additional layer of buffering.

2. That the use will be (i) compatible with other adjacent and nearby land uses and (ii) will not be detrimental to (1) persons residing or working in the area, (2) adjacent property, (3) the neighborhood or (4) the public welfare in general.

i. The remainder of the 6-acre commercial site is zoned for office and/or retail uses. To the north is the Coldwater Springs Promenade, with a fitness facility, restaurants, retail and personal services. To the south is the recently constructed QuikTrip convenience store and across the street to the southeast is Avondale's Civic Center complex with PIR offices. East of the site is vacant farmland that is identified as Employment Mixed Use in the CCSP. Employment Mixed Use is anticipated to be developed with professional office, retail, hotel, and personal services uses, with residential as a possibility if constructed along with the employment uses. West and south of the commercial property is the Coldwater Springs neighborhood. The proposed service use is compatible with the surrounding uses.

ii. The use will not be detrimental to persons residing or working in the area, on adjacent properties in the neighborhood, or to the public welfare in general. The site plan for the proposed use will comply with all zoning, traffic, engineering, fire safety, and building code requirements. The blowers and vacuum equipment are internally housed at the farthest point from the adjacent neighborhood in order to mitigate potential noise intrusion. Additionally, all building lighting will be downward facing, pole mounted lighting on the west side of the site will be shielded from

residents, after hour lighting will be reduced to security levels only, and additional trees will be planted on the west property line as a mitigating measure. With new technologies developed in the industry, conventional and express carwashes have safely operated in and adjacent to neighborhoods without detrimental effects.

3. That the site is adequate in size and shape to accommodate the proposed use, allow safe onsite circulation, and meet all required development standards including, but not limited to setbacks, parking, screening and landscaping.

i. The site is of adequate size and shape to meet all requirements for parking, landscaping, screening, and allows for safe onsite circulation. The companion site plan shows the proposed layout of the carwash, self-service pay station, vacuum stations, drive aisles and driveways. The conceptual landscape plan shows adequate room for required landscaping with enhanced planting on the northeast corner of the site. The site has been graded and the private drive aisles have been constructed. All right-of-way improvements including curb, gutter, and sidewalk have been completed along Avondale Boulevard.

4. That the site has appropriate access to public streets with adequate capacity to carry the type and quantity of traffic generated by the proposed use.

i. As required with a Conditional Use Permit application, a stamped and sealed Traffic Statement was submitted by the applicant. The analysis and results of the study confirm that there is appropriate levels of access with adequate capacity to carry the type and quantity of traffic generated by an express car wash. The City's traffic engineer has reviewed the document and concurs with the findings of the report.

5. That adequate conditions have been incorporated into the approval to insure that any potential adverse effects will be mitigated.

i. The proposed use will operate 7 days a week. Staff is recommending a condition of approval that restricts operating hours during winter months from 7am to 7pm and 7am to 8pm during summer months. Winter months are defined as the Labor Day through Memorial Day with summer hours commencing Memorial Day through Labor Day. Additionally, staff is recommending a second condition of approval that restricts deliveries of supplies and products during business hours only.

ii. Residents to the west are approximately 270 feet from the site, 380 feet from the entrance to the carwash tunnel, and 500 feet from the exit of the tunnel where the high powered blow dryers are housed eliminating noise intrusion on the adjacent neighborhood. Additionally, the developer proposes additional trees on the west property line for buffering and has demonstrated, through the site plan review process, that the site's lighting levels do not exceed one-foot candle at the property lines as required by the Zoning Ordinance, thereby eliminating light trespass on adjacent properties.

FINDINGS:

Based on the information provided by the applicant, the public input received, the analysis by staff, and the recommendation of the Planning Commission, staff recommends approval of the requested Conditional Use Permit. This request meets the required criteria and will conform to the conditions of approval.

1. The proposed self-service express carwash is a permitted conditional use in the Coldwater Springs PAD.
2. The proposed land use meets the five required findings for a CUP as outlined in Section 108 of the City's Zoning Ordinance.

3. Approval of the CUP will result in a development compatible with the General Plan and City Center Specific Area Plan designation of Neighborhood Commercial.
4. Approval of the CUP will not be detrimental to persons residing or working in the area, on adjacent properties in the neighborhood, or to the public welfare in general.

RECOMMENDATION:

The City Council should approve Application PL-16-0139, a request for a Conditional Use Permit for a self-service carwash, subject to conditions of approval, as recommended by the Planning Commission:

1. The use and development of the site shall conform to the Conditional Use Permit Narrative dated September 12, 2016, Conceptual Site Plan, Conceptual Landscape Plan, and Conceptual Building Elevations, attached as staff report Exhibits E, F, G, and H.
2. In accordance with Section 109 of the Zoning Ordinance, the Conditional Use Permit shall expire within two years from the date of approval if the use has not commenced.
3. Winter hours of operation shall be 7am to 7pm commencing on Labor Day and ending on Memorial Day. Summer hours of operation shall be from 7am to 8pm commencing on Memorial Day and ending on Labor Day.
4. All deliveries shall occur during regular business hours.

PROPOSED MOTION:

I move that the City Council accept the findings and recommend **APPROVAL** of application PL-16-0139, a request for a Conditional Use Permit for a self-service carwash, subject to the staff recommended conditions of approval.

ATTACHMENTS:

Description

[Exhibit A - Aerial Vicinity Map](#)

[Exhibit B - Zoning Vicinity Map](#)

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

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

[Exhibit E - Applicants CUP Narrative](#)

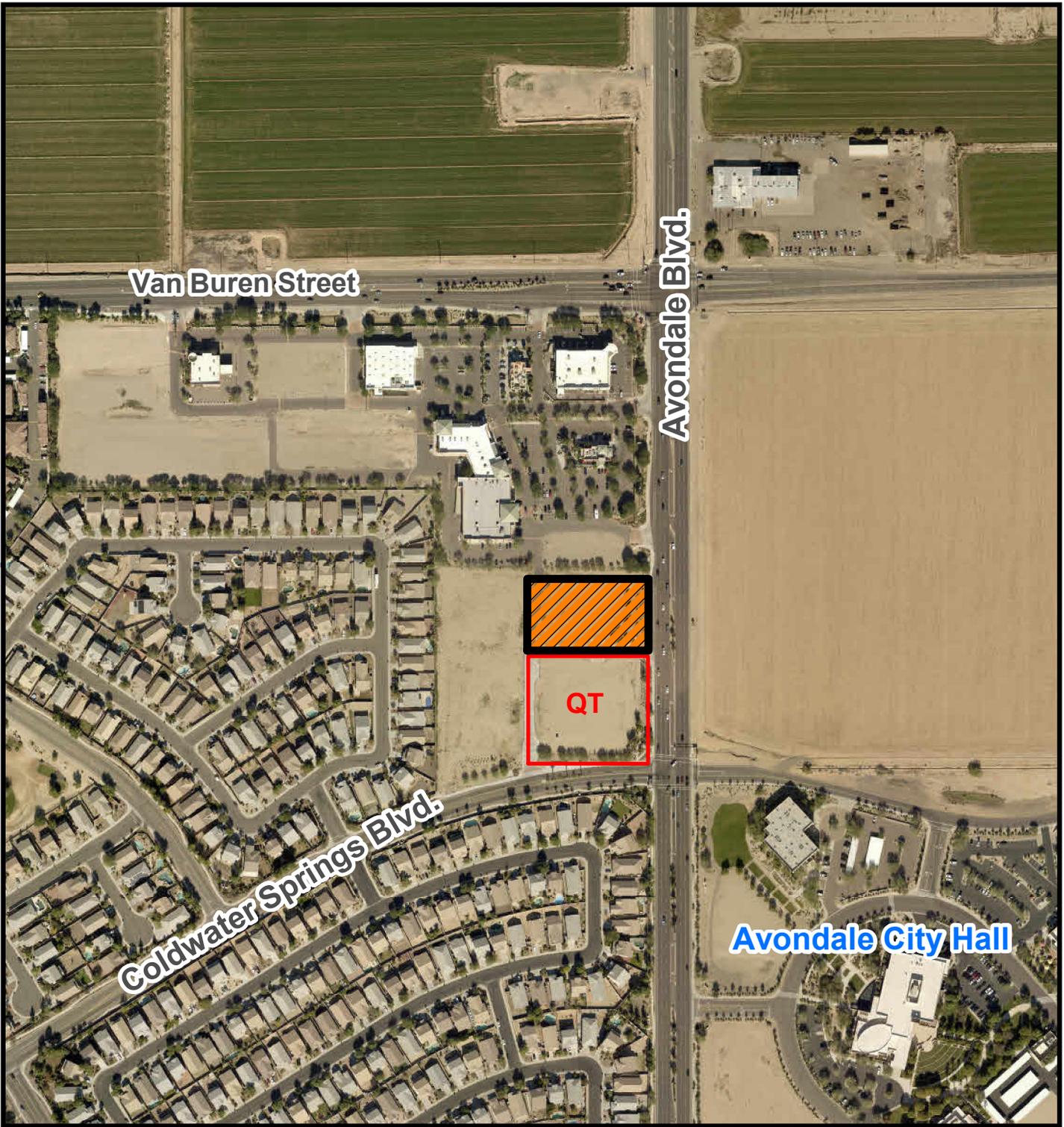
[Exhibits F - H](#)

[Exhibit I - Planning Commission Meeting Minutes 10-20-16](#)

[Exhibit J - Opposition Letter](#)

PROJECT MANAGER

Rick Williams, Planner II (623) 333-4018

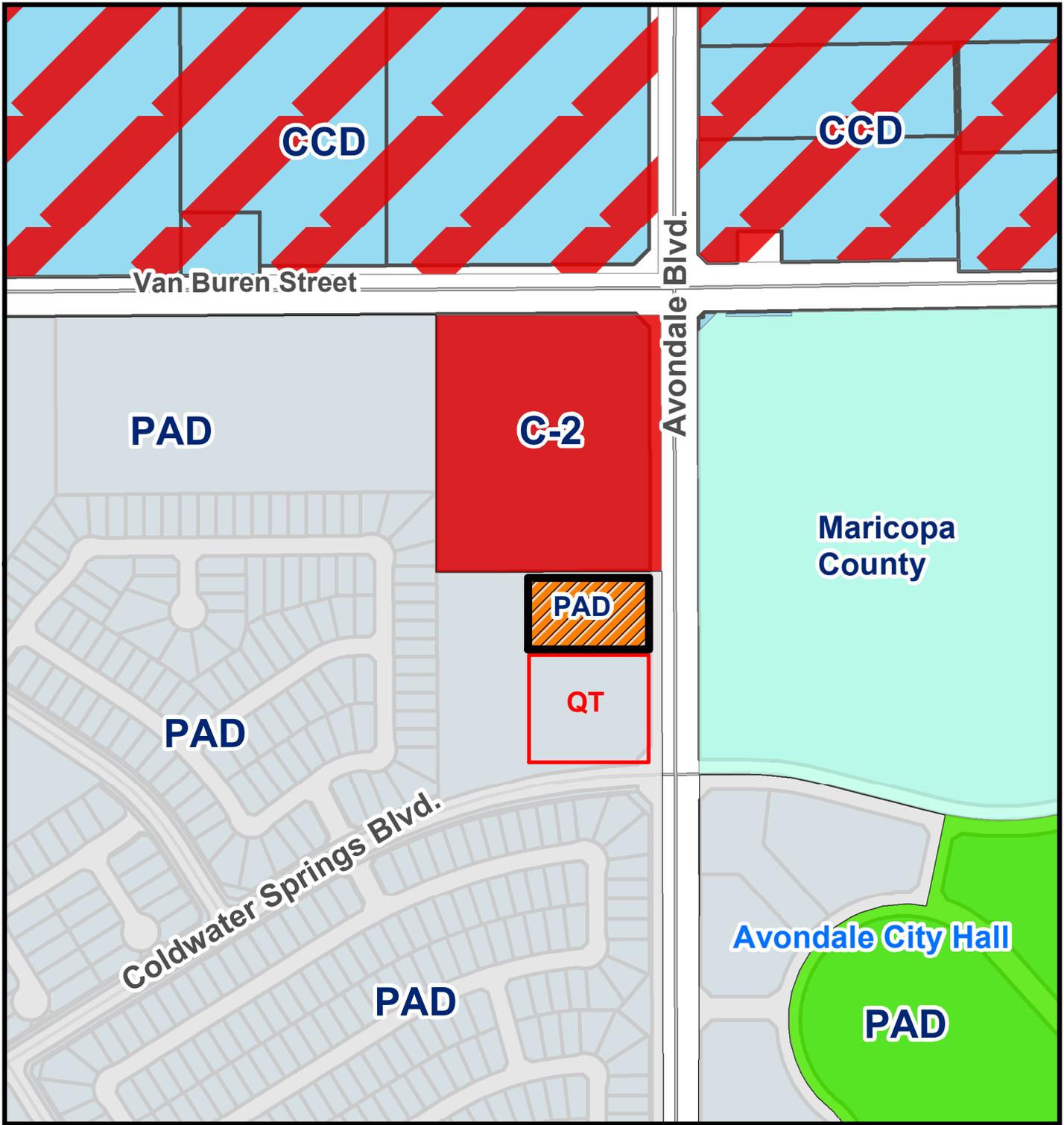


Aerial Vicinity Map



Subject Property



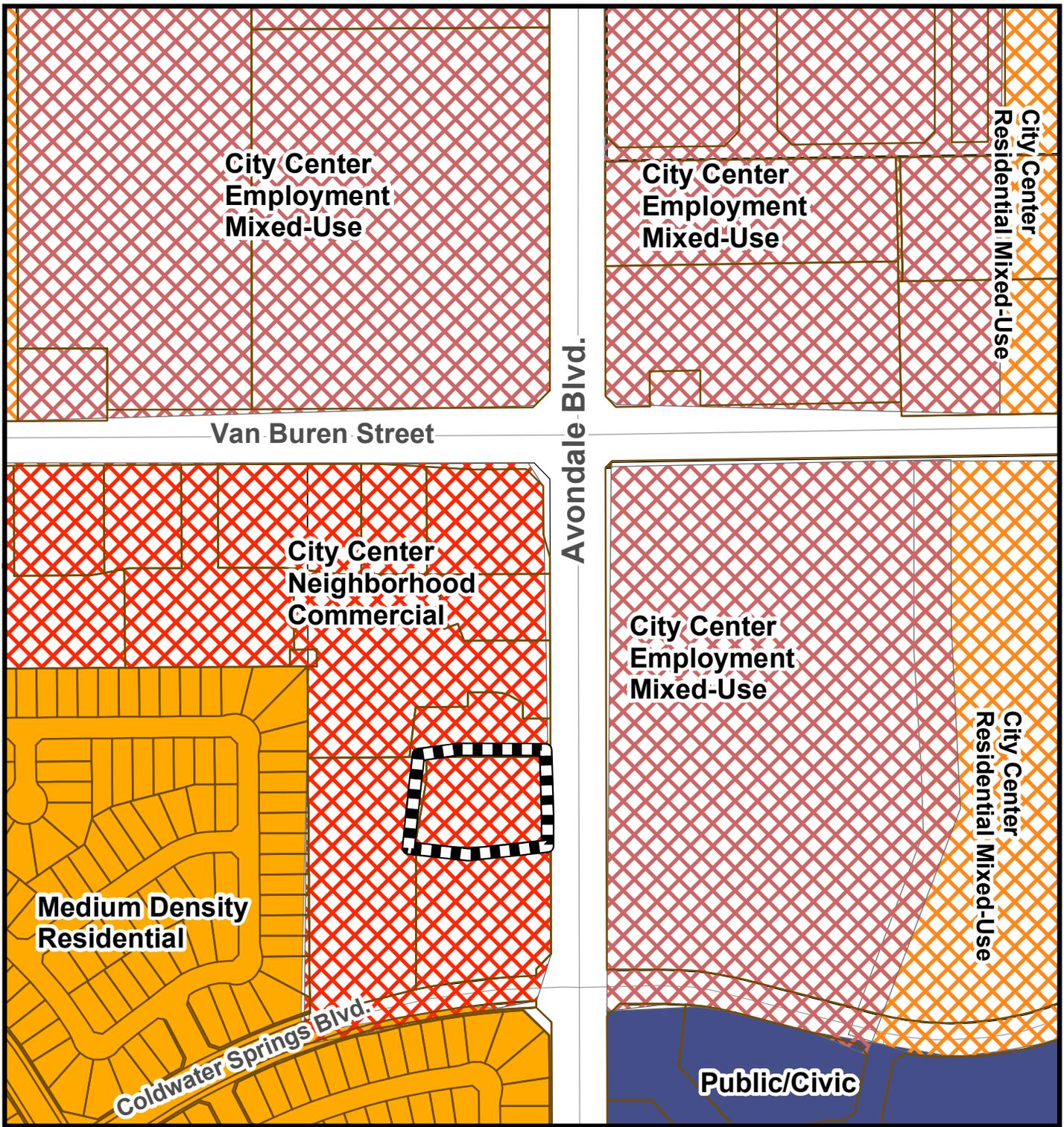


Zoning Vicinity Map



Subject Property





General Plan Land Use Map

-  City Center Neighborhood Commercial
-  Medium Density Residential
-  City Center Employment Mixed-Use
-  Public/Civic
-  City Center Residential Mixed-Use
-  **Subject Property**



