



MUNICIPAL OFFICE COMPLEX
8401 W. MONROE STREET
PEORIA, AZ 85345

**CITY COUNCIL REGULAR MEETING
NOTICE & AGENDA
Tuesday, April 17, 2012
7:00 PM
CITY COUNCIL CHAMBER**

CITY COUNCIL:

Mayor
Bob Barrett

Palo Verde District
Ron Aames, Vice Mayor

Acacia District
Tony Rivero

Ironwood District
Dave Pearson

Mesquite District
Cathy Carlat

Pine District
Carlo Leone

Willow District
Joan Evans

City Manager
Carl Swenson

**CONVENE:
PLEDGE:
ROLL CALL:**

**FINAL CALL TO SUBMIT SPEAKER REQUEST
FORMS:**

CONSENT AGENDA

CONSENT AGENDA: All items listed with "C" are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

CONSENT – New Business:

1C Disposition of Absence

Discussion and possible action to excuse the absence of Mayor Bob Barrett for the following meetings:

March 28, 2012 Budget Study Session Meeting
March 30, 2012 Budget Study Session Meeting
April 3, 2012 Special Meeting and Study Session
April 3, 2012 Regular Meeting

2C Minutes

Discussion and possible action to approve the following minutes:

March 26, 2012 Budget Study Session Meeting
March 27, 2012 Budget Study Session Meeting
March 28, 2012 Budget Study Session Meeting
March 30, 2012 Budget Study Session Meeting
April 3, 2012 Special Meeting and Study Session
April 3, 2012 Regular Meeting

3C Grant, Peoria Police Department, Governor's Office of Highway Safety, Click It or Ticket

Discussion and possible action to: (a) authorize the City Manager to accept \$7,500 from the Governor's Office of Highway Safety (GOHS) to be used by the Peoria Police Department for safety belt and child passenger law enforcement; and (b) approve a budget adjustment of \$7,500 from the Proposed Grants Contingency account to the Governor's Office of Highway Safety Grant Overtime account.

4C Ratification, Employee Benefits Trust Board, Affiliate Agencies; Rescind Council Policy 2-5

Discussion and possible action to ratify the decision of the Employee Benefits Trust Board to determine that employees of the Affiliated Agencies are ineligible to participate as members of the city's health plans and to rescind Council Policy CP2-5.

5C Appropriation of Funds, Westland Park Construction

Discussion and possible action to approve a budget transfer in the amount of \$21,930 in order to make the final payment to Sunbelt Holdings for the Westland Park Project.

6C Third Quarter Budget Amendments, Fiscal Year 2012

Discussion and possible action to approve the Fiscal Year 2012 Third Quarter budget amendments.

7C Maintenance Improvement District No. 1094, Silver Canyon Ranch Unit 1, 77th Lane and Happy Valley Road

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2012-46** intention and ordering formation of proposed Maintenance Improvement District No. 1094, Silver Canyon Ranch Unit 1, located at 77th Lane and Happy Valley Road; and adopt **RES. 2012-47** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

8C Easement, Salt River Project, 75th Avenue and Thunderbird Road Intersection Widening Project

Discussion and possible action to adopt **RES. 2012-44** authorizing the execution of an Irrigation Easement to Salt River Project for the relocation and maintenance of irrigation facilities associated with the construction of the 75th Avenue and Thunderbird Road Intersection Widening Project.

9C Easement, Arizona Public Service, Peoria Community Center, 8335 West Jefferson Street

Discussion and possible action to adopt **RES. 2012-45** authorizing the execution of a Utility Easement to Arizona Public Service for the installation and maintenance of power facilities related to the Community Center remodel project.

REGULAR AGENDA

NEW BUSINESS

10R Charter Amendment, Article II, Section 15, Special Meetings

Discussion and possible action to adopt **RES. 2012-50** placing a proposed charter amendment on the August 28, 2012 Regular Election Ballot that would amend Article II, Section 15 of the Peoria City Charter pertaining to Special Meetings.

11R One-Time Budget Adjustments, Fiscal Year 2012

Discussion and possible action to approve the use of reserves and a budget amendment from city contingency to various operating funds so that available cash balances in these funds may be used for the purposes stated.

12R Defeasance of Outstanding Municipal Development Authority, Revenue Refunding Bonds, Series 2003

Discussion and possible action to approve a cash transfer of approximately \$1.2 million and additional budget authorization in the amount of \$2.9 million to defease \$2.9 million in remaining Municipal Development Authority, Revenue Refunding Bonds, Series 2003.

13R Naming Community Park 2

Discussion and possible action to select an official name for the City of Peoria's second community park, located at Olive and 83rd Avenue.

14R Council Subcommittee Appointments

Discussion and possible action to adopt **RES. 2012-48** and **RES. 2012-49** consenting to the Mayor's appointments to the Council Subcommittee on Community Culture and Public Safety and the Council Subcommittee on Sustainable Development and Public Services.

15R Purchase, Public Art, Old Town Peoria

Discussion and possible action to approve the recommendations from the Arts Commission to purchase Public Art to be located at Johnny E. Osuna Park, Centennial Plaza and along the 84th Avenue Streetscape.

16R Call and Notice of Election

Discussion and possible action to: (a) direct the City Clerk to publish the Call and Notice of Election for a Citywide Primary Election on August 28, 2012 and if necessary, a General Election on November 6, 2012; and (b) authorize the City Clerk and the City Attorney to take all action necessary to conduct the elections.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

If you wish to address the City Council, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. The City Council is not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Reports from the City Manager:

1. Council Calendar
2. Reports with Presentation
 - a. Celebration of Artists

3. Informational (The following items are included for informational purposes only. There will be no separate discussion of these items unless a Councilmember so requests.)
 - a. Spring Events
 - b. Students with Aspiring Goals Program (SWAG)
 - c. Fill the Boot Fundraiser
 - d. City of Peoria 2011 PACE Conference - 100th Arizona Town Hall Background Report

Reports from City Council:
Reports from the Mayor:

ADJOURNMENT

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

Accommodations for Individuals with Disabilities. Alternative format materials, sign language interpretation, assistive listening devices or interpretation in languages other than English are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Room 150, Peoria, Arizona 85345 (623)773-7340, TDD (623)773-7221, or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.

PUBLIC NOTICE:

In addition to the City Council members noted above, one or more members of the City of Peoria Boards and Commissions may be present to observe the City Council meeting as noticed on this agenda.

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
March 26, 2012

A **Budget Study Session Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Avenue in open and public session at 5:00 p.m.

Members Present: Mayor Bob Barrett; Vice Mayor Ron Aames; Councilmembers Cathy Carlat, Joan Evans, Carlo Leone, Dave Pearson, and Tony Rivero.

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Duluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Wanda Nelson, City Clerk; Chris Jacques, Planning and Community Development Director; Brent Mattingly, Finance Director; Andy Granger, Director of Engineering; Katie Gregory, Interim Management and Budget Director; John Imig, Director of Information Technology; Stacy Irvine, Interim Fire Chief; Bo Larsen, Public Information Manager; Bill Mattingly, Utility and Public Works Director; Jeff Tyne, Interim Community Services Director; Scott Whyte, Economic Development Services Director; Corina Russo, City Manager's Office; Rhonda Geriminsky, City Clerk's Office.

Audience: Five members of the public were present.

After a moment of silent reflection, Vice Mayor Aames led the Pledge of Allegiance.

Fiscal Year (FY) 2012 Budget Workshop

Clerk's Note: The complete Proposed FY 2013 Budget is on file in the City Clerk's Office.

Carl Swenson, City Manager, provided an overview of the agenda for the Fiscal Year 2013 Budget Study Sessions.

Discussion ensued regarding the Budget presentations outlined for Fiscal year 2013.

Capital Improvement Program

Andy Granger, Engineering Director, provided an overview of the proposed Capital Improvement Program. Information included:

- Noteworthy Changes from Fiscal Year 2012's Program
- New Projects included in Fiscal Year 2013's Capital Improvement Program
- Fiscal Year 2012 Accomplishments

Ed Striffler, Design and Construction Manager, outlined Fiscal Year 2012 projects, including:

- Community Center Expansion
- Community Park #2
- Council Chamber Americans With Disabilities Act (ADA) Enhancements
- Scotland Yard Neighborhood Park
- Skunk Creek trailhead at 83rd Avenue

Mr. Granger outlined upcoming projects included in Fiscal Year 2013's Capital Improvement Program. Upcoming projects included:

- 83rd Avenue Street and Drainage Improvements
- Grand Avenue Landscaping Improvements
- Lake Pleasant Parkway
- Camino a Lago Park #1
- New River Trail
- Pinnacle Peak Public Safety Facility Expansion
- Sports Complex Improvements
- 75th Avenue and Cactus Road Intersection
- 75th Avenue and Peoria Avenue Intersection
- 91st Avenue; Butler Drive to Mountain View Road
- Agua Fria Truck Road Reliever
- Northern Parkway
- Utility Undergrounding Program

Dan Nissen, Assistant City Engineer, outlined the City's Community Works program, which includes projects that are funded through the Capital Improvement Program. Mr. Nissen outlined the following:

- Types of projects addressed by the program
- Projects completed in Fiscal Year 2012
- Projects yet to be completed
- Proposed projects for completion
- Community Services projects
- Public Works/Utilities projects

Discussion ensued regarding the proposed Capital Improvement Projects.

Councilmember Leone requested the Council agree to remove Phases II and III of the Northern Parkway project from the Capital Improvement Program. Discussion ensued regarding Councilmember Leone's request. Councilmember Leone amended his request to include the removal of Phase I of the Northern Parkway project in addition to Phases II and III.

Discussion ensued regarding the Intergovernmental Agreement in place for the Northern Parkway project and Peoria's obligation to pay their portion of the Northern Parkway project.

Consensus of the Council was to remove the Northern Parkway project from the Capital Improvement Program.

7:20 p.m. Mayor Barrett called a short recess.

7:35 p.m. Budget Study Session resumed.

Economic Development

Mr. Swenson noted that this item is a priority for Council, as they have met in three workshops to discuss Economic Development.

Katie Gregory, Interim Management and Budget Director, provided an overview of Economic Development Funding, including:

- Capital Investments
- Half cent sales tax fund (on-going uses, projected one-time funding) and forecasts
- Long-term funding strategies
- Operating and Capital funding sources related to economic development
- Long-term funding strategies explored

Scott Whyte, Economic Development Services Director, outlined the economic development opportunities currently being pursued and/or developed.

Discussion ensued regarding:

- The City's debt services.
- University prospects within the City of Peoria
- Old Town expenditures

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:02 p.m.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

City Council Budget Study Session Meeting Minutes
March 26, 2012, 5:00 p.m.
Page 4 of 4

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Budget Study Session of the City Council of Peoria, Arizona held on the 26th day of March, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of April, 2012.

(Seal)

Wanda Nelson, City Clerk

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
March 27, 2012

A **Budget Study Session Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Avenue in open and public session at 5:00 p.m.

Members Present: Mayor Bob Barrett; Vice Mayor Ron Ames; Councilmembers Cathy Carlat, Joan Evans, Carlo Leone, Dave Pearson, and Tony Rivero.

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Wanda Nelson, City Clerk; Chris Jacques, Planning and Community Development Director; Brent Mattingly, Finance Director; Andy Ranger, Director of Engineering; Katie Gregory, Interim Management and Budget Director; Stacy Irvine, Interim Fire Chief; Bob Larsen, Public Information Manager; Claudia Luján, Interim Human Resources Director; Bill Mattingly, Utility and Public Works Director; Roy Minter, Police Chief; Jeff Tyne, Interim Community Services Director; Corina Russo, City Manager's Office; Linda Blas, City Clerk's Office.

Audience: Six members of the public were present.

Fiscal Year (FY) 2012 Budget Workshop

Clerk's Note: The complete Proposed FY 2013 Budget is on file in the City Clerk's Office.

Carl Swenson, City Manager, provided an overview of the agenda for the Fiscal Year 2013 Budget Study Session.

Fiscal Year 2013 Water/Wastewater

Katie Gregory, Interim Management and Budget Director, summarized the operating, financial and rate impacts of the proposed Fiscal Year 2013 Water and Wastewater rates.

Discussion ensued regarding:

- Net zero impact
- Expenditure reductions
- Mitigating rate impacts to citizens
- Utilizing one-time funds for ongoing expenses
- Projects funded by the Streets Fund and the General Fund
- Bond ratings

It was the consensus of Council to continue the presentation of department budgets funded by the General Fund for further discussion of expenditure reductions in order to proceed with the Fiscal Year 2013 Budget based on a total residential bill impact of net zero adjustments for water, wastewater and solid waste.

Ms. Gregory discussed the proposed adjustment to the reclaimed water rate of \$ 1.25 per 1,000 gallons effective July 2012.

Discussion ensued regarding an increase of \$. 10 per year over the next two years to the current rate of \$1.05 per 1,000 gallons.

Staff was directed to phase in an increase of \$.10 per year over the next two years and submit the proposed rate on reclaimed water for consideration at a future City Council meeting.

Community Services Department - Special Events

Jeff Tyne, Interim Community Services Director, provided an overview of the Fiscal Year 2013 Budget for Special Events.

Mr. Tyne described how special events impact Peoria and its citizens by promoting a sense of community, promoting awareness, and promoting the economy.

Brenda Rehnke, Recreation Manager, discussed the City's philosophy and approach to special events including:

- Economic development goals
- Successful signature events
- Targeting market events
- Utilizing City venues
- Supporting local businesses and partners

Ms. Rehnke highlighted City-produced and City-sponsored events throughout the year.

Discussion ensued regarding potential events in northern Peoria.

6:34 p.m. Mayor Barrett called a short recess.

6:50 p.m. Budget Study Session resumed.

Management and Budget Department

Katie Gregory, Interim Management and Budget Director, provided an overview of the Management and Budget Department including department structure and functions.

Ms. Gregory noted the proposed Fiscal Year 2013 Budget includes no changes to function or personnel.

Community Services Department

Jeff Tyne reviewed the budget for the Community Services Department, including:

- Department structure
- Budget changes
- Personnel changes
- Budget requests

Discussion ensued regarding:

- Staffing
- Personnel services
- Capital outlay
- Community Works projects

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 7:57 p.m.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

City Council Budget Study Session Meeting Minutes
March 27, 2012, 5:00 p.m.
Page 4 of 4

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Budget Study Session of the City Council of Peoria, Arizona held on the 27th day of March, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of April, 2012.

(Seal)

Wanda Nelson, City Clerk

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
March 28, 2011

A **Budget Study Session Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Avenue in open and public session at 5:00 a.m.

Members Present: Vice Mayor Ron Aames; Councilmembers Cathy Carlat, Joan Evans, Carlo Leone, Dave Pearson, and Tony Rivero.

Members Absent: Mayor Bob Barrett

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Wanda Nelson, City Clerk; Andy Granger, Engineering Director; Katie Gregory, Interim Management and Budget Director; John Imig, Director of Information Technology; Stacy Irvine, Interim Fire Chief; Chris Jacques, Planning and Community Development Director; Claudia Lujan, Interim Human Resources Director; Brent Mattingly, Finance Director; John Schell, Intergovernmental Affairs Director; Roy Minter, Police Chief; Jeff Tyne, Interim Community Services Director; Scott Whyte, Economic Development Services Director; Bo Larsen, Office of Communications; Corina Russo, City Manager's Office; Rhonda Geriminsky, City Clerk's Office.

Audience: Approximately five members of the public were present.

After a moment of silent reflection, Councilmember Leone led the Pledge of Allegiance.

Fiscal Year (FY) 2013 Budget Workshop

Clerk's Note: The complete Proposed FY 2013 Budget is on file in the City Clerk's Office.

Carl Swenson, City Manager, provided an overview of the schedule for department presentations. Mr. Swenson provided follow-up information to Council regarding previous budget discussions.

Economic Development Services

Scott Whyte, Economic Development Services Director, provided an overview of Economic Development Services budget, including a one-time request for monies to continue Economic Development Implementation Strategy initiatives.

Discussion ensued regarding:

- Overnight travel
- Building inspector positions
- Graphic and marketing software

City Attorney

Steve Kemp, City Attorney, reviewed the City Attorney's Office budget, including:

- Budget changes
- Personnel changes
- Budget requests

Discussion ensued regarding:

- The Victim's Assistance Program
- Costs for outside counsel
- Overnight travel
- Supplemental requests
- Administrative hearing costs
- Witness and jury fees
- Other allowances – cell phone stipends
- Office and General supplies
- Performance measures
- The Detention Program
- Claims insurance
- Legislation

City Clerk

Wanda Nelson, City Clerk, provided an overview of the City Clerk's Office budget, which includes no changes to function or personnel. Ms. Nelson outlined the supplemental request for costs associated with an upcoming election.

Discussion ensued regarding performance measures and proposed charter amendments.

City Manager

Carl Swenson, City Manager, provided an overview of the City Manager's Office budget, including:

- Department structure
- Program changes
- Overtime monies
- Special services
- Mileage reimbursement adjustments
- International County/City Manager's Association Conferences

City Council Budget Study Session Meeting Minutes

March 28, 2012, 5:00 p.m.

Page 3 of 5

Andy Granger, Engineering Department Director, reviewed the Engineering Department's budget, including:

- Department structure
- Budget changes
- Supplemental requests
- Personnel changes

Discussion ensued regarding:

- Project coordinator position
- Executive assistant classification
- Commercial and residential projects
- Neighborhood Traffic Management Program budget
- Performance measures
- Personnel services
- Community Park #2

6:43 p.m. Vice Mayor Aames called a short recess

7:02 p.m. Study Session resumed

Finance

Brent Mattingly, Finance Director, provided an overview of the Finance Department budget, including:

- Metering services
- Billing and collection
- Local trainings
- Customer service calls
- Continuing education requirements
- Performance measures
- Electronic payments
- Credit card charges

Fire Department

Stacy Irvine, Interim Fire Chief, reviewed the Fire Department's budget, including:

- Budget changes
- Budget adjustments
- Department structure
- Service additions
- Supplemental requests

Discussion ensued regarding:

- Computer-aided dispatch
- Call volume
- Fire boat
- Staffing levels at Lake Pleasant
- Other allowances

Intergovernmental Affairs

John Schell, Intergovernmental Affairs Director, reviewed the Intergovernmental Affairs department budget, including:

- Department structure
- Personnel changes
- Supplemental requests
- Budget changes

Discussion ensued regarding:

- Contractual services
- Federal Outreach
- Legislation
- Luke Air Force Base

Mayor and Council

Tammy Shreeve, Grants Coordinator, provided an overview of the Mayor and Council Office budget, including budget adjustments.

Discussion ensued regarding:

- Young Ambassador Program
- Other allowances
- Other professional services
- Local trainings

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:05 p.m.

Ron Aames, Vice Mayor

ATTEST:

Wanda Nelson, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Budget Study Session of the City Council of Peoria, Arizona held on the 28th day of March, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of April, 2012.

(Seal)

Wanda Nelson, City Clerk

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
March 30, 2012

A **Budget Study Session Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Avenue in open and public session at 9:01 a.m.

Members Present: Vice Mayor Ron Aames; Councilmembers Cathy Carlat, Joan Evans, Carlo Leone, Dave Pearson, and Tony Rivero.

Members Absent: Mayor Bob Barrett

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manger; Steve Burg, Chief Assistant City Attorney; Wanda Nelson, City Clerk; Katie Gregory, Interim Management and Budget Director; John Imig, Director of Information Technology; Chris Jacques, Planning and Community Development Director; Claudia Lujan, Interim Human Resources Director; Brent Mattingly, Finance Director; Roy Minter, Chief of Police; Jeff Tyne, Interim Community Services Director; Bo Larsen, Office of Communications; Corina Russo, City Manager's Office.

Audience: Approximately five members of the public were present.

After a moment of silent reflection, Councilmember Pearson led the Pledge of Allegiance.

Fiscal Year (FY) 2013 Budget Workshop

Clerk's Note: The complete Proposed FY 2013 Budget is on file in the City Clerk's Office.

Carl Swenson, City Manager, provided an overview of the schedule for department presentations. Mr. Swenson provided follow-up information to Council regarding previous budget discussions.

Human Resources

Claudia Lujan, Interim Human Resources Director, provided an overview of the Human Resources budget, including staff reallocations, HR Director Recruitment, and new budget additions for unemployment claims, health care, and worker's compensation.

Discussion ensued regarding:

- Exit Interviews
- Classification Reviews
- Protected Class Candidates
- Supplements
- Claims
- Employee Costs for Health Insurance
- Unemployment Claims
- Training

- Costs for Executive Recruitment
- Compliance Training
- Employee Wellness Program
- Citywide Training
- Performance Report
- Benefits and Salaries
- Rio Vista Memberships and Value
- Overnight Travel
- Employee Recognition Event
- Worker's Compensation

Information Technology

John Imig, Information Technology Director, provided an overview of the Information Technology budget, including demands for IT services, technological advances, security risks and compliance, aging hardware and software, and aging infrastructure. Mr. Imig reviewed their operational and program changes, and included supplemental requests.

Discussion ensued regarding:

- Capital Outlay
- Replacement Programs
- Public Safety Radio Support
- Electronic Records Required under the Freedom of Information Act
- Hardware Replacement
- IT Internal Service Charges

Municipal Court

Katie Gregory, Interim Budget Director, reviewed the Municipal Court Budget on behalf of Judge George Anagnost. The services offered in the Court, cost of services, cost pressures were reviewed.

Discussion ensued regarding:

- Performance Measures
- Court Enhancement Fund
- Red Light Administration Fee
- Ongoing Supplemental requests

Non-Departmental

Katie Gregory, Interim Budget Director, reviewed the Non-Departmental Budget. This budget supports citywide efforts.

Discussion ensued regarding:

- Challenger Space Center Dues
- Internal Service Charges

Office of Communications

Bo Larsen, Communications Manager, provided an overview of the Communications Budget, including Public Information, Channel 11, FOCUS Magazine, and Peoria NOW. Mr. Larsen described personnel changes and budget additions.

Discussion ensued regarding:

- Online Options
- Structure of the Office of Communications
- Image of the City
- Social Media and Viewership
- Performance Measures
- Personnel Changes

Planning and Community Development

Chris Jacques, Planning and Community Development Director, provided an overview of the Planning and Community Development budget, including division consolidation and a general fund supplemental request for Neighborhood Grant Funding.

Discussion ensued regarding:

- Chicanos por la Causa
- Performance Measures
- Management Analyst Duties
- FY13 Budget Carryovers
- Expenditures
- Community Promotions
- Internal Service Charges
- Duties of the Neighborhood Program Coordinator
- Utility Master Plan
- Community Standards and Neighborhood PRIDE
- Grand Avenue
- Collaboration with other Entities

Vice Mayor Aames called for a break at 11:30 a.m. The meeting resumed at 11:46 a.m.

Police Department

Roy Minter, Chief of Police, provided an overview of the Police Department budget, including the departmental structure, technology improvements, community partnerships, volunteer program, staffing update, and new budget additions.

Discussion ensued regarding:

- Property Liens
- Community Policing
- Coffee with the Cops
- Abatement Process
- Performance Measures
- Strategic Planning and Staff Services
- Park Rangers/Police Service Officers
- Criminal Data and License Plate Readers
- Community Relations
- Neighborhood Enforcement Team/Gang Task Force
- Leadership Training
- Partnership with County
- Youth and Support Services
- Curfew
- Contract Labor
- Animal Control Officers
- Park Watch Program
- Police Chief Presence in the Community
- Trails and Leash Law
- Parking Tickets
- Neighborhood Watch
- Benchmark Staffing Levels for Park Rangers

Carl Swenson, City Manager, reported on the Capital Expenditure for a possible remodel of the current Public Safety building. A review will be conducted to determine an appropriate amount for this project.

Vice Mayor Aames called for a break at 12:39 p.m. The meeting resumed at 12:57 p.m.

Utilities/Public Works

Bill Mattingly, Utility and Public Works Director, outlined the Utilities/Public Works budget. Mr. Mattingly's presentation included a department overview, personnel, and core services. Specific items discussed include:

City Council Budget Study Session Meeting Minutes

March 30, 2012, 9:00 a.m.

Page 5 of 6

- Replacement of vector truck
- Reallocation of several positions
- Regulatory permit fees
- Residential solid waste container replacement
- Additional solid waste side-load vehicles
- Household Hazardous Waste Program
- Proposed rate adjustments
- Retention basin landscape maintenance
- Fuel cost adjustments
- Battery replacement
- Community Center expansion
- Orchestra pit cover
- Transit replacement buses

Discussion ensued regarding:

- Vector truck replacement
- Donation of equipment to other municipalities
- Costs for Dial-A-Ride
- Ongoing and one-time costs
- Vehicle and equipment replacement
- Performance Measures
- Contract Labor

Councilmember Rivero left the meeting at 1:11 p.m.

Wrap-Up

Carl Swenson, City Manager, outlined the Council requests for discussion. Councilmember Leone requested more information on the promotional items for League of Cities meetings, and the option of sending Youth Advisory Board (YAB) members to National League of Cities Conferences. Councilmember Leone noted that YAB members attended the Conference in the past, and would like some members to be able to attend the next Conference in Boston.

Barry Houg, Budget Manager, noted the expenses for promotional items would be approximately \$2500, and the cost for youth attendance at the Conference would be approximately \$6000 for four youth and a chaperone.

It was the consensus of Council to have these costs added to the one-time expenses.

Katie Gregory reviewed the remaining items on the additional one-time expense report.

Carl Swenson, City Manager, reviewed the options for the utility rate discussion. Discussion ensued regarding:

City Council Budget Study Session Meeting Minutes

March 30, 2012, 9:00 a.m.

Page 6 of 6

- Using General Fund money for enterprise expenses
- Principles of Sound Financial Management
- Using one-time funds to pay for ongoing needs

It was the consensus of Council to not increase customer utility bills to pay for expenses related to the Utility Fund.

Barry Houg, Budget Manager, noted that staff has been keeping notes on the questions posed by Council during the Budget Study Sessions, and will send a future email with the requested information.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 2:00 p.m.

Ron Ames, Vice Mayor

ATTEST:

Wanda Nelson, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Budget Study Session of the City Council of Peoria, Arizona held on the 30th day of May, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of April, 2012.

(Seal)

Wanda Nelson, City Clerk

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
April 3, 2012

A **Special Meeting and Study Session** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 5:02 p.m.

Members Present: Vice Mayor Ron Ames; Councilmembers Cathy Carlata, Joan Evans, Carlo Leone, Dave Pearson and Tony Rivero.

Members Absent: Mayor Bob Barrett

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Wanda Nelson, City Clerk; Katie Gregory, Interim Management and Budget Director; Stacy Irvine, Interim Fire Chief; Bo Larsen, Public Information Manager; Jeff Tynes, Interim Community Services Director; Corina Russo, Assistant to the City Manager; Rhonda Geriminsky; Chief Deputy City Clerk.

Audience: No members of the public were present.

STUDY SESSION AGENDA

Subjects for Discussion Only:

1. Fiscal Year 2013 Budget Study Session

Vice Mayor Ames noted that the Budget discussions were completed on Friday; therefore, this item will not be heard today.

2. Recreation Fees Policy

Jeff Tynes, Interim Community Services Director, outlined the proposed Recreation Pricing Policy. Information provided included:

- Current Fee Structure
- Recreation Fee Analysis and Recommendation Committee
- Best Practice Criteria
- Peoria Recreation Opportunities
- User Fees

Brenda Rehnke, Recreation Manager, outlined the Recreation Fee Analysis and Recommendation Committee function. The Committee:

- Performed a Cost of Service Study
- Determined best practices for cost recovery
- Performed a market study
- Decided appropriate cost recovery recommendations

Ms. Rehnke reviewed the Pyramid Pricing Model with Council and stated the Recreation Fee Analysis and Recommendation Committee based its recommendation on the Pyramid Pricing Model. Ms. Rehnke provided additional information regarding:

- Special Events
- Recommendation

Discussion ensued regarding:

- The process for increasing recreation fees
- Potential fee increases
- Price sensitivity/market conditions
- Marketing for increased participation
- Minimally used programs

The consensus of the Council was to move forward with the Recreation Fees Policy.

Mr. Tyne outlined subsequent steps to be taken regarding the Recreation Fees Policy.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:27 p.m.

Ron Ames, Vice Mayor

ATTEST:

Wanda Nelson, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Special Meeting and Study Session of the City Council of Peoria, Arizona held on the 3rd day of April, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of April, 2012.

(Seal)

Wanda Nelson, City Clerk

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
April 3, 2012

A **Regular Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 7:00 p.m.

Following a moment of silent reflection, Councilmember Pearson led the Pledge of Allegiance.

Members Present: Vice Mayor Ron Ames; Councilmembers Cathy Carlat, Joan Evans, Carlo Leone, Dave Pearson and Tony Rivero.

Members Absent: Mayor Bob Barrett

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Wanda Nelson, City Clerk; Katie Gregory, Interim Management and Budget Director; Stacy Irvine, Interim Fire Chief; Chris Jacques, Planning and Community Development Director; Bob Larsen, Public Information Manager; Claudia Luján, Interim Human Resources Director; Bill Mattingly, Public Works and Utilities Director; Brent Mattingly, Finance Director; Roy Minter, Police Chief; Jeff Tyne, Interim Community Services Director; Corina Russo, Assistant to the City Manager; Rhonda Geriminsky; Chief Deputy City Clerk.

Audience: Approximately 10 members of the public were present.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

PRESENTATION:

1. Vice Mayor Ames and Councilmember Pearson presented Certificates of Appointment to the following Board and Commission members:
 - William Bercu appointed to the Board of Adjustment,
 - Cecil Daniels appointed to the Board of Adjustment,
 - Reed Webber appointed to the Citizens Commission on Salaries for Elected City Officials,
 - Karen McDaniel appointed to the Library Board,
 - Matthew Porter appointed to the Municipal Development Authority,
 - Mary Truhler appointed to the Parks and Recreation Board,
 - Edward Ryan appointed to the Public Safety Personnel Retirement System – Fire,

- Edward Ryan appointed to the Public Safety Personnel Retirement System – Police, and
- Dominique Peterson appointed to the Youth Advisory Board.

Note: Matthew Porter, Mary Truhler and Dominique Peterson were not present to receive their certificates.