SUMMARY OF RELATED FACTS
APPLICATION PL-16-0139 FRANCIS & SONS EXPRESS CARWASH

<i>THE PROPERTY</i>	
PARCEL SIZE	1.47 acres
LOCATION	North of the NWC Avondale & Coldwater Springs Boulevards
PHYSICAL CHARACTERISTICS	Rectangular and relatively flat.
EXISTING LAND USE	Vacant
EXISTING ZONING	Planned Area Development (PAD)
ZONING HISTORY	Annexed 4/7/1997, Rezoned to PAD 3/17/1997
DEVELOPMENT AGREEMENT	Yes (1997), but there are no outstanding issues.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	Planned Area Development (PAD) – Coldwater Springs (vacant)
EAST	COUNTY (agricultural uses), Avondale City Hall.
SOUTH	Planned Area Development (PAD) – Coldwater Springs (residential)
WEST	Planned Area Development (PAD) – Coldwater Springs (residential)
<i>GENERAL PLAN</i>	
The subject property is designated as Neighborhood Commercial on the General Plan Land Use Map.	

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

<i>STREETS</i>	
Avondale Boulevard	
Classification	Arterial
Existing half street ROW	65 feet
Standard half street ROW	65 feet
Existing half street improvements	3 vehicular lanes, ½ landscaped median, bike lane, curb and gutter, street lights
Standard half street improvements	3 vehicular lanes, ½ landscaped median, bike lane, curb and gutter, detached sidewalk, street lights

STREETS

Coldwater Springs Boulevard

Classification	Minor Collector
Existing half street ROW	50 – 60 feet
Standard half street ROW	80 feet
Existing half street improvements	1 vehicular lanes, ½ median
Standard half street improvements	1 vehicular lane, ½ landscaped median/turn lane, bike lane, curb and gutter, detached sidewalk, and street lights

UTILITIES

There is an existing 24” water line in Avondale Boulevard and a 12” water line existing in Coldwater Springs Boulevard. Both transition across the entire frontage of the property.

There are existing 18” sewer lines in Avondale Boulevard and Coldwater Springs Boulevard. Both transition across the entire frontage of the property.

CONDITIONAL USE PERMIT

Francis & Sons Express Carwash

North of the NWC of Avondale Blvd. and Coldwater
Springs Blvd.

PL-16-0139

September 12, 2016

DEVELOPMENT TEAM

Developer:

Francis and Sons
Attn: Jeff Francis
11511 E. Via Linda
Scottsdale, Arizona 85259
Phone: (480) 614-1075

Architect:

John Reddell Architects, Inc.
Attn: John Reddell
6615 N. Scottsdale Rd.
Scottsdale, Arizona 85250
Phone: (480) 946-0242

Zoning:

Burch & Cracchiolo, P.A.
Attn: Brian Greathouse
702 E. Osborn Rd., Suite 200
Phoenix, Arizona 85014
Phone: (602) 234-9903

I. Introduction

Francis and Sons (“F&S”) is the proposed developer of Lot 2 (approximately 1.47 acres) within the Coldwater Springs Planned Area Development (“PAD”) which is located approximately 300 feet north of the northwest corner of Avondale Blvd. and Coldwater Springs Blvd (“Site”). The Site is located just north of the recently constructed QT Store. An Aerial of the Site is provided at **Exhibit 1**. F&S requests a Conditional Use Permit and Site Plan Approval for a new Express Car Wash on this vacant and underutilized Site.

The Express Car Wash will include a conveyor style car wash tunnel with state of the art cleaning equipment and chemical solutions to provide a high quality and convenient car wash service to the surrounding community. F&S’s customers will remain in their vehicle throughout the entire car wash process, starting at the automated pay stations located proximate to the west side of the Site and continuing through the car wash tunnel, exiting out the tunnel on the east portion of the Site. A Site Plan is provided at **Exhibit 2**. There is also a self-vacuuming area that is provided for no charge. This system allows for a quick process (approximately 5 minute car wash) with a very affordable price structure.

The Express Car Wash will provide a convenient service to the residences of the City of Avondale that is quick, convenient, and safe. The Express Car Wash will be compatible with the existing uses within the Coldwater Springs PAD, the Coldwater Springs Promenade commercial development, and the surrounding community. The Site’s location along Avondale Boulevard and existing and future commercial uses located on the Site’s south, west and north boundaries makes this Site an ideal location for the proposed Express Car Wash.

II. Conformance with the General Plan and the Avondale City Center Specific Plan

The proposed Express Car Wash and this CUP request are supported by the General Plan and the City Center Specific Plan. Below is a summary of goals and policies supported by the proposed development:

General Plan

Land Use Goal 3 Policy D: *Ensure adequate transitions and/or buffers are provided when adjacent land uses vary in character and intensity.*

The proposed development conforms to the Commercial land use designation in the City’s General Plan and is located within an area that has been planned as a commercial use within the Coldwater Springs PAD. Further, adequate transitions and buffers exist on all four sides of the Site. The west boundary of the Site is located approximately 270 feet east of the nearest residential lot. The west side of the car wash tunnel is located approximately 380 feet away from the nearest residential lot and the east side (exit) of the car wash tunnel is located approximately 500 feet away from the nearest residential lot. The Site is bounded on the south by an existing QuikTrip Gas Station & Convenience Store, on the east by Avondale Boulevard,

on the west by vacant parcels that are zoned for future commercial uses (C-2) that will provide additional buffering, and on the north by an existing Jack in the Box and Planet Fitness. The property on the east side of Avondale Blvd, across the street from the Site, is a vacant County Island that is designated Commercial in the City's General Plan. The existing and future surrounding commercial land uses and approximately 380 feet of distance between the proposed car wash tunnel and nearest residential lot ensure there are adequate space, transitions and buffers for this proposed development.

Economic Vitality Goal 3 Policy D: *Support new development that accommodates business attraction opportunities.*

The proposed Express Car Wash will be F&S's first business in Avondale. F&S is a family owned business that has been operating car wash facilities for over 20 years in the Valley. F&S currently operates 18 car wash facilities. This new Express Car Wash concept has a clean, modern, and high quality design, and utilizes state of the equipment. F&S is excited to bring its state of the art business to the City of Avondale and support the City's goal of Economic Vitality.

Economic Vitality Goal 5: *Encourage and facilitate small local business development and diversify.*

The proposed Express Car Wash will contribute to the balance of necessary retail services. This will be the first car wash located along the Avondale Boulevard corridor south of the I-10 freeway, and it is appropriately located within an existing underutilized commercial development and surrounded by commercially zoned properties and a Major Arterial Roadway (Avondale Boulevard). This is the perfect location to encourage a family owned local Valley business to provide a convenient and safe service. The proposed Express Car Wash will be located adjacent to an existing QT Store, which provides complimentary automobile services located next to each other and will help further sustain the commercial shopping area that has had some economic challenges in the past. The QT has recently opened and we have received great feedback from the success of the Store. Moreover, we received great feedback on the QT development from the Coldwater Springs community members who attended a neighborhood meeting to discuss F&S's proposed Express Car Wash.

Environmental Planning & Conservation Element Goals 1, 2, 8 and 9: *(1) Protect floodways, floodplains, hillsides, and other environmentally sensitive areas from inappropriate development. (2) Preserve existing habitat areas of wildlife and desert plant species. (8) Conserve Water. (9) Ensure that all commercial and industrial activities are monitored to protect recharge environmental, and other functions of the Agua Fria, Salt and Gila rivers.*

F&S's car wash system will be part of the "green shield program," whereby products used will be environmentally friendly and the system will comply with very efficient water usage standards and reuse compared to other car wash methods (i.e. washing vehicles in residential driveways using significantly more water and flushing detergents into the City's storm drain system.) Less detergent waste flowing from residential driveways into the City's storm drain systems will support the General Plan's goal of protecting environmentally sensitive areas. The

efficient, environmentally friendly methods deployed by F&S will support the City's sustainability and conservation planning efforts.

Energy Element Goal 1: *Integrate energy efficiency measures and renewable energy sources into all aspects of Avondale planning.*

F&S's Express Car Wash will utilize Variable Frequency Drives (VFDs) that are typically used with larger electrical motors that control the speed in which the motors are started and operated. When the motors are started, the VFDs only allow for the motor to start slowly and later ramp up to operation speed, which eliminates the power surge when starting. During operation, the vacuum motors speed up or down depending on the volume of draw on the motor. The use of the VFDs saves significant power during operation. Further, LED lighting will be utilized on the Site to save on power usage, and the lighting will be on a time clock and/or photo cell to control the lights throughout the day. The combination of VFDs and LED lighting are energy efficiency measures that support the City's Energy Element Goals.

City Center Specific Plan

Land Use Policy 3-1: *Provide adequate sites for the development of a strong employment base of professional office, retail, restaurant, hotel, and other commercial uses in the City Center.*

F&S's proposed commercial development will create new jobs and further the City's above Land Use Policy. The Site was subdivided to permit the QT gas station to be located on the northwest corner of Avondale Blvd. and Coldwater Springs Blvd. The proposed car wash will be a complimentary automobile service to the existing QT and will help sustain the recent development of this commercial shopping center. The Site is an excellent location for F&S's proposed state of the art Express Car Wash Service with free vacuuming stations.

Land Use Policy 3-6: *Ensure that new land uses in the City Center area are compatible with surrounding residential neighborhoods. Protect existing residential uses from traffic and noise impacts. Locate residential mixed-use area adjacent to existing and planned residential districts.*

The Express Car Wash is buffered from residential uses by streets, landscaping, and existing and future adjacent commercial uses. Traffic will enter/exit the Site to and from an internal private driveway that wraps around the south and west sides of the Site. The internal driveway will lead F&S's customers to and from Avondale Blvd. and Coldwater Springs Blvd.

The Express Car Wash will utilize state of the art equipment that significantly reduces noise on the Site. The vacuum motors are housed within an enclosed room inside the carwash building. Blowers for drying vehicles are located inside the tunnel at the exit end, which is adjacent to Avondale Blvd. far away from any residential homes. The blowers also include air gates which significantly muffles noise. Further, once the vacant parcel west of the Site is developed with a commercial building, there will be additional visual and sound buffers in place.

Land Use Policy 3-7: *Develop the land uses in the City Center area in accordance with the plan shown in Figure 3-1Use the land use and density provisions described in Table 3-2 as the guidelines for future development.*

The Site is designated Neighborhood Commercial on Figure 3-1 of the City of Avondale City Center Plan. Although there is no definition for Neighborhood Commercial in the City Center Plan, there is a definition for Local Commercial within the General Plan. Local Commercial includes land uses used “primarily for providing the daily needs of goods and services to the residents residing with the surrounding area. The types of uses allowed in this category specifically for local residents may include: grocery stores, gas stations, neighborhood/retail services, and office and medical uses servicing consumers residing in adjacent residential areas....preferred locations are major arterial intersections....” The proposed Express Car Wash is similar and compatible to a gas station which is specifically listed as being included as a Local Commercial use. Further, this Site shares an internal driveway with the Coldwater Springs Promenade, creating a commercial shopping area that is located at a major arterial intersection (Avondale Blvd. and Van Buren). Neighborhood Commercial uses are not addressed in Table 3-2.

Land Use Policy 5-2: *Design new development in the Neighborhood Commercial areas in accordance with the provisions of the approved Planned Area Developments, and other applicable guidelines.*

The Site has been designed in accordance with the provisions of the Coldwater Springs PAD and car washes are a conditionally permitted use in the PAD. Thus, this Express Car Wash is supported by the City Center Specific Plan’s policy of allowing designs and uses consistent with existing PADs within Neighborhood Commercial areas.

III. Compliance with Site’s Zoning

The Site is within the Coldwater Springs PAD. The Coldwater Springs PAD allows C-2 uses on the Site. Car Wash uses require a CUP within the C-2 Zoning District. This CUP request will allow F&S’s Express Car Wash to be developed on the Site.

IV. Site Design

The proposed Express Car Wash will include the construction of a new 5,889 +/- square building proximate to the north side of the Site and free outdoor vacuum stations located under canopy shade structures proximate to the center portion of the Site. A Site Plan has been provided at **Exhibit 2**. Elevations of the vacuum stations are provided on the Building Elevation Exhibit at **Exhibit 3**. The Site has been designed to be accessed to and from the existing internal driveway within the commercial center. There is no direct access to and from Avondale Boulevard or Coldwater Springs Boulevard.

There are two points of ingress/egress to and from an internal driveway located within the shopping center, which is shared with the adjacent Coldwater Springs Promenade. The Site’s access point located furthest west (along the south boundary of the Site) is the entrance to the

Express Pay Stations where cars enter the car wash tunnel. The car wash tunnel has been oriented to position the car wash entrance on the west side of the building, approximately 380 feet away from the nearest residential lot. The exit side of the tunnel is located on the east side of the building, proximate to Avondale Boulevard where there is existing ambient noise from cars traveling along the roadway. The Site's access point located furthest east (along the south boundary of the Site) is the entrance/exit to and from the free vacuum stations and serves as the exit for cars that have passed through the car wash tunnel.

There is also one point of ingress/egress along the west boundary of the Site. The access point on the west boundary of the Site is for emergency service vehicles and a location where vehicles can exit if they choose not to enter the car wash tunnel after they have passed through the pay stations. This access point will be coned off to prohibit access during normal operations.

Onsite circulation and parking has been designed to provide a safe and convenient customer experience.

V. **Building Design**

The car wash building has been attractively designed and will be compatible with the other high quality architectural features located with the Coldwater Springs Promenade. The building design includes a variety of features to provide horizontal and vertical articulation, reduce massing, and provide a variety and diverse set of materials, textures, and colors. See **Exhibit 3**, Building Elevations.

VI. **Landscape Theme**

The landscape theme incorporates various types of desert themed trees, shrubs and groundcovers that are consistent with the existing landscaping within the Coldwater Springs Promenade. A Landscape Plan is provided at **Exhibit 4**. The Site will include approximately 35 trees total. Groupings of trees will be located on the west side of the Site to provide a buffer between the Site and the existing residential homes located more than a football field (approx. 380 feet) away from the car wash tunnel. Groupings of trees are also provided along Avondale Blvd. to enhance the street scene in accordance with other developments along Avondale Blvd.

VII. **Signage**

One freestanding monument sign will be located proximate to the northeast corner of the Site. See Site Plan at **Exhibit 2**. The building will have one sign on the north and one sign on the south side of the building. The building mounted signage will not be illuminated. See **Exhibit 3**, Building Elevations. Signage is approved under a separate permit process and is not approved as part of this CUP.

VIII. **Hours of Operation**

The Express Car Wash will operate between 7am and 8pm during the Summer months (Memorial Day through Labor Day) and 7am and 7pm all other times of the year. Prior to 7am,

employees will open and prepare the car wash for operation and after 8pm (Summer) and 7pm (other times of year), employees will close down and clean the Site.

IX. CUP FINDINGS

Section 108C.2 of the Zoning Ordinance lists five findings that are to be used when reviewing a CUP application. F&S's proposed Express Car Wash meets and satisfies the five findings as follows:

1. That the proposed use (a) is consistent with the land-use designation set forth in the general plan, (b) will further the City's general guidelines and objectives for development of the area, as set forth in the general plan and (c) will be consistent with the desired character for the surrounding area.

The proposed Express Car Wash is consistent with the Commercial land use designation of the General Plan and the Neighborhood Commercial land use designation of the City Center Specific Plan and will provide services to adjacent neighborhoods. See Section II above for supported Goals and Policies of the General Plan and City Center Specific Plan. The Site is compatible with the desired character for the surrounding area. The Site does not directly abut any residential uses and the car wash tunnel is located approximately 380 feet east of the nearest residential lot.

2. That the use will be (a) compatible with other adjacent and nearby land uses and (b) will not be detrimental to persons residing or working in the area, adjacent property, the neighborhood or the public welfare in general.

The proposed car wash is compatible with the other commercial uses existing and proposed with the commercial center and will not be detrimental to anyone living or working in the area, adjacent property, the neighborhood or the public welfare. The Site is located within an approximate 8 acre commercial area that abuts the southern boundary of the Coldwater Springs Promenade. There is a significant distance between the Site and the nearest residential home (approx.. 270 feet), the west side of the car wash tunnel and the nearest residential home (approx. 380 feet), and the east side of the car wash tunnel and the nearest residential home (approx. 500 feet). East of the Site (across Avondale Blvd.) is vacant farmland that is designated Commercial in the General Plan and Employment Mixed Use in the City Center Specific Plan.

The Site design incorporates buffers, including screen walls along Avondale Blvd. and landscape buffers around the perimeter of the Site. The motors for the vacuum stations have been located within an enclosed room within the car wash building to eliminate noise. There is also state of the art equipment specified for the car wash tunnel to reduce noise, including silencers, mufflers, and air gates on the blowers. The car wash tunnel is oriented with the exit side adjacent to Avondale Blvd, which places the blowers/dryers farthest from the nearest

residential lots, located more than 500 feet away from the exit end of the car wash tunnel.

3. That the site is adequate in size and shape to accommodate the proposed use, allow safe on-site circulation, and meet all required development standards including, but not limited to, setbacks, parking, screening, and landscaping.

The Site is adequate in size and shape to accommodate the Express Car Wash, allow safe on-site circulation and meet all required development standards of the Coldwater Springs PAD and other City development standards applicable to the Site, including building and landscape setbacks, parking requirements, and landscaping standards. Fire access has been provided at the primary ingress/egress point along the south boundary of the Site. The fire lane drive aisle is oriented as a “hammer-head” style access to allow a fire truck and other emergency responders to pull into the Site, turnaround on the Site, and exit the Site.

4. That the site has appropriate access to public streets with adequate capacity to carry the type and quantity of traffic generated by the proposed use.

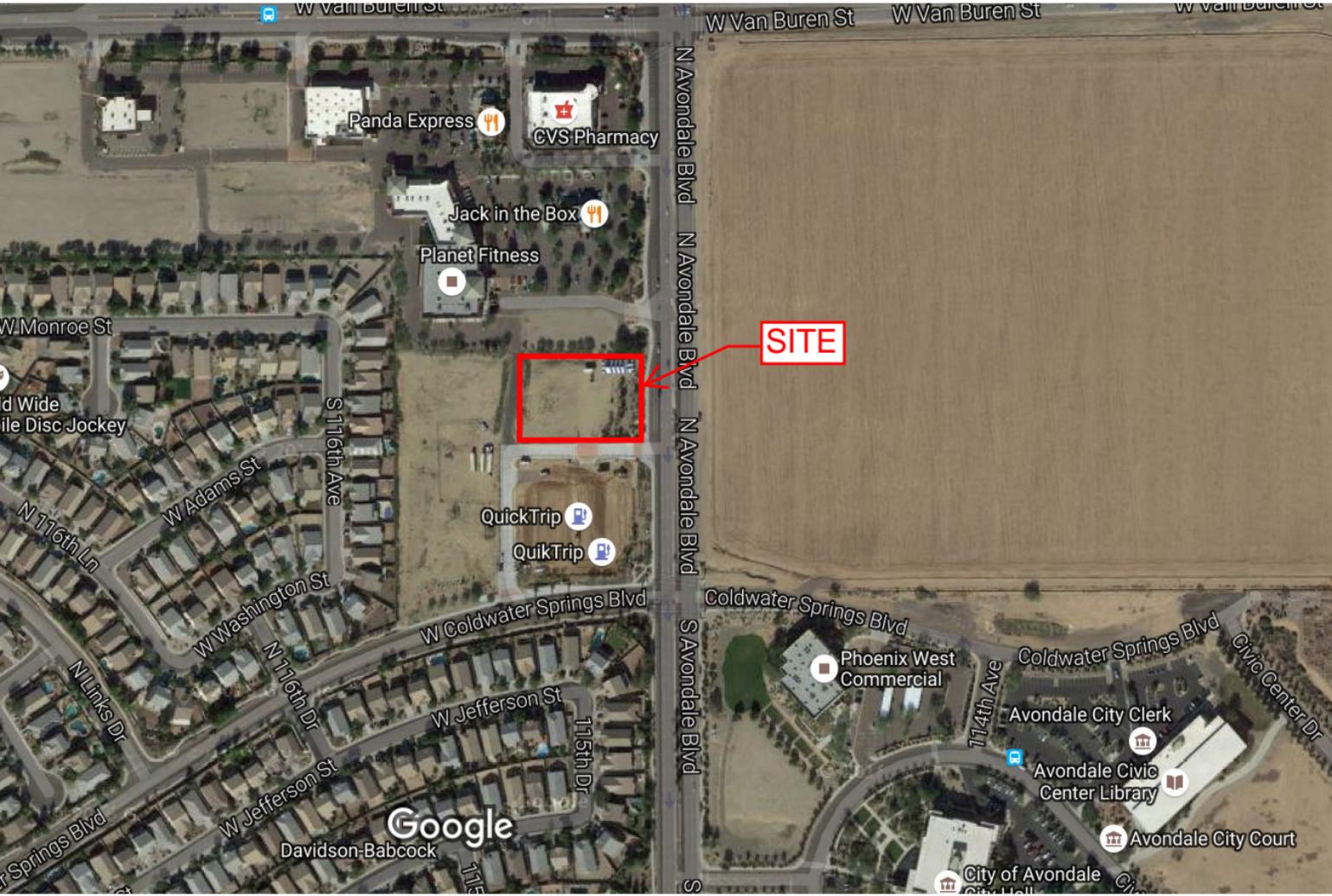
A Traffic Statement is enclosed with this CUP application. The results of the traffic analysis confirm there is appropriate access to public streets with adequate capacity to carry the type and quantity of traffic generated by the Express Car Wash, which is less traffic than would be generated by a fast food restaurant, bank, or other similar uses that are permitted uses on the Site.

5. That adequate conditions have been incorporated into the approval to ensure that any potential adverse effects will be mitigated.

F&S has agreed to limit business hours of operation on the Site from 7am to 8pm during Summer months and 7am to 7pm during other times of the year. The building will only include down-lighting that will have no adverse effects upon surrounding areas/uses. Adequate landscaping will be provided to appropriately buffer the Site from surrounding areas. Further, any adverse effects from patrons playing music while vacuuming vehicles will be mitigated with signs posted on the Site prohibiting the use of car radios. F&S’s employees will strictly enforce the no radio restriction.

X. CONCLUSION

The proposed Express Car Wash will provide a compatible, neighborhood service on a vacant and underutilized Site within an existing commercial area that is zoned PAD with an underlying C-2 designation. The proposed development is consistent with the General Plan and City Center Specific Plan and existing zoning. We request your approval of this CUP request.



SITE

Panda Express

CVS Pharmacy

Jack in the Box

Planet Fitness

QuickTrip

QuikTrip

Phoenix West Commercial

Avondale City Clerk

Avondale Civic Center Library

Avondale City Court

Google

Davidson-Babcock

City of Avondale City Hall

N Avondale Blvd

S Avondale Blvd

W Van Buren St

W Van Buren St

W Van Buren St

W Monroe St

Wide
Disc Jockey

N 116th Ln

W Adams St

S 116th Ave

W Washington St

W Coldwater Springs Blvd

W Jefferson St

115th Dr

N Links Dr

N 116th Dr

W Jefferson St

Springs Blvd

Coldwater Springs Blvd

Coldwater Springs Blvd

Civic Center Dr

114th Ave

City of Avondale City Hall

CUP – SELF-SERVICE CARWASH

DUE TO ITS SIZE, THIS DOCUMENT
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

EXHIBIT F – CARWASH SITE PLAN

<http://www.avondale.org/DocumentCenter/View/39454>

EXHIBIT G – CARWASH LANDSCAPE PLAN

<http://www.avondale.org/DocumentCenter/View/39453>

EXHIBIT H – CARWASH BUILDING ELEVATIONS

<http://www.avondale.org/DocumentCenter/View/39452>

October 20, 2016

Planning Commission Minutes

ROLL CALL

The following members and representatives were present:

COMMISSIONERS PRESENT

Olivia Pineda, Chair
Gloria Solorio, Vice Chair
Kevin Kugler, Commissioner
Kristopher Ortega, Commissioner
Russell Van Leuven, Commissioner
Troy Timmons, Commissioner

COMMISSIONERS ABSENT

Pearlette Ramos, Commissioner - excused

CITY STAFF PRESENT

Robert Gubser, Planning Manager
Ken Galica, Senior Planner
Rick Williams, Planner II
Gary Verburg, City Attorney
Dale Nannenga, Police Chief
Stephanie Long, Administrative Assistant

VI. PUBLIC HEARING ITEMS:

1. PL-16-0139: Conditional Use Permit - Francis & Sons Express Carwash

This is a public hearing before the Planning Commission to review and solicit public input on application PL-16-0139, a request by Brian Greathouse, Burch & Cracchiolo, P.A. for approval of a Conditional Use Permit (CUP) to allow for a self-service carwash in the Coldwater Springs Planned Area Development (PAD). If approved, the applicant is planning to construct a 5,900 square foot self-service express carwash approximately

325 feet north of the northwest corner of Avondale Boulevard and Coldwater Springs Boulevard. Staff Contact: Rick Williams

Rick Williams, Planner II, said the subject property is identified as City Center Neighborhood Commercial and is part of the Coldwater Springs PAD, with underlying C-2 zoning. The property was annexed and rezoned in 1997. For the proposed use of a car wash, a CUP is required. In June of 2015, CUPs and site plans were approved for the adjacent QuikTrip and that development has already occurred.

Mr. Williams explained that the site plan proposes a traffic pattern that will have vehicles enter the pay stations towards the rear of the lot, where they will move in a counterclockwise direction through the wash tunnel and exit into the vacuum area. An emergency access area will allow vehicles to exit before entering the tunnel if they need to. A minimum of one full-time employee will be on site during all operating hours. The landscape plan will continue the lush palette established by the QuikTrip directly to the south. The landscaped berm will mature over time and add aesthetic value to the building and provide screening. Additional trees will be planted along the western property line to buffer the property from the Coldwater Springs residential development. The planned building elevation is designed to be consistent with surrounding development.

Mr. Williams stated that staff has determined that the CUP is compatible with the five required findings. The self-service car wash is compatible with adjacent land uses and is consistent with the General Plan as it helps further City objectives. It is adequate in size to handle the circulation with minimal traffic impact on surrounding areas. No adverse effects are anticipated with this potential development. Four stipulations are recommended:

- Conformance with provided plans
- Expiration of CUP if not built within two years
- Winter and summer hours of operations defined
- No after hour deliveries

Mr. Williams reported that two neighborhood meetings were held in association with this project. The first was on April 26, 2016 for residents within 1,000 feet. Six people attended, and the conversation centered on noise, circulation and light issues. The Applicant revised the site plan and elevations according to the feedback. A second meeting was held on August 24, 2016, with no attendees. All public notification requirements were met. One letter of opposition was received. Staff recommends approval of the application with revised conditions of approval.

Commissioner Kugler said the shared drive with QuikTrip will help with the circulation. The landscaping and architecture look good. He inquired whether the vacuum equipment would be enclosed. Mr. Williams said the blowers and central vacuum equipment will be housed inside the equipment room and not be visible. Hoses will extend from canopies outside the main building in the self-service vacuum area, which will be visible from the street, though buffered by the landscaping. Commissioner Kugler asked whether the

neighbors are aware that the carwash will begin operations at 7:00 a.m. instead of 8:00 a.m. Mr. Williams responded that they are.

Vice Chair Solorio noted that Mr. Childress' opposition letter criticized the City's notification process as inadequate. She requested exploring options such as using email as a way to communicate in the future. Mr. Gubser, Planning Manager, responded that staff understands Mr. Childress' concerns and in addition to our standard notification process of postcards, site posting, agenda posting and newspaper ads, we will be adding a new layer of notification via an app called "Speak Up Avondale" to notify all registered email users of upcoming projects.

Commissioner Ortega requested details of the line up queue. Mr. Williams explained that City's Traffic Engineer felt that the three pay station lanes were adequate to serve 21 cars. The review indicated no problems with queue lines backing up into the shared QT drive aisle. Commissioner Ortega inquired about street exits. Mr. Williams indicated that vehicles leaving the car wash could access Avondale Boulevard and Coldwater Springs Boulevard. The projected traffic counts for the carwash are less than half of what the QT generates, and that use has not created problems. There is more than adequate ability for traffic to navigate through this system. Commissioner Van Leuven asked about the installation and maintenance cost of the landscaping. Mr. Williams said these costs will be paid for by the Applicant, not the City.

Chair Pineda queried staff on the number of notification postcards that were sent out. Mr. Gubser responded that it was about 150. Chair Pineda indicated that she would like to see more homeowners get involved and further outreach. Mr. Gubser noted that the Zoning Ordinance was amended last year to expand the notification radius from 500 to 1,000 feet. The State of Arizona only requires 300 feet. Chair Pineda mentioned that we should use technology to reach more people who can show up and express their concerns. Chair Pineda inquired about the vacuum canopies. Mr. Williams explained that they are shade structures held up by metal poles.

Applicant Brian Greathouse, Burch & Cracchiolo, P.A., 702 East Osborn Road, said Francis and Sons operates 18 car washes in the Valley. He explained that the circulation plan at the site was designed to accommodate a fast food restaurant that would generate many more vehicles than the car wash will. The vacuum motors will all be contained inside the building; only hoses will be present in the self-service area. The motors are variable frequency drives that take much less energy to run.