CONSENT AGENDA: All items listed with a “C” are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Vice Mayor Aames asked if any Councilmember wished to have an item removed from the Consent Agenda.

Councilmember Rivero requested that Agenda Items 3C and 8C be removed for separate discussion.

Motion was made by Councilmember Evans, seconded by Councilmember Carlat, to approve the Consent Agenda with the exception of Agenda Items 3C and 8C. Upon vote, the motion carried unanimously 6 to 0.

CONSENT – New Business:

1C Disposition of Absence

Excused the absence of Mayor Bob Barrett for the following meetings:

March 20, 2012 Special Meeting and Study Session
March 20, 2012 Executive Session Meeting
March 20, 2012 Regular Meeting

2C Minutes

Approved the following minutes:

March 6, 2012 Special Meeting and Study Session
March 6, 2012 Regular Meeting
March 15, 2012 Study Session
March 20, 2012 Special Meeting and Study Session
March 20, 2012 Regular Meeting

3C Contract, Nesbitt Contracting Company, Inc., 83rd Avenue, Street and Drainage Improvements

Clerk's Note: This item was heard separately at the end of the Consent Agenda.

At the request of Councilmember Rivero, Agenda Item 3C was pulled from the Consent Agenda for separate discussion. Dan Nissen, Assistant City Engineer, provided a review of the request for a contract with Nesbitt Contracting Company, Inc. for roadway improvements on 83rd Avenue between Las Palmeritas Drive and Mountain View Road, and the extension of Butler Drive from 83rd Avenue to 79th Avenue.

Motion was made by Councilmember Rivero, seconded by Councilmember Evans to approve a contract with Nesbitt Contracting Company, Inc. in the amount not to exceed \$4,462,852 for the construction of the roadway improvements on 83rd Avenue between Las Palmeritas Drive and Mountain View Road, and the extension of Butler Drive from 83rd Avenue to 79th Avenue.

Upon vote, the motion carried unanimously 6 to 0.

4C Intergovernmental Agreement, Maricopa County, Happy Valley Parkway Bridge Improvements

- (a) Approved an Intergovernmental Agreement with Maricopa County for the cost sharing, design, construction, and construction administration obligations relating to restriping approximately 1,500 feet of Happy Valley Parkway and construction of a safety rail along the south barrier of the Happy Valley Parkway Bridge; and
- (b) Accepted Maricopa County funds in the amount of \$80,000 and approved the associated budget transfer to establish budget authority for Maricopa County's share of the project cost.

5C Intergovernmental Agreement, Maricopa County, 87th Avenue; Via Montoya to Williams Road Improvements

Approved the Intergovernmental Agreement (IGA) between Maricopa County and the City of Peoria for the construction of 87th Avenue improvements from Via Montoya to Williams Road.

6C Intergovernmental Agreement, State of Arizona, Traffic Signal Emergency Operations, Intelligent Transportation System Project

Approved an Intergovernmental Agreement (IGA) between the State of Arizona and the City of Peoria to have the Arizona Department of Transportation (ADOT) execute the construction of the Traffic Signal Emergency Operations Intelligent Transportation System (ITS) Project.

7C Intergovernmental Agreement Amendment, State of Arizona, Beardsley Road Extension

Approved an amendment to the Intergovernmental Agreement (IGA) between the Arizona Department of Transportation (ADOT), Maricopa Association of Governments (MAG), City of Glendale (Glendale) and the City of Peoria (Peoria) for the maintenance of the Beardsley Road Extension, known as the Beardsley Connector.

8C Reallocation of HOME Partnership Funds

Clerk's Note: This item was heard separately at the end of the Consent Agenda.

At the request of Councilmember Rivero, Agenda Item 8C was pulled from the Consent Agenda for separate discussion. Chris Jacques, Planning and Community Development Director, provided an overview of the request to reallocate HOME Partnership Funds.

Motion was made by Councilmember Rivero, seconded by Councilmember Carlat, to reallocate \$363,267 of U.S. Department of Housing and Urban Development (HUD) HOME Program funding to Habitat for Humanity Central Arizona (HFHCAZ) for the purpose of completing affordable housing projects within the City of Peoria.

Upon vote, the motion carried unanimously 6 to 0.

9C Notice of Intention to Adjust Water and Wastewater Rates and Establish Date of Public Hearing

Adopted the Notice of Intention and established May 15, 2012 as the date for the public hearing to consider adoption of the recommended water and wastewater rates.

10C Deeds and Easements, Various Locations

RESOLUTION NO. 2012-38

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION FORMALLY ACCEPTING DEEDS AND EASEMENTS FOR PROPERTY RIGHTS CONVEYED TO THE CITY OF PEORIA.

Adopted **RES. 2012-38** accepting Deeds and Easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

11C Replat, Sonoran Mountain Ranch Parcel 15, Sonoran Mountain Ranch Road and 75th Avenue Alignment

Approved a Replat of Sonoran Mountain Ranch Parcel 15, located at Sonoran Mountain Ranch Road east of the 75th Avenue alignment, subject to stipulations.

12C Final Plat, Sweetwater Ridge, Thunderbird Road and 75th Avenue

Approved a Final Plat of Sweetwater Ridge (also referred to as Southwest Kidney), located at Thunderbird Road and 75th Avenue, subject to stipulations.

REGULAR AGENDA

NEW BUSINESS

13R Public Hearing-Liquor License, Ooka Hibachi Grill, located at 16049 North Arrowhead Fountain Drive Building B

Staff Report/Public Comment:

Brent Mattingly, Finance Director, reported that the property was posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval, and no comments were received from the public.

PUBLIC HEARING:

Vice Mayor Aames opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a new Restaurant Liquor License (Series 12) for Ooka Hibachi Grill, located at 10649 North Arrowhead Fountain Dr Building B, Qi He Chen, Applicant, LL#20004350.

Having no requests from the public to address this item, Vice Mayor Aames declared the Public Hearing closed.

COUNCIL ACTION:

Motion was made by Councilmember Rivero, seconded by Councilmember Carlat, to recommend approval to the State Liquor Board for a new Restaurant Liquor License (Series 12) for Ooka Hibachi Grill, located at 10649 North Arrowhead Fountain Drive Building B, Qi He Chen, Applicant, LL#20004350.

Upon vote, the motion carried unanimously 6 to 0.

14R PUBLIC HEARING - Code Amendment Chapter 14, Political Signs and Sports Complex Commercial Tourism Zone

RESOLUTION NO. 2012-39

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA DESIGNATING UNDER A.R.S. §16-1019(F) CERTAIN COMMERCIAL TOURISM ZONE WHERE RIGHTS-OF-WAY SHALL BE FREE OF POLITICAL SIGNS.

ORDINANCE NO. 2012-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLE 14-34 "SIGNS" OF THE PEORIA ZONING ORDINANCE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report/Public Comment:

Chris Jacques, Planning and Community Development Director, provided an overview of the proposed Code Amendment to Chapter 14 regarding political signs and the Sports Complex Commercial Tourism Zone.

PUBLIC HEARING:

Vice Mayor Ames opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the proposed Code Amendment to Chapter 14 regarding political signs and the Sports Complex Commercial Tourism Zone.

Discussion ensued regarding how the proposed code amendments to Chapter 14 related to signs will affect Homeowner's Associations.

Having no requests from the public to address this item, Vice Mayor Ames declared the Public Hearing closed.

COUNCIL ACTION:

Motion was made by Councilmember Rivero, seconded by Councilmember Carlat, to concur with the Planning and Zoning Commission's recommendation to adopt **ORD. 2012-06** amending Article 14-34 "Signs" with respect to Political Signs.

Upon vote, the motion carried unanimously 6 to 0.

Motion was made by Councilmember Evans, seconded by Councilmember Leone, to adopt **RES. 2012-39** creating a "Sports Complex Commercial Tourism Zone" for the purposes of restricting the placement of political signs in the City-owned right-of-way around the Sports Complex.

Upon vote, the motion carried unanimously 6 to 0.

15R Charter Amendment to Article VI, Section 3, Taxing Powers pertaining to Sales Tax on Wastewater Collection Services

RESOLUTION NO. 2012-40

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA PROPOSING AN AMENDMENT TO THE CITY OF PEORIA, ARIZONA, CITY CHARTER, AMENDING ARTICLE VI, SECTION 3 PERTAINING TO TAXING POWERS.

Steve Kemp, City Attorney, provided an overview of the proposed Charter Amendment to Article VI, Section 3 regarding taxing powers as it relates to sales tax on wastewater collection services.

Discussion ensued regarding the Model City Tax Code and public participation in the proposed amendments.

Motion was made by Councilmember Pearson, seconded by Councilmember Leone, to adopt **RES. 2012-40** placing a proposed charter amendment on the August 28, 2012 Regular Election Ballot that would amend Article VI, Section 3 of the Peoria City Charter pertaining to Sales Tax on Wastewater Collection Services.

Upon vote, the motion carried 4 to 2, with Councilmember Carlat and Councilmember Evans voting "no".

16R Charter Amendment to Article I I, Section 5 of the Peoria City Charter pertaining to Terms of Councilmembers

RESOLUTION NO. 2012-42

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA PROPOSING AN AMENDMENT TO THE CITY OF PEORIA, ARIZONA, CITY CHARTER, AMENDING ARTICLE II, SECTION 5 PERTAINING TO TERMS OF COUNCILMEMBERS.

Steve Kemp, City Attorney, provided an overview of the proposed Charter Amendment to Article II, Section 5 regarding the terms of Councilmembers.

Motion was made by Councilmember Evans, seconded by Councilmember Carlat, to increase term limits for the Mayor to reflect a twelve-year term limit, consistent with the proposal to include a Councilmember term limit of twelve years.

Upon vote, the motion failed 2 to 4, with Vice Mayor Ames and Councilmembers Leone, Pearson and Rivero voting "no".

Motion was made by Councilmember Pearson, seconded by Councilmember Leone, to adopt **RES. 2012-42** placing a proposed charter amendment on the August 28, 2012 Regular Election Ballot that would amend Article II, Section 5 of the Peoria City Charter pertaining to Terms of Councilmembers.

Upon vote, motion carried 4 to 2, with Councilmember Carlat and Councilmember Evans voting "no".

17R Charter Amendment to Article II, Section 20, Interference in Administrative Service pertaining to Policy Making by Charter Officers

RESOLUTION NO. 2012-41

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA PROPOSING AN AMENDMENT TO THE CITY OF PEORIA, ARIZONA, CITY CHARTER, AMENDING ARTICLE II, SECTION 20 PERTAINING TO INTERFERENCE IN ADMINISTRATIVE SERVICE.

Steve Kemp, City Attorney, provided an overview of the proposed Charter Amendment to Article II, Section 20, regarding interference in administrative service as it relates to

policy making by charter officers.

Motion was made by Councilmember Rivero, seconded by Councilmember Pearson, to adopt **RES. 2012-41** placing a proposed charter amendment on the August 28, 2012 Regular Election Ballot that would amend Article II, Section 20 of the Peoria City Charter pertaining to Policy Making by Charter Officers.

Upon vote, motion carried 4 to 2, with Councilmember Carlat and Councilmember Evans voting "no".

18R Charter Amendment to Article VI, Section 3, Taxing Powers pertaining to Percent for the Arts

RESOLUTION NO. 2012-43

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA PROPOSING AN AMENDMENT TO THE CITY OF PEORIA, ARIZONA, CITY CHARTER, AMENDING ARTICLE VI, SECTION 3 PERTAINING TO TAXING POWERS.

Steve Kemp, City Attorney, provided an overview of the proposed Charter Amendment to Article VI, Section 3 regarding taxing powers as they relate to the Percent for the Arts.

Discussion ensued regarding Capital Improvement Project funding.

Motion was made by Councilmember Pearson, seconded by Councilmember Rivero, to adopt **RES. 2012-43** placing a proposed charter amendment on the August 28, 2012 Regular Election Ballot that would amend Article VI, Section 3, of the Peoria City Charter pertaining to Percent for the Arts.

Upon vote, motion carried 4 to 2, with Councilmember Carlat and Councilmember Evans voting "no".

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

Reports from the City Manager:

1. Council Calendar
2. Reports with Presentation

None.

3. Informational (The following items are included for informational purposes only. There will be no separate discussion of these items unless a Councilmember so requests.)

Carl Swenson, City Manager, informed Council that their Agenda packet contains information related to the following items:

- a. BioScience Incubator in Peoria
- b. Council Subcommittee Update
- c. Distinguished Budget Award

Reports from City Council:

Councilmember Pearson wished Mayor Barrett a speedy recovery.

Councilmember Leone reported on the various City of Peoria activities he attended and reminded citizens of the following upcoming events and encouraged attendance:

- April 7, 2012, Peoria Sports Complex - Dolly Sanchez Memorial Easter Egg Hunt
- April 14th, 2012, Osuna Park - Pioneer Days
- April 21, 2012, Peoria Sports Complex - Students exhibition performing dancing and music
- April 21, 2012, Park West - Organic Market.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:15 p.m.

Ron Aames, Vice Mayor

ATTEST:

Wanda Nelson, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Regular Meeting of the City Council of Peoria, Arizona held on the 3rd day of April, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of April, 2012.

(Seal)

Wanda Nelson, City Clerk

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 3C

Date Prepared: March 19, 2012

Council Meeting Date: April 17, 2012

TO: Carl Swenson, City Manager

FROM: Roy W. Minter, Chief of Police

SUBJECT: Authorization to accept a grant from the Governor's Office of Highway Safety

Purpose:

This is a request for City Council to authorize the acceptance of funding from the Governor's Office of Highway Safety to deploy personnel for enforcement of Arizona's safety belt and child passenger laws during the national Click It or Ticket campaign.

Background/Summary:

The Peoria Police Department desires to accept funding provided by the Governor's Office of Highway Safety in the amount of \$7,500. This funding has been provided for participation in the national two-week Click it or Ticket enforcement campaign to increase seat belt usage and reduce child safety seat violations throughout the City of Peoria.

Funds will be used to support personnel services (overtime) during campaign activities from May 21 to June 3, 2012. A media release emphasizing the importance of this program and specifying that funding is provided by the Governor's Office of Highway Safety will be issued.

This grant is reimbursable following the two-week campaign.

Previous Actions:

City Council has previously accepted grants from the Governor's Office of Highway Safety for this campaign.

Options:

A: Accept a grant award in the amount of \$7,500 from the Governor's Office of Highway Safety which will be used for safety belt and child safety seat enforcement, and approve a budget adjustment in the amount of \$7,500 from the Proposed Grants Contingency Account to the Governor's Office of Highway Safety Grant Overtime Account, thus providing expenditure authority.

B: Choose not to accept the grant from the Governor's Office of Highway Safety and forgo participation in the national Click It or Ticket campaign.

Staff's Recommendation:

Discussion and possible action to (a) authorize the City Manager to accept \$7,500 from the Governor's Office of Highway Safety (GOHS) to be used by the Peoria Police Department for safety belt and child passenger law enforcement and (b) approve a budget adjustment of \$7,500 from the Proposed Grants Contingency account to the Governor's Office of Highway Safety Grant Overtime account.

Fiscal Analysis:

Process a budget adjustment of \$7,500 from the Proposed Grants Contingency account (7990-7990-570000) to the Governor's Office of Highway Safety Grant Overtime account (7515-7765-510200), thus providing expenditure authority.

Narrative:

Once approved by City Council, the agreement will be executed as needed.

Exhibit(s):

Exhibit 1: Grant Contract 2012-OP-028

Contact Name and Number: Heather Cammarata, 623-773-7069

HIGHWAY SAFETY CONTRACT

This page, the Project Director's Manual, and the Schedules A, B, and C, attached hereto and incorporated herein by reference, constitute the entire contract between the parties hereto unless deviation is authorized in writing by the Governor's Highway Safety Representative.

PART I.		CFDA 20.600
1. APPLICANT AGENCY: Peoria Police Department	GOHS CONTRACT NUMBER: 2012-OP-028	
ADDRESS: 8351 West Cinnabar Avenue, Peoria, Arizona 85345	PROGRAM AREA: OP TASK - 1	
2. GOVERNMENTAL UNIT City of Peoria	AGENCY CONTACT: Chief Roy W. Minter	
ADDRESS: 8401 West Monroe Street, Peoria, Arizona 85345	3. PROJECT TITLE: Buckle Up Arizona Enforcement Campaign	
4. GUIDELINES: 402 - Occupant Protection		

5. BRIEFLY STATE PURPOSE OF PROJECT:
Federal 402 funds will support Personnel Services (Overtime) and Employee Related Expenses to participate in the two-week Buckle Up Arizona Enforcement Campaign from May 21, 2012 through June 3, 2012 to enhance seat belt usage throughout the City of Peoria.

6. BUDGET	Project Period FY 2012
COST CATEGORY	
I. Personnel Services	\$7,500.00
II. Employee Related Expenses	\$0.00
III. Professional and Outside Services	\$0.00
IV. Travel In-State	\$0.00
V. Travel Out-of-State	\$0.00
VI. Materials and Supplies	\$0.00
VII. Other Expenses	\$0.00
VIII. Capital Outlay	\$0.00
TOTAL ESTIMATED COSTS	\$7,500.00

PROJECT PERIOD FROM: Effective Date (*Date of GOHS Director Signature*) TO: 06-03-2012

CURRENT GRANT PERIOD FROM: 05-21-2012 TO: 06-03-2012

TOTAL FEDERAL FUNDS OBLIGATED THIS FY: \$7,500.00

A political subdivision or state agency that is mandated to provide a certified resolution or ordinance authorizing entry into this contract must do so prior to incurring any expenditures. Failure to do so may result in termination of the awarded contract.

PROBLEM IDENTIFICATION AND RESOLUTION:

Motor vehicle collisions continue to be the leading cause of death, injury and property damage in Arizona and the United States. A number of factors contribute to the risk of collision including; vehicle design, speed of operation, road design, road environment, driver skill and/or impairment and driver behavior. The human factor that has been consistently identified in reducing collisions and minimizing their effects is consistent usage of seat belts and child safety seats.

In Arizona, of the 497 vehicle occupant (driver/passengers) fatalities in 2010, restraints non-usage was 232 (**47%**). Of the eleven (11) children under the age of five years passenger fatalities for 2010 non-usage was three 3 (**27%**).

In 2011, seat belt usage in Arizona reached nearly **83%**, an increase of **3%** since 2008. In 2011, child safety seat usage increased **1%** to **79.1%** from the previous year. These noted increases are attributed partly to the Arizona Governor's Office of Highway Safety (GOHS) funded statewide enforcement campaigns, enhanced earned media, and extensive outreach support of educational and public awareness activities.

The summary of the 2007 through 2011 Arizona Seat Belt Use Survey results are presented in the following table:

GROUPS OBSERVED	2007	2008	2009	2010	2011
All Drivers Seat Belt Use	82.5%	81.4%	82.0%	82.3%	83.5%
Front Seat Occupants Seat Belt Use	80.9%	79.9%	80.8%	81.8%	82.9%
Children Safety Restraint Use	86.2%	80.1%	87.2%	78.0%	79.1%

Seat belts and child safety seats have proven to significantly reduce the chance of death and injuries of passengers in vehicles. Lap/shoulder seat belts, when used; reduce the risk of fatal injury to front-seat passenger car occupants by **45%** and the risk of moderate-to-critical injury by **50%**. The proper and consistent use of Child Safety Seats has been found to reduce the risk of fatal injury by **71%** for infants (younger than 1 year old) and by **54%** for toddlers (1 to 4 years old) in passenger cars.

Seat belts and child safety seats continue to be the most effective safety device in a passenger vehicle and would save thousands of lives annually if used properly.

Numerous factors that affect the occupant protection enforcement program in Arizona:

- Arizona presently conducts enforcement under a secondary seat belt use law.
- Arizona currently is continuing to approach the national average seat belt usage rate of 84% in 2011.

- Arizona continues to develop and expand a highly visible Occupant Protection Enforcement Program.
- The importance of occupant protection enforcement within police agencies significantly impacted the enforcement level of laws.

Selective Traffic Enforcement Programs (STEP) are a proven approach that can be used to quickly change motorists' behavior in a short period of time. This particular STEP is a widely publicized enforcement campaign focused on changing a particular behavior among motorists.

As part of the National Click It or Ticket Campaign, Arizona has developed and promoted the "**Buckle Up Arizona... It's the Law!**" program, which has been an effective enforcement message in a secondary law state.

This program unites state-wide law enforcement agencies to engage in aggressive traffic enforcement with a "**zero tolerance**" approach to seat belt and child safety seat violations. The goal is to sustain and increase seatbelt usage rates in the designated geographical areas of the participating agencies.

The mobilizations begin with earned media generated at the State, and local level this is followed by a high visibility enforcement campaign lasting two weeks. Paid media phases in approximately one week later followed by high-visibility enforcement lasting for two weeks. Additional earned media conducted through the GOHS has been paramount in enhancing occupant protection message.

OVERVIEW OF PROGRAM:

Federal 402 funding will support Personnel Services (Overtime) and Employee Related Expenses will be implemented to participate in the national two-week "**Buckle Up Arizona**" enforcement campaign from **May 21, 2012 through June 3, 2012**.

The purpose of the campaign is for the Peoria Police Department to engage in aggressive traffic enforcement with a "**zero tolerance**" approach to seat belt and child safety seat violations. The goal is to sustain seatbelt usage rates in the designated geographical areas of the participating agencies.

The campaign will be supported by earned media to reinforce the occupant protection message. The Peoria Police Department will participate in other educational and public awareness activities to support the enforcement component.

Occupant protection usage surveys will be conducted subsequent to the enforcement campaign **by an independent research organization** to analyze the effectiveness of the program. Results will be provided to the respective law enforcement agency upon receipt of the completed study.

GOALS/OBJECTIVES:

The Peoria Police Department is required to complete the following goals and objectives under the guidelines of the contract:

- Provide intensive traffic enforcement during designated period with zero tolerance for safety belt/child restraint laws.
- Heighten enforcement visibility through news media contacts, safety belt/child seat inspections, and other public awareness and educational activities.
- The Peoria Police Department shall provide a written press release announcing the enforcement program to the local media affecting their respective areas. **A photocopy of the press release shall be emailed to the GOHS Occupant Protection Coordinator Michéle Jimenez: mjimenez@azgohs.gov prior to the initiation of the enforcement campaign.**
- The Peoria Police Department is additionally encouraged to invite media representatives for live interviews and ride-a-longs during the enforcement activities.
- The Peoria Police Department shall identify an agency project coordinator who will be responsible for attending a Buckle Up Arizona planning meeting prior to the event.
- The Peoria Police Department shall develop and participate in some form of enforcement activity, such as saturation patrols, multi-agency enforcement task forces etc. related to respective areas with low restraint usage.
- The Peoria Police Department shall submit all enforcement data by email to the GOHS Occupant Protection Coordinator Michéle Jimenez: mjimenez@azgohs.gov by **June 6, 2012.**
- The Peoria Police Department shall submit a subsequent complete enforcement summary report including press releases, news stories, educational/public awareness activities, enforcement statistics and quality photographs shall be submitted by **June 13, 2012.**
- **The Peoria Police Department shall provide the names of top enforcement performers for possible future recognition by GOHS and their respective agency.**

PRESS RELEASE:

Agencies are required to develop and distribute a press release announcing this grant award (a copy of this press release shall be sent to the GOHS Director at the same time it is sent to the media). This press release shall include the objective and specify that the funding is from the Governor's Office of Highway Safety. A sample press release for the Buckle Up Arizona Campaign will be provided to the agency.

PURSUIT POLICY:

All law enforcement agencies receiving federal funds are encouraged to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police (IACP) that are currently in effect.

PROFESSIONAL AND TECHNICAL PERSONNEL:

Roy W. Minter, Chief, Peoria Police Department, shall serve as Project Director.

Name: _____, Title: _____,
Peoria Police Department, shall serve as Project Administrator.

Michéle Jimenez, Occupant Protection Coordinator, Governor's Office of Highway Safety, shall serve as Project Coordinator.

PROJECT/CONTRACT EXTENSION:

This contract is only effective until the conclusion of the two week Buckle Up Arizona Campaign and any additionally enforcement and/or other activity will not be reimbursed for costs incurred.

REPORT OF COSTS INCURRED (RCI):

The Project Director will submit a Report of Costs Incurred (RCI) form, with supporting payroll documentation attached within thirty (30) days of each enforcement period to the Governor's Office of Highway Safety.

Failure to meet this requirement may be cause to terminate the project under Schedule C, II B.

The 10 percent retention, Schedule C, IIA, is waived.

PROJECT MONITORING:

Representatives of the Governor's Office of Highway Safety may monitor the project either on-site or by telephone during the life of the contract. This project shall be administratively evaluated to ensure that the objectives have been met.

ENFORCEMENT REPORT FORMS:

All participating agencies shall complete and submit total enforcement statistical data implementing the attached form **no later than June 6, 2012**. These forms are additionally available in Microsoft Word format. If you would like them emailed, please make a request to mjimenez@azgohs.gov.

FINAL STATEMENT OF ACCOMPLISHMENTS:

The Project Director shall complete and submit the attached Final Statement of Accomplishments Report to the GOHS **no later than June 13, 2012**. All agencies receiving funding are required to submit a Final Statement of Accomplishments Report. The report is a summary overview of the contracted project and is reviewed by the GOHS project coordinator to determine the effectiveness of the project. If you would like them emailed, please make a request to mjimenez@azgohs.gov.

PROJECT PERIOD:

Contracts shall be effective on the date the Governor's Office of Highway Safety Director signs the contract and expire at the end of the project period. Any unexpended funds remaining at the termination of the contract shall be released back to the Governor's Office of Highway Safety.

ESTIMATED COSTS:

I.	Personnel Services (overtime)	\$7,500.00
II.	Employee Related Expenses	\$0.00
III.	Professional and Outside Services	\$0.00
IV.	Travel In-State	\$0.00
V.	Travel Out-of-State	\$0.00
VI.	Materials and Supplies	\$0.00
VII.	Capital Outlay	\$0.00
	TOTAL ESTIMATED COSTS	*\$7,500.00

*Includes all applicable training, tax, freight, and advertising costs. This is the maximum amount to be reimbursed. It is agreed and understood that the Peoria Police Department shall absorb expenditures in excess of \$7,500.00.



**ARIZONA GOVERNOR'S OFFICE OF HIGHWAY SAFETY
DAILY ENFORCEMENT SUMMARY REPORT**

**BUCKLE UP ARIZONA... IT'S THE LAW!
MAY 21, 2012 – JUNE 2, 2012
(Do not submit to GOHS)**

Agency _____

Officer _____

Date _____

Description	Officer Total
SEAT BELT CITATIONS	
CHILD SAFETY SEAT CITATIONS	
MOVING VIOLATION CITATIONS	
RECKLESS DRIVING CITATIONS	
NON-MOVING VIOLATION CITATIONS	
NO INSURANCE CITATIONS	
SUSPENDED DRIVERS LICENSE CITATIONS	
TOTAL AGENCY CITATIONS	
DUI ARRESTS	
DRUG ARRESTS	
OTHER FELONY ARRESTS	
OTHER MISDEMEANOR ARRESTS	
RECOVERED STOLEN VEHICLES	
WARRANTS CLEARED	
28-3511 VEHICLE IMPOUNDS	



**ARIZONA GOVERNOR'S OFFICE OF HIGHWAY SAFETY
FINAL ENFORCEMENT SUMMARY REPORT**

**BUCKLE UP ARIZONA... IT'S THE LAW!
MAY 21, 2012 – JUNE 2, 2012
(Submit to GOHS by JUNE 6, 2012)**

Agency _____

Project Coordinator _____

Phone _____

E-Mail Address _____

Description	PD Total
SEAT BELT CITATIONS	
CHILD SAFETY SEAT CITATIONS	
MOVING VIOLATION CITATIONS	
RECKLESS DRIVING CITATIONS	
NON-MOVING VIOLATION CITATIONS	
NO INSURANCE CITATIONS	
SUSPENDED DRIVERS LICENSE CITATIONS	
TOTAL AGENCY CITATIONS	
DUI ARRESTS	
DRUG ARRESTS	
OTHER FELONY ARRESTS	
OTHER MISDEMEANOR ARRESTS	
RECOVERED STOLEN VEHICLES	
WARRANTS CLEARED	
28-3511 VEHICLE IMPOUNDS	



FINAL STATEMENT OF ACCOMPLISHMENT REPORT

Agency Name: _____

Contract Number: _____

Contract Title: **Buckle Up Arizona...It's the Law!**

The Project Administrator shall submit a Final Statement of Accomplishments Report to the GOHS by June 13, 2012. All agencies receiving funding are required to submit a Final Statement of Accomplishments Report. The report is a summary overview of the contracted project and is reviewed by the GOHS project coordinator. Please answer the following questions:

How effective was the funded project in reducing or eliminating the identified traffic safety problem?

List and provide a brief description of all activities including press and media events, interviews, and other public awareness and educational opportunities.

Project Administrator

Printed Name: _____ Position: _____

Signature: _____ Date: _____

Project Director

Printed Name: _____ Position: _____

Signature: _____ Date: _____

HIGHWAY SAFETY CONTRACT

SCHEDULE C

TABLE OF CONTENTS

I.	Project Monitoring, Reports, and Inspections	3
II.	Reimbursement of Eligible Expenses	3
III.	Property Agreement	4
IV.	Travel	4
V.	Standard of Performance	4
VI.	Hold Harmless Agreement	5
VII.	Non-Assignment and Sub-Contracts	5
VIII.	Work Products and Title to Commodities and Equipment	5
IX.	Copyrights and Patents	5
X.	Common Rule and OMB Circular No. A-102 (Revised)	5
XI.	Equal Opportunity	6
XII.	Executive Order 2009-09	6
XIII.	Application of Hatch Act	6
XIV.	Minority Business Enterprises Policy and Obligation	6
XV.	Arbitration Clause, ARS §12-1518	7
XVI.	Inspection and Audit, ARS §35-214	7
XVII.	Appropriation of Funds by U.S. Congress	7
XVIII.	Continuation of Highway Safety Program	7
XIX.	E-Verify	7
XX.	Sudan and Iran	7
XXI.	Termination and Abandonment	7
XXII.	Cancellation Statute	8

HIGHWAY SAFETY CONTRACT

SCHEDULE C

TABLE OF CONTENTS

(continued)

Reimbursement Instructions 9

Agreement of Understanding & Certification of Compliance 10

 Acceptance of Condition 10

 Certificate of Compliance 10

 Certification of Non-Duplication of
 Grant Funds Expenditure 10

 Single Audit Act..... 10

 Lobbying Restrictions 11

Authority and Funds..... 12

SCHEDULE C

This CONTRACT, is made and entered into by and between the STATE OF ARIZONA, by and through the Governor's Office of Highway Safety (GOHS) hereinafter referred to as "STATE", and the agency named in this Contract, hereinafter referred to as "AGENCY".