Chair Pineda inquired about safety lighting. Mr. Greathouse said the lighting will be shielded and pointed straight downwards so as not to intrude on the residential area. Mr. Williams added that the Zoning Ordinance defines an average to minimum standard that addresses dark spots within the site. Chair Pineda said it makes sense to have the car wash next to the gas station, but she felt VIP service would be more appropriate for the City Center than a self-service facility. Mr. Greathouse said on site staff would increase by two or three people as demand dictates. The company is committed to treating customers well. Express car washes are a sign of the times, and customers appreciate the affordable prices. Commissioner Ortega discussed safety of the employees and requested staff to evaluate lighting on the trash enclosure area. Chair Solorio queried whether oil

and lube services would be offered at this location. Mr. Greathouse indicated they would not.

Commissioner Kugler questioned whether the landscape berm would sufficiently screen the vacuum area. Mr. Williams pointed out that a right turn lane on Avondale Boulevard uses the space where the required right of way landscaping would normally go. The Applicant has agreed to an increased landscape setback to create more of a buffer. Staff believes that once this matures, it will screen the vacuum area sufficiently. He said the Applicant is more than willing to make the facility aesthetically pleasing.

Chair Pineda opened the public hearing. Acknowledging no further requests to speak, she closed the public hearing.

Chair Pineda invited a motion. Commissioner Kugler moved to recommend approval of Application PL-16-0139 as amended, subject to four staff recommended conditions of approval. Commissioner Van Leuven seconded the motion.

ROLL CALL VOTE

Olivia Pineda, Chair	Aye
Gloria Solorio, Vice Chair	Aye
Kevin Kugler, Commissioner	Aye
Russell Van Leuven, Commissioner	Aye
Pearlette Ramos, Commissioner	Absent
Kristopher Ortega, Commissioner	Aye
Troy Timmons, Commissioner	Aye

The motion carried by a 6-0 vote.

2.

Rick Williams, Planner

I would like this letter submitted at the Oct. 20th planning commission meeting concerning the planned express carwash.

I am writing this to state my opposition to proposed express carwash planned for the northwest corner of Coldwater Springs and Avondale Blvd.

The proposed carwash is an extension of the Q-Trip convenience store and gas station. Without the building of the Q-Trip there would be no carwash planned. I am treating the three as one entity. To bolster this statement, I would like to point out the Goodyear Q-Trip store, gas station and car wash located on Dysart just north of Van Buren.

When is enough – enough?

I live just south of the city hall complex. Within a short six-to-eight-minute drive of my home there are NINE convenience stores and gas stations within the boundaries of 99th Ave. on the east, Dysart Rd. on the west, the 10 freeway on the north and Buckeye Rd. on the south. There are EIGHT, counting the proposed one, car washes offering a variety of services from just express wash to full detail services within those same boundaries.

Not in my neighborhood

These businesses are not attractive and create extra traffic and due to 24/7 hours of operation the neon is always on. Too many residents these services are attractive to communities, but some city governments are also aware these services should be well placed away from homes and even placed inside commercial districts away from street frontage. Goodyear placed its Q-Trip store, gas station, car wash inside a commercial district. Some newer cities are placing them inside centers with only a sign and access road from the main street.

The city of Avondale zoning regulations are not friendly to home owners in this area. The residents of the subdivisions Coldwater Springs, Glenhurst and Starlight Trails are having their home values undermined by allowing these businesses to be located there. An upscale grocery market or entertainment venue can add up to 20 percent in home value while “not in my backyard” businesses such as convenience stores, gas stations and car washes can reduce home values by 10 to 15 percent.

Having attended dozens of city council meetings and currently serving on three city committees I am acutely aware the chances of approval for this business are pretty much settled. The zoning for this shopping center was determined eleven years ago much to the detriment of area homeowners. As much as I wish it to change this center falls outside of the new downtown area and is not subject to the newer zoning requirements.

However, I would like the commission to also consider the notification process for public input. The process now of 1,000-foot location for individual homeowners, a sign on the proposed site and a legal notice published in the local newspaper are not adequate. The city has a website and thousands of homeowner email addresses that would better serve in alerting the public.

Thanks for your consideration,

Richard Childress - Starlight Trail homeowner



CITY COUNCIL AGENDA

SUBJECT:

Public Hearing and Ordinance 1613-1116 -
Proposed Text Amendment to Zoning
Ordinance related to Medical Marijuana
Dispensary Hours of Operation (PL-16-0198)

MEETING DATE:

11/21/2016

TO:

Mayor and Council

FROM:

Tracy Stevens, Development & Engineering Services Director

THROUGH:

David Fitzhugh, City Manager (623) 333-1014

REQUEST:

Hold a public hearing for case PL-16-0198, a request to amend Avondale Zoning Ordinance Section 1303.B to extend permissible hours of operation for Medical Marijuana Dispensaries

APPLICANT:

Mr. Ravi Kumar Balenalli, Golden Leaf Wellness, Inc. (520) 331-2579

BACKGROUND:

In November 2010, the Arizona Medical Marijuana Act (Proposition 203) was approved by Arizona voters. The act legalized the use, sale and cultivation of medical marijuana within the State of Arizona.

In response, on February 22, 2011, the City of Avondale approved Resolution 2957-211 and Ordinance 1449-211, adopting the "City of Avondale Medical Marijuana Uses Regulations", Section 13 of the Avondale Zoning Ordinance. This section established regulations related to medical marijuana land uses in accordance with what was allowed by the approved ballot initiative. As part of these regulations, the hours of operation of medical marijuana dispensaries were limited to 9:00 a.m. to 6:00 p.m., Monday through Friday. Under the terms of the City's original Medical Marijuana Uses Ordinance, dispensaries were not permitted to operate on Saturday and Sunday.

On August 8, 2014, the City Council approved a Council-initiated Zoning Ordinance text amendment allowing dispensaries to operate on weekends between the hours of 9:00 a.m. and 6:00 p.m., matching the permissible hours of operation for weekday operations.

Golden Leaf Wellness, opened for business in February 2016. The dispensary is located in a converted residence at 3828 South Vermeersch Road.

SUMMARY OF REQUEST:

Zoning Ordinance Section 1303.B allows medical marijuana dispensaries to operate seven days a week between the hours of 9:00 a.m. and 6:00 p.m.

Mr. Ravi Kumar Balenalli, on behalf of GLW Holdings LLC, is requesting a text amendment to extend the permissible hours of operation for medical marijuana dispensaries from 8:00 a.m. to 9:00 p.m. In his narrative (Exhibit A), Mr. Balenalli states that the current hours in which dispensaries may operate coincide with the typical work schedules of most patients of the Golden Leaf Wellness facility limiting the ability of those patients to purchase medical marijuana at convenient times.

PARTICIPATION:

A notice of the October 20, 2016 Planning Commission hearing and this City Council hearing was published in the West Valley View on October 5, 2016.

The applicant has provided a petition signed by 208 patients of Golden Leaf Wellness supporting the proposed text amendment (Exhibit B). The petition cites the primary reason for supporting the proposal is that the current closing time of 6:00 p.m. makes it difficult for patients to access the dispensary. Because the petition contains only names and signatures and does not include the address of each petitioner, staff cannot validate the petition with absolute certainty.

PLANNING COMMISSION ACTION:

The Planning Commission conducted a public hearing for this item at the October 20, 2016 meeting (Exhibit D).

Commission had the following questions/comments:

- Commissioner Ortega inquired as to whether there had been any crime linked to Golden Leaf Wellness in the 6+ months since the dispensary opened. Police Chief Dale Nannenga responded that police had been called to the location four times, including one criminal report. The applicant stated the one instance that a criminal report was filed was a false report where a customer claimed they had been assaulted by dispensary personnel. The applicant noted video surveillance showed that no assault occurred.
- Vice Chair Solorio expressed her opinion that extended hours could increase the likelihood that the Golden Leaf Wellness facility would be a target of a robbery.
- Commissioner Timmons asked if Golden Leaf Wellness employed a security guard. Staff responded that the Ordinance requires any medical marijuana dispensary to provide security guards on site at all times when the business is operating.
- Chair Pineda asked if the security guards were armed. The applicant noted that they have armed security guards on site 24 hours a day, 7 days a week. Security guards used are all ex-military or ex-law enforcement personnel.
- Chair Pineda asked for more information on the type of clientele that visit the Golden Leaf Wellness facility. The applicant explained that only patients with patient cards are allowed inside the sales area, with the amount of marijuana they can buy restricted by state law. Patients may be any age since even children may have conditions where they are prescribed medicinal marijuana. The applicant stated that people without valid patient cards are required to stay in a separate waiting area with no access to the sales/inventory area of the facility.

- Chair Pineda expressed her opinion that a dispensary is a small business that should be given an opportunity to be successful, and that the remote location limited the impact on Avondale's neighborhoods.
- Vice Chair Solorio asked if dispensaries that are open later in other cities are located in remote areas similar to Golden Leaf Wellness. Staff stated that the majority of dispensaries that are open late are located in the City of Phoenix, generally in well-lit, urban locations.
- Commissioner Ortega stated that the submitted petition should have included addresses to understand how many patients in support of the proposal were from Avondale. The applicant responded that this would be in violation with HIPAA regulations.
- Commissioner Van Leuven asked if this matter would need to be revisited depending on the outcome of Proposition 205, a statewide ballot initiative which, if approved, would legalize sale and use of marijuana for recreational purposes. City Attorney Gary Verburg responded that the proposed initiative would not limit the hours of operation for recreational sales. Mr. Verburg stated that the initiative would require state licensing of dispensaries and allowed for local control, allowing cities to determine what regulations would apply to recreational dispensaries. Chair Pineda commented that if Golden Leaf Wellness were to transition to a dispensary that sold marijuana for recreational use and not simply patients with a medical need, the clientele would change and later hours would probably be too late.
- The applicant asked the Planning Commission to consider an alternate proposal, extending the evening hours to 7:30 p.m. rather than 9:00 p.m. as originally requested.
- Chair Pineda and Vice Chair Solorio commented that they would be willing to support an amendment to allow operation until no later than 7:00 p.m. since it is still light at that time. Commissioner Timmons noted that liquor stores are open late and that he supports the original request to 9:00 p.m., giving people time to obtain medicine after work.
- Commissioner Kugler stated he supported staff's recommendation of denial, due to the remote location of the dispensary and the potential for increased criminal activity at night. Commissioner Van Leuven agreed with Commissioner Kugler, adding his belief that people that are unable to access the facility during weekdays under the current hours of operation should be able to access the facility on weekends.

Michael Long, Avondale resident, spoke during the public hearing in opposition to the proposed text amendment. Mr. Long opposed any extended hours of operation on the basis that criminal activity would likely increase, and on-site security guards will protect the inside of the business but not the surrounding area. Mr. Long also noted that marijuana sales are still prohibited by federal law and that the existing hours of operation, seven days a week, allows anybody the opportunity to visit the facility. Lastly, Mr. Long noted that the petition was incomplete, as it did not contain addresses of signatories.

Upon conclusion of the public hearing, the six Commissioners in attendance voted on two motions but were unable to forward a recommendation to the City Council. A motion to recommend denial of the proposed text amendment, as recommended by City staff, did not carry by a vote of 3-3. Subsequently, a motion to recommend approval of a modified text amendment, allowing extended dispensary hours of operation from 8:00 a.m. to 7:00 p.m., Monday-Friday, keeping the existing hours on weekends, also did not carry by a 3-3 vote.

ANALYSIS:

Concerns over Criminal Activity

In 2011, the City of Avondale established operating standards for medical marijuana uses that may be considered more restrictive than standards for most other uses governed by the City's Zoning Ordinance. The City of Avondale adopted restrictive standards; similar to nearly all other valley municipalities adopted regulations that similarly restricted dispensaries and cultivation facilities. The basis for these restrictions, as noted in the Ordinance 1449-211 which adopted the City's Medical Marijuana Uses Regulations (Exhibit C), was that medical marijuana facilities may be linked to increases in crime in the vicinity of operating dispensaries.

Only one medical marijuana dispensary – Golden Leaf Wellness (GLW) - is currently operating within the City in an area of southern Avondale that is sparsely populated. The City opposes any extension in hours of operation for dispensary facilities based upon the concern that, since GLW is located in an isolated area within Avondale, allowing for operation of the facility during hours of darkness may increase the possibility of criminal activity occurring in the vicinity of GLW and also create a potential safety risk.

Comparison of City Restrictions

Avondale's current regulations allow medical marijuana dispensaries to operate seven days a week between the hours of 9:00 a.m. and 6:00 p.m. The hours of operation allowed by other valley cities are provided in Exhibit E (Table 1).

As the data in Table 1 shows, Avondale's current hours-of-operation restrictions for dispensaries are generally comparable to the ranges established by many other valley municipalities. Closing times of 6:00 p.m and 7:00 p.m. are most common, with only Peoria, Mesa, and Surprise allowing dispensaries to remain open until 9:00 p.m. as requested by the applicant. Tolleson and Gilbert restrict closing time to 6:00 p.m. or earlier, in line with Avondale's current regulations. An amendment to the City's current regulations is not necessary to bring Avondale in line with other valley municipalities.

Actual Dispensary Hours of Operation

As part of their justification for the request, the applicant has submitted a spreadsheet included in the narrative (Exhibit A) listing the actual hours of operation for dispensaries operating in Maricopa County. In ten cases, these actual hours of operation do not conform to the restrictions imposed upon dispensaries by each municipality's Zoning Ordinance (Exhibit E – Table 2)

Nine of the ten dispensaries operating outside of the established limits are located within the City of Phoenix. Of these nine, per conversations with City of Phoenix Planning and Development staff, six were approved for variances which allowed for operation until 10:00 p.m. The remaining three dispensaries in Phoenix operating later than the allowed 7:00 p.m. cutoff are doing so illegally and are subject to zoning enforcement. As of 2016, the City of Phoenix is no longer supporting variances extending the hours of operation for medical marijuana dispensaries. All future dispensaries will be limited to the hours allowed by the Phoenix Zoning Ordinance, 8:00 a.m. to 7:00 p.m.

The only dispensary outside of Phoenix that is operating outside of Zoning Ordinance prescribed hours is Valley of the Sun dispensary located in Goodyear. That dispensary, located north of MC85, west of Estrella Parkway, operates until 8:00 p.m., one hour later than allowed by the Goodyear Zoning Ordinance. Discussions with Goodyear staff have revealed that dispensary is operating outside of Goodyear's prescribed limits without City permission and enforcement action has been undertaken.

Conclusion:

The City's current regulations are largely similar to those of other valley municipalities and afford patients with ample opportunity to access the dispensary. In 2014, the City amended the

Ordinance to allow dispensary operation on weekends specifically to assist patients that could not access the facility during weekdays due to work conflicts. Staff does not feel any further modifications to the City's Medical Marijuana Use Regulations are necessary.

FINDINGS:

1. The proposed amendment does not constitute an improvement to the Zoning Ordinance.
2. The proposed amendment is not supported due to concerns that operations outside of daylight hours may result in increased crime.
3. The City's current regulations are largely in line with the regulations of other municipalities within the region.
4. The City's current regulations allow for dispensaries to operate 7 days a week, from 9:00 a.m. to 6:00 p.m., affording people on nearly all work schedules the opportunity to access a dispensary.

RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing and **DENY** adoption of an Ordinance that would allow medical marijuana dispensaries to operate between the hours of 8:00 a.m. and 9:00 p.m., seven days a week.

PROPOSED MOTION:

I move that the City Council accept the findings and **DISAPPROVE** Ordinance 1613-1116 approving Application PL-16-0198, a request to amend Zoning Ordinance Section 1303.B, extending the permissible hours of operation for medical marijuana dispensaries to 8:00 a.m. to 9:00 p.m.