WHEREAS, the National Highway Safety Act of 1966, as amended (23 USC §§401-404), provides Federal funds to STATE for approved highway safety projects; and

WHEREAS, STATE may make said funds available to various state, county, tribal, or municipal agencies, governments, or political subdivisions upon application and approval by STATE and the United States Department of Transportation (USDOT); and

WHEREAS, AGENCY must comply with the requirements listed herein to be eligible for Federal funds for approved highway safety projects; and

WHEREAS, AGENCY has submitted an application for Federal funds for highway safety projects;

NOW, THEREFORE, IN CONSIDERATION OF MUTUAL PROMISES AND OTHER GOODS AND VALUABLE CONSIDERATION, it is mutually agreed that AGENCY will strictly comply with the following terms and conditions and the following Federal and State Statutes, Rules, and Regulations:

I. Project Monitoring, Reports, and Inspections

- A. AGENCY agrees to fully cooperate with representatives of STATE monitoring the project, either on-site or by telephone, during the life of the Contract.
- B. AGENCY will submit Quarterly Reports (one for each three-month period of the project year) to STATE in the form and manner prescribed by STATE. Notice of the specific requirements for each report will be given in this Contract or at any time thereafter by giving thirty (30) days written notice to AGENCY by ordinary mail at the address listed on the Contract. Failure to comply with Quarterly Report requirements may result in withholding of Federal funds or termination of this Contract.
- C. AGENCY will submit a Final Report/Statement of Accomplishment at completion of the Contract to include all financial, performance, and other reports required as a condition of the grant to STATE within thirty (30) days of the completion of the Contract.
- D. Representatives authorized by STATE and the National Highway Traffic Safety Administration (NHTSA) will have the right to visit the site and inspect the work under this Contract whenever such representatives may determine such inspection is necessary.

II. Reimbursement of Eligible Expenses

- A. Ten percent (10%) of the claim amount can be maintained by STATE until satisfactory conclusion of the Contract.

- B. AGENCY'S Project Director, or Finance Personnel, will submit a Report of Costs Incurred Form (RCI) to STATE each time there have been funds expended for which reimbursement is being requested. Failure to meet this requirement may be cause to terminate the project under section XIX herein, "Termination and Abandonment".
- C. AGENCY will reimburse STATE for any ineligible or unauthorized expenses for which Federal funds have been claimed and reimbursement received, as may have been determined by a State or Federal audit.
- D. STATE will have the right to withhold any installments equal to the reimbursement received by AGENCY for prior installments which have been subsequently determined to be ineligible or unauthorized.

III. Property Agreement

- A. AGENCY will immediately notify STATE if any equipment purchased under this Contract ceases to be used in the manner as set forth by this Contract. In such event, AGENCY further agrees to either give credit to the project cost or to another active highway safety project for the residual value of such equipment in an amount to be determined by STATE or to transfer or otherwise dispose of such equipment as directed by STATE.
- B. No equipment will be conveyed, sold, salvaged, transferred, etc., without the express written approval of STATE, or unless otherwise provided elsewhere in this Contract.
- C. AGENCY will maintain or cause to be maintained for its useful life, any equipment purchased under this Contract.
- D. AGENCY will incorporate any equipment purchased under this Contract into its inventory records.
- E. AGENCY will insure any equipment purchased under this Contract for the duration of its useful life. Self-insurance meets the requirements of this section.

IV. Travel

In-State and Out-of-State Travel

In-state and out-of-state travel claims will be reimbursed at rates provided by AGENCY'S regulations, provided that such regulations are as restrictive as those of STATE. Where they are less restrictive, ARS §38-624 and any checklist attached to Schedule B will apply.

All out-of-state travel must be approved in writing in advance by STATE.

V. Standard of Performance

AGENCY hereby agrees to perform all work and services herein required or set forth, and to furnish all labor, materials, and equipment, except that labor, material, and equipment as STATE agrees to furnish pursuant to this Contract.

VI. Hold Harmless Agreement

Neither party to this agreement agrees to indemnify the other party or hold harmless the other party from liability hereunder. However, if the common law or a statute provides for either a right to indemnify and/or a right to contribution to any party to this agreement then the right to pursue one or both of these remedies is preserved.

VII. Non-Assignment and Sub-Contracts

This Contract is not assignable nor may any portion of the work to be performed be sub-contracted unless specifically agreed to in writing by STATE. No equipment purchased hereunder may be assigned or operated by other than AGENCY unless agreed to in writing by STATE.

VIII. Work Products and Title to Commodities and Equipment

A. The work product and results of the project are the property of STATE, unless otherwise specified elsewhere in this Contract. All property, instruments, non-consumable materials, supplies, and the like, which are furnished or paid for by STATE under the terms of this Contract, unless otherwise provided for elsewhere in this Contract, are and remain the property of STATE and will be returned at the completion of this project upon request of STATE. The work product and results of the project will be furnished to STATE upon request, if no provision is otherwise made by this Contract.

B. The provisions of subparagraph A apply whether or not the project contracted for herein is completed.

IX. Copyrights and Patents

Any copyrightable materials, patentable discovery, or invention produced in the course of this project may be claimed by STATE and a copyright or patent obtained by it at its expense. In the event STATE does not wish to obtain such copyright or patent, AGENCY may do so, but in any event, provision will be made by AGENCY for royalty-free, nonexclusive, nontransferable, and irrevocable licenses to be given the United States Government and STATE and its political subdivisions to use such copyrightable material, patented discoveries, or inventions in any manner they see fit. The STATE reserves the right to impose such other terms and conditions upon the use of such copyrights or patents as may be deemed in the best interest of STATE in the event AGENCY is allowed to obtain a copyright or patent.

X. "Common Rule" and OMB Circular No. A-102 (Revised)

"Common Rule" (49 CFR, Part 18): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

OMB Circular No. A-102 (Revised): Grants and Cooperative Agreements with State and Local Governments
The application of USDOT "Common Rule" and Circular A-102 requires that:

AGENCY and sub-grantees will use their own procurement procedures, which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law. The most stringent purchasing requirement at each level must be met.

The Arizona Procurement Code (ARS, §41-2501, et. seq.) and promulgated rules (A.A.C. Title 2, Chapter 7) are a part of this Contract as if fully set forth herein and AGENCY agrees to fully comply with these requirements for any procurement using grant monies from this Contract.

XI. Equal Opportunity

- A. Pursuant to the requirements of the Federal-Aid Highway Act of 1968 (U.S.C. §103 et. seq.), AGENCY, as a condition to receiving approval of this Contract submitted under the Highway Safety Act of 1966, as amended, hereby gives its assurance that employment in connection with the subject Highway Safety Project will be provided without regard to race, color, creed, sex, or national origin, and that any contract it enters into with any private agency pursuant hereto will include provisions in compliance with this paragraph (XI).

As a condition of receiving approval of this Contract, AGENCY will be subject to and will comply with Title VI of the Civil Rights Act of 1964 and all applicable requirements of the Department of Commerce regulations as adopted by the USDOT, providing that no person in the United States shall on the ground of race, color, creed, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the subject Highway Safety Project.

- B. If AGENCY fails or refuses to comply with its undertaking as set forth in these provisions, STATE or the USDOT may take any or all of the following actions.
1. Cancel, terminate, or suspend, in whole or in part, the agreement, contract, or other arrangement with respect to which the failure or refusal occurred; and
 2. Refrain from extending any further Federal financial assistance to AGENCY under the Highway Safety Program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from AGENCY.
- C. Pursuant to the requirement of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794), AGENCY must operate this Highway Safety Project so that it is accessible and otherwise non-discriminatory to handicapped persons.

XII. Executive Order 2009-09

It is mutually agreed that AGENCY will comply with the terms and conditions of Executive Order 2009-09, *Non-Discrimination in Employment by Government Contractors and Subcontractors*. Executive Order 2009-09 is located in Part II of the Project Director's Manual.

XIII. Application of Hatch Act

AGENCY will notify all of its employees whose principal employment is in connection with any highway safety project, financed in whole or in part by loans or grants under the Highway Safety Act of 1966, as amended, of the provisions of the Hatch Act (5 U.S.C. §7321 et. seq.).

XIV. Minority Business Enterprises (MBE) Policy and Obligation

- A. Policy: It is the policy of the USDOT that minority business enterprises as defined in 49 CFR, Part 23, will have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Contract. Consequently, the minority business enterprises requirements of 49 CFR, Part 23 apply to this Contract.
- B. Obligation: The recipient or its contractor agrees to ensure that minority business enterprises as defined in 49 CFR, Part 23 have the subcontracts financed in whole or in part with Federal funds provided under this Contract. In this regard, all recipients or contractors will take all necessary and reasonable steps in accordance with 49 CFR, Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors will

not discriminate on the basis of race, color, creed, sex, or national origin in the award and performance of USDOT-assigned contracts.

XV. Arbitration Clause, ARS §12-1518

Pursuant to ARS §12-1518, the parties agree to use arbitration, after exhausting applicable administrative reviews, to resolve disputes arising out of this Contract where the provisions of mandatory arbitration apply.

XVI. Inspection and Audit, ARS §35-214

Pursuant to ARS §35-214, all books, accounts, reports, files, and other records relating to this Contract will be subject at all reasonable times to inspection and audit by STATE for five (5) years after completion of this Contract. The records will be produced at the Governor's Office of Highway Safety.

XVII. Appropriation of Funds by U.S. Congress

It is agreed that in no event will this Contract be binding on any party hereto unless and until such time as funds are appropriated and authorized by the U.S. Congress and specifically allocated to the project submitted herein and then only for the fiscal year for which such allocation is made. In the event no funds are appropriated by the U.S. Congress or no funds are allocated for the project proposed herein for subsequent fiscal years, this Contract will be null and void, except as to that portion for which funds have then been appropriated or allocated to this project, and no right of action or damages will accrue to the benefit of the parties hereto as to that portion of the Contract or project that may so become null and void.

XVIII. Continuation of Highway Safety Program

It is the intention of AGENCY to continue the Highway Safety Program identified in this Contract once Federal funding is completed. This intended continuation will be based upon cost effectiveness and an evaluation by AGENCY of the program's impact on highway safety.

XIX. E-Verify

Both Parties acknowledge that immigration laws require them to register and participate with the E-Verify program (employment verification program administered by the United States Department of Homeland Security and the Social Security Administration or any successor program) as they both employ one or more employees in this state. Both Parties warrant that they have registered with and participate with E-Verify. If either Party later determines that the other non-compliant Party has not complied with E-Verify, it will notify the non-compliant Party by certified mail of the determination and of the right to appeal the determination.

XX. Sudan and Iran

Pursuant to ARS § 35-391.06 and 35.393.06, both of the Parties hereby warrant, and represent that they do not have, and its subcontractors do not have, and during the term hereof will not have a scrutinized business operation in either Sudan or Iran.

XXI. Termination and Abandonment

- A. The STATE and AGENCY hereby agree to the full performance of the covenants contained herein, except that STATE reserves the right, at its discretion, to terminate or abandon any portion of the project for which services have not been already performed by AGENCY.
- B. In the event STATE abandons the services or any part of the services as herein provided, STATE will notify AGENCY in writing and within twenty-four (24) hours after receiving such notice, AGENCY will

discontinue advancing the work under this Contract and proceed to close said operations under the Contract.

- C. The appraisal value of work performed by AGENCY to the date of such termination or abandonment shall be made by STATE on a basis equitable to STATE and AGENCY and a final reimbursement made to AGENCY on the basis of costs incurred. Upon termination or abandonment, AGENCY will deliver to STATE all documents, completely or partially completed, together with all unused materials supplied by STATE.
- D. AGENCY may terminate or abandon this Contract upon thirty (30) days written notice to STATE, provided there is subsequent concurrence by STATE. Termination or abandonment by AGENCY will provide that costs can be incurred against the project up to and including sixty (60) days after notice is given to STATE.
- E. Any equipment or commodities which have been purchased as a part of this Contract and which have not been consumed or reached the end of its useful life will be returned to STATE upon its written request.

XXII. Cancellation Statute

All parties are hereby put on notice that this Contract is subject to cancellation pursuant to ARS §38-511, the provisions of which are stated below.

In accordance with ARS §38-511, this Contract may be cancelled without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting, or creating the Contract on behalf of the STATE, its political subdivisions or any department or agency of either, is at any time while the Contract or any extension of the Contract is in effect, an employee of any other party to the Contract in any capacity or a consultant to any other party of the Contract with respect to the subject matter or the Contract.

The cancellation shall be effective when written notice from the Governor or chief executive officer or governing body of the political subdivision is received by all other parties to the Contract unless the notice specifies a later time.

REIMBURSEMENT INSTRUCTIONS

1. **Agency Official authorized by Project Director to certify and sign Reports of Costs Incurred (RCIs):**

Name: Teresa Corless

Title: Administrative Services Manager

Telephone Number: 623-773-7035 Fax Number: 623-773-7015

E-mail Address: teresa.corless@peoriaaz.gov

2. **Agency's Fiscal Contact:**

Name: Christen Wilcox

Title: Sr. Accountant

Telephone Number: 623-773-7344 Fax Number: 623-773-7033

E-mail Address: christen.wilcox@peoriaaz.gov

Federal Identification Number: 86-6003634

3. **REIMBURSEMENT INFORMATION:**

Warrant/Check to be made payable to:

Peoria Police Department

Warrant/Check to be mailed to:

Peoria Police Department

(Agency)

8351 W. Cinnabar Avenue

(Address)

Peoria, AZ 85345

(City, State, Zip Code)

AGREEMENT OF UNDERSTANDING AND CERTIFICATION OF COMPLIANCE

Acceptance of Condition

It is understood and agreed by the undersigned that a grant received as a result of this Contract is subject to the Highway Safety Act of 1966, as amended (23 U.S.C.A. §§401-404), ARS §28-602, and all administrative regulations governing grants established by the USDOT and STATE. It is expressly agreed that this Highway Safety Project constitutes an official part of the STATE's Highway Safety Program and that AGENCY will meet the requirements as set forth in Schedules A, B, and C and the accompanying Project Director's Manual, which are incorporated herein and made a part of this Contract. All State and Federal Statutes, Rules, Regulations, and Circulars referenced in this Contract are a part of this document as if fully set forth herein. It is also agreed that no work will be performed nor any obligation incurred until AGENCY is notified in writing that this project has been approved by the Governor's Highway Safety Representative.

Certificate of Compliance

This is to certify that AGENCY will comply with all of the State and Federal Statutes, Rules and Regulations identified in this Contract.

Certification of Non-Duplication of Grant Funds Expenditure

This is to certify that AGENCY has no ongoing nor completed projects under contract with other Federal fund sources which duplicate or overlap any work contemplated or described in this Contract. It is further certified that any pending or proposed request for other Federal grant funds which would duplicate or overlap work described in the Contract will be revised to exclude any such duplication of grant fund expenditures. It is understood that any such duplication of Federal funds expenditures subsequently determined by audit will be subject to recovery by STATE.

Single Audit Act

If your political subdivision has had an independent audit meeting the requirements of the Single Audit Act of 1984, (31 U.S.C.A. §7501 et. seq.), please forward a copy to GOHS, Attention: Fiscal Services Officer, within thirty (30) days of the effective date of this Contract. If such audit has not been performed, please advise when it is being scheduled.

Lobbying Restrictions

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The undersigned will require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients will certify and disclose accordingly.
- D. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 USC §1352. Any person who fails to file the required certification will be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature of Project Director:

Chief Roy W. Minter
Peoria Police Department

***Signature of Authorized Official of
Governmental Unit:***

Carl Swenson, City Manager
City of Peoria

Date Telephone

Date Telephone

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 4C

Date Prepared: April 2, 2012

Council Meeting Date: April 17, 2012

TO: Carl Swenson, City Manager

FROM: Claudia Lujan, Interim Human Resources Director

THROUGH: Susan K. Thorpe, Deputy City Manager

SUBJECT: Discussion and possible action to ratify the Employee Benefit Trust Board Decision to Rescind Authorization for the Participation of Affiliated Agencies as Members in the City's Health Plans and subsequently discussion and possible action for the Mayor and Council to rescind related Council Policy CP-2-5, dated October 20, 2009.

PURPOSE:

This is a request for the City Council to ratify the decision of the Employee Benefits Trust Board to rescind authorization for the participation of Affiliated Agencies as members of the city's health plans and to rescind Council Policy 2-5 dated October 20, 2009.

BACKGROUND/SUMMARY:

In 2009, the City Council authorized the inclusion of five non-profit organizations (Fighter Country Partnership, TheaterWorks, Challenger Space Center, Diamond Club and Peoria Chamber of Commerce) as eligible for coverage under the city's health plans. In July 2010, the city self insured the provisions of its health benefits plans through the creation of a Trust. This action established fiduciary responsibilities between the Trust and the city with regard to healthcare benefits.

The City Attorney's office has recommended that the Employee Benefits Trust Board discontinue participation by the Affiliated Agencies as part of the city's health effective June 30, 2012.

PREVIOUS ACTIONS:

Employee Benefits Trust Board vote at March 13, 2012, meeting to rescind authorization for participation of the Affiliated Agencies as part of the city's health plans.

OPTIONS:

- A. Ratify the Employee Benefits Trust Board decision to rescind authorization for participation of the Affiliated Agencies as part of the city's health plans and rescind Council Policy 2-5 on Affiliate Agencies. Provide alternative resources for continuation of benefit coverage.

- B. Direct the Employee Benefits Trust Board to amend Self-Insured Employee Benefit Trust documents and make other changes that may be required by law to allow for participation of the Affiliated Agencies as signators and fiduciaries of the Trust.

STAFF'S RECOMMENDATION:

Staff recommends the City Council ratify the Employee Benefits Trust Board decision to rescind authorization for participation of the Affiliated Agencies as part of the city's health plans and rescind Council Policy 2-5.

FISCAL ANALYSIS:

Because the affiliated agencies are responsible for paying 100% of the cost of premium for their eligible participants, the impact to the city will be a reduction in claims costs by approximately \$107,000 (based on 2011 claims) from the Self-Insurance Health Fund expenditure account 3220-3630-523019. In addition, there will be a reduction in premiums in the amount of approximately \$72,000 (based on 2011 premiums) to the Self-Insurance Health Fund revenue account 3220-0000-438402.

NARRATIVE:

As conveyed to the City Council on April 2, City staff met with the chief executive officer of each participating Affiliated Agency to discuss the discontinuation of coverage, COBRA eligibility, and the health care options available for to them. The city attorney's office will notify the Affiliated Agencies of the termination of coverage in writing with an effective date of June 30, 2012, after which time these individuals can request and receive COBRA coverage for up to an additional 18 months.

EXHIBITS:

Minutes from the Employee Benefits Trust Board Meeting – March 13, 2012
City Council Policy on Affiliate Agencies dated October 20, 2009

CONTACT NAME AND NUMBER:

Bobbie J. Kimelton, Human Resources Manager - 623-773-7624

CITY OF PEORIA, ARIZONA
POINT OF VIEW CONFERENCE ROOM
DEVELOPMENT AND COMMUNITY SERVICES BUILDING
MARCH 13, 2012

A scheduled meeting of the **Employee Benefits Trust Board** for the City of Peoria, Arizona was convened at 9875 N. 85th Avenue, Peoria, AZ in open and public session at 8:054 a.m.

Members Present: Keith Dines, Chair
Nancy Golden, Board Secretary
Judy Fahey, Board Member
Brent Mattingly, Board Member

Members Absent: Les Gin, Board Member (Excused, work-related absence)

Staff Present: Bobbie Kimelton, Human Resources Manager
Nancy Fantasia, Human Resources Benefits Administrator
Kristen Venditte, Human Resources Consultant
Dee Campbell, Human Resources Specialist

Others Present: Claudia Lujan, Interim Human Resources Director
Charlie Broucek, Senior Vice President, Hays Companies
Paula Campbell, Consultant, Hays Companies
John Huffman, Senior Vice President, Pinnacle Risk Management
Ruby Williams, Assistant Branch Manager, Pinnacle Risk Management
Kent Meredith, Finance Manager
Barry Houg, Budget Coordinator

Call to the Public: There being no public present, Chair Keith Dines called for the first agenda item.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed at the meeting.

Chair Keith Dines called the meeting of the Employee Benefits Trust Board to order at 8:05 a.m.

CONSENT AGENDA: All items listed with a "C" are considered to be routine or have been previously reviewed by the Board members and may be enacted by one motion. There is no separate discussion of these items unless a Board Member so requests; in which event the item will be removed from the General Order of Business and is considered in its normal sequence on the Agenda.

CONSENT - NEW BUSINESS: Motion was made by Board Member Brent Mattingly and seconded by Board Secretary Nancy Golden to approve the Consent Agenda. Upon vote, the motion carried unanimously.

1C DISPOSITION OF ABSENCE:

Approved the absence of Board Member Les Gin from the Employee Benefits Trust Board held on February 16, 2011.

2C MINUTES:

Approved the minutes of February 16, 2011, as presented.

3C Authorization to Hold Executive Session:

Pursuant to A.R.S. § 38-431.03(A)(2): Chair Keith Dines moved to authorize holding an executive session for the purpose of discussing confidential medical records pertaining to the high cost of workers' compensation claims.

Board Secretary Nancy Golden moved the session be closed, with Board Member Brent Mattingly seconding the motion, which, by vote was carried unanimously.

At 8:52 a.m., the Board reconvened in Open Session.

REGULAR AGENDA

NEW BUSINESS:

4R Workers' Compensation Claims Report:

John Huffman, Senior Vice President, and Ruby Williams, Assistant Branch Manager, Pinnacle Risk Management Services, presented and discussed their company's management of workers' compensation claims and how claims' reserves are established.

5R Self-Funding for Workers' Compensation

Kent Meredith, Finance Manager, presented information regarding the self-funding and quarterly taxes for Workers' Compensation. Chair Keith Dines called for a motion to recommend to City Council the transfer of funds in an amount to bring the plan into compliance with the Industrial Commission of Arizona's policies.

Minutes, Employee Benefits Trust Board

March 13, 2012

Page 3

Motion was made by Board Member Brent Mattingly and seconded by Board Secretary Nancy Golden. Upon vote, the motion carried unanimously.

6R Renewal of Occupational Health Services

Nancy Fantasia, Benefits Administrator, presented information regarding renewal of the Occupational Health Services, RFP 12-0028.

Chair Keith Dines called for a motion to approve accepting the renewal of the Occupational Health Services contract as set forth in RFP 12-0028.

Motion was made by Board Secretary Nancy Golden and seconded by Board Member Brent Mattingly. Upon vote, the motion carried unanimously.

Board Member Brent Mattingly moved to request a brief recess of the meeting. Board Secretary Nancy Golden seconded the motion and carried unanimously.

Recess: The meeting was duly recessed at 9:05 a.m.

Reconvened: The meeting was reconvened at 9:09 a.m.

7R Self-Funded Medical Renewal and Contribution Rates for FY 2013

Charlie Broucek, Senior Vice President, Hays Companies, presented information regarding renewal of the medical contract and new contribution rates for Fiscal Year 2013. As part of the Blue Cross Blue Shield (BCBS) contract renewal, effective June 30, 2012, affiliated groups would no longer be covered. Assistance will be provided to the groups in seeking other coverage, as well as COBRA for 18 months until other coverage is obtained.

Chair Keith Dines called for a motion to approve accepting the renewal of the BCBS medical contract, the new contribution rates, and including terminating the affiliated groups' coverage.

Motion was made by Board Secretary Nancy Golden and seconded by Board Member Brent Mattingly. Upon vote, the motion carried unanimously.

8R Renewal of Workers' Compensation Third Party Administrator

Nancy Fantasia, Benefits Administrator, briefed the Board Members that the Workers' Compensation Third Party Administrator (TPA) contract is due for renewal.

Chair Keith Dines called for a motion to approve accepting the renewal of the Worker's Compensation TPA contract.

Minutes, Employee Benefits Trust Board
March 13, 2012
Page 4

Motion was made by Board Member Brent Mattingly and seconded by Board Secretary Nancy Golden. Upon vote, the motion carried unanimously.

9R Trust Board Training – Roles and Responsibilities

Bobbie Kimelton, Human Resources Manager, presented to the Trust Board the availability of training on the board's roles and responsibilities as outlined in the Trust Document. After a brief discussion, the board members requested Human Resources staff schedule this training. Once a date is set, an informational One-or-More Meeting will be scheduled and posted.

ADJOURNMENT:

Being no further business to come before the Board; the meeting was duly adjourned at 10:10 a.m.

Keith Dines, Chair

Nancy Golden, Secretary

 <p style="text-align: center;">CITY COUNCIL POLICY</p>	CP 2-5
	Category: Finance
TITLE: Definition of Affiliate Agencies	Department: City Attorney
	Approved: October 20, 2009

A. Purpose

The purpose of this policy is define those not for profit entities that have a special relationship with the City due to their performance of services and functions which the City is legally empowered to perform and which have been delegated by the City to these entities.

B. General Provisions

An Affiliate Agency of the City is a not for profit entity that:

1. Has a separate contractual relationship with the City involving services other than the receipt of funding.
2. The service performed by the Affiliate Agency is a service that the City is legally authorized to perform directly.

C. Special Provisions

An Affiliate Agency of the City shall meet one of the following requirements:

1. Is an Arizona Not for Profit Entity that has a contractual relationship with the City to provide Ticket Sales and Support Services for a City Sports Complex, Baseball Facility or other Athletic Facility used for training by a major league sports team.
2. Is an Arizona Not for Profit Entity that has a contractual relationship with the City to provide visitor information services for tourism and services to address city issues and practices of interest to local businesses.
3. Is an Arizona Not for Profit Entity that operates a museum open to the public and provides information of a past, present or future cultural nature and has an affiliate relationship with a national museum.
4. Is an Arizona Not for Profit Entity that promotes the current and future mission of Military Airports or Ancillary Military Facilities which employ Peoria residents as active duty military personnel and civilian employees.
5. Is an Arizona Not for Profit Entity that has a contractual relationship with the City to operate a city owned facility as a performing arts center, theatre, convention center or cultural arts center.

D. Term Contracts

The City may enter into a term contract with an Affiliate entity to cover the entity's full time employees with health, medical and related benefits provided through the City's employee benefit program during the term of the contract. Nothing in this policy shall obligate the City to enter into such contracts or to extend such contracts beyond their term. Such contracts shall be signed by the City Manager on behalf of the City and approved as to form and content by the Office of the City Attorney.

APPROVED:

/S/

Bob Barrett, Mayor

APPROVED AS TO FORM:

/S/

Stephen M. Kemp, City Attorney

Adopted 10/20/09, CC #7C

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 5C

Date Prepared: March 1, 2012

Council Meeting Date: April 17, 2012

TO: Carl Swenson, City Manager
FROM: Jeff Tyne, Interim Community Services Director
THROUGH: Susan J. Daluddung, Deputy City Manager
SUBJECT: Appropriation of Funds to Complete Westland Park Construction

Purpose:

This is a request for the City Council to approve a budget transfer in the amount of \$21,930 in order to make the final payment to Sunbelt Holdings for the Westland Park project.

Background/Summary:

Earlier this decade, a Development Agreement was established with Sunbelt Holdings to design and construct neighborhood parks in the Vistancia development. Per the agreement, Sunbelt was to design, develop and construct two neighborhood parks in the Vistancia Development, south of the Central Arizona Project. In return the City of Peoria would reimburse Sunbelt with collected park impact fees collected in that zone.

The first park, Sunset Park, was built at 29898 North Sunset Point and opened to the public in February 2007. Subsequently in the last year Westland Park, located at 31565 North Westland Road, was designed and constructed. Per agreement, the City would reimburse Sunbelt Holdings for incurred expenses for \$1,027,400, which was initially funded in the FY2011 Capital Improvement Program.

At the time of the award of the construction contract, Sunbelt Holdings built in a \$30,000 project contingency for this low-bid contract. This represents less than 3% of the overall project. In time miscellaneous change orders added up throughout the duration of the project that exceeded this 3% contingency. The primary cause of contingency use was due to hard-dig conditions that were previously unanticipated. While some indications suggested the possibility of such conditions, the extent of the land area was unknown until after the project was awarded and after construction activity began.

Therefore, staff is requesting a budget transfer to formally increase the project budget to enable the City to make final payment for Westland Park. Although Westland Park was

dedicated and opened for public use on November 19, 2011, it is common for such project close out details to extend a few months beyond the duration of the project completion.

Previous Actions:

City Council approved a reimbursement to Sunbelt Holdings for an amount not to exceed \$1,027,400 for design and construction costs for a neighborhood park in the Vistancia development in October, 2010.

Options:

A: The Council can approve the budget transfer of \$21,930 to establish the budget authority needed to make the final payment to Sunbelt Holdings for the construction of Westland Park.

B: The Council can reject the budget transfer; however the City is still responsible to reimburse actual costs for the park according to the Development Agreement.

Staff's Recommendation:

Staff recommends the City Council approve a budget transfer in the amount of \$21,930 from the Citywide Parks Impact Fee Fund Contingency Account 7910-7910-570000 to the Vistancia Neighborhood Park #2 project, Neighborhood Parks Zone 3 Impact Fee Fund Park Systems Account 7905-7905-CIPPK-543005.

Fiscal Analysis:

The budget for the Vistancia Neighborhood Park #2 (Westland Park) project is nearly exhausted. The additional \$21,930 being sought here would provide the rest of the budget authority needed to make final payment for the construction of this park. If the budget transfer is approved, final payment to Sunbelt Holdings will be made from the Neighborhood Parks Zone 3 Impact Fee Fund Park Systems Account 7905-7905-CIPPK-543005.