ATTACHMENTS:

Description

[Exhibit A - Applicant's Narrative](#)

[Exhibit B - Petition in Support of Proposed Text Amendment](#)

[Exhibit C - Ordinance 1449-211 \(Ordinance from 2011 approving City of Avondale Medical Marijuana Uses Regulations\)](#)

[Exhibit D - Excerpt of Draft Planning Commission Meeting Minutes from October 20, 2016](#)

[Exhibit E - Referenced Tables 1 & 2](#)

[Ordinance 1613-1116](#)

PROJECT MANAGER

Ken Galica, Senior Planner (623) 333-4019

Exhibit A

Applicant's Narrative

Golden Leaf Wellness, Inc.
A State-licensed, Non-Profit Medical Marijuana Dispensary,
3828 S. Vermeersch Rd.
Avondale, AZ 85323



To
Avondale City Council
11465 W. Civic Center Drive
Avondale AZ 85323

August, 19, 2016

Dear Avondale City Council,

This request is a follow up to a similar request dated December 8, 2013. Golden Leaf Wellness, Inc. submits this further request for an update of the previous change in the zoning requirements for the dispensary Hours of Operation. We agree with the concerns for security and safety that set the limits for dispensary hours of operation in the initial zoning regulations. We note that after over three years of dispensary operations, there is evidence to show there is no more cause for concern regarding the issues of safety and security.

We expect that most of our patients will be among the working populace and the current dispensary hours coincide with the normal workday schedule of most patients. Current hours limit our patients' ability to purchase medication at convenient times.

We are providing a document showing the operating hours of several dispensaries. We hope to put the patients' needs foremost. Extending our hours of operation will be helpful to the needs of our patients.

We are requesting the following change of hours: Open daily – 8:00am – 9:00pm.

Respectfully,

Mr. Ravi Kumar Balenalli
Golden Leaf Wellness, Inc. Dispensary Manager
3828 S. Vermeersch Rd.
Avondale, AZ 85323

Chart One- Medical Marijuana Dispensary Spreadsheet.

Hours of operation weekly of twenty-one Medical Marijuana Dispensaries in the Phoenix area. Operations are listed for M-Fri, Saturday and Sunday and totals hours for the week. The range of open hours is from 48 hrs/wk to 98 hrs/wk.

Note:

Eighty percent (80%) of the dispensaries are open 7 days/week. Their average (the mean) hours of operation is 72 hours/week.

Only two dispensaries close as early as 6 pm on week days (9%). Ten (47%) close at 9 to 10 pm weekdays. Clearly there is a need on part of patients to have facilities open into the early evening hours to provide dispensary services after the 8-5 work day.

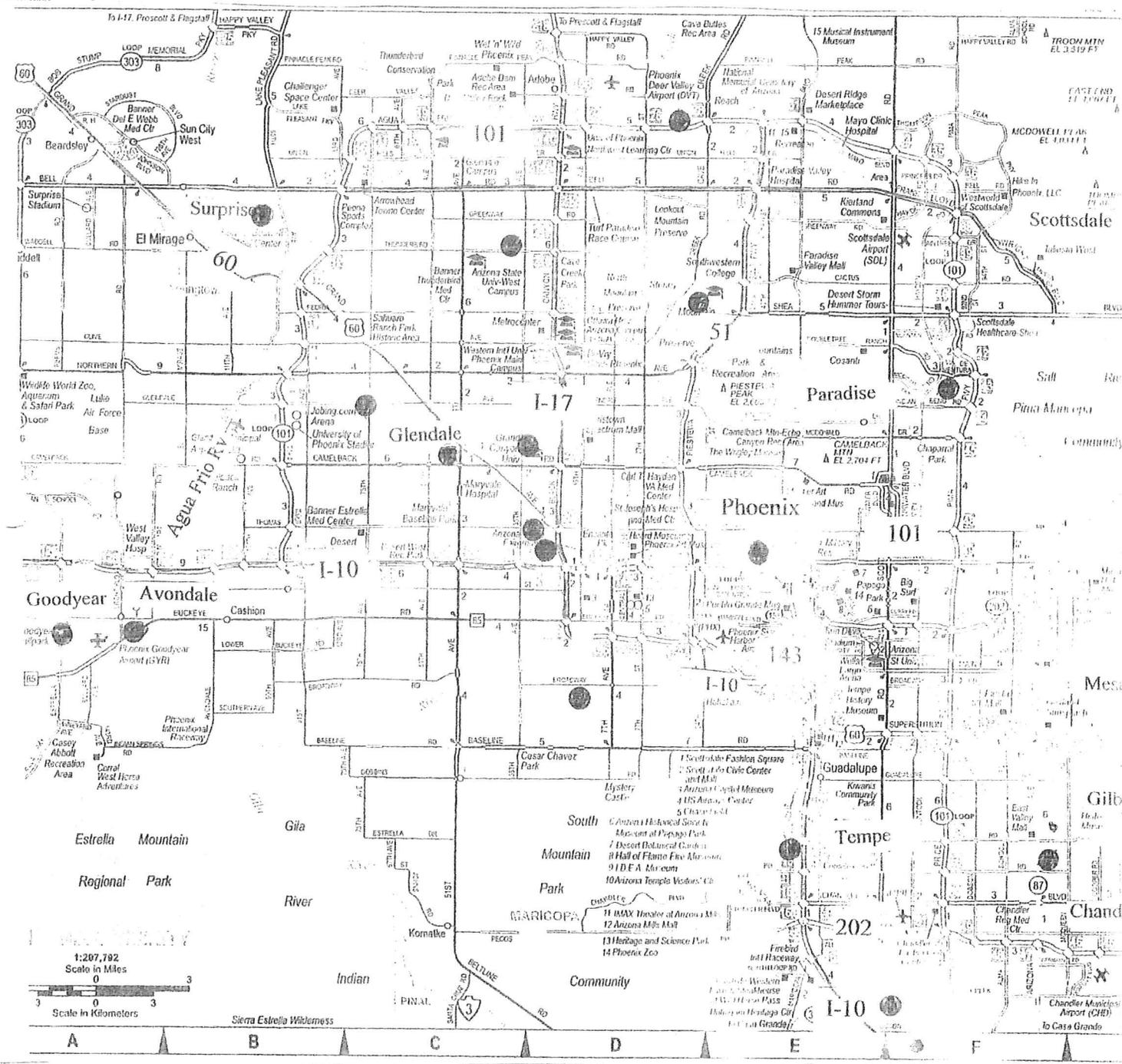
The dispensary hours for Medical Marijuana dispensaries mirror those for general pharmacies and likely reflect both service needs and host store policies See Chart 2.

Chart Two- Pharmacy (Drugstore) Spreadsheet for a small Drugstore Sample.

Analogous pharmacy operations are listed for a sample of five nearby facilities of the many dozens of pharmacies (drugstores) services in the Phoenix area. Chart 2, shows information for Walgreens, CVS in Target and a self-standing drugstore, X-PressCare.

Note the earliest closing hour is 7 pm in Target, the general store hours may be later. Ninety percent (90%) are open 7 days a week and the weekly hours range from 64 hrs for CVS to 87 hrs for Walgreens. The Walgreens web site show a chart of popular times to be between 4 and 9 pm.

The Golden Leaf Wellness application is to increase hours of operation to 77 hours a week or just a few over the average and just at the mid-point median (77-78 hours). Currently Golden Leaf Wellness is open fewer hours (63) than the average (mean =72) and equal to the mid point (median) at 77 hours. The early closing (6 p.m) is not on target with popular pharmacy open times as reported by Walgreens.



Map- Locations

Marijuana Dispensaries in part of Maricopa County (Phoenix area).

CHART ONE

Dispensary	Days	Days/ WK	Hrs	Hrs/wk	Percent Analysis	Percent	Cumul	Address #	Street	City/Ar
Name	Open									
Sunflower Meds	5 T-Fri		11-7pm	48	0.03125	0.03125	10827	So 51st St	Phoenix	
High Desert Healing	6 M-Fri		10-6pm	48	0.03125	0.0625	12620	N. Cave Crk Rd	Phoenix	
Sunflower Meds	5 T-Fri		11-7pm	48	0.03125	0.09375	5205	E. Univ Dr	Mesa	
Horizon THC	6 M-Fri		11-7pm	48	0.03125	0.125	10040	N Metro Parkway	Phoenix	
PARC	7 M-Fri		10-7pm	59	0.038411	0.163411	4201	E. Univ Dr.	Phoenix	
The Giving Tree Wellne	7 M-Fri		10-7pm	60	0.039063	0.202474	21617	N. 9th Ave	Glendale	
Golden Leaf Wellness	7 M-Fri		9-6pm	63	0.041016	0.24349	85323	S. Vermeesch Dr.	Avond	
Harvest of Tempe	7 M-Fri		10-8pm	64	0.041667	0.285156	710	Eliot d	Tempe	
Phoenix Relief Center	7 T-Fri		9-8pm	69	0.044922	0.330078	6530	S 35th S t	Phoen	
Valley of the Sun	7 M-Fri		9-8pm	73	0.047526	0.377604	16200	W. Eddie Albert Wwy	Goody	
Az Organic	7 M-Fri		9-8pm	77	0.05013	0.427734	5301	W. Glendale	Glenda	
Holistic Center	7 M-Fri		9-10pm	78	0.050781	0.478516	20135	N. Metro Parkway	Phoen	
Truned	7 M-Fri		9-9pm	78	0.050781	0.529297	1613	N. 40th St	Phoen	
Herbal Wellness Center	7 M-Fri		8-10 pm	84	0.054688	0.583984	4126	W. Indian School	Phoen	
Az Nat	7 M-Fri		9-9pm	84	0.054688	0.638672	9275	W. Peoria	Peoria	
Encanto Green X	7 M-Fri		8-10pm	84	0.054688	0.693359	2620	W. Encanto Blvd	Phoen	
Urban Greenhouse	7 M-Fri		9-10pm	86	0.05599	0.749349	2630	W. Indian School	Phoen	
Ylio Superstore	7 M-Fri		9-10 pm	91	0.059245	0.808594	2841	W. Thunderbird	Glend	
Nature's AZ	7 M-Fri		8-10 pm	98	0.063802	0.872396	2439	W. McDowell	Phoen	
Bloom	7 M-Fri		8-10pm	98	0.063802	0.936198	14	S 31st Pl	Temp	
Nature's AZ	7 M-Fri		8-10 pm	98	0.063802	1	16913	E. Enterprise D	Fount	

Average (Mean) 73 or 78 hrs by percent (see above)
 Total Hours 1536 for percentages

Golden Leaf is 10 hours operations /week less than average.
 Golden Leaf is 35 hours of operations below max in Phoenix area.
 Golden Leaf request increase of 14 hrs/wk (from 63 hrs to 77) hrs

Note: New hours per week (77) would be at or just above number of operational hours of area dispensaries.

CHART TWO

Near-By Pharmacies

Walgreens	7 M-Fri	8-10pm	87	1415 N. Dispart	Avor
Walgreens	7 M-Fri	8-10pm	87	10710 W. McDowell	Avor
CVS in Target	7 M-Fri	9-7pm	64	1575 N. Litchfield	Good
Walmart	7 M-Fri	9-9pm	78	13055 W. Rancho Santas Fe Avon	Avor
Walmart	7 M-Fri	8-8pm	88	13055 W. Thunderbird	Avor

containing any existing uses listed in Section 1302 above. If any of the uses are located within fifty (50) feet of the minimum separation, the drawing, showing actual surveyed separations, shall be prepared by a registered land surveyor.

- B. A medical marijuana dispensary shall have operating hours not earlier than 9:00 a.m. and not later than 6:00 p.m.
- C. A medical marijuana dispensary or medical marijuana cultivation location shall:
1. Be located in a permanent building and may not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other mobile vehicle.
 2. Not have drive-through service.
 3. Not emit dust, fumes, vapors or odors into the environment.
 4. Not provide off-site delivery of medical marijuana.
 5. Prohibit consumption of marijuana on the premises.
 6. Not have outdoor seating areas, but shall have adequate indoor seating to prevent outside loitering.
 7. Display a current City of Avondale business license and a State of Arizona tax identification number.
 8. Install lighting to illuminate the exterior and interior of the building and all entrances and exits to the facility. Exterior lighting shall be at least five (5) foot candles, measured at ground level, and shall remain on during all hours between sunset and sunrise each day. Twenty four (24) hours each day, the medical marijuana dispensary or medical marijuana cultivation location shall illuminate the entire interior of the building, with particular emphasis on the locations of any counter, safe, storage area and any location where people are prone to congregate. The lighting must be of sufficient brightness to ensure that the interior is readily visible from the exterior of the building from a distance of one hundred (100) feet.
 9. Provide security guards at the main entrances and exits during all hours of operation. For the purposes of this Section, “security guard” shall mean licensed and duly bonded security personnel registered pursuant to ARIZ. REV. STAT. § 32-2601 *et seq.* Prior to opening for business, the medical marijuana dispensary or medical marijuana cultivation location shall provide all property owners within a five hundred (500) foot radius of the medical marijuana dispensary or medical marijuana cultivation location with written notification via first class U.S. Mail of the security company responsible for providing its security services.
 10. Have an exterior appearance compatible with commercial structures already constructed or under construction within the immediate neighborhood to insure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity.

Exhibit B

Petition in Support of Proposed
Text Amendment

Golden Leaf Wellness, Inc.
A State-licensed, Non-Profit Medical Marijuana Dispensary,
3828 S. Vermeersch Rd.
Avondale, AZ 85323

To
Avondale City Council
Avondale, AZ 85323

Dear City Council Members:

We, the patients of the Golden Leaf Wellness Dispensary, have a substantial need for the dispensary to be open until 9:00 p.m. Its hours would then be like those of other dispensaries in the greater Phoenix Area. The main reason to have later closing hours is that it is often difficult to get to the dispensary before a closing time of 6 p. m.