Contact Name and Number: Kirk Haines - extension 7120

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 6C

Date Prepared: April 2, 2012

Council Meeting Date: April 17, 2012

TO: Carl Swenson, City Manager
FROM: Katie Gregory, Interim Management and Budget Director
THROUGH: Susan K. Thorpe, Deputy City Manager
SUBJECT: Budget Amendments

Purpose:

This is a request for City Council to approve the FY 2012 Third Quarter Budget Amendments.

Background/Summary:

The attached schedules list budget amendments for FY 2012 that, under current Council and/or Administrative policy, require Council approval. These amendments have been reviewed by the Management and Budget Department and the Chief Financial Officer and are submitted to Council for approval. The following listing describes the budget amendments by category.

FY 2012 Amendments Summary:

Clean-up – The amendments in this category include an adjustment to reduce the debt service budget for the Gila River Indian Community (GRIC) Water Rights to the amount actually required. The Clean-up adjustments total \$345,130.

Operating – The adjustments in the Operating category provide budget appropriation to use revenue generated from the Investment Conference to help cover advertising costs for the conference, as well as reversing an FY 2012 supplemental request for a REACT vehicle using Police Impound Fees. The Police Department does not need to purchase the vehicle as the County has decided to continue its REACT program. The Operating adjustments total \$246,850.

Capital Items – This category primarily consists of the Engineering chargebacks on capital projects, the return of savings on General Fund Community Works projects to the fund balance, a transfer of budget within the Entertainment District Improvements project from the design/construction account to the study account for the P83 design concept report, and a transfer to fund additional construction administration and survey services for the New River Trail Olive Avenue Underpass. The Capital Items adjustments total \$1,743,098.

Previous Actions:

No previous action has been taken on these budget amendments.

Options:

A: Approve all Budget Amendments as recommended

B: Approve only select Budget Amendments

Staff's Recommendation:

Management and Budget Department staff recommend approval of the attached budget amendments.

Fiscal Analysis:

These budget amendments have no fiscal impact to the city. Some of the budget amendments are to provide expenditure authority for funds that have been received, i.e., through grants, IGAs, and/or reimbursements. Other budget amendments are moving existing appropriation to the proper accounts.

Narrative:

Exhibit(s):

Exhibit 1: FY 2012 Budget Amendment Schedule

Contact Name and Number: Katie Gregory, 623-773-7364

Budget Amendment Schedule

Fiscal Year 2012 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
------------------------------------	---	-------	--------

Clean-up

#4023 - Finance - Mda Debt Service

5030	5030	560581	Debt Interest - ID 8401	\$162,800	
1000	0300	570000	Contingencies	\$137,200	
2169	2229	560715			\$300,000

Comment: This transfer is to reduce the debt service budget for Gila River Indian Community (GRIC) Water Rights to the amount actually required.

#4026 - Public Works - Storm Drain - NPDES

2700	2900	525703	Vehicle Replacement Charge	\$45,130	
2700	2900	570000	Contingencies		\$45,130

Comment: This transfer corrects an error in loading the Vehicle Replacment Charge budget for Storm Drain Division.

Subtotal for Clean-up Amendments:	\$345,130	\$345,130
--	------------------	------------------

Budget Amendment Schedule

Fiscal Year 2012 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
------------------------------------	---	-------	--------

Operating

#4016 - Economic Development Services - Economic Development

1000	0352	522501	Advertising	\$3,300	
1000	0300	570000	Contingencies		\$3,300

Comment: This transfer establishes the appropriation needed to use revenue generated from the Investment Conference to help cover advertising costs for the conference.

#4020 - Police - Operations Support

1000	0300	570000	Contingencies	\$242,000	
1000	1025	530019	Operational Supplies		\$8,500
1000	1025	525600	Vehicle Maintenance Costs		\$29,500
3100	3500	542502	Trucks		\$204,000

Comment: This transfer reverses an FY2012 supplemental request for a REACT vehicle using PD Impound Fees. The Police Department does not need to purchase this vehicle as the County has decided to continue its REACT program.

#4024 - Non-Departmental - Non-Departmental

6040	6040	520099	Other Professional Services	\$250	
1000	0300	570000	Contingencies		\$250

Comment: This transfer will provide funds for title search fees on delinquent assessments.

#4032 - Economic Development Services - Economic Development

1000	0352	522501	Advertising	\$1,300	
1000	0300	570000	Contingencies		\$1,300

Comment: This transfer provides the additional budget appropriation needed to use revenue generated from Investment Conference to help cover advertising costs for the conference.

Subtotal for Operating Amendments: \$246,850 \$246,850

Budget Amendment Schedule

Fiscal Year 2012 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
------------------------------------	---	-------	--------

Capital

#4018 - Non-Departmental - Gen Fund Capital Projects

7010	7075	544001	CIPST PW00065	\$30,093
7010	7075	544001	CIPTC EN00170	\$16,605
1000	0310	544001	CIPOF CS00070	\$16,287
4250	4250	544001	CIPOF CS00070	\$14,206
4550	4550	544001	CIPST EN00089	\$14,175
2400	2550	544001	CIPWW UT00296	\$13,230
7905	7905	544001	CIPPK CS00124	\$12,960
4220	4220	544001	CIPPK CS00095	\$12,503
4240	4240	544001	CIPPK CS00134	\$12,095
2400	2550	544001	CIPWW UT00307	\$11,903
4550	4550	544001	CIPPK CS00034	\$11,133
4250	4250	544001	CIPPK CS00095	\$10,206
4220	4220	544001	CIPST EN00271	\$9,452
7010	7075	544001	CIPST EN00081	\$9,135
1970	1970	544001	CIPOF PW10300	\$8,145
4210	4210	544001	CIPRT CS00084	\$8,055
4240	4240	544001	CIPRT CS00142	\$7,493
4220	4220	544001	CIPST EN00241	\$7,483
4550	4550	544001	CIPST EN00313	\$7,448
4550	4550	544001	CIPST CD00003	\$6,255
4250	4250	544001	CIPPK CS00034	\$5,925
1000	0310	544001	CIPPK CS00113	\$5,916
7010	7075	544001	CIPST EN00089	\$5,788
4240	4240	544001	CIPPK CS00123	\$5,668
1000	0310	544001	CIPPK COP0001	\$5,393
4220	4220	544001	CIPDR PW00185	\$5,288
4210	4210	544001	CIPRT CS00091	\$4,904
7010	7075	544001	CIPST EN00241	\$4,760
4240	4240	544001	CIPDR EN00134	\$4,320
7000	7050	544001	CIPST COP0001	\$4,290
7010	7075	544001	CIPST EN00088	\$4,275
7920	7920	544001	CIPRT CS00091	\$4,086
7010	7075	544001	CIPTC EN00225	\$3,905
7915	7915	544001	CIPPK CS00113	\$3,782
2161	2221	544001	CIPWR UT00117	\$3,645
2400	2550	544001	CIPWW UT00191	\$3,398
4232	4232	544001	CIPPK CS00022	\$3,030
2050	2140	544001	CIPWR UT00253	\$2,880
7010	7075	544001	CIPST EN00243	\$2,880
4210	4210	544001	CIPPK CS00095	\$2,806

Budget Amendment Schedule

Fiscal Year 2012 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
<u>Capital</u>			
4240 4240 544001	CIPOF CS00070	\$2,425	
4220 4220 544001	CIPST EN00313	\$2,402	
4240 4240 544001	CIPDR EN00137	\$2,385	
7000 7050 544001	CIPST PW00046	\$2,295	
4210 4210 544001	CIPST EN00271	\$2,216	
1000 0310 544001	CIPST PW00137	\$2,115	
7901 7901 544001	CIPPK CS00123	\$2,095	
7901 7901 544001	CIPPK CS00054	\$1,890	
4210 4210 544001	CIPST EN00241	\$1,870	
4240 4240 544001	CIPST EN00241	\$1,870	
7910 7910 544001	CIPOF CS00070	\$1,732	
2510 2630 544001	CIPWW UT00151	\$1,702	
4220 4220 544001	CIPST PW00152	\$1,665	
2050 2140 544001	CIPWR UT00266	\$1,553	
1000 0310 544001	CIPPK CS00134	\$1,495	
1000 0310 544001	CIPST PW00025	\$1,485	
4550 4550 544001	CIPST EN00219	\$1,403	
7001 7051 544001	CIPST EN00177	\$1,373	
7010 7075 544001	CIPST EN00177	\$1,372	
2050 2140 544001	CIPWR UT00299	\$1,350	
2400 2550 544001	CIPWW UT00299	\$1,350	
4210 4210 544001	CIPST PW00245	\$1,350	
4240 4240 544001	CIPRT CS00091	\$1,225	
4240 4240 544001	CIPDR EN00139	\$1,170	
2400 2550 544001	CIPWW UT00305	\$1,147	
2400 2550 544001	CIPWW UT00151	\$1,088	
4210 4210 544001	CIPST EN00011	\$1,063	
4550 4550 544001	CIPST EN00241	\$1,020	
2050 2140 544001	CIPWR UT00305	\$901	
4240 4240 544001	CIPPK CS00034	\$897	
2050 2140 544001	CIPWR EN00313	\$840	
2400 2550 544001	CIPWW EN00313	\$840	
4240 4240 544001	CIPDR EN00003	\$810	
1000 0310 544001	CIPST COP0001	\$770	
4240 4240 544001	CIPDR PW00184	\$765	
4240 4240 544001	CIPRT CS00125	\$765	
7010 7075 544001	CIPST EN00250	\$675	
4550 4550 544001	CIPST EN00242	\$585	
1000 0310 544001	CIPOT COP0001	\$550	
2400 2550 544001	CIPWW UT00266	\$517	
7010 7075 544001	CIPST EN00225	\$483	

Budget Amendment Schedule

Fiscal Year 2012 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
<u>Capital</u>			
7001 7051 544001	CIPST EN00313	\$480	
2161 2221 544001	CIPWR UT00148	\$475	
4220 4220 544001	CIPST EN00214	\$473	
7010 7075 544001	CIPST PW00207	\$473	
1000 0310 544001	CIPRT CS00065	\$465	
7920 7920 544001	CIPRT CS00125	\$459	
7010 7075 544001	CIPST EN00252	\$450	
2161 2221 544001	CIPWR UT00233	\$369	
4250 4250 544001	CIPRT EN00371	\$338	
2050 2140 544001	CIPWR UT00206	\$315	
4210 4210 544001	CIPST EN00219	\$307	
4250 4250 544001	CIPRT CS00125	\$306	
2050 2140 544001	CIPWR UT00148	\$290	
7010 7075 544001	CIPST EN00290	\$270	
7010 7075 544001	CIPST PW11190	\$270	
2050 2140 544001	CIPWR UT00098	\$90	
4230 4230 544001	CIPST EN00162	\$90	
7940 7940 544001	CIPOF PW00360	\$90	
7010 7075 544001	CIPTC PW00133	\$45	
2050 2140 544001	CIPWR UT00233	\$36	
1000 0310 544001	CIPPK CS00022	\$30	
4240 4240 544001	CIPRT CS00065	\$30	
7940 7940 525507	Service Charges - Engineering CIPOF CB02012		\$90
7001 7051 525507	Service Charges - Engineering CIPOF CB02012		\$1,853
4232 4232 525507	Service Charges - Engineering CIPOF CB02012		\$3,120
7901 7901 525507	Service Charges - Engineering CIPOF CB02012		\$3,985
2161 2221 525507	Service Charges - Engineering CIPOF CB02012		\$4,489
7920 7920 525507	Service Charges - Engineering CIPOF CB02012		\$4,545
2510 2630 525507	Service Charges - Engineering CIPOF CB02012		\$5,101
7915 7915 525507	Service Charges - Engineering CIPOF CB02012		\$5,514
7000 7050 525507	Service Charges - Engineering CIPOF CB02012		\$6,585
2050 2140 525507	Service Charges - Engineering CIPOF CB02012		\$8,255
7905 7905 525507	Service Charges - Engineering CIPOF CB02012		\$12,960
4210 4210 525507	Service Charges - Engineering CIPOF CB02012		\$22,571
2400 2550 525507	Service Charges - Engineering CIPOF CB02012		\$30,074
4250 4250 525507	Service Charges - Engineering CIPOF CB02012		\$30,981
4220 4220 525507	Service Charges - Engineering CIPOF CB02012		\$39,266
4240 4240 525507	Service Charges - Engineering CIPOF CB02012		\$41,918
7010 7075 525507	Service Charges - Engineering CIPOF CB02012		\$81,479
4550 4550 525507	Service Charges - Engineering CIPOF CB02012		\$84,670

Budget Amendment Schedule

Fiscal Year 2012 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
------------------------------------	---	-------	--------

Capital

Comment: CIP - Second Quarter FY 2012 Engineering Chargebacks.

#4019 - Non-Departmental - Gen Fund Capital Projects

1000	0300	570000	Contingencies		\$53,455
1000	0310	543001	Street System	CIPST PW00025	\$53,455

Comment: CIP - This budget amendment will reduce the carryover in the ADA Ramp Program project budget as the dollars were spent in FY 2011.

#4025 - Non-Departmental - Gen Fund Capital Projects

1000	0300	570000	Contingencies		\$527,000
1000	0310	543001	Street System	CIPST COP0001	\$50,000
1000	0310	543005	Park Improvements	CIPPK COP0001	\$477,000

Comment: Return savings in General Fund Community Works Program projects to fund balance. Savings from projects: Skunk Creek Trail Lighting (\$350k), 83rd & Village Pkwy Trail Connection (\$50k), various park projects (\$77k) and various streets projects (\$72k)

#4028 - Non-Departmental - Gen Fund Capital Projects

1000	0310	520099	Other Professional Services	CIPOF ED00002	\$763,112
1000	0310	540500	Buildings	CIPOF ED00002	\$763,112

Comment: CIP - Entertainment District Improvements - This is to transfer budget within the project from the design/construction account to the study account for the P83 design concept report.

#4033 - Non-Departmental - Gen Fund Capital Projects

4240	4240	543005	Park Improvements	CIPRT CS00142	\$12,075
4240	4240	570000	Contingencies		\$12,075

Comment: Budget transfer required to fund additional construction administration and survey services for the New River Trail Olive Avenue Underpass. Budget overrun caused by miscellaneous expenses associated with APS agreement to extend the power supply.

Subtotal for Capital Amendments: \$1,743,098 \$1,743,098

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 7C

Date Prepared: March 14, 2012

Council Meeting Date: April 17, 2012

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Maintenance Improvement District No. 1094, Silver Canyon Ranch Unit 1, 77th Lane & Happy Valley Road

Purpose:

This is a request for City Council to approve a Petition for Formation, adopt the Resolution of Intention, and Resolution Ordering the Improvements for a proposed Maintenance Improvement District No. 1094, Silver Canyon Ranch Unit 1, located at 77th Lane & Happy Valley Road, as well as authorize the City Clerk to record the Maintenance Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

1. All civil and landscape/irrigation plans must be approved by the City of Peoria (City) prior to recordation of the Maintenance Improvement District;
2. The final plat for the subdivision must be approved by City Council and recorded with the Maricopa County Recorder's Office prior to recordation of the Maintenance Improvement District; and
3. The developer must provide a fully executed Petition, Waiver and Consent to Formation of a Municipal Improvement District.

Background/Summary:

The purpose of the Maintenance Improvement District is for the operation, maintenance, repair and improvements to landscaping adjacent to designated public roadways and parkways within the proposed district, as well as drainage and retention within each proposed district. Until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, the additional charge to the residents will show as \$0.00 on their property tax bills.

Pursuant to the provision of A.R.S. 48-574, et. seq., the Mayor and Council are empowered to adopt a Resolution ordering the formation of a Maintenance Improvement District. A Petition

and Resolution of Intention are attached for formation of City of Peoria Maintenance Improvement District No. 1094, Silver Canyon Ranch Unit 1, located at 77th Lane & Happy Valley Road. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law, and the Council may then adopt a Resolution ordering the improvements when necessary once the Resolution of Intention is first adopted. The Resolution Ordering the improvements finalizes the formation of the Maintenance Improvement District process.

Under Arizona State law, commencing in October 2013, the residents will receive an additional charge on their property tax bill for maintenance of the landscape, irrigation and drainage improvements, located adjacent to and within the public rights-of-way and tracts. However, until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, the additional charge to the residents will be \$0.00. In accordance with State statute, an assessment diagram and map, listing each parcel of property within the district has been prepared.

Previous Actions:

The final plat for Silver Canyon Ranch Unit 1 was approved by the City on March 22, 2005 and recorded with the County.

Options:

A: The Maintenance Improvement District has been approved through the Economic Development Services Department. An option would be to not accept the proposed Maintenance Improvement District; although it should be noted that not approving the Maintenance Improvement District will prevent any additional charges from being assessed on the property tax bills for those properties located within the District, and any and all fees incurred by the City of Peoria as a result of assuming the maintenance responsibility would be paid using City of Peoria funds.

B: The other option would be to formally approve the Maintenance Improvement District to allow for the taxing district to be recorded and in place in the event the Homeowner's Association fails.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Petition for Formation, Resolution of Intention to Create, and Resolution Declaring Intention to Order.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Maintenance Improvement District. However, the City would incur the additional charges associated with the maintenance responsibilities should the taxing district not be approved and recorded, and the Homeowner's Association fail.

Narrative:

The acceptance of this Maintenance Improvement District will allow any additional charges associated with the maintenance responsibilities should the Homeowner's Association fail, to be assessed on the property tax bill for the properties located within the District.

Exhibit(s):

Exhibit 1: Petition for Formation

Exhibit 2: Proposed Resolution of Intention to Create

Exhibit 3: Proposed Resolution Declaring Intention to Order

Contact Name and Number:

Traci Varland, Engineering Technician II, x7612

**PETITION, WAIVER AND CONSENT TO FORMATION
OF A MUNICIPAL IMPROVEMENT DISTRICT
BY THE CITY OF PEORIA**

MID# 1094

SILVER CANYON RANCH UNIT I

To: Honorable Mayor and Council
City of Peoria, Arizona

Pursuant to Arizona Revised Statutes, Section 48-574, the undersigned property owner respectfully petitions the City Council of the City of Peoria, Arizona (City Council) to order the formation of a Municipal Parkway Improvement District under Arizona Revised Statutes, Title 48, Chapter 4, Article 2. In support of this petition, the undersigned agrees to waive certain rights under the Arizona Improvement District Law and to consent to the formation and completion of the District.

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A" that is attached hereto and incorporated herein by reference. The proposed district consists of 45.67 acres and is entirely within the corporate boundaries of the City of Peoria.
2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed district.
3. Purpose. The district is proposed to be formed for the purpose of the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated public roadways and parkways within the proposed district and drainage and retention within each proposed district.
4. Public Convenience and Necessity. The necessity for the proposed district is for the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated streets and parkways within the proposed district by the levying of special assessments in the proposed district.
5. Waiver and Consent. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:
 - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
 - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;
 - (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work; and
 - (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

Further, the improvements described above are of more than local or ordinary public benefit.

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the _____ day of _____ 20____.

<p>SILVER CANYON INVESTMENTS, LLC By: WASHINGTON PARK INVESTMENTS, LLC Its: Manager  By: Clayton McKnight Its: Manager 5110 North 73rd Street Scottsdale, Arizona 85250</p>	<p>Date: February 22, 2012</p>	<p>Property (Tax Parcel Numbers) See Attached exhibit "A"</p>
<p>_____ Print Property Owner Name _____ Print Name _____ Address _____ Signature</p>	<p>Date: _____</p>	<p>Property (Tax Parcel Numbers) _____</p>

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an
ARIZONA MUNICIPAL CORPORATION

ATTEST:

By _____
Mayor

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT "A"

SILVER CANYON RANCH UNIT I

TAX PARCEL NUMBERS

20114446
20114447
20114448
20114449
20114450
20114451
20114452
20114453
20114454
20114455
20114456
20114457
20114458
20114459
20114460
20114461
20114462
20114463
20114464
20114465
20114466
20114467
20114468
20114469
20114470
20114471
20114475
20114476
20114477
20114478
20114479
20114480
20114481
20114482

RESOLUTION NO. 2012-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1094, SILVER CANYON RANCH UNIT 1, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, declare that the Maintenance of the landscaping included within, near and adjacent to a parkway and related facilities in the District to be of more than local or ordinary public benefit, and further that the cost of said maintenance shall be assessed on a certain District; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, declare that the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities in the District is incidental to the maintenance and preservation of the parkway and related facilities, has aesthetic value, and maintains and increases the value of property within the District; and

WHEREAS, the City Council declares that the maintenance of landscaping included within and adjacent to a parkway and related facilities preserves and promotes the health, safety, and welfare of those citizens of the City of Peoria living within the District as well as preservation of the streets and parkways which may be adversely impacted by drainage and other water formations; and

WHEREAS, the City of Peoria declares that the maintenance of a landscaped buffer between a parkway and the adjacent developments reduces the visual and other impact of light, air and noise pollution and tends to increase personal and vehicular safety on the parkway and decreases the likelihood vehicular accidents will harm adjacent developments in furtherance of the health, safety and welfare of those citizens of the City living within the District; and

WHEREAS, the City Council declares that maintenance of landscaped drainage and other water control facilities and features within, near or adjacent to a parkway and related facilities tends to preserve the structural integrity of the parkway and mitigates flooding of adjacent areas and the structural integrity of the parkway and mitigates flooding of adjacent areas and the parkway by draining water to and from the parkway in furtherance of the health, safety and welfare of those citizens of the City of Peoria living within the District:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA AS FOLLOWS:

Section 1. Definitions.

In this Resolution, the following terms shall have the following meanings:

"Assessment Diagrams" shall mean those duplicate diagrams of the property contained in the Assessment District is to be filed with the Clerk and approved by the Mayor and Council.

"Assessment District" shall mean the lots, pieces or parcels of land lying within the boundaries described on Exhibit B attached hereto and as shown on the map on file with the City Engineer.

"City" shall mean the City of Peoria, Arizona.

"City Council" or "Council" shall mean the Mayor and Council of the City.

"Clerk" shall mean the City Clerk.

"Engineer" shall mean City Engineer.

"Lots" shall mean all lots, pieces or parcels of land lying within the Assessment District.

"Parkways" shall mean those streets and rights-of-way which are designated in Exhibit B as "Parkways," and specifically those portions of Pedestrian Facilities, Parks, Retention, Detention and Storm Water Management Facilities included within or adjacent to the Assessment District.

"Plans and Specifications" shall mean the engineer's estimate for the Maintenance Improvement District No. 1094 filed with the Clerk prior to the adoption of this Resolution.

"Superintendent of Streets" shall mean the City Engineer.

Section 2. Declaration of Intention to Order an Improvement.

The public interest or convenience requires, and it is the intention of the Mayor and Council of the City of Peoria, Arizona, to order the following work, hereinafter "Work," to be performed, to wit:

The maintenance of all landscaping, including replacement of landscape materials, in the area generally described as follows:

SEE EXHIBIT "A", LEGAL DESCRIPTION OF CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

The Mayor and Council of the City of Peoria, Arizona designate as parkways, those areas set forth on Exhibit "B" Assessment Diagram in accordance with Title 48, Chapter 4, Article 2, Arizona Revised Statutes. The public interest and convenience require, and it is the intention of the City Council to order the Work adjacent to the designated parkways to be performed as stated herein. All items of the Work shall be performed as prescribed by the Plans and Specifications hereby

approved and adopted by the Council and on file in the Office of the City Engineer and no assessment for any lot shall exceed its proportion of the Estimate. The estimate of the cost and expenses of the work or improvements on file in the offices of the Superintendent of Streets and the Clerk of the City are hereby approved and adopted by the Mayor and Council of the City. In addition to the requirements of law, the procedures set forth in the City Code will be followed regarding acceptance of bids and setting tax levies. For purposes of this Resolution and of all resolutions, ordinances and notices pertaining to this Resolution, the improvement as herein described is hereby designated City of Peoria Maintenance Improvement District No. 1094.

Section 3. Determination of Need.

In the opinion of the City Council, the Work is of more than local or ordinary public benefit. The City Council hereby orders that all amounts due or to become due with respect to the Work shall be chargeable upon the respective lots, pieces and parcels of land within the Assessment District.

Section 4. Preparation of Assessment Diagrams.

The City Engineer is hereby authorized and directed to prepare duplicate diagrams (Assessment Diagrams) of the property contained within the Assessment District. The diagrams shall show each separate lot, numbered consecutively, the approximate area in square feet of each lot, and the location of the lot in relation to the work proposed to be done.

Section 5. Exclusion of Certain Property.

Any public street or alley within the boundaries of the Assessment District is hereby omitted from the assessment hereafter to be made. Any lot belonging to the United States, the State, a county, city, school district or any political subdivision or institution of the State or county, which is included within the Assessment District shall be omitted from the assessment hereafter made.

Section 6. Officers Not Liable.

In no event will the City of Peoria or any officer thereof be liable for any portion of the cost of said Improvement District nor for any delinquency of persons or property assessed.

Section 7. Annual Statement.

The City Council shall make annual statements and estimates of the expenses of the District which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all real and personal property in the District as provided in A.R.S. § 48-574 and amendments thereto.

Section 8. Statutory Authority.

The Work and all proceedings pertaining thereto shall be performed under the provisions of Title 48, Article 2, specifically Section 48-574, and all amendments thereto and pursuant to Article I, Section 3, (8) of the Peoria City Charter.

Section 9. Delegation of Authority.

The City Engineer is hereby authorized to fill in any blanks and to make any minor corrections necessary to complete the Plans and Specifications and the Contract Documents.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this _____ day of _____, 2012.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Resolution No. 2012-46
MID 1094 – Silver Canyon Ranch Unit 1
April 17, 2012
Page 6 of 10 Pages

CERTIFICATION OF CITY ENGINEER

I hereby certify that I have read the description set out under the definition "Assessment District" and approve the same. I further certify that I have read the description set out under the definition "Work" and approve the same.

Andrew Granger, Engineering Director

CERTIFICATION OF CITY CLERK

I hereby certify that the above and foregoing Resolution No. 2012-46 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on _____, 2012 and that a quorum was present there and that the vote thereon was _____ ayes and _____ nays. _____ were no vote or absent.

City Clerk, City of Peoria

LEGAL DESCRIPTION

THAT PORTION OF THE EAST HALF OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 11; THENCE, ON A BEARING OF NORTH 89° 56' 01" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 11, A DISTANCE OF 566.47 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE, CONTINUING ALONG THE NORTH LINE OF SAID EAST HALF OF SAID SECTION 11, NORTH 89° 56' 01" EAST A DISTANCE OF 716.93 FEET;

THENCE, SOUTH 00° 07' 00" WEST A DISTANCE OF 1981.31 FEET;

THENCE, SOUTH 89° 51' 25" WEST A DISTANCE OF 647.50 FEET;

THENCE, SOUTH 00° 17' 04" WEST A DISTANCE OF 660.68 FEET;

THENCE, SOUTH 00° 18' 40" WEST A DISTANCE OF 45.30 FEET;

THENCE, NORTH 89° 41' 20" WEST A DISTANCE OF 50.01 FEET;

THENCE, NORTH 44° 55' 44" WEST A DISTANCE OF 28.16 FEET;

THENCE, SOUTH 89° 49' 15" WEST A DISTANCE OF 453.08 FEET TO A POINT OF TANGENCY WITH A CIRCULAR CURVE WHICH IS CONCAVE SOUTHEASTERLY AND WHICH HAS A CENTRAL ANGLE OF 55° 46' 16" AND WHOSE RADIUS POINT BEARS SOUTH 00° 10' 45" EAST A DISTANCE OF 20.00 FEET;

THENCE, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 19.47 FEET TO THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE WHICH IS CONCAVE NORTHWESTERLY AND WHICH HAS A CENTRAL ANGLE OF 49° 13' 47" AND WHOSE RADIUS POINT BEARS NORTH 55° 57' 01" WEST A DISTANCE OF 60.00 FEET;

THENCE, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 51.55 FEET TO THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE WHICH IS CONCAVE SOUTHEASTERLY AND WHICH HAS A CENTRAL ANGLE OF 82° 49' 04" AND WHOSE RADIUS POINT BEARS SOUTH 06° 43' 14" EAST A DISTANCE OF 20.00 FEET;

THENCE, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 28.91 FEET;

THENCE, NORTH 89° 32' 18" WEST A DISTANCE OF 50.00 FEET;

THENCE, NORTH 00° 28' 23" EAST A DISTANCE OF 158.77 FEET;

THENCE, SOUTH 89° 30' 56" EAST A DISTANCE OF 50.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE WHICH IS CONCAVE NORTHEASTERLY AND WHICH HAS A CENTRAL ANGLE OF 82° 49' 03" AND WHOSE RADIUS POINT BEARS SOUTH 89° 30' 56" EAST A DISTANCE OF 20.00 FEET;

THENCE, SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 28.91 FEET TO THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE WHICH IS CONCAVE SOUTHWESTERLY AND WHICH HAS A CENTRAL ANGLE OF 47° 55' 30" AND WHOSE RADIUS POINT BEARS SOUTH 07° 40' 01" WEST A DISTANCE OF 60.00 FEET;

THENCE, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 50.19 FEET TO THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE WHICH IS CONCAVE NORTHEASTERLY AND WHICH HAS A CENTRAL ANGLE OF 55° 46' 16" AND WHOSE RADIUS POINT BEARS NORTH 55° 35' 31" EAST A DISTANCE OF 20.00 FEET;

THENCE, SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 19.47 FEET TO A POINT OF TANGENCY;

THENCE, NORTH 89° 49' 15" EAST A DISTANCE OF 453.50 FEET;

THENCE, NORTH 45° 03' 09" EAST A DISTANCE OF 28.40 FEET;

THENCE, NORTH 00° 17' 04" EAST A DISTANCE OF 462.72 FEET TO THE POINT OF TANGENCY OF A CIRCULAR CURVE WHICH IS CONCAVE SOUTHWESTERLY AND WHICH HAS A CENTRAL ANGLE OF 42° 35' 14" AND WHOSE RADIUS POINT BEARS NORTH 89° 42' 56" WEST A DISTANCE OF 275.00 FEET;

THENCE, NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 204.40 FEET TO A POINT OF TANGENCY;

THENCE, NORTH 42° 18' 11" WEST A DISTANCE OF 387.44 FEET TO THE POINT OF TANGENCY OF A CIRCULAR CURVE WHICH IS CONCAVE SOUTHEASTERLY AND WHICH HAS A CENTRAL ANGLE OF 176° 14' 25" AND WHOSE RADIUS POINT BEARS NORTH 47° 41' 49" EAST A DISTANCE OF 50.00 FEET;

THENCE, NORTHWESTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 153.80 FEET TO A POINT OF NON-TANGENCY;

THENCE, NORTH 43° 56' 14" EAST A DISTANCE OF 176.28 FEET;

THENCE, NORTH 45° 57' 40" EAST A DISTANCE OF 207.21 FEET;

THENCE, SOUTH 89° 53' 24" WEST A DISTANCE OF 601.35 FEET;

THENCE, NORTH 00° 25' 10" EAST A DISTANCE OF 230.01 FEET;

THENCE, NORTH 89° 53' 13" EAST A DISTANCE OF 296.86 FEET;

THENCE, ON A BEARING OF NORTH A DISTANCE OF 213.18 FEET TO A POINT OF NON-TANGENCY ON A CIRCULAR CURVE WHICH IS CONCAVE SOUTHEASTERLY, AND WHICH HAS A CENTRAL ANGLE OF 49° 59' 41" AND WHOSE RADIUS POINT BEARS DUE SOUTH;

THENCE, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 17.45 FEET TO THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE WHICH IS CONCAVE NORTHEASTERLY AND WHICH HAS A CENTRAL ANGLE OF 222° 08' 47" AND WHOSE RADIUS POINT BEARS NORTH 49° 59' 41" WEST A DISTANCE OF 50.00 FEET;

THENCE, WESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 93.86 FEET TO A POINT OF NON-TANGENCY;

THENCE, NORTH 07° 50' 54" WEST A DISTANCE OF 200.99 FEET;

THENCE, NORTH 21° 18' 05" EAST A DISTANCE OF 238.60 FEET TO A POINT OF NON-TANGENCY ON A CIRCULAR CURVE WHICH IS CONCAVE SOUTHEASTERLY AND WHICH HAS A CENTRAL ANGLE OF 209° 47' 36" AND WHOSE RADIUS POINT BEARS NORTH 20° 09' 50" EAST A DISTANCE OF 50.00 FEET;

THENCE, NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 183.08 FEET TO THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE WHICH IS CONCAVE NORTHEASTERLY AND WHICH HAS A CENTRAL ANGLE OF 49° 59' 41" AND WHOSE RADIUS POINT BEARS NORTH 49° 57' 25" EAST A DISTANCE OF 20.00 FEET;

THENCE, SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 17.45 FEET TO A POINT OF TANGENCY;

THENCE, NORTH 89° 57' 44" EAST A DISTANCE OF 192.06 FEET;

THENCE, SOUTH 88° 05' 42" EAST A DISTANCE OF 15.68 FEET;

THENCE, NORTH 00° 02' 37" EAST A DISTANCE OF 311.13 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.



Resolution No. 2012-46

EXHIBIT "B"

IS ON FILE IN THE

**CITY OF PEORIA
CITY CLERK'S OFFICE
8401 W. Monroe Street
Peoria, AZ 85345**

**ASSESSMENT DIAGRAM
MAINTENANCE IMPROVEMENT DISTRICT NO. 1094**

**SILVER CANYON RANCH UNIT 1
AS RECORDED IN BOOK 744, PAGE 26 M.C.R. AND SITUATED IN A PORTION OF THE EAST HALF OF
SECTION 11, TOWNSHIP 4 NORTH, RANGE 1 EAST, GILA & SALT RIVER BASE & MERIDIAN
MARICOPA COUNTY, ARIZONA**

LEGAL DESCRIPTION
THAT PORTION OF THE EAST HALF OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE
GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 11; THENCE ON A BEARING OF
N 89° 55' 01" E 1283.40' TO THE POINT OF BEGINNING OF THIS DESCRIPTION;
THENCE CONTINUING ALONG THE NORTH LINE OF SAID EAST HALF OF SAID SECTION 11, NORTH
89° 55' 01" EAST A DISTANCE OF 716.33 FEET;

THENCE SOUTH 00° 07' 00" WEST A DISTANCE OF 180.31 FEET;
THENCE SOUTH 89° 51' 25" WEST A DISTANCE OF 447.50 FEET;
THENCE SOUTH 00° 17' 04" WEST A DISTANCE OF 800.88 FEET;
THENCE SOUTH 00° 18' 40" WEST A DISTANCE OF 43.30 FEET;
THENCE NORTH 89° 41' 20" WEST A DISTANCE OF 80.01 FEET;

THENCE NORTH 44° 55' 44" WEST A DISTANCE OF 28.18 FEET;
THENCE SOUTH 89° 45' 15" WEST A DISTANCE OF 453.50 FEET TO A POINT OF TANGENCY WITH
A CIRCULAR CURVE WHICH BEARS SOUTH 00° 10' 45" EAST A DISTANCE OF 20.00
FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 19.47 FEET TO THE
POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE WHICH IS CONVEXE SOUTHWESTERLY
AND WHICH HAS A CENTRAL ANGLE OF 30° 13' 47" AND WHOSE RADIUS POINT BEARS NORTH 55°
57' 01" WEST A DISTANCE OF 80.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 51.55 FEET TO THE
POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE WHICH IS CONVEXE SOUTHWESTERLY
AND WHICH HAS A CENTRAL ANGLE OF 55° 49' 04" AND WHOSE RADIUS POINT BEARS SOUTH 08°
43' 19" EAST A DISTANCE OF 20.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 28.81 FEET;
THENCE NORTH 89° 32' 18" WEST A DISTANCE OF 50.00 FEET;
THENCE NORTH 00° 28' 23" EAST A DISTANCE OF 158.77 FEET;

THENCE SOUTH 89° 30' 50" EAST A DISTANCE OF 50.00 FEET TO THE POINT OF CURVATURE OF
A CIRCULAR CURVE WHICH IS CONVEXE NORTHEASTERLY AND WHICH HAS A CENTRAL ANGLE OF
30° 00' 00" AND WHOSE RADIUS POINT BEARS SOUTH 89° 30' 50" EAST A DISTANCE OF 20.00
FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 28.81 FEET TO THE
POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE WHICH IS CONVEXE SOUTHWESTERLY
AND WHICH HAS A CENTRAL ANGLE OF 30° 13' 47" AND WHOSE RADIUS POINT BEARS SOUTH 07°
40' 01" WEST A DISTANCE OF 80.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 50.10 FEET TO THE
POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE WHICH IS CONVEXE NORTHEASTERLY
AND WHICH HAS A CENTRAL ANGLE OF 55° 49' 04" AND WHOSE RADIUS POINT BEARS NORTH 55°
57' 01" EAST A DISTANCE OF 20.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 19.47 FEET TO A
POINT OF TANGENCY;

THENCE NORTH 89° 45' 15" EAST A DISTANCE OF 453.50 FEET;
THENCE NORTH 45° 03' 08" EAST A DISTANCE OF 28.40 FEET;
THENCE NORTH 00° 17' 04" EAST A DISTANCE OF 482.72 FEET TO THE POINT OF TANGENCY OF
A CIRCULAR CURVE WHICH IS CONVEXE NORTHEASTERLY AND WHICH HAS A CENTRAL ANGLE
OF 24° 30' 14" AND WHOSE RADIUS POINT BEARS NORTH 89° 42' 58" WEST A DISTANCE OF 23.00
FEET;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 204.40 FEET TO A
POINT OF TANGENCY;

THENCE SOUTHWESTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF
153.50 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH 43° 50' 14" EAST A DISTANCE OF 178.28 FEET;
THENCE NORTH 43° 50' 14" EAST A DISTANCE OF 307.21 FEET;
THENCE SOUTH 88° 53' 24" WEST A DISTANCE OF 601.35 FEET;

THENCE NORTH 00° 25' 10" EAST A DISTANCE OF 220.01 FEET;
THENCE NORTH 89° 57' 13" EAST A DISTANCE OF 238.88 FEET;
THENCE ON A BEARING OF NORTH A DISTANCE OF 213.18 FEET TO A POINT OF NON-TANGENCY
ON A CIRCULAR CURVE WHICH IS CONVEXE SOUTHEASTERLY, AND WHICH HAS A CENTRAL ANGLE
OF 49° 59' 41" AND WHOSE RADIUS POINT BEARS SOUTH;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 17.45 FEET TO THE
POINT OF TANGENCY;

THENCE WESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 83.88 FEET
TO A POINT OF NON-TANGENCY;

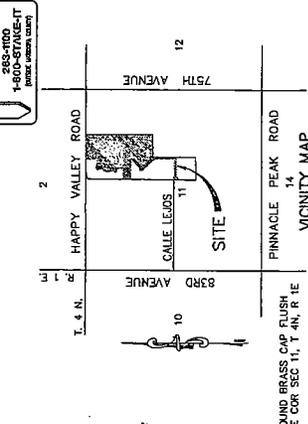
THENCE NORTH 07° 50' 54" WEST A DISTANCE OF 200.89 FEET;
THENCE NORTH 07° 50' 54" WEST A DISTANCE OF 238.88 FEET TO A POINT OF NON-TANGENCY
ON A CIRCULAR CURVE WHICH IS CONVEXE NORTHEASTERLY, AND WHICH HAS A CENTRAL ANGLE
OF 24° 30' 14" AND WHOSE RADIUS POINT BEARS NORTH 49° 59' 41" EAST A DISTANCE OF
50.00 FEET;

THENCE NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 183.08
FEET TO THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE WHICH IS CONVEXE
SOUTHWESTERLY, AND WHICH HAS A CENTRAL ANGLE OF 55° 49' 04" AND WHOSE RADIUS POINT
BEARS NORTH 49° 59' 41" EAST A DISTANCE OF 20.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 17.45 FEET TO A
POINT OF TANGENCY;

THENCE NORTH 88° 08' 08" EAST A DISTANCE OF 192.05 FEET;
THENCE SOUTH 88° 08' 08" EAST A DISTANCE OF 311.13 FEET TO THE POINT OF BEGINNING OF
THIS DESCRIPTION.

ON THE OTHER SIDE OF
283-1100
1-800-STAKE-IT
MARKED WITH A WHITE
CROWN



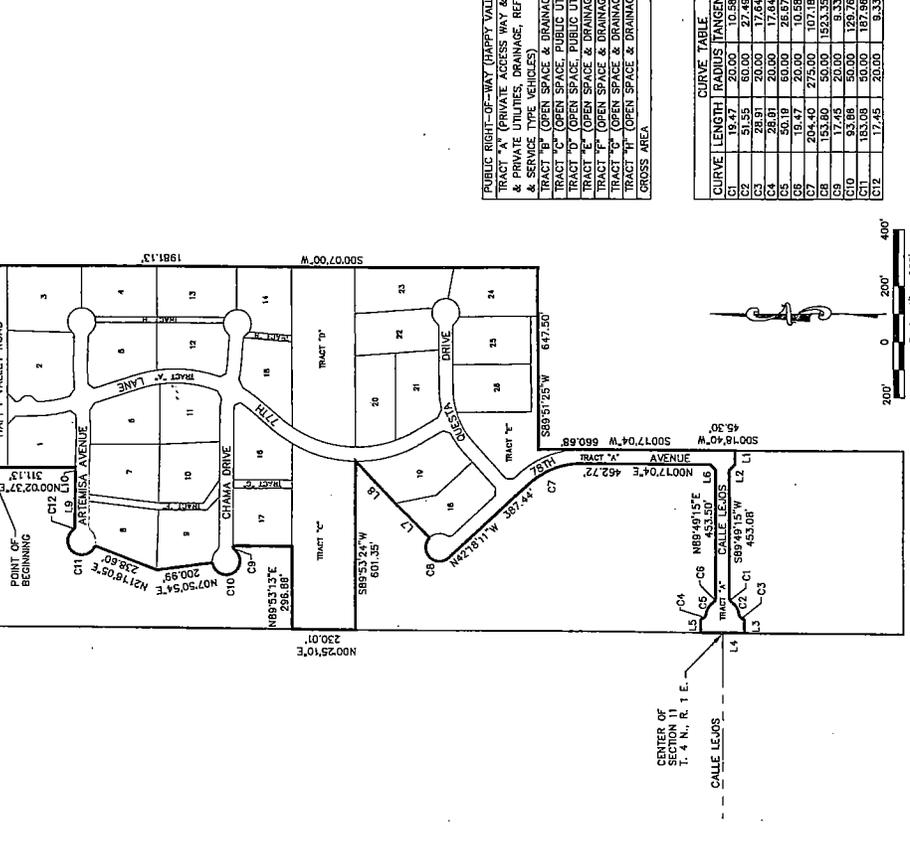
NOTES:
1. THIS IMPROVEMENT DISTRICT IS FOR THE EXPRESS PURPOSE
OF PROVIDING THE MAINTENANCE AND OPERATION OF THE
LANDSCAPING AND DRAINAGE AND RETENTION AREAS
ADJACENT TO AND ALONG THE PUBLIC ROADWAYS WITHIN THE
ARIZONA STATE STATUTES, TITLE 48, CHAPTER 4, ARTICLE 2,
SECTION 574, AS AMENDED.

CERTIFICATION

I, ANDREW GRANGER, ENGINEERING DEPARTMENT DIRECTOR OF
THE CITY OF PEORIA, ARIZONA HEREBY CERTIFY THAT THIS IS
A TRUE AND CORRECT COPY OF THE MAINTENANCE IMPROVEMENT
DISTRICT NO. 1094 FOR SILVER CANYON RANCH UNIT 1, AS APPROVED BY THE MAYOR AND
COUNCIL OF THE CITY OF PEORIA, AND THAT A QUORUM WAS
PRESENT.

ASSESSMENT DIAGRAM SUBMITTED THIS _____ DAY OF _____
2012.

BY: _____
DISTRICT ENGINEER



Scale: 1" = 200'



CITY OF PEORIA

RESOLUTION NO. 2012-46

PAGE 8 OF 10

DATE: 12/21/14

EXPIRES: 12/21/14

REVISIONS

DATE: 12/21/14

BY: JEFFREY J. HARRIS

PREPARED BY: JEFFREY J. HARRIS

DATE: 12/21/14

PROJECT: SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

MAINTENANCE IMPROVEMENT DISTRICT NO. 1094

SILVER CANYON RANCH UNIT 1

ASSESSMENT DIAGRAM

Resolution No. 2012-46
MID 1094 – Silver Canyon Ranch Unit 1
April 17, 2012
Page 9 of 10 Pages

CITY OF PEORIA, ARIZONA

NOTICE

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE MAINTENANCE OF LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITHIN APPURTENANT STRUCTURES AS SHOWN ON THE PLANS FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1094, SILVER CANYON RANCH UNIT 1.

This notice is given pursuant to the provisions of Title 48, Chapter 4, Article 2, Sections 48-571 to 48-619, both inclusive, Arizona Revised Statutes, as amended.

On the 17th day of April 2012 the Mayor and Council of the City of Peoria adopted Resolution No. 2012-46; ordering the improvements of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures shown on the plans, within the corporate limits of the City and creating an Improvement District known as the City of Peoria Maintenance Improvement District No. 1094, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures, which includes a charge for the maintenance of landscaping and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice been given.

Any owner, or any other person having an interest in any lot, piece or parcel of land situated within the above-described assessment district, who claims that any of the provisions, acts or proceedings relative to the above described improvements are irregular, defective, illegal, erroneous or faulty, may file with the City Clerk, Room 150, 8401 West Monroe Street, Peoria, Arizona 85345, within 15 days from the date of the first publication of this notice, a written notice specifying in what way said acts or proceedings are irregular, defective, illegal, erroneous or faulty.

Further information concerning City of Peoria Maintenance Improvement District No. 1094 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

Resolution No. 2012-46
MID 1094 – Silver Canyon Ranch Unit 1
April 17, 2012
Page 10 of 10 Pages

DATED AND SIGNED this _____ day of _____, 2012.

Andrew Granger
Acting Superintendent of Streets
City of Peoria, Arizona

RESOLUTION NO. 2012- 47

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1094, SILVER CANYON RANCH UNIT 1; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, THAT:

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the maintenance of landscaping within the proposed district and that the cost of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be assessed upon a certain improvement district to be known as Peoria Maintenance Improvement District No. 1094.

The estimate of the cost and expenses for the maintenance of the landscaping on file with the Superintendent of Streets and the City Clerk is approved and adopted by the Mayor and Council of the City.

SECTION 2. The maintenance of the landscaping, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the maintenance of the landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be chargeable upon a district to be known and designated as the City of Peoria Maintenance Improvement

Resolution No. 2012- 47
MID 1094 – Silver Canyon Ranch Unit 1
April 17, 2012
Page 2 of 5 Pages

District No. 1094 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

The City shall not assess the costs and expenses for the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures, which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1094 and if a portion of the costs and expenses for the maintenance of landscaping is for the general public benefit, the City shall assess the boundaries of the City of Peoria Maintenance Improvement District No. 1094 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1094.

SECTION 3. The costs and expense for the maintenance of landscaping shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Maintenance Improvement District No. 1094 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

SECTION 4. The majority of owners of all of the real property within the proposed district have executed a Petition for formation of a Maintenance Improvement District and the City Council has verified the ownership of the property. Publication and posting of the notice of the passage of the Resolution of Intention will be completed as prescribed by the State Statues.

SECTION 5. Any Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby repealed.

SECTION 6. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety and an emergency is declared to exist, and this Resolution will be in full force and effect from and after its passage and approval by the Mayor and Council of the City of Peoria, Arizona as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

Resolution No. 2012- 47
MID 1094 – Silver Canyon Ranch Unit 1
April 17, 2012
Page 3 of 5 Pages

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Peoria, Arizona, this 17th day of April, 2012.

Bob Barrett, Mayor

Date Signed: _____

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

LEGAL DESCRIPTION

THAT PORTION OF THE EAST HALF OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 11; THENCE, ON A BEARING OF NORTH 89° 56' 01" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 11, A DISTANCE OF 566.47 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE, CONTINUING ALONG THE NORTH LINE OF SAID EAST HALF OF SAID SECTION 11, NORTH 89° 56' 01" EAST A DISTANCE OF 716.93 FEET;

THENCE, SOUTH 00° 07' 00" WEST A DISTANCE OF 1981.31 FEET;

THENCE, SOUTH 89° 51' 25" WEST A DISTANCE OF 647.50 FEET;

THENCE, SOUTH 00° 17' 04" WEST A DISTANCE OF 660.68 FEET;

THENCE, SOUTH 00° 18' 40" WEST A DISTANCE OF 45.30 FEET;

THENCE, NORTH 89° 41' 20" WEST A DISTANCE OF 50.01 FEET;

THENCE, NORTH 44° 55' 44" WEST A DISTANCE OF 28.16 FEET;

THENCE, SOUTH 89° 49' 15" WEST A DISTANCE OF 453.08 FEET TO A POINT OF TANGENCY WITH A CIRCULAR CURVE WHICH IS CONCAVE SOUTHEASTERLY AND WHICH HAS A CENTRAL ANGLE OF 55° 46' 16" AND WHOSE RADIUS POINT BEARS SOUTH 00° 10' 45" EAST A DISTANCE OF 20.00 FEET;

THENCE, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 19.47 FEET TO THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE WHICH IS CONCAVE NORTHWESTERLY AND WHICH HAS A CENTRAL ANGLE OF 49° 13' 47" AND WHOSE RADIUS POINT BEARS NORTH 55° 57' 01" WEST A DISTANCE OF 60.00 FEET;

THENCE, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 51.55 FEET TO THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE WHICH IS CONCAVE SOUTHEASTERLY AND WHICH HAS A CENTRAL ANGLE OF 82° 49' 04" AND WHOSE RADIUS POINT BEARS SOUTH 06° 43' 14" EAST A DISTANCE OF 20.00 FEET;

THENCE, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 28.91 FEET;

THENCE, NORTH 89° 32' 18" WEST A DISTANCE OF 50.00 FEET;

THENCE, NORTH 00° 28' 23" EAST A DISTANCE OF 158.77 FEET;

THENCE, SOUTH 89° 30' 56" EAST A DISTANCE OF 50.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE WHICH IS CONCAVE NORTHEASTERLY AND WHICH HAS A CENTRAL ANGLE OF 82° 49' 03" AND WHOSE RADIUS POINT BEARS SOUTH 89° 30' 56" EAST A DISTANCE OF 20.00 FEET;

THENCE, SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 28.91 FEET TO THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE WHICH IS CONCAVE SOUTHWESTERLY AND WHICH HAS A CENTRAL ANGLE OF 47° 55' 30" AND WHOSE RADIUS POINT BEARS SOUTH 07° 40' 01" WEST A DISTANCE OF 60.00 FEET;

THENCE, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 50.19 FEET TO THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE WHICH IS CONCAVE NORTHEASTERLY AND WHICH HAS A CENTRAL ANGLE OF 55° 46' 16" AND WHOSE RADIUS POINT BEARS NORTH 55° 35' 31" EAST A DISTANCE OF 20.00 FEET;

THENCE, SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 19.47 FEET TO A POINT OF TANGENCY;

THENCE, NORTH 89° 49' 15" EAST A DISTANCE OF 453.50 FEET;

THENCE, NORTH 45° 03' 09" EAST A DISTANCE OF 28.40 FEET;

THENCE, NORTH 00° 17' 04" EAST A DISTANCE OF 462.72 FEET TO THE POINT OF TANGENCY OF A CIRCULAR CURVE WHICH IS CONCAVE SOUTHWESTERLY AND WHICH HAS A CENTRAL ANGLE OF 42° 35' 14" AND WHOSE RADIUS POINT BEARS NORTH 89° 42' 56" WEST A DISTANCE OF 275.00 FEET;

THENCE, NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 204.40 FEET TO A POINT OF TANGENCY;

THENCE, NORTH 42° 18' 11" WEST A DISTANCE OF 387.44 FEET TO THE POINT OF TANGENCY OF A CIRCULAR CURVE WHICH IS CONCAVE SOUTHEASTERLY AND WHICH HAS A CENTRAL ANGLE OF 176° 14' 25" AND WHOSE RADIUS POINT BEARS NORTH 47° 41' 49" EAST A DISTANCE OF 50.00 FEET;

THENCE, NORTHWESTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 153.80 FEET TO A POINT OF NON-TANGENCY;

THENCE, NORTH 43° 56' 14" EAST A DISTANCE OF 176.28 FEET;

THENCE, NORTH 45° 57' 40" EAST A DISTANCE OF 207.21 FEET;

THENCE, SOUTH 89° 53' 24" WEST A DISTANCE OF 601.35 FEET;

THENCE, NORTH 00° 25' 10" EAST A DISTANCE OF 230.01 FEET;

THENCE, NORTH 89° 53' 13" EAST A DISTANCE OF 296.86 FEET;

THENCE, ON A BEARING OF NORTH A DISTANCE OF 213.18 FEET TO A POINT OF NON-TANGENCY ON A CIRCULAR CURVE WHICH IS CONCAVE SOUTHEASTERLY, AND WHICH HAS A CENTRAL ANGLE OF 49° 59' 41" AND WHOSE RADIUS POINT BEARS DUE SOUTH;

THENCE, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 17.45 FEET TO THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE WHICH IS CONCAVE NORTHEASTERLY AND WHICH HAS A CENTRAL ANGLE OF 222° 08' 47" AND WHOSE RADIUS POINT BEARS NORTH 49° 59' 41" WEST A DISTANCE OF 50.00 FEET;

THENCE, WESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 93.86 FEET TO A POINT OF NON-TANGENCY;

THENCE, NORTH 07° 50' 54" WEST A DISTANCE OF 200.99 FEET;

THENCE, NORTH 21° 18' 05" EAST A DISTANCE OF 238.60 FEET TO A POINT OF NON-TANGENCY ON A CIRCULAR CURVE WHICH IS CONCAVE SOUTHEASTERLY AND WHICH HAS A CENTRAL ANGLE OF 209° 47' 36" AND WHOSE RADIUS POINT BEARS NORTH 20° 09' 50" EAST A DISTANCE OF 50.00 FEET;

THENCE, NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 183.08 FEET TO THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE WHICH IS CONCAVE NORTHEASTERLY AND WHICH HAS A CENTRAL ANGLE OF 49° 59' 41" AND WHOSE RADIUS POINT BEARS NORTH 49° 57' 25" EAST A DISTANCE OF 20.00 FEET;

THENCE, SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 17.45 FEET TO A POINT OF TANGENCY;

THENCE, NORTH 89° 57' 44" EAST A DISTANCE OF 192.06 FEET;

THENCE, SOUTH 88° 05' 42" EAST A DISTANCE OF 15.68 FEET;

THENCE, NORTH 00° 02' 37" EAST A DISTANCE OF 311.13 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.



Resolution No. 2012-47

EXHIBIT "B"

IS ON FILE IN THE

**CITY OF PEORIA
CITY CLERK'S OFFICE
8401 W. Monroe Street
Peoria, AZ 85345**

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 8C

Date Prepared: March 12, 2012

Council Meeting Date: April 17, 2012

TO: Carl Swenson, City Manager

FROM: Andrew Granger, P. E., Engineering Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Easement, Salt River Project Irrigation, 75th Avenue and Thunderbird Road Intersection Widening Project

Purpose:

This is a request for City Council to authorize the execution of an Irrigation Easement to Salt River Project (SRP) for the relocation and maintenance of irrigation facilities associated with the construction of the 75th Avenue and Thunderbird Road Intersection Widening Project.

Background/Summary:

The City's design consultant analyzed the existing irrigation line locations and determined that it will be necessary to relocate portions of the existing SRP irrigation lines to accommodate our project.

Previous Actions:

SRP has agreed to relocate the portions of their irrigation lines that are in conflict with our new roadway improvements and have requested that the City grant them an easement for the portion that will be relocated.

Options:

A: City Council authorizes the execution and recordation of the Easement.

B: City Council chooses not to authorize the easement resulting in no public record of the existence or location of SRP's irrigation facilities.

Staff's Recommendation:

Staff recommends the adoption of a Resolution authorizing the City Manager to execute the SRP easement.

Fiscal Analysis:

There is no fiscal impact to the City associated with granting this easement.

Narrative:

Recordation of this easement will provide a public record of the existence and location of SRP's irrigation facilities.

Exhibit(s):

Exhibit 1: Vicinity Map

Exhibit 2: Location Map

Exhibit 3: Resolution

Contact Name and Number: Kris Luna, Sr Real Property Administrator, (623) 773-7199



NOT TO SCALE

DOVE VALLEY RD

LONE MOUNTAIN RD

MONTGOMERY RD

DIXILETA DR

PEAK VIEW RD

DYNAMITE BL

PINNACLE VISTA DR

JOMAX RD

YEARLING RD

HAPPY VALLEY RD

CALLE LEJOS

PINNACLE PEAK RD

WILLIAMS RD

DEER VALLEY RD

ROSE GARDEN LN

BEARDSLEY RD

UTOPIA RD

UNION HILLS DR

GROVERS AVE

BELL RD

PARADISE LN

GREENWAY RD

ACOMA DR

THUNDERBIRD RD

SWEETWATER AVE

CACTUS RD

CHOLLA ST

PEORIA AVE

MOUNTAIN VIEW RD

OLIVE AVE

BUTLER DR

NORTHERN AVE

LEGEND

-  75th Avenue & Thunderbird Road SRP Irrigation Easement

115TH AVE
111TH AVE
107TH AVE
103RD AVE
99TH AVE
95TH AVE
91ST AVE
87TH AVE
83RD AVE
79TH AVE
75TH AVE
71ST AVE



VICINITY MAP



NOT TO SCALE

75TH AVE

THUNDERBIRD RD



LEGEND



Irrigation Easement

City of Peoria
SRP Irrigation Easement
Location Map



NOTE:
This Map is based on imprecise source data, subject to change and FOR GENERAL REFERENCE ONLY.

RESOLUTION NO. 2012-44

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF AN EASEMENT TO SALT RIVER PROJECT FOR THE RELOCATION OF EXISTING IRRIGATION FACILITIES IN THE VICINITY OF 75TH AVENUE AND THUNDERBIRD ROAD.

WHEREAS, the City of Peoria has requested that Salt River Project relocate irrigation lines to accommodate the intersection widening of 75th Avenue and Thunderbird Road. Salt River Project has agreed to do so upon the granting of an easement for the location of the new irrigation lines.

WHEREAS, Pursuant to Article I, Section III of the Peoria City Charter, the City Council may convey any right, title or interest in any real property in such terms as the City Council determines to be appropriate and necessary; and

WHEREAS, Pursuant to the Peoria City Charter and in accordance with the findings set forth above, the Mayor and Council of the City of Peoria consent to the granting of this Easement and authorize the City Manager to execute the document; and

THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Peoria, Arizona authorize the granting of the attached Easement to Salt River Project, and authorize the City Manager to execute the Easement.

Resolution No. 2012-44
75th & Thunderbird – SRP Easement
April 17, 2012
Page 2 of 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Arizona this 17th day of April, 2012.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Attachment:

1. SRP Easement

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT

Land Department/PAB350
P. O. Box 52025
Phoenix, Arizona 85072-2025

IRRIGATION EASEMENT

Maricopa County

R/W # 74 Agt. PAR

Job # RD-02912

W [REDACTED] C [REDACTED]

KNOW ALL MEN BY THESE PRESENTS:

That

CITY OF PEORIA, ("Grantor"),
a municipal corporation

FOR AND IN CONSIDERATION OF THE SUM of One Dollar, and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to the **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, ("Grantee"), an agricultural improvement district organized and existing under the laws of the State of Arizona, its successors and assigns, for itself and on behalf of the United States of America and as manager of the federal Salt River Reclamation Project, the right, easement and privilege to construct, reconstruct, operate and maintain an irrigation pipeline and irrigation turnout structure together with all the necessary and appurtenant facilities through, over, under and across the following described property:

Exhibit "A" attached hereto and made by reference a part hereof.

Grantor shall not convey any easements or grant any permits within the easement areas in which the facilities do not comply with the specifications shown in Exhibit B attached hereto and by this reference made a part hereof.

Grantor shall not erect, construct or permit to be erected or constructed any building or other structure, plant any trees, drill any well, install swimming pools, or alter ground level by cut or fill, within the limits of said rights of way, which do not comply with said Exhibit B.