Please see the attached signatures of the patients

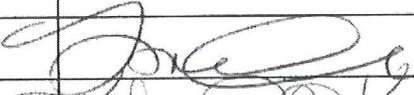
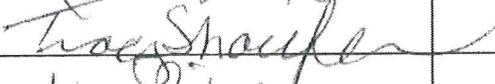
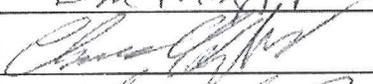
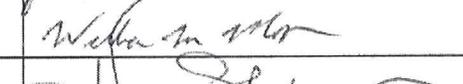
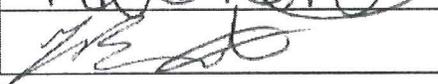
Thank you for considering my (our) request.
Contact for further information:

Mr. Ravi Kumar Balenalli
Golden Leaf Wellness, Inc. Dispensary Manager
3828 S. Vermeersch Rd.
Avondale, AZ 85323

Date	Patient Name	Patient Sign	#
6/14/16	Suzanne Martinez	Suzanne Martinez	
7/14/16	John Roberts	John Roberts II	
7/14/16	Destiny Hill	Destiny Hill	
7/14/16	Christian Ramirez	Christian Ramirez	
7/14/16	JARO CLETO	JARO CLETO	
7/14/16	Joseph Vasquez	Joseph Vasquez	
7/14/16	Edward Vasquez	Edward Vasquez	
7/14/16	Richard Oliver	Richard Oliver	
7-16-16	John Tibwell	John Tibwell	
7-16-16	Michael Costa	Michael Costa	
	Jason Pasadas	Jason Pasadas	
7-15-16	Eugene Bon	Eugene Bon	
7-15-16	Todd Rucker	Todd Rucker	
7-15-16	Jashad Howard	Jashad Howard	
7/15/16	Chasity Chantel	Chasity Chantel	
7/15/16	Heccentus Bylsma	Heccentus Bylsma	
7/15/16	Andrew Becker	Andrew Becker	
7/15/16	Jacoral White	Jacoral White	
7/15/16	Shantel King	Shantel King	
7/15/16	Ernest Ruhl	Ernest Ruhl	
7/15/16	Quiana Workman	Quiana Workman	
7/15/16	Isaac Ortiz	Isaac Ortiz	
7/15/16	Johnetha Price	Johnetha Price	

Date	Patient Name	Patient Sign	#
7/30/16	Howard Larson	Howard Larson	
7/30/16	Mario Zamora	Mario Zamora	
7/31/16	Wipe Hagg	Sammy Hagg	
7/31/16	Aly E. Lyall	Sharon A. Lyall	
7/31/16	Michael Osborn	MICHAEL T. OSBORN	
7/31/16	Ray Gung	Ray Gung	
7/31/16	[Signature]		
8/1/16	Arturo Padilla	Arturo Padilla	
8/1/16	Teresa Martinez	Teresa Martinez	
8/1/16	ADAM SUMMERS	[Signature]	
8/2/16	Shannon Davis	[Signature]	
8/2	Roland Gallon	[Signature]	
8/2	Tina Prothro	[Signature]	
8/2	Anthony Atevala	[Signature]	
8/3	Christopher J. Abriq	[Signature]	
8/3	Marlena Mejia	[Signature]	
8/3	Chance Haggert	Chance Haggert	
8/3	Coni Proby Zebal	[Signature]	
8/3	Byron Zebal	Jack Young	
8/3	Travis Butler	T. Butler	
8/3	Travis Nicolai	Travis Nicolai	
8/3	Jose Ryl	Lisa Pribyl	
8/3	Richard B. Spindler		

Date	Patient Name	Patient Sign	#
07-16-2016	Anita Crane	Anita Crane	
7/16/16	Sherrill Cooper	Sherrill Cooper	
7/15/16	Caleb Wilson	Caleb Wilson	
7-15-16	Mr. Stuber	Mr. Stuber	
7.17/16	Omar Soto Sr	Omar Soto Sr	
7-16-16	Daniel Volk	Daniel Volk	
7/16/16	Nathan Burroughs	Nathan Burroughs	
7-16-16	Eduardo Vitez Artega	Eduardo Vitez Artega	
7-16-16	Brant Jefferson	Brant Jefferson	
7-16-16	William Warren	William Warren	
7-17-16	D. Marko Dangasfield	D. Marko Dangasfield	
7-17/16	Patricia Haddad	Patricia Haddad	
07-17/16	Geoffrey Johnson	Geoffrey Johnson	
7-17/16	Rick BERNAL	Rick Bernal	
7-17-16	Travis Nicolai	Travis Nicolai	
7-17-16	Tom Black	Tom Black	
7/17/16	Kristina King	Kristina King	
7/17/16	Cheryl Johnson	Cheryl Johnson	
7/17/16	Wendy Fleming	Wendy Fleming	
7-17-16	Jesus Coronado	Jesus Coronado	
7-17-16	Lenoy DAY	Lenoy Day	
7-17-16	Christopher Hernandez	Christopher Hernandez	
7-17-16	Shannon Summers	Shannon Summers	

Date	Patient Name	Patient Sign	#
7/20/2016	SHARVE SMITH		
7/20/2016	Tyler Kennedy-Halliss		
7/20/16	Meissa Chandler		
7/20/16	Kaleena Mikane		
7/20/16	Troy Shaffer		
7/20/16	Joaquín	Lisa Pribyl	
7/20/16	Christopher Hegland		
7/22/16	Eduardo Maccias		
7-21-16	Andrew Sullivan		
7-21-16	JESSE SHANKS		
7-21-16	Carmelo Ligreci		
7-21-16	VICENTE NORIEGA		
7-21-16	Jason Posadas		
7-22-16	Andrew Gonzalez		
7-22-16	Lawrence MacBRESIA		
7/22/16	Renee Ciccarelli		
7/22/16	Tom Hokeas		
7/22/16	William M Moore		
7/22/16	Helen Stahl		
7/22/16	Vicki Waters		
7/22/16	Jesus Montano		
7/22/16	Nellie Sandres		
7/22/16	Thomas Belmont		

Date	Patient Name	Patient Sign	#
7/22	Gary Bagley	[Signature]	
7/22	Antoinette Eaddy	[Signature]	
7/23	Jose / BRAUN / [Signature]	[Signature]	
7-23	Aaron Camacho	[Signature]	
07-23-16	Jason Posadas		
7.23.16	Christina T.C.	[Signature]	
7-23-16	Alex Peters	[Signature]	
7-23-16	Nicole Rindler	[Signature]	
7/24/16	Valerie Ann Trammell	[Signature]	
7/24/16	Joshua Hartsfield	[Signature]	
7/24/16	Kimberly Lind	[Signature]	
7/24/16	Tamara McCord	[Signature]	
7/24/16	Charlotte Uphold	[Signature]	
7/24/16	ANTHONY AREVIGIO	[Signature]	
7/25/16	Joshua Smith	[Signature]	
7/25/16	Wesley Rockwell	[Signature]	
7/26/16	Cory Sartin	[Signature]	
7/27/16	Renee Cicchetti	[Signature]	
7/27/16	Larry L. Harris	[Signature]	
7-27-16	Joshua Burton	[Signature]	
7-27-16	Diego Gallo	[Signature]	
7-27-16	Brandon Dave	[Signature]	
7-27-16	Christian David	[Signature]	

Date	Patient Name	Patient Sign	#
7/21/16	Melinda McKinney	MK	
7/27/16	Patrick Cassel	Patrick Cassel	
7-27-16	Jamie Boys	J.B.	
7-27-16	Stephanie Moore	S. Moore	
7-27-16	Danielle Uenglin	Danielle Uenglin	
7-27-16	Miguel R Quintero	Miguel R Quintero	
7-27-16	Zenaida Howard	Zenaida Howard	
7-27-16	Sosys Obeso	Sosys Obeso	
7/28/16	Nick Pangonelli	Nick Pangonelli	
7-28-16	Michael De Los Rios	Michael De Los Rios	
7/28/16	Charlotte Upvall	Charlotte Upvall	
7/29/16	Andy Avelut	Andy Avelut	
7/29/16	Traci Reynolds	Traci Reynolds	
7/29/16	Anthony Alvarez	Anthony Alvarez	
7/29/16	Ashley Turner	Ashley Turner	
7/29/16	Anthony Alvarez	Anthony Alvarez	
7/29/16	Ryan Dorn	Ryan Dorn	
7/30/16	BRETT CRAMER	Brett Cramer	
7/30/16	Heather Roster	Heather Roster	
7/30/16	Chad Williamson	Chad Williamson	
7-30-2016	Brian DeLaine	Brian DeLaine	
7-30-16	Francis Wilson	Francis Wilson	Archbas!
7/30/16	Wesley Ruden	Wesley Ruden	

Date	Patient Name	Patient Sign	#
Aug 5	Yajaira Enriquez	Yajaira Enriquez	
Aug 5	Jimmy Montiel	Jimmy Montiel	
Aug 5	Larry L. Harris	Larry L. Harris	
Aug 5	Tim Meri	Timothy Meri	
Aug 5	David Berger	David Berger	
Aug 5	James A. Sharp	JAMES SHARP	
8/6/16	Catherine Delbecq	Catherine Delbecq	
8/10/16	Bethany Dushay	Bethany Dushay	
8/16/16	Jason Laurigue	Jason Laurigue	
8/11/16	Robert Quimerez	Robert Quimerez	
8/16/16	NEVADA CRAWFORD	NEVADA CRAWFORD	
8/16/16	Tyler Cain	Tyler Cain	
8/16/16	Christina Dawson	Christina Dawson	
5/7/16	Luis Frana	Luis Frana	
5/7/16	Miguel Fernandez	Miguel Fernandez	
8/7/16	Roy Nelson	Roy Nelson	
8/7/16	Dr. Montenegro	Dr. Montenegro	
8/7/16	Antonio Marquez	Antonio Marquez	
8/7/16	Marvin L. Nune	Marvin L. Nune	
8/7/16	Dennis D. Nune	Dennis D. Nune	
8/7/16	Jeff Hauensack JEFF HAUENSACK	Jeff Hauensack	
8/7/16	Alex Huizar	Alex Huizar	
8/7/16	Claw 20	Claw 20	

Date	Patient Name	Patient Sign	#
8/3	Cameron Velastegui		
8/3	Carfney Matthews		
8/3	Athous Ghigra		
8/3	RENE SANCIPRIAN		
8/3	Zack G		
8/3	Marcos Camden		
8/4	Carlos Chavez		
8/4	Stephane Urky		
8/4/16	Alicia Pottillo		
8/4/16	Rafaela		
8/4/16	Luis Acosta		
8/4/16	MAXIMILIAN PEREZ		
8/4/16	Thomas Gattuso		
8-5-16	Sergio maya Padilla		
8-5-16	AD Aubrey Brenner		
8/5/16	Wesley		
8/5/16	Kimberly Pelletier		
8/5/16	Jared But		
8/5/16	Ernest Way		
8/5/16	Brenda Alvarado		
8/5/16	Jesus Pines		
8/5/16	Theo Rosemond		
8/5/16	Cherelle		
		Colin Bullock	

Date	Patient Name	Patient Sign	#
8/7	ANNE WOOD		
8/8	David Muhl	David Muhl	
8/8	Jessica moreno	Jessica moreno	
8/8	PATRICIA BALDWIN		
8/8	Nicole Wellitz	Nicole Wellitz	
8-8-16	Larry S. Ho	Larry S. Ho	
8-8-14	William, Ce. Williams	William B. Celes	
8-9-16	Seanne Wheeler	Seanne Wheeler	
8-9-16	Aubree Godley	Aubree Godley	
8/10/16	Kyle Buster	Kyle Buster	
8/10/16	Margaret McLaughlin		
8/10/16	Anastasia Peyer	Anastasia Peyer	
8/10/16	Tracy D. Seto	Tracy D. Seto	
8/10/16	Nathan Kelley	Nathan Kelley	
8/10/16	Desiree Dutko	Desiree Dutko	
8/10/16	Faylon Ojeda	Faylon Ojeda	
8/10/16	James Sullivan	James Sullivan	
8/11/16	Wade Mitchell	WADE MITCHELL	
8/11/16	Daniel Ibarra		
8/11/2016	Josh Karbro	Josh Karbro	
8/11/16	Grace Hall	Grace Hall	
8/11/16	Francine Robles	Francine Robles	
8/11/16	Katie Weeks	Katie Weeks	
8-11-16	Mitchell Petrick		

ORDINANCE NO. 1449-211

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE CITY OF AVONDALE ZONING ORDINANCE REGARDING ADOPTING REASONABLE REGULATIONS WITH RESPECT TO THE USE OF LAND FOR MEDICAL MARIJUANA DISPENSARIES AND RELATED USES; AMENDING SECTIONS 1, 4, 5 AND 13 THEREOF AS NECESSARY TO INCORPORATE SUCH REGULATIONS; AND ADDING REFERENCE PROVISIONS TO SECTION 4 RELATING TO PREVIOUSLY ADOPTED REGULATIONS ADDRESSING SEXUALLY ORIENTED BUSINESSES.

WHEREAS, Proposition 203, the Arizona Medical Marijuana Act, appeared on the November 2, 2010, statewide ballot and, as approved by the voters, provides for certain medical marijuana use, sale and cultivation, to include the establishment of medical marijuana dispensaries in the State of Arizona; and

WHEREAS, the Federal Controlled Substances Act and applicable regulations classify marijuana as a “Schedule I” drug and consequently prohibit its possession for use in any manner, with exceptions only for research purposes; and

WHEREAS, the Federal Food and Drug Administration (the “FDA”) continues to support the placement of marijuana as a “Schedule I” controlled substance with no currently accepted medical use in the United States; and

WHEREAS, past evaluation by federal agencies including the FDA, the Substance Abuse and Mental Health Service Administration (“SAMHSA”) and the National Institute for Drug Abuse (“NIDA”) have concluded that no sound scientific studies support medical use of marijuana for treatment in the United States; and

WHEREAS, the FDA, as the federal agency responsible for reviewing the safety and efficacy of drugs, the Drug Enforcement Administration, as the federal agency charged with enforcing the Controlled Substances Act and the Office of National Drug Control Policy, as the federal coordinator of drug control policy, do not support the use of smoked marijuana for medical purposes; and

WHEREAS, evaluation of several California cities’ experiences with medical marijuana dispensaries and the opinion of the California Police Chiefs’ Association have indicated negative secondary neighborhood affects associated with the operation of medical marijuana dispensaries including: (i) illegal drug sales at a price less than dispensary prices, to dispensary patrons;

(ii) marijuana use in and around dispensaries; (iii) non-residents being attracted to the community to secure marijuana; (iv) DUI arrests related to marijuana purchased at dispensaries; (v) burglaries of dispensaries; (vi) drug dealers posing as medical marijuana users to purchase and resell marijuana illegally; (vii) robbery of medical marijuana patrons; (viii) thefts in and around dispensaries to support legal and illegal drug commerce; (ix) negative affects on surrounding businesses resulting from a concentration of criminals associated with the dispensary; and (x) illegal sale of drugs other than marijuana in dispensaries; and

WHEREAS, robberies, assaults and burglaries of dispensaries may be under-reported by dispensaries and crime statistics may consequently inaccurately underestimate the incidence of such crimes, and dispensaries may account for a disproportionate number of such incidents in comparison to other business uses; and

WHEREAS, dispensaries, by virtue of their operation: (i) may be the repositories of large amounts of cash and marijuana and consequently operators have been attacked at their dispensaries and at home; (ii) have been regularly burglarized; and (iii) account for other negative affects on the community such as sales of drugs to minors, loitering, heavy vehicle traffic, increased noise and robbery of dispensary customers; and

WHEREAS, the Director of the Office of National Drug Control Policy reports that in states such as Colorado (where medical marijuana is legal), youths who receive information that marijuana is a medicine assume that marijuana use is safe, but science is clear that marijuana use is harmful and associated with dependence, respiratory and mental illness, poor motor performance and cognitive impairment; and

WHEREAS, unregulated dispensaries can expand enormously within a municipality and the current City of Avondale Zoning Ordinance (the "Zoning Ordinance") does not specifically address or regulate establishment, location or operation of marijuana dispensaries which, pursuant to Section 101(H) of the Zoning Ordinance, results in a complete ban on the use; and

WHEREAS, Proposition 203 expressly authorizes cities to enact reasonable zoning regulations that limit the use of land for registered nonprofit medical marijuana dispensaries, but does not permit an outright ban, as currently exists; and

WHEREAS, Arizona law permits cities to enact zoning regulations in order to conserve and promote the public health, safety and general welfare and regulate the use of buildings, structures and land; and

WHEREAS, it is necessary to restrict, or prohibit, the use or division of real property within the City of Avondale in order to protect the public's health by establishing appropriate regulation of medical marijuana dispensaries and cultivation facilities; and

WHEREAS, regulations defining permitted location of dispensaries and cultivation facilities (collectively referred to here as "Facilities") and providing for the minimum separation of such Facilities from uses such as churches, libraries, schools, parks, day care centers, licensed treatment centers, and other Facilities will reduce or eliminate the threat to public health, safety and welfare potentially caused by medical marijuana uses; and

WHEREAS, the regulations, limitations and prohibitions established in this Ordinance are necessary to protect and preserve the public’s health and safety; and

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

WHEREAS, the Commission held a public hearing on this Ordinance on January 20, 2011, after which the Commission recommended to the City Council that this Ordinance be approved; and

WHEREAS, the City Council held an additional public hearing on this Ordinance on February 7, 2011.