Grantee shall have the right, but not the obligation, to erect, maintain and use gates in all fences which now cross said rights of way and to trim, cut and clear away trees or brush whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights hereby granted.

The Grantee shall at all times have the right of full and free ingress and egress to said easement for the purpose heretofore specified.

Grantor and Grantee acknowledge that from time to time Grantee may find it necessary to construct, reconstruct, operate and maintain irrigation facilities and appurtenant conveniences lying within the easement areas.

Grantor shall pay Grantee all costs and expenses of any relocation of the irrigation facilities requested by Grantor, including but not limited to, the relocation of the facilities into the easement area described above.

In the event the right, privilege and easement herein granted shall be abandoned and permanently cease to be used for the purpose herein granted, all rights herein granted shall cease and revert to the Grantors, their heirs or assigns.

The covenants and agreements herein set forth shall extend and inure in favor and to the benefit of and shall be binding on the heirs, successors in ownership and estate, assigns and lessees of the respective parties hereto.

Notwithstanding any of the aforesaid provisions, the easement rights granted herein shall be further subject to the following covenants, restrictions and conditions:

1. Grantor reserves the right to construct, install, operate, maintain, repair, replace and reinstall surface parking areas, driveways, roadways, sidewalks, curbs and gutters, landscaping, irrigation lines and street lighting on the surface of the easement areas.
2. Grantor reserves the right to construct and install public utilities, and to grant easements and permits for public utility purposes, in, upon, under, over and across the easement areas subject to compliance with the specifications shown in Exhibit B attached hereto and by this reference made a part hereof.
3. In the event that any repair, maintenance, replacement or installation of the irrigation facilities and appurtenant conveniences will cause a disturbance or a disruption of any public street or paved roadway, Grantee shall notify Grantor, pursuant to existing practices, before Grantee undertakes any such action. In the event of an emergency, Grantee shall have use of any public street or paved roadway as it reasonably deems necessary and appropriate to correct, repair, replace or reconstruct irrigation facilities affected by the emergency and notify Grantor, pursuant to existing practices, as soon as practical after responding to the emergency. Grantee shall provide for advance warning signs, barricades, flagmen, flares, and other devices when necessary to protect the roadway user as set forth in the "Manual on Uniform Traffic Control Devices" and any amendments and/or revisions thereto.
4. Grantor shall warrant and defend the rights, easements and privileges hereby granted and the priority of this easement against all persons whomsoever.

EXHIBIT A

LEGAL DESCRIPTION: SRP IRRIGATION EASEMENT A

THAT PORTION OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE COMMON CORNER OF SECTIONS 11, 12, 13 AND 14, FROM WHENCE A CITY OF PEORIA BRASS CAP IN HAND HOLE MARKING THE COMMON QUARTER CORNER OF SAID SECTIONS 13 AND 14 LIES SOUTH 00°48'51" WEST A DISTANCE OF 2633.82 FEET; AND FROM WHENCE A CITY OF PEORIA BRASS CAP FLUSH, MARKING THE INTERSECTION OF 77TH AVENUE AND THUNDERBIRD ROAD AS SHOWN ON THE "FINAL PLAT OF 75TH AND THUNDERBIRD PLACE" AS RECORDED IN MARICOPA COUNTY RECORDER'S BOOK 920, PAGE 34 LIES SOUTH 88°44'53" WEST, A DISTANCE OF 1377.42 FEET; THENCE NORTH 89°07'39" EAST, ALONG THE CENTERLINE OF SAID THUNDERBIRD ROAD, 95.94 FEET TO THE **POINT OF BEGINNING;**

THENCE NORTH 00°00'00" EAST, 79.01 FEET; THENCE NORTH 89°07'39" EAST, 7.36 FEET; THENCE SOUTH 81°58'17" EAST, 64.15 FEET; THENCE NORTH 89°05'29" EAST, 184.04 FEET; THENCE SOUTH 87°02'30" EAST, 500.49 FEET; THENCE SOUTH 02°57'30" WEST, 20.00 FEET; THENCE NORTH 87°02'30" WEST, 499.82 FEET; THENCE SOUTH 89°05'29" WEST, 184.93 FEET; THENCE NORTH 81°58'17" WEST, 50.13 FEET; THENCE SOUTH 00°00'00" WEST, 56.84 TO SAID CENTERLINE OF THUNDERBIRD ROAD; THENCE SOUTH 89°07'39" WEST, ALONG SAID CENTERLINE OF THUNDERBIRD ROAD, 20.00 FEET TO THE **POINT OF BEGINNING.**

(CONTAINING 16,276 SQUARE FEET, 0.37 ACRE, MORE OR LESS)



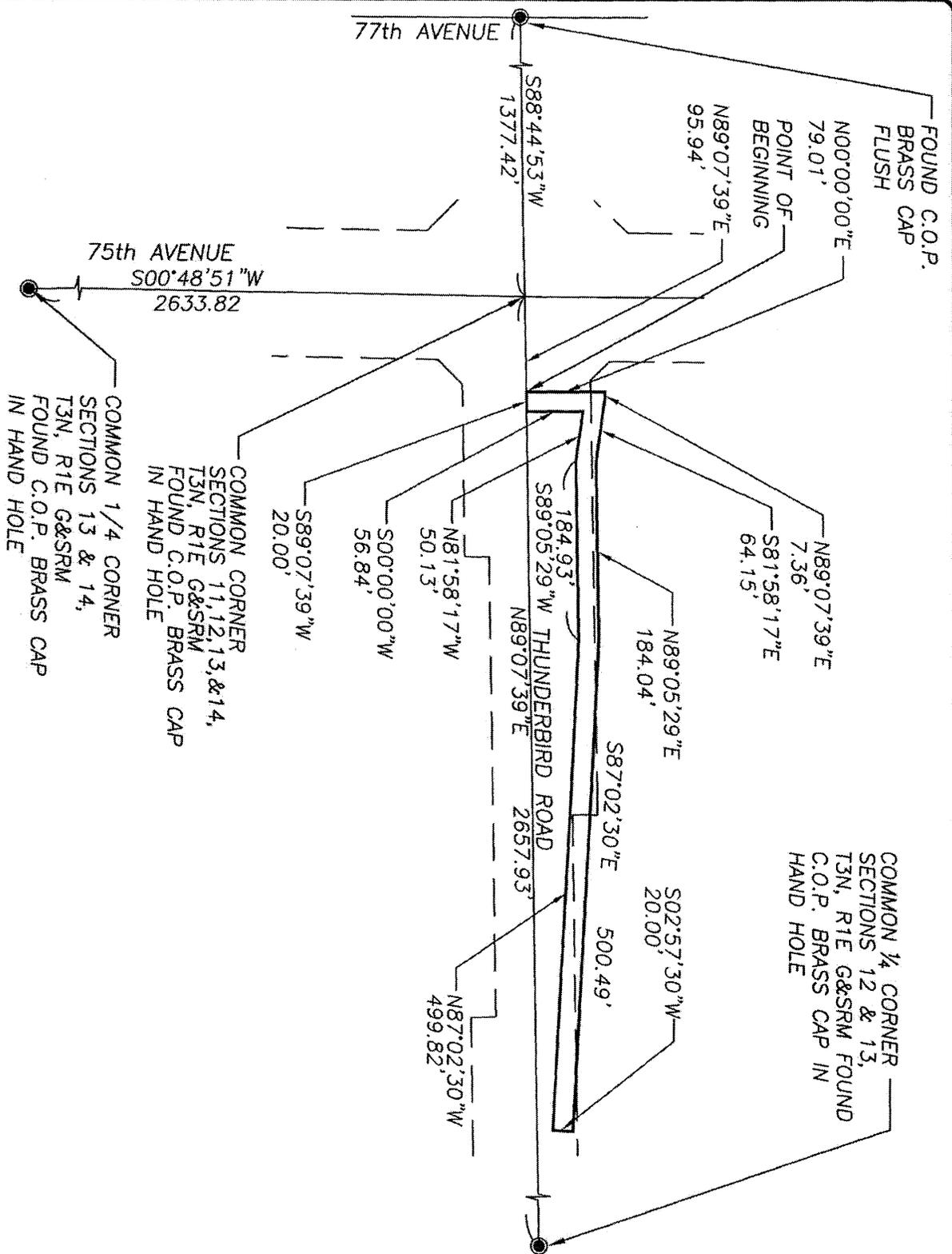
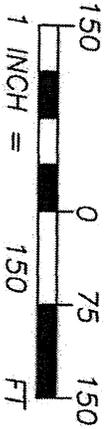
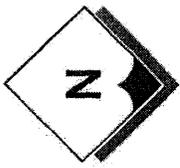


EXHIBIT A
A PORTION OF
SECTION 12
SRP IRRIGATION EASEMENT A
SECTION 12 T3N, R1E

PROJECT No. 2011029	DRAWN BY DMH	DATE FEB., 2012
PAGE No. 2 OF 2	CHECKED BY MAL	



PREMIER
 ENGINEERING CORPORATION
 6437 W CHANDLER BLVD, STE 1
 CHANDLER, AZ 85226

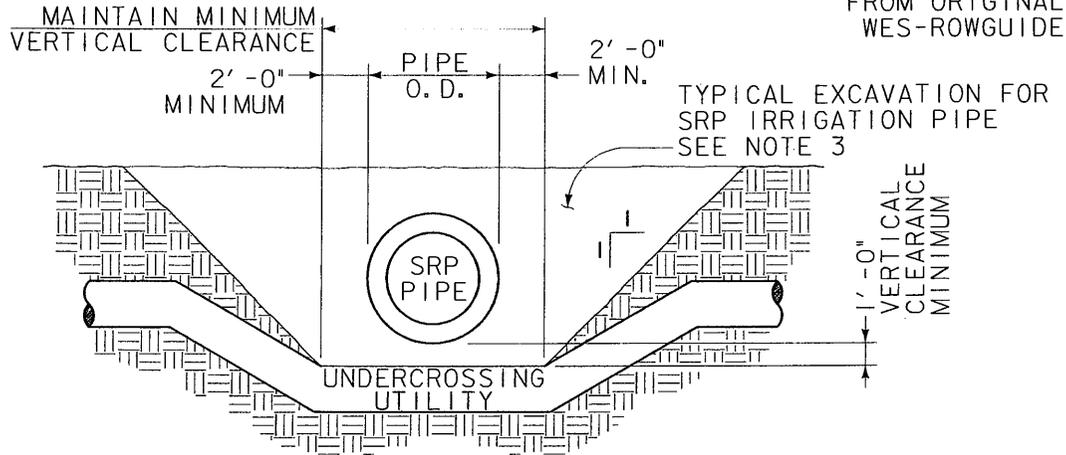


EXHIBIT B

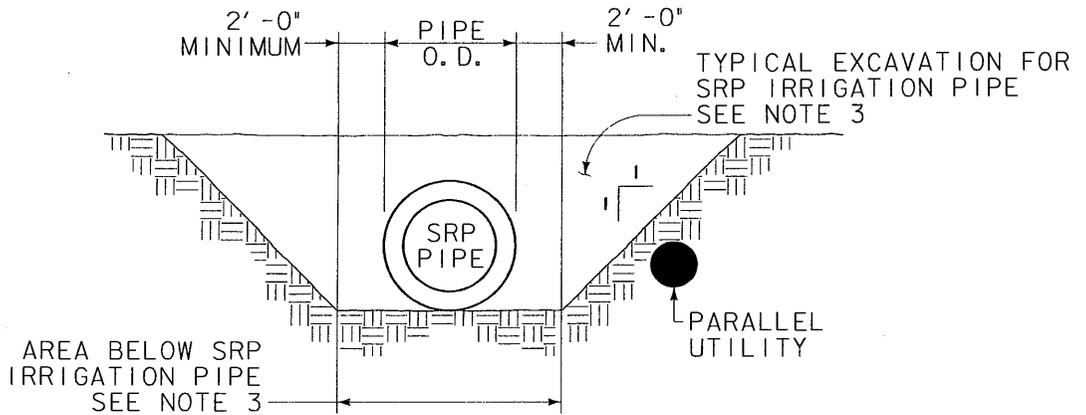
(PAGE 1 OF 2)

REV NO.	DATE
5	06/08/11

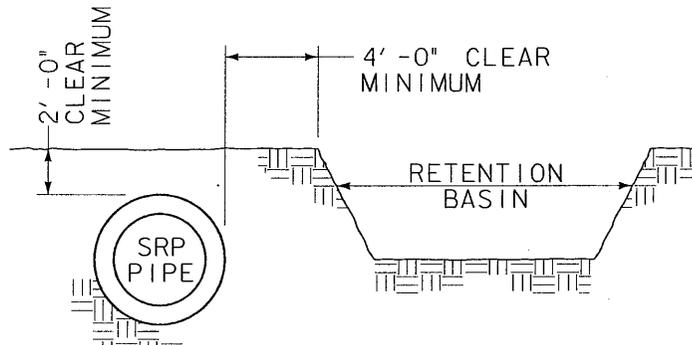
DWG REFERENCED FROM ORIGINAL WES-ROWGUIDE



PIPELINE - UTILITY CROSSING



PIPELINE - PARALLEL UTILITY



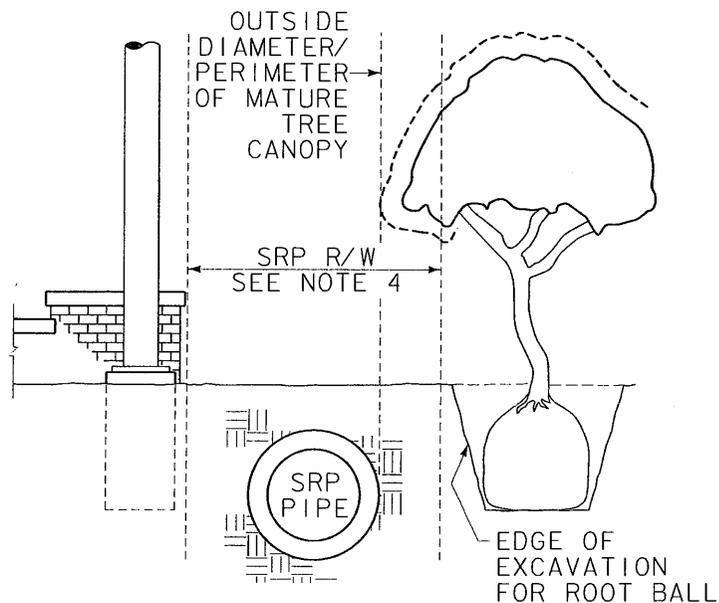
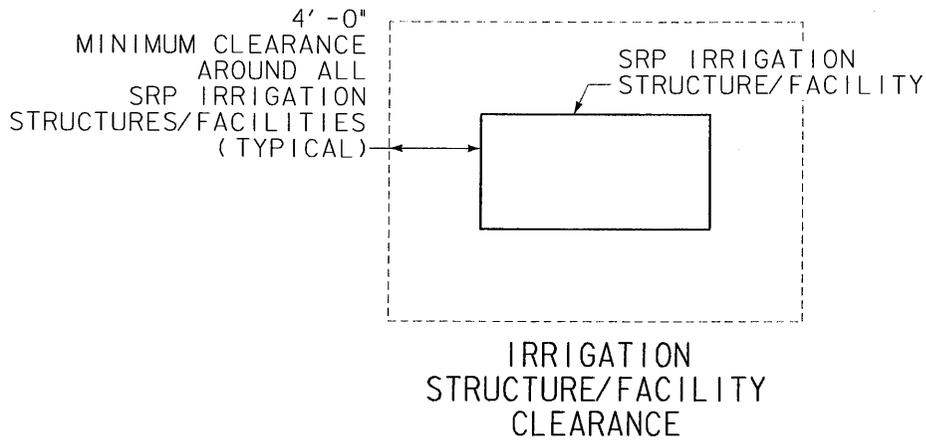
PIPELINES - RETENTION BASIN

EXHIBIT B

(PAGE 2 OF 2)

REV NO.	DATE
5	06/08/11

DWG REFERENCED FROM ORIGINAL WES-ROWGUIDE



PIPELINES - LANDSCAPING

NOTES

1. THESE GUIDELINES ARE PROVIDED AS A GENERAL AID TO PLANNING. ACTUAL SRP REQUIREMENTS MAY VARY BASED ON SITE-SPECIFIC CONDITIONS, OPERATIONAL CONSIDERATIONS, ETC.
2. AN SRP LICENSE IS REQUIRED FOR UTILITIES CROSSING/PARALLEL TO SRP IRRIGATION PIPE IN SRP RIGHT-OF-WAY. SRP REQUIRES ENGINEER DESIGNED UTILITY CROSSING/LOCATION AND EXCAVATION PLAN.
3. OTHER UTILITIES ARE NOT PERMITTED IN THESE AREAS.
4. SRP MAY LICENSE LIMITED USES OF ITS RIGHT-OF-WAY SUCH AS PARKING, SIDEWALK, LAWN, ETC. POLES, STRUCTURES AND TREES ARE TYPICALLY NOT PERMITTED IN SRP RIGHT-OF-WAY. INCLUDE DESIGN DRAWINGS FOR PROPOSED USE WHEN SUBMITTING REQUEST TO SRP FOR LICENSE.
5. REQUESTS FOR SRP LICENSES ARE HANDLED ON A CASE-BY-CASE BASIS. CONTACT SRP AT 602-236-5799 REGARDING LICENSES FOR SITES LOCATED NORTH AND SOUTH OF THE SALT RIVER.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 9C

Date Prepared: March 19, 2012

Council Meeting Date: April 17, 2012

TO: Carl Swenson, City Manager

FROM: Andrew Granger, P. E., Engineering Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Arizona Public Service Easement, Peoria Community Center, 8335 West Jefferson Street

Purpose:

This is a request for City Council to authorize the execution of a Utility Easement to Arizona Public Service (APS) for the installation and maintenance of power facilities related to the Community Center remodel project.

Background/Summary:

The City and APS have worked together to design an electrical system that will provide power to the remodeled Community Center.

Previous Actions:

In order to construct the new facilities during a school break, APS has agreed to begin construction of these lines with the understanding that the City Council would be asked to grant them an easement for the new facilities.

Options:

A: City Council authorizes the execution and recordation of the Easement.

B: City Council chooses not to authorize the easement resulting in APS being unable to complete the power upgrades as designed.

Staff's Recommendation:

Staff recommends the adoption of a Resolution authorizing the City Manager to execute the APS easement.

Fiscal Analysis:

There is no fiscal impact to the City associated with granting this easement.

Narrative:

Recordation of this easement will allow APS to relocate their power facilities and provide a public record of the existence and location of the line.

Exhibit(s):

Exhibit 1: Vicinity Map

Exhibit 2: Location Map

Exhibit 3: Resolution

Contact Name and Number: Kris Luna, Sr Real Property Administrator, (623) 773-7199



NOT TO SCALE

DOVE VALLEY RD

LONE MOUNTAIN RD

MONTGOMERY RD

DIXILETA DR

PEAK VIEW RD

DYNAMITE BL

PINNACLE VISTA DR

JOMAX RD

YEARLING RD

HAPPY VALLEY RD

CALLE LEJOS

PINNACLE PEAK RD

WILLIAMS RD

DEER VALLEY RD

ROSE GARDEN LN

BEARDSLEY RD

UTOPIA RD

UNION HILLS DR

GROVERS AVE

BELL RD

PARADISE LN

GREENWAY RD

ACOMA DR

THUNDERBIRD RD

SWEETWATER AVE

CACTUS RD

CHOLLA ST

PEORIA AVE

MOUNTAIN VIEW RD

OLIVE AVE

BUTLER DR

NORTHERN AVE

LEGEND

 83rd Avenue & Jefferson Street
APS Utility Easement

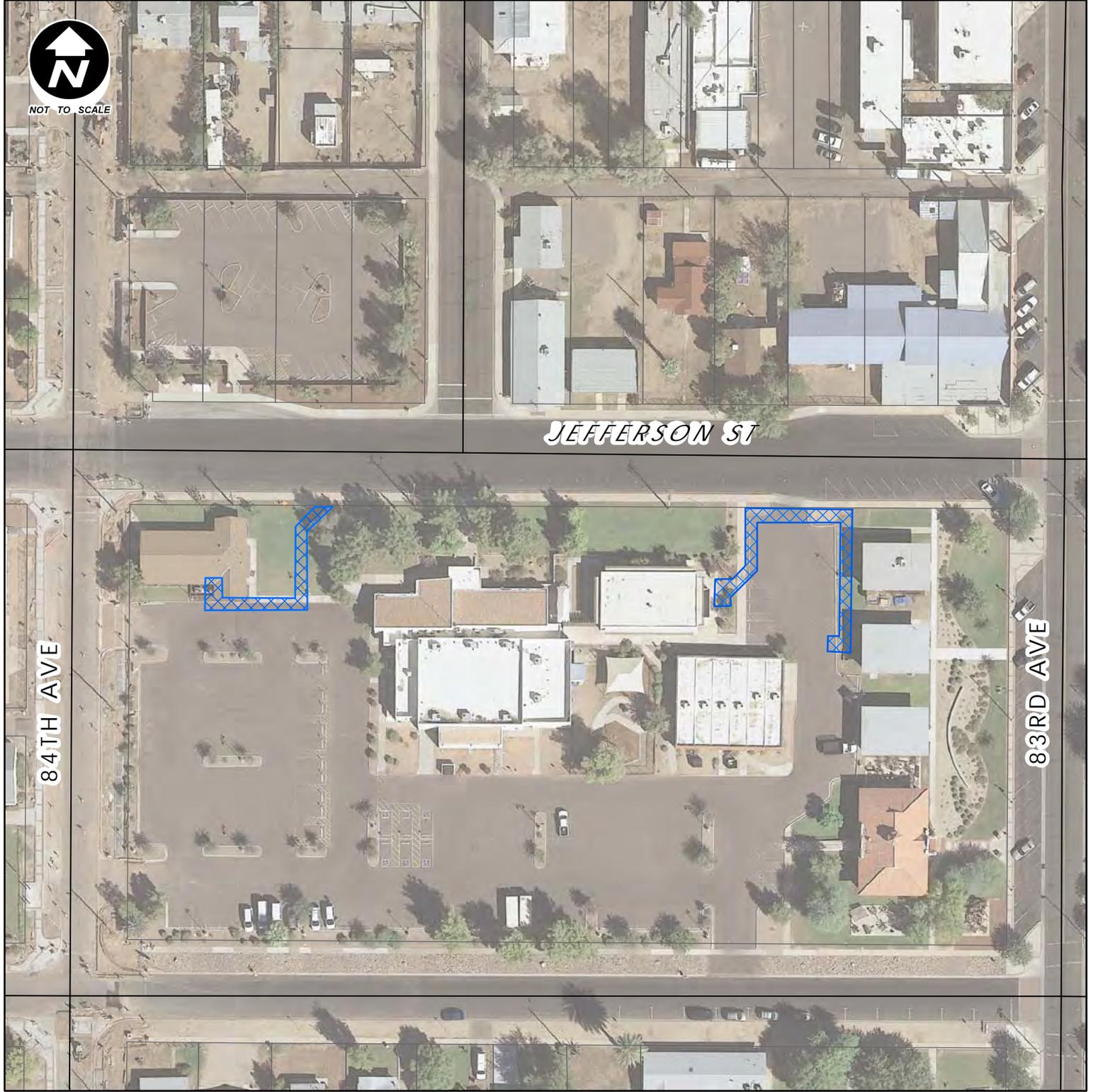
115TH AVE
111TH AVE
107TH AVE
103RD AVE
99TH AVE
95TH AVE
91ST AVE
87TH AVE
83RD AVE
79TH AVE
75TH AVE
71ST AVE



VICINITY MAP



NOT TO SCALE



JEFFERSON ST

84TH AVE

83RD AVE

LEGEND



Easement

City of Peoria
Community Center
83rd Ave & Jefferson St
APS Utility Easement
Location Map



NOTE:
This Map is based on imprecise source data, subject to change and FOR GENERAL REFERENCE ONLY.

RESOLUTION NO. 2012-45

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF AN EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY FOR THE INSTALLATION AND MAINTENANCE OF ELECTRICAL FACILITIES ASSOCIATED WITH THE REMODEL OF THE COMMUNITY CENTER LOCATED AT 8335 WEST JEFFERSON STREET.

WHEREAS, the City of Peoria has requested Arizona Public Service design and install new electrical facilities associated with the remodel of the Peoria Community Center, and they have agreed to do so with the understanding that the City will grant them an easement for the location of the new electrical facilities.

WHEREAS, Pursuant to Article I, Section III of the Peoria City Charter, the City Council may convey any right, title or interest in any real property in such terms as the City Council determines to be appropriate and necessary; and

WHEREAS, Pursuant to the Peoria City Charter and in accordance with the findings set forth above, the Mayor and Council of the City of Peoria consent to the granting of this Easement and authorize the City Manager to execute the document; and

THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Peoria, Arizona authorize the granting of the attached Easement to Arizona Public Service, and authorize the City Manager to execute the Easement.

Resolution No. 2012-45
Community Center – APS Easement
April 17, 2012
Page 2 of 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Arizona this 17th day of April, 2012.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Attachment:

1. APS Easement

NE 1/4-27-3N-1E
APN: 501-72-847
WA104628
JNJ
SURVEY CCW-11-40

Page 1 of 3

UTILITY EASEMENT

CITY OF PEORIA, an Arizona municipal corporation, (hereinafter called "Grantor"), is the owner of the following described real property located in Maricopa County, Arizona (hereinafter called "Grantor's Property"):

All of Block 28, PLAT OF PEORIA, according to Book 2 of maps, page 57, records of Maricopa County, Arizona.

Grantor, for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **ARIZONA PUBLIC SERVICE COMPANY**, an Arizona corporation, (hereinafter called "Grantee"), and to its successors and assigns, a non-exclusive right, privilege, and easement at locations and elevations, in, upon, over, under, through and across, a portion of Grantor's Property described as follows (herein called the "Easement Premises"):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Grantee is hereby granted the right to: construct, reconstruct, replace, repair, operate and maintain electrical lines, together with appurtenant facilities and fixtures for use in connection therewith, for the transmission and distribution of electricity to, through, across, and beyond Grantor's Property; install, operate and maintain telecommunication wires, cables, conduits, fixtures and facilities incidental to supplying electricity or for Grantee's own use (said electrical and telecommunication lines, facilities and fixtures collectively herein called "Grantee Facilities"); utilize the Easement Premises for all other purposes connected therewith; and permit the installation of the wires, fixtures, conduits, or cables of any other company.

Grantee is hereby granted the right, but not the obligation, to trim, prune, cut, and clear away trees, brush, shrubs, or other vegetation on, or adjacent to, the Easement Premises whenever in Grantee's judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified.

Grantor shall maintain a clear area that extends 2 feet from and around all edges of all transformer pads and a clear operational area that extends 10 feet immediately in front of all transformer, equipment openings, as shown on Exhibit "A" attached hereto and made a part hereof. No obstructions, trees, shrubs, fixtures, or permanent structures shall be placed by Grantor within said areas.

Grantor shall not locate, erect or construct, or permit to be located, erected or constructed, any building or other structure or drill any well within the limits of the Easement Premises; nor shall Grantor plant or permit to be planted any trees within the limits of the Easement Premises without the prior written consent of Grantee. However, Grantor reserves the right to use the Easement Premises for purposes that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities, including, without limitation, granting others the right to use all or portions of the Easement Premises for utility or roadway purposes and constructing improvements within the Easement Premises such as paving, sidewalks, landscaping, and curbing. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of the Easement Premises, and in no event shall a change in the grade compromise Grantee's minimum cover requirements or interfere with Grantee's operation, maintenance or repair.

Grantee agrees that following any installation, excavation, maintenance, repair, or other work performed by Grantee within the Easement Premises, the affected area will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee; and that Grantee shall indemnify Grantor, to the extent required by law, for any loss, cost or damage incurred by Grantor as a result of any negligent installation, excavation, maintenance, repair or other work performed by Grantee within the Easement Premises.

The easement granted herein shall not be deemed abandoned except upon Grantee's execution and recording of a formal instrument abandoning the easement.

The covenants and agreements herein set forth shall extend and inure in favor and to the benefit of, and shall be binding on the heirs, administrators, executors, successors in ownership and estate, assigns and lessees of Grantor and Grantee.

[THE REST OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, **CITY OF PEORIA, an Arizona municipal corporation**, an Arizona nonprofit corporation, has caused this Utility Easement to be executed by its duly authorized representative, this ____ day of _____, 2012.

CITY OF PEORIA, an Arizona municipal corporation,

By: _____
Carl Swenson
Its: City Manager

Approved as to form

Stephen M. Kemp, City Attorney

ATTEST

City Clerk

STATE OF Arizona }
 } ss.
County of Maricopa }

This instrument was acknowledged before me this ____ day of _____, 2012
by _____ (Grantor).

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Seal:

Notary Public Signature

EXHIBIT "A"

SKETCH SHOWING LOCATION AND LIMITS OF
UTILITY EASEMENT

NE COR SEC 27
T 3N R 1E



SCALE 1"=60'

83RD DRIVE

JEFFERSON STREET

381.10' N89° 45' 45"W

N00° 21' 11"E
572.83'

28.51'

35.00'
R/W

539.83'

L20

L5

305.67' N89° 45' 45"W

L17

L19

L11

L12

L6

L16

L15

L14

L13

L9

L8

L7

40.00'
R/W

AVENUE

APN: 142-41-091

239.81' S00° 15' 11"E

83RD

8.00'
TYPICAL
P.U.E.

539.75'

L2

PAGE 1 OF 3

LEGEND	
	EASEMENT AREA
	ROAD CENTERLINE
	PROPERTY LINE
	PROPERTY CORNER

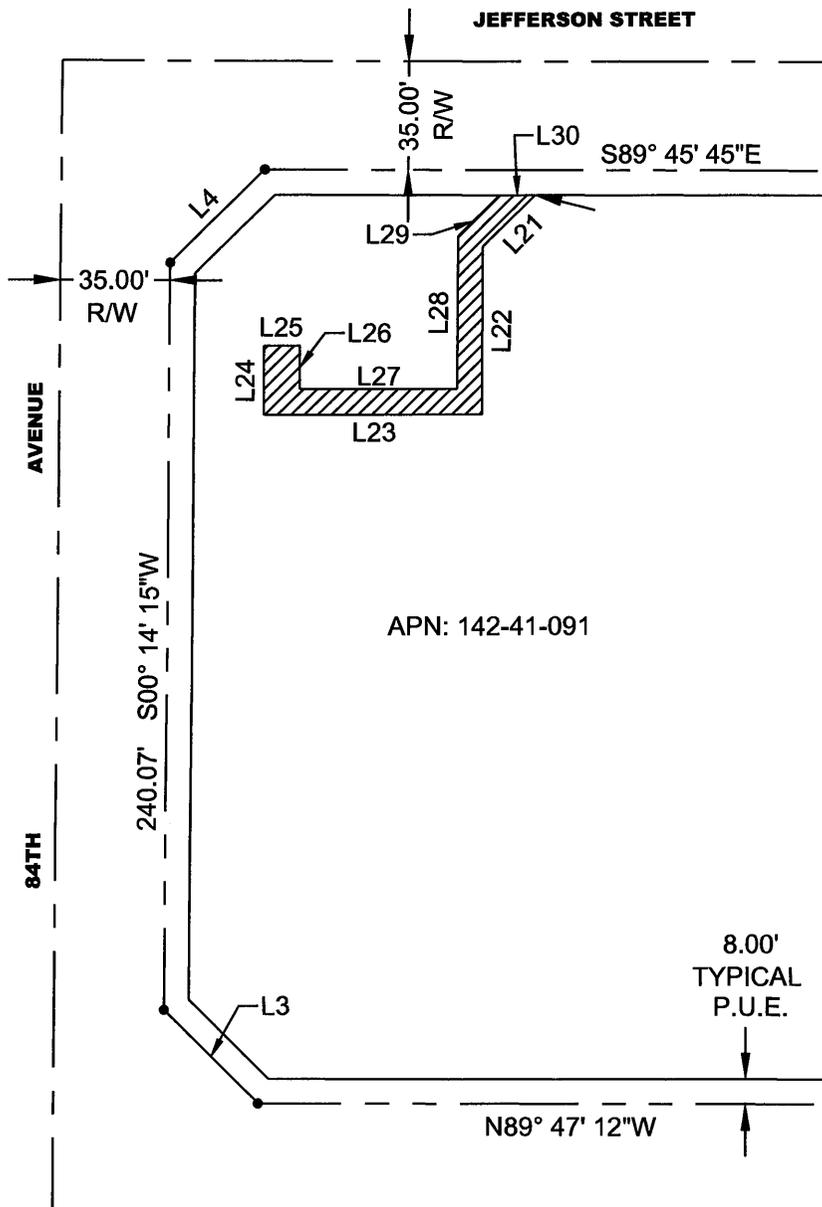
JOB#	WA104628	DATE:	03/01/12
NE 1/4 SEC 27 T 3N R 1E			
SCALE:	1"= 60'	INDEX	12-5
R/W:	JAYSON JOHNSON		
SURVEY: JOHNSON-TAFT			
DRAWN BY: JOHNSON			

EXHIBIT "A"

SKETCH SHOWING LOCATION AND LIMITS OF
UTILITY EASEMENT



SCALE 1"=60'



PAGE 2 OF 3

LEGEND	
	EASEMENT AREA
	ROAD CENTERLINE
	PROPERTY LINE
	PROPERTY CORNER

JOB#	WA104628	DATE:	03/01/12
NE 1/4 SEC 27 T 3N R 1E			
SCALE:	1"= 60'	INDEX	12-5
R/W:	JAYSON JOHNSON		
SURVEY:	JOHNSON-TAFT		
DRAWN BY:	JOHNSON		

EXHIBIT "A"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S44°45'17"E	42.41'
L2	S45°14'00"W	42.44'
L3	N44°46'28"W	42.42'
L4	N45°14'15"E	42.40'
L5	N89°45'45"W	71.82'
L6	S00°46'31"W	97.81'
L7	N86°54'41"W	15.69'
L8	N02°28'11"E	10.40'
L9	S89°22'13"E	7.37'
L10	N00°46'31"E	77.75'
L11	N89°46'09"W	56.89'
L12	S00°00'00"E	33.12'
L13	S45°00'00"W	24.84'
L14	S00°00'00"E	6.59'
L15	N90°00'00"W	11.33'
L16	N00°00'00"E	18.25'
L17	N90°00'00"E	11.68'
L18	N45°00'00"E	13.04'
L19	N00°00'00"E	38.78'
L20	S89°45'45"E	73.02'

LINE TABLE		
LINE	BEARING	DISTANCE
L21	S45°13'51"W	23.42'
L22	S00°13'51"W	54.05'
L23	N90°00'00"W	69.19'
L24	N00°00'00"E	22.25'
L25	N90°00'00"E	11.33'
L26	N00°00'00"E	13.93'
L27	N90°00'00"E	49.90'
L28	N00°13'51"E	49.07'
L29	N45°13'51"E	18.74'
L30	S89°45'45"E	11.31'

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 10R

Date Prepared: April 9, 2012

Council Meeting Date: April 17, 2012

TO: Honorable Mayor and Council
FROM: Stephen M. Kemp, City Attorney
SUBJECT: Charter Amendment-Special Meetings

Purpose:

This is a request for City Council to consider placing a proposed amendment to the Peoria City Charter on the August 2012 Regular Election Ballot pertaining to Special Meetings of the City Council.

Background/Summary:

In September 2011, this office inquired of all Council Members regarding suggestions that they had for charter changes. A total of fourteen (14) suggestions were submitted. Subsequently, two (2) suggestions were withdrawn. This office created draft language on what the suggested amendments might address. This is the same process which has been used since 1990. The suggested amendments were then submitted to the Policy and Appointments Subcommittee of the City Council, which reviewed all suggestions and directed that all suggestions be submitted to the Council at the February 21, 2012 Study Session. A number of the amendments were carried over to the March 20, 2012 Study Session, the Council's consensus was for the City Attorney to prepare a charter amendment for its consideration and submission to the voters pertaining to Special Meetings of the City Council.

Previous Actions:

This matter was discussed at a City Council Study Sessions on March 20, 2012. The Council's consensus was to proceed with a resolution for its consideration. Previously in December 2011, this amendment was discussed before the Council Policy and Appointments Subcommittee.

Options:

- A:** Act on the resolution as submitted
- B:** Direct staff to make such changes as Council determines to be appropriate
- C:** Take no action on the proposed charter amendment

Staff's Recommendation:

If the Council desires to proceed with the proposed charter amendment pertaining to Special Meetings of the City Council, then the attached resolution should be considered.

Fiscal Analysis:

Not Applicable

Narrative:

Not Applicable

Exhibit:

Exhibit 1:

Resolution placing the proposed charter amendment as to Special Meetings of the City Council on the August 2012 Regular Election Ballot

Contact:

Stephen M. Kemp, City Attorney (623) 773-7321

RESOLUTION NO. 2012-50

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA **PROPOSING AN AMENDMENT TO THE CITY OF PEORIA, ARIZONA, CITY CHARTER, AMENDING ARTICLE II, BY AMENDING SECTION 15 PERTAINING TO SPECIAL MEETINGS.**

TEXT OF PROPOSED AMENDMENT

NOW THEREFORE, be it resolved by the Mayor and Council of the City of Peoria, Maricopa County, Arizona as follows

SECTION 1. The following amendment of Article II, Section 15 is proposed to become valid when approved by a majority of the qualified electors voting thereon and upon proclamation of the Mayor after completion of the official canvass in accordance with Article X, Section 2 of the Peoria City Charter.

SECTION 2. The Charter of the City of Peoria, Arizona is amended by amending Article II, Section 15 to read as follows:

Sec. 15. Special meetings.

~~A. The mayor may, or at the request of three (3) members of the council, shall, by giving notice thereof to all members of the council, or leaving notice at their usual place of abode, call a special meeting of the council for a time not earlier than twenty-four (24) hours after notice is given and posted pursuant to law. Special meetings of the council may also be held at any time by the common consent of four (4) members of the council, provided notice is given and posted as in special meetings called by the mayor.~~

A. Special meetings of the Council shall be held in accordance with the following:

1. Upon not less than twenty-four hours after notice is given and posted pursuant to law.

2. Upon request of the Mayor or if the Mayor is absent or fails to act upon written request of three members of Council filed with the Mayor. The Mayor shall have not less than twenty-four hours to act upon such a written request. In the event the Mayor fails to act, three members of Council shall file a written request for a special meeting with the Mayor and City Clerk.
3. Notice shall be given to all Council Members by the City Clerk in the manner most practicable.
4. Special meetings shall be scheduled and held without undue delay.

SECTION 3. The proposed amendment approved by the Mayor and a majority of the members of the City Council and entered into the minutes shall be submitted by the Peoria City Clerk to the qualified electors of the City at the August 28, 2012 regular election as provided by Article X, Section 2 of the Peoria City Charter.

SECTION 4. This Resolution shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona this 17th day of April, 2012, as follows:

Ayes: _____

Nays: _____

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

Resolution No. 2012-50
Special Meetings
April 17, 2012
Page 3 of 3

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 11R

Date Prepared: March 20, 2012

Council Meeting Date: April 17, 2012

TO: Carl Swenson, City Manager
FROM: Katie Gregory, Interim Management & Budget Director
THROUGH: Susan Thorpe, Deputy City Manager
SUBJECT: FY2012 One-Time Budget Amendments

Purpose:

This is a request for the City Council to approve one-time budget amendments and authorize the use of reserves to cover personnel related expenses including Fire overtime and retirement pay, retroactive pay for anticipated changes to the Arizona State Retirement contribution rates, an ASRS unfunded liability for employees who participated in the 2011 voluntary severance program and opted to begin receiving retirement benefits, and increased costs in the Employee Tuition Reimbursement Program.

Background/Summary:

Throughout the course of the year there are items that come up that were not anticipated in the approved budget. As has been the past practice, these items are brought to the City Council requesting the additional budget appropriation and authority to spend. This additional appropriation requires the use of reserves and has been included in the one-time expenditure analysis used to project the FY2013 available one-time funds.

Staff provided an overview of each of the following unanticipated one-time needs with the full Council at the March 15, 2012 Council Budget Study Session and again in a memo to Council on April 5, 2012.

Fire Overtime Increase (\$300,000)

The Peoria Fire Department experienced an unusually high number of injuries in the first half of the fiscal year. This disproportionate amount resulting in more than anticipated overtime costs related to absence coverage. Total estimated amount needed through the end of this fiscal year to cover this overtime is \$300,000.

Fire Retirement Adjustment due to lower insurance premium offset (\$200,000)

The State of Arizona collects an annual tax on all fire insurance coverage premiums paid by residents and businesses within the state. This amount is then credited back to the cities and private fire districts as the fire protection entities. The estimated credit for FY2012 was \$500,000 however; the actual credit is expected to be approximately \$300,000. This funding is

used to offset Public Safety retirement costs. Staff requests a one-time adjustment to the Fire Department's Retirement account.

ASRS Unfunded Liability (\$427,921 total, \$168,605 in the General Fund)

When the City conducted the 2011 voluntary severance program, the City did not anticipate an ASRS contribution as the nature of the program was different from the prior retirement incentive program. Employees electing to participate in the voluntary severance program were under no obligation to retire, and, as such, there was no assumed impact on the retirement system's actuarial analysis.

However, this past December, the ASRS invoiced the City in the amount of \$427,921, stating that this amount was the total unfunded liability due to ASRS for those employees who participated in the voluntary severance program AND opted to begin receiving retirement benefits

City staff met with ASRS staff to question the calculation and to fully understand the rationale for the invoice. The rationale from ASRS is that, if the City had not offered an incentive package, these employees would have continued to work and contribute to ASRS along with the City, and would have retired at a later date. Because employees chose to retire earlier than ASRS had calculated with its actuarial analysis, the City owes ASRS the difference.

The voluntary severance program generated an annual estimated savings of \$2.5 million across all funds. With this additional cost from ASRS, the total one-time costs are slightly less than \$1.7 million, versus the ongoing savings of \$2.5 million. The return on investment occurred within the first year (FY2012).

ASRS Contribution Rate Adjustment (\$198,772)

The Arizona Legislature recently reversed last year's adjustment to the retirement contributions rates for employer and employee, from a 47% City/53% employee ratio to a 50/50 ratio. This is the amount that would be due back to employees for contributions made in FY2012.

Employee Tuition Reimbursements (\$64,000)

Based on the City's current Tuition Reimbursement policy, employees are eligible to receive up to 80% of the average tuition cost of Arizona public universities. This amount is to cover the estimated year end costs based on the current and approved coursework of the participants.

Over the past five years, the average Arizona Public University tuition and fees has increased 58% (source: Arizona Board of Regents). In order to address this increase, the City of Peoria has made several revisions to the Education Assistance Personnel Administrative Regulation such as eliminating the reimbursement of books, lab fees, and other non-tuition fees; reducing the amount reimbursed from 100% to 80%; calculating reimbursement based on the average rate

of Arizona public universities as a maximum; establishing articulation agreements; and negotiating partner agreements for tuition scholarships.

Along with these changes we have revised the Education Assistance PAR to include a new open enrollment process for the education assistance program. The open enrollment process will enable us to project the annual cost and set the tuition reimbursement percentage annually, at a rate that does not exceed the annual budget.

Previous Actions:

Staff has accounted for these expenditures in the FY2013 one-time funding analysis, which was presented to City Council at the March 15, 2012 Study Session during the FY2013 Proposed Budget presentation.

Options:

A: That the Mayor and Council approve the use of reserves and a budget amendment from the city’s contingency appropriation to various operating funds.

B: That the Mayor and Council not approve a budget amendment. This action would prevent the city from making payment to ASRS and the city will be charged 8% interest on the full amount until paid.

Staff’s Recommendation:

That the Mayor and Council approve the use of reserves and a budget amendment from city contingency to various operating funds so that available cash balances in these funds may be used for the purposes stated above. Staff recommends the following budget adjustments:

Fund	Amount	From	To	For
General Fund	\$300,000	1000-0300-570000	1000-1260-510209	Fire Overtime
General Fund	\$200,000	1000-0300-570000	1000-1260-511502	Fire Retirement
General Fund	\$168,605	1000-0300-570000	1000-0300-511501	ASRS Liability
Water Op. Fund	\$30,537	2050-2050-570000	2050-2050-511501	ASRS Liability
Wastewater Op. Fund	\$20,791	2400-2480-570000	2400-2480-511501	ASRS Liability
Streets Fund	\$207,988	7000-7000-570000	7000-7000-511501	ASRS Liability
All Funds	\$198,772	Various Accounts	Various Accounts	ASRS 50/50
General Fund	\$64,000	1000-0300-570000	1000-0070-510900	Tuition Reimb.
Total	\$1,220,682			

Fiscal Analysis:

This amount has been accounted for using available one-time funding identified in the FY2013 budget forecast.

Narrative:

The above one-time budget amendments are needed to ensure adequate funding for a number of unanticipated personnel expenditures.

Contact Name and Number: Katie Gregory, (623) 773-7364

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 12R

Date Prepared: April 3, 2012

Council Meeting Date: April 17, 2012

TO: Carl Swenson, City Manager

FROM: Brent D. Mattingly, Chief Financial Officer 

THROUGH: Susan Thorpe, Deputy City Manager

SUBJECT: Defeasance of Outstanding Municipal Development Authority, Revenue Refunding Bonds, Series 2003

Purpose:

This is a request for City Council to approve a cash transfer of approximately \$1.2 million and additional budget authorization in the amount of \$2.9 million to defease \$2.9 million in remaining Municipal Development Authority, Revenue Refunding Bonds, Series 2003.

Background/Summary:

Staff has been working with the City's outside bond counsel to review the Municipal Development Authority's (MDA) outstanding bond obligations in preparation for an upcoming bond issuance to finance improvements at the Peoria Sports Complex. As part of that process, bond counsel and staff discussed certain legal restrictions in the 2003 MDA Bond documents that could limit current or future economic development transactions associated with the Sport Complex property. The 2003 MDA legal documents restrict the sale of any portion of the sports complex property until the bonds are fully paid in July 2013. These legal provisions limit the timing of any property sale as contemplated in the new All in the Game lease and current Osage discussions. Likewise, the legal provisions limit flexibility associated with the ongoing Arizona Broadway Theatre discussions. With this in mind, the city is considering paying off the remaining MDA 2003 bonds. In doing so, the legal restrictions related to the sports complex property would no longer be in effect.

Paying the remaining balance of the MDA 2003 bonds may also be beneficial in the upcoming bond sale planned to finance clubhouse and stadium improvements at the Peoria Sports Complex. The full payment would reduce the amount of outstanding MDA debt, thereby improving debt coverage ratios. These actions could help increase investor interest in the upcoming bond sale. As such, staff would like to complete this transaction immediately so the 2003 MDA bonds can be shown as being completely defeased in the public offering statement prepared for the upcoming bond sale.

The 2003 MDA Bonds mature on July 1, 2012 and July 1, 2013. If Council approves the early payment of these bonds, cash in the amount of \$1,241,765 will need to be transferred as described in Table 1 below. This amount, combined with the current cash balance, will provide

the funds for the trustee necessary to defease the remaining outstanding bonds. The required cash is available in each of the funds. There is no penalty to the City for paying off the remaining 2003 MDA Bonds. Similarly, there is no direct financial benefit. As stated above, the early payment removes some legal restrictions on the property and will improve the debt service coverage ratio in anticipation of the upcoming bond sale.

Table 1

Funding Sources for 2003 MDA Debt Retirement (Fund 5030)	
Half- Cent Sales Tax Fund (1210)	861,957
Sports Complex Fund (2000)	106,841
Water Fund (2050)	66,390
Wastewater Fund (2400)	49,396
Solid Waste Fund (2600)	5,655
Fleet Fund (3000)	36,590
Streets HURF Fund (7000)	114,936
Total Cash Transfer:	\$1,241,765

As explained above, the cash transfer detailed in Table 1 will provide the additional cash necessary for retirement of the outstanding debt. Budget authorization in the amount of \$2,899,002 is required to provide the necessary expenditure authority. The difference between the cash amount required, and the budget authorization required, is simply due to the accounting treatment of the defeasance transaction. The budget appropriation amounts are outlined in Table 2 below:

Table 2

Budget Appropriation Required To Defeas 2003 MDA Bonds		
	Account	Total
MDA Debt Service Fund	5030-5030-560078 (Principal)	2,455,495
	5030-5030-560578 (Interest)	123,665
Sports Complex Fund	2000-2010-560078 (Principal)	112,505
	2000-2010-560578 (Interest)	5,666
Water Fund	2050-2150-560078 (Principal)	153,208
	2050-2150-560578 (Interest)	7,716
Wastewater Fund	2400-2555-560078 (Principal)	38,793
	2400-2555-560578 (Interest)	1,954
Total:		\$2,899,002

Previous Actions:

There are no previous actions for this item.

Options:

- A:** Approve a cash transfer in the amount of \$1,241,765 as identified in Table 1 above. Also, approve a budget transfer for expenditure authority of \$2,899,002 from the general fund contingency account 1000-0300-570000 to the accounts identified in Table 2 above. These actions will allow the defeasance of the remaining Series 2003 Municipal Development Authority Bonds.
- B:** Not approve the requested cash transfer or budget transfer.

Staff's Recommendation:

Staff recommends that Council approve a cash transfer of \$1,241,765 and a budget appropriation in the amount of \$2,899,002 for the defeasance of outstanding Series 2003 Municipal Development Authority Bonds.

Fiscal Analysis:

If approved by Council, staff will transfer the necessary amounts to the trustee to pay the remaining debt service payments on the 2003 MDA bonds. There is no direct financial impact associated with this transaction.

Narrative:

The 2003 MDA bond transaction created certain legal provisions that would restrict the sale of portions of the sports complex property. These restrictions may limit the City's economic development efforts associated with the sports complex property or may impact the upcoming sale of bonds to finance the clubhouse and stadium improvements. Paying off the remaining \$2.9 million of 2003 Municipal Development Authority bonds will remove the restrictions. As noted above, fund balance is available in each of the funds to complete this transaction. There is no net financial impact from this transaction.

Exhibit(s): None

Contact: Deborah Card, Treasury Manager, X7148

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 13R

Date Prepared: March 14, 2012

Council Meeting Date: April 17, 2012

TO: Carl Swenson, City Manager
FROM: Jeff Tyne, Interim Community Services Director
THROUGH: Susan J. Daluddung, Deputy City Manager
SUBJECT: Naming Community Park 2

Purpose:

This is a request for the City Council to select the official name for the City of Peoria's second community park, located at Olive and 83rd Avenue.

Background/Summary:

Following City Council Policy (Policy #CP 3-4) regarding the naming of parks, recreation facilities, and special areas, the Community Services Department coordinated a public input process to name the future community park.

The process was initiated during the summer of 2010. A list of names for the community park were gathered from citizens who took the on-line survey, mailed, or e-mailed their ideas. City staff received a total of 89 submitted names. Each of these were reviewed by the City's Parks and Recreation Board, who chose three names for Council consideration. At that time, the City Council reviewed the name suggestions, and recommended staff seek additional citizen input. Council also requested staff to provide a follow up recommendation with the Parks and Recreation Board.

As a result, a second public input process was initiated. Names for the community park were gathered through participants of the on-line survey, mailed responses, or e-mail comments. In this round, staff received a total of 120 names, which were subsequently reviewed by the Parks and Recreation Board. The Board narrowed the list to three names for consideration by City Council. The recommended names are listed in priority order:

- Peoria Pioneer Community Park
- Olive Branch Community Park
- Desert Sage Community Park

As the City begins the construction phase of the park in the upcoming months staff is seeking direction to name the new Community Park. A formal naming will help form an identity that can be used to promote and market in anticipation of the grand opening in the fall of 2013.

Previous Actions:

- The Parks and Recreation Board met to review the names provided by the public and chose three names for the City Council to consider.
- The City Council met to review the recommendations and requested staff seek additional public input.
- The Parks and Recreation Board met to review the second round of names provided by the public, and chose three names for City Council recommendation.

Options:

- A:** To approve one of the three names recommended by the Parks and Recreation Board.
- B:** To recommend a different park name from the compiled list.
- C:** To open a third public input process and request the Parks and Recreation Board to resubmit other name recommendations.

Staff's Recommendation:

Based on prior feedback from the public, Peoria City Council and the City's Parks and Recreation Board, City staff recommends City Council consider and select one name from the three names recommended by the Parks and Recreation Board.

Fiscal Analysis:

There is no fiscal impact to this item.

Exhibit 1: City Council Policy 3-4; Naming of Parks, Recreation Facilities, and Special Areas

Exhibit 2: List of Park Names Submitted for Consideration

Contact Name and Number: Kirk Haines - extension 7120

 <p style="text-align: center;">CITY COUNCIL POLICY</p>	CP 3 - 4
	Category: Property
TITLE:	Department: Community Services
Naming of Parks, Recreation Facilities, and Special Areas	Approved: May 4, 1993

A. Policy

To establish criteria for naming of parks, recreation facilities, and special areas that will allow for representation and timely identification of all properties managed by the City of Peoria Community Services Department.

B. Procedure

1. All recommendations for names of parks and recreation facilities shall be made to the Parks and Recreation Board, which shall forward no more than three recommendations for each facility to the City Council. The City Council may accept the recommendations and shall make a final selection, or return to the Parks and Recreation Board for further review.
2. Parks and recreation facilities may be named to describe the geographical areas where they are located. A recognized name within a specific community is an acceptable means for identifying parks. Unless a significant financial or land contribution is made, it is suggested commercial names not be used to name facilities.
3. Parks may be named after something that is specifically unique to Peoria, the Valley, or the Southwest.
4. Parks may be named after an organization or individual in one of more of the following criteria is met:
 - a. The property was donated.
 - b. An amount of money equal to the value of the land for the park is donated.
 - c. An amount of money that would provide for 51% or more of the park's development is donated.
 - d. Donations made over a period of time may be totaled to equal the percentage values required in a, b, or c. Totalled donations will be credited towards the naming of a single park.

Category: Property

Title: Naming of Parks, Recreation Facilities, and Special Areas

CP 3-4

Page 2 of 2

- e. The organization or individual is accepted by the general public as a local or national hero.

- 5. Although not encouraged, parks names may be changed if properly justified and recommended by the Parks and Recreation Board and approved by the City Council.

- 6. The naming of parks and recreation facilities should normally be done in conjunction with the community or neighborhood that will be served. This may be accomplished through various means as determined by staff, and may include naming contests at elementary or junior high schools or recommendations made by recognized community groups.

- 7. The City Council may establish additional criteria which may not be covered in this Policy.

Adopted: 5/4/93, CC 4186 [Prior Numbering: PPR Section 7-3]

Community Park 2 Suggested Names

Park Name Suggestion	Describe your park name submission
Old Town Community Park	Park is adjacent to Old town. Gives added promotion to Old Town redevelopment and will add an attraction to the Old Town area.
Old Town Peoria Park and Field	The location of the park is just south of much of old town Peoria area. This area has had much effort in it's preservation and I think it would be fitting to have the park be an affiliate of that. I drive through the old town area daily on my commute to work and enjoy seeing that area being cared for as it is...this is a salt of the earth community and hope the new park will keep in theme of that.
Old Town Pioneer Park	
Province Park	Pride in Peoria
Pride Park	Pride in Peoria
Peoria Province	Pride in Peoria
Prairie Fire Park	I recently started working for the city of Peoria and wanted to learn more about it so I started doing some research about it online. One of the more interesting things I found that in the language of the Illini (the Indians near Peoria, Illinois) means Prairie Fire. Not sure if this idea has already been thought about/submitted/etc., but I think it would be a sweet catchy name for a park.
Peoria Vista	
Prairie Fire Park of Peoria	I recently started working for the city of Peoria and wanted to learn more about it so I started doing some research about it online. One of the more interesting things I found that in the language of the Illini (the Indians near Peoria, Illinois) means Prairie Fire Not sure if this idea has already been thought about/submitted/etc., but I think it would be a sweet catchy name for a park.
Peoria Dreamfield Park	A Peoria Park that is like a dream come true, especially for kids that will come true from a field that gets transformed into a beautiful park with soccer, fishing, a dog park, a skate park, playgrounds, picnics all for kids, people and families to come play, be outside and enjoy in Peoria.
Peoria Farmers Park	Even though housing subdivisions have replaced much of the farmland, here in Peoria and throughout much of the Phoenix area, I think this would pay some tribute to the agricultural heritage of the area. Wasn't much of the area originally farmland? Even though much of it is now housing and commercial developments, there is still the farmland near 89th-91st Ave and Butler to Fry's, as well as the area around 83rd and Northern. It's one of the nice things about this area to still see corn growing in the summer and other crops the rest of the year. My wife says it sounds too much like the insurance company, and maybe so, but I think that something along those lines would pay homage to the historical roots of the City of Peoria.
Farmers Park	
City of Peoria Community Park	
Peoria Players Park	
Peoria's Sunshine Park	
The Community Oasis at Peoria Park	
Peoria Independence Community Park	
Dreamfield Park	
Peoria Pioneer Park	
Pioneer Village Park	The subdivision name across from the planned park and the pioneers from Peoria Illinois that founded Peoria AZ.
Pioneer Farms Park	The subdivision name across from the planned park and the pioneers from Peoria Illinois that founded Peoria AZ.
Pioneer Park	
Settlers Park	Honoring the original Peoria.
Settlers Square	

Community Park 2 Suggested Names

Park Name Suggestion	Describe your park name submission
Unity Community Park	I choose Unity, meaning family, friends and of course pets. This park will bring together families, friends for picnics, games, walking, birthday party, or just to hang out and enjoy what the park has to offer.
Union Commons	'Union' is a synonym for Family, and 'Commons' is a synonym for Park. A very apt name for a facility which will offer activities for all!
Friendship Park	The name I'm suggesting, Friendship Park, is an homage to the fact that many Japanese residents were treated with dignity during WWII in Peoria, and in fact, many of their children went to Peoria High when they could not go to school elsewhere in the valley at that time (if I recall the story correctly...). The park could have a plaque dedicated to the friendship between the Peoria community and the Japanese community, or a garden similar to what is (or used to be...) located on the Peoria High School campus.
Harmony Park	
Legacy Community Park	to acknowledge the historic/agricultural area
Heritage Community Park	to acknowledge the historic/agricultural area
Frontera Park	close to Glendale boundary
Frontier Park	close to Glendale boundary
Cotton Gin Park	
Cotton Horizon	There were/are cotton fields in the immediate area and Cotton Crossing leads to it.
Cotton Crossing at Olive Ranch	
Cotton Valley	
Cotton Ranch	
Cotton Crossing	This is an area that was covered in cotton fields in the past. Many years ago, children would play in them and cross through them on their way to school, stores, church, the library, etc. The owners of these fields committed their lives to the children of Peoria. The new park will be providing fields designed for the children, grandchildren, and even great-grandchildren of those who originally played...and crossed... through here.
The Cotton Fields	Keeping in mind the rich agricultural history of Peoria it would be very appropriate to give it an agricultural name. Since the land the park will be built on was/is cotton fields this would be a very appropriate name.
Cotton Highlands	
Cotton Corners	
Park Place on Olive	An extension of Peoria Place
Olive Field Crossing	
Olive Blossom	
Olive Promenade	Olives and the Promenade shopping center planned for 83rd and Olive
Olive Highlands	
Olive Fields	It is a take-off of John Lennon & The Beatles' song Strawberry Fields Forever .
Olive Waterfront Ball Park	
Olive Field of Dreams Park	
Olive Waterfront Fields Park	
Olive Branch Park	
Olive Grove Park	EVERGREEN FRUIT THE OLIVE WITH ENHANCEMENT FOR GROWTH PROVIDING VALUE FOR COPIOUS SMALL
Olive Freedom Park	in memory of all service men
Robertson Ranch	It should be named after the family who used to own the land the parks sits on, Mr. and Mrs. Bob Robertson. Bob Robertson did so much for the City of Peoria including making sure this open space stayed farm land for so long. Although the park would be named after someone, there is a deep connection to the area and land.