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

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

SECTION 2. The City of Avondale Zoning Ordinance (the “Zoning Ordinance”), Section 102, Definitions, is hereby amended to add the following new definitions:

“Medical marijuana” means “marijuana” for “medical use” as those terms are defined in ARIZ. REV. STAT. § 36-2801.

“Medical marijuana dispensary” means a nonprofit medical marijuana dispensary (as defined in ARIZ. REV. STAT. § 36-2801) duly registered and certified pursuant to ARIZ. REV. STAT. § 36-2804.

“Medical marijuana cultivation location” means any of the following: (A) a medical marijuana dispensary at which cultivation occurs for sale at that medical marijuana dispensary, (B) the one additional location, if any, duly identified pursuant to ARIZ. REV. STAT. § 36-2806(E) during the process of registering a medical marijuana dispensary, where marijuana will be cultivated for sale at a medical marijuana dispensary, (C) any location identified pursuant to ARIZ. REV. STAT. § 36-2804.02(A)(3)(f) for cultivation of medical marijuana by a designated caregiver or qualifying patient (as defined in ARIZ. REV. STAT. § 36-2801, as amended) for a qualifying patient’s medical use or (D) a facility that incorporates or processes medical marijuana into a consumable or edible product.

SECTION 3. The Zoning Ordinance, Section 402, Land Use Matrix, is hereby amended to add the following uses:

LAND USE	CP	A-1
Medical Marijuana Dispensary	-	PC
Medical Marijuana Cultivation Location		PC

SECTION 4. The Zoning Ordinance, Section 403, Uses Permitted with Conditions, is hereby amended to add provisions relating to Medical Marijuana Dispensaries and Medical Marijuana Cultivation Locations, and to add parallel references with respect to previously adopted provisions related to sexually oriented businesses, as follows:

Section 403 Uses Permitted with Conditions

Based upon site plan review, land uses listed in the land use matrix as “Permitted with Conditions” may be subject to additional conditions of approval if deemed necessary to protect the health, safety, and public welfare.

- A. IN ADDITION TO, AND IN NO WAY LIMITING THE GENERAL NATURE OF THIS SECTION 403, MEDICAL MARIJUANA DISPENSARIES AND MEDICAL MARIJUANA CULTIVATION LOCATIONS ARE ALLOWED IN CERTAIN GENERAL INDUSTRIAL DISTRICTS AS SET FORTH ABOVE, SO LONG AS SUCH USES ARE IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 13 OF THIS ZONING ORDINANCE.
- B. IN ADDITION TO, AND IN NO WAY LIMITING THE GENERAL NATURE OF THIS SECTION 403, SEXUALLY ORIENTED BUSINESSES ARE ALLOWED IN CERTAIN GENERAL INDUSTRIAL DISTRICTS AS SET FORTH ABOVE, SO LONG AS SUCH USES ARE IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 10 OF THIS ZONING ORDINANCE.

SECTION 5. That certain document known as the “City of Avondale Medical Marijuana Regulations” (the “Regulations”) three copies of which are on file in the office of the City Clerk, which document was made a public record by Resolution No. 2957-211 of the City of Avondale, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

SECTION 6. The Zoning Ordinance is hereby amended by (i) relocating the entire text of Section 13, Overlay Districts, to a new Section 503, Special Use Overlay District, and renumbering all subsections therein accordingly and (ii) amending all references to former Section 13 in the Zoning Ordinance to the appropriate counterpart sections in Section 503.

SECTION 7. The Zoning Ordinance is hereby amended by renaming Section 13 thereof to “Medical Marijuana Uses,” and inserting therein the text the Regulations adopted herein by reference.

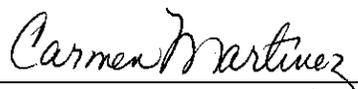
SECTION 8. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Regulations adopted herein by reference is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 9. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and 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, February 22, 2011.


Marie Lopez Rogers, Mayor

ATTEST:


Carmen Martinez, City Clerk

APPROVED AS TO FORM:


Andrew J. McGuire, City Attorney

Exhibit D

Excerpt of Draft Planning Commission
Meeting Minutes
October 20, 2016

Excerpt of the Minutes of the regular Planning Commission meeting held October 20, 2016 at 6:00 p.m. in the Council Chambers.

COMMISSIONERS PRESENT

Olivia Pineda, Chair
Gloria Solorio, Vice Chair
Kevin Kugler, Commissioner
Kristopher Ortega, Commissioner
Russell Van Leuven, Commissioner
Troy Timmons, Commissioner

COMMISSIONERS ABSENT

Pearlette Ramos, Commissioner - Excused

CITY STAFF PRESENT

Robert Gubser, Planning Manager
Ken Galica, Senior Planner
Rick Williams, Planner II
Gary Verburg, City Attorney
Dale Nannenga, Police Chief
Stephanie Long, Administrative Assistant

APPLICATION NO. PL-16-0198

APPLICANT: Mr. Ravikumar Ballenalli
 Golden Leaf Wellness, Inc.
 (520) 331-2579

REQUEST: This is a public hearing before the Planning Commission to review and solicit public input on application PL-16-0198, a request by Mr. Ravikumar Balenalli, Golden Leaf Wellness, Inc., for approval of a text amendment to the City of Avondale Zoning Ordinance. The applicant is proposing to amend Section 1303.B to allow medical marijuana dispensaries to operate between the hours of 8:00 a.m. and 9:00 p.m.; this Section currently allows for medical marijuana dispensaries to be open between the hours of 9:00 a.m. and 6:00 p.m.

Ken Galica, Senior Planner, stated that ZO Section 1303.B relates to hours of operation for medical marijuana dispensaries. In November of 2010, voters in Arizona approved Proposition 203, which enabled the state government to establish the parameters for growing and dispensing medical marijuana. In 2011, City Council approved the City of Avondale Medical Marijuana Use Regulations (ZO Section 13). These regulations limited hours of operation to between 9:00 a.m. and 6:00 p.m. on weekdays. In August of 2014, City Council approved an amendment to this provision to allow dispensaries to operate on weekends under the same hours. In February of 2016, the City's first dispensary opened south of Lower Buckeye Road. It is zoned General Industrial

and is surrounded by county agricultural land, industrial and single-family zoned property. The facility operates out of a converted residence.

Mr. Galica said the Applicant seeks to amend the Ordinance to allow operating hours to change from 9:00 a.m. to 6:00 p.m., to 8:00 a.m. to 9:00 p.m. The rationale provided by the Applicant is that current restrictions limit the ability of some patients to access the facility. Staff's review of the amendment noted some concerns over criminal activity from the Police Department. The original Ordinance reasoned that the restrictions were necessary to address significant and sufficient concern and evidence that dispensaries could be linked to crime in the surrounding vicinity of dispensary facilities. Further, the dispensary is located in a remote and isolated location with minimal street lighting. The application is not supported by the Police Department due to concerns that nighttime operations could lead to increased crime.

Mr. Galica compared Avondale's Ordinance to the ordinances of other Valley municipalities. Some cities allow for slightly earlier or later hours, but Avondale regulations is reasonably comparable. Allowing dispensaries to operate seven days a week was intended to accommodate patients who work during the week. In staff's opinion, the amendment does not constitute an overall improvement to the Zoning Ordinance. The Police Department voiced crime concerns. Current regulations allow for adequate access.

Mr. Galica said public participation was through a legal advertisement in West Valley View. The Applicant submitted a petition with 208 signatures in support of the proposed amendment. No further comment has been received to date. Staff recommends denial of the application.

Commissioner Ortega asked whether any crimes have been specifically linked to Golden Leaf Wellness. Police Chief Dale Nannenga said the police have been called there four times since the business opened, including one criminal report. The main concern is not so much the high crime but the location. It is remote and the area is dark at night, which affords more opportunities for crime. In response to an inquiry from Commissioner Timmons, Mr. Galica said the Ordinance requires private security on site. Vice Chair Solorio expressed the concern that extended hours would make the dispensary a likely target of robbery.

Chair Pineda asked whether the security guards are armed. Dan Coogan, Golden Leaf Wellness, 3709 E. Harvard Street, Phoenix, 85008, responded that the facility has an armed security guard on site 24/7. Chair Pineda inquired about crime. Robbie Balenalli, 450 E. Devonshire Way, Chandler, said the only issue was when one customer called the police claiming that they had been assaulted, but surveillance video showed otherwise. The dispensary has 30 cameras. Chair Pineda queried about the clientele. Mr. Balenalli explained that only patients who have medical patient cards are allowed inside to purchase medical marijuana, and the amount they can purchase is restricted by law. People without cards must stay in a separate waiting area. He added that people assume the dispensary will be open at 9:00 p.m. because others are open at that time. The busiest time of each day is the hour before closing. The security guards are all ex-military or ex-police officers. There have been no crimes in seven months of operation, only one false allegation.

Chair Pineda said the dispensary is a small business that should be given the opportunity to be successful, and its remote location keeps it away from neighborhoods. Vice Chair Solorio asked whether any of the dispensaries that stay open late are located in remote areas. Mr. Galica said the Phoenix dispensaries are in urban, populated, well-lit locations, which allows them to stay open

until 10:00 p.m. in safer conditions. No other city allows them to stay open that late. The value of the product and the cash-only basis of the business could make it a target of criminals.

Commissioner Ortega inquired about loitering. Mr. Balenalli responded that there is no loitering. Most people come alone. If customers are accompanied by someone, they either stay in the car or sit in the waiting room. There is no age limit, since even children have conditions that require medical marijuana. Commissioner Ortega said the petition should have included addresses to confirm how many are from Avondale. Mr. Balenalli said he has over 900 patients from Avondale. Mr. Coogan indicated that there may be issues with HIPAA laws for providing addresses.

Commissioner Van Leuven asked if this matter could come back up depending on the outcome of Proposition 205. Gary Verburg, City Attorney, explained that the proposed initiative includes no regulation of hours of operation. It does contemplate that recreational marijuana be regulated like alcohol is, meaning a licensing procedure would apply, and businesses would be subject to local control. Chair Pineda said it is a safe assumption that the clientele of this business would change if Prop 205 passes. In that case, 9:00 p.m. seems too late. In response to a question, Mr. Galica said there are no current plans for development in the surrounding area.

Mr. Balenalli requested that the Planning Commission consider extending the evening hours to 7:30 p.m. as an alternative proposal. Chair Pineda and Vice Chair Solorio said they would be willing to support a maximum extension of 7:00 p.m., because it is still light out at that time. Commissioner Timmons stated that liquor stores are open late and he felt a 9:00 p.m. close would not cause a problem. This would give people time to obtain medicine after work.

Commissioner Ortega recommended allowing hours of operation to be from 8:00 a.m. to 7:00 p.m. Monday through Friday, while keeping weekend hours the same as they are now. Commissioner Kugler said he would support staff's recommendation as is. Unlike Goodyear's dispensary, which is located in an industrial park, Avondale's is located on a remote dead end that could exacerbate crime opportunities at night. Commissioner Van Leuven concurred, saying he would support the staff's recommendation. If people cannot get there during the week, they still have weekend hours to access the business.

Chair Pineda opened the public hearing.

A representative of Golden Leaf Wellness said patients have a need for longer hours, and security is present at all times.

Michael Long, 1709 S. 123rd Avenue, Avondale, said he opposes the change because opportunities for criminal activity will increase with later hours. The area is remote, poorly lit and already has a criminal element. The security guard protects the inside of the facility, but not the outside. Traditional drug stores do not deal in activities deemed a crime under federal law, nor operate on a cash only basis. The City has already given the business two extra days in which to operate. The

petition lacks a heading and addresses. It is not the Commission's job to give options to the business owner when a petition comes in; they are only supposed to approve or deny it.

Mr. Coogan said the dispensary has the names and addresses of the patients, but HIPAA laws protect their privacy.

Chair Pineda closed the public hearing.

Chair Pineda invited a motion. Commissioner Kugler **MOVED** to recommend denial of Application PL-16-0198, a request to amend Zoning Ordinance Section 1303.B, extending permissible medical marijuana dispensary hours of operation to 8:00 a.m. to 9:00 p.m. Commissioner Van Leuven **SECONDED** the motion.

Commissioner Ortega said he disagrees with the 9:00 p.m. close, but is open to modifying the hours of operation. Chair Pineda concurred.

ROLL CALL VOTE

Olivia Pineda, Chair	Nay
Gloria Solorio, Vice Chair	Aye
Kevin Kugler, Commissioner	Aye
Russell Van Leuven, Commissioner	Aye
Pearlette Ramos, Commissioner	Absent
Kristopher Ortega, Commissioner	Nay
Troy Timmons, Commissioner	Nay

The motion failed by a 3-3 vote.

Chair Pineda invited a second motion. Commissioner Ortega **MOVED** to recommend approval of Application PL-16-0198, a request to amend Zoning Ordinance Section 1303.B, extending permissible medical marijuana dispensary hours of operation to 8:00 a.m. to 7:00 p.m. Commissioner Timmons **SECONDED** the motion.

ROLL CALL VOTE

Olivia Pineda, Chair	Aye
Gloria Solorio, Vice Chair	Nay
Kevin Kugler, Commissioner	Nay
Russell Van Leuven, Commissioner	Nay
Pearlette Ramos, Commissioner	Absent
Kristopher Ortega, Commissioner	Aye
Troy Timmons, Commissioner	Aye

The motion failed by a 3-3 vote.

Mr. Galica noted that staff would communicate the Commission's split opinion to City Council, and **no Commission recommendation** will be made.

Exhibit E

Table 1

Medical Marijuana Dispensary Hours of Operation Restrictions, by City

Table 2

Dispensaries Operating Beyond Established Hours of Operations Restrictions

Table 1 – Medical Marijuana Dispensary Hours of Operation Restrictions, by City

City	Permitted Dispensary Hours
Avondale	9:00 A.M. to 6:00 P.M
Goodyear	8:00 A.M. to 7:00 P.M.
Glendale	8:00 A.M. to 8:00 P.M.
Tolleson	9:00 A.M. to 5:00 P.M.
Peoria	8:00 A.M. to 9:00 P.M.
Surprise	Unrestricted
Phoenix	8:00 A.M to 7:00 P.M.
Scottsdale	6:00 A.M. to 7:00 P.M.
Mesa	8:00 A.M. to 9:00 P.M.
Gilbert	8:00 A.M. to 6:00 P.M.
Chandler	9:00 A.M. to 7:00 P.M.
Tempe	8:00 A.M. to 8:00 P.M.

Table 2 – Dispensaries Operating Beyond Established Hours of Operations Restrictions

Dispensary Name	City	Allowed Hours of Operation	Actual Hours of Operation
Phoenix Relief Center	Phoenix	8:00 a.m. to 7:00 p.m.	9:00 a.m. to 8:00 p.m (M-F)
Valley of the Sun	Goodyear	8:00 a.m. to 7:00 p.m.	9:00 a.m. to 8:00 p.m (M-S)
Holistic Center	Phoenix	8:00 a.m. to 7:00 p.m.	9:00 a.m. to 10:00 p.m. (M-Sa)
TruMed	Phoenix	8:00 a.m. to 7:00 p.m.	9:00 a.m. to 9:00 p.m. (M-Sa)
Herbal Wellness Center	Phoenix	8:00 a.m. to 7:00 p.m.	8:00 a.m. to 10:00 p.m. (7 Days)
Encanto Green Cross	Phoenix	8:00 a.m. to 7:00 p.m.	8:00 a.m. to 10:00 p.m. (7 Days)
Urban Greenhouse	Phoenix	8:00 a.m. to 7:00 p.m.	9:00 a.m. to 10:00 p.m. (M-Sa)
Yilo Superstore	Phoenix	8:00 a.m. to 7:00 p.m.	9:00 a.m. to 10:00 p.m. (7 Days)
Nature's AZ	Phoenix	8:00 a.m. to 7:00 p.m.	8:00 a.m. to 10:00 p.m. (M-F)
Bloom	Phoenix	8:00 a.m. to 7:00 p.m.	8:00 a.m. to 10:00 p.m. (M-Sa)

ORDINANCE NO. 1613-1116

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE CITY OF AVONDALE ZONING ORDINANCE, SECTION 13, MEDICAL MARIJUANA USES, RELATING TO MEDICAL MARIJUANA DISPENSARY HOURS OF OPERATION.

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

WHEREAS, the Commission held a public hearing regarding the subject matter of this Ordinance on October 20, 2016, after which the Commission was unable to provide a recommendation to the City Council that the amendments to the City of Avondale Zoning Ordinance (the "Zoning Ordinance") contemplated by this Ordinance be approved or denied; and

WHEREAS, the City Council held an additional public hearing on this Ordinance on November 21, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY 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 Zoning Ordinance, Section 13 (Medical Marijuana Uses), Section 1303 (Requirements), Subsection (B) is hereby amended as follows:

B. A medical marijuana dispensary shall have operating hours not earlier than ~~9:00~~ 8:00 a.m. and not later than ~~6:00~~ 9:00 p.m.

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

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

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
November 21, 2016.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney



CITY COUNCIL AGENDA

SUBJECT:

Resolution 3348-1116 - Development Agreement with VP Gateway Sign, LLC

MEETING DATE:

11/21/2016

TO: Mayor and Council

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

THROUGH: David Fitzhugh, City Manager (623) 333-1014

PURPOSE:

Staff is requesting that the City Council consider a Resolution adopting a Development Agreement with VP Gateway Sign, LLC, to allow for construction of an off-premise billboard sign within the Gateway Village master-planned development and authorize the Mayor or City Manager and City Clerk to execute the appropriate documents.

BACKGROUND:**Billboard Policy Background**

Off-premise billboard signs are large scale signs that direct attention to businesses, commodities, services, venues, or products not located on the premises upon which the sign is located. Off-premise billboard signs have been prohibited by the City's Zoning Ordinance since 1990.

On February 1, 2016, the City Council adopted Resolution 3294-216, approving the City of Avondale Off-Premise Billboard Sign Guidelines (the "Guidelines"). Though the Zoning Ordinance continues to prohibit off-premise billboard signs within the City of Avondale, adoption of the Guidelines created a path to allow digital billboard signs on properties that have frontage on I-10, between 99th Avenue and 107th Avenue, subject to City Council approval of a Development Agreement. In order for the City Council to consider approval of a Development Agreement for an off-premise billboard, proposals must meet the minimum thresholds for location, design, and operation of billboards established within the Guidelines.

As stipulated by the Guidelines, VP Gateway Sign, LLC has submitted an application for a Development Agreement to allow for the construction of a new digital billboard sign on the site of the partially complete Gateway Village center (the "property"), located south of McDowell Road between 103rd Avenue and the Gateway Crossing commercial development. More specifically, the planned 65' sign is proposed for a location approximately 470 feet east of the Gateway Village western property line adjacent to I-10. The Development Agreement, which is attached to this report, includes a multitude of exhibits pertaining to the location, design, and operational characteristics of the proposed billboards.

Gateway Village Site Background

The property was annexed into the City of Avondale on March 17, 1986 and initially zoned R-1 (One Family Residence). In 1988, the subject site was part of a larger 41-acre parcel of land which was rezoned to the Avondale Park Plaza Planned Area Development (PAD). Due to the lack of development activity on the site and the subsequent rezoning of the Gateway Crossing site in 2005, The Avondale Park Plaza PAD expired and reverted back to the previous zoning district of Agriculture (AG). In February 2015, Council approved a request by Vintage Partners LLC, to rezone the 15-acre site to Freeway Commercial (C-3). The purpose of the Freeway Commercial district is to promote freeway-oriented services and products with a community-wide to regional trade area while avoiding the disruption of less intensive commercial activities.

A Master Site Plan for the 15-acre development was approved subject to conditions on November 3, 2015. The development plan for the commercial site consists of eight Pads (A-H), totaling 112,000 square feet of commercial/retail space anchored by two major tenants and a future hotel site. The approved site plan was amended on April 14, 2016. The subsequent amendment eliminated one proposed drive-thru use and added additional parking for the site. Currently, all onsite and offsite improvements have been completed. Construction of Pads A, B, C and G are complete and 100% leased. Gateway Village tenants include: Habit Burger, Tokyo Joe's, Café Zupas, Blaze Pizza, Sleep Number Beds, Vision Works, and Sportsman's Warehouse.

A Final Plat for Gateway Village was approved by the City Council on February 16, 2016. The Final Plat divided the 15-acre project into eight lots. On November 7, 2016, Council approved a Re-Plat for Lots 6 & 7 of Gateway Village adjusting lot lines between the two lots. Surrounding land uses are as follows:

- **NORTH** – Gateway Pavilions Commercial Center, a 79-acre master planned commercial center located north of McDowell Road between 103rd Avenue and 99th Avenue. The fully developed 79-acre center is anchored by Harkins Theatres and Costco Wholesale and includes several restaurants and multiple retail users.
- **EAST** – Park 10, a 43-acre master planned commercial site featuring a mix of commercial hospitality, restaurant, and office type uses is currently under construction at the southwest corner of 103rd Avenue and McDowell Road. Main Event, a 58,229 square foot family entertainment facility, opened for business in February 2016 and anchors the first phase of development on the eastern portion of the site. A Jack in the Box restaurant with drive-thru is currently under construction with Shops A entering the initial stage of construction.
- **SOUTH** – Interstate-10 and associated ramps, service drives, and drainage channels. The total highway right-of-way width adjacent to Gateway Village is approximately 580 feet.
- **WEST** – Gateway Crossing Commercial Center, a master planned commercial center located on the southwest corner of McDowell Road and 99th Avenue. The 29-acre commercial center is anchored by Best Buy and Hobby Lobby and includes several restaurants and multiple retail users. This commercial center is 99% built-out with one remaining undeveloped pad

DISCUSSION:

Exhibits pertaining to the specific location, design, and operation of the billboard can be found in the Development Agreement, attached to this report. For convenience, the billboard design has also been included as a separate attachment (Exhibit A).

Location

The proposed billboard sign is located approximately 470 feet east of the western property line and 450 feet west of the east property line. The site is adjacent to the I-10 right-of-way, on

property zoned Freeway Commercial (C-3). The location is roughly the middle of the 15-acre site just south of the future hotel site and Pad F (Exhibit B).

Subsequent to this submittal, a digital billboard application has been submitted by the Park 10 development to the west of the Gateway Village site for a 75' billboard sign on their site. Both applicants have worked in unison to position the billboards on the respective sites to meet all separation requirements. The Gateway Village billboard is separated from the proposed Park 10 billboard by approximately 1,320 feet, meeting the 1,320-foot separation required by the Guidelines.

The proposed billboard is also located approximately 2,100 feet away from the nearest single-family residential community (Sunrise at Harbor Shores), exceeding the minimum 1,000-foot separation from single-family residential zone or use established by the Guidelines. The guidelines do not establish any minimum requirement for separation from multi-family (e.g. apartment) uses; the proposed billboard is approximately 1,500 feet from the closest multi-family development, Aventura Apartments.

The area around the base of the sign will be fully landscaped to include a combination of trees, shrubs, and groundcover.

The Freeway Commercial (C-3) zoning governing the Gateway Village site allows the developer to install one Freeway Pylon sign. Approval of this agreement would replace the pylon sign with a billboard sign. No additional pylon or billboard will be permitted for this site.

Design

The proposed Gateway Village billboard (Exhibit A) is a cutting-edge combination of a billboard and a freeway monument pylon sign. The dual functionality of the hybrid sign delivers both onsite and offsite advertising to potential patrons in the area as well as motorists east and west bound on I-10. By combining a dual faced digital billboard with tenant panels on a single structure at a central location, the sign minimizes the number of signs along the freeway and achieves maximum distances between existing and/or future signs on adjacent properties.

The proposed Gateway Village billboard is located along the north side of the I-10 Freeway corridor between 99th Avenue and 107th Avenue. The proposed billboard sign is 59' tall to the top of the sign with an additional 6' of architectural embellishment, for a total height of 65'. This is consistent with the City's guidelines which allow for a maximum sign height of 60', with 5' of architectural embellishment for a total height of 65'.

The proposed 675 square foot "V-shaped" dual-sided billboard features east and west facing digital displays. While the Guidelines seek "back to back" displays and not "V-shaped" signs, the angle of the "V" is narrow enough so that it will appear only slightly larger/wider than a "back to back" sign. Additionally, the design of the sign incorporates three multi-tenant panels, separated by a foot, totaling approximately 320 square feet on each side of the sign. These tenant panels are 5' x 24' and can be divided in half (5' x 12') to accommodate up to six tenants on each side of the sign.

The proposed design, which utilizes shared colors and materials from the adjacent Gateway Village development, prominently displays the City of Avondale logo on both the eastern and western faces of the sign structure. The sign also features the Gateway Village center logo on both faces, The City identification logos will be reverse pan channel letters that are halo illuminated while the Gateway Village logos will be mounted to an internally illuminated translucent background to allow for evening visibility.

Operation

The proposed billboard will meet all operational requirements established by the Guidelines.

The digital sign will feature static ads only, with video and animation prohibited. Additionally, the sign will incorporate an automatic dimmer to allow the intensity of the light to be automatically adjusted in varying light conditions. Furthermore, the digital billboard and illuminated Avondale logo will go dark at 11:00 p.m. before restarting at sunrise. The only times that the billboard will be able to operate between 11:00 p.m. and sunrise will be when they are displaying emergency messages from local, state, or federal governments, such as Amber Alert messages.

Terms of Development Agreement

The proposed Development Agreement provides for an initial term of 20 years with the ability for future Councils to approve two 10-year extensions. By approving the agreement, the City will allow the developer to install the billboard on the site. In exchange, VP Gateway Sign, LLC will provide the City with an annual allocation of 87.6 hours of "buy-time" for City-related advertisements and marketing on the billboard sign, to be used at the City's discretion, a value of \$40,000.00 annually over years 1-10, with the value increasing over subsequent years to - \$44,000.00 over years 11-20, \$48,400.00 over years 21-30, and \$53,240.00 over years 31-40.

Should the City not use the "buy-time", in whole or in part, the agreement requires VP Gateway Sign, LLC to provide payment to the City for any unused buy-time. For example, if the City utilizes \$25,000 of its buy-time in Year 2, the City would be entitled to receive payment for the remaining \$15,000, due on or before February 28th of the following year.

Terms of Development Agreement

The proposed agreement is fair and equitable for the City and is beneficial to the residents of Avondale for the following reasons:

- The proposed location and design for the billboard largely adhere to the City's Off-Premise Sign Guidelines. For example, the proposed hybrid billboard/freeway pylon sign complements the Gateway Village commercial development, includes the Avondale logo, and is adequately separated from residential uses. Furthermore, the operational requirements will limit any visual impacts of the billboard before sunrise and after 11 p.m.
- The proposed deviation for the "V-shaped" design will not significantly impact the community.
- The agreement will result in \$840,000 in City revenue and/or City advertising time on the billboard over the initial 20 year term of the agreement. If both allowable 10 year extension are agreed to by future Councils, the total revenue/value of advertising time generated for the City will total \$1,856,400 over the forty year life of the proposed billboard.

BUDGET IMPACT:

No City funds are committed as part of the proposed development agreement. Approval of the agreement, however, would generate \$840,000.00 in revenue and/or City advertising time value over the initial 20-year term of the agreement. The agreement also allows for up to two ten-year extensions. If both 10-year extensions are agreed to by future Councils, the total revenue/value of advertising time generated for the City will total \$1,856,400.00 over the forty-year life of the proposed billboard.

RECOMMENDATION:

Staff recommends that the Mayor and City Council adopt a Resolution approving a Development

Agreement with VP Gateway Sign, LLC, and authorize the Mayor or the City Manager and City Clerk to execute the agreement.

ATTACHMENTS:

Description

[Attachments](#)

RESOLUTION 3348-1116

GATEWAY VILLAGE DEVELOPMENT AGREEMENT

DUE TO ITS SIZE, THIS DOCUMENT
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

Resolution 3348-116 and Development Agreement:

<http://www.avondale.org/DocumentCenter/View/39449>

Exhibit A – Proposed Billboard Elevation:

<http://www.avondale.org/DocumentCenter/View/39451>

Exhibit B – Approved Gateway Village Site Plan:

<http://www.avondale.org/DocumentCenter/View/39450>



CITY COUNCIL AGENDA

SUBJECT:

Energy, Environment, and Natural Resources
Commission Update

MEETING DATE:

11/21/2016

TO: Mayor and Council

FROM: Tracy Stevens, Development and Engineering Services Director

THROUGH: David Fitzhugh, City Manager

PURPOSE:

Commission member Lisa Amos will update the Mayor and City Council on the progress made toward the general goals of the Energy, Environment & Natural Resources Commission.

BACKGROUND:

In 2008, Resolution No. 2774-1008 formally renamed the Citizen's Water and Wastewater Advisory Committee to the Energy, Environment, and Natural Resources Commission (EENRC). The purpose of the EENRC commission creation was to allow the community to be involved in a variety of environmental issues and provide advice to the City Council.

DISCUSSION:

The EENRC meets monthly to discuss those City projects which are under the purview of the City's sustainability efforts. At the beginning of each year, the Commissioners select goals that they would like to either work toward, or list projects and ideas they would like to receive further information.

This past calendar year, the EENRC has provided their support for a solar power production installation at the Charles M. Wolf Reclamation Facility, the Hoover Power Purchase Contract, the Low Water Use Garden planned on the Civic Center campus, and a city-wide energy savings program by transitioning to LED street lights.

The EENRC would like to address Mayor and Council in order to urge continued support of the EENRC and to maintain support of citywide environmental projects as the next fiscal year approaches and the Council goals are set for the coming year.

BUDGET IMPACT:

There is no budgetary impact as a result of this presentation.

RECOMMENDATION:

This information is presented as an update.



CITY COUNCIL AGENDA

SUBJECT:

Continuation of Public Hearing on Water and Sewer Rate Increases

MEETING DATE:

11/21/2016

TO: Mayor and Council

FROM: Abbe Yacoben, Finance and Budget Director (623) 333-2011

THROUGH: David Fitzhugh, City Manager

PURPOSE:

The City Council will consider a motion to continue its scheduled public hearing on water and sewer rate increases until December 19, 2016.

BACKGROUND:

The City Council adopted Resolution 3340-1016, Notice of Intent to Increase Water and Wastewater Rates on October 17. In previous years, there was a statutory requirement to wait 30 days between the Notice of Intent and the public hearing/adoption of new rates. The Statute changed in May, 2016 and now requires a 60 day waiting period between the Notice of Intention and the public hearing/adoption of new rates.

DISCUSSION:

Staff proposes to place a correcting notice in the newspaper more than 20 days before the new public hearing/adoption date and hold the public hearing on December 19. This is in compliance with the new Statute, and would still allow rates to become effective in January, 2017 (January 19 vs the original January 1).

RECOMMENDATION:

Staff recommends that the City Council adopt a motion to continue its scheduled public hearing on water and sewer rate increases until December 19, 2016.