Community Park 2 Suggested Names

Park Name Suggestion	Describe your park name submission
Bill Weight Community Park	Peoria Police officer shot in the line of duty.
George Cortez Jr. Park	He grew up in Peoria and so did his family. He was the Phoenix police officer shot in the line of duty.
Reeves Park	U.S soldier who grew up in Peoria was killed by a suicide bomb on December 5th
Peoria Veterans Memorial Park	
Mahan Park	long-time city employee
Agua Fria Community Park	The park is located near the Agua Fria River, the loop 101 which is near by is called the Agua Fria Parkway. There is an Agua Fria Conservation area up near Lake Pleasant but I could not find any other Aqua Fria park in Arizona so it will be a unique name.
Acacia Falls	It's the South end of Acacia District before falling into Glendale city limits.
Acacia Community Park	
Valle del Sol Park	Valley of the Sun Park. A place to play, relax and enjoy the park, which defines the purpose of the park.
Montana Vista Park (That's the Spanish version of Montana, with the tilde over the n)	As Rio Vista overlooks the river, CP2 has a grand view of the distant mountains. By naming CP2 with a variant of Vista we set a naming convention for CP3 and CP4 with some element + Vista
Algodon Vista Community Park	Algodon Vista Community Park, which means 'view of cotton' in English. In 1923, Peoria was the site of four cotton gins, with the main one built at 81st Avenue and Grand Avenue. Peoria has a tradition of rich heritage and culture and longtime residents have seen the cotton fields slowly disappear with commercial buildings and residential homes popping up in their place. Near the future community park site is Cotton Boll Elementary School, which was originally surrounded by cotton fields and other agricultural areas. Cotton Boll School's fields are still watered by the irrigation canals that once served the surrounding farms. Peoria has a diverse population, with 15.4% being Hispanic or Latino. In addition, the park name, Algodon Vista Community Park would be in line with Rio Vista Community Park, which means 'view of river' in English. Both community park names are Spanish and recognize the beautiful landscapes surrounding them.
Sierra Agave Community Park	
Arroyos Community Park	
Rojo Hesperaloe Community Park	
Paisano Park	
El Sol Park	
Vista del Sol	
Playa del sol	
Sanguine Square at the Park	
Rio Vista South	
Las Palmaritas Park	
Paladin Park	The term Paladin is a historic term defined as, any knightly or heroic champion, or any determined advocate or defender of a noble cause. I feel that this name provides a way to allow individuals to determine who they will be thinking of when they use the park. The name gives the allowance of it being a remembrance park, but without tying it into a single event or cause.
Anasazi Acres	Named after the first known occupants of the valley. Virtually every school child who plays in this park has had, or will have a historical connection from studies of AZ History. Furthermore, it would honor the Native American members of our Peoria community - often neglected. The park could be the future site of Pow-Wow's and draw tourism from all the western states.

Community Park 2 Suggested Names

Park Name Suggestion	Describe your park name submission
Orange Street Park	When Peoria was first founded, 83rd Ave. was originally called Orange Street. This name is a nod to that obscure bit of history!
Canyons Community Park	
Honey Bee Park	Honey bees were kept there for several years at the future location.
Vision Park	Vision is also just like a dream What a wonderful dream park in Peoria that is going to come true..... We need nice parks where people can hang and have fun outside. :)
Harvest Highlands	For the areas agricultural past.
The Oasis	
Desert Sunshine Park	
Desert Gardens	The most beautiful park in the desert
Desert Oasis Park	
Desert Borealis Community Park	
Desert Trails Community Park	
Desert Vista Park	
Endeavor Park	City of Peoria's sincere effort to bring an amazing park for all to benefit.
Roadrunner Park	
Hummingbird Song Community Park	
Amarillo Acacia Community Park	
Saguaro Cactus Park	
Cactus Wren Park	
Brittlebush Park	
Lantana Mist Community Park	
Bougainvillea Borealis Community Park	
Desert Willow Community Park	
Prickly Pear Community Park	
Blue Agave Community Park	
Agave Community Park	
Desert Sage Community Park	
Purple Sage Community Park	
Cactus Caliente Community Park	
Saguaro Splendor Community Park	
Verde Cactus Community Park	
Water Willow Park	
Amazing View	
Trewn Park	Named after some of the beautiful parks in Peoria, Illinois
Grandview Park	Named after some of the beautiful parks in Peoria, Illinois
Lakeview Park	Named after some of the beautiful parks in Peoria, Illinois
Northtrail Park	Named after some of the beautiful parks in Peoria, Illinois
Sunshine Park	
P.A.R.C.	Peoria Arizona's Recreation Campus
New Horizons	
Adventure Park	
Sunshine Park	
Sunshine Vista Park	
Sunrise Park	

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 14R

Date Prepared: 04/03/12

Council Meeting Date: 04/17/12

TO: City Council

FROM: Bob Barrett, Mayor

SUBJECT: Council Subcommittee Appointments

Purpose:

This is a request for Council to consent to the appointments which I have made to the two combined city council subcommittees.

Background/Summary:

The City Council has adopted a policy reducing the number of subcommittees from six to four. Pursuant to this policy, the mayor is to select city council members for appointments to each committee. After the Mayor selects the members of each subcommittee, the selections are submitted to the Council for their consent.

In accordance with the adopted council policy, I have asked each council member to submit their requests for assignment to the two consolidated subcommittees. I have received these requests.

Attached are two resolutions one for each of the new subcommittees with the respective appointments. Should an appointment not be consented to, it will be deleted from the resolution and will be filled in a subsequent meeting.

Previous Actions:

The City Council reduced the number of subcommittees from six to four and consolidated four previous subcommittees on March 6, 2012.

The City Council adopted Council Policy 1-10 on September 20, 2011.

The City Council discussed Council Subcommittees at a study session on June 14, 2011. Staff sent a packet of information to Council on August 3rd with alternatives. Council met in study sessions on August 23rd, September 6th and September 13th to discuss the policy and work through the issues.

Options:

A: Determine whether to consent to the appointments by the Mayor to City Council Subcommittees.

Exhibits:

Exhibit 1: Resolution on Appointments to the City Council Subcommittee on Community Culture and Public Safety.

Exhibit 2: Resolution on Appointments to the City Council Subcommittee on Sustainable Development and Public Services.

Contact Name and Number:

Bob Barrett, 623-773-7368

RESOLUTION No. 2012-48

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, CONSENTING TO THE APPOINTMENTS TO THE CITY OF PEORIA, ARIZONA CITY COUNCIL SUBCOMMITTEE ON COMMUNITY CULTURE AND PUBLIC SAFETY AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, the City Council has adopted a policy establishing City Council Subcommittees and one of the Subcommittees is the Subcommittee on Community Culture and Public Safety. The terms of appointees shall commence from the effective date of this Resolution and shall expire on the first council meeting in January 2013; and

WHEREAS, the Mayor has reviewed the requests of Council members seeking appointment to City Council Subcommittees and pursuant to the adopted City Council Policy on Council Subcommittees, the Mayor has submitted the following appointments for the Council's consent.

City Council Subcommittee on Community Culture and Public Safety.

Councilmember Ron Aames
Councilmember Joan Evans
Councilmember Carlo Leone

WHEREAS, pursuant to the adopted City Council Policy on City Council Subcommittees, the Mayor and City Council of the City of Peoria shall consent to the appointments by the Mayor to a City Council Subcommittee, the Mayor and Council by adopting this resolution are consenting to the above appointments as members of the City of Peoria, Arizona, City Council Subcommittee on Community Culture and Public Safety.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria, Arizona that they consent to the appointment by the Mayor of Peoria,

Resolution No. 2012-48
April 17, 2012
Page 2 of 2

Arizona of the following members of the City Council Subcommittee on Community Culture and Public Safety:

City Council Subcommittee on Community Culture and Public Safety.

Councilmember Ron Aames
Councilmember Joan Evans
Councilmember Carlo Leone

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 17th day of April, 2012.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

RESOLUTION No. 2012-49

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, CONSENTING TO THE APPOINTMENTS TO THE CITY OF PEORIA, ARIZONA CITY COUNCIL SUBCOMMITTEE ON SUSTAINABLE DEVELOPMENT AND PUBLIC SERVICES AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, the City Council has adopted a policy establishing City Council Subcommittees and one of the Subcommittees is the Subcommittee on Sustainable Development and Public Services. The terms of appointees shall commence from the effective date of this Resolution and shall expire on the first council meeting in January 2013; and

WHEREAS, the Mayor has reviewed the requests of Council members seeking appointment to City Council Subcommittees and pursuant to the adopted City Council Policy on Council Subcommittees, the Mayor has submitted the following appointments for the Council's consent.

City Council Subcommittee on Sustainable Development and Public Services.

Councilmember Cathy Carlat
Councilmember Dave Pearson
Councilmember Tony Rivero

WHEREAS, pursuant to the adopted City Council Policy on City Council Subcommittees, the Mayor and City Council of the City of Peoria shall consent to the appointments by the Mayor to a City Council Subcommittee, the Mayor and Council by adopting this resolution are consenting to the above appointments as members of the City of Peoria, Arizona, City Council Subcommittee on Sustainable Development and Public Services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria, Arizona that they consent to the appointment by the Mayor of Peoria,

Resolution No. 2012-49
April 17, 2012
Page 2 of 2

Arizona of the following members of the City Council Subcommittee on Sustainable Development and Public Services:

City Council Subcommittee on Sustainable Development and Public Services.

Councilmember Cathy Carlat
Councilmember Dave Pearson
Councilmember Tony Rivero

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 17th day of April, 2012.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 15R

Date Prepared: February 7, 2012

Council Meeting Date: April 17, 2012

TO: Carl Swenson, City Manager
FROM: Jeff Tyne, Interim Community Services Director
THROUGH: Susan J. Daluddung, Deputy City Manager
SUBJECT: Purchase of Public Art at Three Locations

Purpose:

This is a request for the City Council to approve public art projects located at Johnny E. Osuna Park, Centennial Plaza, and along the 84th Avenue Streetscape in Old Town Peoria.

Background/Summary:

In the spring of 2011 the City of Peoria sent out a Request for Proposals for three public art projects in the Old Town area of Peoria. The locations are Johnny E. Osuna Park, 84th Avenue Streetscape, and Centennial Plaza. Artists responded from Arizona, the Southwest region, and from various parts of the United States. On July 28, 2010, a panel of artists, Arts Commissioner and Peoria residents selected seven finalists to be eligible to present proposals for the three projects.

The seven finalists are Brower Hatcher (RI), Kevin Berry (AZ), Gordon Huether (CA), Matthew Salenger (AZ), Heath Satow (CA), Thomas Strich (AZ) and Joe Tyler (AZ). All these artists were asked to submit and present proposals for any, or all three of the locations based on their expertise and interest. On January 23, 2012, a second jury panel comprised of three Arts Commission members, two Peoria staff, and one local artist scored each presentation and the artist's proposal based on specific criteria, and their creative merit.

Once those artists and their work were ranked, the top projects were recommended to the Peoria Arts Commission for their review. Prior to the Arts Commission meeting, two of the sculptures that were recommended for Osuna Park and Centennial Plaza were placed on display during the Centennial Plaza dedication. A table that was staffed by members of the Arts Commission presented the work of Kevin Berry for Osuna Park, and Gordon Huether for the Centennial Plaza area. Citizens who were in attendance were encouraged to provide feedback to the Commission about these two art pieces. There was overwhelmingly support and genuine enthusiasm for these two projects to enhance the City's public art collection.

At the February 14, 2012 Arts Commission meeting, the group unanimously recommends the following artists for City Council consideration.

- Kevin Berry for Osuna Park. His inspiration is drawn from the park’s location and Peoria development due to the Burlington Northern Santa Fe Railroad. His design includes reclaimed railroad iron and ties ranging in height of 12’ to 20’, covering a space of 40’ by 36’. The Public Art piece will be lighted at night for a greater effect.
- Gordon Huether for Centennial Plaza. His design is characterized from the overall design of the Plaza and the decades walk. His public art piece is made of four-inch aluminum tubing formed into five, twelve-foot diameter segments of a circle. It too is lighted for special evening effect.
- Joe Tyler for the 84th Avenue Streetscape project. There are six resting benches with shade canopies that exist along 84th Avenue. Each station has four panels that was designed to receive an artistic treatment. Mr. Tyler’s proposal is to present a tribute to Peoria’s agricultural history. Each panel would represent a different aspect of Peoria agriculture.

These three public art projects are consistent with the cultural arts master plan which recommends that the City place public art in highly visible locations throughout the community. The master plan also notes that it is important for the City to undertake a variety of art mediums for future public art projects so that residents can experience a diverse art collection of different types of artwork.

The budget for all three projects are as follows:

<u>Osuna Park</u>	Total:	\$85,000
Large Feature Sculpture	\$75,000	
(Base, Lighting)	\$10,000	
 <u>Centennial Plaza</u>	 Total	 \$110,000
Large Feature Sculpture	\$100,000	
(Base, Lighting)	\$10,000	
 <u>84th Ave. Streetscape</u>	 Total	 \$45,000
	 <u>Total</u>	 <u>\$215,000</u>

Previous Actions:

City Council has supported the Arts Commission on numerous public art pieces over the years, including the most recent sculpture at Sunrise Mountain Branch Library in 2010, the mosaic at Rio Vista Recreation Center in 2009, the mural on the Old Town buildings in 2007, and numerous bronze sculptures located in the Old Town area.

Options:

A: The Council can accept the recommendations from the Arts Commission.

B: The Council can reject any of the public art recommendations.

C: The Council can request staff to conduct another call to artists and seek other ideas for these locations.

Staff's Recommendation:

Staff recommends the City Council accept the recommendation from the Peoria Arts Commission for the three public art projects, and to select Kevin Berry for Osuna Park, Gordon Huether for Centennial Plaza, and Joe Tyler for the 84th Avenue Streetscape project.

Fiscal Analysis:

The funds are available in the Percent for the Arts, Account No. 1111-0120-541003 for this expense.

Exhibit: Staff would like to present the three models during the City Council meeting that were created by the artists for the three project locations.

Contact Name and Number: Kirk Haines - extension 7120

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 16R

Date Prepared: March 28, 2012

Council Meeting Date: April 17, 2012

TO: Carl Swenson, City Manager
FROM: Wanda Nelson, City Clerk
THROUGH: Susan K. Thorpe, Deputy City Manager
SUBJECT: Call and Notice of Election

Purpose:

This is a request for City Council to (a) direct the City Clerk to publish the *Call and Notice of Election* for a Citywide Primary Election on August 28, 2012 and if necessary, a General Election on November 6, 2012 and (b) authorize the City Clerk and the City Attorney to take all action necessary to conduct the election.

Background/Summary:

The terms for Councilmembers in the Ironwood, Mesquite, and Willow Districts expire January 2013. A Primary Election, and possible General Election, will be conducted to fill the upcoming vacancies.

Pursuant to Arizona Revised Statutes §16-226, nonpartisan elections shall be called no later than one hundred and twenty days (120) before the date of the election. The deadline to call an election is April 30, 2012. Arizona Revised Statutes §16-227 provides that the *Call and Notice of Election* shall include the following:

- Purpose of the election,
- Date of the election,
- Last day & location to file nomination petitions,
- Last day to register to vote, and
- Name of the election district holding the election.

Previous Actions:

On January 10, 2012 and January 24, 2012, the Council Subcommittee on Policy and Appointments recommended proposed charter amendments to City Council. The Subcommittee's proposed charter amendments were discussed at the February 21, 2012, March 6, 2012, and March 20, 2012 Study Session meetings.

On March 20, 2012, City Council passed Resolutions 2012-33, 2012-35, 2012-36, and 2012-37 placing four proposed charter amendments on the August 28, 2012 Primary Election ballot. On April 3, 2012, City Council passed Resolutions 2012-40, 2012-41, 2012-42, and 2012-43 placing four proposed charter amendments on the August 28, 2012 Primary Election ballot.

On April 17, 2012, City Council will consider an additional proposed charter amendment and resolution related to the placement of agenda items on City Council meeting agendas.

Options:

A: Election procedures are mandated by state statute.

Staff's Recommendation:

Staff recommends that Mayor and Council a) direct the City Clerk to publish a *Call and Notice of Election* for a Citywide Primary Election on August 28, 2012 and if necessary, a General Election on November 6, 2012 and (b) authorize the City Clerk and the City Attorney to take all action necessary to conduct the election.

Fiscal Analysis:

The *Call and Notice of Election* will be published in the city's official newspaper. The estimated cost for publication is \$50.00 and will be charged to the City Clerk's Office legal notices account (1000-0150-522502).

The City Clerk's Office has budgeted \$120,600 for the costs of the 2012 Primary and General Elections.

Narrative:

The August 28, 2012 ballot will contain the following for consideration by eligible voters:

- a) The offices of Councilmember in the Ironwood, Mesquite, and Willow Districts, and
- b) Resolutions referred by the City Council regarding charter amendments pertaining to:
 - i. Vacancies in the Office of Mayor and Council,
 - ii. City Clerk,
 - iii. Administrative service,
 - iv. Ordinances,
 - v. Sales tax on wastewater collection services,
 - vi. Terms of councilmembers,
 - vii. Policy making by charter officers,
 - viii. Percent for the arts, and
 - ix. Agenda items.
- c) Additional items as directed by Council.

Exhibit(s): None

Contact Name and Number: Wanda Nelson, City Clerk, 623-773-7340



City Council Calendar

Color Key:
City Council

< March	April 2012					May >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 CANCELLED Budget Study Session	3 Regular City Council Meeting Special City Council Meeting & Study Session	4	5	6	7
8	9 City Council Subcommittee on Community Culture	10 City Council Subcommittee on Policy & Appointments	11 Public Safety Council Subcommittee Meeting	12	13	14
15	16	17 Regular City Council Meeting Special City Council Meeting & Study Session	18	19	20	21
22	23	24	25	26	27	28
29	30					



City Council Calendar

Color Key:
City Council

< April	May 2012						June >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
		1  Regular City Council Meeting  Special City Council Meeting & Study Session	2	3	4	5	
6	7	8  City Council Subcommittee on Policy & Appointments	9	10	11	12	
13	14  City Council Subcommittee on Community Culture	15  Regular City Council Meeting  Special City Council Meeting & Study Session	16	17	18	19	
20	21	22	23	24	25	26	
27	28	29	30	31			

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

RCM: 2a

Date Prepared: April 3, 2012

Council Meeting Date: April 17, 2012

TO: Carl Swenson, City Manager

FROM: Jeff Tyne, Interim Community Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Celebration of the Artists

Summary:

The Celebration of the Artists continues its decade-long relationship with the City of Peoria, showcasing local and regional artists exhibiting their talents in a variety of art mediums. This is the first year the art work from the Celebration is on display in the City Hall Gallery. More than 70 artists competed this year; with over 150 works of art currently on display until May 17th.

On Thursday, March 29, 2012 an awards reception was held, with more than 150 people in attendance. The formal event was successfully hosted by the West Valley Arts Museum (WVAM), with live music and refreshments also offered. The Juror in residence was nationally known painter Red Rohall, who recently exhibited works at the Peoria Main Library. The WVAM announced awards for 1st, 2nd, 3rd places and Honorable mention for the various categories. Additional awards included the Mayor's Choice, Chairman's Choice, and Best of Show.

Exhibit(s): None

Contact Name and Number: Kirk Haines 623-773-7120

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

RCM: 3a

Date Prepared: April 9, 2012

Council Meeting Date: April 17, 20 12

TO: Carl Swenson, City Manager
FROM: Jeff Tyne, Interim Community Services Director
THROUGH: Susan J. Daluddung, Deputy City Manager
SUBJECT: Summary of Spring Events

Summary:

Throughout the month of April, the City holds a series of community-based special events. The following offers a recap of the Dolly Sanchez Memorial Easter Egg Hunt, as well as discussions on the Peoria Pioneer Days Celebration and the Earth Day River & Trail Cleanup.

On Saturday, April 7th the **36th Annual Dolly Sanchez Memorial Easter Egg Hunt** was held at the Peoria Sports Complex. The event focused on age group candy hunts in the stadium outfield. However kids of all ages were able to participate in carnival games, inflatables, a petting zoo, pony and train rides, Family Scavenger Hunt and assorted craft activities. Musical entertainment was provided by Theater Works, Arizona Broadway Theater and Radio Disney AM1580 Rockin' Road Crew. Attendance was estimated at 8,000.

As of print, the **Peoria Pioneer Days Celebration** is slated to be held on Saturday, April 14th in Oldtown Peoria. A Grand Marshall's Reception is scheduled, along with the traditional parade, entertainment and Peoria Family Picnic occurring in and around Osuna Park.

Going forward, the City will be sponsoring the **3rd Annual Earth Day River & Trail Clean-Up**, scheduled for Saturday, April 21st, 2012, starting at 7 a.m. on the New River Trail. The clean-up offers a unique opportunity for citizens to make a positive environmental impact on our community. At the event last year, 300 volunteers planted trees and picked up five tons of trash from Rio Vista Park to just north of Bell Road.

Parking will be located behind the Uncle Sam's restaurant located at 18913 North 83rd Avenue, (83rd Avenue just north of Union Hills). Keep Arizona Beautiful (an affiliate of Keep America Beautiful) is sponsoring this event and supplying participants with trash bags and water. Staff requests that participants bring yard gloves and wear close toed shoes.

Exhibit(s): None

Contact Name and Number: Kelli Kincaid-Broadly 623-773-7178

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

RCM: 3b

Date Prepared: April 10, 2012

Council Meeting Date: April 17, 2012

TO: Carl Swenson, City Manager
FROM: Roy Minter, Chief of Police
SUBJECT: Students with Aspiring Goals Program (SWAG)

Summary:

The Peoria Police Department will be involved in a pilot program developed by Liberty High School students. The program, entitled Students with Aspiring Goals (SWAG) is a cooperative effort between the Arizona Diamondbacks, Major League Baseball, the Peoria Unified School District and the City of Peoria Police Department.

This is a pilot program to implement a high school student initiated program that recognizes the scholastic and interscholastic achievements of 7th and 8th grade students. This will be accomplished by involving community stakeholders within the recognition process. The program lends a greater support to the Jr. High School to High School transition as well as an increased mentorship and social connections among Jr. High and High School students. The program will not only recognize great efforts by the 7th and 8th grade students currently, but will promote membership and opportunities to be a part of the various clubs and sports teams once a student reaches high school. Faculty, student government in conjunction with the National Honor Society (NHS), sports teams, and other clubs at the high school will also be involved in the recognition process.

After being selected, the kids will be dropped off at Liberty High for a special recognition event (in the case attendance at an Arizona Diamondbacks baseball game), transported by the school district to the game and be accompanied by Peoria Police officers at the game. The tickets will be donated by the Arizona Diamondbacks. Once at the event there will be a special announcement for the kids recognizing their achievements.

Program Concept:

1. Liberty High School students developed a program to recognize exceptional students in 7th and 8th grades of feeder schools into the high school. Criteria for recognition will be grades, citizenship, and extra-curricular activities.
2. Teachers from Liberty High School and Officer Jim Cousins worked with Liberty High School students to develop the program. Students developed a sense of ownership of

the program during the creation phase. The students developed the action plan as follows:

a. Program Requirements

- 1) Create a name for this program (SWAG)
 - 2) Develop a selection process of the 7th and 8th students.
 - 3) Develop an after action plan of the program to determine pros and cons of the program and how to make it better.
 - 4) Students will receive community service hours for this program which they need for NHS, Student Government, or other clubs
3. Once selected, recognized students will partake in a special outing at an Arizona Diamondbacks Baseball game.

Fiscal Analysis:

The fiscal impact is minimal. The only incurred costs will be fuel costs to drive a marked police vehicle from the City of Peoria to the Arizona Diamondbacks stadium as a symbol of our partnership. Any uniformed police personnel acting as chaperones would be in a voluntary, non-compensated status similar to Shop with a Cop.

Exhibit(s): None

Contact Name and Number:

Chief Roy Minter, extension 7059

Deputy Police Chief Bob Sanders, extension 7046

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

RCM: 3c

Date Prepared: April 10, 2012

Council Meeting Date: April 17, 2012

TO: Carl Swenson, City Manager

FROM: Stacy Irvine, Acting Fire Chief

SUBJECT: Muscular Dystrophy Association 'Fill the Boot' Event

Purpose:

Peoria Firefighters will be holding their annual "Fill the Boot" fundraiser this Saturday from 10am to 4pm at three Peoria Fry's Shopping Centers; 91st Avenue & Union Hills, 91st Avenue & Olive and 75th Avenue & Cactus. 100% of the money collected goes to the Muscular Dystrophy Association.

Background/Summary:

The International Association of Firefighters, which the Peoria Firefighters are members, are the largest sponsor of the Jerry Lewis MDA Labor Day Telethon, contributing nearly \$450 million to MDA since 1954. In 2010 alone the IAFF contributed a staggering \$27.6 million. Peoria Firefighters have been very active with this charity since the early 1980's.

Previous Actions:

None

Options: *(include as many as reasonable)*

A: NA

B: NA

Staff's Recommendation:

NA

Fiscal Analysis:

NA

Narrative:

NA

Exhibit(s):

Exhibit 1: NA

Exhibit 2: NA

Contact Name and Number: Stacy Irvine, Acting Fire Chief x7380

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

RCM: 3d

Date Prepared: April 10 , 2012

Council Meeting Date: April 17, 2012

TO: Carl Swenson, City Manager

FROM: Claudia Lujan, Interim HR Director

THROUGH: Susan Thorpe, Deputy City Manager

SUBJECT: City of Peoria 2011 PACE Conference - 100th Arizona Town Hall Report

Summary:

The 2011 PACE Conference is featured in the 100th Arizona Town Hall Background Report that has been prepared by Arizona State University.

In his introductory message on the 100th Arizona Town Hall, Ron Walker, Board Chair of the Arizona Town Hall writes, "an essential element to the success of these consensus-driven discussions is this background report that is provided to all participants before the Town Hall convenes. As they have so often done for past Arizona Town Halls, Arizona State University has prepared a detailed and informative report that will provide a unique and unparalleled resource for your Town Hall panel sessions."

The full 100th Arizona Town Hall background report can be found at:
http://www.aztownhall.org/pdf/100th_Background_report.pdf

Exhibit(s): *(Include as many as necessary.)*

Exhibit 1: AZ Town Hall Peoria Excerpt

Contact Name and Number: Lyman Locket, Human Resources Manager x7104

100th Arizona Town Hall Report

Civic Engagement



100th Arizona Town Hall

April 22-25, 2012

Tucson, Arizona



March 2012



We thank you for making the commitment to participate in the 100th Arizona Town Hall held in Tucson on April 22-25, 2012. You will be discussing and developing consensus with fellow Arizonans on the topic of Civic Engagement.

An essential element to the success of these consensus-driven discussions is this background report that is provided to all participants before the Town Hall convenes. As they have so often done for past Arizona Town Halls, Arizona State University has prepared a detailed and informative report that will provide a unique and unparalleled resource for your Town Hall panel sessions.

Special thanks go to editor Kelly Rawlings of the School of Public Affairs at ASU for spearheading this effort and marshaling many talented professionals to write individual chapters.

For sharing their wealth of knowledge and professional talents, our thanks go to the many authors who contributed to the report. Our deepest gratitude also goes to the Dean of the College of Public Programs and Director of the School of Public Affairs for ASU, Jonathan Koppell, who made great efforts to ensure that ASU could provide this type of resource to Arizona.

The 100th Town Hall could not occur without the financial assistance of our generous Professional Partners, which (at the time of this printing) include Premier Partner APS, Contributing Partner Bank of America, Collaborating Partner Snell & Wilmer, Supporting Partners Wells Fargo and the Virginia G. Piper Charitable Trust, and Civic Partners Maricopa Community Colleges and Ryley Carlock & Applewhite.

When the 100th Town Hall ends, ASU's background report will be combined with the recommendations from the Town Hall into a final report. This final report will be available to the public on the Town Hall's website and will be widely distributed and promoted throughout Arizona. The Town Hall's report of recommendations and background report will be used as a resource, a discussion guide and an action plan for civic engagement in Arizona.

Sincerely,



Ron Walker
Board Chair, Arizona Town Hall



Engagement in Action: City of Peoria's PACE Program

Tracey Booth, City of Peoria

With public outrage seemingly increasing over the past few years, the City of Peoria wanted to help residents engage in a positive, meaningful way. As they began to explore the opportunities before us, they knew they had to assist their own organization by building greater understanding of, and capacity to, authentically engage communities. They also recognized it was imperative to help the public learn how to effectively engage with their government.

In the beginning, a grassroots team of City of Peoria staff members, including individuals from the City Manager's Office, Human Resources, and the Budget Office began brainstorming how to provide a civic engagement educational opportunity for employees, citizens and other stakeholders who have an interest in more effectively engaging the public. Thus, the Positive Action through Civic Engagement (PACE) Conference was created. Through the PACE conferences, the City hopes to help educate citizens, staff, local businesses, and non-profit organizations in techniques for civic engagement and on how to productively engage with each other.

In 2010, it was quickly decided that the first PACE conference needed to offer a foundational context for civic engagement; "What is and what is not" civic engagement and "how to" effectively engage the public. It was clear PACE must be a "learning" event. The PACE planning committee began identifying the best format for the first conference, and decided on one that supported learning and was motivational and issues-focused. The conference format included two keynote speeches, a variety of breakout sessions, and a panel discussion.

The second PACE conference in 2011, was focused on the convergence of education, the community and business – and how each one individually and together can be engaged and improve our communities and government decision-making process. In addition to the keynote speakers, there were also three interactive panel discussions with 13 prestigious panel members and three breakout sessions that provided training in different participation methodologies and techniques. Throughout the conference, participants were also able to ask questions and provide comments via microphone or through a text polling system.

From the comprehensive assessment of the 2010 conference, the planning committee incorporated many of the aforementioned elements into the second PACE conference, and as a result, attendance and participation for the second conference more than doubled. Additionally, the City was able to ensure more city of Peoria staff and leadership were in attendance at the conference in order to take back ideas from keynote speakers and panel discussions for possible implementation into daily operations. Finally, the number of high school students in attendance more than doubled, thus increasing the ability to build the potential for successful civic engagement with youth. In addition to these successes, the 2011 conference again was provided at no cost to citizens – all expenses were recovered through sponsorships and ticket prices.

The City of Peoria plans to continue the annual PACE conference, and each year will focus on different aspects of civic engagement. PACE keynote speeches as well as a variety of civic engagement resources and references can be found on the City of Peoria's PACE Website.